

Decision on the above complaint against the European Commission concerning its reply to a letter concerning an infringement by Italy of the European Account Preservation Order procedure

Decision

Case 175/2023/NK - Opened on 16/02/2023 - Decision on 16/02/2023 - Institution concerned European Commission (No maladministration found) |

Dear Mr X,

You recently submitted a complaint to the European Ombudsman against the European Commission. Your complaint concerns the Commission's reply of 16 December 2022 to your letter of 27 November 2022 regarding an infringement of the procedure for a European Account Preservation Order by an Italian court.

After careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion:

There was no maladministration by the European Commission.

The Commission has informed you that the form you submitted to an Italian court does not meet the requirements of Article 8 of Regulation 655/2014 [1] .

According to Article 8(3) of Regulation 655/2014, the application must be accompanied by all relevant supporting documents and, where the creditor has already obtained a judgment, court settlement or authentic instrument, by a copy of the judgment, court settlement or authentic instrument, which satisfies the conditions necessary to establish its authenticity.

The information provided to us shows that you attached your application to the Italian court in your complaint to the Commission. However, you do not seem to have attached to your application a copy of the judgment, court settlement or authentic instrument, which satisfies the conditions necessary to establish its authenticity.

In the light of those findings, we consider that the Commission's explanations are reasonable and that the Commission did not make a manifest error of assessment.



We have therefore closed the case. [2]

We appreciate this may not be your desired outcome but we hope you find these explanations useful. Thank you for having contacted the European Ombudsman.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 16/02/2023

[1] Regulation 655/2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0655> [Link].

[2] [2] Full information on the procedure and rights pertaining to complaints can be found at

<https://www.ombudsman.europa.eu/en/document/70707> [Link]