

No. 29991

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**FRANCE**  
**and**  
**UNITED ARAB EMIRATES**

**Convention on judicial assistance, recognition and enforcement of judgements in civil and commercial matters (with annex). Signed at Paris on 9 September 1991**

*Authentic texts: French and Arabic.*

*Registered by France on 28 April 1993.*

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**FRANCE**  
**et**  
**ÉMIRATS ARABES UNIS**

**Convention relative à l'entraide judiciaire, la reconnaissance et l'exécution des décisions en matière civile et commerciale (avec annexe). Signée à Paris le 9 septembre 1991**

*Textes authentiques : français et arabe.*

*Enregistrée par la France le 28 avril 1993.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON JUDICIAL ASSISTANCE, RECOGNITION AND ENFORCEMENT OF JUDGEMENTS IN CIVIL AND COMMERCIAL MATTERS BETWEEN THE FRENCH REPUBLIC AND THE UNITED ARAB EMIRATES

The Government of the French Republic and the Government of the United Arab Emirates,

Desiring to promote judicial cooperation between the French Republic and the United Arab Emirates in civil and commercial matters, and to contribute thus to the development of their relations on the basis of the principles of national sovereignty and equality of rights and reciprocal advantages, have decided to conclude this Convention:

## CHAPTER I. GENERAL PROVISIONS

*Article 1*

Each State undertakes to provide the other with judicial assistance in civil and commercial matters in accordance with the provisions of this Convention.

The Ministries of Justice of the two States are designated as central authorities competent to fulfil the obligations specified in this Convention.

The central authorities shall communicate directly with each other in the language of the requested State and such communication shall be free of charge.

## CHAPTER II. ACCESS TO JUDICIAL ORGANS

*Article 2*

For the purpose of defending their rights and interests, nationals of each Contracting State shall, in the territory of the other Contracting State, have free access to the courts under the same conditions as nationals of that State and shall have the same rights and obligations in judicial proceedings.

*Article 3*

The provisions of article 2 shall apply to bodies corporate established, authorized or registered in accordance with the laws of either State.

## CHAPTER III. NOTIFICATION OF DOCUMENTS

*Article 4*

Where a judicial or extrajudicial document is addressed to a person residing in the territory of the other State, the competent authority according to the laws of the

<sup>1</sup> Came into force on 1 March 1993, i.e., the first day of the second month following the date of the last of the notifications (of 5 May and 20 January 1993) by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 21.

State of origin shall address the request for notification to the central authority of the requested State.

The request shall be accompanied by the untranslated document, in duplicate, and by the bilingual model form annexed to this Convention, which indicates the basic data concerning the document.

The model form shall be completed in the language of the requesting State.

#### *Article 5*

The central authority of the requested State shall serve the document, or arrange for it to be served, through the channel which it deems most appropriate.

Proof of service, or of attempted service, shall be established by means of a receipt, a certificate or a report. These documents, together with a copy of the document, shall be returned directly to the requesting authority.

The services of the requested State may not give rise to the payment or reimbursement of fees or costs.

#### *Article 6*

The preceding articles shall be without prejudice to:

- The option to send the document directly to the addressee by post;
- The option for any person concerned to arrange for service or notification of a document at his own expense and in accordance with the procedures in force in the State to which it is addressed.

### CHAPTER IV. LETTERS ROGATORY

#### *Article 7*

The judicial authority of one State may, by a letter rogatory, request the judicial authority of the other State to conduct such examination proceedings as it may deem necessary in respect of a case pending before it.

The letter rogatory shall be accompanied by a translation in the language of the requested State; it shall be sent by the central authority of the requesting State to the central authority of the requested State, which shall transmit it to the competent judicial authority.

#### *Article 8*

The judicial authority of the requesting State may request, through the central authority, that the parties concerned and, where applicable, their representatives, should be informed of the date and place of the proceedings requested, so that they may be present.

#### *Article 9*

The judicial authority executing a letter rogatory shall apply the laws of its own country with regard to the procedures to be followed.

Where, however, the requesting authority requests that a special procedure should be followed, such a request shall be complied with, provided that the procedure is not incompatible with the laws of the requested State and that it is not

impossible to apply it, either because of the judicial practices of the requested State or because of practical difficulties.

The letter rogatory shall be executed as soon as possible.

#### *Article 10*

The execution of a letter rogatory may be refused only if execution does not lie within the competence of the judicial authority of the requested State or if the latter deems such execution to be liable to impair its sovereignty or security.

Execution may not be refused on the ground that the law of the requested State claims exclusive judicial competence in the matter concerned or provides no legal channels for dealing with the subject of the request brought before the requested judicial authority.

#### *Article 11*

The documents establishing the execution of the letter rogatory shall be transmitted by the judicial authority of the requested State to the judicial authority of the requesting State through the central authorities.

#### *Article 12*

The execution of a letter rogatory may not give rise to the reimbursement of any fees or costs of any kind.

The requested State shall, however, be entitled to claim reimbursement from the requesting State in respect of compensation paid to experts and of costs arising from the application of a special procedure requested by the requesting State.

### CHAPTER V. RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS AND ARBITRAL AWARDS

#### *Article 13*

(1) Decisions rendered by the courts of one State shall be recognized and may be declared enforceable in the other State on condition that:

(a) The decision is rendered by a court which is competent under the rules governing conflicts of competence accepted in the territory of the requested State or according to the rules contained in article 14 of this Convention;

(b) The law applied to the dispute is that designated by the rules governing conflicts of laws which are applied in the territory of the requested State; however, where the application of either law leads to the same result, the law applied may be different from the law designated by the conflict rules of the requested State;

(c) The decision is no longer subject to an ordinary appeal or to an application for judicial review in the State of origin and is enforceable; however, in matters involving maintenance obligations, the rights to custody of a minor or visiting rights, the decision may simply be enforceable in the territory of the State of origin;

(d) The parties were legally and duly summoned, represented or declared in default;

(e) The decision contains nothing which is contrary to the public policy of the requested State;