



Treaty Series No. 12 (1991)

Convention

on the Accession of the Hellenic Republic to the Convention on
Jurisdiction and Enforcement of Judgments in Civil and
Commercial Matters and to the Protocol on its Interpretation by
the Court of Justice with the Adjustments made to them by the
Convention on the Accession of the Kingdom of Denmark,
of Ireland and of the United Kingdom of Great Britain
and Northern Ireland

Luxembourg, 25 October 1982

[The United Kingdom instrument of ratification was deposited on 31 July 1989 and the Convention entered into force for the United Kingdom on 1 October 1989]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1991*

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**CONVENTION
ON THE ACCESSION OF THE HELLENIC REPUBLIC TO THE CONVENTION ON
JURISDICTION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND
COMMERCIAL MATTERS AND TO THE PROTOCOL ON ITS INTERPRETATION
BY THE COURT OF JUSTICE WITH THE ADJUSTMENTS MADE TO THEM
BY THE CONVENTION ON THE ACCESSION OF THE KINGDOM OF DENMARK,
OF IRELAND AND OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

PREAMBLE

The High Contracting Parties to the Treaty establishing the European Economic Community¹

Considering that the Hellenic Republic, in becoming a member of the Community, undertook to accede to the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters² and to the Protocol² on its interpretation by the Court of Justice, with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland², and to this end undertook to enter into negotiations with the Member States of the Community in order to make the necessary adjustments thereto,

Have decided to conclude this Convention, and to this end have designated as their Plenipotentiaries:

His Majesty The King of the Belgians:

Jean Gol,
Deputy Prime Minister,
Minister for Justice and for Institutional Reform;

Her Majesty The Queen of Denmark:

Erik Ninn-Hansen,
Minister for Justice;

The President of the Federal Republic of Germany:

Hans Arnold Engelhard,
Federal Minister for Justice;
Dr Günther Knackstedt,
Ambassador of the Federal Republic of Germany in Luxembourg;

The President of the Hellenic Republic:

Georges-Alexandre Mangakis,
Minister for Justice;

The President of the French Republic:

Robert Badinter,
Keeper of the Seals,
Minister for Justice;

The President of Ireland:

Seán Doherty,
Minister for Justice;

The President of the Italian Republic:

Clelio Darida,
Minister for Justice;

¹Treaty Series No. 47 (1988), Cm 455.

²Treaty Series No. 10 (1988), Cm 306.

His Royal Highness the Grand Duke of Luxembourg:

Colette Flesch,
Vice-President of the Government,
Minister for Justice;

Her Majesty The Queen of the Netherlands:

J. de Ruiter,
Minister for Justice;

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland:

Peter Lovat Fraser, Esquire,
Solicitor-General for Scotland,
Lord Advocate's Department;

Who, meeting within the Council, having exchanged their full powers, found in good and due form,

Have agreed as follows:

TITLE I

General Provisions

ARTICLE 1

1. The Hellenic Republic hereby accedes to the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, signed at Brussels on 27 September 1968² (hereinafter called "the 1968 Convention") and to the Protocol on its interpretation by the Court of Justice, signed at Luxembourg on 3 June 1971² (hereinafter called "the 1971 Protocol"), with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland to the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters and to the Protocol on its interpretation by the Court of Justice, signed at Luxembourg on 9 October 1978² (hereinafter called "the 1978 Convention").
2. The accession of the Hellenic Republic extends in particular to Articles 25(2), 35 and 36 of the 1978 Convention.

ARTICLE 2

The adjustments made by this Convention to the 1968 Convention and the 1971 Protocol, as adjusted by the 1978 Convention, are set out in Titles II to IV.

TITLE II

Adjustments to the 1968 Convention

ARTICLE 3

The following shall be inserted between the third and fourth indents in the second subparagraph of Article 3 of the 1968 Convention, as amended by Article 4 of the 1978 Convention:

"—in Greece, Article 40 of the code of civil procedure (Κώδικας Πολιτικής Διοικητικής),".

ARTICLE 4

The following shall be inserted between the third and fourth indents in the first subparagraph of Article 32 of the 1968 Convention, as amended by Article 16 of the 1978 Convention:

"—in Greece, to the μονομελές πρωτοδικείο,".

ARTICLE 5

1. The following shall be inserted between the third and fourth indents of the first subparagraph of Article 37 of the 1968 Convention, as amended by Article 17 of the 1978 Convention:

“—in Greece, with the έφετείο,”.

2. The following shall be substituted for the first indent of the second subparagraph of Article 37 of the 1968 Convention, as amended by Article 17 of the 1978 Convention:

“—in Belgium, Greece, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,”.

