GUIDE · AS OF NOVEMBER 2026

Enforcing foreign judgments in Germany

a guide for creditors in Germany and abroad

Judgments, court settlements, enforceable instruments and arbitral awards from abroad: which route applies to your title, which documents you need, what the debtor can object, and how you then reach bank accounts, receivables and real estate in Germany.

Immediate

Titles from EU Member States: enforcement without German court proceedings

A few weeks

Declaration of enforceability in written proceedings, e.g. for titles from Switzerland or the United Kingdom

6–12 months

Action for an enforcement judgment for titles from countries without a treaty, first instance

Non-binding estimates based on experience; the duration depends on the court, the documents and the debtor's conduct.

WYNLEGAL

Law and Tax Advisors

Frankfurt am Main +49 69 24751999 0 · Hanover +49 511 5709260 0 · Siegen +49 271 3388940 0
mail@wynlegal.com

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> **NOTE**
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> This guide provides a general overview of the legal situation as of November 2026. It is no substitute for advice on your individual case. Laws, deadlines and administrative practice change; no liability is accepted for accuracy in a specific case.

Overview

A foreign judgment is not automatically enforceable in Germany. Whether a bailiff may seize assets straight away or whether a German court must decide first depends almost entirely on the country the title comes from.

As a rule, a foreign decision is recognised in Germany without any special procedure. Only enforceability requires a separate step: for titles from the EU, a certificate from the court that issued the title is usually sufficient. For titles from countries with which a treaty exists, a German court declares the title enforceable in fast written proceedings. For titles from all other countries, a separate action in Germany is required.

This guide is aimed at companies and creditors who want to enforce a judgment, court settlement, enforceable instrument or arbitral award from abroad against a debtor with its seat or assets in Germany. It explains which route applies to your title, which documents you need and how you then reach the debtor's assets.

> **THREE QUESTIONS FIRST**
>
> Which country does the title come from? What kind of title and which area of law is involved (civil and commercial matter, maintenance, family, succession, arbitral award)? And when were the proceedings abroad instituted? The answers determine the procedure. The order of precedence is: EU law before international treaties before German national law.

Which route applies to your title?

Origin of the title	Legal basis	What you need in Germany	Competent body
EU Member State, civil and commercial matters (proceedings from 10 January 2015)	Brussels Ia Regulation (Regulation (EU) No 1215/2012)	no court approval; title and certificate of the court of origin	bailiff or enforcement court directly
EU Member State, uncontested claim, order for payment or small claims procedure	European Enforcement Order, European Order for Payment, Small Claims Procedure	no court approval; title and EU standard form	bailiff or enforcement court directly
Switzerland, Norway, Iceland	Lugano Convention 2007	declaration of enforceability (exequatur)	Regional Court (Landgericht)
United Kingdom and other contracting states of the Hague Conventions 2019 and 2005	Hague Conventions	declaration of enforceability (exequatur)	Regional Court (Landgericht)
Countries with a bilateral treaty, e.g. Israel, Tunisia	treaty and implementing act	declaration of enforceability	Regional Court (Landgericht)

Origin of the title	Legal basis	What you need in Germany	Competent body
All other countries, e.g. USA, Brazil, China	Sections 328, 722, 723 German Code of Civil Procedure (ZPO)	action for an enforcement judgment	Regional Court (Landgericht)
Foreign arbitral award	New York Convention 1958, Section 1061 ZPO	declaration of enforceability	Higher Regional Court (Oberlandesgericht)

Denmark is covered by the Brussels Ia Regulation through a special agreement. Maintenance, family and succession matters follow their own rules.

Titles from EU Member States

A judgment, court settlement or enforceable instrument from another EU Member State is enforced in Germany like a German title. No enforcement clause and no approval by a German court is required (Art. 39 Brussels Ia, Section 1112 ZPO). This applies to civil and commercial matters in proceedings instituted on or after 10 January 2015; older proceedings are still subject to the exequatur procedure under the predecessor regulation.

01 **Apply for the certificate from the court of origin**

The court that issued the title issues the certificate under Art. 53 Brussels Ia (Annex I form; Annex II for settlements and authentic instruments). It confirms enforceability and states the principal claim, interest and costs.

02 **Arrange a translation**

Bailiffs and enforcement courts may require a German translation prepared by a person qualified to do so in an EU Member State (Section 1113 ZPO). In practice, at least the certificate is regularly required in translation. No legalisation or apostille is needed (Art. 61 Brussels Ia).

03 **Serve the certificate on the debtor**

Before the first enforcement measure, the certificate must be served on the debtor, together with the judgment if it has not yet been served (Art. 43 Brussels Ia). Protective measures are possible before that.

