

47th UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Directions and the amendments to the existing Practice Directions supplementing the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by [], Parliamentary Under Secretary of State, by the authority of the Lord Chancellor.

The new Practice Directions and amendments to the existing Practice Directions come into force as follows—	
PD 2 – Allocation of Cases to Levels of Judiciary	1st October 2008
PD 3 – Mesothelioma Claims	1st October 2008
PD 5 – Electronic Communication and Filing of Documents	1st October 2008
PD 6 – Service within the United Kingdom	1st October 2008
PD 6 – Service out of the Jurisdiction	1st October 2008
PD 7 – How to Start Proceedings – the Claim Form	1st October 2008
PD 7 – Consumer Credit Act 2006 – Unfair Relationships	1st October 2008
PD 7 – Production Centre	1st October 2008
PD 8	1st October 2008
PD 10	1st October 2008
PD 12	1st October 2008
PD 15	1st October 2008
PD 16	1st October 2008
PD 18	1st October 2008
PD 22	1st October 2008
PD 25 – Interim Payments	1st October 2008
PD 36 – Offers to Settle	1st October 2008
PD 40 – Judgments and Orders	1st October 2008
PD 40 – Reserved Judgments	1st October 2008
PD 42	1st October 2008
PD 43-48	1st October 2008

PD 51	1st October 2008
PD 52	The amendments to the table following paragraph 20.3 and the insertion of paragraph 24.7 come into force on 25th November 2008. The other amendments to this Practice Direction come into force on 1st October 2008
PD 54 – Judicial Review	1st October 2008
PD 58	1st October 2008
PD 61	1st October 2008
PD 62	1st October 2008
PD 65	1st October 2008
PD 66	1st October 2008
PD 70	1st October 2008
PD 71	1st October 2008
PD 74 – European Enforcement Orders	1st October 2008
PD 77	1st October 2008
PD 78	This Practice Direction comes into force on— 12th December 2008 in so far as it relates to the European order for payment; and 1st January 2009 in so far as it relates to the European small claims procedure.

The Right Honourable Sir Anthony Clarke
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

[]
Parliamentary Under Secretary of State
Ministry of Justice

**PRACTICE DIRECTION (ALLOCATION OF CASES TO LEVELS OF JUDICIARY)
SUPPLEMENTING PART 2**

In paragraph 8.1A—

- (a) in sub-paragraph (1), after “(anti-social behaviour);” insert “and”;
- (b) in sub-paragraph (2), for “(parenting orders); and” substitute “(parenting orders).”; and
- (c) omit sub-paragraph (3).

PRACTICE DIRECTION (MESOTHELIOMA CLAIMS) SUPPLEMENTING PART 3

(1) In paragraph 2—

- (a) in the definition of “standard interim payment”, for “set amounts for” substitute “payment in respect of”; and
- (b) after “Head of Civil Justice.” insert “The amount of this payment is currently £50,000.”.

(2) In paragraph 6.7—

- (a) after “and” insert “will normally order that”; and
- (b) after “payment” omit “to”.

**PRACTICE DIRECTION (ELECTRONIC COMMUNICATION AND FILING OF
DOCUMENTS) SUPPLEMENTING PART 5**

(1) In paragraph 3.3A omit “he is”.

(2) For the second parenthesis below paragraph 3.3A substitute—

“(Rules 6.3(1)(d) and 6.20(1)(d) permit service by e-mail in accordance with the relevant practice direction. Rule 6.23(6) and paragraph 4 of Practice Direction A supplementing Part 6 set out the circumstances in which a party may serve a document by e-mail.)”.

**PRACTICE DIRECTION (SERVICE WITHIN THE UNITED KINGDOM)
SUPPLEMENTING PART 6**

For the Practice Direction supplementing Part 6 (Service) substitute the Practice Direction A (Service within the United Kingdom) as set out in **Annex A**.

**PRACTICE DIRECTION (SERVICE OUT OF THE JURISDICTION)
SUPPLEMENTING PART 6**

For the Practice Direction supplementing Part 6 (Service out of the jurisdiction) substitute the Practice Direction B (Service out of the jurisdiction) as set out in **Annex B**.

**PRACTICE DIRECTION (HOW TO START PROCEEDINGS – THE CLAIM FORM)
SUPPLEMENTING PART 7**

- (1) For paragraph 3.5 substitute—
“3.5 Where a claim form to be served out of the jurisdiction is one which the court has power to deal with—
 - (a) under the Civil Jurisdiction and Judgments Act 1982; and
 - (b) the Judgments Regulation (which has the same meaning as in rule 6.31(d)),the claim form must, pursuant to rule 6.34, be filed and served with the notice referred to in that rule and paragraph 2.1 of Practice Direction B supplementing Part 6.”.
- (2) Omit paragraph 3.5A.
- (3) In paragraph 6.1(2)—
 - (a) for the footnote to “claim form” substitute the footnote “See rules 7.4(2) and 7.5(1).”; and
 - (b) for the footnote to “jurisdiction” substitute the footnote “See rule 7.5(2).”.

**PRACTICE DIRECTION (CONSUMER CREDIT ACT 2006 – UNFAIR
RELATIONSHIPS) SUPPLEMENTING PART 7**

- (1) In paragraph 4.3, after “section 129(1)(b)” insert “or 129(1)(ba)”.
- (2) In paragraph 7.3—
 - (a) after “section 129(1)(b)” insert “or 129(1)(ba)”; and
 - (b) for “his particulars” substitute “the particulars”.
- (3) After paragraph 7.3 insert—
“7.3A A claimant who is a debtor or hirer making a claim for an order under section 129(1)(ba) of the Act must attach to the particulars of claim a copy of the notice served on the creditor or owner under section 129A(1)(a) of the Act.”.

PRACTICE DIRECTION (PRODUCTION CENTRE) SUPPLEMENTING PART 7

In paragraph 1.4(3)—

- (a) for “Rule 6.3(3)” substitute “Rules 6.4(3) and 6.21(4)”; and
- (b) for “does” substitute “do”.

PRACTICE DIRECTION SUPPLEMENTING PART 8

In the parenthesis below paragraph 20.5, after “method” insert “or at an alternative place”.

PRACTICE DIRECTION SUPPLEMENTING PART 10

(1) In paragraph 3.1—

- (a) for “his” substitute “the”; and
- (b) for the footnote to “documents” substitute the footnote “See rule 6.23”.

(2) In paragraph 3.2, for “rule 6.5 and the practice direction which supplements Part 6” substitute “rule 6.23”.

(3) For the parenthesis below paragraph 5.5 substitute—

“Paragraph 8.2 of Practice Direction A supplementing Part 6 contains provisions about service by the court on the claimant of any notice of funding filed with an acknowledgment of service.)”.

PRACTICE DIRECTION SUPPLEMENTING PART 12

In paragraph 4.3(2) for “Regulation State” substitute “Member State”.

PRACTICE DIRECTION SUPPLEMENTING PART 15

For the parenthesis below paragraph 3.4 substitute—

“(Paragraph 8.2 of Practice Direction A supplementing Part 6 contains provisions about service by the court on the claimant of any notice of funding filed with a defence.)”.

PRACTICE DIRECTION SUPPLEMENTING PART 16

(1) Omit the first parenthesis below paragraph 2.6(e).

(2) In paragraph 3.2(2)—

- (a) for the footnote to “claim form” substitute the footnote “See rules 7.4(2) and 7.5(1).”; and
- (b) for the footnote to “jurisdiction” substitute the footnote “See rule 7.5(2).”.

PRACTICE DIRECTION SUPPLEMENTING PART 18

In paragraph 1.7—

- (a) after “the provisions of” insert “rule 6.23(5) and (6) and”; and
- (b) for “paragraph 3.1 to 3.3 of the Practice Direction to Part 6” substitute “paragraphs 4.1 to 4.3 of Practice Direction A supplementing Part 6”.

PRACTICE DIRECTION SUPPLEMENTING PART 22

In paragraph 3.4—

- (a) for the footnote to “senior position” substitute the footnote “Paragraph 6.2 of Practice Direction A supplementing Part 6 sets out the meaning of “senior position”.”; and
- (b) for “he holds” substitute “held”.

PRACTICE DIRECTION (INTERIM PAYMENTS) SUPPLEMENTING PART 25

(1) For paragraph 4.1 substitute—

“4.1 Where in a claim for personal injuries there is an application for an interim payment of damages—

- (1) which is other than by consent;
 - (2) which either—
 - (i) falls under the heads of damage set out in column 1 of Schedule 2 to the Social Security (Recovery of Benefits) Act 1997 (“the 1997 Act”) in respect of recoverable benefits received by the claimant set out in column 2 of that Schedule; or
 - (ii) includes damages in respect of a disease for which a lump sum payment within the definition in section 1A(2) of the 1997 Act has been, or is likely to be made; and
 - (3) where the defendant is liable to pay a recoverable amount (as defined in rule 36.15(1)(c)) to the Secretary of State,
- the defendant should obtain from the Secretary of State a certificate (as defined in rule 36.15(1)(e)).”.

- (2) In paragraph 4.2, for “should” substitute “must”.
- (3) For paragraph 4.3 substitute—
“4.3 The order will set out the deductible amount (as defined in rule 36.15(1)(d)).”.

PRACTICE DIRECTION (OFFERS TO SETTLE) SUPPLEMENTING PART 36

- (1) In paragraph 3.3(1)—
 - (a) in sub-paragraph (b), for “benefits” substitute “amounts”; and
 - (b) in sub-paragraph (c), for “benefits” substitute “amounts”.
- (2) In paragraph 3.3(2), omit “of recoverable benefits”.

PRACTICE DIRECTION (JUDGMENTS AND ORDERS) SUPPLEMENTING PART 40

- (1) For paragraph 5.1 substitute—
“5.1 In a final judgment where some or all of the damages awarded—
 - (1) fall under the heads of damage set out in column 1 of Schedule 2 to the Social Security (Recovery of Benefits) Act 1997 (“the 1997 Act”) in respect of recoverable benefits received by the claimant set out in column 2 of that Schedule; and
 - (2) where the defendant has paid to the Secretary of State the recoverable benefits in accordance with the certificate (as defined in rule 36.15(1)(e)),
there will be stated in the preamble to the judgment or order the amount awarded under each head of damage and the amount by which it has been reduced in accordance with section 8 of and Schedule 2 to the 1997 Act.”.
- (2) After paragraph 5.1 insert—
“5.1A Where damages are awarded in a case where a lump sum payment (to be construed in accordance with section 1A of the 1997 Act) has been made to a dependant, then section 15 of the 1997 Act (as modified by Schedule 1 to the Social Security (Recovery of Benefits)(Lump Sum Payments) Regulations 2008 sets out what the court order must contain.”.

PRACTICE DIRECTION (RESERVED JUDGMENTS) SUPPLEMENTING PART 40

For the Practice Direction supplementing Part 40 (Reserved Judgments) substitute the Practice Direction at **Annex C**.

PRACTICE DIRECTION SUPPLEMENTING PART 42

- (1) In paragraph 1.1—
 - (a) for the footnote to “business address” substitute the footnote “Rules 6.7 and 6.23 contain provisions about service on the business address of a solicitor.”; and
 - (b) for “his” substitute “that party’s”.
- (2) In paragraph 2.4—
 - (a) for “his” substitute “the”; and
 - (b) for “jurisdiction⁵” substitute “United Kingdom⁵” (with new footnote).
- (3) In paragraph 5.1, for “with rule 6.5(2)” substitute “with rules 6.23(1) and 6.24”.
- (4) For the first parenthesis below paragraph 5.1 substitute—

“(Rule 6.23 provides that a party must give an address for service within the United Kingdom.)”.
- (5) In the second parenthesis below paragraph 5.1, for “6.5(6)” substitute “6.9”.

PRACTICE DIRECTION SUPPLEMENTING PARTS 43 TO 48

- (1) In paragraph 4.2—
 - (a) for “A division into parts will be necessary or convenient in the following circumstances” substitute “Circumstances in which it will be necessary or convenient to divide a bill into parts include”;
 - (b) in sub-paragraph (1)—
 - (i) for “he” substitute “that party”; and
 - (ii) for “should” substitute “must”;
 - (c) after paragraph (1) insert—

“(1A) Where the receiving party had pro bono representation for part of the proceedings and an order under section 194(3) of the Legal Services Act 2007 has been made, the bill must be divided into different parts so as to distinguish between:

 - (a) the sum equivalent to the costs claimed for work done by the legal representative acting free of charge; and

⁵ See rule 6.23.

- (b) the costs claimed for work done by the legal representative not acting free of charge.”; and
- (d) in sub-paragraphs (2), (3), (4), (5) and (6) each time it occurs, for “should” substitute “must”.

(2) After paragraph 5.20, insert—

“Payment pursuant to an order under section 194(3) of the Legal Services Act 2007

5.21 Where an order is made under section 194(3) of the Legal Services Act 2007 any bill presented for agreement or assessment pursuant to that order must not include a claim for VAT.”.

(3) For paragraph 6.2 substitute—

“6.2(1) In this Section an “estimate of costs” means—

- (a) an estimate of costs of—
 - (i) base costs (including disbursements) already incurred; and
 - (ii) base costs (including disbursements) to be incurred, which a party, if successful in the proceedings, intends to seek to recover from any other party under an order for costs; or
- (b) in proceedings where the party has pro bono representation and intends, if successful in the proceedings, to seek an order under section 194(3) of the Legal Services Act 2007, an estimate of the sum equivalent to—
 - (i) the base costs (including disbursements) that the party would have already incurred had the legal representation provided to that party not been free of charge; and
 - (ii) the base costs (including disbursements) that the party would incur if the legal representation to be provided to that party were not free of charge.

(‘Base costs’ are defined in paragraph 2.2 of this Practice Direction.)

(2) A party who intends to recover an additional liability (defined in rule 43.2) need not reveal the amount of that liability in the estimate.”.

(4) After paragraph 10.2 insert—

**“SECTION 10A ORDERS IN RESPECT OF PRO BONO REPRESENTATION:
RULE 44.3C**

10A.1 Rule 44.3C(2) sets out how the court may determine the amount of payment when making an order under section 194(3) of the Legal Services Act 2007. Paragraph 13.2 of this Practice Direction provides that the general rule is that the court will make a summary assessment of costs in the circumstances outlined in that paragraph unless there is good reason not to do so. This will apply to rule 44.3C(2)(b) with the modification that the summary assessment of the costs is to be read as meaning the summary assessment of the sum equivalent to the costs that would have been claimed by the party with pro bono representation in respect of that representation had it not been provided free of charge.

10A.2 Where an order under section 194(3) of the Legal Services Act 2007 is sought, to assist the court in making a summary assessment of the amount payable to the prescribed charity, the party who has pro bono representation must prepare, file and serve in accordance with paragraph 13.5(2) a written statement of the sum equivalent to the costs that party would have claimed for that legal representation had it not been provided free of charge.”.

(5) In paragraph 32.9(2), for “Part 6 Section III” substitute “Section IV of Part 6”.

(6) In paragraph 35.4(2), for “Part 6 Section III” substitute “Section IV of Part 6”.

PRACTICE DIRECTION SUPPLEMENTING PART 51

Insert the Practice Direction (Automatic Orders Pilot Scheme) supplementing Part 51 at **Annex D**.

PRACTICE DIRECTION SUPPLEMENTING PART 52

(1) In paragraph 5.23, for “6.9” substitute “6.28”.

(2) In the table in paragraph 8.2—

(a) in the box listing the Appeals Centres for the Wales Circuit, below “Swansea” insert “Mold”; and

(b) in the box listing the Hearing Only Centres for the Wales Circuit, insert “Caernarfon”.

(3) For the heading above paragraph 15.12, substitute “Reserved Judgments”.

- (4) For paragraph 15.12 substitute—
 “15.12 The Practice Direction supplementing Part 40 (Reserved Judgments) contains provisions relating to reserved judgments.”.
- (5) Omit paragraphs 15.13 to 15.21.
- (6) In the table following paragraph 20.3, after—
 “Representation of the People Act 1983, s.56 24.4 to 14.6”
 insert—
 “UK Borders Act 2007, s.11 24.7”.
- (7) After paragraph 24.6 insert—
“Appeals under section 11 of the UK Borders Act 2007
 24.7(1) A person appealing to a county court under section 11 of the UK Borders Act 2007 (“the Act”) against a decision by the Secretary of State to impose a penalty under section 9(1) of the Act, must, subject to paragraph (2), file the appellant’s notice within 28 days after receiving the penalty notice.
- (2) Where the appellant has given notice of objection to the Secretary of State under section 10 of the Act within the time prescribed for doing so, the appellant’s notice must be filed within 28 days after receiving notice of the Secretary of State’s decision in response to the notice of objection.”.

PRACTICE DIRECTION (JUDICIAL REVIEW) SUPPLEMENTING PART 54

- (1) For paragraph 6.2 substitute—
- “6.2 Where the defendant or interested party to the claim for judicial review is—
- (a) the Asylum and Immigration Tribunal, the address for service of the claim form is the Asylum and Immigration Tribunal, Official Correspondence Unit, PO Box 6987, Leicester, LE1 6ZX or fax number 0116 249 4131;
- (b) the Crown, service of the claim form must be effected on the solicitor acting for the relevant government department as if the proceedings were civil proceedings as defined in the Crown Proceedings Act 1947.

(The practice direction supplementing Part 66 gives the list published under section 17 of the Crown Proceedings Act 1947 of the solicitors acting in civil proceedings (as defined in that Act) for the different government departments on whom service is to be effected, and of their addresses.)”.

