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## European payment order

National information and online forms concerning Regulation No. 1896/2006

### General information

**Regulation (EC) No 1896/2006** of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure allows creditors to recover their uncontested civil and commercial claims according to a uniform procedure that operates on the basis of standard forms.

The Regulation applies between all Member States of the European Union with the exception of Denmark.

The procedure does not require presence before the court. The claimant only has to submit his application, after which the procedure will lead its own life. It does not require any further formalities or intervention on the part of the claimant.

The Regulation provides for seven standard [forms](#).

The European e-Justice Portal provides you with information concerning the application of the Regulations and a user-friendly tool for filling in the forms.

**Please select the relevant country's flag to obtain detailed national information.**

### Related link

**ARCHIVED European Judicial ATLAS website (closed on 30 September 2017)**

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## European payment order - Belgium

### Article 29(1)(a) - Courts with jurisdiction

Under the Belgian Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*), the courts that have jurisdiction to issue a European order for payment, depending on the place and on the subjectmatter of the case, are the civil magistrate's court (*juge de paix/vrederechter*), the court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*), the commercial court (*tribunal de commerce/rechtbank van koophandel*) and the labour tribunal (*tribunal du travail/arbeidsrechtbank*).

### Article 29(1)(b) - Review procedure

Depending on the circumstances there are several courses that may be open to a party wishing to secure a review of a decision.

- First, Article 1051 of the Judicial Code provides that an appeal on points of fact and law (*appel/hoger beroep*) may be lodged against a judgment within one month of service of the judgment, or in some cases within one month of notice of the judgment given under the second and third paragraphs of Article 792 of the Code. This applies whether or not both parties appeared in the proceedings.

- Second, Article 1048 of the Code provides that where a judgment is given in default of appearance of one of the parties, an objection (*opposition/oppositie*) may be entered, likewise within one month of service of the judgment or in some cases within one month of notice of the judgment given under the second and third paragraphs of Article 792 of the Code.

- Where neither of those remedies is any longer available against a judgment of a civil court, (or of a criminal court ruling on the civil aspects of a case before it), a party may in certain circumstances be able to make an application seeking an extraordinary review under Article 1133 of the Code (*requête civile/herroeping van het gewijsde*), within six months of learning of the judgment, with a view to having the judgment revoked.

The timelimits set out above for appeal, objection and application for extraordinary review do not affect:

- timelimits laid down in imperative provisions of supranational and international law;
- the provision in Article 50 of the Judicial Code that allows a timelimit after which an entitlement lapses to be extended under certain conditions laid down by law;
- the possibility of applying the general principle of law, repeatedly confirmed by the Belgian Court of Cassation, according to which the time allowed for the performance of an act is extended in favour of a party who has been prevented from performing the act by *force majeure*.

### Article 29(1)(c) - Means of communication

The means of communication that are accepted by and available to the Belgian courts for purposes of the Regulation are confined to two: the form A application in Annex I may be **lodged directly**, with the supporting documents, at the registry of the court with jurisdiction; or the same form, with the supporting documents, may be sent to the court by **registered post**.

### Article 29(1)(d) - Accepted languages

For purposes of Article 21(2)(b), Belgium does not accept languages other than the official language or languages of the place of enforcement as provided in Belgian domestic legislation.

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## European payment order - Bulgaria

### Article 29(1)(a) - Courts with jurisdiction

Applications for a European order for payment to be issued must be submitted to the provincial court with jurisdiction over the permanent address or registered address of the debtor, or over the place of enforcement. (Article 625(1) of the Code of Civil Procedure).

Where it is possible for the case to be contested, the respondent may challenge the territorial jurisdiction, but must do so no later than when the opposition to the motion is filed. (Article 625(2) of the Code of Civil Procedure).

### Article 29(1)(b) - Review procedure

This procedure is governed by Article 626a of the Code of Civil Procedure:

Article 626a (1) The respondent may apply for a review of a European order for payment under the terms and procedure laid down in Article 20 of Regulation (EC) No 1896/2006 before the respective court of appeal.

(2) The application for a review is submitted within 30 days from the day the respondent was effectively acquainted with the contents of the order or after the circumstances referred to in Article 20(1)(b) of the Regulation no longer pertain.

(3) The court sends a copy of the application to the other party which may reply within one week from receipt thereof.

(4) The application is examined in camera. If the court deems it appropriate, it may examine the application in an open session.

(5) The court's decision cannot be appealed.

#### **Article 29(1)(c) - Means of communication**

Communications relating to a European order for payment are served by an officer of the court, by post or through a courier service as registered letters with acknowledgement of receipt. Where there is no judicial instance at the place of service, service may be performed by the municipality or mayoralty. (Article 42 (1) of the Code of Civil Procedure)

#### **Article 29(1)(d) - Accepted languages**

The Republic of Bulgaria accepts European orders for payment accompanied by a translation into Bulgarian.

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### **European payment order - Czech Republic**

#### **Article 29(1)(a) - Courts with jurisdiction**

In the Czech Republic, the applicable rules for determining which courts have jurisdiction to issue a European order for payment are the general legal provisions governing jurisdiction in civil law matters contained in Act No 99/1963 ('Code of Civil Procedure').

Jurisdiction for the subject matter is governed by Sections 9 to 12 and territorial jurisdiction by Sections 84 to 89a of the Code of Civil Procedure.

*Given the type of cases envisaged, the courts with jurisdiction in the subject matter will normally be the district courts, while the criterion for determining territorial jurisdiction will normally be the place of residence/registered office of the defendant.*

#### **Article 29(1)(b) - Review procedure**

The court with jurisdiction to hear review proceedings is the court which handed down the judgment at first instance.

The competent court must apply Article 20 of the Regulation directly. An appeal is possible against decisions rejecting an application for review.

#### **Article 29(1)(c) - Means of communication**

In accordance with Section 42 of the Code of Civil Procedure, the following are acceptable means of communication:

(a) electronic mail with an advanced electronic signature in accordance with Electronic Signatures Act No 227/2000, as amended;

(b) electronic mail without an advanced electronic signature;

(c) fax.

Submissions by the means referred to in paragraphs (b) and (c) must be followed up by sending in the original copies of the forms within three days, failing which the court will not take the submissions into consideration.

#### **Article 29(1)(d) - Accepted languages**

The only language accepted by the Czech Republic is Czech.

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### **European payment order - Germany**

#### **Preliminary remarks**

Details of the implementation in Germany of the Regulation creating a European order for payment procedure are laid down in an Act on the improvement of cross-border claims enforcement and service of documents.

