



STATUTORY INSTRUMENTS.

**S.I. No. 434 of 2023**

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EUROPEAN UNION (HAGUE JUDGMENTS CONVENTION)  
REGULATIONS 2023

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S.I. No. 434 of 2023

**EUROPEAN UNION (HAGUE JUDGMENTS CONVENTION)  
REGULATIONS 2023**

I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters done at the Hague on 2 July 2019 the accession to which by the European Union was approved on behalf of the Union by Council Decision (EU) 2022/1206 of 12 July 2022<sup>1</sup>, hereby make the following Regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the European Union (Hague Judgments Convention) Regulations 2023.

(2) These Regulations shall come into operation on 1 September 2023.

**Interpretation**

2. (1) In these Regulations –

“Contracting State” means a state in respect of which the Convention has entered into force in accordance with Article 28 and shall be construed so that these Regulations shall have effect in relation to –

- (a) in case a Contracting State has declared pursuant to Article 25(1) that the Convention shall extend to all its territorial units or only to one or more of them, the territorial unit or units stated in the declaration as the territorial unit or units to which the Convention applies, and
- (b) each other Contracting State;

“Convention” means the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters done at The Hague on 2 July 2019;

“enforcement order” means an order for the recognition or enforcement of all or part of a judgment where the order –

- (a) is made by the Master of the High Court under Regulation 6, or
- (b) is made or varied –
  - (i) on appeal from a decision of the Master of the High Court under that Regulation, or
  - (ii) on appeal from a decision of the High Court relating to the Master’s decision;

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<sup>1</sup> OJ No. L 187, 14.7.2022, p.1

“judgment” means a judgment or order (by whatever name called) that is a judgment for the purposes of the Convention and, except in Regulations 4 and 9, includes a judicial settlement referred to in Article 11;

“Minister” means the Minister for Justice.

(2) References in these Regulations to numbered Articles without qualification are references to the Articles so numbered of the Convention.

(3) Unless provided otherwise, a word or expression used in these Regulations and in the Convention has the same meaning in these Regulations as it has in the Convention.

### **Convention to have force of law**

3. The Convention has the force of law in the State and judicial notice shall be taken of it.

### **Interpretation of Convention**

4. (1) Judicial notice shall be taken of any judgments delivered by courts of other Contracting States concerning provisions of the Convention and a court shall, when interpreting and applying the Convention, pay due account to the principles laid down by those judgments.

(2) Judicial notice shall be taken of the explanatory report by Francisco Garcimartín and Geneviève Saumier on the Convention and that report may be considered by any court when interpreting any of the provisions of the Convention and shall be given such weight as is appropriate in the circumstances.

### **Contracting States and declarations and denunciations under Convention**

5. (1) It is hereby declared that –

- (a) the states specified in Schedule 1 are Contracting States;
- (b) declarations (the text of which in the English language is set out in Schedule 2) have been made to the Ministry of Foreign Affairs of the Kingdom of the Netherlands, by the European Union in accordance with Articles 18 and 27.

(2) The declaration in subparagraph (a) of paragraph (1) in respect of a state specified in Schedule 1 shall be evidence that the state so specified is a Contracting State.

(3) The declaration in subparagraph (b) of paragraph (1) that the declarations set out in that subparagraph have been made shall be evidence of the making, and of the content, of those declarations.

### **Applications for recognition and enforcement of Convention judgments**

6. (1) An application under Chapter II of the Convention for recognition or enforcement in the State of a judgment, shall, in accordance with rules of court, be made to the Master of the High Court.

(2) The Master of the High Court shall determine the application by order, which may include an order for the recognition or enforcement of a judgment in part only, in accordance with the Convention.

### **Enforcement of Convention judgments**

7. Subject to Regulation 8, if an enforcement order has been made respecting a judgment it –

- (a) shall, to the extent to which its enforcement is authorised by the enforcement order, be of the same force and effect as a judgment of the High Court, and
- (b) may be enforced by the High Court, and proceedings taken on it, as if it were a judgment of that court.

### **Interest on judgments and payment of costs**

8. (1) Where, on application for an enforcement order, it is shown –

- (a) that the judgment provides for the payment of a sum of money, and
- (b) that, in accordance with the law of the Contracting State in which the judgment was given, interest on that sum is recoverable under the judgment at a particular rate or rates and from a particular date or time,

the order, if made, shall provide that the person by whom that sum is payable shall also be liable to pay that interest, apart from any interest or costs recoverable by virtue of paragraph (2), in accordance with the particulars noted in the order, and the amount of the interest shall be recoverable by the applicant concerned as if it was part of the sum.

