

**Baker  
McKenzie.**

# Cross-Border Enforcement Center

2020





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Cross-Border Enforcement is enjoying something of a moment. Over the last few years, we have witnessed sustained efforts to improve enforcement across borders. The New York Convention continues to gain signatories, with only a handful of jurisdictions now outside its scope. The Hague Convention on Choice of Court Agreements, which allows judgments of one jurisdiction to be enforced in another, provided a choice of court clause exists, has gained significant momentum, with numerous new signatories and its first enforcement case. The more ambitious Hague Judgments Convention, which allows for cross-border recognition of judgments in specified situations, even without a choice of court clause, was concluded in July 2019, after 27 years in development, and now has its first signatories. The Singapore Mediation Convention, which aims to ensure cross-border enforceability of settlement agreements arising from mediation, was launched last year and has been ratified by several jurisdictions.

It is in this context that I am particularly pleased to share with you this new and expanded edition of Baker McKenzie's Cross-Border Enforcement Center. We have drawn upon the expertise of our global dispute resolution team, consisting of over 1,000 lawyers in 78 offices, to provide you with a high-level comparative analysis of the enforcement of court judgments and arbitration awards across 44 jurisdictions, 13 of which are new for this edition. For the first time, we are pleased to offer this important information in an electronic handbook format, as well as the existing interactive website format. If you have any additional questions, please do not hesitate to contact our practitioners listed throughout the document.



## Table of Contents

Argentina.....	3
Australia.....	11
Austria.....	18
Belarus.....	25
Belgium.....	32
Brazil.....	40
Canada.....	47
Chile.....	54
China.....	61
Colombia.....	68
Czech Republic.....	76
England & Wales.....	84
France.....	92
Germany.....	102
Hong Kong.....	109
Hungary.....	116
Indonesia.....	123
Italy.....	129
Japan.....	136
Kazakhstan.....	143
Luxembourg.....	150
Malaysia.....	158
Mexico.....	165
Myanmar.....	172
The Netherlands.....	178
Peru.....	186
Philippines.....	194
Poland.....	200
Russia.....	208
Saudi Arabia.....	217
Singapore.....	225
South Africa.....	233
Spain.....	241
Sweden.....	249
Switzerland.....	257
Taiwan.....	264
Thailand.....	272
Turkey.....	278
Ukraine.....	287

United Arab Emirates .....	295
United States .....	303
Uzbekistan.....	309
Venezuela.....	316
Vietnam.....	324
Baker McKenzie Offices .....	331



# Argentina

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Montevideo Convention 1979:**

Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

**Buenos Aires Agreement 2002:**

Bolivia, Brazil, Chile, Paraguay, Uruguay

**Las Leñas Protocol:**

Brazil, Paraguay, Uruguay

**Bilateral:**

Brazil, China, France, Italy, Russia, Tunisia

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes – Foreign judgments and arbitral awards can be recognized and enforced by Argentine Courts even if there is no reciprocal arrangement in force. The Argentine Republic has a federal system of government; the judiciary organization and litigation procedural matters are, in principle, local, absent a federal matter granting jurisdiction to federal judges. Thus, each province has enacted its own procedural code, which in each case will regulate the procedure to recognize and enforce a foreign court ruling or arbitral award. Recognition and enforcement of foreign court rulings pending before the Civil and Commercial Courts of the City of Buenos Aires are governed by the National Civil and Commercial Procedural Code.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

No less than 6 months.

# Argentina

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

No less than 18 months.

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Registering and enforcing a foreign judgment may entail different costs or expenses (e.g. litigation tax, legal fees, additional expenses). The litigation costs and expenses will vary depending on the value of the judgment subject to recognition and enforcement.

At a national level, as a general rule, if the judgment subject to recognition and enforcement can be subject to pecuniary appreciation, the requesting party will have to pay a litigation tax, equivalent to 3% of the total amount involved in the foreign judgment.

On the other hand, if the subject of the judgment is not subject to pecuniary appreciation, the requesting party will have to pay a non-significant fixed amount in the concept of litigation tax.

Please note that the aforementioned response is only applicable at a federal level. Given Argentina's federal system of government, each province has its own regulations regarding litigation fees, which apply to their respective courts, within their respective jurisdictions, and which may vary from the ones informed above.

In any case (i.e. federal or provincial courts), litigation costs and expenses incurred in the first instance, including legal fees, should never exceed the maximum amount of 25% of the total amount of the judgment, award, transaction, or instrument that ends the dispute.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

If the first instance judgment is subject to appeal, the litigation costs and expenses may increase from a maximum of 25% to a maximum of 33% of the total value of the judgment, award, transaction, or instrument that ends the dispute.

In this regard, please note that under Law No. 27,423 of Professional Fees for Lawyers, Attorneys and Assistants of the National and Federal Judiciary, the legal fees payable to the parties' attorneys for their intervention on the second instance will be between a 30% and a 35% of the fees awarded in the first instance.

Litigation costs and expenses may increase if either one of the parties files an extraordinary appeal before the Supreme Court.

# Argentina

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

No less than 6 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

No less than 12 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Please refer to the answer provided for the question regarding costs of registering and enforcing a foreign judgment if unopposed, above.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Please refer to the answer provided for the question regarding costs of registering and enforcing a foreign judgment if opposed, above.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.



# Argentina

## LIMITATION

### 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Under Argentine International Private Law regulations, the statute of limitations for registering a foreign judgment or arbitration award is the one established in the law that applies to the merits of the litigation (Civil and Commercial Code, article 2671).

### 15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

If the applicable law to the merits of the litigation is the Argentine Law, then the statute of limitations to request the recognition and enforcement of a foreign judgment would be 5 years.

### 16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

If the applicable law to the merits of the litigation is the Argentine Law, then the statute of limitations to request the recognition and enforcement of a foreign arbitral award would be 5 years.

## ENFORCEMENT

### 17. Are fees and costs of enforcement typically recoverable?

Yes. Under Argentine procedural laws, as a principle, the losing party must bear all the costs and expenses that arise from the litigation. Hence, the judge may order such party to bear the costs and expenses that arise from the recognition and enforcement of the foreign judgment or arbitral award, in which case the fees and additional costs would be recovered by the party requesting the recognition and enforcement.

### 18. Is seizure of goods available as an enforcement method?

Yes.

### 19. Is attachment of earnings available as an enforcement method?

Yes. But subject to certain limitations established by Law No. 20,744 of Labor Contract and Executive Order No. 484/1987 and other complementary regulations. The maximum amount available for attachment is 20% of the debtors' earnings.

# Argentina

## 20. Is attachment of third party debts available as an enforcement method?

Yes. Under Argentine law, the creditor of certain credit, enforceable or not, can judicially exercise the patrimonial rights of his debtor, if he is reluctant to do so and that omission affects the collection of his credit (i.e. acción subrogatoria). However, the creditor will not be granted preference over other creditors regarding the assets obtained by said means.

## 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

No.

## 22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes. However, the party seeking enforcement would have to follow the same procedures applicable to other creditors and submit the request for admittance as a creditor to be able to enforce the judgment or award using the insolvency proceeding.

## 23. Can a receiver be appointed by way of enforcement?

This measure is not expressly regulated under Argentine laws. However, Argentine Courts are empowered to grant various interim measures that are not necessarily provided for in law or statute. In other words, the parties may ask the court to designate a receiver even if the said measure is not expressly contemplated on the applicable laws, provided it is compatible with the generic rules for interim measures provided for in such laws and regulations.

## 24. Any other method of enforcement?

In all cases, the measures require the prior recognition of the foreign judgment or award. If the recognized judgment or award is not spontaneously complied with by the obligated party, the other party may request:

- Compliance by a third party at the debtor's expense;
- Attachment and sale of personal and real property;
- General inhibition of recordable assets
- Discovery procedures to locate the judgment debtor's property;
- Judicial Administration;
- Penalties for contempt of court orders (astreintes);

# Argentina

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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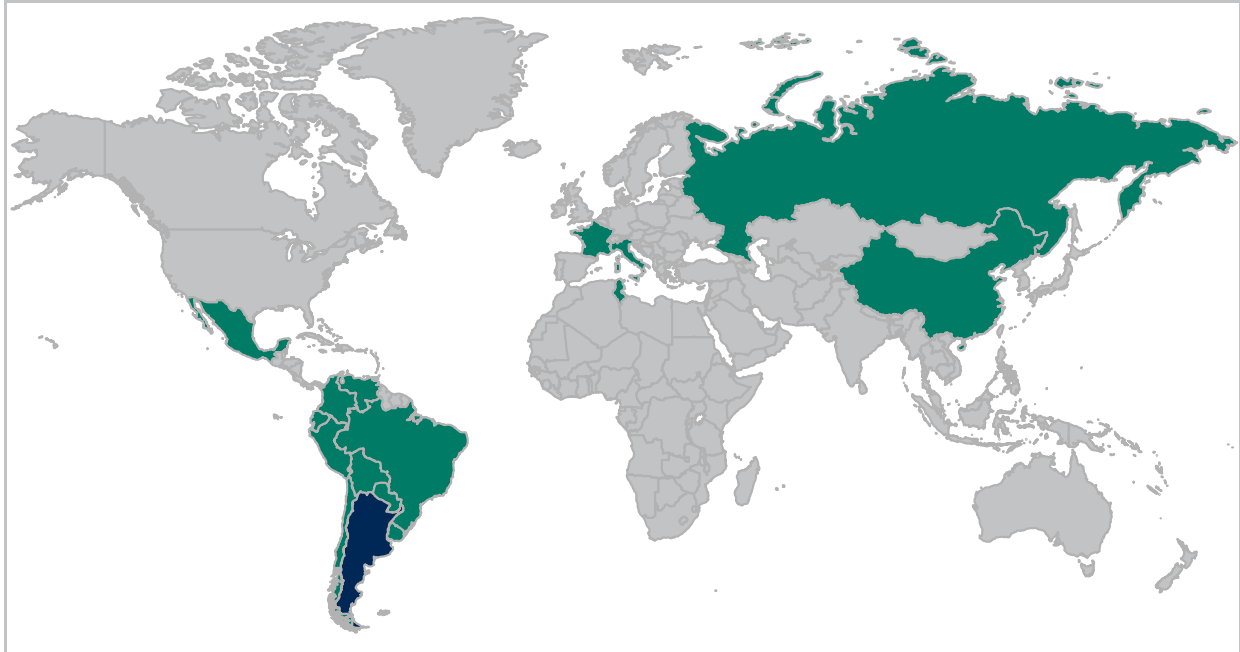
28. What papers will be needed?

- At a national level, the requesting party will need to submit the legalized (by means of Apostille) and translated testimony of the judicial sentence and of other procedural acts that prove that the judgment is enforceable (i.e. is not subject to further appeals) and that the other requirements outlined in the National Civil and Commercial Procedural Code have been met if the compliance of said requirements does not arise from the judgment or award itself.
- As we have indicated above, Argentina has a federal system, and consequently, each province has enacted its own procedural code. Thus, depending on the province in which the requesting party intends for the judgment or award to be enforced, additional documents may be requested.

# Argentina

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Argentina has reciprocal enforcement arrangements for court judgments.



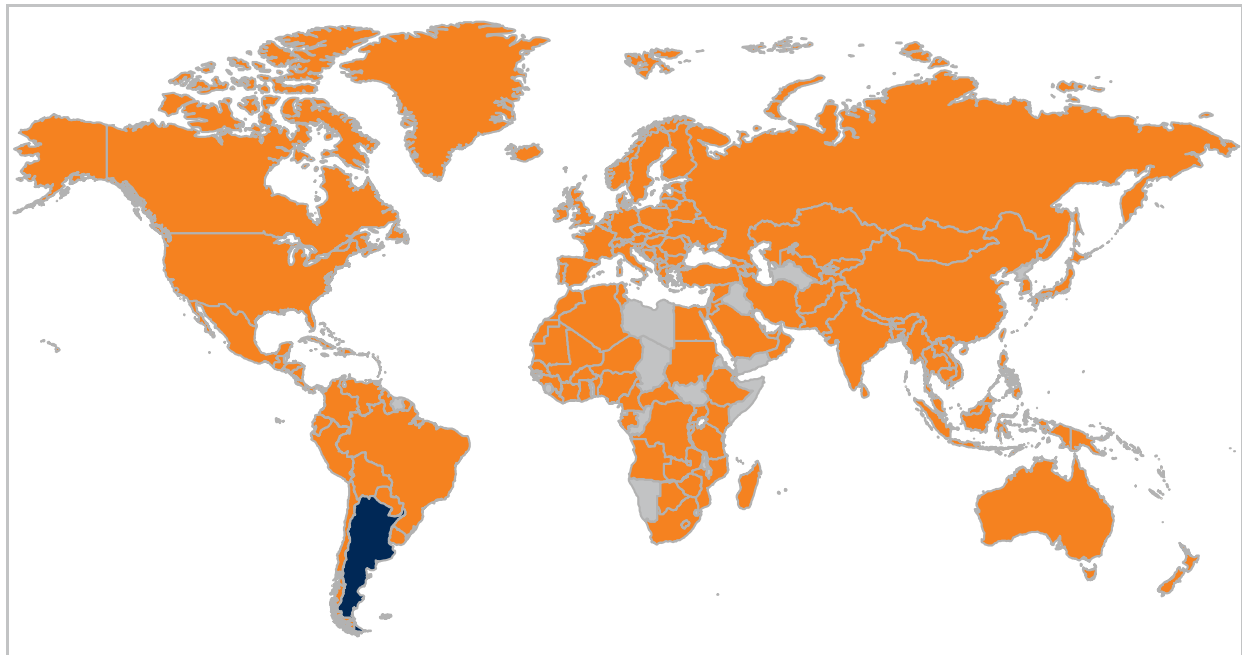
<b>Montevideo Convention</b> <b>1979</b> Bolivia Brazil Colombia Ecuador Mexico Paraguay Peru Uruguay Venezuela  <b>Buenos Aires Agreement</b> <b>2002</b> Bolivia	Brazil Chile Paraguay Uruguay  <b>Las Leñas Protocol</b> Brazil Paraguay Uruguay  <b>Bilateral</b> Brazil China France	Italy Russia Tunisia	

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. The above map may not cover all types of claim. Some of the arrangements depicted do not involve full reciprocity of enforcement. Reciprocal enforcement may still be possible with jurisdictions not highlighted above, depending on local and national laws. Not all dependent territories or equivalents may be shown. For Canada, India, and Australia, reciprocal arrangements may not apply to the entire territory. In some cases, judgments may only be enforceable in certain territories within a jurisdiction. Correct as at 1 September 2020.

# Argentina

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Argentina has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	Djibouti	Dominica	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Dominican Republic	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Democratic Republic of Congo	Haiti	Luxembourg	Oman	Seychelles	Venezuela
Antigua and Barbuda	Burkina Faso	Ecuador	Honduras	Macau	Pakistan	Singapore	Vietnam
Angola	Burundi	Egypt	Hong Kong	Macedonia	Palau	Sint Eustatius	Zambia
Armenia	Cabo Verde	El Salvador	Hungary	Madagascar	Palestine	Sint Maarten	Zimbabwe
Aruba	Cambodia	England and Wales	Iceland	Malaysia	Panama	Slovakia	
Australia	Cameroon	Ireland	India	Maldives	Papua New Guinea	Slovenia	
Austria	Cayman Islands	Israel	Indonesia	Mali	Paraguay	South Africa	
Azerbaijan	Central African Republic	Italy	Iran	Malta	Peru	South Korea	
Bahamas	Chile	Jamaica	Ireland	Marshall Islands	Philippines	Spain	
Bahrain	China	Japan	Isle of Man	Mauritania	Poland	Sri Lanka	
Bangladesh	Christmas Island	Jordan	Israel	Mauritius	Portugal	Sudan	
Barbados	Cocos (Keeling) Islands	Kazakhstan	Italy	Mexico	Puerto Rico	Sweden	
Belarus	Colombia	Kenya	Jamaica	Moldova	Qatar	Switzerland	
Belgium	Comoros	Kuwait	Jersey	Monaco	Romania	Syria	
Benin	Costa Rica	Kyrgyzstan	Jordan	Mongolia	Russia	Tajikistan	
Bermuda	Côte d'Ivoire	Laos	Kazakhstan	Montenegro	Rwanda	Tanzania	
Bhutan	Croatia	Latvia	Kenya	Morocco	Saba	Thailand	
Bolivia	Cuba	Lebanon	Kuwait	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Curaçao		Kyrgyzstan	Myanmar	San Marino	Tonga	
Bosnia & Herzegovina	Cyprus		Laos	Nepal	Sao Tome and Principe	Tunisia	
Botswana			Latvia	Netherlands		Turkey	
			Lebanon	New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.





# Australia

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**

Alberta, Bahamas, British Columbia, British Virgin Islands, Cayman Islands, Dominica, Falkland Islands, Fiji, France, Germany, Gibraltar, Grenada, Hong Kong SAR, Israel, Italy, Japan, Malawi, Manitoba, Montserrat, New Zealand, Papua New Guinea, Poland, St Helena, St Kitts and Nevis, St Vincent and the Grenadines, Seychelles, Singapore, Solomon Islands, South Korea, Sri Lanka, Switzerland, Taiwan, Tonga, Tuvalu, United Kingdom, Western Samoa

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

For registration of a judgment, 10-16 weeks. At common law, 4-6 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Generally likely to be in the range of 6 to 12 months.

# Australia

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 100,000 - 150,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Not in particular.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

For registration of an award under the New York Convention, 6-10 weeks.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Generally likely to be in the range of 6 to 12 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

# Australia

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 100,000 - 150,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Not in particular.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

For registering a judgment under the Foreign Judgments Act 1991 (Cth), 6 years after the date of foreign judgment or after the appeal is complete (if any), whichever is the later. More generous time limits apply for enforcement of judgments under the common law and vary depending on each State and Territory.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

The limitation period for enforcing an award is usually 6 years except in the Northern Territory where it is 3 years. The limitation period may be up to 12 years in some States or territories where the arbitration agreement is made or contained in a deed rather than an agreement.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

# Australia

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Jo Delaney**

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### 28. What papers will be needed?

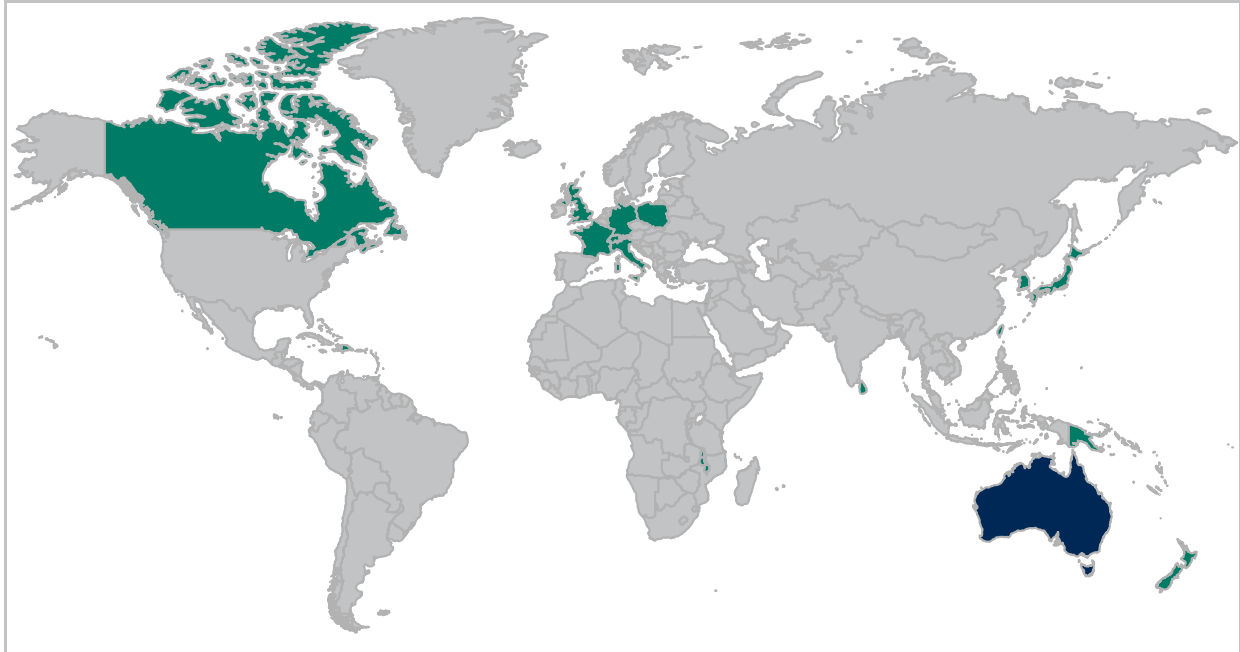
- Copy of the judgment/award (originals where possible) and certified translations if not in English.
- Details of the judgment debtor, including any relevant assets within the jurisdiction (e.g. bank account details, property, chattels, etc.).



# Australia

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Australia has reciprocal enforcement arrangements for court judgments.



<b>Bilateral</b>			
Bahamas	Israel	Singapore	
British Virgin Islands	Italy	Solomon Islands	
Canada*	Japan	South Korea	
Cayman Islands	Malawi	Sri Lanka	
Dominican Republic	Montserrat	Switzerland	
Falkland Islands	New Zealand	Taiwan	
Fiji	Papua New Guinea	Tonga	
France	Poland	Tuvalu	
Germany	St Helena	United Kingdom	
Gibraltar	St Kitts and Nevis	Western Samoa	
Grenada	St Vincent and the Grenadines		
Hong Kong	Seychelles		

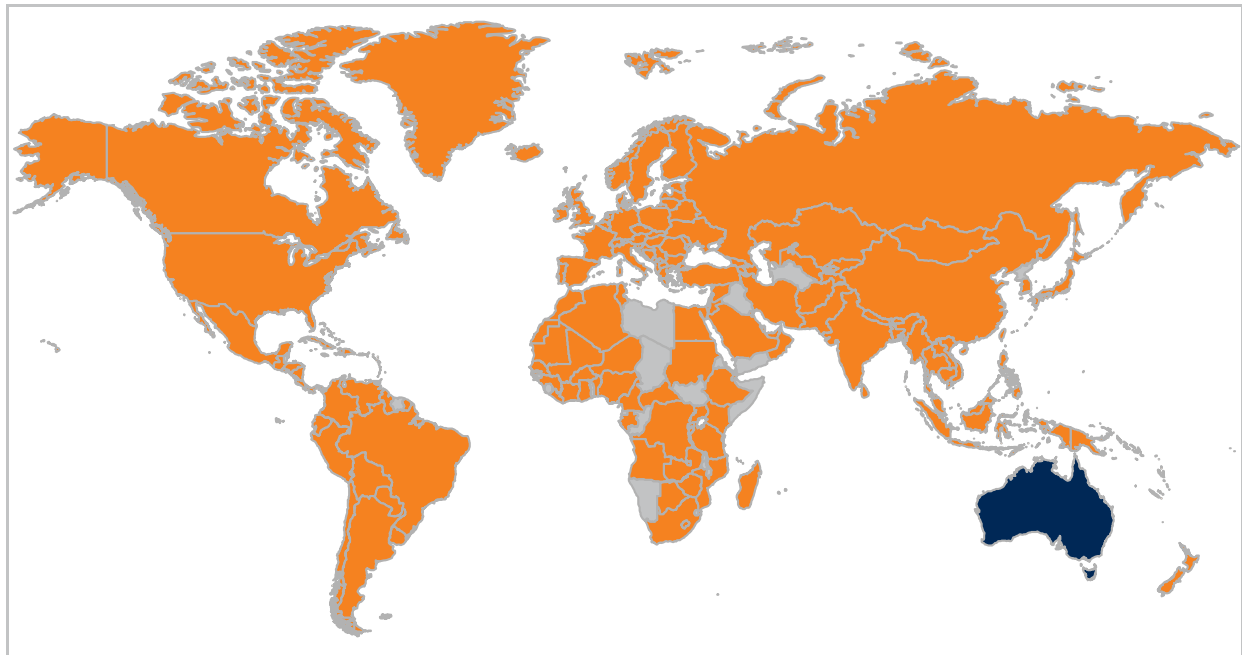
\*Provinces of Alberta, British Columbia and Manitoba only

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# Australia

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Australia has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	Djibouti	Dominica	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Dominican Republic	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Democratic Republic of Congo	Haiti	Luxembourg	Oman	Seychelles	Venezuela
Antigua and Barbuda	Burkina Faso	Ecuador	Honduras	Macau	Pakistan	Singapore	Vietnam
Angola	Burundi	Egypt	Hong Kong	Macedonia	Palau	Sint Eustatius	Zambia
Argentina	Cabo Verde	El Salvador	Hungary	Madagascar	Palestine	Sint Maarten	Zimbabwe
Armenia	Cambodia	England and Wales	Iceland	Malaysia	Panama	Slovakia	
Aruba	Cameroon	Ireland	India	Maldives	Papua New Guinea	Slovenia	
Austria	Cayman Islands	Israel	Indonesia	Mali	Paraguay	South Africa	
Azerbaijan	Central African Republic	Italy	Iran	Malta	Peru	South Korea	
Bahamas	Chile	Jamaica	Ireland	Marshall Islands	Philippines	Spain	
Bahrain	China	Japan	Isle of Man	Mauritania	Poland	Sri Lanka	
Bangladesh	Christmas Island	Jersey	Israel	Mauritius	Portugal	Sudan	
Barbados	Cocos (Keeling) Islands	Jordan	Italy	Mexico	Puerto Rico	Sweden	
Belarus	Colombia	Kazakhstan	Jamaica	Moldova	Qatar	Switzerland	
Belgium	Comoros	Kenya	Japan	Monaco	Romania	Syria	
Benin	Cook Islands	Kuwait	Jersey	Mongolia	Russia	Tajikistan	
Bermuda	Costa Rica	Kyrgyzstan	Jordan	Montenegro	Rwanda	Tanzania	
Bhutan	Côte d'Ivoire	Laos	Kazakhstan	Morocco	Saba	Thailand	
Bolivia	Croatia	Latvia	Kenya	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Cuba	Lebanon	Kyrgyzstan	Myanmar	San Marino	Tonga	
Bosnia & Herzegovina	Curaçao		Laos	Nepal	Sao Tome and Principe	Tunisia	
Botswana	Cyprus		Latvia	Netherlands		Turkey	
			Lebanon	New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

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# Austria

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

### **Brussels Regulations:**

Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

### **Hague Choice of Court Convention 2005:**

Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Bilateral:**

Israel, Liechtenstein, Tunisia, Turkey

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

No. A declaration of enforceability by an Austrian court will be required.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

6-12 months.

# Austria

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

1-2 years.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 5,000 - 10,000, assuming an amount at issue of USD 1 million.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 10,000 - 50,000, assuming an amount at issue of USD 1 million.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

6-12 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

1-2 years.

# Austria

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 5,000 - 10,000, assuming an amount at issue of USD 1 million.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 10,000 - 50,000, assuming an amount at issue of USD 1 million.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law applicable to the dispute.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

## ENFORCEMENT

### 17. Are fees and costs of enforcement typically recoverable?

Yes. Claims for fees and costs for enforcement can usually be enforced together with the relevant judgment/arbitration award.

### 18. Is seizure of goods available as an enforcement method?

Yes.

### 19. Is attachment of earnings available as an enforcement method?

Yes.

### 20. Is attachment of third party debts available as an enforcement method?

Yes.

### 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

### 22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

### 23. Can a receiver be appointed by way of enforcement?

No.

### 24. Any other method of enforcement?

- Attachment of debtor's claims against third party debtors for surrender of movable property;
- orders for the evacuation of land;
- administration of a property;
- orders for the division of partnership assets;

# Austria

- orders to act or to refrain from particular actions or the obligation to tolerate particular actions or behavior. Such orders can be enforced by substitute performance or penalties for violations.

## RATING

### 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

### 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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Dispute Resolution

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### 28. What papers will be needed?

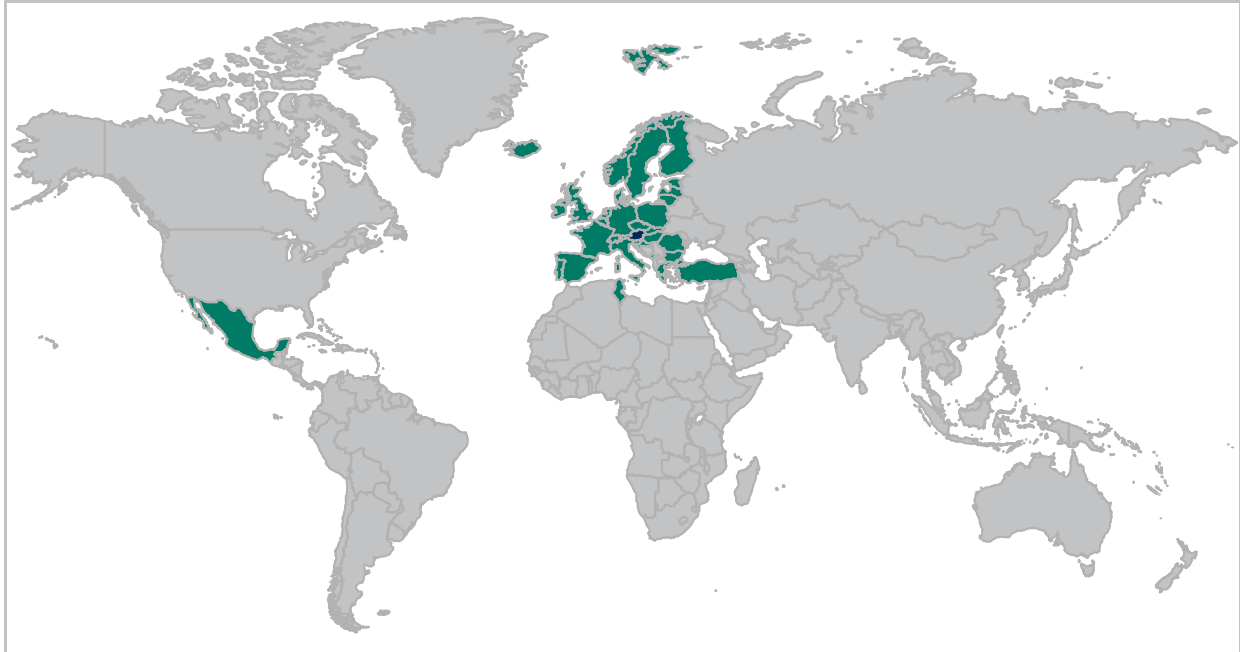
A copy of the judgment / arbitral award; documents showing assets in the jurisdiction of enforcement of the party against which enforcement should be conducted.



# Austria

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Austria has reciprocal enforcement arrangements for court judgments.



<b>Brussels Regulations</b>	Netherlands	Bulgaria	Netherlands
Belgium	Portugal	Croatia	Poland
Bulgaria	Poland	Cyprus	Portugal
Croatia	Romania	Czech Republic	Romania
Cyprus	Slovakia	Denmark	Singapore
Czech Republic	Slovenia	Estonia	Slovakia
Denmark	Spain	Finland	Slovenia
Estonia	Sweden	France	Spain
Finland	United Kingdom	Germany	Sweden
France		Greece	United Kingdom
Germany	<b>Lugano Convention 2007</b>	Hungary	
Greece	Denmark	Ireland	<b>Bilateral</b>
Hungary	Iceland	Italy	Israel
Ireland	Norway	Latvia	Liechtenstein
Italy	Switzerland	Lithuania	Tunisia
Latvia		Luxembourg	Turkey
Lithuania	<b>Hague Choice of Court</b>	Malta	
Luxembourg	<b>Convention 2005</b>	Mexico	
Malta	Belgium	Montenegro	

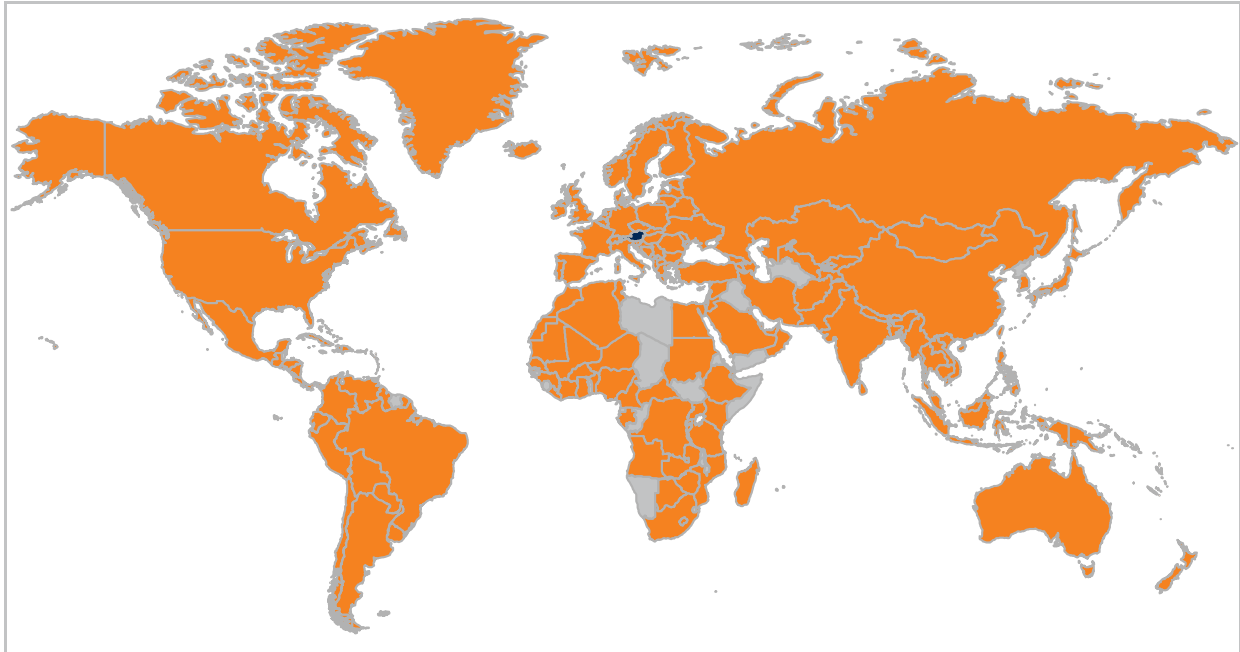
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# Austria

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Austria has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	Venezuela
Antigua and Barbuda	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Vietnam
Angola	Cabo Verde	Ecuador	Hong Kong	Macedonia	Palau	Sint Eustatius	Zambia
Argentina	Cambodia	El Salvador	Hungary	Madagascar	Palestine	Sint Maarten	Zimbabwe
Armenia	Cameroon	England and Wales	Iceland	Malaysia	Panama	Slovakia	
Aruba	Cayman Islands	Ireland	India	Maldives	Papua New Guinea	Slovenia	
Australia	Central African Republic	Iran	Indonesia	Mali	Paraguay	South Africa	
Azerbaijan	Chile	Ireland	Israel	Malta	Peru	South Korea	
Bahamas	China	Isle of Man	Italy	Marshall Islands	Philippines	Spain	
Bahrain	Christmas Island	Italy	Jamaica	Mauritania	Poland	Sri Lanka	
Bangladesh	Cocos (Keeling) Islands	Japan	Jersey	Mauritius	Portugal	Sudan	
Barbados	Colombia	Jordan	Kazakhstan	Mexico	Puerto Rico	Sweden	
Belarus	Comoros	Kenya	Kyrgyzstan	Moldova	Qatar	Switzerland	
Belgium	Cook Islands	Kuwait	Laos	Monaco	Romania	Syria	
Benin	Costa Rica	Latvia	Lebanon	Mongolia	Russia	Tajikistan	
Bermuda	Côte d'Ivoire	Libya		Montenegro	Rwanda	Tanzania	
Bhutan	Croatia			Morocco	Saba	Thailand	
Bolivia	Cuba			Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Curaçao			Myanmar	San Marino	Tonga	
Bosnia & Herzegovina	Cyprus			Nepal	Sao Tome and Principe	Tunisia	
Botswana				Netherlands		Turkey	
				New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Belarus

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002:

Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

**Bilateral:**

Bulgaria, China, Cuba, Czech Republic, Egypt, Hungary, Iran, Italy, Latvia, Lithuania, Mongolia, Pakistan, Poland, Russia, Serbia, Slovakia, Syria, Turkey, Vietnam

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes, based on the principle of reciprocity

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

One month from the date of filing the application (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Around 3-3.5 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

# Belarus

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 5,000-8,000 (including relevant legal fees and other disbursements)

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 10,000-25,000 (including relevant legal fees and other disbursements)

7. Are there any unusual difficulties in enforcing a foreign judgment?

Local courts may still be influenced by local state authorities.

Therefore, recognition and enforcement of a foreign judgment against state companies may be unreasonably rejected by local courts.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

One month from the date of filing the application (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Around 3-3.5 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 5,000-8,000 (including relevant legal fees and other disbursements)

# Belarus

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 10,000-25,000 (including relevant legal fees and other disbursements)

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Local courts may still be influenced by local state authorities.

Therefore, recognition and enforcement of a foreign judgment against state companies may be unreasonably rejected by local courts.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date when the foreign award came into effect.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date when the foreign award came into effect.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, but court and/or court bailiff fees only.

# Belarus

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

For a judgment or award of a non-monetary nature, reinstatement of employment, or eviction from apartment.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

If there is a treaty, it is easy (subject to potential political issues with local courts).. If there are no treaties, it may be more difficult.

# Belarus

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Usually, it is easy (subject to potential political issues with local courts).

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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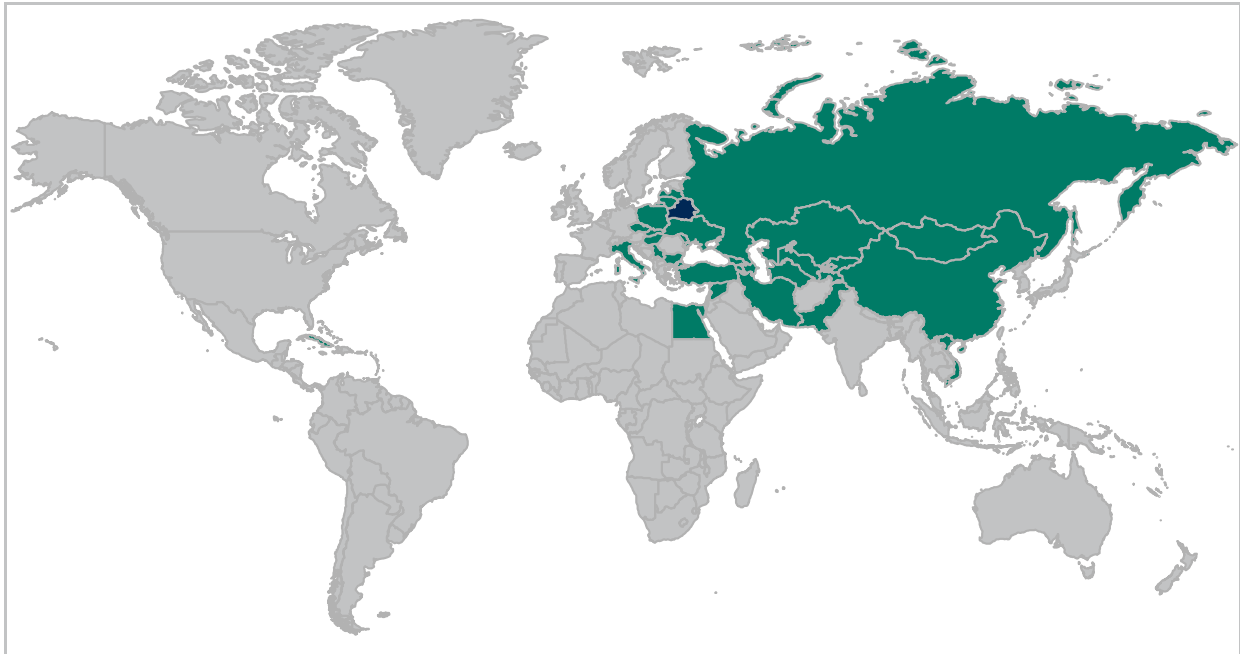
## 28. What papers will be needed?

A properly verified copy of the judgment\award that needs to be recognized and enforced and the power of attorney for representation in the court proceedings.

# Belarus

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Belarus has reciprocal enforcement arrangements for court judgments.



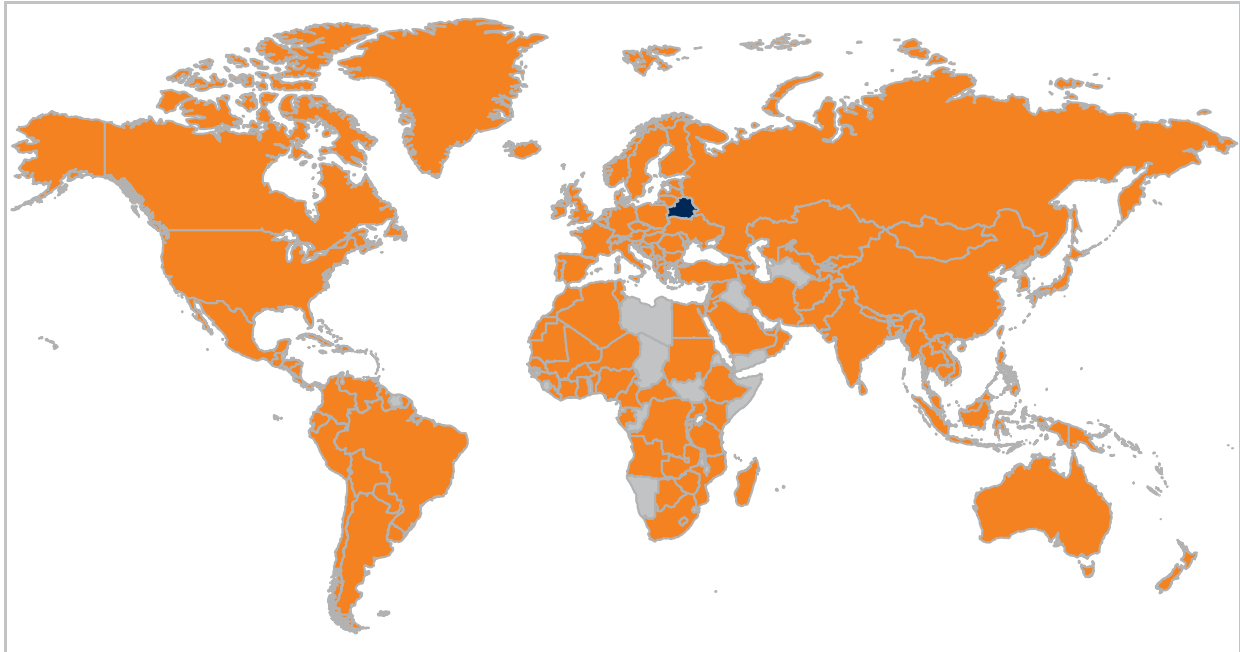
<b>Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002</b> Armenia Azerbaijan Georgia Kazakhstan Kyrgyzstan Moldova Russia Tajikistan Turkmenistan	Ukraine Uzbekistan  <b>Bilateral</b> Bulgaria China Cuba Czech Republic Egypt Hungary Iran Italy Latvia	Lithuania Mongolia Pakistan Poland Russia Serbia Slovakia Syria Turkey Vietnam	

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# Belarus

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Belarus has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	Djibouti	Dominica	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Dominican Republic	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Democratic Republic of Congo	Haiti	Luxembourg	Oman	Seychelles	Venezuela
Antigua and Barbuda	Burkina Faso	Ecuador	Honduras	Macau	Pakistan	Singapore	Vietnam
Angola	Burundi	Egypt	Hong Kong	Macedonia	Palau	Sint Eustatius	Zambia
Argentina	Cabo Verde	El Salvador	Hungary	Madagascar	Palestine	Sint Maarten	Zimbabwe
Armenia	Cambodia	England and Wales	Iceland	Malaysia	Panama	Slovakia	
Aruba	Cameroon	Ireland	India	Maldives	Papua New Guinea	Slovenia	
Australia	Cayman Islands	Israel	Indonesia	Mali	Paraguay	South Africa	
Austria	Central African Republic	Italy	Iran	Malta	Peru	South Korea	
Azerbaijan	Chile	Jamaica	Ireland	Marshall Islands	Philippines	Spain	
Bahamas	China	Japan	Isle of Man	Mauritania	Poland	Sri Lanka	
Bahrain	Christmas Island	Jersey	Israel	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Jordan	Italy	Mexico	Puerto Rico	Sweden	
Barbados	Colombia	Kazakhstan	Monaco	Moldova	Romania	Switzerland	
Belgium	Comoros	Kenya	Mongolia	Montenegro	Russia	Syria	
Benin	Cook Islands	Kuwait	Montenegro	Morocco	Rwanda	Tajikistan	
Bermuda	Costa Rica	Kyrgyzstan	Mozambique	Myanmar	Saba	Tanzania	
Bhutan	Côte d'Ivoire	Laos	Nepal	Nicaragua	Saint Vincent and the Grenadines	Thailand	
Bolivia	Croatia	Latvia	Netherlands	New Zealand	San Marino	Trinidad and Tobago	
Bonaire	Cyprus	Lebanon	Niger	Sao Tome and Principe	Tonga	Tunisia	
Bosnia & Herzegovina					Turkey	Ukraine	
Botswana					Uganda		

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.





# Belgium

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

### **Brussels Regulations:**

Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

### **Hague Choice of Court Convention 2005:**

Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Bilateral:**

Hong Kong, Mexico, Morocco, Poland

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. The Belgian Code of Private International Law of 16 July 2004 allows a foreign judgment to be enforced based on an ex parte application before the court of first instance of the place of domicile or habitual residence of the defendant, and in the absence of domicile or residence in Belgium, the court of the place of enforcement.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

1-3 months.

# Belgium

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

3-12 months.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 4,000 or more, depending inter alia on the complexity of the case and the resistance shown by the other party (or parties). This includes registry fees, a contribution to the budgetary fund for judicial assistance, the costs for obtaining an authenticated copy of the order, legal fees and, if applicable, the costs of translation and legalization, and bailiff's fees.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 8,000 or more, depending inter alia on the complexity of the case and the resistance shown by the other party (or parties). This includes registry fees, a contribution to the budgetary fund for judicial assistance, the costs for obtaining an authenticated copy of the order, legal fees and, if applicable, the costs of translation and legalization, and bailiff's fees.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No, aside from some practical formalities (see below), the application procedure for a declaration of enforceability (exequatur) is relatively straightforward. The process for enforcing foreign judgments in Belgium differs depending on the country of origin of the judgment. Note that under the Brussels Ibis Regulation the enforcing party must no longer first apply for an exequatur but may immediately take enforcement measures based on the foreign judgment.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

1-3 months.

# Belgium

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

3-12 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 4,000 or more, depending inter alia on the complexity of the case and the resistance shown by the other party (or parties). This includes registry fees, a contribution to the budgetary fund for judicial assistance, the costs for obtaining an authenticated copy of the order, legal fees and, if applicable, the costs of translation and legalization, and bailiff's fees.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 8,000 or more, depending inter alia on the complexity of the case and the resistance shown by the other party (or parties). This includes registry fees, a contribution to the budgetary fund for judicial assistance, the costs for obtaining an authenticated copy of the order, legal fees and, if applicable, the costs of translation and legalization, and bailiff's fees.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No, aside from some practical formalities (see below), the application procedure is relatively straightforward.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

10 years (renewable).

# Belgium

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

10 years from the notification of the arbitration award to the opposing party.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, the fees and costs mentioned above are recoverable from the defendant as part of the payment requested under the foreign judgment.

18. Is seizure of goods available as an enforcement method?

Yes, a creditor may freeze assets located in Belgium pending the enforcement proceedings.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

# Belgium

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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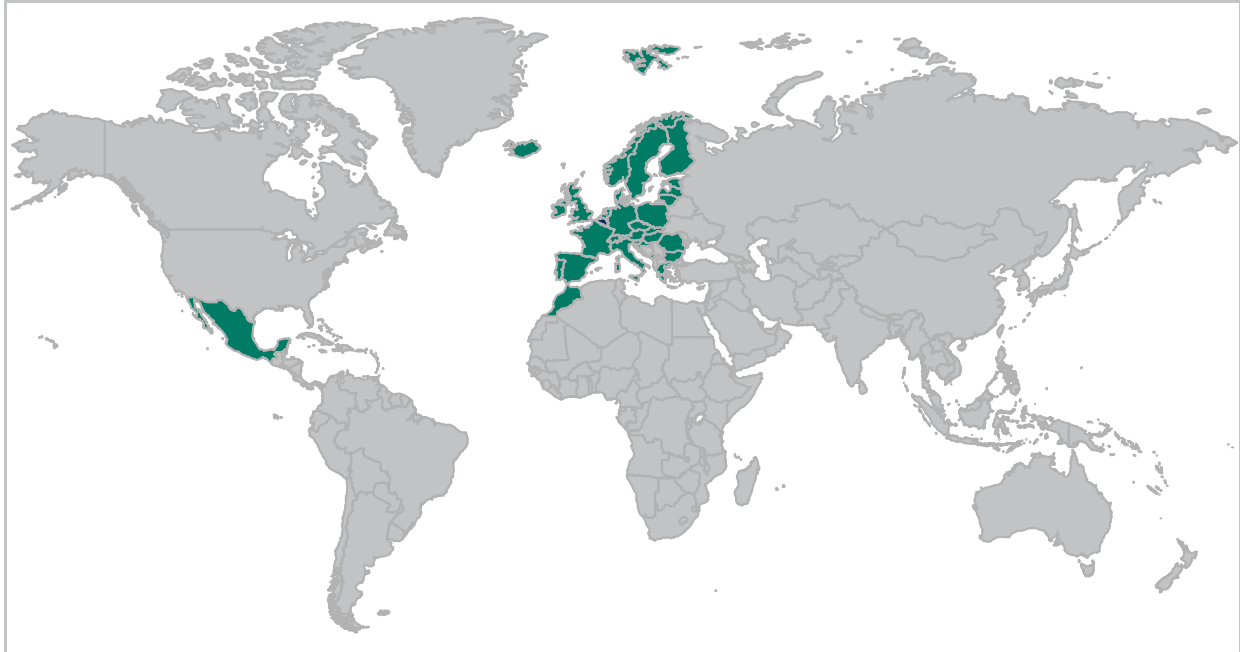
## 28. What papers will be needed?

- a authenticated original copy of the judgment or arbitration award;
- a sworn translation of the judgment or arbitration award with apostille in the language of the court where enforcement is sought;
- if the court of origin is an EU court: the certificate concerning a judgment in civil and commercial matters from the court of origin;
- if the court is a third jurisdiction court: original proof that the introductory writ was notified to, or served on the opposing party (in case of judgment by default) and any document establishing that the decision is enforceable and has been notified to, or served on the opposing party.

# Belgium

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Belgium has reciprocal enforcement arrangements for court judgments.



<b>Brussels Regulations</b>	Netherlands	Bulgaria	Netherlands
Austria	Portugal	Croatia	Poland
Bulgaria	Poland	Cyprus	Portugal
Croatia	Romania	Czech Republic	Romania
Cyprus	Slovakia	Denmark	Singapore
Czech Republic	Slovenia	Estonia	Slovakia
Denmark	Spain	Finland	Slovenia
Estonia	Sweden	France	Spain
Finland	United Kingdom	Germany	Sweden
France		Greece	United Kingdom
Germany	<b>Lugano Convention 2007</b>	Hungary	
Greece	Denmark	Ireland	<b>Bilateral</b>
Hungary	Iceland	Italy	Hong Kong
Ireland	Norway	Latvia	Mexico
Italy	Switzerland	Lithuania	Morocco
Latvia		Luxembourg	Poland
Lithuania	<b>Hague Choice of Court</b>	Malta	
Luxembourg	<b>Convention 2005</b>	Mexico	
Malta	Austria	Montenegro	

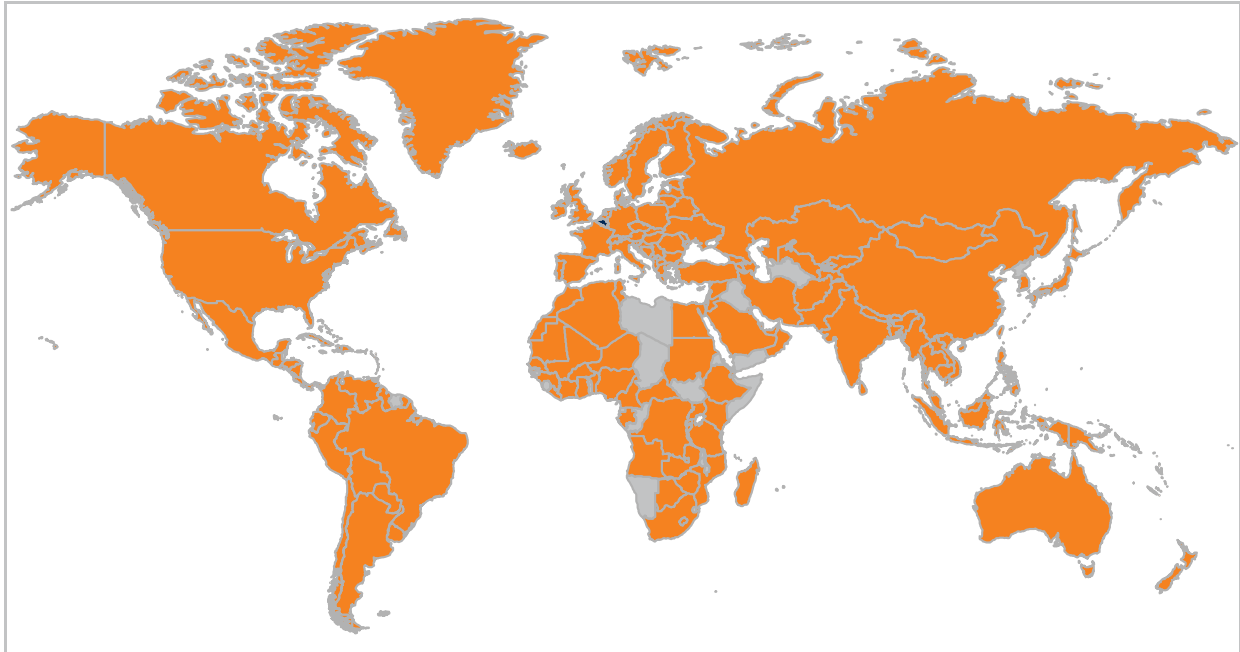
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# Belgium

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Belgium has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Venezuela
Angola	Cabo Verde	Ecuador	Hong Kong	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cambodia	Egypt	Hungary	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cameroon	El Salvador	Iceland	Malaysia	Panama	Slovakia	Zimbabwe
Aruba	Cayman Islands	England and Wales	India	Maldives	Papua New Guinea	Slovenia	
Australia	Central African Republic	Ireland	Indonesia	Mali	Paraguay	South Africa	
Austria	Chile	Ireland	Iran	Malta	Peru	South Korea	
Azerbaijan	China	Isle of Man	Ireland	Marshall Islands	Philippines	Spain	
Bahamas	Christmas Island	Israel	Israel	Mauritania	Poland	Sri Lanka	
Bahrain	Cocos (Keeling) Islands	Italy	Italy	Mauritius	Portugal	Sudan	
Bangladesh	Colombia	Jamaica	Italy	Mexico	Puerto Rico	Sweden	
Barbados	Comoros	Japan	Jersey	Moldova	Qatar	Switzerland	
Belarus	Cook Islands	Jordan	Jordan	Monaco	Romania	Syria	
Benin	Costa Rica	Kazakhstan	Kazakhstan	Mongolia	Russia	Tajikistan	
Bermuda	Côte d'Ivoire	Kenya	Kenya	Montenegro	Rwanda	Tanzania	
Bhutan	Croatia	Kuwait	Kyrgyzstan	Morocco	Saba	Thailand	
Bolivia	Cuba	Laos	Laos	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Curaçao	Latvia	Latvia	Myanmar	San Marino	Tonga	
Bosnia & Herzegovina	Cyprus	Lebanon	Lebanon	Nepal	Sao Tome and Principe	Tunisia	
Botswana				Netherlands		Turkey	
				New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

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# Brazil

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Montevideo Convention 1979:**

Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

**Buenos Aires Agreement 2002:**

Argentina, Bolivia, Chile, Paraguay, Uruguay

**Las Leñas Protocol:**

Argentina, Paraguay, Uruguay

**Bilateral:**

Argentina, Bolivia, Chile, China, Colombia, Ecuador, France, Italy, Lebanon, Mexico, Spain, Paraguay, Peru, Uruguay, Costa Rica

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Typically 2 months to 1 year, but can be longer in some circumstances.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Typically 18 months to 2 years, but can be longer in some circumstances.

