

ANNEX VII

Application for a remedy

(Article 36(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)

To be filled in by the court

Case number:

Received by the court on (dd/mm/yyyy) :

IMPORTANT INFORMATION

Language

Fill in this form in the language of the court or authority to which you are sending your application. Please note that the form 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... and it can also be filled in online. The language version with which you are familiar may help you in filling in the form in the required language. On the website of the European e-Justice Portal you can also find information as to whether a given Member State has indicated that it will accept documents addressed to the court or competent authority in another official language of the European Union (Article 50(1)(o) of Regulation (EU) No 655/2014).

Supporting documents

The application form must be accompanied by all relevant supporting documents. Please also attach a copy of the European Account Preservation Order ('the Preservation Order') at issue.

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	

Application for a remedy

Articles 33 and 34 of Regulation (EU) No 655/2014 provide for the remedies available to the debtor. Article 35 of the Regulation provides for other remedies available both to the debtor and to the creditor.

If you want to raise any objection against the issue of the Preservation Order, you must address your application to the competent court of the Member State where the Preservation Order was issued.

If you want to raise any objection against the enforcement of the Preservation Order, you must address your application to the court, or, where national law so provides, to the competent enforcement authority in the Member State of enforcement where the preserved account is located.

On the website of the European e-Justice Portal, you can find information on the payment of court fees in proceedings to obtain a remedy against a Preservation Order in the Member State concerned.

Where this form provides for filling in of free text, when filling in the form on paper please use additional sheets if necessary and number each page.

1. Court or authority with which the application for the remedy is lodged

1.2. Name:

1.3. Address

1.3.1 Street and number/ PO box:

1.3.2. Place and postcode:

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

2. The applicant for the remedy

2.1. The applicant(s) for the remedy is/are, in the proceedings leading to the issuing of the Preservation Order:(please tick the relevant box):⁽¹⁾

Creditor

Debtor

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

2.3. Address

2.3.1. Street and number/ PO box:

2.3.2. Place and postcode:

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

2.4. Telephone:(*)

2.5. Fax:(*)

2.6. Email (if available):

2.7. Name of party's representative, if any, and contact details

2.7.1.Surname and given name(s):

2.7.2. Address

2.7.2.1. Street and number/PO box:

2.7.2.2. Place and postcode:

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

2.7.3. Email(if available):

3. The other party⁽²⁾

3.1. The other party is, in the proceedings leading to the issuing of the Preservation Order (please tick the relevant box):

Creditor

Debtor

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

3.3. Address

3.3.1. Street and number/ PO box:

3.3.2. Place and postcode:

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

3.4. Telephone: (*)

3.5. Fax: (*)

3.6. Email (if available):

3.7. Name of party's representative, if any and if known, and contact details, if available

3.7.1. Surname and given name(s):

3.7.2. Address

3.7.2.1. Street and number/PO box:

3.7.2.2. Place and postcode:

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

3.7.3. Email:

4. Court that issued the Preservation Order (to be filled in only if different from the court with which the application for the remedy is lodged as referred to in section 1)

4.1. Name:

4.2. Address

4.2.1. Street and number/ PO box:

4.2.2. Place and postcode:

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

4.3. Telephone: (*)

4.4. Fax: (*)

4.5. Email (if available):

5. The Preservation Order

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

5.2. File number of the Preservation Order:

5.3. Total amount to be preserved according to the Preservation Order:

5.4. 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):

6. Application for a remedy in the Member State of origin

6.1. I hereby lodge an application to have the Preservation Order (please tick the relevant box):

modified

revoked

on the grounds that (please tick the relevant box(es) below; where you are requesting the modification of the Preservation Order, please also indicate under the relevant box the particular modification requested):

6.1.1. the conditions or requirements for issuing the Preservation Order pursuant to Regulation (EU) No 655/2014 were not fulfilled, because:

6.1.1.1.Regulation (EU) No 655/2014 is not applicable (Article 2). Please provide details:

6.1.1.2.the case is not a cross-border case (Article 3). Please provide details:

6.1.1.3.the court that issued the Preservation Order has no jurisdiction (Article 6). Please provide details:

6.1.1.4. there is no urgent need for the Preservation Order because there is no risk that the subsequent enforcement of the creditor's claim against me will be impeded or made substantially more difficult (Article 7(1)). Please provide details:

6.1.1.5. the creditor did not submit sufficient evidence to demonstrate that he is likely to succeed on the substance of his claim against me (Article 7(2)). Please provide details:

6.1.1.6. the creditor has not initiated the proceedings on the substance of the matter within the deadlines indicated by the court (Article 10).

6.1.1.7. the creditor should have been required to provide security or a higher security than the one ordered by the court (Article 12). Please provide details:

6.1.2. the Preservation Order, the declaration concerning the preservation of funds, and/or the other documents referred to in Article 28(5) of Regulation (EU) No 655/2014, that is to say, the application for the Preservation Order submitted by the creditor to the court and copies of all documents submitted by the creditor to the court in order to obtain the order, were not served on me within 14 days of the preservation of my account or accounts.

