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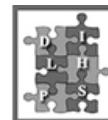
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EFFORTS Practice Guide for the application of the Regulation on the European Order for Payment – Luxembourg

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I. Introduction

The paragraphs below address the implementation of Regulation No 1896/2006 (as amended by Regulation No 2015/2421) creating a European order for payment (hereinafter indicated as “EOP” and “EOP Reg.”) into the national law of Luxembourg. In doing so, it integrates and supplements the European Practice Guide published by the Commission on the [e-Justice Portal](#)⁽¹⁾, which expressly recognizes that questions that are not regulated by the Regulation itself should be governed by national procedural law⁽²⁾.

Following the structure of the European Practice Guide, the present section will address in turn the questions related to the scope of application of the EOP procedure (II), the issues arising in connection with the procedure itself (III), and finally the procedural rules related to the recognition and enforcement in Luxembourg of EOPs rendered in another Member State (0).

II. Scope of application of the EOP procedure

1. Cross-border case. The EOP Regulation applies only in cross-border cases. Art. 3 EOP Reg. defines such a case as one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court seized (EC PG II.2.2.). In this respect, Art. 3(2) EOP Reg. provides that the domicile should be determined according to Art. 59 and 60 Brussels I Regulation (today Art. 62 and 63 BI bis). According to these provisions, the domicile of physical persons should be determined in accordance with internal law.

The internal Luxembourgish rules determining the domicile of a natural person are located in Art. 102-111 of the Luxembourgish civil code.

The internal Luxembourgish rules determining the domicile of a legal person are located in Art. 100-2 of the Luxembourgish law regarding commercial undertakings.³

¹ The European Practice Guide prepared by the Commission is available at: ‘European E-Justice Portal – European Payment Order’ <https://e-justice.europa.eu/41/EN/european_payment_order> accessed 13 April 2022.

² As explained by the Practice Guide of the Commission (EC PG I): “National law is applicable, on a subsidiary basis, to questions which are not regulated in the EOP Regulation”.

³ Loi du 10 August 1915, <https://legilux.public.lu/eli/etat/leg/loi/1915/08/10/n1/consolide/20210816>.



III. The EOP procedure

When Luxembourg is the Member State of origin

A. *Application for an EOP*

1. **Amount claimed.** Pursuant to Article 7 EOP Reg., an application for a EOP shall be made using the annexed standard form A and should state the amount of the claim, including the principal and, where applicable, interest, contractual penalties and costs.

a. **Principal.** The EOP procedure is available for the collection of pecuniary claims for a specific amount that have fallen due. Nevertheless, procedural rules of the Member State of origin may regulate certain aspects regarding the amount of money to be claimed.

b. **Calculation of interest.** The EOP Regulation provides that details of the interest rate and the period of time for which interest is demanded should be provided in section 7 of Form A (EC PG III.1.1.), unless statutory interest is automatically added to the principal under the law of the Member State of origin (Art. 7(2)(c) EOP Reg.). Regarding the relevant time period for the calculation of interest, the guidelines for the completion of Form A state that if interest is demanded up to the date of the decision of the court the last date box should be left blank, while the Regulation is silent about whether interest can be claimed after that date (EC PG III.1.1.).

c. **Costs.** The details of any costs due are included in section 9 of Form A. While the main costs envisaged here are court fees, the guidelines for the completion of Form A state that other costs could include the fees of a claimant's representative or pre-litigation costs. In accordance with Art. 25 court fees can include fees and charges paid to the court, the amount of which is fixed in accordance with national law. The guidelines also clarify that if the court fees are not known by the claimant the amount box can be left blank to be completed by the court (EC PG III.1.1.).

There are no specific rules in Luxembourgish law as to the calculation of the principal amount claimed as EOP.



In Luxembourgish law, Art. 1146 of the Civil code governs the calculation of interests. In addition, the law regarding late payments and the payment of interests⁴ provides for additional rules.

In addition to interests, Art. 240 NCPC is a legal basis on which a court may order one party to the other party a specific amount where it appears equitable to do so. Although lawyer fees are in general not refundable, some part of lawyer fees may be compensated through that provision.