# Brazil

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Under USD 1,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Under USD 1,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No, but it may be time-consuming depending on the circumstances of the case.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Typically 02 months to 1 year, but can be longer in some circumstances.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Typically 18 months to 2 years, but can be longer in some circumstances.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Under USD 1,000.

# Brazil

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Under USD 1,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No, but it may be time-consuming depending on the circumstances of the case.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the forum of the judgment/award.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

# Brazil

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

N/A

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Andrea Zoghbi Brick**  
Partner, Rio de Janeiro  
Dispute Resolution  
+55 21 2206 4911  
[andrea.brick@trenchrossi.com](mailto:andrea.brick@trenchrossi.com)



**Marcio Polto**  
Partner, Sao Paulo  
Dispute Resolution  
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[marcio.polto@trenchrossi.com](mailto:marcio.polto@trenchrossi.com)

### 28. What papers will be needed?

Copies of key documents in the proceeding, especially initial petition, all decisions rendered, proof that decision is not subject to further appeals and power of attorney.

# Brazil

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Brazil has reciprocal enforcement arrangements for court judgments.



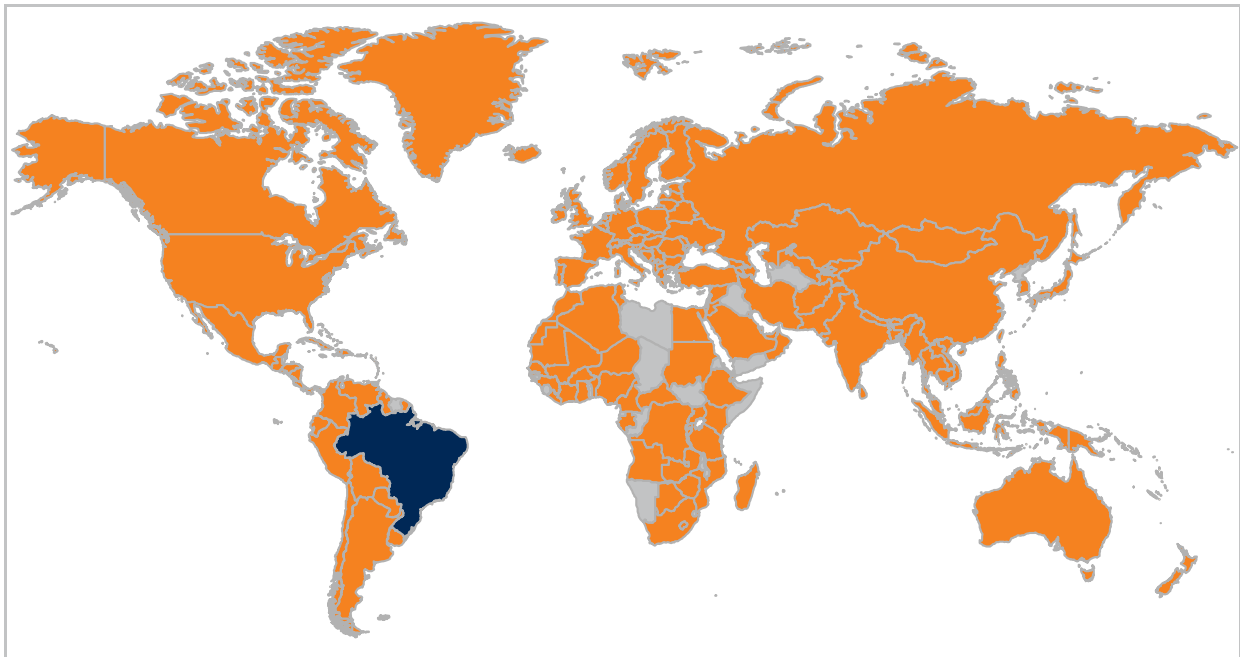
<b>Montevideo Convention</b> <b>1979</b> Argentina Bolivia Colombia Ecuador Mexico Paraguay Peru Uruguay Venezuela	<b>Buenos Aires Agreement</b> <b>2002</b> Argentina Bolivia Chile Paraguay Uruguay  <b>Las Leñas Protocol</b> Argentina Paraguay Uruguay	<b>Bilateral</b> China Costa Rica France Italy Lebanon Spain	

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# Brazil

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Brazil has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burundi	Democratic Republic of Congo	Holy See	Macau	Pakistan	Singapore	Venezuela
Angola	Cabo Verde	Ecuador	Honduras	Madagascar	Palau	Sint Eustatius	Vietnam
Argentina	Cambodia	Egypt	Hong Kong	Malaysia	Palestine	Sint Maarten	Zambia
Armenia	Cameroon	El Salvador	Hungary	Maldives	Panama	Slovakia	Zimbabwe
Aruba	Cayman Islands	England and Wales	Iceland	Mali	Papua New Guinea	Slovenia	
Australia	Central African Republic	Ireland	India	Malta	Paraguay	South Africa	
Austria	Chile	Ireland	Indonesia	Marshall Islands	Peru	South Korea	
Azerbaijan	China	Isle of Man	Iran	Mauritania	Philippines	Spain	
Bahamas	Christmas Island	Israel	Ireland	Mauritius	Poland	Sri Lanka	
Bahrain	Cocos (Keeling) Islands	Italy	Israel	Mexico	Portugal	Sudan	
Bangladesh	Colombia	Jamaica	Italy	Moldova	Puerto Rico	Sweden	
Barbados	Comoros	Japan	Jamaica	Monaco	Qatar	Switzerland	
Belarus	Cook Islands	Jersey	Japan	Mongolia	Romania	Syria	
Belgium	Costa Rica	Jordan	Jersey	Montenegro	Russia	Tajikistan	
Benin	Côte d'Ivoire	Kazakhstan	Jordan	Morocco	Rwanda	Tanzania	
Bermuda	Croatia	Kenya	Kazakhstan	Mozambique	Saba	Thailand	
Bhutan	Cuba	Kuwait	Kenya	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao	Kyrgyzstan	Kuwait	Nepal	Tonga	Tunisia	
Bonaire	Cyprus	Laos	Kyrgyzstan	Netherlands	Turkey	Uganda	
Bosnia & Herzegovina		Latvia	Laos	New Zealand	Ukraine		
		Lebanon	Latvia	Nicaragua			
			Lebanon	Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Canada

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Canada-UK Convention:**

England & Wales, Northern Ireland, Scotland

**Bilateral:**

Australia\*, Austria\*\*, France\*\*\*, Germany\*, United States\*\*\*\*

\*BC, Alberta, Manitoba and Newfoundland & Labrador only, \*\*British Columbia only, \*\*\*Manitoba only, \*\*\*\*BC, Alberta, Manitoba and PEI only, applies only to certain US states

N.B. Canada is a federal state. The provinces have jurisdiction over commercial disputes. Other matters, like maritime law are in the jurisdiction of the federal government. Treaties that relate to commercial matters must be implemented through provincial laws. In Canada, regard must always be had to the subject matter and place where you are seeking enforcement.

Canadian provinces and territories have adopted enforcement treaties in their jurisdictions. The legislation implementing these arrangements supplements but does not override the common law on enforcing foreign judgments.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In general, 10-12 months provided that the matter is straightforward and foreign service is not required.



# Canada

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

This depends on the complexity of the issues. It could generally vary from 1 to 3 years.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 50,000 - 100,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Over USD 100,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No, as long as the foreign court had a real and substantial connection to the action or the parties to the proceeding, the foreign judgment is for a definite sum of money (but not a sum payable in respect of taxes, a fine or other penalty), and the judgment is final and conclusive.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

In general, 6-8 months provided that the matter is straightforward and foreign service is not required.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

This depends on the complexity of the issues. It could generally vary from 1 to 3 years.

# Canada

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 50,000 – 100,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Over USD 100,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No, Canadian courts are 'arbitration-friendly' and routinely enforce foreign arbitration awards, absent very limited defenses.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

In Ontario, the general limitation period is two years beginning from the time that the judgment creditor discovered, or could have discovered using reasonable diligence, that the judgment debtor possessed assets in Ontario. For other provinces and territories of Canada, this period generally varies from one to two years.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

In Ontario, there is a ten year limitation period from the date the award was made, or, where there was a proceeding to set aside an award, 10 years from the date on which the proceeding concluded. For other provinces and territories of Canada, this period generally varies from one to two years. It is important to seek legal advice promptly as this law is evolving in Canada and failure to enforce within the applicable limitation period will bar enforcement.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes. If successful, the enforcing party would generally be awarded partial legal costs. These will vary from province to province and are typically 50% or less of its actual legal costs). In rare cases, recovery of a higher percentage of legal costs can be possible.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

An unsecured creditor may attempt to enforce a judgment or award against an insolvent debtor, however, once formal insolvency proceedings are commenced the unsecured creditor's claim will rank equally with other unsecured claims and the prospects of full recovery will diminish materially.

# Canada

## 23. Can a receiver be appointed by way of enforcement?

Yes.

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**John Pirie**

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**Matt Latella**

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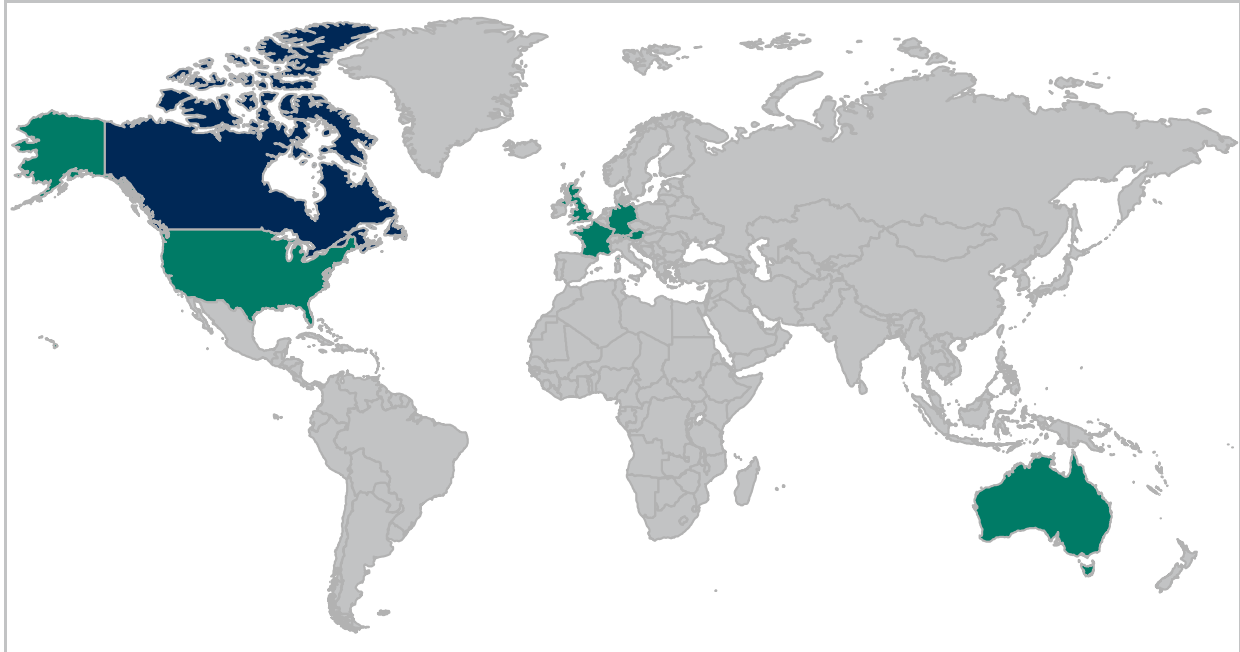
## 28. What papers will be needed?

A certified copy of the judgment from the foreign court or arbitral tribunal, with a translation into English if necessary.

# Canada

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Canada has reciprocal enforcement arrangements for court judgments.



<b>Canada-UK Convention</b> England & Wales Northern Ireland Scotland	France** Germany*** United States^****		
<b>Bilateral</b> Australia*** Austria*			

\*British Columbia only

\*\*Manitoba only

\*\*\*BC, Alberta, Manitoba and Newfoundland & Labrador only

\*\*\*\*BC, Alberta, Manitoba and PEI only

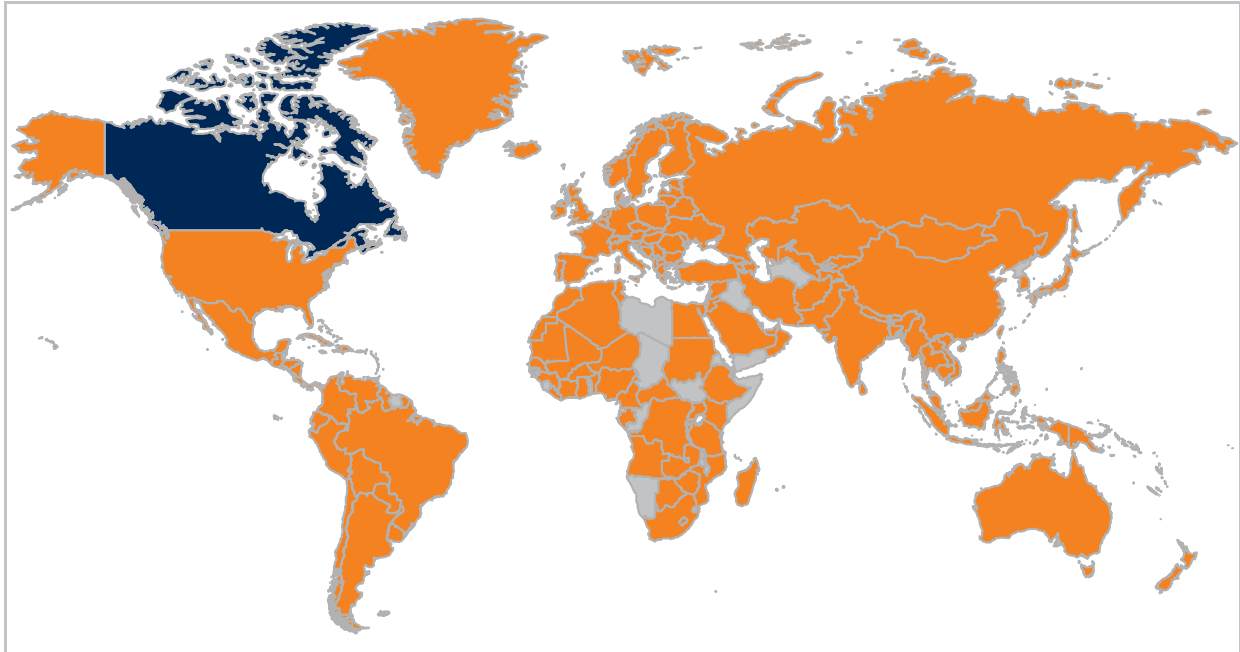
^Applies only to certain US states

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# Canada

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Canada has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and Principe	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	Uganda
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	Ukraine
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United Arab Emirates
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	United States of America
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	Uruguay
Angola	Burundi	Democratic Republic of Congo	Holy See	Macau	Pakistan	Singapore	US Virgin Islands
Argentina	Cabo Verde	Ecuador	Honduras	Macedonia	Palau	Sint Eustatius	Uzbekistan
Armenia	Cambodia	Egypt	Hong Kong	Madagascar	Palestine	Sint Maarten	Venezuela
Aruba	Cameroon	El Salvador	Hungary	Malaysia	Panama	Slovakia	Vietnam
Australia	Cayman Islands	England and Wales	Iceland	Maldives	Papua New Guinea	Slovenia	Zambia
Austria	Central African Republic	Ireland	India	Mali	Paraguay	South Africa	Zimbabwe
Azerbaijan	Chile	Israel	Indonesia	Malta	Peru	South Korea	
Bahamas	China	Italy	Iran	Marshall Islands	Philippines	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Ireland	Mauritania	Poland	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Isle of Man	Mauritius	Portugal	Sweden	
Barbados	Colombia	Jersey	Israel	Mexico	Puerto Rico	Switzerland	
Belarus	Comoros	Jordan	Italy	Moldova	Qatar	Syria	
Belgium	Cook Islands	Kazakhstan	Jamaica	Monaco	Romania	Tajikistan	
Benin	Costa Rica	Kenya	Japan	Mongolia	Russia	Tanzania	
Bermuda	Côte d'Ivoire	Kuwait	Jersey	Montenegro	Rwanda	Thailand	
Bhutan	Croatia	Kyrgyzstan	Jordan	Morocco	Saba	Trinidad and Tobago	
Bolivia	Cuba	Laos	Kazakhstan	Mozambique	Saint Vincent and the Grenadines	Tonga	
Bonaire	Curaçao	Latvia	Kenya	Myanmar	San Marino	Tunisia	
Bosnia & Herzegovina			Kuwait	Nepal			
			Kyrgyzstan	Netherlands			
			Laos	New Zealand			
			Latvia	Nicaragua			

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# Chile

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bustamante Code 1928:**

Bahamas, Bolivia, Brazil, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Venezuela\*

\*Although in force in Venezuela, the provisions on recognition and enforcement of foreign judgments (Articles 423-435) were reserved by Venezuela.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. Whether the foreign judgment comes from a jurisdiction party of the Bustamante Code or not, foreign judgments could be enforceable in Chile through an exequatur procedure. This procedure is revised by the Supreme Court and it's established by the Chilean Organic Code of Courts.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In general, 10 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

In general, 10 months.

# Chile

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Under USD 3,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Under USD 10,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

In general, 10 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

In general, 10 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Under USD 3,000.



# Chile

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Under USD 10,000.

## LIMITATION

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 years from the date when the judgment became enforceable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 years from the date when the award became enforceable.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes. Enforcement costs and fees are recoverable if the Supreme Court considers that the defendant was totally defeated in the procedure and had no plausible reason to litigate against the execution of the foreign sentence or arbitration award.

18. Is seizure of goods available as an enforcement method?

Yes.

# Chile

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

No.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

- Attachment and sale of personal and real property;
- Attachment of income, including wages;
- Attachment of tax devolution saving of the debtor;
- Receiverships.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

# Chile

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Rodrigo Díaz de Valdés**

Partner, Santiago  
Dispute Resolution  
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**Ignacio Naudon**

Partner, Santiago  
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+56 2 23677028  
[ignacio.naudon@bakermckenzie.com](mailto:ignacio.naudon@bakermckenzie.com)

28. What papers will be needed?

Judgment or Arbitral award, along with the main files of the case.

# Chile

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Chile has reciprocal enforcement arrangements for court judgments.



<b>Bustamante Code 1928</b>	Honduras		
Bahamas	Nicaragua		
Bolivia	Panama		
Brazil	Peru		
Costa Rica	Venezuela*		
Cuba			
Dominican Republic			
Ecuador			
El Salvador			
Guatemala			
Haiti			

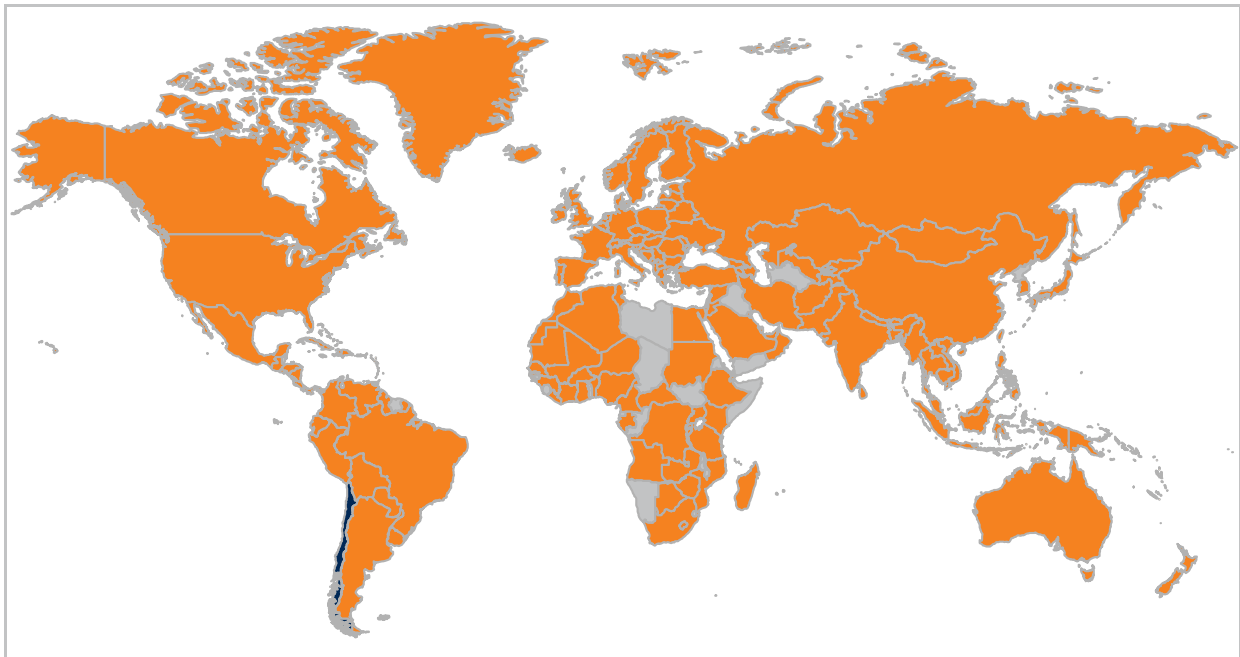
\*Although in force in Venezuela, the provisions on recognition and enforcement of foreign judgments (Articles 423-435) were reserved by Venezuela.

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# Chile

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Chile has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Dominica	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Democratic Republic of Congo	Holy See	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Ecuador	Honduras	Madagascar	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Egypt	Hong Kong	Malaysia	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	El Salvador	Hungary	Maldives	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	England and Wales	Iceland	Mali	Papua New Guinea	Slovenia	
Australia	Cayman Islands	Ireland	India	Malta	Paraguay	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Marshall Islands	Peru	South Korea	
Azerbaijan	China	Israel	Iran	Mauritania	Philippines	Spain	
Bahamas	Christmas Island	Italy	Ireland	Mauritius	Poland	Sri Lanka	
Bahrain	Cocos (Keeling) Islands	Jamaica	Isle of Man	Mexico	Portugal	Sudan	
Bangladesh	Colombia	Japan	Israel	Moldova	Puerto Rico	Sweden	
Barbados	Comoros	Jersey	Italy	Monaco	Qatar	Switzerland	
Belarus	Cook Islands	Jordan	Jamaica	Mongolia	Romania	Syria	
Belgium	Costa Rica	Kazakhstan	Japan	Montenegro	Russia	Tajikistan	
Benin	Côte d'Ivoire	Kenya	Jersey	Morocco	Rwanda	Tanzania	
Bermuda	Croatia	Kuwait	Jordan	Mozambique	Saba	Thailand	
Bhutan	Cuba	Kyrgyzstan	Kazakhstan	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao	Laos	Kenya	Nepal	San Marino	Tonga	
Bonaire	Cyprus	Latvia	Kuwait	Netherlands	Sao Tome and Principe	Tunisia	
Bosnia & Herzegovina		Lebanon	Kyrgyzstan	New Zealand		Turkey	
			Laos	Nicaragua		Uganda	
			Latvia	Niger		Ukraine	
			Lebanon				

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# China

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**

Algeria, Argentina, Belarus, Bosnia & Herzegovina, Brazil, Bulgaria, Cuba, Cyprus, Greece, Egypt, Ethiopia, France, Hong Kong, Hungary, Italy, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lithuania, Macau, Morocco, Mongolia, North Korea, Peru, Poland, Romania, Russia, Spain, Taiwan, Tajikistan, Tunisia, Turkey, United Arab Emirates, Ukraine, Uzbekistan, Vietnam

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

No.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

The law does not provide a clear timeline for the court to follow in the recognition and enforcement of foreign judgments. Practices of different courts vary, so it is hard to estimate the time.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

The law does not provide a clear timeline for the court to follow in the recognition and enforcement of foreign judgments. Practices of different courts vary, so it is hard to estimate the time.

# China

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Enforcements are too rare to permit an estimate.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Enforcements are too rare to permit an estimate.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Yes. Foreign judgments are rarely enforced in China, except for those based on treaties or divorce matters.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

The current laws do not impose a timeline whereby the court should follow in recognizing and enforcing the foreign arbitration award. In practice, the time needed may vary from case to case depending on the complexity of the case and different practice/caseload of each court.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The current laws do not impose a timeline whereby the court should follow for recognizing and enforcing the foreign arbitration award. In practice, the time needed may vary from case to case depending on the complexity of the case and different practice/caseload of each court.

# China

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Enforcements are too rare to permit an estimate.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Enforcements are too rare to permit an estimate.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No. Chinese courts have relatively good records in terms of enforcing foreign awards.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

2 years.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

2 years.



## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

No.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Difficult without a bilateral treaty; Easy with a bilateral treaty

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Simon Hui**

Partner, Shanghai  
Dispute Resolution

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[simon.hui@bakermckenzie.com](mailto:simon.hui@bakermckenzie.com)

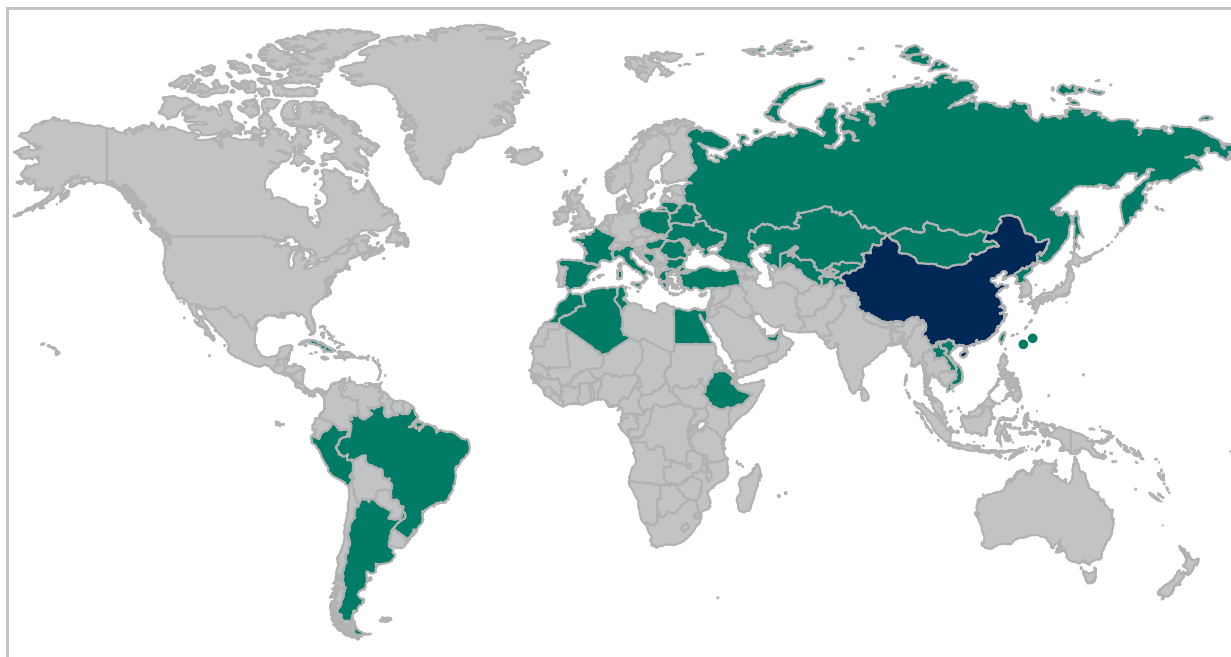
28. What papers will be needed?

The effective judgment or arbitral award, a valid arbitration clause or agreement, a brief of the matter, and the certificate of incorporation and good standing of the client.

# China

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which China has reciprocal enforcement arrangements for court judgments.



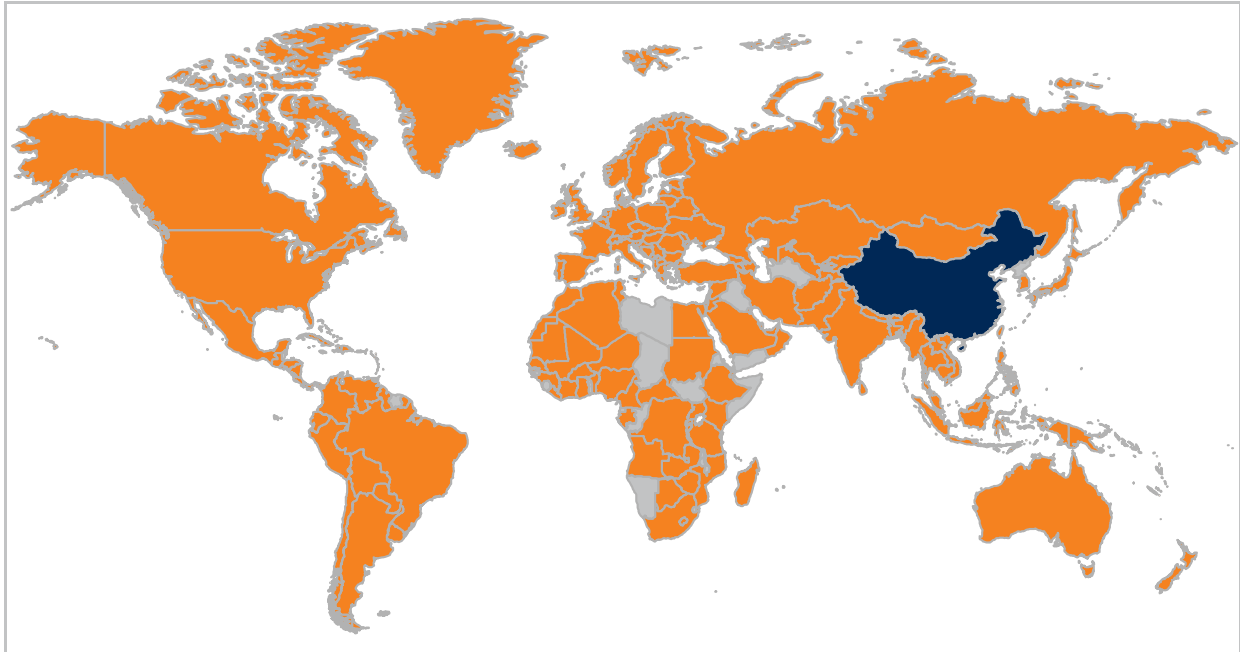
<b>Bilateral</b>	Hong Kong	Poland	
Algeria	Hungary	Romania	
Argentina	Italy	Russia	
Belarus	Kazakhstan	Spain	
Bosnia & Herzegovina	Kuwait	Taiwan	
Brazil	Kyrgyzstan	Tajikistan	
Bulgaria	Laos	Tunisia	
Cuba	Lithuania	Turkey	
Cyprus	Macau	United Arab Emirates	
Greece	Morocco	Ukraine	
Egypt	Mongolia	Uzbekistan	
Ethiopia	North Korea	Vietnam	
France	Peru		

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# China

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which China has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Dominica	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Ecuador	Hong Kong	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Egypt	Hungary	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	El Salvador	Iceland	Malaysia	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	England and Wales	India	Maldives	Papua New Guinea	Slovenia	
Australia	Cayman Islands	Ireland	Indonesia	Mali	Paraguay	South Africa	
Austria	Central African Republic	Israel	Iran	Malta	Peru	South Korea	
Azerbaijan	Chile	Ireland	Ireland	Marshall Islands	Philippines	Spain	
Bahamas	Christmas Island	Isle of Man	Italy	Mauritania	Poland	Sri Lanka	
Bahrain	Cocos (Keeling) Islands	Israel	Italy	Mauritius	Portugal	Sudan	
Bangladesh	Colombia	Italy	Jamaica	Mexico	Puerto Rico	Sweden	
Barbados	Comoros	Japan	Jersey	Moldova	Qatar	Switzerland	
Belarus	Cook Islands	Jordan	Jordan	Monaco	Romania	Syria	
Belgium	Costa Rica	Kazakhstan	Kazakhstan	Mongolia	Russia	Tajikistan	
Benin	Côte d'Ivoire	Kenya	Kenya	Montenegro	Rwanda	Tanzania	
Bermuda	Croatia	Kuwait	Kyrgyzstan	Morocco	Saba	Thailand	
Bhutan	Cuba	Laos	Laos	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao	Latvia	Latvia	Myanmar	San Marino	Tonga	
Bonaire	Cyprus	Lebanon	Lebanon	Nepal	Sao Tome and Principe	Tunisia	
Bosnia & Herzegovina				Netherlands		Turkey	
				New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

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# Colombia

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Montevideo Convention 1979:**

Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

**Bolivian Accord 1911:**

Bolivia, Colombia, Ecuador, Peru, Venezuela

**Bilateral:**

Bolivia, Ecuador, Peru, Spain

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. In the absence of an international treaty, recognition of foreign judgments will be governed by reciprocity, in accordance with Articles 605 through 609 of the General Code of Procedure.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In Colombia registration of foreign judgments is not applicable. Before enforcing a judgment, however, it is necessary to exhaust an *exequatur* process before the Supreme Court to obtain its recognition. Once the foreign judgment has been recognized, the interested party may enforce it through collection proceedings before Colombian courts.

The recognition of a foreign judgment should approximately take from 10 months to 1 year, and its enforcement approximately 1 to 2 years.

# Colombia

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Please see the previous section.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Access to justice is a fundamental civil right in Colombia and free of charge. Thus, there are no costs for filing recognition or enforcement proceedings in Colombia of foreign judgments. This excludes attorney's fees, which will depend on the respective arrangement.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Please see the previous section.

7. Are there any unusual difficulties in enforcing a foreign judgment?

The excessive workload of Colombian courts, the lack of bilateral arrangements, and the difficulty in determining the existence of reciprocity with other countries.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

In Colombia registration of foreign arbitration awards is not applicable. In order to be enforced, an arbitral award rendered in another jurisdiction has to be recognized according to Article 116 of Law 1563 of 2012. Recognition claims of foreign arbitral awards must be submitted before the Civil Chamber of the Supreme Court of Justice or the State Council if the award involves a public entity. Once the foreign award has been recognized, the interested party may enforce it through collection proceedings before Colombian courts.

According to Article 111 of Law 1563 of 2012, the recognition of foreign arbitration awards can take up to 30 business days. However, in practice, it can take between 1- 2 years. In respect of the enforcement, the proceeding can take also approximately 1 to 2 years.

# Colombia

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Please see the previous section.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Access to justice is a fundamental civil right in Colombia and free of charge. Thus, there are no costs for filing recognition or enforcement proceedings in Colombia of foreign arbitral awards. This excludes attorney's fees, which will depend on the respective arrangement.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Please see the previous section.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The excessive workload of Colombian courts.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

N/A

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A



# Colombia

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes. Legal fees spent on a collection proceeding are recoverable. However, this is limited to the statutory legal fees which typically correspond to a percentage of the relief sought set by the High Council of the Judiciary.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

In Colombia, there are no charging orders or orders for the sale of land. Within enforcement proceedings, it is possible to attach the assets of the debtor by means of a precautionary measure. Typically available precautionary measures are the attachment of assets (real or movable property), attachment of earnings, seizure of goods and lawsuit registering within certain types of assets (real property or stocks).

22. Can a judgment or award be enforced by way of insolvency proceedings?

Provided that the foreign judgment or award is recognized in Colombia and contains an obligation against the insolvent company, it is possible to enforce the respective judgment within the insolvency proceeding according to the rules governing such type of process.



# Colombia

## 23. Can a receiver be appointed by way of enforcement?

Yes. In Colombia, a receiver is a public official assigned by the Court, whose fees and expenses must be borne by the interested party.

## 24. Any other method of enforcement?

In Colombia, the pledge over movable property can also be enforced through an expedited procedure.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Claudia Benavides**

Partner, Bogota

Dispute Resolution

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[claudia.benavides@bakermckenzie.com](mailto:claudia.benavides@bakermckenzie.com)

## 28. What papers will be needed?

In the case of a judgment:

- Certified copy of the judgment.
- Official translation of the judgment, if the judgment was rendered in a language other than Spanish.
- Evidence that the judgment is final and enforceable.
- Evidence that the judgment was notified to the parties.

In the case of an arbitration award:

- The award (original or a copy)
- Official translation of the award, if the award was rendered in a language other than Spanish.

# Colombia

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Colombia has reciprocal enforcement arrangements for court judgments.



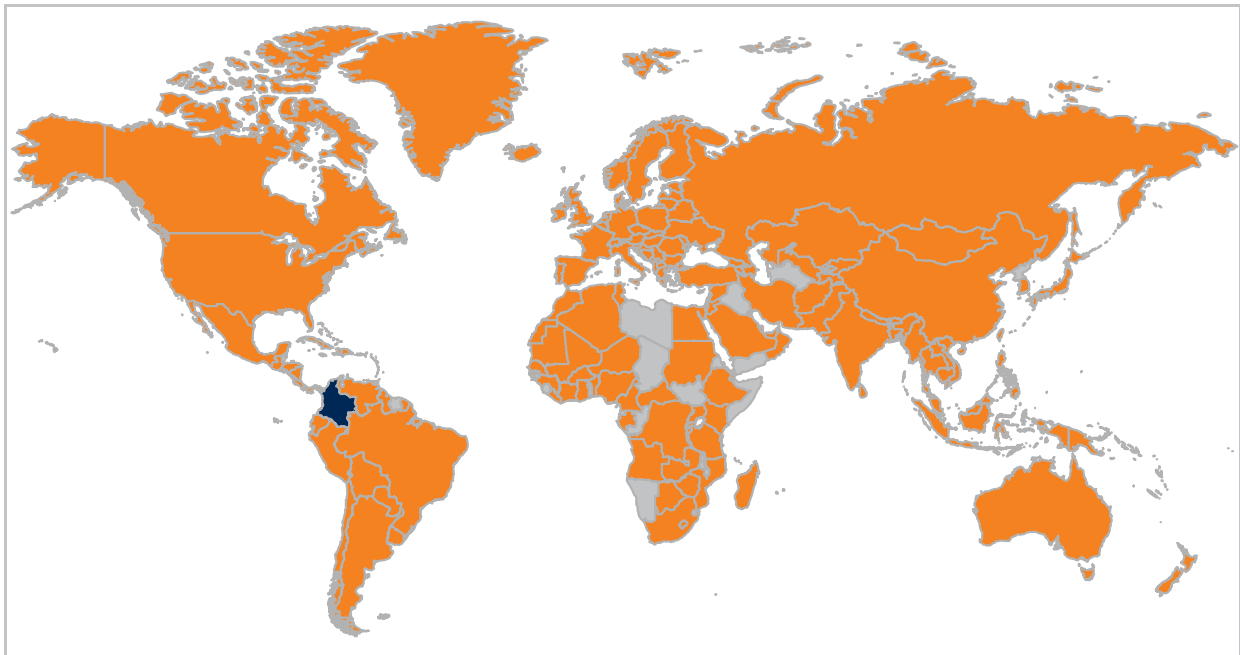
<b>Montevideo Convention</b> <b>1979</b> Argentina Bolivia Brazil Ecuador Mexico Paraguay Peru Uruguay Venezuela	<b>Bolivian Accord 1911</b> Bolivia Colombia Ecuador Peru Venezuela  <b>Bilateral</b> Bolivia Ecuador Peru Spain		

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# Colombia

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Colombia has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
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Angola	Burundi	Ecuador	Hong Kong	Macedonia	Palau	Sint Eustatius	Zambia
Argentina	Cabo Verde	Egypt	Hungary	Madagascar	Palestine	Sint Maarten	Zimbabwe
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Bahrain	Christmas Island	Japan	Israel	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Jersey	Italy	Mexico	Puerto Rico	Sweden	
Barbados	Comoros	Jordan	Jamaica	Moldova	Qatar	Switzerland	
Belarus	Cook Islands	Kazakhstan	Jersey	Monaco	Romania	Syria	
Belgium	Costa Rica	Kenya	Jordan	Mongolia	Russia	Tajikistan	
Benin	Côte d'Ivoire	Kuwait	Kazakhstan	Montenegro	Rwanda	Tanzania	
Bermuda	Croatia	Kyrgyzstan	Kenya	Morocco	Saba	Thailand	
Bhutan	Cuba	Laos	Kuwait	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao	Latvia	Kyrgyzstan	Myanmar	San Marino	Tonga	
Bonaire	Cyprus	Lebanon	Laos	Nepal	Sao Tome and Principe	Tunisia	
Bosnia & Herzegovina			Latvia	Netherlands		Turkey	
			Lebanon	New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

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# Czech Republic

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Bilateral:**

Brussels and Lugano Regime countries, Afghanistan, Switzerland, Tunisia, Mongolia, Russia, Belarus, Kyrgyzstan, Georgia, Moldova, Ukraine, Albania, Algeria, Bosnia and Herzegovina, Montenegro, People's Republic of Korea, Kosovo, Cuba, Northern Macedonia, Syria, Uzbekistan, Vietnam

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes, provided that reciprocity is guaranteed.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Brussels and Lugano Regime: approx. 6 months

Other countries: approx. 12 months

# Czech Republic

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Brussels and Lugano Regime: approx. 1-2 years

Other countries: approx. 2 years

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

The costs vary depending on whether the creditor chooses to enforce the judgment by judicial enforcement or execution enforcement. In both cases the creditor must cover the costs for the official translation into Czech language and lawyer's fee. The court fee is 5% of the claimed amount. In the execution enforcement, the executor's remuneration is 15% of the amount actually recovered. There is no court fee for the application, but the creditor may be charged a deposit for the costs of execution.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

The costs vary depending on whether the creditor chooses to enforce the judgment by judicial enforcement or execution enforcement. In both cases the creditor must cover the costs for the official translation into Czech language and lawyer's fee. The court fee is 5% of the claimed amount. In the execution enforcement, the executor's remuneration is 15% of the amount actually recovered. There is no court fee for the application, but the creditor may be charged a deposit for the costs of execution.

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

The process of enforcing foreign judgements in the Czech Republic is quite unpredictable, as the possibility of enforcement depends on many factors, for example, the country of origin of the judgement, arrangements on reciprocity, communication with the foreign authorities, etc. We are not aware of any particular difficulties apart from the fact that the process may be, in some cases, time consuming.

## ARBITRATION AWARDS

## 8. Is this jurisdiction a party to the New York Convention?

Yes.

# Czech Republic

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Approx. 6-12 months

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Approx. 1-2 years

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

The costs consist of a) court fees, b) official translation of the arbitration agreement and arbitration award to Czech language, and c) lawyer's fee. For official translation and lawyer's fee the price may vary. The court fee is 5% of the claimed amount.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

The costs consist of a) court fees, b) official translation of the arbitration agreement and arbitration award to Czech language, and c) lawyer's fee. For official translation and lawyer's fee the price may vary. The court fee is 5% of the claimed amount.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The Supreme Court case law does not allow the foreign arbitration awards to be directly enforceable by means of execution proceedings. Thus, the foreign arbitration award must be enforced through the judicial execution procedure. The latter requires the creditor to specify the method of enforcement and to specify the property / estate of the liable party on which the enforcement shall take place. This altogether may lead to difficulties and delays in enforcing the arbitration award. However, the Chamber of Deputies discusses at the moment new amendment that would allow enforcement of foreign arbitration awards in execution proceedings.

# Czech Republic

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The governing law of the decision.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

N/A

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, in case of successful enforcement.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.



# Czech Republic

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

No, but enforcement may trigger the debtor's insolvency.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Judicial lien on immovable property, administration of business enterprise and administration of immovable property.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate. The disadvantage is that foreign arbitration awards are currently enforceable only in the judicial execution procedure.

# Czech Republic

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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**Martina Marchand**

Associate, Prague  
Dispute Resolution  
+420 236 045 001  
[martina.marchand@bakermckenzie.com](mailto:martina.marchand@bakermckenzie.com)

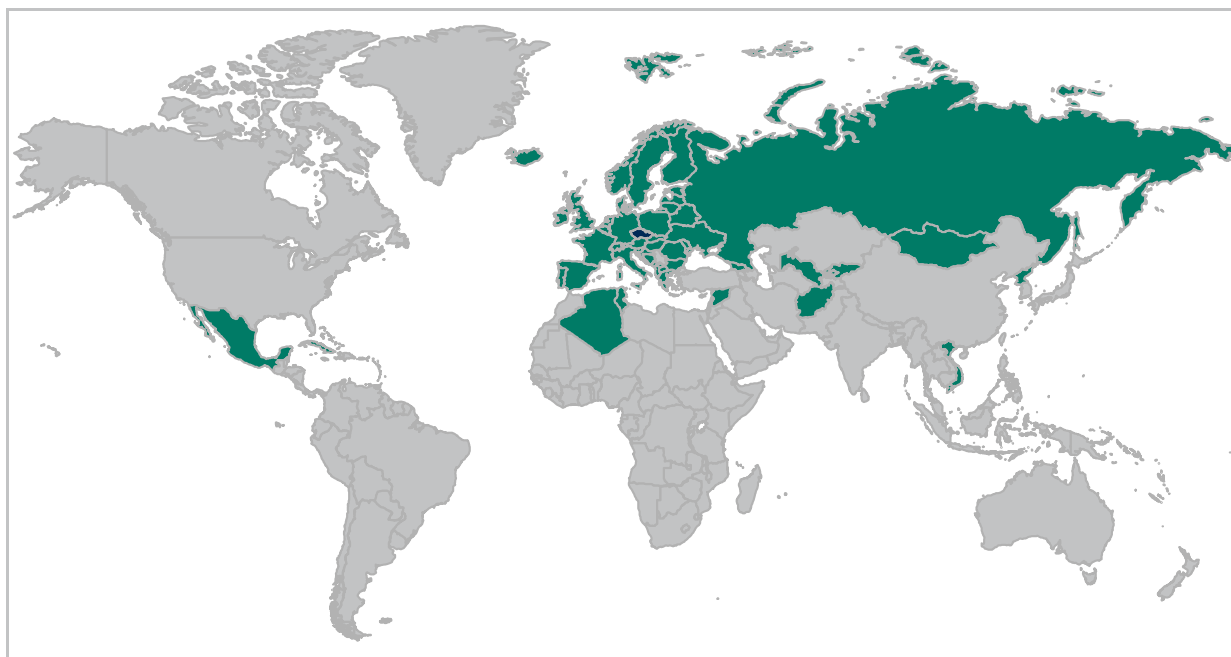
### 28. What papers will be needed?

- In both cases power of attorney for legal representation in front of a court.
- For enforcement of foreign judicial decision the original judicial decision or a duly certified copy, including its certified translation into Czech language and other instruments relating to the recognition of the decision (e.g. exequatur, if mandatory).
- For enforcement of arbitral award the original arbitration agreement and arbitration award or a duly certified copy thereof, including certified translations into Czech language.

# Czech Republic

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Czech Republic has reciprocal enforcement arrangements for court judgments.



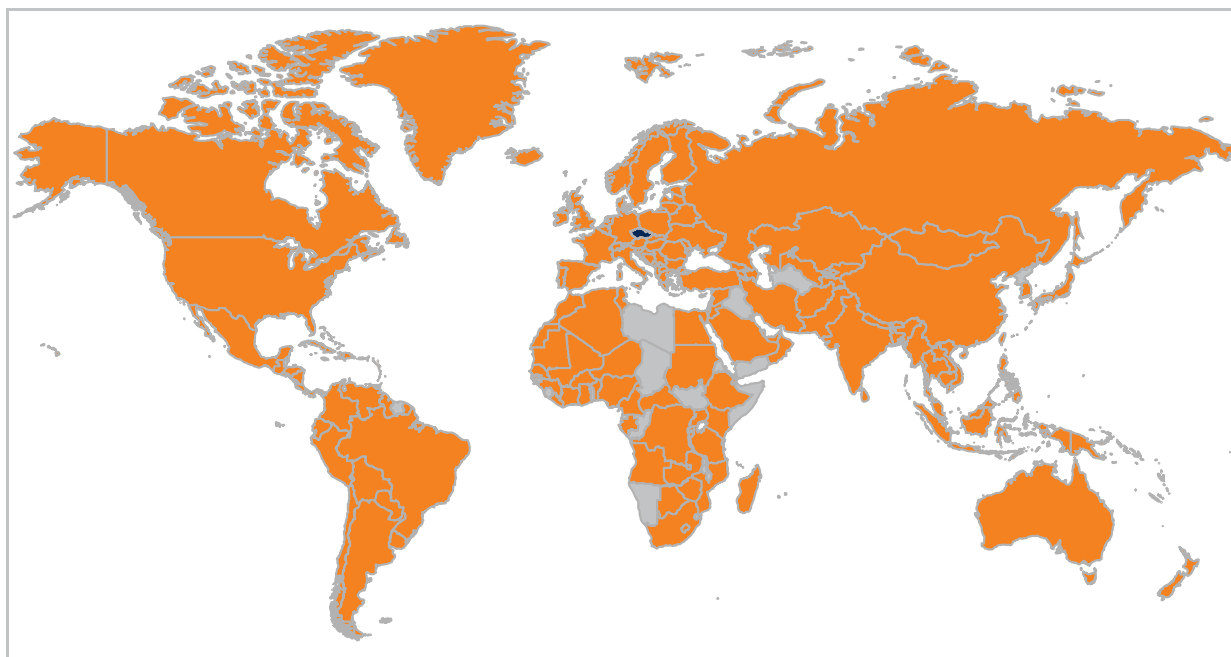
<b>Brussels Regulations</b>	Slovakia	France	<b>Bilateral</b>
Austria	Slovenia	Germany	Afghanistan
Belgium	Spain	Greece	Albania
Bulgaria	Sweden	Hungary	Algeria
Croatia	United Kingdom	Ireland	Belarus
Cyprus		Italy	Bosnia and Herzegovina
Denmark	<b>Lugano Convention 2007</b>	Latvia	Cuba
Estonia	Denmark	Lithuania	Georgia
Finland	Iceland	Luxembourg	Kosovo
France	Norway	Malta	Kyrgyzstan
Germany	Switzerland	Mexico	Moldova
Greece		Montenegro	Mongolia
Hungary	<b>Hague Choice of Court Convention 2005</b>	Netherlands	Montenegro
Ireland	Austria	Poland	North Korea
Italy	Belgium	Portugal	Northern Macedonia
Latvia	Bulgaria	Romania	Russia
Lithuania	Croatia	Singapore	Switzerland
Luxembourg	Cyprus	Slovakia	Syria
Malta	Denmark	Slovenia	Tunisia
Netherlands	Estonia	Spain	Ukraine
Poland	Finland	Sweden	Uzbekistan
Portugal		United Kingdom	Vietnam
Romania			

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# Czech Republic

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Czech Republic has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab
Albania	Brazil	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	Emirates
Algeria	British Virgin Islands	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
American Samoa	Brunei	Dominica	Guyana	Lithuania	Norway	Serbia	Uruguay
Andorra	Bulgaria	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	US Virgin Islands
Antigua and Barbuda	Burkina Faso	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	
Angola	Burundi	Ecuador	Hong Kong	Macedonia	Palau	Sint Eustatius	
Argentina	Cabo Verde	El Salvador	Hungary	Madagascar	Palestine	Sint Maarten	Uzbekistan
Armenia	Cambodia	England and Wales	Iceland	Malaysia	Panama	Slovakia	Venezuela
Aruba	Cameroon	Ireland	India	Maldives	Papua New Guinea	Slovenia	Vietnam
Australia	Cayman Islands	Israel	Indonesia	Mali	Paraguay	South Africa	Zambia
Austria	Central African Republic	Italy	Iran	Malta	Peru	South Korea	Zimbabwe
Azerbaijan	Chile	Jamaica	Ireland	Marshall Islands	Philippines	Spain	
Bahamas	China	Jersey	Isle of Man	Mauritania	Poland	Sri Lanka	
Bahrain	Christmas Island	Jordan	Israel	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Kazakhstan	Italy	Mexico	Puerto Rico	Sweden	
Barbados	Colombia	Kenya	Japan	Moldova	Qatar	Switzerland	
Belarus	Comoros	Kuwait	Jersey	Monaco	Romania	Syria	
Belgium	Cook Islands	Kyrgyzstan	Montenegro	Mongolia	Russia	Tajikistan	
Benin	Costa Rica	Laos	Morocco	Montenegro	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Latvia	Mozambique	Morocco	Saba	Thailand	
Bhutan	Croatia	Lebanon	Myanmar	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Cuba		Nepal	Nicaragua	Tonga		
Bonaire	Curaçao		Netherlands	Niger	Tunisia		
Bosnia & Herzegovina			New Zealand		Turkey		
					Uganda		
					Ukraine		

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# England & Wales

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

#### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden

#### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

#### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden

#### **Bilateral:**

Australia, Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, Botswana, British Indian Ocean Territory, British Virgin Islands, Canada, Cayman Islands, Christmas Island, Cocos (Keeling) Islands, Dominica, Falkland Islands, Fiji, Gambia, Ghana, Grenada, Guernsey, Guyana, India, Isle of Man, Israel, Jamaica, Jersey, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Mauritius, Montserrat, Northern Ireland, New Zealand, Nigeria, Norfolk Island, Pakistan, Papua New Guinea, St Christopher and Nevis, St Helena, St Lucia, St Vincent and the Grenadines, Scotland, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Sri Lanka, Suriname, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Turks and Caicos Islands, Tuvalu, Uganda, Zambia, Zimbabwe

N.B. Whilst the UK left the European Union on 31 January 2020, EU law (including the Brussels Regulations) continues to apply during the transitional period (due to end on 31 December 2020), unless such period is further extended.

