



UNIVERSITÀ DEGLI STUDI DI MILANO
DIPARTIMENTO DI STUDI INTERNAZIONALI,
GIURIDICI E STORICO-POLITICI



Towards more Effective
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EFFORTS Policy Recommendations for LT

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In attempt to improve functioning of Efforts regulations it would be appropriate to:

1. To promote digital transformation and automation: digitalization, online accessibility, automation of proceedings, and interoperability of e-systems

Higher degree of digitalization, automation and online accessibility should assist to increase time-, cost- and operational efficiency of EFFORTS proceedings. These aspects are of key importance in cross-border proceedings.

Lack of interoperability of various e-justice systems, especially in different jurisdictions, remain serious obstacle in drive for digital transformation. Harmonising standards and protocols for procedural e-documents, exchange of digital information among various actors and their e-systems, establishment proper cybersecurity standards and protocols should be seen as a part of a more comprehensive action to modernise EFFORTS proceedings.

Recognition of e-filing, e-service, e-evidence, e-signing, e-authentication should be considered as routine elements of paperless civil justice and enforcement proceedings.

2. Establish videoconferencing as default type of oral proceedings in EFFORTS regulations' processes

Global Covid-19 pandemic taught us a lesson that videoconferencing could be integrated into civil justice proceedings as a specific type of oral proceedings when there is a need to replace traditional in person hearings and meetings. In post-pandemic environment we can observe strong trend to maintain videoconferencing in courts' and enforcement agents' work when appropriate. Cross-border nature of EFFORTS regulations call for more extensive use of videoconferencing to save cost, time and ensure better accessibility for users.



3. Solve translation issues at EU level

Natural need to translate not only forms, but contents of procedural documents, annexes, other evidence to a language of a country where enforcement is sought slow down EFFORTS proceedings and may add significantly to expense. It would be advisable to set up a translation service for EFFORTS proceedings at the EU level. Automated translation software could be deployed if sufficient level of digitalization would be reached and maintained.

4. Continue harmonization of EFFORTS proceedings to the extent possible, ideally creating self-sufficient types of EFFORTS proceedings covering all stages from inception until end of enforcement. Systematize and standardize EFFORTS procedures among themselves

Despite the general rule that EFFORTS regulations are instruments of a direct effect, we can still observe strong reliance of national proceedings when determining of many issues (e.g. court fees, types of proceedings, suspension, etc.). This leaves a vast space for uncertainty and inequality of users implementing EFFORTS proceedings in different jurisdictions. Further harmonisation of number of aspects that are currently left for national regulations, development of self-sufficient EFFORTS proceedings could bring more clarity, equality and user satisfaction.

The legal regulation of EFFORTS at the EU level is currently very fragmented. Some systematization and internal alignment should be considered.

5. Ensure better monitoring and regular publication of statistics and main sources of practice related to operation of EFFORTS proceedings

This would allow to detect problems and intervene with corrective measures faster and more efficient. On the other hand, it would help to ensure uniformity in implementation.

6. Establish stronger link between EFFORTS proceedings and ADR (alternative dispute resolution)



This could open gate to more balanced combination of multiple methods of resolution of disputes and implementation of their results. Seamless linking when appropriate between adjudication and amicable settlement, enforcement and voluntary implementation would allow to exploit potential of all these different methods better. It could offer more appropriate and better fit conflict resolution for users in each of their cases.

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