

## Practical indications for authorities when filling out Annex V and VI

### ANNEX V

Certificate on judgments and court settlements referred to in Articles 54 and 58 of the Convention on the recognition and enforcement of judgments in civil and commercial matters

1. State of origin
2. Court or competent authority issuing the certificate

2.1. Name

2.2. Address

2.3. Tel./fax/e-mail

3. Court which delivered the judgment/approved the court settlement

3.1. Type of court

3.2. Place of court

4. Judgment/court settlement (\*)

4.1. Date

4.2. Reference number

4.3. The parties to the judgment/court settlement (\*)

4.3.1. Name(s) of plaintiff(s)

4.3.2. Name(s) of defendant(s)

4.3.3. Name(s) of other party(ies), if any

4.4. Date of service of the document instituting the proceedings where judgment was given in default of appearance

4.5. Text of the judgment/court settlement (\*) as annexed to this certificate

5. Names of parties to whom legal aid has been granted

The judgment/court settlement (\*) is enforceable in the State of origin (Article 38/58 of the Convention) against:

Name:

Done at ..., date ...

The «competent authority» is defined by the law of the State of origin of the decision. It is in general NOT the maintenance authority under the New York / Hague Conventions, but rather the court or chancellery of the court.

The date of service, necessary only for default judgments, is the date when the defendant actually received the document instituting the proceedings. It is generally indicated on the certificate of service under the Hague Service Convention, or on court documents.

It is useful to clearly indicate the operative part of the decision which is to be enforced in the specific case. In some cases, this can significantly reduce translation costs, e.g. in divorce proceedings where only the decision regarding maintenance falls under the Lugano Convention, but not the divorce itself nor provisions regarding the matrimonial relationship.

It is important to provide this information, as it is not always easy for a receiving maintenance enforcement agency to know whether legal aid has been granted. This information is necessary as those parties may benefit from exemptions from costs, and in some countries this is a prerequisite for handling cases under the New York Convention on maintenance enforcement.

## ANNEX VI

Certificate on authentic instruments referred to in Article 57(4) of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

1. State of origin
2. Court or competent authority issuing the certificate
  - 2.1. Name
  - 2.2. Address
  - 2.3. Tel./fax/e-mail
3. Authority which has given authenticity to the instrument
  - 3.1. Authority involved in the drawing up of the authentic instrument (if applicable)
    - 3.1.1. Name and designation of authority
    - 3.1.2. Place of authority
  - 3.2. Authority which has registered the authentic instrument (if applicable)
    - 3.2.1. Type of authority
    - 3.2.2. Place of authority
4. Authentic instrument
  - 4.1. Description of the instrument
  - 4.2. Date
    - 4.2.1. On which the instrument was drawn up
    - 4.2.2. If different: on which the instrument was registered
  - 4.3. Reference number
  - 4.4. Parties to the instrument
    - 4.4.1. Name of the creditor
    - 4.4.2. Name of the debtor
5. Text of the enforceable obligation as annexed to this certificate.

The «competent authority» is defined by the law of the State of origin of the title. It is in general NOT the maintenance authority under the New York / Hague Conventions, but rather the guardianship/child protection agency that ratified the maintenance agreement or the Notary that established the title.

It is useful to clearly indicate the operative part of the title which is to be enforced in the specific case. In some cases, this can significantly reduce translation costs, e.g. if only parts of the title fall under the Lugano Convention.

The authentic instrument is enforceable against the debtor in the State of origin (Article 57(1) of the Convention).

Done at ..., date ...

Signature and/or stamp