

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 (recast)

CHAPTER III

RECOGNITION AND ENFORCEMENT

SECTION 1

Recognition

Article 36

1 A judgment given in a Member State shall be recognised in the other Member States without any special procedure being required.

2 Any interested party may, in accordance with the procedure provided for in Subsection 2 of Section 3, apply for a decision that there are no grounds for refusal of recognition as referred to in Article 45.

3 If the outcome of proceedings in a court of a Member State depends on the determination of an incidental question of refusal of recognition, that court shall have jurisdiction over that question.

Article 37

1 A party who wishes to invoke in a Member State a judgment given in another Member State shall produce:

- a a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and
- b the certificate issued pursuant to Article 53.

2 The court or authority before which a judgment given in another Member State is invoked may, where necessary, require the party invoking it to provide, in accordance with Article 57, a translation or a transliteration of the contents of the certificate referred to in point (b) of paragraph 1. The court or authority may require the party to provide a translation of the judgment instead of a translation of the contents of the certificate if it is unable to proceed without such a translation.

Article 38

The court or authority before which a judgment given in another Member State is invoked may suspend the proceedings, in whole or in part, if:

- (a) the judgment is challenged in the Member State of origin; or
- (b) an application has been submitted for a decision that there are no grounds for refusal of recognition as referred to in Article 45 or for a decision that the recognition is to be refused on the basis of one of those grounds.

Status:

Point in time view as at 31/01/2020.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 1215/2012 of the European Parliament and of the Council, SECTION 1.