04 **Instruct enforcement**

With the authenticated copy, the certificate and proof of service, you instruct the bailiff (Gerichtsvollzieher) directly or apply to the local court (Amtsgericht) as enforcement court for a garnishment and transfer order (Pfändungs- und Überweisungsbeschluss).

The documents you need

- ☐ A copy of the judgment that satisfies the conditions for its authenticity under the law of the state of origin (not a simple copy or scan)
- ☐ Certificate under Art. 53 Brussels Ia, complete with interest rate, start date of interest and costs
- ☐ Translation of the certificate and, if required, of the judgment
- ☐ Proof that the certificate was served on the debtor

What the debtor can still object

A German court does not review the substance of the foreign judgment (Art. 52 Brussels Ia). The debtor can only apply to the Regional Court for refusal of enforcement (Section 1115 ZPO), and only on a few grounds (Art. 45, 46 Brussels Ia):

- manifest breach of German public policy (ordre public),
- in the case of a default judgment: no timely service of the claim, unless the debtor failed to challenge the judgment in the state of origin when it was possible to do so,
- irreconcilability with a German judgment or an earlier judgment entitled to recognition,
- breach of the rules of jurisdiction protecting consumers, employees and insured persons, or of exclusive jurisdiction.

Payments or a set-off after the judgment was given can be raised by the debtor in an action opposing enforcement (Section 1117 ZPO). If the debtor has applied for refusal, the Regional Court may, pending its decision, limit enforcement to protective measures, make it conditional on security or suspend it (Art. 44(1) Brussels Ia, Section 1115(6) ZPO). If an appeal against the judgment has been lodged in the state of origin, the court may stay the refusal proceedings (Art. 51 Brussels Ia).

> PRACTICAL TIP
>
> Apply for the Art. 53 certificate together with the judgment. Incomplete certificates, for example without details of interest and its start date, are the most common cause of delays at the bailiff's office.

Special EU procedures

Four further EU regulations make it even easier to enforce money claims. They are particularly worthwhile if the debtor does not dispute the claim or if you need to secure bank accounts quickly.

Instrument	Used for	Your advantage
European Enforcement Order (Regulation (EC) No 805/2004)	uncontested money claims: default judgments, judgments based on admission, settlements, authentic instruments	public policy objection no longer available; apply for certification at the court of origin (Section 1082 ZPO)
European Order for Payment (Regulation (EC) No 1896/2006)	cross-border money claims that are not disputed	written payment order procedure with a result enforceable throughout the EU; competent court in Germany: Local Court of Berlin-Wedding
European Small Claims Procedure (Regulation (EC) No 861/2007)	claims up to €5,000	written procedure using standard forms; judgment enforceable throughout the EU
European Account Preservation Order (Regulation (EU) No 655/2014)	protection before, during or after the main proceedings	accounts in several EU Member States are frozen without warning; account information in Germany via the Federal Office of Justice

EUROPEAN ACCOUNT PRESERVATION ORDER

The order is issued without hearing the debtor (Art. 11 Regulation 655/2014) and therefore takes the debtor by surprise. Before a title is obtained, you will generally have to provide security (Art. 12). If you suspect the debtor holds accounts in several Member States, this is the most powerful protective tool in EU law.

Switzerland, the United Kingdom and other treaty states

Where an international treaty exists, a German court must first declare the title enforceable (exequatur). The procedure under the German Recognition and Enforcement Implementation Act (AVAG) is written and fast. The debtor is not heard beforehand and therefore cannot move assets out of reach.

01 **Application to the Regional Court**

The Regional Court at the debtor's domicile or seat has jurisdiction; alternatively, the court where enforcement is to take place (Section 3 AVAG). Enclose the title, the certificate of the court of origin, proof of service and a translation.

02 **Decision without hearing the debtor**

The presiding judge of a civil chamber decides without hearing the debtor and generally without an oral hearing (Section 6 AVAG).

03 **Enforcement clause**

The court issues the enforcement clause, which sets out the debtor's obligation in German (Sections 8, 9 AVAG).

04 **Protective measures only at first**

Until the deadline for appeal has expired, you may only secure, not realise: accounts are attached but not yet paid out (Sections 18, 19 AVAG).

05 **Appeal by the debtor**

The debtor may appeal to the Higher Regional Court within one month, or within two months if domiciled abroad (Section 11 AVAG). Only there are the grounds for refusal examined.

Lugano Convention: Switzerland, Norway, Iceland

In substance, the Convention largely corresponds to former EU law. The certificate under Art. 54 Lugano Convention (Annex V) is issued by the court of origin. The grounds for refusal essentially correspond to those under the Brussels Ia Regulation.

