

Basic information

2004/0055(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)
Regulation

European order for payment procedure

Amended by [2013/0403\(COD\)](#)

See also [2016/2011\(INI\)](#)

Subject

3.45.03 Financial management of undertakings, business loans, accounting

4.60.06 Consumers' economic and legal interests

7.40.02 Judicial cooperation in civil and commercial matters

Procedure completed

Key players

European Parliament	Committee responsible		Rapporteur	Appointed	
	JURI Legal Affairs		MCCARTHY Arlene (PSE)	14/09/2004	
	Former committee responsible		Former rapporteur	Appointed	
	LIBE Civil Liberties, Justice and Home Affairs				
	JURI Legal Affairs		MCCARTHY Arlene (PSE)	14/09/2004	
	Former committee for opinion		Former rapporteur for opinion	Appointed	
	JURI Legal Affairs		MCCARTHY Arlene (PSE)	14/09/2004	
	LIBE Civil Liberties, Justice and Home Affairs		BREJC Mihael (PPE-DE)	21/02/2005	
	Council of the European Union	Council configuration		Meetings	Date
		Justice and Home Affairs (JHA)		2683	2005-10-12
Justice and Home Affairs (JHA)		2652	2005-04-14		
Justice and Home Affairs (JHA)		2709	2006-02-21		
Justice and Home Affairs (JHA)		2696	2005-12-01		
Transport, Telecommunications and Energy		2772	2006-12-11		

European Commission	Commission DG	Commissioner
	Justice and Consumers	FRATTINI Franco

Key events			
Date	Event	Reference	Summary
19/03/2004	Legislative proposal published	COM(2004)0173 	Summary
16/09/2004	Committee referral announced in Parliament, 1st reading		
14/04/2005	Debate in Council		Summary
14/07/2005	Vote in committee, 1st reading		Summary
18/07/2005	Committee report tabled for plenary, 1st reading	A6-0240/2005	
12/10/2005	Debate in Council		Summary
01/12/2005	Debate in Council		Summary
13/12/2005	Decision by Parliament, 1st reading	T6-0499/2005	Summary
13/12/2005	Results of vote in Parliament		
07/02/2006	Modified legislative proposal published	COM(2006)0057 	Summary
30/06/2006	Council position published	07535/3/2006	Summary
06/07/2006	Committee referral announced in Parliament, 2nd reading		
03/10/2006	Vote in committee, 2nd reading		Summary
05/10/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0316/2006	
23/10/2006	Debate in Parliament		
25/10/2006	Decision by Parliament, 2nd reading	T6-0440/2006	Summary
25/10/2006	Results of vote in Parliament		
11/12/2006	Act approved by Council, 2nd reading		
12/12/2006	Final act signed		
12/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2004/0055(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation

Amendments and repeals	Amended by 2013/0403(COD) See also 2016/2011(INI)
Legal basis	EC Treaty (after Amsterdam) EC 061
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/38756

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE359.888	31/05/2005	
Amendments tabled in committee		PE359.902	03/06/2005	
Committee opinion	LIBE	PE357.775	16/06/2005	
Amendments tabled in committee		PE360.209	30/06/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0240/2005	18/07/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0499/2005	13/12/2005	Summary
Committee draft report		PE376.758	23/08/2006	
Amendments tabled in committee		PE378.619	14/09/2006	
Committee recommendation tabled for plenary, 2nd reading		A6-0316/2006	05/10/2006	
Text adopted by Parliament, 2nd reading		T6-0440/2006	25/10/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10414/2006	15/06/2006	
Council position	07535/3/2006	30/06/2006	Summary
Draft final act	03659/2/2006	12/12/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2004)0173 	19/03/2004	Summary
Commission response to text adopted in plenary	SP(2006)0053	12/01/2006	
Modified legislative proposal	COM(2006)0057 	07/02/2006	Summary
Commission communication on Council's position	COM(2006)0374 	04/07/2006	Summary
Commission response to text adopted in plenary	SP(2006)5316	23/11/2006	
	COM(2006)0797		

Commission opinion on Parliament's position at 2nd reading		06/12/2006	Summary
Follow-up document	COM(2015)0495 	13/10/2015	Summary
Other institutions and bodies			
Institution/body	Document type	Reference	Date
EESC	Economic and Social Committee: opinion, report	CES0133/2005 OJ C 221 08.09.2005, p. 0077-0086	09/02/2005

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2006/1896 OJ L 399 30.12.2006, p. 0001	Summary

Delegated acts	
Reference	Subject
2017/2747(DEA)	Examination of delegated act

European order for payment procedure

2004/0055(COD) - 19/03/2004 - Legislative proposal

PURPOSE : The creation of a European order for payment procedure. **PROPOSED ACT** : Regulation of the European Parliament and of the Council.

