

Seminar of Experts, 2 December 2019, University of Wrocław

The seminar constitutes a part of the project entitled “Informed Choices in Cross-Border Enforcement (IC2BE)” Project number: JUST-JCOO-CIVI-AG-2016 (764217 — IC2BE)

The Seminar took place in the building D, Faculty of Law, Administration and Economics, University of Wrocław (address: ul. Uniwersytecka 7-10, 50-145 Wrocław). The Seminar started at 9.30 a.m. and it ended at 1.45 p.m.

The Seminar was opened at 9.30 a.m. by Vice-Dean Prof. Dr Dariusz Adamski, Faculty of Law, Administration and Economics, University of Wrocław.

The first panel, covering the state of research on cross-border redress, was started by the speech of Prof. Dr Agnieszka Frąckowiak-Adamska (University of Wrocław), leader of the Polish part of the project “Informed Choices in Cross-Border Enforcement (IC2BE)”. She gave an overview of EU case-law on four regulations: 805/2004 (European Enforcement Order), 1896/2006 (European Payment Order), 861/2007 (European Small Claims Procedure) and 655/2014 (European Account Preservation Order). The application of those regulations, especially in national legal order, was analysed in the context of the project mentioned above.

Afterwards, Dr Agnieszka Guzewicz (University of Wrocław), research assistant in the project IC2BE, presented the results of the national research (case-law, interviews and own conclusions) in the field of the European Payment Order and the European Small Claims Procedure. Next, Agnieszka Lewestam-Rodziewicz (University of Wrocław), research assistant in the project IC2BE, presented the results of the national research (case-law, interviews and own conclusions) in the field of the European Enforcement Order and the European Account Preservation Order.

Following the first two lectures, Kamil Pluskwa-Dąbrowski (President of the National Council, Consumer Federation) introduced the “Redress17” project. He underlined the importance of quality research (interviews), which was conducted mainly with executive officers and attorneys-at-law. Also judges took part in the project. The President indicated the main problems, such as: language issues, translation issues, difficulties in enforcement by a consumer an amount awarded by the court’s decision, high costs of enforcement proceedings and problems concerning a service of documents.

After that, Damian Klimas (University of Wrocław), research assistant, presented the results of two completed EU projects: “E-Codex Plus” and “Introduction of the Data Protection Reform to the Judicial System” (INFORM). The leader of the Polish part of both projects was Prof. Dr

Jacek Golaczynski. The idea of the project “E-Codex Plus” was to connect the courts to e-justice website in order to enable the electronic reception of applications in the context of the European Payment Order and the European Small Claims Procedure. The project ended in May, 2019. The main objective of the project INFORM was to insure the understanding of the provisions of the General Data Protection Regulation (2016/679) and the Directive 2016/680 among the target groups, and to contribute to the efficient and coherent application of these regulations. The approach “Training the Trainers” was applied in the project.

In the last speech of the first panel, Maria Dymitruk (University of Wroclaw), research assistant, gave a short overview of the project “Diversity of Enforcement titles in cross-border debt collection in the EU (EU-En4s)”, which started in June, 2019. There are 16 partners in this project, whose main objective is to prepare the final report for all Member States. The key assumptions of the project are based on the need to provide information, the need to solve language issues and the need to exploit the potential of technological development.

The panel was closed with the discussion concerning the practical implementation of the projects. Invited experts were involved.

After coffee break, the second panel of the seminar started. It was a round-table discussion of experts, moderated by Prof. Dr Jacek Golaczynski (University of Wroclaw, judge of the Court of Appeal in Wroclaw). The following experts participated in the discussion: Joanna Lubecka (advocate, lubecka.law), Lucyna Łuczak-Noworolnik (attorney-at-law, Lucyna Łuczak-Noworolnik Legal Firm), Prof. Dr Sylwia Majkowska-Szulc (University of Gdansk), Prof. Dr Mateusz Pilich (University of Warsaw, advocate in AUCTORITAS IURIS), Dr Marcin Podleś (University of Wroclaw, attorney-at-law), Dr Piotr Rodziewicz (University of Wroclaw, advocate, head of the Wroclaw branch of a law office Studnicki, Pleszka, Cwiakalski, Górski), Dr Arkadiusz Wowerka (University of Gdansk), Dr Marek Zalisko (attorney-at-law, Marek Zalisko Legal Firm). The participants of the first panel were also involved in the discussion.

The main subject of the discussion was the reflection on possible changes in legislation and the organization of courts aimed at improving the functioning of cross-border proceedings in Poland. The following questions were discussed: a) the abolition of *exequatur* in Brussels I bis Regulation and its impact on the application of four regulations: 805/2004 (European Enforcement Order), 1896/2006 (European Payment Order), 861/2007 (European Small Claims Procedure) and 655/2014 (European Account Preservation Order); b) the need for unification of provisions related to service of documents; c) European Small Claims Procedure and the application of new technologies (like video conferences); d) jurisdiction in consumer matters; e) the effectiveness of new legal instrument, which is the European Account Preservation Order; f) the issue of the authenticity of enforcement titles coming from other Member States.

The Seminar was closed at 1.45 p.m. by Prof. Dr Agnieszka Frąckowiak-Adamska, leader of the Polish part of the project.