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Towards more Effective  
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within the EU EFFORTS

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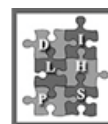
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# National Policy Recommendations – Luxembourg

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## I. Introduction

### A. The EFFORTS Project in Brief

The *National Policy Recommendations – Luxembourg* (hereinafter, also referred to as the ‘**Luxembourgish Policy Recommendations**’) are prepared within the context of *EFFORTS (Towards more Effective enFORcemenT of claimS in civil and commercial matters within the EU*, hereby also referred to as the ‘**Project**’), a two-year comparative study conducted with the financial support of the Civil Justice Programme of the European Union (JUST-JCOO-AG-2019-881802) and focusing on the interplay between European and national procedural rules in the context of the cross-border enforcement of civil and commercial claims.

Over the last two years, an international Consortium comprising the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law and the Universities of Milan (Coord.), Heidelberg, Brussels VUB, Vilnius and Zagreb (hereby, also referred to collectively as the ‘**Project Partners**’) has analysed the state of implementation and the concrete application of five European Regulations (BI bis, EEO, EOP, ESCP, and EAPO Regulations, collectively referred to as the ‘**EFFORTS Regulations**’) in the national laws of seven European Member States (Belgium, Croatia, France, Germany, Italy, Lithuania, and Luxembourg), with a view to spreading awareness of the EFFORTS Regulations and contribute to the development of the existing legal framework governing cross-border enforcement.

During the first year of the Project (Nov 2020 – Oct 2021), the Project Partners conducted an in-depth study of the national provisions dealing with the implementation of the five EFFORTS Regulation within the national legal systems of the targeted Member States, analysed the national case law dealing with the cross-border enforcement of civil and commercial claims within the European Union, and organised a series of *National Exchange Seminars* promoting dialogue and exchange of experiences among professionals and experts of European procedural law. The results of these analyses have been collected in seven *Reports on National Implementing Rules* and *National Case-Law*, freely accessible on the Project’s website.

In the course of the Project’s second year (Nov 2021 – Oct 2022), the Project Partners have been tasked with promoting good practices at a European level through the organisation of

an *International Exchange Seminar*, the drafting of a *Comparative Report*, and the conduct of a study on the *Digitalization of the Enforcement Procedures and Cross-Border Cooperation*. Additionally, the Project Partners have also been responsible for preparing a series of *National Practice Guides*, which provide a toolbox for professionals and economic operators dealing with the cross-border recovery of claims within the European Union, as well as for the elaboration of a set of *National Policy Recommendations* and *EU Policy Guidelines* containing proposals on how to improve the current national and European legal regime applicable to the circulation of civil and commercial titles within the European Union.

Against this background, the Luxembourgish Policy Recommendations draw upon the contents of previous deliverables elaborated during the Project – most notably, the *Report on the Collection of Luxembourgish Implementing Rules* and the *Report on Luxembourgish Case-Law* – in an attempt to formulate realistic suggestions on how to address the most challenging issues unearthed by the research and respond to some recurring concerns expressed by professionals and legal experts regarding the implementation of the EFFORTS Regulations in Luxembourg.

## B. Structure of the National Policy Recommendations – Luxembourg

In order to achieve the Project’s overarching goal of strengthening the effectiveness of European instruments governing the cross-border enforcement of claims in civil and commercial matters, the Luxembourgish Policy Recommendations adopt a comprehensive approach to tackling both the legal and institutional factors that might hinder the smooth application of the EFFORTS Regulations at the Luxembourgish national level.

To do so, the Guidelines follow four separate axes of recommendations aimed at addressing some of the core objectives underlying the development of European cross-border judicial cooperation in civil matters: (i) promoting legal certainty and predictability (to the benefit of creditors and debtors alike); (ii) ensuring consistency and fairness in transnational civil litigation through the correct implementation of European harmonised rules of civil procedure; (iii) enhancing the access to streamlined enforcement solutions allowing for the direct enforcement of claims across Member States; and (iv) spreading awareness amongst professionals and potential users regarding the benefits of these mechanisms, thus reinforcing the trust of European economic operators and contributing to the proper functioning of the internal market.

