



## e-Justice European Account Preservation Order

### The EAPO procedure

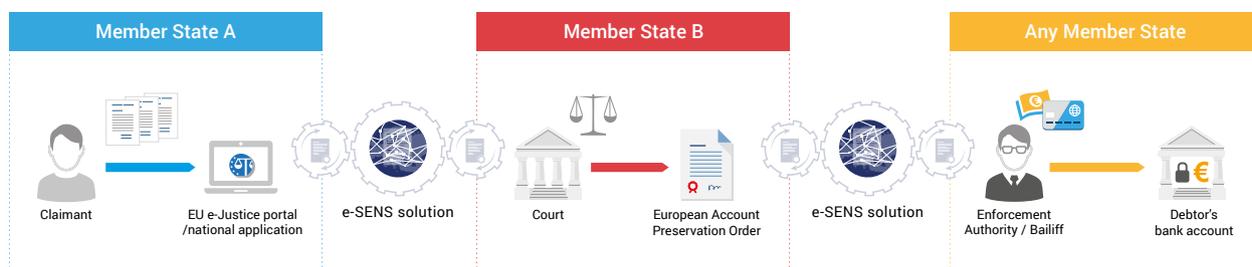
The main goal of EAPO is to facilitate the recovery of cross-border debts for citizens and businesses. When a preservation order is issued by a court, it will effectively block funds from being released from a debtor's bank accounts located in one or several UE Member States, pending repayment of a debt. It will apply to civil and commercial debts, including property ownership. EAPO is envisaged, as an alternative to instruments existing under National law. It is a non-contradictory procedure: this ensures what is called the "surprise effect" for the debtor of freezing bank funds.

### e-SENS added value

e-SENS - within the e-Justice area - aims to simplify online access to cross-border legal procedures for citizens and businesses. e-SENS' solutions will enable handling EAPO electronically in order to respect the short deadlines, as well as the debtor's legal rights. A claimant can easily submit all necessary documents and receive the decision from the competent court online. The competent enforcement authority/bailiff will communicate electronically with the court and/or the claimant to inform them of the blocking of debtor's funds.

### Benefits for citizens and businesses

- Seamless recovery of cross-border debts
- Electronic transmission of standard documents and information
- Reduced costs of procedures
- Reduced need for legal assistance
- Better, faster and more reliable communication between courts, claimants and enforcement authorities



### Practical example

Company A (creditor) in a Member State has started a European Payment Order procedure against Company B (debtor) from another Member State B due to an unpaid bill. As company B will be informed of this ongoing procedure, Company A fears that the debtor will move its assets, making it more difficult to recover the debt. Therefore, company A wishes to preserve an amount in Company B's bank accounts by using the EAPO procedure. e-SENS makes this process easier, faster and more secure by enabling electronic document transmission between the creditor, the competent foreign court and enforcement authorities/bailiffs.

### Solutions to enable electronic EAPO

To make electronic EAPO effective in reality, e-SENS is offering open-source technical solutions such as: e-Delivery, e-Signature and e-Documents. These will ensure swift and safe online cross-border communication between national e-Justice systems. To begin with, online EAPO will be launched by France, Germany and the Netherlands.

### Legal background

The EU Regulation 655/2014 provides the legal framework for the EAPO procedure. The regulation will apply from 18 January 2017. Within that period, the e-SENS project will support EU Member States to prepare the necessary technical infrastructure and tools to enable electronic handling of EAPO when the Regulation comes into force.