



Partners will provide insight into the national enforcement titles and procedures of their respective Member State, as well as analyse and identify points of contention regarding foreign enforcement titles. Partners will aim to find solutions to currently contentious and ambiguous issues, so as to bring better clarity to this subject, with the ultimate aim of improving mutual trust across the Member States. The research will be headed by the University of Maribor, Faculty of Law and its Institute for Civil, Comparative and Private International Law, which has extensive experience with similar projects in the field of cross-border enforcement.



INFORMATION

The EU-En4s project is co-funded by the EU Justice Programme (2014-2020). The overarching aim is to promote judicial cooperation in civil matters and to contribute to the effective and coherent application and enforcement of EU instruments. Priority will be given to better enforcement of judicial decisions, in particular resulting from cross-border disputes.

More information

<https://www.pf.um.si/en/acj/projects/pr09-eu-en4s/>

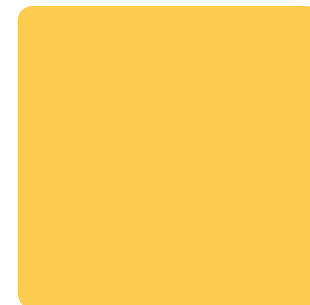
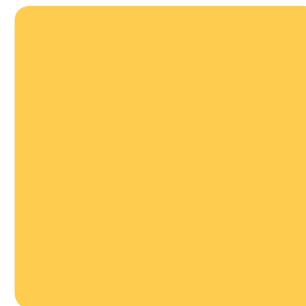


Project Coordinator
prof. dr. Vesna Rijavec
vesna.rijavec@um.si

Faculty of Law, University of Maribor
Institute for Civil, Comparative and
Private International Law
Mladinska ulica 9
2000 Maribor
Slovenia



Faculty of Law



DIVERSITY OF ENFORCEMENT
TITLES IN CROSS-BORDER DEBT
COLLECTION IN THE EU

1ST JUNE 2019 - 31ST MAY 2021



Project EU-En4s - JUST-AG-2018/JUST-JCOO-AG-2018
Funded by the European Union's Justice Programme
(2014-2020)



THE IDEA

Of the many obstacles faced in cross-border enforcement, perhaps the most pertinent is the lack of mutual trust between national authorities of different EU Member States. National authorities treat enforcement titles from other Member States with reservations and mistrust. This problem is exacerbated by the diversity of enforcement titles in the various Member States, namely, their structure and effects. The Project aims to analyse these differences and tackle identified problems, with a primary goal of strengthening mutual trust.



THE OBJECTIVES

- › Contribution to comparative research regarding both the dogmatic and empirical concepts of judgments, court settlements and authentic instruments in order to facilitate better understanding of the Member State rules concerning their legal effects (e.g. res judicata, issue and claim preclusion, etc.), particularly when multiple Member States are involved, thus raising cross-border considerations, especially in light of the Brussels I Recast regime for recognition and enforcement;
- › Clarification of difficult notions, such as cause of action, the irreconcilability of judgments and related actions;
- › Advanced study on the role of authentic instruments, focusing primarily on enforceable notary acts;
- › Drafting a helpful manual for enforcement authorities by providing a concise overview of an sample foreign enforcement titles and proceedings;
- › Improvement of the certificate of enforceability in the Member State of origin;
- › Testing arguments for abolishing the public policy reservation;
- › Ideas for helping to diminish, if not eliminate, terminological obstacles;
- › Prototype IT-tool (aptly named "Enforcement Oracle"), where practitioners would, on an interactive basis, quickly acquire knowledge on foreign enforcement titles.
- › Researching prospects of future automated cross-border enforcement proceedings.

THE TEAM

The project is the fifth EU-Justice project successfully coordinated by the University of Maribor, Faculty of Law, project coordinator prof. dr. Vesna Rijavec. The consortium features a large network of acclaimed universities and other institutions from 13 different EU Member States and one Candidate Country, consisting of the following partners:

- › University of Maribor, Faculty of Law, Slovenia
- › Leibniz University of Hannover, Germany
- › Masaryk University, Faculty of Law, the Czech Republic
- › Mykolas Romeris University, Lithuania
- › Portucalense University, Portugal
- › UCLan Cyprus
- › University of Graz, Austria
- › University of Maastricht, the Netherlands
- › University of Rijeka, Faculty of Law, Croatia
- › University of Tirana, Albania
- › University of Wrocław, Poland
- › Uppsala University, Sweden
- › Institute for Comparative Law at the Faculty of Law in Ljubljana, Slovenia
- › Boleo Global sl, Spain
- › CEPRIS, Slovenia
- › Chamber of Notaries of Slovenia



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