- (2) In paragraph 18.1(1)(a), for “Immigration and Nationality Directorate” substitute “UK Border Agency”.
- (3) In paragraph 18.2—
 - (a) in sub-paragraph (1)(b)(ii), for “Immigration and Nationality Directorate’s” substitute “UK Border Agency’s”; and
 - (b) in sub-paragraph (2), for “Immigration and Nationality Directorate” substitute “UK Border Agency”.
- (4) In the parenthesis below paragraph 18.2(2)—
 - (a) for “6.5(8)” substitute “6.10”; and
 - (b) for “Immigration and Nationality Directorate” substitute “UK Border Agency”.

PRACTICE DIRECTION SUPPLEMENTING PART 58

- (1) In paragraph 5 of the Appendix to the Practice Direction supplementing Part 58—
 - (a) for “he” substitute “that solicitor”; and
 - (b) in sub-paragraph (b)—
 - (i) for “him” substitute “that person”; and
 - (ii) for “England and Wales” substitute “the United Kingdom, unless the court orders otherwise”.
- (2) In paragraph (4)(b) of the section headed “Endorsement” in the Appendix to the Practice Direction supplementing Part 58—
 - (a) for “him” substitute “that person”; and
 - (b) for “England and Wales” substitute “the United Kingdom, unless the court orders otherwise”.

PRACTICE DIRECTION SUPPLEMENTING PART 61

In paragraph 3.6(7), for “6.8” substitute “6.15”.

PRACTICE DIRECTION SUPPLEMENTING PART 62

- (1) In paragraph 3.1—
 - (a) for “6.8” substitute “6.15”; and
 - (b) for “him” substitute “that party”.
- (2) In the parenthesis below paragraph 3.2, for “6.10” substitute “6.17”.

PRACTICE DIRECTION SUPPLEMENTING PART 65

Omit Section VI.

PRACTICE DIRECTION SUPPLEMENTING PART 66

In paragraph 2.1, for “6.5(8)” substitute “6.10 or 6.23(7)”.

PRACTICE DIRECTION SUPPLEMENTING PART 70

In paragraph 6A.3—

- (a) for “he” substitute “that partner or member”; and
- (b) in sub-paragraph (3), for “Section III” substitute “Section IV”.

PRACTICE DIRECTION SUPPLEMENTING PART 71

For paragraph 3 substitute—

“Service of order to attend court – rule 71.3

- 3. Service of an order to attend court for questioning may be carried out by—
 - (a) the judgment creditor (or someone acting on the judgment creditor’s behalf);
 - (b) a High Court enforcement officer; or
 - (c) a county court bailiff.”.

PRACTICE DIRECTION (EUROPEAN ENFORCEMENT ORDERS) SUPPLEMENTING PART 74

- (1) In paragraph 5.2, for “courts of the member state” substitute “court”.
- (2) For the first sentence in paragraph 5.3, substitute—

“If judgment is set aside in the court of origin, the judgment creditor must notify all courts in which enforcement proceedings are pending in England and Wales under the EEO as soon as reasonably practicable after the order is served on the judgment creditor.”.

- (3) For the heading to paragraph 6.1 substitute “Rule 74.32 - An application for refusal of enforcement”.
- (4) In paragraph 6.1, for “stating” substitute “showing”.
- (5) In paragraph 6.1(1), after “irreconcilable” insert “with the judgment which the judgment creditor is seeking to enforce”.
- (6) In paragraph 7.1, for “An application must, unless the court orders otherwise,” substitute “Unless the court orders otherwise, an application must”.
- (7) In paragraph 7.2(2), omit “, including the grounds on which the application is made and the order sought”.
- (8) Omit paragraph 7.3.

PRACTICE DIRECTION SUPPLEMENTING PART 77

- (1) In paragraph 1.2—
 - (a) omit “and” at the end of sub-paragraph (1);
 - (b) in sub-paragraph (2), for “Act.” substitute “Act; and”; and
 - (c) after sub-paragraph (2) insert—
- “(3) include details of any third party whom the applicant believes is likely to be significantly adversely affected by the SCPO and the nature of that adverse effect.”.
- (2) In paragraph 3.1, after sub-paragraph (2) insert—
- “(2A) where the applicant for the SCPO seeks to vary the SCPO—
 - (a) details of any third party whom the applicant believes is likely to be significantly adversely affected by the proposed variation to the SCPO; and
 - (b) details of the nature of that adverse effect;”.
- (3) In sub-paragraph (3), for “person or body other than the applicant for the SCPO” substitute “third party”.

- (4) In sub-paragraph (4) for “person or body other than the applicant for the SCPO” substitute “third party”.

PRACTICE DIRECTION SUPPLEMENTING PART 78

Insert the Practice Direction (European order for payment and European small claims procedures) supplementing Part 78 at **Annex E**.

ANNEX A

“PRACTICE DIRECTION A – SERVICE WITHIN THE UNITED KINGDOM

This Practice Direction supplements CPR Part 6

Contents of this Practice Direction

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Scope of this Practice Direction

- 1.1 This Practice Direction supplements—
- (1) Section II (service of the claim form in the jurisdiction) of Part 6;
 - (2) Section III (service of documents other than the claim form in the United Kingdom) of Part 6; and
 - (3) rule 6.40 in relation to the method of service on a party in Scotland or Northern Ireland.

(Practice Direction B supplementing Part 6 contains provisions relevant to service on a party in Scotland or Northern Ireland, including provisions about service out of the jurisdiction where permission is and is not required and the period for responding to an application notice.)

When service may be by document exchange

- 2.1 Service by document exchange (DX) may take place only where—
- (1) the address at which the party is to be served includes a numbered box at a DX, or
 - (2) the writing paper of the party who is to be served or of the solicitor acting for that party sets out a DX box number, and
 - (3) the party or the solicitor acting for that party has not indicated in writing that they are unwilling to accept service by DX.

How service is effected by post, an alternative service provider or DX

- 3.1 Service by post, DX or other service which provides for delivery on the next business day is effected by—
- (1) placing the document in a post box;
 - (2) leaving the document with or delivering the document to the relevant service provider; or
 - (3) having the document collected by the relevant service provider.

Service by fax or other electronic means

- 4.1 Subject to the provisions of rule 6.23(5) and (6), where a document is to be served by fax or other electronic means—
- (1) the party who is to be served or the solicitor acting for that party must previously have indicated in writing to the party serving—
 - (a) that the party to be served or the solicitor is willing to accept service by fax or other electronic means; and
 - (b) the fax number, e-mail address or other electronic identification to which it must be sent; and
 - (2) the following are to be taken as sufficient written indications for the purposes of paragraph 4.1(1)—
 - (a) a fax number set out on the writing paper of the solicitor acting for the party to be served;
 - (b) an e-mail address set out on the writing paper of the solicitor acting for the party to be served but only where it is stated that the e-mail address may be used for service; or
 - (c) a fax number, e-mail address or electronic identification set out on a statement of case or a response to a claim filed with the court.

- 4.2 Where a party intends to serve a document by electronic means (other than by fax) that party must first ask the party who is to be served whether there are any limitations to the recipient's agreement to accept service by such means (for example, the format in which documents are to be sent and the maximum size of attachments that may be received).
- 4.3 Where a document is served by electronic means, the party serving the document need not in addition send or deliver a hard copy.

Service on members of the Regular Forces and United States Air Force

- 5.1 The provisions that apply to service on members of the regular forces (within the meaning of the Armed Forces Act 2006) and members of the United States Air Force are annexed to this practice direction.

Personal service on a company or other corporation

- 6.1 Personal service on a registered company or corporation in accordance with rule 6.5(3) is effected by leaving a document with a person holding a senior position.
- 6.2 Each of the following persons is a person holding a senior position—
- (1) in respect of a registered company or corporation, a director, the treasurer, the secretary of the company or corporation, the chief executive, a manager or other officer of the company or corporation; and
 - (2) in respect of a corporation which is not a registered company, in addition to any of the persons set out in sub-paragraph (1), the mayor, the chairman, the president, a town clerk or similar officer of the corporation.

Certificate of service where claimant serves the claim form

- 7.1 Where, pursuant to rule 6.17(2), the claimant files a certificate of service, the claimant is not required to and should not file—
- (1) a further copy of the claim form with the certificate of service; and
 - (2) a further copy of—
 - (a) the particulars of claim (where not included in the claim form);or

(b) any document attached to the particulars of claim, with the certificate of service where that document has already been filed with the court.

(Rule 7.4 requires the claimant to file a copy of the particulars of claim (where served separately from the claim form) within 7 days of service on the defendant.)

Service by the court

- 8.1 Where the court serves a document in accordance with rule 6.4 or 6.21(2), the method will normally be first class post.
- 8.2 Where the court serves a claim form, delivers a defence to a claimant or notifies a claimant that the defendant has filed an acknowledgment of service, the court will also serve or deliver a copy of any notice of funding that has been filed, if—
- (1) it was filed at the same time as the claim form, defence or acknowledgment of service, and
 - (2) copies of it were provided for service.

(Rule 44.15 deals with the provision of information about funding arrangements.)

Application for an order for service by an alternative method or at an alternative place

- 9.1 Where an application for an order under rule 6.15 is made before the document is served, the application must be supported by evidence stating—
- (1) the reason why an order is sought;
 - (2) what alternative method or place is proposed, and
 - (3) why the applicant believes that the document is likely to reach the person to be served by the method or at the place proposed.
- 9.2 Where the application for an order is made after the applicant has taken steps to bring the document to the attention of the person to be served by an alternative method or at an alternative place, the application must be supported by evidence stating—
- (1) the reason why the order is sought;
 - (2) what alternative method or alternative place was used;
 - (3) when the alternative method or place was used; and

- (4) why the applicant believes that the document is likely to have reached the person to be served by the alternative method or at the alternative place.

9.3 Examples—

- (1) an application to serve by posting or delivering to an address of a person who knows the other party must be supported by evidence that if posted or delivered to that address, the document is likely to be brought to the attention of the other party;
- (2) an application to serve by sending a SMS text message or leaving a voicemail message at a particular telephone number saying where the document is must be accompanied by evidence that the person serving the document has taken, or will take, appropriate steps to ensure that the party being served is using that telephone number and is likely to receive the message; and
- (3) an application to serve by e-mail to a company (where paragraph 4.1 does not apply) must be supported by evidence that the e-mail address to which the document will be sent is one which is likely to come to the attention of a person holding a senior position in that company.

Deemed service of a document other than a claim form

- 10.1 Rule 6.26 contains provisions about deemed service of a document other than a claim form. Examples of how deemed service is calculated are set out below.

Example 1

- 10.2 Where the document is posted (by first class post) on a Monday (a business day), the day of deemed service is the following Wednesday (a business day).

Example 2

- 10.3 Where the document is left in a numbered box at the DX on a Friday (a business day), the day of deemed service is the following Monday (a business day).

Example 3

- 10.4 Where the document is sent by fax on a Saturday and the transmission of that fax is completed by 4.30p.m. on that day, the day of deemed service is the following Monday (a business day).

Example 4

- 10.5 Where the document is served personally before 4.30p.m. on a Sunday, the day of deemed service is the next day (Monday, a business day).

10.6 *Example 5*

Where the document is delivered to a permitted address after 4.30p.m. on the Thursday (a business day) before Good Friday, the day of deemed service is the following Tuesday (a business day) as the Monday is a bank holiday.

Example 6

- 10.7 Where the document is posted (by first class post) on a bank holiday Monday, the day of deemed service is the following Wednesday (a business day).

ANNEX

SERVICE ON MEMBERS OF THE REGULAR FORCES

1. The following information is for litigants and legal representatives who wish to serve legal documents in civil proceedings in the courts of England and Wales on parties to the proceedings who are (or who, at the material time, were) members of the regular forces (as defined in the Armed Forces Act 2006).
2. The proceedings may take place in the county court or the High Court, and the documents to be served may be claim forms, interim application notices and pre-action application notices. Proceedings for divorce or maintenance and proceedings in the Family Courts generally are subject to special rules as to service which are explained in a practice direction issued by the Senior District Judge of the Principal Registry on 26 June 1979.

3. In this Annex, the person wishing to effect service is referred to as the 'claimant' and the member of the regular forces to be served is referred to as 'the member'; the expression 'overseas' means outside the United Kingdom.

Enquiries as to address

4. As a first step, the claimant's legal representative will need to find out where the member is serving, if this is not already known. For this purpose the claimant's legal representative should write to the appropriate officer of the Ministry of Defence as specified in paragraph 10 below.
5. The letter of enquiry should in every case show that the writer is a legal representative and that the enquiry is made solely with a view to the service of legal documents in civil proceedings.
6. In all cases the letter must give the full name, service number, rank or rate, and Ship, Arm or Trade, Regiment or Corps and Unit or as much of this information as is available. Failure to quote the service number and the rank or rate may result either in failure to identify the member or in considerable delay.
7. The letter must contain an undertaking by the legal representative that, if the address is given, it will be used solely for the purpose of issuing and serving documents in the proceedings and that so far as is possible the legal representative will disclose the address only to the court and not to the claimant or to any other person or body. A legal representative in the service of a public authority or private company must undertake that the address will be used solely for the purpose of issuing and serving documents in the proceedings and that the address will not be disclosed so far as is possible to any other part of the legal representative's employing organisation or to any other person but only to the court. Normally on receipt of the required information and undertaking the appropriate office will give the service address.
8. If the legal representative does not give the undertaking, the only information that will be given is whether the member is at that time serving in England or Wales, Scotland, Northern Ireland or overseas.

9. It should be noted that a member's address which ends with a British Forces Post Office address and reference (BFPO) will nearly always indicate that the member is serving overseas.
10. The letter of enquiry should be addressed as follows—
- (a) **Royal Navy and Royal Marine Officers, Ratings and Other Ranks**
Director Naval Personnel
Fleet Headquarters
MP 3.1
Leach Building
Whale Island
Portsmouth
Hampshire
PO2 8BY
 - (b) **Army Officers and other Ranks—**
Army Personnel Centre
Disclosures 1
MP 520
Kentigern House
65 Brown Street
Glasgow G2 8EX
 - (c) **Royal Air Force Officers and Other Ranks—**
Manning 22E
RAF Disclosures
Room 221B
Trenchard Hall
RAF Cranwell
Sleaford
Lincolnshire
NG34 8HB

Assistance in serving documents on members

11. Once the claimant's legal representative has ascertained the member's address, the legal representative may use that address as the address for service by post, in cases where this method of service is allowed by the Civil Procedure Rules. There are, however, some situations in which service of the proceedings, whether in the High Court or in the county court, must be effected personally; in these cases an appointment will have to be sought, through the Commanding Officer of the Unit, Establishment or Ship concerned, for the purpose of effecting service. The procedure for obtaining an appointment is described below, and it applies whether personal service is

to be effected by the claimant's legal representative or the legal representative's agent or by a court bailiff, or, in the case of proceedings served overseas (with the leave of the court) through the British Consul or the foreign judicial authority.

12. The procedure for obtaining an appointment to effect personal service is by application to the Commanding Officer of the Unit, Establishment or Ship in which the member is serving. The Commanding Officer may grant permission for the document server to enter the Unit, Establishment or Ship but if this is not appropriate the Commanding Officer may offer arrangements for the member to attend at a place in the vicinity of the Unit, Establishment or Ship in order that the member may be served. If suitable arrangements cannot be made the legal representative will have evidence that personal service is impracticable, which may be useful in an application for service by an alternative method or at an alternative place.

General

13. Subject to the procedure outlined in paragraphs 11 and 12, there are no special arrangements to assist in the service of legal documents when a member is outside the United Kingdom. The appropriate office will, however, give an approximate date when the member is likely to return to the United Kingdom.
14. It sometimes happens that a member has left the regular forces by the time an enquiry as to address is made. If the claimant's legal representative confirms that the proceedings result from an occurrence when the member was in the regular forces and the legal representative gives the undertaking referred to in paragraph 7, the last known private address after discharge will normally be provided. In no other case, however, will the Ministry of Defence disclose the private address of a member of the regular forces.

SERVICE ON MEMBERS OF UNITED STATES AIR FORCE

15. In addition to the information contained in the memorandum of 26 July 1979, and after some doubts having been expressed as to the correct procedure to be followed by persons having civil claims against members of the United

States Air Force in England and Wales, the Lord Chancellor's Office (as it was then) issued the following notes for guidance with the approval of the appropriate United States authorities.

16. Instructions have been issued by the United States authorities to the commanding officers of all their units in England and Wales that every facility is to be given for the service of documents in civil proceedings on members of the United States Air Force. The proper course to be followed by a creditor or other person having a claim against a member of the United States Air Force is for that person to communicate with the commanding officer or, where the unit concerned has a legal officer, with the legal officer of the defendant's unit requesting the provision of facilities for the service of documents on the defendant. It is not possible for the United States authorities to act as arbitrators when a civil claim is made against a member of their forces. It is, therefore, essential that the claim should either be admitted by the defendant or judgment should be obtained on it, whether in the High Court or a county court. If a claim has been admitted or judgment has been obtained and the claimant has failed to obtain satisfaction within a reasonable period, the claimant's proper course is then to write to: Office of the Staff Judge Advocate, Headquarters, Third Air Force, R.A.F. Mildenhall, Suffolk, enclosing a copy of the defendant's written admission of the claim or, as the case may be, a copy of the judgment. Steps will then be taken by the Staff Judge Advocate to ensure that the matter is brought to the defendant's attention with a view to prompt satisfaction of the claim.

ANNEX B

“PRACTICE DIRECTION B - SERVICE OUT OF THE JURISDICTION

This Practice Direction supplements Section IV of CPR Part 6

Contents of this Practice Direction

Scope of this Practice Direction	Paragraph 1
Service out of the jurisdiction where permission of the court is not required	Paragraph 2
Service out the jurisdiction where permission is required	Paragraph 3
Documents to be filed under rule 6.43(2)(c)	Paragraph 4
Service in a Commonwealth State or British overseas territory	Paragraph 5
Period for responding to a claim form	Paragraph 6
Period for responding to an application notice	Paragraph 7
Further information	Paragraph 8

Scope of this Practice Direction

- 1.1 This Practice Direction supplements Section IV (service of the claim form and other documents out of the jurisdiction) of Part 6.