Please indicate an address to which the documents and translations can be sent:

or, alternatively

please indicate your agreement to collect those documents at the court of the Member State of origin by ticking the box.

6.1.3. the documents served on me in accordance with Article 28 did not meet the language requirements set out in Regulation (EU) No 655/2014. In particular, Article 49(1) of the Regulation requires that the Preservation Order and the application for the Preservation Order submitted by the creditor to the court should be translated into the official language of the Member State in which the debtor is domiciled or another language that the debtor understands.

If applicable, please indicate another language that you understand:

Please indicate an address to which the documents and translations can be sent:

or, alternatively

please indicate your agreement to collect those documents at the court of the Member State of origin by ticking the box.

6.1.4. preserved amounts exceeding the amount of the Preservation Order were not released in accordance with Article 27 of Regulation (EU) No 655/2014. Please provide details:

6.1.5. 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. Please provide details:

6.1.6. the 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.

6.1.7. 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, as the case may be, annulled. Please provide details:

6.1.8. the circumstances on the basis of which the Preservation Order was issued have changed. Please provide details:

6.1.9. we (the debtor and the creditor) agreed to settle the claim. In this case, this form has to be signed by both the creditor and the debtor.

7. Application for a remedy in the Member State of enforcement

7.1. I hereby lodge an application to have the enforcement of the Preservation Order:

limited

modified

terminated

on the grounds that (please tick the relevant box(es) in point 7.1.1. below; where you are requesting the limitation or modification, please also indicate under the relevant box the particular limitation or modification requested):

7.1.1. the Preservation Order has not been enforced in accordance with Regulation (EU) No 655/2014, because:

7.1.1.1. certain amounts held in the account that was preserved should be exempt from seizure in accordance with Article 31(3) of Regulation (EU) No 655/2014, or 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. Please provide details:

7.1.1.2. the account preserved is excluded from the scope of Regulation (EU) No 655/2014 (Article 2 of the Regulation). Please provide details:

7.1.1.3. the enforcement of the judgment or court settlement or authentic instrument that the creditor was seeking to secure by means of the order has been refused in the Member State of enforcement;

7.1.1.4. the enforceability of the judgment the enforcement of which the creditor was seeking to secure by means of the Preservation Order has been suspended in the Member State of origin

7.1.1.5. the Preservation Order, the declaration concerning the preservation of funds and/or the other documents referred to in Article 28(5) of Regulation (EU) No 655/2014 were not served on me within 14 days of the preservation of my account(s);

Please indicate an address to which the documents and translations can be sent:

or, alternatively

please indicate your agreement to collect those documents at the court of the Member State of origin by ticking the box.

7.1.1.6. the documents served on me in accordance with Article 28 of Regulation (EU) No 655/2014 did not meet the language requirements set out in that Regulation. In particular, Article 49(1) of the Regulation requires that the Preservation Order and the application for the Preservation Order submitted by the creditor to the court should be translated into the official language of the Member State in which the debtor is domiciled or another language which the debtor understands;

If applicable, please indicate another language that you understand:

Please indicate an address to which the documents and translations can be sent:

or, alternatively

please indicate your agreement to collect those documents at the court of the Member State of origin by ticking the box.

7.1.1.7. the preserved amounts exceeding the amount of the Preservation Order were not released in accordance with Article 27 of Regulation (EU) No 655/2014. Please provide details:

7.1.1.8. 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. Please provide details:

7.1.1.9. the 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;

7.1.1.10. 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, as the case may be, annulled. Please provide details:

Please provide details:

7.1.1.11. the enforcement of the Preservation Order is manifestly contrary to the public policy of the Member State of the enforcement. Please provide details:

7.1.1.12. we (the debtor and the creditor) agreed to settle the claim. In this case, this form has to be signed by both the creditor and the debtor;

7.1.1.13. the amounts exempted from preservation have to be adjusted. Please provide details:

Please provide details:

8. Evidence

Please list the evidence supporting your application for a remedy:

I declare that the information provided is true to the best of my knowledge and is given in good faith.

If additional sheets have been added, please state the total number of pages and number each page:

Done at:

Date (dd/mm/yyyy)

Name, signature and/or stamp:

⁽¹⁾ Where a joint application is made by the creditor and the debtor (for the revocation or modification of the Preservation Order or for termination or limitation of the enforcement of the Preservation Order) on the ground that they agreed to settle the claim, this section has to be filled in by both parties. In such circumstances, when filling in the form on paper, please use a separate sheet for each party and number each page.

^(*) optional

⁽²⁾ This section is not to be filled in if the information in section 2 was already given both for the creditor and the debtor where a joint application is made on the ground that they agreed to settle the claim.