

Template for the EFFORTS Practice Guide for outgoing or incoming judgments, court settlements and authentic instruments certified as European Enforcement Orders

I.	INTRODUCTION.....	1
II.	OUTGOING.....	2
	A. EEO FOR JUDGEMENTS	3
	B. EEO FOR AUTHENTIC INSTRUMENTS.....	16
	C. EEO FOR COURT SETTLEMENTS.....	23
III.	INCOMING	29
	A. ENFORCEMENT OF THE EEO FOR THE CREDITOR	29
	B. POSSIBLE REMEDIES/DEFENCES FOR THE DEBTOR	33

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I. Introduction

Building upon the contents of the *Practice Guide for the Application of the Regulation on the European Enforcement Order of the Commission* ([here](#)), the *EFFORTS Practice Guide* seeks to supplement operators and end-users with clear practical instructions on how to proceed with the European Enforcement Order Regulation (Reg. (EC) No 805/2004) at a national level.

According to the general scope of the EFFORTS Project, the *EFFORTS Practice Guide for outgoing and incoming titles* covers the Member States addressed: Belgium, Croatia, France, Germany, Italy, Lithuania and Luxembourg.

The Guide is structured so that issues relating to outgoing and incoming titles are dealt with separately. *Outgoing* titles are the ones for which certification is sought in the Member State of origin: the interplay between European and national civil procedural rules makes it difficult for operators and end-users to verify how and when to ask for a European Enforcement Order, whether the requirements for the certification are met and which are the possible remedies/defences for the parties.

Incoming titles are the ones, certified as EEOs in another Member State, that must be enforced in the Member State addressed: according to the general principle of mutual recognition in judicial cooperation in civil matters within the European Union, the same conditions apply as for national titles, plus additional remedies specifically drafted for the European Enforcement Order (Arts. 20 ff. EEO Reg.). The interplay between European and national civil procedural rules makes it difficult for operators and end-users to verify how, when and under which conditions they may proceed with enforcement and the procedures and the conditions to ask for refusal of enforcement or for stay/limitation of the enforcement proceedings.

II. Outgoing

When LT is the Member State of origin

The procedure and the requirements to obtain an EEO certification vary depending on the title to be certified. The following paragraphs will address in turn the certification of judgments that are yet to be given/that have already been issued (A), authentic instruments (B), and court settlements (C).

A. EEO for judgements

Depending on whether the judgment has yet to be given or has already been given, the creditor may take certain steps in order to ensure its certification of as EEO. The Commission Practice Guide distinguishes between these two possibilities, and provides the creditor with separate step-by-step instructions for the certification of judgments as EEOs. In the present document, however, the requirements for the certification of existing and future judgments are dealt with together, leaving it then to the creditor to follow the different practical instructions (see Chapter II and III of the Commission Practice Guide) for an already given judgment or one that has not been given yet.

1. How and when to ask for the European Enforcement Order. A request for a European Enforcement Order must be addressed to the competent authority in the Member State of origin. In principle this is the court seized on the merits (EC PG II.3.1 and III.2.1): which is the national authority competent to issue the EEO certificate? Is there a distinction, at a national level, between the authority competent to decide on the certification and the authority competent “for the formal act of issuing the certificate”? ⁽¹⁾

The request must be made in accordance with the national law of the court seized (EC PG II.3.2 and III.2.2): what are the rules governing the application for an EEO and the procedure applicable to the issuance of the certificate? Are there any procedural steps or conditions to be mentioned in particular (e.g., Is the procedure adversarial? Are there any applicable court fees or other taxes? If so, how should the applicant settle such payments?)

The request may be made at any time when or after proceedings have been initiated (EC PG II.3.3) or at any time after the judgement was given (EC PG III.2.3): are there any rules or practices, at a national level, that the creditor must take into account to make her/his request in a timely manner? Are there any time limits/relevant national practices regarding the time between the filing of the application and the issuance of the certificate?

A European Enforcement Order is normally issued by the court that heard the

¹ CJEU, 17 December 2015, in case C-300/14, *Imtech Marine Belgium*.

case at first instance. However, national legislation also provides that, at the creditor's request, a European Enforcement Order in respect of authentic instruments (promissory notes protested and non-protested by notaries, cheques, mortgage/pledge transactions with enforcement records made by notaries) shall be issued by the notary who has made the enforcement record.

Where the claimant / creditor has noted in addition in the claim / application to issue a court order that the issuance of a European Enforcement Order will be sought, when hearing the case, the court shall serve procedural documents using the methods of service of procedural documents, which have been specified in the Code of Civil Procedure of the Republic of Lithuania and conform to the requirements of Article 13, 14 and 15 of Regulation (EC) No 805/2004. In case the above-referred information has not been submitted to the court, a European Enforcement Order may be issued in the cases referred to in Article 3(1)(a) of Regulation (EC) No 805/2004 as well as in other cases, if their procedural documents have been served using the methods of service of procedural documents that conform to the requirements of Articles 13, 14 and 15 of Regulation (EC) No 805/2004.

2. The decision of certification. In order to issue a European Enforcement Order, the court shall fill in the standard form included in Annex I. In doing so, the court must check a number of items (see [EC PG II.4.1 and ff.](#)). Amongst those, some relate to rules of national civil procedural law.

a. Judgement relating to a pecuniary claim. A European Enforcement Order may be requested with respect to judgments, i.e. any judgment given by a court of a Member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court (Art. 4(1) EEO Reg.) (EC PG II.1.3 and III.1.3). The claim which is the subject of the dispute must be a claim for payment of a specific sum of money that has fallen due (EC PG II.1.1, III.1.1 and III.3.1.2) or for which the due date is indicated in the judgment: which are the national procedures, relating to pecuniary claims, under which the creditor may obtain a judgment according to the definition provided in Art. 4(1) EEO Reg.?

- b. (*follows*):** are there, at a national level, any types of claims for the payment of a sum of money that regard (i) payment of an *unspecified* sum of money or (ii) payment of a sum of money that has not fallen due? (*Creditors should be advised that such claims may not be certified as EEOs*). Are there any documents, at a national level, ordering payment of a specified sum of money which has fallen due, whose qualification as “judgment” under Art. 4(1) EEO Reg. is controversial or problematic? Please note that this may include the qualification of the authority as “court” or “tribunal” ⁽²⁾ (*Creditors should be advised that such documents may not be certified as EEOs, unless they fall under one of the other two categories of the Reg. (EC) No 805/2004 “authentic instrument” or “court settlement”*)
- c. The judgment is enforceable.** The judgment to be certified as a European Enforcement Order must be enforceable. However, a certificate may also be issued when the judgment is provisionally enforceable (EC PG II.4.3 and III.3.3): which types of judgments are enforceable or provisionally enforceable under national procedural law and under which conditions?
- d. Sums covered by the EEO certificate: costs of the proceedings.** The European Enforcement Order certificate may cover not only the specific sum of money object of the claim, but also the amount of costs related to the court proceedings which are included in the judgment if the debtor has not specifically objected to his obligation to bear such costs in the course of the court proceedings in accordance with the law of the Member State of origin (EC PG II.4.1.2): how does the debtor, according to national rules, object to the obligation to bear costs related to court proceedings? Does the competent authority decide on such issue separately from the main proceedings? (*If so, creditors should be advised that “an enforceable decision on the amount of costs related to court proceedings, contained in a judgment which does not relate to an uncontested claim, cannot be certified as a European Enforcement Order”*) ⁽³⁾.

