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**European enforcement order**

National information and online forms concerning Regulation No. 805/2004

#### General information

**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

The Regulation applies between all Member States of the European Union with the exception of Denmark.

It dispenses, under certain conditions, with all intermediary measures in the Member State in which enforcement is sought that have been necessary so far for decisions delivered in another Member State in the verifiable absence of a dispute over the nature or extent of a debt. Those conditions mainly concern the service of documents in the case of judgments by default. Abolishing exequatur will enable creditors to obtain quick and efficient enforcement abroad without involving the courts in the Member State where enforcement is applied for in time-consuming and costly formalities.

The Regulation provides for six standard forms.

The European e-Justice Portal provides you with information concerning the application of the Regulation and a user-friendly tool for filling in the [forms](#).

**Please select the relevant country's flag to obtain detailed national information.**

#### Related links

[European enforcement order](#)

[Practice guide for the application of the Regulation on the European Enforcement Order](#)  (1310 Kb) 

[ARCHIVED European Judicial ATLAS website \(closed on 30 September 2017\)](#)

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#### European enforcement order - Belgium

##### 1. Procedures for rectification and withdrawal (Art. 10(2))

For the purposes of the rectification or withdrawal procedure referred to in Article 10(2) of the Regulation [Regulation (EC) No 805/2004], an application must be made to the chief officer of the judicial body that issued the European Enforcement Order certificate. If the certificate relates to an authentic instrument, this application must be made to the notary who issued the certificate. If the chief officer or the notary decides to rectify or withdraw the certificate, the certificate becomes ineffective. As soon as the material error has been remedied (in the case of rectification) or as soon as the chief officer or the notary concludes that all the requirements of the Regulation have been met (in the case of withdrawal), a new certificate will be issued to replace the previous European Enforcement Order certificate.

##### 2. Procedures for review (Art.19 (1))

Depending on the specific circumstances of the case, under Belgian law there are several courses of action that may be open to a party wishing to secure a review of a decision:

- First, Article 1051 of the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*) stipulates that an appeal may be lodged against a judgment within one month of service of the judgment or, in some cases, within one month of notice of the judgment given under the second and third paragraphs of Article 792 of the Code. This applies whether or not both parties appeared in the proceedings.
- Second, Article 1048 of the Code stipulates that where a judgment is given in default of appearance of one of the parties, an objection may be entered, likewise within one month of service of the judgment or, in some cases, within one month of notice of the judgment given under the second and third paragraphs of Article 792 of the Code.
- Where neither of those remedies is any longer available against a judgment of a civil court (or of a criminal court ruling on the civil aspects of a case before it), a party may in certain circumstances be able to make an application seeking an extraordinary review under Article 1133 of the Code, within six months of learning of the judgment, with a view to having the judgment revoked.

The time-limits set out above for an appeal, objection or application for extraordinary review do not affect:

- any time-limits laid down in mandatory provisions in supranational and international law;
- the provision in Article 50 of the Judicial Code that allows a time-limit after which an entitlement lapses to be extended under certain conditions laid down by law;
- the possibility of applying the general principle of law, repeatedly confirmed by the Court of Cassation [*Cour de Cassation*], according to which the time allowed for the performance of an act is extended in favour of a party who has been prevented from performing the act by force majeure.

##### 3. Accepted languages (Article 20(2)(c))

Under Article 20(2)(c) of the Regulation [Regulation (EC) No 805/2004], a copy of the judgment and a copy of the European Enforcement Order certificate must be accompanied by a translation of the certificate in the official language of the place of enforcement, i.e. Dutch, French or German.

The list indicating which language applies can be found in the manual of the receiving agencies for Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extra-judicial documents in civil or commercial matters (European Judicial Atlas in Civil Matters).

##### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

In Belgium, the designated authority for the purposes of Article 25 of the Regulation [Regulation (EC) No 805/2004] is the notary who drew up the authentic instrument which is the subject of the request for the issue of a European Enforcement Order certificate.

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#### European enforcement order - Bulgaria

##### 1. Procedures for rectification and withdrawal (Art. 10(2))

Having examined the case, the court of first instance may rectify or withdraw the certificate for a European Enforcement Order for an uncontested claim (Article 619(4) of the Code of Civil Procedure).

## 2. Procedures for review (Art.19 (1))

The Debtor may submit to the Supreme Court of Cassation a request for review of the relevant judgment under Article 19 of the Regulation. The Court shall consider the request in accordance with Chapter 24 of the Code of Civil Procedure - 'Revocation of Legally Effective Decisions'.

## 3. Accepted languages (Article 20(2)(c))

The Republic of Bulgaria designates the Bulgarian language.

## 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

The competent authority is the court within whose jurisdiction the instrument is issued (Article 619(1) of the Code of Civil Procedure).

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## European enforcement order - Czechia

### 1. Procedures for rectification and withdrawal (Art. 10(2))

Czech district courts (*okresní soudy*) act in accordance with Section 167 of Act No 99/1963 (the Code of Judicial Civil Procedure), as amended.

### 2. Procedures for review (Art.19 (1))

Czech district courts (*okresní soudy*) act in accordance with Sections 58 and 201-243g of Act No 99/1963 (the Code of Judicial Civil Procedure), as amended.

### 3. Accepted languages (Article 20(2)(c))

Czech

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

District courts (*okresní soudy*).

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## European enforcement order - Germany

### 1. Procedures for rectification and withdrawal (Art. 10(2))

A Law implementing Regulation (EC) No 805/2004 creating a European enforcement order for uncontested claims (the European Enforcement Order Implementing Law) has added the following provisions to the Code of Civil Procedure (ZPO):

'Section 1081

#### *Rectification and withdrawal*

(1) An application under Article 10(1) of Regulation (EC) No 805/2004 for the rectification or withdrawal of a court certificate shall be made to the court that issued the certificate. That court shall rule on the application. An application for the rectification or withdrawal of a notarial or administrative certificate shall be made to the body that issued the certificate. The notary or administrative authority shall forthwith transmit the application for a decision by the district court within whose jurisdiction they are based.

(2) The debtor may lodge an application for withdrawal within a time limit of one month. If the certificate is to be served abroad, the time limit shall be two months. This is a statutory time limit which shall begin to run when the certificate is served but in any event not before the service of the order to which the certificate relates. The application for withdrawal shall state the grounds why the order was clearly wrongly granted.

(3) Section 319(2) and (3) shall apply mutatis mutandis to rectification and withdrawal.'

Section 319(2) and (3) ZPO reads as follows:

'Section 319

#### *Rectification of judgments*

(1) ...

(2) The decision embodying a rectification shall be recorded on the judgment and on copies of the judgment. If the resolution declaring the correction is made in the form specified in Section 130b, it is to be saved in a separate electronic document. The document is to be inseparably attached to the judgment.

(3) No appeal shall lie against an order refusing an application for rectification; a complaint may be lodged forthwith against an order embodying a rectification.'

## 2. Procedures for review (Art.19 (1))

Under the current German rules on civil procedure, a debtor is entitled, as a general rule and not only in the exceptional cases referred to in Article 19(1) of Regulation (EC) No 805/2004, to apply for a review of the decision given on grounds of his failure to raise an objection or his failure to appear (cf. Article 19 (2) of Regulation (EC) No 805/2004).

### (a) Judgments by default and enforcement orders

Under Section 338 ZPO the debtor can apply to have the judgment by default set aside. The same remedy applies to an order issued in payment order proceedings (cf. Section 700 ZPO read in conjunction with Section 338 ZPO). The application is filed by lodging a notice of objection with the trial court. The time limit for lodging the notice of objection is two weeks. This is a statutory time limit which begins to run from the service of the decision. If the application is admissible, the proceedings will return to the stage at which they were prior to the default. The admissibility of the application is not affected by the reasons why the debtor failed to challenge the claim or to appear at the court hearing.

If, in the cases referred to in Article 19(1)(a) of Regulation (EC) No 805/2004, there has been not only a failure of due service of the document instituting the proceedings or an equivalent document or the summons to a court hearing, but the defects in service of the judgment subsist, for example because the service in both cases was effected at an address at which the debtor had not resided for a long time, the position is as follows: if it cannot be proved that the judgment by default or the enforcement order was duly served, or if such service is vitiated by breach of the essential rules governing service, then the two-week time limit for the application will begin to run only from the time when the debtor actually received the judgment by default or the enforcement order. In addition, the debtor continues to have the right to apply to have the judgment set aside.

In the cases referred to in Article 19(1)(b) of Regulation (EC) No 805/2004, i.e. where there is no irregularity of service but the debtor was prevented from objecting to the claim by reason of force majeure, or due to extraordinary circumstances without any fault on his part, the position is as follows: if the obstacle is removed in good time before expiry of the time limit for the application to have the judgment set aside, the debtor can rely on the normal remedy, i.e. lodge

the application (see above). If, for example, the debtor were prevented from appearing in court because of a roadtraffic accident, he would usually be able, within the time limit of two weeks from service of the judgment, either to lodge an application himself or to appoint an agent to do so on his behalf. If the obstacle persists after the expiry of the time limit for lodging the application, Section 233 ZPO allows the debtor to seek to apply to have the proceedings returned to their prior stage. These provisions are not restricted to cases of force majeure, rather they allow the party to apply to have the proceedings returned to their prior stage whenever, through no fault of his own, he has been prevented from complying with a statutory time limit (or other particular time limits). The application to have the proceedings returned to their prior stage must be lodged within the time limit of two weeks beginning from the date on which the obstacle is removed. No application can be lodged more than one year after the end of the missed time limit. The application will be decided by the court with jurisdiction to hear the application to have the judgment set aside (i.e. the trial court), which must also be lodged within a two week time limit. If the debtor has lodged an admissible application to have the judgment set aside but fails to appear at the next hearing, he will have no further remedy against the judgment by default rejecting his application (cf. Section 345 ZPO). However, the debtor has the right, to a limited extent, to lodge an appeal. Under Section 514(2) ZPO in such cases he can rely in support of his appeal on the fact that his failure to appear was not due to negligence. The general restrictions on the admissibility of appeals (cf. Section 511(2) ZPO) do not apply. The appeal is lodged by lodging a notice of appeal with the appeals court. The time limit for lodging appeals is one month; this is a statutory time limit which begins to run when judgment in complete form is served and at the latest five months after judgment has been pronounced. Since this constitutes a statutory time limit, the debtor can apply to have the proceedings returned to their prior stage under Section 233 ZPO if he was not able to meet the time limit for appeals through no fault of his own (see above).

(b) Judgments in accordance with the state of the pleadings

If the debtor fails to appear at the oral proceedings and the court does not deliver a judgment by default but rather, at the creditor's request, delivers a judgment in accordance with the state of the pleadings (cf. Section 331a(2) ZPO), an appeal will lie against that judgment. Under Section 511 ZPO the appeal will lie if the value of the claim exceeds EUR 600 or the court of first instance has granted leave to appeal in the judgment on grounds of fundamental importance (Section 511(4) ZPO). Regarding the formal requirements for the appeal and the right to have the proceedings returned to their prior stage, reference is made to the statements set out above.

### 3. Accepted languages (Article 20(2)(c))

The European Enforcement Order Implementing Law has added the following provisions to the ZPO:

'Section 1083  
Translation

If the creditor is required to provide a translation under Article 20(2)(c) of Regulation (EC) No 805/2004, it shall be drawn up in German and certified by a person qualified to do so in one of the Member States.'

