



## PRESS RELEASE No 76/26

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Judgment of the Court in Case C-198/24 | Mr Green

### **European Account Preservation Order: action on the part of the debtor dating back a number of years and the fact that there is, in the Member State in which the debtor is established, a law capable of hindering the enforcement of the claim concerned may be taken into account in establishing urgency**

Mr Green, a Maltese operator of online games of chance, <sup>1</sup> was ordered in Austria, at the end of 2021, <sup>2</sup> to refund a player residing in that Member State the stakes he had lost. Mr Green did not hold an Austrian gambling licence, with the result that the gambling contract was considered null and void.

As Mr Green did not refund those stakes, the player concerned applied, in 2024, to the Austrian courts for a European Account Preservation Order. That application concerned Mr Green's accounts in Ireland, Luxembourg, Malta and Sweden.

After the Austrian courts had ordered it to refund the losses of other players, Mr Green terminated, in 2021, its commercial relationship with its Austrian payment service provider. The player therefore submitted that there was a risk that Mr Green would act in the same way in Ireland, Luxembourg and Sweden in order to shield its assets from its creditors by transferring them to Malta. Since June 2023, Maltese law prohibits the enforcement of foreign judgments against gambling operators holding a Maltese licence.

The Regional Court for Civil Matters, Vienna, which had doubts as to whether it was possible to take account of those circumstances when assessing whether the conditions for issuing a European Account Preservation Order were met, requested the Court of Justice to interpret the EU regulation establishing a European Account Preservation Order procedure. <sup>3</sup>

The Court finds that the court before which an application for such an order is brought may carry out an overall assessment of the circumstances relied on by the creditor in order to determine whether there is a real risk, arising from the debtor's conduct, that, without such an order being adopted, the debtor might impede the enforcement of the claim or make it substantially more difficult.

The Court's response to the Austrian court's question is as follows: **the court before which an application for a European Account Preservation Order is brought may take into account, in order to establish whether there is an urgent need to adopt that order, conduct of the debtor which occurred a number of years before that application was lodged. Moreover, it may also take into account the existence, in the Member State where the debtor is established, of a law capable of impeding the enforcement of the claim concerned.**

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of

an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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<sup>1</sup> The company Mr Green Limited is established in Malta, where it holds a licence for online gambling.

<sup>2</sup> That order became final and enforceable on 13 April 2022, after the appeal lodged by Mr Green was dismissed.

<sup>3</sup> [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.