

Deliverable 2.2

'Roadmap for EU Enforcement Rules on EEO and EOP Judgments'

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Websites, patents filing, press & media actions, videos, etc.; **OTHER:** Software, technical diagram, etc.

²**Dissemination levels:** Public — fully open (e.g. web); Sensitive — limited under the conditions of the Grant Agreement; EU classified — RESTREINT-UE/EU-RESTRICTED, CONFIDENTIEL-UE/EU-CONFIDENTIAL, SECRET-UE/EU-SECRET under Decision [2015/444](#).

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I. Background to the DEUCE project

DEUCE will rely on the successful results obtained within the previous three projects managed by the Consortium: SCAN (2018-2020, JUST-JCOO-AG-2017), EFFORTS (2020-2022, JUST-JCOO-AG-2019) and SCAN II (2018-2021, JUST-JCOO-AG-2017). In its activities, DEUCE will significantly benefit from SCAN II and EFFORTS databases (the former for ESCP Regulation and the latter for EEO and EOP guidelines), from SCAN experience for what concerns surveys and interviews for the creation of the comprehensive Roadmap as well as from the strong and supportive network of various stakeholders (i.e., ECC-Nets, legal practitioners, academics). From a methodological perspective, the synergic collaboration among the legal unit partners in conducting a plethora of research activities and hands-on tasks is demonstrated by the successful outputs achieved in the above-mentioned projects. Furthermore, DEUCE's objectives complement and support the EU-LISA widespread efforts to digitalize EU Justice. Currently the front-runner Agency in managing large-scale IT systems, EU-LISA's core activity consists of interoperability, namely the efficient communication and cooperation of IT systems to provide EU law enforcement officials with quicker access to comprehensive information and to improve cross border judicial cooperation. Hence, by promoting the use of EEO and EOP procedures, which offer simplified instruments for the recovery of monetary claims, DEUCE will enable the development of a favorable environment for the large-scale adoption of the e-CODEX Project, now being incorporated into the EU-LISA framework. The envisaged result thus consists of the implementation of an interoperable, secure and decentralised communication network between national IT systems in cross-border civil and criminal proceedings.

II. Object and scope of Deliverable

The main objective of this deliverable is to create a Roadmap, intended as an user-friendly way to show the national enforcement rules of the EEO and EOP judgements in the 26 EU Member States.

The activities conducted during Work Package 2 (WP2) "Creation of the Roadmap on the EU enforcement rules of EEO and EOP judgments" focus on the Functional Analysis, the definition of the Software Requirements Specification (SRS), the definition of the System and Data Architecture, the software development phases and the testing and commissioning phases.

The activities of WP2 involved the study of the system domain, which led to the definition of the Software Requirements Specification (SRS) document, used in the subsequent design and development phases. Then, starting from the SRS document, further activities involved:

- designing the application architecture of the system
- defining the schema of the data to be made persistent.
- Design choices were also made in consideration of the non-functional requirements of scalability, confidentiality, availability and portability.

III. Project Design and Hosting information

The activities conducted during Work Package 2 involved the development of the software, and subsequently an extensive testing activity of the software developed. The results of the testing and validation sessions demonstrated the correspondence of the software to the functional and non-functional specifications and a good degree of reliability of the software.

It consists of a web application that simulates a geographical map of the 26 EU Member States (i.e., Roadmap), with which the end user can interact in a user-friendly manner to obtain information regarding EEO and EOP procedures by selecting the EU member country of interest.

The data collected to identify the best practices in EEO and EOP judgments enforcement procedures in the 26 EU Member States have been integrated into an interactive EU map (figure 1), so creating the Roadmap for EU Enforcement Rules on EEO and EOP Judgments: as soon as a user hovers the cursor over a Member State of the European Union, the country is coloured and a small pop-up automatically appears which gives a brief overview (applicable law, competent court, legal fees) of the procedure in that specific country (e.g., figure 2); if the user wishes to have more information on the procedure of that specific Member State, he will have to click on it and a complete file will open relating to the procedure of that State (e.g., figure 3).



Figure 1: The Roadmap

Within the scope of the Comparative and Analytical Study, the Consortium verified the use of the EEO and EOP procedure, their enforcement and identified the types of issues encountered at enforcement level; also comparing national experiences and checking whether the application of the EEO and EOP enforcement rules is uniform throughout the EU: 26 diverse proceedings on enforcing EEO and EOP judgments (including other enforceable instruments under the EEO and EOP Regulation) exist in the EU, different in each Member State.

Besides, the comprehensive, systematic, and beneficial Roadmap of the EEO and EOP enforcement rules of the 26 Member States is created for end-users (i.e., consumers and SMEs) and categories of stakeholders involved in the EEO and EOP enforcement procedures at national levels.

In order to overview the national rules on enforcement of EEO and EOP judgments in different Member States, the following aspects were chosen:

- 1) institution responsible for enforcement;
- 2) means of submitting the documents for enforcement;
- 3) languages to submit document for enforcement (including obligation to provide translations and who bears the cost of translation);
- 4) fees/costs of enforcement and who bears it;
- 5) availability of legal aid;

- 6) possibilities to improve the enforcement of the EEO and EOP judgments in the Member States.

These elements take the person seeking enforcement through various stages of enforcement: submitting the enforceable document for enforcement (the responsible institution and the language in which the documents should be provided, including who bears the related costs), costs of the enforcement as well as who bears it, availability of legal aid during this process. After evaluating these issues, a person seeking enforcement of the EEO and EOP judgment can calculate whether he/she is going further with the enforcement on his/her own, whether there is a need to retain a lawyer in the certain Member State and, most importantly, the cost of it all.

