

PANORAMIC

ENFORCEMENT OF FOREIGN JUDGMENTS

Türkiye

LEXOLOGY

Enforcement of Foreign Judgments

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Freshfields

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Contents

Enforcement of Foreign Judgments

LEGISLATION

- Treaties
- Intra-state variations
- Sources of law
- Hague Convention requirements

BRINGING A CLAIM FOR ENFORCEMENT

- Limitation periods
- Types of enforceable order
- Competent courts
- Separation of recognition and enforcement

OPPOSITION

- Defences
- Injunctive relief

REQUIREMENTS FOR RECOGNITION

- Basic requirements for recognition
- Other factors
- Procedural equivalence

JURISDICTION OF THE FOREIGN COURT

- Personal jurisdiction
- Subject-matter jurisdiction
- Service
- Fairness of foreign jurisdiction

EXAMINATION OF THE FOREIGN JUDGMENT

- Vitiating by fraud
- Public policy
- Conflicting decisions
- Enforcement against third parties
- Alternative dispute resolution
- Favourably treated jurisdictions
- Alteration of awards
- Effect of sanctions

AWARDS AND SECURITY FOR APPEALS

- Currency, interest, costs

Security

ENFORCEMENT AND PITFALLS

Enforcement process
Pitfalls

UPDATE AND TRENDS

Hot topics

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LEGISLATION

Treaties

Is your country party to any bilateral or multilateral treaties for the reciprocal recognition and enforcement of foreign judgments? What is the country's approach to entering into these treaties, and what, if any, amendments or reservations has your country made to such treaties?

Except for those on family law, Türkiye is not a signatory to multilateral treaties for the reciprocal recognition and enforcement of foreign judgments. However, Türkiye is a party to conventions such as the Convention on the Contract for the International Carriage of Goods by Road 1956 and the Convention concerning International Carriage by Rail 1985, which contain provisions for the recognition and enforcement of foreign judgments, but only for disputes concerning the application of the aforementioned conventions.

Türkiye has also entered into bilateral treaties with Albania, Algeria, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, China, Croatia, Georgia, Iran, Iraq, Italy, Kazakhstan, Kyrgyzstan, Lithuania, Macedonia, Moldova, Mongolia, Oman, Poland, Northern Cyprus, Romania, Slovakia, Syria, Tajikistan, Tunisia, Turkmenistan, Ukraine and Uzbekistan for the reciprocal recognition and enforcement of foreign judgments and judicial assistance in respect of commercial and civil matters.

In addition, Turkish courts recognise and enforce the judgments of many countries, such as Germany, the United Kingdom and the United States, based on de facto reciprocity between these countries and Türkiye. The evaluation of de facto reciprocity is conducted on a state-by-state basis for the United States.

Law stated - 10 July 2025

Intra-state variations

Is there uniformity in the law on the enforcement of foreign judgments among different jurisdictions within the country?

There is uniformity in the law on the enforcement of foreign judgments within Türkiye.

Law stated - 10 July 2025

Sources of law

What are the sources of law regarding the enforcement of foreign judgments?

The [Act on Private International Law and International Procedural Law No. 5718](#), dated 27 November 2007 (Law No. 5718), is the main legislation that regulates the recognition and enforcement of foreign judgments.

Under article 90 of the [Turkish Constitution](#), international agreements duly put into effect bear the force of law. Therefore, relevant international agreements also constitute a source of law regarding the enforcement of foreign judgments.

Precedents of the Supreme Court are also important. However, in principle, the precedents of the Supreme Court are not binding in Turkish law apart from decisions on the unification of conflicting judgments.

Law stated - 10 July 2025

Hague Convention requirements

To the extent the enforcing country is a signatory of the Hague Convention on Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, will the court require strict compliance with its provisions before recognising a foreign judgment?

Türkiye is not a signatory to the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters. Therefore, Turkish courts would not require such compliance.

Law stated - 10 July 2025

BRINGING A CLAIM FOR ENFORCEMENT

Limitation periods

What is the limitation period for enforcement of a foreign judgment? When does it commence to run? In what circumstances would the enforcing court consider the statute of limitations of the foreign jurisdiction?

Under Turkish law, there is no specific limitation period for the enforcement of a foreign judgment. If the defendant raises that the enforcement of the foreign judgment is time-barred, Turkish courts would assess this under the laws of the jurisdiction issuing the judgment.

