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Enforcement of Foreign Judgments

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Expert Analysis Chapters

- 1** **State Immunity and Enforcement in England**
Louise Freeman & Tom Cusworth, Covington & Burling LLP
- 6** **International Enforcement Strategy – An Overview**
Andrew Bartlett, Osborne Clarke LLP
- 11** **EU Overview**
Sébastien Champagne & Vanessa Foncke

Q&A Chapters

- 19** **Argentina**
Marval O'Farrell Mairal: Ricardo Ostrower & Martín Vainstein
- 26** **Australia**
Corrs Chambers Westgarth: Cara North & Harrison Frith
- 33** **Canada**
Goodmans LLP: Peter Kolla, Julie Rosenthal & Sarah Stothart
- 39** **China**
SGLA Law Office: Dr. Xu Guojian
- 46** **Croatia**
Macesic and Partners LLC: Anita Krizmanic & Koraljka Devcic
- 53** **Cyprus**
Phoebus, Christos Clerides & Associates LLC: Constantinos Clerides
- 60** **England & Wales**
Covington & Burling LLP: Louise Freeman & Tom Cusworth
- 68** **France**
Archipel: Jacques-Alexandre Genet & Michaël Schlesinger
- 74** **Germany**
White & Case LLP: Markus Langen, Dr. Dominik Stier & Kristof Waldenberger
- 81** **India**
LexOrbis: Manisha Singh & Varun Sharma
- 86** **Japan**
GAIEN Partners: Yuko Kanamaru
- 91** **Jordan**
Hammouri & Partners Attorneys at-Law: Dr. Tariq Hammouri, Yotta Pantoula-Bulmer, Haitham Al-Hajaj & Rozana Al-Hroob
- 97** **Liechtenstein**
GASSER PARTNER Attorneys at Law: Thomas Nigg & Domenik Vogt
- 103** **Luxembourg**
Harvey: Ariel Devillers & Justin Colombin
- 108** **Netherlands**
OSK Advocaten: Jurjen de Korte & Geert Wilts
- 113** **Nigeria**
The Trusted Advisors: Godwin Etim, Muhiz Babatunde Adisa & Olufe Popoola
- 118** **Singapore**
WongPartnership LLP: Wendy Lin, Monica Chong Wan Yee, Jill Ann Koh & Ho Yi Jie
- 124** **Spain**
Whitewell: Pablo Martínez Llorente & Daniel Rodríguez Galve
- 140** **Sweden**
Advokatfirman Cederquist KB: Elsa Arbrandt & Ingrid Ek
- 146** **Switzerland**
BMG Avocats: Rocco Rondi, Guillaume Fatio & Mimoza Lekiqi
- 154** **Taiwan**
Formosan Brothers Attorney-at-Law: Li-Pu Lee & Szu-Shian Lu
- 160** **USA**
Steptoe LLP: Chris Paparella, Justin Ben-Asher & Niyati Ahuja

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1 Country Finder

1.1 Please set out the various regimes applicable to recognising and enforcing judgments in your jurisdiction and the names of the countries to which such special regimes apply.

Applicable Law/Statutory Regime	Relevant Jurisdiction(s)	Corresponding Section Below
There is no applicable special law/statutory regime for recognising and enforcing judgments in Jordan. Only the Jordanian legislative framework for the enforcement of foreign judgments and bilateral and multilateral treaties (specified in detail in question 2.1) are applicable in Jordan.	Jordan.	2.1, 3.1, 3.2, 3.3 & 3.4.

2 General Regime

2.1 Absent any applicable special regime, what is the legal framework under which a foreign judgment would be recognised and enforced in your jurisdiction?

Amongst other things, the foreign judgment must have been issued by court that is permitted in the enforcement of judgments issued by Jordanian courts. In order for a foreign judgment to be enforced in Jordan it should be issued by an authorised court, as non-authorised court judgments are not enforceable. Furthermore, under the Jordanian Enforcement of Foreign Judgments Law No. 8 for the year 1952 and the Convention on the Recognition and Enforcement of Foreign Arbitral Award 1958 (New York Convention), the foreign judgment should be final and cannot be appealed, and the foreign judgment must not have been obtained by fraud.