The United Kingdom after Brexit

Proceedings instituted in the United Kingdom	Legal basis in Germany
from 1 July 2025	Hague Judgments Convention 2019 and AVAG
with an exclusive choice-of-court agreement	Hague Choice of Court Convention 2005 and AVAG
1 January 2021 to 30 June 2025 without such an agreement	action under Sections 722, 723 ZPO; whether the German-British Convention of 1960 applies again is disputed
until 31 December 2020	Brussels Ia Regulation (transitional rule of the Withdrawal Agreement)

Hague Judgments Convention 2019

The Convention has applied to the EU since 1 September 2023 and covers judgments in civil and commercial matters. Excluded are, among others, insolvency, carriage and copyright matters as well as interim measures. A connection between the debtor and the state of origin is required, for example the debtor's seat there or its participation in the proceedings (Art. 5). The list of contracting states is growing; check the current status in the status table of the Hague Conference on Private International Law (hcch.net) before every application.

Bilateral treaties exist with individual countries outside the EU, for example Israel and Tunisia. Treaties with today's EU or Lugano states have been superseded by the more recent instruments; they may still apply to older titles from the period before.

Countries without a treaty: the enforcement judgment

For judgments from countries such as the USA, Brazil or China, you need a German enforcement judgment (Sections 722, 723 ZPO). These are ordinary court proceedings with an oral hearing.

- The foreign judgment must be final and binding under the law of the state of origin. A judgment that is only provisionally enforceable is not sufficient (Section 723(2) ZPO).
- Exclusive jurisdiction lies with the Regional Court at the debtor's domicile or seat; alternatively, where the debtor has assets (Section 722(2), Section 23 ZPO). The presiding judge of the civil chamber decides as a single judge (Section 722(3) ZPO); the federal states may concentrate jurisdiction at individual Regional Courts. You must be represented by a lawyer.
- The court does not examine whether the foreign judgment is correct in substance (Section 723(1) ZPO), only whether there is an obstacle to recognition.
- Claimants without habitual residence in the EU or the EEA must, at the defendant's request, provide security for the costs of the proceedings (Section 110 ZPO).

Obstacles to recognition (Section 328(1) ZPO)

Obstacle	What matters
From a German perspective, the foreign court lacked jurisdiction	Could a German court have decided in a comparable situation under German rules? A choice-of-court clause in the contract helps.
The claim was not served properly and in good time	Relevant only if the debtor did not enter an appearance and raises the objection; keep proof of service carefully.
Conflicting decision or earlier proceedings	Is there already a German judgment or earlier pending proceedings on the same matter?
Breach of fundamental principles of German law (ordre public)	For example, punitive damages exceeding compensation for the loss; the compensatory part remains enforceable.
Reciprocity is not guaranteed	Would the state of origin recognise a German judgment in essentially the same way?

> THE KEY HURDLE: RECIPROCITY
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> Reciprocity is assessed country by country and in part by area of law. As a rough guide: for money judgments from most US states and from Brazil it is predominantly affirmed; for China it remains uncertain despite some positive decisions; for Russia it is predominantly denied. Have this checked for your individual case before bringing an action.

If reciprocity is lacking, the only option is a new action in Germany on the original claim. The foreign judgment and the evidence taken abroad can then serve as evidence.

Foreign arbitral awards

Foreign arbitral awards are declared enforceable under the New York Convention of 1958, to which more than 170 states are party (Section 1061 ZPO). This often makes an arbitral award the easiest title to enforce from countries without a treaty on judgments.

- The Higher Regional Court at the debtor's seat or domicile has jurisdiction at first instance; alternatively, where the debtor has assets (Section 1062 ZPO).
- Submit the award or a certified copy with the application (Section 1064(1) ZPO); a translation may be requested.
- Pending a decision, the court may permit protective enforcement (Section 1063(3) ZPO).
- The debtor can only rely on the grounds in Art. V of the Convention, such as an invalid arbitration agreement, a violation of the right to be heard or the setting aside of the award in the state of origin.
- Setting-aside proceedings merely pending in the state of origin do not prevent the declaration of enforceability, but the court may stay its proceedings (Art. VI New York Convention). If the award is later set aside, the declaration of enforceability can be revoked (Section 1061(3) ZPO).
- The decision of the Higher Regional Court can be challenged by an appeal on points of law to the Federal Court of Justice (Section 1065 ZPO).

Maintenance, family and succession matters

Area	Titles from EU Member States	Titles from non-EU countries
Maintenance	as a rule without court approval (EU Maintenance Regulation, German Foreign Maintenance Act)	Hague Maintenance Convention 2007, in relation to some states still the 1973 Convention, otherwise reciprocity; Federal Office of Justice as central authority
Parental responsibility and contact	since 1 August 2022 without court approval (Brussels IIb Regulation); specialised family courts	recognition and declaration of enforceability under Sections 108–110 Family Proceedings Act (FamFG)
Matrimonial property	declaration of enforceability (EU Matrimonial Property Regulations)	Sections 108–110 FamFG
Succession	declaration of enforceability by the Regional Court (EU Succession Regulation)	Sections 328, 722 ZPO or Sections 108–110 FamFG

The declaration of enforceability under Section 110 FamFG is issued by the local court as family court by way of an order; the foreign decision must be final. Foreign divorces must generally first be recognised by the state justice administration (Section 107 FamFG), unless both spouses were nationals of the state whose court decided.