Enforcement of a Turkish judgment, on the other hand, is subject to 10-year statute of limitations as of the finalisation. This limitation period must be observed in execution of the Turkish court's enforcement decision. Also, as to the precedents of the Supreme Court, if a foreign judgment is recognised but not yet enforced, the statute of limitation specific to the merits (subject matter) of that judgment regulated by related Turkish provisions will be applied to that judgment as if it were a judgment rendered by a domestic court.

Law stated - 10 July 2025

Types of enforceable order

Which remedies ordered by a foreign court are enforceable in your jurisdiction?

Under article 50 of Law No. 5718, foreign judgments regarding civil law matters are enforceable as long as they are final under the laws of the foreign country.

In addition, it has been opined that not only judgments rendered by civil courts but also decisions rendered by administrative courts are enforceable, provided that they concern civil law matters.

Enforcement of interim injunctions is not regulated under Law No. 5718. While there is a view that interim decisions will only be enforceable if the dispute has been finally resolved by the foreign court that issued these interim decisions, the majority opines that interim injunctions are not enforceable under Turkish law since they are not final decisions.

Article 50 of Law No. 5718 further sets forth that foreign judgments that are rendered by criminal courts regarding personal rights or monetary compensation are also enforceable.

Law stated - 10 July 2025

Competent courts

Must cases seeking enforcement of foreign judgments be brought in a particular court?

According to article 51 of Law No. 5718, civil courts of first instance are the courts having jurisdiction for the enforcement of foreign judgments. Nevertheless, there is no unity in practices since, depending on the subject matter of the dispute, jurisdiction of specialised courts such as commercial, intellectual property or labour courts are also accepted.

According to article 51/2 of Law No. 5718, a case regarding enforcement of a foreign judgment must be filed before the court at the place of residence of the party against whom enforcement is sought in Türkiye, if the party has no place of residence, then before the court at this party's place of domicile. If neither exists, the case can be filed before one of the courts in Ankara, Istanbul or İzmir.

Law stated - 10 July 2025

Separation of recognition and enforcement

To what extent is the process for obtaining judicial recognition of a foreign judgment separate from the process for enforcement?

The process for obtaining judicial recognition for a foreign judgment is almost the same as the process for enforcement. However, contractual or de facto reciprocity is not required for the recognition of a foreign judgment.

Law stated - 10 July 2025

OPPOSITION

Defences

Can a defendant raise merits-based defences to liability or to the scope of the award entered in the foreign jurisdiction, or is the defendant limited to more narrow grounds for challenging a foreign judgment?

Under Turkish law, defendants cannot raise merits-based defences. Under article 55 of Law No. 5718, the defendant is limited to narrow grounds for challenging a foreign judgment.

Under articles 54 and 55 of Law No. 5718, the defendant may challenge the foreign judgment by alleging that:

- there is no contractual or de facto reciprocity;
- the judgment is on an issue subject to the exclusive jurisdiction of Turkish courts;
- the judgment was rendered by a court unrelated to the matter in dispute and the parties;
- the judgment explicitly violates Turkish public policy;
- the foreign court did not respect the right of defence of the party against whom enforcement is sought in Türkiye;
- the judgment is not final under the laws of the foreign country;
- a ground exists that would prevent enforcement of the judgment (eg, a reason for restitution of the judgment); or
- the judgment has already been wholly or partially executed.

Law stated - 10 July 2025

Injunctive relief

May a party obtain injunctive relief to prevent foreign judgment enforcement proceedings in your jurisdiction?

No. A party cannot obtain injunctive relief to prevent foreign judgment enforcement proceedings. The decisions that can be given by the enforcing court are regulated under article 56 of Law No. 5718, according to which the court can either accept or dismiss the enforcement of the foreign judgment. In this regard, the court cannot grant injunctive relief to prevent foreign judgment enforcement proceedings.

Law stated - 10 July 2025

REQUIREMENTS FOR RECOGNITION

Basic requirements for recognition

What are the basic mandatory requirements for recognition of a foreign judgment?

The requirements for recognition of a foreign judgment are regulated under articles 54 to 58 of Law No. 5718 and can be summarised as follows:

- the foreign court must have respected the right of defence of the party against whom enforcement is sought in Türkiye;
- the foreign judgment must be final under the laws of the foreign country;
-

the foreign judgment should not be on an issue subject to the exclusive jurisdiction of the Turkish courts; and

- the foreign judgment must comply with Turkish public policy.