(a) A claim may be lodged in accordance with the general rules, however, in

² CJEU, 9 March 2017, in case C-484/15, *Zulfikarpašić v. Gaje*.

³ CJEU, 14 December 2017, in case C-66/17, *Chudaś v. DA Deutsche Allgemeine Versicherung*.

some cases the claimant may lodge a claim under the special procedure, for example, by applying for the issuance of a court order or by means of a claim under the documentary procedure. An application for a court order shall be heard under the simplified procedure and is normally dealt with much faster, however, it may be submitted only where the claim is based exclusively on written documents. Such an application may be submitted using the special form.

(b) No, the court may not normally award an unspecified sum of money. Nor can the court render a decision concerning the amount which has fallen due.

(c) Under Article 587 of the Code of Civil Procedure of the Republic of Lithuania, enforcement instruments include:

- court judgments and arbitration awards, rulings, decisions and orders in civil proceedings;
- court judgments, rulings and decisions in criminal proceedings to the extent they relate to the recovery of pecuniary nature, the enforcement of penalties for the restriction of activities of a legal entity and liquidation of an entity;
- court decisions in administrative proceedings to the extent they relate to the recovery of pecuniary nature;
- settlement agreements approved by the court;
- judgments of foreign courts and arbitral tribunals as specified by international treaties and laws;
- decisions of authorities and officials in administrative offence cases to the extent they relate to the recovery of pecuniary nature;
- prosecutor's sanctions for the eviction of natural persons from residential premises and other prosecutor's decisions to the extent they relate to the recovery of pecuniary nature;
- enforcement records made by notaries on the basis of negotiable or non-negotiable promissory notes or cheques and notarial enforcement orders for the drawing up of an inventory of hereditaments (additions to the inventory of hereditaments);
- decisions of the Labour Disputes Commission;
- other decisions by authorities and officials, the enforcement of which under the civil procedure is defined by laws.

(d) A decision on litigation costs is normally made when a procedural decision on the merits is given – applications of this kind, together with evidence, shall

be submitted before the hearing of the case on the merits. In case the documents have been submitted in time, but the court has not ruled on this issue in its decision, the court may render a supplementary decision on the allocation of litigation costs. In case an application and evidence have not been submitted in time, no supplementary decision shall normally be given unless the person explains why such application and documents could not have been submitted in accordance with the procedural rules. The person who does not agree with the litigation costs requested to be awarded may state his/her objections during the case hearing on the merits or include them in a (separate) appeal.

- e. The claim has remained uncontested under Art. 3(1)(b) EEO Reg.** A claim is considered to be uncontested in the situations listed under Art. 3 EEO Reg. Amongst others, the claim is considered uncontested when the debtor has never objected to it, in compliance with the relevant procedural requirements under the law of the Member State of origin, in the course of court proceedings (Art. 3(1)(b) EEO Reg.) (EC PG II.4.2.2 and III.3.2.2): how may the debtor “effectively contest the claim”⁽⁴⁾ under national rules of civil procedural law?

The objections of such nature shall be stated in writing during the proceedings, in preparatory procedural documents and/or during the hearing.

- f. The claim has become uncontested under Art. 3(1)(c) EEO Reg. after an initial objection.** A claim is also considered uncontested when the debtor has not appeared or been represented at a court hearing regarding that claim after having initially objected to the claim in the course of the court proceedings, provided that such conduct amounts to a tacit admission of the claim or of the facts alleged by the creditor under the law of the Member State of origin (Art. 3(1)(c) EEO Reg.); this situation occurs when the debtor did participate in the procedure and objected to the claim, but did no longer appear or was no longer

⁴ CJEU, 16 June 2016, in case C-511/14, *Pebros Servizi*, §42.

represented at a subsequent hearing concerning the claim. In this situation, the court must check that the conduct of the defendant can amount to a tacit admission of the claim or of the facts under the law of the Member State of origin (EC PG II.4.2.3 and III.3.2.3): when does this situation occur under national procedural law?

If a person fails to submit procedural documents or fails to appear at the hearing without a valid reason.

g. Additional checks in case the debtor has not expressly agreed to the claim. If the debtor has not expressly agreed to the claim, i.e. in the situations under Arts. 3(1)(b) and 3(1)(c) EEO Reg., the court must check additional items. Some of them relate to rules of national civil procedural law.

- i. **Service of the document instituting the proceedings.** The document instituting the proceedings as well as any summons to a court hearing must be served by way of a method recognised by the Regulation ⁽⁵⁾. The methods of service accepted are specified in Art. 13 and 14. In general, two types of service are possible: either service with proof of receipt by the debtor or the debtor's representative (Art. 13) or service without proof of receipt by the debtor or the debtor's representative (Art. 14) (EC PG II.2.2 III.3.5.2.1) ⁽⁶⁾: which forms of service, at a national level, comply with the rules laid down in Arts. 13 and ff. EEO Reg.? Which ones do not? E.g., service to a defendant whose address is unknown

⁵ If service needs to take place in another Member State, documents must be transmitted to that other Member State in accordance with the rules of Council Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters or Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast).

⁶ *Cure of non-compliance*: if the document instituting proceedings or any summons to a court hearing was not served on the debtor in accordance with Art. 13 or 14, the court may nevertheless certify the judgment as a European Enforcement Order if it is proved by the conduct of the debtor in the court proceedings that s/he has personally received the document to be served in sufficient time to arrange for his defence (Art. 18(2) EEO Reg.) (EC PG II.4.5.2.1 and III.3.5.2.1.2).

