
STATUTORY INSTRUMENTS

2018 No. 1311

The European Enforcement Order, European Order
for Payment and European Small Claims Procedure
(Amendment etc.) (EU Exit) Regulations 2018

PART 5

Saving Provisions

Saving: Regulation (EC) No 805/2004 - European Enforcement Orders applied for before exit day

16.—(1) Regulation (EC) No 805/2004 continues to apply as if it had not been revoked by these Regulations with the modifications set out in paragraph (2) in relation to a case where—

- (a) one or more of the following has occurred—
 - (i) a judgment has been given before exit day;
 - (ii) a court settlement has been approved or concluded before exit day;
 - (iii) an authentic instrument has been drawn up or registered before exit day;
- (b) the application for certification as a European Enforcement Order is made before exit day; and
- (c) enforcement of the certified judgment, court settlement, or authentic instrument is being sought in the United Kingdom.

(2) Those modifications are that Regulation (EC) No 805/2004 is to be read as if—

- (a) the term “Member State” included the United Kingdom;
- (b) Article 29 (information on enforcement procedures and authorities) were omitted;
- (c) Article 30 (information relating to redress procedures, languages and authorities) were omitted;
- (d) Article 31 (amendments to the Annexes) were omitted;
- (e) Article 32 (committee) were omitted.

(3) In this regulation—

- (a) “authentic instrument” means—
 - (i) a document which has been formally drawn up or registered as an authentic instrument, and the authenticity of which—
 - (aa) relates to the signature and the content of the instrument; and
 - (bb) has been established by a public authority or other authority empowered for that purpose by the member State in which it originates; or
 - (ii) an arrangement relating to maintenance obligations concluded with administrative authorities or authenticated by them;

- (b) “judgment” means any judgment given by a court or tribunal of a member State, whatever the judgment may be called, including a decree, order, decision or writ of execution, as well as the determination of costs or expenses by an officer of the court.