

EUROPEAN ENFORCEMENT ORDERS

This Practice Direction supplements Section V of Part 74

COUNCIL REGULATION

- 1.1** Certification and enforcement of European Enforcement Orders is governed by Council Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims.
- 1.2** The EEO Regulation is annexed to this practice direction and can be found at http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_143/l_14320040430en00150039.pdf It was originally published in the official languages of the European Community in the *Official Journal of the European Communities* by the Office for Official Publications of the European Communities.
- 1.3** Section V of Part 74 sets out the procedure for enforcement under the EEO Regulation. A claim that does not meet the requirements of the EEO Regulation, or which the judgment creditor does not wish to enforce using the EEO Regulation, may be enforceable using another method of enforcement.

Rule 74.28 – Certification of Judgments of the Courts of England and Wales

- 2.1** An application under rule 74.28 for a certificate of a High Court or county court judgment for enforcement in another Regulation State must be made using Form N219 or Form N219A –
 - (1) in the case of a judgment given in the Chancery or Queen’s Bench Division of the High Court, or in a district registry, to a Master, Registrar or district judge; or
 - (2) in the case of a county court judgment, to a district judge.
- 2.2** Where the application is granted, the court will send the EEO certificate and a sealed copy of the judgment to the person making the application. Where the court refuses the application, the court will give reasons for the refusal and may give further directions.

Rule 74.29 – Applications for a certificate of lack of enforceability

- 3.1** An application must be supported by written evidence in support of the grounds on which the judgment has ceased to be enforceable or its enforceability has been suspended or limited.

Rule 74.30 – Application for rectification or withdrawal

- 4.1** An application must be supported by written evidence in support of the grounds on which it is contended that the EEO should be rectified or withdrawn.

Rule 74.31 – Enforcement of European Enforcement Orders in England and Wales

- 5.1** When an EEO is lodged at the court in which enforcement proceedings are to be brought, it will be assigned a case number.
- 5.2** A copy of a document will satisfy the conditions necessary to establish its authenticity if it is an official copy of the court of origin.
- 5.3** If judgment is set aside in the court of origin, the judgment creditor must notify all courts in which enforcement proceedings are pending in England and Wales under the EEO as soon as reasonably practicable after the order is served on the judgment creditor. Notification may be by any means available including fax, e-mail, post or telephone.

Rule 74.32 – An application for refusal of enforcement

- 6.1** An application must be accompanied by an official copy of the earlier judgment, any other documents relied upon and any translations required by the EEO Regulation and supported by written evidence showing –
 - (1)** why the earlier judgment is irreconcilable with the judgment which the judgment creditor is seeking to enforce; and
 - (2)** why the irreconcilability was not, and could not have been, raised as an objection in the proceedings in the court of origin.

Rule 74.33 – Stay or limitation of enforcement

- 7.1** Unless the court orders otherwise, an application must be accompanied by evidence of the application in the court of origin, including –
 - (1)** the application (or equivalent foreign process) or a copy of the application (or equivalent foreign process) certified by an appropriate officer of the court of origin; and
 - (2)** where that document is not in English, a translation of it into English –
 - (a)** certified by a notary public or person qualified to certify a translation in the Member State of the court of origin under Article 20(2)(c) of the EEO Regulation; or
 - (b)** accompanied by written evidence confirming that the translation is accurate.
- 7.2** The written evidence in support of the application must state –
 - (1)** that an application has been brought in the member state of origin;
 - (2)** the nature of that application; and
 - (3)** the date on which the application was filed, the state of the proceedings and the date by which it is believed that the application will be determined.

COMMISSION REGULATION (EC) No 1869/2005**of 16 November 2005****replacing the Annexes to Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ⁽¹⁾, and in particular Article 31 thereof,

After consulting the Committee established by Article 32 of Regulation (EC) No 805/2004,

Whereas:

- (1) Annexes I to VI to Regulation (EC) No 805/2004 contain a series of standard forms to be used in the context of the European Enforcement Order procedure for uncontested claims.

- (2) Following the accession of new Member States on 1 May 2004, Annexes I to VI to Regulation (EC) No 805/2004 should be replaced so as to adapt the standard forms for use in the new Member States.

- (3) Regulation (EC) No 805/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I to VI to Regulation (EC) No 805/2004 are replaced by the corresponding Annexes to this Regulation.

