

In case of discrepancies between the French and the English texts, the French text shall prevail.

Law of 17 May 2017 on the application of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, amending the New Code of Civil Procedure and the Law of 23 December 1998 establishing a financial sector supervisory commission (“Commission de surveillance du secteur financier”), as amended

(Mém. A 2017, No 502)

We Henri, Grand Duke of Luxembourg, Duke of Nassau,

Having heard our State Council;

With the consent of the Chamber of Deputies;

Having regard to the decision of the Chamber of Deputies of 27 April 2017 and that of the State Council of 9 May 2017 that a second vote is not required;

Ordered and order:

Article 1. The New Code of Civil Procedure shall be amended as follows:

Section 2 entitled “Foreign decisions subject to a Community act providing for the abolition of the exequatur procedure” of Chapter III entitled “Foreign decisions subject to a treaty or a Community act” of Title VI entitled “General rules on the enforcement of judgements and acts” of Book VII of Part One shall be supplemented by a new Article 685-5 worded as follows:

« Article 685-5.

(1) Judgements in civil and commercial matters rendered in a Member State of the European Union, which under Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, qualify for recognition and enforcement in Luxembourg, shall be recognised and enforced in the manner prescribed by this Regulation.

(2) Applications for European preservation orders for claims amounting to less than EUR 10,000 shall be made to the *juge de paix* (Justice of the Peace) by way of a request.

Applications for European preservation orders for claims amounting to more than EUR 10,000 shall be made to the President of the *Tribunal d’arrondissement* (District Court) by way of a request.

(3) The appeal against the decision of the *juge de paix* (Justice of the Peace) rejecting the application for a European preservation order shall be lodged with the President of the *Tribunal d’arrondissement* (District Court) by way of a request.

The appeal against the decision of the President of the *Tribunal d’arrondissement* (District Court) rejecting the application for a European preservation order shall be lodged with the Court of Appeal by way of a request.

Such an appeal shall be lodged within 30 days of the date at which the decision was notified by the registry to the applicant.

The appeal shall be lodged and decided as in summary proceedings. It is a unilateral (*ex parte*) procedure.

(4) Actions to revoke European preservation orders and actions to amend European preservation orders for claims amounting to less than EUR 10,000 shall be brought before the *juge de paix* (Justice of the Peace).

Actions to revoke European preservation orders and actions to amend European preservation orders for claims amounting to more than EUR 10,000 shall be brought before the President of the *Tribunal d’arrondissement* (District Court).

These actions may be brought at any time. They shall be initiated and decided as in summary proceedings.

(5) Actions for limitation of European preservation orders and actions for termination of European preservation orders for claims amounting to less than EUR 10,000 shall be brought before the *juge de paix* (Justice of the Peace).

Actions for limitation of European preservation orders and actions for termination of European preservation orders for claims amounting to more than EUR 10,000 shall be brought before the President of the *Tribunal d'arrondissement* (District Court).

These actions may be brought at any time. They shall be initiated and decided as in summary proceedings.

(6) Decisions rendered by the *juge de paix* (Justice of the Peace) in accordance with paragraphs 4 and 5 may be appealed to the President of the *Tribunal d'arrondissement* (District Court) within 15 days of service thereof.

Decisions rendered by the President of the *Tribunal d'arrondissement* (District Court) in accordance with paragraphs 4 and 5 may be appealed to the Court of Appeal within 15 days of service thereof.

These appeals shall be lodged and decided as in summary proceedings.

(7) The provisions of Articles 27 to 46 of the New Code of Civil Procedure shall apply to paragraphs 1 to 6 above.

The provisions of Article 167 of the New Code of Civil Procedure shall not apply to paragraphs 1 to 6 above.

The applicant and, as the case may be, the defendant shall be summoned to the hearing by the registry."

Article 2.

The amended Law of 23 December 1998 establishing a financial sector supervisory commission ("Commission de surveillance du secteur financier") shall be amended as follows:

The following new paragraph 6 shall be added to Article 2:

"(6) The Commission de surveillance du secteur financier fulfils its functions as information authority of the Member State of enforcement, within the meaning of Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, in accordance with Article 3 of the Law of 17 May 2017 on the application of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, amending the New Code of Civil Procedure and the Law of 23 December 1998 establishing a financial sector supervisory commission ("Commission de surveillance du secteur financier"), as amended."

Article 3.

"The Commission de surveillance du secteur financier shall use the method of obtaining the information referred to in Article 14(5)(a) of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters."