

## ANNEX II

### European Account Preservation Order — Part A

(Article 19(1) of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters)

#### Country codes

Whenever you refer to a Member State in filling in this form, please use the following country codes:

AT Austria	EL Greece	IT Italy	PT Portugal
BE Belgium	ES Spain	LT Lithuania	RO Romania
BG Bulgaria	FI Finland	LU Luxembourg	SE Sweden
CY Cyprus	FR France	LV Latvia	SI Slovenia
CZ Czechia	HR Croatia	MT Malta	SK Slovakia
DE Germany	HU Hungary	NL Netherlands	
EE Estonia	IE Ireland	PL Poland	

**NB: This part of the form is to be transmitted to the bank(s), the debtor and the creditor.**

Where the European Account Preservation Order ('the Preservation Order') concerns accounts in more than one bank, **a separate copy of Part A** of the Preservation Order should be filled in for each bank. In that case, in the copies of Part A of the Preservation Order to be provided to **the debtor and the creditor**, the details of all the banks concerned should be given in section 5.

#### 1. Court of origin

1.1. Name:

1.2. Address

1.2.1. Street and number/ PO box:

1.2.2. Place and postcode:

1.2.3. Member State (please indicate the country code):

1.3. Telephone:

1.4. Fax:

1.5. Email:

#### 2. Creditor

2.1 Surname and given name(s)/ name of company or organisation:

2.2. Address

2.2.1. Street and number/ PO box:

2.2.2. Place and postcode:

2.2.3. Member State (please indicate the country code):

2.3. Telephone (if available):

2.4. Fax (if available):

2.5. Email (if available):

2.6. Name of creditor's representative, if any and if known, and contact details, if available

2.6.1. Surname and given name(s):

2.6.2. Address

2.6.2.1. Street and number/PO box:

2.6.2.2. Place and postcode:

2.6.2.3. Country (if a Member State, please indicate the country code):

2.6.3. Email:

2.7. If the creditor is a natural person:

2.7.1. Date of birth:

2.7.2. Identification or passport number(if applicable and available):

2.8. If the creditor is a legal person or other entity having legal capacity to sue or be sued under the law of a Member State:

2.8.1 The country of incorporation, formation or registration (if a Member State, please indicate the country code):

2.8.2. The identification or registration number or, where no such number exists, the date and place of its incorporation, formation or registration:

### **3. Debtor**

3.1. Surname and given name(s) (any middle name, if known)/name of company or organisation:

3.2. Address

3.2.1. Street and number/ PO box:

3.2.2. Place and postcode:

3.2.3. Country (if a Member State, please indicate the country code):

3.3. Telephone (if available):

3.4. Fax (if available):

3.5. Email (if available):

3.6. Name of debtor's representative, if any and if known, and contact details, if available

3.6.1. Surname and given name(s):

3.6.2. Address

3.6.2.1. Street and number/PO box:

3.6.2.2. Place and postcode:

3.6.2.3. Country (if a Member State, please indicate the country code):

3.6.3. Email:

3.7. If the debtor is a natural person and if this information is available:

3.7.1. Date of birth:

3.7.2. Identification or passport number:

3.8. If the debtor is a legal person or other entity having legal capacity to sue or be sued under the law of a Member State and if this information is available:

3.8.1 The country of incorporation, formation or registration (if a Member State, please indicate the country code):

3.8.2. The identification or registration number or, where no such number exists, the date and place of its incorporation, formation or registration:

#### **4. Date and reference of the Preservation Order**

4.1. Date (dd/mm/yyyy) of the Preservation Order:

4.2. File number of the Preservation Order:

#### **5. Bank account(s) to be preserved <sup>(1)</sup>**

5.1. Name of the bank concerned by the Preservation Order:

5.2. Address of the bank

5.2.1. Street and number/ PO box:

5.2.2. Place and postcode:

5.2.3. Member State (please indicate the country code):

5.3. Account number(s) (please indicate IBAN, if available):

5.3.1. Has the creditor provided the number of the account(s) in his application?

Yes, the following account number(s) was/were provided:

No

5.3.1.1. If the creditor provided the number of the account(s) in his application, should any other accounts held by the debtor with the same bank also be preserved?

Yes

No

5.3.2. Has the account number been obtained by means of a request pursuant to Article 14 Regulation (EU) No 655/2014 and can it be obtained, if necessary, from the information authority in the Member State of enforcement pursuant to Article 24(4)(a) of that Regulation?

Yes. Contact details of the information authority are as follows:

No

## **6. Amount to be preserved**

6.1. Total amount to be preserved:

6.2. Currency:

Euro (EUR)	Croatian Kuna (HRK)	Romanian leu (RON)
Bulgarian lev (BGN)	Hungarian forint(HUF)	Swedish krona (SEK)
Czech koruna (CZK)	Polish zloty (PLN)	Other (please specify using the ISO code):

**The bank referred to in section 5 above is hereby instructed to implement the Preservation Order in accordance with Article 24 of Regulation (EU) No 655/2014.**

The electronic version of the form to be used for the declaration concerning the preservation of funds which must be issued following the implementation of the Preservation Order (Article 25 of the Regulation) is available on the website of the European e-Justice Portal at [https://e-justice.europa.eu/content\\_european\\_account\\_preservation\\_order...-en.do](https://e-justice.europa.eu/content_european_account_preservation_order...-en.do) and it can also be filled in online. Further guidelines on the declaration concerning preservation of funds are given in that form.

(Please fill in if applicable) If requested by the debtor and allowed by the law of the Member State of enforcement and if there are no competing orders with regard to the account concerned (Article 24(3) of Regulation (EU) No 655/2014), the bank is hereby authorised to release funds preserved and transfer those funds up to the amount specified in section 6 above to the following account as indicated by the creditor:

Done at:

Date(dd/mm/yyyy)

**Stamp, signature and/or any other authentication of the court:**

## European Account Preservation Order — Part B

(Article 19(1) of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters)

**NB: This Part B of the form must not be transmitted to the bank(s). It should only be attached to the version of the European Account Preservation Order ('the Preservation Order') transmitted to the debtor and the creditor. Only one copy of Part B should be filled in, irrespective of the number of the banks.**

### 7. Description of the subject matter of the case and the court's reasoning for issuing the Preservation Order:

### 8. Details of the amount to be preserved (supplementing section 6 of Part A of the Preservation Order)

8.1. Total amount to be preserved:

8.1.1. Principal amount:

8.1.2. Interest:

8.1.3. Costs of obtaining a judgment, court settlement or authentic instrument, if these are to be borne by the debtor (Article 15(2) of Regulation (EU) No 655/2014):

8.2. Currency:

Euro (EUR)	Croatian Kuna (HRK)	Romanian leu (RON)
Bulgarian lev (BGN)	Hungarian forint(HUF)	Swedish krona (SEK)
Czech koruna (CZK)	Polish zloty (PLN)	Other (please specify using the ISO code):

### 9. Security provided by the creditor

9.1. Was the creditor requested by the court to provide security?

Yes. Please specify the amount and describe the security provided by the creditor

Currency:

Euro (EUR)	Croatian Kuna (HRK)	Romanian leu (RON)
Bulgarian lev (BGN)	Hungarian forint(HUF)	Swedish krona (SEK)
Czech koruna (CZK)	Polish zloty (PLN)	Other (please specify using the ISO code):

No. If the Preservation Order is not granted on the basis of a judgment, court settlement or authentic instrument, please specify the reasons why the creditor has been dispensed from the provision of security:

### 10. Initiation of proceedings on the substance of the matter (please fill in if applicable)

The creditor has applied for the Preservation Order before initiating proceedings on the substance of the matter

In accordance with Article 10 of Regulation (EU) No 655/2014, the Preservation Order will be revoked or will terminate, unless the creditor initiates proceedings on the substance of the matter and provides proof of such initiation to this court by.

(dd/mm/yyyy)

At the request of the debtor, the deadline may be extended by the court, for example, in order to allow the parties to settle the claim.

#### **11. Translations (please fill in if applicable)**

Please list those documents submitted by the creditor to the court for obtaining the Preservation Order that need to be accompanied by a translation or transliteration in accordance with the second sentence of Article 49(1) of Regulation (EU) No 655/2014 when being served on the debtor:

#### **12. Costs (\*)**

12.1. The debtor must bear the following costs of proceedings for obtaining the Preservation Order:

Currency:

Euro (EUR)	Croatian Kuna (HRK)	Romanian leu (RON)
Bulgarian lev (BGN)	Hungarian forint(HUF)	Swedish krona (SEK)
Czech koruna (CZK)	Polish zloty (PLN)	Other (please specify using the ISO code):

#### **13 . Important information for the creditor (please tick the relevant box(es) if applicable)**

Under the law of the issuing court, the creditor is responsible for:

- initiating the enforcement of the Preservation Order;
- transmitting the Preservation Order (Part A) and a blank standard form for the declaration concerning the preservation of funds pursuant to Article 25 of Regulation (EU) No 655/2014 to the competent authority of the Member State of enforcement pursuant to Article 23(3) of that Regulation;
- initiating service on the debtor pursuant to Article 28(2), (3) or (4) of Regulation (EU) No 655/2014.

#### **14. Important information for the debtor**

If you believe that this Preservation Order or its enforcement is not justified, you have several remedies available (please see the list in points 14.1-14.5). Please note that the form to be used to apply for a remedy is available in 23 official languages of the European Union on the website of the European e-Justice Portal at [https://e-justice.europa.eu/content\\_european\\_account\\_preservation\\_order...](https://e-justice.europa.eu/content_european_account_preservation_order...) and it can also be filled in online. You can also find in that form further guidelines on the remedies.