#### **Article 29(1)(a) - Courts with jurisdiction**

The District Court (*Amtsgericht*) of Wedding in Berlin has jurisdiction for the whole of Germany. The contact details for the Court are as follows:

Amtsgericht Wedding

13343 Berlin

Tel: +49 (0)30 90156 - 0

Fax: +49 (0)30 90156 - 203

#### **Article 29(1)(b) - Review procedure**

The court with competence for the order for payment procedure is the District Court of Wedding.

Any subsequent disputes are brought before the court indicated by the applicant as having international jurisdiction. Should this court not be competent to rule in the dispute, it can refer the matter to the German court having international jurisdiction. International jurisdiction is generally governed by the relevant EU legal act, e.g. Regulation No 1215/2012.

The scope and operation of the review procedure is already largely laid down in Article 20 of the Regulation. The Act provides that the applicant must demonstrate the facts which in the applicant's opinion justify annulling the European order for payment. The decision of the German court having international jurisdiction (see above) cannot be appealed. If it declares the European order for payment to be null and void, this will end the procedure under the Regulation.

By way of exception, for labour matters within the meaning of Sections 2 and 46b(2) of the Labour Courts Law (*Arbeitsgerichtsgesetz*), the competent court is the labour court having international jurisdiction that would be competent to rule on proceedings for a full judgment (*Urteilsverfahren*).

#### **Article 29(1)(c) - Means of communication**

An application for a European order for payment can be made on paper and electronically, if the competent court allows this type of application. At the District Court of Wedding, applications can be made electronically. Special software is required in order to make an electronic application at the District Court of Wedding. More information can be found here: <https://service.berlin.de/dienstleistung/327380/>.

#### **Article 29(1)(d) - Accepted languages**

Only German is accepted.

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#### **European payment order - Estonia**

##### **Article 29(1)(a) - Courts with jurisdiction**

In Estonia, the county courts with the appropriate jurisdiction are competent to conduct the procedures for European orders for payment.

##### **Article 29(1)(b) - Review procedure**

A European order for payment may be contested by submitting an appeal in accordance with the procedure laid down in Section 4891 of the [Code of Civil Procedure](#). The appeal is to be lodged with the county court that issued the order for payment. The ruling given on the appeal may be challenged in the district court with the relevant jurisdiction.

Exceptionally, at the request of a participant in proceedings where new evidence has come to light, an application for review of a court judgment which has entered into force may also be submitted to the Supreme Court in accordance with the procedure laid down in Chapter 68 of the Code of Civil Procedure.

##### **Article 29(1)(c) - Means of communication**

The means of communication permitted in the European order for payment procedure and accepted by the Estonian courts are delivery by hand, post, fax and electronic transmission channels, in accordance with the format requirements and the rules laid down in the Code of Civil Procedure. More detailed rules for submitting electronic documents to the courts and requirements for the form of documents are laid down in a Regulation enacted by the Minister for Justice.

##### **Article 29(1)(d) - Accepted languages**

In accordance with Article 21(2)(b) of the Regulation, a European order for payment is accepted for enforcement in Estonia if it is in Estonian or English or if it is accompanied by a translation into Estonian or English.

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#### **European payment order - Ireland**

##### **Article 29(1)(a) - Courts with jurisdiction**

The High Court will have jurisdiction to issue an Order for Payment.

##### **Article 29(1)(b) - Review procedure**

A review jurisdiction lies with the High Court.

##### **Article 29(1)(c) - Means of communication**

Post and fax.

##### **Article 29(1)(d) - Accepted languages**

Irish and English.

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#### **European payment order - Greece**

##### **Article 29(1)(a) - Courts with jurisdiction**

The parties competent for issuing payment orders are: for claims falling within the competence of the district court, i.e. claims not exceeding twenty thousand (20 000) euros, the district court judge; for claims exceeding twenty thousand (20 000) euros, the judge of the single-member court of first instance. However, the district court judge is competent to issue payment orders, especially associated with any disputes arising from tenancy agreements, where the agreed monthly rent does not exceed six hundred (600) euros. If the agreed rent is more than six hundred (600) euros, the single-member court of first instance is competent.

##### **Article 29(1)(b) - Review procedure**

The review procedure must be launched by lodging an objection against the payment order before the district court judge or the judge of the single-member court of first instance who issued the payment order.

##### **Article 29(1)(c) - Means of communication**

The standard form in the Annex to the Regulation should be submitted to the secretariat of the competent court in writing. It is also possible to submit it by email, on the e-codex digital platform or via the digital platform for the submission of legal documents where these media are available.

##### **Article 29(1)(d) - Accepted languages**

Greek is the permitted language.

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#### **European payment order - Spain**

##### **Article 29(1)(a) - Courts with jurisdiction**

Courts of first instance.

##### **Article 29(1)(b) - Review procedure**

The review provided for in Article 20(1) of the Regulation is carried out by means of the annulment of final judgments procedure at the request of the party in default (Article 501 et seq. of the Code of Civil Procedure, Law 1/2000 of 7 January 2000). The review provided for in Article 20(2) may be carried out by means of a motion for dismissal of judicial acts (Article 238 et seq. of the Organic Law on the Judiciary, Law 6/1985 of 1 July 1985). In both cases the courts of first instance have jurisdiction.

##### **Article 29(1)(c) - Means of communication**

The claim form may be lodged directly, by post or by fax.

#### **Article 29(1)(d) - Accepted languages**

Spanish.

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#### **European payment order - France**

##### **Article 29(1)(a) - Courts with jurisdiction**

Jurisdiction to issue European orders for payment lies with the chamber for the protection of vulnerable adults (*juge des contentieux de la protection*), the president of the civil court (*tribunal judiciaire*) and the president of the commercial court (*tribunal de commerce*) within the limits of their subject-matter competence.

Where Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters refers, not to the courts or tribunals that have territorial jurisdiction, but to the courts or tribunals of a Member State, jurisdiction lies with the court of the place of residence of the defendant or one of the defendants.

##### **Article 29(1)(b) - Review procedure**

The rules governing the review procedure in the exceptional cases provided for in Article 20 of the Regulation are exactly the same as those applicable to the opposition procedure. Requests for review must be submitted to the court which issued the European order for payment.

##### **Article 29(1)(c) - Means of communication**

Applications for European orders for payment may be submitted to the relevant court by post or electronically.

##### **Article 29(1)(d) - Accepted languages**

The languages accepted pursuant to Article 21(2)(b) are: French, English, German, Italian and Spanish.