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

In Germany authentic instruments for the purposes of Article 25(1) of Regulation (EC) No 805/2004 are enforceable instruments drawn up by notaries and youth welfare offices. In a new Section 1079 to be added to the ZPO, the European Enforcement Order Implementing Law confers authority for the issue of the European enforcement order certificate for the purposes of Article 25(1) of Regulation (EC) No 805/2004 on the office responsible for issuing an enforceable copy (cf. Section 724 ZPO). These provisions read as follows:

'Section 1079  
Competence

Certificates under:

1. Article 9(1), Article 24(1), Article 25(1) and
2. Article 6(2) and (3) of 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 (OJ L 143, p. 15) may be issued by the courts, authorities or notaries which are responsible for issuing an enforceable copy.'

Under Section 797(2) ZPO an enforceable copy (and thus a European enforcement order certificate) of a notarial instrument is to be issued by the notary holding the instrument; if the instrument is held by an authority, that authority will be competent. The usual situation is that the instrument is held by the notary who authenticated it.

Under Section 60(3)(1) of Volume VIII (Welfare of children and young persons) of the Social Welfare Code, the Youth Welfare Office which is responsible for authenticating undertakings is competent to issue an enforceable copy of a youth welfare instrument. The outcome is that the Youth Welfare Office that issued the authentic instrument is competent to issue the European enforcement order certificate. The European Enforcement Order Implementing Law has introduced a clarification through a revision of Section 60(3)(1) of Volume VIII of the Social Welfare Code.

It follows from the situation regarding competence to issue enforceable copies that in Germany all notaries and all youth welfare offices can as a rule issue European enforcement order certificates. Since in Germany there are some 8 000 notaries and hundreds of youth welfare offices, it does not seem appropriate to compile a list of them for publication in the Official Journal. Moreover, the cost of keeping such a list updated would be disproportionate. For now, the German Government will refrain from transmitting the list and instead notify the regulatory arrangements set out in Section 1079 ZPO in conjunction with Section 797(2) ZPO or Section 60(3)(1) of Volume VIII of the Social Welfare Code for publication in the Official Journal. This information allows the creditor to locate the competent authority for the purposes of Article 25 of Regulation (EC) No 805/2004 without difficulty. Moreover, in the vast majority of cases the competent authority will be the authority that issued the authentic instrument, as explained above.

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## European enforcement order - Estonia

### 1. Procedures for rectification and withdrawal (Art. 10(2))

In Estonia, an application for rectification or withdrawal of a European enforcement order specified in Article 10(2) of the Regulation can be submitted in the manner laid down in Section 447 and in Section 6191(3) and (4) of the [Code of Civil Procedure](#).

### 2. Procedures for review (Art.19 (1))

In the situations specified in Article 19(1), an application can be submitted in Estonia under Section 415 of the Code of Civil Procedure.

### 3. Accepted languages (Article 20(2)(c))

For the purposes of Article 20(2)(c) of the Regulation, Estonia accepts certificates in English or Estonian or translated into those languages.

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

The authority referred to in Article 25 is Harju County Court.

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## European enforcement order - Ireland

### 1. Procedures for rectification and withdrawal (Art. 10(2))

**Superior Courts Order 42B Rule 9**  (168 KB) [en](#) provides that:

"9. (1) An application under Article 10(1) of Regulation No. 805/2004 for the rectification or the withdrawal of a European Enforcement Order certificate shall be made to the court which certified the domestic judgment concerned as a European Enforcement Order or, where the Master so certified the domestic judgment, to the Master. Before making such application, the moving party shall complete the form of application in Annex VI to Regulation No. 1869/2005 and shall deliver such completed form of application to the Central Office, or (where the Supreme Court is the court of origin) to the Office of the Registrar of the Supreme Court, which shall assign a return date to such application. The moving party shall serve a copy of such completed form of application on the judgment creditor or (as the case may be) the judgment debtor, together with a copy of any affidavit sworn by or on behalf of the moving party to ground the application. Where rectification is sought, there shall be exhibited to any grounding affidavit in any such application a copy of the form of European Enforcement Order certificate previously issued, marked with the rectification sought, and the contents of such marked certificate shall be verified in the grounding affidavit. A notice of application in the said form shall be treated for all purposes as if it were a motion to the court or (as the case may be) to the Master.


(2) Where, on any application under this rule, it is determined that the European Enforcement Order certificate in respect of the domestic judgment concerned ought be rectified or withdrawn, the person on whose application the domestic judgment concerned was certified as a European Enforcement Order shall within seven days of such determination lodge the original European Enforcement Order certificate in respect of the domestic judgment concerned in the Central Office or (where the Supreme Court certified the domestic judgment concerned as a European Enforcement Order) the Office of the Registrar of the Supreme Court. In the case of rectification, a Registrar of the High Court or (as the case may be) the Registrar of the Supreme Court shall rectify such certificate, re-sign, re-seal and subject to any direction made in that regard, re-issue such rectified certificate to the person on whose application the domestic judgment concerned was certified as a European Enforcement Order. In the case of withdrawal such Registrar shall cancel such certificate.

(3) Where the person on whose application the domestic judgment concerned was certified as a European Enforcement Order fails in accordance with sub-rule (2) to lodge the original European Enforcement Order certificate within seven days of a determination, the Registrar concerned shall, at the request of the applicant, provide to the applicant a certificate under the seal of the court certifying the fact that the European Enforcement Order certificate has been rectified or (as the case may be) withdrawn. Such certificate shall be in the in the [Form No. 2 in Appendix F, Part IV](#)  (168 Kb) [en](#)."

**Circuit Court Order 35A Rule 7**  (168 KB) [en](#) provides that:

"7. (1) An application under Article 10(1) of Regulation No. 805/2004 for the rectification or the withdrawal of a European Enforcement Order certificate shall be made to the Court which certified the domestic judgment concerned as a European Enforcement Order or, where the County Registrar so certified the domestic judgment, to the County Registrar. Before making such application, the moving party shall complete the form of application in Annex VI to Regulation No. 1869/2005 and shall deliver such completed form of application to the Office which shall assign a return date to such application. The moving party shall serve a copy of such completed form of application on the judgment creditor or (as the case may be) the judgment debtor, together with a copy of any affidavit sworn by or on behalf of the moving party to ground the application. Where rectification is sought, there shall be exhibited to any grounding affidavit in any such application a copy of the form of European Enforcement Order certificate previously issued, marked with the rectification sought, and the contents of such marked certificate shall be verified in the grounding affidavit. A notice of application in the said form shall be treated for all purposes as if it were a motion to the Court or (as the case may be) to the County Registrar and the provisions of Order 64 of these Rules shall apply to any such application.


(2) Where, on any application under this rule, it is determined that the European Enforcement Order certificate in respect of the domestic judgment concerned ought be rectified or withdrawn, the person on whose application the domestic judgment concerned was certified as a European Enforcement Order shall within seven days of such determination lodge the original European Enforcement Order certificate in respect of the domestic judgment concerned in the Office. In the case of rectification, the County Registrar shall rectify such certificate, re-sign, re-seal and subject to any direction made in that regard, re-issue such rectified certificate to the person on whose application the domestic judgment concerned was certified as a European Enforcement Order. In the case of withdrawal, the County Registrar shall cancel such certificate.

(3) Where the person on whose application the domestic judgment concerned was certified as a European Enforcement Order fails in accordance with sub-rule (2) to lodge the original European Enforcement Order certificate within seven days of a determination, the County Registrar shall, at the request of the applicant, provide to the applicant a certificate under the seal of the Court certifying the fact that the European Enforcement Order certificate has been rectified or (as the case may be) withdrawn. Such certificate shall be in the in the [Form No. 19B of the Schedule of Forms](#)  (168 Kb) [en](#) annexed hereto."

Furthermore, **Circuit Court Amendment to Order 18 Rule 3**  (168 KB) [en](#) provides that:

"9. Save in the case of a European Enforcement Order certificate issued by the County Registrar in accordance with Order 35A, any party dissatisfied with any certificate, ruling or decision of the County Registrar, may, within ten days from the date of such certificate, ruling or decision, apply to the Judge by motion on notice to review such certificate, ruling or decision, and the Judge may thereupon make such order as he shall think fit."

**District Court Order 53B Rule 9**  (168 KB) [en](#) provides that:

"9. (1) An application under Article 10(1) of Regulation No. 805/2004 for the rectification or the withdrawal of a European Enforcement Order certificate shall be made to the Court which certified the domestic judgment concerned as a European Enforcement Order. Before making such application, the moving party shall complete the Form of application in Annex VI to Regulation No. 1869/2005, which is reproduced at [Form No. 53B.6, Schedule C](#)  (168 Kb) [en](#), and shall deliver such completed form of application to the Clerk. The moving party shall serve a copy of such completed form of application on the judgment creditor or (as the case may be) the judgment debtor, together with a copy of any affidavit sworn by or on behalf of the moving party and intended to be used in the application. Where rectification is sought, there shall be exhibited to any grounding affidavit in any such application a copy of the form of European Enforcement Order certificate previously issued, marked with the rectification sought, and the contents of such marked certificate shall be verified in the grounding affidavit.

(2) Where, on any application under this rule, it is determined that the European Enforcement Order certificate in respect of the domestic judgment concerned ought be rectified or withdrawn, the person on whose application the domestic judgment concerned was certified as a European Enforcement Order shall within seven days of such determination lodge the original European Enforcement Order certificate in respect of the domestic judgment concerned with the Clerk. In the case of rectification, the person who applied for rectification shall lodge with the Clerk a draft rectified certificate. The Clerk

shall, in such case, produce the rectified certificate to the Judge to be re-signed, and subject to any direction made by the Judge in that regard, issue the rectified certificate to the person on whose application the domestic judgment concerned was certified as a European Enforcement Order. In the case of withdrawal, the Clerk shall produce the certificate to the Judge to be cancelled.

(3) Where the person on whose application the domestic judgment concerned was certified as a European Enforcement Order fails in accordance with sub-rule (2) of this rule to lodge the original European Enforcement Order certificate in respect of the domestic judgment concerned with the Clerk within seven days of a determination, the Clerk shall, at the request of the applicant, provide to the applicant a certificate in the [Form 53B.7, Schedule C](#) (168 Kb) [en](#), signed by the Judge certifying the fact that the European Enforcement Order certificate has been rectified or (as the case may be) withdrawn.”

## **2. Procedures for review (Art.19 (1))**

**Superior Courts Order 13 Rule 11** (168 KB) [en](#) provides that “Where final judgment is entered pursuant to any of the preceding rules of this Order, it shall be lawful for the Court to vary or set aside such judgment upon such terms as may be just.” Furthermore, Superior Courts **Order 27 Rule 14** (168 KB) [en](#) provides that “Any judgment by default, whether under this Order or under any other of these Rules, may be set aside by the Court upon such terms as to costs or otherwise as the Court may think fit...”.

**Circuit Court Order 30** (168 KB) [en](#) provides that “Any party against whom a judgment in default of appearance or defence has been given may... serve a notice of motion... to vary or set aside the said judgment”. The Order goes on to provide that “The Judge may... vary or set aside the judgment in question...”.