According to the information available on the e-Justice Portal, no fees are incurred when applying for an EOP.⁵

2. Cause of action and description of evidence. The EOP Regulation requires the claimant to state the cause of the action – including a description of the circumstances invoked as the basis of the claim and, where applicable, of the interest demanded – and to provide the court with a description of evidence supporting the claim (Art. 7(2)(d)(e) EOP Reg.). *The Regulation does not specify the level of detail that an applicant should provide, nor does it prescribe the way that a court should carry out the examination of a claim (EC PG III.1.2.).*

a. General rule. There is no requirement to attach supporting documentation, but applicants are free to do so if they wish. Section 11 allows the applicants to provide additional statements and further information, if necessary (*ibid.*).

b. Consumer contracts. The European Court of Justice has clarified that in cases involving consumer contracts, the competent authority is allowed to request from the creditor additional information relating to the terms of the agreement relied on in support of the claim at issue, in order to carry out an *ex officio* review of the possible unfairness of those terms ⁽⁶⁾.

⁴ Loi du 18 April 2004, <https://legilux.public.lu/eli/etat/leg/loi/2004/04/18/n8/jo/fr>.

⁵ https://e-justice.europa.eu/305/EN/court_fees_concerning_european_payment_order_procedure?LUXEMBOURG&member=1.

⁶ CJEU, 19 December 2019, in cases C-453/18 and C-494/18, *Bondora AS v. Carlos V.C. and Bondora AS v. XY*.



In Luxembourgish law, there is no provision stating the level of detail required in an application for an EOP. There is no provision in Luxembourgish law, setting out rules on how to review contractual terms in consumer contracts either.

In practice, the review of consumer contracts is done during the normal procedure. The court might request the parties to provide additional information to assess the possible unfairness of terms.

3. Competent courts. The competent courts for the EOP are those that have been designated by the Member States and officially notified to the Commission (EC PG III.1.3). Should the application be sent to a court that is not competent, it is a matter for national law what action that court should take (*ibid.*). Hence, the EOP Regulation does not directly designate the national court competent to deal with applications under the EOP procedure. Indeed, Art. 5 EOP Reg. defines the term “court” as “any authority in a Member State. Similarly, Art. 6 EOP Reg. provides that the jurisdiction for claims made under the EOP procedure is to be established in accordance with the Brussels I Regulation⁷), but does not lay out any rules of territorial competence allocating cases among the competent national authorities.

Art. 49 of the New Code of Civil Procedure (Nouveau Code de Procédure Civil, **NCPC**) lays out the rules to determine the competent court.

Where the amount in dispute exceeds EUR 15.000, the president of the tribunal d’arrondissement is the competent authority for the EOP, Art. 49(1) NCPC.

Where the amount in dispute is EUR 15.000 or less, the juge de paix is the competent authority to issue the EOP, Art. 49(2) NCPC.

The president of the tribunal de travail is the competent authority to issue an EOP in disputes as envisaged in Art. 25 NCPC.

⁷ Which has today been replaced by the BI bis Regulation (Regulation No 1215/2012). This rule is however subject to one exception. When the case concerns a consumer contract and the consumer is the defendant, the jurisdiction has to be that of the Member State where the defendant is domiciled (EC PG II.4).



The amount was just recently changed from EUR 10.000 to EUR 15.000.⁸

Luxembourgish law contains no rules for a situation in which the application is first sent to a court that lacks competence.

4. How to submit an application for an EOP. Art. 7(5) EOP Reg. provides that: “The application shall be submitted in paper form or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin”. Furthermore, Art. 7(6) EOP Reg. provides that the application shall be signed by the claimant or, where applicable, by his representative, and that where the application is submitted in electronic form in accordance with par. 5, it shall be signed in accordance with Art. 2(2) of Directive 1999/93/EC. However, the last requirement does not apply if the Member State of origin has set up an electronic communications system which is available to a certain group of pre-registered authenticated users and which permits the identification of those users in a secure manner.

Luxembourgish law does not contain any specific provision regarding the submitting procedure.

Luxembourg has not implemented a possibility to submit an application for an EOP electronically. The application has to be submitted to the court by post or it has to be handed over to the clerk’s office of the jurisdiction.⁹

There is no provision stating that Luxembourgish court would accept applications filed in other languages than the official languages, Luxembourgish, German, and French. However, courts seem to accept applications in English sometimes although they are not obliged to do so.