Enforcement in Germany: reaching the debtor's assets

Once enforceability is established, the same means are available as for German titles. Attaching bank accounts and receivables is usually the most effective; it pays to trace the debtor's assets first.

Measure	What it achieves	Competent body
Statement of assets (Section 802c ZPO)	The debtor must disclose its assets; refusal leads to entry in the debtors' register and may result in detention.	Bailiff
Third-party information (Section 802l ZPO)	Account search at the Federal Central Tax Office, employer via the pension insurance, vehicles via the Federal Motor Transport Authority; for claims of €500 or more	Bailiff
Account attachment (Sections 829, 835 ZPO)	Garnishment and transfer order: balances and future credits are frozen and paid out to you.	Local court as enforcement court
Attachment of receivables from the debtor's customers	For companies often more effective than an account attachment; customers pay you directly.	Local court as enforcement court
Seizure of movable property	Seizure of movable assets such as vehicles, goods or machinery	Bailiff
Judicial mortgage (Sections 866, 867 ZPO)	Entry in the land register for claims exceeding €750; secures your ranking	Land registry

Foreign currency. A title in a foreign currency can be enforced in Germany. Conversion takes place at the exchange rate at the time of payment or pay-out; until then, you bear the exchange rate risk.

Costs. The necessary costs of enforcement are borne by the debtor (Section 788 ZPO). Bailiffs and courts, however, require advance payments, which you must make first.

> INSOLVENCY OF THE DEBTOR
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> Once insolvency proceedings are opened over the debtor's assets, individual enforcement is inadmissible (Section 89 Insolvency Code, InsO). Attachments made in the last month before the insolvency petition become ineffective, in consumer insolvency proceedings those made in the last three months (Section 88 InsO). You then file your claim with the insolvency administrator. Checking the insolvency register before starting enforcement saves costs.

Checklist and common mistakes

Most delays arise not in court but because documents are missing or obtained too late. The following sequence has proven effective:

- ☐ Clarify the country of origin, area of law and date proceedings were instituted, and determine the procedure
- ☐ Obtain an authenticated copy of the title, not just a copy
- ☐ Apply for the certificate of the court of origin and check it for interest, start date of interest and costs
- ☐ Gather proof of service for the claim and the judgment
- ☐ Have certified translations prepared
- ☐ Compare the debtor's name, legal form and address with the German commercial register
- ☐ Check the insolvency register and the debtors' register
- ☐ Trace assets: accounts, customers, vehicles, real estate
- ☐ Where necessary, secure first (account attachment, protective enforcement), then realise

Common mistakes in practice

- The creditor submits only a scan of the judgment; the bailiff refuses the instruction.
- The certificate does not state interest, so only the principal claim can be enforced.
- The certificate is not served on the debtor before the first measure.
- The debtor's name in the title differs from the commercial register, for example after a change of name, and this is not clarified early in the proceedings.
- A foreign judgment that merely confirms an arbitral award (such as a US "judgment on the award") is made the basis of an action for an enforcement judgment. It is the award itself that must be declared enforceable (Section 1061 ZPO). Conversely, Russian "arbitrazh courts" are state courts, not arbitral tribunals.
- A merely provisionally enforceable judgment from a non-EU country is used as the basis for an enforcement action.
- Reciprocity is only examined during the proceedings, after considerable costs have already been incurred.

- Contracts with German partners contain no choice-of-court or arbitration clause that would have led to a title easily enforceable in Germany.

How WYN LEGAL can help

WYN LEGAL enforces foreign judgments and arbitral awards in Germany, combining legal and tax advice under one roof, in German, English, French, Portuguese and Hungarian. Our services include determining the correct procedure and reviewing the documents, the application for a declaration of enforceability or the action for an enforcement judgment, tracing assets, account and receivables attachments, and coordination with bailiffs, translators and lawyers in the state of origin.

Frankfurt am Main
+49 69 24751999 0
mail@wynlegal.com

Hanover
+49 511 5709260 0

Siegen
+49 271 3388940 0

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Publisher WYN LEGAL is the name under which Rechtsanwalt (attorney at law) Martin Kanopka practises, Neue Mainzer Str. 84, 60311 Frankfurt am Main, Germany. Further offices: Georgstr. 38, 30159 Hanover; Koblenzer Str. 5, 57072 Siegen.
Contact Phone +49 69 24751999 0 · Fax +49 69 24751999 9 · mail@wynlegal.com · www.wynlegal.com