(2) An enforcement order may, at the discretion of the court concerned or the Master of the High Court, as may be appropriate, provide for the payment to the applicant by the respondent of reasonable costs of, or incidental to, the application for an order.

(3) A person required by an enforcement order to pay costs shall be liable to pay interest on the costs as if they were the subject of an order for the payment of costs made by the High Court on the date on which the enforcement order was made.

(4) Interest shall be payable in a sum referred to in paragraph (1) only as provided for in this Regulation.

### **Proof and admissibility of decisions and certain translations**

9. (1) For the purposes of the Convention and these Regulations –

- (a) a document, duly certified, which purports to be a copy of a judgment given by a court of a Contracting State other than the State shall without further proof be presumed to be a complete text of the judgment, unless the contrary is shown, and
- (b) the original or a copy of any document (other than a document referred to in paragraph (a)) mentioned in Article 12 shall be admissible as evidence of any matter to which it relates.

(2) A document purporting to be a copy of a judgment given by a court of a Contracting State other than the State shall be regarded as being duly certified for the purposes of paragraph (1) if the document purports –

- (a) to bear the seal of that court, or
- (b) to be certified by a judge or officer of that court to be a true copy of the judgment.

(3) A document which –

- (a) purports to be a translation of –
  - (i) a judgment given by a court of a Contracting State other than the State, or
  - (ii) a document containing a settlement referred to in Article 11, or
  - (iii) a document referred to in subparagraphs (b) to (d) of Article 12(1),

and

- (b) is certified as correct by a person competent to do so,

shall be admissible as evidence of the text of the judgment of which it purports to be a translation.

### **Currency of payments**

10. (1) A sum of money payable under a judgment, to the extent that the judgment is the subject of an enforcement order, shall be payable in the currency of the State.

(2) If the sum referred to in paragraph (1) is stated in the judgment in any other currency, payment shall be made on the basis of the exchange rate prevailing between the currency of the State and the other currency on the date the enforcement order is made.

(3) For the purposes of this Regulation, a certificate purporting to be signed by an officer of an authorised institution and to state the exchange rate prevailing on a specified date between a specified currency and the currency of the State shall be admissible as evidence of the facts stated in the certificate.

(4) In this Regulation, ‘authorised institution’ means –

- (a) a credit institution (as defined in point (1) of Article 4(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013<sup>2</sup>),
- (b) a trustee savings bank within the meaning of the Trustee Savings Banks Acts 1989 and 2001, or
- (c) An Post.

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<sup>2</sup> OJ L 176 27.6.2013, p.1.

## SCHEDULE 1

**Regulation 5**

Austria	Latvia
Belgium	Lithuania
Bulgaria	Luxembourg
Croatia	Malta
Cyprus	Netherlands
Czech Republic	Poland
Estonia	Portugal
Finland	Romania
France	Slovakia
Germany	Slovenia
Greece	Spain
Hungary	Sweden
Ireland	Ukraine
Italy	

## SCHEDULE 2

### **Regulation 5**

European Union

Declarations:

29-09-2022

The European Union declares, in accordance with Article 27(1) of the Convention, that it exercises competence over all the matters governed by this Convention. Its Member States will not sign, ratify, accept or approve the Convention, but shall be bound by the Convention by virtue of the accession of the European Union.

For the purposes of this declaration, the term ‘European Union’ does not include the Kingdom of Denmark by virtue of Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.

The European Union declares, in accordance with Article 18 of the Convention, that it will not apply the Convention to non-residential leases (tenancies) of immovable property situated in the European Union.



L.S.

GIVEN under my Official Seal,  
23 August, 2023.

HELEN MCENTEE,  
Minister for Justice.

#### EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The European Union (Hague Judgments Convention) Regulations 2023 ensure that the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (the “Hague Judgments Convention”) has an appropriate “fit” in the Irish system. The Convention seeks to provide predictability and certainty in relation to the global circulation of foreign judgments, and is complementary to the Convention of 30 June 2005 on Choice of Court Agreements. The Regulations specify the states which are bound by the Hague Judgments Convention and include the text of Declarations made pursuant to the Convention.

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