



DÉPARTEMENT FÉDÉRAL DES AFFAIRES ÉTRANGÈRES

P.869-2

LUG 2/98

Notification
aux Etats ayant participé à la Conférence diplomatique
sur la compétence judiciaire en matière civile,
tenue à Lugano le 16 septembre 1988

CONVENTION CONCERNANT LA COMPETENCE JUDICIAIRE ET L'EXECUTION
DES DECISIONS EN MATIERE CIVILE ET COMMERCIALE

Déclaration de la République italienne

Le 22 juin 1998, conformément à l'article VI, du Protocole No. 1 relatif a certains problèmes de compétence, de procédure et d'exécution, la République italienne a déposé auprès du Conseil fédéral suisse la déclaration suivante (version originale):

"Ai sensi dell'Articolo VI del protocollo allegato alla Convenzione di Lugano del 16 settembre 1988, l'Ambasciata informa che l'articolo 2 e l'articolo 4, commi 1 e 2, del Codice italiano di procedura civile (menzionati nell'articolo 3 della Convenzione [di Lugano]) sono stati abrogati dall'articolo 73 della legge del 31 maggio 1995 n. 218 sulla riforma del sistema italiano di diritto internazionale privato.

In conseguenza di ciò, l'Articolo 3 della Convenzione di Lugano dovrà menzionare, in luogo di quelli abrogati, gli articoli 3 e 4 della legge del 31 maggio 1995 n. 218, che non possono essere invocati nei confronti delle persone aventi il domicilio nel territorio di uno Stato contraente per impedire l'applicazione della Convenzione in oggetto."

Déclaration du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

Le 31 juillet 1998, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a déposé auprès du Conseil fédéral suisse la déclaration suivante (version originale):

"Recalling that in its instrument of ratification of the Convention the Government of the United Kingdom reserved the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom are responsible, I hereby declare, on behalf of the Government of the United Kingdom, that the Convention shall apply to Gibraltar being such a territory.

I further declare that the following provisions of the Convention shall be implemented in Gibraltar in the manner specified below.

Article 3 - the reference with respect to the United Kingdom in the second paragraph to certain rules enabling the founding of jurisdiction shall apply **mutatis mutandis** to Gibraltar;

Article 30 - the reference to the United Kingdom in the second paragraph shall apply to Gibraltar also;

Article 32 - an application for enforcement of a judgment shall be submitted to the Supreme Court of Gibraltar, or in the case of a maintenance judgment to the Magistrate's Court on transmission by the Attorney General of Gibraltar;

Article 37 - under paragraph 1 of the Article an appeal against a decision authorising enforcement shall be lodged with the Supreme Court of Gibraltar, or in the case of a maintenance judgment with the Magistrates' Court on transmission by the Attorney General of Gibraltar; under paragraph 2 of the Article the judgment given on the appeal may be contested only by a single further appeal on a point of law to the Court of Appeal of Gibraltar, or in the case of a maintenance judgment to the Supreme Court of Gibraltar by way of case stated;

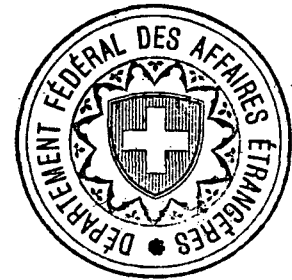
Article 38 - the reference to the United Kingdom in the second paragraph shall apply to Gibraltar also;

Article 40 - an applicant may appeal against the refusal of an application for enforcement to the Supreme Court of Gibraltar, or in the case of a maintenance judgment to the Magistrates' Court;

Article 41 - a judgment on an appeal provided for in Article 40 may be contested only by a single further appeal on a point of law to the Court of Appeal of Gibraltar, or in the case of a maintenance judgment to the Supreme Court of Gibraltar by way of case stated."

En application, par analogie, de l'article 61, paragraphe 4, de la Convention, la déclaration d'extension prendra effet le premier jour du troisième mois qui suit son dépôt, soit le 1^{er} octobre 1998.

La présente notification est adressée aux Etats ayant participé à la Conférence de Lugano, en application de l'article 67 de la Convention.



Berne, le 26 août 1998