

# Enforcement of Foreign Judgments

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Fundamental Principles [Germany]

2020



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## I. RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION (CIVIL AND COMMERCIAL MATTERS)

### A. Ability to Apply for Recognition and Enforcement of a Court Judgment

1. Is it possible to apply for enforcement of a foreign court judgment in your country?

**Answer:** Yes.

### B. Applicable Law: General Rules

1. Which laws are generally applicable to the enforcement of a foreign court judgment in your country?

**Answer:** The procedure is set out in §§ 1107 ff. and §§ 1110 ff. ZPO (German Civil Code).

Special Rules: European Union (see 2.)

2. Are there any special rules regarding the enforcement of a foreign court judgment in your country?

**Answer:** Within the scope of EU regulations, the **EuGVVO (Brussels I a –VO)** applies. However for decisions resulting from proceedings initiated before 10.1.2015, the **2001 Brussels Regulation (Brussels I-VO)** is to apply.

Beyond that there are the EuVTVO; EuMahnVO and EuBagatellVO; EuErbVO, Brussels IIa-VO and UnterhaltsVO in force.

The implementing provisions for the EUGVVO, the EuVTVO, EuMahnVO and EuBagatellVO are regulated in §§ 1079 ff. ZPO.

Those multilateral conventions take precedence over §§ 328 and 722 f ZPO as well as the following ones:

- Hague Convention on Choice of Court Agreements of 30.6.2005
- Hague Convention of 2.7.2019 on Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
- Hague Convention on Civil Procedure of 1.3.1954 with AusfG of 18.12.1958-Geneva Convention on the Contract for the International Carriage of Goods by Road (CMR);
- Convention concerning International Carriage by Rail (COTIF); Convention on Third Party Liability in the Field of Nuclear Energy;
- Revised Convention on the Navigation of the Rhine;

-Convention on the Contract for the International Carriage of Goods by Road (CMR);

-International Convention on Civil Liability for Bunker Oil Pollution Damage.

The following bilateral agreements take also precedence over §§ 328 and 722 f ZPO:

-Israel, German-Israeli Treaty;

-Tunisia, Treaty between Germany and Tunisia;

-USA, German-American Treaty of Friendship, Trade and Shipping.

The following bilateral agreements take precedence over §§ 328 and 722 f ZPO, but they are for their part superseded within the scope of application of the EuGVVO by its provisions on the recognition and enforcement of decisions (Art. 69 EuGVVO).

-Belgium: mutual recognition and enforcement of judgments, arbitral awards and authentic instruments in civil and commercial matters;

-Greece: mutual recognition and enforcement of judgments, settlements and authentic instruments in civil and commercial matters;

-Great Britain and Northern Ireland: mutual recognition and enforcement of judgments in civil and commercial matters;

-Italy: recognition and enforcement of judgments in civil and commercial matters;

-Netherlands: mutual recognition and enforcement of judgments and other debt instruments in civil and commercial matters;

Austria: mutual recognition and enforcement of judgments, settlements and authentic instruments in civil and commercial matters;

-Spain: on the recognition and enforcement of judgments and settlements and enforceable authentic instruments in civil and commercial matters.

The following bilateral treaties take precedence over §§ 328, 722 f, but are in turn superseded by the Lugano Convention (Switzerland, Norway and Iceland).

-Norway: on mutual recognition and enforcement of judgments;

-Switzerland: on the mutual recognition and enforcement of judgments and arbitral awards.

**Does the European Union have a special procedure to enforce court judgments coming from its member states?**

**Answer:** Yes. In principle a claimant having obtained a judgment in one of the member states can enforce in the other member states without separate proceedings.

For judgments on civil and commercial matters in court proceedings commenced on or after 10 January 2015, the procedure is governed by the EuGVVO which has direct effect in all EU member states and now has also been implemented in Denmark (the EuGVVO states that a judgment from any member state shall be recognized in other member states without any special procedure being required).

In general according to article 41 EuGVVO the procedure for the enforcement of judgments from another member state is governed by the law of the member state in which enforcement is sought .