(7), forms of fictitious service (8) (*Creditors should be advised that procedures with such forms of service may lead to a refusal of the EEO certification*)

The court shall serve procedural documents by registered mail, through judicial officers, courier service providers, or in other ways specified in the Code of Civil Procedure. Court summons and statements of claim (applications, appeals, responses to the statement of claim, replies), appeals (separate appeals), appeals in cassation sent by a registered mail, through providers of courier services, judicial officers shall be served to the addresses with acknowledgement of receipt by signing. If the person concerned consents, the court may give him/her the procedural document for service to the addressee. When a party or a third person pursues the case through a representative, the procedural documents related to the case shall be served only to the representative, and when the party or the third person state to the court in writing that they wish to receive documents on their own – only to the party or to the third person, except in the cases when the court holds that the service of procedural documents to the representative will be quicker. The court shall decide on a party's request for the service of procedural documents by a resolution under the written procedure. Where both parties are represented by lawyers, the lawyer of one party shall forward the procedural document relating to the case directly to the lawyer of the other party. This transmission shall be indicated in the copy of the document addressed to the court. In case of co-parties when a single representative has not been appointed by the co-parties, the court shall be entitled, at the request of the persons participating in the proceedings or on its own initiative, to appoint one of the co-parties or another entity as the authorised representative to receive the procedural documents relating to the case at the cost and risk of the co-parties, if that would accelerate and simplify the proceedings. Procedural documents can be served on the addressee with signed proof of receipt at court. Where the interests of a party are represented by a curator, the procedural documents addressed to that party shall be served on the curator. Where the addressee's place of residence and

⁷ CJEU, 15 March 2012, in case C-292/10, *G v. de Visser* and CJEU, 27 June 2019, in case C-518/18, *RD v. SC*.

⁸ Recital No (13) EEO Reg.

place of work are unknown and where it is impossible to appoint a curator under the procedure set out in the Code of Civil Procedure, the court may serve procedural documents by public announcement. In this way, a copy of the claim may be served on the defendant, summons and notices or other procedural documents may be served to the parties to the proceedings. In the case provided for in this paragraph, the court shall render a ruling stating the date of the service of procedural documents by public announcement.

- ii. **Mandatory information.** A creditor wishing to obtain a European Enforcement Order certificate should ensure that some procedural requirements are complied with. In particular, the document instituting the proceedings on the merits must be served on the debtor and must contain specified information for the attention of the debtor: due information about the claim (Art. 16) and due information about the procedural steps necessary to contest the claim (Art. 17). The information due under Art. 17 may be contained in the document instituting the proceedings or in an accompanying document and it may also be contained in any subsequent summons to a court hearing (EC PG II.2.1 and III.3.5.2.2): do the acts instituting the proceedings for the payment of a sum of money, at a national level, contain the information due under Arts. 16 and 17 EEO Reg.? If the answer is no, how could the creditor include information under Art. 17 in an “accompanying document”, according to national rules and/or practices? ⁽⁹⁾

Yes.

- iii. **Cure of non-compliance.** If the European Enforcement Order is refused by the court due to a lack of due service of the document instituting the proceedings or any summons to a court hearing under Art. 13 or 14 due to a deficient provision of information under Art. 16 or 17, such non-compliance with the minimum

⁹ For an example of the accompanying document see CJEU, 28 February 2018, in case C-289/17, *Collect Inkasso OÜ v. Rain Aint*, §38.

standards may be cured and the claimant may make a new application for a European Enforcement Order to the court having delivered the judgment if the requirements under Art. 18(1) EEO Reg. are met (EC PG II.5.1.1, III.3.5.2.2.2 and III.4.1.1):

1. Which are the forms of service of the judgment, at a national level, that comply with the rules laid down in Arts. 13 and 14 EEO Reg.? ⁽¹⁰⁾
2. Does the debtor, under national rules, receive the information due according to Art. 18(1)(b) EEO Reg.? If not, how could the creditor inform the debtor “together with” the judgment?
3. Which are the means of challenge and the relevant time limit for a “full review” (Art. 18(1)(b)) under national civil procedural law?

General rules shall apply for the service of judgments.

An appeal against the judgment shall be submitted within 30 days of the judgment in the case of ordinary civil proceedings or objections shall be submitted within 20 days after the court has issued an order in case of court orders. The duration of the proceedings has not been defined.

- iv. **Review in exceptional cases.** The Member State of the court which has given the judgment must offer the debtor the right to apply for a review of the judgment where the conditions under Art. 19 EEO Reg. are met (EC PG II.4.5.2.3 and III.3.5.2.3): which are the possibilities for review under Art. 19 according to national law? Are there any implementation rules specifying the time limit for the debtor to “act promptly”? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable court fees or other taxes and how should the claimant settle such payments?

¹⁰ See also §2(g)(i) above.

General rules shall apply for the service of judgments.

An appeal against the judgment shall be submitted within 30 days of the judgment in the case of ordinary civil proceedings or objections shall be submitted within 20 days after the court has issued an order in case of court orders. The duration of the proceedings has not been defined. Objections are not subject to stamp duty, however, the stamp duty payable for an appeal is a proportionate stamp duty of the amount disputed.

3. Possible remedies/defences for the parties

- a. If the European Enforcement Order is refused.** The claimant has two options: either appeal the refusal to grant a European Enforcement Order, if such possibility exists under national law, or pursue the enforcement of the judgement in another Member State under the Brussels regime (Reg. (EU) No 1215/2012) (EC PG II.5.1.2 and 4.1.2): is the creditor allowed, under national law, to appeal the refusal to grant an EEO? If the answer is yes, which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable court fees or other taxes and how should the claimant settle such payments?

A court's ruling to refuse to issue an EEO may be appealed within 7 days of the date of such procedural decision. Stamp duty shall not be payable.

- b. If the European Enforcement Order contains an error.** If there is a discrepancy between the judgment and the European Enforcement Order certificate which is due to a material error, the claimant or the debtor may apply to the court having delivered the certificate requesting a rectification of the certificate (Art. 10(1)(a) EEO Reg.) (EC PG II.5.2.1.1, II.5.1.3, III.4.1.3 and III.4.2.1.1): how and when does the creditor or the debtor apply to the court for a rectification of the certificate? Is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any

applicable court fees or other taxes and how should the applicant settle such payments?

Where a European Enforcement Order does not conform to the judgment or authentic instrument as a result of a spelling or any other error, the provisions of Article 648(6) of the Code of Civil Procedure of the Republic of Lithuania shall apply *mutatis mutandis* for corrections of the European Enforcement Order. Such provisions shall also apply in the cases when the district court in the area of the office of the notary who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law. Such applications shall be exempt from the stamp duty.

c. If the European Enforcement Order was clearly wrongly granted. If the European Enforcement Order was granted in violation of the requirements laid down in the Regulation, the debtor may apply to the court having delivered the certificate requesting that the European Enforcement Order certificate may be withdrawn (Art. 10(1)(b) EEO Reg.) (EC PG II.5.2.1.2 and III.4.2.1.2): how and when does the debtor apply to the court for a withdrawal of the certificate? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable court fees or other taxes and how should the applicant settle such payments?