⁸ Art. I(6) of the Law of 15 July 2021, <https://legilux.public.lu/eli/etat/leg/loi/2021/07/15/a541/jo>, some information sheets are not yet updated: http://www.europe-eje.eu/sites/default/files/pj/dossiers/ipe_lux_english.pdf.

⁹ http://www.europe-eje.eu/sites/default/files/pj/dossiers/ipe_lux_english.pdf, p. 4.



5. Appendix to the application. Pursuant to Art. 7(4) EOP Reg., the claimant may indicate to the court whether s/he opposes a transfer to civil proceedings within the meaning of point (a) or point (b) of Art. 17(1) EOP Reg. in the event of opposition by the defendant. Alternatively, the claimant may also indicate which, if any, of the procedures listed in points (a) and (b) of Art. 17(1) EOP Reg. s/he requests to be applied to his claim in the subsequent civil proceedings in the event that the defendant lodges a statement of opposition against the European order for payment. This does not prevent the claimant from informing the court thereof subsequently, but in any event before the order is issued.

Luxembourgish law has no implementation provisions regarding the time limits and formal requirements for Art. 7(4) EOP Regulation.

B. Conduct of the procedure before the court

1. Examination of the application. Pursuant to Art. 8 EOP Reg., The court seized on an application for an EOP shall examine, as soon as possible and on the basis of the application form, whether the claim falls within the scope of the EOP procedure, whether the application complies with the requirements set out in Art. 7 EOP Reg., and whether the claim appears to be founded. Furthermore, the Regulation makes clear that the examination of an application for an EOP need not be carried out by a judge and, under Art. 8 EOP, may take the form of an automated procedure (EC PG III.1.2).

As previously stated, the Art. 49 NCPC identifies the competent authorities to apply for a EOP. The implementation provisions do not mention any automated procedures or anything on the time between the application and the determination.

2. Completion and rectification. If the application for an EOP does not meet the requirements of Art. 7 EOP Reg., i.e., it is incomplete or contains an error, the court which has jurisdiction shall give the claimant the opportunity to complete or rectify the application (see Art. 9 (1) EOP Reg.) using the standard form B as set out in Annex II (EC PG III.5.1.1.). Where the court requests the claimant to complete or rectify the



application, it shall specify a time limit it deems appropriate in the circumstances. The court may, at its discretion, extend that time limit (EC PG III.2.1.)⁽¹⁰⁾.

The Luxembourgish implementation provisions do not include any additional rules or practices. According to the information available on the e-Justice Portal, the clerk of the court serves the request to the claimant.¹¹

3. Modification of the application. If the requirements are met for only part of the claim, the court shall inform the claimant to that effect. The claimant shall be invited to accept or refuse a proposal for an EOP for the amount specified by the court and shall be informed of the consequences of his decision, by using form C.

a. Acceptance of the proposal. If the claimant accepts the court's proposal, the court shall issue an EOP for that part of the claim accepted by the claimant. The consequences with respect to the remaining part of the initial claim shall be governed by national law (EC PG III.2.1.)⁽¹²⁾. In such cases does national law prevent the claimant from filing a new claim/action with respect to the remaining part of the initial claim?

b. Time limits. The claimant shall reply within the time specified by the court (see Art. 9(2) EOP Reg.) using standard form C. If the claimant fails to send his reply within the time limit specified by the court, the court shall reject the application in its entirety. See above §2 "Completion and rectification".

Luxembourgish law does not contain implementation provisions regarding the modification.

4. Rejection of the application. The court shall reject the application, using form D, if: (i) the requirements set out in Art. 2, 3, 4, 6 and 7 EOP Reg. are not met; or (ii) the claim is clearly unfounded; or (iii) the claimant fails to send his reply (in response to the

¹⁰ See also EC PG III.5.1.1.

¹¹ http://www.europe-eje.eu/sites/default/files/pj/dossiers/ipe_lux_english.pdf, p. 6.

¹² See Art. 10 EOP Reg.



court's proposal to modify the application) within the time limit specified by the court; or (iv) the claimant fails to send his reply within the time limit specified by the court or refuses the court's proposal, in accordance with Art. 10 EOP Reg. The claimant shall be informed of the grounds for the rejection (EC PG III.2.2.).

