



Atelier 3 - Une approche de l'exécution du 21^e siècle

Panel 1 - Nouvelles approches, nouveaux outils pour l'exécution

Workshop 3 – 21st Approach to Enforcement

Panel 1 – New Approaches – New Tools to Enforcement

Cross-Border Enforcement Proceedings Tool

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I will have the honour to present you the IT-solution, which will enable us better to communicate in all over European Union. Especially it is about more efficient data exchange and enforcement proceeding realization in other member state.

The overall objective of the project was to further develop the European area of justice by removing the remaining obstacles to the free movement of enforcement instruments in line with the principle of mutual recognition.

Our project was co-funded by the European Union under programme „Civil Justice“ and coordinated by the Estonian Chamber of Bailiffs and Trustees in Bankruptcy in co-operation with the Ministry of Justice in Estonia. Project partners were International Union of Judicial Officials, Lithuanian Chamber of Bailiffs and Council of Latvian Judicial Officers.

The European Commission and the European Parliament have introduced a lot of regulations, which are aimed at cross-border justice-related issues e.g.

1. unchallenged enforcement orders (based on Regulation (EC) No 805/2004 of the EP and of the Council);
2. European orders for payment procedure (Regulation (EC) No 1896/2006 of the EP and of the Council);
3. Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast; No 1215/2012 of the EP and of the Council)
4. Regulation on mutual recognition of protection measures in civil matters (No 606/2013 of the EP and of the Council) and
5. European Small Claims Procedure (Regulation (EC) No 861/2007 of the EP and of the Council).
6. Proceedings of claims related to maintenance obligations (Council Regulation 4/2009) have to be initiated through a national central authority of the debtor's country, but the tool enables members of the proceeding to keep track of the progress.

The European Union aims to the principle of mutual recognition of judicial and extrajudicial decisions in civil matters. In accordance with the Treaty establishing the European Community, these measures must include the means to remove the obstacles in civil proceedings, if necessary by promoting the compatibility of the rules in the Member States. We feel that not only the rules of civil procedure



applicable in the Member States, must be compatible with, but also the IT systems used by the various Member States should be interlinked.

The overall objective of the project was to further develop the European area of justice by removing the remaining obstacles to the free movement of judicial decisions in line with the principle of mutual recognition. It is fulfilled by developing an online cross-border enforcement proceeding tool (CEPT) for EU citizens, businesses and judicial officers.

In detail, the pursued outcomes are the following:

1. to start a cross-border enforcement proceeding;
2. to send and archive documents and data electronically to other Member States;
3. to check up on the current status of the enforcement proceeding;
4. to carry out more efficient supervision;
5. CEPT might provide interconnections with national information registers (police information system, e-file, courts information systems, commercial register, population register, motor vehicle registration centre register) and fully electronic data exchange throughout the entire proceeding.

What kind of benefit will the CEPT provide you, you may also watch it from YouTube: Cross-Border Enforcement Tool

We have based in our programming process on already created IT-platforms of EU level, but also on best practice of Estonian IT-sector, which could be more introduced in EU level. The basic question for cross-border data and document transfer is the verification of parties. In Estonia, there is developed and in wide use digital signature instrument for this purpose. Estonia boasts one of the world's most advanced digital signature systems. Digital signatures and authentication are legally equivalent to handwritten signatures and face-to-face identification in Estonia and between partners upon agreement anywhere around the world.

The Republic of Estonia will be the first country to offer e-residency. People from all over the world will have an opportunity to get a digital identity provided by the Estonian government – in order to get secure access to world-leading digital services from wherever you might be.

What is e-residency?

An e-resident will be a physical person who has received the e-resident's digital identity (smart ID-card) from the Republic of Estonia. This will not entail full legal residency or citizenship or right of entry to Estonia. Instead, e-residency gives secure access to Estonia's digital services and an opportunity to give digital signatures in an electronic environment. Such digital identification and signing is legally fully equal to face-to-face identification and handwritten signatures in the European Union.

The card is not a physical ID-card or even a travel document because it has no photo on it, but it does have a microchip with security certificates. These enable the card to be used with a small piece of software installed and a reader attached via USB to a computer. It works on two-factor authentication. To get access to a service or sign digitally, you need to enter secure PINs which only you will know. For further information please read more from e-estonia.com.



Here you see the cover view of the CEPT. CEPT will be available in all official languages of EU. The user can log into this environment in two ways – by using a personal password or via ID-card.

Every national organisation or respectively every member state shall by itself develop its interlinks to enforcement proceeding systems and gateway to e-Codex. There isn't any central database or installation. Every member state, who wants to create the interlink, will be provided by us with installation instructions.

The only central unit is the authentication portal, but the use of it is only optional.

As previously said, there are two main functions of CEPT – providing data exchange for inquiries and sending enforcement applications. A judicial officer can send the inquiry to one's colleague in other member state, if it is necessary for enforcement proceeding, which is either currently running or the claimant wants to start.

In the administration environment every user can follow one's previous inquiries, which are sent out, which are replied already and other respective aspects as well as new inquiries received from other member state. The list displays inquiries that were sent through the e-CODEX data exchange programme. Inquiries can be accessed by all bailiffs who have the right to work in the authority: to access detailed views, archive, etc.

Also new inquiries can be started from here.

Applications for enforcement may be entered by the judicial officer or by the claimant oneself, if the latter has a password or electronic ID-card already obtained. This is the quick channel for sending the application of enforcement to the respective judicial officer. If the enforcement document needs recognition before the enforcement proceeding, appropriate certificates shall be added to the application for enforcement.

Claimant can attach the enforceable title and related documents. If a claimant has filled and signed the application one can send it and the accompanied documents to a competent judicial officer.

Application for enforcement will be automatically translated into respective language of receiving judicial officer.

Judicial officer will review the documents and either initiate an enforcement proceeding or decline. Grounds for refusal can be final (no jurisdiction, enforceable title cannot be enforced, etc.) or redeemable (absence of a proxy, prepayment, etc.). If a judicial officer has refused to initiate proceedings one will send a motivated decision and when possible will give an additional deadline to redeem the grounds for refusal.

If grounds for refusal were absent in the first place or redeemed in due time, the judicial officer will initiate the enforcement proceeding. A notice will be sent via CEPT.

As CEPT facilitates the sending of documents for initiating enforcement proceedings abroad, it is important to guarantee the authenticity of these documents.

If the enforcement proceeding has been initiated, claimant can monitor the proceeding via a CEPT module in his or her Member State.



In general, via CEPT project we have delivered a prototype. Implementation and integration will be done by each Member State.

For starting to use the CEPT, please contact to us and we will send you instructions with more details. We are sure, that as a result of wide use of CEPT, EU citizens and businesses will be able to initiate enforcement proceedings more easily, faster and at lower cost.