Recognition and enforcement of insolvency-derived judgements under French law

Jean-Luc Vallens
Juge, President de chambre
Cour d’appel Colmar
• Rules are based on case-law
• Foreign judgments are enforceable with exequatur
• Conditions for exequatur
  – Few conditions are requested:
    • No obvious opposition with local “ordre public”
    • No local insolvency proceedings are pending
    • A formal application must be filed with the local French court (location of assets or third party)
    • A contradictory procedure (toward the debtor and the third party)
Before exequatur

• Foreign judgments are not recognized (except as to the powers of the liquidator)
• Provisional and conservatory measures however are available
After exequatur

The foreign judgment is granted with full effects

• Application of the foreign insolvency law
• Delay for exequatur: about 3/6 months
• Some retroactivity may be ordered upon application
• Assets or payments are to be vested in the liquidator