Recognition and enforcement of judgements pursuant to the Brussels Ibis Regulation

Prof. Aleš Galič
University of Ljubljana

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Brussels I Regulation – jurisdiction and the recognition and enforcement of judgements in civil matters
Applicability ratione temporis

Art. 66(2) Reg. 1215/2012

Notwithstanding Article 80, Regulation (EC) No 44/2001 shall continue to apply to judgments given in legal proceedings instituted, to authentic instruments formally drawn up or registered and to court settlements approved or concluded before 10 January 2015 which fall within the scope of that Regulation.
Applicability ratione materiae ...

- Judgment in civil or commercial matter, issued in a member state
- Irrelevant if against defendant from the third country, irrelevant if jurisdiction based on national law (even if exorbitant (excessive) jurisdiction under national law
- Public policy exception may not relate to rules of jurisdiction
The Brussels I Recast: Abolition or “Abolition” of exequatur?

• Exequatur – a decision (a legal document) of a domestic court that permits a foreign judgment to be enforced within the jurisdiction by establishing that no grounds for refusal of recognition of a foreign judgment exist

• Goals of exequatur: (1) control (2) reception i.e. title import

The ambition of the EU Commission: **full faith and credit**;

Imposed / “blind” trust or a genuine trust?
Seeds planted ...

1999 *Tampere Programme*: “... calls upon the Commission to make a proposal for further reduction of the intermediate measures which are still required to enable the recognition and enforcement of a decision or judgement in the requested State”

2001 *Draft programme of measures for implementation of the principle of mutual recognition* ... :

“Abolition, pure and simple, of any checks on the foreign judgment by courts in the requested country allows national judgments to move freely throughout the EU”.
The result

On the face of it ... abolition of exequatur – but in reality a “reverse exequatur” – burden to initiate proceedings on the debtor
The broader picture: MUTUAL TRUST

• mutual trust is a cornerstone of “judicial co-operation in civil matters” and a prerequisite for a genuine integration.

• But the building of mutual trust has thus far not concerned genuine, real trust, but rather a required, imposed trust.

• The principle of “blind” mutual trust is inevitably linked to the dogma that the judiciaries of individual Member States are all equally fit and trustworthy concerning the expectation that they will correctly apply the law and safeguard fundamental rights.
Mutual trust – landmark judgments

• **Gasser (C-116/02)**: no exception from the lis pendens rule in circumstances of grave violation of the right to a trial within reasonable time

• **Turner/Grovit (C-159/02), West Tankers (C-185/07)**; anti-suit injunctions: “no need for the English judge to tell the Spanish judge what to do; the latter is equally fit to reach the correct decision as to its jurisdiction”

• **Aguirre Zarraga (C-491/10 PPU)**: if something went terribly wrong in the court of origin, the system of remedies in the country of origin must be trusted to rectify any shortcomings; no place for the court in the country of enforcement to exercise additional control
A (tiny) departure from the dogma …

EU Legislature: legislative rush slowing down; replaced by: quality control, consolidation, effective application of the existing instruments

ECJ: 216/18 PPU - Minister for Justice and Equality (Défaillances du système judiciaire) See also: CJEU 19.11.2019, C-585/18

….. a real risk of breach of the fundamental right to a fair trial …, on account of systemic or generalised deficiencies

Compare Gasser (systemic defects concerning the right to a trial within a reasonable time in Italy); but ECtHR: Scordino (1) v Italy: Systemic defect, systemic cause…. fundamental rights
Grounds for non-recognition / refusal of enforcement; nearly unchanged compared to the Reg 44/2001

- Manifest breach of a public policy
- Service not enabling the defendant to arrange for his defence in case of a judgment by default
- Irreconcilable judgment in the same MS / earlier judgment in another MS
- Violation of exclusive jurisdiction and protective jurisdictional regime to the detriment of a weaker party
The starting point: No revision au fond

- Article 52

Under no circumstances may a judgment given in a Member State be reviewed as to its substance in the Member State addressed.
Ordre Public / public policy

- irrelevant whether the alleged error of the national court related to a rule of EU law rather than to one of national law.
- In each instance, if the public policy exception were to apply, there must be a breach of a rule of law regarded as “essential” in the legal order of the member state in which recognition was sought or a breach of a right recognised as being fundamental in that legal order Diageo.
- **fundamental rights may be subject of the restrictions** if such restrictions in fact correspond to objectives of general interest pursued by the measure in question and that they do not constitute, with regard to the objective pursued, a **manifest and disproportionate breach of the rights** thus guaranteed. Trade Agency.
No supranational public policy – but limits controlled by the ECJ

