

**COMPARATIVE STUDY OF "RESIDUAL JURISDICTION"
IN CIVIL AND COMMERCIAL DISPUTES IN THE EU
NATIONAL REPORT FOR:**

CYPRUS

PREPARED BY:

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(A) General Structure of National Jurisdictional Rules for Cross-Border Disputes

1. Main legal Sources

The Cyprus rules of jurisdiction in civil and commercial matters are not "concentrated" in one single legal instrument but can be traced in several of the main sources of Cyprus law, as these are set out in section 29(1) of the Courts of Justice Law, Law No. 14(I)1960, and particularly in the following:

- (a) The (written) Constitution of the Republic of Cyprus (hereinafter referred to as "the Constitution") and the laws enacted pursuant thereto and/or applied by the Courts of Cyprus (for example, the Courts of Justice Law, Law No. 14(1)/1960 itself).
- (b) The laws which have remained in force by virtue of Article 188 of the Constitution, i.e. the Basic Laws of Cyprus (such as the Mutual Enforcement of Certain Judgments of Commonwealth Countries Law, Cap. 10, the Civil Procedure Law, Cap. 6 and the Cyprus Civil Procedure Rules ("CPR") established thereunder, and many more).
- (c) Common law and equity, save in so far as no other provision has been or shall be made by any law enacted in Cyprus or law which has remained in force according to paragraph (b) above and so long as common law and equity are not in any way inconsistent with the Constitution;

By way of clarification, it should be added that the Cyprus legal system is by and large a common law system. The influence of English common law in the field of private international law has been stressed by the Supreme Court of Cyprus in the case of *Kochino v Irfan*¹, where it was said that the judicial interpretation of the law has to be "*such as to be, also, compatible with the relevant principles of Private International Law which form part of the Common Law in England*".

Finally, it should be added that the Republic of Cyprus is party to a number of bilateral and multilateral treaties containing rules of jurisdiction in civil and commercial matters.

2. Specific Rules (or Not) for Transnational Disputes

Generally speaking, the same jurisdictional rules and principles apply for both national and transnational disputes. Of course, the procedural aspect of the actual exercise of jurisdiction differs depending on whether the defendant is a resident of Cyprus or not. If the defendant is not a resident of Cyprus, special rules concerning service of the proceedings out of the jurisdiction apply. In addition, in cases of transnational disputes, rules of private international law such as the doctrine of forum non conveniens may come into play.

3. Specific Rules (or Not) for Article 4(1) Jurisdiction

There is no set of jurisdictional rules specifically designed for application by the Cyprus courts in situations falling under Article 4(1) of the Brussels I regulation. In Article 4(1) cases, the traditional jurisdictional rules for cross-border disputes are applied.

4. Influence of EU Law

¹ (1977)11 JSC 1780.

At this stage, it would be difficult to assess with any degree of certainty whether and to what extent the interpretation of the 'traditional' jurisdictional rules by the Courts of Cyprus has been influenced by either the Brussels I regulation or the case law of the European Court of Justice (hereinafter referred to as "ECJ"). In any event, despite the overall influence of European Union law principles, such as those of the protection of fundamental human rights and proportionality, on the approach taken by the Cyprus Courts, there are currently no reported cases where reliance has been placed upon specific jurisdictional rules as these are contained in either the Brussels 1 regulation or ECJ case law.

5. Impact of Other Sources of Law

In all cases before the Cyprus courts, principles of constitutional law, such as the protection of individual rights and the superiority of constitutional provisions over other sources of law, are relevant. Perhaps to a lesser degree as far as civil and commercial matters are concerned, so are principles of public international law.

6. Other Specific Features

There are no other specific features regarding the rules of jurisdiction of Cyprus Courts in cross-border disputes.

7. Reform

There is no proposed change currently contemplated in Cyprus regarding the rules of jurisdiction in cross-border cases. Therefore, it seems that the Brussels 1 regulation, coupled with the national jurisdictional rules already in force will continue to govern this area of law.

