

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

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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 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 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 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 authentic instrument:
6. The authentic instrument is enforceable in the Member State of origin

Done at Date

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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

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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.