

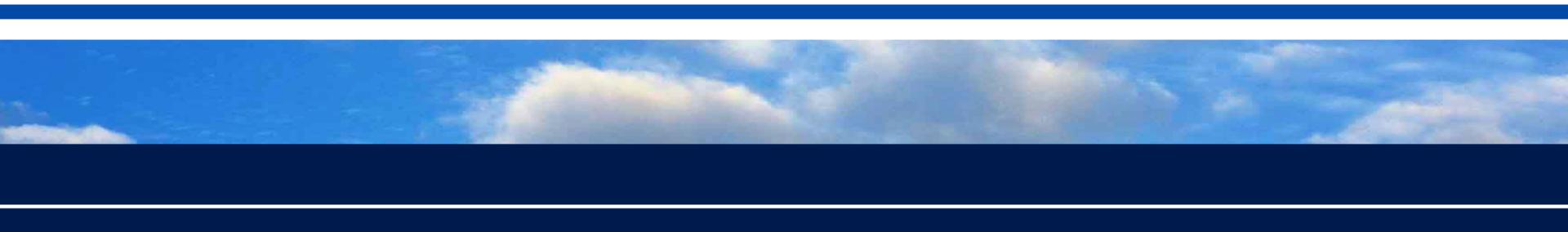
**enea**

**Nederlandse Emissieautoriteit**

**Dutch Emissions Authority**

## Recovery of debts arising from enforcement

When applying Article 16, par. 5 and 6(b) of the Directive 2003/87, Member States are almost empty-handed



## Recovering debts is not an easy task

- Relatively easy if AO has property within the Member State or performs regular/frequent flights to the MS
- Still: risks in case of rights of third parties (e.g. in case of leased aircraft)
- In other cases, the MS needs to seek recovery abroad
- Practically impossible to recover debts outside of EU in case of administrative sanctions. Bilateral treaties on execution of administrative sanctions are almost non-existent

## **EU instruments provide no basis for execution of administrative sanctions**

- Regulation 1215/2012 on jurisdiction and recognition of enforcement
- Regulation 1896/2006 creating a European order for payment procedure
- Regulation 805/2004 creating a European enforcement order for uncontested claims

These regulations concern (judgments in) civil and commercial matters only, and exclude administrative matters. Conversion of the nature of the matter from administrative to civil seems impossible

Instruments of criminal law do not apply to administrative sanctions

## Questions:

What are your experiences?

What can / what should the EC require from MS who enforce ETS rules by administrative sanctions, when they have to recover the debt abroad?

What can be done to remove obstacles?