

Identifying National Flavours in the European Payment Order

European Payment Order

- A simple procedure
- Few steps:
 - Application
 - Acceptance or rejected
 - Service on defendant
 - No opposition → enforceable EPO
 - Opposition → ordinary civil procedure
- Difficulty in how these steps are applied.

European Payment Order

- Operates on different levels:
 - International and European framework
 - National application of EPO procedure
- Dependency on national authorities
 - Harmonized procedure and minimum standards
 - Unanswered questions

Identifying national flavours

- Four Member States: Portugal, Austria, Germany and Poland
- Interviews with court clerks and judges: how are EPO claims processed by court?
- When and how does the application of the procedure differ in each Member State?

“In accordance with national law”

- Article 9(2):

“Where the court requests the claimant to complete or rectify the application, **it shall specify a time limit it deems appropriate in the circumstances.** The court may at its discretion extend that time limit.”

- Article 26:

“All procedural issues not specifically dealt with in this Regulation shall **be governed by national law.**”

Court fees

Article 25

1. The combined court fees of a European order for payment procedure and of the ordinary civil proceedings that ensue in the event of a statement of opposition to a European order for payment in a Member State shall not exceed the court fees of ordinary civil proceedings without a preceding European order for payment procedure in that Member State.
2. For the purposes of this Regulation, court fees shall comprise fees and charges to be paid to the court, the amount of which is fixed in accordance with national law.

5. Bank details (optional)	
5.1 Payment of court fees by the claimant	
Codes: 01 By bank transfer	02 By credit card
04 Legal aid	05 Other (please specify)
03 Collection by court from claimant's bank account	
If you choose code 02 or 03, please fill in the bank details in Appendix 1	
Code	If you choose code 05, please specify
5.2 Payment by defendant of amount awarded	
Account holder	Bank name (BIC) or other relevant bank code
Account number	International bank account number (IBAN)

Court fees

- What amount do I need to pay?
 - e-Justice portal
 - Fixed fee or relative fee?
- How do I need to pay?
 - Five options on form
 - All accepted?
- When do I need to pay?
 - To start the procedure?
 - To issue an enforceable payment order?

Transfer to the national procedure

- Article 17(2)
“The transfer to ordinary civil proceedings within the meaning of paragraph 1 shall be governed by the law of the Member State of origin.”
- Central competent court or decentralized competent court?
- Obligation to refer to new competent court?
- New procedure or continuation of this one?
- When to inform claimant of opposition?

Citizen-centered EPO

- 28 different applications of the same procedure
 - Form C
- New procedural issues "to be governed by national law"
 - Informing the claimant of opposition
- National flavours increase the complexity for citizens.
- How can we approach this problem?