Understanding these elements related to enforcements of the EEO and EOP judgments shall provide more clarity for the persons seeking enforcement which is the first step into making EEO and EOP procedures more attractive for users.

IV. A look at the Roadmap. Some practical examples

As a user hovers the cursor over a Member State of the European Union, the country is coloured and a small pop-up automatically appears which gives a brief overview (applicable law, competent court, legal fees) of the procedure in that specific country (figure 2). Here are some examples of its functioning:

1. Ireland

Suppose the user is willing to learn about the European Order for Payment (EOP) Regulation in Ireland. By hovering the cursor over the Irish Member State, the user will have a brief overview of the applicable law, the competent court and the legal fees connected to applications under EOP (figure 2). The same procedure will be followed, with a different Roadmap, to learn about the European Enforcement Order (EEO) Regulation in Ireland.

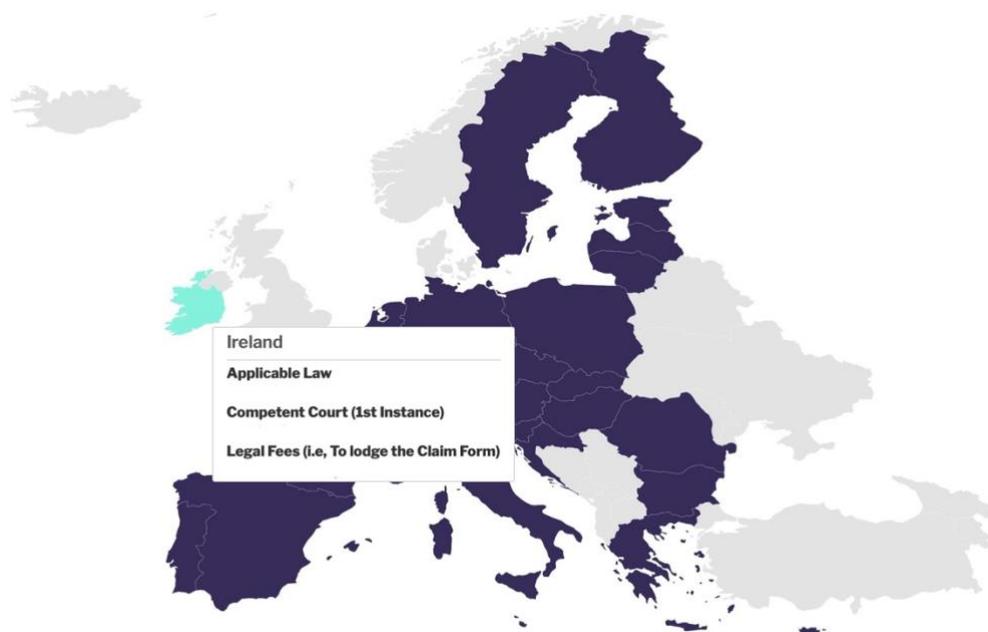


Figure 2: Visual representation when hovering with the cursor over a Member State. In this case, Ireland

To then have more information on the procedure of that specific Member State, the user will have to click on it and a complete file will open relating to the procedure of that State:



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IRELAND

Status of digitalisation of EOP enforcement procedures

The District Court or Circuit Court typically handles claims under the EOP Regulation. Jurisdiction is determined based on the sum of the claim and its nature (civil and commercial matters only). Cases with cross-border elements are processed per EU regulations. The EOP procedure does not require a formal hearing. Claims are processed based on written applications, allowing a simplified, document-driven process. Evidence submission is primarily documentary. Irish courts assess the claim for completeness and validity before issuing the EOP. Court fees depend on the court and the nature of the claim. For example, applications under the EOP generally incur a flat fee, typically paid online or via direct court submission. The losing party is liable for the claimant's costs and fees unless otherwise decided by the court. English is the accepted language in Irish courts for EOP-related matters. If translation is necessary (e.g., when communicating with parties in other Member States), the applicant must bear the costs. Limited financial assistance may be available depending on individual circumstances. Legal assistance is available under the Legal Aid Board, but eligibility depends on income and the complexity of the case. If the defendant opposes the EOP within 30 days of service, the claim proceeds to ordinary civil litigation. Appeals and reviews are allowed only under exceptional circumstances (e.g., force majeure or lack of notification).