The court, which has issued a European Enforcement Order, shall withdraw or refuse to withdraw the European Enforcement Order by its ruling in the case referred to in Article 10(1)(b) of Regulation (EC) No 805/2004. Such provisions shall also apply in the cases when the district court in the area of the office of the notary who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law. Such applications shall be exempt from the stamp duty.

d. If the judgment has ceased to be enforceable or its enforceability has been suspended or limited. If the judgment has ceased to be

enforceable or its enforceability has been suspended or limited under the law of the Member State where the judgment was delivered, the debtor may apply to the court of origin for a certificate indicating the lack or limitation of enforceability (Art. 6(2) EEO Reg.) (EC PG II.5.2.1.3 and III.4.2.1.3): how and when does the debtor apply for a substitute certificate? Which is the competent authority? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable court fees or other taxes and how should the applicant settle such payments?

An EEO shall be issued by the court of first instance after hearing the case on the merits. A party may submit an application for an EEO after the case hearing on the merits. Such applications shall not be subject to additional stamp duty.

- e. Appeal against the judgment.** The debtor may challenge the judgment certified as EEO on the merits in accordance with the national procedural law of the Member State where the judgment was issued. If the challenge is unsuccessful and the judgment on appeal is enforceable, the claimant may obtain a replacement certificate using the standard form in Annex V (Art. 6(3) EEO Reg.) (EC PG II.5.2.1.4 and III.4.2.1.4): how and when does the creditor apply for a replacement certificate? Which is the competent authority? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable court fees or other taxes and how should the applicant settle such payments?

An application shall be submitted to the same court that issued the EEO. The procedure shall be similar as for the original EEO.

- f. Review in exceptional cases.** The debtor may lodge a special review against the judgment before the competent court of the Member State where the judgment was issued under the circumstances set forth in Art. 19 EEO Reg. In applying for this special review, the debtor must act

promptly (EC PG II.5.2.1.5 and III.4.1.2.5): for the answer see §2(g)(iv) above.

General rules shall apply for the service of judgments.

An appeal against the judgment shall be submitted within 30 days of the judgment in the case of ordinary civil proceedings or objections shall be submitted within 20 days after the court has issued an order in case of court orders. The duration of the proceedings has not been defined. Objections are not subject to stamp duty, however, the stamp duty payable for an appeal is a proportionate stamp duty of the amount disputed.

B. EEO for authentic instruments

1. How and when to ask for the European Enforcement Order. The European Enforcement order certificate must be requested from the competent authorities in the Member State where the instrument was drawn up. In some Member States, the competent authority to deliver the certificate is the notary who has drawn up the act or a representative organization. In other Member States, the competent authority is a court (EC PG IV.2.1): which is the national authority competent to issue the EEO certificate? Which are the rules that govern the application for an EEO and the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Is the procedure adversarial? Are there any applicable court fees or other taxes and how should the applicant settle such payments?

The European Enforcement Order may be asked at the time when the authentic instrument is being drafted or any time thereafter (EC PG IV.2.2): are there any rules or practices, at a national level, that the creditor must take into account to make her/his request in a timely manner? Are there any indications on the time needed to obtain a certificate from the moment in which the application is filed?

A European Enforcement Order is normally issued by the court that heard the case at first instance. However, national legislation also provides that, at the creditor's request, a European Enforcement Order in respect of authentic instruments (promissory notes protested and non-protested by notaries, cheques, mortgage/pledge transactions with enforcement records made by notaries) shall be issued by the notary who has made the enforcement record.

Where the claimant / creditor has noted in addition in the claim / application to issue a court order that the issuance of a European Enforcement Order will be sought, when hearing the case, the court shall serve procedural documents using the methods of service of procedural documents, which have been specified in the Code of Civil Procedure of the Republic of Lithuania and conform to the requirements of Article 13, 14 and 15 of Regulation (EC) No 805/2004. If the above-referred information has not been submitted to the court, a European Enforcement Order may be issued in the

cases referred to in Article 3(1)(a) of Regulation (EC) No 805/2004, as well as in other cases, if their procedural documents have been served using the methods of service of procedural documents that conform to the requirements of Articles 13, 14 and 15 of Regulation (EC) No 805/2004.

2. The decision of certification. In order to issue a European Enforcement Order, the competent authority shall fill in the standard form included in Annex III to the EEO Reg. In doing so, the competent authority must check a number of items (see the [EC PG IV.3.1 ff.](#)). Amongst those, some relate to rules of national civil procedural law.

- a. Authentic instrument relating to a pecuniary claim.** [An authentic instrument is defined under Art. 4\(3\) EEO Reg. \(EC PG IV.1.3\). The claim which is the subject of the authentic instrument must be a claim for payment of a specific sum of money that has fallen due or for which the due date is indicated in the authentic instrument \(EC PG IV.1.1 and IV.3.1.2\): how may the creditor obtain an authentic instrument, relating to a pecuniary claim, according to the definition provided in Art. 4\(3\) EEO Reg.?](#)
- b. (*follows*):** is it possible, at a national level, that an authentic instrument covers the payment of a sum of money that regards (i) payment of an unspecified sum of money or (ii) payment of a sum of money that has not fallen due? (Creditors should be advised that such authentic instruments may not be certified as EEOs). Are there any documents, at a national level, ordering payment of a specified sum of money that has fallen due, whose qualification as “authentic instrument” under Art. 4(3) EEO Reg. is controversial or problematic? (Creditors should be advised that such documents may not be certified as EEOs, unless they fall under one of the other two categories of the Reg. (EC) No 805/2004 “judgment” or “court settlement”)
- c. The authentic instrument is enforceable.** [The authentic instrument to be certified as a European Enforcement Order must be enforceable \(EC PG IV.3.2\): which rules govern the enforceability of authentic instruments at a national level? Are there any conditions or procedures for the “enforceability” of the authentic instrument? How should the creditor proceed in order to satisfy those conditions?](#)
- d. Costs of the procedure.** [The European Enforcement Order certificate may cover also the amount of costs related to the drafting of the](#)

instrument which are included in the instrument (EC PG IV.3.1.2): are there any rules, at a national level, on the right of the debtor to object to the obligation to bear the costs related to the drafting of the instrument?

(a) Enforceable authentic instrument (promissory notes protested and non-protested by notaries, cheques, mortgage/pledge transactions with enforcement records made by notaries) shall be issued by a notary.

(b) No, it is not possible.

(c) The enforcement records made by a notary shall become enforceable as of the moment of their issuance. Upon receipt of a request from the mortgagee (pledgee) for an enforcement record, a notary shall verify whether the enforcement record for coercive recovery on the basis of the mortgagee's (pledgee's) request has been submitted by a person who is the mortgagee (pledgee); whether the particulars indicated in the mortgagee's (pledgee's) application for an enforcement record correspond, depending on the mortgaged object, to the particulars stated in the Real Property Register or the Register of Contracts and Encumbrances; whether the time limit to perform the obligation secured by the mortgage (pledge) has expired and, in case the creditor requests to satisfy the claim secured by the mortgage (pledge) before the term, whether the grounds relied on by the creditor are set out in laws. Having verified these data, the notary shall, before making the enforcement record, send a notice to the debtor where he/she may state the data provided by the mortgage (pledge) creditor and an invitation to pay the debt to the creditor not later than within twenty days from the date of sending the notice to the debtor and to notify the notary of the fulfilment of the obligation in writing or to provide the notary with the data proving that the claim of the mortgage (pledge) creditor is unreasoned. Taking into account the data submitted by the mortgage (pledge) creditor and the debtor, the notary shall make an enforcement record or refuse to make it by stating the reasons thereof. The notary shall have the right to revoke the enforceable record in the cases provided for by law.

