

“Order for payment” procedures - Sweden



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1 Existence of an order for payment procedure

Yes, in Sweden one can apply for a payment order to the Swedish Enforcement Authority ('Kronofogdemyndigheten'). More information is available on the Swedish Enforcement Authority website (<http://www.kronofogden.se/4.4cd91a3d12ec898821380001889.html>) 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 can relate to the obligation for 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?

No, it is not obligatory to apply for a payment order. It is possible to apply to the district court ('tingsrätt') for a summons 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 assumes 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. According to what is known as the Brussels I Regulation (Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters), a decision following an application for a payment order can be enforced in other Member States.

1.2 Competent court

Applications must be submitted to the Swedish Enforcement Authority ('Kronofogdemyndigheten').

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. There is, however, an application form [in Swedish](#) and [in English](#), together with instructions on how to fill it in, on the Swedish Enforcement Authority ('Kronofogdemyndigheten') website (<http://www.kronofogden.se/>).

1.3.2 Is representation by a lawyer required?

No, there is no need to be represented by a solicitor when applying for a payment order. One can plead one's own case so there is no need to 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 concerns and can decide whether or not to dispute it. The grounds must state objectively what the claim concerns, so that what is covered by the legal force of the outcome can be determined in the future.

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 until an order has been issued. If, however, it can be assumed 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 there being no examination of the case. If the claim is contested, the application is not rejected, but it is submitted to a court for further action. Please see question 1.6 below. There is therefore no rejection decision that may need to be appealed against.

In cases where the application is rejected in accordance with the description in section 1.4, such a rejection decision may be appealed against.

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 contesting of an order must be done in writing.

1.7 Effect of statement of opposition

If the defendant contests the application, the plaintiff will be informed of this immediately. If the plaintiff wishes to persist in his claim, he 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 promptly, the Swedish Enforcement Authority ('Kronofogdemyndigheten') 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 Swedish Enforcement Authority ('Kronofogdemyndigheten') is enforceable, and the decision is enforced by the Swedish Enforcement Authority by default in Sweden once it has been issued, unless the plaintiff has explicitly requested non-enforcement when applying for the payment order.

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 this case, the case is passed to a district court for further action.

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