

New Civil Procedure Code : Law of 18 July 2018

Posted 14.09.2018

The Law of 18 July 2018 supplements the Law of 17 May 2017 on the implementation of Regulation (EU) 655/2014, which established a European Account Preservation Order (“**EAPO**”) procedure, as an alternative to existing legal debt recovery procedures in each EU country.

The EAPO procedure was focused on the conservatory phase of the attachment procedure and referred to the national law of each country for the executory phase (i.e. the recovery of the debt) after obtaining an EAPO.

The Law of 18 July 2018 which entered into force on 4 August 2018 now supplements the new Code of Civil Procedure by introducing a *Titre VIIbis* (Article 718-1) dealing with the recovery of the debt procedure during the executory phase after obtaining an EAPO.

In practice, the attaching creditor serves a deed of conversion (*acte de conversion*) on the garnishee containing various information such as information on the obtained EAPO, the title on which it is based, the calculation of the amount due and a request for payment. A copy of this deed is served on the attached debtor who has the right to challenge the deed in Court within 15 days.

In the absence of any such challenge, the bailiff establishes a certificate which allows the garnishee to pay the amount due to the attaching creditor.

For any further information please contact us or visit our website at www.elvingerhoss.lu.

The information contained herein is not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific legal advice concerning particular situations.

We undertake no responsibility to notify any change in law or practice after the date of this newsletter

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