EOP Procedural aspects

1. Competent Authority

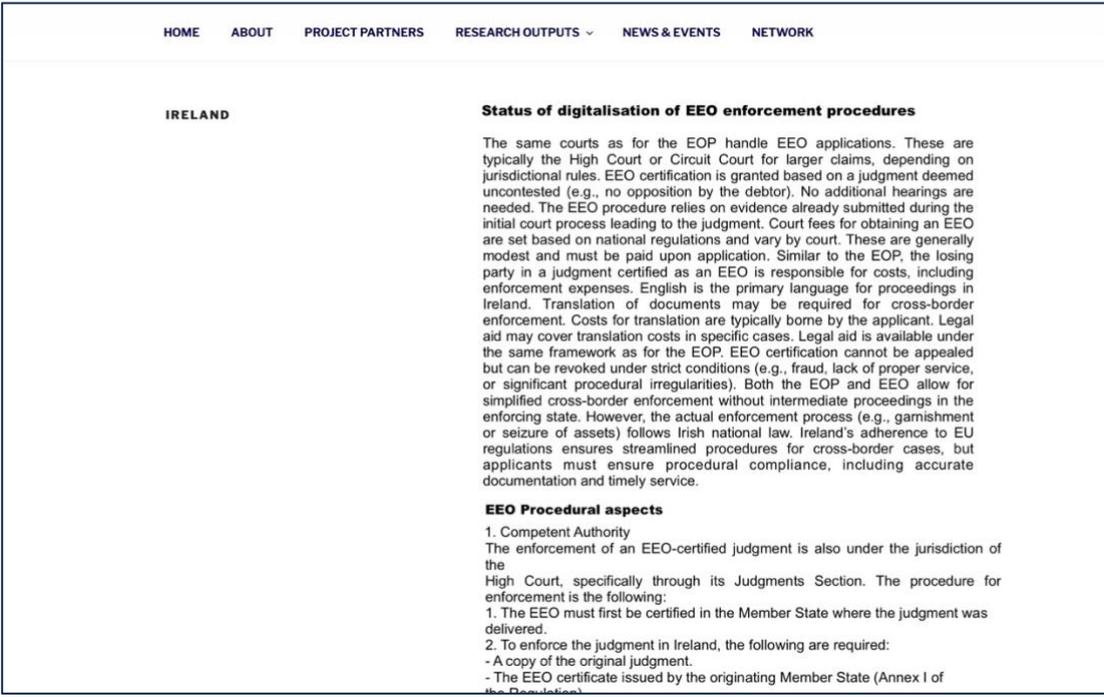
The enforcement of an EOP judgment in Ireland is processed through the High Court. Once an EOP is issued by another EU Member State, it can be enforced in Ireland without requiring a declaration of enforceability (exequatur) under Article 21 of the Regulation. The procedure for Enforcement is the following:

1. Submission: The creditor must submit:

- A copy of the EOP (Form E).
- Any relevant documents demonstrating enforceability.
- A request for enforcement with the High Court Judgments Section.

Figure 3: Visual representation of the complete file relating to EOP enforcement procedures in Ireland

Same mapping exercise will be done for EEO procedures:



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IRELAND

Status of digitalisation of EEO enforcement procedures

The same courts as for the EOP handle EEO applications. These are typically the High Court or Circuit Court for larger claims, depending on jurisdictional rules. EEO certification is granted based on a judgment deemed uncontested (e.g., no opposition by the debtor). No additional hearings are needed. The EEO procedure relies on evidence already submitted during the initial court process leading to the judgment. Court fees for obtaining an EEO are set based on national regulations and vary by court. These are generally modest and must be paid upon application. Similar to the EOP, the losing party in a judgment certified as an EEO is responsible for costs, including enforcement expenses. English is the primary language for proceedings in Ireland. Translation of documents may be required for cross-border enforcement. Costs for translation are typically borne by the applicant. Legal aid may cover translation costs in specific cases. Legal aid is available under the same framework as for the EOP. EEO certification cannot be appealed but can be revoked under strict conditions (e.g., fraud, lack of proper service, or significant procedural irregularities). Both the EOP and EEO allow for simplified cross-border enforcement without intermediate proceedings in the enforcing state. However, the actual enforcement process (e.g., garnishment or seizure of assets) follows Irish national law. Ireland's adherence to EU regulations ensures streamlined procedures for cross-border cases, but applicants must ensure procedural compliance, including accurate documentation and timely service.

EEO Procedural aspects

1. Competent Authority

The enforcement of an EEO-certified judgment is also under the jurisdiction of the High Court, specifically through its Judgments Section. The procedure for enforcement is the following:

1. The EEO must first be certified in the Member State where the judgment was delivered.

2. To enforce the judgment in Ireland, the following are required:

- A copy of the original judgment.
- The EEO certificate issued by the originating Member State (Annex I of the Regulation).

Figure 4: Visual representation of the complete file relating to EEO enforcement procedures in Ireland

Therefore, with a simple search through the map, the user will learn about the status of digitalisation in enforcement of the judgments under the regulation in question in the intended Member State (a) under EOP Regulation, and (b) under EEO Regulation (fig. 4). Specifically, that in Ireland the status of digitalisation in the enforcement of judgments under both the European Order for Payment (EOP) Regulation and the European Enforcement Order (EEO) Regulation is progressing but remains limited compared to some other EU countries. In particular, as far as the European Order for Payment (EOP) Regulation is concerned, Ireland has not fully digitalised its enforcement procedures for EOP. While electronic communication is allowed, there is no specific online platform dedicated to the submission or processing of EOP forms (e.g., Forms A to G). Applications for EOP are primarily made through the District, Circuit, or High Courts in paper form, though email may sometimes be used for specific stages of the process. There is no centralised digital system specifically for handling EOP claims. However, general case management systems like the e-Court system facilitate limited electronic filing in broader civil litigation contexts, but its integration with EOP enforcement remains basic. While procedural guidance for EOP is available online, such as through the Courts Service of Ireland website, enforcement processes often require in-person or postal submissions rather than a fully digital process.

As for the European Enforcement Order (EEO) Regulation, the user will learn that, similar to EOP, there is no specific digital system or online platform for handling EEO-related enforcement in Ireland. Applications for certification as an EEO are made to the court where the judgment was issued, typically requiring paper-based submissions. Once certified, EEO judgments can be enforced under Irish domestic law as though they were domestic judgments. This enforcement relies on existing procedural rules, which are not yet fully digitalised. For instance, enforcement officers such as sheriffs typically operate using traditional systems, and communication with courts regarding enforcement may involve email but not a fully digital workflow. Ireland does not currently provide significant financial support for translation costs associated with EEOs. If the EEO documents require translation to English or Irish (the official languages), the applicant must arrange and bear the cost of this translation.

In general, Ireland's approach to the digitalisation of enforcement under these EU regulations reflects a broader trend of slow adaptation in the Irish legal system to fully integrate digital processes in civil enforcement. While limited forms of electronic communication are supported, the enforcement procedures largely remain paper-based and require in-person filings or postal correspondence.

