Civil judicial cooperation: European enforcement order for uncontested claims

2002/0090(COD) - 11/06/2003 - Modified legislative proposal

The Commission stated that it could 11 of the amendments made by Parliament in whole or in part. These include: - part of the definition of "uncontested claim"; - a judgement certified as a European Enforcement Order will be enforced in other Member States without the need for a declaration of enforceability and without any possibility of opposing its recognition; - amendments relating to the methods of service of the document instituting the proceedings; - one unsuccessful attempt at personal service on the debtor is sufficient to allow recourse to substituted service; - a very brief description of the justification of the claim will meet the requirement for certification as a European Enforcement Order. The Commission rejected 5 amendments, amongst them, the possibility of appeal for both judgement debtor and judgement creditor to the extent that the domestic law of the Member State of origin allows an appeal against a national enforcement order. The Commission gave several reasons, among them that the proposal deals with uncontested claims only.