2.2 What constitutes a 'judgment' capable of recognition and enforcement in your jurisdiction?

A judgment capable of recognition and enforcement is one that is final and cannot be appealed, has not been obtained by fraud, and has been properly notified to the defendant under the Jordanian Enforcement of Foreign Judgment Law No. 8 for the year 1952 and the Convention on the Recognition and Enforcement of Foreign Arbitral Award 1958 (New York Convention). In accordance with the aforementioned Conventions, a legal and certified copy of the original judgment to be enforced must be submitted, with a legal and certified copy of the judgment translated into Arabic (if the judgment is in a language other than Arabic), along with a copy of the judgment for notifying the defendant.

2.3 What requirements (in form and substance) must a foreign judgment satisfy in order to be recognised and enforceable in your jurisdiction?

The requirements (in form and substance) that a foreign judgment should satisfy in order to be recognised and enforceable in Jordan are stipulated in Article 7 of the Enforcement of Foreign Judgments Law No. 8 for the year 1952 and are as follows:

- 1) The foreign judgment has to be enforceable under the laws of the country that issued the award.
- 2) The court or tribunal that issued the foreign judgment had the proper jurisdiction.
- 3) The foreign judgment must have been issued by a court that permits reciprocity in the enforcement of judgments issued by Jordanian courts.
- 4) The defendant should have carried out business within the jurisdiction of the competent tribunal or court that issued the foreign judgment or if the defendant resided within its jurisdiction then the defendant should have voluntarily appeared before the competent tribunal or court and submitted to its jurisdiction over the matter.
- 5) If the defendant carries out business within the jurisdiction of the competent tribunal or court, then the defendant should have been notified by the competent tribunal or court that issued the foreign judgment and should have appeared before the competent tribunal or court.
- 6) The foreign judgment should not have been obtained by way of fraud.
- 7) The foreign judgment should be final between the parties and cannot be appealed.
- 8) The subject matter that forms the basis of the foreign judgment should be a matter that can be heard in front of Jordanian courts.
- 9) The foreign judgment should not contradict or conflict with Jordanian public order or public morality.

2.4 What (if any) connection to the jurisdiction is required for your courts to accept jurisdiction for recognition and enforcement of a foreign judgment?

The Jordanian Court of First Instance (competent court in Jordan) will only examine the recognition and enforcement claim for a foreign judgment from a procedural standpoint and will not examine the content of the foreign judgment. As part of the procedural prerequisites for the recognition and enforcement of a foreign judgment (and in accordance with the Enforcement of Foreign Judgments Law No. 8 for the year 1952), the Court of First Instance will examine the following in terms of jurisdiction:

- 1) As per what is stipulated in its Article 2, in order to enforce a foreign judgment in Jordan, the foreign judgment has to be enforceable under the laws of the country that issued the award.
- 2) As per what is stipulated in its Article 7, if the court or tribunal that issued the foreign judgment was the competent authority to do so (i.e., had the proper jurisdiction) or if the foreign judgment was issued by a court that does not permit the enforcement of judgments issued by Jordanian courts (i.e., lack of reciprocity).
- 3) As per what is stipulated in its Article 7, if the subject matter of the claim conflicts with Jordanian public order or public morality. In that case, the foreign judgment will not be enforced. This only relates to the subject matter that the foreign judgment originated from and not any other area/aspect of the foreign judgment.

2.5 Is there a difference between recognition and enforcement of judgments? If so, what are the legal effects of recognition and enforcement respectively?

There is a difference between the recognition and enforcement of judgments. Recognising a judgment is the first step in enforcing a judgment and is obligatory; no judgment can be enforced without it having been recognised first. This step is a prerequisite to the enforcement stage and will determine whether or not a judgment is enforceable in Jordan. This stage cannot be bypassed, and you cannot choose to proceed with the enforcement of a judgment without first having it recognised. The process of having a foreign judgment be recognised in Jordan is equivalent to the process of “*exequatur*”. This entails the Jordanian court formally recognising a foreign judgment as a Jordanian court judgment. The legal effect of recognising a judgment is that it will be deemed enforceable in Jordan and access to the enforcement stage is open thereafter. The legal effect of the enforcement stage is that the content of the judgment will be enforced in Jordan.

Notwithstanding the above, certain bilateral treaties that Jordan is a signatory of include provisions that state that the foreign judgment of one country to the treaty can be considered to have the power of a writ of execution in the other country; with no requirement to apply the conditions of Jordanian law (in relation to judgment recognition) on the matter. An example of a treaty with such provisions would be the 1953 Judicial Cooperation Agreement between Jordan and Syria. However, despite these bilateral treaties, parties hardly ever submit a request for the direct application of a foreign judgment and the bypassing of the recognition stage. Parties will generally file an *exequatur* request at the Jordanian court at the start of procedures.

