Cross-Border Enforcement Center - Peru

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# Judgments

## With which jurisdictions does this country have reciprocal arrangements for enforcement of judgments?

**Montevideo Convention 1979:**

Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

**Bustamante Code 1928:**

Bahamas, Bolivia, Brazil, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Venezuela\*

\*Although in force in Venezuela, the provisions on recognition and enforcement of foreign judgments (Articles 423435) were reserved by Venezuela.

**Bolivian Accord 1911:**

Ecuador, Bolivia, Peru, Colombia, Venezuela

## If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Yes. It is possible, by means of a judicial process of Exequatur. However, if the country that rendered the judgment does not recognize Peruvian judgments, the exequatur would be denied.

## What is the approximate time required to register and enforce a foreign judgment if unopposed?

The estimated time is 2 years not including the collection stage. It is first required to follow an Exequator process for official recognition and then an enforcement process, which includes a final stage for collection. If unopposed, it shouldn’t take more than one year each without considering collection in the latter. The collection stage could take between 3 months and 2 plus years, depending on the kind of assets owned by the defendant, if any.

## What is the approximate time required to register and enforce a foreign judgment if opposed?

It is usually 4 to 6 years without considering the collection stage. It is first required to follow a process of  Exequator for official recognition and then an enforcement process, which includes a final stage for collection. If opposed, the recognition process may take one and a half to two years and a half and the enforcement process from two and a half to four years without considering collection. The collection stage could take 3 months to 2 plus years, depending on the kind of assets owned by the defendant, if any.

## What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

The cost varies depending on the amount of the claim. Court fees are approximately USD 1200.

## What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

If opposed, court fees are approximately USD 1500.

## Are there any unusual difficulties in enforcing a foreign judgment?

Peruvian courts deal with an excessive load of cases and there are usually delays in handling them. If the enforcement is against State entities, a specific procedure for collection should be followed which, depending on the amount, could take up to 5 years only for this stage.

# Arbitration Awards

## Is this jurisdiction a party to the New York Convention?

Yes.

## What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

The usual time frame is 2 years without considering collection. It is first required to follow a process of Exequator for official recognition and then an enforcement process, which includes a final stage for collection. If unopposed, they shouldn’t take more than one year each without considering collection in the latter. The collection stage could take 3 months to 2 years or more, depending on the kind of assets owned by the defendant, if any.

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If opposed, the time frame is 4 to 6 years without considering collection. It is first required to follow a process of Exequator for official recognition and then an enforcement process, which includes a final stage for collection. If opposed, the recognition process may take one and a half to two years and a half and the enforcement process from two and a half to four years without considering collection. The collection stage could take 3 months to 2 years or more, depending on the kind of assets owned by the defendant, if any.

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# Limitation

## Which law governs the limitation period for registering a foreign judgment or arbitration award?

Peruvian Law.

## If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

A 10 year period to enforce the judgment from its expedition. This period may be suspended and/or interrupted.

## If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

A 10 year period to enforce the award from its expedition. This period may be suspended and/or interrupted.

# Enforcement

## Are fees and costs of enforcement typically recoverable?

In theory yes, however in the practice it is complicated to recover them.

## Is seizure of goods available as an enforcement method?

Yes, however, the goods have to be sold in an auction and only if there are no bids can the requesting party retain the good as payment.

## Is attachment of earnings available as an enforcement method?

Yes, however only the part that exceeds USD 611. The amount that exceeds USD 611 is only seizable in one-third of the total.

## Is attachment of third party debts available as an enforcement method?

Yes, credits are seizable.

## Are charging orders or orders for sale of land, goods etc available as an enforcement method?

Yes.

## Can a judgment or award be enforced by way of insolvency proceedings?

Awards that were previously recognized in Peru can be used to ask the beginning of an insolvency proceeding as long as the credit fulfills some legal requirements. If there is an ongoing proceeding, credits contained in such award can be claimed.

## Can a receiver be appointed by way of enforcement?

Yes.

## Any other method of enforcement?

Seizure of valuable securities and of goods within a production facility. Moreover, judges can grant other non-specifically regulated measures.

# Contacts

## Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?

Ana María Arrarte.

## What papers will be needed?

A full copy of the judgment duly legalized by a consular agent or certified with an apostille and officially translated into Spanish. In the case of awards, it is possible to file the original and a non-official translation, although judges can request an official version.

# Rating

## Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

## Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Moderate.

# Reciprocal Enforcement Maps

## Reciprocal Enforcement Maps

LATAM

Click the link below to access the reciprocal maps for Peru.

[Reciprocal Enforcement Map](https://resourcehub.bakermckenzie.com/en/-/media/cross-border-enforcement-center/files/latam/peru.pdf?sc_lang=en)

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