

# Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters



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# Overview

## ❖ The importance of this round table

### ❑ International Law

- Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
- Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

### ❑ Supranational Law

- Legal basis
  - Primary sources
  - Brussel I Regulation
- EU as member of International organizations

### ❑ Albanian Law

## ❖ Conclusion



# International Law

- Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
  - Albania 🇦🇱 Cyprus 🇨🇾 Kuwait 🇰🇼 the Netherlands 🇳🇱 and Portugal 🇵🇹
  
- Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters
  - Costa Rica 🇨🇷 Israel 🇮🇱 Russian Federation 🇷🇺 Ukraine 🇺🇾  
USA 🇺🇸 and Uruguay 🇺🇾

# Supranational Law

## ❖ Legal basis

### ❑ Primary Sources

#### ➤ Article 67(4) TFEU

The Union shall facilitate access to justice, in particular through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters.

#### ➤ Article 81(2)(a)(c)(e) TFEU

For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures, particularly when necessary for the proper functioning of the internal market, aimed at ensuring:

(a) the mutual recognition and enforcement between Member States of judgments and of decisions in extrajudicial cases;

(c) the compatibility of the rules applicable in the Member States concerning conflict of laws and of jurisdiction;

(e) effective access to justice.

### ❑ Secondary Sources

- Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I Recast)



# Supranational Law

## ❖ Member in International Organizations

### Full Member

- Hague Conference on Private International Law

### Observer

- Uncitral (United Nations Commission on International Trade Law) and Unidroit (International institute for the unification of private law)





# Albania

## ❖ International Law

- ❑ Convention of Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters of 1971
- ❑ Hague Conference on Private International Law
- ❑ United Nations Commission on International Trade Law
  - New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958,
  - Hamburg Convention on the Carriage of Goods by Sea of 1978,
  - Convention on Contracts for the International Sale of Goods of 1980,
  - Model Law on Procurement of Goods, Construction and Services of 1994
  - Model Law on International Commercial Conciliation of 2002



# Albania

## ❖ EU Law

- ❑ Article 2(4) of the draft Albanian constitution of 2016

upon accession in the EU, the Republic of Albania delegates to EU institutions the necessary powers to fulfill obligations deriving from the accession

- ❑ Article 70(1) of the Stabilization and Association Agreement

Albania agrees to ensure that its existing laws and future legislation will gradually be made compatible with the EU *acquis*



# Albania

## ❖ National Law

### ☐ Articles 393-399 Code of Civil Procedure

#### ☐ Article 81(2)(d) Albanian Constitution

There are approved by three- fifths of all members of the Assembly: the codes



## Conclusion

*For all these reasons, understanding the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters is fundamental.*

# Contact

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