# England & Wales

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

1 - 2 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

3 - 6 months.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 20,000 - 50,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 50,000 - 150,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Recognition is usually granted ex parte. The other party then has 1 month from service to apply to set aside registration (2 months if the other party is outside the UK).

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

# England & Wales

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

1 - 2 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

3 - 6 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 20,000 - 50,000

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 50,000 - 150,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Recognition is usually granted ex parte. The other party then has 14 days from service to apply to set aside registration (sometimes longer if the other party is outside the UK).

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Law of forum for Brussels Regime judgments; place of enforcement for all other judgments and awards.

# England & Wales

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

6 years for enforcement by action on the writ; 12 months for judgments from Australia, Canada, Guernsey, Isle of Man, Jersey, India, Pakistan, Surinam and Tonga; 6 years for most other Commonwealth jurisdictions.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

6 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.



# England & Wales

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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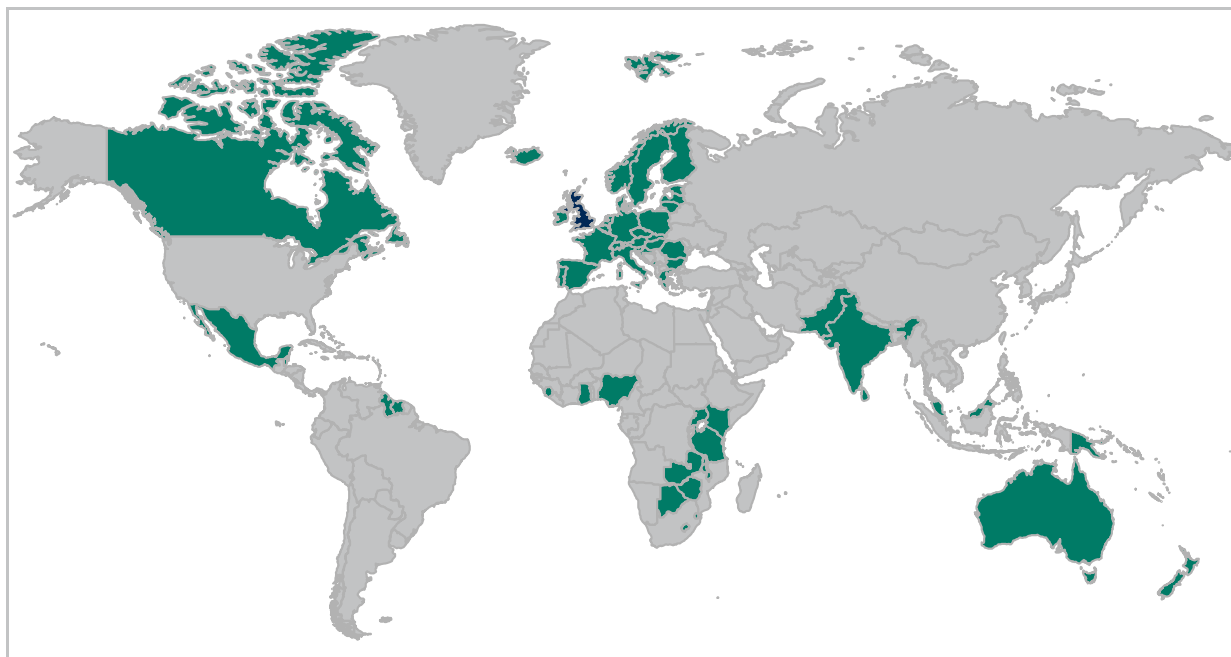
## 28. What papers will be needed?

- Copy of the judgment/award
- Copy of any document referred to in the judgment/award
- Evidence showing that the judgment/award is enforceable in its forum of origin and has been served
- In the case of default judgments, evidence that the original proceedings were served
- Translations of the above if not in English (preferably certified by a notary).

# England & Wales

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which England & Wales has reciprocal enforcement arrangements for court judgments.



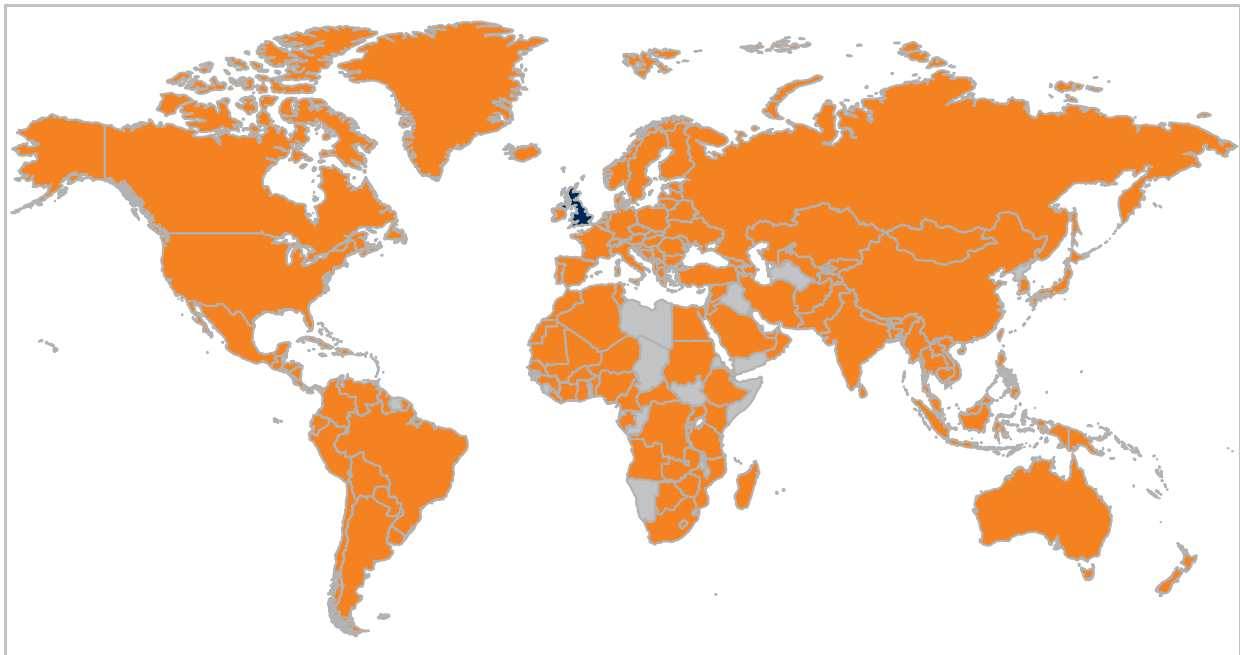
Brussels Regulations	Switzerland	Sweden	
Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands Poland Portugal Romania Slovakia Slovenia Spain Sweden	<b>Hague Choice of Court Convention 2005</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Mexico Montenegro Netherlands Poland Portugal Romania Singapore Slovakia Slovenia Spain	<b>Bilateral</b> Australia Anguilla Antigua and Barbuda Bahamas Barbados Belize Bermuda Botswana British Indian Ocean Territory British Virgin Islands Canada Cayman Islands Christmas Island Cocos (Keeling) Islands Dominica Falkland Islands Fiji Gambia Ghana Grenada Guernsey Guyana India Isle of Man Israel Jamaica Jersey Kenya Kiribati Lesotho	Malawi Malaysia Mauritius Montserrat Northern Ireland New Zealand Nigeria Norfolk Island Pakistan Papua New Guinea St Christopher and Nevis St Helena St Lucia St Vincent and the Grenadines Scotland Seychelles Sierra Leone Singapore Solomon Islands Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus Sri Lanka Suriname Swaziland Tanzania Tonga Trinidad and Tobago Turks and Caicos Islands Tuvalu Uganda Zambia Zimbabwe
<b>Lugano Convention 2007</b> Denmark Iceland Norway			

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. The above map may not cover all types of claim. Some of the arrangements depicted do not involve full reciprocity of enforcement. Reciprocal enforcement may still be possible with jurisdictions not highlighted above, depending on local and national laws. Not all dependent territories or equivalents may be shown. For Canada, India, and Australia, reciprocal arrangements may not apply to the entire territory. In some cases, judgments may only be enforceable in certain territories within a jurisdiction. Correct as at 1 September 2020.

# England & Wales

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which England & Wales has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guernsey	Liberia	Norfolk Island	Scotland	United Arab Emirates
Albania	Brazil	Czech Republic	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
Algeria	British Virgin Islands	Denmark	Guyana	Lithuania	Oman	Serbia	Uruguay
American Samoa	Brunei	Djibouti	Haiti	Luxembourg	Pakistan	Seychelles	US Virgin Islands
Andorra	Bulgaria	Dominica	Holy See	Macau	Palau	Singapore	Venezuela
Antigua and Barbuda	Burkina Faso	Dominican Republic	Honduras	Macedonia	Palestine	Sint Eustatius	Vietnam
Angola	Burundi	Democratic Republic of Congo	Hong Kong	Madagascar	Panama	Sint Maarten	Zambia
Argentina	Cabo Verde	Ecuador	Hungary	Malaysia	Papua New Guinea	Slovakia	Zimbabwe
Armenia	Cambodia	El Salvador	Iceland	Maldives	Paraguay	Slovenia	
Aruba	Cameroon	Egypt	India	Mali	Peru	South Africa	
Australia	Cayman Islands	Ireland	Indonesia	Malta	Philippines	South Korea	
Austria	Central African Republic	Israel	Iran	Marshall Islands	Poland	Spain	
Azerbaijan	Chile	Italy	Ireland	Mauritania	Portugal	Sri Lanka	
Bahamas	China	Jamaica	Isle of Man	Mauritius	Puerto Rico	Sudan	
Bahrain	Christmas Island	Japan	Israel	Mexico	Qatar	Sweden	
Bangladesh	Cocos (Keeling) Islands	Jordan	Italy	Moldova	Romania	Switzerland	
Barbados	Colombia	Kazakhstan	Jersey	Monaco	Russia	Syria	
Belarus	Comoros	Kenya	Jordan	Mongolia	Rwanda	Tajikistan	
Belgium	Cook Islands	Kuwait	Kazakhstan	Montenegro	Saba	Tanzania	
Benin	Costa Rica	Laos	Kenya	Morocco	Saint Vincent and the Grenadines	Thailand	
Bermuda	Côte d'Ivoire	Latvia	Kyrgyzstan	Mozambique	San Marino	Trinidad and Tobago	
Bhutan	Croatia	Lebanon	Laos	Myanmar	Sao Tome and Principe	Tonga	
Bolivia	Cuba	Lesotho	Latvia	Nepal	Saudi Arabia	Tunisia	
Bonaire	Curaçao		Lebanon	Netherlands		Turkey	
Bosnia & Herzegovina			Lesotho	New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			
				Nigeria			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.



# France

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

#### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

#### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Bilateral:**

Algeria, Argentina, Austria\*, Belgium\*, Benin, Bosnia, Brazil, Bulgaria\*, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, China, Congo, Côte d'Ivoire, Croatia\*, Czech Republic\*, Djibouti, Egypt, Gabon, Hungary\*, Italy\*, Laos, Macedonia, Madagascar, Mali, Mauritania, Monaco, Mongolia, Montenegro, Morocco, Niger, Poland\*, Portugal\*, Romania\*, San Marino, Senegal, Slovakia\*, Slovenia\*, Spain\*, Togo, Tunisia, United Arab Emirates, United Kingdom, United States, Uruguay, Vietnam

\*only relevant to matters not covered by the Brussels regimes

# France

## 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Under French law, the enforcement procedure is provided for in Articles 509 et seq. of the French Code of Civil Procedure, which states that "*Judgments handed down by foreign courts and documents received by foreign officers shall be enforceable in the territory of the Republic in the manner and in the cases provided for by law*". This legal provision is implemented by the exequatur judge. French case law has set the conditions for enforcing a foreign decision in the absence of a multilateral or bilateral convention.

In this respect, the cumulative conditions of the Cornelissen decision issued by the French *Cour de Cassation* of 20 February 2007 (Cass. Civ. 1. 20 February 2007, N°05-14082; more recently Cass. Civ. 1. 29 January 2014 N°12-28953 & Cass. Civ. 1. 17 December 2014, N°13-21365) must be applied. French courts will verify :

- The jurisdiction of the foreign court, based on the connection of the dispute with the court seized ;
- The compliance with international substantive and procedural public policy ;
- And the absence of fraud.

## 3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Save the situation where a specific regulation or treaty exists such as the European Regulations (where the proceedings are ex parte), the proceedings to obtain the exequatur of a foreign judgment may last 1 year. Enforcing thereafter said judgment after obtention of the exequatur may last 3 to 6 months.

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

If opposed, the proceedings to obtain the exequatur of a foreign judgment may last 2 to 3 years. The enforcement measures may also take 2 to 3 years if opposed.

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

There are no court fees. Lawyers' fees will vary from a law firm to another.

# France

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

There are no court fees. Lawyers' fees will vary from a law firm to another.

7. Are there any unusual difficulties in enforcing a foreign judgment?

There does not seem to be any unusual difficulty for the enforcement of foreign judgments under French law.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

France is a party to the New York Convention since 26 June 1959, when the Convention was ratified.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Article 1516, paragraph 2 of the French Code of Civil Procedure provides that "*Exequatur proceedings shall not be adversarial.*"

Paragraph 3 of the Same Article specifies that "*Application for exequatur shall be filed by the most diligent party with the Court Registrar*" of the Court of Paris.

In practice, the application for exequatur consists of a few hand-written lines through which a party asks the judge to enforce a foreign award.

Such an application is filed "*together with the original award and arbitration agreement, or duly authenticated copies of such documents.*" (Article 1506, paragraph 3 of the French Code of Civil Procedure).

The Court will issue the enforcement order within approximately fifteen (15) days.

## 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The same procedural frame as above applies in case that a foreign award is opposed.

Article 1525 paragraph 1 of the French Code of Civil Procedure provides that "*An order granting or denying recognition or enforcement of an arbitral award made abroad may be appealed.*"

From a procedural point of view, "*The appeal shall be brought within one month following service (signification) of the order*" (Article 1525 paragraph 2 of the French Code of Civil Procedure).

The appeal will be heard before the Paris Court of Appeal, where proceedings usually last around 18 months.

In any event, Article 1526 paragraph 1 of the French Code of Civil Procedure provides "*Neither an action to set aside an award nor an appeal against an enforcement order shall suspend enforcement of an award.*"

## 11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

There are no court fees. Lawyers' fees will vary from a law firm to another. Translation fees could be needed and would depend on the length of the document to be translated.

Approximately, for a simple straightforward exequatur, the cost could be evaluated to USD 6,000.

## 12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

There are no court fees. Lawyers' fees will vary from a law firm to another.

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No. Overall, the French legal system has adopted a comprehensive pro-arbitration stance.



## LIMITATION

### 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Under French law, there is no limitation period for registering a foreign judgment or arbitration award. However, if an exequatur order is issued, Article L. 111-4 of the French Code of Civil Enforcement Procedures provides that the enforcement of this decision may only be pursued for ten years.

Also, limitation periods exist in relation to the appeal against the enforcement order or the setting aside proceedings. In both cases, this limitation period is equal to one month.

### 15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

### 16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

## ENFORCEMENT

### 17. Are fees and costs of enforcement typically recoverable?

Under French law, Article L. 111-8, paragraph 1 of the French Code of Enforcement Procedure provides that *"the costs of forced execution shall be borne by the debtor unless it is obvious that they were not necessary at the time they were incurred. Disputes are decided by the judge."*

Of course, the *"costs of recovery undertaken without an enforcement title ("titre exécutoire") shall remain the responsibility of the creditor, unless they relate to an act the performance of which is prescribed by law to the creditor. Any stipulation to the contrary shall be deemed to be unwritten unless otherwise provided by law"* (Article L. 111-8, paragraph 2 of the French Code of Enforcement Procedure).

## 18. Is seizure of goods available as an enforcement method?

Under French law, the seizure of goods as an enforcement method is available with regards to the moveable property, which the debtor is bound to deliver or return to the creditor, under the conditions outlined under Article L. 222-1 of the French Code of Enforcement Procedures ("*saisie-appréhension*").

## 19. Is attachment of earnings available as an enforcement method?

Attachment of earnings is available in France ("*saisie des rémunérations*"). Article L. 3252-1 of the French Labor Code sets forth the conditions, limits and the proportions of earnings that could be subject to an attachment.

## 20. Is attachment of third party debts available as an enforcement method?

French law allows attachment of third party debts ("*saisie entre les mains d'un tiers*"), as provided by Articles L. 211-1 through L. 211-5 and R. 211-1 through R. 211-23 of the French Code of Enforcement Proceedings.

## 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Under French law, charging orders and orders for sale of goods are available as enforcement method at the conditions outlined at Articles L. 221-1 through L. 221-6 of the French Code of Enforcement Procedures ("*saisie-vente*").

Special procedures also exist in relation to the issuance of charging orders of vehicles, or intangible property.

Immovable property can also be subject to orders for sale, pursuant to Articles L. 311-1 through L. 334-1 of the French Code of Enforcement Procedures ("*saisie immobilière*").

## 22. Can a judgment or award be enforced by way of insolvency proceedings?

French law does not allow the enforcement of judgments or awards by way of insolvency proceedings.

In this respect, The Paris Court of Appeal ruled that an order authorizing the enforcement of an award against a company involved in restructuring proceedings is contrary to international public policy insofar as it infringes the mandatory rules of the law of insolvency proceedings (*Paris Court of Appeal, 12 May 2011, n°10/10078*).

# France

## 23. Can a receiver be appointed by way of enforcement?

Yes. Under French law, creditors can take their debtor to court by summoning him into recovery proceedings (Article L.631-5, French Commercial Code) or liquidation proceedings (Article L.640-5, French Commercial Code). If the court grants the request, it will then appoint a receiver.

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

In light of the numerous multilateral and bilateral enforcement treaties to which France is a party and the flexible criteria established by the French Cour de Cassation where these treaties cannot be applied, French law seems to allow foreign judgments to be easily enforced.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Overall, the enforcement of foreign arbitration awards in France is easy.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Karim Boulmelh**  
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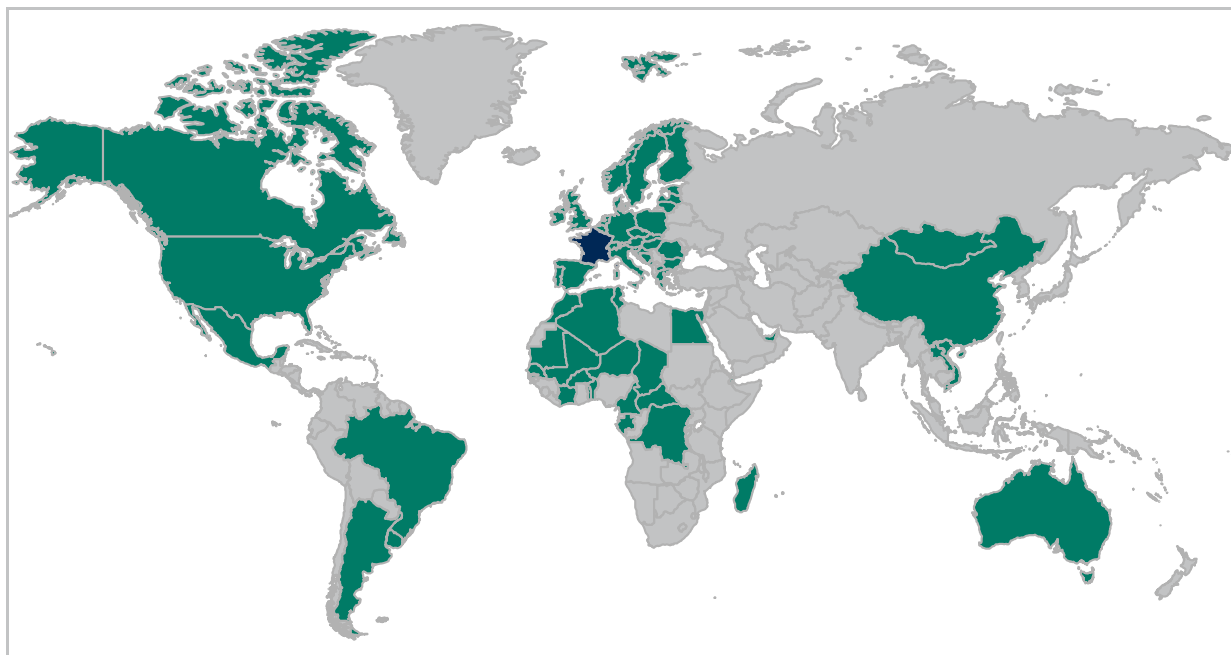
## 28. What papers will be needed?

The decision itself in original mainly.

# France

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which France has reciprocal enforcement arrangements for court judgments.



<b>Brussels Regulations</b>	Poland	Bulgaria	Romania	Central African Republic	Montenegro
Austria	Portugal	Croatia	Singapore	Morocco	
Belgium	Romania	Cyprus	Slovakia	Niger	
Bulgaria	Slovakia	Czech Republic	Slovenia	Poland*	
Croatia	Slovenia	Denmark	Spain	Portugal*	
Cyprus	Spain	Estonia	Sweden	Romania*	
Czech Republic	Sweden	Finland	United Kingdom	San Marino	
Denmark	United Kingdom	Germany		Senegal	
Estonia	<b>Lugano Convention 2007</b>	Greece	<b>Bilateral</b>	Czech Republic*	
Finland	Denmark	Hungary	Algeria	Djibouti	
Germany	Iceland	Ireland	Argentina	Egypt	
Greece	Norway	Italy	Austria*	Gabon	
Hungary	Switzerland	Latvia	Belgium*	Hungary*	
Ireland		Lithuania	Benin	Italy*	
Italy	<b>Hague Choice of Court Convention 2005</b>	Luxembourg	Bosnia	Laos	
Latvia	Austria	Malta	Brazil	Macedonia	
Lithuania	Belgium	Mexico	Bulgaria*	Madagascar	
Luxembourg		Montenegro	Burkina Faso	Mali	
Malta		Netherlands	Cameroon	Mauritania	
Netherlands		Poland	Canada	Monaco	
		Portugal		Mongolia	

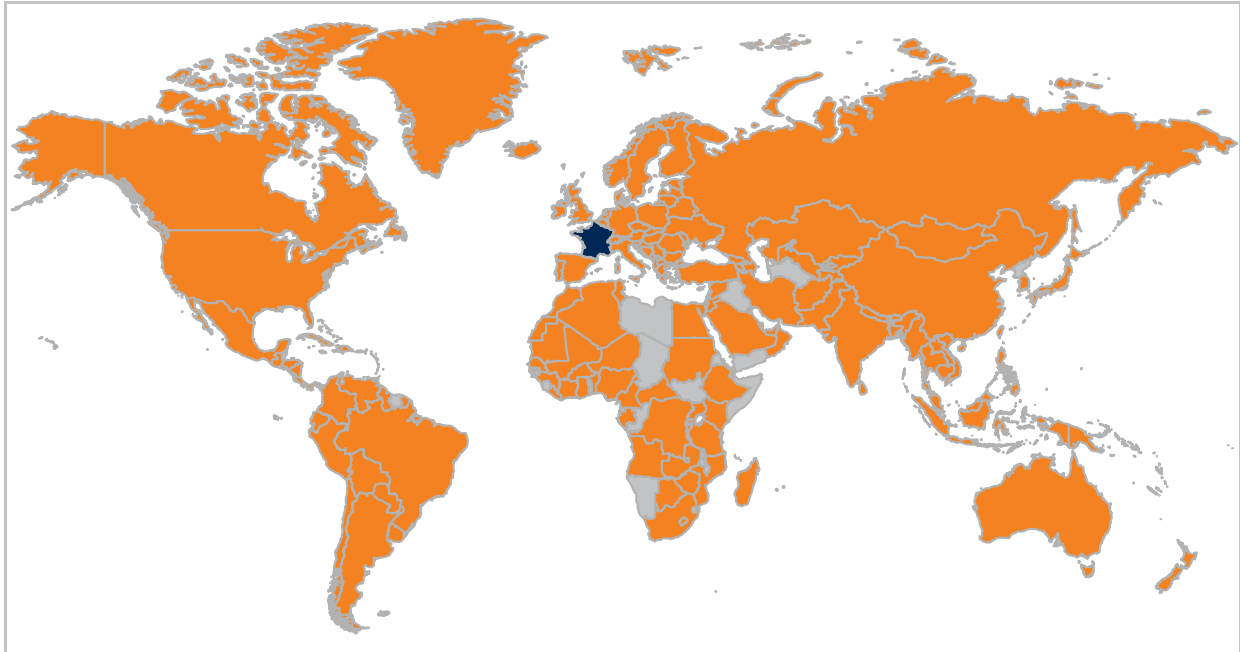
\*only relevant to matters not covered by the Brussels regimes

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# France

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which France has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Haiti	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Holy See	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Madagascar	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Malaysia	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	El Salvador	Hungary	Maldives	Panama	Slovakia	Zimbabwe
Australia	Cameroon	England and Wales	Iceland	Mali	Papua New Guinea	Slovenia	
Austria	Cayman Islands	Ireland	India	Malta	Paraguay	South Africa	
Azerbaijan	Central African Republic	Israel	Indonesia	Marshall Islands	Peru	South Korea	
Bahamas	Chile	Ireland	Iran	Mauritania	Philippines	Spain	
Bahrain	China	Isle of Man	Ireland	Mauritius	Poland	Sri Lanka	
Bangladesh	Christmas Island	Italy	Israel	Mexico	Portugal	Sudan	
Barbados	Cocos (Keeling) Islands	Jamaica	Italy	Moldova	Puerto Rico	Sweden	
Belarus	Colombia	Japan	Jersey	Monaco	Qatar	Switzerland	
Belgium	Comoros	Jordan	Jersey	Mongolia	Romania	Syria	
Benin	Cook Islands	Kazakhstan	Jordan	Montenegro	Russia	Tajikistan	
Bermuda	Costa Rica	Kenya	Kazakhstan	Morocco	Rwanda	Tanzania	
Bhutan	Côte d'Ivoire	Kuwait	Kenya	Mozambique	Saba	Thailand	
Bolivia	Croatia	Kyrgyzstan	Kuwait	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Curaçao	Laos	Kyrgyzstan	Nepal	San Marino	Tonga	
Bosnia & Herzegovina		Latvia	Laos	Netherlands	Sao Tome and Principe	Tunisia	
		Lebanon	Lebanon	New Zealand		Turkey	
				Nicaragua		Uganda	
				Niger		Ukraine	

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.



# Germany

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

#### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

#### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Bilateral:**

Israel, Mexico, Montenegro, Singapore, Tunisia

### 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes, if German judgments are similarly recognized in the jurisdiction of origin (as is the case e.g. for the USA, Australia, and Japan).

### 3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Brussels/Lugano regime: 2 - 4 months. No registration is required under the Brussels regime.

Other jurisdictions: 4 - 8 months



# Germany

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Brussels/Lugano regime: 6 - 12 months. No registration is required under the Brussels regime.

Other jurisdictions: 8 - 18 months

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

EUR 240 (approximately USD 280) court fees for recognition, independent of the amount at issue. Attorneys usually charge by the hour.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

EUR 240 (approximately USD 280) court fees for recognition, independent of the amount at issue, plus moderate court fees for enforcement. Attorneys usually charge by the hour.

7. Are there any unusual difficulties in enforcing a foreign judgment?

There are hardly any unusual difficulties. However, note that the German Federal Supreme Court of Justice has held that judgments for punitive or treble damages violate German public policy. Due to the limited reasons which render a foreign judgment unenforceable, defendants opposing the recognition and enforcement of a foreign judgment frequently argue that the foreign court was misled by the plaintiff and that recognition and enforcement of the foreign judgment would thus violate the German public policy.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

4 to 8 months.



# Germany

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

8 to 18 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 12,000 in court fees, assuming an amount at issue of USD 1 million. Attorneys usually charge by the hour.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 12,000 in court fees, assuming an amount at issue of USD 1 million. Attorneys usually charge by the hour.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

There is no limitation period for such registration, as statutory limitation is a matter of substantive law in Germany. The substantive law governing the limitation period for the claim(s) (that are the subject matter of the judgment or award) is determined through ordinary conflicts of laws principles.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no limitation period for such registration. The limitation period for claims confirmed by judgment or arbitral award is 30 years.

# Germany

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no limitation period for such registration. The limitation period for claims confirmed by judgment or arbitral award is 30 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

No, but enforcement may trigger the debtor's insolvency. The creditor must then cease individual enforcement and file the claim in the insolvency proceedings.

23. Can a receiver be appointed by way of enforcement?

No.

# Germany

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy to moderate, depending on the facts of the case.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy to moderate, depending on the facts of the case.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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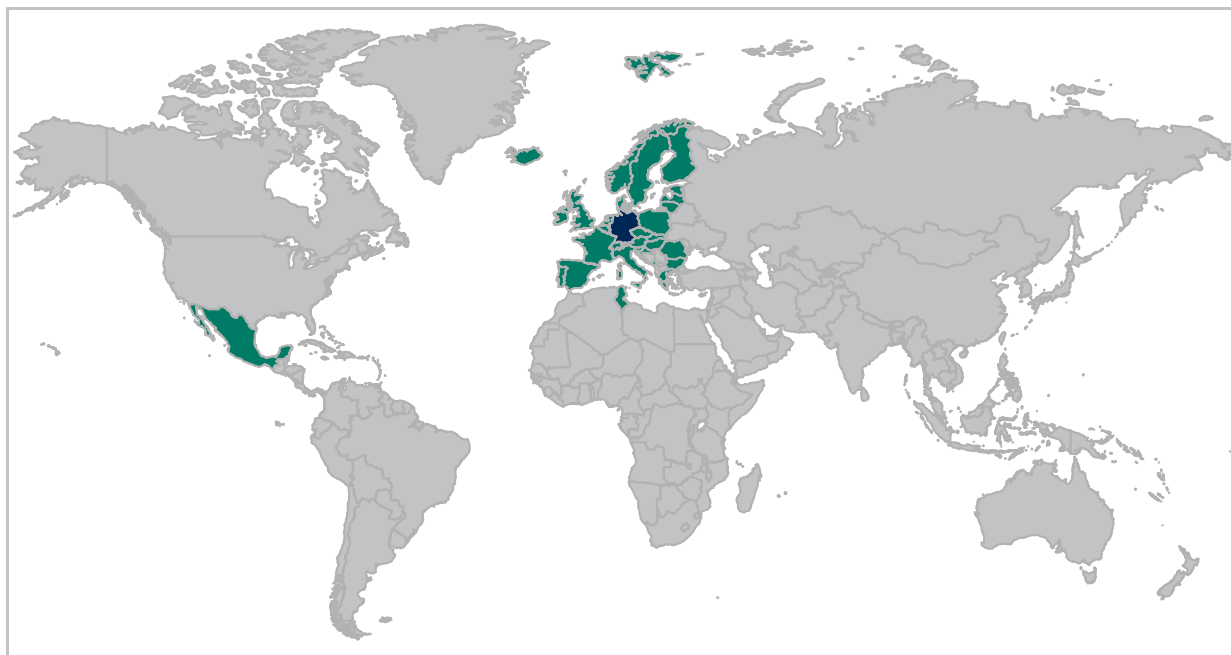
## 28. What papers will be needed?

Foreign judgment/arbitral award, contractual documents in the case (in particular to review the jurisdiction of the foreign court).

# Germany

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Germany has reciprocal enforcement arrangements for court judgments.



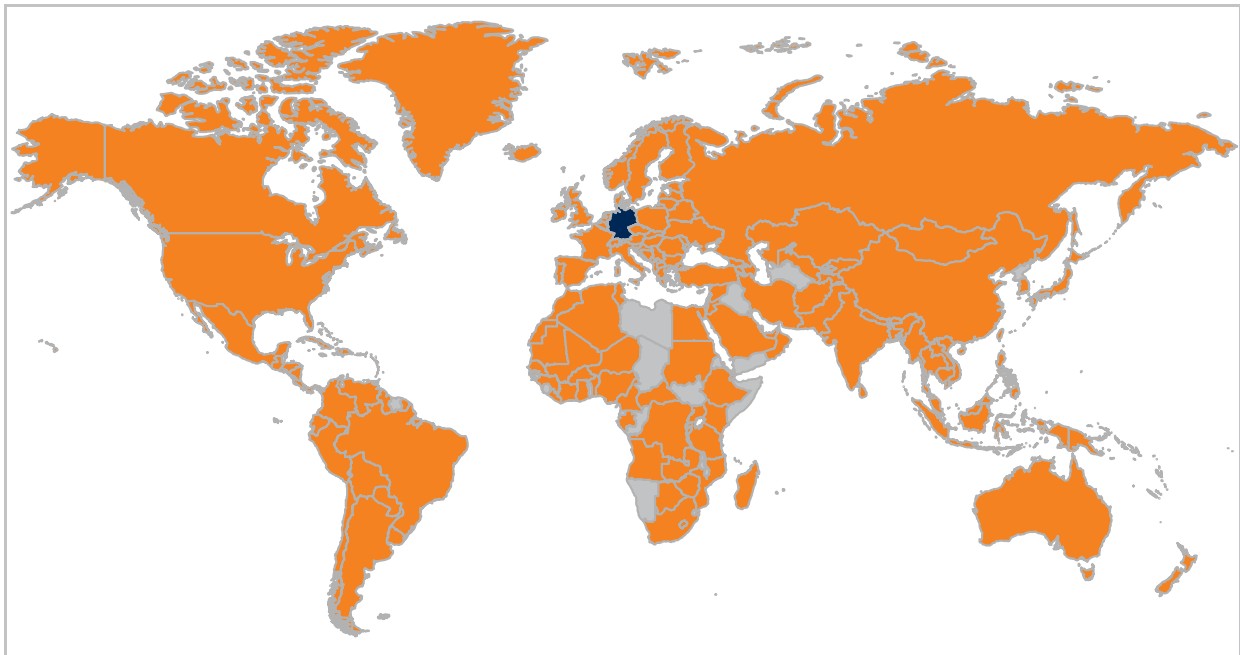
<b>Brussels Regulations</b>	Netherlands	Belgium	Montenegro
Austria	Poland	Bulgaria	Netherlands
Belgium	Portugal	Croatia	Poland
Bulgaria	Romania	Cyprus	Portugal
Croatia	Slovakia	Czech Republic	Romania
Cyprus	Slovenia	Denmark	Singapore
Czech Republic	Spain	Estonia	Slovakia
Denmark	Sweden	Finland	Slovenia
Estonia	United Kingdom	France	Spain
Finland		Greece	Sweden
France	<b>Lugano Convention 2007</b>	Hungary	United Kingdom
Greece	Denmark	Ireland	
Hungary	Iceland	Italy	<b>Bilateral</b>
Ireland	Norway	Latvia	Israel
Italy	Switzerland	Lithuania	Mexico
Latvia		Luxembourg	Montenegro
Lithuania	<b>Hague Choice of Court</b>	Malta	Singapore
Luxembourg	<b>Convention 2005</b>	Mexico	Tunisia
Malta	Austria		

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# Germany

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Germany has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guatemala	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guernsey	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guinea	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guyana	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Haiti	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Holy See	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Malaysia	Panama	South Africa	Zimbabwe
Aruba	Cameroon	England and Wales	Iceland	Maldives	Papua New Guinea	South Korea	
Australia	Cayman Islands	Ethiopia*	India	Mali	Paraguay	Spain	
Austria	Central African Republic	Faroe Islands	Indonesia	Malta	Peru	Sri Lanka	
Azerbaijan	Chile	Fiji	Iran	Marshall Islands	Philippines	Sudan	
Bahamas	China	Finland	Ireland	Mauritania	Poland	Sweden	
Bahrain	Christmas Island	France	Israel	Mauritius	Portugal	Switzerland	
Bangladesh	Cocos (Keeling) Islands	Gabon	Italy	Mexico	Puerto Rico	Syria	
Barbados	Colombia	Georgia	Jamaica	Moldova	Qatar	Tajikistan	
Belarus	Comoros	Ghana	Japan	Monaco	Romania	Tanzania	
Belgium	Cook Islands	Gibraltar	Jersey	Mongolia	Russia	Thailand	
Benin	Costa Rica	Greece	Jordan	Montenegro	Rwanda	Trinidad and Tobago	
Bermuda	Côte d'Ivoire	Greenland	Kazakhstan	Morocco	Saba	Tonga	
Bhutan	Croatia	Guam	Kenya	Mozambique	Saint Vincent and the Grenadines	Tunisia	
Bolivia	Curaçao	Lebanon	Kuwait	Myanmar	San Marino	Turkey	
Bonaire			Kyrgyzstan	Nepal	Sao Tome and Principe	Uganda	
Bosnia & Herzegovina			Laos	Netherlands		Ukraine	
			Latvia	New Zealand			
			Libya	Nicaragua			
				Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Hong Kong

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**

Australia (part only), Belgium, Brunei, China, France, Germany, India, Israel, Italy, Malaysia, the Netherlands, New Zealand, Singapore

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Registration under the Foreign Judgments (Reciprocal Enforcement) Ordinance is about 2 weeks. The time required to enforce will depend on the method of enforcement used and will take between 1 to 2 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Usually around 6 to 9 months, depending on the court diary. However, depending on the complexity, this can take up to years.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

# Hong Kong

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 50,000 – 150,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Generally no.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes (While Hong Kong itself is not a party to the New York Convention, it enjoys New York Convention status as a Special Administrative Region of the PRC).

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

2-4 weeks.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

4 to 15 months depending on court availability.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 10,000 – 50,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 50,000 – 150,000.

# Hong Kong

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Six years from the date of the judgment.

The time limit for making an application for the registration of a Mainland judgment is two years from the date of the judgment taking effect or, where a period for performance has been specified in the judgment, from the last day of that period.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Six years from the time when the award debtor fails to honor its implied undertaking in the arbitration agreement to perform the arbitration award.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.



# Hong Kong

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

# Hong Kong

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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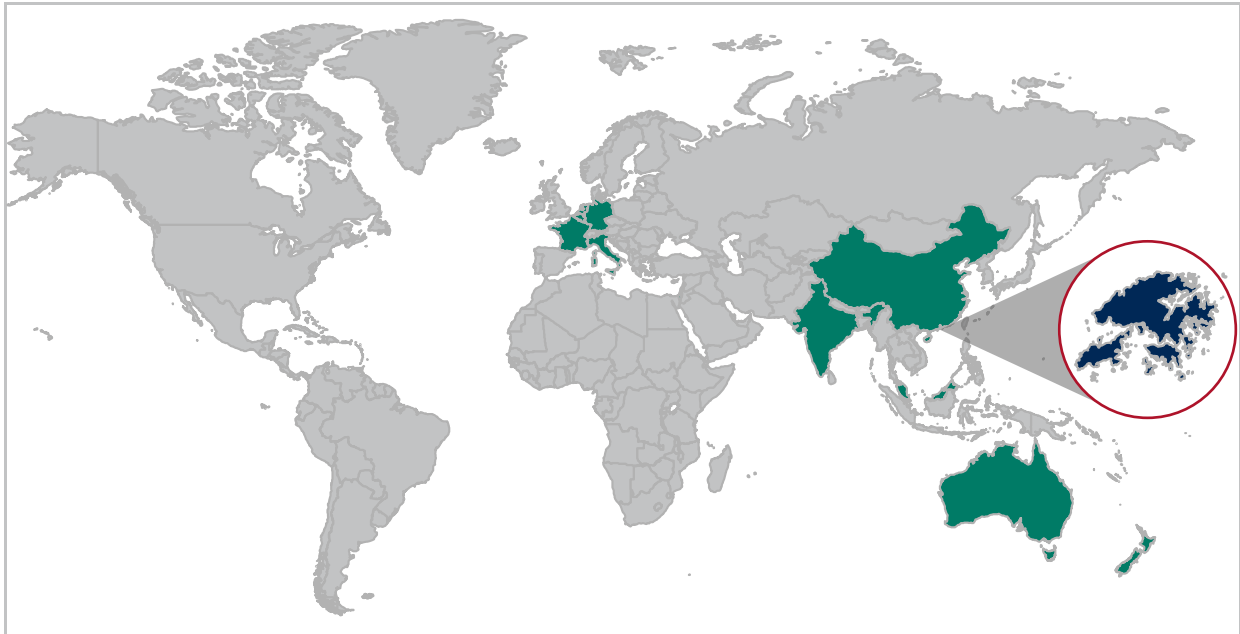
### 28. What papers will be needed?

The judgment or arbitral award sought to be enforced; agreement containing the arbitration clause; background to the matter; summary details of the various parties, including any known assets, bank accounts and/or place(s) of business in Hong Kong; reason why enforcement is sought in Hong Kong.

# Hong Kong

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Hong Kong has reciprocal enforcement arrangements for court judgments.



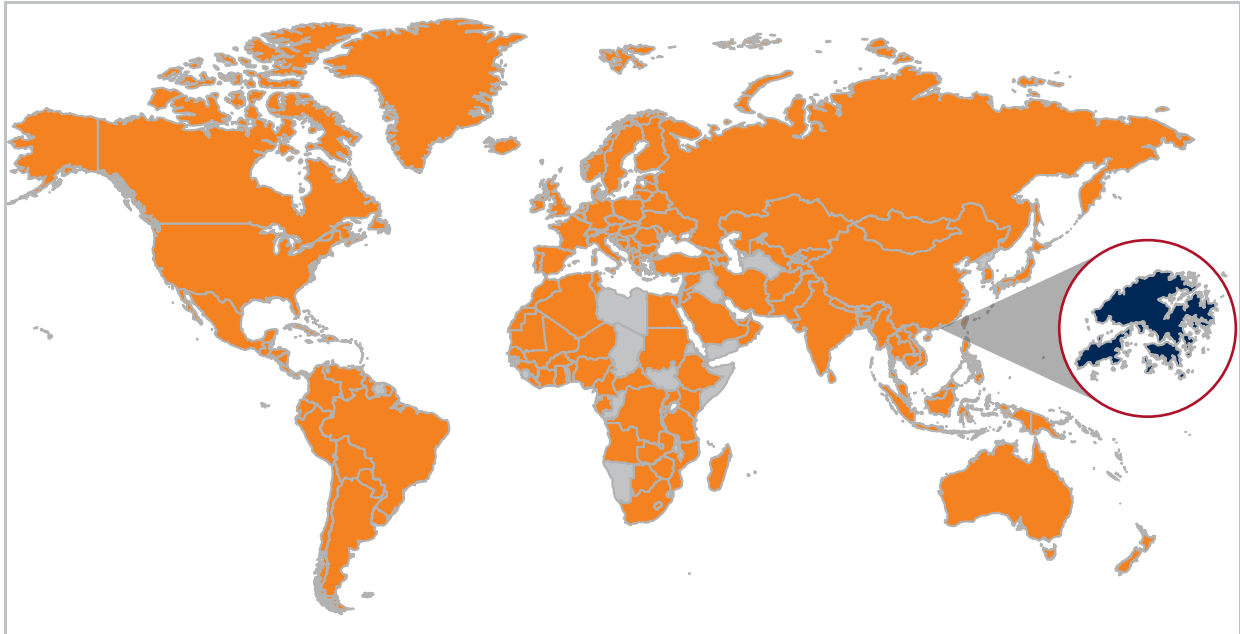
<b>Bilateral</b> Australia (parts only) Belgium Brunei China France Germany India Israel Italy Malaysia Netherlands New Zealand Singapore			

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# Hong Kong

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Hong Kong has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Holy See	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Honduras	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Malaysia	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	England and Wales	Iceland	Mali	Papua New Guinea	Slovenia	
Australia	Cayman Islands	Estonia	India	Malta	Paraguay	South Africa	
Austria	Central African Republic	Ethiopia*	Indonesia	Marshall Islands	Peru	South Korea	
Azerbaijan	Chile	Faroe Islands	Iran	Mauritania	Philippines	Spain	
Bahamas	China	Fiji	Ireland	Mauritius	Poland	Sri Lanka	
Bahrain	Christmas Island	Finland	Isle of Man	Mexico	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	France	Israel	Moldova	Puerto Rico	Sweden	
Barbados	Colombia	Gabon	Italy	Monaco	Qatar	Switzerland	
Belarus	Comoros	Georgia	Jamaica	Mongolia	Romania	Syria	
Belgium	Cook Islands	Germany	Japan	Montenegro	Russia	Tajikistan	
Benin	Costa Rica	Ghana	Jersey	Morocco	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Gibraltar	Jordan	Mozambique	Saba	Thailand	
Bhutan	Cuba	Greece	Kazakhstan	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao	Greenland	Kenya	Nepal	Sao Tome and Principe	Tonga	
Bonaire			Kuwait	Netherlands		Tunisia	
Bosnia & Herzegovina			Kyrgyzstan	New Zealand		Turkey	
			Laos	Nicaragua		Uganda	
			Latvia	Niger		Ukraine	
			Lebanon				

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.



# Hungary

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

#### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

#### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Bilateral:**

Albania, Algeria, Belarus, Bosnia & Herzegovina, Chile, China, Czech Republic, Cuba, Egypt, Georgia\*, Honduras\*, Ireland\*, Iraq, Kosovo, Lesotho\*, Macedonia, Mexico, Moldova, Monaco\*, Mongolia, Montenegro, North Korea, Cyprus, Russia, Serbia, Syria, Tunisia, Turkey\*, Ukraine, Uruguay\*, USA\*, Vietnam

\*Limited scope

### 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

# Hungary

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

The time required to register a foreign judgment is approximately 6 months.

The time required to enforce a foreign judgment is approximately 6 months to one year.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

The time required to register a foreign judgment is approximately between 6 months and 2 years.

The time required to enforce a foreign judgment is approximately between 1 and 2 years.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 1,000 - 4,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 1,000 - 4,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Not in particular.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

The time required to register a foreign judgment is approximately 6 months.

The time required to enforce a foreign judgment is approximately 6 months to one year.

# Hungary

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The time required to register a foreign judgment is approximately between 6 months and 2 years.

The time required to enforce a foreign judgment is approximately between 1 and 2 years.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 50,000 - 100,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Not in particular.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

5 years.

# Hungary

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

5 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.



# Hungary

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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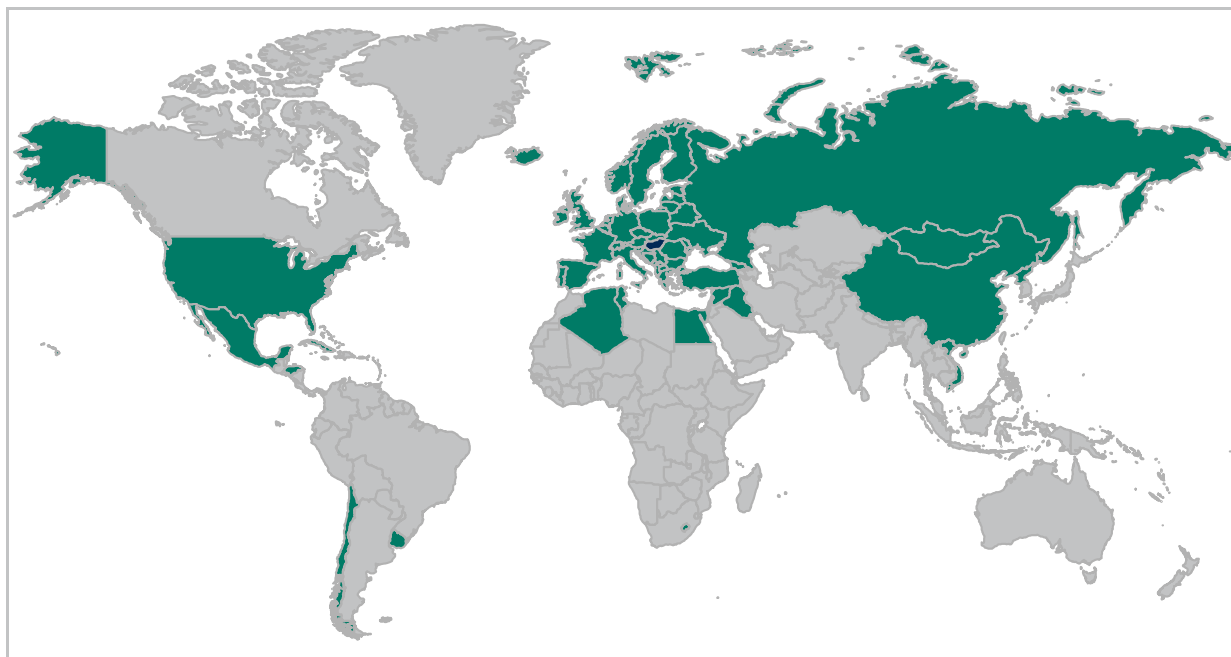
28. What papers will be needed?

- Copy of the judgment/award (originals where possible) and certified translations if not in Hungarian.
- Details of the judgment debtor, including any relevant assets within Hungary (e.g. bank account details, property, chattels, etc.).

# Hungary

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Hungary has reciprocal enforcement arrangements for court judgments.



<b>Brussels Regulations</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands Poland Portugal Romania Slovakia Slovenia Spain	Sweden United Kingdom  <b>Lugano Convention 2007</b> Denmark Iceland Norway Switzerland  <b>Hague Choice of Court Convention 2005</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Ireland Italy Latvia	Lithuania Luxembourg Malta Mexico Montenegro Netherlands Poland Portugal Romania Singapore Slovakia Slovenia Spain Sweden United Kingdom  <b>Bilateral</b> Albania Algeria Belarus Bosnia & Herzegovina Chile China Cyprus Czech Republic Cuba	Egypt Georgia* Honduras* Iraq Ireland* Kosovo Lesotho* Macedonia Mexico Moldova Monaco* Mongolia Montenegro North Korea Russia Serbia Syria Tunisia Turkey* Ukraine Uruguay* USA* Vietnam

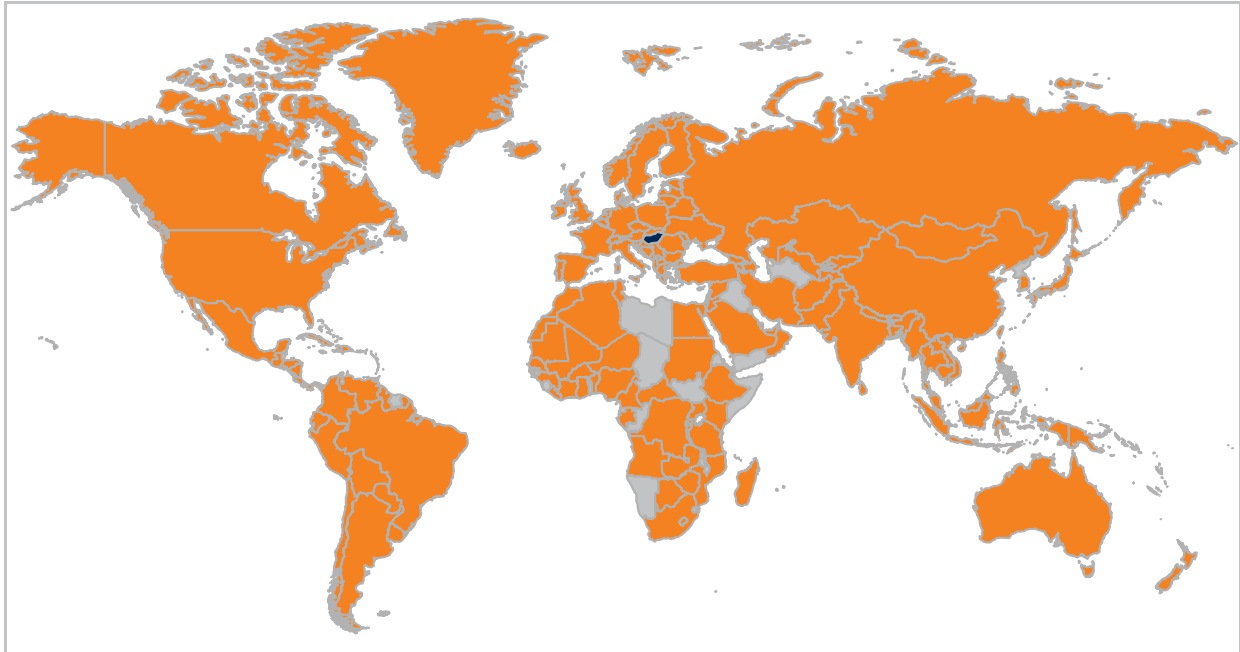
\*Limited scope

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# Hungary

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Hungary has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lesotho	Nigeria	Saudi Arabia	United Arab
Albania	Brazil	Czech Republic	Guatemala	Liberia	Norfolk Island	Scotland	Emirates
Algeria	British Virgin	Denmark	Guernsey	Liechtenstein	Northern	Senegal	United States
American	Islands	Djibouti	Guinea	Lithuania	Ireland	Serbia	of America
Samoa	Brunei	Dominica	Guyana	Luxembourg	Norway	Seychelles	Uruguay
Andorra	Bulgaria	Dominican	Haiti	Macau	Oman	Singapore	US Virgin
Antigua and	Burkina Faso	Republic	Holy See	Macedonia	Pakistan	Sint Eustatius	Islands
Barbuda	Burundi	Democratic	Honduras	Madagascar	Palau	Sint Maarten	Uzbekistan
Angola	Cabo Verde	Republic of	Hong Kong	Malaysia	Palestine	Slovakia	Venezuela
Argentina	Cambodia	Congo	Iceland	Maldives	Panama	Slovenia	Vietnam
Armenia	Cameroon	Ecuador	India	Mali	Papua New	South Africa	Zambia
Aruba	Cayman Islands	Egypt	Indonesia	Malta	Guinea	South Korea	Zimbabwe
Australia	Central African	El Salvador	Iran	Marshall Islands	Paraguay	Spain	
Austria	Republic	England and	Ireland	Mauritania	Peru	Sri Lanka	
Azerbaijan	Chile	Wales	Isle of Man	Mauritius	Philippines	Sudan	
Bahamas	China	Estonia	Israel	Mexico	Poland	Sweden	
Bahrain	Christmas	Ethiopia*	Italy	Moldova	Portugal	Switzerland	
Bangladesh	Island	Faroe Islands	Jamaica	Monaco	Puerto Rico	Syria	
Barbados	Cocos (Keeling)	Fiji	Japan	Mongolia	Qatar	Tajikistan	
Belarus	Islands	Finland	Jersey	Montenegro	Romania	Tanzania	
Belgium	Colombia	France	Jordan	Morocco	Russia	Thailand	
Benin	Comoros	Gabon	Kazakhstan	Mozambique	Rwanda	Trinidad and	
Bermuda	Cook Islands	Georgia	Kenya	Myanmar	Saba	Tobago	
Bhutan	Costa Rica	Germany	Kuwait	Nepal	Saint Vincent	Tonga	
Bolivia	Côte d'Ivoire	Ghana	Kyrgyzstan	Netherlands	and the	Tunisia	
Bonaire	Croatia	Gibraltar	Laos	New Zealand	Grenadines	Turkey	
Bosnia &	Cuba	Greece	Latvia	Nicaragua	San Marino	Uganda	
Herzegovina	Curaçao	Greenland	Lebanon	Niger	Sao Tome and	Ukraine	
					Principe		

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Indonesia

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

None.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

No.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Not applicable.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Not applicable.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Not applicable.