2.6 Briefly explain the procedure for recognising and enforcing a foreign judgment in your jurisdiction.

Recognition procedures

In order to have a foreign judgment be recognised and subsequently enforced in Jordan, a claim for the foreign judgment’s recognition should be filed at the Court of First Instance (with all relevant documentation having been duly legalised and submitted in either Arabic or with an attached Arabic translation). The court will not look into the subject matter of the foreign judgment and will only examine the foreign judgment from a procedural standpoint (ensuring that the foreign judgment does not fulfil any of the criteria for case dismissal stipulated under Article 7 of the Enforcement of Foreign Judgments Law No. 8 for the year 1952). Once the court has ascertained that the foreign judgment has not fulfilled any of the criteria stipulated under the aforementioned Article 7, then the court will issue a judgment that the foreign judgment has been recognised. Once the prerequisite period for appealing the court’s judgment (30 days) has lapsed, or should the court’s judgment be appealed and a judgment issued that was not in favour of the appellant, then the claim will move from the first stage (judgment recognition) to the next stage (enforcement), with the foreign judgment to be enforced in the same manner as a Jordanian judgment. It should be noted that should the foreign judgment have the power of a writ of execution as mentioned in question 2.5, then the foreign judgment will bypass the recognition stage and go straight to the enforcement stage.

Enforcement procedures

The enforcement of a foreign judgment (irrespective of it holding the power of a writ of execution or having been recognised by the Jordanian court in the recognition stage) will be subject to the provisions of the Jordanian Enforcement Law No. 29 for the year 2017 and will be enforced in the same manner as any other Jordanian court issued judgment.

Firstly, a claim for the enforcement of the foreign judgment should be submitted to the competent enforcement department in Jordan. Secondly, a notification of the enforcement claim will be notified to the other party and a period of 14 days will be provided for that party to offer a settlement. Thirdly, once the 14-day period has lapsed, then the process of enforcement will commence on the other party’s assets in Jordan. This enforcement can vary depending on different factors such as the claim stated in the foreign judgment (a claim for in-kind execution or monetary execution) and the types of assets the other party possesses in Jordan (moveable or immovable assets).

2.7 On what grounds can recognition/enforcement of a judgment be challenged? When can such a challenge be made?

The enforcement of a foreign judgment can be challenged when the court that issued the judgment lacked proper jurisdiction. Also, if the foreign judgment is against public order or public morality, it cannot be heard or brought before the Jordanian courts.

2.8 What, if any, is the relevant legal framework applicable to recognising and enforcing foreign judgments relating to specific subject matters?

The applicable legal frameworks are the Convention on the Recognition and Enforcement of Foreign Arbitral Award

1958 (New York Convention) and the Jordanian Civil Procedures Law and its Amendments No. 24 for 1988 on recognition and enforcement of foreign judgment, in accordance with Foreign Judgments Enforcement Law No. 8 for the year 1952, which defines a foreign judgment in Article 2 of the law as “every judgment issued by a court outside of Jordan (including religious courts) related to civil procedures and requiring the payment of a sum of money, a judgment with a movable property, or the settlement of an account”. Furthermore, a foreign judgment may be enforced in Jordan by filing a lawsuit to enforce it before a court of first instance. Such judgment must be issued in a civil claim, and must include a payment as specified in Article 2 of the Jordanian Foreign Judgments Enforcement Law No. 8 for the year 1952. The subject matter of the claim for which the judgment was issued must comply with Article (7/1/f) of the law. To conclude, there are no restrictions on the types of foreign judgment that may be enforced in Jordan except the above-mentioned restrictions, as the courts in Jordan will ensure that the judgment is following the Enforcement law and fulfil the legal requirement as per Article 7 of the Jordanian Foreign Judgment Enforcement Law No. 8 for the year 1952.

2.9 What is your court’s approach to recognition and enforcement of a foreign judgment when there is: (a) a conflicting local judgment between the parties relating to the same issue; or (b) local proceedings pending between the parties?

There shall be no effect on the court’s action for the purposes of recognition and enforcement of a foreign judgment in the Hashemite Kingdom of Jordan in the event of a conflicting local judgment between the parties relating to the same matter and/or local procedures pending between the parties, where a request for the purposes of the foreign judgment is entered before the Court of First Instance and the conditions provided for in Article 7 of the Jordanian Foreign Judgment Enforcement Law No. 8 for the year 1952.