According to the information available on the e-Justice Portal, the clerk of the court serves the claimant the decision.¹³

There are no other implementation rules regarding the rejection of the decision

C. Issuing & serving the EOP

1. Completion of Form E. Once the application (Form A) has been lodged and, if necessary, duly modified or rectified at the court's request, the court issues the EOP using form E as set out in Annex V when, if applicable, the relevant court fees have been paid (EC PG III.3.1.).

In Luxembourgish law, there is no differentiation between a competent body which initially examines the application and a body which then issues the EOP. Art. 49 NCPC just names the competent authority to rule on an application for an EOP and does not foresee such differentiation.

There are no court fees incurred during the procedure.

2. Service of the EOP on the defendant. The EOP has to be served on the defendant in accordance with the national law of the Member State of origin. However, such a method has to meet the requirements set as minimum procedural standards in the Regulation (Art. 13 to 15 EOP Reg.). In general, two types of service are possible: either service with proof of receipt by the debtor (Art. 13 EOP Reg.) or service without proof of receipt by the debtor (Art. 14 EOP Reg.); each of them can be used in relation to the defendant's representative (EC PG III.3.3.). Additionally, Form E reminds the defendant of his rights and options (EC PG III.3.1.).

¹³ http://www.europe-eje.eu/sites/default/files/pj/dossiers/ipe_lux_english.pdf, p. 6.



In Luxembourgish law, there are no implementation rules regarding the service of the EOP on the defendant.

There are two possibilities for service: Either the clerk of the court sends a registered letter to the defended or a juridical officer serves the EOP on the defendant. The choice between the options of service lies within the competence of the court. By virtue of Art. 49-3(5) NCPC Art. 170 NCPC shall be applicable. According to that provision, notifications may be served by registered letter (letter recommandé).

However, the service through a judicial officer is considered the safer option for service regarding the compliance with minimum standards of Art. 13-15 EOP Regulation.

D. Opposition (defendants' rights/options)

1. Opposition to the EOP. A defendant can lodge a statement of opposition to the EOP by making use of Form F in accordance with Art. 16 EOP Reg. It is not necessary for the defendant to give reasons for his/her opposition. The statement of opposition should be sent within 30 days of service of the order on the defendant. The period is calculated in accordance with Council Regulation (EC) No 1182/71 determining the rules applicable to periods, dates and time limits (OJ. EC 1971 L 124/1) (EC PG III.4.1.)⁽¹⁴⁾. The statement of opposition should be submitted in either paper form or by any other means of communication, including electronic, accepted in the Member State of origin and available to the court of origin. The statement of opposition can also be made by a representative of the defendant (*ibid.*).

The rules to file the opposition to the EOP are set out in Art. 49-1(1) NCPC.

According to that rule, the opposition has to be filed with the court clerk at that court which has issued the EOP.

There is no law which obliges Luxembourgish court to accept documents in another language than the Luxembourgish official languages.

Luxembourgish law does not foresee the possibility to file the EOP electronically.

¹⁴ See also EC PG III.5.2.1.



2. Effect of the lodging of a statement of opposition. In accordance with Art. 17(1) EOP Reg. if a defendant submits an admissible statement of opposition the proceedings shall continue before the competent courts of the Member State of origin in accordance with the rules of ordinary civil procedure unless the claimant has explicitly requested that the proceedings be terminated in that event. Under Art. 7(4) EOP Reg. the claimant can make such a request at any time until the EOP is issued (see *supra*, pt. 5). In accordance with Art. 17(2) EOP Reg. the transfer to ordinary civil proceedings is governed by the law of the Member State of origin. Nothing under national law shall prejudice the claimant's position in any subsequent ordinary civil proceedings (EC PG III.4.1.).

Art. 49-3 NCPC governs the effects of the statement of opposition in Luxembourgish law.

Art. 49-3(1) NCPC stipulates that the provisions of national civil proceedings shall be applicable, insofar as Art. 49-3(2)-(5) NCPC do not set out different rules.

According to Art. 49-3(2) NCPC, the court clerk of the tribunal d'arrondissement notifies the other party of the obligation to appoint a lawyer before the court within fifteen days from having received the notification.

At least eight days before the hearing, the clerk of the court summon the parties to appear, informing them of the day, time and place of the hearing, Art. 49-3(3) NCPC.

Art. 49-3(4) NCPC stipulates that in cases where the defendant has its domicile abroad, the time limits referred to in paragraphs 2 and 3 are increased as provided for in Art. 167 NCPC. According to Art. 167 NCPC, the time limit is increased to fifteen days for citizens of other EU member states.