Upon receipt of a creditor's request for an enforcement record on the basis of notarised transactions giving rise to pecuniary obligations, a notary shall make an enforcement record in accordance with the Law on the Notarial Profession of the Republic of Lithuania and in compliance with the procedure and the form established by the Minister of Justice of the Republic of Lithuania for the making of enforcement records by notaries under notarised

transactions giving rise to pecuniary obligations. Upon receipt of request from the creditor for an enforcement record, the notary shall verify whether the enforcement record for coercive recovery on the basis of the creditor's request has been submitted by a person who is the creditor of the transaction giving rise to pecuniary obligation; whether the particulars indicated in the creditor's application for an enforcement record correspond to the particulars stated in the transaction; whether the time limit to perform the obligation under the transaction has expired and, in case the creditor requests to satisfy the obligation before the term, whether the grounds relied on by the creditor are set out in laws or in the transaction. Having verified these data, the notary shall, before making the enforcement record, send a notice to the debtor where he/she may state the data provided by the creditor and an invitation to pay the debt to the creditor not later than within twenty days from the date of sending the notice to the debtor and to notify the notary of the fulfilment of the obligation in writing or to provide the notary with the data proving that the claim of the creditor is unreasoned. Taking into account the data submitted by the creditor and the debtor, the notary shall make an enforcement record or refuse to make it by stating the reasons thereof. The notary shall have the right to revoke the enforceable record in the cases provided for by law.

The notary shall not verify the conformity of any data other than those mentioned above and shall not be liable for them.

The notary's enforcement records or refusal to make an enforcement record as a result of conformity of the above-referred data shall be subject to an appeal to the district court of the place of the notary's domicile. In case of a dispute concerning the coercive debt recovery on other grounds, the debtor, the creditor or the pledgee shall have the right to apply to the court under the claim procedure.

(d) The debtor shall have the right to appeal against notarial actions to the district court of the place of the notary's domicile.

3. Possible remedies/defences for the parties

- a. If the European Enforcement Order is refused.** The claimant has two options: either appeal the refusal to grant a European Enforcement Order, if such possibility exists under national law, or pursue the

enforcement of the authentic instrument under the Brussels regime (EC PG IV.4.1.1): is the creditor allowed, under national law, to appeal the refusal to grant an EEO? If the answer is yes, which is the applicable procedure?

A court's decision to refuse to issue an EEO may be appealed within 7 days of the date of such procedural decision. Stamp duty shall not be payable.

b. If the European Enforcement Order contains an error. If there is a discrepancy between the authentic instrument and the European Enforcement Order certificate which is due to a material error, the claimant may apply to the competent authority in the Member State of origin requesting a rectification of the certificate (Art. 10(1)(a) EEO Reg.) (EC PG IV.4.1.2 and IV.4.2.1.1): how and when does the creditor or the debtor apply to the competent authority for a rectification of the certificate? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable fees or other taxes and how should the applicant settle such payments?

Where a European Enforcement Order does not conform to the judgment or authentic instrument as a result of a spelling or any other error, the provisions of Article 648(6) of the Code of Civil Procedure of the Republic of Lithuania shall apply *mutatis mutandis* for corrections of the European Enforcement Order. Such provisions shall also apply in the cases when the district court of the area of the notary's domicile who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law. Such applications shall be exempt from the stamp duty.

c. If the European Enforcement Order was clearly wrongly granted. If the European Enforcement Order was granted in violation of the requirements laid down in the Regulation, the debtor may apply to the competent authority in the Member State of origin requesting that the European Enforcement Order certificate be withdrawn (Art. 10(1)(b) EEO Reg.) (EC PG IV.4.2.1.2): how and when does the creditor or the

debtor apply to the competent authority for the withdrawal of the certificate? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable fees or other taxes and how should the applicant settle such payments?

The court, which has issued a European Enforcement Order, shall withdraw or refuse to withdraw the European Enforcement Order by its ruling in the case referred to in Article 10(1)(b) of Regulation (EC) No 805/2004. Such provisions shall also apply in the cases when the district court in the place of the office of the notary who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law. Such applications shall be exempt from the stamp duty.

d. If the authentic instrument has ceased to be enforceable or its enforceability had been suspended or limited. *If the authentic instrument has ceased to be enforceable or its enforceability has been suspended or limited under the law of the Member State where the instrument was drafted, the debtor may apply to the competent authority indicating the lack or limitation of enforceability (Art. 6(2) EEO Reg.) (EC PG IV.4.2.1.3):* how and when does the debtor apply for a substitute certificate? Which is the competent authority? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable fees or other taxes and how should the applicant settle such payments?

The decisions referred to in Article 23(1)(a) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a district court or a judicial officer of the place of enforcement of the judgment, court settlement or authentic instrument.

The decisions referred to in Article 23(1)(b) of Regulation (EC) No 805/2004 shall be made by a district court of the place of enforcement of the judgment, court settlement or authentic instrument.

The decisions referred to in Article 23(1)(c) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a judicial officer of the place of enforcement of the judgment or authentic instrument.

The court shall hear the applications submitted by the parties to proceedings on these matters by applying *mutatis mutandis* the provisions of Article 593 of the Code of Civil Procedure of the Republic of Lithuania.

- e. Challenge of authentic instruments.** Under Art. 23 EEO Reg., one of the conditions for stay or limitation of enforcement of an authentic instrument in the Member State addressed is that the debtor challenged an authentic instrument certified as a European Enforcement Order, including an application for review under Art. 19, or applied for rectification or withdrawal (EC PG IV.4.2.2.1): considering that LT is the Member State of origin, is it possible under national civil procedural law to challenge an authentic instrument? If the answer is yes, which is the applicable procedure and the competent authority?

Yes. The notary's enforcement records concerning the conformity of the above-referred data shall be subject to an appeal to the district court of the place of the notary's domicile. In case of a dispute concerning the coercive debt recovery on other grounds, the debtor, the creditor or the pledgee shall have the right to apply to the court under the claim procedure.

C. EEO for court settlements

1. How and when to ask for the European Enforcement Order. A request for a European Enforcement Order must be addressed to the court which approved the court settlement or before which it was concluded (EC PG V.2.1 and V.2.2): which are the rules that govern the application for an EEO and the applicable procedure? Is there a distinction, at a national level, between the authority competent to decide on the certification and the authority competent “for the formal act of issuing the certificate”? ⁽¹¹⁾ Are there any procedural steps or conditions to be mentioned in particular? Is the procedure adversarial? Are there any applicable court fees or other taxes and how should the applicant settle such payments?