The user will also learn about the competent authority involved in the enforcement of judgments under both the European Order for Payment (EOP) Regulation and the European Enforcement Order (EEO) Regulation (i.e., the High Court). In particular:

- the enforcement of an EOP judgment in Ireland is processed through the High Court. Once an EOP is issued by another EU Member State, it can be enforced in Ireland without requiring a declaration of enforceability (exequatur) under Article 21 of the Regulation. The procedure for Enforcement is the following:

1. Submission: The creditor must submit:

- o A copy of the EOP (Form E).
- o Any relevant documents demonstrating enforceability.
- o A request for enforcement with the High Court Judgments Section.

2. Execution: Once registered, the judgment is treated as if it were an Irish judgment, and standard enforcement mechanisms apply, such as garnishment orders or property liens. The EOP certificate (Annex V of the Regulation) must accompany the application to the High Court for enforcement. Fees depend on the enforcement actions taken, which may include costs for filing, administrative charges, and legal representation. Exact fee schedules are available through the Courts Service of

Ireland. No appeal is possible against the recognition or enforcement of an EOP if the original Member State complied with the procedural requirements of the Regulation.

For the European Enforcement Order (EEO), the enforcement of an EEO-certified judgment is also under the jurisdiction of the High Court, specifically through its Judgments Section. The procedure for Enforcement is the following:

1. The EEO must first be certified in the Member State where the judgment was delivered.
2. To enforce the judgment in Ireland, the following are required:
 - A copy of the original judgment.
 - The EEO certificate issued by the originating Member State (Annex I of the Regulation).
3. The High Court processes the application for enforcement. The judgment is treated as though it were issued in Ireland. The creditor must provide: the judgment copy, the EEO certificate in the prescribed form, and any necessary translations into English. As with EOP enforcement, costs vary depending on the enforcement mechanism utilized. Translators' costs for non- English documents may apply.

The EEO Regulation limits the grounds for appeal, which typically relate to procedural defects or a breach of the debtor's rights in the Member State of origin. The High Court may rectify or withdraw an EEO certificate under certain conditions, such as material errors or wrongful issuance. Only documents in English are accepted without requiring translation. For others, certified translations are mandatory. Legal aid may be available in limited circumstances based on the applicant's financial position and the nature of the enforcement case. Detailed procedural rules and forms are accessible via the Courts Service of Ireland and the Irish Statute Book for related statutory instruments.

2. Belgium

Another practical example. Suppose the user wants to learn about the status of digitalisation in the enforcement of the judgments under EOP Regulation, and under EEO Regulation in Belgium.

With a first cursor's hovering, the roadmap shows the applicable law, the Competent Court and the legal fees connected with the enforcement procedures under EOP Regulation, and under EEO Regulation:

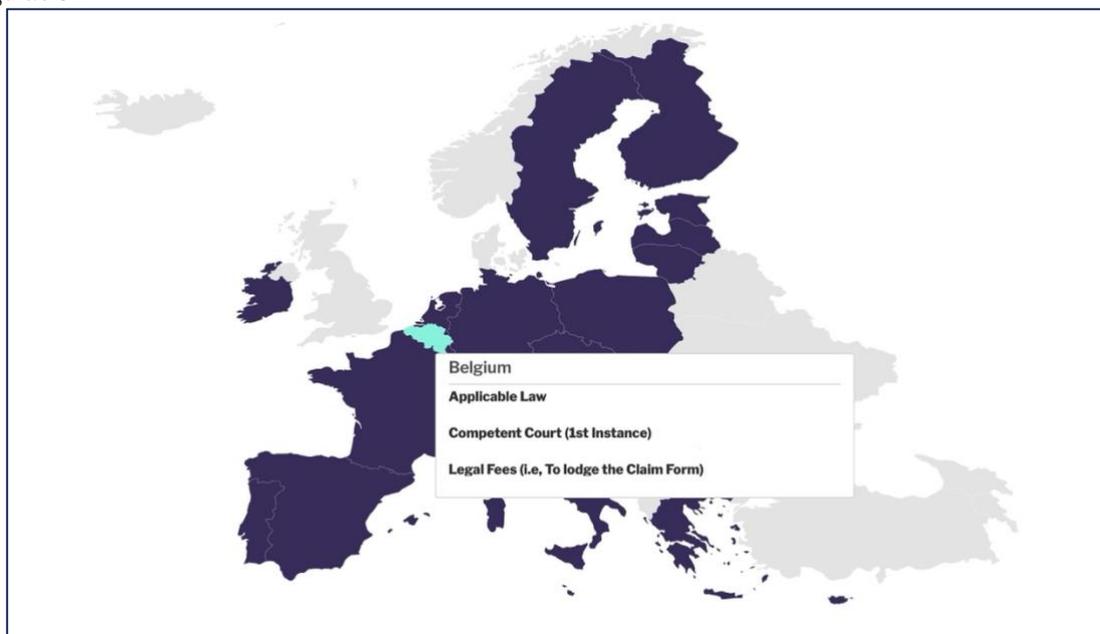


Figure 5: Visual representation when hovering with the cursor over a Member State. In this case, Belgium.