Please note that pursuant to Article 38(1)(a) of Regulation (EU) No 655/2014, you have a right to apply for the release of the preserved funds if you provide appropriate alternative security (for example, in the form of a security deposit, bank guarantee or a mortgage). Pursuant to Article 38(1)(b) of that Regulation you also have a right to apply for the termination of the enforcement of the Preservation Order, if you provide appropriate alternative security.

Please also note that pursuant to Article 33(2) of Regulation (EU) No 655/2014, upon your application to the court of the Member State in which the Preservation Order was issued, the decision on the security to be provided by the creditor pursuant to Article 12 of that Regulation can be reviewed on the grounds that conditions or requirements of that Article were not met.

14.1. You can apply to the **competent court of the Member State in which the Preservation Order was issued** to have the Preservation Order revoked or modified if you consider that:

- the conditions or requirements for issuing the Preservation Order set out in Regulation (EU) No 655/2014 were not met (Article 33(1)(a)).

14.2. You can apply to the **competent court of the Member State in which the Preservation Order was issued** to

have the Preservation Order revoked or modified or you can apply to the **competent court or, where national law so provides, to the competent enforcement authority in the Member State where your bank account has been preserved** to have the enforcement of the Preservation Order terminated if you consider that any of the following circumstances applies (Articles 33 and 34 of Regulation (EU) No 655/2014):

- the Preservation Order, the declaration concerning the preservation of funds pursuant to Article 25 of Regulation (EU) No 655/2014 and/or the other documents referred to in Article 28(5) of that Regulation were not served on you within 14 days of the preservation of your account or accounts;
- these documents served on you in accordance with Article 28 of Regulation (EU) No 655/2014 did not meet the language requirements set out in Article 49(1) of that Regulation;
- preserved amounts exceeding the amount of the Preservation Order were not released in accordance with Article 27 of Regulation (EU) No 655/2014;
- the claim the enforcement of which the creditor was seeking to secure by means of the Preservation Order has been paid in full or in part;
- a judgment on the substance of the matter has dismissed the claim, the enforcement of which the creditor was seeking to secure by means of the Preservation Order;
- the judgment on the substance of the matter, or the court settlement or authentic instrument, the enforcement of which the creditor was seeking to secure by means of the Preservation Order, has been set aside or annulled.

14.3. You can apply to **the court that issued the Preservation Order** to have it revoked or modified if you consider that the circumstances on the basis of which the Preservation Order was issued have changed (Article 35(1) of Regulation (EU) No 655/2014).

14.4. You can apply to the **competent court or, where national law so provides, to the competent enforcement authority in the Member State where your bank account has been preserved** to have the enforcement of the Preservation Order limited or terminated if you consider that any of the following circumstances applies (Article 34 of Regulation (EU) No 655/2014):

- the enforcement of the Preservation Order should be limited because certain amounts held in your account that was preserved should be exempt from seizure in accordance with Article 31(3) of Regulation (EU) No 655/2014, or that amounts exempt from seizure have not or not correctly been taken into account in the implementation of the Preservation Order in accordance with Article 31(2) of that Regulation;
- the enforcement of the Preservation Order is to be terminated because the preserved account is excluded from the scope of Regulation (EU) No 655/2014;
- the enforcement of the Preservation Order is to be terminated because the enforcement of the judgment or court settlement or authentic instrument that the creditor was seeking to secure by means of the Preservation Order has been refused in the Member State of enforcement;
- the enforcement of the Preservation Order is to be terminated because the enforceability of the judgment the enforcement of which the creditor was seeking to secure by means of the order, has been suspended in the Member State where the judgment had been issued;
- the enforcement of the Preservation Order is to be terminated because it is manifestly contrary to the public policy of the Member State of enforcement (please note that you can apply for this remedy only to the court).

14.5. You can apply jointly with the creditor to **the court that issued the Preservation Order to have the Preservation Order** revoked or modified or to **the competent court of the Member State of enforcement or, where national law so provides, to the competent enforcement authority in that Member State**, to have the enforcement of the Preservation Order limited or terminated, if you have agreed with the creditor to settle the claim (Article 35(3) of Regulation (EU) No 655/2014).

Done at:

Date: (dd/mm/yyyy)

Stamp, signature and/or any other authentication of the court:

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<sup>(1)</sup>Where the Preservation Order concerns accounts in more than one bank, please indicate in this section, in Part A of the Preservation Order to be provided to the debtor and the creditor, the details of all the banks concerned. When filling in the form on paper, please use separate sheets and number each page.

<sup>(\*)</sup> Optional