

4. Where any final judgment including a judgment by default pronounced by a court competent in conformity with this Convention in which execution can be issued according to the procedural law of that court, the judgment shall be enforceable upon compliance with the formalities prescribed by the laws of the Contracting State, or of any territory, State or province thereof, where execution is applied for:

(a) in the Contracting State where the judgment debtor has his residence or principal place of business or

(b) if the assets available in that State and in the State where the judgment was pronounced are insufficient to satisfy the judgment, in any other Contracting State where the judgment debtor has assets.

5. Notwithstanding the provisions of paragraph 4 of this Article, the court to which application is made for execution may refuse to issue execution if it is proved that any of the following circumstances exist:

(1) the judgment was given by default and the defendant did not acquire knowledge of the proceedings in sufficient time to act upon it;

(2) the defendant was not given a fair and adequate opportunity to defend his interests;

(3) the judgment is in respect of a cause of action which had already arisen between the same parties, formed the subject of a judgment or an official award which under the law of the State where execution is sought, is recognized as final and conclusive;

(4) the judgment has been obtained by fraud of any of the parties;

(5) the right to enforce the judgment is not vested in the person by whom the application for execution is made.

6. The merits of the case may not be reopened in proceedings for execution under paragraph 4 of this Article.

7. The court to which application for execution is made may also refuse to issue execution if the judgment concerned is contrary to the public policy of the State in which execution is requested.

8. If in proceedings brought according to paragraph 4 of this Article execution of any judgment is refused on any of the grounds referred to in sub-paragraphs (a), (b) or (c) of paragraph 5 or paragraph 7 of this Article, the applicant shall be entitled to bring a new action before the courts of the State where execution has been refused. The judgment rendered in such new action may not result in the total satisfaction awarded according to the limits applicable under the provisions of this Convention. In such case, within the previous judgment shall be a determination of the extent to which it has been satisfied. The previous judgment shall cease to be enforceable as soon as the new action has been started.