(B) Bilateral and Multilateral Conventions

8. Conventions with Third States

The Republic of Cyprus is party to the following bilateral conventions or treaties which include, inter alia, jurisdictional rules in matters regulated by the Brussels I regulation:

- a) Agreement between the Republic of Cyprus and the Czechoslovak Socialist Republic on Legal Assistance in Civil and Criminal Matters (ratified by Law No. 68(111)11982).²
- b) Convention between the Republic of Cyprus and the Hungarian People's Republic on Legal Assistance in Civil and Criminal matters (ratified by Law No. 7(III)11983).
- c) Convention between the Republic of Cyprus and the People's Republic of China on Legal Assistance in Matters of Civil and Criminal Law (ratified by Law No. 18(111)1984);
- d) Convention between the Republic of Cyprus and the Hellenic Republic on Legal Cooperation on Matters of Civil, Family, Commercial and Criminal Law (ratified by Law No. 55(111)11984);
- e) Treaty between the Republic of Cyprus and the Union of Soviet Socialist Republics on Legal Assistance in Civil and Criminal Matters (ratified by Law No. 172(111)11986). This treaty remained

² In force between Cyprus and the Czech Republic and Slovakia respectively in accordance with the exchange of letters on January 1899

in force up until the conclusion of a new agreement in accordance with the Protocol between Cyprus and the Russian Federation on the Inventory of Bilateral Agreements (ratified by Law No. 34(111)12001);

- f) Agreement between the Republic of Cyprus and the Socialist Federal Republic of Yugoslavia on Legal Assistance in Civil and Criminal Matters (ratified by Law No. 179(111)11986).³
- g) Agreement between the Republic of Cyprus and the Arab Republic of Egypt on Judicial and Legal Assistance in Civil and Criminal Matters (ratified by Law No. 14(111)11996);
- h) Agreement between the Republic of Cyprus and the Republic of Poland on Legal cooperation in Civil and Criminal matters (Law no. 10(111)11997);
- i) Agreement between the Republic of Cyprus and the Syrian Arab Republic on Legal Assistance in Civil and Criminal Matters (ratified by Law No. 13(111)11997);
- j) Agreement between the Republic of Cyprus and Ukraine on Legal Assistance in Civil Matters (ratified by Law No. 8(III)/2005);

Importantly, it should be noted that after the accession of Cyprus to the EU, the conventions that were signed between Cyprus and EU member-states now apply only in matters which are not governed by the Brussels I regulation.

In addition, Cyprus is also party to the "Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters and Supplementary Protocol (Hague XVI, XVII)", a multilateral convention which also includes rules of jurisdiction covered by the Brussels I regulation.

9. Practical Impact of international conventions with third states

The impact of the above-named bilateral and multilateral conventions on the law and practice in the area has been that :

- a) They have added certainty regarding the issue of which forum is competent and appropriate to hear disputes falling within the realm of the application;
- b) They have significantly reduced the unnecessary costs and delay flowing from the raising of pre-trial and other objections based on jurisdiction and the argument of *forum non conveniens*;
- c) They have simplified the jurisdictional rules available to plaintiffs in general.

(C) Applicable National Rules Pursuant to Article 4 of the Brussels I Regulation

10. Structure

The rules of jurisdiction are structured in the way described under question 1, above, which also reflects the hierarchy between the sources indicated, with the exception that rules emanating from

³ It is noted that on the 27 April 1992, the Federal Republic of Yugoslavia issued a declaration that it continues the international legal and political personality of the Socialist Republic of Yugoslavia (SFRY) and that it shall strictly abide by all the commitments that the SFRY assumed internationally..

laws ratifying bilateral or multilateral treaties will be given prevalence any conflicting national jurisdictional rules.

11. General Jurisdiction

In cases not governed by the Brussels I Regulation, the courts of Cyprus have jurisdiction to try an action in personam according to the place of occurrence of the “cause of action” or the place where the defendant carries on a profession⁴.

In addition, the Cyprus courts will assume jurisdiction where the defendant submits to such jurisdiction or in cases where the defendant is present within the jurisdiction, even if this is only on a temporary basis⁵.

