

# European order for payment procedure

2004/0055(COD) - 14/07/2005

The committee adopted the report by Arlene MCCARTHY ( PES , UK ) amending the proposal under the 1st reading of the codecision procedure:

- although it amended Article 1 so as to specify that the regulation shall apply only to cross-border cases rather than to all cases, as proposed by the Commission, the committee also proposed a new article setting out a possible compromise. The article, which specified the objective of the regulation, also provided for Member States to be able to adopt the European order for payment (EPO) for use in purely national as well as cross-border cases, provided they notify the Commission. It added that private parties should be allowed to apply the EPO procedure to cases other than cross-border cases, if they have expressly agreed to do so;

- another new article provided a definition of a cross-border case: "one in which the creditor and the debtor are domiciled or habitually resident, at the moment when the request for an order is brought before the competent court, in different Member States";

- the committee specified that the standard EPO application form should be available in all official EU languages;

- the committee adopted a series of amendments aimed at simplifying the procedure;

- lastly, a new article stipulated that the Commission should report on the operation of the EPO procedure five years after the regulation's entry into force, including a cost-benefit analysis of the possible extension of the procedure to purely national cases. Depending on the conclusions of that report, the Commission could propose amendments to the regulation to facilitate the use of the EPO procedure in Member States for national cases.