Accordingly, Part II will first put forward a series of reform options aimed at updating and clarifying the procedural framework applicable to the EFFORTS Regulations with a view to fostering legal certainty and consistency at the national level. Secondly, Part III will articulate a set of recommendations aimed at unlocking the full potential of the European instruments on cross-border enforcement of titles by raising awareness and increasing their attractiveness in the eyes of Luxembourgish legal practitioners and economic operators. Finally, Part **Error! Reference source not found.** will provide an overview of the recommendations.

## II. Refining the National Legal Framework Applicable to the EFFORTS Regulations

As the *Report on the Collection of Luxembourgish Implementing Rules* has shown, Luxembourg has enacted at least some implementing provisions for each EFFORTS Regulation. Overall, the Luxembourgish Government acted promptly and efficiently and adopted the necessary provisions to ensure the applicability of the EFFORTS Regulations in the Luxembourgish legal system. Nonetheless, some adjustments to the current regime are still needed to address some gaps left open by European harmonisation (A) and reduce the inconsistencies that have emerged from the accumulation of legal reforms at both the European and national levels (B).

### A. Filling the Gaps Left by European Harmonization

Even though the EFFORTS Regulations are directly applicable within the national legal systems of the Member States, the principle of procedural autonomy often requires the latter to determine how the objectives set by the European legislature should be achieved. In such cases, the presence of national implementing rules is needed to fill the gaps<sup>1</sup> left open by the European legislature.

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<sup>1</sup> The term ‘gaps’ is used here in its generic sense, to indicate any point which has not been exhaustively regulated by the European legislature and which therefore needs to be supplemented by national law.



The recommendations below are intended to address areas where specific guidance appears necessary to further the objectives of legal certainty and predictability in the application of European law.

### 1. Clarifying the Remedies Available Against Wrongly Issued Certificates (EEO and BI bis Regulations)

In Luxembourg, the relevant provision regarding the certification in the context of the BI bis Regulation and the EEO is Article 87 of the Law of the Organisation of the judiciary. However, the provision is just limited to naming the competent authority to issue the certificate. Important questions regarding the certification are, thus, not addressed in that provision. *Inter alia*, these questions are whether a remedy is available against the decision not to issue a certificate. Another question which is not addressed by a provision is how to apply for a substitute certificate when the judgment, underlying the first certificate, has ceased to be enforceable. An additional question which is of high relevance for debtors is how the debtor can proceed when a certificate is wrongly granted.

This absence can be particularly unfortunate for the parties, as the content of the certificate delivered by the Luxembourgish authorities cannot always be challenged in the Member State of enforcement. Therefore, legislative intervention in this area seems particularly appropriate to strengthen the legal certainty of parties involved in cross-border disputes.

In this respect, Article 10(2) EEO Reg. explicitly provides that ‘The law of the Member State of origin shall apply to the rectification or withdrawal of the European Enforcement Order certificate’. However, the Luxembourgish Code of Civil Procedure does not contain any rule addressing this procedure.

Similar questions also arise regarding the remedies available against certificates wrongly issued under Articles 53 and 60 of the BI bis Regulation. Currently, the BI bis Regulation is silent as to what remedies might be available against such certificates in the Member State of origin. In this context, legal scholars have questioned whether the absence of any explicit provision to this effect should be interpreted as precluding the right to seek rectification or withdrawal of certificates issued under the BI bis Regulation or whether a specific remedy should be provided by national law. In favour of the latter solution, some authors have argued that an appeal against wrongly issued certificates might be necessary in light of the case law of the CJEU, which has highlighted the ‘judicial nature’ of certification and emphasised the issuing authority’s duty to verify that the requirements set out in the

Regulation are fulfilled<sup>2</sup>. This interpretation also prevailed in Germany, where § 1111(2) ZPO provides a remedy against wrongfully issued certificates under the same conditions applicable to challenges brought against enforcement formulas issued under domestic law.

