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Expert Webinar

Diversity of Enforcement Titles in Cross-border Debt Collection in the European Union

Date: 10 February 2022 |

Time: 18:00-20:00 |

Via Microsoft Teams

The School of Law of the University of Central Lancashire Cyprus is proud to be a partner in a European Union funded project examining the 'Diversity of Enforcement Titles in cross-border Debt Collection in EU' coordinated by the Faculty of Law of the University of Maribor in Slovenia and host an expert webinar for the benefit of legal professionals and other interested parties.

The growth of economic integration causes a greater presence of international element, which is why the cross-border enforcement of claims on the grounds of enforcement titles is also increasing. One of the main obstacles in cross-border enforcement is the lack of mutual trust between national authorities of different EU Member States, as the national authorities treat enforcement titles from other Member States with reservations and mistrust. This is further enhanced by the diversity of enforcement titles.

Taking into account all of the above, the research will contribute to a better understanding of differences in structure, content and effects of judgements in individual Member States. Furthermore, the impact of these differences on cross-border enforcement will be examined. Research will further focus on the differentiation of dogmatic and empirical concepts of different enforcement titles in the framework of recognition and enforcement. In addition, project team will analyse the importance of terminological barriers that occur during the course of cross-border enforcement. Likewise, an important part of the research will be the analysis of possibilities for overcoming obstacles to cross-border enforcement resulting from a technological progress.

Contents

18:00-18:10 Welcome address by Professor Stephanie Lulhe Shaelou (<https://bit.ly/3G0zIWv>),
Head of the School of Law, University of Central Lancashire Cyprus

Part I: Presentations

18:10-18:40 'Lis pendens and related actions in cross-border proceedings'
by Prof. Dr. Vesna Rijavec, Dean of the Faculty of Law, University of Maribor, Slovenia

Prof. Dr. Rijavec will address the muddled issue of the (objective) identity of claims in cross-border proceedings, specifically in regards to rules on lis pendens (referencing the same cause of action) and related actions. Different EU jurisdictions operate with different conceptions of what the object of a claim is. However, the Court of Justice of the EU has already elaborated on the euro-autonomous concept of the identity, turning to the French "triple-identity test" (parties, cause et objet). This is contrasted by many Member states' definition. For instance, the German legal tradition, common to many Member states of central and east Europe, operates with a one- or two-tier definition of a claim, in very narrow, procedural terms. This in turn causes trouble with understanding when lis pendens situations actually arise. Even harder is the determination of related actions under the Brussels Ia Regulation. A more loosely defined concept, which is foreign to most jurisdictions, is seldom utilized in practice and requires a delicate understanding.

18:40-19:10 'Res judicata in the free movement of judges'
by Denis Baghrizabehi, Research and Teaching Assistant, University of Maribor, Slovenia

Denis Baghrizabehi will first present some of the main project goals and activities. He will then take a backseat to prof. Rijavec's presentation and follow it up with a presentation on the notion of res judicata in the cross-border movement of judgements.

This notion is famously not expressly regulated by the EU legislature as the Brussels Ia Regulation operates with irreconcilability rather than finality. Nonetheless, according to the theory of extension of effects, a judgement should be recognized with the same effects in the member state of enforcement as those it enjoys in the member state of origin. The CJEU has also not entirely abstained from meddling with the matter, leaving the notion of effects of judgements ambiguous.

19:10-19:40 'European Account Preservation Order and Enforcement of Judgments'

Dr Nicolas Kyriakides, Advocate, Adjunct Faculty at the University of Nicosia

The European Account Preservation Order ('EAPO') regulation (Regulation (EU) No 655/2014) entered into force exactly five years ago, on 18 January 2017. It is a pre-judgment instrument which enables a litigant to obtain an order preventing the transfer of funds held by the respondent in a bank account within the EU. The EAPO Regulation represents a major shift towards a specific approach in the area of provisional and protective measures. It is the first of what may become several EU-wide provisional and protective measures. It is not, however, an enforcement measure. The contribution will discuss the relationship between the EAPO and enforcement measures in the different Member States as well as other EU-wide instruments and it will examine whether it is time to consider any amendments in the different instruments to better facilitate the enforcement of judgments around the EU.

Part II: Round-table Discussion (19:40-20:00)

Moderated by Dr. Nevi Agapiou (<https://bit.ly/3lyG0y1>), Lecturer in International Commercial Law and Dispute Resolution and Dr. Demetra Loizou (<https://bit.ly/3H2V9r7>), Lecturer in International Criminal Law and Skills, School of Law, University of Central Lancashire Cyprus.