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#### **European payment order - Croatia**

##### **Article 29(1)(a) - Courts with jurisdiction**

The following court has exclusive jurisdiction to decide on applications for issuing and reviewing a European payment order and for issuing confirmation of its enforceability:

##### **Trgovački sud u Zagrebu**

Amruševa 2/II, 10000, Zagreb

Tel. +385 1 4897 222

fax: + 385 1 4920-871

e-mail: [✉ tajnistvo@tszg.pravosudje.hr](mailto:tajnistvo@tszg.pravosudje.hr)

[✉ ured.predsjednika@tszg.pravosudje.hr](mailto:ured.predsjednika@tszg.pravosudje.hr)

web: <http://www.tszg.hr/cro/TSZG/Naslovnica>

##### **Article 29(1)(b) - Review procedure**

The Commercial Court in Zagreb decides on applications for review of a European payment order. The court's decision cannot be appealed.

##### **Article 29(1)(c) - Means of communication**

Forms, other applications or statements are to be submitted in written form, by fax or email.

##### **Article 29(1)(d) - Accepted languages**

European payment orders must be accompanied by a translation into Croatian, certified by a person authorised to do so.

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#### **European payment order - Italy**

With reference to the information to be communicated to the European Commission by the Member States by 12 June 2008 under Article 29 of Regulation (EC) No 1896/2006, please find attached a table showing the relationship between the Italian provisions and the Community provisions.

It should be pointed out that, in accordance with Article 2(2)(d) of the Regulation, account has been taken of claims arising from non-contractual obligations. With regard to Article 29(b), the need seems to arise to distinguish between the cases referred to in Article 20(1) and those in Article 20(2) as the first paragraph refers to relief from the effects of the expiry of time where such time has expired through no fault of the defendant, whereas Article 20(2) applies where the order for payment was clearly wrongly issued or in other exceptional circumstances, such as, for example, intent on the part of the party.

In the first set of cases the relevant legislation concerns late appeals against payment orders, for which provision is made under Article 650 of the Italian Code of Civil Procedure (CPC) and which must be lodged with the same court that issued the warning letter. The approach in this case is standard and can be applied extensively, although the court must rule on the applicability of the deadline stipulated in the final subsection of Article 650 CPC, as it applies to Article 20(1)(b) of the Regulation.

In the second set of cases, however, the solution currently practised is that of the ordinary application or, depending on the circumstances, an application to the competent court of first instance, although the court must rule on whether the rules applicable derive from Italian law or can be inferred from the Regulation.

With regard to the means of communication referred to in Article 29(1)(b) of the Regulation, taken in conjunction with Article 7(5), it has been decided to refer to communication on paper only here given that for other means of communication (electronic) compliance with the specific Italian rules is required and, according to the Regulation, the means of communication must be ones which 'are available' to the courts concerned.

##### **Article 29(1)(a) - Courts with jurisdiction**

The following courts have jurisdiction to issue a European order for payment:

The Justice of the Peace [*Giudice di Pace*] for claims of up to:

- 1) EUR 5 000.00, for general claims;
- 2) EUR 20 000.00 for claims concerning compensation for damages caused by vehicles and boats, within the conditions laid down in Article 2(2)(d)(i) of Regulation (EC) No 1896/2006.

Justices of the Peace have jurisdiction for claims of any amount involving relations between owners or occupiers of dwellings concerning smoke, fumes, heat, noise, vibrations and similar nuisances exceeding normal levels pursuant to Article 7(3)(3) of the Italian Code of Civil Procedure, in the circumstances referred to in Article 2(2)(d)(i) of Regulation (EC) No 1896/2006.

The Justice of the Peace also has jurisdiction for cases involving interest or incidentals for late payment of pension or welfare benefits.

The ordinary civil court or the court of appeal as the court of first and final instance have jurisdiction in all other cases and exclusive jurisdiction as provided for by Italian legislation.

In particular, on matters not excluded by Article 2, the ordinary civil courts have jurisdiction in cases of:

- 1) claims relating to agricultural contracts (in this case, the specialised agricultural divisions of the ordinary court have jurisdiction pursuant to Article 9 of Law No 29 of 14 February 1990);
- 2) claims in respect of patents and trademarks (in this case the special business sections of the ordinary courts have jurisdiction pursuant to Article 1 *et. seq.* of Legislative Decree No 168 of 27 June 2003 - most recent wording)
- 3) claims under shipping law, in particular for damage in connection with the collision of vessels; damage caused by vessels when anchoring or mooring or performing any other manoeuvres in ports and other stopping places; damage caused by the use of loading and unloading gear and the handling of goods in ports; damage caused by vessels to nets and other fishing equipment; charges and compensation for assistance, rescue and recovery; reimbursement of expenditure and awards for recovering wreckage under Article 589 of the Navigation Code.
- 4) cases and proceedings relating to public contracts for works, supplies and services of Community significance, to which one of the undertakings referred to in Article 3 of Legislative Decree No 168 of 27 June 2003 (as amended) is party to or where one of these participates in a consortium or a temporary grouping to which the contracts were awarded or where the ordinary court has jurisdiction (in this case, the specialised business sections of the ordinary courts also have jurisdiction pursuant to Article 3 of Legislative Decree No 168 of 27 June 2003).

On matters not excluded by Article 2 of the Regulation, the Court of Appeal has jurisdiction as the court of first and final instance for claims relating to compensation for damages caused by agreements restricting competition and abuse of dominant position (Article 32(2) of Law No 287 of 10 October 1990).

#### **Article 29(1)(b) - Review procedure**

The court with jurisdiction for the review referred to in Article 20(1) of Regulation No 1896/2006/EC and the related proceedings, is the court which issued the order pursuant to Article 650 of the Italian Code of Civil Procedure.

The court with jurisdiction for the review referred to in Article 20(2) of Regulation No 1896/2006/EC and the related proceedings, is the ordinary court responsible for the order, in accordance with the commonly applicable rules.

#### **Article 29(1)(c) - Means of communication**

The means of communication accepted for the purposes of the European order for payment procedure pursuant to Regulation (EC) No 1896/2006 are postal services.

#### **Article 29(1)(d) - Accepted languages**

The language accepted is Italian.

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### **European payment order - Cyprus**

#### **Article 29(1)(a) - Courts with jurisdiction**

The following entities have jurisdiction: all courts of first instance of the Republic of Cyprus operating in the four administrative districts controlled by the legal State of the Republic of Cyprus, i.e. Nicosia, Lemesos, LarnacaAmoostos and Paphos. The jurisdiction of judges is determined by the Courts Act (14/60) and corresponds to the hierarchical position of the judge, i.e. District Judge, Senior District Judge and President of a District Court.

#### **Article 29(1)(b) - Review procedure**

The review procedure is provided for by the Civil Litigation Procedural Regulations. The procedure is based mainly on written submissions made by those involved in a dispute. In exceptional cases, and whenever the Court deems it necessary, oral testimony can also be taken in addition to written submissions and sworn statements. The competent courts are those given in (a) above.

