Second Study Commission
Civil Law and Procedure

Response of the Georgian Judges Association
to the Questionnaire 2011

“Cross-border issues in the face of increasing globalization –
as reflected in a series of individual fact scenarios”.

Recognition and Enforcement of a Foreign Judgment

1) What laws exist in your country regarding the recognition and enforcement of a foreign judgment?

2) What is the difference in the operative result in your country between the recognition of a foreign judgment and the enforcement of a foreign judgment?

3) What conditions are required in the court of your country in order to declare a foreign judgment as enforceable?

4) In order to enforce a foreign judgment, does your country require reciprocity with the country which gave the judgment?

5) Under what circumstances does the court in your country not enforce a foreign judgment?

6) Can your country impose temporary orders issued by a foreign court, such as alimony?

7) What are the conditions necessary for recognition of a foreign judgment in your country? Can your court recognize a foreign judgment incidentally?

8) Is it possible to enforce a foreign arbitration award in your country?

The Law of Georgia “On the International Private Law” and also the Minsk Convention “On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters” (January 22, 1993), only for the countries assigned to this Convention and provisions of
the agreements concluded with the concrete countries for the legal aid exist for the recognition and enforcement of a foreign judgment in Georgia.

Georgia recognizes a foreign judgment according to the Article 68 of the Law of Georgia “On the International Private Law”. According to the Article 70 of the same law, the enforcement of foreign judgments on civil and labor matters are implemented in case if they subordinate to the enforcement. The recognition of a foreign judgment presents the prerequisite for the enforcement of a judgment.

According to the Articles 68, 70, 71 of the Law of Georgia “On the International Private Law”, Georgia doesn’t recognize and correspondingly, doesn’t enforce the foreign judgment, if:

a) the case belongs to a special competence of Georgia;
b) the party wasn’t notified with the delivery of summon on challenge to the court or was conducted other procedural violations according to the legislation of the country, who delivered the judgment;
c) between the same parties and on the same dispute exists the judgment of the court of Georgia, which is in legal force or exists the judgment of the third country in legal force, which was recognized in Georgia;
d) the foreign country, who determined the judgment according to the legislation of Georgia, isn’t considered as competant;
e) the foreign country doesn’t recognize judgments of the courts of Georgia;
f) the judgment is opposed to the general legal principles of Georgia.

Besides, for the enforcement of a foreign judgment a special petition is required from the interested party. The petition must be attached with the certified copy of the court judgment and certified translation into Georgian, besides, the certificate on entry into force of the judgment and on the necessity of its enforcement, if the petition does not derive from the text.

When enforcing the foreign judgment in Georgia according to the Article 62 of the Law of Georgia “On the International Private Law”, if the necessary court action
implementation is required abroad in order to define the circumstances of the case, establish the facts, transfer the documents or other, petition may be launched for legal aid before the appropriate institution of the foreign countries.