The enforceable formulation of the judgment is justified by the fact that the Jordanian legislature has arranged defences in such cases raised in a local procedure, which include the initiation of an action to prevent an undue claim according to the reality of the local case, as follows:

a) A conflicting local judgment between the parties relating to the same issue

In the event that the local judgment is not yet final, a request should be submitted to the court on the subject of the validity of the case; otherwise if the judgment becomes final, the case is a compelling ground for the purpose of filing a claim or insistence of the payment of the value of the claim, or if the value of the case is paid, the case shall constitute an undue claim payment.

b) Local proceedings pending between the parties

In this case, the procedure is if it is a final omission of the case and/or any pre-procedure before the authorised judicial authority, the foreign judgment is to be enforceable and, in the future, the procedures taken in the dispute are prevented from being renewed because of the validity of the case.

Or if the action is a provisional omission after the filing of the case, the foreign judgment becomes enforceable and, in the future, the final result prevents the renewal of the procedures in the dispute of validity of the case, as the foreign judgment to be enforced.

2.10 What is your court’s approach to recognition and enforcement of a foreign judgment when there is a conflicting local law or prior judgment on the same or a similar issue, but between different parties?

The approach of Jordanian courts on the matter of the recognition and enforcement of a foreign judgment when there is a conflicting local law depends on whether or not the conflicting local law relates to a matter of Jordanian public order or public morality and that this conflict had to do with the subject matter of the claim. Both Article 5 of the 1958 Convention of the Recognition and Enforcement of Foreign Arbitral Awards and Article 7 of the Enforcement of Foreign Judgments Law No. 8 for the year 1952 stipulate that the court has the authority to dismiss a request for the recognition of a foreign judgment, if said judgment arose from a claim that cannot be raised in front of Jordanian courts on the basis of conflicting with Jordanian public order and public morality. These claims relate to the subject matter only being unable to be heard in front of the Jordanian courts, and not any other matter related to the claim being in conflict with Jordanian public order and public morality. Should the court dismiss a claim on that basis, the foreign judgment is not permitted to be enforced by Jordanian courts. If the court does not dismiss a claim on that basis (finding that the conflicting local law does not relate to a matter of Jordanian public order or public morality), then the foreign judgment can be enforced in Jordan despite it conflicting with a local Jordanian law.

The approach of Jordanian courts on the matter of a prior judgment on the same or similar issue, but between different parties, is that it has no effect on the enforcement of a foreign judgment due to the parties not being the same. The general rule for a foreign judgment to have effect on the enforcement of a foreign judgment is that it both the subject matter and the parties are the same, otherwise it will have no bearing on the enforcement of the foreign judgment.

2.11 What is your court’s approach to recognition and enforcement of a foreign judgment that purports to apply the law of your country?

There is no difference in the procedures applied in court for the purposes of recognition and enforcement of the foreign judgment either in Jordanian law and/or any other law. These procedures are the same as those mentioned in the answer to question 2.6.

2.12 Are there any differences in the rules and procedure of recognition and enforcement between the various states/regions/provinces in your country? Please explain.

There is no difference in the rules and procedures for recognition and enforcement between the various states/regions/provinces in Jordan. The Jordanian legislative framework for the enforcement of foreign judgments is applied uniformly throughout Jordan.

2.13 What is the relevant limitation period to recognise and enforce a foreign judgment?

There is no limitation period to enforce a foreign judgment, and the judgment is enforceable if its final, whether the judgment was issued by court or by an arbitral tribunal. The statute of limitation for enforcing any type of judgment at a Jordanian

court is 15 years in accordance with Article 449 of the Jordanian Civil Code No. (43) for the Year 1976. The 15-year limitation period falls under the concept of public order, which would make the statute of limitation for enforcing the arbitral award and the court judgment 15 years.

3 Special Enforcement Regimes Applicable to Judgments from Certain Countries

3.1 With reference to each of the specific regimes set out in question 1.1, what requirements (in form and substance) must the judgment satisfy in order to be recognised and enforceable under the respective regime?

As stated in question 1.1, there is no special applicable law/statutory regime for recognising and enforcing judgments in Jordan. Only the Jordanian legislative framework for the enforcement of foreign judgments is applicable in Jordan. As such, the requirements that a judgment must satisfy are the same as those requirements mentioned in question 2.3.

3.2 With reference to each of the specific regimes set out in question 1.1, does the regime specify a difference between recognition and enforcement? If so, what is the difference between the legal effect of recognition and enforcement?