The 2001 Brussels Regulation continues to apply to civil and commercial matters where court proceedings were commenced prior to 10 January 2015. The courts of the enforcing member state must first declare the judgment to be enforceable – for that an application has to be made (in Germany i.e. the local or regional court (depending on the value of claim) at the location or seat of the debtor )

The Brussels Convention applies to judgments from Gibraltar and some dependent territories of EU member states as well.

There are also a number of simpler expedited procedures available in specific circumstances:

- For uncontested judgments the European Enforcement Order procedure can be used, EEO Regulation (Council Regulation 805/2004/EC). Under this procedure, an uncontested judgment of a member state (with the exception of Denmark) is automatically enforceable in another member state. An application for an EEO certificate is needed. This option is quicker and simpler than the one under the above mentioned regimes.

In Germany implementing provisions are set out in § 1079 ZPO about procedure and competence of court.

- The European Small Claims Procedure (Regulation (EC) 861/2007) sets out a simplified procedure for civil or commercial cross-border claims with a value of up to €5,000 (previously €2,000).

Implementing provisions in German procedure law for this purpose are set out in § 1097 ff. ZPO.

- The European Order for Payment Procedure (Regulations (EC) 1896/2006 and 936/2012) can be used for cross-border uncontested money claims.

Implementing provisions for the procedure in Germany are regulated in 1087 ff. ZPO.

### **C. Average Duration of Enforcement Procedure**

1. What is the average length of time for this kind of procedure?

**Answer:** Usually some weeks to few months.

## **II. Denial of Recognition and Enforcement of a Foreign Court Judgment: Reasons**

**A. Can a Court in your country deny recognition and enforcement of a foreign court judgment? If YES: what kind of reasons may justify denial?**

**Answer:** Yes, according to §§ 1115 ff. ZPO, 45 f. EuGVVO .

Where the EuGVVO applies, reasons to refuse recognition and enforcement of a judgment are as set out at Articles 45 and 46:

#### *Article 45*

*1. On the application of any interested party, the recognition of a judgment shall be refused:*

*(a) if such recognition is manifestly contrary to public policy (ordre public) in the Member State addressed;*

*(b) where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;*

*(c) if the judgment is irreconcilable with a judgment given between the same parties in the Member State addressed;*

*(d) if the judgment is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and*



*between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed; or*

*(e) if the judgment conflicts with:*

*(i) Sections 3, 4 or 5 of Chapter II where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee was the defendant; or*

*(ii) Section 6 of Chapter II.*

*2. In its examination of the grounds of jurisdiction referred to in point (e) of paragraph 1, the court to which the application was submitted shall be bound by the findings of fact on which the court of origin based its jurisdiction.*

*3. Without prejudice to point (e) of paragraph 1, the jurisdiction of the court of origin may not be reviewed. The test of public policy referred to in point (a) of paragraph 1 may not be applied to the rules relating to jurisdiction.*

*4. The application for refusal of recognition shall be made in accordance with the procedures provided for in Subsection 2 and, where appropriate, Section 4.*

#### *Article 46*

*On the application of the person against whom enforcement is sought, the enforcement of a judgment shall be refused where one of the grounds referred to in Article 45 is found to exist.*

Under the 2001 Brussels Regulation the reasons to deny enforcement include:-

- Failure to comply with the formalities as set out in Articles 53-54 of the 2001 Brussels Regulation.
- One of the grounds set out in Articles 34 and 35 of the 2001 Brussels Regulation (which largely correlate with Article 45 of the EuGVVO).

Under the Hague Convention (Convention on the recognition and enforcement of foreign judgments in civil or commercial matters – concluded 2 July 2019)<sup>1</sup>

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<sup>1</sup> <https://assets.hcch.net/docs/806e290e-bbd8-413d-b15e-8e3e1bf1496d.pdf>

## Article 5 – Bases for recognition and enforcement

1. A judgment is eligible for recognition and enforcement if one of the following requirements is met –

(a) the person against whom recognition or enforcement is sought was habitually resident in the State of origin at the time that person became a party to the proceedings in the court of origin;

(b) the natural person against whom recognition or enforcement is sought had their principal place of business in the State of origin at the time that person became a party to the proceedings in the court of origin and the claim on which the judgment is based arose out of the activities of that business;