*Article 2*This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 November 2005.

For the Commission

Franco FRATTINI

Vice-President

⁽¹⁾ OJ L 143, 30.4.2004, p. 15.

ANNEX I

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — JUDGMENT

1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Tribunal issuing the certificate:
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court/Tribunal giving the judgment:
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Judgment:
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties:
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified:
 - 5.1. Principal amount:
 - 5.1.1. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
 Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
 Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
 Slovenian tolar ☐
 other (explain) ☐
 - 5.1.2. If the claim is for periodical payments
 - 5.1.2.1. Amount of each instalment:
 - 5.1.2.2. Due date of first instalment:
 - 5.1.2.3. Due dates of following instalments
 weekly ☐ monthly ☐ other (explain) ☐
 - 5.1.2.4. Period of the claim
 - 5.1.2.4.1. Currently indefinite ☐ or
 - 5.1.2.4.2. Due date of last instalment:

- 5.2. Interest
- 5.2.1. Interest rate
- 5.2.1.1. ... % or
- 5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾
- 5.2.1.3. Other (explain)
- 5.2.2. Interest to be collected as from:
- 5.3. Amount of reimbursable costs if specified in the judgment:
6. Judgment is enforceable in the Member State of origin ☐
7. Judgment is still subject to the possibility of a challenge
Yes ☐ No ☐
8. Judgment is on an uncontested claim under Article 3(1) ☐
9. Judgment is in compliance with Article 6(1)(b) ☐
10. The judgment concerns matters relating to consumer contracts
Yes ☐ No ☐
- 10.1. If yes:
The debtor is the consumer
Yes ☐ No ☐
- 10.2. If yes:
The debtor is domiciled in the Member State of origin (within the meaning of Article 59 of Regulation (EC) No 44/2001) ☐
11. Service of the document instituting the proceedings under Chapter III, where applicable
Yes ☐ No ☐
- 11.1. Service was effected in compliance with Article 13 ☐
or service was effected in compliance with Article 14 ☐
or it is proved in accordance with Article 18(2) that the debtor has received the document ☐
- 11.2. Due information
The debtor was informed in compliance with Articles 16 and 17 ☐
12. Service of summons, where applicable
Yes ☐ No ☐

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

- 12.1. Service was effected in compliance with Article 13 ☐
or service was effected in compliance with Article 14 ☐
or it is proved in accordance with Article 18(2) that the debtor has received the summons ☐
- 12.2. Due information
The debtor was informed in compliance with Article 17 ☐
13. Cure of non-compliance with procedural minimum standards pursuant to Article 18(1)
- 13.1. Service of the judgment was effected in compliance with Article 13 ☐
or service of the judgment was effected in compliance with Article 14 ☐
or it is proved in accordance with Article 18(2) that the debtor has received the judgment ☐
- 13.2. Due information
The debtor was informed in compliance with Article 18(1)(b) ☐
- 13.3. It was possible for the debtor to challenge the judgment
Yes ☐ No ☐
- 13.4. The debtor failed to challenge the judgment in compliance with the relevant procedural requirements
Yes ☐ No ☐

Done at Date

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Signature and/or stamp

ANNEX II

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — COURT SETTLEMENT

1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court issuing the certificate
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court approving the settlement or before which it was concluded
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Court settlement
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified
 - 5.1. Principal Amount:
 - 5.1.1. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
 Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
 Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
 Slovenian tolar ☐
 other (explain) ☐
 - 5.1.2. If the claim is for periodical payments
 - 5.1.2.1. Amount of each instalment:
 - 5.1.2.2. Due date of first instalment:
 - 5.1.2.3. Due dates of following instalments
 weekly ☐ monthly ☐ other (explain) ☐
 - 5.1.2.4. Period of the claim
 - 5.1.2.4.1. Currently indefinite ☐ or
 - 5.1.2.4.2. Due date of last instalment:

- 5.2. Interest
- 5.2.1. Interest rate
- 5.2.1.1. ... % or
- 5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾
- 5.2.1.3. Other (explain)
- 5.2.2. Interest to be collected as from:
- 5.3. Amount of reimbursable costs if specified in the court settlement:
6. The court settlement is enforceable in the Member State of origin ☐