(Practice Direction A supplementing Part 6 contains relevant provisions supplementing rule 6.40 in relation to the method of service on a party in Scotland or Northern Ireland.)

Service out of the jurisdiction where permission of the court is not required

- 2.1 Where rule 6.34 applies, the claimant must file practice form N510 when filing the claim form.

Service out of the jurisdiction where permission is required

- 3.1 The claimant may serve a claim form out of the jurisdiction with the permission of the court under rule 6.36 where—

General Grounds

- (1) A claim is made for a remedy against a person domiciled within the jurisdiction.
- (2) A claim is made for an injunction (GL) ordering the defendant to do or refrain from doing an act within the jurisdiction.
- (3) A claim is made against a person (“the defendant”) on whom the claim form has been or will be served (otherwise than in reliance on this paragraph) and—
 - (a) there is between the claimant and the defendant a real issue which it is reasonable for the court to try; and
 - (b) the claimant wishes to serve the claim form on another person who is a necessary or proper party to that claim.
- (4) A claim is an additional claim under Part 20 and the person to be served is a necessary or proper party to the claim or additional claim.

Claims for interim remedies

- (5) A claim is made for an interim remedy under section 25(1) of the Civil Jurisdiction and Judgments Act 1982.

Claims in relation to contracts

- (6) A claim is made in respect of a contract where the contract—
 - (a) was made within the jurisdiction;
 - (b) was made by or through an agent trading or residing within the jurisdiction;
 - (c) is governed by English law; or
 - (d) contains a term to the effect that the court shall have jurisdiction to determine any claim in respect of the contract.
- (7) A claim is made in respect of a breach of contract committed within the jurisdiction.
- (8) A claim is made for a declaration that no contract exists where, if the contract was found to exist, it would comply with the conditions set out in paragraph (6).

Claims in tort

- (9) A claim is made in tort where—
 - (a) damage was sustained within the jurisdiction; or

- (b) the damage sustained resulted from an act committed within the jurisdiction.

Enforcement

- (10) A claim is made to enforce any judgment or arbitral award.

Claims about property within the jurisdiction

- (11) The whole subject matter of a claim relates to property located within the jurisdiction.

Claims about trusts etc.

- (12) A claim is made for any remedy which might be obtained in proceedings to execute the trusts of a written instrument where—
 - (a) the trusts ought to be executed according to English law; and
 - (b) the person on whom the claim form is to be served is a trustee of the trusts.
- (13) A claim is made for any remedy which might be obtained in proceedings for the administration of the estate of a person who died domiciled within the jurisdiction.
- (14) A probate claim or a claim for the rectification of a will.
- (15) A claim is made for a remedy against the defendant as constructive trustee where the defendant's alleged liability arises out of acts committed within the jurisdiction.
- (16) A claim is made for restitution where the defendant's alleged liability arises out of acts committed within the jurisdiction.

Claims by HM Revenue and Customs

- (17) A claim is made by the Commissioners for H.M. Revenue and Customs relating to duties or taxes against a defendant not domiciled in Scotland or Northern Ireland.

Claim for costs order in favour of or against third parties

- (18) A claim is made by a party to proceedings for an order that the court exercise its power under section 51 of the Supreme Court Act 1981 to make a costs order in favour of or against a person who is not a party to those proceedings.

(Rule 48.2 sets out the procedure where the court is considering whether to exercise its discretion to make a costs order in favour of or against a non-party.)

Admiralty claims

- (19) A claim is—
- (a) in the nature of salvage and any part of the services took place within the jurisdiction; or
 - (b) to enforce a claim under section 153, 154, 175 or 176A of the Merchant Shipping Act 1995.

Claims under various enactments

- (20) A claim is made—
- (a) under an enactment which allows proceedings to be brought and those proceedings are not covered by any of the other grounds referred to in this paragraph; or
 - (b) under the Directive of the Council of the European Communities dated 15 March 1976 No. 76/308/EEC, where service is to be effected in a Member State of the European Union.

Documents to be filed under rule 6.43(2)(c)

- 4.1 The claimant must provide the following documents for each party to be served out of the jurisdiction—
- (1) a copy of the particulars of claim if not already contained in or served with the claim form;
 - (2) a duplicate of the claim form, of the particulars of claim (if not already contained in or served with the claim form) and of any documents accompanying the claim form;
 - (3) forms for responding to the claim; and
 - (4) any translation required under rule 6.45 in duplicate.

- 4.2 Some countries require legalisation of the document to be served and some require a formal letter of request which must be signed by the Senior Master. Any queries on this should be addressed to the Foreign Process Section (Room E02) at the Royal Courts of Justice.

Service in a Commonwealth State or British overseas territory

- 5.1 The judicial authorities of certain Commonwealth States which are not a party to the Hague Convention require service to be in accordance with rule 6.42(1)(b)(i) and not 6.42(3). A list of such countries can be obtained from the Foreign Process Section (Room E02) at the Royal Courts of Justice.
- 5.2 The list of British overseas territories is contained in Schedule 6 to the British Nationality Act 1981. For ease of reference, these are—
- (a) Anguilla;
 - (b) Bermuda;
 - (c) British Antarctic Territory;
 - (d) British Indian Ocean Territory;
 - (e) British Virgin Islands;
 - (f) Cayman Islands;
 - (g) Falkland Islands;
 - (h) Gibraltar;
 - (i) Montserrat;
 - (j) Pitcairn, Henderson, Ducie and Oeno;
 - (k) St. Helena and Dependencies;
 - (l) South Georgia and the South Sandwich Islands;
 - (m) Sovereign Base Areas of Akrotiri and Dhekelia; and
 - (n) Turks and Caicos Islands.

Period for responding to a claim form

- 6.1 Where rule 6.35(5) applies, the periods within which the defendant must—
- (1) file an acknowledgment of service;
 - (2) file or serve an admission; or
 - (3) file a defence,
- will be calculated in accordance with paragraph 6.3, 6.4 or 6.5.

- 6.2 Where the court grants permission to serve a claim form out of the jurisdiction the court will determine in accordance with paragraph 6.3, 6.4 or 6.5 the periods within which the defendant must—
- (1) file an acknowledgment of service;
 - (2) file or serve an admission; or
 - (3) file a defence.

(Rule 6.37(5)(a) provides that when giving permission to serve a claim form out of the jurisdiction the court will specify the period within which the defendant may respond to the claim form.)

- 6.3 The period for filing an acknowledgment of service under Part 10 or for filing or serving an admission under Part 14 is the number of days listed in the Table after service of the particulars of claim.

- 6.4 The period for filing a defence under Part 15 is—
- (1) the number of days listed in the Table after service of the particulars of claim; or
 - (2) where the defendant has filed an acknowledgment of service, the number of days listed in the Table plus an additional 14 days after the service of the particulars of claim.

- 6.5 Under the State Immunity Act 1978, where a State is served, the period permitted under paragraphs 6.3 and 6.4 for filing an acknowledgment of service or defence or for filing or serving an admission does not begin to run until 2 months after the date on which the State is served.

- 6.6 Where particulars of claim are served out of the jurisdiction any statement as to the period for responding to the claim contained in any of the forms required by rule 7.8 to accompany the particulars of claim must specify the period prescribed under rule 6.35 or by the order permitting service out of the jurisdiction under rule 6.37(5).

Period for responding to an application notice

- 7.1 Where an application notice or order is served out of the jurisdiction, the period for responding is 7 days less than the number of days listed in the Table.

Further information

- 7.2 Further information concerning service out of the jurisdiction can be obtained from the Foreign Process Section, Room E02, Royal Courts of Justice, Strand, London WC2A 2LL (telephone 020 7947 6691).

TABLE

Place or country	Number of days
Afghanistan	23
Albania	25
Algeria	22
Andorra	21
Angola	22
Anguilla	31
Antigua and Barbuda	23
Antilles (Netherlands)	31
Argentina	22
Armenia	21
Ascension Island	31
Australia	25
Austria	21
Azerbaijan	22
Azores	23
Bahamas	22
Bahrain	22
Balearic Islands	21
Bangladesh	23
Barbados	23
Belarus	21
Belgium	21
Belize	23
Benin	25
Bermuda	31
Bhutan	28
Bolivia	23
Bosnia and Herzegovina	21
Botswana	23
Brazil	22
British Virgin Islands	31
Brunei	25
Bulgaria	23
Burkina Faso	23
Burma	23
Burundi	22
Cambodia	28
Cameroon	22
Canada	22
Canary Islands	22

Cape Verde	25
Caroline Islands	31
Cayman Islands	31
Central African Republic	25
Chad	25
Chile	22
China	24
China (Hong Kong)	31
China (Macau)	31
China (Taiwan)	23
China (Tibet)	34
Christmas Island	27
Cocos (Keeling) Islands	41
Colombia	22
Comoros	23
Congo (formerly Congo Brazzaville or French Congo)	25
Congo (Democratic Republic)	25
Corsica	21
Costa Rica	23
Croatia	21
Cuba	24
Cyprus	31
Czech Republic	21
Denmark	21
Djibouti	22
Dominica	23
Dominican Republic	23
East Timor	25
Ecuador	22
Egypt	22
El Salvador	25
Equatorial Guinea	23
Eritrea	22
Estonia	21
Ethiopia	22
Falkland Islands and Dependencies	31
Faroe Islands	31
Fiji	23
Finland	24
France	21
French Guyana	31
French Polynesia	31
French West Indies	31
Gabon	25
Gambia	22
Georgia	21
Germany	21
Ghana	22
Gibraltar	31
Greece	21
Greenland	31
Grenada	24
Guatemala	24
Guernsey	21
Guinea	22

Guinea-Bissau	22
Guyana	22
Haiti	23
Holland (Netherlands)	21
Honduras	24
Hungary	22
Iceland	22
India	23
Indonesia	22
Iran	22
Iraq	22
Ireland (Republic of)	21
Ireland (Northern)	21
Isle of Man	21
Israel	22
Italy	21
Ivory Coast	22
Jamaica	22
Japan	23
Jersey	21
Jordan	23
Kazakhstan	21
Kenya	22
Kiribati	23
Korea (North)	28
Korea (South)	24
Kosovo	21
Kuwait	22
Kyrgyzstan	21
Laos	30
Latvia	21
Lebanon	22
Lesotho	23
Liberia	22
Libya	21
Liechtenstein	21
Lithuania	21
Luxembourg	21
Macedonia	21
Madagascar	23
Madeira	31
Malawi	23
Malaysia	24
Maldives	26
Mali	25
Malta	21
Mariana Islands	26
Marshall Islands	32
Mauritania	23
Mauritius	22
Mexico	23
Micronesia	23
Moldova	21
Monaco	21
Mongolia	24

Montenegro	21
Montserrat	31
Morocco	22
Mozambique	23
Namibia	23
Nauru	36
Nepal	23
Netherlands	21
Nevis	24
New Caledonia	31
New Zealand	26
New Zealand Island Territories	50
Nicaragua	24
Niger (Republic of)	25
Nigeria	22
Norfolk Island	31
Norway	21
Oman (Sultanate of)	22
Pakistan	23
Palau	23
Panama	26
Papua New Guinea	26
Paraguay	22
Peru	22
Philippines	23
Pitcairn, Henderson, Ducie and Oeno Islands	31
Poland	21
Portugal	21
Portuguese Timor	31
Puerto Rico	23
Qatar	23
Reunion	31
Romania	22
Russia	21
Rwanda	23
Sabah	23
St. Helena	31
St. Kitts and Nevis	24
St. Lucia	24
St. Pierre and Miquelon	31
St. Vincent and the Grenadines	24
Samoa (U.S.A. Territory) (See also Western Samoa)	30
San Marino	21
Sao Tome and Principe	25
Sarawak	28
Saudi Arabia	24
Scotland	21
Senegal	22
Serbia	21
Seychelles	22
Sierra Leone	22
Singapore	22
Slovakia	21
Slovenia	21
Society Islands (French Polynesia)	31

Solomon Islands	29
Somalia	22
South Africa	22
South Georgia (Falkland Island Dependencies)	31
South Orkneys	21
South Shetlands	21
Spain	21
Spanish Territories of North Africa	31
Sri Lanka	23
Sudan	22
Surinam	22
Swaziland	22
Sweden	21
Switzerland	21
Syria	23
Tajikistan	21
Tanzania	22
Thailand	23
Togo	22
Tonga	30
Trinidad and Tobago	23
Tristan Da Cunha	31
Tunisia	22
Turkey	21
Turkmenistan	21
Turks & Caicos Islands	31
Tuvalu	23
Uganda	22
Ukraine	21
United Arab Emirates	22
United States of America	22
Uruguay	22
Uzbekistan	21
Vanuatu	29
Vatican City State	21
Venezuela	22
Vietnam	28
Virgin Islands - U.S.A	24
Wake Island	25
Western Samoa	34
Yemen (Republic of)	30
Zaire	25
Zambia	23
Zimbabwe	22

ANNEX – SERVICE REGULATION (RULE 6.41)

“PRACTICE DIRECTION - RESERVED JUDGMENTS

This Practice Direction supplements CPR Part 40

Contents of this Practice Direction

Scope and interpretation	Paragraph 1
Availability of reserved judgments before handing down	Paragraph 2
Corrections to the draft judgment	Paragraph 3
Orders consequential on judgment	Paragraph 4
Attendance at handing down	Paragraph 5

Scope and interpretation

- 1.1 This Practice Direction applies to all reserved judgments which the court intends to hand down in writing.
- 1.2 In this Practice Direction—
 - (a) “relevant court office” means the office of the court in which judgment is to be given; and
 - (b) “working day” means any day on which the relevant court office is open.

Availability of reserved judgments before handing down

- 2.1 Where judgment is to be reserved the judge (or Presiding Judge) may, at the conclusion of the hearing, invite the views of the parties’ legal representatives as to the arrangements made for the handing down of the judgment.
- 2.2 Unless the court directs otherwise, the following provisions of this paragraph apply where the judge or Presiding Judge is satisfied that the judgment will attract no special degree of confidentiality or sensitivity.
- 2.3 The court will provide a copy of the draft judgment to the parties’ legal representatives by 4 p.m. on the second working day before handing down, or at such other time as the court may direct.

- 2.4 A copy of the draft judgment may be supplied, in confidence, to the parties provided that—
- (a) neither the draft judgment nor its substance is disclosed to any other person or used in the public domain; and
 - (b) no action is taken (other than internally) in response to the draft judgment, before the judgment is handed down.
- 2.5 Where a copy of the draft judgment is supplied to a party's legal representatives in electronic form, they may supply a copy to that party in the same form.
- 2.6 If a party to whom a copy of the draft judgment is supplied under paragraph 2.4 is a partnership, company, government department, local authority or other organisation of a similar nature, additional copies may be distributed in confidence within the organisation, provided that all reasonable steps are taken to preserve its confidential nature and the requirements of paragraph 2.4 are adhered to.
- 2.7 If the parties or their legal representatives are in any doubt about the persons to whom copies of the draft judgment may be distributed they should enquire of the judge or Presiding Judge.
- 2.8 Any breach of the obligations or restrictions under paragraph 2.4 or failure to take all reasonable steps under paragraph 2.6 may be treated as contempt of court.
- 2.9 The case will be listed for judgment, and judgment handed down at the appropriate time.

Corrections to the draft judgment

- 3.1 Unless the parties or their legal representatives are told otherwise when the draft judgment is circulated, any proposed corrections to the draft judgment should be sent to the clerk of the judge who prepared the draft with a copy to any other party.

Orders consequential on judgment

- 4.1 Following the circulation of the draft judgment the parties or their legal representatives must seek to agree orders consequential upon the judgment.
- 4.2 In respect of any draft agreed order the parties must—
- (a) fax or e-mail a copy to the clerk to the judge or Presiding Judge (together with any proposed corrections or amendments to the draft judgment); and
 - (b) file four copies (with completed backsheets) in the relevant court office, by 12 noon on the working day before handing down.
- 4.3 A copy of a draft order must bear the case reference, the date of handing down and the name of the judge or Presiding Judge.
- 4.4 Where a party wishes to apply for an order consequential on the judgment the application must be made by filing written submissions with the clerk to the judge or Presiding Judge by 12 noon on the working day before handing down.
- 4.5 Unless the court orders otherwise—
- (a) where judgment is to be given by an appeal court (which has the same meaning as in rule 52.1(3)(b)), the application will be determined without a hearing; and
 - (b) where judgment is to be given by any other court, the application will be determined at a hearing.

Attendance at handing down

- 5.1 If there is not to be an oral hearing of an application for an order consequential on judgment—
- (a) the parties' advocates need not attend on the handing down of judgment; and
 - (b) the judgment may be handed down by a judge sitting alone.
- 5.2 Where paragraph 5.1(a) applies but an advocate does attend the handing down of judgment, the court may if it considers such attendance unnecessary, disallow the costs of the attendance.”.

“PRACTICE DIRECTION - AUTOMATIC ORDERS PILOT SCHEME

This Practice Direction supplements CPR Part 26 and 28.

General

- 1.1 This Practice Direction is made under rule 51.2. It provides for a pilot scheme (“the Automatic Orders Pilot Scheme”) to—
- (1) operate from 1st October 2008 to 30th September 2009;
 - (2) operate in the county courts at Chelmsford, Newcastle, Teesside, Watford and York; and
 - (3) apply to claims started on or after 1st October 2008.
- 1.2 The Automatic Orders Pilot Scheme will apply to claims where—
- (1) all parties request a stay of proceedings for one month;
 - (2) any party fails to file an allocation questionnaire; or
 - (3) in cases with only one claimant and one defendant and which are allocated to the fast track, a party fails to file a pre-trial checklist.

