

## Enforcement of foreign judgments

Lithuania, Latvia and Estonia

Judgments issued within the EU in civil and commercial matters and also public documents such as notarial acknowledgments of debt operate under a simplified procedure for recognition and enforcement. The principle of mutual trust between courts applies. Judgments issued outside the EU are subject to stricter controls by national courts.

### → Enforcement of judgments issued within the EU

European small claims procedure

**Alternative European procedure**

**Procedure with the right to be heard on both sides**

- Alternative to the procedures existing under national law. Uniform accelerated European procedure for simplified enforcement in another Member State.
- Applies to cases where value of claim not more than EUR 2.000 excluding interest, expenses and costs.
- Enforcement form: Certificate on judgment under the European small claims procedure. Form issued by competent national court.
- Immediately enforceable.
- Details of procedure: In general, written procedure. The court must take into account costs of taking evidence; no obligation to be represented by a lawyer; judgment enforceable notwithstanding any possible appeal and without security.

European order for payment procedure

**Alternative European procedure**

**Claims not subject of a legal dispute**

- Alternative instrument to national procedural rules. Uniform accelerated European procedure for simplified enforcement in another Member State.
- Applies to collection of money claims provided there is no dispute.
- Enforcement form: Order for enforcement of European order of payment.
- Immediately enforceable.
- Details of procedure: The fact that the debtor received the order for payment must be satisfactorily shown. Within 30 days after delivery the order for payment is declared enforceable.
- A statement of opposition filed within the time limit terminates the European order for payment procedure and leads to automatic transfer of the case to ordinary civil proceedings.

Recognition and enforcement of judgments

**Confirmation of the national judgments**

**Procedure with the right to be heard on both sides**

- A judgment under national procedural law is declared enforceable in the destination country by a simple formal intermediate procedure.
- Applies to judicial decisions in civil and commercial matters, judicial settlements and public documents.
- Enforcement form: Certificate refers to Articles 54 and 58 of the Regulation on judgment and court settlements. Enforceable after court of destination country declares the decision enforceable.
- Details of procedure: On no account can the foreign decision be revised as to its contents. The debtor has no opportunity to issue a statement. With the notice of appeal, the debtor may initiate a review of minimum procedural standards in the court of the Member State of enforcement. The decision comes into force under national procedural law.

## European enforcement order for uncontested claims

### Confirmation of the national judgments

#### Claims not subject of a legal dispute

- A judgment under national procedural law will be reviewed in this country as to compliance with minimum European regulations and confirmed via European enforcement order.
- Applies to judicial decisions in civil and commercial matters, judicial settlements and public documents.
- Enforcement form: European enforcement order certificate.
- Immediately enforceable.
- Details of procedure: The fact that the debtor actually received the document about opening a procedure must be satisfactorily shown. The claim is treated as uncontested when the debtor expressly agrees to the claim or does not deny the claim or does not appear in the court proceedings.
- Compliance with minimum requirements will be reviewed only by the Member State of origin.
- The enforcement process is governed by the law of the Member State of enforcement.

#### In target state

In general, the following documents are required for enforcement in another Member State:

- Official copy of the foreign judgment
- Corresponding European enforcement form
- Translation into the official language of the country of enforcement.

## → Enforcement of a judgment issued outside the EU

### Intermediate process

- Enforcement of judgments issued outside the EU is governed by national law. The judgment is accepted via an intermediate process and declared enforceable.

### Competent court

- Lithuania – in general, court of appeal
- Latvia, Estonia – court of first instance

### Extent of review

- The court reviews ex officio the competence of the foreign court and compliance with minimum procedural requirements such as delivery of procedural documents and the possibility to exercise rights of defense in a reasonable manner. The decision will not be accepted if contrary to the public policy of the destination country.
- In comparison to the European enforcement process the applicant must submit more documents and the level of judicial review is higher.

### Rights of the opponent

- In Lithuania and Latvia the debtor has no opportunity to make representations.
- In Estonia, the court can hear the claimant.
- Appeal can be filed against the recognition decision.

### Coming into force

- In Lithuania the recognition decision comes into force on the same day as it is issued.
- In Latvia and Estonia the recognition decision comes into force 30-60 days after delivery of the decision.

This information sheet is drafted to reflect regulation (EG) No. 44/2001 of the council of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, regulation (EG) No. 805/2004 of the European Parliament and the council of 21. April 2004 creating a European Enforcement Order for uncontested claims, regulation (EG) No. 1896/2006 of the European Parliament and the council of 12. December 2006 creating a European order for payment procedure, regulation (EG) No. 861/2007 of the European Parliament and the council of 11. July 2007 establishing a European Small Claims Procedure, the Latvian code of civil procedure (Latvijas Republikas Civilprocesa likums), the Lithuanian code of civil procedure (Lietuvos Respublikos civilinio proceso kodeksas), and the Estonian code of civil procedure (Tsivilkohtumenetluse seadustik). This information sheet is only intended for the purpose of overview and information. This information sheet should not be considered as an approval certificate. Bnt attorneys at law assume no liability for this information sheet.