In our view, a possible way to address this issue would be to extend the same rules governing the rectification and withdrawal of EEO certificates to certificates issued under BI bis. This approach would foster legal certainty and predictability while promoting consistency across different EEFORTS Regulations.

## 2. Information of the Debtor

Especially in cross-border contexts, it is essential that sufficient, understandable information is supplied to the debtor. Informing the debtor in an appropriate way is an important tool in striking a balance between efficient enforcement of a claim on the one hand and safeguarding the rights of a debtor on the other hand. Article 18(1)(b) of the EEO Reg. sets out some minimum requirement regarding the information the debtor has to be provided with when the judgment is served to him. According to that provision, the debtor has to be informed about the procedural requirements to challenge the judgment, the name and address of the institution where the challenge has to be lodged and any applicable time limit.

In Luxembourgish legislation, there is, however, no provision indicating that such information must be given to a debtor. In our view, it would be advisable to include such a provision in Luxembourgish law to ensure on the one hand proper information of the debtor. Such a provision is, on the other hand, also an advantage for the creditor as the creditor does not need to make sure by himself that the debtor is properly informed.

## 3. Supplementing 'Uniform' European Procedures

Contrary to the BI bis and EEO Regulations, which both facilitate the circulation of domestic enforcement titles issued under national procedural rules, the EPO, ESCP, and

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<sup>2</sup> CJEU, 28.02.2019, C-579/17, *BUAK*. On the limits of this decision, see CJEU, 04.09.2019, C-347/18, *Alessandro Salvoni* (holding that the authority issuing the certificate may not 'ascertain of its own motion whether there has been a breach of the rules set out in Chapter II, Section 4 of that regulation, so that it may inform the consumer of any breach that is established and enable him to assess, in full knowledge of the facts, the possibility of availing himself of the remedy provided for in Article 45 of that regulation').

EAPO Regulations contain a set of harmonised provisions governing the filing, examination, and issuance of European titles which can be directly enforced in all European Member States (except Denmark). Despite their uniform nature, however, these instruments still rely on domestic procedural rules in order to function correctly.

Indeed, Member States retain considerable discretion on a number of important matters ranging from the designation of the authorities competent to hear applications brought under these European procedural instruments to the enforcement of European titles coming from another Member State. Similarly, issues such as service of documents and appeal mechanisms largely remain governed by national law, within the limits of minimum standards set out by the European legislature<sup>3</sup>. Therefore, national implementing rules still play a key role in ensuring the smooth application of these instruments in each Member State<sup>4</sup>.

## B. Fostering Consistency at the National Level

Adopted over the span of the last two decades, the provisions of EFFORTS Regulations have already been the subject of several reforms by the European legislature. They have also given rise to a significant number of preliminary rulings by the CJEU, some of which have substantially impacted the scope of application and the functioning of these Regulations. From the perspective of the Luxembourgish legal system, these developments have been met with a series of fast-paced reforms in the area of European civil procedure.

Even though these updates were often required to keep up with the changes introduced at a European level, they sometimes seem to have followed a piecemeal legislative approach

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<sup>3</sup> On these issues, see Veerle Van Den Eeckhout, ‘Collection of Luxembourgish Implementing Rules’ EFFORTS Collection of national implementing rules <<https://efforts.unimi.it/wp-content/uploads/sites/8/2021/07/D2.8-Collection-of-Luxembourg-implementing-rules.pdf>> accessed 22 September 2022.