**District Court Order 45 Rule 3** (168 KB) [en](#) provides that “A party against whom any decree may have been obtained... may apply... for an order to vary or set aside the said decree...” The Order goes on to provide that “The Court may... grant or refuse the application to vary or set aside the decree...”.

## **3. Accepted languages (Article 20(2)(c))**

For the time being, Ireland will only accept EEO certificates which are completed in Irish or English.

## **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

Authentic instruments are not known in the Irish legal system, therefore the question of designating an appropriate authority does not arise.

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## **European enforcement order - Greece**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

Where a European enforcement order certificate has been issued for a court judgment, the procedure for the rectification or withdrawal of the certificate is laid down in Article 10 of Regulation (EC) No 805/2004, and the same procedure applies to certificates for court settlements (Article 24(3) of the Regulation) and for authentic instruments (Article 25(3)). Proceedings of that kind, and of course proceedings on the question of jurisdiction, are in Greece governed by Article 933 of the Code of Civil Procedure (κώδικας πολιτικής δικονομίας), which deals with the lodging of objections to the validity of an enforceable title. But the rectification or withdrawal cannot be contested, because Article 10(4) of the Regulation applies by analogy, and in accordance with Articles 24(3) and Article 25(3) applies in the same way in respect of court settlements and authentic instruments.

### **2. Procedures for review (Art.19 (1))**

When a judgment certified as a European enforcement order is to be reviewed because the debtor was unable to defend himself as a result of a late summons or force majeure, that is to say owing to exceptional circumstances beyond his control, the procedure to be followed is the procedure applied by the court that delivered the judgment in question. This is the procedure for the lodging of objections on grounds of default provided for in the Code of Civil Procedure (Article 495 and Article 501 ff.).

### **3. Accepted languages (Article 20(2)(c))**

For the certification as a European enforcement order of an authentic instrument that is enforceable in a Member State, in accordance with Article 25(1) of the Regulation, applications are accepted in Greek or English.

### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

The authority competent to certify a European enforcement order, i.e. an authentic instrument within the scope of Article 4(3) of the Regulation, in conjunction with Article 904(2)(d) and (g) of the Greek Code of Civil Procedure, is the person who under Greek law is authorised to issue the enforceable document, which in the case of a notarial deed is the issuing notary. In the case of documents that the law regards as enforceable but which are not issued by a court, the competent authority is the person who issued the document, as in the case of notarial deeds.

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## **European enforcement order - Spain**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

The procedure for rectifying errors in a European Enforcement Order certificate as provided for in Article 10(1)(a) of [Regulation \(EC\) No 805/2004](#) is laid down in the first three paragraphs of Article 267 of [Organic Law 6/1985 of 1 July 1985 on the judiciary](#) (*Ley Orgánica del Poder Judicial*).

The procedure for withdrawing a European Enforcement Order certificate as provided for in Article 10(1)(b) of [Regulation \(EC\) No 805/2004](#) is carried out in accordance with the provisions concerning appeals for review (*recurso de reposición*) laid down in [Law 1/2000 of 7 January 2000 on civil procedure](#) (*Ley de Enjuiciamiento Civil*).

As regards European Enforcement Order certificates for authentic instruments, it is the responsibility of the notary in charge of the dossier to check whether there are any material errors or whether any of the requirements for issuing the certificates have not been fulfilled and to send a request for rectification on the grounds of material error or a request for withdrawal in accordance with Article 10(1) of [Regulation \(EC\) No 805/2004](#).

### **2. Procedures for review (Art.19 (1))**

Judicial review in exceptional cases as laid down in Article 19 of [Regulation \(EC\) No 805/2004](#) can be carried out by means of an annulment of a final judgment at the request of the party in default (Article 501 of [Law 1/2000 of 7 January 2000 on civil procedure](#)).

### **3. Accepted languages (Article 20(2)(c))**

In accordance with Article 20(2)(c), the language accepted is Spanish.

### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

It is the responsibility of the authorising notary, or his legal representative or replacement for this dossier, to issue the certificate provided for in Article 25(1) and in Annex III to Regulation (EC) No 805/2004.

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## European enforcement order - France

### 1. Procedures for rectification and withdrawal (Art. 10(2))

An application for rectification of the enforcement order where there is a material error, or for its withdrawal where it was wrongly granted, as defined in Article 10(2), should be addressed to the director of the registry of the court that issued the order.

An appeal, in the form of an application to the presiding judge of the court, can be lodged against a decision rejecting an application for rectification or withdrawal.

### 2. Procedures for review (Art.19 (1))

The review procedure referred to in Article 19 is the ordinary procedure applicable to decisions taken by the court that issued the original enforcement order.

### 3. Accepted languages (Article 20(2)(c))

The languages accepted for the registration of European enforcement orders sent by creditors to the French authorities are French, English, German, Italian and Spanish.

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

The authorities referred to in Article 25 of the Regulation are the notary or the legal entity owning the notary's office which keeps the original of the document received.

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## European enforcement order - Croatia

### 1. Procedures for rectification and withdrawal (Art. 10(2))

An application for rectification or withdrawal of a court certificate must be submitted to:

- the court that issued the certificate.

An application for rectification or annulment of a public document drawn up by a notary, administrative authority or natural or legal person with public powers must be submitted to:

- the authority or person that drew up the document, which/who is then obliged to forward the application to the competent municipal court on the basis of the location of the registered office/residence so that the latter can render a valid decision.

### 2. Procedures for review (Art.19 (1))

In accordance with Article 19(1) of the Regulation, the procedures for the review of decisions in the Republic of Croatia are laid down in the Civil Procedure Act (*Zakon o parničnom postupku*) – (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) Nos 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11, 148/11 – consolidated text, 25/13, 89/14 – Decision of the Constitutional Court of the Republic of Croatia, 70/19, 80/22 and 114/22).

Those procedures are:

- Application to restore a prior status (Articles 117-122a of the Civil Procedure Act). An application must be submitted within eight days from the date on which the party learned of the reason for the omission or, if the party learned of the omission at a later date, the previously mentioned time period starts to run from the date on which the party learned of the reason why they had missed the deadline. Once 2 months have passed (in proceedings before municipal courts) or 30 days have passed (in proceedings before commercial courts) since the omission, an application to restore a prior status may no longer be submitted.

- Retrial (Articles 421-432 of the Civil Procedure Act). An application for a retrial must be submitted within 30 days from the date on which the party learned of the reason for submitting the application or from the date on which the court decision was served on them.

### 3. Accepted languages (Article 20(2)(c))

Croatian. Croatian translations must be certified by a qualified translator in one of the EU Member States.

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

Competent courts, administrative authorities, notaries, legal and natural persons with public powers that are authorised to issue enforcement instruments or enforcement orders for uncontested claims under applicable national law.

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## European enforcement order - Italy

### 1. Procedures for rectification and withdrawal (Art. 10(2))

The procedure for rectification of the European enforcement order certificate referred to in Article 10(2), provided for by Italian legislation, is the rectification of a material error. The relevant provisions are Article 287 et seq. of the Code of Civil Procedure (CPC).

The procedure for withdrawal of the European enforcement order certificate referred to in Article 10(2), provided for by Italian legislation, is the withdrawal in chambers. The relevant provisions of the Code of Civil Procedure are Article 737 et seq. They are initiated by an appeal procedure and conclude with a reasoned order by the court sitting as a panel of judges. A hearing is possible.

### 2. Procedures for review (Art.19 (1))

In Italian legislation the procedure for review, referred to in Article 19(1), comprises the ordinary appeal (Article 323 et seq. CPC: appeal and appeal on a point of law (*ricorso per cassazione*)) and the extraordinary appeal (Article 395 CPC).

### 3. Accepted languages (Article 20(2)(c))

The language accepted as per Article 20(2)(c) is Italian.

#### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

The designated authority as per Article 25 is the Court [Tribunale].

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#### European enforcement order - Cyprus

##### 1. Procedures for rectification and withdrawal (Art. 10(2))

The procedures for rectification are the same as referred to in the Civil Procedure Rules. The European enforcement order certificate may be rectified if there is a material error or discrepancy between the judgment and the certificate.

##### 2. Procedures for review (Art.19 (1))

Any procedure for the review of the judgment may be registered in accordance with the Civil Procedure Rules, and, according to Order 48, all requests must be submitted in writing and be served on the interested parties at least four days before the date of the hearing. The form in Annex VI to the Regulation may be used for submission of the request.

##### 3. Accepted languages (Article 20(2)(c))

Greek and English

#### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

Not applicable. In the Cypriot legal system, there are no authentic instruments coming under Article 4 of the Regulation.

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#### European enforcement order - Latvia

##### 1. Procedures for rectification and withdrawal (Art. 10(2))

Concerning information on the rules set out in national legislation implementing the application of Article 10(2) of the Regulation and laying down the procedure for rectification or withdrawal of a European Enforcement Order Certificate, the Latvian authorities would point out that the measures implementing Article 19(2) have been incorporated into Articles 543.1 and 545.1 of the Latvian [Civil Procedure Law](#).

##### 2. Procedures for review (Art.19 (1))

With regard to the implementation of Article 19(1) of the Regulation, no additional rules have been incorporated into national legislation, as in Latvia these rules are covered by the provisions of the [Civil Procedure Law](#).

'Article 51. Reinstating of procedural time limits

(1) On application by a party to the proceedings, the court shall reinstate procedural time limits that have not been met if it finds the reasons for their not having been met justified.

(2) When reinstating a procedural time limit that has not been met, the court shall also allow the delayed procedural action to be carried out.

Article 52. Extension of procedural time limits

The time limits set by a court or a judge may be extended on application by a party to the proceedings.

Article 53 Procedure for extending or reinstating procedural time limits

1) An application to extend or reinstate a time limit that has not been met shall be submitted to the court where the delayed action was to be carried out, and the application shall be examined by written procedure. Prior to the examination of the application by written procedure, the parties to proceedings shall be notified thereof and they shall be sent an application to have a time limit extended or a time limit that has not been met reinstated at the same time.

(2) An application for the reinstatement of a procedural time limit shall be accompanied by documents required for execution of the procedural action, and the grounds for reinstating the time limit.

(3) A time limit set by a judge may be extended by a judge sitting alone.

(4) An ancillary complaint may be made with regard to a refusal of a court or a judge to extend or reinstate a time limit.'

##### 3. Accepted languages (Article 20(2)(c))

In accordance with Article 20(2)(c) of the Regulation, Latvia indicates Latvian as the accepted language for receiving and issuing a European Enforcement Order Certificate.

#### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

Article 107.11(3) of the [Law on notaries](#):

At the request of the claimant, a sworn notary shall, on the basis of 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 (hereinafter referred to as Regulation No 805/2004) and Article 25(1) thereof, issue a European Enforcement Order (Annex III to Regulation No 805/2004) for the notarial acts of enforcement issued.

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#### European enforcement order - Lithuania

##### 1. Procedures for rectification and withdrawal (Art. 10(2))

Pursuant to Article 30 of 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 (hereinafter "the Regulation"), the Ministry of Justice of the Republic of Lithuania hereby submits information relating to the redress procedures, language and authorities referred to in Article 30. At the same time, we are supplying the text of the relevant Law of the Republic of Lithuania implementing 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 (Official Gazette No 58 of 7 May 2005) (hereinafter "the Law") and the Code of Civil Procedure of the Republic of Lithuania (Official Gazette No 36-1340 of 6 April 2002; Official Gazette No 42 of 24 April 2002) (hereinafter "the Code").