The European Enforcement Order may be asked at any time during the court proceedings or after the approval or conclusion of the court settlement (EC PG V.2.3): are there any rules or practices, at a national level, that the creditor must take into account to make her/his request in a timely manner? Are there any limits/relevant national practices regarding the time between the filing of the application and the issuance of the certificate?

Article 646(3) of the Code of Civil Procedure of the Republic of Lithuania establishes the following specific procedure for the issuance of enforcement orders under court settlements:

If a settlement agreement approved by the court is not performed, the party concerned may apply to the court that heard the case for an enforcement order. Such application shall be heard under the written procedure. If the court considers it necessary, the application referred to in this paragraph for the issuance of an enforcement order may be heard at a hearing, after notifying to the parties to the proceedings, however, their failure to appear shall not preclude the court from deciding on the issue of the enforcement order. The court shall issue or refuse to issue an enforcement order in respect of the failure to perform part of the settlement agreement after examining the circumstances and the evidence provided by the parties on the performance of the terms and conditions of the settlement agreement. In deciding the

¹¹ CJEU, 17 December 2015, in case C-300/14, *Imtech Marine Belgium*.

matter of issuance of an enforcement order, the court may modify the procedure for performance of the terms and conditions set out in the settlement agreement of the parties without altering the substance of the settlement agreement. Where the court refuses to issue an enforcement order concerning the performance of the terms and conditions of the settlement agreement, it shall explain to the parties about their right to apply for a review of the court ruling approving the settlement agreement under the procedure for the reopening of proceedings. A separate appeal may be lodged against a court ruling to issue or refuse to issue an enforcement order.

2. The decision of certification. In order to issue a European Enforcement Order, the court shall fill in the standard form included in Annex II to the EEO Reg. In doing so, the competent authority must check a number of items (see the [EC PG V.3.1 ff.](#)). Amongst those, some relate to rules of national civil procedural law.

- a. **Court settlement for a pecuniary claim.** [A European Enforcement Order may be requested with respect to court settlements, i.e. a settlement which has been approved by a court or concluded before a court in the course of proceedings \(Art. 3\(1\) and Art. 24 EEO Reg\) \(EC PG V.1.3\).](#) The claim which is the subject of the settlement must be a claim for payment of a specific sum of money that has fallen due or for which the due date is indicated in the settlement ([EC PG V.1.1 and V.3.1.2](#)): which are the procedures, at a national level, to conclude a settlement before a court or to obtain a settlement approved by a court, relating to the payment of a sum of money?
- b. **(follows):** is it possible, at a national level, that a court settlement covers the payment of a sum of money that regards (i) payment of an unspecified sum of money or (ii) payment of a sum of money that has not fallen due? (Creditors should be advised that such settlements may not be certified as EEOs). Are there any settlements relating to civil proceedings, at a national level, whose qualification as “court settlement” is controversial or problematic? (Creditors should be advised that such settlements may not be certified as EEOs, unless they fall under one of the other two categories of the Reg. (EC) No 805/2004 “judgment” or “authentic instrument”)
- c. **The court settlement is enforceable.** [The court settlement to be certified as a European Enforcement Order must be enforceable \(EC](#)

PG V.3.2): which rules govern the enforceability of court settlements at a national level? Are there any conditions or procedures for the “enforceability” of the court settlement? How should the creditor proceed in order to satisfy those conditions?

d. Sums covered by the EEO certificate: costs of the proceedings.

The European Enforcement Order certificate may cover also the amount of costs related to the court proceedings which are included in the court settlement (EC PG V.3.1.2): who bears the costs of the court proceedings relating to a court settlement at a national level? In case the debtor bears the costs, is it possible for the debtor to object to such obligation? If the answer is yes, how could the debtor raise such an objection?

(a) There are two ways in which a settlement agreement may be concluded and approved by the court in relation to an existing dispute: the agreement may be made in judicial proceedings and approved by the court hearing the case, or an out-of-court settlement agreement may be made and submitted to the district court for approval under the simplified procedure. Applications for the approval of settlement agreements are not subject to stamp duty.

(b) Although the parties have the discretion to make an agreement, the court shall approve settlement agreements if they are not contrary to imperative provisions and do not breach the public interest. The parties have the right to agree on sums which are not overdue. However, it is not clear whether the court would approve a settlement agreement in respect of unspecified sums of money.

(c) A settlement agreement approved by the court is an enforceable instrument and may be submitted to a judicial officer for enforcement as any other final enforceable procedural decision of the court.

(d) Applications for the approval of settlement agreements are not subject to stamp duty. The parties may agree on the allocation of their litigation costs in the settlement agreement. The Code of Civil Procedure does not regulate the allocation of litigation costs in the event of a settlement agreement.

3. Possible remedies/defences for the parties

a. If the European Enforcement Order is refused. The claimant has two options: either appeal the refusal to grant a European Enforcement

Order, if such possibility exists under national law, or pursue the enforcement of the court settlements under the Brussels regime (EC PG V.4.1.1): is the creditor allowed, under national law, to appeal the refusal to grant an EEO? If the answer is yes, which is the applicable procedure?

A court's ruling to refuse to issue an EEO may be appealed within 7 days of the date of such procedural decision. Stamp duty shall not be payable.

Moreover, where the court refuses to issue an enforcement order concerning the performance of the terms and conditions of the settlement agreement approved by a court ruling, it shall explain to the parties about their right to apply for a review of the court ruling approving the settlement agreement under the procedure for the reopening of proceedings. Where there are grounds for reopening the proceedings, the person concerned may use the procedure for the reopening of the proceedings to resolve the problems preventing the issuance of an EEO.

b. If the European Enforcement Order contains an error. If there is a discrepancy between the court settlement and the European Enforcement Order certificate which is due to a material error, the claimant may apply to the court having approved the settlement or before which the settlement was concluded requesting a rectification of the certificate (Art. 10(1)(a) EEO Reg.) (EC PG V.4.1.2 and V.4.2.1.1): how and when does the creditor or the debtor apply to the court for a rectification of the certificate? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable fees or other taxes and how should the applicant settle such payments?

Where a European Enforcement Order does not conform to the judgment or authentic instrument as a result of a spelling or any other error, the provisions of Article 648(6) of the Code of Civil Procedure of the Republic of Lithuania shall apply *mutatis mutandis* for corrections of the European Enforcement Order. Such provisions shall also apply in the cases when the district court of

the place of the office of the notary who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law. Such applications shall be exempt from the stamp duty.

