

European order for payment procedure

2004/0055(COD) - 12/10/2005

The Council took note that a very large majority of delegations could agree on a uniform method for the production and examination of evidence, in the context of the negotiation of a Regulation creating a European order-for-payment procedure.

Alongside an explanation of the circumstances giving rise the claim, the application form would require claimants to describe the evidence that could be used in support (for example, the claimant might make reference to an invoice which the defendant is liable to pay). However, claimants would not need to produce the supporting documentary evidence.

To help claimants complete forms in this way, the application form¹ should include an exhaustive a list as possible of examples of the types of evidence that are usually produced, although it would be open to the claimant to refer to whatever evidence appears appropriate.

To promote completion of the application form in good faith, the form would include, in clear language, a statement to the effect that the information provided is true to the best of the claimant's knowledge and belief, and that he understands that any deliberate false statement could lead to an appropriate criminal or other sanction under applicable national laws.

The court would examine the application on the basis of the information provided in the form, including the description of evidence. This would allow the court to examine prima facie the merits of the claim and to exclude clearly unfounded or inadmissible claims.

Such a solution would allow for automatic processing of claims and reduce the cost of the procedure by avoiding the costs of translating evidence. It would establish a uniform, simple and effective procedure while guaranteeing appropriate safeguards for the defendant.

The speedy recovery of outstanding debts whose justification is not called into question is of paramount importance for economic operators in the European Union and for the proper functioning of the internal market.