European payment order

Švédsko

1 Existence of an order for payment procedure

Yes, in Sweden you can apply for a payment order (*betalningsföreläggande*) to the Enforcement Authority (*Kronofogdemyndigheten*). You should send your application to

Kronofogdens inläsningscentral [Enforcement Authority Input Centre], Supro, Luleå, FE 7502, 105 81 Stockholm.

More information is available on the Enforcement Authority website, in Swedish, English, Finnish, North Sami, Polish, Arabic and Farsi.

1.1 Scope of procedure

1.1.1 What types of claims are eligible (e.g. only pecuniary claims, only contractual claims etc.)?

An application for a payment order must relate to an obligation on the defendant to pay a financial debt. The debt must be overdue and mediation must be permissible in the case.

1.1.2 Is there an upper limit regarding the value of the claim?

No, claims may be heard regardless of the amount involved.

1.1.3 Is the use of that procedure optional or obligatory?

It is not obligatory to apply for a payment order. A summons before the district court (*tingsrätt*) may be sought instead.

1.1.4 Is the procedure available if the defendant lives in another Member State or in a third country?

The option of using the payment order procedure is based on the assumption that the defendant is resident in Sweden, but it is also possible to apply for a payment order against a defendant who is resident outside Sweden. A decision on an application for a payment order can be enforced in other EU Member States in accordance with the Brussels I Regulation (Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters).

1.2 Competent court

Applications must be submitted to the Enforcement Authority.

1.3 Formal requirements

An application for a payment order must be made in writing and signed. In the application, the plaintiff must state the claim and the grounds for it. The amount of the claim, the due date and the interest claimed must be stated, as must any costs for which compensation is sought. The application must also specify who the parties are.

1.3.1 Is the use of a standardised form obligatory? (if yes, where can that form be obtained?)

No. But for anyone who wishes, there is an application form available in Swedish and in English, together with instructions on how to fill it in, on the Enforcement Authority website (http://www.kronofogden.se/).

1.3.2 Is representation by a lawyer required?

No, there is no need to be represented by a lawyer when applying for a payment order. You are entitled to plead your own case, and you need not have any representative or counsel at all.

1.3.3 In how much detail do I have to describe the reason for the claim?

The grounds must be sufficiently detailed that the defendant knows what the claim is about and can decide whether or not to dispute it. It must be objectively clear what the scope of the claim is, so that once a decision has become enforceable it is possible to tell exactly what it covers.

1.3.4 Is it necessary to present written evidence of the claim at issue? If yes, which documents are admissible as proof?

There is no requirement for written evidence to be provided.

1.4 Rejection of application

The general rule is that the correctness of the claim is not examined before an order is issued. If, however, it appears that the plaintiff's claim is unfounded or unjustified, the application must be dealt with as though the defendant had contested it.

An application may be rejected if it is defective.

1.5 Appeal

The Swedish system is based on the principle that the case does not have to be examined. If the claim is contested, the application is not rejected but is submitted to a court for further consideration. Please see question 1.6 below. There is therefore no rejection decision that might be open to appeal.

Where the application is indeed rejected as described in section 1.4, the decision rejecting it is open to appeal.

1.6 Statement of opposition

The time limit for contesting an order is stated in the order. The time limit is normally set at ten days from the date on which the order was issued. Any statement of objection must be in writing.

1.7 Effect of statement of opposition

If the defendant contests the application, the plaintiff will be informed immediately. If the plaintiff wishes to persist in the claim, he or she may request that the case be submitted to the district court (*tingsrätt*).

1.8 Effect of lack of statement of opposition

If the defendant does not contest the application within the time allowed, the Enforcement Authority will issue a decision on the application as soon as possible.

1.8.1 What needs to be done in order to obtain an enforceable decision?

A decision by the Enforcement Authority is enforceable, and once it has been issued will be enforced in Sweden by the Enforcement Authority on its own initiative, unless the plaintiff when applying for the payment order expressly requests that the decision should not be enforced.

1.8.2 Is this decision final or is there still a possibility for the defendant to appeal against that decision?

The defendant may apply for the case to be re-opened within one month of the date of the decision. In that event the case is passed to a district court for further consideration.

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