By clicking on the Member State, a complete file will open relating to the procedure of that State:



Figure 6: Visual representation of the complete file relating to EOP enforcement procedures in Belgium

Same mapping exercise will be done for EEO procedures:



Figure 7: Visual representation of the complete file relating to EEO enforcement procedures in Belgium

In this way, the user will learn that:

- **Under the European Order for Payment (EOP) Regulation:** In Belgium, there are several authorised means of communication for applying for a European Payment Order. For instance, forms (and possibly the statement of defence) can be submitted directly to (a) the clerk's office of the competent court; (b) sent by registered mail to the competent court; (c) sent by electronic means such as e-deposit, which is a web portal where citizens, companies and lawyers can deposit preliminary procedural documents, petitions, bundles of documents, pleadings and covering letters with a court. The application must be signed by the applicant or his representative, if permitted.
- **Under the European Enforcement Order (EEO) Regulation:** Similar to the European Order for Payment, the means of communication that are accepted by and available to the Belgian courts for purposes of the Regulation are confined to two: the form A application in Annex I may be lodged directly, with the supporting documents, at the registry of the court with jurisdiction; or the same form, with the supporting documents, may be sent to the court by registered post.

The competent authority in Belgium varies according to the territorial and material jurisdiction rules set out in the Belgian Judicial Code (BJC – *Gerechtelijk Wetboek*). If it concerns an employment case, the procedure is initiated at the Employment Tribunal (*Arbeidsrechtbank/Tribunal du travail/Arbeitsgerichtshof* - Articles 578 – 583 BJC).

In a case between companies (B2B) or between consumer and company (C2B), the procedure is initiated at the Commercial Court (*Ondernemingsrechtbank/Tribunal de l'entreprise/Unternehmensgericht* - Articles 573 – 576 BJC).

In the case of a case between a business and a consumer (B2C) or between consumers (C2C), the procedure must be initiated before the Justice of the Peace (*Juge de paix/Friedensrichter* - Articles 590 – 601 BJC) provided that the claim is below EUR 5,000 or before the Court of First Instance (*Tribunal de première instance/Gericht Erster Instanz* - Articles 568 – 572 and Article 577 BJC) if the claim is 'at or above' EUR 5,000.

The procedure for obtaining a European order for payment is unilateral, whereas the initiative for initiating the adversarial procedure lies with the debtor if he opposes the EOP certificate. An application for a European order for payment is submitted to the competent court using a standard Form A (Article 7 EOP). No evidence needs to be attached, a description is sufficient. The parties are free to support their claim with documents. The court then examines whether the application meets the requirements of Articles 2, 3, 4, 6 and 7 of the EOP Regulation. After that, the competent court has several options: The court concerned has several options: it can ask for the application to be supplemented or corrected (Form B - Article 9 EOP), or for the application to be amended (Form C - Article 10 EOP), or it can reject the application (Form D – Article 11 EOP). And if the condition is met, a European order for payment is issued within 30 days (Form E - Article 12 EOP) and served on the defendant (or his representative) together with Form F (in case the defendant wishes to submit a written statement of defence - Article 16.1 EOP). The defendant then has two options. Either he files a statement of defence within 30 days of service of the application or he does not. In the absence of any defence, the court of origin declares the EOP enforceable without delay using form G (Article 18 EOP Regulation).

Filing a statement of defence creates adversarial proceedings, unless the claimant has expressly requested in his original application that the proceedings should not be continued if a statement of defence has been filed (Articles 17 j° 7.4 EOP). In Belgium, the transition to internal civil proceedings is regulated by the registrar, who informs the parties by registered letter and summons them to a hearing (Article 700 BJC et seq.).

3. Italy

As far as Italy is concerned, the Roadmap first shows the applicable law, the Competent Court and the legal fees connected with the enforcement procedures under EOP Regulation, and under EEO Regulation.

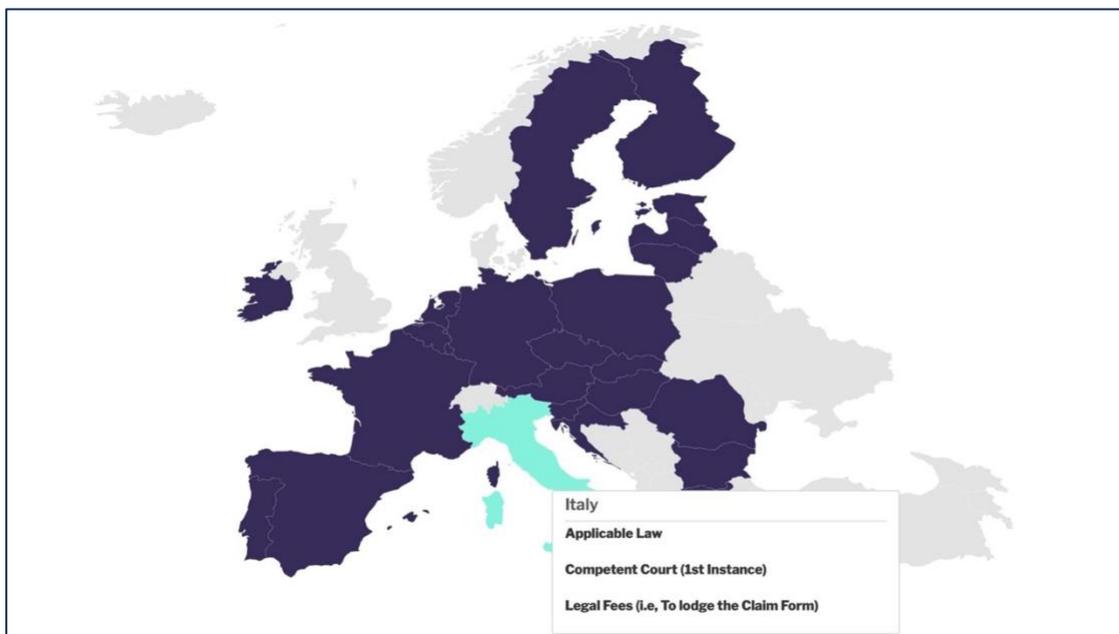


Figure 8: Visual representation when hovering with the cursor over a Member State. In this case, Italy.

