

WORKSHOP I: Case study on cross-border litigation
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*The goal of this workshop is to make the participants more acquainted with the following European Procedural Law instruments: Brussels I-Regulation, Brussels Ibis-Regulation and European Enforcement Order-Regulation.*

*Each question asked below invites the participants to an open discussion on one of the topics of European Procedural Law and its interaction with national Procedural Law.*

*Please motivate thoroughly every answer given.*

*BeSide, a company located in your country sells garden furniture. Since a couple of years BeSide runs a successful web shop and distributes via its online sales platform its goods throughout Europe.*

*For larger orders (> 1.000,00 €), it is possible – after payment of a deposit – to pay the goods 30 days after the date of the invoice. Smaller orders are paid directly when placing the order.*

*The company has shipped an order of 1.500,00 € to Belgium. After 30 days, no payment is received. BeSide sends multiple notice of default to its buyer, but does not receive any reaction. After 6 months the company seizes your court to start proceedings.*

- A. The defendant does not appear on the first court hearing.
1. Can you hear the case? (examination of your own competence, grounds for jurisdiction, possibility of a default judgement, ...)
  2. Does it make a difference if the defendant is a consumer or a professional?
- B. What is the implication on the future *exequatur* of your judgment if the defendant stays absent?
1. Can the claimant ask for an EEO? (material scope, time, conditions, national implications, ...)
  2. Is recognition and enforcement possible according to the Brussels I-Regulation?
  3. What happens if the judgment is rendered after January 10<sup>th</sup> 2015?
- C. The defendant does appear on the first court hearing.
1. What if the defendant does not contest the jurisdiction?
  2. What if the defendant does contest the jurisdiction and has seized simultaneously a court in Belgium (situation before and after January 10<sup>th</sup> 2015)?
  3. Is an EEO still possible (material and territorial scope)?
- D. If the above mentioned case takes place in Belgium, how will a foreign judgment be received in your country?
1. Who has competence?
  2. What is the relevant procedure?
  3. What if the judgment orders a Belgian '*Dwangsom*' (a periodic payment by way of a penalty)?
  4. What if the judgment is given after January 10<sup>th</sup> 2015?