By virtue of Art. 49-3(5) NCPC, Art. 170 NCPC shall be applicable. According to that provision, notifications may be served by registered letter (letter recommandé).

3. Enforceability. If no statement of opposition is lodged within the 30-day period the EOP is declared enforceable, subject to the court allowing sufficient time for the statement of opposition to arrive. (EC PG III.4.1.). The court will use Form G to declare that the EOP is enforceable and will send this to the claimant (*ibid.*). In accordance with



Art. 18(2) EOP Reg., the formal requirements for enforceability are governed by the law of the Member State of origin (*ibid.*).

Luxembourgish law does not distinguish between issuing an EOP and declaring an EOP enforceable. Thus, the EOP is declared enforceable by the same court which issued the EOP.

E. Possible remedies/defences for the parties

1. **Remedies available to the claimant.** See *supra*, pts. (B) 2-4.
2. **Lodging of a statement of opposition.** See *supra*, pts. (D) 1-2.
3. **Review in exceptional cases in the Member State of origin (Art. 20(1) EOP Reg.).** Once the 30-day period for lodging a statement of opposition has expired, the defendant shall be entitled to apply for a review of the EOP before the competent court in the Member State of origin in the following cases:
 - a. The order was served by one of the methods provided for in Art. 14 EOP Reg., i.e. without proof of receipt by the defendant, and service was not effected in sufficient time to enable him to arrange for his defence, without any fault on his or her part.
 - b. The defendant was prevented from objecting to the claim by reason of force majeure or due to extraordinary circumstances without any fault on his part, provided in either case that he acts promptly (EC PG III.5.2.2.).
4. **Review in the Member State of origin where the European Order for Payment was wrongly issued (Art. 20.2 EOP Reg.).** Once the 30-day period for lodging a statement of opposition has expired, the defendant shall be entitled to apply



for a review of the EOP before the competent court in the Member State of origin where the order was clearly wrongly issued, having regard to the requirements laid down in the Regulation, or due to other exceptional circumstances (EC PG III.5.2.3.).

Regarding the review in exceptional cases, the law on the lifting of the forfeiture resulting from the expiration of a time limit for taking legal action is applicable.¹⁵

Art. 49-2 NCPC sets out which judicial body is competent to decide on the opposition of the defendant.

The tribunal d'arrondissement is competent when the EOP has been issued by the president (or his replacement judge) of the tribunal d'arrondissement.

The juge de paix directeur (or the judge who replaces him) is competent when the EOP has been issued by a juge de paix.

When the president of a tribunal de travail (or a judge who replaces him) has issued the EOP, the tribunal the travail is the competent body for the review is the tribunal de travail.

5. Remedy in case of lack of service of the initial EOP. In cases C-119/13 and C-120/13, the European Court of Justice held that the procedures laid down in Art. 16 to 20 EOP Reg. are not applicable where it appears that a EOP has not been served in a manner consistent with the minimum standards laid down in Art. 13 to 15 EOP Reg.⁽¹⁶⁾.

In Luxembourgish law, there is no provision dealing with the situation, when an EOP has been declared enforceable despite a lack of service of the initial order.

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Loi du 22 décembre 1986 relative au relevé de la déchéance résultant de l'expiration d'un délai imparti pour agir en justice, <https://legilux.public.lu/eli/etat/leg/loi/1986/12/22/n3/jo>.

¹⁶ CJEU, 4 September 2014, in cases C-119/13 and C-120/13, *eco cosmetics GmbH & Co. KG v Virginie Laetitia Barbara Dupuy*, and *Raiffeisenbank St. Georgen reg. Gen. mbH v Tetyana Bonchyk*.



However, Luxembourgish courts had to deal with such a case.¹⁷ The tribunal d'arrondissement found that Luxembourgish law does not expressly foresee the possibility to lodge an appeal against an EOP. However, the tribunal d'arrondissement considered that the appeal under Art. 578 NCPC is open to all first instance decisions. The tribunal d'arrondissement then concluded that the appeal is also possible against European Orders for Payment. The tribunal d'arrondissement has made express reference to the decision of the ECJ in the case C-119/13 in that matter. That view was also approved in scholarly writing.¹⁸

¹⁷ Tribunal d'arrondissement de Luxembourg, 21 March 2017, docket no.: 178460

¹⁸ Hoscheit, *Le droit judiciaire privé au Grand-Duché de Luxembourg*, 2nd Ed., 2019, para. 673.



