

No. 28551

MULTILATERAL

Convention on jurisdiction and the enforcement of judgments in civil and commercial matters (with protocols and declarations). Concluded at Lugano on 16 September 1988

Authentic texts: Spanish, Danish, German, Greek, English, French, Irish, Icelandic, Italian, Dutch, Norwegian, Portuguese, Finnish and Swedish.

Registered by Switzerland on 1 January 1992.

MULTILATÉRAL

Convention concernant la compétence judiciaire et l'exécution des décisions en matière civile et commerciale (avec protocoles et déclarations). Conclue à Lugano le 16 septembre 1988

Textes authentiques : espagnol, danois, allemand, grec, anglais, français, irlandais, islandais, italien, néerlandais, norvégien, portugais, finnois et suédois.

Enregistré par la Suisse le 1^{er} janvier 1992.

CONVENTION¹ ON JURISDICTION AND THE ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

PREAMBLE

THE HIGH CONTRACTING PARTIES TO THIS CONVENTION,

ANXIOUS to strengthen in their territories the legal protection of persons therein established,

CONSIDERING that it is necessary for this purpose to determine the international jurisdiction of their courts, to facilitate recognition and to introduce an expeditious procedure for securing the enforcement of judgments, authentic instruments and court settlements,

AWARE of the links between them, which have been sanctioned in the economic field by the free trade agreements concluded between the European Economic Community and the States members of the European Free Trade Association,

TAKING INTO ACCOUNT the Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters,² as amended by the Accession Conventions³ under the successive enlargements of the European Communities,

¹ Came into force on 1 January 1992, i.e., the first day of the third month following the date on which two States, of which one is a member of the European Communities and the other a member of the European Free Trade Association, had deposited their instruments of ratification with the Government of Switzerland, in accordance with article 61 (3):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
France*	3 August 1990
Netherlands	23 January 1990
(For the Kingdom in Europe.)	
Switzerland*	18 October 1991

* For the text of the reservations made upon ratification, see p. 834 of this volume.

² United Nations, *Treaty Series*, vol. 1262, p. 153.

³ *Ibid.*, vol. 1542, Nos. I-26749 and I-26750, and vol. 1654, No. I-26867.

PERSUADED that the extension of the principles of that Convention to the States parties to this instrument will strengthen legal and economic cooperation in Europe,

DESIRING to ensure as uniform an interpretation as possible of this instrument,

HAVE in this spirit DECIDED to conclude this Convention and

HAVE AGREED AS FOLLOWS:

TITLE I

SCOPE

Article 1

This Convention shall apply in civil and commercial matters whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters.

The Convention shall not apply to:

1. the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession;
2. bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
3. social security;
4. arbitration.

TITLE II**JURISDICTION****Section 1****General provisions****Article 2**

Subject to the provisions of this Convention, persons domiciled in a Contracting State shall, whatever their nationality, be sued in the courts of that State.

Persons who are not nationals of the State in which they are domiciled shall be governed by the rules of jurisdiction applicable to nationals of that State.

Article 3

Persons domiciled in a Contracting State may be sued in the courts of another Contracting State only by virtue of the rules set out in Sections 2 to 6 of this Title.

In particular the following provisions shall not be applicable as against them:

- in Belgium: Article 15 of the civil code (Code civil - Burgerlijk Wetboek) and Article 638 of the judicial code (Code judiciaire - Gerechtelijk Wetboek),
- in Denmark: Article 246(2) and (3) of the law on civil procedure (Lov om retsens pleje),
- in the Federal Republic of Germany: Article 23 of the code of civil procedure (Zivilprozeßordnung),

- in Greece: Article 40 of the code of civil procedure (Κώδικας πολιτικής δικουομίας),
- in France: Articles 14 and 15 of the civil code (Code civil),
- in Ireland: the rules which enable jurisdiction to be founded on the document instituting the proceedings having been served on the defendant during his temporary presence in Ireland,
- in Iceland: Article 77 of the Civil Proceedings Act (lög um meðferð einkamála í héraði),
- in Italy: Articles 2 and 4, Nos 1 and 2 of the code of civil procedure (Codice di procedura civile),
- in Luxembourg: Articles 14 and 15 of the civil code (Code civil),
- in the Netherlands: Articles 126(3) and 127 of the code of civil procedure (Wetboek van Burgerlijke Rechtsvordering),
- in Norway: Section 32 of the Civil Proceedings Act (tvistemålsloven),
- in Austria: Article 99 of the Law on Court Jurisdiction (Jurisdiktionsnorm)
- in Portugal: Articles 65(1)(c), 65(2) and 65A(c) of the code of civil procedure (Código de Processo Civil) and Article 11 of the code of labour procedure (Código de Processo de Trabalho),
- in Switzerland: le for du lieu du séquestre/Gerichtsstand des Arrestortes/foro del luogo del sequestro within the meaning of Article 4 of the loi fédérale sur le droit international privé/Bundesgesetz über das internationale Privatrecht/legge federale sul diritto internazionale privato,