# Indonesia

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Not applicable.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Not applicable.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

In general, it will take around 4 months to 9 months to obtain the Court's exequatur.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

It may take around 3 years to obtain the Court's exequatur depending on nature of appeals etc.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Generally, the court fees and disbursements are nominal.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Generally, the court fees and disbursements are nominal.

# Indonesia

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The foreign arbitration award must be registered at the Jakarta District Court by the arbitrator(s) or their proxies.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Foreign judgment cannot be enforced in Indonesia. There is no statutory limitation period for registering foreign arbitration award in Indonesia.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no statutory limitation period for registering foreign arbitration award in Indonesia.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Fees and costs are costs are not recoverable.

18. Is seizure of goods available as an enforcement method?

Yes it is available.

19. Is attachment of earnings available as an enforcement method?

The issue is unsettled in Indonesia.

# Indonesia

20. Is attachment of third party debts available as an enforcement method?

The issue is unsettled in Indonesia.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

The issue is unsettled in Indonesia.

22. Can a judgment or award be enforced by way of insolvency proceedings?

The issue is unsettled in Indonesia.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Not applicable.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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### 28. What papers will be needed?

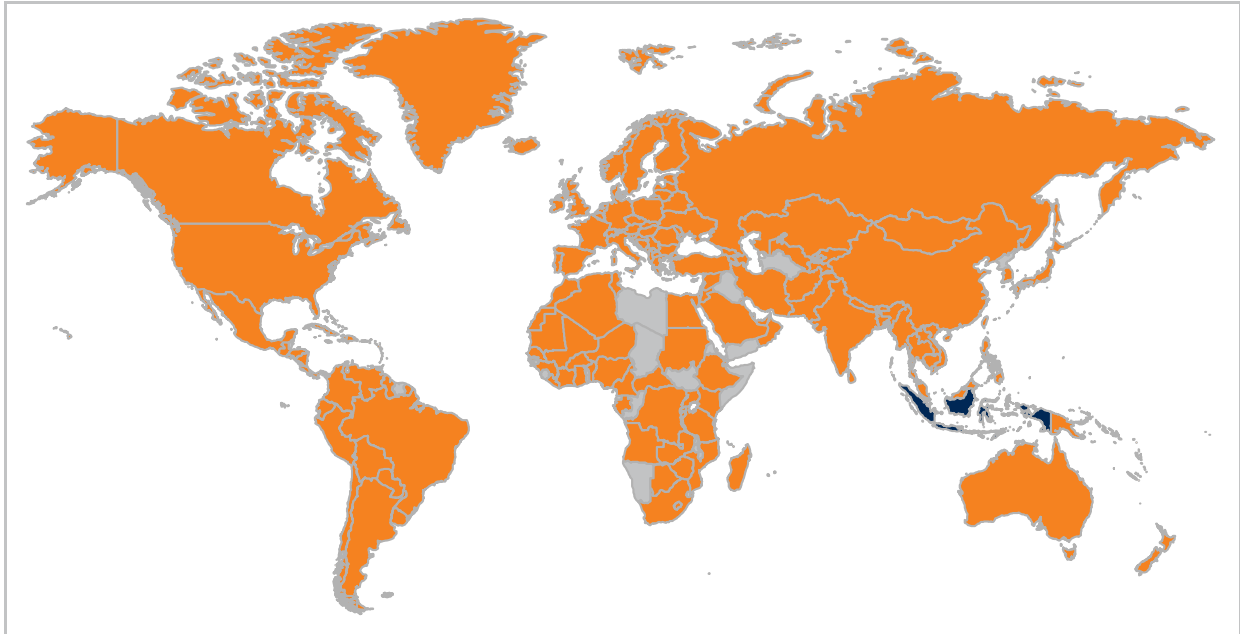
- Consularized Powers of attorney from arbitrators
- Original arbitration award together with sworn Indonesian translation
- Agreement that is used as the basis of the award or authentic copy of the agreement, together with its sworn Indonesian translation
- Declaration from the diplomatic envoy of the Republic of Indonesia that Indonesia and the country of seat of arbitration are parties to the New York Convention.



# Indonesia

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Indonesia has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Bosnia & Herzegovina	Côte d'Ivoire	France	Japan	Moldova	Poland	Sri Lanka
Albania	Botswana	Croatia	Gabon	Jersey	Monaco	Portugal	Sudan
Algeria	Brazil	Cuba	Georgia	Jordan	Mongolia	Puerto Rico	Sweden
American Samoa	British Virgin Islands	Curaçao	Germany	Kazakhstan	Montenegro	Qatar	Switzerland
Andorra	Brunei	Cyprus	Ghana	Kenya	Morocco	Romania	Syria
Antigua and Barbuda	Bulgaria	Czech Republic	Gibraltar	Kuwait	Mozambique	Russia	Tajikistan
Angola	Burkina Faso	Denmark	Greece	Kyrgyzstan	Myanmar	Rwanda	Tanzania
Argentina	Burundi	Djibouti	Greenland	Laos	Nepal	Saba	Thailand
Armenia	Cabo Verde	Dominica	Guam	Latvia	Netherlands	Saint Vincent and the Grenadines	Trinidad and Tobago
Aruba	Cambodia	Dominican Republic	Guatemala	Lebanon	New Zealand	San Marino	Tonga
Australia	Cameroon	Republic of Congo	Guernsey	Lesotho	Nicaragua	Sao Tome and Principe	Tunisia
Austria	Cayman Islands	Democratic Republic of Congo	Guinea	Liberia	Niger	Saudi Arabia	Turkey
Azerbaijan	Central African Republic	Ecuador	Guyana	Liechtenstein	Nigeria	Scotland	Uganda
Bahamas	Chile	Egypt	Haiti	Lithuania	Norfolk Island	Senegal	Ukraine
Bahrain	China	El Salvador	Honduras	Luxembourg	Northern Ireland	Serbia	United Arab Emirates
Bangladesh	Christmas Island	England and Wales	Hong Kong	Macau	Oman	Seychelles	United States of America
Barbados	Cocos (Keeling) Islands	Estonia	Hungary	Madagascar	Pakistan	Singapore	Uruguay
Belarus	Colombia	Ethiopia*	Iceland	Malaysia	Palau	Sint Eustatius	US Virgin Islands
Belgium	Comoros	Faroe Islands	India	Maldives	Panama	Sint Maarten	Uzbekistan
Benin	Cook Islands	Fiji	Ireland	Mali	Papua New Guinea	Slovakia	Venezuela
Bermuda	Costa Rica	Finland	Isle of Man	Malta	Paraguay	Slovenia	Vietnam
Bhutan		France	Israel	Marshall Islands	Peru	South Africa	Zambia
Bolivia		Gabon	Italy	Mauritania	Philippines	South Korea	Zimbabwe
Bonaire			Jamaica	Mexico		Spain	

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Italy

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Bilateral:**

Argentina, Brazil, Egypt, Russia, Turkey, Tunisia, Kuwait, Moldavia, Morocco, Lebanon, China.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In general, 6-10 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

1-4 years, depending on the nature of the opposition and on the Court's workload.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Fixed Court fee equal to EUR 98 (approximately USD 115) and docket fee equal to EUR 27 (approximately USD 32). Additional costs will be incurred for the Italian translation of the foreign award as well as of the agreements including the arbitration clause (to be made by a certified translator).

Furthermore, once the exequatur is granted, the registry tax will be due (fixed at EUR 250 (approximately USD 300) or at 3% of judgment value, depending of case by case tax qualification).

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Same as above.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

5-20 weeks.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

1-4 years, depending on the nature of the opposition and on the Court's workload.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Fixed Court fee equal to EUR 98 (approximately USD 115) and docket fee equal to EUR 27 (approximately USD 32). Additional costs will be incurred for the Italian translation of the foreign award as well as of the agreements including the arbitration clause (to be made by a certified translator).

Furthermore, once the exequatur is granted, the registry tax will be due (fixed at EUR 250 (approximately USD 300) or at 3% of judgment value, depending of case by case tax qualification).

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Same as above.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place where the judgment/award has been issued.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes, creditors can attach both movable goods and real estates belonging to the debtor.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

No, but enforcement may trigger the debtor's insolvency. The creditor must then cease individual enforcement and file the claim in the insolvency proceedings.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy/Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy/Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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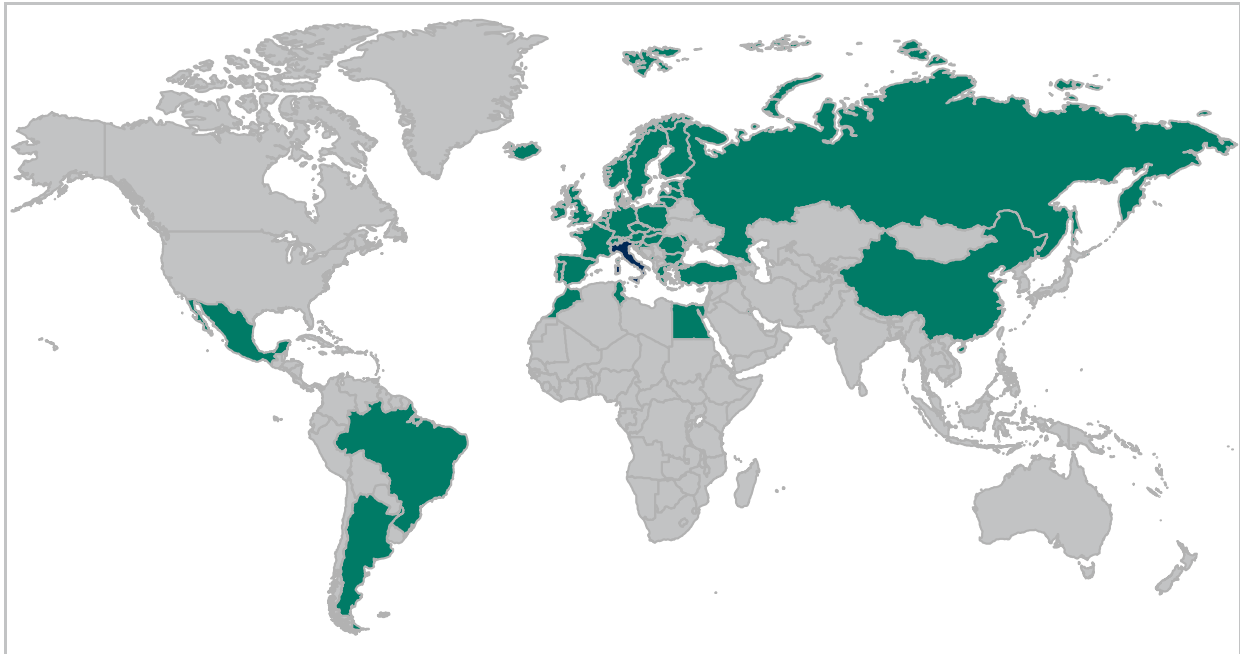
[eliana.fruncillo@bakermckenzie.com](mailto:eliana.fruncillo@bakermckenzie.com)

28. What papers will be needed?

Award/Judgment and relevant agreement/s.

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Italy has reciprocal enforcement arrangements for court judgments.



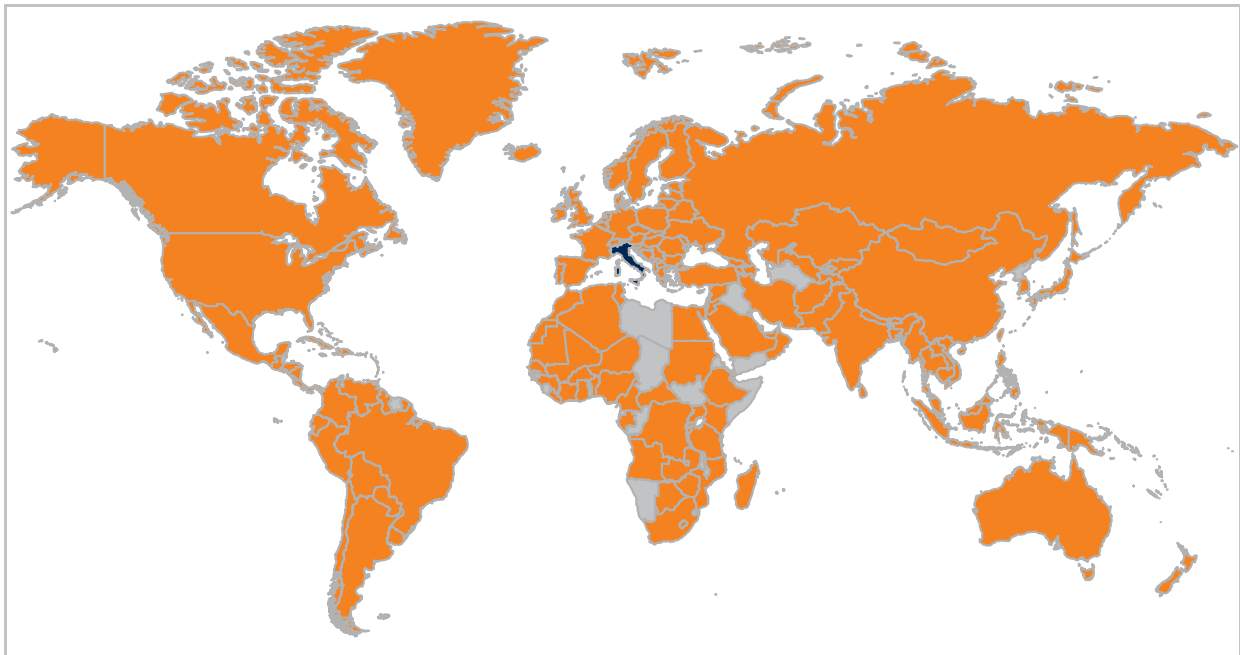
<b>Brussels Regulations</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Latvia Lithuania Luxembourg Malta Netherlands Poland	Portugal Romania Slovakia Slovenia Spain Sweden United Kingdom  <b>Lugano Convention 2007</b> Denmark Iceland Norway Switzerland  <b>Hague Choice of Court Convention 2005</b> Austria Belgium Bulgaria Croatia Cyprus	Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Latvia Lithuania Luxembourg Malta Mexico Montenegro Netherlands Poland Portugal Romania Singapore Slovakia	Slovenia Spain Sweden United Kingdom  <b>Bilateral</b> Argentina Brazil China Egypt Kuwait Lebanon Moldavia Morocco Russia Tunisia Turkey

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## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Italy has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Holy See	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Honduras	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hong Kong	Malaysia	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Hungary	Maldives	Papua New Guinea	Slovenia	
Australia	Cayman Islands	England and Wales	Iceland	Mali	Paraguay	South Africa	
Austria	Central African Republic	Ireland	India	Malta	Peru	South Korea	
Azerbaijan	Chile	Israel	Indonesia	Marshall Islands	Philippines	Spain	
Bahamas	China	Iran	Ireland	Mauritania	Poland	Sri Lanka	
Bahrain	Christmas Island	Isle of Man	Israel	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Jamaica	Italy	Mexico	Puerto Rico	Sweden	
Barbados	Colombia	Japan	Italy	Moldova	Qatar	Switzerland	
Belarus	Comoros	Jersey	Italy	Monaco	Romania	Syria	
Belgium	Cook Islands	Jordan	Italy	Mongolia	Russia	Tajikistan	
Benin	Costa Rica	Kazakhstan	Italy	Montenegro	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Kenya	Italy	Morocco	Saba	Thailand	
Bhutan	Croatia	Kuwait	Italy	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Cuba	Kyrgyzstan	Italy	Myanmar	Sao Tome and Principe	Tonga	
Bonaire	Curaçao	Laos	Italy	Nepal		Tunisia	
Bosnia & Herzegovina		Latvia	Italy	Netherlands		Turkey	
		Lebanon	Italy	New Zealand		Uganda	
			Italy	Nicaragua		Ukraine	
			Italy	Niger			

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# Japan

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**

Australia\*, England and Wales, Germany, Singapore, South Korea, Switzerland\*\*, United States\*\*\*

\*New South Wales only, \*\*Zurich only,

\*\*\*New York, California, Washington DC, Nevada and Hawaii only

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

3-4 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

6 months or more depending on the strength of the opposing argument.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

# Japan

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 50,000 - 100,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

3-4 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

6 months or more depending on the strength of the opposing argument.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 50,000 - 100,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

No registration system of a foreign judgment or arbitration award in Japan and thus no law governs the limitation period for such registration in Japan..

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes but no legal fee and costs (i.e. attorney's fee and costs) is recoverable.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

# Japan

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

No.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

Cease and desist order.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Hiroshi Kasuya**

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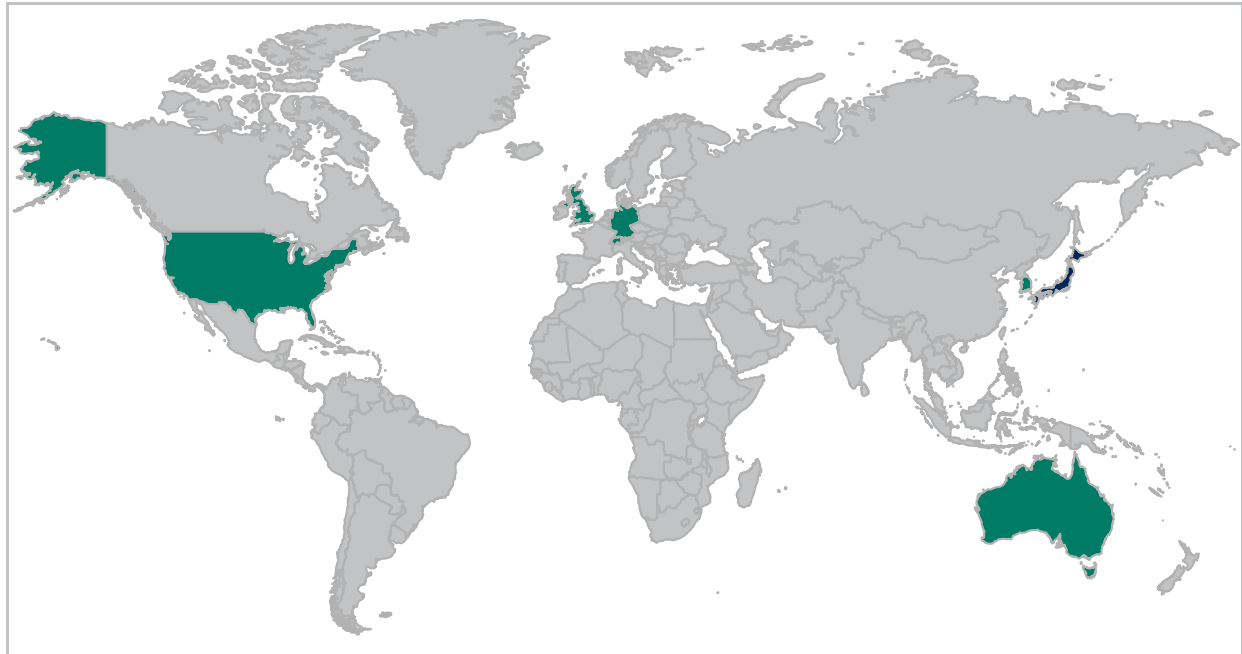
### 28. What papers will be needed?

The foreign judgment or arbitration award.

# Japan

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Japan has reciprocal enforcement arrangements for court judgments.



<b>Bilateral</b> Australia* England and Wales Germany Singapore South Korea Switzerland** United States***			

\*New South Wales only

\*\*Zurich only

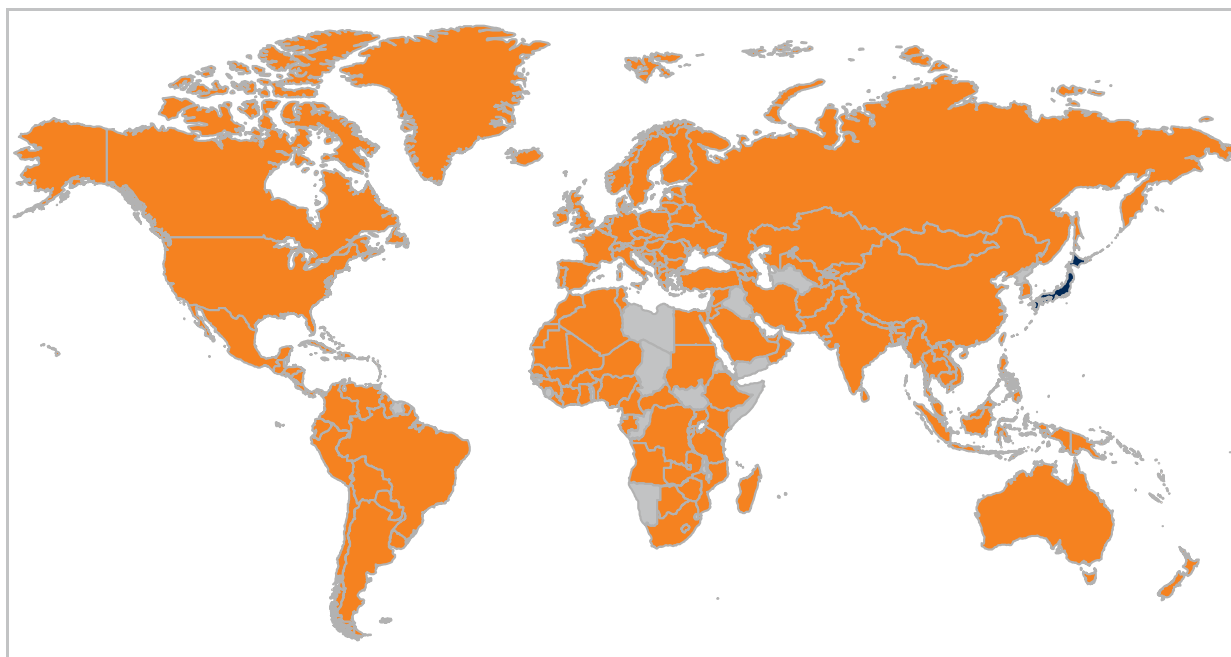
\*\*\*New York, California, Washington DC, Nevada and Hawaii only

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# Japan

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Japan has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Lithuania	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Luxembourg	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Malaysia	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Iceland	Maldives	Papua New Guinea	Slovenia	
Australia	Cayman Islands	England and Wales	India	Mali	Paraguay	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Malta	Peru	South Korea	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Philippines	Spain	
Bahamas	China	Italy	Ireland	Mauritania	Poland	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Jersey	Israel	Mexico	Puerto Rico	Sweden	
Barbados	Colombia	Jordan	Italy	Moldova	Qatar	Switzerland	
Belarus	Comoros	Kazakhstan	Italy	Monaco	Romania	Syria	
Belgium	Cook Islands	Kenya	Italy	Mongolia	Russia	Tajikistan	
Benin	Costa Rica	Kuwait	Italy	Montenegro	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Kyrgyzstan	Italy	Morocco	Saba	Thailand	
Bhutan	Croatia	Laos	Italy	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Cuba	Latvia	Italy	Myanmar	Sao Tome and Principe	Tonga	
Bonaire	Curaçao	Lebanon	Italy	Nepal		Tunisia	
Bosnia & Herzegovina			Italy	Netherlands		Turkey	
			Italy	New Zealand		Uganda	
			Italy	Nicaragua		Ukraine	
			Italy	Niger			

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# Kazakhstan

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002:

Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

**Bilateral:**

Azerbaijan, China, Georgia, India, Kyrgyzstan, Lithuania, Mongolia, North Korea, Pakistan, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, Vietnam

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes, based on the principle of reciprocity.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

15 business days from the date of filing the application (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Around 2-2.5 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).



# Kazakhstan

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 5,000-8,000 (including relevant legal fees and other disbursements)

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 10,000-25,000 (including relevant legal fees and other disbursements)

7. Are there any unusual difficulties in enforcing a foreign judgment?

Local courts may still be influenced by local state authorities or tycoons, or corrupted.

Therefore, recognition and enforcement of a foreign judgment against state companies or local oligarchs may be unreasonably rejected by local courts.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

15 business days from the date of filing the application (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Around 2-2.5 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 5,000-8,000 (including relevant legal fees and other disbursements)

# Kazakhstan

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 10,000-25,000 (including relevant legal fees and other disbursements)

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Local courts may still be influenced by local state authorities or tycoons, or corrupted.

Therefore, recognition and enforcement of a foreign judgment against state companies or local oligarchs may be unreasonably rejected by local courts.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date when the foreign judgment came into effect.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date when the foreign award came into effect.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, but court and/or court bailiff fees only.

# Kazakhstan

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

For a judgment or award of a non-monetary nature, reinstatement of employment, or eviction from apartment.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

If there is a treaty, it is easy. If there are no treaties, it may be more difficult.

# Kazakhstan

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Usually, it is easy (subject to potential political issues and corruption influence over local courts).

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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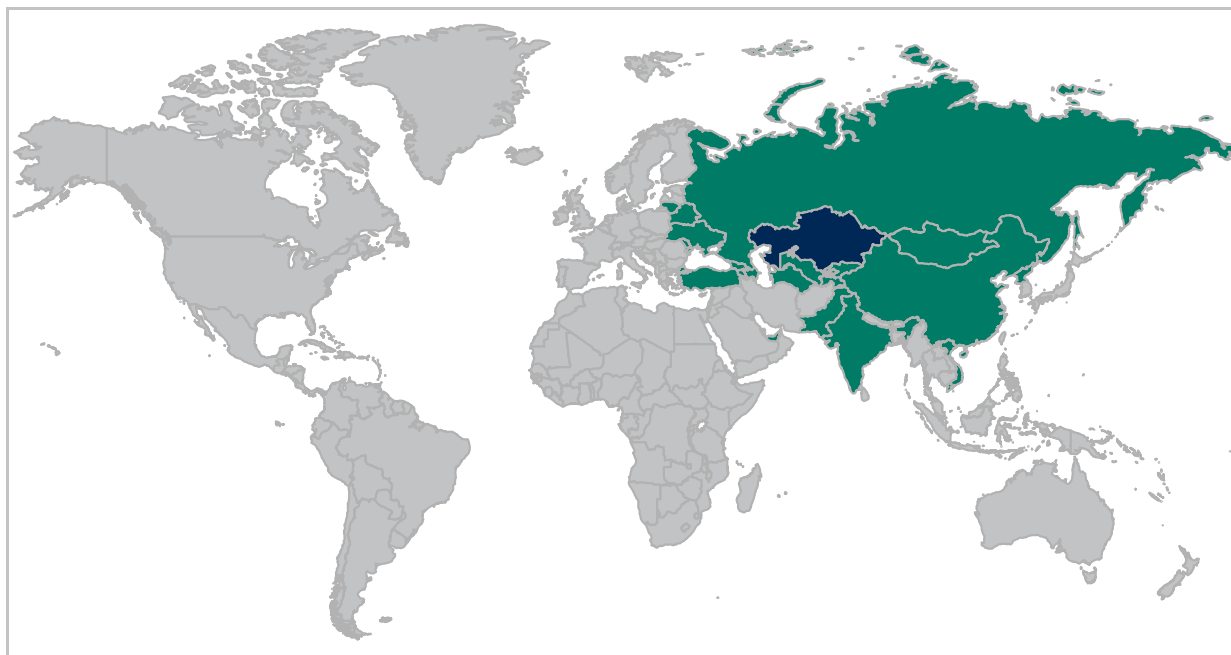
## 28. What papers will be needed?

A copy of the judgment\award that needs to be recognized and enforced and the power of attorney for representation in the court proceedings.

# Kazakhstan

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Kazakhstan has reciprocal enforcement arrangements for court judgments.



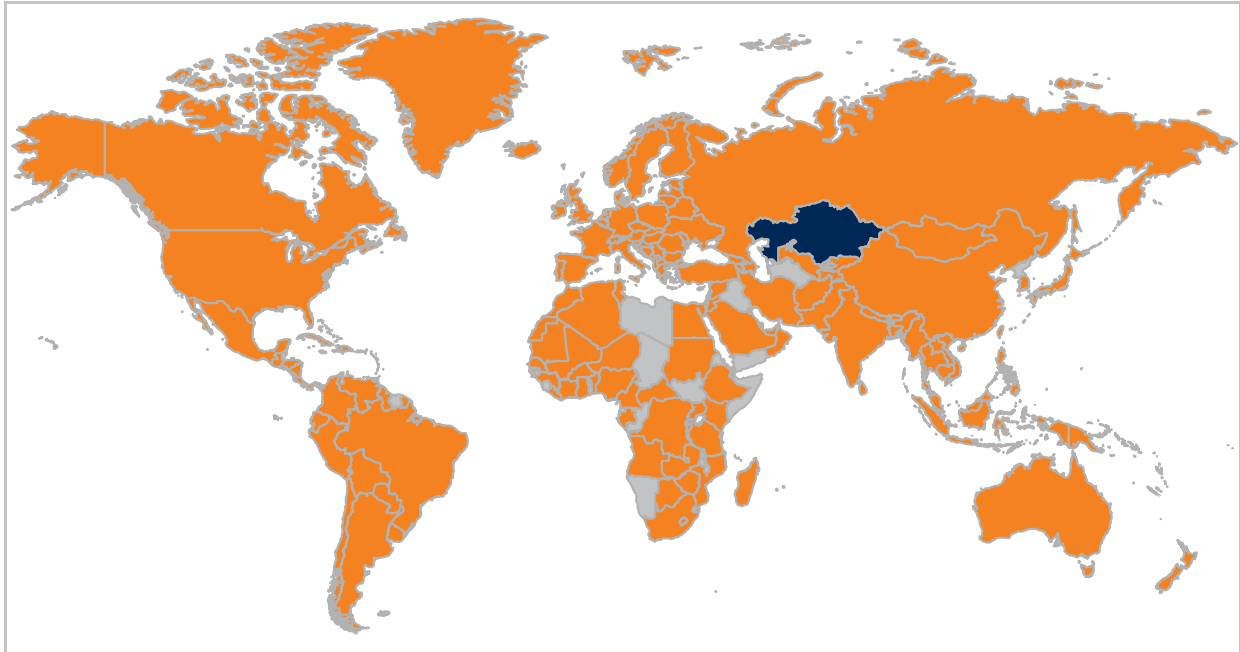
<b>Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002</b> Armenia Azerbaijan Belarus Georgia Kyrgyzstan Moldova Russia Tajikistan Turkmenistan	Ukraine Uzbekistan  <b>Bilateral</b> Azerbaijan China Georgia India Kyrgyzstan Lithuania Mongolia North Korea	Pakistan Turkey Turkmenistan United Arab Emirates Uzbekistan Vietnam	

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. The above map may not cover all types of claim. Some of the arrangements depicted do not involve full reciprocity of enforcement. Reciprocal enforcement may still be possible with jurisdictions not highlighted above, depending on local and national laws. Not all dependent territories or equivalents may be shown. For Canada, India, and Australia, reciprocal arrangements may not apply to the entire territory. In some cases, judgments may only be enforceable in certain territories within a jurisdiction. Correct as at 1 September 2020.

# Kazakhstan

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Kazakhstan has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lesotho	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Liberia	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liechtenstein	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Lithuania	Oman	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Luxembourg	Pakistan	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Macau	Palau	Singapore	Venezuela
Argentina	Burundi	Democratic Republic of Congo	Honduras	Macedonia	Palestine	Sint Eustatius	Vietnam
Armenia	Cabo Verde	Ecuador	Hong Kong	Madagascar	Panama	Sint Maarten	Zambia
Aruba	Cambodia	El Salvador	Hungary	Malaysia	Papua New Guinea	Slovakia	Zimbabwe
Australia	Cameroon	Egypt	Iceland	Maldives	Paraguay	Slovenia	
Austria	Cayman Islands	England and Wales	India	Mali	Peru	South Africa	
Azerbaijan	Central African Republic	Ireland	Indonesia	Malta	Philippines	South Korea	
Bahamas	Chile	Israel	Ireland	Marshall Islands	Poland	Spain	
Bahrain	China	Italy	Isle of Man	Mauritania	Portugal	Sri Lanka	
Bangladesh	Christmas Island	Jamaica	Israel	Mauritius	Puerto Rico	Sudan	
Barbados	Cocos (Keeling) Islands	Japan	Italy	Mexico	Qatar	Sweden	
Belarus	Colombia	Jersey	Italy	Moldova	Romania	Switzerland	
Belgium	Comoros	Jordan	Italy	Monaco	Russia	Syria	
Benin	Cook Islands	Kenya	Italy	Mongolia	Rwanda	Tajikistan	
Bermuda	Costa Rica	Kuwait	Italy	Montenegro	Saba	Tanzania	
Bhutan	Côte d'Ivoire	Kyrgyzstan	Italy	Morocco	Saint Vincent and the Grenadines	Thailand	
Bolivia	Croatia	Laos	Italy	Mozambique	Tonga	Trinidad and Tobago	
Bonaire	Cuba	Latvia	Italy	Myanmar	Tunisia	Turkey	
Bosnia & Herzegovina	Curaçao	Lebanon	Italy	Nepal	Uganda	Ukraine	
				Netherlands			
				New Zealand			
				Nicaragua			
				Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.



# Luxembourg

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

**Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Bilateral:**

Austria

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

1 to 2 months.

# Luxembourg

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

3 to 12 months.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 2,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 4,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

1 to 3 weeks.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

2 to 8 months.



# Luxembourg

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 4,000 (with translation costs).

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 6,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

30 years.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

30 years, save for awards including a penalty payment for which the limitation period is of 6 months.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Partially.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

# Luxembourg

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy, but moderate where the enforcement of the foreign judgment is sought while there is no reciprocal arrangement.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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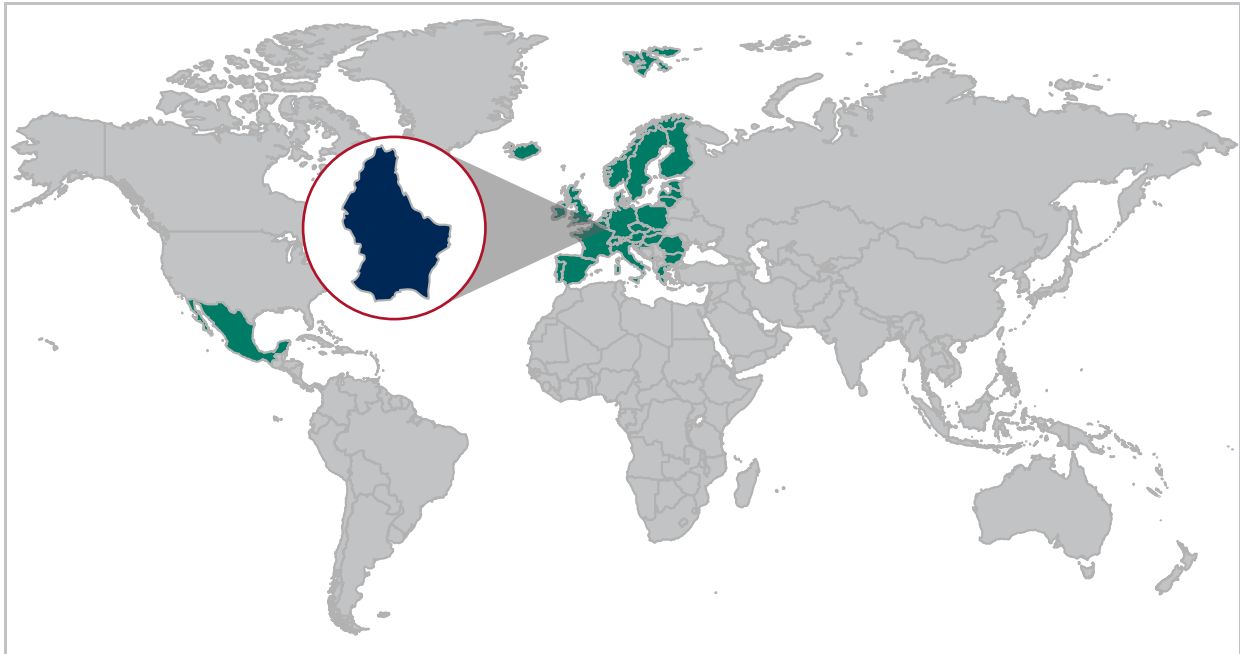
## 28. What papers will be needed?

- an authenticated original copy of the judgment or arbitral award;
- a sworn translation of the judgment or arbitral award in French or German;
- for the arbitral award, the agreement evidencing and documenting the agreement on arbitration and a sworn translation thereof in French or German;
- for the arbitral award, the letter of notification of the arbitral award by the arbitration court to the parties;
- if the court of origin is an EU court: the EU certificate issued by the clerk of the court of origin;
- if the court is a third country court: proof that the initial writ of summons was notified to, or served on the opposing party and any document establishing that the decision is enforceable and has been notified to, or served on the opposing party.

# Luxembourg

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Luxembourg has reciprocal enforcement arrangements for court judgments.



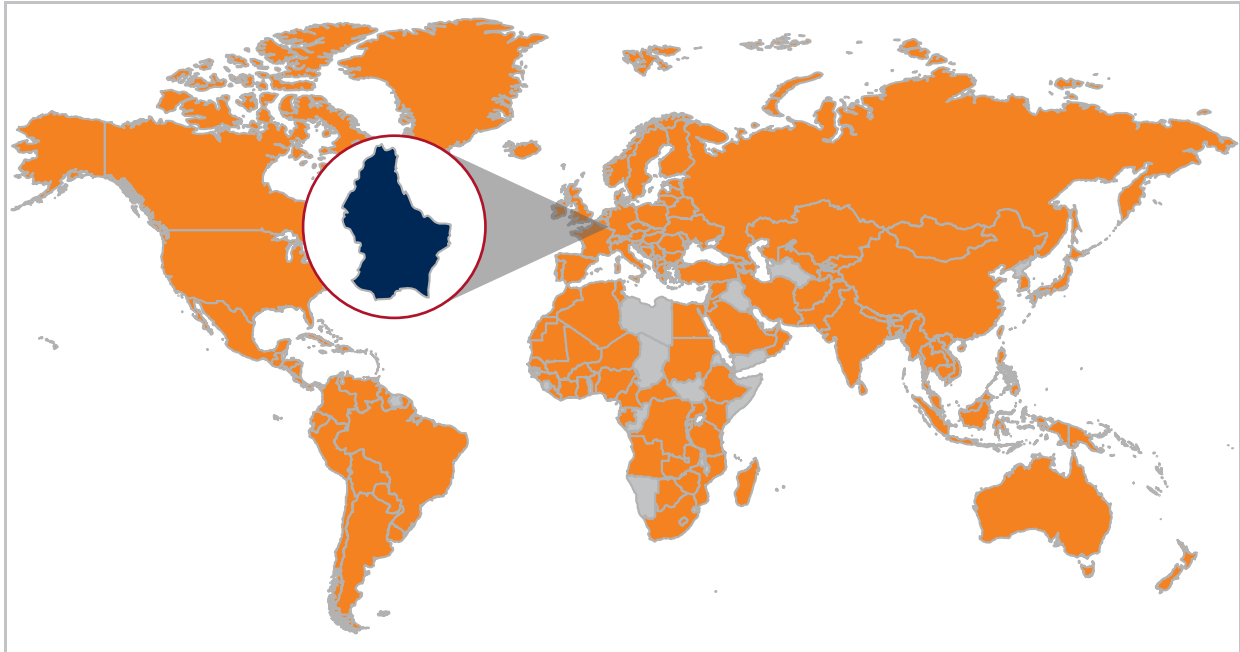
<b>Brussels Regulations</b>	Netherlands	Belgium	Netherlands
Austria	Poland	Bulgaria	Poland
Belgium	Portugal	Croatia	Portugal
Bulgaria	Romania	Cyprus	Romania
Croatia	Slovakia	Czech Republic	Singapore
Cyprus	Slovenia	Denmark	Slovakia
Czech Republic	Spain	Estonia	Slovenia
Denmark	Sweden	Finland	Spain
Estonia	United Kingdom	France	Sweden
Finland		Germany	United Kingdom
France	<b>Lugano Convention 2007</b>	Greece	
Germany	Denmark	Hungary	<b>Bilateral</b>
Greece	Iceland	Ireland	Austria
Hungary	Norway	Italy	
Ireland	Switzerland	Latvia	
Italy		Lithuania	
Latvia	<b>Hague Choice of Court</b>	Malta	
Lithuania	<b>Convention 2005</b>	Mexico	
Malta	Austria	Montenegro	

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# Luxembourg

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Luxembourg has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Macau	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macedonia	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Malaysia	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Iceland	Maldives	Papua New Guinea	Slovenia	
Australia	Cayman Islands	England and Wales	India	Mali	Paraguay	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Malta	Peru	South Korea	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Philippines	Spain	
Bahamas	China	Italy	Ireland	Mauritania	Poland	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Puerto Rico	Sweden	
Barbados	Colombia	Jordan	Italy	Moldova	Qatar	Switzerland	
Belarus	Comoros	Kazakhstan	Jersey	Monaco	Romania	Syria	
Belgium	Cook Islands	Kenya	Jordan	Mongolia	Russia	Tajikistan	
Benin	Costa Rica	Kuwait	Kazakhstan	Montenegro	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Kyrgyzstan	Kenya	Morocco	Saba	Thailand	
Bhutan	Croatia	Laos	Kuwait	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Cuba	Latvia	Kyrgyzstan	Myanmar	Sao Tome and Principe	Tonga	
Bonaire	Curaçao		Laos	Nepal		Tunisia	
Bosnia & Herzegovina			Latvia	Netherlands		Turkey	
				New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Malaysia

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**

Brunei, Hong Kong, India (parts only), New Zealand, Singapore, Sri Lanka, United Kingdom.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

3 to 6 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

6 months to 1 year.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 1,000 - 4,000.

# Malaysia

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 5,000 - 10,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

3 to 6 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

6 months to 1 year.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 1,000 - 4,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 5,000 - 10,000.



13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Where a foreign judgment or arbitration award is sought to be registered for enforcement in Malaysia, the Malaysian Reciprocal Enforcement of Judgments Act 1958 and the Limitation Act 1953 will apply.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

6 years.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

6 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

No.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

# Malaysia

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Chew Kherk Ying**

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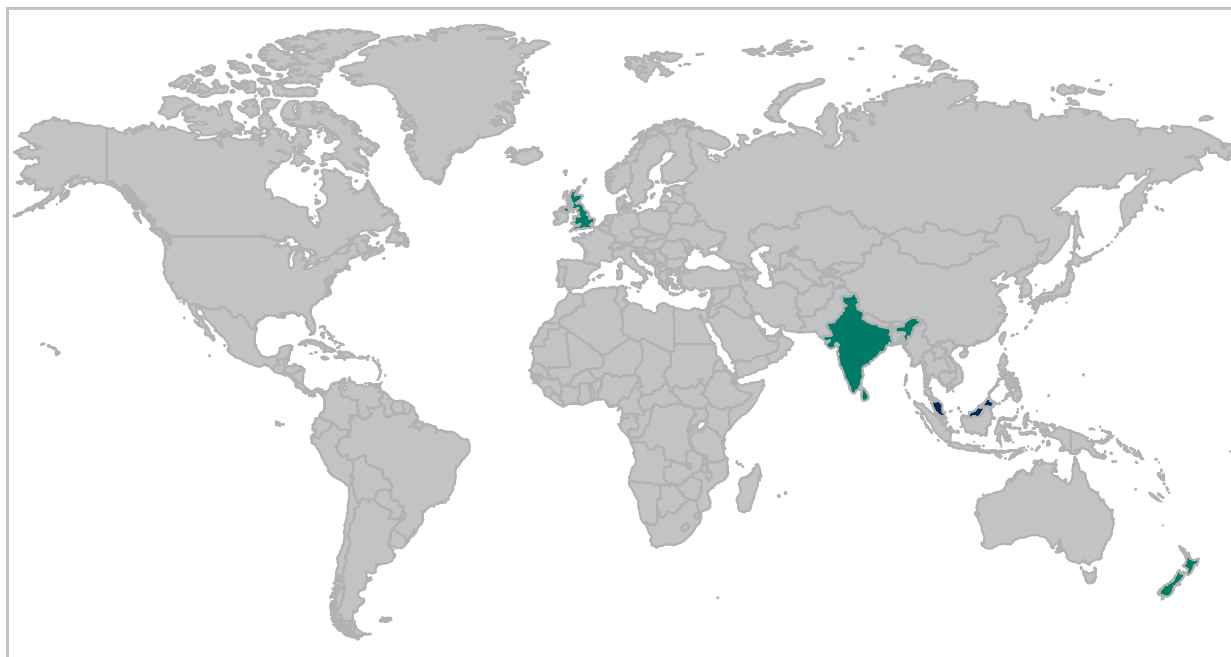
### 28. What papers will be needed?

The cause papers and the sealed judgment or award, notarised documents (if necessary under the law of the place of award or court order).

# Malaysia

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Malaysia has reciprocal enforcement arrangements for court judgments.



<b>Bilateral</b>			
Brunei			
Hong Kong			
India*			
New Zealand			
Singapore			
Sri Lanka			
United Kingdom			

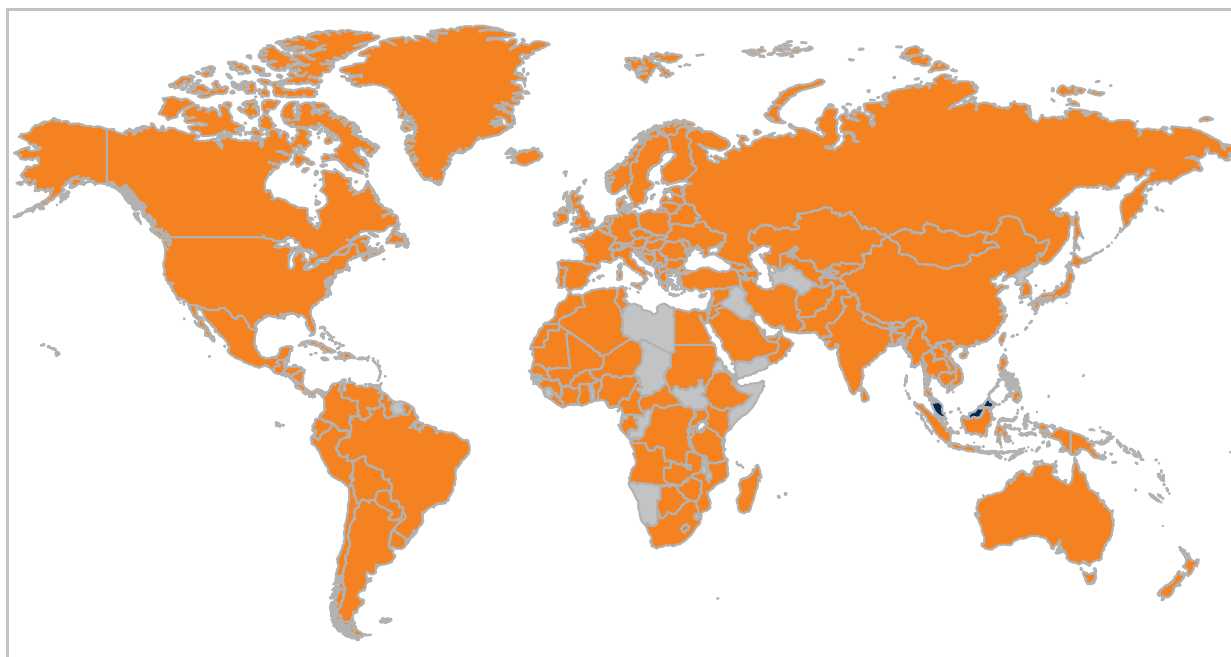
\*Parts only

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# Malaysia

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Malaysia has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Macedonia	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Madagascar	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Iceland	Maldives	Papua New Guinea	Slovenia	
Australia	Cayman Islands	England and Wales	India	Mali	Paraguay	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Malta	Peru	South Korea	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Philippines	Spain	
Bahamas	China	Italy	Ireland	Mauritania	Poland	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Puerto Rico	Sweden	
Barbados	Colombia	Jordan	Italy	Moldova	Qatar	Switzerland	
Belarus	Comoros	Kazakhstan	Jersey	Monaco	Romania	Syria	
Belgium	Cook Islands	Kenya	Jordan	Mongolia	Russia	Tajikistan	
Benin	Costa Rica	Kuwait	Kazakhstan	Montenegro	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Laos	Kenya	Morocco	Saba	Thailand	
Bhutan	Croatia	Latvia	Kuwait	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Cuba		Kyrgyzstan	Myanmar	Sao Tome and Principe	Tonga	
Bonaire	Curaçao		Laos	Nepal		Tunisia	
Bosnia & Herzegovina			Latvia	Netherlands		Turkey	
				New Zealand		Uganda	
				Nicaragua		Ukraine	
				Niger			

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# Mexico

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Montevideo Convention 1979:**

Argentina, Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela.

**La Paz Convention 1984:**

Uruguay

**Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Bilateral:**

Spain

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Approximately 3 to 9 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Approximately 18 to 24 months.

# Mexico

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 35,000 – 70,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Over USD 100,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Foreign judgments must meet several conditions, which however are similar to those imposed by many other jurisdictions. Judgments which comply with the conditions may still be refused enforcement if it is proved that the jurisdiction of origin does not enforce foreign judicial decisions in similar cases.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Approximately 3 to 9 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Approximately 12 to 24 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 35,000 – 70,000.

# Mexico

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Over USD 100,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Foreign awards must meet several conditions, which however are similar to those imposed by many other jurisdictions. Awards which comply with the conditions may still be refused enforcement if it is proved that the jurisdiction of origin does not enforce foreign awards in similar cases.

The Supreme Court issued a precedent (1a./J. 87/2019 (10a.)) indicating that the resolution issued within a proceeding aimed to enforce (or annul) an award, could be challenged through an "indirect" amparo, and through a motion for review afterward; as opposed to the previous mechanism that only permitted a "direct" amparo (with no further recourse after that). With this precedent (which is binding for all local courts), the proceeding to enforce an award now takes longer to be completed.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Depending on the nature of the proceeding, it would be the Commercial Code (if the dispute derives from a commercial matter); or the Federal Civil Code or the Civil Codes of the States in which the foreign judgment would be enforced.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

In general terms, 10 years; however, another period could apply depending on the nature of the proceeding.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

10 years.



## ENFORCEMENT

### 17. Are fees and costs of enforcement typically recoverable?

In our opinion, no. The law does not establish the possibility to recover these costs. There is a precedent issued by a Circuit Court in Mexico City (I.11o.C.142 C, registry 175635), indicating that this kind of proceedings does not give the enforcing party the right to recover its costs.

### 18. Is seizure of goods available as an enforcement method?

Yes.

### 19. Is attachment of earnings available as an enforcement method?

Yes.

### 20. Is attachment of third party debts available as an enforcement method?

Yes.

### 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

### 22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

### 23. Can a receiver be appointed by way of enforcement?

Yes, provided certain conditions are met

### 24. Any other method of enforcement?

No.

# Mexico

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Javier Navarro Velasco**

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28. What papers will be needed?

