

Section 28

(1) If the personal estate or the proceeds from the sale of personal or real estate go, after probate proceedings, to heirs residing or staying on the territory of the other Contracting Party, and if the estate or its proceeds cannot be directly handed over to them or to their representatives, they shall be handed over to the diplomatic or consular representation of that Contracting Party.

(2) The provision of para. (1) of this Section shall apply if—

- a) all the taxes and fees connected with the inheritance have been paid or secured;
- b) the competent body has given the necessary permission for the export of the inherited objects or for the transfer of money.

Part V

Recognition and Execution of Decisions

Section 29

Decisions Subject to Recognition and Execution

(1) The Contracting Parties shall recognise and execute, on the conditions laid down in this Treaty, on their respective territories the following decisions which have been pronounced on the territory of the other Contracting Party:

- a) Court decisions in civil and family matters and court settlements in such matters on property claims;
- b) Court decisions in criminal cases on damages;
- c) Decisions of arbitration courts including settlements in economic or trade disputes according to the stipulations of Section 33 of this Treaty.

(2) Decisions in estate matters made by the bodies of either Contracting Party which, under the domestic laws of their State, have jurisdiction in such matters, shall also be court decisions within the meaning of the provisions of para. (1) of this Section.

Section 30

Conditions for the Recognition and Execution of Decision

Decisions according to Section 29 of this Treaty shall be recognised and executed on the following conditions:

- a) if, according to the laws of the Contracting Party on whose territory it has been pronounced, the decision is valid and enforceable;
- b) if the court of the Contracting Party on whose territory the decision has been pronounced was competent in the procedure according to the laws of the Contracting Party on whose territory the recognition or execution is requested;
- c) if the defeated litigant who has not participated in the procedure has been properly and timely summoned in accordance with the laws of the Contracting Party on whose territory the decision was pronounced and could be properly represented in case of his inability to plead in court;
- d) if, in the same litigation between the same litigants on the territory of the Contracting Party on whose territory the decision is to be recognised or executed, no final decision has been pronounced by an ordinary or arbitration court at an earlier date or

if a case in this matter had not been pending previously at the court of this Contracting Party;

- e) if recognition or execution of the decision does not run counter to the basic principles of the legislation and public order of that Contracting Party on whose territory the decision is to be recognised or executed.

Section 31

Recognition of Decisions on the Civil Status of Citizens

(1) Court decisions of one Contracting Party regarding the civil status of its own citizens shall be recognised on the territory of the other Contracting Party without further procedure.

(2) Court decisions of one Contracting Party regarding the civil status of citizens of the other Contracting Party shall be recognised on the territory of that other Contracting Party on the conditions provided for in Section 30 of this Treaty.

(3) Decisions on civil status within the meaning of this Section shall include the following:

Divorce decisions and decisions by which the validity or invalidity of a marriage is pronounced as well as related decisions on the right to educate the children and decisions establishing a person's degree of relationship.

Section 32

Recognition and Execution of Documents in Maintenance Matters

Documents which contain an obligation to pay maintenance and which were issued by the competent bodies for guardianship on the territory of one Contracting Party shall be recognized and executed on the territory of the other Contracting Party on the conditions provided for in Section 30 of this Treaty, in so far as the provisions of that Section are applicable to documents in maintenance matters.

Section 33

Conditions of the Recognition and Execution of Arbitration Court Decisions

Arbitration court decisions shall be recognised and executed if, in addition to the conditions of Section 30 of this Treaty, the following conditions are given:

- a) if the decision has been reached on the basis of a written agreement on submission to the jurisdiction of an arbitration court either regarding a specific case or future proceedings in general arising from a special legal relationship, and if the arbitration court has decided within the framework of its competence as stipulated by agreement;
- b) if the agreement on submission to the jurisdiction of an arbitration court is valid according to the laws of that Contracting Party on whose territory it is to be recognised and executed.

Section 34

Applications for the Execution of Decisions

(1) An application for the execution of a decision may be filed directly with the competent court of that Contracting Party on whose territory the decision is to be executed, or with that court which has decided the case in first instance; this application shall be submitted to the competent court of the other Contracting Party in the manner provided for by Section 9 of this Treaty.