The court which issued the European Enforcement Order certificate may rectify it at the request of an interested party (pursuant to Article 10(1)(a) of the Regulation, Article 5(1) of the Law and Article 648(6) of the Code). A European Enforcement Order certificate issued concerning an authentic instrument may

be rectified by the district court at the place of business of the notary who made the enforcement record of the authentic instrument. No stamp duty is payable on an application for the rectification of a European Enforcement Order certificate.

The court which issued the European Enforcement Order certificate may, by means of a court order, withdraw it (pursuant to Article 10(1)(b) of the Regulation and Article 5(2) of the Law). A European Enforcement Order certificate issued concerning an authentic instrument may be withdrawn by the district court at the place of business of the notary who made the enforcement record of the authentic instrument. No stamp duty is payable on an application for the withdrawal of a European Enforcement Order certificate.

Article 5 of the Law reads as follows:

“Article 5. Rectification or withdrawal of a European Enforcement Order certificate.

1. Where, due to a spelling or other mistake, the European Enforcement Order certificate differs from the court judgment or authentic instrument, the provisions of Article 648(6) of the Code of Civil Procedure of the Republic of Lithuania shall apply *mutatis mutandis* for the purposes of rectifying the European Enforcement Order certificate.

2. The court which issued the European Enforcement Order certificate shall, by means of a court order, withdraw or refrain from withdrawing the European Enforcement Order certificate in the circumstances referred to in Article 10(1)(b) of the Regulation.

3. Applications lodged by the parties in the matters referred to in this Article shall be free from stamp duty.

4. The provisions of this Article shall also apply where the district court at the place of business of the notary who made the enforcement record is asked to rectify or withdraw a European Enforcement Order certificate issued in accordance with the procedure set out in Article 4(2) of this Law.”

Article 648(6) of the Code reads as follows:

“Where a spelling or other mistake is made when issuing an enforcement document, the institution having issued it shall correct the document at the request of the interested party.”

## **2. Procedures for review (Art.19 (1))**

We are supplying the text of the relevant Law of the Republic of Lithuania implementing 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 (Official Gazette No 58 of 7 May 2005) (hereinafter “the Law”) and the Code of Civil Procedure of the Republic of Lithuania (Official Gazette No 36-1340 of 6 April 2002; Official Gazette No 42 of 24 April 2002) (hereinafter “the Code”).

A default court judgment based on the reasoned application of a party absent from the hearing and lodged within 20 days of the date on which default judgment was handed down may be reviewed (this 20-day time limit may, pursuant to Article 78 of the Code, be extended for persons who have failed to meet it for reasons which the court acknowledges to be compelling). After receiving the application, the court sends it, together with copies of its annexes, to the parties and third persons and informs them that the parties are required and third persons are entitled to submit written observations within fourteen days. The court examines the application by written procedure within fourteen days of the deadline for submitting observations. If, after examining the application, the court observes that the party was absent from the hearing for compelling reasons about which he/she was unable to inform the court on time and the application refers to evidence which might affect the legitimacy and validity of the default judgment in question, the court withdraws the default judgment and reviews the case.

When a case is examined in accordance with the documentary procedure (Chapter XXII of the Code), the court is entitled, where justified by compelling reasons, to extend the defendant's time limit for lodging objections under Article 430(5) of the Code, and in those instances in which the case is being examined in accordance with the rules of Chapter XXIII of the Code (specific characteristics of cases relating to the issue of a court order), the court may, where there are compelling reasons, extend the defendant's time limit for lodging objections concerning a creditor's claim under Article 439(2) of the Code. Article 287 of the Code:

“1. A party not present at a court session shall be entitled to lodge an application for the review of a default judgment to the court having handed down the default judgment within 20 days of the date on which the judgment was handed down.

2. Such an application shall indicate:

- 1) the designation of the court which handed down the default judgment;
- 2) the designation of the applicant;
- 3) the circumstances resulting in the applicant's absence from the court session and failure to inform the court of the compelling nature of the reasons for such absence by the date of the session, including any evidence of those circumstances;
- 4) circumstances which may affect the legality and validity of the judgment and any evidence of those circumstances;
- 5) details of what the applicant is requesting;
- 6) a list of the supporting documents annexed to the application;
- 7) the applicant's signature and the date on which the application was drawn up.

3. As many copies of the application and annexes shall be supplied to the court as there are parties and third persons.

4. Errors in the application shall be eliminated in accordance with the procedure for removing errors from claims.

5. Where appeals and applications for the review of a default judgment are lodged in the same case, applications for the review of a default judgment and any court orders handed down with regard to those judgments shall be examined first.”

Article 430(5) of the Code:

“Where objections are lodged after the twenty-day time limit has elapsed or where they do not meet the requirements of paragraph 1 of this Article, the court shall refuse to accept them. A separate appeal may be lodged against a court order by which a court refuses to accept objections. Where the defendant fails to meet the time limit for compelling reasons, the court may, on request, extend the time limit.”

Article 439(2) of the Code:

Objections by debtors in respect of the claim of a creditor shall be lodged in writing within 20 days of the date on which the notification of the court order is served on the debtor. Objections shall meet the general requirements for the content and form of procedural documents, with the exception of the requirement to indicate the grounds. Where, for compelling reasons, the debtor lodges an objection after the time limit referred to in this paragraph has expired, the court may, at the debtor's request, extend the time limit for lodging objections. A separate appeal may be lodged against an order by which such a request on the part of a debtor is rejected.

Article 78(1) of the Code:

“Persons who have failed to meet a time limit laid down by law or imposed by a court for reasons which the court deems compelling may be granted an extension of the said time limit.”

## **3. Accepted languages (Article 20(2)(c))**

In accordance with Article 2(4) of the Law<sup>[1]</sup>, the language to be used for the purposes of Article 20(2)(c) of the Regulation is Lithuanian.

Article 2(4) of the Law<sup>[1]</sup>:



“The European Enforcement Order or a copy thereof to be enforced in the Republic of Lithuania shall be translated into Lithuanian and enforced without applying the provisions of Section 7 of Chapter LX of the Code of Civil Procedure of the Republic of Lithuania.”

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[1] European Enforcement Order for uncontested claims (Official Gazette No 58 of 7 May 2005)

#### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

In accordance with Article 4(2) of the Law[1], the authorities referred to in Article 25 of the Regulation, i.e. authorities designated to issue a European Enforcement Order concerning an authentic document, are notaries.

Article 4(2) of the Law[1]:

“At the creditor’s request, a European Enforcement Order concerning an authentic document as referred to in paragraph 1 of this Article shall be issued by the notary who drafted the authentic instrument. The notary shall issue the European Enforcement Order not later than 5 days after the day on which the request for the issue of a European Enforcement Order was received.”

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[1] European Enforcement Order for uncontested claims (Official Gazette No 58 of 7 May 2005)

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### **European enforcement order - Hungary**

#### **1. Procedures for rectification and withdrawal (Art. 10(2))**

Within the territory of Hungary, the provisions governing rectification or withdrawal of the European Enforcement Order certificate are those of Chapter II of Act LIII of 1994 on judicial enforcement.

#### **2. Procedures for review (Art.19 (1))**

The provisions governing review of the judgment serving as the basis for certification as a European Enforcement Order are those of Chapter VII of Act III of 1952 on the civil code.

#### **3. Accepted languages (Article 20(2)(c))**

The languages accepted for the completion of the European Enforcement Order certificate are English and Hungarian.

#### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

The authority competent to certify an authentic instrument issued in Hungary as a European Enforcement Order is normally the district court within whose jurisdiction the authority drawing up the instrument is located.

However, in the case of an authentic instrument drawn up by a notary public, an injunction passed by a notary public or a settlement approved by a notary public having the same effect as a court settlement, the competent certification authority is the notary public.

The courts competent to certify authentic instruments drawn up in Hungary as European Enforcement Orders can be found using the search tool at the top of the page.

Public notaries acting as certification authorities can be found using the search function available at the [link](#) below.

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### **European enforcement order - Netherlands**

#### **1. Procedures for rectification and withdrawal (Art. 10(2))**

##### **1.1. Rectification procedure**

An application for rectification may be made to the court that endorsed the order as an EEO, using the form at Annex VI to the Regulation. The procedure is governed by section 4 of the Implementation Act; it is a simplified petition procedure. That means that sections 261 *et seq.* of the Code of Civil Procedure will apply in addition to the Implementation Act. Sections 358 *et seq.* and 426 *et seq.* of that Code apply as regards appeals and cassation respectively.

##### Section 4 of the European Enforcement Order Implementation Act

1. An application for rectification of a European Enforcement Order certificate in accordance with Article 10(1)(a) of the Regulation shall be made on the form provided for by Article 10(3) of the Regulation to the court that endorsed the order as a European Enforcement Order. Section 2(2) and (3) shall apply by analogy.

2. Where the application referred to in subsection 1 is made by the creditor on whose application the Order was issued, it shall wherever possible be accompanied by the original European Enforcement Order certificate that is to be rectified. The debtor need not be summoned to appear. Rectification shall be ordered on a date to be determined by the court; that date shall be stated on the court’s order and a rectified European Enforcement Order certificate shall be issued. The original European Enforcement Order certificate shall thereupon cease to have effect. If the application is dismissed, the original European Enforcement Order certificate shall be returned to the applicant.

3. Where the application referred to in subsection 1 is made by the debtor, the court shall not order rectification without first having given the creditor and the debtor the opportunity to make their views known. Rectification shall be ordered on a date to be determined by the court; that date shall be stated on the court’s order, as shall such performance as has already taken place, and a rectified European Enforcement Order certificate shall be issued. The original European Enforcement Order certificate shall thereupon cease to have effect. The court shall instruct the creditor to deposit the new Order at the Court Registry.

##### Section 2(2) and (3) of the European Enforcement Order Implementation Act

2. An authentic copy of the order for which certification is requested and the document initiating proceedings shall be submitted with the application provided for by paragraph 1. Wherever possible the application shall furnish all such particulars as are needed by the court in order to certify the decision as a European Enforcement Order in accordance with Annex I to the Regulation. If the documents or information supplied with the application are incomplete, the applicant shall be given the opportunity to amplify them.

3. The application provided for by paragraph 1 shall be served by a bailiff or prosecutor. Service by bailiff or prosecutor shall not be required in the event of certification of a decision by a district judge.

##### **1.2. Withdrawal procedure**

Withdrawal may be applied for on the form at Annex VI to the Regulation to the court that endorsed the order as an EEO. The procedure is governed by section 5 of the Implementation Act; it is a simplified petition procedure. That means that sections 261 *et seq.* of the Code of Civil Procedure will apply in addition to the Implementation Act. Sections 358 *et seq.* and 426 *et seq.* of that Code apply as regards appeals and cassation respectively.

#### Section 5 of the European Enforcement Order Implementation Act

1. An application for withdrawal of a European Enforcement Order certificate in accordance with Article 10(1)(b) of the Regulation shall be made on the form provided for by Article 10(3) of the Regulation to the court that endorsed the order as a European Enforcement Order. Section 2(2) and (3) shall apply by analogy.