Amendments to Part 26 and Part 28

- 2 During the operation of the Automatic Orders Pilot Scheme—

Stay of proceedings for one month

- (1) Rule 26.4 is modified by substituting for paragraph (2) the following—

“(2)
 - (a) Where all parties request a stay under paragraph (1), the proceedings will be stayed for one month and the court will notify the parties to that effect.
 - (b) Any request for a further stay will be considered under rule 26.4(3).
 - (c) Where the court, of its own initiative, considers that such a stay would be appropriate, the court will direct that the proceedings, either in whole or in part, be stayed for one month, or for such specified period as the court considers appropriate.”.

Failure by a party to file an allocation questionnaire

- (2) Practice Direction (Case Management - Preliminary Stage: Allocation and Re-allocation) supplementing Part 26 is modified by substituting for paragraph 2.5 the following—

“2.5 (1) Where a party does not file an allocation questionnaire within the time specified by Form N152, the court will serve a notice on that party requiring the allocation questionnaire to be filed within 7 days from service of the notice.

2.5 (2) Where a party does not file the allocation questionnaire within the period specified in the notice served pursuant to paragraph (1) then that party’s claim, defence or counterclaim (as appropriate) will automatically be struck out without further order of the court.”.

Failure to file a pre-trial checklist in a case allocated to the fast track

- (3) Where there is only one claimant and one defendant and the case is allocated to the fast track then rule 28.5 is modified by substituting for paragraphs (3) and (4) the following—

“(3) Where a party does not file a pre-trial checklist the court will serve a notice on that party requiring the pre-trial checklist to be filed within 7 days from service of the notice.

(4) Where that party does not file the pre-trial checklist within the period specified in the notice served pursuant to paragraph (3) then that party’s claim, defence or counterclaim (as appropriate) will automatically be struck out without further order of the court.

(5) If—

- (a) a party has failed to give all the information requested by the pre-trial checklist; or
- (b) the court considers that a hearing is necessary to enable it to decide what directions to give in order to complete preparation of the case for trial,

the court may give such directions as it thinks appropriate.”.

- (4) Where there is only one claimant and one defendant and the case is allocated to the fast track then the Practice Direction supplementing Part 28 is modified by—
 - (a) substituting for paragraph 6.1(3) the following—

“(3) When all the pre-trial checklists have been filed the court file will be placed before a judge for directions.”; and
 - (b) disapplying paragraphs 6.4 and 6.5.”.

**“PRACTICE DIRECTION - EUROPEAN ORDER FOR PAYMENT AND
EUROPEAN SMALL CLAIMS PROCEDURES**

This Practice Direction supplements CPR Part 78

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EOP Regulation and application of the Civil Procedure Rules

- 1.1 EOP applications are primarily governed by the EOP Regulation. Where the EOP Regulation is silent, the Civil Procedure Rules apply with necessary modifications.

Rule 78.3 Application for a European order for payment

- 2.1 An EOP application form A must be—
- (1) completed in English or accompanied by a translation into English; and
 - (2) filed at court in person or by post.
- 2.2 An EOP application made to the High Court will be assigned to the Queen's Bench Division, but that will not prevent the application being transferred where appropriate.

Filing documents at court other than the EOP application form A

- 3 Documents other than the EOP application form A that are filed at or sent to the court in the EOP proceedings, including statements of opposition, may be filed, in addition to by post or in person, by—
- (1) fax; or
 - (2) other electronic means where the facilities are available.

Service

- 4 Where the EOP Regulation is silent on service, the Service Regulation and the Civil Procedure Rules apply as appropriate.

Article 9 of the EOP Regulation – completion or rectification of the EOP application form A

- 5.1 Article 9 of the EOP Regulation makes provision for the completion or rectification of the EOP application form A within a specified time.
- 5.2 The time specified for the purposes of article 9 will normally be within 30 days of the date of the request by the court to complete or rectify the EOP application form A (using form B annexed to the EOP Regulation).

Applications under Part 23

- 6.1 Where an application is made under Section I of Part 78, there will not normally be an oral hearing.
- 6.2 Where an oral hearing is to be held, it will normally take place by telephone or video conference.

Rule 78.9 Enforcement of European orders for payment

- 7.1 When an EOP is filed at the High Court or county court in which enforcement proceedings are to be brought, it will be assigned a case number.
- 7.2 A copy of a document will satisfy the conditions necessary to establish its authenticity if it is an official copy of the court of origin.
- 7.3 If judgment is set aside in the court of origin, the judgment creditor must notify all courts in which enforcement proceedings are pending in England and Wales under the EOP as soon as reasonably practicable after the order is served on the judgment creditor. Notification may be by any means available including fax, e-mail, post or telephone.

Rule 78.10 An application for refusal of enforcement

- 8.1 An application must be accompanied by an official copy of the earlier judgment, any other documents relied upon and any translations required by the EOP Regulation.
- 8.2 Where the applicant relies on article 22(1) of the EOP Regulation, the application must be supported by written evidence showing—
- (1) why the earlier judgment is irreconcilable with the judgment which the claimant is seeking to enforce; and
 - (2) why the irreconcilability was not, and could not have been, raised as an objection in the proceedings in the court of origin.
- 8.3 Where the applicant relies on article 22(2), the application must be supported by written evidence of the extent to which the defendant has paid the claimant the amount awarded in the EOP.

Rule 78.11 Stay of or limitation on enforcement

- 9.1 Unless the court orders otherwise, an application must be accompanied by evidence of the review application in the court of origin, including—

- (1) the review application or a copy of the review application certified by an appropriate officer of the court of origin; and
- (2) where that document is not in English, a translation of it into English.

9.2 The written evidence in support of the application must state—

- (1) that a review application has been brought in the Member State of origin;
- (2) the nature of that review application; and
- (3) the date on which the review application was filed, the stage the application has reached and the date by which it is believed that the application will be determined.

ESCP Regulation and application of the Civil Procedure Rules

10 Claims under the ESCP are primarily governed by the ESCP Regulation. Where the ESCP Regulation is silent, the Civil Procedure Rules apply with necessary modifications. In particular, Part 52 applies to any appeals.

Rule 78.13 Filing an ESCP claim form

11 An ESCP claim form must be filed at court in person or by post.

Article 4(4) of the ESCP Regulation - inadequate or insufficient information

12.2 Article 4(4) of the ESCP Regulation makes provision for—

- (1) the completion or rectification of the claim form;
 - (2) the supply of supplementary information or documents; or
 - (3) the withdrawal of the claim,
- within a specified time.

12.2 The time specified for the purposes of article 4(4) is within 30 days of the date of the request by the court to complete or rectify the claim form (using Form B annexed to the ESCP Regulation).

Rule 78.14 Allocation of ESCP claims

13.1 Rule 78.14(1) provides that ESCP claims are treated as if they were allocated to the small claims track. However, rule 78.14(2) disapplies rule 27.14 on costs because recital 29 to the ESCP Regulation contains different provisions on costs.

- 13.2 Rule 26.6(1) (scope of the small claims track) is also disapplied because article 2(1) of the ESCP Regulation has a different financial limit.

Filing documents at court other than the ESCP claim form

- 14 Documents other than the ESCP claim form that are filed at or sent to the court in the ESCP proceedings, including the defendant's response, may be filed, in addition to by post or in person, by—
- (1) fax; or
 - (2) other electronic means where the facilities are available.

Service

- 15 Where the ESCP Regulation is silent on service, the Service Regulation and the Civil Procedure Rules apply as appropriate.

Rule 78.17 Transfer of proceedings where the defendant claims that the non-monetary claim exceeds the limit set in article 2(1) of the ESCP Regulation – article 5(5) of the ESCP Regulation

- 16.1 Rule 78.17(7) applies to counterclaims as if the counterclaim were an ESCP claim because the second paragraph of article 5(7) of the ESCP Regulation applies certain provisions about claims in the ESCP Regulation, including article 5(5), to ESCP counterclaims.
- 16.2 Attention is also drawn to the first paragraph of article 5(7) of the ESCP Regulation (transfer of claim and counterclaim in certain circumstances).

Oral hearing under article 8 of the ESCP Regulation

- 17.1 Attention is drawn to article 5(1) of the ESCP Regulation, which sets out limitations on when oral hearings may be held.
- 17.2 Where an oral hearing is to be held, it will normally take place by telephone or video conference.

Applications under Part 23

- 18.1 Where an application is made under Section II of Part 78 there will not normally be an oral hearing.

- 18.2 Where an oral hearing is to be held, it will normally take place by telephone or video conference.

Rule 78.20 Enforcement of an ESCP judgment

- 19.1 When an ESCP judgment is filed at the High Court or county court in which enforcement proceedings are to be brought, it will be assigned a case number.
- 19.2 A copy of a document will satisfy the conditions necessary to establish its authenticity if it is an official copy of the courts of the Member State of judgment.
- 19.3 If judgment is set aside in the Member State of judgment, the judgment creditor must notify all courts in which proceedings are pending in England and Wales to enforce the ESCP judgment as soon as reasonably practicable after the order is served on the judgment creditor. Notification may be by any means available including fax, e-mail, post or telephone.

Rule 78.21 Application for refusal of enforcement

- 20.1 An application must be accompanied by an official copy of the earlier judgment, any other documents relied upon and any translations required by the ESCP Regulation.
- 20.2 The application must be supported by written evidence showing—
- (1) why the earlier judgment is irreconcilable with the judgment which the claimant is seeking to enforce; and
 - (2) why the irreconcilability was not, and could not have been, raised as an objection in the proceedings in the Member State of judgment.

Rule 78.22 Stay of or limitation on enforcement – application following application for review or where the judgment has been challenged

- 21.1 This paragraph applies where a defendant makes an application under article 23 of the ESCP Regulation in circumstances where—
- (1) an application for review has been made under article 18 (“review application”); or
 - (2) the defendant has challenged the judgment.

- 21.2 Unless the court orders otherwise, the application under article 23 must be accompanied by evidence of the review application or challenge in the Member State of judgment. This must include a copy of the document initiating the review application or challenge or a copy of the review application or challenge, certified by an appropriate officer of the court in the Member State of judgment.
- 21.3 Where a document is not in English, it must be accompanied by a translation of it into English.
- 21.4 The written evidence in support of the application must state-
- (1) that a review application or challenge has been brought in the Member State of judgment;
 - (2) the nature of that review application or challenge; and
 - (3) the date on which the review application or challenge was filed, the state of the proceedings and the date by which it is believed that the application or challenge will be determined.

ANNEX1

THE EOP REGULATION

ANNEX 2

THE ESCP REGULATION”

I

(Acts whose publication is obligatory)

**REGULATION (EC) No 1896/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 12 December 2006
creating a European order for payment procedure**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) The Community has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Community is to adopt, inter alia, measures in the field of judicial cooperation in civil matters having cross-border implications and needed for the proper functioning of the internal market.
- (2) According to Article 65(c) of the Treaty, these measures are to include measures eliminating obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.
- (3) The European Council meeting in Tampere on 15 and 16 October 1999 invited the Council and the Commission to prepare new legislation on issues that are instrumental to smooth judicial cooperation and to enhanced access to law and specifically made reference, in that context, to orders for money payment.
- (4) On 30 November 2000, the Council adopted a joint Commission and Council programme of measures for implementation of the principle of mutual recognition of

decisions in civil and commercial matters ⁽³⁾. The programme envisages the possibility of a specific, uniform or harmonised procedure laid down within the Community to obtain a judicial decision in specific areas including that of uncontested claims. This was taken forward by the Hague Programme, adopted by the European Council on 5 November 2004, which called for work to be actively pursued on the European order for payment.

- (5) The Commission adopted a Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation on 20 December 2002. The Green Paper launched consultations on the possible objectives and features of a uniform or harmonised European procedure for the recovery of uncontested claims.
- (6) The swift and efficient recovery of outstanding debts over which no legal controversy exists is of paramount importance for economic operators in the European Union, as late payments constitute a major reason for insolvency threatening the survival of businesses, particularly small and medium-sized enterprises, and resulting in numerous job losses.
- (7) All Member States are trying to tackle the issue of mass recovery of uncontested claims, in the majority of States by means of a simplified order for payment procedure, but both the content of national legislation and the performance of domestic procedures vary substantially. Furthermore, the procedures currently in existence are frequently either inadmissible or impracticable in cross-border cases.
- (8) The resulting impediments to access to efficient justice in cross-border cases and the distortion of competition within the internal market due to imbalances in the functioning of procedural means afforded to creditors in different Member States necessitate Community legislation guaranteeing a level playing field for creditors and debtors throughout the European Union.

⁽¹⁾ OJ C 221, 8.9.2005, p. 77.

⁽²⁾ Opinion of the European Parliament of 13 December 2005 (not yet published in the Official Journal), Council Common Position of 30 June 2006 (not yet published in the Official Journal) and Position of the European Parliament of 25 October 2006. Council Decision of 11 December 2006.

⁽³⁾ OJ C 12, 15.1.2001, p. 1.

- (9) The purpose of this Regulation is to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims by creating a European order for payment procedure, and to permit the free circulation of European orders for payment throughout the Member States by laying down minimum standards, compliance with which renders unnecessary any intermediate proceedings in the Member State of enforcement prior to recognition and enforcement.
- (10) The procedure established by this Regulation should serve as an additional and optional means for the claimant, who remains free to resort to a procedure provided for by national law. Accordingly, this Regulation neither replaces nor harmonises the existing mechanisms for the recovery of uncontested claims under national law.
- (11) The procedure should be based, to the largest extent possible, on the use of standard forms in any communication between the court and the parties in order to facilitate its administration and enable the use of automatic data processing.
- (12) When deciding which courts are to have jurisdiction to issue a European order for payment, Member States should take due account of the need to ensure access to justice.
- (13) In the application for a European order for payment, the claimant should be obliged to provide information that is sufficient to clearly identify and support the claim in order to place the defendant in a position to make a well-informed choice either to oppose the claim or to leave it uncontested.
- (14) In that context, it should be compulsory for the claimant to include a description of evidence supporting the claim. For that purpose the application form should include as exhaustive a list as possible of types of evidence that are usually produced in support of pecuniary claims.
- (15) The lodging of an application for a European order for payment should entail the payment of any applicable court fees.
- (16) The court should examine the application, including the issue of jurisdiction and the description of evidence, on the basis of the information provided in the application form. This would allow the court to examine *prima facie* the merits of the claim and *inter alia* to exclude clearly unfounded claims or inadmissible applications. The examination should not need to be carried out by a judge.
- (17) There is to be no right of appeal against the rejection of the application. This does not preclude, however, a possible review of the decision rejecting the application at the same level of jurisdiction in accordance with national law.
- (18) The European order for payment should apprise the defendant of his options to pay the amount awarded to the claimant or to send a statement of opposition within a time limit of 30 days if he wishes to contest the claim. In addition to being provided with full information concerning the claim as supplied by the claimant, the defendant should be advised of the legal significance of the European order for payment and in particular of the consequences of leaving the claim uncontested.
- (19) Due to differences between Member States' rules of civil procedure and especially those governing the service of documents, it is necessary to lay down a specific and detailed definition of minimum standards that should apply in the context of the European order for payment procedure. In particular, as regards the fulfilment of those standards, any method based on legal fiction should not be considered sufficient for the service of the European order for payment.
- (20) All the methods of service listed in Articles 13 and 14 are characterised by either complete certainty (Article 13) or a very high degree of likelihood (Article 14) that the document served has reached its addressee.
- (21) Personal service on certain persons other than the defendant himself pursuant to Article 14(1)(a) and (b) should be deemed to meet the requirements of those provisions only if those persons actually accepted/received the European order for payment.
- (22) Article 15 should apply to situations where the defendant cannot represent himself in court, as in the case of a legal person, and where a person authorised to represent him is determined by law, as well as to situations where the defendant has authorised another person, in particular a lawyer, to represent him in the specific court proceedings at issue.
- (23) The defendant may submit his statement of opposition using the standard form set out in this Regulation. However, the courts should take into account any other written form of opposition if it is expressed in a clear manner.
- (24) A statement of opposition filed within the time limit should terminate the European order for payment procedure and should lead to an automatic transfer of the case to ordinary civil proceedings unless the claimant has explicitly requested that the proceedings be terminated in that event. For the purposes of this Regulation the concept of ordinary civil proceedings should not necessarily be interpreted within the meaning of national law.

- (25) After the expiry of the time limit for submitting the statement of opposition, in certain exceptional cases the defendant should be entitled to apply for a review of the European order for payment. Review in exceptional cases should not mean that the defendant is given a second opportunity to oppose the claim. During the review procedure the merits of the claim should not be evaluated beyond the grounds resulting from the exceptional circumstances invoked by the defendant. The other exceptional circumstances could include a situation where the European order for payment was based on false information provided in the application form.
- (26) Court fees covered by Article 25 should not include for example lawyers' fees or costs of service of documents by an entity other than a court.
- (27) A European order for payment issued in one Member State which has become enforceable should be regarded for the purposes of enforcement as if it had been issued in the Member State in which enforcement is sought. Mutual trust in the administration of justice in the Member States justifies the assessment by the court of one Member State that all conditions for issuing a European order for payment are fulfilled to enable the order to be enforced in all other Member States without judicial review of the proper application of minimum procedural standards in the Member State where the order is to be enforced. Without prejudice to the provisions of this Regulation, in particular the minimum standards laid down in Article 22(1) and (2) and Article 23, the procedures for the enforcement of the European order for payment should continue to be governed by national law.
- (28) For the purposes of calculating time limits, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits ⁽¹⁾ should apply. The defendant should be advised of this and should be informed that account will be taken of the public holidays of the Member State in which the court issuing the European order for payment is situated.
- (29) Since the objective of this Regulation, namely to establish a uniform rapid and efficient mechanism for the recovery of uncontested pecuniary claims throughout the European Union, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the Regulation, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (30) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (31) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Regulation.
- (32) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation, and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

1. The purpose of this Regulation is:
 - (a) to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims by creating a European order for payment procedure;
 - and
 - (b) to permit the free circulation of European orders for payment throughout the Member States by laying down minimum standards, compliance with which renders unnecessary any intermediate proceedings in the Member State of enforcement prior to recognition and enforcement.
2. This Regulation shall not prevent a claimant from pursuing a claim within the meaning of Article 4 by making use of another procedure available under the law of a Member State or under Community law.