12. Specific Rules of Jurisdiction

a) Contract

In accordance with Order 6(e) of the CPR, the Cyprus courts will assume jurisdiction in cases involving contracts concluded in Cyprus (or made by or through an agent trading or residing in Cyprus on behalf of the principal who is trading or residing outside Cyprus). The courts will also assume jurisdiction if the breach took place in Cyprus.

b) Tort

(i) Torts Committed in Cyprus

According to section 3 of the Civil Wrongs Law, Cap 148, “...a person who shall suffer any injury or damage by reason of any civil wrong committed in the Republic or within three miles of the coast thereof, measured from low watermark, shall be entitled to recover from the person committing or liable for such civil wrong the remedies which the court has power to grant”. The place of occurrence of the tort (*locus delicti*) is the place where the defendant commits the wrongful act and the victim thereof suffers damage. In a case where the two do not coincide, the test for determining locus delicti appears to be the place where the substance of the cause of action may be said to have arisen, by reference to all surrounding circumstances⁶.

The Civil Wrongs Law, Cap. 148 is not exhaustive in the sense that Courts may assume jurisdiction for torts committed abroad if certain conditions are fulfilled. The common law rules of jurisdiction have been decisive in this respect⁷.

(ii) Torts Committed Abroad

In the case of *Jupiter Electrical (Overseas) Ltd and Another v Savvas Costa Christides*⁸ the Supreme Court of Cyprus was faced with the issue of whether section 3 of the Civil Wrongs Law, Cap. 148 (referred to in the previous paragraph of this report) excluded the application of English private international law rules for civil wrongs committed abroad. The Supreme Court effectively decided that section 3 of the Civil Wrongs Law makes available “the remedies which the Court has power to

⁴ Sections 2 and 21(1) of the Courts of Justice Law, Law No.14(I)/1960

⁵ *Jive Maritime LTD v Sea power marine S.A.*(2001) SCJ 35

⁶ *Distillers Co (Biochemicals) Ltd v Thompson* [1971] AC 458

⁷ *Vassiliou. v.. Vassiliou*, 16 C.L.R. 69.

⁸ 6 JSC 787

grant" in relation to the civil wrongs enumerated in Cap. 148, i.e. the torts which are committed in Cyprus only., This does not exclude the Courts' jurisdiction for torts committed abroad, so long as *"the cause of action must be actionable both in the place where the wrong was committed and in Cyprus and the Cyprus Court has jurisdiction by virtue of the fact that the defendant is present in the Republic"*. This is confirmed further by section 21 of the Courts of Justice Law (*supra*).

c) Criminal Proceedings

There is no such specific ground of jurisdiction in this matter.

In the light of the fact that the criminal jurisdiction of the Cyprus courts is largely "territorial", the Cyprus courts may be competent to hear both the criminal and the civil cases instituted with regard to the same acts or events giving rise to such proceedings. However, it should be stressed that at the domestic level, the assumption of jurisdiction by criminal and civil courts is governed by different legal regimes and in cases giving rise to both civil and criminal proceedings, the decision taken by the civil court is not necessarily binding on the criminal court, and vice versa.

d) Secondary Establishment

A company which is not domiciled in an EU-member state, but which has a place of business such as a branch or agency in Cyprus may, according to sections 347-353 of the Cyprus Companies Law, Cap. 113, be sued in Cyprus. This jurisdiction is likely to be confined to the activities of the branch or agency.

e) Trust

As far as Cyprus trusts (i.e. trusts involving property situated in Cyprus) are concerned, the competent court for disputes arising therefrom is the District Court where the trust property is situated.

An "international trust" is defined in section 2 of the International Trusts Law, Law No. 69(I)/1992, as a trust of which (i) the settlor is not a permanent resident of Cyprus, (ii) at least one of the trustees is a permanent resident of the Republic for the whole duration of the trust, (iii) none of the beneficiaries (with the exception of a charitable foundation) is a permanent resident of the Republic and (iv) the property does not include immovable property situated in the Republic. In disputes arising out of an international trust as defined above, the court of the district where the Cyprus trustee resides may assume jurisdiction.

f) Arrest and/or location of Property

There are no specific rules of jurisdiction based on the arrest of property in Cyprus for actions brought against defendants domiciled in non-EU states.