2. Withdrawal shall be ordered, after the parties have been given the opportunity to make their views known, by order issued by the court on a date that it shall determine. The court may instruct the creditor to deposit the new Order at the Court Registry.

#### Section 2(2) and (3) of the European Enforcement Order Implementation Act

2. An authentic copy of the order for which certification is requested and the document initiating proceedings shall be submitted with the application provided for by paragraph 1. Wherever possible the application shall furnish all such particulars as are needed by the court in order to certify the decision as a European Enforcement Order in accordance with Annex I to the Regulation. If the documents or information supplied with the application are incomplete, the applicant shall be given the opportunity to amplify them.

3. The application provided for by paragraph 1 shall be served by a bailiff or prosecutor. Service by bailiff or prosecutor shall not be required in the event of certification of a decision by a district judge.

#### **2. Procedures for review (Art.19 (1))**

Review of a decision on an undisputed claim in accordance with Article 19 of the Regulation may be applied for in accordance with section 8 of the European Enforcement Order Implementation Act. If the review is to be ordered on the basis of section 8(3) by way of petition, sections 261 *et seq.* of the Code of Civil Procedure shall apply.

#### Section 8 of the European Enforcement Order Implementation Act

1. As regards decisions on undisputed claims to which the Regulation applies, the debtor may apply for review to the court that made the order on the grounds specified in Article 19(1)(a) and (b) of the Regulation.

2. If the application for review concerns a judgment, it must be made in the form of a writ of objection in accordance with section 146 of the Code of Civil Procedure.

3. If the application for review concerns a summary decision, it must be made in the form of a simple application.

4. Appeals must be brought:

a) in cases to which Article 19(1)(a) of the Regulation applies, within four weeks after the decision was served on the debtor;

b) in cases to which Article 19(1)(b) of the Regulation applies, within four weeks after the specified circumstances no longer obtain.

#### **3. Accepted languages (Article 20(2)(c))**


The languages accepted for the purposes of Article 20 of the Regulation are Dutch or any language understood by the debtor.

#### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

The authority designated by the Netherlands to certify a document as an EEO for the purposes of Article 25 of the Regulation is the judge for interlocutory proceedings at the court for the place where the notary who produced the original document is based.

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#### **European enforcement order - Austria**

##### **1. Procedures for rectification and withdrawal (Art. 10(2))**

- In the case of court judgments and settlements, and the arrangements relating to maintenance obligations referred to in Article 4(3)(b): an application for the withdrawal or rectification of certification as a European enforcement order must be submitted to the court or administrative authority which provided the certification (Section 419(1) and (2) of the Austrian Enforcement Code (*Exekutionsordnung*)).

- In the case of enforceable authentic instruments (*Notariatsakte*): an application for rectification must be made to the notary that drew up the authentic instrument or, if this is not possible, to the official responsible under Sections 119, 146 and 149 of the Austrian Notaries Code (*Notariatsordnung*). Power to withdraw the certification granted by the notary lies with the court that has jurisdiction under procedural law to rule on applications contesting the enforceability of an authentic instrument (Section 419(3) of the Enforcement Code).

##### **2. Procedures for review (Art.19 (1))**

- Where the document was properly served: an application for relief (*Antrag auf Wiedereinsetzung in den vorigen Stand*) from the effects of failing to meet the deadline for contesting the claim or failing to attend a hearing.

- Where the document was not properly served: in the case of decisions subject to a one-step procedure, such as a payment order (*Zahlungsbefehl*) or an order for the payment of a bill of exchange (*Wechselzahlungsauftrag*), an application for fresh service (*Antrag auf neuerliche Zustellung*); in the case of a default judgement, a full appeal (*Berufung*); and in the case of other decisions based on default, an appeal on a point of law (*Rekurs*).

##### **3. Accepted languages (Article 20(2)(c))**

German.

##### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

- In the case of maintenance arrangements of the kind referred to in Article 4(3)(b): the administrative authority with which the arrangement was concluded.

- In the case of enforceable authentic instruments: the notary that drew up the authentic instrument or, if this is not possible, the official responsible under Sections 119, 146 and 149 of the Austrian Notaries Code. A complete list of notaries can be found on the website of the Austrian Chamber of Notaries (*Österreichische Notariatskammer*) at the following address: <http://www.notar.at/>

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## European enforcement order - Poland

### 1. Procedures for rectification and withdrawal (Art. 10(2))

- Rectification procedure: rectification in line with Article 350 of the Code of Civil Procedure read in conjunction with Article 361 of the Code of Civil Procedure.

'Article 350 § 1. The court may rectify ex officio any inaccuracies, clerical or calculation errors or other obvious errors in the judgment.

§ 2 The court may decide on the rectification in closed session; a note about the rectification shall be made on the original judgment, and, at the request of the parties, also on the extracts handed to the parties. All subsequent copies and extracts shall take into account the rectification decision.

§ 3 If the case is pending before a court of second instance, this court may also rectify a first instance judgment of its own motion.

Article 361. The provisions on judgments shall apply mutatis mutandis to decisions, unless otherwise provided by the Code of Civil Procedure.'

Article 13 § 2. The provisions on contentious proceedings shall apply mutatis mutandis to other types of proceedings regulated by the Code of Civil Procedure, unless specifically provided otherwise.

European Enforcement Order certificates are issued in the form of a judicial decision, in accordance with the procedure laid down in Article 7951 of the Code of Civil Procedure.

- Withdrawal procedure in line with Article 7954 of the Code of Civil Procedure.

'Article 7954 § 1. Should it transpire that there are grounds for withdrawing the European Enforcement Order certificate as per the separate provisions, the court which issued the certificate shall withdraw it at the debtor's request.

§ 2 The request must be submitted within a month from the debtor's receipt of the decision to issue the certificate.

§ 3 If the request is not drafted using the form specified in the separate provisions, it must meet the requirements of a written pleading and indicate the grounds for the request.

§ 4 Before withdrawing the decision, the court shall hear the creditor.

§ 5 Decisions on withdrawing a European Enforcement Order certificate are subject to appeal.'

Applications to withdraw a European Enforcement Order are subject to a fee of PLN 50.

### 2. Procedures for review (Art.19 (1))

Review procedure: extension of the time for appeal in line with Articles 168-172 of the Code of Civil Procedure.

'Article 168 § 1. If the party has failed to take action within the deadline through no fault of its own, the court shall extend the deadline at the party's request. This decision may be issued in closed session.

§ 2 Extension cannot be granted if failure to meet the deadline has no adverse procedural effects for the party.

Article 169 § 1. Applications for deadline extension must be submitted to the court before which the proceedings were to take place within a week after the reason for not meeting the deadline ceases to apply.

Article 169 § 2. The application must substantiate the circumstances justifying the application.

Article 169 § 3. The party must take action at the same time as it submits the application.

Article 169 § 4. If more than a year has passed since the deadline was not met, it may be extended only in exceptional cases.

Article 169 § 5. The decision on an application for deadline extension may be issued in closed session.

Article 172. Submitting an application for deadline extension does not result in suspension of the proceedings or of the enforcement of the decision.

However, if appropriate, the court may suspend the proceedings or the enforcement of the decision. This decision may be issued in closed session. If the application is granted, the court may examine the case immediately.'

### 3. Accepted languages (Article 20(2)(c))

Languages accepted under Article 20(2)(c) of the Regulation: Polish.

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

Authorities referred to in Article 25 of the Regulation: district courts ('sądy rejonowe'); the competent court is the district court in whose jurisdiction the authentic instrument was drawn up.

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## European enforcement order - Portugal

### 1. Procedures for rectification and withdrawal (Art. 10(2))

Applications to rectify or withdraw a European Enforcement Order certificate are made by the body that issued the certificate using the standard form contained in Annex VI to the Regulation.

### 2. Procedures for review (Art.19 (1))

As regards Article 19(1)(a), the review procedure is laid down in Article 696(e) of the Code of Civil Procedure.

As regards Article 19(1)(b), the review procedure is laid down in Article 140 of the Code of Civil Procedure.

### 3. Accepted languages (Article 20(2)(c))

The language accepted is Portuguese.

### 4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

Notaries are authorised to certify authentic instruments.

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## European enforcement order - Romania

### 1. Procedures for rectification and withdrawal (Art. 10(2))

If the Enforcement Order is a court judgment, which includes court settlements or other legal agreements between parties, competence for certification lies with a court of first instance (Article 2(1) of Article I<sup>1</sup> of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved with amendments by Law No 191/2007, as amended).

An application to rectify a certificate is the competence of the court that issued the certificate. The court rules on applications to issue certificates by deciding without summoning the parties. A decision granting an application may not be appealed against. The certificate is issued to the creditor and a copy is sent to the debtor. An appeal may be brought against a decision rejecting an application within 15 days of the decision being issued if the creditor was present, and within 15 days of the decision being served if the creditor was not present. The same provisions apply accordingly in the case of a review on a point of law (*recurs*). (Articles 2, 3, 5 and 6 of Article I<sup>1</sup> of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved with amendments by Law No 191/2007, as amended).

An application to withdraw a certificate must be submitted to the court that issued it within one month of the certificate being served. If after summoning the parties, the court finds that the certificate was issued without the conditions provided for in Regulation (EU) No 805/2004 being met, it re-examines the measures taken and withdraws the certificate, in full or in part. An appeal may be brought against the decision within 15 days of it being served. The same provisions apply accordingly in the case of a review on a point of law (*recurs*). (Article 7 of Article I<sup>1</sup> of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved with amendments by Law No 191/2007, as amended).

Procedures for review mentioned in Article 19(1)

The procedures for review under Romanian legislation that are referred to in Article 19(1) comprise forms of ordinary redress: appeal (*apel*) and extraordinary redress: review on a point of law (*recurs*), action for annulment (*contestație în anulare*) and review (*revizuire*).

## **2. Procedures for review (Art.19 (1))**

Procedures for review mentioned in Article 19(1)

The procedures for review under Romanian legislation that are referred to in Article 19(1) comprise forms of ordinary redress: appeal (*apel*) and extraordinary redress: review on a point of law (*recurs*), action for annulment (*contestație în anulare*) and review (*revizuire*).

### **Appeals are governed by Articles 466 to 482 of the Code of Civil Procedure.**

Judgments given at first instance are open to appeal. The time limit for submitting an appeal is 30 days of the judgment being served. Enforcement of the first-instance judgment is suspended in the course of the appeal. The appeal and the grounds on which it is based are submitted to the court whose decision is being appealed against.

Once the time limit for the appeal has expired, the respondent is entitled, under the legal process in which the appeal made by the opposing party is being heard, to formulate an appeal in writing (**known as a cross-appeal: *apel incident***) by means of an application of his or her own aimed at overturning the decision of the court of first instance.

In the event of joint litigation and when third parties have intervened in the first-instance proceedings, the respondent is entitled, once the time limit for appeal has expired, to bring an appeal in writing (**known as a provoked appeal: *apel provocat***) against the other respondent or person who featured in the case heard at first instance and who is not a party to the main appeal, if the latter's involvement is ultimately such as to have consequences for the respondent's legal position in the proceedings.

The cross-appeal and the provoked appeal are lodged by the respondent together with the defence to the main appeal.

