

Application of the European Order for Payment

On 17 October 2016, Parliament's Legal Affairs Committee adopted a report on the application of the European Order for Payment procedure. The report is very critical of the Commission's belated implementation report and looks for the plenary to call upon the Commission to submit a fresh one.

The European Order for Payment procedure (EOP)

The [European Order for Payment procedure](#) (EOP), created by [Regulation No 1896/2006](#) and applicable since December 2008 in all Member States except Denmark, aims at simplifying, accelerating and reducing the costs of cross-border enforcement of uncontested money claims. At all stages claimants, defendants and courts are obliged to use [standard forms](#). Some claims (e.g. arising from marriage or succession) are excluded. The use of the EOP is optional for claimants, who can choose between it and national procedures. The court in which an EOP application has been launched examines it from the point of view of formal requirements, and checks whether the claim appears to be founded, but does not analyse any evidence. The procedure takes place in the absence of the debtor, who finds out about the claim only once the order has been issued. Upon receiving it, the debtor has a limited time to launch a 'statement of opposition' which makes the order unenforceable and moves the case to ordinary civil proceedings. After the expiry of the time limit, the defendant may, in exceptional situations, still apply for a 'review' of the order for payment by the court.

According to Article 32 of the EOP Regulation, the European Commission was supposed to submit – by December 2013 – a detailed report reviewing the operation of the EOP to the EP, Council and EESC. That report was to contain an assessment of the operation of EOP, as well as 'an extended impact assessment for each Member State'.

Commission report on the application of EOP

The Commission drew up a [report](#) on the functioning of EOP in October 2015. It found, inter alia, that it appears that the EOP 'generally functions in a sound and satisfactory manner', and therefore there is no need to overhaul it at this stage. Nonetheless the report admitted that the procedure 'is not sufficiently known among businesses, citizens, practitioners, and courts', which warrants a need for more awareness-raising.

Parliament's implementation assessment

In July 2016, the Ex-Post Impact Assessment Unit of EPRS, on request from the JURI Committee, published a [European Implementation Assessment on the EOP](#). According to the findings, the quality of Member States' reporting on the functioning of EOP was not comprehensive, thereby limiting the Commission's ability to monitor it. Furthermore, the analysis provided a critical review of the functioning of the EOP, and made proposals for various possible improvements.

JURI Report on the application of EOP

On 17 October, the JURI Committee adopted a [report](#) on the application of the EOP (rapporteur: Kostas Chrysogonos, GUE/NGL, Greece). The report criticises the Commission for submitting its assessment with a delay, for not providing a detailed impact assessment for all Member States and for using outdated data. In consequence, the Commission is invited to submit a fresh report. The report regrets that the use of EOP varies across the EU and that litigants prefer to use national order for payment procedures. JURI considers that there is a need for an information campaign on the EOP, addressing citizens, businesses and lawyers, as well as a need for assistance for citizens and SMEs who would like to use the EOP. Furthermore, the report urges national authorities to issue orders for payment within the 30-day deadline and accept foreign language forms more broadly. Additionally, electronic submission of EOP applications should be made available, initially through the [e-CODEX](#) pilot project. A future revision of the EOP Regulation should focus on extending its scope of application and reforming the provisions on review.

