EJE project

For the European judicial area to function smoothly, a necessary precondition is that a citizen or an enterprise should be able to have an enforcement order issued by a national authority in civil and commercial matters executed in another European Union country. The objective of the EJE (European Judicial Enforcement) project, co-financed by the European Union, is to improve the execution of court judgments in Europe by offering European citizens and judicial officers – the enforcement agents – the information they require for the execution of legal decisions in the territory of another Member State. A further aim of this project is to improve the mechanisms for cooperation and communication among judicial officers in Europe.

The context: A priority need for Europe

Since its creation following the Treaty of Amsterdam, the European area of Justice, Freedom and Security has been gradually breaking down the barriers to the free movement of enforcement orders in Europe. Despite this real progress, however, the actual enforcement of one country's court decisions in another country of the European Union still gives rise to major practical difficulties, associated with the territorial nature of civil enforcement procedures. The diversity of national laws and lack of harmonisation of Member States' national rules on civil enforcement procedures make it difficult to implement the right to enforcement that should be guaranteed in a cross-border situation.

It is not in fact easy for European enterprises and citizens to have a judgment or other enforcement order executed in another Member State, even though its enforceability is recognised in the country of execution. The difficulties are essentially due to the diversity and unfamiliarity of the procedures applicable to the enforcement procedures. Unfortunately, such difficulties may give rise to a sense of injustice among litigants and a feeling of having been abandoned.

To simplify the lives of citizens and enterprises and avoid the diversity of national legislations becoming a source of mutual misunderstanding, the EJE project is intended to bring about collaboration for the first time among the key players in civil enforcement procedures, the judicial officers, in order to achieve practical improvements in access to the law by the parties to proceedings in the European Union through the use of new technology, and to reinforce the mutual trust by which the judicial officers are united.

The objectives of the EJE project: a better understanding of enforcement procedures

Co-financed by the European Union, the EJE project pursues two fundamental objectives :

- To provide European citizens with the information needed to enforce court judgments in the territories of other Member States, thereby improving access to justice ;
- To give European judicial officers the tools they need to bolster mutual trust so as to encourage closer cooperation in their work as enforcement officers, and to remove the obstacles to the smooth operation of cross-border civil enforcement procedures.

The project objectives will be achieved by :

- **The creation of the EJE web site**

The EJE web site is available in English, Dutch , French, German, Hungarian, Italian and Polish.

Its aim is to provide the information needed to enforce a court judgment throughout the European Union. To begin with, information will be provided by the project partners (Belgium, France, Germany, Hungary, Italy, Luxembourg, the Netherlands, Poland and Scotland)relating to Member States.

- **Making the** EJE's e-notes **[1] available**

The EJE information sheets provide individuals, businesses and legal professionals with information on the legal tools available and the applicable procedures for enforcing a court judgment in another Member State.

These information sheets provide answers to questions that could arise in this situation, e.g. what are the preconditions for enforcing a judgment? Which is the competent authority? What procedure should be followed? What options are available? What are the effects of an order to seize real/personal property? How can an enforcement order be challenged?

- **The European directory of judicial officers** [2]

The EJE web site provides European litigants and legal professionals with an e-directory of Judicial Officers in Europe.

This directory lists the contact details of judicial officers who are qualified to operate in the jurisdiction where the order is to be enforced.

It also gives details of the languages spoken by each office of judicial officers.

- **The dissemination of** topical European and national information **[3] on enforcement procedures**

The EJE web site provides information on project developments, European legislation and case law from the Court of Justice of the European Union, as well as national legislation and case law relating to the enforcement of court judgments that could be of interest to judicial officers.

A quarterly newsletter on legal matters – available in English and French – reproduces the main points from this information. The newsletter can be accessed on the web site, and it is also possible to take out a subscription.

- **Thematic dossiers** [4]

The EJE web site provides a range of documentation on topics specifically related to the enforcement of judgments in Europe. This documentation is directed at all legal professionals throughout Europe.

The following are also planned under the project :

- **the organisation of thematic meetings** of project partners to develop the tools and best practice for enforcement procedures.
- **the holding of "litigants' reunions"**to brief litigants (consumers and enterprises) on the procedures for debt recovery abroad under enforcement orders, provide information on the role of the judicial officer as an enforcement agent and give litigants the opportunity to present practical instances of the problems they have encountered.
- **the setting up of a job shadowing programme** enabling judicial officers to train each other in best practice in their own countries, enhancing mutual recognition among partners

(with 2 participants per partner).

EJE Partnership :

As of this date the membership of the EJE consists of 9 organisations representing the profession of judicial officer in their own countries :

La Chambre nationale des huissiers de justice (France) (Chef de file). http://www.huissier-justice.org [5]

Le Deutscher Gerichtsvollzieher bund (Allemagne). www.dgvb.de [6]

La Chambre nationale des huissiers de justice de Belgique (Belgique) www.gerechtsdeurwaarders.be [7]

La Society of Messengers-at-Arms and Sheriff Officers (Ecosse) www.smaso.org [8]

La Magyar Birosagi Vegrehajtoi Kamara (Hongrie) http://www.mbvk.hu/main/ [9]

L'Associazione Ufficiali Giudiziari In Europa (Italie) www.auge.it [10]

La Chambre des Huissiers de Justice du Grand Duché de Luxembourg http://www.huissier.lu [11]

Le Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders (Pays-Bas) http://www.kbvg.nl/ [12]

La Krajowa Rada Komornicza (Pologne) http://www.komornik.pl/ [13]

With the support of International Union of Judicial officers - http://www.uihj.com [14]

There is a wide diversity in Member States as regards the position of the judicial officer. At its own level, the project partnership reflects this diversity :

- in legal families: common law systems (Scotland) / civil law systems (other partners)
- in status: a liberal profession (France, Hungary, the Netherlands, Luxembourg, Belgium, Scotland, Poland) / public officials (Germany, Italy)
- in the size of the organisation: several thousand members (France, Hungary, Germany, Poland) / a few hundred members (Belgium, Italy, the Netherlands) / a few dozen (Luxembourg, Scotland)
- in their representation: by a national chamber (France, Hungary, Belgium, Luxembourg, Poland, the Netherlands, Scotland) / by an association (Italy, Germany)

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Links:
[1] http://www.europe-eje.eu/en/fiches-thematiques/themes
[2] http://www.europe-eje.eu/en/annuaire

[3] http://www.europe-eje.eu/en/newsletters/liste
[4] http://www.europe-eje.eu/en/dossiers/liste
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