(c) the person against whom recognition or enforcement is sought is the person that brought the claim, other than a counterclaim, on which the judgment is based;

(d) the defendant maintained a branch, agency, or other establishment without separate legal personality in the State of origin at the time that person became a party to the proceedings in the court of origin, and the claim on which the judgment is based arose out of the activities of that branch, agency, or establishment;

(e) the defendant expressly consented to the jurisdiction of the court of origin in the course of the proceedings in which the judgment was given;

(f) the defendant argued on the merits before the court of origin without contesting jurisdiction within the timeframe provided in the law of the State of origin, unless it is evident that an objection to jurisdiction or to the exercise of jurisdiction would not have succeeded under that law;

(g) the judgment ruled on a contractual obligation and it was given by a court of the State in which performance of that obligation took place, or should have taken place, in accordance with

(i) the agreement of the parties, or

(ii) the law applicable to the contract, in the absence of an agreed place of performance,

unless the activities of the defendant in relation to the transaction clearly did not constitute a purposeful and substantial connection to that State;

(h) the judgment ruled on a lease of immovable property (tenancy) and it was given by a court of the State in which the property is situated;

(i) the judgment ruled against the defendant on a contractual obligation secured by a right in immovable property located in the State

of origin, if the contractual claim was brought together with a claim against the same defendant relating to that right in rem;

- (j) the judgment ruled on a non-contractual obligation arising from death, physical injury, damage to or loss of tangible property, and the act or omission directly causing such harm occurred in the State of origin, irrespective of where that harm occurred;
- (k) the judgment concerns the validity, construction, effects, administration or variation of a trust created voluntarily and evidenced in writing, and
  - (i) at the time the proceedings were instituted, the State of origin was designated in the trust instrument as a State in the courts of which disputes about such matters are to be determined; or
  - (ii) at the time the proceedings were instituted, the State of origin was expressly or impliedly designated in the trust instrument as the State in which the principal place of administration of the trust is situated.

This sub-paragraph only applies to judgments regarding internal aspects of a trust between persons who are or were within the trust relationship;

- (l) the judgment ruled on a counterclaim
  - (i) to the extent that it was in favour of the counterclaimant, provided that the counterclaim arose out of the same transaction or occurrence as the claim; or
  - (ii) to the extent that it was against the counterclaimant, unless the law of the State of origin required the counterclaim to be filed in order to avoid preclusion;
- (m) the judgment was given by a court designated in an agreement concluded or documented in writing or by any other means of communication which renders information accessible so as to be usable for subsequent reference, other than an exclusive choice of court agreement. For the purposes of this sub-paragraph, an “exclusive choice of court agreement” means an agreement concluded by two or more parties that designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, the courts of one State or one or more specific courts of one State to the exclusion of the jurisdiction of any other courts.

2. If recognition or enforcement is sought against a natural person acting primarily for personal, family or household purposes (a consumer) in matters relating to a consumer contract, or against an employee in matters relating to the employee’s contract of employment

- (a) paragraph 1(e) applies only if the consent was addressed to the court, orally or in writing;
- (b) paragraph 1(f), (g) and (m) do not apply.

3. Paragraph 1 does not apply to a judgment that ruled on a residential lease of immovable property (tenancy) or ruled on the registration of immovable property. Such a judgment is eligible for recognition and enforcement only if it was given by a court of the State where the property is situated.

#### Article 7 – Refusal of recognition and enforcement

##### 1. Recognition or enforcement may be refused if

- (a) the document which instituted the proceedings or an equivalent document, including a statement of the essential elements of the claim
  - (i) was not notified to the defendant in sufficient time and in such a way as to enable them to arrange for their defence, unless the defendant entered an appearance and presented their case without contesting notification in the court of origin, provided that the law of the State of origin permitted notification to be contested; or
  - (ii) was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents;
- (b) the judgment was obtained by fraud;
- (c) recognition or enforcement would be manifestly incompatible with the public policy of the requested State, including situations where the specific proceedings leading to the judgment were incompatible with fundamental principles of procedural fairness of that State and situations involving infringements of security or sovereignty of that State;
- (d) the proceedings in the court of origin were contrary to an agreement, or a designation in a trust instrument, under which the dispute in question was to be determined in a court of a State other than the State of origin;
- (e) the judgment is inconsistent with a judgment given by a court of the requested State in a dispute between the same parties; or
- (f) the judgment is inconsistent with an earlier judgment given by a court of another State between the same parties on the same subject matter, provided that the earlier judgment fulfils the conditions necessary for its recognition in the requested State.