For more Information on the Expert Webinar please contact **Dr Nevi Agapiou** at nagapiou@uclan.ac.uk

Registration is free, but essential. To register to attend the Expert Webinar, [please click here](#) and return the consent form to CAlexandrou1@uclan.ac.uk (+357 24 694068).

Speaker Bios



Prof. Dr. Vesna Rijavec

Prof. Dr. Vesna Rijavec is Dean of the Faculty of Law, University of Maribor, and Head of the Institute of Civil, Comparative and Private International Law of the Faculty of Law, University of Maribor. Her areas of expertise pertain to Civil Litigation, Non-Contentious Civil Procedure, Arbitration

law, European Civil Procedure, and the law of Succession and Family Law. Prof. Dr. Rijavec teaches all of these subjects on graduate and post-graduate level.

Prof. Dr. Vesna Rijavec obtained her PhD from the Faculty of Law, University of Ljubljana in 1997. She was a judge for civil matters at the court of justice in Maribor and has worked at the Faculty of Law, University of Maribor, since 1992.

From 2007 onwards, she has held the position of Full Professor for Civil law. As a visiting professor, she taught at renowned foreign universities all around the world. She was a member of the Judicial Council of the Republic of Slovenia and is a member of the Board of Ljubljana Arbitration Center at the Chamber of Commerce and Industry of Slovenia and she is the court-appointed interpreter for German Language.

Furthermore, she is very active in research and international cooperation and was a coordinator of a number of successfully implemented EU and national projects (e.g., Reform of Non-Contentious Procedure, Simplification of Debt Collection in the EU, Dimensions of Evidence in European Civil Procedure, Remedies concerning Enforcement of Foreign Titles under Brussels Ia Regulation).

She is the author of numerous scientific and expert discussions, articles and monographs in the area of civil procedural law in connection with different substantive areas and European law.



Mr. Denis Baghrizabehi

Denis Baghrizabehi is a research and teaching assistant at the Faculty of Law, University of Maribor.

He conducts lectures for the subjects of civil litigation law, selected topics of civil procedure law and property law. Prior to joining the Faculty, he was a judicial trainee at the Higher

Court in Maribor, Slovenia. He is writing his PhD in the field of State aid litigation and has conducted research stays in the Netherlands and Luxembourg.

Denis is heavily involved in both the administrative upkeep as well as the research activities within several bilateral and EU research projects coordinated at the Faculty of Law, University of Maribor.



Dr. Nicolas Kyriakides

Dr Nicolas Kyriakides is an Advocate, Partner and Head of the Banking & Finance and Insurance Law Departments at Harris Kyriakides Law Firm and Adjunct Faculty and Co-Director of the Procedural Law Unit at the University of Nicosia. He holds a doctorate from the University of

Oxford obtained under the supervision of Professor Adrian Zuckerman and is a two-time Master of Laws holder with qualifications from UCL and New York University. Nicolas has also been a Visiting Researcher at Harvard Law School (Spring 2020) with Professor David Rosenberg.

Nicolas is particularly known for his out-of-the-box legal thinking and his track record of establishing new legal concepts and ideas. He has contributed to a number of high-level innovative legal research initiatives and papers, particularly in the area of Civil Procedure, in the course of both his commercial practice and his academic life. As a result Nicolas is regularly consulted to advise on changing legislation and regulation and has recently played a key role in a number of landmark law reform initiatives aimed at improving the quality and consistency of Cyprus's Civil Procedure regime, recognised as key to attracting foreign investment into the region.

Target Audience

This CPD Expert Webinar is free and open to the general public, subject to prior registration. However, it is primarily aimed at legal professionals namely, Advocates, judges, trainee Advocates, law students, civil servants, other public servants and journalists in the Republic of Cyprus, the EU and the wider world. The Webinar may also be of interest to other relevant parties who are of course welcome to register to attend.

Notice

The Expert Webinar will be recorded and disseminated publicly subject to the Policies of UCLan Cyprus, including its Privacy and GDPR Policy (<https://www.uclancyprus.ac.cy/data-protection-policy/>). Consent from participants will be sought. Recordings and any related materials will be published on the Project's website as well as the University's website. Each speaker and participant will take part for educational purposes in an educational setting. Accordingly, what each participant will provide verbally, electronically or otherwise must not be accepted or interpreted as either legal advice or any other form of advice.