#### **Article 29(1)(c) - Means of communication**

The means of communication accepted for the purposes of the European order for payment procedure and available to the courts are: lodging an application in the register personally, or sending it by post or by any other means of communication, such as fax or e-mail.

#### **Article 29(1)(d) - Accepted languages**

The accepted language of the courts is Greek. However, for the purposes of the Regulation, English, which is also used in Cyprus, is added.

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### **European payment order - Latvia**

#### **Article 29(1)(a) - Courts with jurisdiction**

The courts that have jurisdiction to issue a European order for payment are the district or city courts (*rajona (pilsētas) tiesas*), which are the courts of first instance in civil matters. The particular district or city court is generally the court of the defendant's declared place of residence (*deklarētā dzīvesvieta*), or, if the defendant has no declared place of residence, the defendant's home address (*dzīvesvieta adrese*) or registered office (*juridiskā adrese*). A list of courts can be consulted [here](#).

#### **Article 29(1)(b) - Review procedure**

Section 485.1(1)(1) of the Law on Civil Procedure states that an application seeking a review of a European order for payment issued by a district or city court must be submitted to the appropriate regional court (*abgabaltiesa*). There are five regional courts that hear civil cases. Each regional court has jurisdiction extending over the areas served by a number of district or city courts. A list of courts can be consulted [here](#).

An application for review of an order must be submitted within 45 days of the date on which the person becomes aware of the circumstances that constitute grounds for review under the European Union legislation referred to in the first paragraph of the Section.

An application that does not indicate the grounds for review under the Regulation will not be admitted and will be returned to the applicant. The court will also decline to consider a repeat application, unless it appears that the grounds relied upon for reviewing the order have changed. The court's decision in this respect can be challenged by lodging an ancillary complaint (*blakus sūdzība*).

An application for review of an order is dealt with in written proceedings. If, when it has considered the application, the regional court finds that the conditions for reviewing the order are met, it will annul the contested order in its entirety, and refer the case back for reexamination by the court of first instance.

If the regional court finds that the pleas relied upon in the application do not warrant a review of the order, it will reject the application. The court's decision can be challenged by lodging an ancillary complaint. The procedure for submitting and examining ancillary complaints of this kind are laid down in Chapter 55 of the Law on Civil Procedure. A translation of the Law into English is available [here](#).

#### **Article 29(1)(c) - Means of communication**

Documents for the court are to be submitted in paper form, either by post or by hand.

The courts will also accept documents submitted electronically which the appropriate person has signed with a secure electronic signature recognised in Latvia. In addition, in the light of the eIDAS Regulation and the EU digital single market strategy, amendments to the Law on electronic documents have been drawn up and the necessary technical adjustments are being made to allow electronic documents from other EU Member States to be accepted provided that they are signed in accordance with the requirements of the eIDAS Regulation.

#### **Article 29(1)(d) - Accepted languages**

A European order for payment must be drawn up in or translated into the national language, Latvian.

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### **European payment order - Lithuania**

#### **Article 29(1)(a) - Courts with jurisdiction**

Pursuant to Article 20 of the Law, applications for European orders for payment shall be filed in accordance with the rules of jurisdiction set out in the Code of Civil Procedure of the Republic of Lithuania (Valstybės Žinios, 2002, No 36-1340) (to the district court in cases where the amount of the claim does not exceed LTL 100 000, and to the county court in cases where the amount of the claim exceeds LTL 100 000). After examining the application, the relevant court shall have jurisdiction to issue the European payment order.

#### **Article 29(1)(b) - Review procedure**

Pursuant to Article 23 of the Law, the grounds of the European payment order as specified in Article 20(1) and (2) of Regulation No 1896/2006 shall be reviewed by the court which has issued the European payment order. After an application to review the European payment order has been admitted, the court shall forward copies of the application and its appendixes to the claimant and shall inform the latter to submit a written response to the application within 14 days after the dispatch of the application. The court shall examine the application filed to review the European payment order by written procedure no later than within 14 days after the expiry of the time-limit to submit the response to the application and shall pass an order on one of the decisions referred to in Article 20(3) of Regulation No 1896/2006.

#### **Article 29(1)(c) - Means of communication**

In cases for the issuance of a European payment order, procedural documents shall be submitted to the court directly or by mail.

#### **Article 29(1)(d) - Accepted languages**

In accordance with Article 21(2)(b) of Regulation 1896/2006, the acceptable language shall be Lithuanian.

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### **European payment order - Luxembourg**

#### **Article 29(1)(a) - Courts with jurisdiction**

The following have jurisdiction to issue a European payment order:

1. the presiding judge of the district court or his replacement where the order exceeds €15 000;
2. the justice of the peace where the order does not exceed €15 000;
3. the presiding judge of the labour court or tribunal or his replacement irrespective of the amount of the order, in the case of disputes relating to: employment contracts, apprenticeship contracts and supplementary pension schemes between employers and their employees, including those applying after the obligation has ended;

the insolvency insurance benefits provided for in Chapter V of the Supplementary Pensions Act of 8 June 1999 arising between the body referred to in Article 21 or a life assurance company as referred to in Article 24(1) of the same Act and employees, former employees and persons holding entitlement.

#### **Article 29(1)(b) - Review procedure**

The following have jurisdiction to rule on applications to set aside and applications for review:

1. the district court, where the European payment order has been issued by the presiding judge of the district court or his replacement;
2. the lead justice of the peace or his replacement, where the European payment order has been issued by a justice of the peace;
3. the labour court, where the European payment order has been issued by the presiding judge of the labour court or his replacement.

#### **Article 29(1)(c) - Means of communication**

Luxembourg accepts postal delivery as a means of communication.

#### **Article 29(1)(d) - Accepted languages**

Luxembourg accepts French and German.

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#### **European payment order - Hungary**

##### **Article 29(1)(a) - Courts with jurisdiction**

In Hungary order for payments are issued by *notaries* (civil law notaries). All notaries have competence covering the whole territory of Hungary.

##### **Article 29(1)(b) - Review procedure**

In Hungary, the competent court is the court that issued the European payment order in the case in question.

##### **Article 29(1)(c) - Means of communication**

In Hungary, communication may be by post, or in person, directly to the notaries (in Hungary order for payment procedure falls under the competence of civil law notaries).

##### **Article 29(1)(d) - Accepted languages**

A translation into Hungarian must always be supplied with a European order for payment issued for enforcement.