Article 2

Scope

1. This Regulation shall apply to civil and commercial matters in cross-border cases, whatever the nature of the court or tribunal. It shall not extend, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of State authority ('acta iure imperii').

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. This Regulation shall not apply to:
- (a) rights in property arising out of a matrimonial relationship, wills and succession;
 - (b) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
 - (c) social security;
 - (d) claims arising from non-contractual obligations, unless:
 - (i) they have been the subject of an agreement between the parties or there has been an admission of debt,
- or
- (ii) they relate to liquidated debts arising from joint ownership of property.
3. In this Regulation, the term 'Member State' shall mean Member States with the exception of Denmark.

Article 3

Cross-border cases

1. For the purposes of this Regulation, a cross-border case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court seised.
2. Domicile shall be determined in accordance with Articles 59 and 60 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽¹⁾.
3. The relevant moment for determining whether there is a cross-border case shall be the time when the application for a European order for payment is submitted in accordance with this Regulation.

Article 4

European order for payment procedure

The European order for payment procedure shall be established for the collection of pecuniary claims for a specific amount that have fallen due at the time when the application for a European order for payment is submitted.

Article 5

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- 1) 'Member State of origin' means the Member State in which a European order for payment is issued;

- 2) 'Member State of enforcement' means the Member State in which enforcement of a European order for payment is sought;
- 3) 'court' means any authority in a Member State with competence regarding European orders for payment or any other related matters;
- 4) 'court of origin' means the court which issues a European order for payment.

Article 6

Jurisdiction

1. For the purposes of applying this Regulation, jurisdiction shall be determined in accordance with the relevant rules of Community law, in particular Regulation (EC) No 44/2001.
2. However, if the claim relates to a contract concluded by a person, the consumer, for a purpose which can be regarded as being outside his trade or profession, and if the defendant is the consumer, only the courts in the Member State in which the defendant is domiciled, within the meaning of Article 59 of Regulation (EC) No 44/2001, shall have jurisdiction.

Article 7

Application for a European order for payment

1. An application for a European order for payment shall be made using standard form A as set out in Annex I.
2. The application shall state:
- (a) the names and addresses of the parties, and, where applicable, their representatives, and of the court to which the application is made;
 - (b) the amount of the claim, including the principal and, where applicable, interest, contractual penalties and costs;
 - (c) if interest on the claim is demanded, the interest rate and the period of time for which that interest is demanded unless statutory interest is automatically added to the principal under the law of the Member State of origin;
 - (d) the cause of the action, including a description of the circumstances invoked as the basis of the claim and, where applicable, of the interest demanded;
 - (e) a description of evidence supporting the claim;
 - (f) the grounds for jurisdiction;
- and
- (g) the cross-border nature of the case within the meaning of Article 3.

⁽¹⁾ OJ L 12, 16.1.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 2245/2004 (OJ L 381, 28.12.2004, p. 10).

3. In the application, the claimant shall declare that the information provided is true to the best of his knowledge and belief and shall acknowledge that any deliberate false statement could lead to appropriate penalties under the law of the Member State of origin.

4. In an Appendix to the application the claimant may indicate to the court that he opposes a transfer to ordinary civil proceedings within the meaning of Article 17 in the event of opposition by the defendant. This does not prevent the claimant from informing the court thereof subsequently, but in any event before the order is issued.

5. The application shall be submitted in paper form or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin.

6. The application shall be signed by the claimant or, where applicable, by his representative. Where the application is submitted in electronic form in accordance with paragraph 5, it shall be signed in accordance with Article 2(2) of Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures⁽¹⁾. The signature shall be recognised in the Member State of origin and may not be made subject to additional requirements.

However, such electronic signature shall not be required if and to the extent that an alternative electronic communications system exists in the courts of the Member State of origin which is available to a certain group of pre-registered authenticated users and which permits the identification of those users in a secure manner. Member States shall inform the Commission of such communications systems.

Article 8

Examination of the application

The court seised of an application for a European order for payment shall examine, as soon as possible and on the basis of the application form, whether the requirements set out in Articles 2, 3, 4, 6 and 7 are met and whether the claim appears to be founded. This examination may take the form of an automated procedure.

Article 9

Completion and rectification

1. If the requirements set out in Article 7 are not met and unless the claim is clearly unfounded or the application is inadmissible, the court shall give the claimant the opportunity to complete or rectify the application. The court shall use standard form B as set out in Annex II.

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 10

Modification of the application

1. If the requirements referred to in Article 8 are met for only part of the claim, the court shall inform the claimant to that effect, using standard form C as set out in Annex III. The claimant shall be invited to accept or refuse a proposal for a European order for payment for the amount specified by the court and shall be informed of the consequences of his decision. The claimant shall reply by returning standard form C sent by the court within a time limit specified by the court in accordance with Article 9(2).

2. If the claimant accepts the court's proposal, the court shall issue a European order for payment, in accordance with Article 12, for that part of the claim accepted by the claimant. The consequences with respect to the remaining part of the initial claim shall be governed by national law.

3. If the claimant fails to send his reply within the time limit specified by the court or refuses the court's proposal, the court shall reject the application for a European order for payment in its entirety.

Article 11

Rejection of the application

1. The court shall reject the application if:

(a) the requirements set out in Articles 2, 3, 4, 6 and 7 are not met;

or

(b) the claim is clearly unfounded;

or

(c) the claimant fails to send his reply within the time limit specified by the court under Article 9(2);

or

(d) the claimant fails to send his reply within the time limit specified by the court or refuses the court's proposal, in accordance with Article 10.

The claimant shall be informed of the grounds for the rejection by means of standard form D as set out in Annex IV.

⁽¹⁾ OJ L 13, 19.1.2000, p. 12.

2. There shall be no right of appeal against the rejection of the application.

3. The rejection of the application shall not prevent the claimant from pursuing the claim by means of a new application for a European order for payment or of any other procedure available under the law of a Member State.

Article 12

Issue of a European order for payment

1. If the requirements referred to in Article 8 are met, the court shall issue, as soon as possible and normally within 30 days of the lodging of the application, a European order for payment using standard form E as set out in Annex V.

The 30-day period shall not include the time taken by the claimant to complete, rectify or modify the application.

2. The European order for payment shall be issued together with a copy of the application form. It shall not comprise the information provided by the claimant in Appendices 1 and 2 to form A.

3. In the European order for payment, the defendant shall be advised of his options to:

(a) pay the amount indicated in the order to the claimant;

or

(b) oppose the order by lodging with the court of origin a statement of opposition, to be sent within 30 days of service of the order on him.

4. In the European order for payment, the defendant shall be informed that:

(a) the order was issued solely on the basis of the information which was provided by the claimant and was not verified by the court;

(b) the order will become enforceable unless a statement of opposition has been lodged with the court in accordance with Article 16;

(c) where a statement of opposition is lodged, the proceedings shall continue before the competent courts of the Member State of origin in accordance with the rules of ordinary civil procedure unless the claimant has explicitly requested that the proceedings be terminated in that event.

5. The court shall ensure that the order is served on the defendant in accordance with national law by a method that shall meet the minimum standards laid down in Articles 13, 14 and 15.

Article 13

Service with proof of receipt by the defendant

The European order for payment may be served on the defendant in accordance with the national law of the State in which the service is to be effected, by one of the following methods:

(a) personal service attested by an acknowledgement of receipt, including the date of receipt, which is signed by the defendant;

(b) personal service attested by a document signed by the competent person who effected the service stating that the defendant has received the document or refused to receive it without any legal justification, and the date of service;

(c) postal service attested by an acknowledgement of receipt, including the date of receipt, which is signed and returned by the defendant;

(d) service by electronic means such as fax or e-mail, attested by an acknowledgement of receipt, including the date of receipt, which is signed and returned by the defendant.

Article 14

Service without proof of receipt by the defendant

1. The European order for payment may also be served on the defendant in accordance with the national law of the State in which service is to be effected, by one of the following methods:

(a) personal service at the defendant's personal address on persons who are living in the same household as the defendant or are employed there;

(b) in the case of a self-employed defendant or a legal person, personal service at the defendant's business premises on persons who are employed by the defendant;

(c) deposit of the order in the defendant's mailbox;

(d) deposit of the order at a post office or with competent public authorities and the placing in the defendant's mailbox of written notification of that deposit, provided that the written notification clearly states the character of the document as a court document or the legal effect of the notification as effecting service and setting in motion the running of time for the purposes of time limits;

(e) postal service without proof pursuant to paragraph 3 where the defendant has his address in the Member State of origin;

(f) electronic means attested by an automatic confirmation of delivery, provided that the defendant has expressly accepted this method of service in advance.

2. For the purposes of this Regulation, service under paragraph 1 is not admissible if the defendant's address is not known with certainty.

3. Service pursuant to paragraph 1(a), (b), (c) and (d) shall be attested by:

(a) a document signed by the competent person who effected the service, indicating:

(i) the method of service used;

and

(ii) the date of service;

and

(iii) where the order has been served on a person other than the defendant, the name of that person and his relation to the defendant;

or

(b) an acknowledgement of receipt by the person served, for the purposes of paragraphs (1)(a) and (b).

Article 15

Service on a representative

Service pursuant to Articles 13 or 14 may also be effected on a defendant's representative.

Article 16

Opposition to the European order for payment

1. The defendant may lodge a statement of opposition to the European order for payment with the court of origin using standard form F as set out in Annex VI, which shall be supplied to him together with the European order for payment.

2. The statement of opposition shall be sent within 30 days of service of the order on the defendant.

3. The defendant shall indicate in the statement of opposition that he contests the claim, without having to specify the reasons for this.

4. The statement of opposition shall be submitted in paper form or by any other means of communication, including electronic, accepted by the Member State of origin and available to the court of origin.

5. The statement of opposition shall be signed by the defendant or, where applicable, by his representative. Where the statement of opposition is submitted in electronic form in accordance with paragraph 4, it shall be signed in accordance with Article 2(2) of Directive 1999/93/EC. The signature shall be recognised in the Member State of origin and may not be made subject to additional requirements.

However, such electronic signature shall not be required if and to the extent that an alternative electronic communications system exists in the courts of the Member State of origin which is available to a certain group of pre-registered authenticated users and which permits the identification of those users in a secure manner. Member States shall inform the Commission of such communications systems.

Article 17

Effects of the lodging of a statement of opposition

1. If a statement of opposition is entered within the time limit laid down in Article 16(2), the proceedings shall continue before the competent courts of the Member State of origin in accordance with the rules of ordinary civil procedure unless the claimant has explicitly requested that the proceedings be terminated in that event.

Where the claimant has pursued his claim through the European order for payment procedure, nothing under national law shall prejudice his position in subsequent ordinary civil proceedings.

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.

3. The claimant shall be informed whether the defendant has lodged a statement of opposition and of any transfer to ordinary civil proceedings.

Article 18

Enforceability

1. If within the time limit laid down in Article 16(2), taking into account an appropriate period of time to allow a statement to arrive, no statement of opposition has been lodged with the court of origin, the court of origin shall without delay declare the European order for payment enforceable using standard form G as set out in Annex VII. The court shall verify the date of service.

2. Without prejudice to paragraph 1, the formal requirements for enforceability shall be governed by the law of the Member State of origin.

3. The court shall send the enforceable European order for payment to the claimant.

*Article 19***Abolition of exequatur**

A European order for payment which has become enforceable in the Member State of origin shall be recognised and enforced in the other Member States without the need for a declaration of enforceability and without any possibility of opposing its recognition.

*Article 20***Review in exceptional cases**

1. After the expiry of the time limit laid down in Article 16(2) the defendant shall be entitled to apply for a review of the European order for payment before the competent court in the Member State of origin where:

- (a) (i) the order for payment was served by one of the methods provided for in Article 14,

and

- (ii) service was not effected in sufficient time to enable him to arrange for his defence, without any fault on his part,

or

- (b) the defendant was prevented from objecting to the claim by reason of force majeure or due to extraordinary circumstances without any fault on his part,

provided in either case that he acts promptly.

2. After expiry of the time limit laid down in Article 16(2) the defendant shall also be entitled to apply for a review of the European order for payment before the competent court in the Member State of origin where the order for payment was clearly wrongly issued, having regard to the requirements laid down in this Regulation, or due to other exceptional circumstances.

3. If the court rejects the defendant's application on the basis that none of the grounds for review referred to in paragraphs 1 and 2 apply, the European order for payment shall remain in force.

If the court decides that the review is justified for one of the reasons laid down in paragraphs 1 and 2, the European order for payment shall be null and void.

*Article 21***Enforcement**

1. Without prejudice to the provisions of this Regulation, enforcement procedures shall be governed by the law of the Member State of enforcement.

A European order for payment which has become enforceable shall be enforced under the same conditions as an enforceable decision issued in the Member State of enforcement.

2. For enforcement in another Member State, the claimant shall provide the competent enforcement authorities of that Member State with:

- (a) a copy of the European order for payment, as declared enforceable by the court of origin, which satisfies the conditions necessary to establish its authenticity;

and

- (b) where necessary, a translation of the European order for payment into the official language of the Member State of enforcement or, if there are several official languages in that Member State, the official language or one of the official languages of court proceedings of the place where enforcement is sought, in conformity with the law of that Member State, or into another language that the Member State of enforcement has indicated it can accept. Each Member State may indicate the official language or languages of the institutions of the European Union other than its own which it can accept for the European order for payment. The translation shall be certified by a person qualified to do so in one of the Member States.

3. No security, bond or deposit, however described, shall be required of a claimant who in one Member State applies for enforcement of a European order for payment issued in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State of enforcement.

*Article 22***Refusal of enforcement**

1. Enforcement shall, upon application by the defendant, be refused by the competent court in the Member State of enforcement if the European order for payment is irreconcilable with an earlier decision or order previously given in any Member State or in a third country, provided that:

- (a) the earlier decision or order involved the same cause of action between the same parties;

and

- (b) the earlier decision or order fulfils the conditions necessary for its recognition in the Member State of enforcement;

and

- (c) the irreconcilability could not have been raised as an objection in the court proceedings in the Member State of origin.

2. Enforcement shall, upon application, also be refused if and to the extent that the defendant has paid the claimant the amount awarded in the European order for payment.

3. Under no circumstances may the European order for payment be reviewed as to its substance in the Member State of enforcement.

Article 23

Stay or limitation of enforcement

Where the defendant has applied for a review in accordance with Article 20, the competent court in the Member State of enforcement may, upon application by the defendant:

- (a) limit the enforcement proceedings to protective measures;
- or
- (b) make enforcement conditional on the provision of such security as it shall determine;
- or
- (c) under exceptional circumstances, stay the enforcement proceedings.

Article 24

Legal representation

Representation by a lawyer or another legal professional shall not be mandatory:

- (a) for the claimant in respect of the application for a European order for payment;
- (b) for the defendant in respect of the statement of opposition to a European order for payment.

Article 25

Court fees

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.

Article 26

Relationship with national procedural law

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

Article 27

Relationship with Regulation (EC) No 1348/2000

This Regulation shall not affect the application of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters ⁽¹⁾.

Article 28

Information relating to service costs and enforcement

Member States shall cooperate to provide the general public and professional circles with information on:

- (a) costs of service of documents;
- and
- (b) which authorities have competence with respect to enforcement for the purposes of applying Articles 21, 22 and 23,

in particular via the European Judicial Network in civil and commercial matters established in accordance with Council Decision 2001/470/EC ⁽²⁾.

Article 29

Information relating to jurisdiction, review procedures, means of communication and languages

1. By 12 June 2008, Member States shall communicate to the Commission:

- (a) which courts have jurisdiction to issue a European order for payment;
- (b) the review procedure and the competent courts for the purposes of the application of Article 20;
- (c) the means of communication accepted for the purposes of the European order for payment procedure and available to the courts;
- (d) languages accepted pursuant to Article 21(2)(b).

⁽¹⁾ OJ L 160, 30.6.2000, p. 37.

⁽²⁾ OJ L 174, 27.6.2001, p. 25.

Member States shall apprise the Commission of any subsequent changes to this information.

2. The Commission shall make the information notified in accordance with paragraph 1 publicly available through publication in the *Official Journal of the European Union* and through any other appropriate means.

Article 30

Amendments to the Annexes

The standard forms set out in the Annexes shall be updated or technically adjusted, ensuring full conformity with the provisions of this Regulation, in accordance with the procedure referred to in Article 31(2).

Article 31

Committee

1. The Commission shall be assisted by the committee established by Article 75 of Regulation (EC) No 44/2001.

2. Where reference is made to this paragraph, Article 5a(1)-(4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its Rules of Procedure.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Strasbourg, 12 December 2006.

For the European Parliament
The President
J. BORRELL FONTELLES

Article 32

Review

By 12 December 2013, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a detailed report reviewing the operation of the European order for payment procedure. That report shall contain an assessment of the procedure as it has operated and an extended impact assessment for each Member State.

To that end, and in order to ensure that best practice in the European Union is duly taken into account and reflects the principles of better legislation, Member States shall provide the Commission with information relating to the cross-border operation of the European order for payment. This information shall cover court fees, speed of the procedure, efficiency, ease of use and the internal payment order procedures of the Member States.

The Commission's report shall be accompanied, if appropriate, by proposals for adaptation.

Article 33

Entry into force

This Regulation shall enter into force on the day following the date of its publication in the *Official Journal of the European Union*.

