

Gerhard Walter/Samuel P. Baumgartner (eds.), *Recognition and Enforcement of Foreign Judgments Outside the Scope of the Brussels and Lugano Conventions*, The Hague: Kluwer Law International (2000), pp. i–xii and 1–580

This book has a similar ambit as the one edited by Paul Omar, reviewed above. However, it competes in quite a different league. First, it is part of a highly professional series published by Kluwer under the titled ‘Civil Procedure in Europe’. The first book in this series deals with ‘Seizures and Overindebtedness in the European Union’ and appeared in 1997. The second provides comparative overview of ‘Recourse Against Judgments in the European Union’, that is, the various appeals and legal remedies against judicial decisions, and came out in 1999. The present one is the third book in the series. Since its publication, volume four, which is dedicated to ‘Orders for Payments in the European Union’, has also appeared. Other volumes on other aspects of civil procedure – such as computation of time, evidence, injunctions, costs, and so on – will follow in due course. All books in the series are addressed equally to practitioners seeking reliable information about a certain foreign jurisdiction, and to comparative legal scholars and all those involved in law reform and development seeking inspiration from solutions found elsewhere.

The second difference from Omar’s book is the fact that the present book – and the entire series – is edited and authored by very well known scholars and authorities in the field, which in and of itself guarantees certain standards of quality. Theoretically, this could have the drawback of making the book rather academic and not responsive to the daily needs of the practitioner. However, virtually all contributors are not only academics but also practitioners or consultants and obviously well aware of the questions that come before attorneys and judges in the context of transnational litigation.

Thirdly, the present book begins with a very substantial general report on the issues related to the recognition and enforcement of judgments outside the scope of the Brussels and Lugano Conventions, which enables unfamiliar readers to quickly grasp the purpose and scope of the book and which also includes extensive bibliographic references. In fact, this general report by Walter and Baumgartner is so well written and so systematically structured that it should be recommended reading for every student of the field and every lawyer feeling less than very comfortable about his or her knowledge on the typical problems connected to the recognition and enforcement of foreign judgments.

Fourthly, this book covers virtually all important jurisdictions in Europe: thirteen of the fifteen EU Member States (the exceptions being Denmark and Ireland) plus Switzerland and Norway, as well as the Czech Republic, Hungary, and Poland. Hence, the omission of Guernsey and the Isle of Man (see above) should be a minor drawback for the great majority of readers.

Furthermore, and by now the reader will no longer be surprised that yet another weakness of the book by Omar reviewed above is in fact taken care of in the present

volume, the reports follow a coherent structure. Obviously, they do not do so by coincidence but because the editors elaborated a questionnaire with 67 points as guidance and structure for the various contributors and their country reports. Accordingly, each report begins with a discussion of the sources of law for the recognition and enforcement of foreign judgments in the respective country (autonomous law, bilateral and multilateral conventions). The subsequent structure is as follows:

- recognizable decisions,
- prerequisites for recognition,
- reasons for refusing recognition,
- effects of recognition,
- proceedings for declaration of recognizability and enforceability
- enforcement – execution,
- and, last but not least, credit given to pending foreign litigation.

In conclusion, this book by Walter and Baumgartner truly achieves its purpose, namely, to provide all the information required by practitioners who are drafting contracts and have to decide choice of law and jurisdiction questions, or who are confronted with disputes where foreign judgments have to be or should not be recognized and enforced. It also makes interesting reading for students and scholars dealing with comparative analysis of law and it provides valuable information for legislative drafters, for example, in CEECs, who are seeking models of how to – or how not to – design their own future laws. Last but not least, it can teach authors and editors such as Paul Omar how to organize a project with country reports from a large number of different jurisdictions.

Only two warnings have to be mentioned for the sake of fairness: The book – as the entire series – is trilingual. Thus, eleven contributions are presented in English, five in French, and three in German. The disadvantage this may present to some readers is, however, mitigated by rather extensive summaries which are included at the end of each part in the other two languages. Finally, the price of the book, at EUR 195 /usd 210/GBP 133 is rather hefty and a law firm or library planning to purchase the entire series – which would seem to make a lot of sense to the present reviewer – will have to make budgetary allocations accordingly.

Frank Emmert