<sup>4</sup> On the importance of national implementing legislation, see eg Kim Van der Borgh and others, ‘Collection of Belgian Implementing Rules’ EFFORTS Collection of national implementing rules <<https://efforts.unimi.it/wp-content/uploads/sites/8/2021/06/Collection-of-Belgian-implementing-rules.pdf>> accessed 1 May 2022; Francesca Villata and others, ‘Collection of Italian Implementation Rules’ EFFORTS Collection of national implementing rules <<https://efforts.unimi.it/wp-content/uploads/sites/8/2021/07/D2.2-Collection-of-Italian-implementing-rules-1.pdf>> accessed 1 May 2022, both pointing to the lack of national implementing rules as a major obstacle to the implementation of the EFFORTS Regulations in Belgium and Italy, respectively.

rather than being the result of a comprehensive assessment of the effects that partial modifications might have on the overall system of cross-border civil enforcement. Over time, the layering of successive amendments has led to some inconsistencies concerning the national implementation rules applicable to the different EFFORTS Regulations and raised doubts about their interaction with other areas of European harmonisation, such as consumer law.

Taking a step back, this second straw of recommendations strives to achieve more coherent solutions that might help reduce regulatory arbitrage and restore fairness between the parties.

Sometimes, the EFFORTS Regulations' overarching objective to provide creditors with swift and effective tools for the cross-border recovery of debts across the Member States may come into tension with the values enshrined in other instruments of EU law. This phenomenon manifested itself recently with respect to the protection afforded to consumers by Directive No 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

On the one hand, Articles 6 and 7 of this Directive provide that unfair terms used in a contract concluded with a consumer by a seller or supplier should not be binding on consumers and that the Member States should provide adequate and effective means to prevent the continued use of unfair terms in consumer contracts. On the other hand, the BI bis, EEO, and EPO Regulations allow creditors to pursue the direct enforcement of titles in another Member State based on default judgment and authentic instruments. As such, these instruments may lead to the certification of titles against consumer defendants without any prior adversarial debate on the possible presence of unfair terms in their contracts, which may then become enforceable across the EU<sup>5</sup>.

In *Bondora*<sup>6</sup>, the CJEU struck a balance between these conflicting interests by holding that when a court is seized in EPO proceedings in a dispute concerning a consumer contract, it has the power to ask the creditor for additional information on the terms of the contract relied upon, in order to carry out an *ex officio* review of the possible unfairness of those terms. Similarly, the Court also held that national courts seized within the context of domestic order for payment procedures must have the power to ask for the communication of all the

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<sup>5</sup> This result is especially problematic in the case of EEO and EPO certificates, given that the authorities of the Member State of enforcement cannot refuse the enforcement of these titles on public policy grounds.

<sup>6</sup> CJEU, 19.12.2019, C-453/18 and C-494/18, *Bondora AS*.

elements required in order to carry out such verification before issuing an *ex parte* order<sup>7</sup>. Furthermore, in a series of judgments handed down on 17 May 2022, the Grand Chamber of the Court held, *inter alia*, that if a domestic order for payment issued without explicitly addressing the issue of unfair terms is subsequently declared enforceable due to the absence of opposition, the unfairness of the terms may still be raised at the enforcement stage, either at the consumer's request or by a court ruling on opposition to enforcement<sup>8</sup>.

In Luxembourg, Articles 49 ff of the New Code of Civil Procedure, implementing the EPO into national law, remain silent on consumer protection issues but do not prevent Luxembourgish courts from following the CJEU's interpretation in *Bondora*.

Nonetheless, it is already possible to anticipate some major difficulties that are likely to arise in the future in connection with the recent rulings of the Grand Chamber of the CJEU, given that no provision currently requires Luxembourgish courts to adopt an explicit determination on the presence of unfair terms before issuing a (European or domestic) order for payment. Indeed, it is perfectly reasonable to think that consumers who did not timely oppose an order for payment before it became enforceable might then try to raise this argument before the enforcement judge. However, the admissibility of such objections might become problematic because of the principle of *res judicata* as well as the limits imposed on the jurisdiction of the enforcement judge in the Luxembourgish legal system.