- not supranational (EU) public policy but national public policy of the Member States. However, the limits in its application are set by the Brussels I Recast and CJEU.
- substantive and procedural public policy.
- exception must be interpreted strictly and ought to operate only in exceptional cases Hoffmann v Krieg
- where recognition or enforcement of the foreign judgement would be at variance to an unacceptable degree with the legal order of the Member State of the EU in which enforcement is sought inasmuch it infringes a fundamental principle.
- a manifest breach of a rule of law regarded as essential in the legal order of the MS of recognition ... or of a right recognised as being fundamental within that legal order.
- refers to the protection of legal interests which are expressed through the rule of law, rather than purely economic interests. flyLAL Lithuanina Airlines
Exhaustion of domestic remedies

- Explicitly: adequate service of claim / default judgment
- Extended by the ECJ (with restrictions) to public policy (C-681/13, Diageo)
- Violation of exclusive and protective jurisdiction: court in the MS of enforcement bound by findings of facts of the court of the MS of origin
Basics ....

• No refusal of recognition / enforcement ex officio; not even in case of a violation of ordre public

• No obstacle of “enforcement pendens”: not possible to refuse enforcement on the ground that enforcement proceedings already underway or that the debtor has no assets within jurisdiction whatsoever

• **In principle: no automatic/immediate requirement to provide translations (!!)**
Recognition

- Automatic recognition
- A court where the outcome of proceedings depends on the determination of incidental question of refusal of recognition, the court may decide that preliminary question

- Problem: is a interim declaratory claim (Zwischenfeststellungsklage) admissible?
- Application for a **decision that there are no grounds for refusal** of recognition (Reg 44/2001: request for recognition)
- Application for **refusal of recognition** (new)
ENFORCEMENT OF A FOREIGN JUDGMENT

Before the Recast
• no enforcement before the exequatur is obtained;
• The creditor can only proceed to protective measures

After the Recast
• Exequatur abolished; immediate enforceability
• Application for refusal of enforcement
• Impact on the proceedings concerned with enforcement?
• (Formal) requirements for enforcement
• Merely:
• 1. A judgment (not necessarily “final” (res iudicata); sufficient to be enforceable) → translation??
• 2. Certificate (Annex I) → translation ??
Certificate – Annex I

Monetary judgment:

- Subject-matter of case • Identity debtor and creditor • Currency • Principal amount • Due at once, installments or regularly • joint or several liability • default Interest

Judgment for specific performance

- Short description of the subject-matter and the court’s decision • Competence and procedure for adapting the foreign decision: national law.
ANNEX I

CERTIFICATE CONCERNING A JUDGMENT IN CIVIL AND COMMERCIAL MATTERS


1. COURT OF ORIGIN

1.1. Name:

1.2. Address:

1.2.1. Street and number/PO box:

1.2.2. Place and postal code:

1.2.3. Member State:

AT □ BE □ BG □ CY □ CZ □ DE □ EE □ EL □ ES □ FR □ HU □ IE □ IT □ LT □ LU □ LV □ MT □ NL □ PL □ PT □ RO □ SE □ SI □ SK □ UK □

1.3. Telephone:

1.4. Fax

1.5. E-mail (if available):

2. CLAIMANT(S) (!)

2.1. Surname and given name(s)/name of company or organisation:

2.2. Identification number (if applicable and if available):

2.3. Date (dd/mm/yyyy) and place of birth or, if legal person, of incorporation/formation/registration (if relevant and if available):

2.4. Address:

2.4.1. Street and number/PO box:

2.4.2. Place and postal code:

2.4.3. Country:

AT □ BE □ BG □ CY □ CZ □ DE □ EE □ EL □ ES □ FR □ HU □ IE □ IT □ LT □ LU □ LV □ MT □ NL □ PL □ PT □ RO □ SE □ SI □ SK □ UK □ Other (please specify (ISO-code)) □

2.5. E-mail (if available):

3. DEFENDANT(S) (?)

3.1. Surname and given name(s)/name of company or organisation:

3.2. Identification number (if applicable and if available):

3.3. Date (dd/mm/yyyy) and place of birth or, if legal person, of incorporation/formation/registration (if relevant and if available):