2. Recognition or enforcement may be postponed or refused if proceedings between the same parties on the same subject matter are pending before a court of the requested State, where

- (a) the court of the requested State was seised before the court of origin;  
and
- (b) there is a close connection between the dispute and the requested State.

A refusal under this paragraph does not prevent a subsequent application for recognition or enforcement of the judgment.

Where bilateral arrangements apply, the provisions of the respective Act apply. For example:

according to Belgium's and Germany's mutual recognition and enforcement of judgments, arbitral awards and authentic instruments in civil and commercial matters:

*Art. 2 (1)*

*(1)*

*The recognition may only be denied:*

*1. if it is contrary to the public policy of the State in whose territory it is invoked;*

*2. if the defendant did not enter an appearance and the summons or injunction instituting the proceedings was not served on him in accordance with the law of the State in whose territory the judgment was given; recognition may also be refused if the defendant proves that the summons or injunction was not served on him at all or not so early as to enable him to arrange for his defence;*

*3. if the courts of the State in whose territory the judgment was given do not have jurisdiction under this Convention.*

*(2)*

*Recognition may not be refused on the sole ground that the court which delivered the judgment applied different laws under the rules of its private international law from those which would have applied under the private international law of the State in whose territory the judgment is sought. However, recognition may be refused on this ground if the decision is based on the assessment of a family or inheritance relationship, legal capacity or capacity to act, legal capacity or the existence of a relationship under family or inheritance law.*

*The decision shall be based on a decision taken by a national of the State in whose territory it is invoked, unless it would also be justified by the application of the private international law of the State in whose territory it is invoked.*

## **B. Costs and expenses**

### **1. What kind of cost and expenses can a claimant expect in this enforcement procedure?**

**Answer:** Court and service fees

Translation fees

Lawyers' fees, which will vary depending on the complexity of the matter and whether the procedure is challenged by the other party.

Costs of enforcement, which will depend on the method of enforcement used.

## **III. FORMAL REQUIREMENTS**

### **A. Time limit**

#### **1. Is there a time limit to apply for enforcement of a foreign court judgment?**

**Answer:** There are no limitation periods under the EuGVVO, the 2001 Brussels Regulation, the Brussels Convention or the 2007 Lugano Convention.

The European Court of Justice has not yet decided whether the enforcement period of one month provided for in § 929 subsec. (2) ZPO also applies to a provisional measure issued in another member state and recognized and declared enforceable in Germany (BGH, 11.05.2017 - BGH V ZB 175/15). That means it has not been clarified whether a foreign court judgement which is comparable to the German provisional measures (*Arrestbefehl / einstweilige Verfügung*) has to be enforced according to § 929 (2) ZPO time limit. If this will be the case, the period of one month for the enforcement of provisional measures in Germany is to be respected. Due to the latest jurisdiction in Germany this should be considered until there is legal certainty.

### **B. Final and Definitive Court Judgment: Provisional Enforcement**

#### **1. Is it mandatory for the judgment to be a final and definitive court judgment? If NO: Are there any special requirements to provisionally enforce a court judgment which is not final and definitive?**

**Answer:** According to EU-judgements, temporary enforceability is usually sufficient. Otherwise, the foreign title must have acquired legal force under the law of the state of origin by the time the enforcement judgment is issued. Formal legal force within the meaning of German law or a comparable effect of foreign law is required, which ensures the existence of the title in the state

of origin in such a way that, in a manner compatible with legal certainty, the enforcement judgment can create in Germany a title that is independent of the further fate of the foreign judgement. It is irrelevant whether the formal legal force is also a condition of enforceability in the state of origin.