CONTENT : This Regulation is being proposed in line with the stated objective of the Treaty of Amsterdam to create an area of freedom, security and justice. In order to fulfil these objectives the Treaty calls on the adoption of measures in the field of judicial co-operation in civil matters. The 1999 Tampere European Council called on the European Commission to prepare new legislation relating to civil procedures. Amongst the measures prioritised by the Heads of State was the approximation of measures relating to a payment procedure. This proposal is a response to this request. Its specific objective is the creation of a uniform European procedure for the swift attainment of an enforceable decision on non-contested payment claims. When preparing the draft Regulation the European Commission took into account the views of Member States, businesses and interested parties. The Commission received around 60 replies in response to the publication of its Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation. The responses received indicate that a harmonised payment procedure would be deemed a huge advantage not only in relation to access to justice but also to the proper functioning of the internal market. The swift recovery of outstanding debts whose justification is not called into question is of paramount importance for economic operators in the European Union. The current situation of diverging national procedures makes it difficult for businesses, and SME's in particular, to enforce payment of uncontested claims in another EU Member State. The proposed Regulation seeks to address this shortcoming by offering creditors the chance to enforce payment of claims through a harmonised payment procedure applicable across the EU. The Commission argues that a uniform European order for payment will go a long way towards providing easier access to efficient justice. Concerning the scope of the draft Regulation, the Commission proposes that it should apply, not

only to cases of a cross-border nature, but equally to internal domestic cases. In the interests of subsidiarity, however, Member States would be in a position to adopt the harmonised European payment procedure on an optional basis. This is useful in cases where Member States feel that their domestic legislation is more comprehensive than that of the proposed EU payment procedure.

European order for payment procedure

2004/0055(COD) - 25/10/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution drafted by Arlene **McCARTHY** (PES, UK) and made just two amendments to the common position. Parliament did not vote through the amendment concerning the nature of a cross-border case, and accordingly, the regulation will not apply to the EEA.

Parliament went on to insert a new clause introducing a new section to appear at the top of the form clearly stating that the form must be completed in the language or one of the languages accepted by the court to be seized and informing users that the form is available in all official EU languages.

European order for payment procedure

2004/0055(COD) - 06/12/2006 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts the European Parliament's amendment in Standard Form A aiming to move the warning on languages from the guidelines to the Standard Form to the top of this form. It also accepts the European Parliament's proposal to amend Article 31 concerning the exercise of implementing powers and provides that the new regulatory procedure with scrutiny, as created by Council Decision 2006/512 of 22 July 2006, amending Decision 1999/468, shall apply.

European order for payment procedure

2004/0055(COD) - 21/02/2006

The Council reached political agreement on a proposal for a Regulation of the European Parliament and of the Council creating a European order for payment procedure. The objective of the Regulation is to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims and to permit the free circulation of European orders for payment throughout the Member States. It also lays down minimum standards whose observance renders unnecessary any intermediate proceedings to be brought in the Member State of enforcement prior to recognition and enforcement.

The Regulation will apply in cross-border cases to civil and commercial matters, whatever the nature of the court or tribunal. A cross-border case is defined as one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the seized court.

Denmark will not take part in the adoption of the Regulation.

The common position will be adopted at a forthcoming Council meeting after finalisation of the text.

European order for payment procedure

2004/0055(COD) - 13/12/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Arlene **MCCARTHY** (PES, UK) and made several amendments to the Commission's proposal. The amendments are the result of an agreement between Parliament and Council to approve this regulation at first reading. The main amendments are as follows:

-the purpose of this Regulation is: to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims by creating a European order for payment procedure; and to permit the free circulation of European orders for payment throughout all Member States by laying down minimum standards whose observance renders unnecessary any intermediate proceedings to be brought in the Member State of enforcement prior to recognition and enforcement;

-Parliament's Legal Affairs Committee had voted to give member states or civil parties the option of applying the procedure to domestic cases. (Please see the summary of 14/07/2005.) However, Parliament decided that the procedure should only apply to cross-border cases, not domestic ones too as the European Commission wanted;

-a cross-border case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court seized. Domicile shall be determined in accordance with Regulation 44/2001/EC. The relevant moment for determining whether there is a cross-border case is the time when the application for a European order for payment is submitted in accordance with the Regulation;

-jurisdiction will be determined in accordance with the relevant rules of Community law, in particular Regulation 44/2001/EC. However, if the claim relates to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, and if the defendant is the consumer, only the courts in the Member State in which the defendant is domiciled, will have jurisdiction;

-there are a number of amendments aiming to simplify the procedure, including new provisions regarding service of the EPO, the abolition of exequatur, enforcement and review in exceptional cases.