3.4. Address:

3.4.1. Street and number/PO box:

3.4.2. Place and postal code:

3.4.3. Country:
4. THE JUDGMENT

4.1. Date (dd/mm/yyyy) of the judgment:

4.2. Reference number of the judgment:

4.3. The judgment was given in default of appearance:

4.3.1. ☐ No

4.3.2. ☐ Yes (please indicate the date (dd/mm/yyyy) on which the judgment was declared enforceable, if applicable):

4.4. The judgment is enforceable in the Member State of origin without any further conditions having to be met:

4.4.1. ☐ Yes (please indicate the date (dd/mm/yyyy) on which the judgment was declared enforceable, if applicable):

4.4.2. ☐ Yes, but only against the following person(s) (please specify):

4.4.3. ☐ Yes, but limited to part(s) of the judgment (please specify):

4.4.4. ☐ The judgment does not contain an enforceable obligation:

4.5. As of the date of issue of the certificate, the judgment has been served on the defendant(s):

4.5.1. ☐ Yes (please indicate the date of service (dd/mm/yyyy) if known):

4.5.1.1. The judgment was served in the following language(s):

☐ BG □ CS □ DE □ ET □ EL □ EN □ FR □ GA □ IT □ LV □ HU □ MT □ NL □ PL □ PT □ RO □ SK □ SL □ FI □ SV □ Other (please specify (ISO-code))

4.5.2. ☐ Not to the knowledge of the court:

4.6. Terms of the judgment and interest:

4.6.1. Judgment on a monetary claim (7):

4.6.1.1. Short description of the subject-matter of the case:

4.6.1.2. The court has ordered:

………………………………………… (surname and given name(s)/name of company or organisation) (*)

to make a payment to:

………………………………………… (surname and given name(s)/name of company or organisation)

4.6.1.2.1. ☐ Yes

4.6.1.2.2. ☐ No

4.6.1.3. Currency:

☐ euro (EUR) □ Bulgarian lev (BGN) □ Czech koruna (CZK) □ Hungarian forint (HUF) □ Lithuanian litas (LTL) □ Latvian lats (LVL) □ Polish zloty (PLN) □ Pound Sterling (GBP) □ Romanian leu (RON) □ Swedish krona (SEK) □ Other (please specify (ISO-code))

4.7. Costs

4.7.2. ☐ Yes

4.7.2.1. ☐ No

4.7.3. The costs of which recovery is sought are as follows: (*)

4.7.3.1. ☐ The costs have been fixed in the judgment by way of a total amount (please specify amount):

4.7.3.2. ☐ The costs have been fixed in the judgment by way of a percentage of total costs (please specify percentage of total):

4.7.3.3. ☐ Liability for the costs has been determined in the judgment and the exact amounts are as follows:

4.7.3.3.1. ☐ Court fees:

4.7.3.3.2. ☐ Lawyers’ fees:

4.7.3.3.3. ☐ Cost of service of documents:

4.7.3.3.4. ☐ Other:

4.7.3.4. ☐ Other (please specify):

4.7.4. Interest on costs:

4.7.4.1. ☐ Not applicable

4.7.4.2. ☐ Interest specified in the judgment

4.7.4.2.1. Amount:

4.7.4.2.2. ☐ Rate ..., %

4.7.4.2.2.1. Interest due from ................. (date (dd/mm/yyyy) or event) to ................. (date (dd/mm/yyyy) or event) (6)

4.7.4.3. ☐ Statutory interest (if applicable) to be calculated in accordance with (please specify relevant statute):

4.7.4.3.1. Interest due from ................. (date (dd/mm/yyyy) or event) to ................. (date (dd/mm/yyyy) or event) (6)

4.7.4.4. ☐ Capitalisation of interest (if applicable, please specify):

Done at: ...