If these conditions are met, the court will decide for the recognition of a foreign judgment.

Law stated - 10 July 2025

Other factors

May other non-mandatory factors for recognition of a foreign judgment be considered and, if so, what factors?

There are no non-mandatory factors. The factors for recognition of a foreign judgment are explicitly regulated in articles 54 to 58 of Law No. 5718.

Law stated - 10 July 2025

Procedural equivalence

Is there a requirement that the judicial proceedings where the judgment was entered correspond to due process in your jurisdiction and, if so, how is that requirement evaluated?

Turkish courts do not require foreign proceedings to mirror Turkish procedural law. However, a foreign court's respecting the right of defence of the defendant is a requirement for enforcement. Also in the context of public policy, Turkish courts would assess whether the defendant was provided a genuine opportunity to participate and defend themselves in the proceedings.

Law stated - 10 July 2025

JURISDICTION OF THE FOREIGN COURT

Personal jurisdiction

Will the enforcing court examine whether the court where the judgment was entered had personal jurisdiction over the defendant and, if so, how is that requirement met?

According to article 54 of Law No. 5718, upon the objection of the defendant, the Turkish courts will examine the personal jurisdiction of the foreign court only upon the defendant's objection. In such a case, the court will examine whether the foreign court considered itself competent although it had no actual relation with parties to the dispute. If such link cannot be established, the foreign judgment will not be enforceable in Türkiye.

Law stated - 10 July 2025

Subject-matter jurisdiction

Will the enforcing court examine whether the court where the judgment was entered had subject-matter jurisdiction over the controversy and, if so, how is that requirement met?

According to article 54 of Law No. 5718, Turkish courts will examine the subject-matter jurisdiction of the foreign court only upon the defendant's objection. In such a case, the court will examine whether the foreign court considered itself competent although it had no actual relation with the subject matter of the dispute. If such link cannot be established, the foreign judgment will not be enforceable in Türkiye.

On the other hand, the court will ex officio examine whether the judgment was rendered on an issue that falls under the exclusive jurisdiction of Turkish courts.

Law stated - 10 July 2025

Service

Must the defendant have been technically or formally served with notice of the original action in the foreign jurisdiction, or is actual notice sufficient? How much notice is usually considered sufficient?

Article 54 of Law No. 5718 requires the defendant to have been duly summoned or represented before the foreign court in accordance with the laws of the country where the judgment was rendered. However, Turkish courts place more importance on the actual knowledge of the defendant regarding the proceedings and the ability to properly defend itself, in order to avoid allowing defendants to create an enforcement obstacle by intentionally remaining passive in foreign proceedings.

Law stated - 10 July 2025

Fairness of foreign jurisdiction

Will the court consider the relative inconvenience of the foreign jurisdiction to the defendant as a basis for declining to enforce a foreign judgment?

The court will not conduct a fairness examination of the foreign judgment. The court's examination will be limited to the enforcement requirements determined in articles 54 and 55 of Law No. 5718 (prohibition of *révision au fond*). However, the intervention of the court will come into question if the judgment explicitly violates Turkish public policy. The foreign judgment must comply with Turkish public policy.

Law stated - 10 July 2025

EXAMINATION OF THE FOREIGN JUDGMENT

Vitiating by fraud

Will the court examine the foreign judgment for allegations of fraud upon the defendant or the court?

The vitiation of a foreign judgment by fraud is not regulated under Law No. 5718. However, Turkish courts may assess the allegations of fraud under the public policy context. In fact, the Supreme Court ordered in an old decision that the existence of grounds requiring 'restitution of the judgment' under the Turkish Procedural Code constitutes a violation of public policy.

Law stated - 10 July 2025

Public policy

Will the court examine the foreign judgment for consistency with the enforcing jurisdiction's public policy and substantive laws?

Consistency with public policy is an absolute requirement for enforcement under Law No. 5718. However, Turkish courts do not seek absolute consistency with substantive laws. Public policy scrutiny is limited to fundamental principles of justice, due process and basic legal values.

Law stated - 10 July 2025

Conflicting decisions

What will the court do if the foreign judgment sought to be enforced is in conflict with another final and conclusive judgment involving the same parties or parties in privity?

Enforcement of conflicting decisions is not specifically regulated under Law No. 5718. However, if the foreign judgment conflicts with another final and conclusive Turkish court's judgment or another foreign judgment that has already been recognised or enforced by Turkish courts, a Turkish court would not allow enforcement on the ground of public policy.