In order to avoid these difficulties, it would therefore be preferable to include an explicit provision requiring courts confronted with applications for orders for payment to explicitly address the question of unfair terms. In domestic order for payment procedures, a specific mention could even be included in the initial order for payment. In European order for payment procedures (where the order itself is issued through a standard form), it might be helpful to codify the CJEU's interpretation in *Bondora* and explicitly require judges to address the presence of unfair terms before issuing an EPO based on a consumer agreement.

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<sup>7</sup> See CJEU, 14.06.2012, C-618/10, *Banco Español de Crédito*, and CJEU, 13.09.2018, C-176/17, *Profi Credit Polska*.

<sup>8</sup> See CJEU, 17.05.2022, C-693/19 and C-831/19, *SPV Project 1503 Srl* and *Banco di Desio e della Brianza SpA*, and C-725/19, *Impuls Leasing România*.

### III. Unlocking the Full Potential of the EFFORTS Regulations

Beyond the presence of formal implementing rules in national legislation, the effectiveness of EFFORTS Regulations also largely depends on the availability of practical and accessible tools capable of maximising their impact to the benefit of legal practitioners and economic operators. The recommendations below are therefore designed to address some of the institutional barriers that may hinder the effectiveness of EFFORTS regulations (A) and further encourage initiatives promoting awareness of European law among the relevant stakeholders (B).

#### A. Enhancing the Efficiency of the EU Instruments in Luxembourg

In order to take full advantage of the streamlined cross-border enforcement mechanisms provided by the EFFORTS Regulations, future national civil procedure reforms should consider the impact that changes in the domestic legal framework may have on the application of European instruments of civil procedure. Conversely, since cases covered by the EFFORTS Regulations almost invariably involve parties from different Member States, existing tools of national civil procedure should sometimes be adapted to meet the specific needs of cross-border civil litigation.

##### 1. Making EU Instruments Benefit From the Broader Trend Towards Digitalisation

A big benefit for users of the EFFORTS Regulation would be the possibility to file the required documents online. Especially in cross-border-setting, it can be very burdensome to file documents by post. However, Luxembourgish law does not (yet) foresee the possibility of online-filing. But the EU is preparing

On 30 May 2022, the European legislature enacted Regulation 2022/850 on a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters (e-CODEX system), whose objective is to establish an EU-wide IT system for the cross-border electronic exchange of case-related data between European authorities and citizens.

Therefore, ongoing efforts toward the digitalisation of Luxembourgish civil procedure should take into account the effects that future reforms may have on the accessibility and effectiveness of the European Regulations on cross-border recovery of civil and commercial claims within the European Union. For instance, any e-filing solution based on an online platform accessible through a password identification system should be designed to be equally accessible to foreign-based parties and practitioners, rather than being limited to domestic actors. Similarly, the progressive dematerialisation of specific procedures should not overlook the advantages that digitalisation is likely to bring in terms of time and costs for the application of the procedures covered in the EFFORTS Regulations, which often involve parties established abroad.

In our view, this ‘European by design’ approach would not only allow European instruments to benefit from the general trend towards digitisation of civil procedure, but would also better prepare the Luxembourgish legal system to implement the changes to come under the impulse of the European Commission in the framework of the e-CODEX Project.

## **2. Meeting the Needs of Cross-Border Civil Litigation**

Apart from digitalisation, language can also pose a barrier for creditors and debtors to swiftly pursue their interests. In Luxembourg, the official languages are German, Luxembourgish, and French. However, previous reports have shown that many courts also accept documents in English, although, there is no provision in Luxembourgish law allowing the submission of documents in English. It might be worth considering to include a provision in Luxembourgish law allowing the submission of documents in English. That would foster legal certainty as it would be clear for the parties from the outset of the proceedings that (costly) translation of English documents is not required.

### **B. Spreading Awareness of European Procedural Law**

This last set of recommendations acknowledges the importance of legal communication and training in the development of European civil procedure, both at the European and national levels. Indeed, spreading awareness of the EFFORTS Regulations is key to building confidence among the relevant stakeholders and thus encouraging the use of the European instruments of cross-border civil procedure.