Arrest of property may only be used as a provisional or interim measure in the context of pending court proceedings. According to section 4 of the Civil Procedure Law, Cap. 6, *"the Court may at any time during the pendency of any action therein make in the action an order for the sequestration, preservation, custody, sale, detention, or inspection of any property, being the subject of the action, or an order for preventing any loss, damage, or prejudice which, but for the making of the order, might be occasioned to any...property, pending a final judgment on some question affecting such...property or pending the execution of the judgment"*.

Furthermore, arrest of property could be used as a method of enforcement of a judgment.

13. Protective Rules of Jurisdiction

In cases dealing with consumer, employment, insurance and distribution contracts concluded with non-EU citizens, the same principles and jurisdictional rules apply as with any other contract, as these were explained under question 12(a) above. Accordingly, an action by an EU domiciliary (consumer or professional) against a non-EU domiciliary may only be brought before the courts of Cyprus if (i) a defendant resides or carries on business in Cyprus, e.g. through a branch, or (ii) the breach of the contract occurred in Cyprus, or (iii) the contract was concluded in Cyprus.

14. Rules for the Consolidation of Claims

a) Co-Defendants

A person who is domiciled in a non-EU country may be sued as co-defendant in proceedings before the Cyprus courts against a defendant domiciled in Cyprus, if the former is "a *necessary or proper party to an action*" brought against the latter⁹.

b) Third Party Proceedings

A defendant domiciled in a non-EU state may be sued in Cyprus as a "third party" to an action through the use of the procedure prescribed in Rule 10 of the CPR, according to which, where in any action a defendant claims, as against any person which is not already a party to the action,

(i) that he is entitled to contribution or indemnity, or

(ii) that he is entitled to any relief or remedy relating to or connected with the original subject matter of the action and substantially the same as some relief or remedy claimed by the plaintiff, or

(iii) that any question or issue relating to or connected with the said subject matter is substantially the same as some question or issue arising between the plaintiff and the defendant and should property be determined not only as between the plaintiff and the, defendant but as between the plaintiff and defendant and the third party or between any or either of them, the Court or a Judge may give leave to the defendant to issue and serve a so-called "third-party notice".

c) Counter-Claims

A defendant domiciled in Cyprus who has been sued before the Cyprus courts by a non-EU-state domiciliary can, in the course of such proceedings, bring a counterclaim against the plaintiff.

d) Related Claims

There is no other jurisdictional rule for related claims.

e) Any Problems Pertaining to Lack of Harmonisation

⁹ CPR, Rule & 1(h)

No specific problems seem to have arisen in the practice of this area as a result of lack of harmonization of the above-mentioned rules.

15. Rules of Jurisdiction Pursuant to Annex I of Brussels I

According to section 21(2) of the Courts of Justice Law, Law No. 14/1960, as amended, whenever an action concerns the distribution or sale of any immovable property or any other matter relating to immovable property, such action will be brought before the District Court of the district within which the said property is situated.

Subject to the provisions of any other specific law, a claim for payment of outstanding rent deriving from a contract of lease of immovable property or a claim for damages arising from the breach of a sale or lease agreement or any other contract which concerns immovable property, may be brought before the District Court which has jurisdiction pursuant to the normal rules of jurisdiction (e.g. where the cause of action has arisen or where the defendant carries on a profession).

We are not aware of any reported case before the Cyprus courts where Article 4(2) of the Brussels I Regulation has been applied.

16. Forum *necessitatis*

There is no statutory provision incorporating the principle of “forum necessitatis” and as far as we are aware, no judicial precedent shedding light on the nature and scope of application of this principle.

(D) National Jurisdiction & Enforcement of Non-EU Judgments

17. National rules of jurisdiction barring the enforcement of a non-EU judgment

The acceptance and enforcement in Cyprus of a foreign judgment depends solely on the existence or not of a mutual recognition and enforcement treaty between Cyprus and the country in which the judgment was issued, A foreign decision emanating from a country with which Cyprus has not signed such a treaty, cannot be enforced in Cyprus.