Law stated - 10 July 2025

Enforcement against third parties

Will a court apply the principles of agency or alter ego to enforce a judgment against a party other than the named judgment debtor?

No. The Turkish court cannot enforce a judgment against a party other than the named judgment debtor. As a general principle, the judgments are binding only on the parties to the dispute.

Law stated - 10 July 2025

Alternative dispute resolution

What will the court do if the parties had an enforceable agreement to use alternative dispute resolution, and the defendant argues that this requirement was not followed by the party seeking to enforce?

There is no explicit provision in Law No. 5718 on this issue. In the decision of the Kadikoy Fourth Commercial Court dated 17 June 2008 (Merit No. 2007/1020 and Decision No. 2008/386), the court rejected the defendant's objections regarding alternative dispute resolution based on the following grounds:

There is no dispute that the Uzbekistan judgment becomes final and conclusive after the appeal process in Uzbekistan where the defendant submitted his arbitration objection. Thus, the final and conclusive judgment containing no provisions which may violate Turkish public policy should be enforced since all requirements stated in article 54 of Law No. 5718 were met.

Although the Supreme Court has not discussed this issue until now, provided that the numerous *clausus* conditions of the enforcement have been met, the courts will likely accept the enforcement of judgment case disregarding the parties' objections as to an agreement on alternative dispute resolution, probably on the basis that an objection regarding the existence of alternative dispute resolution clauses between the parties is something that should have been evaluated by the court that rendered the actual decision on the merits of the dispute.

Law stated - 10 July 2025

Favourably treated jurisdictions

Are judgments from some foreign jurisdictions given greater deference than judgments from others? If so, why?

Turkish courts do not give greater deference to judgments from particular jurisdictions. However, a contractual or *de facto* reciprocity eases the enforcement process.

Law stated - 10 July 2025

Alteration of awards

Will a court ever recognise only part of a judgment, or alter or limit the damage award?

Under article 56 of Law No. 5718, Turkish courts may partially recognise or enforce a foreign judgment if a certain part of the award does not satisfy the enforcement requirements. For example, punitive damages are deemed incompatible with Turkish public policy, and a Turkish court may allow the enforcement in terms of compensatory monetary damages while refusing the enforcement of punitive damages.

Turkish courts are not authorised to alter or limit the damage award, they can only limit the enforcement if there is a violation of public policy, as explained above.

Law stated - 10 July 2025

Effect of sanctions

What effect do foreign or domestic sanctions have on the enforcement of foreign judgments in your jurisdiction? Will a court refuse enforcement of a judgment against or in favour of a sanctioned entity or individual? If so, which sanctions regimes do the courts of your jurisdiction recognise?

There is no specific rule regulating the impact of foreign or domestic sanctions on the enforcement of foreign judgments in Türkiye. In this regard, a foreign or domestic sanction would not qualify as an obstacle before the enforcement of a foreign judgment per se. That being the case, one of the issues examined by Turkish Courts in enforcement actions is the explicit violation of Turkish public policy. In the event that Turkish courts deem enforcement of a foreign judgment in breach of public policy due to the existence of a foreign or domestic sanction, the enforcement request may be rejected, depending on the specifics of the case.

Law stated - 10 July 2025

AWARDS AND SECURITY FOR APPEALS

Currency, interest, costs

In recognising a foreign judgment, does the court convert the damage award to local currency and take into account such factors as interest and court costs and exchange controls? If interest claims are allowed, which law governs the rate of interest?

Turkish courts do not convert the damage award into local currency. The foreign court's decision is recognised as is, including the awarded amount, currency, interest and costs.

If the foreign judgment includes interest, the Turkish court does not alter the rate or recalculate it based on Turkish law. As long as the enforcement decision explicitly includes the foreign court's interest award, the interest ruled by the foreign judgment continues to accrue until collection.

Law stated - 10 July 2025

Security

Is there a right to appeal from a judgment recognising or enforcing a foreign judgment? If so, what procedures, if any, are available to ensure the judgment will be enforceable against the defendant if and when it is affirmed?

Under article 57 of Law No. 5718, court decisions regarding the recognition and enforcement of a foreign judgment can be appealed as per the general provisions of the Turkish Procedural Code.