It shall apply from 12 December 2008, with the exception of Articles 28, 29, 30 and 31 which shall apply from 12 June 2008.

For the Council
The President
M. PEKKARINEN

ANNEX I

Application for a European order for payment**Form A**

Article 7 (1) of Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure



Please ensure that you read the guidelines on the last page – they will help you to understand this form!

Please note in particular that this form must be completed in the language or one of the languages accepted by the court to be seised. The form is available in all official languages of the European Union; this may help you fill in the form in the required language.

1. Court Court Address Postal code City Country			Case number (to be completed by the court)
			Received by the court

2. Parties and their representatives				
Codes: 01 Claimant		03 Claimant's representative *		05 Claimant's legally authorised representative **
02 Defendant		04 Defendant's representative *		06 Defendant's legally authorised representative **
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	

* e.g. lawyer ** e.g. parent, guardian, managing director *** optional

3. Grounds for the court's jurisdiction

Codes:

- | | |
|---|--|
| 01 Domicile of the defendant or co-defendant | 07 Domicile of the policyholder, the insured or the beneficiary in insurance matters |
| 02 Place of performance of the obligation in question | 08 Domicile of the consumer |
| 03 Place of the harmful event | 09 Place where the employee carries out his work |
| 04 Where a dispute arises out of the operations of a branch, agency or other establishment, the place in which the branch, agency or other establishment is situated | 10 Place where the business which engaged the employee is situated |
| 05 Domicile of the trust | 11 Place where the immovable property is situated |
| 06 Where a dispute arises concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight, the place of the court under the authority of which the cargo or freight is or could have been arrested | 12 Choice of court agreed by the parties |
| | 13 Domicile of the maintenance creditor |
| | 14 Other (please specify) |

Code	Specification only for code 14

4. Cross-border nature of the case

Codes:

- | | | | | |
|-------------------|------------|--------------|--------------------|---------------------------|
| 01 Belgium | 06 Spain | 11 Lettland | 16 The Netherlands | 21 Slovakia |
| 02 Czech Republic | 07 France | 12 Litauen | 17 Austria | 22 Finland |
| 03 Germany | 08 Ireland | 13 Luxemburg | 18 Poland | 23 Sweden |
| 04 Estonia | 09 Italy | 14 Ungarn | 19 Portugal | 24 United Kingdom |
| 05 Greece | 10 Cyprus | 15 Malta | 20 Slovenia | 25 other (please specify) |

Domicile or habitual residence of claimant	Domicile or habitual residence of defendant	Country of the court

5. Bank details (optional)

5.1 Payment of court fees by the claimant

- | | | |
|----------------------------|---------------------------|---|
| Codes: 01 By bank transfer | 02 By credit card | 03 Collection by court from claimant's bank account |
| 04 Legal aid | 05 Other (please specify) | |

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)

EUR	Euro	CYP	Cypriot Pound	CZK	Czech Koruna	EEK	Estonian Kroon	GBP	Pound sterling
HUF	Hungarian Forint	LTL	Lithuanian Litas	LVL	Latvian Lats	MTL	Maltese Lira	PLN	Polish Zloty
SEK	Swedish Krona	SIT	Slovenian Tolars	SKK	Slovak Koruna	Other (according to international banking code)			

6. Principal				Currency	Total value of principal, excluding interest and costs
The claim relates to (Code 1) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> 01 Sales contract 02 Rental agreement - movable property 03 Rental agreement - immovable property 04 Rental agreement - commercial lease 05 Contract of service - electricity, gas, water, phone 06 Contract of service - medical services 07 Contract of service - transport 08 Contract of service - legal, tax, technical advice 09 Contract of service - hotel, restaurant </div> <div style="width: 33%;"> 10 Contract of service - repair 11 Contract of service - brokerage 12 Contract of service - other (please specify) 13 Building contract 14 Insurance contract 15 Loan 16 Guarantee or other collateral(s) 17 Claims arising from non-contractual obligations if they are subject to an agreement between the parties or an admission of debt (e.g. damages, unjust enrichment) </div> <div style="width: 33%;"> 18 Claims arising from joint ownership of property 19 Damages - contract 20 Subscription agreement (newspaper, magazine) 21 Membership fee 22 Employment agreement 23 Out-of-court settlement 24 Maintenance agreement 25 Other (please specify) </div> </div> Circumstances invoked (Code 2) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> 30 Non-payment 31 Insufficient payment 32 Late payment </div> <div style="width: 33%;"> 33 Non-delivery of goods or services 34 Delivery of defective goods or poor services </div> <div style="width: 33%;"> 35 Goods or services not in conformity with the order 36 Other (please specify) </div> </div> Other details (Code 3) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> 40 Place of purchase 41 Place of delivery 42 Date of purchase </div> <div style="width: 33%;"> 43 Date of delivery 44 Type of goods or services concerned 45 Address of immovable property </div> <div style="width: 33%;"> 46 In case of loan, purpose: Consumer credit 47 In case of loan, purpose: Mortgage credit 48 Other detail (please specify) </div> </div>					

ID	Code 1	Code 2	Code 3	Explanatory statement	Date (or period)	Amount
ID	Code 1	Code 2	Code 3	Explanatory statement	Date (or period)	Amount
ID	Code 1	Code 2	Code 3	Explanatory statement	Date (or period)	Amount
ID	Code 1	Code 2	Code 3	Explanatory statement	Date (or period)	Amount

The claim has been assigned to the claimant by (if applicable)			
Surname, first name/Name of company or organisation		Identification code (if applicable)	
Address		Postal code	City
			Country

Additional specifications for claims relating to consumer contracts (if applicable)		
The claim concerns matters relating to consumer contracts	If yes, the defendant is the consumer	If yes, the defendant is domiciled within the meaning of Article 59 of Council Regulation (EC) No 44/2001 in the Member State where the court is seised
yes no		
	yes no	yes no

7. Interest**Codes (please combine number with letter):**

01 Statutory		02 Contractual		03 Capitalisation of interest		04 Interest rate on a loan **		05 Amount calculated by the claimant		06 Other ***	
A per year		B per half year		C per quarter		D per month		E Other ***			
ID *	Code	Interest rate (%)		% over base rate (ECB)		on (amount)		Starting from		to	
ID *	Code	Zinssatz (%)		% über dem Basissatz der EZB		auf (Betrag)		Ab		bis	
ID *	Code	Zinssatz (%)		% über dem Basissatz der EZB		auf (Betrag)		Ab		bis	
ID *	Code	Zinssatz (%)		% über dem Basissatz der EZB		auf (Betrag)		Ab		bis	

ID * Please specify in case of Code 6 and/or E

* Fill in corresponding claim ID ** taken out by the claimant at least in the amount of the principal *** Please specify

8. Contractual penalties (if applicable)

Amount	Please specify

9. Costs (if applicable)

Codes: 01 Court fees		02 Other (please specify)	
Code	Specification only for code 02	Currency	Amount
Code	Specification only for code 02	Currency	Amount
Code	Specification only for code 02	Currency	Amount
Code	Specification only for code 02	Currency	Amount

10. Evidence available in support of the claim

Codes: 01 Written evidence		02 Oral evidence		03 Expert evidence		04 Inspection of an object or site		05 Other (please specify)	
ID *	Code	Description of evidence						Date (day/month/year)	
ID *	Code	Description of evidence						Date (day/month/year)	
ID *	Code	Description of evidence						Date (day/month/year)	
ID *	Code	Description of evidence						Date (day/month/year)	

* Fill in corresponding claim ID

11. Additional statements and further information (if necessary)

I hereby request the court to order the defendant(s) to pay to the claimant(s) the sum of the above principal plus interest, contractual penalties and costs.

I declare that to the best of my knowledge and belief the information provided is true.

I acknowledge that any deliberate false statement could lead to appropriate penalties under the law of the Member State of origin.

Done at	Date (day/month/year)	Signature and/or stamp

Appendix 1 to the application for a European order for payment

Bank details for the purposes of payment of court fees by the claimant

Code 02 By credit card

03 Collection by court from claimant's bank account

Code	Account holder	Bank name (BIC) or other relevant bank code / Credit card company
Account number / Credit card number		International bank account number (IBAN) / Expiry date and security number of credit card

Appendix 2 to the application for a European order for payment**Opposition to a transfer to ordinary civil proceedings**

Case number (to be completed if this Appendix is sent to the court separately from the application form)

Done at	Date (day/month/year)	Signature and/or stamp

GUIDELINES FOR FILLING IN THE APPLICATION FORM

Important information

This form must be filled in in the language or one of the languages accepted by the court to be seised. Please note that the form is available in all official languages of the European Union; this may help you fill in the form in the required language.

If the defendant lodges an opposition to your claim, proceedings will continue before the competent courts in accordance with the rules of ordinary civil procedure. If you do not wish to continue proceedings in that event, you should also fill in Appendix 2 to this form. This appendix should reach the court before the European order for payment is issued.

If the application concerns a claim against a consumer relating to a consumer contract, it must be lodged with the competent court of the Member State in which the consumer is domiciled. In other cases, the application must be lodged with the court having jurisdiction in accordance with the rules of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Information on the rules of jurisdiction can be found on the European Judicial Atlas (http://ec.europa.eu/justice_home/judicialatlascivil/html/index.htm).

Please make sure you duly sign and date the form on the last page.

Guidelines

At the start of each section you will find specific codes that should be inserted, as appropriate, in the relevant boxes.

1. Court When deciding which court to choose, you need to consider the grounds for the court's jurisdiction.

2. Parties and their representatives This field must identify the parties and their representatives, if any, in accordance with the codes indicated on the form. The box [Identification code] should refer, where applicable, to the special number which solicitors have in certain Member States for the purposes of electronic communication with the court (see Art. 7(6), second subparagraph, of Regulation (EC) No 1896/2006), to the registration number for companies or organisations or to any applicable identification number for natural persons. The box [Other details] may contain any other information that helps to identify the person (e.g. date of birth, position of the named person in the company or organisation concerned). If there are more than four parties and/or representatives, please use field [11].

3. Grounds for the court's jurisdiction See 'Important information' above.

4. Cross-border nature of the case For you to be allowed to use this European order for payment procedure, at least two of the boxes in this field must refer to different States.

5. Bank details (optional) In field [5.1], you may inform the court by what means you intend to pay the court fees. Please note that not all methods of payment in this field are necessarily available at the court to which you are making this application. You should verify which method of payment will be accepted by the court. You can do this by contacting the court concerned or by consulting the website of the European Judicial Network in civil and commercial matters (<http://ec.europa.eu/civiljustice/>). If you choose to pay by credit card or to allow the court to collect the fees from your bank account, you should give the necessary credit card/bank account details in Appendix 1 to this form.

In field [5.2], you may indicate by what means you wish to receive payment from the defendant. If you wish to be paid by bank transfer, please give the necessary bank details.

6. Principal This field must contain a description of the principal and the circumstances forming the basis of the claim in accordance with the codes indicated on the form. You need to use an identification number ('ID') for each claim, numbering them from 1 through 4. Each claim must be specified on the line of the box following the ID number, by filling in the relevant numbers of codes 1, 2, and 3. If you need more space, please use field [11]. The box [Date (or period)] refers, for instance, to the date of the contract or harmful event or to the period of the rent.

7. Interest If interest is demanded, this should be specified for each claim as identified in field [6] in accordance with the codes indicated on the form. The code must contain both the relevant number (first row of the codes) and the letter (second row of the codes). For instance, if the interest rate has been agreed by contract and covers annual periods, the code is 02A. If interest is demanded up to the decision by the court, the last box [to] should be left blank. Code 01 refers to an interest rate laid down by statute. Code 02 refers to an interest rate agreed by the parties. If you use Code 03 (capitalisation of interest), the amount indicated should be the basis for the remainder of the term to be covered. Capitalisation of interest refers to the situation where the accrued interest is added to the principal and is taken into account for purposes of calculating further interest. Please note that in commercial transactions as referred to in Directive 2000/35/EC of 29 June 2000 on combating late payments, the statutory interest rate is the sum of the interest rate applied by the European Central Bank to its most recent main refinancing operation carried out before the first calendar day of the half-year in question ('the reference rate'), plus at least seven percentage points. For a Member State which is not participating in the third stage of economic and monetary union, the reference rate referred to above is the equivalent rate set at national level (e.g. by the national central bank). In both cases the reference rate in force on the first calendar day of the half-year in question will apply for the following six months (see Art. 3(1)(d) of Directive 2000/35/EC). The 'base rate (ECB)' refers to the interest rate applied by the European Central Bank to its main refinancing operations.

8. Contractual penalties (if applicable)

9. Costs (if applicable) If reimbursement of costs is demanded, these must be described using the codes indicated on the form. The box [specification] must be used only for code 02, i.e. when reimbursement of costs other than court fees is demanded. These other costs could include, for instance, fees of a claimant's representative or prelitigation costs. If you request reimbursement of the court fees but you do not know the exact amount, you must fill in the box [Code] (01) but you may leave the box [Amount] blank and it will be filled in by the court.

10. Evidence available in support of the claim This field must specify the evidence available in support of each claim using the codes indicated on the form. The box [Description of evidence] will contain, for instance, the title, name, date, and/or reference number of the document concerned, the amount mentioned on the document concerned, and/or the name of the witness or expert.

11. Additional statements and further information (if necessary) You may use this field if you need more space for any of the fields above or, if necessary, to provide additional information useful to the court. For instance, if there are several defendants each being liable for a portion of the claim, you should indicate here the amount individually owed by each defendant.

Appendix 1 Here you must indicate the details of your credit card or bank account if you choose to pay the court fees by credit card or if you allow the court to collect the fees from your bank account. Please note that not all methods of payment in this field are necessarily available at the court to which you are making this application. Please note that the information given in Appendix 1 will not be sent to the defendant.

Appendix 2 Here you must inform the court if you do not wish to continue proceedings in the event of the defendant opposing the claim. If you send this information to the court after having sent the application form, please make sure you fill in the case number given by the court. Please note that the information given in Appendix 2 will not be sent to the defendant.

Following the examination of your application for a European order for payment, please complete and/or rectify the attached application as indicated below as soon as possible and in any event by ____/____/____

Your initial application should be completed and/or rectified in the language or in one of the languages accepted by the court seised.

The court will reject the application, under the conditions provided for in the Regulation, if you fail to complete and/or rectify the application within the time limit set out above.

Your application has not been filled in in the correct language. Please fill it in in one of the following languages:

01 Czech	05 Greek	09 Lithuanian	13 Polish	17 Finnish
02 German	06 French	10 Hungarian	14 Portuguese	18 Swedish
03 Estonian	07 Italian	11 Maltese	15 Slovak	19 English
04 Spanish	08 Latvian	12 Dutch	16 Slovene	20 other (please specify)

Language code	Language specification (only for code 20)

The following items must be completed and/or rectified:

Codes:

01 Parties and their representatives	04 Bank details	07 Contractual penalties	10 Additional statements
02 Grounds of jurisdiction	05 Principal	08 Costs	11 Signature
03 Cross border nature of the case	06 Interest	09 Evidence	

Code	Please specify

Code	Please specify

Code	Please specify

Code	Please specify

Code	Please specify

ANNEX III

Proposal to the claimant to modify an application for a European order for payment**Form C**

Article 10 (1) of Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure

1. Court Court Address Postal code City Country			Case number	
			Done at	Date (day/month/year)
			Signature and/or stamp	

2. Parties and their representatives				
Codes: 01 Claimant		03 Claimant's representative *		05 Claimant's legally authorised representative **
02 Defendant		04 Defendant's representative *		06 Defendant's legally authorised representative **
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Beruf ***		Sonstige Angaben ***	

* e.g. lawyer ** e.g. parent, guardian, managing director *** optional

After examination of your application for a European order for payment, the court considers that the necessary requirements are met for only a part of the claim. Therefore, the court proposes the following modification to the application:

Please send your reply to the court as soon as possible and in any event by ____/____/____

If you fail to send your reply to the court within the time limit set out above or refuse this proposal, the court will reject your application for a European order for payment, under the conditions provided for in the Regulation, in its entirety.

If you accept this proposal, the court will issue a European order for payment for that part of the claim. It depends on the national law of the Member State where the court is seised whether you will be able, in further proceedings, to recover the remaining part of your initial claim not covered by the European order for payment.

<input type="checkbox"/> I accept the above proposal by the court		<input type="checkbox"/> I refuse the above proposal by the court
Done at	Date (day/month/year)	Surname, first name
		Signature and/or stamp

ANNEX IV

Decision to reject the application for a European order for payment**Form D**

Article 11(1) of Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure

1. Court Court Address Postal code City Country			Case number	
			Done at	Date (day/month/year)
			Signature and/or stamp	

2. Parties and their representatives				
Codes: 01 Claimant 03 Claimant's representative * 05 Claimant's legally authorised representative ** 02 Defendant 04 Defendant's representative * 06 Defendant's legally authorised representative **				
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	

* e.g. lawyer

** e.g. parent, guardian, managing director

*** optional

The court has examined your application for a European order for payment, in accordance with Article 8 of Regulation (EC) No 1896/2006 and rejects it on the following ground(s):

01 The application does not fall within the scope of Article 2 of the Regulation (Article 11(1)(a)).

02 The application does not concern a cross-border case within the meaning of Article 3 of the Regulation (Article 11(1)(a)).

03 The application does not concern a pecuniary claim for a specific amount that has fallen due as referred to in Article 4 of the Regulation (Article 11(1)(a)).

04 The court does not have jurisdiction in accordance with Article 6 of the Regulation (Article 11(1)(a)).

05 The application does not fulfil the requirements set out in Article 7 of the Regulation (Article 11(1)(a)).

06 The claim is clearly unfounded (Article 11(1)(b)).

07 The application was not completed or rectified within the time limit specified by the court (Article 9(2) and Article 11(1)(c)).