## 1. Updating and Expanding the E-Justice Portal

According to the website *e-justice.europa.eu*, the European e-Justice Portal should in time become an ‘electronic one-stop shop in the area of justice’<sup>9</sup>. The Portal is therefore conceived as a critical source of information for European citizens and practitioners, as it is designed to provide data on the implementation of European law in the national legal orders in all official languages of the Union. In particular, information on the EFFORTS Regulations is published in the Section entitled ‘*European Judicial Atlas in civil matters*’<sup>10</sup>, which collects all the communications made by the Member States to the Commission under the main European instruments of judicial cooperation in civil and commercial matters. Additional information may also be found in the Section dedicated to ‘*Money/monetary claims*’<sup>11</sup>, which collects several Chapters titled ‘*European payment order*’, ‘*Small claims*’, and ‘*Securing assets during a claim in EU countries*’, among others.

Overall, the Luxembourgish authorities have done a remarkable job in providing a general overview of the rules governing the application of the EFFORTS Regulations in Luxembourg and keeping the information updated. Indeed, all the pages of the *European Judicial Atlas in civil matters* dedicated to the five EFFORTS Regulations have been updated and most of them are available in English, just the pages regarding the European Account Preservation Order<sup>12</sup> and the EU Enforcement Order<sup>13</sup> are only available in French. Some minor adjustments could nevertheless be introduced in order to provide even better guidance to citizens and practitioners who might seek the application of these Regulations in Luxembourg.

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<sup>9</sup> ‘European E-Justice Portal’ <<https://e-justice.europa.eu/home?action=home&plang=en>> accessed 22 September 2022.

<sup>10</sup> ‘European E-Justice Portal - European Judicial Atlas in Civil Matters’ <[https://e-justice.europa.eu/321/EN/european\\_judicial\\_atlas\\_in\\_civil\\_matters](https://e-justice.europa.eu/321/EN/european_judicial_atlas_in_civil_matters)> accessed 22 September 2022.

<sup>11</sup> ‘European E-Justice Portal - Money/Monetary Claims’ <[https://e-justice.europa.eu/509/EN/moneymonetary\\_claims](https://e-justice.europa.eu/509/EN/moneymonetary_claims)> accessed 22 September 2022.

<sup>12</sup> ‘European E-Justice Portal - European Account Preservation Order’ <[https://e-justice.europa.eu/379/EN/european\\_account\\_preservation\\_order?LUXEMBOURG&member=1](https://e-justice.europa.eu/379/EN/european_account_preservation_order?LUXEMBOURG&member=1)> accessed 22 September 2022.

<sup>13</sup> ‘European E-Justice Portal - European Enforcement Order’ <[https://e-justice.europa.eu/376/EN/european\\_enforcement\\_order?LUXEMBOURG&member=1](https://e-justice.europa.eu/376/EN/european_enforcement_order?LUXEMBOURG&member=1)> accessed 22 September 2022.



Firstly, the amount of information and the level of detail available on the *e-Justice Portal* could sometimes be improved. Indeed, the degree of specificity of the data published on the website varies considerably from one Regulation to another. On the one hand, the pages dedicated to the EAPO and BI bis Regulations contain a fair amount of detail and provide valuable and practical information on the functioning of these Regulations in Luxembourg. On the other hand, the pages dedicated to the EPO and EEO Regulations remain at such a high degree of generality that they seem insufficient to provide meaningful help to their readers. By way of example, the communication made by the Luxembourgish Government regarding the review procedure referred to in Art 19(1) EEO Reg. merely states: ‘The procedure for review of the decision referred to in Article 19(1) of the Regulation shall be in accordance with the rules laid down in the new Code of Civil Procedure for ordinary and extraordinary remedies in civil and commercial matters.’<sup>14</sup> In our view, this information is clearly inadequate to guide prospective users (especially users established in another Member State), as it does not even identify the relevant provisions of national law that may apply in such cases.