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#### **European payment order - Malta**

##### **Article 29(1)(a) - Courts with jurisdiction**

Civil Court First Hall – from Euro 15,000 upwards

Court of Magistrates (Malta) – from Euro 5,000 to Euro 15,000

The Small Claims Tribunal – up to Euro 5,000

Court of Magistrates (Gozo) sitting both in its superior (Euro 15,000 upwards) and inferior jurisdiction (from Euro 5,000 to Euro 15,000) – are competent to take cognizance of all claims against persons residing or having their ordinary abode in the Island of Gozo or Comino

All correspondence is to be address to:

The Registrar,

(Name of the competent court)

Courts of Justice

Republic Street

Valletta VLT 2000

MALTA

Correspondence regarding the Gozo Courts should be addressed to:

The Registrar

(Name of the competent court)

Courts of Justice

Cathedral Square

Victoria

Gozo

MALTA

##### **Article 29(1)(b) - Review procedure**

Civil Court First Hall

Court of Magistrates (Malta)

The Small Claims Tribunal

Court of Magistrates (Gozo) sitting both in its superior and inferior jurisdiction

All correspondence is to be address to:

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(Name of the competent court)

Courts of Justice

Republic Street

Valletta VLT 2000

MALTA

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Gozo

MALTA

#### **Review procedure as stipulated in Article 20 of Regulation (EC) No 1896/2006**

##### **Article 29(1)(c) - Means of communication**

Filing of the Application and other forms mentioned in Regulation (EC) No 1896/2006 in the registry of the competent court or sending the application and other forms by post to the registry of the competent court

**With regards to the defendant's application for review this has to be filed in Maltese by the defendant himself in the registry of the competent court**

##### **Article 29(1)(d) - Accepted languages**

Maltese and English

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#### **European payment order - Netherlands**

##### **Article 29(1)(a) - Courts with jurisdiction**

###### Article 2 of the Implementing Law EBB:

An application for a European Order for Payment as referred to in Article 7 of the Regulation is made to the court. If the amount as referred to in Article 7(2) (b) of the Regulation is not greater than the amount specified in Article 93(a) of the Code of Civil Procedure, or if it concerns a case as referred to in (c) of that Article, then the application is handled and decided upon by the sub-district court judge.

##### **Article 29(1)(b) - Review procedure**

###### Article 9 of the Implementing Law EBB:

1. In the case of a European Order for Payment declared enforceable within the meaning of the Regulation, the defendant can apply for a review before the court which issued the European Order for Payment on the grounds set out in Article (20)(1) and (2) of the Regulation.

2. The application must be made:

- a. in the case referred to in Article 20(1)(a) of the Regulation, no more than four weeks after the defendant has been made aware of the enforceable Order for Payment;
- b. in the case referred to in Article 20(1)(b) of the Regulation, no more than four weeks after the grounds set out therein cease to apply.
- c. in the case referred to Article 20(2) of the Regulation, no more than four weeks after the defendant has been made aware of the ground for review set out therein.

3. For an application to be submitted for review no lawyer is needed.

##### **Article 29(1)(c) - Means of communication**

According to Dutch civil procedural law (Article 33 of the Code of Civil Procedure), the electronic submission of applications for a European Order for Payment is permitted, as long as this is provided for in the court's procedural rules. Currently none of the courts provides for this possibility. Only the following means of submission are possible:

- by post;
- by a submission lodged at the court.

##### **Article 29(1)(d) - Accepted languages**

###### Article 8(2) of the Implementing Law EBB:

2. A European Order for Payment, as declared enforceable by the court of origin in another Member State, shall be made in compliance with Article 21(2)(b) of the Regulation or translated into Dutch.

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#### **European payment order - Austria**

##### **Article 29(1)(a) - Courts with jurisdiction**

For applications for the issue of a European order for payment, only the Vienna Commercial Court has jurisdiction (§ 252(2) of the Austrian Code of Civil Procedure).

##### **Article 29(1)(b) - Review procedure**

Procedurally, applications for review under Article 20(1) and (2) are treated as applications for restitutio in integrum. However, a decision granting an application under paragraph 2 is appealable (§ 252(5) of the Austrian Code of Civil Procedure).

##### **Article 29(1)(c) - Means of communication**

Submissions in the European order for payment procedure may be made either in paper form or electronically using WebERV (web-based electronic justice). In principle WebERV is open to all natural and legal persons. The technical prerequisites for this are special software and the existence of a transmitting agency. A list of current transmitting agencies can be found at <http://www.edikte.justiz.gv.at/edikte/km/kmhlp05.nsf/all/erv>.

Submission via fax or e-mail is not possible.

##### **Article 29(1)(d) - Accepted languages**

German is the accepted language in accordance with Article 21(2)(b).

In addition to the official language (German), Austrian nationals and nationals of countries that are party to the Agreement on the European Economic Area may use Hungarian before the district courts of Oberpullendorf and Oberwart, Slovenian before the district courts of Ferlach, Eisenkappel and Bleiburg, and Croatian before the district courts of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart.

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#### **European payment order - Poland**

##### **Article 29(1)(a) - Courts with jurisdiction**

The competent courts are district courts (*sądy rejonowe*) and regional courts (*sądy okręgowe*), whose territorial and subject-matter jurisdiction are defined in the Code of Civil Procedure (*Kodeks postępowania cywilnego*) of 17 November 1964 (Journal of Laws 2014, item 101, as amended). Subject-matter jurisdiction is governed by Articles 16, 17 and 461(11) in conjunction with Article 50516(1) of the Code of Civil Procedure, and territorial jurisdiction by Articles 27 to 46 and 461(1) in conjunction with Article 50516(1) of the Code.

Applications for refusal of enforcement within the meaning of Article 22 (Refusal of enforcement) of the Regulation are to be submitted, in accordance with Article 115323(1) of the Code of Civil Procedure, to the regional court of the debtor's domicile or registered office or, in the absence of such a court, to the regional court in whose region enforcement is pending or is being carried out. In accordance with Article 115323(3), the respondent may present his position on the case within a time limit set by the court.

With reference to Article 23 (Stay or limitation of enforcement), on an application from the debtor the competent district court may, in accordance with Article 115320(1) of the Code of Civil Procedure, stay enforcement proceedings being conducted on the basis of a European payment order. Also on an application from the debtor, this court may limit enforcement to protective measures or make enforcement conditional on the creditor lodging an appropriate security.