Done at Date

.....
Signature and/or stamp

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

ANNEX III

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — AUTHENTIC INSTRUMENT

1. Member State of origin:

Belgium <input type="checkbox"/>	Czech Republic <input type="checkbox"/>	Germany <input type="checkbox"/>	Estonia <input type="checkbox"/>	Greece <input type="checkbox"/>
Spain <input type="checkbox"/>	France <input type="checkbox"/>	Ireland <input type="checkbox"/>	Italy <input type="checkbox"/>	Cyprus <input type="checkbox"/>
Lithuania <input type="checkbox"/>	Luxembourg <input type="checkbox"/>	Hungary <input type="checkbox"/>	Malta <input type="checkbox"/>	Netherlands <input type="checkbox"/>
Austria <input type="checkbox"/>	Poland <input type="checkbox"/>	Portugal <input type="checkbox"/>	Slovakia <input type="checkbox"/>	Slovenia <input type="checkbox"/>
Sweden <input type="checkbox"/>	United Kingdom <input type="checkbox"/>			Finland <input type="checkbox"/>
2. Court/Authority issuing the certificate
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court/Authority drawing up or registering the authentic instrument
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Authentic instrument
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified
 - 5.1. Principal Amount:
 - 5.1.1. Currency:

Euro <input type="checkbox"/>	Cyprus pound <input type="checkbox"/>	Czech koruna <input type="checkbox"/>	Estonian kroon <input type="checkbox"/>
Pound sterling <input type="checkbox"/>	Hungarian forint <input type="checkbox"/>	Lithuanian litas <input type="checkbox"/>	Latvian lats <input type="checkbox"/>
Maltese lira <input type="checkbox"/>	Polish zloty <input type="checkbox"/>	Swedish kronor <input type="checkbox"/>	Slovak koruna <input type="checkbox"/>
Slovenian tolar <input type="checkbox"/>			
other (explain) <input type="checkbox"/>			
 - 5.1.2. If the claim is for periodical payments
 - 5.1.2.1. Amount of each instalment:
 - 5.1.2.2. Due date of first instalment:
 - 5.1.2.3. Due dates of following instalments
weekly ☐ monthly ☐ other (explain) ☐
 - 5.1.2.4. Period of the claim
 - 5.1.2.4.1. Currently indefinite ☐ or
 - 5.1.2.4.2. Due date of last instalment:

- 5.2. Interest
- 5.2.1. Interest rate
- 5.2.1.1. ... % or
- 5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾
- 5.2.1.3. Other (explain)
- 5.2.2. Interest to be collected as from:
- 5.3. Amount of reimbursable costs if specified in the authentic instrument:
6. The authentic instrument is enforceable in the Member State of origin ☐

Done at Date

.....
Signature and/or stamp

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

ANNEX IV

CERTIFICATE OF LACK OR LIMITATION OF ENFORCEABILITY

(Article 6(2))

1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Authority issuing the certificate
- 2.1. Name:
- 2.2. Address
- 2.3. Tel./fax/e-mail:
3. If different, Court/Authority issuing the judgment/Court settlement/Authentic instrument (*)
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Judgment/Court settlement/ Authentic instrument (*)
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):
5. This judgment/Court settlement/Authentic instrument (*) was certified as a European Enforcement Order but
- 5.1. the judgment/Court settlement/Authentic instrument (*) is no longer enforceable ☐
- 5.2. Enforcement is temporarily
- 5.2.1. stayed ☐
- 5.2.2. limited to protective measures ☐
- 5.2.3. conditional upon the provision of a security which is still outstanding ☐
- 5.2.3.1. Amount of the security:
- 5.2.3.2. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
 Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
 Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
 Slovenian tolar ☐
 other (explain) ☐
- 5.2.4. Other (explain) ☐

Done at Date

.....
Signature and/or stamp

(*) Delete as appropriate.

ANNEX V

EUROPEAN ENFORCEMENT ORDER REPLACEMENT CERTIFICATE FOLLOWING A CHALLENGE

(Article 6(3))

- A. The following judgment/court settlement/authentic instrument (*) certified as a European Enforcement Order was challenged
1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Authority issuing the certificate
- 2.1. Name:
- 2.2. Address:
- 2.3. Tel./fax/e-mail:
3. If different, Court/Authority issuing the judgment/Court settlement/Authentic Instrument (*)
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Judgment/Court settlement/Authentic Instrument (*)
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):
- B. Upon that challenge the following decision has been handed down and is hereby certified as a European Enforcement Order replacing the original European Enforcement Order.
1. Court
- 1.1. Name:
- 1.2. Address:
- 1.3. Tel./fax/e-mail:
2. Decision
- 2.1. Date:
- 2.2. Reference number:
3. Monetary claim as certified
- 3.1. Principal amount

(*) Delete as appropriate.

