

Council Regulation (EC) No 4/2009 of 18 December 2008 on
jurisdiction, applicable law, recognition and enforcement of decisions
and cooperation in matters relating to maintenance obligations

CHAPTER IV

RECOGNITION, ENFORCEABILITY AND ENFORCEMENT OF DECISIONS

SECTION 2

Decisions given in a Member State not bound by the 2007 Hague Protocol

Article 32

Appeal against the decision on the application for a declaration

1 The decision on the application for a declaration of enforceability may be appealed against by either party.

2 The appeal shall be lodged with the court notified by the Member State concerned to the Commission in accordance with Article 71.

3 The appeal shall be dealt with in accordance with the rules governing procedure in contradictory matters.

4 If the party against whom enforcement is sought fails to appear before the appellate court in proceedings concerning an appeal brought by the applicant, Article 11 shall apply even where the party against whom enforcement is sought is not habitually resident in any of the Member States.

5 An appeal against the declaration of enforceability shall be lodged within 30 days of service thereof. If the party against whom enforcement is sought has his habitual residence in a Member State other than that in which the declaration of enforceability was given, the time for appealing shall be 45 days and shall run from the date of service, either on him in person or at his residence. No extension may be granted on account of distance.