08 The application was not modified within the time limit specified by the court (Article 10 and Article 11(1)(d)).

Ground(s) for rejection (please use code)

Code

Further information, where necessary

Code

Further information, where necessary

Code

Further information, where necessary

Code

Further information, where necessary

There is no right of appeal against this rejection. However, this does not preclude a new application for a European order for payment or any other procedure available under the law of a Member State.

ANNEX V

European order for payment**Form E**

Article 12 (1) of Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure



1. Court Court Address Postal code City Country			Case number	
			Done at	Date (day/month/year)
			Signature and/or stamp	

2. Parties and their representatives				
Codes: 01 Claimant		03 Claimant's representative *		05 Claimant's legally authorised representative **
02 Defendant		04 Defendant's representative *		06 Defendant's legally authorised representative **
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)
	Address		Postal code	City Country
	Phone ***	Fax ***	e-Mail ***	
	Occupation ***		Other details ***	

* e.g. lawyer ** e.g. parent, guardian, managing director *** optional

EUR	Euro	CYP	Cypriot Pound	CZK	Czech Koruna	EEK	Estonian Kroon	GBP	Pound sterling
HUF	Hungarian Forint	LTL	Lithuanian Litas	LVL	Latvian Lats	MTL	Maltese Lira	PLN	Polish Zloty
SEK	Swedish Krona	SIT	Slovenian Tolars	SKK	Slovak Koruna	Other (according to international banking code)			

In accordance with Article 12 of Regulation (EC) No 1896/2006, the court has issued this European order for payment on the basis of the attached application. By virtue of this decision, you are ordered to pay the claimant the following amount:

Defendant 1	Currency	Amount	Date (day/month/year)
Surname, first name/Name of company or organisation			
Principal			
Interest (as of)			
Contractual penalties			
Costs			
Total amount			
Defendant 2	Currency	Amount	Date (day/month/year)
Surname, first name/Name of company or organisation			
Principal			
Interest (as of)			
Contractual penalties			
Costs			
Total amount			
<input type="checkbox"/> Joint liability			

IMPORTANT INFORMATION FOR THE DEFENDANT**You are hereby advised that:**

- a. You have the option to:
 - i. pay the amount indicated in this order to the claimant; or
 - ii. oppose the order by lodging a statement of opposition with the court that issued this order within the time limit indicated in (b);
- b. The statement of opposition must be sent to the court within 30 days of service of this order on you. This 30-day period starts on the day following that on which this order was served. This period includes Saturdays, Sundays and public holidays. Where the last day of such a period is a Saturday, a Sunday or a public holiday, the period will expire on the following working day (see Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 *). The public holidays to be taken into account are those of the Member State where the court is situated;
- c. This order has been issued solely on the basis of the information provided by the claimant. That information has not been verified by the court;
- d. This order will become enforceable unless a statement of opposition has been lodged with the court within the time limit indicated in (b);
- e. Where a statement of opposition is lodged, the proceedings will continue before the competent courts of the Member State where this order was issued in accordance with the rules of ordinary civil procedure unless the claimant has explicitly requested that the proceedings be terminated in that event.

* OJ L 124, 8.6.1971, p. 1 (de, fr, it, nl).

English special edition: Series I Chapter 1971(II), p. 354.

Greek special edition: Chapter 01 Volume 1, p. 131.

Portuguese and Spanish special editions: Chapter 01 Volume 1, p. 149.

Finnish and Swedish special editions: Chapter 1 Volume 1, p. 71.

Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovene special editions: Chapter 01 Volume 1, p. 51.

ANNEX VI

Opposition to a European order for payment

Form F

Article 16 (1) of Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure



1. Court			Case number (to be completed by the court)	
Court			Received by the court	
Address				
Postal code	Ort	Land		

2. Parties and their representatives					
Codes: 01 Claimant		03 Claimant's representative *		05 Claimant's legally authorised representative **	
02 Defendant		04 Defendant's representative *		06 Defendant's legally authorised representative **	
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)	
	Address		Postal code	City	Country
	Phone ***	Fax ***	e-Mail ***		
	Occupation ***		Other details ***		
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)	
	Address		Postal code	City	Country
	Phone ***	Fax ***	e-Mail ***		
	Occupation ***		Other details ***		
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)	
	Address		Postal code	City	Country
	Phone ***	Fax ***	e-Mail ***		
	Occupation ***		Other details ***		
Code	Surname, first name/Name of company or organisation			Identification code (if applicable)	
	Address		Postal code	City	Country
	Phone ***	Fax ***	e-Mail ***		
	Occupation ***		Other details ***		
* e.g. lawyer ** e.g. parent, guardian, managing director *** optional					

I hereby lodge a statement of opposition against the European order for payment issued on ____/____/____		
Done at	Date (day/month/year)	Surname, first name
		Signature and/or stamp

The court hereby declares that the attached European order for payment, issued on ____/____/____ and served on ____/____/____ is enforceable in accordance with Article 18 of Regulation (EC) No 1896/2006.

Important information

This European order for payment is automatically enforceable in all Member States of the European Union except Denmark, without the need for an additional declaration of enforceability in the Member State where enforcement is sought and without any possibility of opposing its recognition. The enforcement procedures are governed by the law of the Member State of enforcement, except where the Regulation provides otherwise.

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

**REGULATION (EC) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 July 2007
establishing a European Small Claims Procedure**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) The Community has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Community is to adopt, *inter alia*, measures in the field of judicial cooperation in civil matters having cross-border implications and needed for the proper functioning of the internal market.
- (2) According to Article 65(c) of the Treaty, those measures are to include those eliminating obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.
- (3) In this respect, the Community has, among other measures, already adopted Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the

Member States of judicial and extrajudicial documents in civil or commercial matters ⁽³⁾, Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽⁴⁾, Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters ⁽⁵⁾, Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ⁽⁶⁾ and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure ⁽⁷⁾.

- (4) The European Council meeting in Tampere on 15 and 16 October 1999 invited the Council and the Commission to establish common procedural rules for simplified and accelerated cross-border litigation on small consumer and commercial claims.
- (5) On 30 November 2000, the Council adopted a joint programme of the Commission and the Council of measures for the implementation of the principle of mutual recognition of decisions in civil and commercial matters ⁽⁸⁾. The programme refers to simplifying and speeding up the settlement of cross-border litigation on small claims. This was taken forward by the Hague Programme ⁽⁹⁾, adopted by the European Council on 5 November 2004, which called for work on small claims to be actively pursued.

⁽³⁾ OJ L 160, 30.6.2000, p. 37.

⁽⁴⁾ OJ L 12, 16.1.2001, p. 1. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁵⁾ OJ L 174, 27.6.2001, p. 25.

⁽⁶⁾ OJ L 143, 30.4.2004, p. 15. Regulation as amended by Commission Regulation (EC) No 1869/2005 (OJ L 300, 17.11.2005, p. 6).

⁽⁷⁾ OJ L 399, 30.12.2006, p. 1.

⁽⁸⁾ OJ C 12, 15.1.2001, p. 1.

⁽⁹⁾ OJ C 53, 3.3.2005, p. 1.

⁽¹⁾ OJ C 88, 11.4.2006, p. 61.

⁽²⁾ Opinion of the European Parliament of 14 December 2006 (not yet published in the Official Journal) and Council Decision of 13 June 2007.

- (6) On 20 December 2002, the Commission adopted a Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation. The Green Paper launched a consultation on measures concerning the simplification and the speeding up of small claims litigation.
- (7) Many Member States have introduced simplified civil procedures for small claims since costs, delays and complexities connected with litigation do not necessarily decrease proportionally with the value of the claim. The obstacles to obtaining a fast and inexpensive judgment are exacerbated in cross-border cases. It is therefore necessary to establish a European procedure for small claims (European Small Claims Procedure). The objective of such a procedure should be to facilitate access to justice. The distortion of competition within the internal market due to imbalances with regard to the functioning of the procedural means afforded to creditors in different Member States entails the need for Community legislation that guarantees a level playing-field for creditors and debtors throughout the European Union. It should be necessary to have regard to the principles of simplicity, speed and proportionality when setting the costs of dealing with a claim under the European Small Claims Procedure. It is appropriate that details of the costs to be charged be made public, and that the means of setting any such costs be transparent.
- (8) The European Small Claims Procedure should simplify and speed up litigation concerning small claims in cross-border cases, whilst reducing costs, by offering an optional tool in addition to the possibilities existing under the laws of the Member States, which will remain unaffected. This Regulation should also make it simpler to obtain the recognition and enforcement of a judgment given in the European Small Claims Procedure in another Member State.
- (9) This Regulation seeks to promote fundamental rights and takes into account, in particular, the principles recognised by the Charter of Fundamental Rights of the European Union. The court or tribunal should respect the right to a fair trial and the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of taking evidence and the extent to which evidence is to be taken.
- (10) For the purposes of facilitating calculation of the value of a claim, all interest, expenses and disbursements should be disregarded. This should affect neither the power of the court or tribunal to award these in its judgment nor the national rules on the calculation of interest.
- (11) In order to facilitate the commencement of the European Small Claims Procedure, the claimant should make an application by filling in a standard claim form and lodging it with the court or tribunal. The claim form should be submitted only to a court or tribunal that has jurisdiction.
- (12) The claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent the claimant from submitting, where appropriate, further evidence during the procedure. The same principle should apply to the response by the defendant.
- (13) The concepts of 'clearly unfounded' in the context of the dismissal of a claim and of 'inadmissible' in the context of the dismissal of an application should be determined in accordance with national law.
- (14) The European Small Claims Procedure should be a written procedure, unless an oral hearing is considered necessary by the court or tribunal or a party so requests. The court or tribunal may refuse such a request. Such refusal may not be contested separately.
- (15) The parties should not be obliged to be represented by a lawyer or another legal professional.
- (16) The concept of 'counterclaim' should be interpreted within the meaning of Article 6(3) of Regulation (EC) No 44/2001 as arising from the same contract or facts on which the original claim was based. Articles 2 and 4 as well as Article 5(3), (4) and (5) should apply, *mutatis mutandis*, to counterclaims.
- (17) In cases where the defendant invokes a right of set-off during the proceedings, such claim should not constitute a counterclaim for the purposes of this Regulation. Therefore, the defendant should not be obliged to use standard Form A, as set out in Annex I, for invoking such a right.
- (18) The Member State addressed for the purposes of the application of Article 6 is the Member State where service is to be effected or to where the document is to be dispatched. In order to reduce costs and delays, documents should be served on the parties primarily by postal service attested by an acknowledgment of receipt, including the date of receipt.
- (19) A party may refuse to accept a document at the time of service or by returning the document within one week if it is not written in, or accompanied by a translation into, the official language of the Member State addressed (or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched) or a language which the addressee understands.

- (20) In the context of oral hearings and the taking of evidence, the Member States should encourage the use of modern communication technology subject to the national law of the Member State where the court or tribunal is situated. The court or tribunal should use the simplest and least costly method of taking evidence.
- (21) The practical assistance to be made available to the parties should include technical information concerning the availability and the filling in of the forms.
- (22) The information about procedural questions can also be given by the court or tribunal staff in accordance with national law.
- (23) As the objective of this Regulation is to simplify and speed up litigation concerning small claims in cross-border cases, the court or tribunal should act as soon as possible even when this Regulation does not prescribe any time limit for a specific phase of the procedure.
- (24) For the purposes of calculating time limits as provided for in this Regulation, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits ⁽¹⁾ should apply.
- (25) In order to speed up the recovery of small claims, the judgment should be enforceable notwithstanding any possible appeal and without the condition of the provision of a security except as provided for in this Regulation.
- (26) Any reference in this Regulation to an appeal should include any possible means of appeal available under national law.
- (27) The court or tribunal must include a person qualified to serve as a judge in accordance with national law.
- (28) Whenever the court or tribunal is required to set a time limit, the party concerned should be informed of the consequences of not complying with it.
- (29) The unsuccessful party should bear the costs of the proceedings. The costs of the proceedings should be determined in accordance with national law. Having regard to the objectives of simplicity and cost-effectiveness, the court or tribunal should order that an unsuccessful party be obliged to pay only the costs of the proceedings, including for example any costs resulting from the fact that the other party was represented by a lawyer or another legal professional, or any costs arising from the service or translation of documents, which are proportionate to the value of the claim or which were necessarily incurred.
- (30) In order to facilitate recognition and enforcement, a judgment given in a Member State in the European Small Claims Procedure should be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.
- (31) There should be minimum standards for the review of a judgment in situations where the defendant was not able to contest the claim.
- (32) Having regard to the objectives of simplicity and cost-effectiveness, the party seeking enforcement shall not be required to have an authorised representative or a postal address in the Member State of enforcement, other than with agents having competence for the enforcement procedure in accordance with the national law of that Member State.
- (33) Chapter III of this Regulation should also apply to the determination of costs and expenses made by officers of the court or tribunal due to a judgment given pursuant to the procedure specified in this Regulation.
- (34) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (35) In particular, power should be conferred on the Commission to adopt measures necessary to update or make technical amendments to the forms set out in the Annexes. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation and/or to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (36) Since the objectives of this Regulation, namely, the establishment of a procedure to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

(37) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland have given notice of their wish to take part in the adoption and application of this Regulation.

(38) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND SCOPE

Article 1

Subject matter

This Regulation establishes a European procedure for small claims (hereinafter referred to as the European Small Claims Procedure), intended to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs. The European Small Claims Procedure shall be available to litigants as an alternative to the procedures existing under the laws of the Member States.

This Regulation also eliminates the intermediate proceedings necessary to enable recognition and enforcement, in other Member States, of judgments given in one Member State in the European Small Claims Procedure.

Article 2

Scope

1. This Regulation shall apply, in cross-border cases, to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 2 000 at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (*acta jure imperii*).

2. This Regulation shall not apply to matters concerning:

(a) the status or legal capacity of natural persons;

(b) rights in property arising out of a matrimonial relationship, maintenance obligations, wills and succession;

(c) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;

(d) social security;

(e) arbitration;

(f) employment law;

(g) tenancies of immovable property, with the exception of actions on monetary claims; or

(h) violations of privacy and of rights relating to personality, including defamation.

3. In this Regulation, the term 'Member State' shall mean Member States with the exception of Denmark.

Article 3

Cross-border cases

1. For the purposes of this Regulation, a cross-border case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised.

2. Domicile shall be determined in accordance with Articles 59 and 60 of Regulation (EC) No 44/2001.

3. The relevant moment for determining whether there is a cross-border case is the date on which the claim form is received by the court or tribunal with jurisdiction.

CHAPTER II

THE EUROPEAN SMALL CLAIMS PROCEDURE

Article 4

Commencement of the Procedure

1. The claimant shall commence the European Small Claims Procedure by filling in standard claim Form A, as set out in Annex I, and lodging it with the court or tribunal with jurisdiction directly, by post or by any other means of communication, such as fax or e-mail, acceptable to the Member State in which the procedure is commenced. The claim form shall include a description of evidence supporting the claim and be accompanied, where appropriate, by any relevant supporting documents.

2. Member States shall inform the Commission which means of communication are acceptable to them. The Commission shall make such information publicly available.

3. Where a claim is outside the scope of this Regulation, the court or tribunal shall inform the claimant to that effect. Unless the claimant withdraws the claim, the court or tribunal shall proceed with it in accordance with the relevant procedural law applicable in the Member State in which the procedure is conducted.

4. Where the court or tribunal considers the information provided by the claimant to be inadequate or insufficiently clear or if the claim form is not filled in properly, it shall, unless the claim appears to be clearly unfounded or the application inadmissible, give the claimant the opportunity to complete or rectify the claim form or to supply supplementary information or documents or to withdraw the claim, within such period as it specifies. The court or tribunal shall use standard Form B, as set out in Annex II, for this purpose.

Where the claim appears to be clearly unfounded or the application inadmissible or where the claimant fails to complete or rectify the claim form within the time specified, the application shall be dismissed.

5. Member States shall ensure that the claim form is available at all courts and tribunals at which the European Small Claims Procedure can be commenced.

Article 5

Conduct of the Procedure

1. The European Small Claims Procedure shall be a written procedure. The court or tribunal shall hold an oral hearing if it considers this to be necessary or if a party so requests. The court or tribunal may refuse such a request if it considers that with regard to the circumstances of the case, an oral hearing is obviously not necessary for the fair conduct of the proceedings. The reasons for refusal shall be given in writing. The refusal may not be contested separately.

2. After receiving the properly filled in claim form, the court or tribunal shall fill in Part I of the standard answer Form C, as set out in Annex III.

A copy of the claim form, and, where applicable, of the supporting documents, together with the answer form thus filled in, shall be served on the defendant in accordance with Article 13. These documents shall be dispatched within 14 days of receiving the properly filled in claim form.

3. The defendant shall submit his response within 30 days of service of the claim form and answer form, by filling in Part II of standard answer Form C, accompanied, where appropriate, by any relevant supporting documents, and returning it to the court or tribunal, or in any other appropriate way not using the answer form.

4. Within 14 days of receipt of the response from the defendant, the court or tribunal shall dispatch a copy thereof, together with any relevant supporting documents to the claimant.

5. If, in his response, the defendant claims that the value of a non-monetary claim exceeds the limit set out in Article 2(1), the court or tribunal shall decide within 30 days of dispatching the response to the claimant, whether the claim is within the scope of this Regulation. Such decision may not be contested separately.

6. Any counterclaim, to be submitted using standard Form A, and any relevant supporting documents shall be served on the claimant in accordance with Article 13. Those documents shall be dispatched within 14 days of receipt.

The claimant shall have 30 days from service to respond to any counterclaim.

7. If the counterclaim exceeds the limit set out in Article 2(1), the claim and counterclaim shall not proceed in the European Small Claims Procedure but shall be dealt with in accordance with the relevant procedural law applicable in the Member State in which the procedure is conducted.

Articles 2 and 4 as well as paragraphs 3, 4 and 5 of this Article shall apply, *mutatis mutandis*, to counterclaims.