- 3.1.1. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
Slovenian tolar ☐
other (explain) ☐
- 3.1.2. If the claim is for periodic payments
- 3.1.2.1. Amount of each instalment:
- 3.1.2.2. Due date of first instalment:
- 3.1.2.3. Due dates of following instalments
weekly ☐ monthly ☐ other (explain) ☐
- 3.1.2.4. Period of the claim
- 3.1.2.4.1. Currently indefinite ☐ or
- 3.1.2.4.2. Due date of last instalment:
- 3.2. Interest
- 3.2.1. Interest rate
- 3.2.1.1. ... % or
- 3.2.1.2. ... % above the base rate of the ECB
- 3.2.1.3. Other (explain)
- 3.2.2. Interest to be collected as from:
- 3.3. Amount of reimbursable costs if specified in the decision:
4. Decision is enforceable in the Member State of origin ☐
5. Decision is still subject to the possibility of a further appeal
Yes ☐ No ☐
6. Decision is in compliance with Article 6(1)(b) ☐
7. The decision concerns matters relating to consumer contracts
Yes ☐ No ☐
- 7.1. If yes:
The debtor is the consumer
Yes ☐ No ☐
- 7.2. If yes:
The debtor is domiciled in the Member State of origin in the meaning of Article 59 of Regulation (EC) No 44/2001 ☐
8. At the time of the decision following the challenge, the claim is uncontested within the meaning of Article 3(1)(b) or (c)
Yes ☐ No ☐

If yes:

- 8.1. Service of the document instituting the challenge.

Did the creditor lodge the challenge?

Yes ☐ No ☐

If yes:

- 8.1.1. Service was effected in compliance with Article 13 ☐

or service was effected in compliance with Article 14 ☐

or it is proved in accordance with Article 18(2) that the debtor has received the document ☐

- 8.1.2. Due information

The debtor was informed in compliance with Articles 16 and 17 ☐

- 8.2. Service of summons, where applicable

Yes ☐ No ☐

If yes:

- 8.2.1. Service was effected in compliance with Article 13 ☐

or service was effected in compliance with Article 14 ☐

or it is proved in accordance with Article 18(2) that the debtor has received the summons ☐

- 8.2.2. Due information

The debtor was informed in compliance with Article 17 ☐

- 8.3. Cure of non-compliance with procedural minimum standards pursuant to Article 18(1)

- 8.3.1. Service of the decision was effected in compliance with Article 13 ☐

or Service of the decision was effected in compliance with Article 14 ☐

or it is proved in accordance with Article 18(2) that the debtor has received the decision ☐

- 8.3.2. Due information

The debtor was informed in compliance with Article 18(1)(b) ☐

Done at Date

.....
Signature and/or stamp

ANNEX VI

**APPLICATION FOR RECTIFICATION OR WITHDRAWAL OF THE EUROPEAN ENFORCEMENT ORDER
CERTIFICATE**

(Article 10(3))

THE FOLLOWING EUROPEAN ENFORCEMENT ORDER CERTIFICATE

1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Authority issuing the certificate
- 2.1. Name:
- 2.2. Address:
- 2.3. Tel./fax/e-mail:
3. If different, Court/Authority issuing the judgment/Court settlement/Authentic Instrument (*)
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Judgment/Court settlement/Authentic Instrument
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):

HAS TO BE

5. RECTIFIED as due to a material error there is the following discrepancy between the European Enforcement Order certificate and the underlying judgment/court settlement/authentic instrument (explain) ☐
6. WITHDRAWN because:
- 6.1. the certified judgment was related to a consumer contract but was given in a Member State where the consumer is not domiciled within the meaning of Article 59 of Regulation (EC) No 44/2001 ☐
- 6.2. the European Enforcement Order certificate was clearly wrongly granted for another reason (explain) ☐

Done at Date

.....
Signature and/or stamp

(*) Delete as appropriate.