By clicking on the Member State, a complete file will open relating to the procedure of that State:



Figure 9: Visual representation of the complete file relating to EOP enforcement procedures in Italy.

Same mapping exercise will be done for EEO procedures:



Figure 10: Visual representation of the complete file relating to EEO enforcement procedures in Italy

Therefore, the user will learn that:

- **Under the European Order for Payment (EOP) Regulation** the enforcement of the European Order for Payment (EOP) has seen significant progress in terms of digitalisation, particularly with the implementation of electronic communication systems and online platforms. The Italian judicial system has integrated the Telematic Civil Process (Processo Civile Telematico - PCT), a digital platform that allows for electronic filing, submission of documents, and communication between parties and the court. Creditors can initiate EOP procedures electronically through the PCT system, reducing the need for paper submissions and expediting the process.

The certified electronic mail system (Posta Elettronica Certificata—PEC) is widely used for document service, ensuring secure and verifiable delivery. PEC provides proof of receipt, satisfying the requirements of service with proof under the EOP Regulation. Moreover, the PCT platform allows parties to track the status of their case and access court records digitally, enhancing transparency and efficiency in enforcement proceedings. The transition to digital processes has streamlined the enforcement of EOPs, making it possible for creditors to request enforcement orders and follow up on enforcement actions without physical presence at the court. Despite these advancements, there are still some limitations, particularly in less technologically advanced regions where full implementation of digital tools may not be consistent.

- As far as **the European Enforcement Order (EEO) Regulation** is concerned, the enforcement of judgments certified as European Enforcement Orders (EEOs) in Italy also benefits from the country's advanced digitalisation efforts within the civil justice system. The PCT

system is central to this process, enabling the electronic submission of EEO certificates and related documents directly to the enforcement offices of the competent courts. The digital filing system allows for faster processing and reduces administrative delays, as court staff and judges have immediate access to electronic records. The use of electronic communication tools, such as PEC, is crucial for serving EEO-related documents to debtors. This ensures compliance with the requirements of Articles 13 and 14 of the EEO Regulation, which mandate secure and verifiable service methods. Digital service methods have become the standard, especially for businesses and legal entities registered with certified email addresses. Italy does not currently have a specific online platform dedicated exclusively to EEO enforcement; however, integrating EEO procedures into the existing PCT framework effectively digitalises the process. This integration enables creditors to initiate enforcement measures, submit required documentation, and monitor enforcement proceedings online, without needing to engage in traditional paper-based processes. The status of digitalisation in Italy for both EOP and EEO enforcement is well-developed, leveraging national platforms like PCT and PEC to facilitate electronic communication, document submission, and case management. This digital approach aligns with the objectives of the respective EU regulations, promoting efficiency and reducing the barriers to cross-border enforcement of judgments. However, ongoing efforts are needed to ensure uniform access and application of these digital tools across all regions and jurisdictions in Italy.

As for the competent authority involved in the enforcement, the user will learn that:

- **The competent court for enforcing an EOP in Italy** is generally the Tribunale, as it is the primary court of first instance for civil enforcement matters. The enforcement procedure follows the national rules on execution (Articles 474 ff. of the Italian Code of Civil Procedure). Once the EOP is granted and becomes enforceable, the creditor must initiate the enforcement proceedings by presenting the EOP order along with a formal request for execution (pignoramento). The procedure includes serving the enforcement title (EOP) directly to the debtor, ensuring compliance with the formalities prescribed by Italian law (Articles 137 ff. c.p.c.), including potential personal service requirements. No special procedural adaptations are made specifically for EOP enforcement beyond following the standard national procedures.

- **For the European Enforcement Order (EEO)**, the competent authority is also the Tribunale or the court of origin that issued the judgment. Enforcement proceedings for an EEO-certified judgment align with the Italian national rules on enforcement (Articles 615 ff. c.p.c.). The creditor must submit the EEO certificate, the original judgment, and an enforcement request. There is no need for an exequatur or additional certification, as the EEO Regulation abolishes this requirement. The court verifies the documents and proceeds with enforcement following standard procedures. If the debtor challenges the enforcement, they may use national remedies such as opposition to enforcement (Articles 615 or 617 c.p.c.). Grounds for suspension of the enforcement proceedings may include pending appeals or claims of irregularities, addressed through motions in line with Italian procedural rules.

4. Germany

As far as Germany is concerned, the Roadmap first shows the applicable law, the Competent Court and the legal fees connected with the enforcement procedures under EOP Regulation, and under EEO Regulation.