Those owed money should state in their application that the information they have provided is true. The order for payment should be issued within 30 days of the application being made.

The defendant would have 30 days to oppose the order after being served with it. If he/she does not

object, the court must enforce the order automatically. However, the defendant can lodge an appeal in specified "exceptional cases";

-Some exceptions to the use of the new system are also inserted. The EPO could not be used in case of contested property arising out of a matrimonial relationship, including wills and succession, or claims arising from non-contractual obligations except under certain circumstances;

- Five years after entry into force of the legislation, the Commission must present a detailed report reviewing the operation of the European order for payment procedure. That report must contain an assessment of the procedure as it has operated and an extended impact assessment for each Member State. To this end and in order to ensure that best practice in the EU is duly taken into account and reflects the principles of better legislation, Member States will provide the Commission with information relating to the cross-border operation of the EPO. This information should cover court fees, speed of the procedure, efficiency, ease of use and the internal payment order procedures of the Member States.

European order for payment procedure

2004/0055(COD) - 07/02/2006 - Modified legislative proposal

The Commission presents an amended proposal which adapts the original proposal in response to amendments voted by the European Parliament. 34 of the Parliament's amendments were accepted by the Commission, since they simplify the proposed procedure, add an additional dimension relating to the free circulation of European orders for payment, or they make improvements relating either to the clarity of the instrument or to questions of detail, and add material that will be potentially useful in implementing the proposed Regulation. Almost all the key amendments voted by Parliament were accepted. (For key amendments please see the summary of 13/12.2005.)

The inclusion of the abolition of exequatur in the Regulation requires the inclusion of additional recitals which are derived, to a large extent, from Regulation 805/2004/EC creating a European enforcement order for uncontested claims. However, one technical modification is needed, resulting from the definition of "cross-border cases". Under this definition, it is possible that the defendant is domiciled or habitually resident in a State other than a Member State of the European Union. In that case, the rules on service of that State will apply when serving a European order for payment upon the defendant. The text should therefore refer to the rules of service of the "State" rather than "Member State".

A further 13 amendments were accepted in principle, subject to redrafting. These include the following amendments:

- clarifying that Regulation 1182/71/EC determining the rules applicable to periods, dates and time limits applies for purposes of computing time limits;
- the courts must take into account any form of opposition by the defendant if it is expressed in a clear manner. In the light of the protection of the rights of the defense, it is important to stress the importance of this obligation. The language of the recital should therefore be stronger;
- Parliament has provided for a detailed review clause concerning the operation of the Regulation in the light of national order for payment procedures. Such a review shall take place five years after the date of entry into force of the Regulation. In the light of the proposed distinction between the date of entry into force and the date of entry into application of the Regulation, it is more appropriate to refer, in to the date of entry into application rather than the date of the entry into force. This is also in line with discussions in Council;

The Commission accepted three amendments partially:

- one aims at clarifying the objective pursued by the special review offered to defendants after the expiry of the time limit for opposition to the European order for payment. Because this review is important in the light of the protection of the rights of the defence, it should be more specific and clarify that the term "other exceptional circumstances" could include the situation where a European order for payment was based on false information provided by the claimant in the application form. This is also in line with discussions in Council;
- while the Commission can accept the restriction of the Regulation to cross border cases and agrees to a large extent with the proposed definition, it cannot accept the reference to "Member State" with respect to the domicile or habitual residence of the parties. The reference to "Member State" with respect to the parties has significant legal and political consequences. This reference means that the European order for payment procedure cannot be used by non-EU domiciled claimants or against non-EU domiciled defendants, in certain cases where European Union courts have jurisdiction, in particular under Council Regulation 44/2001/EC. Prohibiting the use of the procedure by non-EU domiciled claimants is highly doubtful in the light of existing international obligations of the European Union, in particular obligations arising under GATT 1994, the GATS and the TRIPS Agreement. Also, the combined application of the future instrument with the 1988 Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters creates highly undesirable situations with respect to claimants domiciled or habitually resident in a non-EU State party to that Convention. Finally, the definition raises questions under the Agreement on the European Economic Area.
- one amendment proposes to delete annexes 2 and 3 of the original Commission proposal. While Annex 2 may be deleted, this is not the case of Annex 3. Annex 3, as well as the other annexes constituting the standard forms, must be redrafted in order to bring them in line with the amended proposal, on the basis of the software needed to ensure an electronic processing of the European order for payment.