Signature and/or stamp of the court of origin:

(*) Insert information for all claimants if the judgment concerns more than one.
(7) Insert information for all defendants if the judgment concerns more than one.
(*) If the judgment only concerns costs relating to a claim which has been decided in an earlier judgment, leave point 4.6.1 blank and go to point 4.7.
(6) If more than one person has been ordered to make a payment, insert information for all persons.
(*) Insert information for each instalment.
(*) Insert information for all periods if more than one.
(7) This point also covers situations where the costs are awarded in a separate judgment.
(6) Insert information for all persons if more than one.
(*) In the event that the costs may be recovered from several persons, insert the breakdown for each person separately.
• Direct application for enforcement, no difference to enforcement of domestic judgments

• No “surprise effect possible” for enforcement measures before the judgment-debtor is informed of the request for enforcement (certificate and judgment must be served in reasonable time before first enforcement measure)

• Judgment-debtor may apply to a court in the country of enforcement for refusal of enforcement.

• Enforcement is immediately possible (but the debtor may apply for suspension/restriction to protective measures/security)

• Protective measures (1) if judgment is enforceable in the state of origin and (2) protective measure does not require prior service of the certificate
Enforcement of a foreign judgment – a comparison example of Slovenia

Regulation 44/2001

•  /
• Claimant: Application for a declaration of enforceability: District Court, formal examination, ex parte
• Debtor: appeal; District court, examination of grounds for non-recognition
• Appeal: Supreme Court
• Claimant: Application for enforcement

Regulation 1215/2012

• Claimant: Application for enforcement
• Debtor: Application to refuse enforcement; District court; examination of the grounds for non-recognition; ex parte or adversarial ???
• Appeal: District court
• Appeal: Supreme Court
Article 44 (1)

1. In the event of an application for refusal of enforcement, the court in the MS addressed may, on the application of the person against whom enforcement is sought:

(a) **limit** the enforcement proceedings to protective measures;

(b) make enforcement conditional on the provision of such **security** as it shall determine; or

(c) **suspend**, either wholly or in part, the enforcement proceedings.
• Which court?
- the court where the application for refusal of enforcement was filed; or
- the court concerned with enforcement.

Article 75
the MS shall communicate to the Commission:
(a) the courts to which the application for refusal of enforcement is to be submitted pursuant to Article 47(1);
(b) the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2);
(c) the courts with which any further appeal is to be lodged pursuant to Article 50; and
(d) the languages accepted for translations ....
• Full discretion of the court?
• Conditions as provided for for the comparable instruments in national law (e.g. suspension, security, partial limitation of enforcement, periculum&probability for protective measures)?
• Euroautonomously determined conditions?
• Hierarchy of measures?
• Is the court bound by the relief sought?
Restriction to provisional measures

• The claimant may move for the enforcement, however the court will order the modification (restriction) of enforcement into provisional measures (e.g. ordering that the garnishment of accounts shall be restricted to freezing of the account or that a compulsory lien shall be imposed but the property will not be sold yet)

**PROBLEM**: certain national laws (e.g. Slovenian) don’t explicitly regulate the “restriction” of enforcement into provisional measure (limiting it to the

**Or:**
The motion for enforcement shall be rejected; the claimant must file a motion for protective measures
Suspension of enforcement

• Conditions? (e.g. can it be made conditional on the debtor’s providing of security?)
• Time (until the final resolution of the debtor’s application for refusal of enforcement?)

Provision of security

• The court may not ORDER the claimant to pay security, it may only make the enforcement CONDITIONAL on payment of security
Case No. 1: Opposing enforcement: reasons of “international private law” and of national enforcement law

- An Austrian company obtained a judgment against a Slovenian debtor for a payment of 20,000 EUR. It wishes to have the judgment enforced in Slovenia by means of attachment and sale of a precious painting owned by the debtor.
- The debtor believes the enforcement of the judgment should be refused because the case concerned a consumer contract, however the Austrian court erroneously rejected the plea of the lack of jurisdiction. In addition, the debtor is of the opinion that the painting in question is exempt from enforcement since it is a "painting of a family member" (Art. 79(1) of the Slovenian Enforcement of Judgments Act).
- Can the debtor invoke both defences within enforcement proceedings before the local court?
- If the debtor files an application for refusal of enforcement (Art. 46 Brussels Ibis Regulation) in the district court, may this court examine also the question whether the painting is exempt from enforcement.
“domestic law enforcement defences” examined within proceedings concerned with an application for refusal of enforcement under Brussels I: Recital 30

A party challenging the enforcement of a judgment given in another Member State should, to the extent possible and in accordance with the legal system of the Member State addressed, be able to invoke, in the same procedure, in addition to the grounds for refusal provided for in this Regulation, the grounds for refusal available under national law and within the time-limits laid down in that law.