IV. Recognition and enforcement of EOP in other Member States

When Luxembourg is the Member State of enforcement

1. Competent authorities and applicable law. The authorities in the Member State of enforcement cannot review the circumstances or procedures that led to the issuing of the order except in the situations provided for by Arts. 22 and 23 (*see below*). No review as to the substance is allowed in the Member State of enforcement (EC PG IV.1.). The procedure for enforcement is governed by the law of the Member State of enforcement, without prejudice to the provisions of the Regulation (*ibid.*). The claimant must apply for enforcement to the court or authority competent for enforcement in the Member State where enforcement is required (EC PG IV.2.).

For the recognition and enforcement of the EOP, the Luxembourgish legislator has included a new provision into the Luxembourgish New Code of Civil procedure: Art. 685-6 NCPC.

According to Art. 685-6(1) NCPC, the decisions, rendered under the European Payment Order Regulation are recognized and executed as foreseen by that Regulation. The NCPC does not include more detailed implementation provisions.

2. Documents for enforcement. The claimant should provide the competent court or authority with a copy of the order, as declared enforceable by the court of origin, which satisfies the conditions necessary to establish its authenticity, and a declaration of enforceability (form G) (EC PG IV.2.).

In Luxembourgish law, there are no specific provisions as to which copies satisfy the conditions necessary to establish the authenticity of an EOP. In practice, the Luxembourgish courts do not have exceeding requirements as to the kind of copy.

When Luxembourg is the issuing state, there is no specific procedure to obtain a copy. They can approach the court which has issued the EOP for such copy. No fees are incurred when requesting such copy.



3. Languages and translations. The claimant may be required to provide a copy of the EOP in a different language from that used by the court of origin. As a general rule the EOP should be provided in the official language, or one of the official languages, of the Member State of enforcement unless that Member State has indicated that it will accept orders in another official language or languages of the European Union. Details of which languages are accepted by each Member State are available on the European Judicial Atlas. When checking the details a claimant should also bear in mind that in Member States where there is more than one official language it may be necessary to provide a translation into the language specified for a particular part or region of that Member State. Any translation shall be certified by a person qualified to do so in one of the Member States (EC PG V.3.).

According to the Art. 3 of the Law of 24 February 1984 regarding the regime of the languages the official languages which are to be used in court proceedings are French, German, and Luxembourgish. As there are no deviating provisions, it is to be assumed that these languages are also accepted in Luxembourg for incoming EOPs.

The Luxembourgish government maintains a list of translators which can be consulted.¹⁹

4. Application for refusal of enforcement under Art. 22 EOP Reg. The defendant has the possibility to apply for a refusal of enforcement if one of the grounds for refusal set out in Art. 22 EOP Reg. apply (see EC PG IV.4.1.).

In Luxembourgish law, Art. 685-6 NCPC nominates the competent authority for an application to refuse enforcement under Art. 22 EOP Regulation.

According to Art. 685-6(2) NCPC stipulates that the application to refuse enforcement is the president of the tribunal d'arrondissement. The matter will be treated as a "matière de référé". Art. 919 et seq. NCPC contain the rules regarding the référé procedure before the tribunal d'arrondissement.

¹⁹ https://mj.gouvernement.lu/content/dam/gouv_mj/professions-du-droit/experts-asserment%C3%A9s/experts/Liste-des-experts-juridique.pdf.



5. Stay or limitation of enforcement Art. 23 EOP Reg. The defendant may apply for a stay or limitation of enforcement of the EOP (see Art. 23 EOP Reg.) where the defendant has applied for a review within the meaning of Art. 20 EOP Reg. In such cases, the competent court in the Member State of enforcement may: (i) limit the enforcement proceedings to protective measures; or (ii) make enforcement conditional on the provision of such security as it shall determine; or (iii) under exceptional circumstances, stay the enforcement proceedings (see EC PG IV.4.2.).

The competent authority to which a defendant has to turn to for a stay or limitation of enforcement is the president of the tribunal d'arrondissement, Art. 685-6(2) NCPC. The proceeding will be handled as a *matière référée* (Art. 919 et seq. NCPC).