### **C. Necessary Requirements**

#### **1. What necessary requirements must the foreign court judgment fulfill to be recognized and enforced?**

**Answer:**

- EU Regime – when the judgment has been certified / declared enforceable in another member state.
- Any requirements set out in multilateral or bilateral treaties / statutes.
- In Germany if § 723 ZPO is applicable (see above) the enforcement judgment shall not be issued until the judgment of the foreign court has acquired the force of law in accordance with the law applicable to that court. It shall not be issued if recognition of the judgment is excluded under § 328 ZPO.

### **D. Other Formal Requirements: Court Fees**

#### **1. Is it mandatory to pay court fees for this kind of application?**

**Answer:** Yes. There will be a court fee payable for the application to register the judgment, where registration is necessary. There will also be further fees depending on the method of enforcement chosen.

For judgments enforced in Germany, there will be a court issue fee for the issuing of fresh proceedings for payment of the judgment debt. If an application is made for summary judgment, a further court fee in respect of the application will also be payable.

#### **E. Are there any other formal requirements in your country to enforce a court judgment?**

**Answer:** No

## IV. PROCEDURE

### A. Competent court

#### 1. Which court or courts are competent to decide an enforcement application?

**Answer:** In Germany the local court (*Amtsgericht* or *Landgericht*) is competent.

### B. Informational Requirements for the Application to Enforce a Foreign Court Judgment

#### 1. What information must be contained in the enforcement application of a foreign court judgment?

**Answer:** Generally speaking the information required includes:

- The name of the judgment creditor and their address for service within the jurisdiction.
- The name of the judgment debtor and their address or place of business, if known.
- The grounds on which the judgment creditor is entitled to enforce the judgment.
- In the case of a money judgment, the amount in respect of which it remains unsatisfied.
- Where interest is recoverable, both (i) the amount of interest which has accrued up to the date of the application; or (ii) the rate of interest, the date from which it is recoverable and the date on which it ceases to accrue.

### C. What documents must be included with/attached to the application to enforce a foreign court judgment?

**Answer:** There is no need to register a foreign judgment under the EuGVVO. For a judgment to be enforced under the EuGVVO:

- The judgment creditor must provide:
  - a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and
  - b) a certificate from the court of origin issued in the form set out at Annex 1 to the EuGVVO certifying that the judgment is enforceable and containing an extract of the judgment as well as relevant information on the recoverable costs of the proceedings and the calculation of interest.



- c) In some cases, a translation or transliteration may be necessary.
  - d) Where the measure was ordered without the judgment debtor being summoned to appear, proof of service of the judgment.
- The certificate must be served on the judgment debtor prior to the first enforcement measure. The certificate shall be accompanied by the judgment, if not already served on that person.

Greater detail can be found in Article 39 – 44 of the EuGVVO, CPR 74.4A, CPR 74.9 and CPR Practice Direction 74A.

For enforcement under the 2001 Brussels Regulation, the following documents will be required: form N244 application notice, supporting witness statement, authenticated copy of judgment, translation (if necessary) certificate in form of Annex V to the 2001 Brussels Regulation, written statement regarding interest, court fee.

Bilateral treaties / statutes and the Hague Convention – the requirements are set out in CPR 74.4.

In Germany –authenticated copy of judgment, translation, court fee.

#### **D. Phases of the Procedure**

##### **1. What are the phases of the procedure to enforce a foreign court judgment?**

**Answer:** Registration where necessary, enforcement proceedings e.g. seizure of goods, charging order, third party debt order.

#### **E. Opposition of the Defendant**

##### **1. Can a defendant oppose to this enforcement application?**

**Answer:** Yes

##### **2. Are there a limited number of reasons for the defendant to oppose to the enforcement of the court judgment? If YES: what are those reasons?**

**Answer:** According to §1115 VI ZPO and article 44 EuGVVO as well as §1116 ZPO.

1. *In the event of an application for refusal of enforcement of a judgment pursuant to Subsection 2 of Section 3, the court in the Member State*

*addressed may, on the application of the person against whom enforcement is sought:*

*(a) limit the enforcement proceedings to protective measures;*

*(b) make enforcement conditional on the provision of such security as it shall determine; or*

*(c) suspend, either wholly or in part, the enforcement proceedings.*

2. *The competent authority in the Member State addressed shall, on the application of the person against whom enforcement is sought, suspend the enforcement proceedings where the enforceability of the judgment is suspended in the Member State of origin.*