The recognition and enforcement of foreign judgment process can be described as the equivalent to an *exequatur* under the Jordanian legal system, which the process of validation of the requirements that foreign judgment go through is set by the legal authorities, furthermore the recognition of the foreign judgment is the first step, and after the recognition of the judgment it will determine whether the judgment is enforceable in Jordan or not.

The difference between recognition and enforcement of a judgment is the same as the grounds mentioned in question 2.5.

3.3 With reference to each of the specific regimes set out in question 1.1, briefly explain the procedure for recognising and enforcing a foreign judgment.

As stated in question 1.1, there is no specific applicable law/statutory regime for recognising and enforcing judgments in Jordan. Only the Jordanian legislative framework for the enforcement of foreign judgments is applicable in Jordan. As such, the procedure for recognising and enforcing a foreign judgment is the same as the procedure mentioned in question 2.6. This procedure (very briefly) is as follows:

- 1) The foreign judgment should be final (and not capable of being appealed) and be assessed according to the criteria stipulated in Article 7 of the Enforcement of Foreign Judgments Law No. 8 for the year 1952.
- 2) The required documentation should be prepared, legalised via the diplomatic channels and translated into Arabic by a registered professional certified translator.
- 3) The documents are then sent to Jordan and legalisation is completed for them in Jordan.
- 4) A claim for the recognition (the “*exequatur*”) of the foreign judgment is submitted to the competent Jordanian court.

Once the competent court issues a judgment that the foreign judgment is recognised, it is treated in the same manner as a Jordanian judgment issued in Jordan and is then accordingly duly enforced at the Jordanian Enforcement Department in the same manner as Jordanian judgment.

3.4 With reference to each of the specific regimes set out in question 1.1, on what grounds can recognition/enforcement of a judgment be challenged under the special regime? When can such a challenge be made?

As stated in question 1.1, there is no specific applicable law/statutory regime for recognising and enforcing judgments in Jordan. Only the Jordanian legislative framework for the enforcement of foreign judgments is applicable in Jordan. As such, the grounds for challenging the recognition and enforcement of a judgment is the same as the grounds mentioned in question 2.7.

4 Enforcement

4.1 Once a foreign judgment is recognised and enforced, what are the general methods of enforcement available to a judgment creditor?

Whoever wishes to enforce a foreign judgment in Jordan must file a case to enforce a foreign judgment by requesting such action to the Court of First Instance. The court may notify persons outside its jurisdiction under certain conditions. Certified copies of the foreign judgment must also be provided in addition to providing certified legal translation of the judgment and providing copies of the defendant’s notification and confirmation of the judgment. First, it requires that it be sealed by the court and by the Ministry of Foreign Affairs and the Ministry of Justice and the Embassy of Hashemite Kingdom of Jordan in the country where the judgment was handed down. When bringing the judgment to Jordan it will be certified by the Ministry of Foreign Affairs and Expatriates and by the Ministry of Justice; this procedure is a formality, but it is important and the case cannot be accepted or the judgment will not be enforced without it.

5 Other Matters

5.1 Have there been any noteworthy recent (in the last 12 months) legal developments in your jurisdiction relevant to the recognition and enforcement of foreign judgments? Please provide a brief description.

No, during the last 12 months there have not been any legal developments in our jurisdiction relevant to the recognition and enforcement of foreign judgments.

5.2 Are there any particular tips you would give, or critical issues that you would flag, to clients seeking to recognise and enforce a foreign judgment in your jurisdiction?

When a client is seeking to recognise and enforce a foreign judgment (or a foreign arbitral award) in Jordan, in addition to the legal requirements that should be complied with, as explained above, there are a few details that should be taken into consideration during the pre-enforcement stage; those can, without limitation, be mentioned as follows:

- 1) All documentation that will be used in Jordan for the enforcement should in Arabic language and it should be translated by means of a certified translation.
- 2) Any authorisations and granting of powers in the context of the enforcement procedure should be made by the person/s that are duly authorised by the company that is

seeking to enforce the judgment and proof of such should be available and submitted.

- 3) As part of the pre-enforcement stage legalisation of documentation is required. Clients should take in consideration that lengthy delays can occur in that respect.

Another important point is that clients should seek to instruct law firms that can demonstrate a track record of handling enforcement mandates and which have a team with the necessary knowledge and experience on enforcement of foreign judgments.

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- Enforcement
- Grounds for Challenging Recognition/Enforcement of a Foreign Judgment
- Recent Developments