The Commission rejected one amendment in its entirety for technical reasons.

European order for payment procedure

2004/0055(COD) - 12/12/2006 - Final act

PURPOSE: to simplify, speed up and reduce the costs of litigation in cross-border cases.

LEGISLATIVE ACT: Regulation 1896/2006/EC of the European Parliament and of the Council creating a European order for payment procedure.

CONTENT: the swift and efficient recovery of outstanding debts is of paramount importance for economic operators in the EU. Late payments are a major cause of insolvency. The issue of mass recovery of uncontested claims is a major policy issue in the majority of Member States. However, the content of national legislation and the performance of domestic procedures vary substantially. Further, the procedures that currently exist are either inadmissible or impracticable in cross-border cases.

The purpose of this legislation, therefore, is:

- to simplify, speed-up and reduce the costs of litigation in cross-border cases in uncontested pecuniary claims by creating a European order for payment procedures; and
- to permit the free circulation of European orders for payment throughout the Member States. It does so by laying down minimum standards the compliance of which renders any intermediate proceedings in the Member States, of enforcement prior to recognition, unnecessary.

The Regulation neither replaces nor harmonises the existing mechanisms for the recovery of uncontested claims under national law.

In terms of the Regulation's scope, it will apply to civil and commercial matters in cross-border cases, whatever the nature of the court of tribunal. It will not extend to revenue, customs or administrative matters or the liability of the State for actors and omissions in the exercise of State authority. Similarly, the Regulation will not apply to: rights in property arising out of a matrimonial relationship, wills and succession; bankruptcy, insolvency, judicial arrangements, composition and analogous proceedings; social security; and most claims arising from non-contractual obligations.

The Regulation sets up cross-border cases procedures, whereby a cross-border case is defined as one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court seised.

In addition, the Regulation establishes a European order for payment procedure for the collection of pecuniary claims for a specific amount that has fallen due at the time when the application for a European order for payment is submitted. The court seised of an application for a European order for payment will examine, on the basis of strict criteria, whether the claim appears to be well founded. This examination may take the form of an automated procedure. If the requirements are met, the court will issue, normally within 30 days, a European order for payment using standard forms as set out in Annex to the Regulation.

A European order for payment which has become enforceable in the Member State of origin will be recognised and enforced in the other Member States without the need for a declaration of enforceability and without any possibility to oppose its recognition.

The Regulation applies to all EU Member States other than Denmark.

ENTRY INTO FORCE: 31/12/2006.

APPLICATION: the Regulation applies from 12 December 2008, with the exception of provisions on: Information relating to service costs and enforcement; Information relating to jurisdiction, review procedures, means of communication and languages; Amendments to the Annexes and the establishment of a Committee, which will apply from 12 June 2008.

European order for payment procedure

2004/0055(COD) - 01/12/2005

The Council reached a general approach on the text of this draft Regulation, on the basis of a Presidency compromise package.

Adoption of a Regulation creating a European order for payment procedure is listed as a priority for 2006 in the Council and Commission Action Plan implementing the Hague programme on strengthening freedom, security and justice in the European Union.

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.

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.

European order for payment procedure

2004/0055(COD) - 30/06/2006 - Council position

The Council's common position was adopted by unanimity. It preserves the essentials of the Commission's initial proposal as modified by the amended proposal.

The main changes made in the common position concern the following issues:

- the common position limits the scope of application to cross-border cases; a cross-border case is defined as a case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the seized court;
- several changes have been made to the text to enable electronic and automated processing of the application;
- the initial two-step order for payment procedure has been replaced by a single phase procedure. However, additional procedural guarantees have been inserted in the text to protect the rights of the parties to the proceedings. Thus, the court upon receiving an application will examine on the basis of the application form whether the admissibility criteria are met and whether the claim appears to be founded. Based on that examination, the court could either reject the application or deliver a European order for payment;
- the Regulation now foresees a possibility for issuing a European order for payment for a part of the claim in case the claimant agrees;
- the Regulation has clarified the deadlines for different procedural phases. In order to assure consistency, the Regulation makes use of a uniform 30-day deadline for the delivery of the European order for payment and for sending the statement of opposition;

- differently from the original proposal, the Regulation now includes provisions on enforcement. The abolition of exequatur has been included in the text of the Regulation itself, accompanied by the minimum standards already foreseen in Regulation 805/2004/EC creating a European enforcement order for uncontested claims;

- the common position includes a detailed review clause.

