LISTE RÉCAPITULATIVE COMMENTÉE DES QUESTIONS À ABORDER PAR LE GROUPE DE TRAVAIL SUR LA RECONNAISSANCE ET L'EXÉCUTION DES JUGEMENTS

GLOSSAIRE

établi par le Bureau Permanent

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ANNOTATED CHECKLIST OF ISSUES TO BE DISCUSSED BY THE WORKING GROUP ON RECOGNITION AND ENFORCEMENT OF JUDGMENTS

GLOSSARY

prepared by the Permanent Bureau

Document à l'attention du Groupe de travail
(reunion de février 2013)

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Annex I - Glossary

1. Instruments and documents cited

a. Hague Conference instruments

Hague Conventions:

“Enforcement Convention”:

“Supplementary Protocol”:

“Child Protection Convention”:

“Choice of Court Convention”:

“Child Support Convention”:

Preparation of a preliminary draft convention:

“Preliminary Draft Convention”:

b. Other international and regional instruments

“Montevideo Convention”: Inter-American Convention of 8 May 1979 on Extraterritorial Validity of Foreign Judgments and Arbitral Awards, available on the OAS website at <http://www.oas.org> under “Documents” then “Treaties and Agreements” then “Multilateral Treaties” then “By Year (under “Text of the Treaties”)” then “1979” (B-41).


“La Paz Convention”: Inter-American Convention of 24 May 1984 on Jurisdiction in the International Sphere for the Extraterritorial Validity of Foreign Judgments, available on the OAS website under “Documents” then “Treaties and Agreements” then “Multilateral Treaties” then “By Year (under “Text of the Treaties”)” then “1984” (B-50).


c. Other instruments


d. Hague Conference documents


“Hartley-Dogauchi Report”:  

“Nygh-Pocar Report”:

2. **Terminology used**

“Court addressed”:
The court which is asked to recognize or enforce a judgment.

“Court of origin”: The court which rendered the judgment.

“Ground for refusal”:
A circumstance in which the recognition or enforcement of a judgment otherwise entitled to recognition and enforcement may be refused.

“Jurisdictional filters”:
Also called “indirect grounds of jurisdiction”. Criteria for determining whether a judgment is entitled to recognition and enforcement by reference to the ground of jurisdiction on which the judgment was based.

“Recognition”:
The Hartley-Dogauchi Report defines “recognition” as the court addressed giving effect to the determination of the legal rights and obligations made by the court of origin (para 170).

“Enforcement”:
The Hartley-Dogauchi Report defines “enforcement” as the application of the legal procedures of the court addressed to ensure that the defendant obeys the judgment given by the court of origin (para 170).

“State addressed”:
The State in which the court addressed is situated. Equivalent to the term “requested State” in the 2005 Convention on Choice of Court Agreements.

“State of origin”:
The State in which the court of origin is situated.