#### **Article 29(1)(b) - Review procedure**

With reference to Article 20(1) of the Regulation, debtor protection takes the form of rescheduling of the time limit for submitting a statement of opposition to a European payment order. This area is governed by Part One, Title VI, Chapter 5 (Non-compliance with time limits and arrangements for rescheduling) (Articles 167-172) of the Code of Civil Procedure. Under these rules an application for rescheduling of the time limit must be lodged not later than one week after the reason for non-compliance with the time limit ceases to apply in the form of a letter to the court before which the proceedings were to take place. The letter must substantiate the circumstances justifying the application. At the same time as lodging the application for rescheduling of the time limit, the party should also take the procedural step of submitting an application for re-examination of the European payment order. If more than a year has passed since the time limit was not met, it may be rescheduled only in special cases. As a rule, the fact of lodging an application for rescheduling does not cause proceedings or enforcement of a judgment to be suspended.

As regards Article 20(2) of the Regulation, the rules laid down in Article 50520 of the Code of Civil Procedure apply. Applications must meet the requirements of written pleadings and indicate the grounds for annulling the European payment order. The competent court for examining such an application is the court which issued the order. Before annulling a European payment order the court must hear the applicant or require him to make a statement in writing.

#### **Article 29(1)(c) - Means of communication**

Applications for a European payment order and other pleadings in such proceedings may only be submitted in writing. Documents may be lodged with the competent court either in person or by post.

#### **Article 29(1)(d) - Accepted languages**

In accordance with Article 21(2)(b), the language accepted is Polish.

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### **European payment order - Portugal**

#### **Article 29(1)(a) - Courts with jurisdiction**

The court with jurisdiction to issue a European order for payment is the **Central Civil Division of the Porto District Court** (*Juízo Central Cível do Tribunal da Comarca do Porto*).

#### **Article 29(1)(b) - Review procedure**

The review procedure is that set out in Article 20 of the Regulation, and the court with jurisdiction for review is the **Central Civil Division of the Porto District Court**.

#### **Article 29(1)(c) - Means of communication**

The following means of communication are accepted for the purposes of the European order for payment procedure:

- (i) delivery to the court registry, in accordance with Article 144(7)(a) of the Code of Civil Procedure;
- (ii) registered post, in accordance with Article 144(7)(b) of the Code of Civil Procedure;
- (iii) fax, in accordance with Article 144(7)(c) of the Code of Civil Procedure.

#### **Article 29(1)(d) - Accepted languages**

The language accepted is Portuguese.

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### **European payment order - Romania**

#### **Article 29(1)(a) - Courts with jurisdiction**

The court with jurisdiction to issue a European Payment Order is the court with jurisdiction for hearing the case at first instance. The court with jurisdiction to rule on the request for review is the court whose decision is being challenged, represented by a panel of two judges See Articles 1 and 2 of Article 19 of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved by Law No 191/2007, as amended.

The court with jurisdiction to issue a European Payment Order is the court with jurisdiction for hearing the case at first instance:

- the district court (which has jurisdiction to hear at first instance claims for a specific amount of money up to and including RON 200 000)

or

- the tribunal (which has jurisdiction to hear at first instance all applications which are not by law within the jurisdiction of other courts, thus including claims for a specific amount of money in excess of RON 200 000) — Article 94(1)(j) and Article 95(1) of the new Code of Civil Procedure (regarding payment orders, see Article 1016 of the new Code of Civil Procedure, which provides that the creditor may submit a payment-order request to the court competent to address the substance of the case at first instance).

#### **Article 29(1)(b) - Review procedure**

##### **- procedure under ordinary law:**

- final decisions may be contested by way of an extraordinary appeal seeking annulment where the appellant was not duly summoned and was not present at the proceedings; such an appeal seeking annulment may be lodged within 15 days of the date of notification of the decision, but no later than one year after the date when the decision became final; the grounds for the appeal must be set out within the 15 days referred to above — otherwise it will be null and void (Articles 503(1) and 506 of the new Code of Civil Procedure);

- a review of a decision made on, or referring to, the substance of the case may be requested (as an extraordinary appeal procedure) if the party concerned was prevented, by circumstances beyond his or her control, from appearing at the proceedings and informing the court accordingly; where such circumstances apply, decisions that do not refer to the substance of the case are also subject to review; the time allowed for requesting a review is 15 days, counting from when the preventing circumstances end (Article 509(1), point 9, and (2), and Article 511(2) of the new Code of Civil Procedure);

- a party missing a procedural deadline will be granted a new time limit only if it is proved that the delay arose owing to duly substantiated reasons; to this end, the party must complete the requisite procedural document no later than 15 days after the preventing circumstances ended, requesting that it be

granted a new time limit; in the case of appeals procedures, this time limit is the same as the time limit required for lodging an appeal; an application to be granted a new time limit will be decided on by the court competent to decide on applications regarding rights not exercised in time (Article 186) of the new Code of Civil Procedure).

**- special payment order procedure:**

- the new Code of Civil Procedure (Articles 1014 to 1025) establishes a particular procedure for payment orders;
- a debtor may lodge an application for annulment of a payment order within 10 days of its being served or notified (Article 1024(1) of the new Code of Civil Procedure);
- a creditor may, within 10 days (Article 1023(2) of the new Code of Civil Procedure), submit an application for annulment of a ruling as required in Article 1020(1) and (2) [1] of the new Code of Civil Procedure, or of a payment order provided for in Article 1021(2) [2];
- an application for annulment will be processed by the court which issued the payment order, represented by a panel of two judges (Article 1024(4) of the new Code of Civil Procedure);
- where the court judging the case admits the application for annulment in full or in part, it will annul the order in full or in part, as applicable, and will issue a final decision; where the court judging the case admits the application for annulment, it will issue a final decision imposing the payment order; a decision dismissing an application for annulment will be final (Article 1024(6) first sentence, (7) and (8) of the new Code of Civil Procedure);
- the party concerned may lodge an appeal against the enforcement of the payment order, in accordance with ordinary law; The appeal may only refer to irregularities in the enforcement procedure or grounds for extinguishing the obligation which have occurred after the payment order became final (Article 1025 (2) of the new Code of Civil Procedure).

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[1] Under Article 1020 of the new Code of Civil Procedure:

'Article 1021 Challenging the claim

- (1) Where the debtor challenges the claim, the court shall check whether the challenge is justified, on the basis of the documents in the case file and the explanations and clarifications provided by the parties. If the debtor's defence is justified, the court shall dismiss the creditor's request by issuing a decision.
- (2) Where the substantive defence presented by the debtor involves the processing of evidence other than that referred to in paragraph (1) and that evidence would be admissible in ordinary law proceedings, in accordance with the law, the court shall dismiss the creditor's request for a payment order by issuing a decision.

(3) In the cases referred to in paragraphs (1) and (2), the creditor may submit an application to lodge legal proceedings under ordinary law.'

[2] Under Article 1022(2) of the new Code of Civil Procedure: 'Where the court, having examined the case evidence, finds that the creditor's claims are justified only in part, it shall issue a payment order only for that part and shall also indicate the payment deadline. In such cases, the creditor may submit an application to lodge legal proceedings under ordinary law, with a view to having an obligation imposed on the debtor to pay the remainder of the debt'.

**Article 29(1)(c) - Means of communication**

**- procedure under ordinary law**

- delivery/communication of writs of summons and other procedural documents must comply with Articles 153 to 173 of the new Code of Civil Procedure. *Set out below are some examples of how delivery/communication takes place:*

- *writs of summons and all procedural documents are delivered ex officio by procedural agents of the court concerned or any other of its employees, as well as by agents or employees of other courts in whose jurisdiction the addressee of the document to be served resides (Article 154(1) of the new Code of Civil Procedure);*

- *if documents cannot be delivered in the manner set out above, they are sent by post, by registered letter with declaration of content and acknowledgement of receipt, in a sealed envelope to which are affixed a proof of receipt/record of delivery form and the notice provided for by law (Article 154(4) of the new Code of Civil Procedure);*

- *at the request and sole expense of the interested party, procedural documents can be delivered directly either by bailiffs, who are required to comply with the formalities laid down by procedural law, or by express delivery services (Art. 154(5) of the new Code of Civil Procedure);*

- *writs of summons and other procedural documents can be communicated by the court registry by telefax, e-mail or other means capable of transmitting the text of the document and ensuring confirmation of receipt, where the party concerned has provided the court with the details necessary for this purpose; for the purpose of confirmation, the court will enclose with the procedural document a form stating: the name of the court, the date of communication, the name of the registrar handling communication, and the documents communicated; the form has to be completed by the addressee, who must state the date of receipt and provide the name and signature of the person responsible for receiving correspondence; it must then be returned to the court by fax, e-mail or other suitable means (Article 154(6) of the new Code of Civil Procedure).*

**- special payment order procedure:**

- the order must be served to the party present or be notified to each party without delay, in accordance with the law (Article 1022(5) of the new Code of Civil Procedure).

**Article 29(1)(d) - Accepted languages**

Applications must be completed in Romanian.

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**European payment order - Slovenia**

**Article 29(1)(a) - Courts with jurisdiction**

Local courts (okrajna sodišča) and district courts (okrožna sodišča) have competence.

**Article 29(1)(b) - Review procedure**

Local and district courts have competence for review procedures and the application of Article 20 of the Regulation.

**Article 29(1)(c) - Means of communication**

Communication with court takes place via post, electronic means, using communication technology, delivered directly to court or delivered by a person engaged professionally in submitting applications (commercial provider) (Article 105(b) of the Civil Procedure Act (hereinafter: ZPP), *Uradni List RS* (UL RS; Official Gazette of the Republic of Slovenia), Nos 73/07 – official consolidated version, 45/08 – Arbitration Act (ZArbit), 45/08, 111/08 – Constitutional Court Decision, 57/09 – CC Dec., 12/10 – CC Dec., 50/10 – CC Dec., 107/10 – CC Dec., 75/12 – CC Dec., 40/13 – CC Dec., 92/13 – CC Dec., 10/14 – CC Dec. and 48/15 – CC Dec., 13.8.2007, p. 10425).

**Article 29(1)(d) - Accepted languages**

The official languages are **Slovenian** plus the two national minority languages, which are in official use at the courts in the areas where these national minorities live (Articles 6 and 104 ZPP). The national minority languages are **Italian and Hungarian**.

Mixed-nationality areas are defined by the Establishment of Municipalities and Municipal Boundaries Act (UL RS, Nos 108/06 - official consolidated version and 9/11; hereinafter: ZUODNO). Article 5 ZUODNO states that: 'Mixed-nationality areas pursuant to this act are those defined as such by the current municipal statutes of Lendava, HodošŠalovci, Moravske Toplice, Koper, Izola and Piran.'

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#### European payment order - Slovakia

##### Article 29(1)(a) - Courts with jurisdiction

'district courts'

##### Article 29(1)(b) - Review procedure

Pursuant to Article 29(1)(b) of the Regulation, in accordance with Article 398 of the Code of Contentious Civil Procedure (*Civilný sporový poriadok*) an extraordinary legal remedy may be sought by bringing a re-trial action (*žaloba o obnovu konania*) before the competent court that ruled at first instance, namely the 'district court' (*okresný súd*).

##### Article 29(1)(c) - Means of communication

Pursuant to Article 125 of the Code of Contentious Civil Procedure an application for action may be made in writing or electronically. An application made without electronic authorisation must be re-submitted within 10 days on paper or in an authorised electronic format, otherwise it will not be considered. The court will not request an application's resubmission.

##### Article 29(1)(d) - Accepted languages

Pursuant to Article 21(2)(b) of the Regulation, the accepted language for drawing up a certificate is 'Slovak'.

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#### European payment order - Finland

##### Article 29(1)(a) - Courts with jurisdiction

The Helsinki District Court has jurisdiction to issue a European order for payment.

##### Article 29(1)(b) - Review procedure

Article 20 of the Regulation, concerning the review of the European order for payment, is applied in Finland as it stands. For the purposes of Article 20, the competent court is the Helsinki District Court.

In addition to the provisions of Article 20 of the Regulation, the provisions on extraordinary channels of appeal in Chapter 31 of the Code of Judicial Procedure also apply to the European order for payment. These include complaints based on a procedural error (Section 1 of Chapter 31) and reversal of a final judgment (Section 7 of Chapter 31). Section 17 of the Code of Judicial Procedure contains a separate provision on the granting of a new deadline.

##### Article 29(1)(c) - Means of communication

The Electronic Services and Communication (Public Sector) Act No 13/2003 includes provisions on sending trial documents to a Finnish court. Under this Act, the means of communication accepted for the order for payment procedure are the post, fax or e-mail.

##### Article 29(1)(d) - Accepted languages

European orders for payment may be sent in Finnish, Swedish or English.

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#### European payment order - Sweden

##### Article 29(1)(a) - Courts with jurisdiction

Applications for a European order for payment lodged in Sweden are examined by the Swedish Enforcement Administration (*Kronofogdemyndigheten*) (Section 2 of the Act on a European Order for Payment Procedure).

##### Article 29(1)(b) - Review procedure

Applications for review are examined by the court of appeal (*hovrätt*) (Section 13 of the Act on a European Order for Payment Procedure). If an application is granted, the court of appeal simultaneously decides that the reassessment will be undertaken by the Swedish Enforcement Administration.