Under Turkish law, the courts first render their short decisions. After around one month, reasoned decisions are issued. The decision of the civil court of first instance can be appealed within two weeks of notification of the reasoned decision before the regional

appellate court. The parties are also entitled to appeal the decision rendered by the regional appellate court before the Supreme Court within two weeks of notification of the regional appellate court's decision.

The appeal process prevents the execution of the Turkish court's enforcement decision. In other words, the foreign judgment cannot be executed until the Turkish court's decision regarding enforcement of a foreign judgment becomes final.

Law stated - 10 July 2025

ENFORCEMENT AND PITFALLS

Enforcement process

Once a foreign judgment is recognised, what is the process for enforcing it in your jurisdiction?

Under Turkish law, recognition and enforcement of a foreign judgment are regulated separately. In principle, judgments that include an order for performance can be enforced, whereas declaratory judgments can be recognised. A party may also request the recognition of an enforceable foreign judgment. In such a case, the judgment cannot be executed, but may serve as conclusive evidence and or a binding determination in subsequent proceedings.

In terms of judgments with a performance order, recognition and enforcement are typically requested together in a single court action. Once the court grants enforcement, the decision is executed through the bailiff's office. Upon application, the bailiff's office serves an execution order to the defendant for the defendant to comply with within seven days. Otherwise, attachment proceedings are initiated.

Law stated - 10 July 2025

Pitfalls

What are the most common pitfalls in seeking recognition or enforcement of a foreign judgment in your jurisdiction?

One of the most common pitfalls is the lengthy duration of the proceedings. In practice, recognition and enforcement of a foreign judgement takes about 6 to 18 months at the first instance level. However, due to the excessive workload of the regional appellate courts, significant delays may occur at the appeal stage. If the decision is further appealed before the Supreme Court, the process might be prolonged even more.

Public policy is another common pitfall due to its undefined concept. In principle, Turkish courts interpret public policy narrowly and only judgments that contradict indispensable and essential Turkish legal principles are considered to violate it.

Contractual or de facto reciprocity can be another pitfall for the enforcement of a foreign judgment. Reciprocity is assessed on a case-by-case basis. In the case of the United States, it is evaluated at the state level. The number of countries with which Türkiye has bilateral

agreements allowing enforcement is currently limited to 29, and reciprocity may pose a risk for judgments originating from other jurisdictions.

The jurisdiction of the court to hear the enforcement action is also a pitfall. Although civil courts of first instance are the courts having jurisdiction, there is no unity in practice because some civil courts of first instance reject applications on the grounds of lack of jurisdiction, instead sending the file to the relevant specialised court, such as a commercial, intellectual property or labour court. The recent Supreme Court precedents point towards specialised courts.

Finally, the issue of court fees is another important pitfall. According to the Turkish Act on Fees, if the subject matter of the judgment seeking to be enforced is monetary, a proportionate fee (6.831 per cent of the total amount in dispute) shall apply to enforcement applications, and one-quarter of this amount is payable on filing. If the judgment's subject matter is not monetary, a fixed court fee will be applied. The controversy arises from the legal nature of the enforcement actions as a majority of the scholars and courts consider them to be declaratory in nature. This leads to inconsistent court practices, and recurring litigation fees if the proportionate fee applies.

Law stated - 10 July 2025

UPDATE AND TRENDS

Hot topics

Are there any emerging trends or hot topics in foreign judgment enforcement in your jurisdiction?

The applicable type of fee in actions for enforcement of foreign judgments has long been debated under Turkish law. While some courts ruled for proportionate fee on the basis of Law of Fees No. 492 (Law No. 492), which requires the application fee to be calculated as a percentage of the claim value, following a decision of the General Assembly of Civil Chambers of the Court of Cassation in 2019, the majority has tended to apply a fixed fee, considering these actions as declaratory in nature. This debate also concerns the official attorney fees to be ruled in favour of the winning party, because whether it will be a fixed or proportionate one depends on the solution of the very same controversy.

Most recently, this controversy was addressed by the Constitutional Court in its decision published in the Official Gazette dated 9 January 2025 and numbered 32777. The Constitutional Court scrutinised the relevant article 4 of Law No. 492 in terms of the right to property and right to access to court, and without engaging in any discussion regarding the legal nature of enforcement actions, concluded that application of a proportionate fee does not violate constitutional rights. Given the lack of unified court practice to date, this ruling may prompt a shift back toward the application of proportionate fees in enforcement actions.

Law stated - 10 July 2025