

A European Order for Payment Procedure

Following on from our news about the **European Payment Procedure Order** and its movements through the various European organs, Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure has been published in the *Official Journal of the European Union*.



There are numerous annexes in the Regulation, filled to the brim with boxes and forms for one to tick, sign and complete. Brussels do, however, foresee the potential for disillusionment, and have put at the very top of the annexes:

Please ensure that you read the guidelines on the last page – they will help you to understand this form! (...their exclamation mark, not mine.)

Regulation (EC) No. 1896/2006, in essence, simplifies the procedure for recovery of uncontested claims (i.e. claims where there is no dispute over whether the money is owed or not, but where the debtor is unwilling or unable to pay) between Member States. A creditor will fill in the relevant application form, giving a number of details on the claim (e.g. details of the parties involved, amount of the claim, cause of action, brief description of evidence supporting the claim). The court will then issue a “payment notification” which informs the defendant about the claim and gives the defendant debtor an opportunity to lodge a statement of defence. If the defendant debtor lodges a statement of defence, the Order for Payment Procedure is automatically brought to an end and the matter is transferred to ordinary civil court proceedings. If he does not act, the court delivers the Order of Payment to the defendant debtor, requesting payment.

The Regulation comes into force in the UK (having opted in) on 12 December 2008. More coverage on the EU Law Blog.