For further information on these issues, please contact the Swedish Enforcement Administration (<http://www.kronofogden.se/4.7856a2b411550b99fb7800086822.html>)

##### Article 29(1)(c) - Means of communication

Applications for a European order for payment must in principle be lodged in paper form. The Swedish Enforcement Administration may decide that applications are to be made via a medium enabling the use of automatic data processing (Section 4 of the Regulation on a European Order for Payment Procedure).

##### Article 29(1)(d) - Accepted languages

In applications for enforcement in Sweden of European orders for payment declared enforceable in another Member State, the order for payment must be translated into Swedish or English (Section 10 of the Regulation on a European Order for Payment Procedure).

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#### European payment order - England and Wales

#### **Article 29(1)(a) - Courts with jurisdiction**

The court(s) that will have jurisdiction to issue a European order for payment in England and Wales are the county court and the High Court of Justice. The jurisdiction of the county courts is entirely statutory and covers almost the whole field of civil law. The general jurisdiction in civil law is mostly concurrent with that of the High Court, save that personal injury claims for less than £50,000 and money claims for less than £15,000 must be started in the county court. Further detail is to be found in the [High Court and County Courts Jurisdiction Order 1991](#) (as amended). A number of statutes confer exclusive jurisdiction on the county courts - for example, virtually all cases under the Consumer Credit Act 1974, and most actions by mortgage lenders and landlords. A claim can be issued in any county court in England and Wales. The Court Service website has the addresses of all the [county courts](#) and [details of the High Court](#).

#### **Article 29(1)(b) - Review procedure**

An application for a review under Article 20 in England and Wales must be made to the competent court which issued the EPO, in accordance with [Part 23 of the Civil Procedure Rules](#).

#### **Article 29(1)(c) - Means of communication**

The means of communication acceptable by courts in England and Wales for the purposes of commencing the European order for payment will be by post (due to the necessity to take a court fee to issue the process). Consideration is currently being given as to whether electronic submission of the claim form will be possible. However, subsequent documents including any statement of opposition will be allowed to be sent to the court by post, facsimile or by e-mail in accordance with [Part 5.5 of the Civil Procedure Rules](#) and [Practice Directions](#) which contains rules for filing and sending documents to court.

#### **Article 29(1)(d) - Accepted languages**

The official language acceptable pursuant to Article 21(2)(b) is English.

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#### **European payment order - Northern Ireland**

Court procedure in Northern Ireland is governed by the Rules of the Court of Judicature (Northern Ireland) 1980 and the County Court Rules (Northern Ireland) 1981. The rules are made under the Judicature (Northern Ireland) Act 1978 by statutory rule.

#### **Article 29(1)(a) - Courts with jurisdiction**

The court that has jurisdiction to issue a European order for payment in Northern Ireland is the High Court of Justice.

The jurisdiction of the county courts is entirely statutory and is prescribed in the County Courts (Northern Ireland) Order 1980. Therefore, pending any amendment to the Order, the position is that proceedings under the Regulation do not come under the statutory jurisdiction of the county courts but fall, instead, to the High Court under its inherent jurisdiction regardless of the monetary value of the proceedings.

#### **Article 29(1)(b) - Review procedure**

An application for a review under Article 20 in Northern Ireland can be made in the High Court in accordance with Part IV of Order 71 of the Rules of the Court of Judicature (Northern Ireland) 1980.

#### **Article 29(1)(c) - Means of communication**

The means of communication acceptable by the Court in Northern Ireland for the purposes of commencing the European order for payment is post. Consideration may be given in the future as to whether electronic submission of the application will be possible. However, other documents that are sent to the Court in European order for payment proceedings, including statements of opposition, can be sent to the Court by post, fax or other electronic means where facilities are available in accordance with Rule 39 of Order 71 of the Rules of the Court of Judicature (Northern Ireland) 1980. The application and other documents in these proceedings can also be lodged with the Court in person.

#### **Article 29(1)(d) - Accepted languages**

The official language acceptable pursuant to Article 21(2)(b) is English.

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#### **European payment order - Scotland**

Ordinary civil procedure in Scotland is mainly governed by the Ordinary Cause Rules 1993. The rules can be accessed via the [Scottish Courts and Tribunals Service website](#).

The rules are made by statutory instrument and may need amended by statutory instrument to accommodate the Regulation. A stand-alone set of rules will also require to be made.

The Court of Session regulates and prescribes the procedure and practice to be followed in any civil proceedings in the sheriff court by Act of Sederunt.

#### **Article 29(1)(a) - Courts with jurisdiction**

The court that will have jurisdiction to issue a European order for payment in Scotland is the sheriff court. In all cases the procedure will be before a sheriff. A claim can be issued in any sheriff court in Scotland. The [Scottish Courts and Tribunals Service website](#) has the addresses of all the sheriff courts.

#### **Article 29(1)(b) - Review procedure**

Any application must be made to the sheriff.

An application for review in terms of Article 20(1) is to be made in terms of form 2 of the Act of Sederunt (Sheriff Court European Order for Payment Procedure Rules) 2008.

An application for review in terms of Article 20(2) is to be made in terms of form 3 of the Act of Sederunt (Sheriff Court European Order for Payment Procedure Rules) 2008.

Forms 2 and 3 are available to download from the [Scottish Courts and Tribunals Service website](#)

#### **Article 29(1)(c) - Means of communication**

The means of communication acceptable by the sheriff courts in Scotland for the purposes of commencing the European Order for Payment will be by post (due to the necessity to pay a court fee to issue the process). Consideration is currently being given as to whether electronic submission of the claim form will be possible. Subsequent documents including any statement of opposition may also be sent to the court by post.

#### **Article 29(1)(d) - Accepted languages**

The official language acceptable pursuant to Article 21(2)(b) is English.

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#### **European payment order - Gibraltar**

Court procedure in Gibraltar is governed by the [Civil Procedure Rules 1998 \(CPR\)](#), with Supplementary Directions. The application of the Civil Procedure Rules applied in England and Wales (with modifications) is provided for under the Supreme Court Rules 2000.

#### **Article 29(1)(a) - Courts with jurisdiction**

The court that will have jurisdiction to issue a European order for payment in Gibraltar is The Supreme Court.

#### **Article 29(1)(b) - Review procedure**

An application for a review under Article 20 in Gibraltar must be made in accordance with [Part 23 of the Civil Procedure Rules](#).

#### **Article 29(1)(c) - Means of communication**

The means of communication acceptable in Gibraltar for the purposes of commencing the European order for payment will be by post (due to the necessity to take a court fee to issue the process).

#### **Article 29(1)(d) - Accepted languages**

The official language acceptable pursuant to Article 21(2)(b) is English.

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