The appeal, duly submitted within the time limit, gives rise to a fresh assessment of the merits of the case, and the court of appeal issues its ruling both in fact and in law (**devolutive effect of the appeal: *efectul devolutiv al apelului***).

The court of appeal will re-assess the merits of the case within the limits laid down by the appellant and with reference to the solutions dependent on the part of the judgment that has been appealed against. The devolution will apply to the entire case when the appeal is not limited to certain solutions of the operative part of the judgment under appeal, when the judgment is likely to be set aside or when the subject-matter of the dispute is indivisible.

The court of appeal may uphold the judgment appealed against, in which case it will reject or annul the appeal or declare the proceedings to have lapsed. If the appeal is allowed, the court may set aside or vary the judgment appealed against.

If it is found that the court of first instance wrongfully decided the case without examining its merits or that the case was heard in the absence of parties, who were not legally summoned, the court of appeal will annul the judgment appealed against and will hear the action, disposing of the case. However, the court of appeal will annul the judgment appealed against and refer the case for retrial to the court of first instance; referral for retrial may take place just once in the course of the proceedings.

If the court of appeal finds that the court of first instance lacked jurisdiction, it will annul the judgment appealed against and refer the matter for examination to the court with jurisdiction or, as appropriate, will reject the application as inadmissible.

If the court of appeal finds that it has jurisdiction at first instance, it will annul the judgment appealed against and examine the merits of the case.

The appellant cannot, as a result of his or her own appeal, be placed in a situation worse than that brought about by the ruling that is being appealed against.

### **Reviews on a point of law are governed by Articles 483 to 502 of the Code of Civil Procedure.**

Judgments appealed against, those given without a right of appeal and others in cases expressly provided for are amenable to review on a point of law.

Rulings given on certain subjects such as the following are not subject to such review: legal guardianship, family, civil status, buildings administration, evacuation; easements, changes in boundaries, the marking of boundaries, obligations to carry out or not to carry out actions that cannot be measured in terms of money, judicial declaration of a person's death, judicial partition, a deceased person's estate, positive prescription, land ownership, civil navigation and port activities, labour disputes, social security, expropriation, consumer protection, insurance, claims under Act No 77/2016 on dation in payment of immovable property to extinguish obligations under a credit agreement. Judgments by appeal courts are not subject to review on a point of law in cases where the law provides that judgments at first instance are subject only to appeal.

The time limit for applying for a review on a point of law is 30 days of the judgment being served. The review on a point of law is dealt with by the court hierarchically superior to that which delivered the judgment that is being appealed against. At the appellant's request, the court dealing with the review can order the suspension of the judgment subject to review on a point of law.

A cross-review on a point of law and a provoked review on a point of law can be exercised in the cases specified for a cross-appeal and a provoked appeal. Where a review on a point of law has been declared admissible in principle, the court, having verified all the grounds put forward and having examined the point of law, may allow, reject or annul it or declare the proceedings to have lapsed. If a review on a point of law is allowed, the judgment appealed against may be quashed in whole or in part. The quashed judgment has no force. The enforcement or insurance measures conducted on the basis of such a judgment have no force in law. The court will establish this, ex officio, by means of the judgment to quash the appeal.

If the appeal is quashed, the judgments of the court of appeal concerning the questions of law that have been resolved are binding on the court that examined the merits of the case. When the judgment has been quashed due to infringement of the procedural rules, the proceedings will begin again from the annulled act. After an appeal has been quashed, the court of first instance will hear the case again within the limits of the quashing and taking account of all the grounds invoked before the court whose judgment has been quashed.

When a point of law is being reviewed and when there is a retrial after a judgment has been quashed by the appeal court, the party concerned may not be placed in a worse situation.

#### **Actions for annulment are regulated by Articles 503 to 508 of the Code of Civil Procedure.**

Final judgments can be appealed against by means of an action for annulment where the complainant was not duly summoned and was not present when the case was examined. An action for annulment is submitted to the court whose judgment is being contested. It may be submitted within 15 days of service of the judgment and not later than one year from the date on which it became final. The court may suspend enforcement of the judgment in respect of which annulment is sought on condition that a security is lodged. If the ground of objection is well-founded, the court will deliver a single judgment annulling the judgment appealed against and determining the case. A judgment handed down in an action for annulment can be contested in the same way as the judgment appealed against.

#### **Reviews are governed by Articles 509 to 513 of the Code of Civil Procedure**

A review of a judgment on the merits of a case or that refers to the merits of a case may be sought if, for example, the party concerned has, in circumstances beyond his or her control, been prevented from appearing in court and has notified the court of this. The time limit for review is one month, counting from the end of the impediment. The court may suspend enforcement of the judgment in respect of which review is sought on condition that a security is lodged. If the court allows the application for review, it will vary, in whole or in part, the judgment appealed against and, in the event of conflicting final judgments, will annul those judgments. A judgment handed down in an action for a review is subject to the appeal procedures laid down by law in relation to reviewed judgments.

#### **3. Accepted languages (Article 20(2)(c))**

Romanian

#### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

If the Enforcement Order is an authentic instrument, competence lies with the district court of the district in which the issuer of that act is located (Article 2(2) of Article I 1 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved with amendments by Law No 191/2007, as amended).

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#### **European enforcement order - Slovenia**

##### **1. Procedures for rectification and withdrawal (Art. 10(2))**

###### **Procedures for rectification referred to in Article 10(2):**

In Slovenia, an application for rectification must be addressed to the authority which issued the European Enforcement Order certificate (Article 42(c)(1) of the Enforcement and Securing of Claims Act).

###### **Procedures for withdrawal referred to in Article 10(2):**

Proceedings for annulment under Article 42(c)(2) of the Enforcement and Securing of Claims Act (the court or authority that issued the certificate is competent for annulling it) and Article 40(c)(3) of said Act (for the purposes of proceedings for annulment of a final certificate based on an official document following a decision on enforcement, territorial jurisdiction rests with the court which has territorial jurisdiction to decide on the admissible means of enforcement).

##### **2. Procedures for review (Art.19 (1))**

*Reinstitution of proceedings under Articles 394-405 of the Code of Civil Procedure.*

*Restitutio in integrum under Articles 166-120 of the Code of Civil Procedure.*

##### **3. Accepted languages (Article 20(2)(c))**

The official languages are Slovenian, plus the two national minority languages in official use in court in areas inhabited by the respective national minorities (Articles 6 and 104 of the Code of Civil Procedure, in conjunction with Article 15 of the Enforcement and Securing of Claims Act). The national minority languages are Italian and Hungarian.

Ethnically mixed areas are defined in the Act on the Establishment of Municipalities ("ZUODNO"; *Uradni list RS* (Official Gazette of the Republic of Slovenia), No 108/06 - official consolidated text and 9/11). Article 5 of the ZUODNO states: "Ethnically mixed areas within the meaning of this Act are those defined as such by the current statutes of the municipalities of Lendava, Hodoš-Šalovci, Moravske Toplice, Koper, Izola and Piran."

##### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

Notaries.

A directory of notaries can be found at <http://www.notar-z.si/poisci-notarja>

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#### **European enforcement order - Slovakia**

##### **1. Procedures for rectification and withdrawal (Art. 10(2))**

Under Section 21 of Act No 160/2015 (Code of Civil Dispute Procedure (Civilný sporový poriadok)), the court with jurisdiction for making amendments to and revoking certificates is the court that rendered the judgment or the court at which the settlement was approved or made, in the case of judgments or settlements.

##### **2. Procedures for review (Art.19 (1))**

Under the terms of Article 19(1)(a) of the Regulation, Slovak courts are authorised to review judgments under Sections 355 – 457 of the Code of Civil Dispute Procedure. In accordance with Article 19(1)(b) of the Regulation, courts review judgments under Section 122 of the Code of Civil Dispute Procedure (exemption from expiration after lapse of period).

Sections 355 - 457 govern individual appeal procedures (appeal, re-opening of proceedings and extraordinary appeal). Individual provisions govern conditions for the admissibility of appeals, the particulars to be contained in the appeals lodged, action to be taken by the courts and the courts' decision-making procedures on appeals.

The individual provisions of the Code of Civil Dispute Procedure can be found at [Slov-lex.sk](#)

### **3. Accepted languages (Article 20(2)(c))**

The language accepted under Article 20(2)(c) of the Regulation is Slovak (in the Slovak Republic).

### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

Under Section 21(2) of the Code of Civil Dispute Procedure, the regional court (*krajský súd*) with jurisdiction for legalising judicial documents in accordance with Section 62 of Act No 97/1963 on International Private Law and Rules of Procedure, as amended, has jurisdiction for issuing, amending or revoking certificates under special legislation relating to an authentic instrument.

The regional court has jurisdiction for legalising judicial documents or issuing an apostille if the documents in question have been issued by district courts, notaries or bailiffs based in the regional court's jurisdiction, if the documents' authenticity has been verified or the document signature's authenticity has been verified, and if the documents are translations produced by official translators or reports drawn up by experts.

Act No 97/1963 can be found at [Slov-lex.sk](#)

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## **European enforcement order - Finland**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

#### **Article 10(2)(a) Rectification procedure**

The Act on the European Enforcement Order for uncontested claims (825/2005) lays down the procedure for rectification as follows:

*Rectification of a material error in the European Enforcement Order certificate (Section 2)*

If the judgment, court settlement, or authentic instrument referred to in the Regulation has been falsely represented in the certificate issued on the basis of the Regulation, the court which issued the certificate or other authority must upon application rectify the discrepancy.

An application for the rectification of a European Enforcement Order certificate may be made using the standard form in Annex VI. The rectification should be made on the original certificate. If it is not possible to rectify the original certificate, then a new certificate must be issued to the creditor. The rectification must as far as possible be notified to the parties who requested a copy of the certificate. If an appeal was lodged in the matter, the rectification must be notified to the appeal court.

#### **Article 10(2)(b) Withdrawal procedure**

The Act on the European Enforcement Order for uncontested claims lays down the procedure for withdrawal as follows:

*Withdrawal of the European Enforcement Order certificate (Section 3)*

If the certificate, certifying the judgment, settlement agreement approved by a court or authentic instrument as a European Enforcement Order has been clearly wrongly granted with regard to the requirements laid down in the Regulation the court which issued the certificate or other authority must on application withdraw the certificate.

An application for the withdrawal of a European Enforcement Order certificate may be made using the standard form in Annex VI. The parties shall be given an opportunity to be heard unless this is clearly unnecessary.

The withdrawal shall be endorsed on the original certificate if possible. The withdrawal must as far as possible be notified to the parties who requested a copy of the certificate. If an appeal was lodged in the matter, the withdrawal must be notified to the appeal court.

### **2. Procedures for review (Art.19 (1))**

According to Article 12(1), the minimum standards laid down in Chapter III of the Regulation apply to judgments referred to in Article 3(1)(b) and (c) based on the debtor's default of appearance. According to Article 12(2) of the Regulation, Chapter III of the Regulation also applies to judgments based on the debtor's default of appearance delivered by the court of appeal.

Where a court has delivered a judgment based on the debtor's default of appearance within the meaning of Article 3(1)(b) and (c), in the situations referred to in Article 19(1) the debtor must be entitled to apply for a review of the judgment in order for the judgment to be certified as a European Enforcement Order. In Finland, the debtor's passivity in the district court results in a default judgment. Section 15 of Chapter 12 of the Code of Judicial Procedure provides that the party against whom the case has been decided by a judgment by default has the right to appeal it within 30 days of the date on which the appealing party received notice of the default judgment.