Where there is such a treaty, the enforcement of the foreign judgment depends exclusively on the contents and interpretation of the relevant terms of the treaty.

(E) Declining Jurisdiction

18. Forum Non Conveniens

Where a plaintiff has instituted legal proceedings in Cyprus and the defendant is domiciled in a non-EU state, the jurisdiction of the Cyprus courts may indeed be contested on the basis of an argument of forum non conveniens, i.e. on the basis that the Cyprus courts are, at the end of the day, an inappropriate forum to hold the trial of the case, as opposed to the courts of another (non-EU) state (which may or may not be the country of domicile of the defendant). The test commonly applied by the Cyprus courts in determining forum issues was elaborated by the Supreme Court, acting as

appellate court, in the case of *Zeeland Navigation Company Limited v. Banque Worms*¹⁰ and may be summarized as follows:

- a) It is essential that the courts of at least two states must have jurisdiction to try the case at hand;
- b) A stay of proceedings on the basis of an argument of '*forum non conveniens*' will be ordered only where the court has been satisfied that the case may be more suitably tried before some other available and competent forum and that it is in the interests of justice that the stay be granted.
- c) The burden of showing that a stay of proceedings should be ordered generally lies with the defendant, who must show not only that the Cyprus courts are an inappropriate forum to hear the case, but also that another competent forum is clearly or discernibly more appropriate.
- d) The following are some of the various factors which a court will take into account in deciding which is the most appropriate forum for trial of the case: (a) the applicable law of the dispute, (b) whether there are sufficient guarantees in the alternative forum suggested by the defendant for the holding of a fair trial and whether the plaintiff can obtain justice in a foreign jurisdiction, (c) the availability of witnesses, (d) the places where the parties respectively reside or carry on business and (e) the costs involved. The list is by no means exhaustive and there is no solid guidance as to how these factors are to be weighed in each case. At the end of the day, what has to be clearly shown to the court is which of the fora suggested for trial of the action has the most real and substantial connection with the dispute at hand.

Even after the passing of the Brussels I regulation, the courts of Cyprus do not seem to exclude or reject the applicability of the doctrine of *forum non conveniens* in favour of the courts of EU member states (see *P.D. Upton & others etc. v. G. N. Ellinas Imports-Exports Ltd*¹¹ and *Oterom Ltd v K.Z. Christodoulidis*¹²). At the same time, the issue of whether the doctrine of *forum non conveniens* has 'survived' the provisions of the Brussels I Regulation has not yet been put before the Cyprus courts.

19. Declining Jurisdiction when the Defendant is Domiciled in a Third State

(a) Non-EU Jurisdiction Agreements

In Article 4 (Brussels I) situations, the Cyprus courts may both decline jurisdiction and stay the proceedings where there is a choice-of-court agreement between the parties to the action.

The matter has formed the subject of extensive analysis in the case law of the Supreme Court of Cyprus, which has largely followed UK jurisprudence in this regard.

The landmark cases dealing with the issue of treatment of exclusive jurisdiction clauses and which have influenced the jurisprudence of the courts of Cyprus are the UK first instance decision in *The Eleftheria*¹³ (later adopted by the British Court of Appeal in *The El Amria*¹⁴) and subsequently the

¹⁰ (2000) 1B SCJ, 707. The Supreme Court of Cyprus drew guidance from the English and Scottish formulation of the doctrine, particularly cases such as *Spiliada Maritime Corporation v. Cansulex Ltd* [1986] 3 All E -R. 843 *Societe Du Gaz De Paris v a S.A. de Navigation "Les Armateurs Erancais"* [1926] S.C. (H.L.) 13

¹¹ Civil Appeal 12050, 1.11.2005

¹² Civil Appeal 1098, 17.07.2002

¹³ (1969) 2 All ER 641

¹⁴ (1981) 2 Lloyd's Rep 119

House of Lords decision in *The Sennar*¹⁵, The Supreme Court of Cyprus has adopted this jurisprudence in the cases of *Shehata v. Elias*¹⁶, *Cyprus Trading Corporation Ltd v. Zim Israel Navigation Co. Ltd and Others*¹⁷, *Alain Keytsman Production BYBA v. Sigma Radio T V. Ltd*¹⁸ and many more.