European order for payment procedure

2004/0055(COD) - 04/07/2006 - Commission communication on Council's position

The Commission can accept the common position which, although modifying some specific features of the Commission's original proposal as amended following Parliament's opinion, remains faithful to the objective of simplifying, speeding up and reducing the costs of litigation concerning uncontested pecuniary claims.

All amendments of Parliament were included in the amended proposal of the Commission and also in the common position.

There is one case of divergence between the amended proposal and the common position. It concerns the definition of the term "cross-border case". The Commission regrets the limitation to cases where both parties are domiciled in a Member State and has made a declaration accordingly.

The common position of the Council has been negotiated together with the European Parliament in view of reaching a first-reading agreement. Therefore the European Parliament should not request any amendments of the common position.

European order for payment procedure

2004/0055(COD) - 13/10/2015 - Follow-up document

In accordance with the requirements of Regulation (EC) No 1896/2006, the Commission presents a report on the application of Regulation (EC) 1896/2006 of the European Parliament and of the Council creating a European Order for Payment Procedure, which is an optional procedure that can be used in cross-border cases as an alternative to domestic payment orders.

General assessment of the Regulation: overall, the **objectives of the Regulation** to simplify, speed up and reduce the costs of litigation in cases concerning uncontested claims and to permit the free circulation of European payment orders in the EU without exequatur was **broadly achieved**, though in most Member States the procedure was only applied in a relatively small number of cases. From the studies and consultation carried out, it appears that there have been **no major legal or practical problems** in the use of the procedure or in the fact that exequatur is abolished for the recognition and enforcement of the judgments resulting from the procedure. The report reviews the existing case-law.

Between **12,000 and 13,000 applications for European orders for payment are received** by the courts of Member States per year. The highest numbers of applications (more than 4,000 annually) are in Austria and Germany where also most European orders for payment are issued. Between 300 and 700 applications are received annually in Belgium, the Czech Republic, France, Hungary, the Netherlands, Portugal and Finland. In the other Member States, the procedure has been taken up to a more limited extent.

The Commission considers that the application of the Regulation has generally improved, simplified and accelerated the handling of uncontested pecuniary claims in cross-border disputes. In the light of this, it is therefore considered **not appropriate at this time to change the fundamental parameters of the European procedure**.

Awareness of the existence and operation of the procedure: a 2010 Eurobarometer showed that awareness and use of the European procedures including the European order for payment procedure among citizens is **relatively low: only 6 %** of those asked had heard about the European order for payment procedure. The Commission states that **further awareness-raising is necessary**, both at European and at Member State level. Efficient and active promotion of the Regulation should take place, providing the general public and professionals with information on the European order for payment procedure.

Electronic submission of the application: many Member States allow the electronic submission of the application (Czech Republic, Germany, Estonia, France, Lithuania, Austria, Slovenia, Slovak Republic, Finland, Sweden, UK, Cyprus) or envisage developing electronic processing in the future in all courts having jurisdiction to deal with the European order for payment procedure (Ireland, Italy, Malta, Portugal). Following a Commission study on the feasibility of electronic application for European payment orders, a **pilot project** on this issue is being co-funded by the Commission. Nine Member States are participating in the e-CODEX pilot for the European order for payment procedure.

In addition, **the operation of the Regulation may be improved through non-legislative and implementation measures**. The Commission will use the cooperation mechanism of the **European Judicial Network in Civil and Commercial Matters** in a proactive manner to improve the implementation and promote the take-up of this useful instrument.

Merits of a centralised system: five Member States have concentrated jurisdiction to handle European orders for payment in a single specific court/authority. In the other Member States, district and regional courts (or notaries for instance in Hungary) are competent for issuing European orders for payment. Overall, the data on the use of the procedure as to whether a centralised system leads to a more frequent use of the procedure are inconclusive. Nevertheless, in the light of the written and non-adversarial nature of the procedure, where no debate on the substance of the claim takes place, and which is thus particularly suited for electronic processing, the European order for payment procedure does appear better suited for centralised court handling than other procedures which require a debate on the substance and consideration of evidence and therefore may call for closer proximity of the court to the litigants.