- c. If the European Enforcement Order was clearly wrongly granted.** If the European Enforcement Order was granted in violation of the requirements laid down in the Regulation, the debtor may apply to the court having approved the settlement or before which the settlement was concluded requesting that the European Enforcement Order certificate be withdrawn (Art. 10(1)(b) EEO Reg.) (EC PG V.4.2.1.2): how and when does the creditor or the debtor apply to the court for the withdrawal of the certificate? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable fees or other taxes and how should the applicant settle such payments?

The court, which has issued a European Enforcement Order, shall withdraw or refuse to withdraw the European Enforcement Order by its ruling in the case referred to in Article 10(1)(b) of Regulation (EC) No 805/2004. Such provisions shall also apply in the cases when the district court in the place of the office of the notary who has made the enforcement record is requested to rectify or withdraw the European Enforcement Order issued under the procedure set out in Article 15(2) of this Law. Such applications shall be exempt from the stamp duty.

- d. If the court settlement has ceased to be enforceable or its enforceability had been suspended or limited.** If the settlement has ceased to be enforceable or its enforceability has been suspended or limited under the law of the Member State where it was approved or concluded, the debtor may apply to the court having approved the settlement or before which the settlement was concluded for a certificate indicating the lack or limitation of enforceability (Art. 6(2) EEO Reg.) (EC PG V.4.2.1.3): how and when does the debtor apply for a substitute certificate? Which is the applicable procedure? Are there any

procedural steps or conditions to be mentioned in particular? Are there any applicable fees or other taxes and how should the applicant settle such payments?

These issues are not directly regulated in Lithuanian laws. By analogy, the procedure described above should apply *mutatis mutandis* as the most similar procedure for the issuance of EEO under the settlement agreements approved by the court.

e. Appeal against the court settlement. The debtor may challenge the court settlement on the merits in accordance with the national procedural laws of the Member States. If the challenge is unsuccessful and the judgment on appeal is enforceable, the claimant may obtain a replacement certificate using the standard form in Annex V (Art. 6(3) EEO Reg.) (EC PG V.4.2.1.4): considering that [BE, DE, FR, HR, IT, LT, LU] is the Member State of origin, is it possible under national civil procedural law to challenge a court settlement? If the answer is yes, which is the applicable procedure and the competent authority? If so, how and when does the claimant apply for a substitute certificate? Which is the applicable procedure?

Court rulings on the approval a settlement agreement may be appealed by separate appeals and appeals in cassation under the general procedure to higher instance courts. Such rulings become final and enforcement orders may be issued on their basis after the separate appeal has been heard or, in case the appeal has not been lodged, within the time limit set by law. Judicial review of such final orders may be carried out where there are grounds for cassation or for the reopening of the proceedings under the cassation procedure or under the procedure for reopening the proceedings, as appropriate. Where a substitute EEP is necessary, the rules for the issuance of the original EEO shall be applied.

III. Incoming

When LT is the Member State of enforcement

According to Art. 20(1) EEO Reg., “[a] judgment certified as a European Enforcement Order shall be enforced under the same conditions as a judgment handed down in the Member State of enforcement” (see also Art. 24(3) and Art. 25(3) EEO Reg. for court settlements and authentic instruments). Thus, the procedure for the enforcement of the EEO mirrors the procedure for the enforcement of any other national title. Additionally, Reg. (EC) No 805/2004 establishes specific remedies or defences for the parties.

A. Enforcement of the EEO for the creditor

Once the claimant has obtained a judgment, authentic instrument or court settlement certified as a European Enforcement Order, s/he may apply for enforcement in the Member State of enforcement. The judgment, court settlement or authentic instrument certified as a European Enforcement Order is treated as if it was given in the Member State of enforcement and it shall be enforced in the same way as a national judgment, court settlement or authentic instrument.

1. Competent court or authority. *The claimant must apply for enforcement with the court or authority competent for the enforcement of a judgment, authentic instrument or court settlement certified as a European Enforcement Order in the Member State of enforcement (EC PG VI.1): which is the court or authority competent for the enforcement? Are there any rules on the territorial competence of courts or authorities? How may the creditor identify the authority before which the enforcement proceedings should take place?*

If the debtor is a natural person, a judicial officer shall enforce an enforcement instrument according to the place of residence of this person, the location of his/her property or the place of his/her employment. Non-pecuniary enforcement instruments relating to the application of provisional protective measures may, at the request of the creditor, be enforced by a judicial officer

according to the place of residence or any other location of the debtor or the creditor. If the debtor is a legal entity, a judicial officer shall enforce an enforcement instrument at the place of the domicile of the debtor or at the location of its property.

Enforcement instruments for the recovery of monetary amounts are distributed to judicial officers by the Information System of Judicial Officers (the criteria are detailed in the Instruction on the Enforcement of Judgments). An enforcement instrument shall be assigned to the territory of the activity where the place of enforcement of the enforcement instruments is located. The place of enforcement shall be determined on the basis of the data stated in the enforcement instrument and in the creditor's application to accept the enforcement instrument for enforcement. If the data provided in the enforcement instrument and in the creditor's application do not match, the place of enforcement shall be determined on the basis of the data stated in the creditor's application.

The procedural activities of judicial officers shall be controlled by a judge of the district court or, where the court is composed of chambers, by a judge of the chamber of the court in the territory whereof the judicial officer's office is situated.

2. Documents to be produced by the claimant. In order to request in a Member State enforcement of a judgment, authentic instrument or court settlement certified as a European Enforcement Order the claimant shall produce the documents listed in Art. 20 EEO Reg. (EC PG VI.2): which are the languages accepted in LT? Are there any other documents that the claimant shall produce according to national rules?

The creditor or his/her representative shall submit an enforceable instrument to a judicial officer. When submitting an enforcement instrument, the creditor or his/her authorised representative shall also submit an application to accept the enforcement instrument for enforcement. The creditor shall state in the application the particulars of the debtor's place of residence or domicile known to him/her, and, if the enforcement instrument submitted concerns the recovery of sums of money, also the amount of money to be recovered from

the debtor; he/she shall also state whether he/she wishes to receive, only by means of electronic communications, also the procedural documents which shall be served by registered mail in accordance with the provisions of the Code of Civil Procedure. If the enforcement record issued by a notary for the recovery of a debt obligation secured by mortgage or pledge is submitted for enforcement, the creditor or his/her authorised representative shall also indicate in the application his/her preference for the sale of the mortgaged or pledged property item at a public auction or for its transfer to the creditor for administration in case the debtor fails to perform the obligation secured by mortgage or pledge within the time limit set in the warning letter. When submitting an electronic enforcement instrument for enforcement, the creditor shall confirm in the application to accept the enforcement instrument for enforcement that the electronic enforcement instrument which is being submitted for enforcement has not been previously submitted for enforcement. If the creditor submits an electronic enforcement instrument for enforcement repeatedly, the creditor shall, together with the application referred to in paragraph 5 of the Instruction, submit the judicial officer's warrant on the closure of the enforcement proceedings and on the return of the electronic enforcement instrument whereby the electronic enforcement instrument has been returned to him/her.

