

RECOGNITION AND ENFORCEMENT OF FOREIGN ORDERS AND JUDGMENTS IN ITALY

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Arbitration awards

New York Convention 1958

Grounds for refusal of recognition set out by article 5

Art. 839 and 840 of the Italian code of civil procedure copied the provisions of NY Convention

Judgments

Judgments rendered by Courts of EU members
States: EU Regulation n. 44/2001 art. 33 -52

Opposition to the recognition: EU Regulation
n. 44/2001 art. 34

Judgments rendered by Courts of non EU Member
States: Italian Law 31.5.1995 n. 218 on private
international law, articles 64 and 67

Decisions on limitation

Are limitation judgments enforceable?

Problems:

- amount
- ship
- Owners/Charterers

Are limitation proceedings precluded by pending proceedings on the merits?

Is enforcement of decisions on limitation precluded by pending proceedings on the merits?