Slovenia: enforcement: county court & court of appeal
Application for refusal of enforcement: district court & Supreme Court
Answer: “not possible”
Incidenter decision on refusal of enforcement/recognition within domestic enforcement proceedings ???

• In my opinion: contravenes the system and the purpose of the new regulation in the Brussels Ibis Regulation

• Obligatory to file a (separate) application for refusal of enforcement;

• Effects on pending enforcement proceedings: no automatic suspension;

• If decided as a preliminary question – it would cause an automatic suspension until the court examined the invoked grounds for non/recognition
Case No. 3: Provisional measure instead of / prior to enforcement of a foreign judgment

- After having obtained an enforceable judgment in a Romanian court, a creditor files an application for a provisional measure – freezing of assets in the debtor’s bank account in Slovenia. May the court refuse to grant the provisional measure on grounds that the creditor failed to establish “periculum in mora”, i.e. the danger that otherwise the enforcement might be jeopardised.

- Article 40: An enforceable judgment shall carry with it by operation of law the power to proceed to any protective measures which exist under the law of the Member State addressed.

CJEU (Capelloni): no additional conditions as provided by the national law; it must only concern a protective measure, known under the national law of the given state
Case No. 4: Ordinary or extra-ordinary appeal?

• The creditor applied for enforcement of a judgment of an Austrian (option 2: a Croatian) court in Slovenia, following which the debtor filed an application for refusal of enforcement in Slovenia and simultaneously also a final appeal on points of law (Revizija, Revision) in Austria (option 2: Croatia) against the judgment.

• May the Slovenian court suspend proceedings until the court in the country of origin decides on the final appeal on points of law?
The court to which an application for refusal of enforcement is submitted or the court which hears an appeal ..... may stay the proceedings if an ordinary appeal has been lodged against the judgment in the MS of origin ..... 

**Problem**: what is an “ordinary appeal”: in Austria a Revision is considered an ordinary appeal (preventing effect of res iudicata), whereas in Croatia revizija is considered an extra-ordinary appeal (filing of Revizija does not prevent the judgment to become a res iudicata)

Euroautonomous interpretation of the notion of “ordinary appeal” (e.g. CJEU: Industrial Diamond Supply; C-43/77); such final appeals on points of law are considered to be ORDINARY APPEALS

Answer: may suspend proceedings
Case No. 5: Service of the certificate and of the judgment

A creditor, after having obtained a judgment in a German court moves for enforcement against the Slovenian debtor/defendant in Slovenia (garnishment of a bank account). A certificate issued pursuant to Art. 53 is enclosed.

Should the court first serve the certificate on the debtor (or, in order to ensure a surprise effect) only after the warrant of execution was issued and the bank has already frozen the account?

• Should the German judgment be served as well?
• If yes, should it be translated?
• If the creditor had previously already tried to enforce the judgment in Austria and the certificate issued pursuant to Art. 53 has been served on the debtor there, should it be served again in Slovenia?
Other effects on proceedings concerned with enforcement:

Article 43

1. the certificate ...shall be served ...prior to the first enforcement measure. The certificate shall be accompanied by the judgment, if not already served ....

2. Where the person against whom enforcement is sought is domiciled ..... , he may request a translation ..... if the judgment is not written in or accompanied by a translation into either of the following languages:

(a) a language which he understands; or
(b) the official language of the Member State in which he is domiciled ..... 

Where a translation of the judgment is requested ..... , no measures of enforcement may be taken other than protective measures ..... 

....shall not apply if the judgment has already been served ...in one of the languages ...

3. . shall not apply to ....protective measure(s) ....
What is left to the national law?

*Article 47(2):* The procedure for refusal of enforcement shall, in so far as it is not covered by this Regulation, be governed by the law of the Member State addressed.

Problem: Arts. 44 (suspension, provisional measure, security) and 54 (adaptation of the measure) do not specifically concern procedure for refusal of enforcement.
Cases No. 6 and 7: Enforcement of cross-border provisional measures: jurisdiction for the merits, but not »by virtue of the Regulation«

5. Proceedings against a defendant, domiciled in Russia, are pending in a Slovenian court as a court where the harmful event occurred. Since the defendant is from a non-EU country, the Slovenian court based its jurisdiction on its national law (Slovenian International Private Law Act). In course of proceedings the Court issued a provisional measure – freezing of the defendant’s bank account in Cyprus.