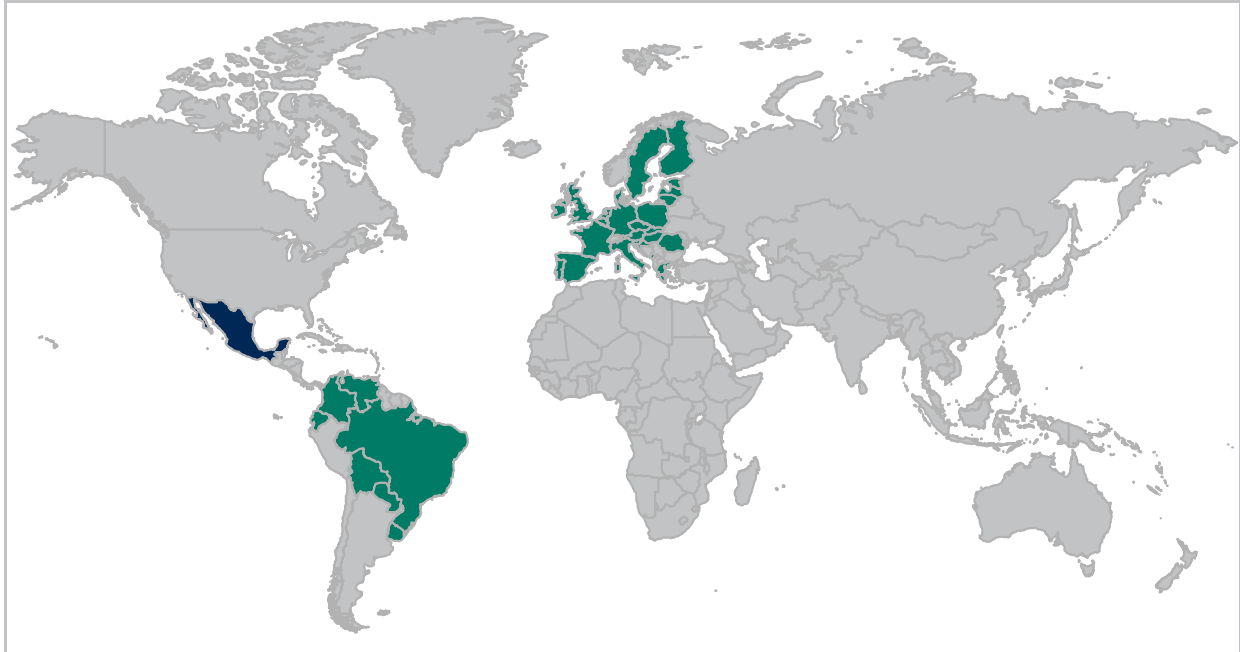
Depending on the applicable treaty. In general, the following documents are needed:

- Certified copy of the judgment / authentic copy of the award.
- Certified copies of the documents evidencing that the defendant was properly served to the proceeding.
- Translation into Spanish of all documents.

# Mexico

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Mexico has reciprocal enforcement arrangements for court judgments.



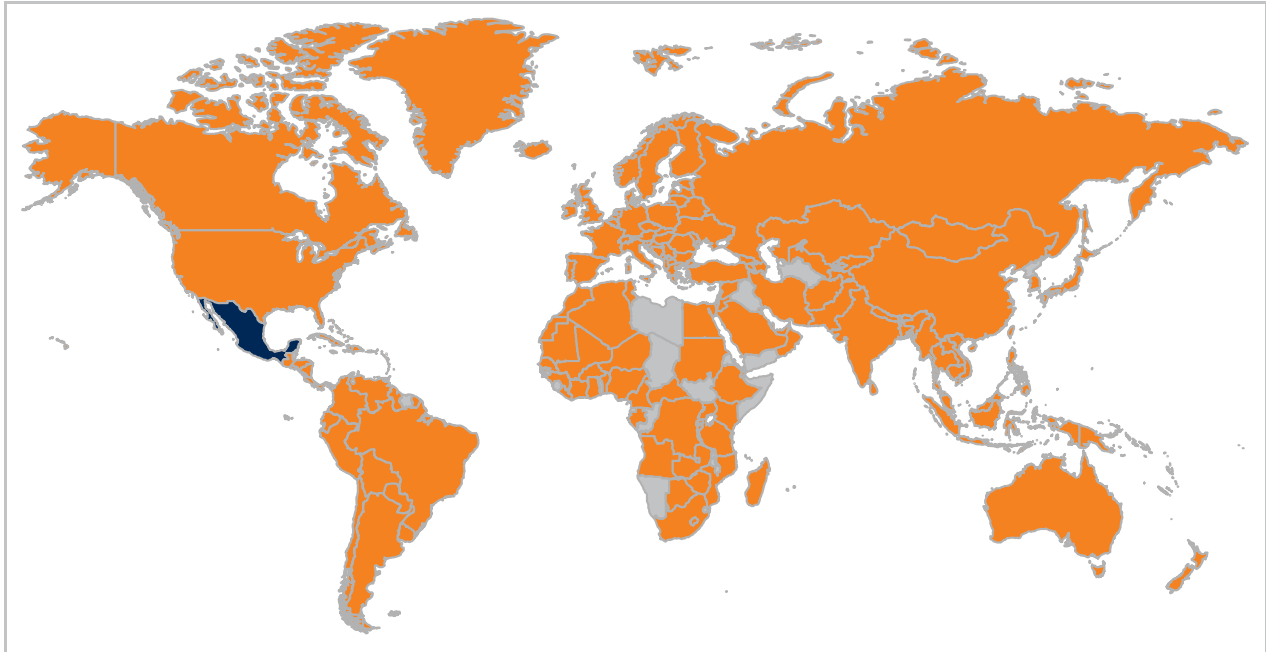
<b>Montevideo Convention 1979</b> Bolivia Brazil Colombia Ecuador Paraguay Peru Uruguay Venezuela  <b>La Paz Convention 1984</b> Uruguay	<b>Hague Choice of Court Convention 2005</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany	Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Montenegro Netherlands Poland Portugal Romania	Singapore Slovakia Slovenia Spain Sweden United Kingdom  <b>Bilateral</b> Spain

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# Mexico

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Mexico has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Oman	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Pakistan	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Holy See	Macau	Palau	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Honduras	Macedonia	Palestine	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hong Kong	Madagascar	Panama	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Hungary	Malaysia	Papua New Guinea	Slovenia	
Australia	Cayman Islands	England and Wales	Iceland	Maldives	Paraguay	South Africa	
Austria	Central African Republic	Ireland	India	Mali	Peru	South Korea	
Azerbaijan	Chile	Israel	Indonesia	Malta	Philippines	Spain	
Bahamas	China	Italy	Iran	Marshall Islands	Poland	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Ireland	Mauritania	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Isle of Man	Mauritius	Puerto Rico	Sweden	
Barbados	Colombia	Jordan	Israel	Moldova	Qatar	Switzerland	
Belarus	Comoros	Kazakhstan	Italy	Monaco	Romania	Syria	
Belgium	Cook Islands	Kenya	Jamaica	Mongolia	Russia	Tajikistan	
Benin	Costa Rica	Kuwait	Japan	Montenegro	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Kyrgyzstan	Jersey	Morocco	Saba	Thailand	
Bhutan	Croatia	Laos	Jordan	Mozambique	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao	Latvia	Kazakhstan	Myanmar	San Marino	Tonga	
Bonaire			Kenya	Nepal	Sao Tome and Principe	Tunisia	
Bosnia & Herzegovina			Kuwait	Netherlands		Turkey	
			Kyrgyzstan	New Zealand		Uganda	
			Laos	Nicaragua		Ukraine	
			Latvia	Niger			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Myanmar

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

None.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes, by filing a suit in Myanmar, as plaintiff, against the judgment debtor, as defendant. Section 13 of the Civil Procedure Code set out certain conditions for foreign judgments to be considered conclusive to the Myanmar courts.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Around 6-12 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Around 24-48 months, depending on nature of the opposition.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

It is not possible to provide an approximate cost without ascertaining the full particulars of the subject matter.

# Myanmar

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

It is not possible to provide an approximate cost without ascertaining the full particulars of the subject matter.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No recent development or precedent in this area.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Around 6-9 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Around 18-36 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

It is not possible to provide an approximate cost without ascertaining the full particulars of the subject matter.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

It is not possible to provide an approximate cost without ascertaining the full particulars of the subject matter.

# Myanmar

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No recent development or precedent in this area.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement. In Myanmar, this will be the Limitation Act 1908.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Article 117 of the First Schedule of the Limitation Act 1908 provides that a suit must be filed within 6 years from the date of the foreign judgment.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not expressly stipulated under the Limitation Act 1908. The Arbitration Law 2016 provides for foreign awards to be enforced under the Civil Procedure Court in the same manner as if it were a decree of the court. In that regard, it may be likely that the suit must be filed within 6 years from the date of the foreign arbitral award.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

No.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

# Myanmar

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Detention in prison under certain circumstances.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Difficult, particularly due to lack of recent development or precedent in this area.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Difficult, particularly due to lack of recent development or precedent in this area.



## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Andre Gan**

Partner, Kuala Lumpur  
+60 3 2298 7828  
[andre.gan@wongpartners.com](mailto:andre.gan@wongpartners.com)



**Kenneth See**

Partner, Yangon  
+95 1 9255 095 X 8853  
[kenneth.see@bakermckenzie.com](mailto:kenneth.see@bakermckenzie.com)

### 28. What papers will be needed?

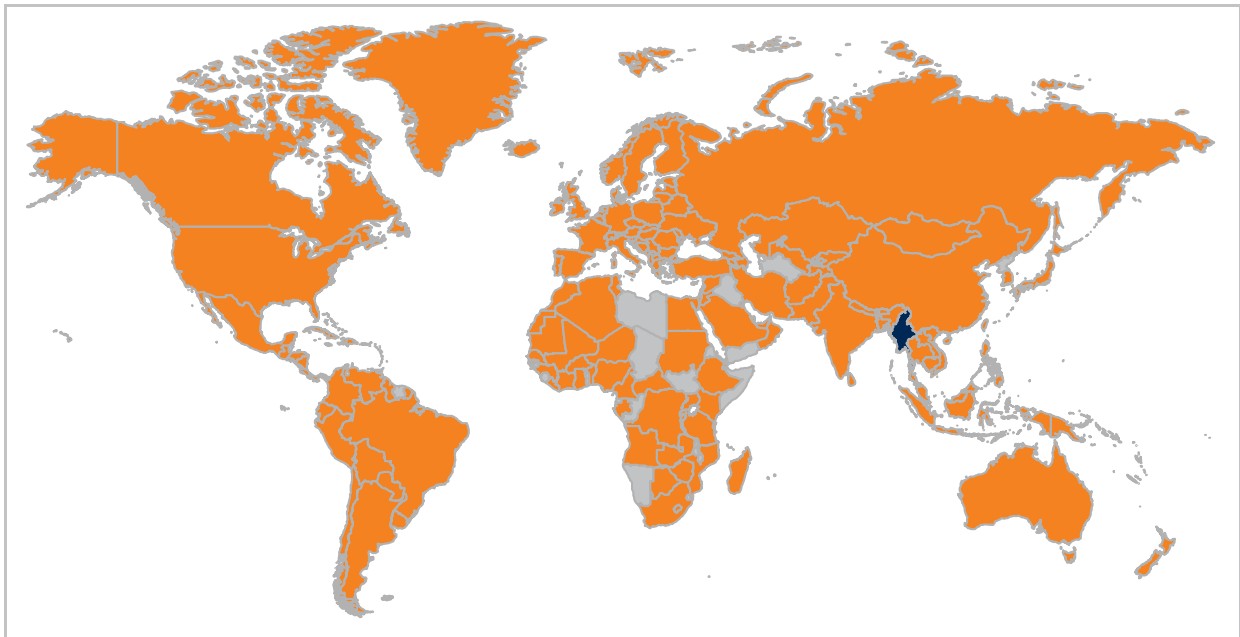
The following documents are required to be produced before the court: (a) the original award or a copy thereof, duly authenticated in the manner required by the law of the country in which it was made; (b) the original agreement for arbitration or a duly certified copy thereof; and (c) such evidence as may be necessary to prove that the award is a foreign award.

Where the award or arbitration agreement is in a foreign language, the party seeking to enforce the award shall produce a translation into English certified as correct by the ambassador or consular of the country to which that party belongs or certified as correct in such other manner as may be sufficient according to Myanmar laws.

# Myanmar

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Myanmar has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Bosnia & Herzegovina	Côte d'Ivoire	France	Jamaica	Mexico	Poland	Sri Lanka
Albania	Botswana	Croatia	Gabon	Japan	Moldova	Portugal	Sudan
Algeria	Brazil	Cuba	Georgia	Jersey	Monaco	Puerto Rico	Sweden
American Samoa	British Virgin Islands	Curaçao	Germany	Jordan	Mongolia	Qatar	Switzerland
Andorra	Brunei	Cyprus	Ghana	Kazakhstan	Montenegro	Romania	Syria
Antigua and Barbuda	Bulgaria	Czech Republic	Gibraltar	Kenya	Morocco	Russia	Tajikistan
Angola	Burkina Faso	Denmark	Greece	Kuwait	Mozambique	Rwanda	Tanzania
Argentina	Burundi	Djibouti	Greenland	Kyrgyzstan	Nepal	Saba	Thailand
Armenia	Cabo Verde	Dominica	Guam	Laos	Netherlands	Saint Vincent and the Grenadines	Trinidad and Tobago
Aruba	Cambodia	Dominican Republic	Guatemala	Latvia	New Zealand	San Marino	Tonga
Australia	Cameroon	Democratic Republic of Congo	Guernsey	Lebanon	Nicaragua	Sao Tome and Principe	Tunisia
Austria	Cayman Islands	Ecuador	Guinea	Lesotho	Niger	Saudi Arabia	Turkey
Azerbaijan	Central African Republic	Egypt	Guyana	Liberia	Nigeria	Scotland	Uganda
Bahamas	Chile	El Salvador	Haiti	Liechtenstein	Norfolk Island	Senegal	United Arab Emirates
Bahrain	China	England and Wales	Holy See	Lithuania	Northern Ireland	Serbia	United States of America
Bangladesh	Christmas Island	Estonia	Honduras	Luxembourg	Oman	Seychelles	Uruguay
Barbados	Cocos (Keeling) Islands	Ethiopia*	Hong Kong	Macau	Pakistan	Singapore	US Virgin Islands
Belarus	Colombia	Faroe Islands	India	Macedonia	Palau	Sint Eustatius	Uzbekistan
Belgium	Comoros	Fiji	Indonesia	Madagascar	Panama	Sint Maarten	Venezuela
Benin	Cook Islands	Finland	Iran	Malaysia	Papua New Guinea	Slovakia	Vietnam
Bermuda	Costa Rica	France	Ireland	Maldives	Paraguay	Slovenia	Zambia
Bhutan		Gabon	Isle of Man	Mali	Peru	South Africa	Zimbabwe
Bolivia			Italy	Malta	Philippines	Spain	
Bonaire				Marshall Islands			
				Mauritania			
				Mauritius			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.



# The Netherlands

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

#### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

#### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

#### **Hague Judgments Convention 1971:**

Albania, Cyprus, Kuwait, Portugal

#### **Bilateral:**

Albania, Aruba, Bonaire, Chile, Curacao, Guernsey, Isle of Man, Jersey, Kuwait, Liechtenstein, Mexico, Saba, Sint Eustatius, Sint Maarten, Suriname, United Kingdom.

### 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Not really, to enforce a judgment given in a jurisdiction that does not have any reciprocal agreement with the Netherlands, the case will have to be re-litigated. However, it is not uncommon for courts to only perform a (marginal) review of some minimum requirements for recognition of the foreign judgment.

# The Netherlands

## 3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

This depends largely on the origin of the foreign judgment. Judgments rendered in Brussels I recast jurisdictions may be enforced without delay, as these judgments may be enforced in the same manner as national judgments. For judgments rendered in jurisdictions that are party to an enforcement treaty, first a declaration of enforceability ("exequatur") must be acquired. If the judgment complies with the requirements for enforcement, the exequatur can be acquired within a few months. Time-wise, the same goes for judgments rendered in jurisdictions that do not have an enforcement treaty with the Netherlands, although these cases will have to be re-litigated. If the judgment complies with enforcement requirements, enforcement will be possible in a few months.

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

This again depends on the origin of the judgment. Enforcement for judgments rendered in Brussels I recast jurisdictions may only be refused on the limited grounds provided for in the Brussels I recast regulation. Therefore enforcement of such a judgment should in principle not prove to be too time-consuming. The enforcement of judgments rendered in states that are members of an enforcement treaty could take up to six months because an exequatur has to be acquired. Enforcement of judgments rendered in other jurisdictions could take up a minimum of a year because these cases will have to be re-litigated.

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Under USD 1,000.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Under USD 1,000.

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

No other difficulties exist than the ones listed above.

# The Netherlands

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

An exequatur will have to be acquired to enforce the arbitral award. This should not prove to be too time-consuming if unopposed. An estimate of a few months would be reasonable.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The time needed for the acquirement of an exequatur can vary greatly if opposed, but in principle, the proceedings could take up to a year.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Under USD 1,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Under USD 1,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

# The Netherlands

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

20 years.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

20 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, partly.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

No.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

# The Netherlands

## 23. Can a receiver be appointed by way of enforcement?

Yes.

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Frank Kroes**

Partner, Amsterdam

Dispute Resolution

+31 20 551 7435

[frank.kroes@bakermckenzie.com](mailto:frank.kroes@bakermckenzie.com)



**Robert van Agteren**

Partner, Amsterdam

Dispute Resolution

+31 20 551 7459

[robert.vanagteren@bakermckenzie.com](mailto:robert.vanagteren@bakermckenzie.com)

## 28. What papers will be needed?

Officially certified copy of the foreign judgment or the arbitration award, evidence to support the ascertaining of the enforceability of the judgment or award.

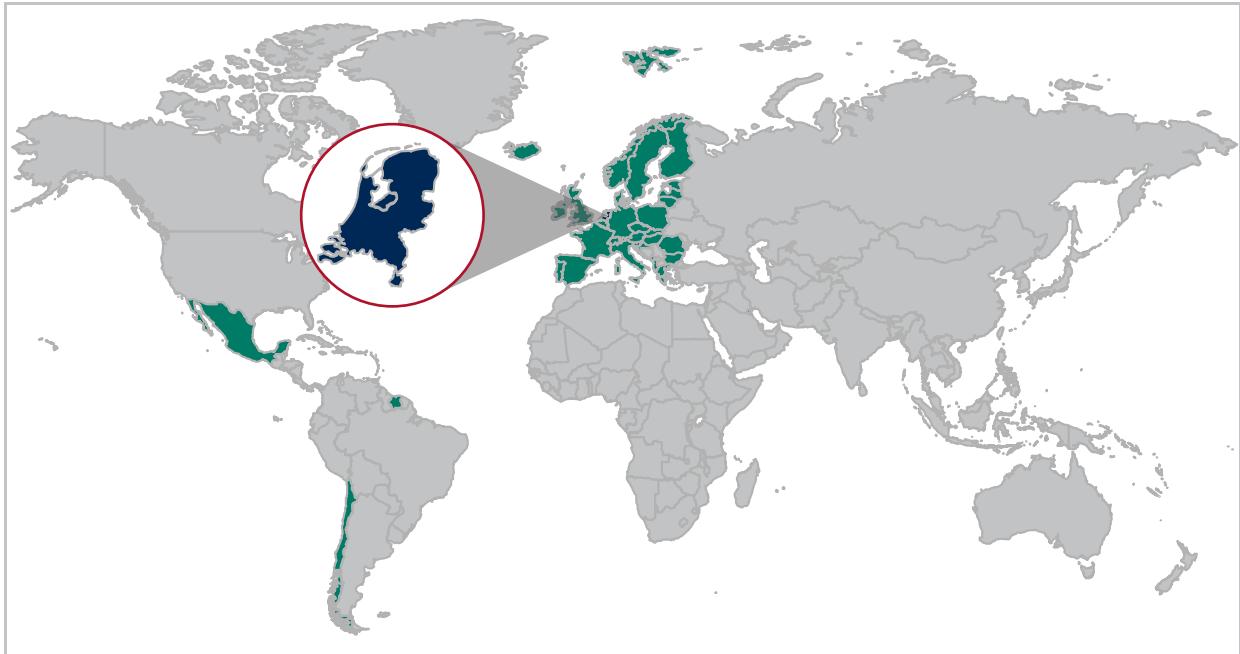
The court may require the above documents not only in the original language but also a translation in Dutch.



# The Netherlands

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Netherlands has reciprocal enforcement arrangements for court judgments.



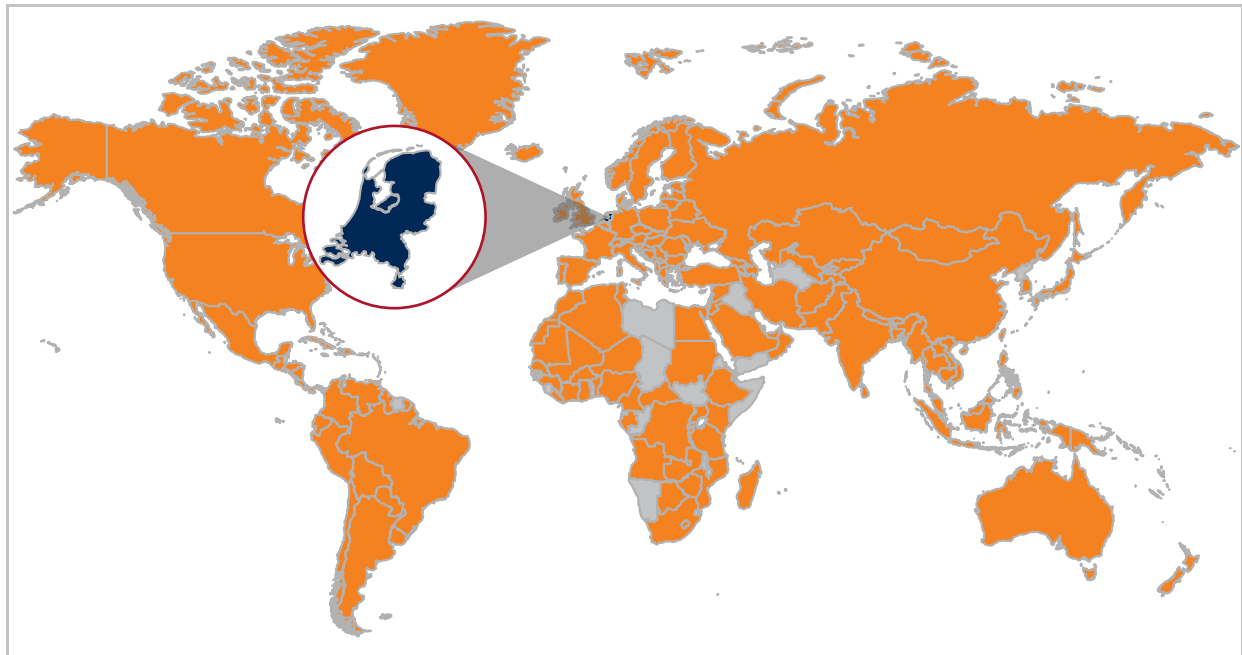
<b>Brussels Regulations</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Poland Portugal Romania Slovakia	Slovenia Spain Sweden United Kingdom  <b>Lugano Convention 2007</b> Denmark Iceland Norway Switzerland  <b>Hague Choice of Court Convention 2005</b> Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany	Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Mexico Montenegro Poland Portugal Romania Singapore Slovakia Slovenia Spain Sweden United Kingdom  <b>Hague Judgments Convention 1971</b> Albania Cyprus	Kuwait Portugal  <b>Bilateral</b> Albania Aruba Bonaire Chile Curacao Guernsey Isle of Man Jersey Kuwait Liechtenstein Mexico Saba Sint Eustatius Sint Maarten Suriname United Kingdom

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# The Netherlands

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Netherlands has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Nigeria	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Norfolk Island	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Northern Ireland	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Norway	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Oman	Seychelles	Venezuela
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Pakistan	Singapore	Vietnam
Angola	Burundi	Democratic Republic of Congo	Holy See	Macau	Palau	Sint Eustatius	Zambia
Argentina	Cabo Verde	Republic of Congo	Honduras	Macedonia	Palestine	Sint Maarten	Zimbabwe
Armenia	Cambodia	Ecuador	Hong Kong	Madagascar	Panama	Slovakia	
Aruba	Cameroon	Egypt	Hungary	Malaysia	Papua New Guinea	Slovenia	
Australia	Cayman Islands	El Salvador	Iceland	Maldives	Paraguay	South Africa	
Austria	Central African Republic	England and Wales	India	Mali	Peru	South Korea	
Azerbaijan	Chile	Ireland	Indonesia	Malta	Philippines	Spain	
Bahamas	China	Israel	Iran	Marshall Islands	Poland	Sri Lanka	
Bahrain	Christmas Island	Isle of Man	Ireland	Mauritania	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Italy	Isle of Man	Mauritius	Puerto Rico	Sweden	
Barbados	Colombia	Jamaica	Israel	Mexico	Qatar	Switzerland	
Belarus	Comoros	Japan	Italy	Moldova	Romania	Syria	
Belgium	Cook Islands	Jersey	Jamaica	Monaco	Russia	Tajikistan	
Benin	Costa Rica	Jordan	Japan	Mongolia	Saba	Tanzania	
Bermuda	Côte d'Ivoire	Kazakhstan	Jersey	Montenegro	Saint Vincent and the Grenadines	Thailand	
Bhutan	Croatia	Kenya	Jordan	Morocco	San Marino	Trinidad and Tobago	
Bolivia	Cuba	Kuwait	Kazakhstan	Mozambique	Sao Tome and Principe	Tonga	
Bonaire	Curaçao	Kyrgyzstan	Kenya	Myanmar		Tunisia	
Bosnia & Herzegovina		Laos	Kuwait	Nepal		Turkey	
		Latvia	Kyrgyzstan	New Zealand		Uganda	
			Laos	Nicaragua		Ukraine	
			Latvia	Niger			

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# Peru

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Montevideo Convention 1979:**

Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

**Bustamante Code 1928:**

Bahamas, Bolivia, Brazil, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Venezuela\*

\*Although in force in Venezuela, the provisions on recognition and enforcement of foreign judgments (Articles 423-435) were reserved by Venezuela.

**Bolivian Accord 1911:**

Ecuador, Bolivia, Peru, Colombia, Venezuela

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. It is possible, by means of a judicial process of Exequatur. However, if the country that rendered the judgment does not recognize Peruvian judgments, the exequatur would be denied.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

The estimated time is 2 years not including the collection stage. It is first required to follow an Exequatur process for official recognition and then an enforcement process, which includes a final stage for collection. If unopposed, it shouldn't take more than one year each without considering collection in the latter. The collection stage could take between 3 months and 2 plus years, depending on the kind of assets owned by the defendant, if any.

# Peru

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

It is usually 4 to 6 years without considering the collection stage. It is first required to follow a process of Exequatur for official recognition and then an enforcement process, which includes a final stage for collection. If opposed, the recognition process may take one and a half to two years and a half and the enforcement process from two and a half to four years without considering collection. The collection stage could take 3 months to 2 plus years, depending on the kind of assets owned by the defendant, if any.

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

The cost varies depending on the amount of the claim. Court fees are approximately USD 1200.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

If opposed, court fees are approximately USD 1500.

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

Peruvian courts deal with an excessive load of cases and there are usually delays in handling them. If the enforcement is against State entities, a specific procedure for collection should be followed which, depending on the amount, could take up to 5 years only for this stage.

## ARBITRATION AWARDS

## 8. Is this jurisdiction a party to the New York Convention?

Yes.

## 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

The usual time frame is 2 years without considering collection. It is first required to follow a process of Exequatur for official recognition and then an enforcement process, which includes a final stage for collection. If unopposed, they shouldn't take more than one year each without considering collection in the latter. The collection stage could take 3 months to 2 years or more, depending on the kind of assets owned by the defendant, if any.

**10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?**

If opposed, the time frame is 4 to 6 years without considering collection. It is first required to follow a process of Exequatur for official recognition and then an enforcement process, which includes a final stage for collection. If opposed, the recognition process may take one and a half to two years and a half and the enforcement process from two and a half to four years without considering collection. The collection stage could take 3 months to 2 years or more, depending on the kind of assets owned by the defendant, if any.

**11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?**

The cost varies depending on the amount of the claim. Court fees are approximately USD 1200.

**12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?**

If opposed, the court fees are approximately USD 1500.

**13. Are there any unusual difficulties in enforcing a foreign arbitration award?**

Peruvian courts deal with an excessive load of cases and there are usually delays in handling them. If the enforcement is against State entities, a specific procedure for collection should be followed which depending on the amount could take up to 5 years only for this stage.

## LIMITATION

**14. Which law governs the limitation period for registering a foreign judgment or arbitration award?**

Peruvian Law.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

A 10 year period to enforce the judgment from its expedition. This period may be suspended and/or interrupted.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

A 10 year period to enforce the award from its expedition. This period may be suspended and/or interrupted.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

In theory yes, however in the practice it is complicated to recover them.

18. Is seizure of goods available as an enforcement method?

Yes, however, the goods have to be sold in an auction and only if there are no bids can the requesting party retain the good as payment.

19. Is attachment of earnings available as an enforcement method?

Yes, however only the part that exceeds USD 611. The amount that exceeds USD 611 is only seizable in one-third of the total.

20. Is attachment of third party debts available as an enforcement method?

Yes, credits are seizable.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.



## 22. Can a judgment or award be enforced by way of insolvency proceedings?

Awards that were previously recognized in Peru can be used to ask the beginning of an insolvency proceeding as long as the credit fulfills some legal requirements. If there is an ongoing proceeding, credits contained in such award can be claimed.

## 23. Can a receiver be appointed by way of enforcement?

Yes.

## 24. Any other method of enforcement?

Seizure of valuable securities and of goods within a production facility. Moreover, judges can grant other non-specifically regulated measures.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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Partner, Lima

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### 28. What papers will be needed?

A full copy of the judgment duly legalized by a consular agent or certified with an apostille and officially translated into Spanish. In the case of awards, it is possible to file the original and a non-official translation, although judges can request an official version.



# Peru

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Peru has reciprocal enforcement arrangements for court judgments.



Montevideo Convention 1979	Bustamante Code 1928		
Argentina Bolivia Brazil Colombia Ecuador Mexico Paraguay Uruguay Venezuela	Bahamas Bolivia Brazil Chile Costa Rica Cuba Dominican Republic Ecuador El Salvador Guatemala	Haití Honduras Nicaragua Panama Peru Venezuela*  <b>Bolivian Accord 1911</b> Ecuador Bolivia Peru	Colombia Venezuela

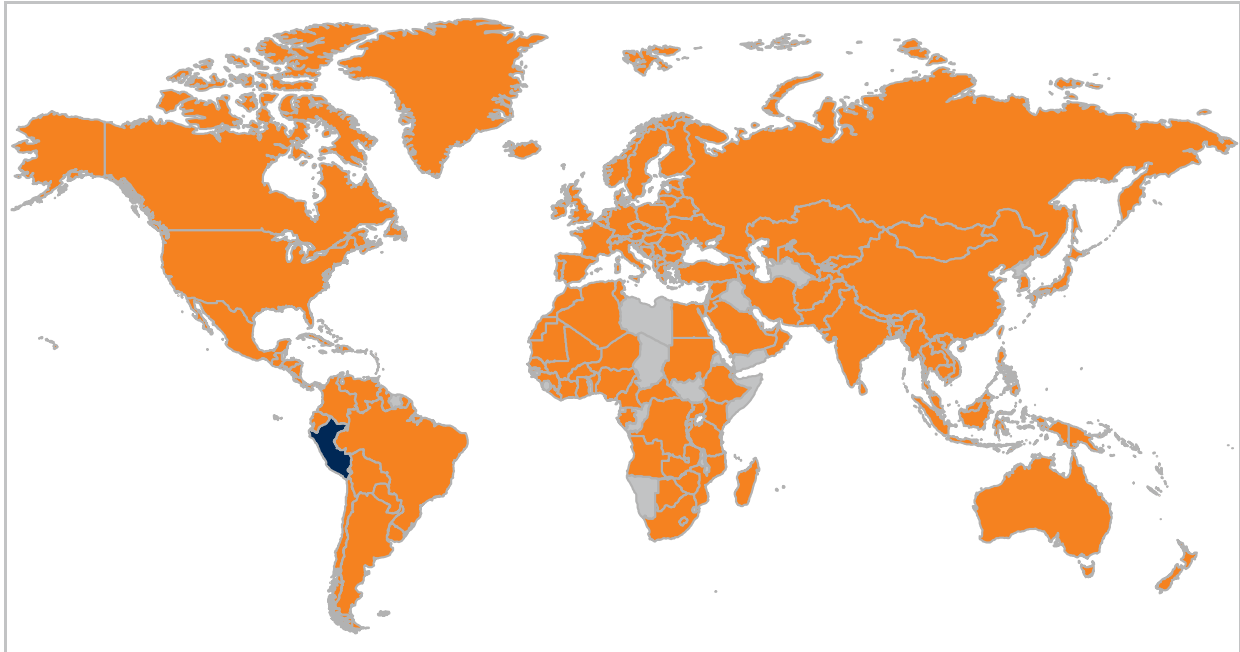
\*Although in force in Venezuela, the provisions on recognition and enforcement of foreign judgments (Articles 423-435) were reserved by Venezuela.

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# Peru

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Peru has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Macedonia	Palau	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Madagascar	Palestine	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Iceland	Malaysia	Panama	Slovenia	
Australia	Cayman Islands	England and Wales	India	Maldives	Papua New Guinea	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Mali	Paraguay	South Korea	
Azerbaijan	Chile	Israel	Iran	Malta	Philippines	Spain	
Bahamas	China	Italy	Ireland	Marshall Islands	Poland	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritania	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mauritius	Puerto Rico	Sweden	
Barbados	Colombia	Jordan	Italy	Mexico	Qatar	Switzerland	
Belarus	Comoros	Kazakhstan	Jamaica	Moldova	Romania	Syria	
Belgium	Cook Islands	Kenya	Japan	Monaco	Russia	Tajikistan	
Benin	Costa Rica	Kuwait	Jersey	Mongolia	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Laos	Jordan	Montenegro	Saba	Thailand	
Bhutan	Croatia	Latvia	Kazakhstan	Morocco	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Curaçao		Kenya	Mozambique	San Marino	Tonga	
Bonaire			Kyrgyzstan	Myanmar	Sao Tome and Principe	Tunisia	
Bosnia & Herzegovina			Laos	Nepal		Turkey	
			Latvia	Netherlands		Uganda	
				New Zealand		Ukraine	
				Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Philippines

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

None.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

1 year

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

2-3 years

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 10,000 – 50,000

# Philippines

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 50,000 - 100,000

7. Are there any unusual difficulties in enforcing a foreign judgment?

The Philippine legal system is not known to be efficient and cost-effective.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

1 year

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

2-3 years

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 50,000 - 100,000

# Philippines

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Not all local court judges are familiar with the intricacies of arbitration and the provisions of the New York Convention. Such lack of familiarity may result in unnecessary delays in the enforcement process.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

10 years from the time the right of action accrues (i.e., the finality of the judgment).

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

5 years from the time the right of action accrues (i.e., the finality of the foreign judgment or the issuance of the final arbitral award)

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

# Philippines

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Not applicable.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate

# Philippines

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Donemark Calimon**

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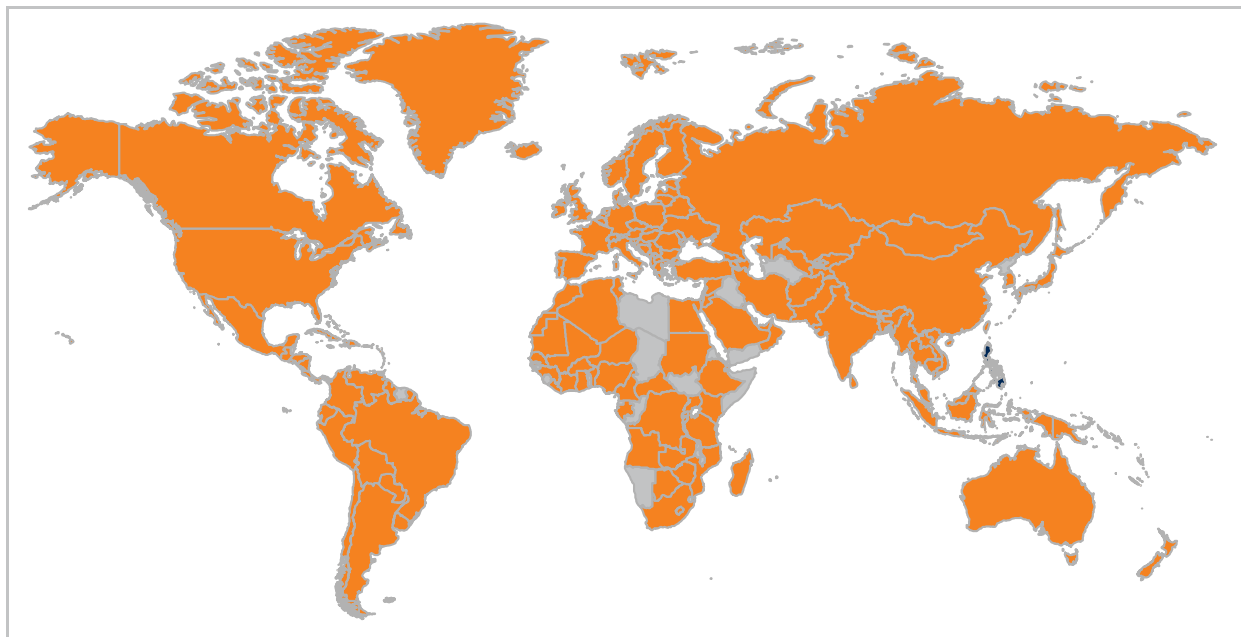
### 28. What papers will be needed?

- For enforcement of foreign judgments, we will need an authentic copy of the judgment sought to be enforced. For enforcement of foreign arbitral awards, we will need authentic copies of (a) the arbitration agreement; and (b) the arbitral award.
- In either case, if the relevant documents are not in English, we will need a translation that is certified by an official or sworn translator or by a diplomatic or consular agent.
- If the jurisdiction from where the relevant document originates is also a contracting party to the Apostille Convention, it need not undergo the process of authentication and legalization by a diplomatic or consular agent. The Philippines became a party to the Apostille Convention as of 14 May 2019.

# Philippines

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Philippines has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Bosnia & Herzegovina	Côte d'Ivoire	France	Jamaica	Mexico	Poland	Sri Lanka
Albania	Botswana	Croatia	Gabon	Japan	Moldova	Portugal	Sudan
Algeria	Brazil	Cuba	Georgia	Jersey	Monaco	Puerto Rico	Sweden
American Samoa	British Virgin Islands	Curaçao	Germany	Jordan	Mongolia	Qatar	Switzerland
Andorra	Brunei	Cyprus	Ghana	Kazakhstan	Montenegro	Romania	Syria
Antigua and Barbuda	Bulgaria	Czech Republic	Gibraltar	Kenya	Morocco	Russia	Tajikistan
Angola	Burkina Faso	Denmark	Greece	Kuwait	Mozambique	Rwanda	Tanzania
Argentina	Burundi	Djibouti	Greenland	Kyrgyzstan	Myanmar	Saba	Thailand
Armenia	Cabo Verde	Dominica	Guam	Laos	Nepal	Saint Vincent and the Grenadines	Trinidad and Tobago
Aruba	Cambodia	Dominican Republic	Guatemala	Latvia	Netherlands	San Marino	Tonga
Australia	Cameroon	Democratic Republic of Congo	Guernsey	Lebanon	New Zealand	Sao Tome and Principe	Tunisia
Austria	Cayman Islands	Ecuador	Guinea	Lesotho	Nicaragua	Saudi Arabia	Turkey
Azerbaijan	Central African Republic	Egypt	Guyana	Liberia	Niger	Scotland	Uganda
Bahamas	Chile	El Salvador	Haiti	Liechtenstein	Nigeria	Senegal	United Arab Emirates
Bahrain	China	England and Wales	Holy See	Lithuania	Norfolk Island	Serbia	United States of America
Bangladesh	Christmas Island	Estonia	Honduras	Luxembourg	Northern Ireland	Seychelles	Uruguay
Barbados	Cocos (Keeling) Islands	Ethiopia*	Hong Kong	Macau	Oman	Singapore	US Virgin Islands
Belarus	Colombia	Faroe Islands	Hungary	Madagascar	Pakistan	Sint Eustatius	Venezuela
Belgium	Comoros	Fiji	Iceland	Malaysia	Palau	Sint Maarten	Vietnam
Benin	Cook Islands	Finland	India	Maldives	Palestine	Slovakia	Zambia
Bermuda	Costa Rica	France	Indonesia	Mali	Panama	Slovenia	Zimbabwe
Bhutan		Gabon	Iran	Malta	Papua New Guinea	South Africa	
Bolivia			Ireland	Marshall Islands	Paraguay	Spain	
Bonaire			Israel	Mauritania	Peru		
			Italy	Mauritius			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Poland

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

**Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Bilateral:**

Algeria, Belarus, Bosnia and Hercegovina, Bulgaria, China, Cuba, Cyprus, Denmark, Egypt, Estonia, Hungary, Iraq, Latvia, Lithuania, Macedonia, Mongolia, Montenegro, Morocco, Romania, Russia, Syria, Tunisia, Turkey, Ukraine, Vietnam

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Up to a year.

# Poland

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Between half a year and three years.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

The court fee is approximately USD 75. Costs of sworn translation of the judgment to Polish should also be taken into account.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

The court fee for the initial application is approximately USD 75. The court fee for an appeal in case the court of first instance refuses to enforce the judgment is approximately USD 15. Costs of sworn translation of the judgment to Polish should also be taken into account.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Between half a year and three years.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

6-9 months.

# Poland

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

The court fee is approximately USD 75. Costs of sworn translation of the judgment to Polish should also be taken into account.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

The court fee for the initial application is approximately USD 75. The court fee for an appeal in case the court of first instance refuses to enforce the arbitration award is approximately USD 75. Costs of sworn translation of the judgment to Polish should also be taken into account.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law that applies to the claim that the judgment/award concerns.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes. However, the amounts of legal representation costs that can be recovered are limited by statute.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

# Poland

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy in relation to the Brussels regime jurisdictions, Moderate in relation to non-Brussels regime jurisdictions

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Łukasz Hejmej**  
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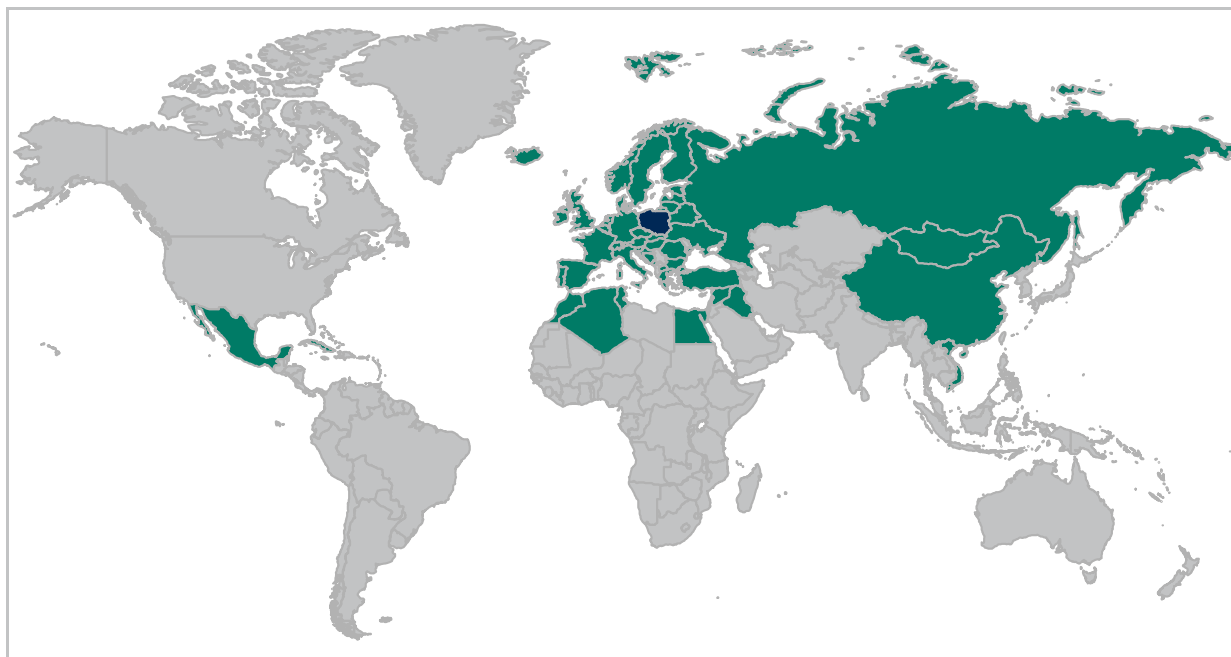
## 28. What papers will be needed?

- Arbitral award: Original of an arbitration award together with original of the arbitration agreement, an official sworn translation of the award and the agreement to Polish, apostilled excerpt from the commercial register in case of a corporate Client, power of attorney to act on behalf of the Client in the proceedings.
- Foreign judgment: Original judgment together with an official confirmation that the judgment is enforceable in the jurisdiction where it was issued, an official sworn translation of the judgment and the confirmation, apostilled excerpt for the commercial register, in case of a corporate Client, power of attorney to act on behalf of the Client in the proceedings. If the judgment was issued without the defendant filing a defense as to the merits of the dispute, additionally, one has to produce a confirmation that the defendant received a statement of claim.

# Poland

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Poland has reciprocal enforcement arrangements for court judgments.



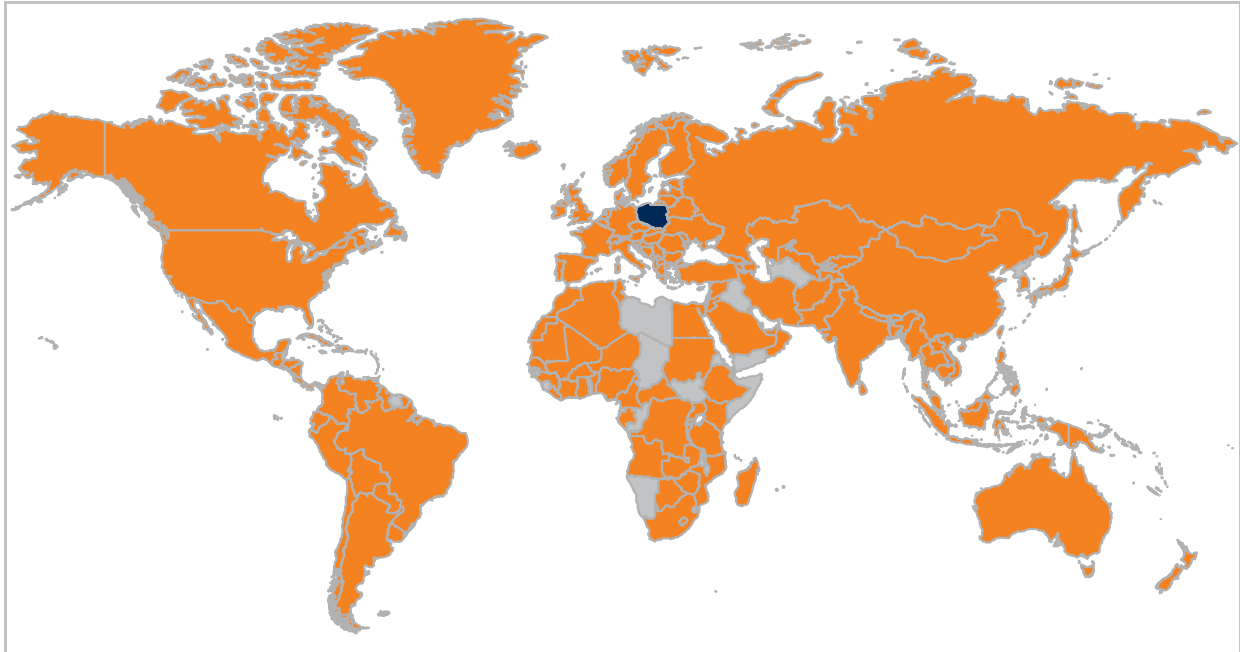
<b>Brussels Regulations</b>	Slovenia	Greece	Bulgaria
Austria	Spain	Hungary	China
Belgium	Sweden	Ireland	Cuba
Bulgaria	United Kingdom	Italy	Cyprus
Croatia		Latvia	Denmark
Cyprus	<b>Lugano Convention 2007</b>	Lithuania	Egypt
Czech Republic	Denmark	Luxembourg	Estonia
Denmark	Iceland	Malta	Hungary
Estonia	Norway	Mexico	Iraq
Finland	Switzerland	Montenegro	Latvia
France		Netherlands	Lithuania
Germany	<b>Hague Choice of Court Convention 2005</b>	Portugal	Macedonia
Greece	Austria	Romania	Mongolia
Hungary	Belgium	Singapore	Montenegro
Ireland	Bulgaria	Slovakia	Morocco
Italy	Croatia	Slovenia	Romania
Latvia	Cyprus	Spain	Russia
Lithuania	Czech Republic	Sweden	Syria
Luxembourg	Denmark	United Kingdom	Tunisia
Malta	Estonia		Turkey
Netherlands	Finland	<b>Bilateral</b>	Ukraine
Portugal	France	Algeria	Vietnam
Romania	Germany	Belarus	
Slovakia		Bosnia and Herzegovina	

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# Poland

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Poland has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Macedonia	Palau	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Madagascar	Palestine	Slovakia	Zimbabwe
Aruba	Cameroon	El Salvador	Iceland	Malaysia	Panama	Slovenia	
Australia	Cayman Islands	England and Wales	India	Maldives	Papua New Guinea	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Mali	Paraguay	South Korea	
Azerbaijan	Chile	Israel	Iran	Malta	Peru	Spain	
Bahamas	China	Italy	Ireland	Marshall Islands	Philippines	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritania	Portugal	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mauritius	Puerto Rico	Sweden	
Barbados	Colombia	Jersey	Italy	Mexico	Qatar	Switzerland	
Belarus	Comoros	Jordan	Jamaica	Moldova	Romania	Syria	
Belgium	Cook Islands	Kazakhstan	Japan	Monaco	Russia	Tajikistan	
Benin	Costa Rica	Kenya	Jersey	Mongolia	Rwanda	Tanzania	
Bermuda	Côte d'Ivoire	Kuwait	Jordan	Montenegro	Saba	Thailand	
Bhutan	Croatia	Kyrgyzstan	Kazakhstan	Morocco	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bolivia	Cuba	Laos	Kenya	Mozambique	San Marino	Tonga	
Bonaire	Curaçao	Latvia	Kuwait	Myanmar	Sao Tome and Principe	Tunisia	
Bosnia & Herzegovina			Kyrgyzstan	Nepal		Turkey	
			Laos	Netherlands		Uganda	
			Latvia	New Zealand		Ukraine	
				Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Russia

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002:

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

**Bilateral:**

Albania, Algiers, Argentina, Bulgaria, China, Cuba, Cyprus, Czech Republic, Egypt, Estonia, Greece, Hungary, India, Iran, Iraq, Italy, Latvia, Lithuania, Mongolia, North Korea, Poland, Romania, Slovakia, Spain, Tunisia, Yemen, and Vietnam.

### 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. Foreign court judgments might be enforced on the basis of international comity and reciprocity. However, the number of judgments enforced on the basis of reciprocity is very limited.

### 3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

The statutory time period for the first instance court to consider the application is one month as from its filing with an arbitrazh (state commercial) court of a constituent entity (for commercial disputes), and two months as from filing with a district court of general jurisdiction (for non-commercial disputes). In practice, the court review may take longer, depending on particular circumstances of the dispute and court workload.

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Where the enforcement of a foreign judgment is opposed, the proceedings both at arbitrazh (state commercial) courts and courts of general jurisdiction as a rule last from 6 to 14 months. If there is no bilateral treaty, the proceedings in practice may take longer. Also, the duration of proceedings depends on the workload of judges at a particular court, which is higher in Moscow.

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

State duty for filing an application is USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. As a rule, expenses do not exceed USD 1,000. The approximate amount of legal fees ranges from approximately USD 25,000 to USD 40,000.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

State duty for filing an application is approximately USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. State duty for the review of court decisions is unsubstantial. Expenses will likely exceed USD 1,000 where the proceedings are lengthy, and especially in case of re-trial. The approximate amount of legal fees starts from approximately USD 45,000 and can exceed approximately USD 150,000, especially in case of re-trial.

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

If there is no relevant international treaty between Russia and a relevant foreign jurisdiction, the court might enforce the judgment on the basis of international comity and reciprocity. In such case, a party would need to prove that Russian court judgments were or at least can be enforced by the courts of the relevant foreign jurisdiction. However, this process is costly and may not be effective. Due to a new law in effect on 19 June 2020 granting Russian state courts exclusive competence in disputes involving Russian sanctioned entities or in disputes based on sanctions, the enforcement of foreign court judgments issued in such disputes may in certain circumstances be refused based on the violation of the exclusive competence of Russian state courts and/ or public policy grounds.

## ARBITRATION AWARDS

### 8. Is this jurisdiction a party to the New York Convention?

Yes.

### 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

The statutory time period for the court to consider the application is one month as from its filing with an arbitrazh (state commercial) court of a constituent entity (for commercial disputes), and two months as from its filing with a district court of general jurisdiction (for non-commercial disputes). In practice, such enforcement can take up to 3 - 4 months.

### 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The proceedings as a rule may take from 10 months to 2 years (especially in instances where the case was sent to re-trial).

### 11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

State duty for filing an application is approximately USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. As a rule, expenses do not exceed USD 1,000. The approximate amount of legal fees ranges from approximately USD 25,000 to USD 40,000.

### 12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

State duty for filing an application is approximately USD 50, other expenses may include costs for translating and certifying the documents, as well as preparing witness evidence. State duty for the review of court decisions is unsubstantial. Expenses will likely exceed USD 1,000 where the proceedings are lengthy, and especially in case of re-trial. The approximate amount of legal fees starts from approximately USD 45,000 and can exceed approximately USD 150,000, especially in case of re-trial.

