Downloaded from Blogs on 08.11.2026 06:57

By PwC Deutschland | 22 May 2026

ECJ: Prior conduct of debtor may be taken into account if a European Account Preservation Order is envisaged

In a most recent decision, the European Court of Justice held that 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 for a European Account Preservation Order.

Downloaded from Blogs on 08.11.2026 06:57

The case in the main proceedings involved Mr Green, a Maltese operator of online games of chance, who was ordered in Austria to refund a player residing in that Member State the stakes he had lost. Mr Green did not hold an Austrian gambling license and thus 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. The player contended that there was a risk that Mr Green would act in the same way in Ireland, Luxembourg and Sweden 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 license.

The **Regional Court for Civil Matters, Vienna**, 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.

In its current judgment, **the European Court of Justice** gave an all-clear signal on this matter. The court to 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, the conduct of the debtor which occurred several 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.

More details to be found in the ECJ's **press release No. 76/26** of 21 May 2026.

ECJ, judgment of 21 May 2026 **C?198/24** *Mr Green*.

Keywords

online game