#### *Reasons according to article 45 EuGVVO*

1. On the application of any interested party, the recognition of a judgment shall be refused:
  - (a) if such recognition is manifestly contrary to public policy (ordre public) in the Member State addressed;
  - (b) where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;
  - (c) if the judgment is irreconcilable with a judgment given between the same parties in the Member State addressed;
  - (d) if the judgment is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed; or
  - (e) if the judgment conflicts with:
    - (i) Sections 3, 4 or 5 of Chapter II where the policyholder, the insured, a beneficiary of the insurance contract, the injured party, the consumer or the employee was the defendant; or
    - (ii) Section 6 of Chapter II.
2. In its examination of the grounds of jurisdiction referred to in point (e) of paragraph 1, the court to which the application was submitted shall be bound by the findings of fact on which the court of origin based its jurisdiction.
3. Without prejudice to point (e) of paragraph 1, the jurisdiction of the court of origin may not be reviewed. The test of public policy referred to in point (a) of paragraph 1 may not be applied to the rules relating to jurisdiction.
4. The application for refusal of recognition shall be made in accordance with the procedures provided for in Subsection 2 and, where appropriate.

In Germany the decision is made by means of a temporary injunction. According to general principles, the creditor must always be granted a right to be heard.

According to § 1116 ZPO under §775(1) and (2) and §776 ZPO, enforcement shall be suspended or limited if the debtor presents a decision of a court of the Member State of origin on non-enforceability or on limitation of enforceability.

**F. Appeal and its Consequences in this Procedure**

**1. Is it possible to appeal a court decision to recognise and enforce a foreign court decision?**

**Answer:** Yes

**2. Can this appeal suspend the enforcement?**

**Answer:** Under the regulations of the EUGVVO, no declaration of enforceability is required from the German court to enforce the foreign judgment.

Under Article 49 of the EuGVVO, the decision on an application for *refusal* of enforcement may be appealed against by either party. Under Article 51, the court to which an application for refusal of enforcement is submitted or the court which hears an appeal lodged under Article 49 or Article 50 may stay the proceedings if an ordinary appeal has been lodged against the judgment in the Member State of origin or if the time for such an appeal has not yet expired. In the latter case, the court may specify the time within which such an appeal is to be lodged.

Under Article 43 of the 2001 Brussels Regulation, the decision on the application for a declaration of enforceability may be appealed against by either party. Under Article 46.1, the court with which an appeal is lodged under Articles 43 or 44 may, on the application of the party against whom enforcement is sought, stay the proceedings if an ordinary appeal has been lodged against the judgment in the Member State of origin or if the time for such an appeal has not yet expired; in the latter case, the court may specify the time within which such an appeal is to be lodged.

Other treaties / statutes – refer to their terms.

Pursuant to Art. 44 (1) EuGVVO, the debtor may, at the same time as filing an application for non-enforcement, apply for a total or partial stay of enforcement proceedings. Such applications are decided (because of their urgency) in accordance with § 1115 VI ZPO incontestably by interim injunction (according to §§ 769, 770 ZPO).

**G. Recovery of judicial costs and expenses**

**1. Are there any rules concerning recovery of the judicial costs incurred as a result of the enforcement application?**

**Answer:** The costs of enforcement in Germany are generally to be borne by the debtor, unless the enforcement measure is not successful, in which case the creditor must bear them. With regard to the validity of § 788 ZPO for enforcement measures with international implications, various questions of

application arise. First of all, costs for the preparation of enforcement must be distinguished from costs incurred in order to create a basis for enforcement in Germany. The costs of obtaining an enforcement order (§ 722, ZPO § 723 ZPO) constitute a prerequisite for enforcement.

If an enforcement order has been obtained or an enforcement clause has been issued in Germany, enforcement in Germany takes place on this basis. The enforcement costs incurred during enforcement are subject to § 788 ZPO.

## **V. RECOVERY OF THE DEBT**

### **A. Means of Enforcement**

#### **1. What types of assets are subject to enforcement of the court's judgment?**

**Answer:** All available assets of the debtor:

especially money, claims, accounts, intellectual property rights, movable and immovable property.