Finally, it would also be useful to improve the consistency of the information provided in different sections of the *e-Justice Portal*. Currently, the communications made by the Luxembourgish Government about the EFFORTS Regulations and reported in the ‘*European Judicial Atlas in civil matters*’ do not always coincide with the summary sheets published under the tab dedicated to ‘*Money/monetary claims*’. In the latter, the Chapters dedicated to the ‘*European payment order*’<sup>15</sup> and ‘*Small Claims*’<sup>16</sup> only tackle Luxembourgish domestic procedures, rather than providing some details on the specific provisions that have been adopted in order to implement the EPO and ESCP Regulations into the Luxembourgish legal system. However, this approach is likely to create some confusion in the minds of potential users, as it could give the impression that Luxembourg has not adopted specific legislation to deal with uniform European procedures, so that the latter

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<sup>14</sup> ‘European E-Justice Portal – European Enforcement Order’ <[https://e-justice.europa.eu/376/EN/european\\_enforcement\\_order?LUXEMBOURG&clang=fr](https://e-justice.europa.eu/376/EN/european_enforcement_order?LUXEMBOURG&clang=fr)>, No. 2, accessed 22 September 2022

<sup>15</sup> ‘European E-Justice Portal – European Payment Order’ <[https://e-justice.europa.eu/41/EN/european\\_payment\\_order?LUXEMBOURG&member=1](https://e-justice.europa.eu/41/EN/european_payment_order?LUXEMBOURG&member=1)> accessed 22 September 2022.

<sup>16</sup> ‘European E-Justice Portal – Small Claims’ <[https://e-justice.europa.eu/42/EN/small\\_claims?LUXEMBOURG&member=1](https://e-justice.europa.eu/42/EN/small_claims?LUXEMBOURG&member=1)> accessed 22 September 2022

should be governed by the same provisions applicable to domestic disputes. In our opinion, it would be more useful to indicate from the outset the different avenues available to creditors who wish to pursue the cross-border recovery of their pecuniary claims within the European Union, specifying that they can either take advantage of the national procedures for orders for payment and the settlement of small claims (coupled, where appropriate, with their certification under the BI bis or the EEO Regulation), or avail themselves of the EPO and ESCP Regulations which have been implemented in Luxembourg by a set of specific provisions.

## 2. Continue Developing National Channels

In addition to the information published on the *e-Justice Portal*, judicial training and public awareness campaigns at the national level can play a key role in the success of the EFFORTS Regulations.

Luxembourg maintains two national websites with information on civil and commercial matters: The portal ‘justice.public.lu’ – run by the Administration judiciaire – and the portal ‘guichet.public.lu’ – run by the CTIE ‘Centre des Technologies de l’Information de l’Etat’ – provide additional information for users in Luxembourg. Especially the page ‘Debt collection’<sup>17</sup> gives a good overview of the different measures a creditor can take to enforce his claim. It has to be highlighted that the crossreferences to the respective pages of the European E-Justice are likely particularly useful for users.

The portal ‘justice.public.lu’ does contain some useful information as well. The structure of the pages are also very similar to the structure to be found at the Guichet.lu-Portal. It raises the question whether it is necessary to maintain these two portals which contain very similar content. The Justice.public.lu-Portal however does provide one specific feature which might prove very useful for users from outside Luxembourg: A glossary in which Luxembourgish legal terms are explained. This glossary could even be more useful if the relevant section of Luxembourgish law was included in each explanation. For example, the definition given for ‘execution provisoire’<sup>18</sup> is only a very general one and could be more helpful to users when

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<sup>17</sup> ‘Guichet.lu – Debt collection’ <<https://guichet.public.lu/en/entreprises/gestion-juridique-comptabilite/contentieux/recouvrement.html>> accessed 22 September 2022.

<sup>18</sup> ‘Justice.public.lu – Glossaire – Exécution Provisoire’ <<https://justice.public.lu/fr/support/glossaire/e/execution-provisoire.html>> accessed 22 September 2022

the relevant provisions of the New Code of Civil Procedure were included for further reference.