For the purposes of the application of that provision to appeal, it does not matter when the debtor received notice of the default judgment. The statutory time-limit for appeal does not start to run until the debtor has received notice of the default judgment. This provision is less stringent than the minimum requirements laid down in Article 19 of the Regulation. Moreover, the provisions of Chapter 31 of the Code of Judicial Procedure on extraordinary channels of appeal also apply to a default judgment. These include complaints based on a procedural error (Section 1 of Chapter 31) and reversal of a final judgment (Section 7 of Chapter 31). Section 17 of Chapter 31 of the Code of Judicial Procedure contains a separate provision on the granting of a new deadline.

### **3. Accepted languages (Article 20(2)(c))**

European Enforcement Order certificates may be provided translated into Finnish, Swedish or English.

### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

In Finland, authentic instruments as provided for in Article 4(3)(b) of the Regulation are maintenance agreements enforced and thus certified by the municipal social welfare boards. The municipal social welfare board that enforces the maintenance agreement also enforces it as a European Enforcement Order.

A list of Finland's municipalities is available in electronic format on the <https://oikeus.fi> website maintained by the Ministry of Justice. The contact details of the municipalities may also be found on the <http://www.kunnat.net> website.

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## **European enforcement order - Sweden**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

Certificates may be rectified in accordance with Section 14 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments (Article 10(1)(a) of the European Enforcement Order Regulation).

#### **'Section 14 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments**

If, due to a material error, a European enforcement order certificate does not correspond to the underlying judgment, authentic instrument or decision, the certificate shall be rectified by the court or authority that issued it. No appeal shall lie against a rectification decision.'

Certificates may be withdrawn in accordance with Section 15 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments (Article 10(1)(b) of the European Enforcement Order Regulation).

#### **'Section 15 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments**

If a European enforcement order certificate has been issued contrary to the requirements laid down in the European Enforcement Order Regulation, the certificate shall be withdrawn by the court or authority that issued it.

Before the certificate is withdrawn, the parties shall be given the opportunity to state their views, unless this is unnecessary.

No appeal shall lie against a decisions on withdrawal.'

### **2. Procedures for review (Art.19 (1))**

Application for review may be made by means of an appeal (*överklagande*) in accordance with Chapter 50, Section 1 of the Code of Judicial Procedure (*rättegångsbalken*), an application for reopening (*återvinning*) under Chapter 44, Section 9 of the Code of Judicial Procedure, an application for reopening (*återvinning*) under Section 52 of the Act (1990:746) on orders to pay and assistance, an application for renewal of a missed deadline (*återställande av försutten tid*) under Chapter 58, Section 11 of the Code of Judicial Procedure, or a complaint of grave procedural error (*klagan över domvilla*) under Chapter 59, Section 1 of the Code of Judicial Procedure (Article 19 of the European Enforcement Order Regulation).

#### **'Chapter 50 Section 1 of the Code of Judicial Procedure**

A party desiring to appeal against a judgment of a district court (*tingsrätt*) in a civil case shall do so in writing. The appeal shall be lodged at the district court. It must have been received by the court within three weeks from the delivery of the judgment.

#### **Chapter 44 Section 9 of the Code of Judicial Procedure**

A party against whom a judgment by default has been entered may apply for a reopening of the case at the court in which the action was instituted within one month from the date on which the judgment was served upon him. If reopening is not applied for, the judgment is no longer open to challenge to the extent that it is against the party in default.

An application for reopening shall be submitted in writing. If the default judgment was entered without a hearing on the substance, the application must contain everything required of the applicant with a view to such a hearing.

#### **Chapter 58 Section 11 of the Code of Judicial Procedure**

If a person has missed the time-limit for appeal against a judgment or decision, or for reopening or reinstatement, and if he had legal excuse, on application by him the expired time may be renewed.

#### **Chapter 59 Section 1 of the Code of Judicial Procedure**

A judgment that has acquired the force of *res judicata* shall be set aside for grave procedural error on application by a person whose legal rights the judgment affects:

1. if the case was entertained although a procedural impediment existed that a superior court hearing a case on appeal is obliged to consider of its own motion,
2. if the judgment was given against someone who was not properly summoned and did not appear in the case, or if the rights of a person who was not a party to the action are adversely affected by the judgment,
3. if the judgment is so vague or incomplete that the court's adjudication on the merits cannot be ascertained therefrom, or
4. if another grave procedural error occurred in the course of the proceedings that can be assumed to have affected the outcome of the case.

A complaint concerning a grave procedural error as referred to in the foregoing subparagraph 4 which is based on a circumstance not previously adduced in the case shall be dismissed unless the complainant can show that he was prevented from adducing the circumstance in the course of the proceedings or had another valid reason not to do so.

#### **Section 52 of the Act (1990:746) on orders to pay and assistance**

If the respondent is dissatisfied with the judgment of a case concerning an order to pay or ordinary assistance, he may request a reopening of the proceedings.'

### **3. Accepted languages (Article 20(2)(c))**

We accept the following languages for the completion of the certificate: Swedish and English.

### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

If a Swedish Social Welfare Board (*Socialnämnd*) has issued an authentic instrument, it can also certify the instrument as a European enforcement order.

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## **European enforcement order - England and Wales**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

The Rules of Court for England and Wales made under the Civil Procedure Act 1997 will be used to give effect to this Regulation. These Rules of Court are known as the Civil Procedure Rules (CPR) and are made by statutory instrument.

[Part 74.27 of the Civil Procedure Rules](#) and its accompanying Practice Direction, [Practice Direction 74B](#) contain provisions for the European Enforcement Order in England and Wales including procedures for rectification and withdrawal.

Article 10 refers to the entitlement to apply to the court to have a certificate rectified (if it is at variance with the judgment) or withdrawn (if it is at variance with the Regulation). The procedure that is in place to deal with these situations is [CPR Part 23](#) which contains the rules for making applications to the court.

An application under Article 10 will be made to the court which issued the European Enforcement Order using the procedure in Part 23.

The application will be made on an application notice known as Form(\*) [N244](#). The application notice must state what order the applicant is seeking (i.e. an order for rectification or withdrawal) and why the applicant is seeking the order (for example, because there is a discrepancy in the certificate).

(\*) UK confirms that the standard forms in the Regulation will be used. Annexes I-V of the Regulation are the forms in which the certificates shall be issued by the court. Creditors will use the relevant UK court forms to make the requisite applications and the certificate will be issued in the form provided by the Regulation. It is envisaged that an application under Article 10(3) may be made using UK's standard form of application or the form at Annex VI of the Regulation.

## **2. Procedures for review (Art.19 (1))**

The Rules of Court for England and Wales made under the Civil Procedure Act 1997 will be used to give effect to this Regulation. These Rules of Court are known as the Civil Procedure Rules (CPR) and are made by statutory instrument.

Article 19(1) requires that the debtor must be entitled to apply for a review of the judgment in circumstances where the document instituting the proceedings did not reach him or he was prevented from objecting to the claim through no fault of his own.

Part 13 of the CPR will permit the judgment debtor to apply for a review of the judgment in the circumstances described in Article 19. It sets out the procedure for making an application to set aside or vary default judgment. Default judgment can be obtained where the judgment debtor has failed to file an acknowledgment of service and/or a defence. Part 13 of the CPR will permit the judgment debtor to apply for a review of the judgment in the circumstances described in Article 19. It sets out the procedure for making an application to set aside or vary default judgment.

No forms are prescribed for making an application to set aside or vary default judgment. It is usual for the applicant to make the application using the application notice in Form N244 ([http://www.hmccourts-service.gov.uk/courtfinder/forms/n244\\_eng.pdf](http://www.hmccourts-service.gov.uk/courtfinder/forms/n244_eng.pdf)). The applicant should state the order he wants and why judgment should be set aside or varied, for example because he was not served the proceedings in sufficient time to prepare his defence. The hearing of that application will entail a review of the judgment.

## **3. Accepted languages (Article 20(2)(c))**

Certificates sent to England and Wales will be accepted in English.

## **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

While Authentic Instruments from other Member States will be enforced in England and Wales they are not produced in England and Wales. Therefore there is no need to designate an authority to certify them.

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## **European enforcement order - Northern Ireland**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

The Rules of Court for Northern Ireland give effect to the Regulation. These Rules of Court are known as the Rules of the Court of Judicature (Northern Ireland) 1980 (which are made under the Judicature (Northern Ireland) Act 1978 and regulate proceedings in the Supreme Court of Judicature in Northern Ireland) and the County Court Rules (Northern Ireland) 1981 (which are made under the County Courts (Northern Ireland) Order 1980 and the Civil Evidence (Northern Ireland) Order 1997 and regulate proceedings in the county court). These Rules can be accessed on the Northern Ireland Courts and Tribunals website at [Court of Judicature Rules](#) and [County Court Rules](#)

Article 10 refers to the entitlement to apply to the court to have a certificate rectified (if it is at variance with the judgment) or withdrawn (if it is at variance with the Regulation).

There are procedures in place to deal with such applications in both the Rules of the Court of Judicature (Northern Ireland) 1980 and the County Court Rules (Northern Ireland) 1981. These Rules respectively regulate proceedings in the Court of Judicature and county courts in Northern Ireland.

In the case of actions under the former, these applications may generally be made by way of summons and affidavit in accordance with the procedure set out in Order 32 and using Form (\*) 28 in Appendix A to the Rules. They should state what order the applicant seeks and why the applicant is seeking that order. Similarly, in the county court, an application may be made via notice of motion and supporting affidavit under Order 14 and using the general Forms (\*) 1 and 2 set out in Appendix 1 to the Rules. Again, the notice should state what order the applicant seeks and why the applicant is seeking that order.

Annexes I-V of the Regulation are the standard forms in which the certificates are issued by the court. Creditors use the relevant UK court forms to make the requisite applications and the certificate is issued in the form provided by the Regulation. An application under Article 10(3) can be made using UK's standard form of application or the form at Annex VI of the Regulation.

### **2. Procedures for review (Art.19 (1))**

Article 19(1) requires that the debtor must be entitled to apply for a review of the judgment in circumstances where the document instituting the proceedings did not reach him or he was prevented from objecting to the claim through no fault of his own.

Order 13, Rule 8 of the Rules of the Court of Judicature (Northern Ireland) 1980 allow the judgment debtor to apply to the court for default judgment to be set aside or varied. Although no specific form is prescribed for such an application, it may generally be made by summons and affidavit in accordance with the procedure set out in Order 32 and using Form 28 in Appendix A to the Rules.

Similarly, Order 12, Rule 12 of the County Court Rules (Northern Ireland) 1981 allows the judgment debtor to make such an application in the county court. Again, while no specific form is prescribed, it may be made via notice of motion and supporting affidavit under Order 14 and using the general Forms 1 and 2 set out in Appendix 1 to the Rules.

In both courts, the application of this power to set aside or vary is purely discretionary and the rules impose no conditions as to its exercise.

### **3. Accepted languages (Article 20(2)(c))**

Certificates sent to Northern Ireland will be accepted in English.

### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

While Authentic Instruments from other Member States will be enforced in Northern Ireland they are not produced in Northern Ireland. Therefore, there is no need to designate an authority to certify them.

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## **European enforcement order - Scotland**

### **1. Procedures for rectification and withdrawal (Art. 10(2))**

The existing rules of court in both the Sheriff Court and Court of Session in Scotland give effect to the Regulation with any necessary adaptations.



The rules provide that an application for rectification or withdrawal of a European Enforcement Order Certificate is to be in the form set out in [Annex VI](#) to the Regulation. The form is to be lodged with the Sheriff Clerk for Sheriff Court applications. Court of Session applications are treated as though they are petitions and should be lodged with the Assistant Clerk of Session in the Court of Session.

[Act of Sederunt \(Rules of the Court of Session Amendment No. 8\) \(Miscellaneous\) 2005.](#)

[Act of Sederunt \(Sheriff Court European Enforcement Order Rules\) 2005.](#)

The forms and Rules can also be accessed on the Scottish Courts and Tribunals Service website at the link below:

<https://www.scotcourts.gov.uk/taking-action/european-applications/european-enforcement-orders>

## 2. Procedures for review (Art.19 (1))

Article 19(1) requires that the debtor must be entitled to apply for a review of the judgment in circumstances where the document instituting the proceedings did not reach him or he was prevented from objecting to the claim through no fault of his own.

The existing rules of court in both the Sheriff Court and Court of Session in Scotland will be used to give effect to the Regulation with any necessary adaptations.

The relevant Sheriff Court Rules and Court of Session Rules are summarised below. The full text of the rules and the relevant forms can be found at: <http://www.scotcourts.gov.uk/>.

### **Sheriff Court Rules**

#### Simple Procedure

As from 28 November 2016, if you are raising a claim which has a monetary value of £5000 or less which seeks payment, delivery or recovery of possession of moveable property or an order for someone to do something specific, you should use the Simple Procedure.

Review of the judgment:

There are two types of review - recall of decision and appeal.

Under Rule 13.6 a party may apply for a recall of a decision made by lodging an Application to Recall using Form 13B(1) for decision made before 30 July 2018 or Form 13B(2) for decisions made on or after 30 July 2018 explaining the reasons why the decision should be recalled. The party should also complete a Response Form (Form 4A) and send it to the court along with the appropriate Form 13B.

Under Rule 16.2 a party may appeal to the Sheriff Appeal Court by lodging an Appeal (Form 16A) within 4 weeks from the Decision Form being sent specifying the points of law that the Sheriff Appeal Court is to consider.

The rules in full can be found in the Sheriff Courts section of:

[Scot Courts](#)

under the Act of Sederunt governing Simple Procedure. The forms and Standard Orders can be found in the section below that.

#### Small claims

The Small Claims Rules 2002 regulate the procedure for cases where the value of the claim is up to and including £3000. (As from 28 November 2016, if you are raising a claim which has a monetary value of £5000 or less which seeks payment, delivery or recovery of possession of moveable property or an order for someone to do something specific, you should use the Simple Procedure - see above).

Review of the judgment:

There are three types of review - recall of decree, appeal and applications in the same claim for variation, etc. of the decree.

Under Rule 21.10 a party may apply to have a decree varied, discharged or rescinded or the execution of that decree suspended by lodging a minute to that effect, setting out briefly the reasons for the application.

Under Rule 22.1 a party may apply for recall of a decree granted by lodging with the minute Form 20, explaining the party's failure to appear and stating the proposed defence.

Under Rule 23.1 a party may appeal to the sheriff principal by lodging a note of appeal in Form 21 not later than 14 days after the date of final decree requesting a stated case and specifying the point of law upon which the appeal is to proceed.

Under Rule 23.4 an application for leave to appeal against a decision in an application for a time to pay direction or any order connected therewith is made using Form 22 and must specify the question of law upon which the appeal is to proceed. If leave to appeal is granted, the appeal must be lodged using Form 23 and intimated by the appellant to every other party within 14 days of the order granting leave.

The rules in full can be found in the Sheriff Courts section of the SCTS website: [Small Claim Rules](#) and the forms can be found at [Small Claim Forms](#)

#### Summary Cause

#### Summary Cause

The Summary Cause Rules 2002 regulate the procedure for cases where the value of the claim is over £3000 and up to and including £5000. (As from 28 November 2016, if you are raising a claim which has a monetary value of £5000 or less which seeks payment, delivery or recovery of possession of moveable property or an order for someone to do something specific, you should use the Simple procedure - see above).

Review of the judgment:

There are three types of review - recall of decree, appeal and applications in the same claim for variation, etc. of decree. In addition there are specific provisions for appeals in relation to a time to pay direction.

Under Rule 24.1 a party may apply for recall of a decree granted by lodging a minute using Form 30, explaining the party's failure to appear and stating the proposed defence.

Under Rule 25.1 a party may appeal to the Sheriff Principal by lodging a note of appeal using Form 31 not later than 14 days after the date of final decree requesting a stated case and specifying the point of law upon which the appeal is to proceed.

Under Rule 25.4 an application for leave to appeal against a decision in an application for a time to pay direction or any order connected therewith is made using Form 32 and must specify the question of law upon which the appeal is to proceed. If leave to appeal is granted, the appeal must be lodged using Form 33 and intimated by the appellant to every other party within 14 days of the order granting leave.

The rules in full can be found in the Sheriff Courts section of the SCTS website at: [Summary Cause Rules](#) and the form at: [Summary Cause Forms](#).

#### Forms

#### Ordinary Cause

The Ordinary Cause Rules 1993 regulate the procedure in payment actions where the value of the claim is over £5000.

Review of the judgment:

There are two methods of appeal available with appeals to the Sheriff Principal or the Court of Session as well as the Reponing procedure.

Under Rule 8.1 a defender may apply to recall a decree in absence by lodging a 'reponing note' setting out his proposed defence and explaining his failure to appear. No specific form is prescribed for such an application but it will normally be in the style of an Initial Writ (Form G1). If granted, the action proceeds as if the defender had lodged a notice of intention to defend.

Rule 31.3 provides that an appeal to the Court of Session be made via note of appeal by writing on the principal interlocutor sheets or on a separate sheet and shall be lodged with the sheriff clerk. Rule 31.4 provides that an appeal to the Sheriff Principal be made by lodging a note of appeal in Form A1. Rules 31.1 and 31.2 specify the required time limits.

The rules in full can be found in the Sheriff Courts section of the SCTS website at: [☞ Ordinary Cause Rules](#).

#### **The Rules of the Court of Session 1994**

Review of the judgment:

Under Rule 19.2 a defender may apply by motion for recall of the decree and at the same time must lodge defences in process. The action will proceed as if the defences had been lodged timeously.

The rules in full can be found in the Court of Session section of the SCTS website at: [☞ Court of Session Rules](#).

#### **3. Accepted languages (Article 20(2)(c))**

Certificates sent to Scotland will be accepted in English.

#### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

Where authentic instruments are recorded for preservation and execution in the Books of Council and Session then the Keeper of the Registers will issue the certificate.

The contact details for the Keeper of the Records are:

Registers of Scotland  
Erskine House  
68 Queen Street  
Edinburgh  
EH2 4NF  
Tel.: 0845 607 0161  
E-Mail: [☞ customer.services@ros.gov.uk](mailto:customer.services@ros.gov.uk)

Where the instrument is registered in the Sheriff Court books for preservation and execution then the sheriff clerks will issue the certificate. In terms of the Rule 5 of the Sheriff Court European Enforcement Rules, an application for a certification under Article 25(1) of the Regulation shall be accompanied by an affidavit. The details of Sheriff Courts can be found by navigating in the [☞ Courts and Tribunals Locations](#) section of the SCTS website under "Court Locations".

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#### **European enforcement order - Gibraltar**

##### **1. Procedures for rectification and withdrawal (Art. 10(2))**

By virtue of Rule 6 of the Gibraltar Supreme Court Rules, the Civil Procedure Rules for England and Wales apply in Gibraltar.

Article 10 refers to the entitlement to apply to the court to have a certificate rectified (if it is at variance with the judgment) or withdrawn (if it is at variance with the Regulation). The procedure that is in place to deal with these situations is [☞ Part 23 of the Civil Procedure Rules](#) which contains the rules for making applications to the court. An application under Article 10 will be made to the court which issued the European Enforcement Order using the procedure in Part 23. European Enforcement Orders will be made in Gibraltar by the Supreme Court.

The application will be made on an application notice known as Form (\*) [☞ N244](#) The application notice must state what order the applicant is seeking (i.e an order for rectification or withdrawal) and why the applicant is seeking the order (for example, because there is a discrepancy in the certificate). [☞ http://www.justice.gov.uk/civil/procrules\\_fin/contents/parts/part74.htm](http://www.justice.gov.uk/civil/procrules_fin/contents/parts/part74.htm)

[☞ Part 74.27 of the Civil Procedure Rules](#) and its accompanying Practice Direction, [☞ Practice Direction 74B](#) contain provisions for the European Enforcement Order in England and Wales including procedures for rectification and withdrawal.

(\*) UK confirms that the standard forms in the Regulation will be used. Annexes I-V of the Regulation are the forms in which the certificates shall be issued by the court. Creditors will use the relevant UK court forms to make the requisite applications and the certificate will be issued in the form provided by the Regulation. It is envisaged that an application under Article 10(3) may be made using UK's standard form of application or the form at Annex VI of the Regulation.

##### **2. Procedures for review (Art.19 (1))**

By virtue of Rule 6 of the Gibraltar Supreme Court Rules, the Civil Procedure Rules for England and Wales apply in Gibraltar.

The Rules of Court for England and Wales made under the Civil Procedure Act 1997 will be used to give effect to this Regulation. These Rules of Court are known as the Civil Procedure Rules (CPR) and are made by statutory instrument.

Article 19(1) requires that the debtor must be entitled to apply for a review of the judgment in circumstances where the document instituting the proceedings did not reach him or he was prevented from objecting to the claim through no fault of his own.

Part 13 of the CPR will permit the judgment debtor to apply for a review of the judgment in the circumstances described in Article 19. It sets out the procedure for making an application to set aside or vary default judgment. Default judgment can be obtained where the judgment debtor has failed to file an acknowledgment of service and/or a defence.

The full text of Part 13 can be found at: [☞ http://www.dca.gov.uk/civil/procrules\\_fin/contents/parts/part13.htm](http://www.dca.gov.uk/civil/procrules_fin/contents/parts/part13.htm)

No forms are prescribed for making an application to set aside or vary default judgment. It is usual for the applicant to make the application using the application notice in Form N244 ([☞ http://www.hmcourts-service.gov.uk/courtfinder/forms/n244\\_eng.pdf](http://www.hmcourts-service.gov.uk/courtfinder/forms/n244_eng.pdf)). The applicant should state the order he wants and why judgment should be set aside or varied, for example because he was not served the proceedings in sufficient time to prepare his defence. The hearing of that application will entail a review of the judgment.

##### **3. Accepted languages (Article 20(2)(c))**

Certificates sent to Gibraltar will be accepted in English.

##### **4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)**

While Authentic Instruments from other Member States will be enforced in Gibraltar they are not produced in Gibraltar. Therefore there is no need to designate an authority to certify them.

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