

Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000

CHAPTER III

RECOGNITION AND ENFORCEMENT

SECTION 3

Provisions common to Sections 1 and 2

Article 37

Documents

1 A party seeking or contesting recognition or applying for a declaration of enforceability shall produce:

- a a copy of the judgment which satisfies the conditions necessary to establish its authenticity;
- and
- b the certificate referred to in Article 39.

2 In addition, in the case of a judgment given in default, the party seeking recognition or applying for a declaration of enforceability shall produce:

- a the original or certified true copy of the document which establishes that the defaulting party was served with the document instituting the proceedings or with an equivalent document;
- or
- b any document indicating that the defendant has accepted the judgment unequivocally.

Article 38

Absence of documents

1 If the documents specified in Article 37(1)(b) or (2) are not produced, the court may specify a time for their production, accept equivalent documents or, if it considers that it has sufficient information before it, dispense with their production.

2 If the court so requires, a translation of such documents shall be furnished. The translation shall be certified by a person qualified to do so in one of the Member States.

Status: Point in time view as at 01/03/2005.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 2201/2003. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 39

Certificate concerning judgments in matrimonial matters and certificate concerning judgments on parental responsibility

The competent court or authority of a Member State of origin shall, at the request of any interested party, issue a certificate using the standard form set out in Annex I (judgments in matrimonial matters) or in Annex II (judgments on parental responsibility).

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