3. Enforcement authorities. The enforcement authorities must check whether the claimant produces the necessary documents for enforcement. If the necessary documents are produced, the judgment, authentic instrument or court settlement certified as a European Enforcement Order shall be enforced under the same conditions as a judgment, authentic instrument or court settlement handed down in the Member State of enforcement (EC PG VI.3): are there any enforcement authorities that check the documents necessary for the enforcement, before or after the first act of the enforcement? How does this control occur? How is the enforcement denied in case these documents lack? What are the remedies available to the creditor?

Enforcement actions shall be carried out and enforced by a judicial officer. An appeal may be submitted concerning the actions of a judicial officer.

Upon receipt of an enforcement instrument, a judicial officer shall check, within three working days or immediately in case of urgent enforcement, whether there are no obvious obstacles for the acceptance of the enforcement instrument and for the commencement of enforcement actions. Where there are obstacles for the acceptance of the enforcement instrument for enforcement, the judicial officer shall reject it by his/her warrant and shall return it to the person who submitted it, stating the reasons of the return. In deciding whether there are no obvious obstacles for the acceptance of the enforcement instrument and for the commencement of enforcement actions, the following shall be verified:

- whether the person who submitted the enforcement instrument for enforcement was entitled to do so;
- whether the enforcement instrument is enforceable by the judicial officer;
- whether the content of the enforcement instrument meets the set requirements (the name of the court that issued the enforcement order, the case where the enforcement order has been issued, the date of the judgment, the operative part of the judgment which is relevant for the recovery, the date the judgment became *res judicata* or an instruction that the judgment should be enforced urgently, the date when the enforcement order was issued, the full name and addresses of the creditor and the debtor, their personal identification numbers, the legal entity identifiers, and the particulars of the credit, payment and/or electronic money institutions, if any). An enforcement order for the recovery of periodic maintenance payments shall, in addition, state the the date of birth of the children), whether the annexes necessary (copies of property attachment documents and other documents on the case-file as necessary to enforce the judgment have been enclosed to the enforcement order (digital copies for electronic enforcement orders);
- whether the enforcement instrument has been submitted for enforcement within the limitation period for enforcement;
- where an heir submits an enforcement instrument for enforcement after the judgment creditor or debtor has died, whether there has been a succession of rights and obligations after the death of the creditor or the debtor;
- where an enforceable instrument is submitted for enforcement by a successor following the liquidation or reorganisation of the creditor or the debtor who is a legal entity, whether there has been a succession of rights

and obligations of the legal entity;

- whether the State Tax Inspectorate, in cases of administrative offences, in so far as they concern recoveries of pecuniary nature, and other authorities and officials who issue decisions that shall be enforced under the civil procedure as set out by laws, have verified that the enforcement instrument submitted has not been enforced and is enforceable under the coercive procedure;
- whether there are no other obvious obstacles for the acceptance of the enforcement instrument for enforcement.

If no such obstacles are identified, the judicial officer shall accept the enforcement instrument by his/her warrant and start its enforcement.

B. Possible remedies/defences for the debtor

1. Refusal of enforcement of a judgment. The debtor has the possibility to apply for a refusal of enforcement of a judgment (Art. 21 EEO Reg.) if the judgment certified as a European Enforcement Order is irreconcilable with an earlier judgment given in any Member State or in a third country (EC PG II.5.2.2.1 and III.4.2.2.1): how and when does the debtor apply to the court for refusal of enforcement? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Are there any applicable court fees or other taxes and how should the claimant settle such payments?

2. Limitations on enforcement. The competent enforcement authorities may refuse, limit or stay enforcement according to the provisions of Chapter IV of the EEO Reg. Without prejudice to the above, the grounds for refusal or suspension of enforcement under national law continue to apply (EC PG VI.4): which are the grounds for refusal, stay or limitation of enforcement at a national level?

The Court of Appeal of Lithuania shall dispose of the debtor's application

referred to in Article 21 of Regulation (EC) No 805/2004 by rendering a ruling under the written procedure. This court may decide on the suspension or limitation of enforcement as a provisional protective measure before deciding on the merits of the refusal to enforce a foreign judgment of the EU, an approved settlement agreement or an authentic instrument. The grounds for the refusal of enforcement provided for in the relevant EU regulations (Brussels I bis, etc.) shall apply.

The decisions referred to in Article 23(1)(a) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a district court or a judicial officer of the place of enforcement of the judgment, court settlement or authentic instrument.

The decisions referred to in Article 23(1)(b) of Regulation (EC) No 805/2004 shall be made by a district court of the place of enforcement of the judgment, court settlement or authentic instrument.

The decisions referred to in Article 23(1)(c) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a judicial officer of the place of enforcement of the judgment or authentic instrument.

3. Refusal of enforcement of a court settlement or an authentic instrument. Art. 24(3) and Art. 25(3) explicitly exclude the applicability of Art. 21(1) EEO Reg. to authentic instruments and court settlements; only Art. 21(2) (prohibition of a review of the title on its merits) is applicable (EC PG IV.4.2.2 and V.4.2.2). This does not automatically exclude the applicability of national grounds for the refusal of enforcement of an authentic instrument or a court settlement (arg. ex Art. 20(1) EEO Reg.): which are the grounds for refusal of enforcement of an authentic instrument or of a court settlement at a national level? How and when does the debtor apply for such refusal and which is the applicable procedure?

Lithuanian national law does not provide for any additional grounds for the

refusal of enforcement of the settlement agreements approved by EU courts and for authentic instruments; the provisions of the relevant EU regulations on possible grounds for the refusal of enforcement apply directly.

4. Stay or limitation of enforcement of a judgment, court settlement or authentic instrument. *The debtor may apply for a stay or limitation of enforcement of a judgement, authentic instrument or court settlement under Art. 23 EEO Reg. (EC PG II.5.2.2.2, III.4.2.2.2, IV.4.2.2.1 and V.4.2.2.1): how and when does the debtor apply to the court or other competent authority for stay or limitation of enforcement? Which is the applicable procedure? Are there any procedural steps or conditions to be mentioned in particular? Which national measures may the court grant for the stay or limitation of the enforcement (please compare with the list in Art. 23 EEO Reg., second indent)?*

Shall dispose of the debtor's application referred to in Article 21 of Regulation (EC) No 805/2004 by rendering a ruling under the written procedure.

The decisions referred to in Article 23(1)(a) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a district court or a judicial officer of the place of enforcement of the judgment, court settlement or authentic instrument.

The decisions referred to in Article 23(1)(b) of Regulation (EC) No 805/2004 shall be made by a district court of the place of enforcement of the judgment, court settlement or authentic instrument.

The decisions referred to in Article 23(1)(c) of Regulation (EC) No 805/2004 shall, according to the competence, be made by a judicial officer of the place of enforcement of the judgment or authentic instrument.