

Application of the European order for payment procedure

2016/2011(INI) - 01/12/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 568 votes to 43, with 8 abstentions, a resolution on the application of the European Order for Payment Procedure, following the Commission report on the application of [Regulation \(EC\) No 1896/2006](#) of the European Parliament and of the Council.

Impact assessment: while welcoming the successful operation in all the Member States of the European Order for Payment Procedure, Parliament deplored **the significant delay of almost two years** in the submission of the Commission's report as well as the **lack of up-to-date data on the situation in the Member States** with regard to the functioning and implementation of the Payment Procedure. It called on the Commission, therefore to produce an extended, updated and detailed impact assessment for each Member State.

Better exploitation of the procedure's potential: this procedure was created to enable the rapid, facilitated and inexpensive recovery of sums arising from debts that are certain, of a fixed amount and due, and uncontested by the defendant. Although the operation of this procedure seems largely satisfactory according to statistics, the procedure is working greatly below its full potential, as it is mainly used in Member States whose legislation includes a similar national procedure. The resolution stressed that **late payments** are a key cause of insolvency, which threatens the survival of businesses – and in particular of small and medium-sized enterprises.

Better information for citizens and professionals: regretting that the use of the European Order for Payment Procedure varies significantly between Member States, Parliament called for:

- practical steps to **further inform citizens, businesses, legal professionals and all other relevant parties** of the availability, functioning, application and advantages of the European Order for Payment Procedure in cross-border cases;
- **assistance for members of the public and in particular for small and medium-sized enterprises** to improve their use, understanding and knowledge of existing legal instruments with a view to the enforcement of claims at cross-border level under the relevant EU legislation;

Practical implementation: several elements are key for the effective use of the Procedure. Parliament:

- encouraged Member States to strive to **issue orders within 30 days**, and to accept **applications in foreign languages** where possible. More Member States should follow the example of France, the Czech Republic, Estonia, Cyprus and Sweden and allow claimants to submit their applications in additional languages;
- fully supported the work being done to allow, in the future, the **electronic submission of applications** for a European Order for Payment; the Commission, in this connection, should encourage use of the -CODEX pilot project and to extend it to all Member States;
- called on the Commission to adopt **updated standard forms** as required, and making better provision, inter alia, for an appropriate description of the interest to be paid on claims.

A future review of the regulation should look at **removing certain exceptions** to the scope of the procedure and at revising the provisions on the review of European Orders for Payment.