



Reports of Cases

Case C-66/17

Grzegorz Chudaś and Irena Chudaś

v

DA Deutsche Allgemeine Versicherung Aktiengesellschaft

(Request for a preliminary ruling from the Sąd Rejonowy Poznań-Grunwald i Jeżyce w Poznaniu)

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 805/2004 — Scope — European Enforcement Order for uncontested claims — Enforcement orders capable of being certified as European Enforcement Orders — Decision on the amount of costs related to the court proceedings in a judgment not concerning an uncontested claim — Excluded)

Summary — Judgment of the Court (Seventh Chamber), 14 December 2017

Judicial cooperation in civil matters — Creation of a European Enforcement Order for uncontested claims — Regulation No 805/2004 — Enforcement orders capable of being certified — An enforceable decision on the amount of costs related to court proceedings, contained in a judgment which does not relate to an uncontested claim — Not included

(European Parliament and Council Regulation No 805/2004, Arts 4(1) and 7)

Article 4(1) and Article 7 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 must be interpreted as meaning that an enforceable decision on the amount of costs related to court proceedings, contained in a judgment which does not relate to an uncontested claim, cannot be certified as a European Enforcement Order.

The use of the word ‘also’ in the wording of Article 7 of the regulation indicates that an ‘enforceable decision on the amount of costs related to the court proceedings’ is to be certified as a European Enforcement Order only in the case where the actual judgment, in keeping with the purpose of the regulation, relates to an uncontested claim.

(see paras 30, 35, operative part)