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

So far there is no established court practice of enforcing awards in various types of arbitrable corporate disputes concerning Russian legal entities. Certain difficulties may also arise in the event the dispute involves a public law element, for example, the use of public funds or a Russian legal entity as the award debtor, in which case Russian courts may consider the dispute to be non-arbitrable. Court practice on this issue is not uniform.

Due to a new law in effect on 19 June 2020 granting Russian state courts exclusive competence in disputes involving Russian sanctioned entities or in disputes based on sanctions, the enforcement of foreign arbitral awards issued in such disputes may in certain circumstances be refused based on exclusive competence or public policy grounds.

## LIMITATION

## 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

## 15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date of the foreign judgment's entry into force.

## 16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date of the foreign arbitral award's entry into force.

## ENFORCEMENT

## 17. Are fees and costs of enforcement typically recoverable?

Yes.

## 18. Is seizure of goods available as an enforcement method?

Yes.

# Russia

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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## 28. What papers will be needed?

For enforcement of a foreign arbitral award:

- A duly certified original arbitral award or its duly certified copy.
- An original arbitration agreement or its duly certified copy.
- A duly certified translation of the above documents into Russian.

For enforcement of a foreign court judgment:

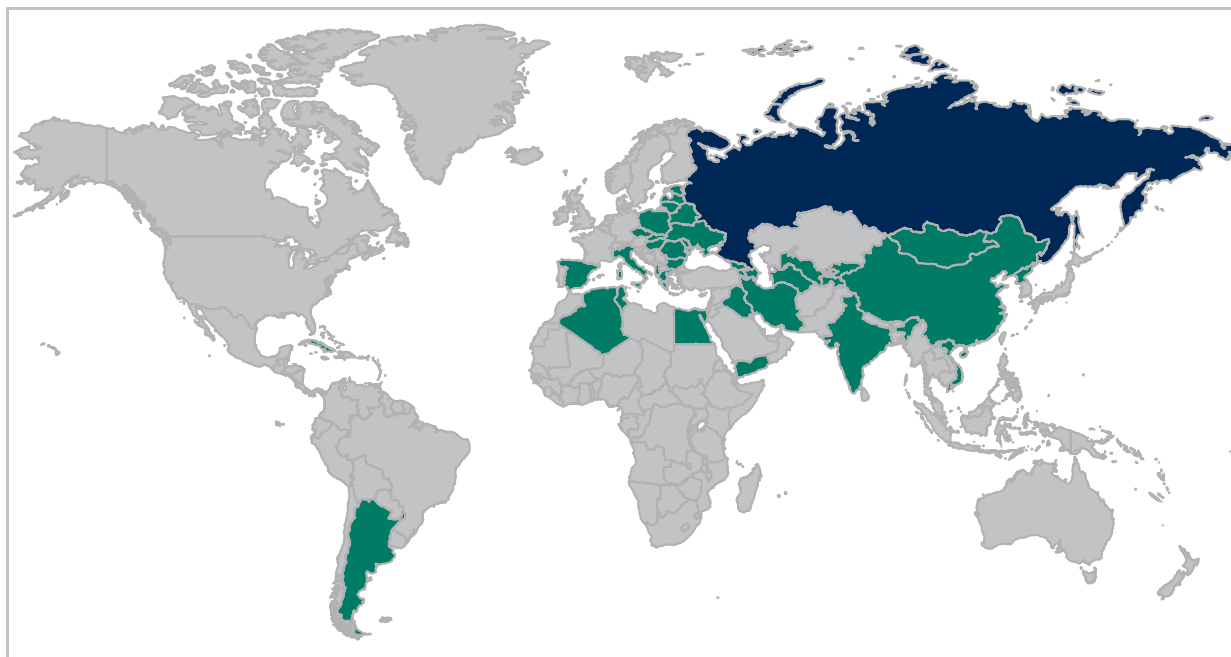
- A certified copy thereof.
- A certified document confirming that the foreign judgment entered into force, except when it is stated in the judgment.
- A document certifying and confirming that a debtor was duly notified of the proceedings in the foreign court.
- A power of attorney or other duly certified document confirming the signatory's authority.
- Documents certifying that a copy of the application was sent to the debtor.
- A duly certified translation of all the documents above into Russian.
- A document certifying the payment of the filing fee.

For non-commercial disputes, the confirmation of enforcement of the foreign judgment in a foreign jurisdiction should be enclosed, if applicable.

# Russia

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Russia has reciprocal enforcement arrangements for court judgments.



<b>Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002</b> Armenia Azerbaijan Belarus Georgia Kyrgyzstan Moldova Russia Tajikistan	Turkmenistan Ukraine Uzbekistan  <b>Bilateral</b> Albania Algeria Argentina Bulgaria China Cuba	Cyprus Czech Republic Egypt Estonia Greece Hungary India Iran Iraq Italy Latvia	Lithuania Mongolia North Korea Poland Romania Slovakia Spain Tunisia Vietnam Yemen

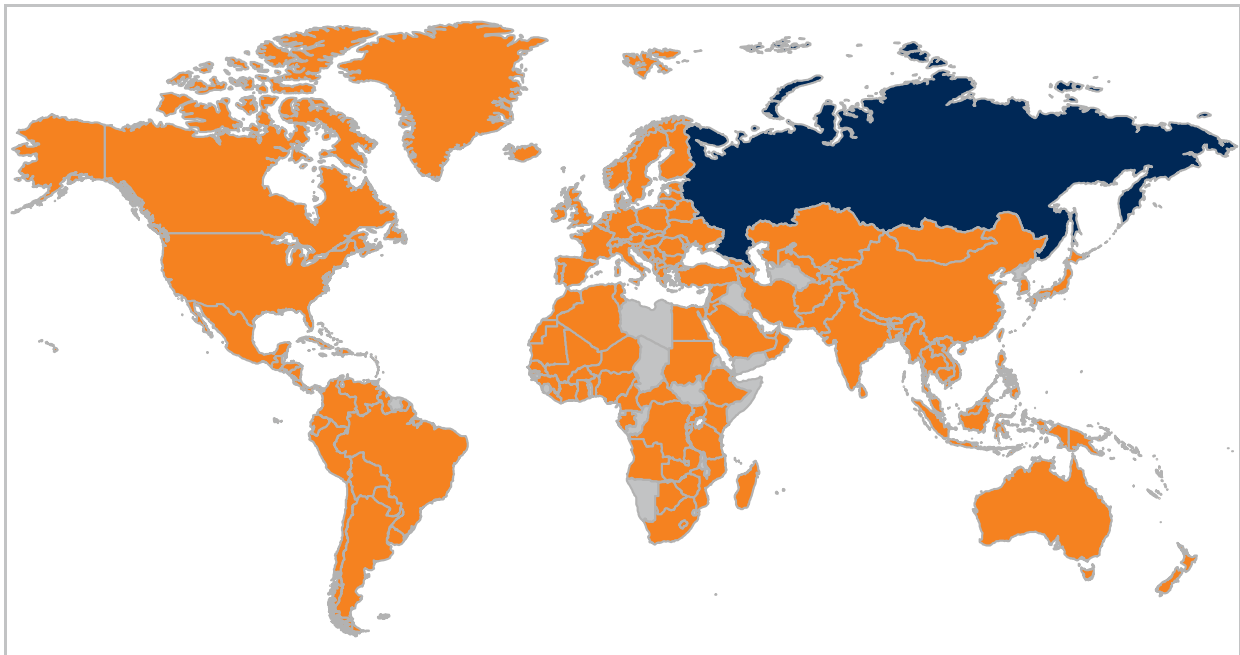
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# Russia

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Russia has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Saudi Arabia	United Arab Emirates
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Scotland	United States of America
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Senegal	Uruguay
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Serbia	US Virgin Islands
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Seychelles	Uzbekistan
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Singapore	Venezuela
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Sint Eustatius	Vietnam
Argentina	Cabo Verde	Ecuador	Hong Kong	Macedonia	Palau	Sint Maarten	Zambia
Armenia	Cambodia	Egypt	Hungary	Madagascar	Palestine	South Africa	Zimbabwe
Aruba	Cameroon	El Salvador	Iceland	Malaysia	Panama	South Korea	
Australia	Cayman Islands	England and Wales	India	Maldives	Papua New Guinea	Spain	
Austria	Central African Republic	Ireland	Indonesia	Mali	Paraguay	Sri Lanka	
Azerbaijan	Chile	Israel	Iran	Malta	Peru	Sudan	
Bahamas	China	Italy	Ireland	Marshall Islands	Philippines	Sweden	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritania	Poland	Switzerland	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mauritius	Portugal	Syria	
Barbados	Colombia	Jordan	Italy	Moldova	Puerto Rico	Tajikistan	
Belarus	Comoros	Kazakhstan	Jamaica	Monaco	Qatar	Tanzania	
Belgium	Cook Islands	Kenya	Japan	Mongolia	Romania	Thailand	
Benin	Costa Rica	Kuwait	Jersey	Montenegro	Rwanda	Trinidad and Tobago	
Bermuda	Côte d'Ivoire	Laos	Gabon	Morocco	Saba	Tonga	
Bhutan	Croatia	Latvia	Georgia	Mozambique	Saint Vincent and the Grenadines	Tunisia	
Bolivia	Cuba		Germany	Myanmar	San Marino	Turkey	
Bonaire	Curaçao		Ghana	Nepal	Sao Tome and Principe	Uganda	
Bosnia & Herzegovina			Gibraltar	Netherlands		Ukraine	
			Greece	New Zealand			
			Greenland	Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Saudi Arabia

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Riyadh Convention 1983:**

Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen

**GCC Convention 1995:**

Bahrain, Kuwait, Oman, Qatar, United Arab Emirates

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Per the Enforcement Law issued according to Royal Decree M/53 dated 3/7/2012G (the "**Enforcement Law**"), to enforce a court judgment from a jurisdiction other than those with which Saudi Arabia has agreements for the mutual enforcement of judgments, the enforcement court must have evidence that the issuing jurisdiction enforces Saudi judgments, i.e., the reciprocity principle. From our experience, obtaining such evidence can be difficult and involves sending a request to the Saudi Ministry of Justice to verify reciprocity, which can take considerable time to respond to and confirmations may change from time to time. Historically, attempts to enforce foreign judgments in Saudi Arabia have generally been unsuccessful.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

If the foreign judgment was issued from a Jurisdiction with which Saudi Arabia has an agreement for the mutual enforcement of judgments and the judgment meets certain criteria (e.g., does not contravene Sharia Law or public policy, is final (non-appealable), and proper notification to the respondent had been given in the underlying proceeding), then enforcement could occur within a few months of initiating the enforcement process.

# Saudi Arabia

For foreign judgments issued from a jurisdiction with which Saudi Arabia does not have any bilateral enforcement agreement, it is extremely difficult to provide a timeline. The process can be very protracted and may take several years and such a judgment may ultimately not be enforceable if the reciprocity principle is not met.

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

If the foreign judgment was issued from a Jurisdiction with which Saudi Arabia has an agreement for the mutual enforcement of judgments and the judgment meets certain criteria (e.g., does not contravene Sharia Law or public policy, is final (non-appealable), and proper notification to the respondent had been given in the underlying proceeding), it may take several months to years depending on the factual and legal issues that are raised by the respondent.

For foreign judgments issued from a jurisdiction with which Saudi Arabia does not have any bilateral enforcement agreement, it is extremely difficult to provide a timeline. The process can be very protracted and may take several years and such a judgment may ultimately not be enforceable if the reciprocity principle is not met.

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Court fees are minimal in Saudi Arabia. Legal fees would vary significantly depending on whether travel is necessary to attend hearings, duration of the proceeding, availability of enforceable assets, and complexity of underlying issues.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Court fees are minimal in Saudi Arabia. Legal fees would vary significantly depending on whether travel is necessary to attend hearings, duration of the proceeding, availability of enforceable assets, and complexity of underlying issues.

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

According to the Enforcement Law, to enforce court judgments from a jurisdiction that does not have an agreement with Saudi Arabia for the mutual enforcement of judgments, the enforcement court must have evidence that the issuing jurisdiction enforces Saudi judgments (the reciprocity principle). Obtaining such evidence can be very difficult and involves sending a request to the Saudi Ministry of Justice to verify reciprocity, which can take considerable time to respond to.

# Saudi Arabia

Moreover, Saudi Enforcement courts will not enforce a foreign judgment if the enforcement is contrary to Sharia (Islamic law) or public policy. The list of matters that would be deemed to contravene public policy is not well-defined and individual judges may reach conflicting results in similar cases. However, from our experience, enforcement judges tend to enforce an award unless it contravenes a fundamental principle of Sharia. An award of interest, for example, is prohibited by Sharia and thus is unenforceable. An award of interest is severable, however, and does not invalidate the enforcement of other portions of the award.

## ARBITRATION AWARDS

### 8. Is this jurisdiction a party to the New York Convention?

Yes.

### 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Generally speaking, it can take 3 to 6 months to enforce a straightforward, unopposed foreign arbitration award.

### 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

It is extremely difficult to provide an approximate time to enforce a foreign arbitration award that is being opposed because it would depend on several factors such as the factual background, complexity of legal issues used to oppose, and so forth.

### 11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Court fees are minimal in Saudi Arabia. Legal fees would vary significantly depending on whether travel is necessary to attend hearings, duration of the proceeding, availability of enforceable assets, and complexity of underlying issues.

### 12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

The cost would depend on several factors, including the complexity of the issues, the level of opposition.

# Saudi Arabia

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Saudi courts will not enforce arbitration awards that are contrary to Sharia (Islamic law) or public policy.

Award of interest is prohibited under Sharia, and thus unenforceable. An award of interest is, however, severable and does not invalidate the enforcement of other portions of the award. The list of matters that would be deemed to contravene public policy is not well-defined and individual judges may reach conflicting results in similar cases. However, from our experience, enforcement judges tend to enforce an award unless it contravenes a fundamental principle of Sharia.

## LIMITATION

## 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Saudi law would govern the limitation period for enforcing a foreign judgment or arbitration award in Saudi Arabia. There is no statute of limitations under Saudi law for the enforcement of a foreign judgment or arbitration award.

## 15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no statute of limitations under Saudi law for the enforcement of a foreign judgment or arbitration award. Generally speaking, Sharia (Islamic law) does not recognize that legal rights may terminate simply due to the passage of time.

## 16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

## ENFORCEMENT

## 17. Are fees and costs of enforcement typically recoverable?

Generally, no.

# Saudi Arabia

## 18. Is seizure of goods available as an enforcement method?

Yes. Enforcement judges in Saudi have broad authority to seize assets to ensure compliance, including seizure of monetary and non-monetary assets.

## 19. Is attachment of earnings available as an enforcement method?

Yes, but with certain limitations taking into consideration familial obligations.

## 20. Is attachment of third party debts available as an enforcement method?

Yes.

## 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

## 22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes, but recovery would depend on the availability of assets and the claims of other creditors.

## 23. Can a receiver be appointed by way of enforcement?

Yes.

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Difficult, if the judgment was issued in a jurisdiction with which Saudi Arabia does not have an arrangement with Saudi Arabia for the mutual enforcement of judgments. Moderate, if the jurisdiction has an arrangement with Saudi Arabia for the mutual enforcement of judgments.

# Saudi Arabia

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate, if the issuing jurisdiction is a signatory to the New York Convention or other treaties for the enforcement of arbitration awards.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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**Mikel Anton**

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## 28. What papers will be needed?

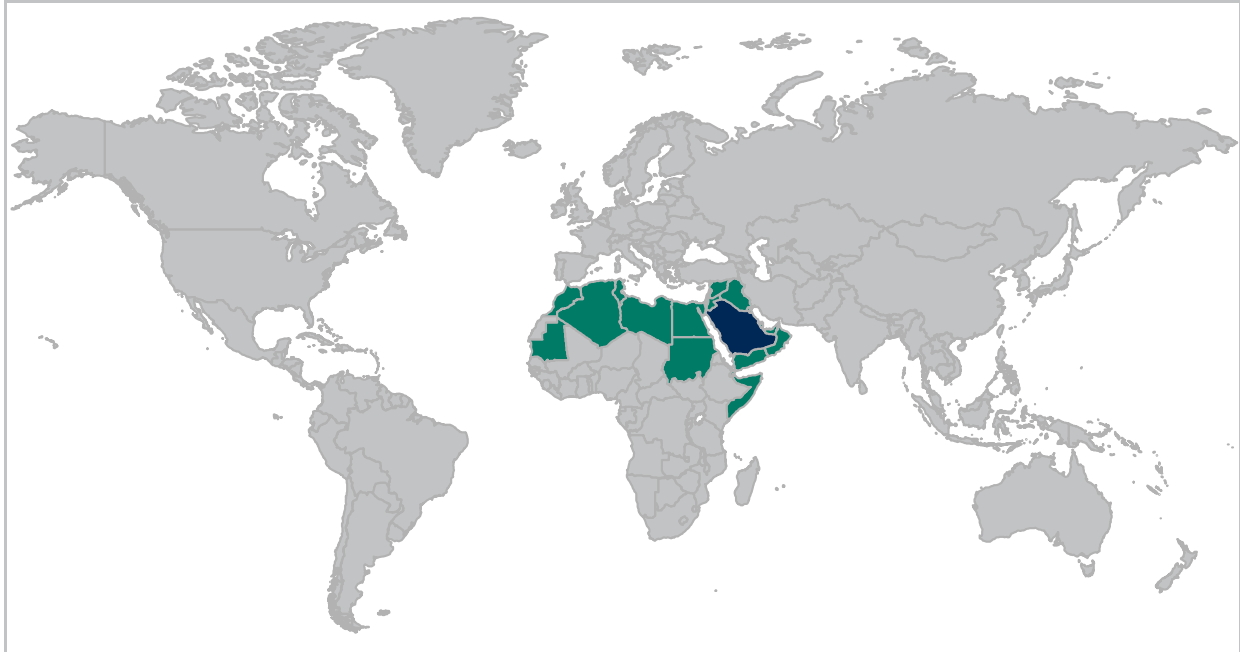
A power of attorney; the original of the instrument to be enforced; and, in the case of companies, a copy of the claimant's commercial registration certificate and its bylaws.



# Saudi Arabia

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Saudi Arabia has reciprocal enforcement arrangements for court judgments.



<b>Riyadh Convention 1983</b> Algeria Bahrain Djibouti Egypt Iraq Jordan Lebanon Libya Mauritania Morocco Oman	Palestine Qatar Somalia Sudan Syria Tunisia United Arab Emirates Yemen  <b>GCC Convention 1995</b> Bahrain Kuwait	Oman Qatar United Arab Emirates	

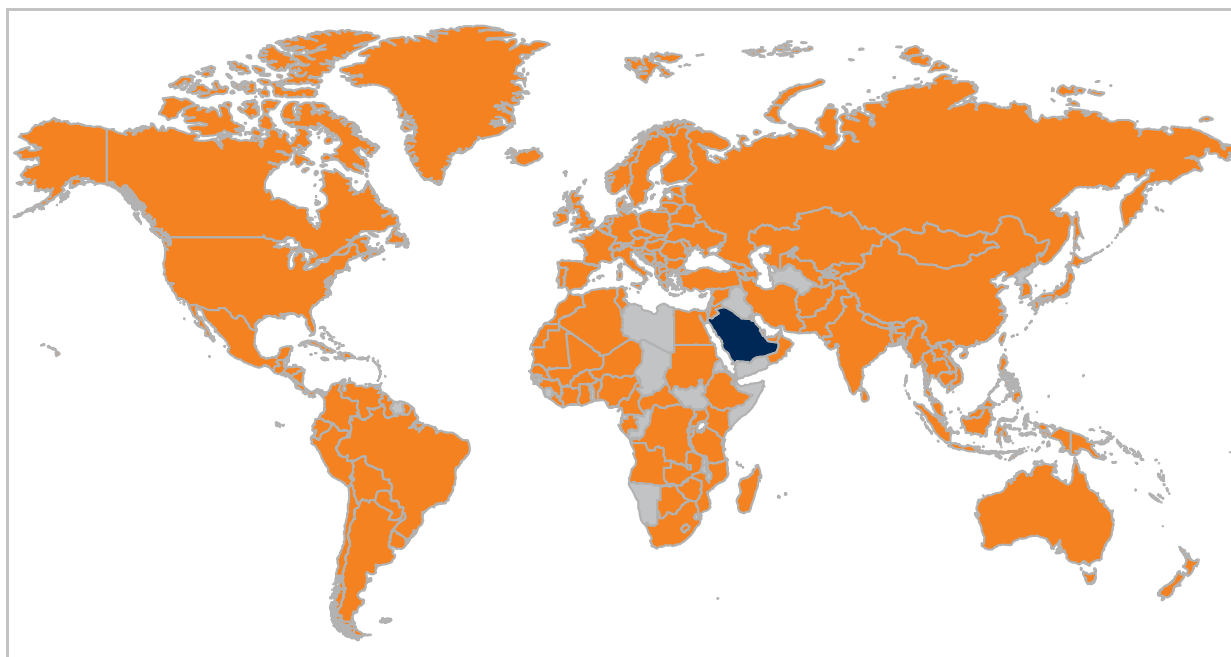
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# Saudi Arabia

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Saudi Arabia has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Ukraine
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	United Arab
Algeria	British Virgin	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	Emirates
American	Islands	Djibouti	Guinea	Liechtenstein	Northern	Senegal	United States
Samoa	Brunei	Dominica	Guyana	Lithuania	Ireland	Serbia	of America
Andorra	Bulgaria	Dominican	Haiti	Luxembourg	Norway	Seychelles	Uruguay
Antigua and	Burkina Faso	Republic	Holy See	Macau	Oman	Singapore	US Virgin
Barbuda	Burundi	Democratic	Honduras	Macedonia	Pakistan	Sint Eustatius	Islands
Angola	Cabo Verde	Republic of	Hong Kong	Madagascar	Palau	Sint Maarten	Uzbekistan
Argentina	Cambodia	Congo	Hungary	Malaysia	Palestine	Slovakia	Venezuela
Armenia	Cameroon	Ecuador	Iceland	Maldives	Panama	Slovenia	Vietnam
Aruba	Cayman Islands	Egypt	India	Mali	Papua New	South Africa	Zambia
Australia	Central African	El Salvador	Indonesia	Malta	Guinea	South Korea	Zimbabwe
Austria	Republic	England and	Iran	Marshall Islands	Paraguay	Spain	
Azerbaijan	Chile	Wales	Ireland	Mauritania	Peru	Sri Lanka	
Bahamas	China	Estonia	Isle of Man	Mauritius	Philippines	Sudan	
Bahrain	Christmas	Ethiopia*	Israel	Mexico	Poland	Sweden	
Bangladesh	Island	Faroe Islands	Italy	Moldova	Portugal	Switzerland	
Barbados	Cocos (Keeling)	Fiji	Jamaica	Monaco	Puerto Rico	Syria	
Belarus	Islands	Finland	Japan	Mongolia	Qatar	Tajikistan	
Belgium	Colombia	France	Jersey	Montenegro	Romania	Tanzania	
Benin	Comoros	Gabon	Jordan	Morocco	Russia	Thailand	
Bermuda	Cook Islands	Georgia	Kazakhstan	Mozambique	Rwanda	Trinidad and	
Bhutan	Costa Rica	Germany	Kenya	Myanmar	Saba	Tobago	
Bolivia	Côte d'Ivoire	Ghana	Kuwait	Nepal	Saint Vincent	Tonga	
Bonaire	Croatia	Gibraltar	Kyrgyzstan	Netherlands	and the	Tunisia	
Bosnia &	Cuba	Greece	Laos	New Zealand	Grenadines	Turkey	
Herzegovina	Curaçao	Greenland	Latvia	Nicaragua	San Marino	Uganda	

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Singapore

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Bilateral:**

Australia, Brunei, Hong Kong, India\*, Malaysia, New Zealand, Pakistan, Papua New Guinea, Sri Lanka, United Kingdom, Windward Islands

\*Excludes the State of Jammu and Kashmir

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. The judgment creditor can commence a common law action for the judgment debt and apply for summary judgment on the basis that there is no defense to the claim.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

1-2 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

2-4 months, if the Court's schedule permits.

# Singapore

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD10,000 - 50,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD50,000 - 100,000

7. Are there any unusual difficulties in enforcing a foreign judgment?

No.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

1 - 3 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

3-6 months, if the Court's schedule permits.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD10,000 - 50,000.

# Singapore

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD100,000+

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement and in some cases, the law governing the dispute, depending on whether the limitation of rights is substantive or procedural.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Under the Reciprocal Enforcement of Foreign Judgments Act, the registration needs to be done within 6 years of the date of judgment (section 4(1)(a) REFJA). Under the Reciprocal Enforcement of Commonwealth Judgments Act, the registration needs to be done within 12 months of the date of judgment (section 3(1) RECJA). Under the Choice of Courts Act, an application for the recognition and enforcement of a judgment may be made any time so long as the judgment is enforceable in the state of origin (section 13(2) CCAA).

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

6 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

# Singapore

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes, by way of garnishee proceedings.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Not applicable.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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**Celeste Ang**

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### 28. What papers will be needed?

Under O 67 r 3(1) of the Rules of Court, an application for the registration of a foreign judgment must be supported by an affidavit:

- exhibiting the judgment or a verified or certified or otherwise duly authenticated copy thereof, and where the judgment is not in the English language, a translation thereof in that language certified by a notary public or authenticated by affidavit;
- stating the name, trade or business and the usual or last known place of abode or business of the judgment creditor and the judgment debtor respectively, so far as known to the deponent;
- stating to the best of the information or belief of the deponent —
  - that the judgment creditor is entitled to enforce the judgment;
  - as the case may require, either that at the date of the application the judgment has not been satisfied, or the amount in respect of which it remains unsatisfied;

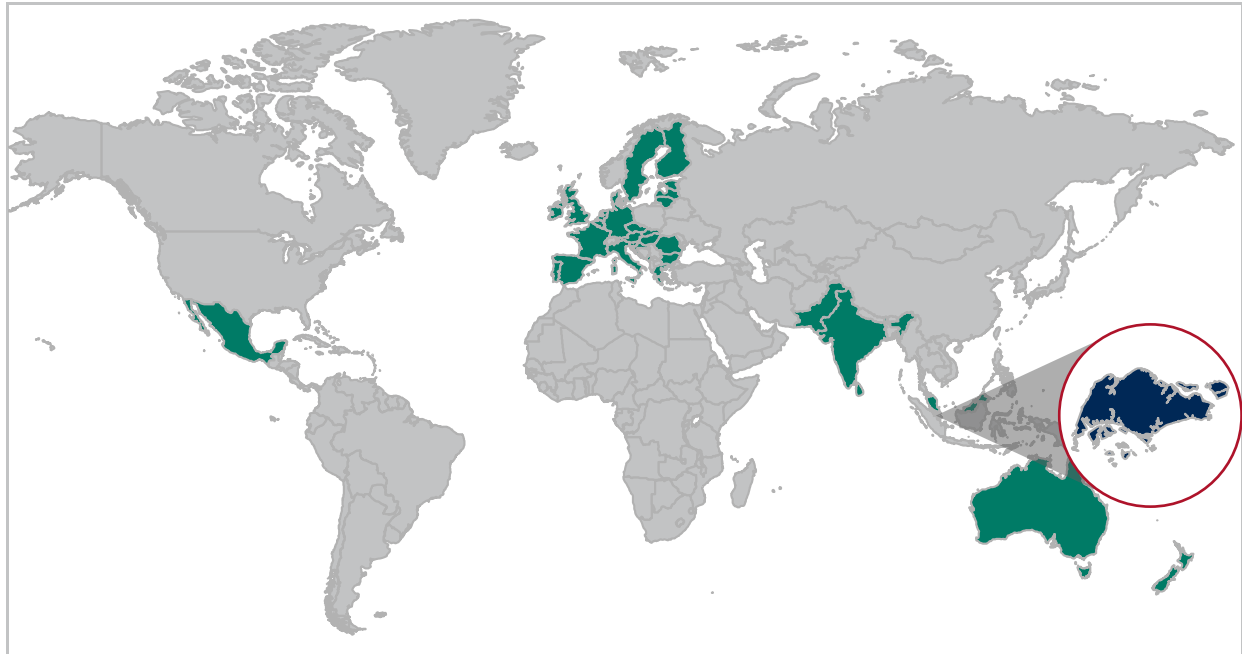
Under O 69A r 6(1A), an application for leave to enforce a foreign award may be made ex parte and must be supported by an affidavit —

- exhibiting the arbitration agreement and the duly authenticated original award or, in either case, a duly certified copy thereof and where the award or agreement is in a language other than English, a translation of it in the English language, duly certified in English as a correct translation by a sworn translator or by an official or by a diplomatic or consular agent of the country in which the award was made;
- stating the name and the usual or last known place of abode or business of the applicant (referred to in this Rule as the creditor) and the person against whom it is sought to enforce the award (referred to in this Rule as the debtor) respectively; and
- as the case may require, stating either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

# Singapore

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Singapore has reciprocal enforcement arrangements for court judgments.



<b>Hague Choice of Court Convention 2005</b>	Germany	Portugal	Hong Kong
Austria	Greece	Romania	India*
Belgium	Hungary	Singapore	Malaysia
Bulgaria	Ireland	Slovakia	New Zealand
Croatia	Italy	Slovenia	Pakistan
Cyprus	Latvia	Spain	Papua New Guinea
Czech Republic	Lithuania	Sweden	Sri Lanka
Denmark	Luxembourg	United Kingdom	United Kingdom
Estonia	Malta		Windward Islands
Finland	Mexico	<b>Bilateral</b>	
France	Montenegro	Australia	
	Netherlands	Brunei	

\*Excludes the State of Jammu and Kashmir

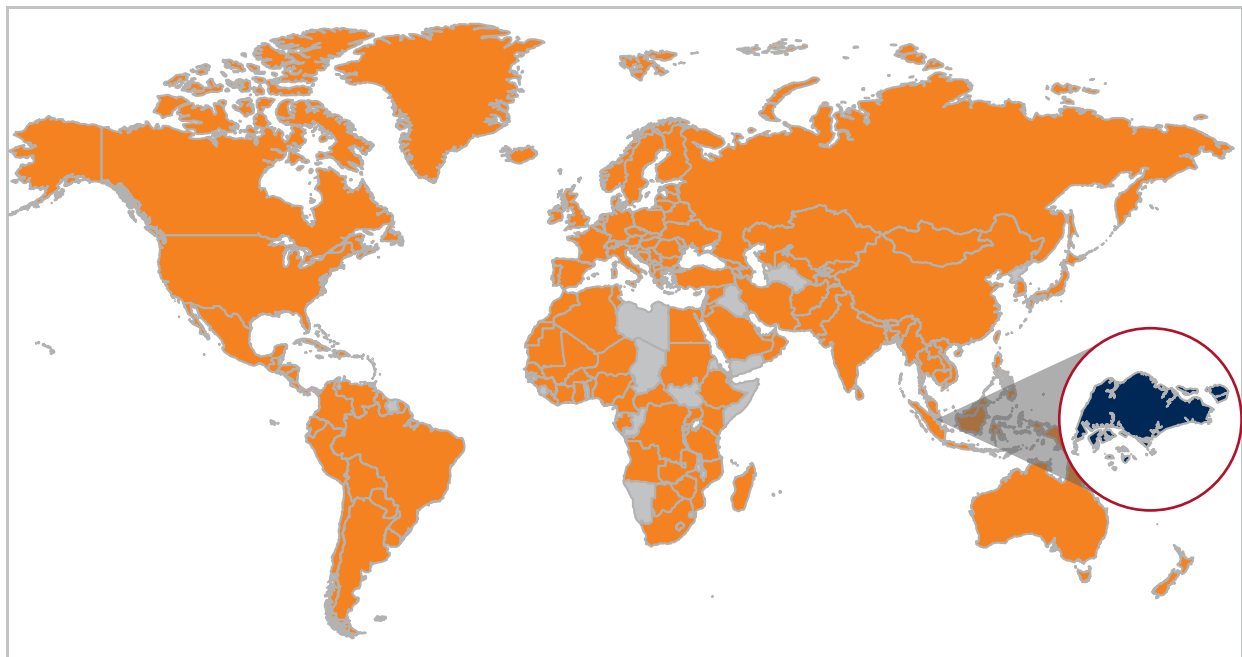
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# Singapore

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Singapore has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and Principe	Uganda
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	Ukraine
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United Arab Emirates
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	Uruguay
Antigua and Barbuda	Burkina Faso	Republic of Congo	Haiti	Luxembourg	Oman	Seychelles	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Sint Eustatius	Venezuela
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Sint Maarten	Vietnam
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Slovakia	Zambia
Aruba	Cameroon	England and Wales	Iceland	Maldives	Panama	Slovenia	Zimbabwe
Australia	Cayman Islands	El Salvador	India	Mali	Papua New Guinea	South Africa	
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	South Korea	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Peru	Spain	
Bahamas	China	Italy	Ireland	Mauritania	Philippines	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Poland	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sweden	
Barbados	Colombia	Jersey	Italy	Moldova	Puerto Rico	Switzerland	
Belarus	Comoros	Jordan	Jamaica	Monaco	Qatar	Syria	
Belgium	Cook Islands	Kazakhstan	Japan	Mongolia	Romania	Tajikistan	
Benin	Costa Rica	Kenya	Jersey	Montenegro	Russia	Tanzania	
Bermuda	Côte d'Ivoire	Kuwait	Jordan	Morocco	Rwanda	Thailand	
Bhutan	Croatia	Kyrgyzstan	Kazakhstan	Mozambique	Saba	Trinidad and Tobago	
Bolivia	Cuba	Laos	Kenya	Myanmar	Saint Vincent and the Grenadines	Tonga	
Bonaire	Curaçao	Latvia	Kuwait	Nepal	San Marino	Tunisia	
Bosnia & Herzegovina			Kyrgyzstan	Netherlands		Turkey	

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# South Africa

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

There are no bilateral treaties or multilateral conventions in force between South Africa and any other jurisdiction on reciprocal recognition and enforcement of judgments.

### 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

The present position in South Africa is that a foreign judgment is not directly enforceable, but constitutes a cause of action and will be enforced by our courts on application provided that:

- that the court that pronounced the judgment had jurisdiction to entertain the case according to the principles recognized by South African law concerning the jurisdiction of foreign courts (sometimes referred to as "*international jurisdiction or competence*");
- the judgment is final and conclusive in its effect and has not become superannuated;
- the recognition and enforcement of the judgment by our courts would not be contrary to public policy;
- the judgment was not obtained by fraudulent means;
- the judgment does not involve the enforcement of a penal or revenue law of the foreign state; and
- enforcement of the judgment is not precluded by the provisions of the Protection of Business Act, No. 99 of 1978, as amended.

Apart from this, our courts will not go into the merits of the case adjudicated upon by the foreign court and will not attempt to review or set aside its findings of fact or law.

# South Africa

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

1 to 3 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

12 to 18 months.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 6,000 - USD 9,000.

The typical costs incurred in enforcement procedures are attorney's fees and disbursements, which includes advocates' fees. The fees of attorneys and advocates depend on various factors including the time involved and the complexity of the matter as well as the amount claimed and the problems that may arise during enforcement.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 29,000 - USD 87,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

According to the Protection of Businesses Act, no foreign judgment in respect of multiple or punitive damages may be recognized or enforced in the Republic. "*Multiple or punitive damages*" is defined as that part of the amount of damages awarded which exceeds the amount determined by the court as compensation for the damage or loss actually sustained by the person to whom the damages have been awarded. South African defendants who qualify in terms of the Protection of Businesses Act (that is, principally natural or juristic persons who at the material time were resident in the Republic or carried on business there) may "recover back" from assets within the jurisdiction of courts of the Republic the amounts of multiple or punitive damages awarded against them under foreign antitrust judgments and enforced against their overseas assets.

# South Africa

Attempts to enforce certain foreign money judgments, whether indirectly under the common law, may be hit by the provisions of the Protection of Businesses Act, which provides that, except with the permission of the appropriate minister, no judgment, order, direction, interrogatory, commission *rogatoire*, letters of request, or any other request delivered, given or issued or emanating from outside the Republic in connection with any civil proceedings may be enforced in the Republic if it arises from an act or transaction which took place at any time, whether before or after the commencement of the Protection of Businesses Act, and which is connected with the mining, production, importation, exportation, refinement, possession, use or sale of, or ownership to, any matter or material, of whatever nature, whether within, outside, into or from the Republic.

## ARBITRATION AWARDS

### 8. Is this jurisdiction a party to the New York Convention?

Yes.

### 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

1 to 3 months.

### 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

6 to 12 months.

### 11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 9,000 - USD 12,000.

### 12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 29,000 - USD 87,000.

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

There are no unusual difficulties in enforcing such arbitration awards. The Protection of Businesses Act does not apply to foreign arbitration awards.

## LIMITATION

## 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law that applies to the underlying transaction or occurrence.

In terms of section 11(d) of the Prescription Act, No. 68 of 1969, claims are extinguished by prescription three years after they arise. In terms of section 12(3) of the Act, prescription begins to run (i.e. a claim arises) from the date on which the creditor knows the identity of the debtor and of the facts from which the debt arose.

According to the principles of South African private international law, matters of procedure are governed by the domestic law of the country in which the relevant proceedings are instituted (*lex fori*). Matters of substantive law, however, are governed by the law that applies to the underlying transaction or occurrence (*lex causae*). In South African law, prescription is regarded as substantive.

Therefore, a South African court seized with the question of whether a claim to the enforcement of a foreign judgment has prescribed will apply the relevant foreign law.

## 15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Generally, three years.

## 16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Generally, three years.

## ENFORCEMENT

### 17. Are fees and costs of enforcement typically recoverable?

Yes, if unsuccessfully opposed, the unsuccessful party is usually liable for legal costs, but as a general rule, only according to an outdated tariff, which refers to costs recoverable on various scales. These are significantly lower than actual costs incurred, particularly where recovered on the usual, non-punitive so-called party and party cost scale (such as may be taxed and allowed).

### 18. Is seizure of goods available as an enforcement method?

Yes. Execution of property is provided for.

### 19. Is attachment of earnings available as an enforcement method?

Yes. Emoluments attachment orders: Relate to the attachment of the salary or wages owing or accruing to the judgment debtor by a third party.

### 20. Is attachment of third party debts available as an enforcement method?

Yes. Garnishee orders: Relate to the attachment of all the other kinds of debts that may be owed to the judgment debtor by a third party.

### 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes. Sale in execution can follow to enforce a court order.

### 22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

### 23. Can a receiver be appointed by way of enforcement?

Yes.

### 24. Any other method of enforcement?

Contempt of court proceedings may be brought should the party against whom judgment was given fails or refuses to comply with the order.

# South Africa

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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## 28. What papers will be needed?

- Application proceedings:
  - proceedings are brought by way of affidavit; and
  - the dispute is determined on the papers before the court.
- Action proceedings:
  - these proceedings are brought by way of summons and culminate in a trial where oral evidence is led.

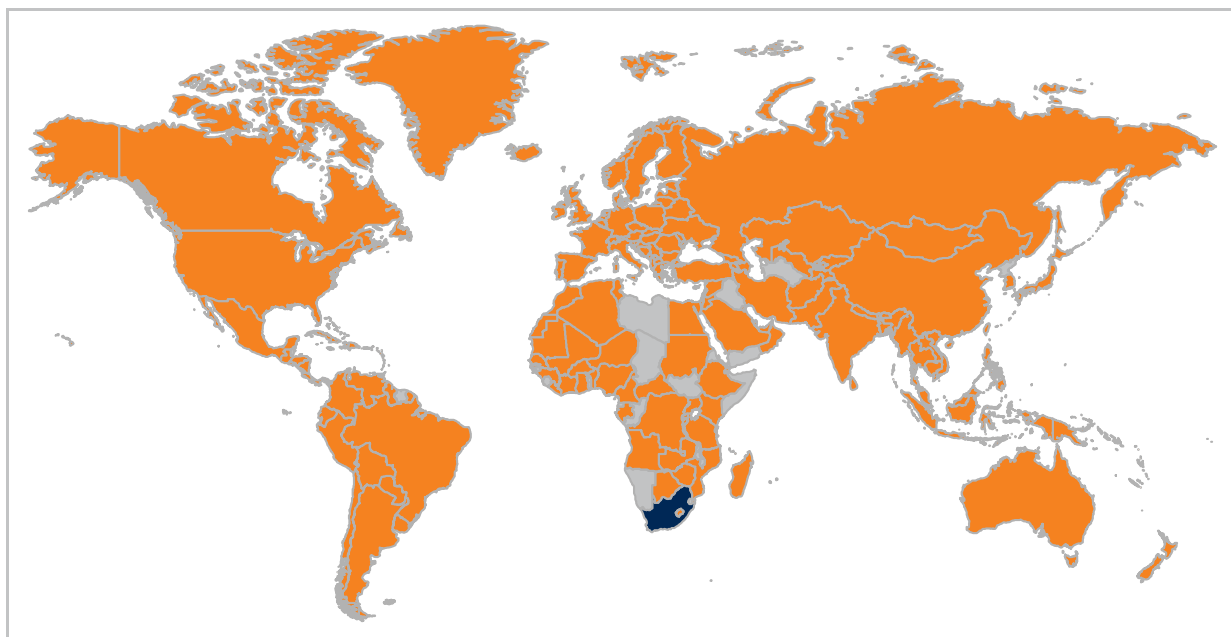
In both of these procedures, the papers instituting the matter must be accompanied by a copy of the judgment; where the judgment is not in English, it must be translated by a sworn translator.



# South Africa

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which South Africa has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Bosnia & Herzegovina	Côte d'Ivoire	France	Jamaica	Mexico	Philippines	Sri Lanka
Albania	Botswana	Croatia	Gabon	Japan	Moldova	Poland	Sudan
Algeria	Brazil	Cuba	Georgia	Jersey	Monaco	Portugal	Sweden
American Samoa	British Virgin Islands	Curaçao	Germany	Jordan	Mongolia	Puerto Rico	Switzerland
Andorra	Brunei	Cyprus	Ghana	Kazakhstan	Montenegro	Qatar	Syria
Antigua and Barbuda	Bulgaria	Czech Republic	Gibraltar	Kenya	Morocco	Romania	Tajikistan
Angola	Burkina Faso	Denmark	Greece	Kuwait	Mozambique	Russia	Tanzania
Argentina	Burundi	Djibouti	Greenland	Kyrgyzstan	Myanmar	Rwanda	Thailand
Armenia	Cabo Verde	Dominica	Guam	Laos	Nepal	Saba	Trinidad and Tobago
Aruba	Cambodia	Dominican Republic	Guatemala	Latvia	Netherlands	Saint Vincent and the Grenadines	Tonga
Australia	Cameroon	Democratic Republic of Congo	Guernsey	Lebanon	New Zealand	San Marino	Tunisia
Austria	Cayman Islands	Ecuador	Guinea	Lesotho	Nicaragua	Sao Tome and Principe	Turkey
Azerbaijan	Central African Republic	Egypt	Guyana	Liberia	Niger	Scotland	Uganda
Bahamas	Chile	El Salvador	Haiti	Liechtenstein	Nigeria	Saudi Arabia	Ukraine
Bahrain	China	England and Wales	Holy See	Lithuania	Norfolk Island	Senegal	United Arab Emirates
Bangladesh	Christmas Island	Estonia	Honduras	Luxembourg	Ireland	Serbia	United States of America
Barbados	Cocos (Keeling) Islands	Ethiopia*	Hong Kong	Macau	Norway	Seychelles	Uruguay
Belarus	Colombia	Faroe Islands	Hungary	Macedonia	Oman	Singapore	US Virgin Islands
Belgium	Comoros	Fiji	Iceland	Madagascar	Pakistan	Sint Eustatius	Uzbekistan
Benin	Cook Islands	Finland	India	Malaysia	Palau	Sint Maarten	Venezuela
Bermuda	Costa Rica	France	Indonesia	Maldives	Palestine	Slovakia	Vietnam
Bhutan		Gabon	Iran	Mali	Panama	Slovenia	Zambia
Bolivia			Ireland	Malta	Papua New Guinea	South Korea	Zimbabwe
Bonaire			Isle of Man	Marshall Islands	Paraguay	Spain	
			Israel	Mauritania	Peru		
			Italy	Mauritius			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Spain

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Sweden, United Kingdom

### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Sweden, United Kingdom

### **Bilateral:**

Brazil, China, Colombia, El Salvador, Israel, Mexico, Morocco, Tunisia

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Judgments within the EU: usually 1-2 months, but may be quicker or slower depending on the court.

Judgments from states with no recognition agreement: 2 months - 1 year (service to the defendant can delay the proceedings)

# Spain

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Judgments within the EU: usually 2-5 months, depending on the court.

Judgments from states with no recognition agreement: 2 months - 1 year (service to the defendant can delay the proceedings).

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 10,000 - 50,000.

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 30,000 - 70,000.

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

There are no unusual difficulties with EU judgments. Concerning judgments from jurisdictions with no reciprocal enforcement agreement, the relevant procedural law is been recently passed (International Legal Cooperation Law on civil matters, 29/2015 of 30 July) which repeals the previous one of 1881. The Court of First Instance of the defendant's domicile is in charge of the recognition and enforcement. The reciprocity principle applies. In addition to the defendant, the public prosecutor has the right to be heard before the recognition and enforcement decision is issued. There is a possibility of appeal.

## ARBITRATION AWARDS

## 8. Is this jurisdiction a party to the New York Convention?

Yes.

## 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

2-4 months (until recognition).

1-2 months (until enforcement).

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

2-4 months (until recognition).

1-2 months (until enforcement).

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 20,000 - 50,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 30,000 - 70,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The relevant procedural law is been recently passed (International Legal Cooperation Law on civil matters, 29/2015 of 30 July) which repeals the previous one of 1881. The High Court of Justice of the defendant's domicile is in charge of the recognition. The reciprocity principle applies. In addition to the defendant, the public prosecutor has the right to be heard before the recognition decision is issued. There is no possibility of appeal. Once the award is recognized, the Court of First Instance of the defendant's domicile is the one in charge of its enforcement.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

5 years from the date when the judgment is final.

# Spain

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

5 years from the date when the arbitration award is final.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes with certain limitations (national minimum wage)

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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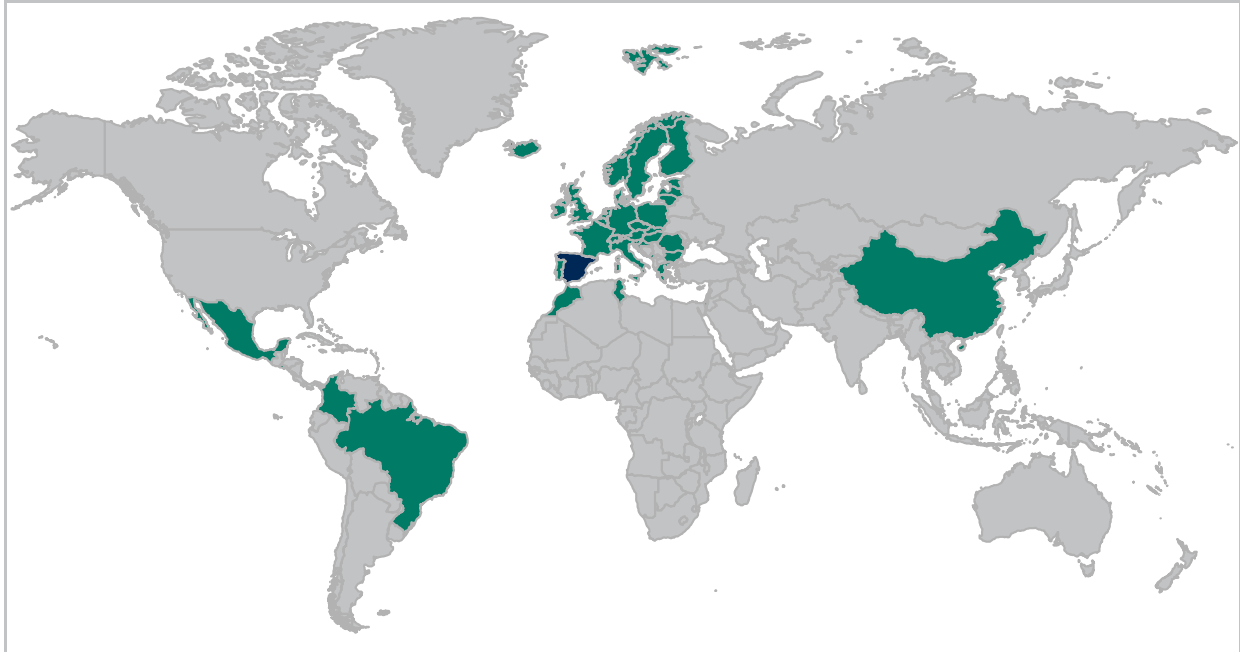
## 28. What papers will be needed?

- Original judgment/award to be enforced.
- Evidence of judgment/award being served to the party to be enforced.
- Certification that judgment/award is final.

# Spain

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Spain has reciprocal enforcement arrangements for court judgments.



<b>Brussels Regulations</b>	Netherlands	Croatia	Portugal
Austria	Poland	Cyprus	Romania
Belgium	Portugal	Czech Republic	Singapore
Bulgaria	Romania	Denmark	Slovakia
Croatia	Slovakia	Estonia	Slovenia
Cyprus	Slovenia	Finland	Sweden
Czech Republic	Sweden	France	United Kingdom
Denmark	United Kingdom	Germany	
Estonia		Greece	<b>Bilateral</b>
Finland	<b>Lugano Convention 2007</b>	Hungary	Brazil
France	Denmark	Ireland	China
Germany	Iceland	Italy	Colombia
Greece	Norway	Latvia	El Salvador
Hungary	Switzerland	Lithuania	Israel
Ireland		Luxembourg	Mexico
Italy	<b>Hague Choice of Court</b>	Malta	Morocco
Latvia	<b>Convention 2005</b>	Mexico	Tunisia
Lithuania	Austria	Montenegro	
Luxembourg	Belgium	Netherlands	
Malta	Bulgaria	Poland	

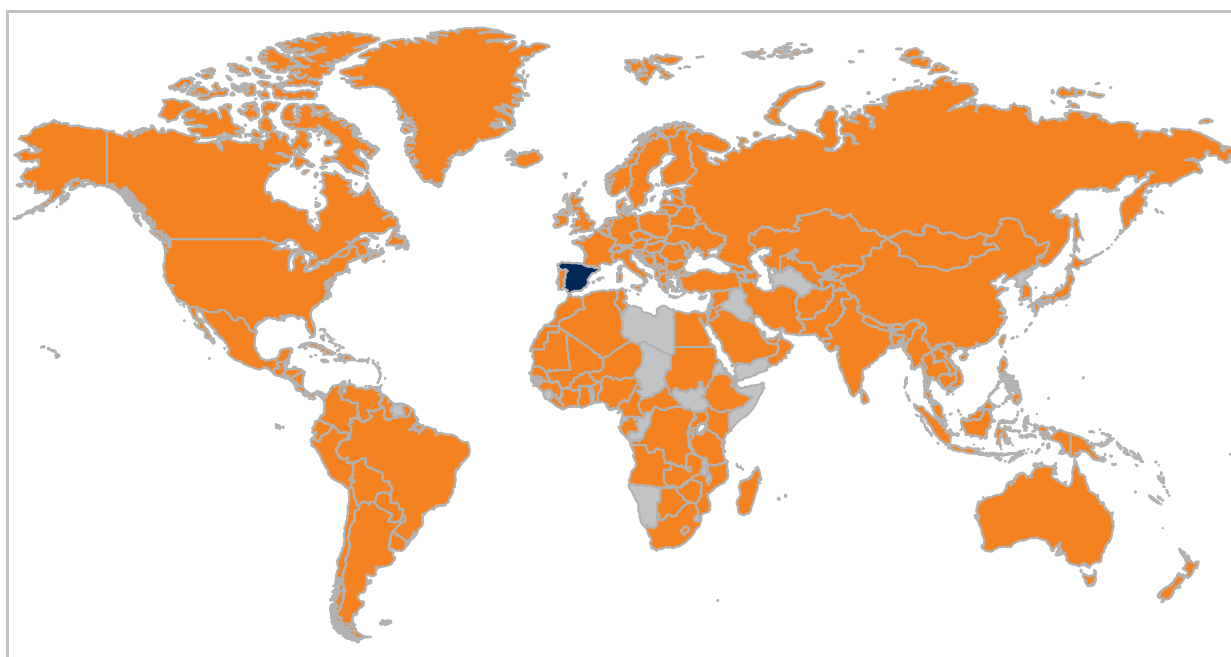
**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. The above map may not cover all types of claim. Some of the arrangements depicted do not involve full reciprocity of enforcement. Reciprocal enforcement may still be possible with jurisdictions not highlighted above, depending on local and national laws. Not all dependent territories or equivalents may be shown. For Canada, India, and Australia, reciprocal arrangements may not apply to the entire territory. In some cases, judgments may only be enforceable in certain territories within a jurisdiction. Correct as at 1 September 2020.



# Spain

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Spain has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Uganda
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Ukraine
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	United Arab Emirates
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Scotland	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Senegal	Uruguay
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Serbia	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Seychelles	Venezuela
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Singapore	Vietnam
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Eustatius	Zambia
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Sint Maarten	Zimbabwe
Australia	Cayman Islands	England and Wales	India	Mali	Papua New Guinea	Slovakia	
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	Slovenia	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Peru	South Africa	
Bahamas	China	Italy	Ireland	Mauritania	Philippines	South Korea	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Poland	Sri Lanka	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sudan	
Barbados	Colombia	Jersey	Italy	Moldova	Puerto Rico	Sweden	
Belarus	Comoros	Jordan	Jamaica	Monaco	Qatar	Switzerland	
Belgium	Cook Islands	Kazakhstan	Japan	Mongolia	Romania	Syria	
Benin	Costa Rica	Kenya	Jersey	Montenegro	Russia	Tajikistan	
Bermuda	Côte d'Ivoire	Kuwait	Gabon	Morocco	Rwanda	Tanzania	
Bhutan	Croatia	Laos	Georgia	Mozambique	Saba	Thailand	
Bolivia	Cuba	Latvia	Germany	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Curaçao		Ghana	Nepal	Tonga	Tunisia	
Bosnia & Herzegovina			Gibraltar	Netherlands	Turkey		
			Greece	New Zealand			
			Greenland	Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Sweden

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

### **Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

### **Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

### **Bilateral:**

Australia, Austria, Canada, Denmark, Finland, India, Japan, Norway, Switzerland, Thailand, United States of America

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

In practice, Swedish courts are likely to enforce a foreign judgment unless there is legislation that conflicts with the foreign judgment.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In instances where there exists a reciprocal enforcement agreement, a judgment may be recognized and enforced without any undue delay. Approximately 2-14 months.

