

Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure

CHAPTER III

RECOGNITION AND ENFORCEMENT IN ANOTHER MEMBER STATE

Article 20

Recognition and enforcement

1 A judgment given in a Member State in the European Small Claims Procedure shall be recognised and enforced in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.

[^{F12} At the request of one of the parties, the court or tribunal shall issue a certificate concerning a judgment given in the European Small Claims Procedure using the standard Form D, as set out in Annex IV, at no extra cost. Upon request, the court or tribunal shall provide that party with the certificate in any other official language of the institutions of the Union by making use of the multilingual dynamic standard form available on the European e-Justice Portal. Nothing in this Regulation shall oblige the court or tribunal to provide a translation and/or transliteration of the text entered in the free-text fields of that certificate.]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation \(EC\) No 861/2007 establishing a European Small Claims Procedure and Regulation \(EC\) No 1896/2006 creating a European order for payment procedure.](#)

Article 21

Enforcement procedure

1 Without prejudice to the provisions of this Chapter, the enforcement procedures shall be governed by the law of the Member State of enforcement.

Any judgment given in the European Small Claims Procedure shall be enforced under the same conditions as a judgment given in the Member State of enforcement.

2 The party seeking enforcement shall produce:

- a a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and

[^{F1b} the certificate referred to in Article 20(2) and, where necessary, the translation thereof into the official language of the Member State of enforcement or, if there are several official languages in that Member State, the official language or one of the official languages of court or tribunal proceedings of the place where enforcement is sought in conformity with the law of that Member State, or into another language that the Member State of enforcement has indicated it can accept.]

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 861/2007 of the European Parliament and of the Council, CHAPTER III. (See end of Document for details)

3 The party seeking the enforcement of a judgment given in the European Small Claims Procedure in another Member State shall not be required to have:

- a an authorised representative; or
- b a postal address

in the Member State of enforcement, other than with agents having competence for the enforcement procedure.

4 No security, bond or deposit, however described, shall be required of a party who in one Member State applies for enforcement of a judgment given in the European Small Claims Procedure in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State of enforcement.

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation \(EC\) No 861/2007 establishing a European Small Claims Procedure and Regulation \(EC\) No 1896/2006 creating a European order for payment procedure.](#)

[^{F2}Article 21a

Language of the certificate

1 Each Member State may indicate the official language or languages of the institutions of the Union, other than its own, which it can accept for the certificate referred to in Article 20(2).

2 Any translation of the information on the substance of a judgment provided in a certificate as referred to in Article 20(2) shall be done by a person qualified to carry out translations in one of the Member States.]

Textual Amendments

- F2** Inserted by [Regulation \(EU\) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation \(EC\) No 861/2007 establishing a European Small Claims Procedure and Regulation \(EC\) No 1896/2006 creating a European order for payment procedure.](#)

Article 22

Refusal of enforcement

1 Enforcement shall, upon application by the person against whom enforcement is sought, be refused by the court or tribunal with jurisdiction in the Member State of enforcement if the judgment given in the European Small Claims Procedure is irreconcilable with an earlier judgment given in any Member State or in a third country, provided that:

- a the earlier judgment involved the same cause of action and was between the same parties;
- b the earlier judgment was given in the Member State of enforcement or fulfils the conditions necessary for its recognition in the Member State of enforcement; and

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- c the irreconcilability was not and could not have been raised as an objection in the court or tribunal proceedings in the Member State where the judgment in the European Small Claims Procedure was given.

2 Under no circumstances may a judgment given in the European Small Claims Procedure be reviewed as to its substance in the Member State of enforcement.

Article 23

Stay or limitation of enforcement

Where a party has challenged a judgment given in the European Small Claims Procedure or where such a challenge is still possible, or where a party has made an application for review within the meaning of Article 18, the court or tribunal with jurisdiction or the competent authority in the Member State of enforcement may, upon application by the party 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) under exceptional circumstances, stay the enforcement proceedings.

F² Article 23a

Court settlements

A court settlement approved by or concluded before a court or tribunal in the course of the European Small Claims Procedure and that is enforceable in the Member State in which the procedure was conducted shall be recognised and enforced in another Member State under the same conditions as a judgment given in the European Small Claims Procedure.

The provisions of Chapter III shall apply, *mutatis mutandis*, to court settlements.]

Textual Amendments

- F2** Inserted by [Regulation \(EU\) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation \(EC\) No 861/2007 establishing a European Small Claims Procedure and Regulation \(EC\) No 1896/2006 creating a European order for payment procedure.](#)

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