ARTICLE 6

The following shall be inserted between the third and fourth indents of the first subparagraph of Article 40 of the 1968 Convention, as amended by Article 19 of the 1978 Convention:

“—in Greece, to the έφετείο,”.

ARTICLE 7

The following shall be substituted for the first indent of Article 41 of the 1968 Convention, as amended by Article 20 of the 1978 Convention:

“—in Belgium, Greece, France, Italy, Luxembourg and in the Netherlands, by an appeal in cassation,”.

ARTICLE 8

The following shall be inserted at the appropriate place in chronological order in the list of Conventions set out in Article 55 of the 1968 Convention, as amended by Article 24 of the 1978 Convention:

“—the Convention between the Kingdom of Greece and the Federal Republic of Germany for the reciprocal recognition and enforcement of judgments, settlements and authentic instruments in civil and commercial matters, signed in Athens on 4 November 1961,”.

TITLE III

Adjustment to the Protocol annexed to the 1968 Convention

ARTICLE 9

In the first sentence of the Article Vb added to the Protocol annexed to the 1968 Convention by Article 29 of the 1978 Convention there shall be added after the word “Denmark” a comma and the words “in Greece”.

TITLE IV

Adjustments to the 1971 Protocol

ARTICLE 10

The following subparagraph shall be added to Article 1 of the 1971 Protocol, as amended by Article 30 of the 1978 Convention:

“The Court of Justice of the European Communities shall also have jurisdiction to give rulings on the interpretation of the Convention on the accession of the Hellenic Republic to the Convention of 27 September 1968 and to this Protocol, as adjusted by the 1978 Convention.”.

ARTICLE 11

The following shall be inserted between the third and fourth indents of point 1 of Article 2 of the 1971 Protocol, as amended by Article 31 of the 1978 Convention.

“—in Greece: the *άνώτατα διαστήρια*.”

TITLE V

Transitional Provisions

ARTICLE 12

1. The 1968 Convention and the 1971 Protocol, as amended by the 1978 Convention and this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

2. However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III of the 1968 Convention, as amended by the 1978 Convention and this Convention, if jurisdiction was founded upon rules which accorded with the provisions of Title II of the 1968 Convention, as amended, or with the provisions of a convention which was in force between the State of origin and the State addressed when the proceedings were instituted.

TITLE VI

Final Provisions

ARTICLE 13

The Secretary-General of the Council of the European Communities shall transmit a certified copy of the 1968 Convention, of the 1971 Protocol and of the 1978 Convention in the Danish, Dutch, English, French, German, Irish and Italian languages to the Government of the Hellenic Republic.

The texts of the 1968 Convention, of the 1971 Protocol and of the 1978 Convention, drawn up in the Greek language, shall be annexed to this Convention. The texts drawn up in the Greek language shall be authentic under the same conditions as the other texts of the 1968 Convention, the 1971 Protocol and the 1978 Convention.

ARTICLE 14

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

ARTICLE 15

This Convention shall enter into force, as between the States which have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the Hellenic Republic and those States which have put into force the 1978 Convention in accordance with Article 39 of that Convention¹.

It shall enter into force for each member State which subsequently ratifies it on the first day of the third month following the deposit of its instrument of ratification.

¹The Convention entered into force on 1 April 1989.

ARTICLE 16

The Secretary-General of the Council of the European Communities shall notify the signatory States of:

- (a) the deposit of each instrument of ratification,
- (b) the dates of entry into force of this Convention for the Contracting States.

ARTICLE 17

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish and Italian languages¹, all eight texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Luxembourg on the twenty-fifth day of October in the year one thousand nine hundred and eighty-two.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of ratification</i>
Belgium	25 Oct. 1982	21 Aug. 1986
Denmark *	25 Oct. 1982	27 Aug. 1986
France	25 Oct. 1982	27 Feb. 1984
Germany, Federal Republic of †	25 Oct. 1982	8 Aug. 1988
Greece	25 Oct. 1982	19 Jan. 1989
Ireland, Republic of	25 Oct. 1982	31 Mar. 1988
Italy	25 Oct. 1982	8 Jan. 1985
Luxembourg	25 Oct. 1982	27 Apr. 1984
Netherlands	25 Oct. 1982	19 July 1983
United Kingdom	25 Oct. 1982	31 July 1989

* Does not apply to Greenland.

† Includes Berlin (West).

[Here follow the Greek texts of the 1968 Convention, the 1971 Protocol and the 1978 Convention.]

¹ For texts in Danish, Dutch, French, German, Greek, Irish and Italian see Official Journal of the European Communities No. L 388 of 31 December 1982, available through Agency Section, HMSO, PO Box 276, London SW8 5DT—Tel. 071-928 6977, ext. 295 or 312.



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