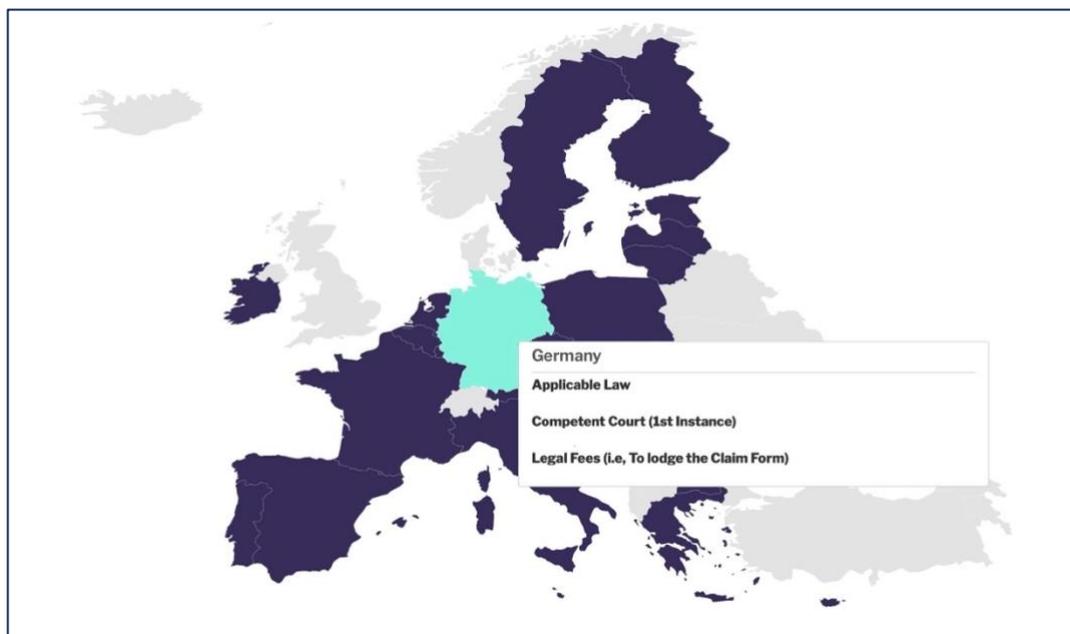


Figure 11: Visual representation when hovering with the cursor over a Member State. In this case, Germany

By clicking on the Member State, a complete file will open relating to the procedure of that State:



Figure 12: Visual representation of the complete file relating to EOP enforcement procedures in Germany

Same mapping exercise will be done for EEO procedures:



Figure 13: Visual representation of the complete file relating to EEO enforcement procedures in Germany

Therefore, the user will learn that:

The digitalization of enforcement proceedings in Germany is progressing, with several key developments including electronic submission and communication and digital records.

Submission of documents to the courts via an ordinary e-mail is not allowed. On 1 January 2022 however, the statutory regulations for the special electronic citizens' and organisation' mailbox (eBO) entered into force. With the eBO, citizens and organisations can exchange electronic documents securely with the justice system.

The system enables online communication with courts. The eBO mailbox enables both the sending of electronic documents to the court and the sending of electronic documents by the courts and the bailiffs to the mailbox holders. To create an account specific software, which is not free of charge, is required. In addition, since 12 October 2023, citizens can also use a free of charge mailbox called Mein Justizpostfach (MJP) for communication with the justice system 2 in pilot operation.

To use the MJP, foreign nationals can use eID card for EU/EEA citizens for identification purposes. 3 According to § 173 (2) ZPO professional parties to proceedings, including bailiffs, must set up an eBO for the service of electronic documents as of 1 January 2024. Authorities and lawyers cannot use eBO in their function. They use the special electronic mailbox for authorities (beBPo) or the special electronic mailbox for lawyers (beA). Pursuant to § 829a (1) ZPO, there is a simplified electronic procedure for enforcement of writs of execution for monetary claims up to 5,000 EUR. In these cases, forwarding a physical copy of the writ may be dispensed with. However complete digitalisation is not possible, as in principle an enforceable copy of the enforcement order must be submitted in order to initiate enforcement (8§ 724 (1), 725 ZPO), which is only issued in paper form (§ 317 ZPO). Enforcement agents are required to register and record enforcement instruments and actions electronically.

Auctions of seized items can be carried out online (section 814 || ZPO). In the recent years in Germany important reforms were introduced allowing now usage of digital communication in the court proceedings. However, there are still considerable discrepancies between those possibilities foreseen by law and legal praxis. The provisions apply under the conditional that the necessary infrastructure exists and it is still missing in most of the courts.

The user will also learn that, **concerning the European Order for Payment (EOP)** the district court of Wedding has exclusive jurisdiction in most cases. Only with regard to labour law claims the labour court has jurisdiction. For the EOP procedure, half of the fee is charged according to the German Court Costs Act (Gerichtskostengesetz, GKG), but at least EUR 36.00. The court costs depend on the amount of the claim. The completed forms can be submitted in paper form. Thanks to the technical solutions of the eBO and MJP that have been created in the meantime, there are free electronic submission alternatives. § 1089 ZPO regulates the implementation of the provisions of Article 12 (5) EOP Regulation for the service of the European order for payment. Service in Germany is carried out by the Berlin-Wedding District Court ex officio exclusively in accordance with the provisions of the German Code of Civil Procedure (ZPO) as in any other court proceedings. If the European order for payment is to be served in another Member State of the European Union, the provisions of Regulation (EU) 2020/1784 apply.

§ 1090 ZPO supplements Article 17 EOP Regulation. It regulates the procedure for the transfer of the European order for payment procedure to ordinary civil proceedings after a statement of opposition to the EOP has been lodged in due time.

After lodging of a statement of opposition, the claimant must designate the court that it considers to be competent for the contentious proceedings (para. 1). The proceedings are then transferred to the designated court (para. 2); para. 3 makes the *lis pendens* retroactive to the date of service of the European order for payment. In the event that the claimant does not designate the court competent to conduct the proceedings within the time limit set in accordance with sentence 2, the EOP will be cancelled. This will terminate the proceedings in accordance with EOP Regulation.

