

European order for payment procedure

2004/0055(COD) - 14/04/2005

Pending the European Parliament's opinion, the Council held a general discussion on this proposal for a Regulation so that proceedings could continue within the preparatory subordinate bodies.

The purpose of the proposal is to create a European order for payment procedure that will enable creditors to collect pecuniary claims of a specific amount as swiftly and as simply as possible.

In the light of the discussion, the Presidency noted that:

- on the matter of whether the Regulation should be confined to cross-border situations or be applied also to national order for payment procedures, a very great majority of delegations took the view that the European order for payment procedure should be confined solely to cross-border disputes;
- as to whether or not supporting documents were to be produced when submitting the application, the Council reached broad agreement on the requirement that in the European order for payment application the applicant should always give a brief description of at least one means of evidence to support his claim. In addition, the relevant supporting documents or copies thereof should be attached to the application if the Member State of origin so required, as indicated in a communication from that State;
- a large majority of delegations thought that the court should issue a European order for payment while informing the defendant of the claim and of his right to oppose it within a period of one month. At the end of that period, and after verification, the court of the Member State of origin could issue an enforceable order for payment;
- all delegations considered that it should be possible for a European order for payment issued to become enforceable in the other Member States of the European Union without any intermediate procedure, i.e. without any declaration of enforceability being required in the Member State of enforcement provided that the procedural guarantees were sufficient.