On the basis of the above authorities, the principles applied by the Cyprus courts in deciding whether to decline jurisdiction by virtue of an exclusive jurisdiction clause referring disputes to the courts of a non-EU state, may be summarized as follows:

(i) Where a plaintiff sues in a country in breach of an agreement to refer disputes to a foreign court, and the defendant applies for a stay, the court, assuming it has jurisdiction, is not bound to grant a stay but has discretion whether to do so. This discretion should be exercised in favour of granting such stay unless strong cause for not doing so is shown. The burden of proving such strong case lies with the plaintiffs (unlike the cases of *forum non conveniens*, where the burden lies with the defendant(s)).

(iii) In exercising their discretion, courts should take into account all the circumstances and more particularly, in what country the evidence on the issues of act is situated or more readily available, the effect of that on the relative convenience and expense of trial as between the local and the foreign courts, whether the law of the foreign court applies, with what country either party is connected and how closely, whether there is genuine desire on behalf of the defendants for trial in the foreign country or whether they are merely seeking procedural advantages, and whether the plaintiffs would be prejudiced by having to sue in the foreign court because they would be deprived of security for that claim, be unable to enforce any judgment obtained, be faced with a time bar not applicable in the courts of Cyprus, or, for political, racial, religious or other reasons, be unlikely to get a fair trial.

(iv) Prima facie, it is desirable to hold the plaintiffs to their agreement. In other words, a party should be bound by a jurisdiction clause to which he or she has agreed unless there is strong reason to the contrary. The courts are generally reluctant to effectively 'rewrite' a contract between the parties and the ancient precept of "*pacta sunt servanda*" should be respected.

(b) Parallel Proceedings in a non-EU court

The Cyprus courts possess an 'inherent' power to stay proceedings and/or decline jurisdiction where parallel proceedings are pending before the Courts of another (in this case, non-EU) state and may be exercised in the context of their overall power to control the abuse of court process, primarily where such parallel proceedings and/or multiple legal steps are used to achieve the same purpose¹⁹. The exercise of such power presupposes the existence of pending proceedings before the courts of another state and thus the prior tempore rule would seem to be applicable.

(c) "Exclusive" Jurisdiction in a non-EU State

¹⁵ (1985) 2 All ER 104

¹⁶ (1995) 1 SCJ 621

¹⁷ (1999) 1B SCJ 1168

¹⁸ (2001) 1A SCJ 542

¹⁹ See *Director of Prisons v. Jennaro Perella* (1995) 1 SCJ 217, *Loukos Trading Co Ltd v., Rainbow Bleaching and Dyeing Co Ltd* (2000) 1B 1014, *M & M Loizou Ltd v. Jumbo Investments Ltd* (2000) 2 SCJ 717

Where the subject-matter of a dispute is closely related to a non-EU state and the defendant is domiciled in a non-EU state, the Cyprus courts may decline to exercise jurisdiction either (i) on the basis that none of the jurisdictional grounds set out in Rule 6 of the CPR (see question 13 above) exist or, if one or more of such grounds exist, (ii) in the context of the application of the doctrine of *forum non conveniens*. Notably, where the whole subject matter of the action is immovable property which is not situated in Cyprus, or an intellectual property right which is registered in a non-EU state, the Cyprus courts will in all likelihood decline to exercise their jurisdiction.

20. Declining Jurisdiction When the Defendant is Domiciled in the EU

As the matter has not yet been raised before or troubled the Cyprus courts, it would be difficult to answer the specific issues raised in subparagraphs (a), (b) and (c) with any degree of certainty or precision.