If no statement of opposition is lodged within the appeal period, the EOP will be declared enforceable ex officio. Article 20 (1) and (2) EOP Regulation regulate the grounds that can be invoked with the application for review. The provisions of § 1092, 1092a and 1095 supplement Article 20 EOP. They only apply to the review of a EOP issued in Germany. Foreign payment orders can only be reviewed in their respective Member State of origin. The review procedure requires an application, which can be submitted in writing or on the record at the registry. There is no obligation to be represented by a lawyer. The application for review may be accompanied by an application for a temporary stay of enforcement. The claimant must set out the facts that justify declaring the European order for payment void in accordance with Article 20 (1) and (2) EOP Regulation. An oral hearing is not mandatory, but it is permissible. The court declares the EOP null and void if the application for review is admissible and well-founded. The EOP loses its effect as a court judgement and as an enforcement order. The EOP procedure ends and it is not transferred to contentious court proceedings. This has no substantive legal effect with regard to the claim asserted. The claimant may reassert the claim in new proceedings, including by applying for a European order for payment to be issued. §1093 confirms that an EOP issued and declared enforceable in accordance with EOP Regulation will be enforced in Germany without the need for a declaration of enforceability.

As for European Enforcement Order (EEO), the Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims (hereinafter the EEO Regulation) is implemented in §§ 1079-1086 ZPO. §§ 1079-1081 govern the procedure for certifying a domestic title as a European Enforcement Order, and §§ 1082-1086 govern the enforcement of a foreign

European Enforcement Order in Germany. The EEO Regulation is a simple procedure that can be used for uncontested cross- border claims. This procedure allows certain judgments, court settlements and authentic instruments delivered in one Member State to be easily recognised and enforced in another Member State. A creditor may request a EEO with respect to a judgment to be given (either at the time of the starting of judicial proceedings or at any time during court proceedings), or with respect to a judgment already delivered.

A EEO certificate may be requested for the purpose of enforcement of the judgment in another Member State. However, it is not required to show that enforcement will take place abroad.

The costs for the confirmation of a German judgement as a EEO by a German court amount to 22 euros. The EEO certificates are issued on application by the courts, authorities or notaries who are responsible for issuing an enforceable copy of the title (§ 1079 ZPO). The certificates are issued without hearing the debtor. A copy of the confirmation shall be sent to the debtor ex officio. If the application for the issue of a certificate is rejected, the provisions on contesting the decision on the issue of declaration of enforceability applies accordingly (§ 1080). Article 10 of the EEO Regulation was implemented in § 1081 ZPO. An application for rectification or revocation of a judicial confirmation must be submitted to the court that issued the confirmation. This court shall decide on the application. An application to correct or revoke a notarial or official confirmation must be addressed to the body that issued the confirmation. The notaries or authorities shall immediately forward the application to the District Court in whose region they have their seat. The application for withdrawal by the debtor is admissible within a period of one month. If the confirmation is to be served abroad, the time limit is two months. The application for withdrawal should state the reasons why the confirmation was clearly wrongly issued. § 1082 confirms that a title that has been certified as a EEO in another Member State in accordance with the EEO Regulation is to be enforced in Germany without need to obtain a declaration of enforceability. According to § 1085 ZPO enforcement will be suspended or restricted if a certificate of non-enforceability or restriction of enforceability pursuant to Article 6 (2) of EEO Regulation is submitted. § 1086 ZPO supplements the legal remedies of the debtor in the Member State of enforcement against the enforcement of a judgment confirmed as a EEO provided for in Article 21 of the EEO Regulation with the action to oppose enforcement (Vollstreckungsabwehrklage) pursuant to § 767 ZPO. The action to oppose enforcement enables the debtor to assert changes that occurred after the creation of the title in the Member State of enforcement that could not be taken into account by the court in the Member State of origin. The debtor shall also be entitled to raise substantive defenses in the action to defend against enforcement which could not be taken into account in the procedure for obtaining a decision. The action to oppose enforcement, as a procedural form of action, does not interfere with the substantive legal force of the title of another Member State; it merely deprives the title of enforceability. There is no review of the substance of the title (Article 21 (2) EEO Regulation).

As for the competent authorities, Competent court or authority and procedure involved in the enforcement (a) under EOP Regulation, and (b) under EEO Regulation. The ZPO distinguishes different enforcement procedures for movables (§§ 803-863) and immovables (§§ 864-871).

The enforcement differs also in terms of the relevant enforcement authorities.

There are four different enforcement authorities:

- the bailiff,
- the enforcement court,
- the trial court of first instance and
- the land registry.

Most relevant in consumer disputes are the bailiff and the enforcement court. The bailiff as an autonomous enforcement authority carries out enforcement insofar as the law does not assign



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jurisdiction to the courts. The bailiff is responsible in particular for seizure of movables, surrender claims (§ 883 ZPO) and to obtain information on the debtor's assets (§ 802a). The creditor can obtain information on the debtor's financial circumstances through the bailiff before other enforcement measures are carried out. Each bailiff has his own district. The districts are divided according to localities or streets. The creditor can send the application form (together with judgment and Form D) or other documents to the distribution office (Gerichtsvollzieherverteilerstelle) located at the district court. At the distribution office, all incoming documents are first sorted according to bailiff's district and then forwarded to the competent bailiff. Enforcement courts are competent for the enforcement of monetary claims by garnishment order ("Pfändungs- und Überweisungsbeschluss").

The enforcement court is the local district court in whose district the enforcement should take place. To initiate proceedings for the enforcement of monetary claim creditors have to use an application form (Antrag auf Erlass eines Pfändungs- und Überweisungsbeschlusses or Vollstreckungsauftrag an die Gerichtsvollzieherin/den Gerichtsvollzieher). The forms exist only in German and are 9 pages long. Due to the requirement of strict formality in enforcement proceedings, the title can only be enforced against the person with the name against whom the title is directed. In the event of a change of company's name, a creditor must apply to court for a correction of the title (Titelberichtigung).