

# European order for payment procedure

2004/0055(COD) - 03/10/2006

The committee adopted the report by Arlene McCARTHY (PES, UK) approving the Council's common position under the 2nd reading of the codecision procedure, subject to just three amendments:

- the definition of a cross-border case was amended slightly so as to include a case in which at least one of the parties is domiciled or habitually resident in a State (rather than a "Member State" as proposed in the common position) other than the Member State of the court seised. This amendment will allow the Regulation to have EEA relevance, in that the European order for payment procedure (EOPP) can be used by non-EU domiciled claimants or against non-EU domiciled defendants in cases where EU courts have jurisdiction, in particular under Brussels I;
- the committee deleted Article 30 (Amendments to the Annexes) on the grounds that the content of the forms for the EOPP was a matter that should be regulated by the codecision procedure and not by comitology. Consequently, Parliament should also have a say in updating or adapting the forms;
- lastly, a new clause introduced a new section to appear at the top of the form clearly stating that the form must be completed "in the the language or one of the languages accepted by the court to be seised" and informing users that the form is available in all official EU languages.