# Sweden

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Approximately 6-14 months.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

There are generally no court fees for a declaration of enforceability. Having a judgment enforced by the Enforcement Authority costs USD 60 as well as other fees such as translation fees.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

There are generally no court fees for a declaration of enforceability in the court. Legal fees will generally be borne by the losing party. If the judgment is enforced by the Enforcement Authority a cost of USD 60 will apply as well as translation fees. Legal fees will depend on the work performed by the legal representatives but the Swedish Bar Association's Code of Conduct for lawyers provides that legal fees must be reasonable.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Foreign judgments that fall within the Brussels Regime and the Lugano Convention are relatively easy to secure enforcement of as long as the judgment does not fall within the recognized grounds for refusal.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Approximately 2-14 months.

# Sweden

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Approximately 4-14 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Court fees of USD 280. Court fees are in addition to fees payable for legal advice and assistance.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Court fees are charged of USD 280. Court fees are in addition to fees payable for legal advice and assistance.

Legal fees will depend on the work performed by the legal representatives but the Swedish Bar Association's Code of Conduct for lawyers provides that legal fees must be reasonable.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Foreign awards are generally recognized and enforced in Sweden unless there is a ground for refusal in e.g. in the New York Convention or in the Swedish Arbitration Act.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The question of limitation periods is somewhat complicated. Swedish case law varies on the determination of the limitation period. The Swedish courts have, generally, considered that the limitation period is governed by the law applicable to the legal relationship between the parties. The Supreme court has in some instances decided that the limitation periods under foreign law should be applied (see e.g., NJA 2009 N 42, NJA 1992 C 167 and the Supreme Court's decision in NJA 1984 s 25).

# Sweden

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

The limitation period in Sweden is generally 10 years but the period can be extended if interrupted. The Swedish Act on Limitation (1981:130) (*Preskriptionslagen*) only applies to proceedings where Swedish law is the applicable substantive law.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

The limitation period in Sweden is generally 10 years but the period can be extended. The Swedish Act on Limitation (1981:130) (*Preskriptionslagen*) only applies to proceedings where Swedish law is the applicable substantive law.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

# Sweden

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Stefan Bessman**  
Partner, Stockholm  
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Associate, Stockholm  
Dispute Resolution  
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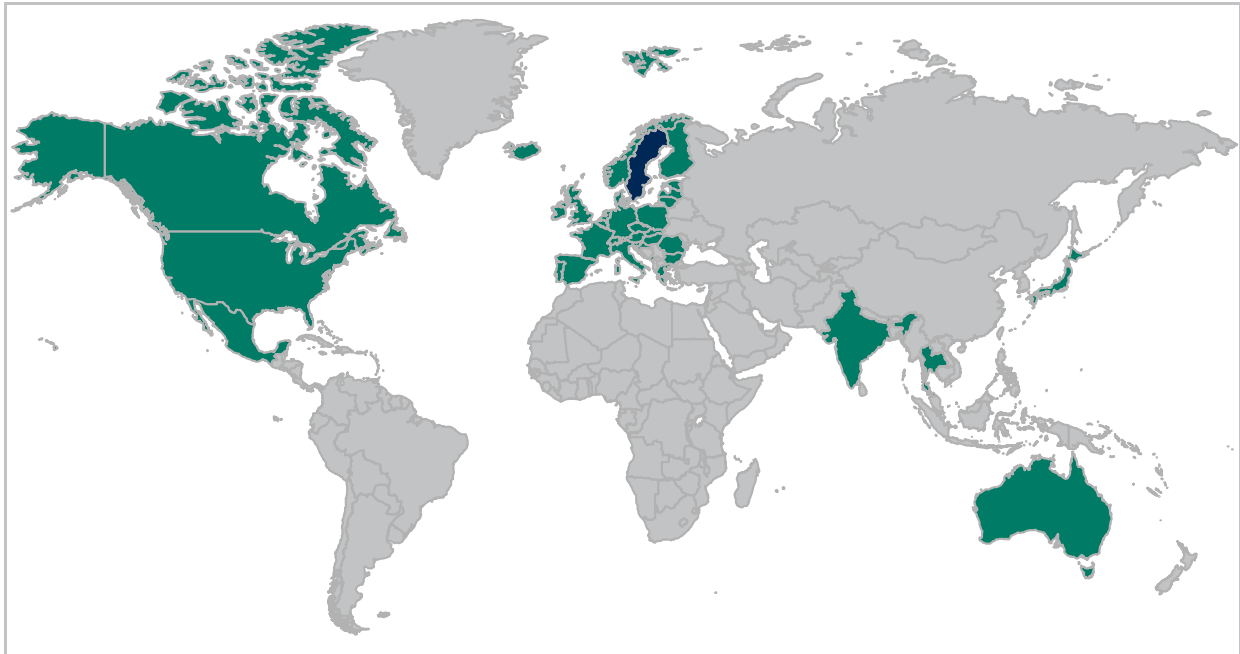
## 28. What papers will be needed?

- Copy of the judgment/award
- Copy of any document referred to in the judgment/award
- Evidence showing that the judgment/award is enforceable in its forum of origin and has been served
- In the case of default judgments, evidence that the original proceedings were served
- Translations of the above if not in Swedish

# Sweden

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Sweden has reciprocal enforcement arrangements for court judgments.



<b>Brussels Regulations</b>	Netherlands	Croatia	Portugal
Austria	Poland	Cyprus	Romania
Belgium	Portugal	Czech Republic	Singapore
Bulgaria	Romania	Denmark	Slovakia
Croatia	Slovakia	Estonia	Slovenia
Cyprus	Slovenia	Finland	Spain
Czech Republic	Spain	France	United Kingdom
Denmark	United Kingdom	Germany	
Estonia		Greece	<b>Bilateral</b>
Finland	<b>Lugano Convention 2007</b>	Hungary	Australia
France	Denmark	Ireland	Austria
Germany	Iceland	Italy	Canada
Greece	Norway	Latvia	Denmark
Hungary	Switzerland	Lithuania	Finland
Ireland		Luxembourg	India
Italy	<b>Hague Choice of Court</b>	Malta	Japan
Latvia	<b>Convention 2005</b>	Mexico	Norway
Lithuania	Austria	Montenegro	Switzerland
Luxembourg	Belgium	Netherlands	Thailand
Malta	Bulgaria	Poland	United States of America

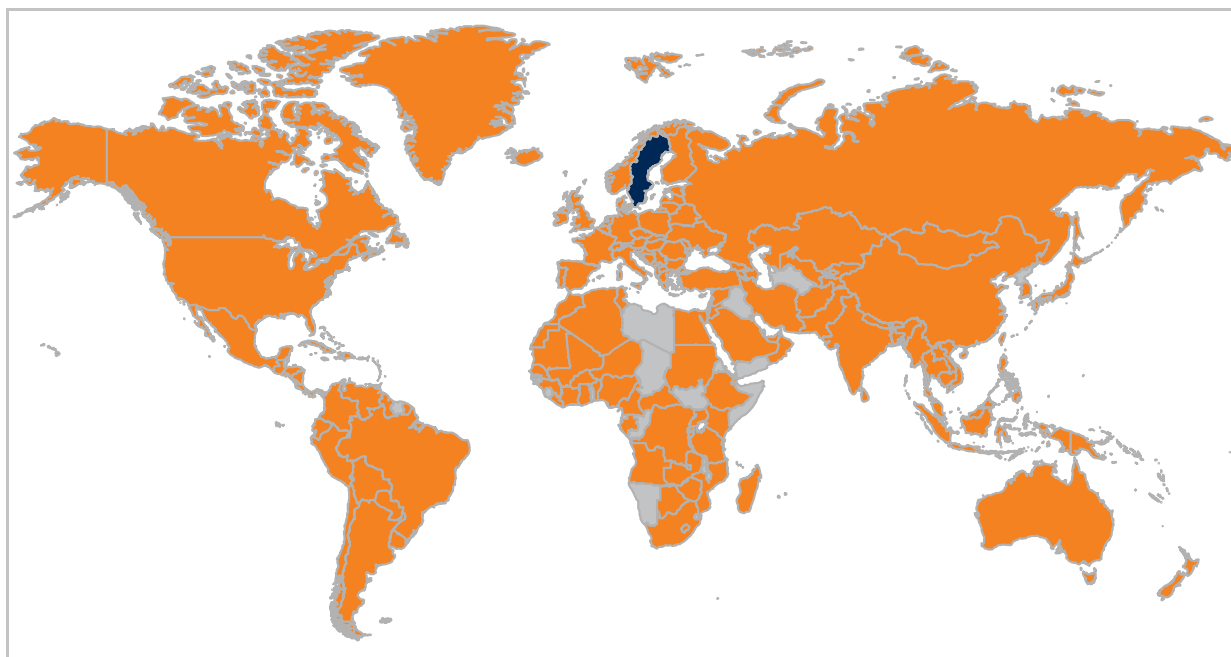
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# Sweden

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Sweden has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and Principe	Uganda
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	Ukraine
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	United Arab Emirates
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	Uruguay
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Venezuela
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Sint Eustatius	Vietnam
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Maarten	Zambia
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Slovakia	Zimbabwe
Australia	Cayman Islands	England and Wales	India	Mali	Papua New Guinea	Slovenia	
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	South Africa	
Azerbaijan	Chile	Ireland	Iran	Marshall Islands	Peru	South Korea	
Bahamas	China	Isle of Man	Ireland	Mauritania	Philippines	Spain	
Bahrain	Christmas Island	Israel	Isle of Man	Mauritius	Poland	Sri Lanka	
Bangladesh	Cocos (Keeling) Islands	Italy	Israel	Mexico	Portugal	Sudan	
Barbados	Colombia	Jamaica	Italy	Moldova	Puerto Rico	Switzerland	
Belarus	Comoros	Japan	Jamaica	Monaco	Qatar	Syria	
Belgium	Cook Islands	Jersey	Japan	Mongolia	Romania	Tajikistan	
Benin	Costa Rica	Jordan	Jersey	Montenegro	Russia	Tanzania	
Bermuda	Côte d'Ivoire	Kazakhstan	Jordan	Morocco	Rwanda	Thailand	
Bhutan	Croatia	Kenya	Kazakhstan	Mozambique	Saba	Trinidad and Tobago	
Bolivia	Cuba	Kuwait	Kenya	Myanmar	Saint Vincent and the Grenadines	Tonga	
Bonaire	Curaçao	Kyrgyzstan	Kuwait	Nepal	Tunisia	Turkey	
Bosnia & Herzegovina		Laos	Kyrgyzstan	Netherlands			
		Latvia	Laos	New Zealand			
			Latvia	Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Switzerland

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

**Bilateral:**

Liechtenstein

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Under the Lugano Convention or reciprocal agreement: Approximately 3 to 6 months.

Other: Approximately 6 to 15 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Under the Lugano Convention or reciprocal agreement: Approximately 6 to 12 months.

Other: Approximately 9 to 24 months.

# Switzerland

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 5,000 to 10,000

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 10,000 - 50,000

7. Are there any unusual difficulties in enforcing a foreign judgment?

In general, there are no unusual difficulties in enforcing a foreign judgment in Switzerland if all required documents are available and submitted to the court together with the appropriate translation (French, German or Italian, depending on the area of the court).

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Approximately 6 to 12 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Approximately 6 to 18 months.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 5,000 to 10,000

# Switzerland

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 10,000 - 50,000

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

In general, there are no unusual difficulties in enforcing a foreign arbitration award in Switzerland if all required documents are available and submitted to the court, with due translations depending on the area.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Not applicable.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

# Switzerland

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Yes.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

# Switzerland

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Urs Zenhausern**

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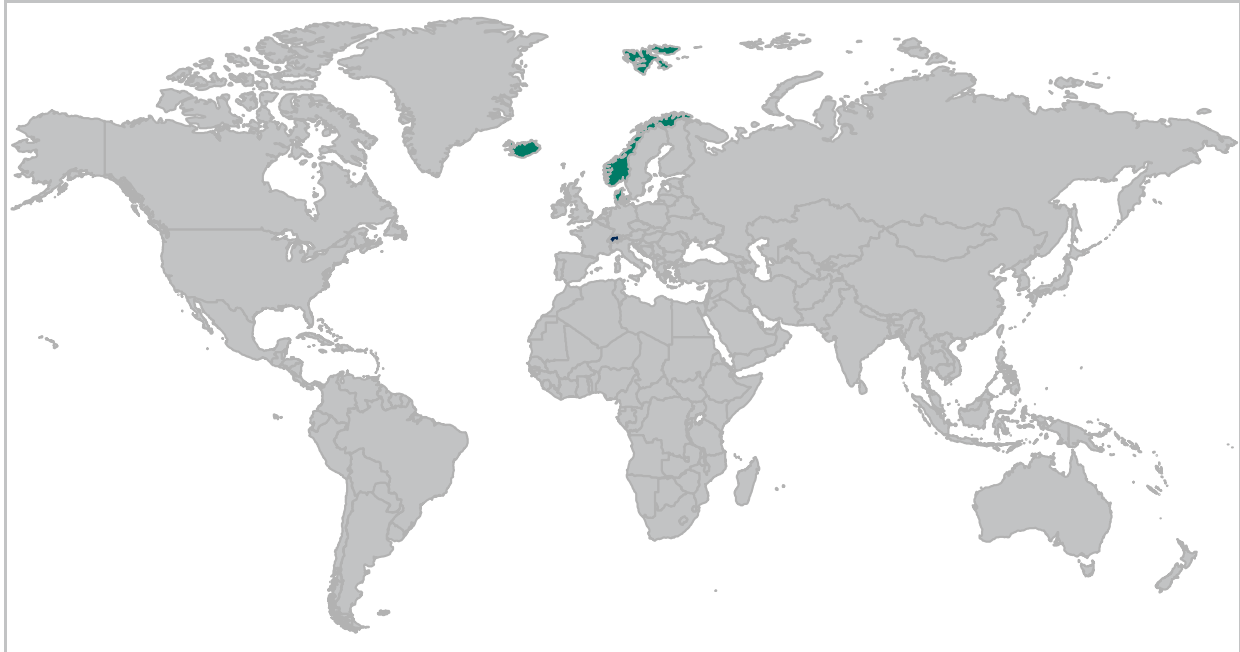
### 28. What papers will be needed?

- Certified copy of the judgment or the award
- Certified copy of the arbitration agreement, if applicable
- Information on any assets of the debtor in Switzerland (attachment)
- Statement confirming the final and binding nature of the judgment or of the award
- Evidence that the decision has been duly notified to the other party
- Certificate according to the Lugano Convention 2007 (Annex V, if applicable)
- Sworn translations of the above-mentioned documents, if applicable.

# Switzerland

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Switzerland has reciprocal enforcement arrangements for court judgments.



<b>Lugano Convention 2007</b> Denmark Iceland Norway	<b>Bilateral</b> Liechtenstein		

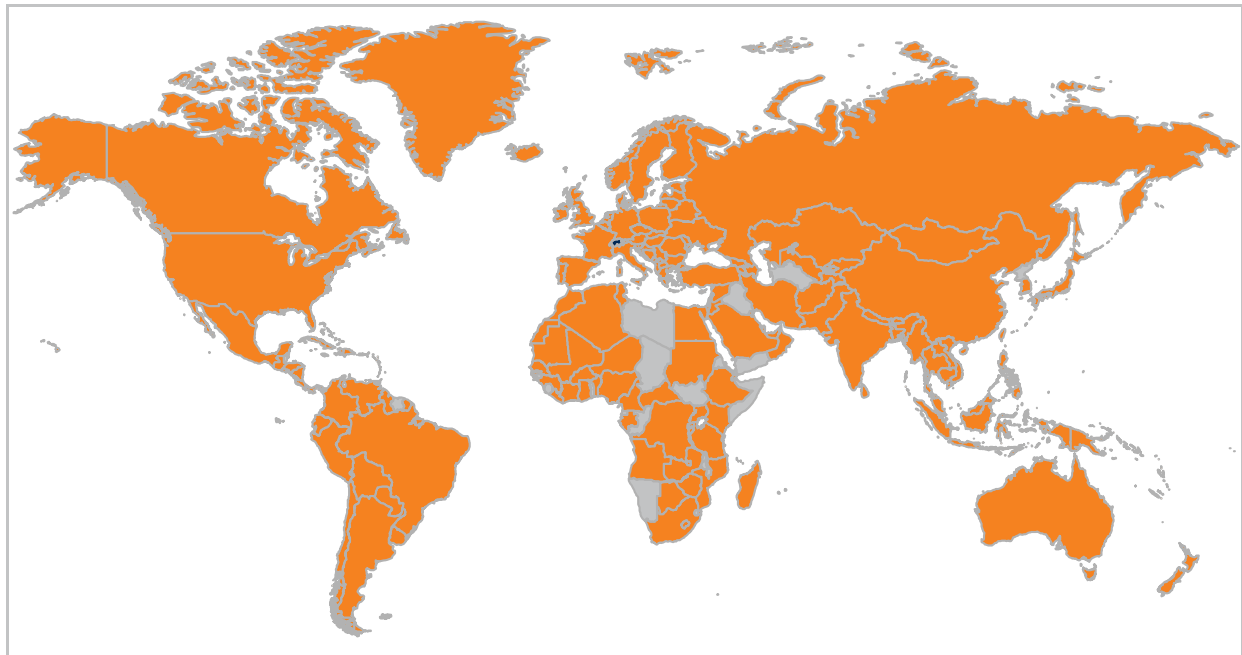
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# Switzerland

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Switzerland has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Uganda
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Ukraine
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	United Arab Emirates
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	Uruguay
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Uzbekistan
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Sint Eustatius	Venezuela
Armenia	Cambodia	El Salvador	Hungary	Malaysia	Palestine	Sint Maarten	Vietnam
Aruba	Cameroon	England and Wales	Iceland	Maldives	Panama	Slovakia	Zambia
Australia	Cayman Islands	Egypt	India	Mali	Papua New Guinea	Slovenia	Zimbabwe
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	South Africa	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Peru	South Korea	
Bahamas	China	Italy	Ireland	Mauritania	Philippines	Spain	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Poland	Sri Lanka	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sudan	
Barbados	Colombia	Jersey	Italy	Moldova	Puerto Rico	Sweden	
Belarus	Comoros	Jordan	Jamaica	Mongolia	Qatar	Syria	
Belgium	Cook Islands	Kazakhstan	Japan	Montenegro	Romania	Tajikistan	
Benin	Costa Rica	Kenya	Jersey	Morocco	Russia	Tanzania	
Bermuda	Côte d'Ivoire	Kuwait	Jordan	Mozambique	Rwanda	Thailand	
Bhutan	Croatia	Laos	Kazakhstan	Myanmar	Saba	Trinidad and Tobago	
Bolivia	Cuba	Latvia	Kenya	Nepal	Saint Vincent and the Grenadines	Tonga	
Bonaire	Curaçao		Kyrgyzstan	Netherlands	San Marino	Tunisia	
Bosnia & Herzegovina			Laos	New Zealand		Turkey	

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.





# Taiwan

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**  
China, Vietnam

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

6 months to 1 year for recognition proceedings and 2 weeks to 2 months for commencing the enforcement proceedings and attaching the assets.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

3 to 5 years for recognition proceedings and 2 weeks to 2 months for commencing enforcement proceedings and attaching the assets.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD10,000 - 50,000 for legal fees, subject to the complexity of the case and the assets involved. Court fees for recognition and execution will be charged separately by the court. The recognition fee is approx. 1% of the claim and the execution fee is 0.8%.

# Taiwan

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD50,000 - 100,000 for legal fees, subject the complexity of the case and the assets involved. Court fees for recognition and execution will be charged separately by the court. The recognition fee is approx. 1% of the claim and an additional 1.5% for each appellate instance. The execution fee is 0.8%.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Since the value of the claim may be relatively high, the recognition and enforcement fee, which constitutes some 1.8% of the total value of the claim (fees for multiple appellate instances not included), as well as the payment made to the attorneys might increase the cost of the whole procedure.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

No.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

6 months for recognition proceedings and 2 weeks to 2 months for commencing the enforcement proceedings and attaching assets.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

3 to 5 years for recognition proceedings and 2 weeks to 2 months for commencing the enforcement proceedings and attaching assets.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD10,000 - 50,000 for legal fees. Court fees for recognition and execution will be charged by the court separately. The highest recognition fee is merely NT5000 (approximately USD167) and the execution fee is 0.8% of the claim amount.

# Taiwan

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD50,000 - 100,000 for legal fees. Court fees for recognition and execution will be charged by the court separately. The highest recognition fee is NT5000 (approximately USD 167) and additional NT1000 (approximately USD 33) for each appellate instance. The execution fee is 0.8%.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The recognition fee for a foreign arbitration award is not as high as that for a foreign judgment. The highest recognition fee is NT5000 (approximately USD167). Nonetheless, the execution fee is calculated according to the same "0.8% rule" as that for a foreign judgment. As a result, it might also be a considerable amount in case of huge claims.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no limitation period for recognition of a foreign judgment. However, once the foreign judgment is recognized and becomes an executive title under Taiwan law, the prescription period of the law where the foreign judgment is rendered still applies. If this period is not complied with, the other party may file an objection lawsuit and apply for suspension of the enforcement procedure.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no limitation period for recognition of a foreign arbitration award. However, once the arbitration award is recognized and becomes an executive title under Taiwan law, the prescription period of the governing law still applies. If this period was not complied with, the other party may file an objection lawsuit and apply for suspension of the enforcement procedure.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

No.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Fines and Custody

# Taiwan

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**David Liou**

Partner, Taipei

Dispute Resolution

+886 2 2715 7238

[david.liou@bakermckenzie.com](mailto:david.liou@bakermckenzie.com)

## 28. What papers will be needed?

For judgment: The original judgment or an authenticated copy.

- For an arbitration award:
- The original arbitral award or an authenticated copy;
- The original arbitration agreement or an authenticated copy;
- The full text of the foreign arbitration law and regulation, the rules of the foreign arbitration institution or the rules of the international arbitration institution which applied to the foreign arbitral award.

Note:

- If the documents above are made in a foreign language, a copy of the Chinese translation of the same shall be submitted.
- "Authenticated" means the authentication made by embassies, consulates, representative offices, liaison offices or any other organizations authorized by the government of Taiwan.

# Taiwan

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Taiwan has reciprocal enforcement arrangements for court judgments.



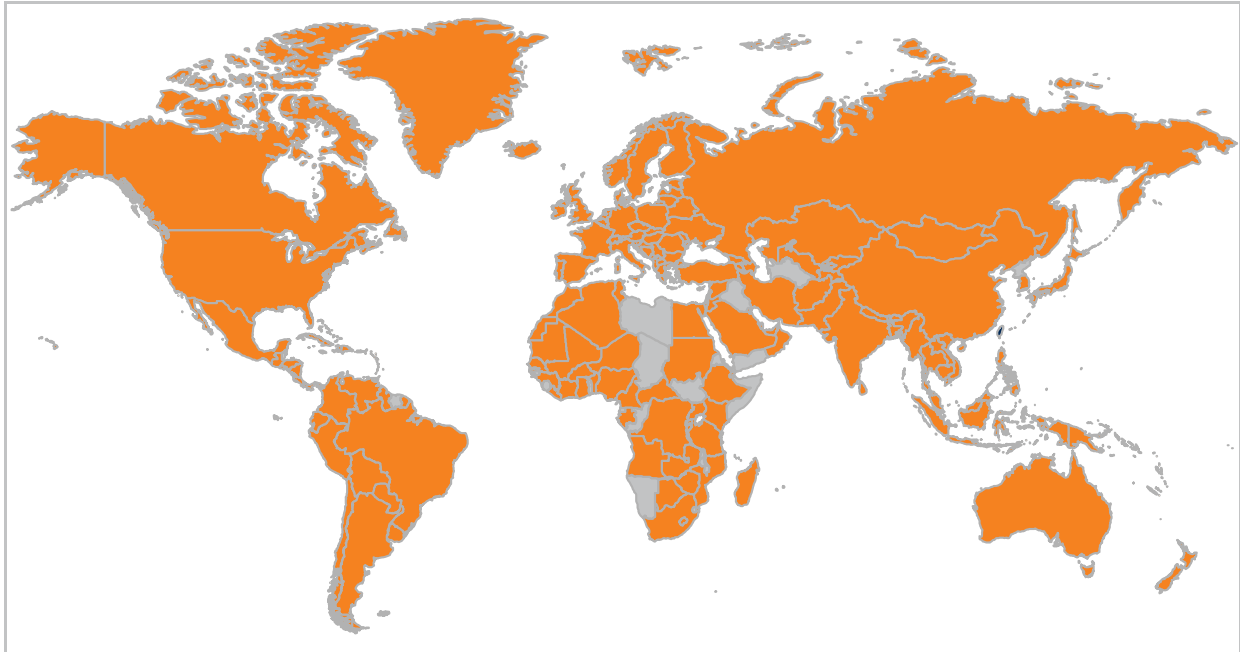
Bilateral			
China			
Vietnam			

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# Taiwan

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Taiwan has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Uganda
Algeria	British Virgin	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	Ukraine
American	Islands	Djibouti	Guinea	Liechtenstein	Northern	Scotland	United Arab
Samoa	Brunei	Dominica	Guyana	Lithuania	Ireland	Senegal	Emirates
Andorra	Bulgaria	Dominican	Haiti	Luxembourg	Norway	Serbia	United States
Antigua and	Burkina Faso	Republic	Holy See	Macau	Oman	Seychelles	of America
Barbuda	Burundi	Democratic	Honduras	Macedonia	Pakistan	Singapore	Uruguay
Angola	Cabo Verde	Republic of	Hong Kong	Madagascar	Palau	Sint Eustatius	US Virgin
Argentina	Cambodia	Congo	Hungary	Malaysia	Palestine	Sint Maarten	Islands
Armenia	Cameroon	Ecuador	Iceland	Maldives	Panama	Slovakia	Uzbekistan
Aruba	Cayman Islands	Egypt	India	Mali	Papua New	Slovenia	Venezuela
Australia	Central African	El Salvador	Indonesia	Malta	Guinea	South Africa	Vietnam
Austria	Republic	England and	Iran	Marshall Islands	Paraguay	South Korea	Zambia
Azerbaijan	Chile	Wales	Ireland	Mauritania	Peru	Spain	Zimbabwe
Bahamas	China	Estonia	Isle of Man	Mauritius	Philippines	Sri Lanka	
Bahrain	Christmas	Ethiopia*	Israel	Mexico	Poland	Sudan	
Bangladesh	Island	Faroe Islands	Italy	Moldova	Portugal	Sweden	
Barbados	Cocos (Keeling)	Fiji	Jamaica	Monaco	Puerto Rico	Switzerland	
Belarus	Islands	Finland	Japan	Mongolia	Qatar	Syria	
Belgium	Colombia	France	Jersey	Montenegro	Romania	Tajikistan	
Benin	Comoros	Gabon	Jordan	Morocco	Russia	Tanzania	
Bermuda	Cook Islands	Georgia	Kazakhstan	Mozambique	Rwanda	Thailand	
Bhutan	Costa Rica	Germany	Kenya	Myanmar	Saba	Trinidad and	
Bolivia	Côte d'Ivoire	Ghana	Kuwait	Nepal	Saint Vincent	Tobago	
Bonaire	Croatia	Gibraltar	Kyrgyzstan	Netherlands	and the	Tonga	
Bosnia &	Cuba	Greece	Laos	New Zealand	Grenadines	Tunisia	
Herzegovina	Curaçao	Greenland	Latvia	Nicaragua	San Marino		

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Thailand

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

None.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

No.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Not applicable.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Not applicable.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Not applicable.

# Thailand

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Not applicable.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Not applicable.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

3 - 6 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

6 months to 1.5 years.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 50,000 - 100,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Over USD 100,000.

# Thailand

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Not applicable.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 years from the date the award became enforceable.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

No.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

# Thailand

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Difficult.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

# Thailand

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Pisut Attakamol**  
Partner, Bangkok  
Dispute Resolution  
+66 2636 2000 x3131  
[pisut.attakamol@bakermckenzie.com](mailto:pisut.attakamol@bakermckenzie.com)



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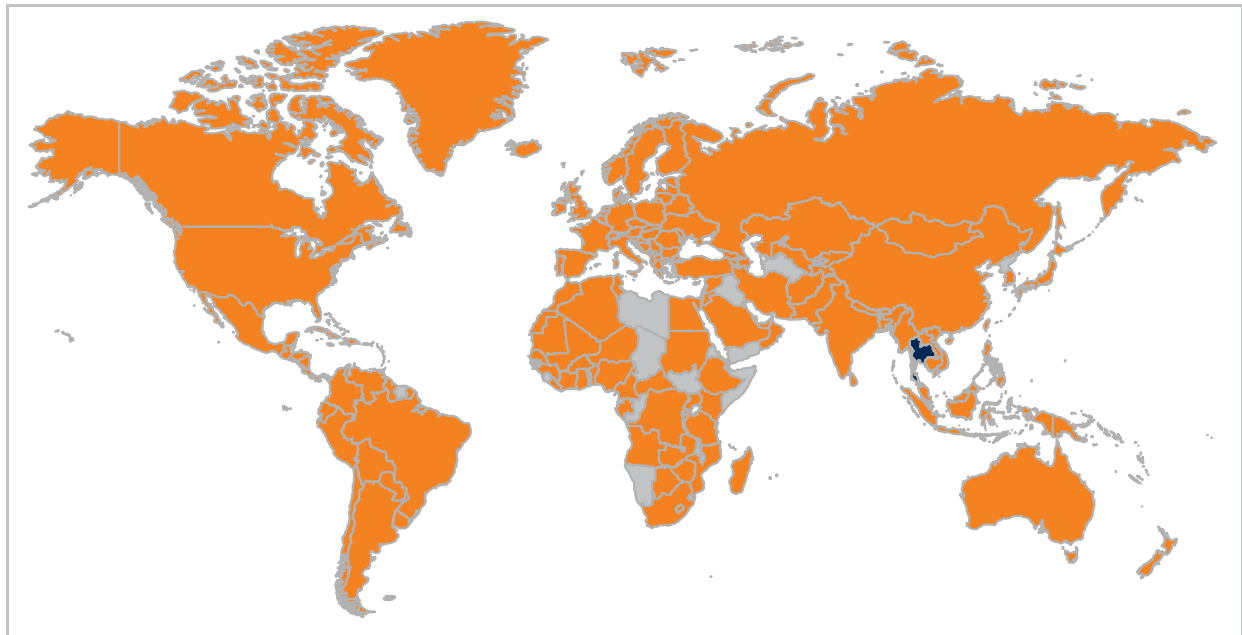
### 28. What papers will be needed?

Original or certified copy of the arbitral award and arbitration agreement.

# Thailand

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Thailand has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Bosnia & Herzegovina	Côte d'Ivoire	France	Jamaica	Mexico	Philippines	Spain
Albania	Botswana	Croatia	Gabon	Japan	Moldova	Poland	Sri Lanka
Algeria	Brazil	Cuba	Georgia	Jersey	Monaco	Portugal	Sudan
American Samoa	British Virgin Islands	Curaçao	Germany	Jordan	Mongolia	Puerto Rico	Sweden
Andorra	Brunei	Cyprus	Ghana	Kazakhstan	Montenegro	Qatar	Switzerland
Antigua and Barbuda	Bulgaria	Czech Republic	Gibraltar	Kenya	Morocco	Romania	Syria
Angola	Burkina Faso	Denmark	Greece	Kuwait	Mozambique	Russia	Tajikistan
Argentina	Burundi	Djibouti	Greenland	Kyrgyzstan	Myanmar	Rwanda	Tanzania
Armenia	Cabo Verde	Dominica	Guam	Laos	Nepal	Saba	Trinidad and Tobago
Aruba	Cambodia	Dominican Republic	Guatemala	Latvia	Netherlands	Saint Vincent and the Grenadines	Tonga
Australia	Cameroon	Democratic Republic of Congo	Guernsey	Lebanon	New Zealand	San Marino	Tunisia
Austria	Cayman Islands	Ecuador	Guinea	Lesotho	Nicaragua	Sao Tome and Principe	Turkey
Azerbaijan	Central African Republic	Egypt	Guyana	Liberia	Niger	Scotland	Uganda
Bahamas	Chile	El Salvador	Haiti	Liechtenstein	Nigeria	Saudi Arabia	Ukraine
Bahrain	China	England and Wales	Honduras	Lithuania	Norfolk Island	Senegal	United Arab Emirates
Bangladesh	Christmas Island	Estonia	Hong Kong	Luxembourg	Ireland	Serbia	United States of America
Barbados	Cocos (Keeling) Islands	Ethiopia*	Hungary	Macau	Norway	Seychelles	Uruguay
Belarus	Colombia	Faroe Islands	Iceland	Madagascar	Oman	Singapore	US Virgin Islands
Belgium	Comoros	Fiji	India	Malaysia	Pakistan	Sint Eustatius	Uzbekistan
Benin	Cook Islands	Finland	Indonesia	Maldives	Palau	Sint Maarten	Venezuela
Bermuda	Costa Rica	France	Iran	Mali	Palestine	Slovakia	Vietnam
Bhutan		Gabon	Ireland	Malta	Panama	Slovenia	Zambia
Bolivia			Isle of Man	Marshall Islands	Papua New Guinea	South Africa	Zimbabwe
Bonaire			Italy	Mauritania	Paraguay	South Korea	
				Mauritius	Peru		

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.





# Turkey

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bilateral:**

Albania, Algeria, Austria, Azerbaijan, Bosnia & Herzegovina, Belarus, China, Croatia, Georgia, Iran, Iraq, Italy, Kazakhstan, Kyrgyzstan, Lithuania, Macedonia, Moldova, Mongolia, Northern Cyprus, Oman, Poland, Romania, Serbia, Slovakia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

No. As per Article 54 of International Private and Procedural Law No. 5718 ("IPPL"), reciprocity must exist between Turkey and the country in which the foreign judgment/award was delivered. Reciprocity may be contractual, actual or legal. In other words, Turkey and the country in which the foreign award was delivered may have executed a bilateral agreement regarding the enforcement of court decisions; Turkey and the country in question may not have an agreement but there is a de facto reciprocity between them or Turkey and the country in question may have legislation regarding the enforcement of decisions.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In the case of undisputed claims, an application to enforce a foreign court decision is usually concluded between 6 months to 1 year.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

If there are disputed claims, an application to enforce a foreign judgment is usually concluded between 1.5 to 2 years at the court of first instance. In the event of an appeal, the appeal stage is usually concluded within a period of 1 to 2 years.

**5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?**

The filing of the lawsuit for the enforcement of foreign monetary judgments is subject to the payment of the court fee equal to 1.7% of the value of the judgment. The court fee for the enforcement of non-monetary foreign judgments, however, is approximately USD 25 as a fixed fee. The claimant has to make an advance payment to the court's cashier for the legal costs and expenses such as service of court papers, expert examination, etc. in the amount of USD 500-1,000.

**6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?**

Regardless of being opposed, the enforcement claims require the same costs above.

**7. Are there any unusual difficulties in enforcing a foreign judgment?**

A decision subject to enforcement must be "conclusive and final" in terms of the laws of the country where the decision was rendered. In other words, there should be no more legal remedies available for such a decision. In practice, Turkish courts require the submission of a finalization statement of the relevant foreign court stating that the decision has become final. However, some foreign legal systems do not have such practice and do not issue any finalization statements. In such cases, even though it is not a strict legal requirement, Turkish courts do not enforce the decision unless the requesting party can submit such a finalization statement. This is partly due to judges not being fully aware of procedures regarding the enforcement of court judgments.

The foreign judgment must not relate to a subject falling under the exclusive jurisdiction of the Turkish courts (e.g. lawsuits related to real estates located in Turkey) and must not have been rendered through the exercise of exorbitant.

Also, the foreign judgment should not explicitly violate Turkish public policy. The examination of the violation of the public policy includes an examination of whether the implementation of the foreign judgment in Turkey gives rise to any contradiction of public policy. Defendants in enforcement suits often invoke the violation of public policy as a ground for questioning the merits of the foreign judgment. However, as the courts are barred from going into the merits of a dispute in enforcement suits (prohibition of *revision au fond*), such objections are only rarely addressed in commercial enforcement suits.



## ARBITRATION AWARDS

### 8. Is this jurisdiction a party to the New York Convention?

Yes. Turkey ratified the Convention with two reservations: Turkey will only recognize and enforce arbitral awards that are made in other contracting states of the Convention, and the award must be related to a commercial dispute or must be of a commercial nature to be subject to the Convention.

### 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

In the case of undisputed claims, an application to enforce an arbitral award is usually concluded between 6 months to 1 year.

### 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

If there are disputed claims, an application to enforce an arbitral award is usually concluded between 1.5 to 2 years at the first instance court. In the event of an appeal, the appeal stage is usually concluded within a period of 1 to 2 years.

### 11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

The approximate cost of registering and enforcing a foreign arbitral award is the same as that of a foreign court judgment. Hence, we hereby refer to our answer under question regarding approximate cost of registering and enforcing a foreign court judgment.

### 12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Having the enforcement request opposed to does not change the cost. Hence, we also hereby refer to our answer under question regarding the approximate cost of registering and enforcing a foreign court judgment.

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The award should be binding on the parties, should not have been set aside or suspended by a competent authority of the country in which, or under the laws of which, the award was made. In practice, as explained above, Turkish courts require the submission of a finalization statement of the relevant foreign arbitral seat stating that the decision has become final. However, some foreign legal systems do not have such practice and do not issue any finalization statements. In such cases, Turkish courts do not enforce the award generally unless the claimant can submit such a finalization statement.

The subject matter of the dispute should be capable of being resolved by arbitration under the laws of Turkey.

Moreover, the enforcement of the award should not be contrary to the public policy of Turkey. The examination on the violation of the public policy includes an examination of whether the results of the implementation of the foreign arbitral award in Turkey would give rise to any contradiction of public policy. Violation of public policy is often invoked by defendants in enforcement suits as grounds for questioning the merits of the foreign arbitral awards. However, as the courts are barred from going into the merits of a dispute in enforcement suits (prohibition of revision au fond), these objections are rarely addressed in commercial recognition and enforcement suits.

Arbitral awards delivered in countries that are not a party to the Convention will be enforced as per IPPL in Turkey. Even though IPPL does not regulate reciprocity as a requirement for enforcement of foreign arbitral awards, several Court of Cassation decisions point out to the reciprocity requirement in their decisions regarding enforcement of foreign arbitral awards.

## LIMITATION

## 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Turkish law does not regulate time limitations for the enforcement of foreign arbitral awards. There are conflicting Court of Cassation and doctrine opinions on this matter. One opinion states that the foreign judgment or arbitral award must be enforced in Turkey within the time limit foreseen in the laws of the jurisdiction where the court rendered the judgment. Another opinion states that the time limit for enforcement of foreign judgment or award is the period regulated under the Turkish law for initiation of execution proceedings for court judgments in Turkey, i.e. 10 years under Article 39 of the Execution and Bankruptcy Law.

# Turkey

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

In light of the foregoing explanations, if it is accepted that the law of the place of enforcement, and therefore the Turkish Law will apply regarding the statute of limitations for the enforcement of a foreign judgment, the limitation period is 10 years.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

In light of foregoing explanations, if it is accepted that the law of the place of enforcement, and therefore the Turkish Law will apply regarding the statute of limitations for the enforcement of a foreign arbitral award, the limitation period is 10 years.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, if a judgment results in the enforcement of the judgment or the award, the defendant will have to pay the entirety of the court fees.

18. Is seizure of goods available as an enforcement method?

Yes. Execution proceedings may be initiated based on the foreign court judgment/arbitral award of which an enforcement decision is rendered by Turkish courts. In this regard, execution office sends a payment order to the debtor upon requested by the creditor, and if the debtor does not make payment within seven days, the debtors' goods may be seized accordingly.

19. Is attachment of earnings available as an enforcement method?

Yes, an attachment may be exercised over the debtor's earnings.

20. Is attachment of third party debts available as an enforcement method?

Yes, unless the debtor's receivables from the third parties are based on negotiable instruments, the debtor's rights and receivables from third parties may be attached.

# Turkey

## 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes. The debtor's receivables from companies may be attached as well. The debtor's immovables may also be sold by auction in the proceedings.

## 22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes. Article 177 of the Execution and Bankruptcy Law regulates cases where the creditor may request direct insolvency proceedings. As per Article 177(4) of the EBL, if a payment order was served on the creditor but they failed to make payment, then the creditor may directly request the insolvency of the debtor.

## 23. Can a receiver be appointed by way of enforcement?

No.

## 24. Any other method of enforcement?

Execution and insolvency proceedings may be initiated against the debtor wherein the creditor may request attachment over the debtor's goods, immovable, receivables and earnings.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Koray Sögüt**

Partner, Istanbul  
Dispute Resolution  
+90 212 376 64 22  
[koray.sogut@esin.av.tr](mailto:koray.sogut@esin.av.tr)

### 28. What papers will be needed?

Regarding the enforcement of a foreign judgment, the following documents are required under the IPPL:

- the original copy of the court judgment certified by the authorities of the foreign state or an official copy of the judgment and a certified translation thereof;
- a document or a written statement from the authorities of the state which officially confirms that the court judgment is final and a certified translation thereof.

Regarding the enforcement of an arbitral award under the IPPL:

- the original or an official copy of the arbitration agreement or clause and a certified translation thereof;
- the original or an official copy of the arbitral award which confirms that the award is final and enforceable or binding for the parties and a certified translation thereof.

Regarding the enforcement of an arbitral award under the New York Convention:

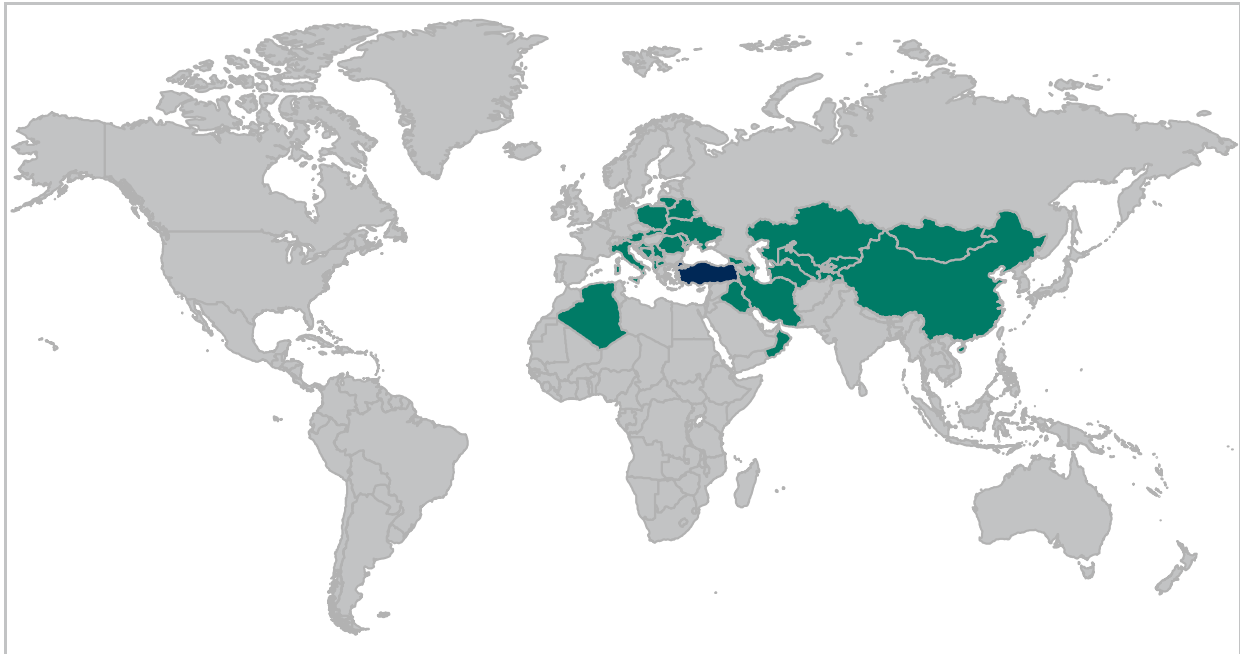
- the original or an official copy of the arbitration agreement and a certified translation thereof;
- the original or an official copy of the arbitral award and a certified translation thereof.

Please note that for enforcement of foreign arbitral awards, Turkish courts generally require the submission of a finalization statement of the relevant foreign arbitral seat stating that the decision has become final.

# Turkey

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Turkey has reciprocal enforcement arrangements for court judgments.



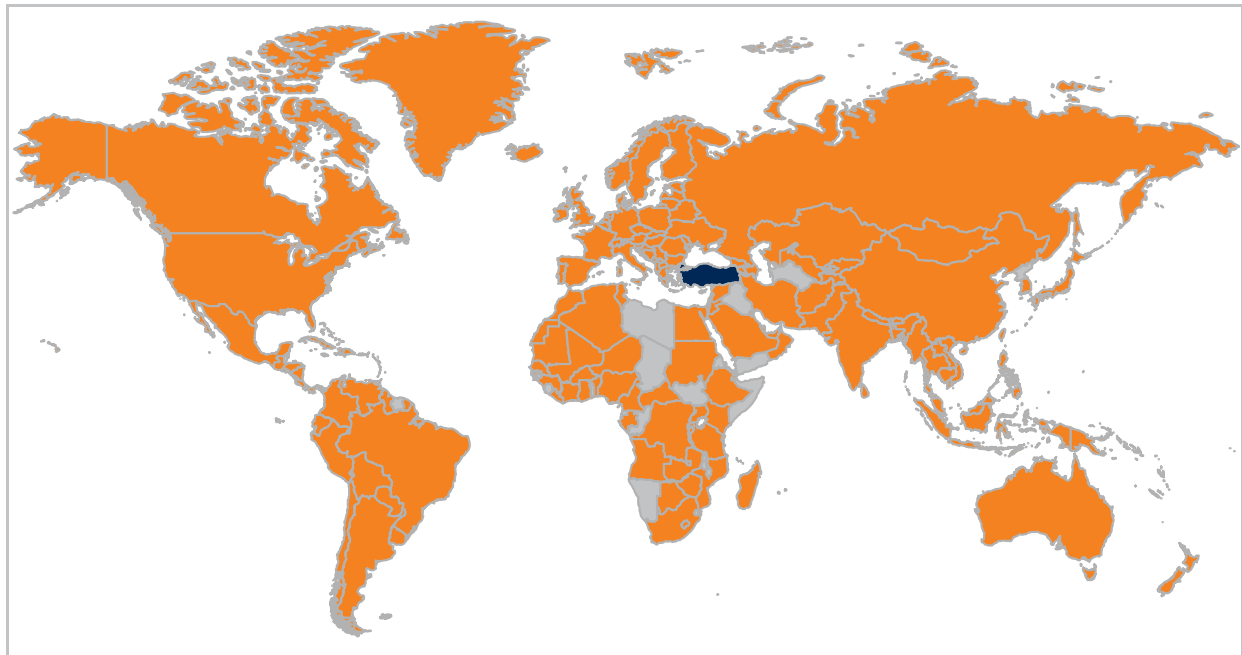
<b>Bilateral</b>			
Albania	Croatia	Macedonia	Slovakia
Algeria	Georgia	Moldova	Tajikistan
Austria	Iran	Mongolia	Turkmenistan
Azerbaijan	Iraq	Northern Cyprus	Ukraine
Bosnia & Herzegovina	Italy	Oman	Uzbekistan
Belarus	Kazakhstan	Poland	
China	Kyrgyzstan	Romania	
	Lithuania	Serbia	

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# Turkey

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Turkey has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Ukraine
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	United Arab
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	Emirates
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Scotland	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Senegal	Uruguay
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Serbia	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Seychelles	Singapore
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Sint Eustatius	Uzbekistan
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Maarten	Venezuela
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Slovakia	Vietnam
Australia	Cayman Islands	England and Wales	India	Mali	Papua New Guinea	Slovenia	Zambia
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	South Africa	Zimbabwe
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Peru	South Korea	
Bahamas	China	Italy	Ireland	Mauritania	Philippines	Spain	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Poland	Sri Lanka	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sudan	
Barbados	Colombia	Jersey	Italy	Moldova	Puerto Rico	Sweden	
Belarus	Comoros	Jordan	Jamaica	Monaco	Qatar	Switzerland	
Belgium	Cook Islands	Kazakhstan	Japan	Mongolia	Romania	Syria	
Benin	Costa Rica	Kenya	Jersey	Montenegro	Russia	Tajikistan	
Bermuda	Côte d'Ivoire	Kuwait	Jordan	Morocco	Rwanda	Tanzania	
Bhutan	Croatia	Kyrgyzstan	Georgia	Mozambique	Saba	Thailand	
Bolivia	Cuba	Laos	Germany	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire	Curaçao	Latvia	Ghana	Nepal	San Marino	Tonga	
Bosnia & Herzegovina			Gibraltar	Netherlands		Tunisia	
			Greece	New Zealand		Uganda	
			Greenland	Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Ukraine

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002:

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan

**Bilateral:**

Albania, Algeria, Bosnia and Herzegovina, Bulgaria, China, Cuba, Cyprus, Czech Republic, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iran, Iraq, Latvia, Libya, Lithuania, Macedonia, Moldova, Mongolia, Montenegro, North Korea, Poland, Romania, Serbia, Syria, Tunisia, Turkey, Vietnam, Yemen.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Approximately three months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Normally from six months to one year.



# Ukraine

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 15,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 50,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

The counterparty may use guerilla tactics to disrupt the enforcement of decisions.

There are significant limitations on enforcement against certain categories of debtors (e.g., state-owned companies, bodies, etc.)

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Approximately three months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Normally from six months to one year.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 15,000.

# Ukraine

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 50,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

The counterparty may use guerilla tactics to disrupt the enforcement of decisions.

There are significant limitations on enforcement against certain categories of debtors (e.g., state-owned companies, bodies, etc.)

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date when the judgment became effective.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Three years from the date when the award was rendered.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes.

# Ukraine

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

No.

24. Any other method of enforcement?

No.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



**Ihor Siusel**

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**Anna Boyko**

Associate, Kyiv  
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+380 44 590 0101  
[anna.boyko@bakermckenzie.com](mailto:anna.boyko@bakermckenzie.com)

### 28. What papers will be needed?

To commence the procedure of enforcement of the arbitral award, the following documents will be required:

- duly certified original award or a notarized copy thereof;
- original arbitration agreement or a notarized copy thereof, and
- original power of attorney apostilled or otherwise legalized.

Before submission, all of the above documents will require certified translation into Ukrainian or another language, provided by an international treaty.

In order to commence the procedure of enforcement of a foreign judgment, unless otherwise is determined by an international treaty, the following documents will be required:

- duly certified copy of the judgment;
- official document confirming that the judgment entered into legal force (unless respectively indicated in the judgment itself);
- document confirming that the party, in respect of which the judgment was rendered and which failed to participate in the consideration of the case, was duly notified on time and place of such consideration;

# Ukraine

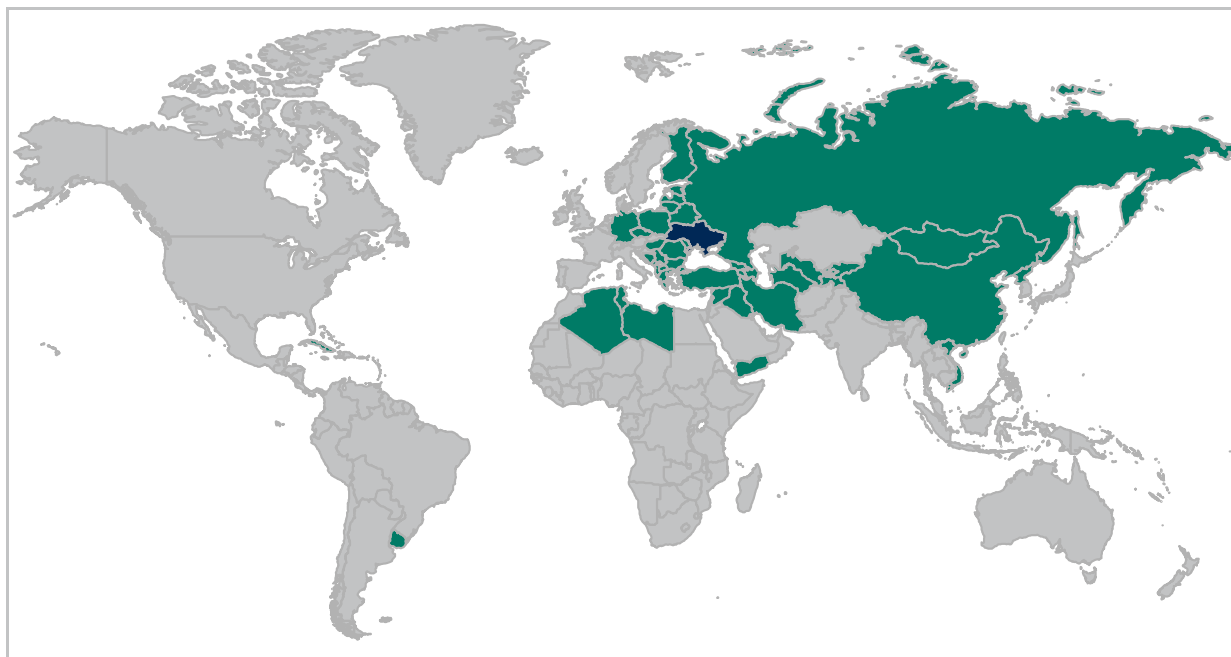
- should the judgment be enforced previously, the documents determining in which part or starting from which period such judgment shall be enforced, and
- document confirming the authority of the attorney applying for enforcement.