6. Janez, domiciled in Ljubljana, Slovenia, brought proceedings against Peter, domiciled in Maribor, Slovenia in a court in Maribor, Slovenia. The case concerns contractual obligation and has no cross-border implications. The court based its jurisdiction on Slovenian national law (Slovenian Civil Procedure Act – domicile of the defendant). In course of proceedings the Court issued a provisional measure – freezing of the defendant’s bank account in Cyprus.
In both cases, the defendants had a chance to respond to the provisional measure in a Slovenian court. The claimants then requested enforcement of the provisional measure in Cyprus. The debtors objected. They invoked Art. 2(a) of the Brussels Ibis Regulation and stated that the Slovenian court did not have jurisdiction as to the merits by virtue of this Regulation. Thus, it neither of the two cases, there exists a »judgment« which can be enforced pursuant to the Brussels Ibis Regulation. In response, the claimants argued that it is sufficient that the courts had jurisdiction for the merits and it was not decisive whether this jurisdiction was based exactly on the Brussels Ibis Regulation.
- Art. 2: For the purposes of Chapter III, ‘judgment’ includes provisional, including protective, measures ordered by a court or tribunal which by virtue of this Regulation has jurisdiction as to the substance of the matter.

- Art. 42: the certificate issued pursuant to Article 53, containing a description of the measure and certifying that: (i) the court has jurisdiction as to the substance of the matter (no additional requirement: by virtue of this Regulation)

- Recital 33: Where provisional, including protective, measures are ordered by a court of a MS not having jurisdiction as to the substance of the matter (no additional requirement “by virtue of this Regulation...”), the effect of such measures should be confined, under this Regulation, to the territory of that Member State
Case No. 8: a) content of the judgment not known under the law of the state of enforcement; b) ex parte proceedings

- During the course of first instance proceedings on the merits in the member state A (the court has jurisdiction by virtue of the Brussels Ibis Regulation as the court for the place of the defendant’s domicile) the court, after having heard both parties, issues a protective measure – a Dinglicher Arrest. The defendant has a holiday home in Slovenia. The claimant then moves for enforcement of the measure in Slovenia and requests the entry of a so called Arresthypothek in a Slovenian land register. The debtor objects that no such measure could be possible under Slovenian law and could not be rendered by a Slovenian court. First, the object of the protective measure in Slovenia must always be individually determined and – more importantly – the protective measure issued during first instance proceedings can merely prevent the debtor to sell real-estate or establish a mortgage, but does not produce effects of a mortgage (lien) e.g. priority over possible other creditors, attaching the real estate in question in enforcement proceedings).
• What should the court (which court?) do?
• - dismiss the request for enforcement;
• - authorise the enforcement with exactly the same content as the measure has in the country of origin;
• - authorise the enforcement, but with a content that is known also in Slovenian law and is the most similar to the content of the Arrest in the country of origin; that would be the effect of a provisional measure of “prohibition to sell and dispose of a real estate”.
Adaptation (Art. 54)

• If a judgment contains a measure or an order which is not known in the law of the Member State addressed, that measure or order shall, to the extent possible, be adapted to a measure or an order known in the law of that Member State which has equivalent effects attached to it and which pursues similar aims and interests.

• Such adaptation shall not result in effects going beyond those provided for in the law of the Member State of origin.

• 2. Any party may challenge the adaptation of the measure or order before a court.

• court/enforcement authority/bailiff of its own motion or upon the party’s request? Appeal to the court – which court?
Ex parte provisional measure

• Would it matter if the court in the country of origin issued the provisional measure ex parte, thus without the other party’s opportunity to be heard – either before the issuing of measure or after the measure was issued but before its enforcement in Slovenia is sought?

• Art. 2: It does not include a provisional, including protective, measure which is ordered by such a court or tribunal without the defendant being summoned to appear, unless the judgment containing the measure is served on the defendant prior to enforcement;
• Recital 33: .... This should not preclude the recognition and enforcement of such measures under national law.
• Art. 42. For the purposes of enforcement .... ordering a provisional, including a protective, measure, the applicant shall provide:
  • (b) the …certifying that the court has jurisdiction as to the substance of the matter;
  • (c) where the measure was ordered without the defendant being summoned to appear, proof of service of the judgment.
Thank you for your attention!

Ales.galic@pf.uni-lj.si