(F) The Adequate Protection (or lack thereof) of EU Nationals and/or Domiciliaries through the Application of Domestic Jurisdictional Rules

21. Use of National Jurisdictional Rules to Avoid an Inadequate Protection in Non-EU Courts

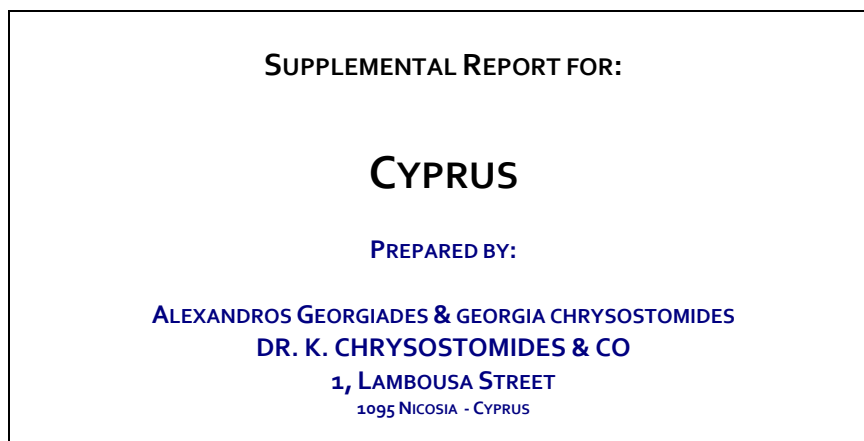
Thus far, there has not been any established precedent where the Cyprus courts have exercised jurisdiction on the exclusive basis that the plaintiff would not get a fair hearing or would otherwise receive inadequate protection in the courts of a non-EU state. However, it may be a factor which the Cyprus courts may take into account in deciding *forum non conveniens* issues.

22)- 24) During the two (2) years that have passed since the accession of Cyprus to the EU, there have been no reported cases on the subject of inadequate protection of EU nationals. At this stage, it is noted that Cyprus has fully adopted the EU law and procedure. Consequently, any problems that might arise in the future regarding the inadequate protection of the EU citizens are expected to be resolved within the framework established by the mechanisms of the EU.

(G) Residual Jurisdiction under the new Brussels II Regulation

25. Applicable National Rules Pursuant to article 14 of the New Brussels II Regulation (Parental Responsibility)

According to the Cyprus Family Courts Law, Law No. 23(1)11990, the jurisdiction test applied by the Family Court in cases of parental responsibility is that of the "*habitual residence in Cyprus*" of both or either one of the two spouses. According to section 91(3) of the same law, "*habitual residence*" is interpreted as any period of time extending beyond 3 months.



26. NA

27. Conventions with Third States in Matters of Parental Responsibility (and maintenance of children)

What are the international (and in particular bilateral) conventions concluded between your country and non-EU countries that include rules of jurisdiction in matters of parental responsibility (and maintenance of children)?

The Republic of Cyprus has not concluded any bilateral agreements with non-EU countries specifically dealing with matters of parental responsibility. The Republic of Cyprus is party to the following multilateral conventions which include, inter alia, rules of jurisdiction on matters of parental responsibility:

- (a) European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (ratified by Law No. 36/86);
- (b) Convention on the Civil Aspects of International Child Abduction (ratified by Law No. 11(III)/94);
and
- (c) Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children (ratified by Law No. 24(III)/04).

28. Jurisdiction as a Ground for Resisting the Enforcement of non-EU Judgment in Matters of Parental Responsibility

Can the judgment of a non-EU State relating to matters of parental responsibility (for instance, a judgment given the guardianship of a child to one of the parents) be denied recognition or enforcement in your country on the basis that the courts of your country are the only ones who have jurisdiction to entertain the matter? If so, what is (are) the ground(s) of these "exclusive" rules of jurisdiction (e.g., habitual residence of the child in your country, citizenship of one or several of the parties, etc.)

As far as we are aware, there are no rules empowering a Cyprus court to refuse the recognition or enforcement of a non-EU decision relating to matters of parental responsibility on the basis that it has exclusive jurisdiction to entertain the claim.

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