Before submission, all of the above documents will require certified translation into Ukrainian or another language, provided by an international treaty.

# Ukraine

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Ukraine has reciprocal enforcement arrangements for court judgments.



<b>Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002</b> Armenia Azerbaijan Belarus Georgia Kyrgyzstan Moldova Russia Tajikistan Turkmenistan Uzbekistan	<b>Hague Judgments Convention*</b> Uruguay  <b>Bilateral</b> Albania Algeria Bosnia and Herzegovina Bulgaria China Cuba Cyprus Czech Republic Estonia	Finland Georgia Germany Greece Hungary Iran Iraq Latvia Libya Lithuania Macedonia Moldova Mongolia Montenegro	North Korea Poland Romania Serbia Syria Tunisia Turkey Vietnam Yemen

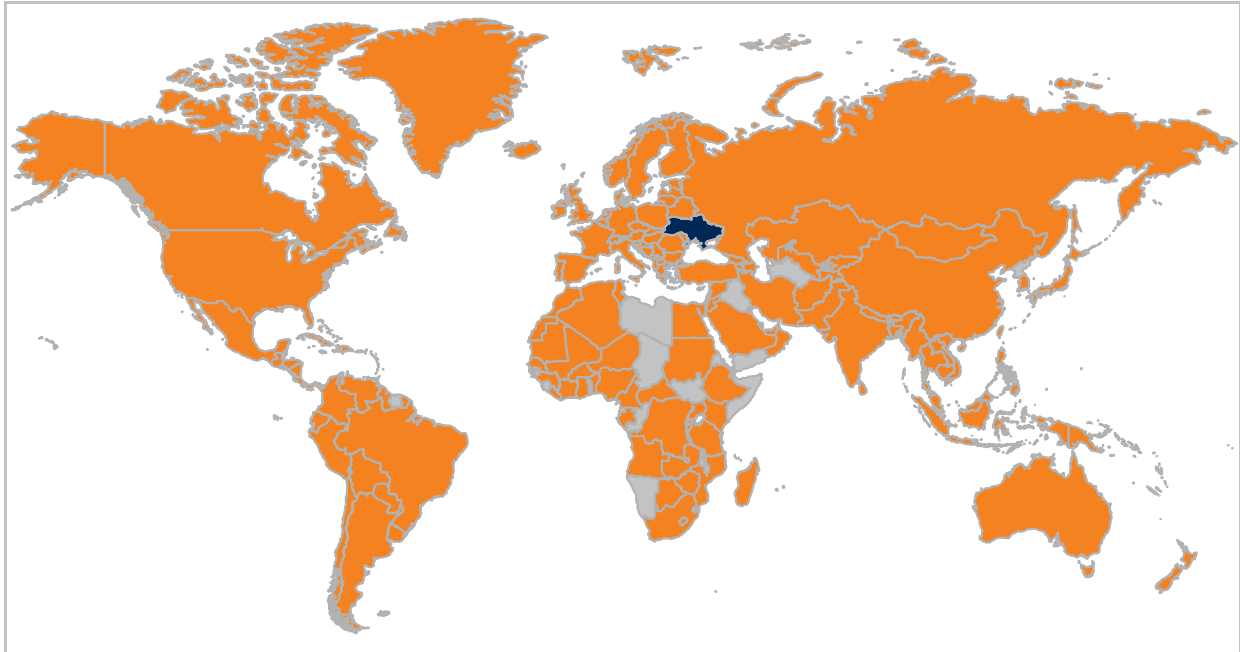
\*Not yet in force

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# Ukraine

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Ukraine has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Uganda
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	United Arab Emirates
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	Uruguay
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Uzbekistan
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Sint Eustatius	Venezuela
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Maarten	Vietnam
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Slovakia	Zambia
Australia	Cayman Islands	England and Wales	India	Mali	Papua New Guinea	Slovenia	Zimbabwe
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	South Africa	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Peru	South Korea	
Bahamas	China	Italy	Ireland	Mauritania	Philippines	Spain	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Poland	Sri Lanka	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sudan	
Barbados	Colombia	Jersey	Italy	Moldova	Puerto Rico	Sweden	
Belarus	Comoros	Jordan	Jamaica	Monaco	Qatar	Switzerland	
Belgium	Cook Islands	Kazakhstan	Japan	Mongolia	Romania	Syria	
Benin	Costa Rica	Kenya	Jersey	Montenegro	Russia	Tajikistan	
Bermuda	Côte d'Ivoire	Kuwait	Gabon	Morocco	Rwanda	Tanzania	
Bhutan	Croatia	Kyrgyzstan	Georgia	Mozambique	Saba	Thailand	
Bolivia	Curaçao	Laos	Germany	Myanmar	Saint Vincent and the Grenadines	Trinidad and Tobago	
Bonaire		Latvia	Ghana	Nepal	San Marino	Tonga	
Bosnia & Herzegovina			Gibraltar	Netherlands		Tunisia	
			Greece	New Zealand			
			Greenland	Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

**Important Note:** This is a simplified guide. The map above refers to jurisdictions rather than States. Some borders are disputed and the above map should not be considered an endorsement of any particular territorial claim. Not all dependent territories or equivalents may be shown. Some jurisdictions apply the New York Convention only to certain types of claim. Correct as at 1 September 2020.



# United Arab Emirates

## JUDGMENTS

### 1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

#### **Riyadh Convention 1983:**

Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, Yemen

#### **GCC Convention 1995:**

Bahrain, Kuwait, Oman, Qatar, Saudi Arabia

#### **Bilateral:**

China, Egypt, France, Nigeria, Pakistan, Sudan, Tajikistan.

### 2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

It is possible by declaring the judgment enforceable in the UAE. The local courts will need to assess the following elements before they can approve the enforcement of a foreign judgment:

- Whether the foreign judgment is a final and binding judgment that exhausted all means of appeal in the foreign jurisdiction.
- Whether the parties were properly represented during the proceedings in the foreign court.
- Whether the foreign court, which issued the judgment, has reciprocal means of enforcing UAE judgments or not.
- Whether the judgment is in conformity with public policy and morals.
- Whether the matter is subject to the jurisdiction of the UAE courts.
- Whether the foreign judgment is contradictory to a final binding judgment issued by the UAE courts.



# United Arab Emirates

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

The overall period for recognition and execution of judgments usually ranges between 6 to 8 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

If the adverse party challenged the enforcement proceedings, the period for execution of judgments may take up between 1 to 1.5 years.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

The standard court fees are usually capped at AED 40,000 (around USD 10,890), excluding counsel's fees.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

The standard court fees are usually capped at AED 40,000 (around USD 10,890).

7. Are there any unusual difficulties in enforcing a foreign judgment?

Not really, just the usual difficulties of locating the funds subject to the execution. Parties wishing to enforce need to be mindful of potential grounds for resisting enforcement, such as public policy defenses. These are often run but seldom accepted.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

To have the award recognized: seventy days (ten days to file and sixty days to have the recognition/ratification order issued).

# United Arab Emirates

## 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Same as above, as the action for recognition/ratification of the foreign award is requested and ordered on an *ex parte* basis.

If the recognition order is then opposed by way of Grievance (which must be filed within thirty days of the date of the ratification order), the approximate time would be three to five months for the Grievance to be ruled on. Enforcement begins after the recognition/ratification order is upheld at the Grievance stage.

A Cassation Appeal can also be filed within sixty (60) days thereafter. The duration of these proceedings is usually between three to six months and enforcement can be suspended depending on the Cassation Court's order. It can also be canceled if the recognition order from the lower court is overturned at the Cassation stage.

## 11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Between AED 5,550 and AED 6,000 (between USD 1,510 and USD 1,633), excluding counsel's fees.

## 12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Same as above. If a Grievance is filed there would be an additional charge of AED 520 (USD 142) and if a Cassation Appeal is filed, this would cost AED 5,020 (USD 1,367), excluding counsel's fees.

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Interest granted in an Award can be deemed unrecognizable due to Sharia (public order) principles, particularly in the Courts of Emirates other than Dubai. Any other aspects of the Award contravening Sharia principles could be deemed unrecognizable.

## LIMITATION

## 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Place of enforcement

# United Arab Emirates

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no specific prescribed period.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

There is no specific prescribed period.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, but not attorney fees.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes, but rules of insolvency would need to apply (e.g. default for more than thirty (30) business days when the debtor is classified as a merchant under UAE law).

# United Arab Emirates

## 23. Can a receiver be appointed by way of enforcement?

Yes.

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate, compared to other jurisdictions. Unless there is a treaty of reciprocity between the UAE and the State that issued the judgment, the UAE Courts may not recognize the judgment and force the parties to litigate the matter again. The foreign judgment will be considered persuasive, but it will not be considered final and binding until the UAE Court issues its judgment on the matter.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate, compared to other jurisdictions. The UAE Arbitration Law is relatively new and thus is still being tried and test. As a result, the Courts have occasionally issued judgments that run counter to the UAE's position that it is an arbitration-friendly jurisdiction. This has increased the complexity and time for the proper enforcement of arbitral awards.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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## 28. What papers will be needed?

Preliminary note: All documents submitted to the UAE Courts must include Arabic translations, by a certified and accredited entity, and attested before the UAE Ministry of Justice.

For a foreign judgment:

- Legalized and attested foreign judgment
- Relevant laws evidencing that the foreign court has reciprocal means of enforcing UAE judgments.
- Parties' corporate documents including trade licenses, commercial registers, bylaws and Articles of Association.
- The court may also request a certificate from the foreign court that the judgment is final and binding.

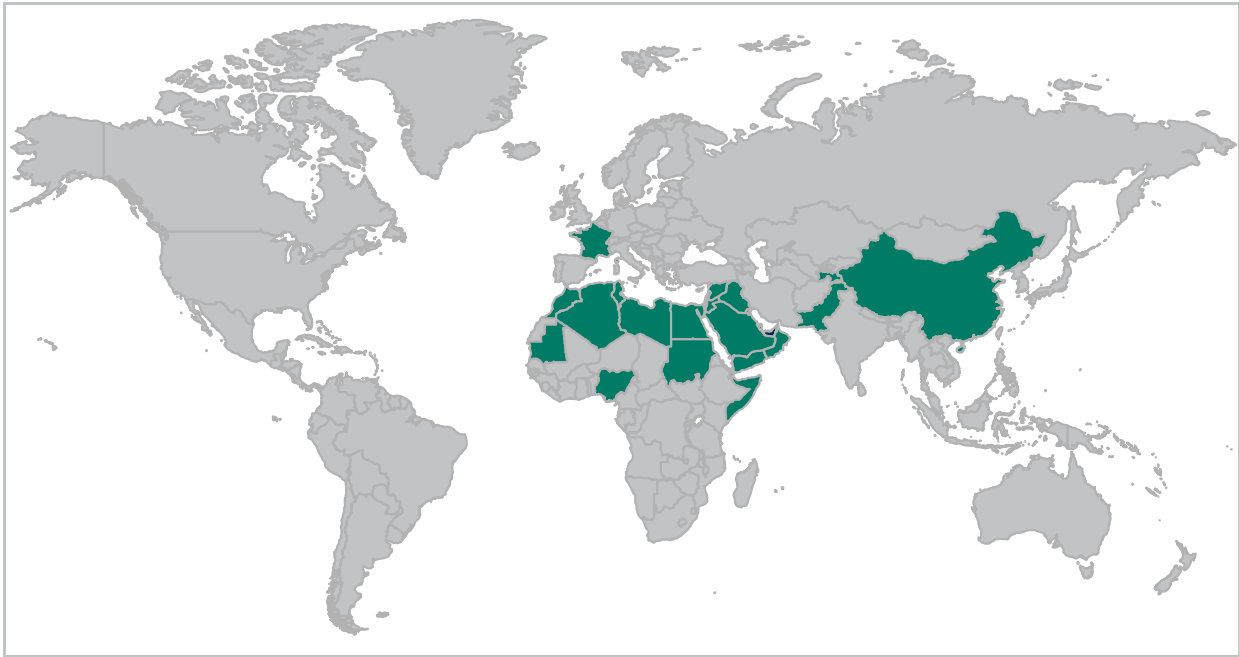
For foreign arbitral awards (Article 55 of the UAE Arbitration Law):

- Original or photocopy of the award
- Copy of the Arbitration Agreement
- Copy of the minutes of deposit of the award in Court.

# United Arab Emirates

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which United Arab Emirates has reciprocal enforcement arrangements for court judgments.



### Bilateral

China  
Egypt  
France  
Nigeria  
Pakistan  
Sudan  
Tajikistan

### Riyadh Convention 1983

Algeria  
Bahrain  
Djibouti  
Egypt  
Iraq  
Jordan  
Lebanon

Libya  
Mauritania  
Morocco  
Oman  
Palestine  
Qatar  
Saudi Arabia  
Somalia  
Sudan

Syria  
Tunisia  
Yemen

### GCC Convention 1995

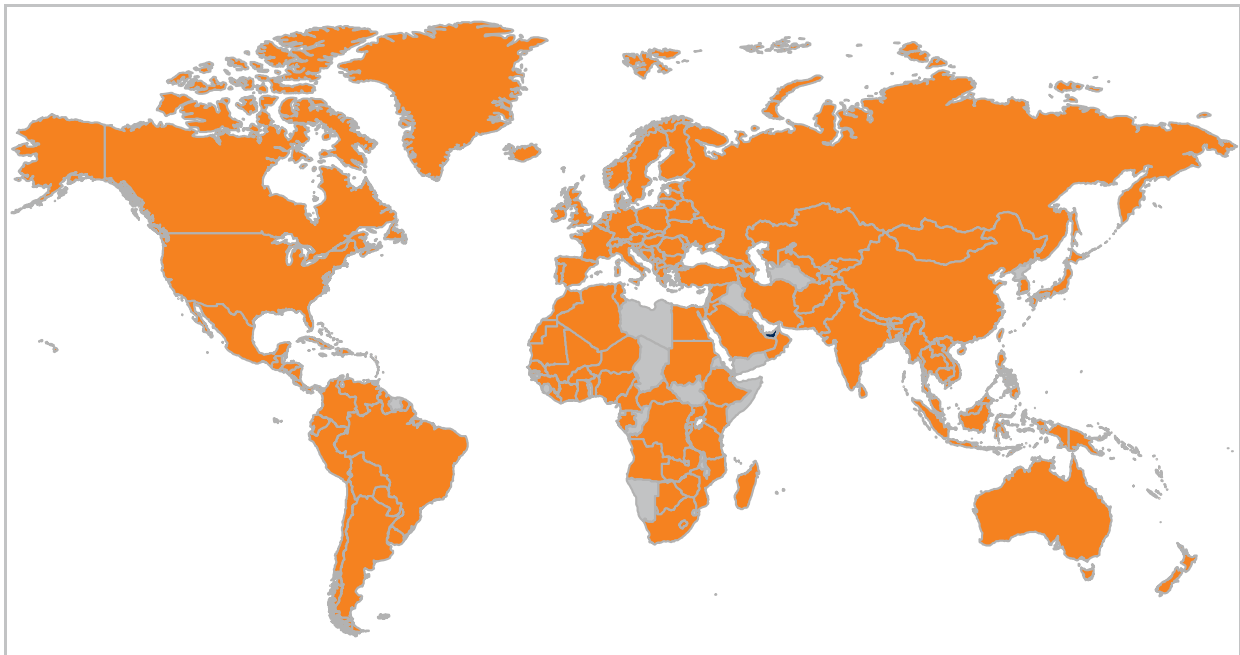
Bahrain  
Kuwait  
Oman  
Qatar  
Saudi Arabia

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# United Arab Emirates

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which United Arab Emirates has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and Principe	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Saudi Arabia	Uganda
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Scotland	Ukraine
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Senegal	United States of America
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Serbia	Uruguay
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Seychelles	US Virgin Islands
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Singapore	Uzbekistan
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Sint Eustatius	Venezuela
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Maarten	Vietnam
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Slovakia	Zambia
Australia	Cayman Islands	England and Wales	India	Mali	Papua New Guinea	Slovenia	Zimbabwe
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	South Africa	
Azerbaijan	Chile	Israel	Iran	Marshall Islands	Peru	South Korea	
Bahamas	China	Italy	Ireland	Mauritania	Philippines	Sri Lanka	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritius	Poland	Sudan	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sweden	
Barbados	Colombia	Jordan	Italy	Moldova	Puerto Rico	Switzerland	
Belarus	Comoros	Kazakhstan	Jamaica	Monaco	Qatar	Syria	
Belgium	Cook Islands	Kenya	Jersey	Mongolia	Romania	Tajikistan	
Benin	Costa Rica	Kuwait	Jordan	Montenegro	Russia	Tanzania	
Bermuda	Côte d'Ivoire	Laos	Kazakhstan	Morocco	Rwanda	Thailand	
Bhutan	Croatia	Latvia	Kenya	Mozambique	Saba	Trinidad and Tobago	
Bolivia	Curaçao		Kyrgyzstan	Myanmar	Saint Vincent and the Grenadines	Tonga	
Bonaire			Laos	Nepal	San Marino	Tunisia	
Bosnia & Herzegovina			Latvia	Netherlands			
				New Zealand			
				Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# United States

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

None.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. Foreign judgments are routinely recognized in the United States through statutes enacted in each state. The defenses to recognition are limited in these proceedings. This principle originated with the Supreme Court's 1895 decision in *Hilton v. Guyot*, and has since been codified in various uniform acts that have been adopted by the states in different forms.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

In general, 6-12 months.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

1-5 years, depending on the nature of appeals or subsequent proceedings.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 50,000-100,000.



# United States

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Over USD 100,000, depending on the nature of the opposition.

7. Are there any unusual difficulties in enforcing a foreign judgment?

No. Foreign judgments are generally enforced under uniform acts, which have limited defenses. Depending on the defenses raised, this could require discovery and could extend the timetable, but the defenses to enforcement are generally difficult to establish.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

In general, 6-12 months.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

1-5 years, depending on the nature of appeals or subsequent proceedings.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 50,000-100,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Over USD 100,000, depending on the nature of the opposition.

# United States

## 13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No. Arbitration awards are enforced under the New York Convention.

## LIMITATION

## 14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

Usually both the law of the issuing and enforcing jurisdiction. While this can vary by state, many states preclude enforcement after the earlier of the expiration of the statute of limitations of the issuing jurisdiction or a set period of time ranging from 3 to 15 years.

## 15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

The limitations period varies by state. It can range from 3 to 15 years.

## 16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Enforcement proceedings under the New York and Panama Conventions must be initiated within three years of the award.

## ENFORCEMENT

## 17. Are fees and costs of enforcement typically recoverable?

In the United States, fees and costs are typically not recoverable. However, they may be recoverable in certain circumstances including if there is a contractual agreement for the payment of fees or if the court deems the actions of the opposing party to be frivolous or taken in bad faith.

## 18. Is seizure of goods available as an enforcement method?

Yes, although the procedures for doing so vary by state.

# United States

## 19. Is attachment of earnings available as an enforcement method?

Yes, attachment of earnings is generally available as an enforcement method, although the procedures for doing so vary by state and some states may limit the amount or type of earnings that may be attached.

## 20. Is attachment of third party debts available as an enforcement method?

Yes, although the procedures for doing so vary by state.

## 21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes, although the procedures for doing so vary by state.

## 22. Can a judgment or award be enforced by way of insolvency proceedings?

In practice, it is relatively difficult to compel involuntary bankruptcy unless the judgment creditor is a substantial creditor as compared to others. Of note, the U.S. Bankruptcy Code allows debtors to discharge obligations as part of bankruptcy, so it is important for judgment or award creditors to assert a claim in any bankruptcy proceeding that is initiated by the debtor or a third party to avoid loss of their future ability to enforce.

## 23. Can a receiver be appointed by way of enforcement?

Yes, although the procedures for doing so vary by state.

## 24. Any other method of enforcement?

- Attachment and sale of personal and real property;
- Attachment of income, including wages;
- Discovery procedures to locate the judgment debtor's property, including examination of the judgment debtor under oath;
- Receiverships;
- Turnover orders;
- Asset freezes
- Penalties for contempt of court orders;
- And, in limited cases, arrest of the judgment debtor

# United States

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Easy

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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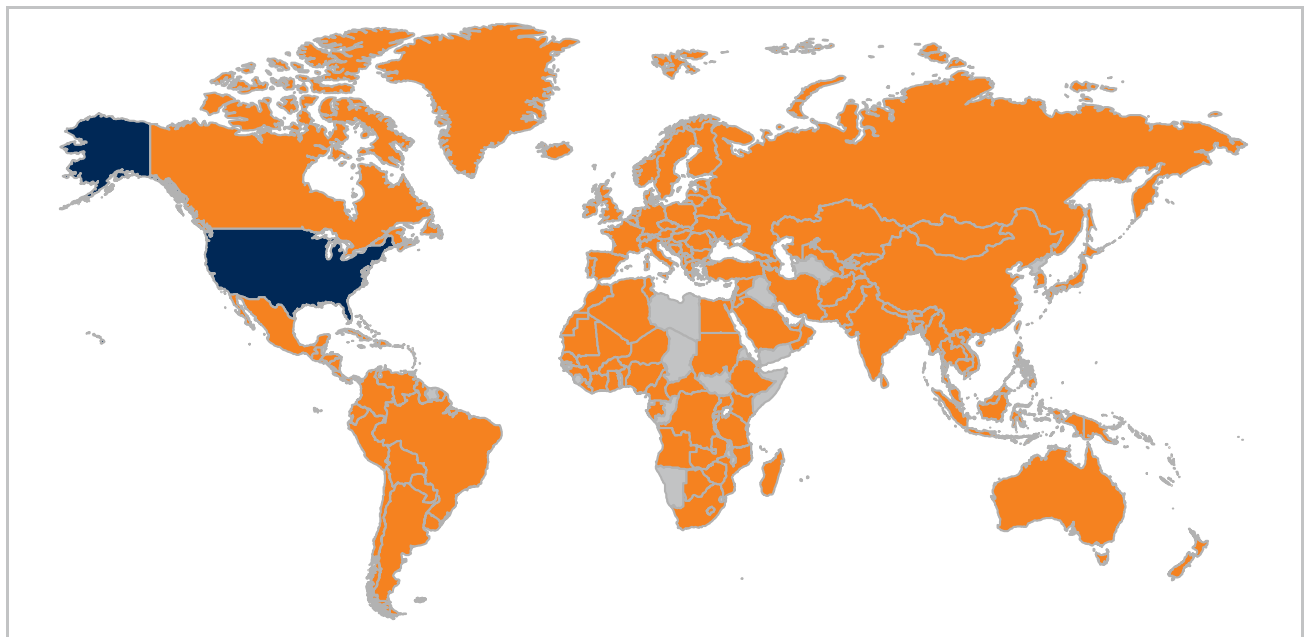
28. What papers will be needed?

- Copy of arbitration award or judgment
- Copy of arbitration agreement (if applicable).

# United States

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which United States has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Bosnia & Herzegovina	Côte d'Ivoire	France	Jamaica	Mexico	Philippines	South Korea
Albania	Botswana	Croatia	Gabon	Japan	Moldova	Poland	Spain
Algeria	Brazil	Cuba	Georgia	Jersey	Monaco	Portugal	Sri Lanka
American Samoa	British Virgin Islands	Curaçao	Germany	Jordan	Mongolia	Puerto Rico	Sudan
Andorra	Brunei	Cyprus	Ghana	Kazakhstan	Montenegro	Qatar	Sweden
Antigua and Barbuda	Djibouti	Czech Republic	Gibraltar	Kenya	Morocco	Romania	Switzerland
Angola	Denmark	Dominica	Greece	Kuwait	Mozambique	Russia	Syria
Argentina	Bulgaria	Dominican Republic	Greenland	Kyrgyzstan	Myanmar	Rwanda	Tajikistan
Armenia	Burkina Faso	Guam	Guatemala	Laos	Nepal	Saba	Tanzania
Aruba	Burundi	Guernsey	Guinea	Latvia	Netherlands	Saint Vincent and the Grenadines	Thailand
Australia	Cabo Verde	Haiti	Guyana	Lebanon	New Zealand	San Marino	Trinidad and Tobago
Austria	Cambodia	Honduras	Guernsey	Lesotho	Nicaragua	Sao Tome and Principe	Tonga
Azerbaijan	Cameroon	Hong Kong	Guinea	Liberia	Niger	Saudi Arabia	Tunisia
Bahamas	Cayman Islands	Hungary	Haiti	Liechtenstein	Nigeria	Scotland	Turkey
Bahrain	Central African Republic	Iceland	Holy See	Lithuania	Norfolk Island	Senegal	Uganda
Bangladesh	Chile	India	Honduras	Luxembourg	Northern Ireland	Serbia	Ukraine
Barbados	China	Indonesia	Hong Kong	Macau	Norway	Seychelles	United Arab Emirates
Belarus	Christmas Island	Iran	Hungary	Macedonia	Oman	Singapore	Uruguay
Belgium	Cocos (Keeling) Islands	Ireland	India	Madagascar	Pakistan	Slovakia	US Virgin Islands
Benin	Colombia	Israel	Indonesia	Malaysia	Palestine	Slovenia	Uzbekistan
Bermuda	Comoros	Italy	Iran	Maldives	Panama	South Africa	Venezuela
Bhutan	Costa Rica		Ireland	Mali	Papua New Guinea		Vietnam
Bolivia	Cook Islands		Isle of Man	Malta	Paraguay		Zambia
Bonaire			Israel	Marshall Islands	Peru		Zimbabwe

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# Uzbekistan

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002:

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan

**Hague Judgments Convention:\***

Uruguay

\*Not yet in force

**Bilateral:**

Azerbaijan, Bulgaria, China, Czech Republic, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Russia, Turkey, Turkmenistan, Ukraine

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

No.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Around 2-3 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

# Uzbekistan

## 4. What is the approximate time required to register and enforce a foreign judgment if opposed?

Around 4-5 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

## 5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

USD 5,000 - 8,000 (including relevant legal fees and other disbursements)

## 6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

USD 10,000 - 25,000 (including relevant legal fees and other disbursements)

## 7. Are there any unusual difficulties in enforcing a foreign judgment?

Local courts still may be influenced by local state authorities or tycoons or corrupted.

Therefore, recognition and enforcement of a foreign judgment against state companies or local oligarchs may be unreasonably rejected by local courts.

## ARBITRATION AWARDS

## 8. Is this jurisdiction a party to the New York Convention?

Yes.

## 9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

Around 2-3 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

## 10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

Around 4-5 months (subject to suspension of the proceedings due to procedural reasons like notification of foreign parties, involvement of experts, etc.).

# Uzbekistan

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

USD 5,000 - 8,000 (including relevant legal fees and other disbursements)

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

USD 10,000 - 25,000 (including relevant legal fees and other disbursements)

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Local courts still may be influenced by local state authorities or tycoons or corrupted.

Therefore, recognition and enforcement of a foreign arbitration award against state companies or local oligarchs may be unreasonably rejected by local courts.

## **LIMITATION**

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 years from the date when the foreign judgment came into effect.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 year from the date when the foreign award came into effect.



# Uzbekistan

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes

18. Is seizure of goods available as an enforcement method?

Yes

19. Is attachment of earnings available as an enforcement method?

Yes

20. Is attachment of third party debts available as an enforcement method?

Yes

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes

23. Can a receiver be appointed by way of enforcement?

Yes

24. Any other method of enforcement?

N/A

# Uzbekistan

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Usually, it is easy (subject to potential political issues and corruption influence over local courts).

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Usually, it is easy (subject to potential political issues and corruption influence over local courts).

## CONTACTS

27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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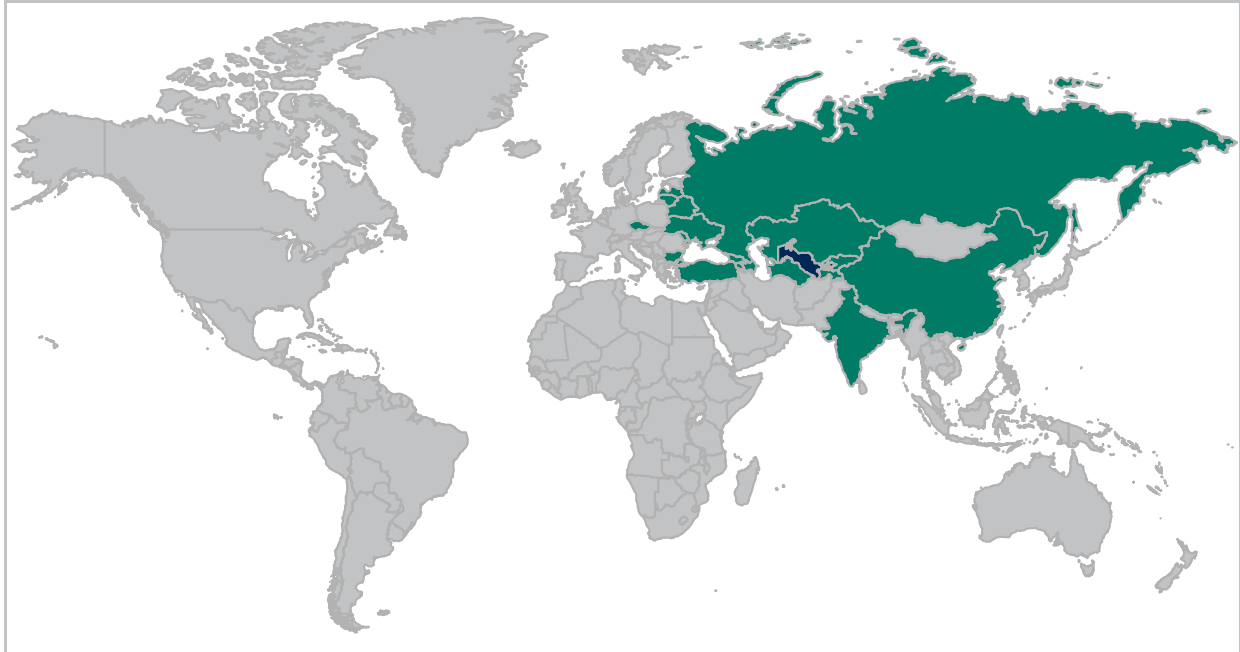
28. What papers will be needed?

A copy of the judgement\award which needs to be recognized and enforced and the power of attorney for representing in the court proceedings.

# Uzbekistan

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Uzbekistan has reciprocal enforcement arrangements for court judgments.



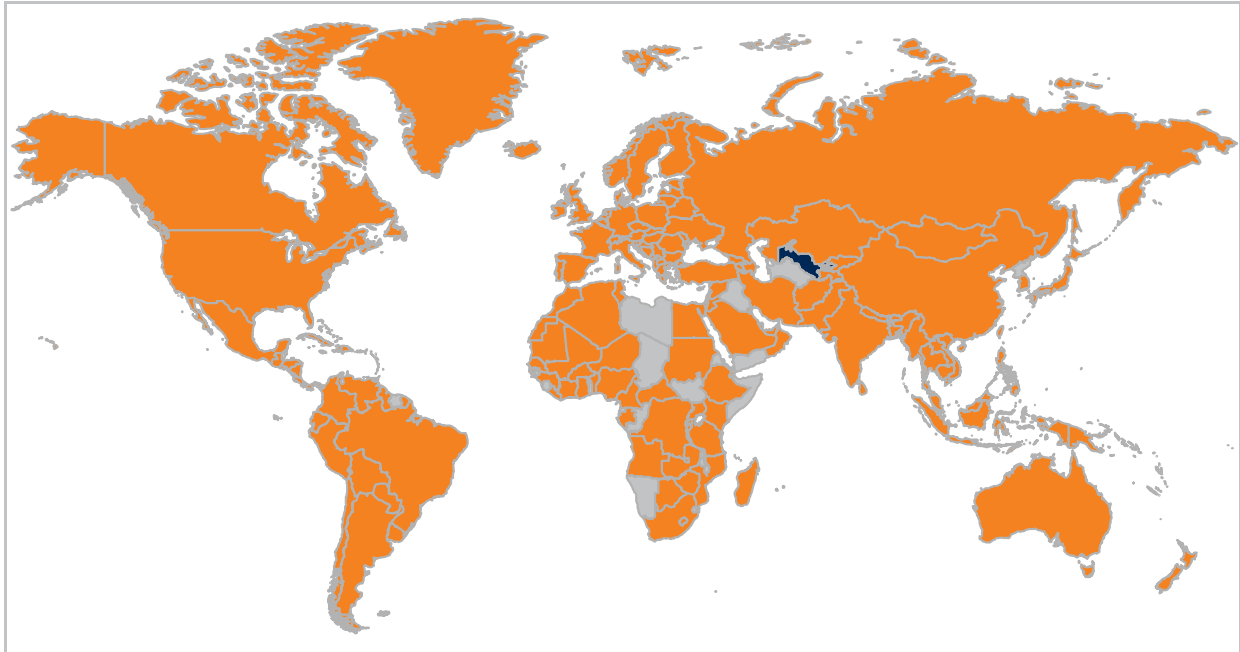
<b>Kiev Convention 1992, Minsk Convention 1993, Moscow Convention 1998 and Chisinau Convention 2002</b> Armenia Azerbaijan Belarus Georgia	Kazakhstan Kyrgyzstan Moldova Russia Tajikistan Turkmenistan Ukraine	<b>Bilateral</b> Azerbaijan Bulgaria China Czech Republic Georgia India Kazakhstan	Kyrgyzstan Latvia Lithuania Russia Turkey Turkmenistan Ukraine

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# Uzbekistan

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Uzbekistan has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Uganda
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	Ukraine
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Scotland	United Arab Emirates
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Senegal	United States of America
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Serbia	Uruguay
Angola	Burundi	Democratic Republic of Congo	Holy See	Macau	Pakistan	Seychelles	US Virgin Islands
Argentina	Cabo Verde	Ecuador	Honduras	Macedonia	Palau	Singapore	Venezuela
Armenia	Cambodia	El Salvador	Hong Kong	Madagascar	Palestine	Sint Eustatius	Vietnam
Aruba	Cameroon	England and Wales	Hungary	Malaysia	Panama	Sint Maarten	Zambia
Australia	Cayman Islands	Iceland	India	Maldives	Papua New Guinea	Slovakia	Zimbabwe
Austria	Central African Republic	Ireland	Indonesia	Mali	Paraguay	Slovenia	
Azerbaijan	Chile	Israel	Iran	Malta	Peru	South Africa	
Bahamas	China	Italy	Ireland	Marshall Islands	Philippines	South Korea	
Bahrain	Christmas Island	Jamaica	Isle of Man	Mauritania	Poland	Spain	
Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mauritius	Portugal	Sri Lanka	
Barbados	Colombia	Jersey	Italy	Mexico	Puerto Rico	Sudan	
Belarus	Comoros	Jordan	Jamaica	Moldova	Qatar	Sweden	
Belgium	Cook Islands	Kazakhstan	Japan	Monaco	Romania	Switzerland	
Benin	Costa Rica	Kenya	Jersey	Mongolia	Russia	Syria	
Bermuda	Côte d'Ivoire	Kuwait	Kazakhstan	Montenegro	Rwanda	Tajikistan	
Bhutan	Croatia	Laos	Jordan	Morocco	Saba	Tanzania	
Bolivia	Cuba	Latvia	Kazakhstan	Mozambique	Saint Vincent and the Grenadines	Thailand	
Bonaire	Curaçao		Kyrgyzstan	Myanmar	San Marino	Trinidad and Tobago	
Bosnia & Herzegovina			Laos	Nepal		Tonga	
			Latvia	Netherlands		Tunisia	
				New Zealand			
				Nicaragua			

\*The New York Convention will enter into force for Ethiopia on 22/11/2020.

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# Venezuela

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

**Bolivian Accord 1911:**

Ecuador, Bolivia, Peru, Colombia, Venezuela

**Montevideo Convention 1979:**

Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes, enforcement of foreign judgments requires a prior declaratory judgment (exequatur) from the Supreme Court following the procedure established by law in which compliance with specific requirements is examined. Once exequatur is granted, a petition for enforcement can then be filed with an enforcement court.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

Not less than two years.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

It is difficult to anticipate, but several years will pass until enforcement is completed.

# Venezuela

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Not less than USD 70,000.

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Not less than USD 150,000.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Generally, the enforcement of a foreign judgment is a very complicated process, that requires first a declaratory judgment from the Supreme Court, and then an enforcement action before an enforcement court. That is to say, two separate proceedings are necessary for the enforcement of a foreign judgment. During the proceedings, the defendant can file several defenses that would slow down the proceedings and put an enormous burden on the plaintiff.

However, it is possible to request and be granted precautionary measures (seizures, attachments, etc) to secure foreclosure on the defendant's assets in Venezuela while the recognition and enforcement proceedings are pending.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes, with two declarations (reciprocity and commerciality) pursuant to Article I.3 of the Convention.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

About a year.

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

This can be a very cumbersome proceeding that could last for years.

# Venezuela

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

No less than USD 50,000.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

No less than USD 200,000.

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

Venezuelan courts do not have much experience in handling the enforcement of foreign arbitration award, thus it would be difficult to predict how contested it could be until final foreclosure of assets is completed.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

In a petition for enforcement decided by the Supreme Court on February 5, 1970, the judgment debtor alleged, as a defense for denying exequatur of a Florida judgment, that the cause of action to recover attorneys' fees was barred under the Venezuelan statute of limitations (2 years). The Supreme Court disregarded the defense. In this opinion, the Supreme Court held that the right to recover attorneys' fees derives from the action to enforce the judgment and not from the underlying cause of action. An action to enforce a foreign judgment is subject to the applicable Venezuelan statute of limitations.

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Twenty-years from the moment in which the judgment has res judicata effect.

# Venezuela

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

Twenty-years from the moment in which the award has res judicata effect.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

Yes, but subject to an express request for fees and costs filed by the plaintiff, and provided that the plaintiff is successful in defeating all of the defendant's defenses.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

Yes.

20. Is attachment of third party debts available as an enforcement method?

Yes, but not commonly seen in practice.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Difficult to predict. It would be a case of first impression.

23. Can a receiver be appointed by way of enforcement?

Difficult to predict. It would be a case of first impression.



# Venezuela

## 24. Any other method of enforcement?

No.

## RATING

## 25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate to difficult.

## 26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate to difficult.

## CONTACTS

## 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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## 28. What papers will be needed?

In the case of a judgment:

- Certified and legalized/apostilled copy of the judgment.
- Official translation of the judgment by a Venezuelan certified translator, if the judgment was rendered in a language other than Spanish.
- Evidence that the judgment is final and enforceable (res judicata).

# Venezuela

- Evidence that the defendant was duly summoned and had sufficient time to present his/her case before the foreign court.

In the case of an arbitration award:

- Copy of the award certified by the arbitral tribunal.
- Official translation of the award by a Venezuelan certified translator, if the award was rendered in a language other than Spanish.

# Venezuela

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Venezuela has reciprocal enforcement arrangements for court judgments.



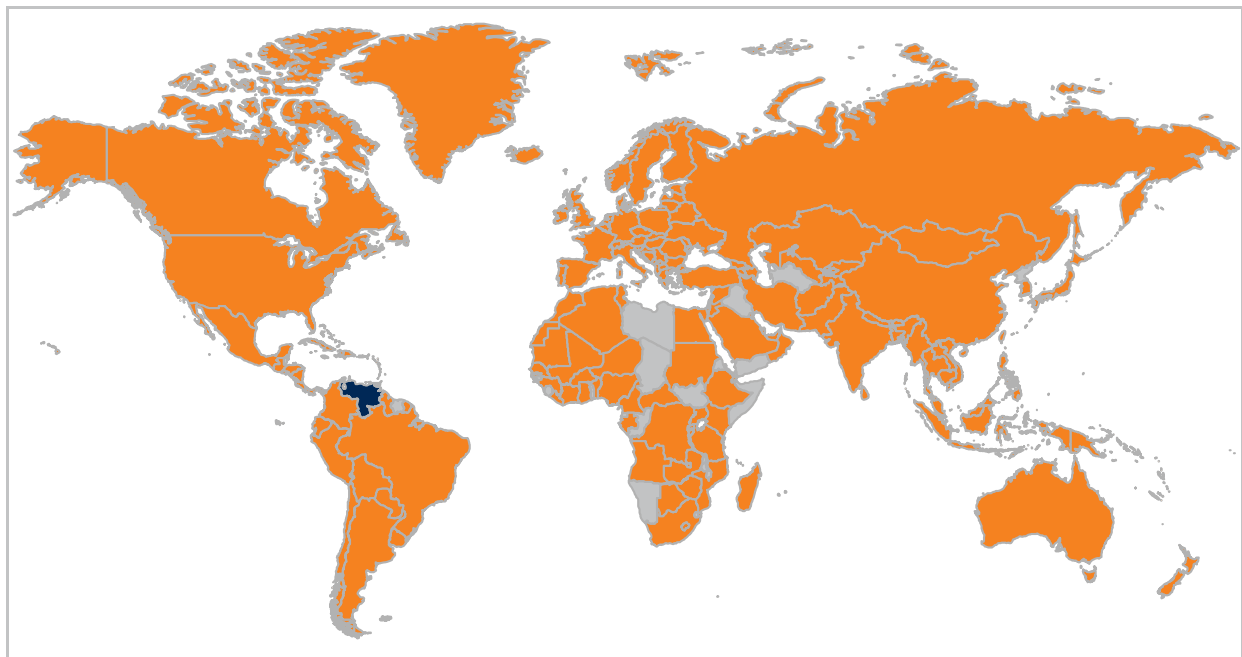
<b>Bolivian Accord 1911</b> Ecuador Bolivia Peru Colombia Venezuela	<b>Montevideo Convention 1979</b> Argentina Bolivia Brazil Colombia	Ecuador Mexico Paraguay Peru Uruguay	

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# Venezuela

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Venezuela has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Uganda
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	Ukraine
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Scotland	United Arab Emirates
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Senegal	United States of America
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Serbia	Uruguay
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Seychelles	US Virgin Islands
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Singapore	Uzbekistan
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Eustatius	Vietnam
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Sint Maarten	Zambia
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Bangladesh	Cocos (Keeling) Islands	Japan	Israel	Mexico	Portugal	Sri Lanka	
Barbados	Colombia	Jersey	Italy	Moldova	Puerto Rico	Sudan	
Belarus	Comoros	Jordan	Kenya	Monaco	Qatar	Sweden	
Belgium	Cook Islands	Kazakhstan	Kuwait	Mongolia	Romania	Switzerland	
Benin	Costa Rica	Kenya	Kyrgyzstan	Montenegro	Russia	Syria	
Bermuda	Côte d'Ivoire	Laos	Latvia	Morocco	Rwanda	Tajikistan	
Bhutan	Croatia	Lebanon		Mozambique	Saba	Tanzania	
Bolivia	Cuba	Nicaragua		Myanmar	Saint Vincent and the Grenadines	Thailand	
Bonaire	Curaçao			Nepal	San Marino	Trinidad and Tobago	
Bosnia & Herzegovina				Netherlands		Tonga	
				New Zealand		Tunisia	

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# Vietnam

## JUDGMENTS

1. With which jurisdictions does this jurisdiction have reciprocal arrangements for enforcement of judgments?

Algeria, Belarus, Bulgaria, Cuba, France, Hungary, Kazakhstan, Laos, North Korea, Poland, Russia, Ukraine, Cambodia, China, Czech Republic & Slovakia Republic, Mongolia, Taiwan

2. If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes.

3. What is the approximate time required to register and enforce a foreign judgment if unopposed?

7 months or more.

4. What is the approximate time required to register and enforce a foreign judgment if opposed?

12 months or more.

5. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

A rough estimate of cost would be USD20,000 excluding 10% mandatory VAT, actual travel expenses and translation costs, if incurred.

# Vietnam

6. What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

A rough estimate of cost would be USD50,000 excluding 10% mandatory VAT, actual travel expenses and translation costs, if incurred are exc.

7. Are there any unusual difficulties in enforcing a foreign judgment?

Foreign judgments are rarely enforced in Vietnam, except for those based on treaties.

## ARBITRATION AWARDS

8. Is this jurisdiction a party to the New York Convention?

Yes.

9. What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

6 - 8 months

10. What is the approximate time required to register and enforce a foreign arbitration award if opposed?

12 months or more.

11. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

A rough estimate of cost would be USD10,000 - 20,000 excluding 10% mandatory VAT, actual travel expenses and translation costs, if incurred.

12. What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

A rough estimate of cost would be USD35,000 - 50,000 excluding 10% mandatory VAT, actual travel expenses and translation costs, if incurred.

# Vietnam

13. Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

## LIMITATION

14. Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement

15. If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 years from the date on which the foreign judgment takes legal effect.

16. If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

3 years from the date on which the foreign arbitration award takes legal effect.

## ENFORCEMENT

17. Are fees and costs of enforcement typically recoverable?

No.

18. Is seizure of goods available as an enforcement method?

Yes.

19. Is attachment of earnings available as an enforcement method?

No.

# Vietnam

20. Is attachment of third party debts available as an enforcement method?

Yes.

21. Are charging orders or orders for sale of land, goods etc available as an enforcement method?

No.

22. Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

23. Can a receiver be appointed by way of enforcement?

Yes.

24. Any other method of enforcement?

Freezing the bank accounts and/or Suspending the registration of, transfer of or change in the current state of assets.

## RATING

25. Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Difficult

26. Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate



## CONTACTS

### 27. Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?



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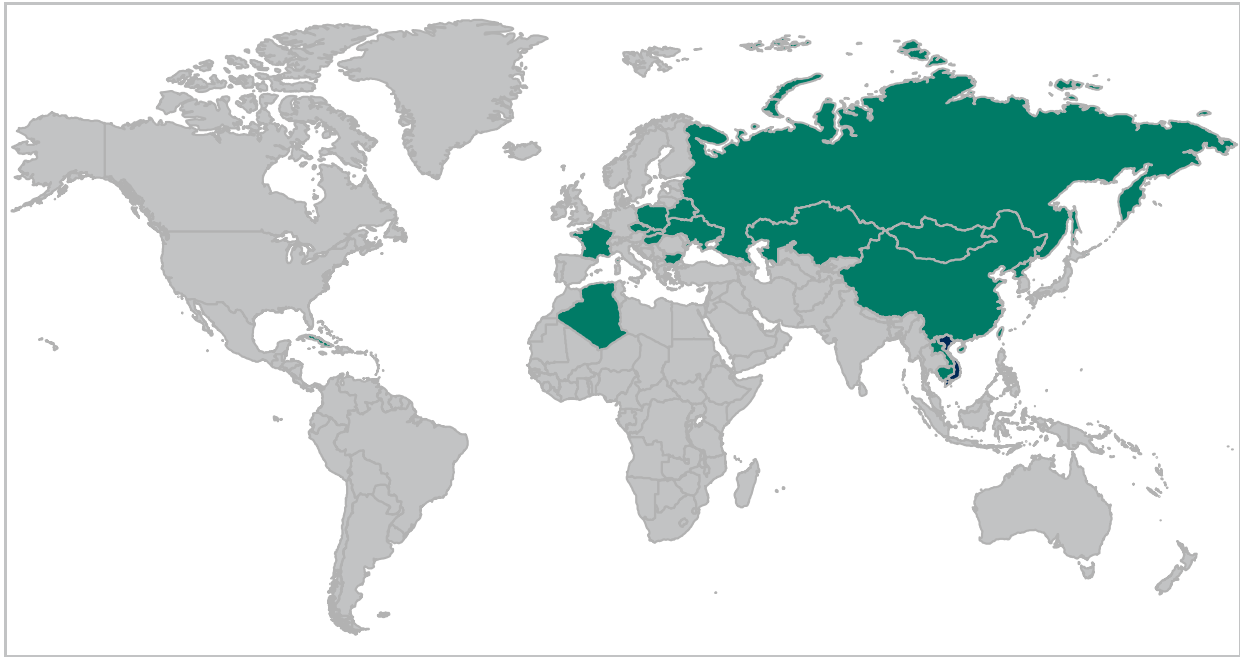
### 28. What papers will be needed?

The effective judgment or arbitral award, the relevant agreements involving the dispute resolution clause, a brief of the matter, and the certificate of incorporation of the client.

# Vietnam

## Reciprocal Enforcement of Court Judgments

Jurisdictions with which Vietnam has reciprocal enforcement arrangements for court judgments.



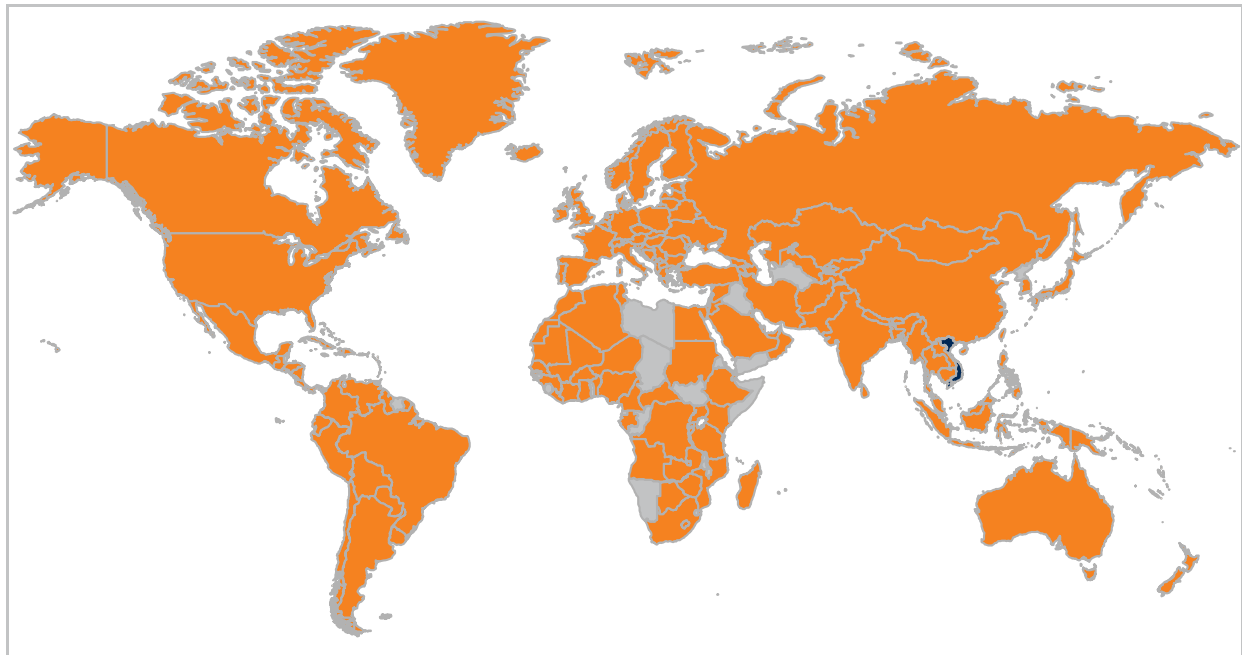
<b>Bilateral</b>	Kazakhstan		
Algeria	Laos		
Belarus	Mongolia		
Bulgaria	North Korea		
Cambodia	Poland		
China	Russia		
Cuba	Slovakia		
Czech Republic	Taiwan		
France	Ukraine		
Hungary			

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# Vietnam

## Reciprocal Enforcement of Arbitration Awards

Jurisdictions with which Vietnam has reciprocal enforcement arrangements for arbitral awards (via the New York Convention).



Afghanistan	Botswana	Cyprus	Guam	Lebanon	Niger	Sao Tome and	Turkey
Albania	Brazil	Czech Republic	Guatemala	Lesotho	Nigeria	Principe	Uganda
Algeria	British Virgin Islands	Denmark	Guernsey	Liberia	Norfolk Island	Saudi Arabia	Ukraine
American Samoa	Brunei	Djibouti	Guinea	Liechtenstein	Northern Ireland	Scotland	United Arab Emirates
Andorra	Bulgaria	Dominica	Guyana	Lithuania	Norway	Senegal	United States of America
Antigua and Barbuda	Burkina Faso	Dominican Republic	Haiti	Luxembourg	Oman	Serbia	Uruguay
Angola	Burundi	Democratic Republic of Congo	Honduras	Macau	Pakistan	Seychelles	US Virgin Islands
Argentina	Cabo Verde	Ecuador	Hong Kong	Madagascar	Palau	Singapore	
Armenia	Cambodia	Egypt	Hungary	Malaysia	Palestine	Sint Eustatius	
Aruba	Cameroon	El Salvador	Iceland	Maldives	Panama	Sint Maarten	
Australia	Cayman Islands	England and Wales	India	Mali	Papua New Guinea	Slovakia	
Austria	Central African Republic	Ireland	Indonesia	Malta	Paraguay	Slovenia	
Azerbaijan	Chile	Ireland	Iran	Marshall Islands	Peru	South Africa	
Bahamas	China	Israel	Ireland	Mauritania	Philippines	South Korea	
Bahrain	Christmas Island	Italy	Isle of Man	Mauritius	Poland	Spain	
Bangladesh	Cocos (Keeling) Islands	Jamaica	Israel	Mexico	Portugal	Sri Lanka	
Barbados	Finland	Japan	Italy	Moldova	Puerto Rico	Sudan	
Belarus	France	Jersey	Jamaica	Monaco	Qatar	Sweden	
Belgium	Gabon	Jordan	Japan	Mongolia	Romania	Switzerland	
Benin	Georgia	Kazakhstan	Jersey	Montenegro	Russia	Syria	
Bermuda	Germany	Kenya	Jordan	Morocco	Rwanda	Tajikistan	
Bhutan	Ghana	Kuwait	Kazakhstan	Mozambique	Saba	Tanzania	
Bolivia	Côte d'Ivoire	Kyrgyzstan	Kenya	Myanmar	Saint Vincent and the Grenadines	Thailand	
Bonaire	Croatia	Laos	Kuwait	Nepal	San Marino	Trinidad and Tobago	
Bosnia & Herzegovina	Cuba	Latvia	Kyrgyzstan	Netherlands		Tonga	
	Curaçao		Laos	New Zealand		Tunisia	
			Latvia	Nicaragua			

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