Article 6

Languages

1. The claim form, the response, any counterclaim, any response to a counterclaim and any description of relevant supporting documents shall be submitted in the language or one of the languages of the court or tribunal.

2. If any other document received by the court or tribunal is not in the language in which the proceedings are conducted, the court or tribunal may require a translation of that document only if the translation appears to be necessary for giving the judgment.

3. Where a party has refused to accept a document because it is not in either of the following languages:

(a) the official language of the Member State addressed, or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched; or

(b) a language which the addressee understands,

the court or tribunal shall so inform the other party with a view to that party providing a translation of the document.

*Article 7***Conclusion of the Procedure**

1. Within 30 days of receipt of the response from the defendant or the claimant within the time limits laid down in Article 5(3) or (6), the court or tribunal shall give a judgment, or:

- (a) demand further details concerning the claim from the parties within a specified period of time, not exceeding 30 days;
- (b) take evidence in accordance with Article 9; or
- (c) summon the parties to an oral hearing to be held within 30 days of the summons.

2. The court or tribunal shall give the judgment either within 30 days of any oral hearing or after having received all information necessary for giving the judgment. The judgment shall be served on the parties in accordance with Article 13.

3. If the court or tribunal has not received an answer from the relevant party within the time limits laid down in Article 5(3) or (6), it shall give a judgment on the claim or counterclaim.

*Article 8***Oral hearing**

The court or tribunal may hold an oral hearing through video conference or other communication technology if the technical means are available.

*Article 9***Taking of evidence**

1. The court or tribunal shall determine the means of taking evidence and the extent of the evidence necessary for its judgment under the rules applicable to the admissibility of evidence. The court or tribunal may admit the taking of evidence through written statements of witnesses, experts or parties. It may also admit the taking of evidence through video conference or other communication technology if the technical means are available.

2. The court or tribunal may take expert evidence or oral testimony only if it is necessary for giving the judgment. In making its decision, the court or tribunal shall take costs into account.

3. The court or tribunal shall use the simplest and least burdensome method of taking evidence.

*Article 10***Representation of parties**

Representation by a lawyer or another legal professional shall not be mandatory.

*Article 11***Assistance for the parties**

The Member States shall ensure that the parties can receive practical assistance in filling in the forms.

*Article 12***Remit of the court or tribunal**

1. The court or tribunal shall not require the parties to make any legal assessment of the claim.

2. If necessary, the court or tribunal shall inform the parties about procedural questions.

3. Whenever appropriate, the court or tribunal shall seek to reach a settlement between the parties.

*Article 13***Service of documents**

1. Documents shall be served by postal service attested by an acknowledgement of receipt including the date of receipt.

2. If service in accordance with paragraph 1 is not possible, service may be effected by any of the methods provided for in Articles 13 or 14 of Regulation (EC) No 805/2004.

*Article 14***Time limits**

1. Where the court or tribunal sets a time limit, the party concerned shall be informed of the consequences of not complying with it.

2. The court or tribunal may extend the time limits provided for in Article 4(4), Article 5(3) and (6) and Article 7(1), in exceptional circumstances, if necessary in order to safeguard the rights of the parties.

3. If, in exceptional circumstances, it is not possible for the court or tribunal to respect the time limits provided for in Article 5(2) to (6) and Article 7, it shall take the steps required by those provisions as soon as possible.

*Article 15***Enforceability of the judgment**

1. The judgment shall be enforceable notwithstanding any possible appeal. The provision of a security shall not be required.

2. Article 23 shall also apply in the event that the judgment is to be enforced in the Member State where the judgment was given.

Article 16

Costs

The unsuccessful party shall bear the costs of the proceedings. However, the court or tribunal shall not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.

Article 17

Appeal

1. Member States shall inform the Commission whether an appeal is available under their procedural law against a judgment given in the European Small Claims Procedure and within what time limit such appeal shall be lodged. The Commission shall make that information publicly available.

2. Article 16 shall apply to any appeal.

Article 18

Minimum standards for review of the judgment

1. The defendant shall be entitled to apply for a review of the judgment given in the European Small Claims Procedure before the court or tribunal with jurisdiction of the Member State where the judgment was given where:

- (a) (i) the claim form or the summons to an oral hearing were served by a method without proof of receipt by him personally, as provided for in Article 14 of Regulation (EC) No 805/2004; and
 - (ii) service was not effected in sufficient time to enable him to arrange for his defence without any fault on his part,
- or
- (b) the defendant was prevented from objecting to the claim by reason of *force majeure*, or due to extraordinary circumstances without any fault on his part,

provided in either case that he acts promptly.

2. If the court or tribunal rejects the review on the basis that none of the grounds referred to in paragraph 1 apply, the judgment shall remain in force.

If the court or tribunal decides that the review is justified for one of the reasons laid down in paragraph 1, the judgment given in the European Small Claims Procedure shall be null and void.

Article 19

Applicable procedural law

Subject to the provisions of this Regulation, the European Small Claims Procedure shall be governed by the procedural law of the Member State in which the procedure is conducted.

CHAPTER III

RECOGNITION AND ENFORCEMENT IN ANOTHER MEMBER STATE

Article 20

Recognition and enforcement

1. A judgment given in a Member State in the European Small Claims Procedure shall be recognised and enforced in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.

2. At the request of one of the parties, the court or tribunal shall issue a certificate concerning a judgment in the European Small Claims Procedure using standard Form D, as set out in Annex IV, at no extra cost.

Article 21

Enforcement procedure

1. Without prejudice to the provisions of this Chapter, the enforcement procedures shall be governed by the law of the Member State of enforcement.

Any judgment given in the European Small Claims Procedure shall be enforced under the same conditions as a judgment given in the Member State of enforcement.

2. The party seeking enforcement shall produce:

- (a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and
- (b) a copy of the certificate referred to in Article 20(2) and, where necessary, the translation thereof into the official language of the Member State of enforcement or, if there are several official languages in that Member State, the official language or one of the official languages of court or tribunal proceedings of the place where enforcement is sought in conformity with the law of that Member State, or into another language that the Member State of enforcement has indicated it can accept. Each Member State may indicate the official language or languages of the institutions of the European Union other than its own which it can accept for the European Small Claims Procedure. The content of Form D shall be translated by a person qualified to make translations in one of the Member States.

3. The party seeking the enforcement of a judgment given in the European Small Claims Procedure in another Member State shall not be required to have:

- (a) an authorised representative; or
- (b) a postal address

in the Member State of enforcement, other than with agents having competence for the enforcement procedure.

4. No security, bond or deposit, however described, shall be required of a party who in one Member State applies for enforcement of a judgment given in the European Small Claims Procedure in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State of enforcement.

Article 22

Refusal of enforcement

1. Enforcement shall, upon application by the person against whom enforcement is sought, be refused by the court or tribunal with jurisdiction in the Member State of enforcement if the judgment given in the European Small Claims Procedure is irreconcilable with an earlier judgment given in any Member State or in a third country, provided that:

- (a) the earlier judgment involved the same cause of action and was between the same parties;
- (b) the earlier judgment was given in the Member State of enforcement or fulfils the conditions necessary for its recognition in the Member State of enforcement; and
- (c) the irreconcilability was not and could not have been raised as an objection in the court or tribunal proceedings in the Member State where the judgment in the European Small Claims Procedure was given.

2. Under no circumstances may a judgment given in the European Small Claims Procedure be reviewed as to its substance in the Member State of enforcement.

Article 23

Stay or limitation of enforcement

Where a party has challenged a judgment given in the European Small Claims Procedure or where such a challenge is still possible, or where a party has made an application for review within the meaning of Article 18, the court or tribunal with jurisdiction or the competent authority in the Member State of enforcement may, upon application by the party against whom enforcement is sought:

- (a) limit the enforcement proceedings to protective measures;
- (b) make enforcement conditional on the provision of such security as it shall determine; or
- (c) under exceptional circumstances, stay the enforcement proceedings.

CHAPTER IV

FINAL PROVISIONS

Article 24

Information

The Member States shall cooperate to provide the general public and professional circles with information on the European Small Claims Procedure, including costs, in particular by way of the European Judicial Network in Civil and Commercial Matters established in accordance with Decision 2001/470/EC.

Article 25

Information relating to jurisdiction, means of communication and appeals

1. By 1 January 2008 the Member States shall communicate to the Commission:

- (a) which courts or tribunals have jurisdiction to give a judgment in the European Small Claims Procedure;
- (b) which means of communication are accepted for the purposes of the European Small Claims Procedure and available to the courts or tribunals in accordance with Article 4(1);
- (c) whether an appeal is available under their procedural law in accordance with Article 17 and with which court or tribunal this may be lodged;
- (d) which languages are accepted pursuant to Article 21(2)(b); and
- (e) which authorities have competence with respect to enforcement and which authorities have competence for the purposes of the application of Article 23.

Member States shall apprise the Commission of any subsequent changes to this information.

2. The Commission shall make the information notified in accordance with paragraph 1 publicly available through publication in the *Official Journal of the European Union* and through any other appropriate means.

Article 26

Implementing measures

The measures designed to amend non-essential elements of this Regulation, including by supplementing it, relating to updates or technical amendments to the forms in the Annexes shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2).

*Article 27***Committee**

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

*Article 28***Review**

By 1 January 2014, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a detailed report reviewing the operation of the European Small Claims Procedure, including the limit of the value of the claim referred to in Article 2(1). That report shall contain an assessment of the procedure as it has operated and an extended impact assessment for each Member State.

To that end and in order to ensure that best practice in the European Union is duly taken into account and reflects the principles of better legislation, Member States shall provide the Commission with information relating to the cross-border operation of the European Small Claims Procedure. This information shall cover court fees, speed of the procedure, efficiency, ease of use and the internal small claims procedures of the Member States.

The Commission's report shall be accompanied, if appropriate, by proposals for adaptation.

*Article 29***Entry into force**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009, with the exception of Article 25, which shall apply from 1 January 2008.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Strasbourg, 11 July 2007.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
M. LOBO ANTUNES

ANNEX I

EUROPEAN SMALL CLAIMS PROCEDURE

FORM A

CLAIM FORM

(Article 4(1) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

Case number (*):

Received by the court/tribunal on: ____/____/____ (*)

(*) To be filled in by the court/tribunal.

IMPORTANT INFORMATION

PLEASE READ THE GUIDELINES AT THE BEGINNING OF EACH SECTION – THEY WILL HELP YOU TO FILL IN THIS FORM

Language

Fill in this form in the language of the court/tribunal to which you are sending your application. Please note that the form is available in all official languages of the institutions of the European Union on the website of the European Judicial Atlas at http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm. This may help you in filling in the form in the required language.

Supporting documents

Please note that the claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent you from submitting, where appropriate, further evidence during the procedure.

A copy of the claim form and, where appropriate, of the supporting documents, will be served on the defendant. The defendant will have an opportunity to submit a response.

1. Court/tribunal

In this field you should identify the court/tribunal before which you are making your claim. When deciding which court/tribunal to choose, you need to consider the grounds for the court's/tribunal's jurisdiction. A non-exhaustive list of possible grounds of jurisdiction is included in section 4.

1. *Before which court/tribunal are you making your claim?*

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

2. Claimant

This field must identify you as the claimant and your representative, if any. Please note that it is not mandatory to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a PO Box as the address and you should therefore include the street name and number with a postcode. Failure to do so may result in the document not being served.

'Other details' may contain information that helps to identify you, for example, your date of birth, occupation, position in the company, personal ID code and the company registry code in certain Member States.

Where there is more than one claimant, please use additional sheets.

2. *The claimant's details*

- 2.1. Surname, first name/name of company or organisation:
- 2.2. Street and number/PO box:
- 2.3. City and postal code:
- 2.4. Country:
- 2.5. Telephone (*):
- 2.6. E-mail (*):
- 2.7. Claimant's representative, if any, and contact details (*):
- 2.8. Other details (*):

3. *Defendant*

In this field you should identify the defendant and, if known, his representative. Please note that it is not mandatory for the defendant to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a P.O. Box as the address and therefore you should include the street name and number with a postcode. Failure to do so may result in the document not being served.

'Other details' may contain information that helps to identify the person, for example the date of birth, occupation, position in the company, personal ID code and company registry code in certain Member States. If there is more than one defendant, please use additional sheets.

3. *The defendant's details*

- 3.1. Surname, first name/name of company or organisation:
- 3.2. Street and number/PO box:
- 3.3. City and postal code:
- 3.4. Country:
- 3.5. Telephone (*):
- 3.6. E-mail (*):
- 3.7. Defendant's representative, if known, and contact details (*):
- 3.8. Other details (*):

4. *Jurisdiction*

Your application must be lodged with the court/tribunal that has jurisdiction to deal with it. The court/tribunal must have jurisdiction in accordance with the rules of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

This section includes a non-exhaustive list of possible grounds for jurisdiction.

Information on the rules of jurisdiction can be found on the website of the European Judicial Atlas at http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm.

You can also look at http://ec.europa.eu/civiljustice/glossary/glossary_en.htm for an explanation of some of the legal terms employed.

(*) Optional.

4. *On what ground do you consider the court/tribunal to have jurisdiction?*

- 4.1. Domicile of the defendant ☐
- 4.2. Domicile of the consumer ☐
- 4.3. Domicile of the policyholder, the insured or the beneficiary in insurance matters ☐
- 4.4. Place of performance of the obligation in question ☐
- 4.5. Place of the harmful event ☐
- 4.6. Place where the immovable property is situated ☐
- 4.7. Choice of court/tribunal agreed by the parties
- 4.8. Other (please specify): _____

5. *Cross-border nature of the case*

In order to make use of the European Small Claims Procedure, your case must be of a cross-border nature. A case is of a cross-border nature if at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court/tribunal.

5. *Cross-border nature of the case*

- 5.1. Country of domicile or habitual residence of claimant: _____
- 5.2. Country of domicile or habitual residence of defendant: _____
- 5.3. Member State of the court/tribunal: _____

6. *Bank details (optional)*

In field 6.1. you may inform the court/tribunal by which means you intend to pay the application fee. Please note that not all methods are necessarily available at the court/tribunal to which you are sending your application. You should verify which methods of payment will be accepted by the court/tribunal. You can do this by contacting the court/tribunal concerned or by consulting the website of the European Judicial Network in Civil and Commercial Matters at <http://ec.europa.eu/civiljustice>.

If you choose to pay by credit card or to allow the court/tribunal to collect the fee from your bank account, you should give the necessary credit card or bank account details in the Appendix to this form. The Appendix will be for the information of the court/tribunal only and will not be forwarded to the defendant.

In field 6.2. you are given the possibility of indicating by which means you wish to receive payment from the defendant, for example if the defendant wishes to pay immediately even before the judgment is given. If you wish to be paid by bank transfer, please give the necessary bank details.

6. *Bank details (*)*

- 6.1. How will you pay the application fee?
- 6.1.1. By bank transfer ☐
- 6.1.2. By credit card ☐ (please fill in the Appendix)
- 6.1.3. Direct debit from your bank account ☐ (please fill in the Appendix)
- 6.1.4. Other (please specify): _____
- 6.2. To which account do you wish the defendant to pay any amount claimed or awarded?
- 6.2.1. Account holder: _____
- 6.2.2. Bank name, BIC or other relevant bank code: _____
- 6.2.3. Account number/IBAN: _____

7. Claim

Scope: Please note that the European Small Claims Procedure has a limited scope. No claims of a value higher than EUR 2000 or which are listed in Article 2 of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure can be dealt with under this procedure. If your claim does not relate to an action within the scope of that Regulation in accordance with Article 2, proceedings will continue before the courts/tribunals with jurisdiction in accordance with the rules of ordinary civil procedure. If you do not wish to continue proceedings in that event, you should withdraw your application.

Monetary or other claim: You should indicate whether you are claiming money and/or something else (non-monetary claim), for example, delivery of goods, and then fill in respectively either 7.1. and/or 7.2. If your claim is not for money, please indicate the estimated value of your claim. In the case of a non-monetary claim, you should indicate whether you have a secondary claim for compensation if it is not possible to satisfy the original claim.

If you wish to claim the costs of the proceedings (e.g. translation costs, lawyers' fees, costs relating to the service of documents etc.), then you should indicate this in 7.3. Please note that rules regarding the costs which courts/tribunals can award vary between different Member States. Details of categories of costs in the Member States can be found on the website of the European Judicial Network in Civil and Commercial Matters at <http://ec.europa.eu/civiljustice>.

If you wish to claim any contractual interest, for example on a loan, you should indicate the rate and from what date it runs. The court/tribunal may award statutory interest on your claim, if you are successful. If you wish to claim interest, please indicate this and the date from which the interest should run.

7. About your claim

☐ 7.1. Claim for money

7.1.1. Amount of principal (excluding interest and costs): _____

7.1.2. Currency

- | | | |
|---|---|---|
| <input type="checkbox"/> Euro (EUR) | <input type="checkbox"/> Bulgarian lev (BGN) | <input type="checkbox"/> Cypriot pound (CYP) |
| <input type="checkbox"/> Czech koruna (CZK) | <input type="checkbox"/> Estonian kroon (EEK) | <input type="checkbox"/> Pound Sterling (GBP) |
| <input type="checkbox"/> Hungarian forint (HUF) | <input type="checkbox"/> Latvian lats (LVL) | <input type="checkbox"/> Lithuanian litas (LTL) |
| <input type="checkbox"/> Maltese lira (MTL) | <input type="checkbox"/> Polish zloty (PLN) | <input type="checkbox"/> Romanian leu (RON) |
| <input type="checkbox"/> Swedish kronor (SEK) | <input type="checkbox"/> Slovak koruna (SKK) | |

☐ Other (please specify): _____

☐ 7.2. Other claim:

7.2.1. Please specify what you are claiming: _____

7.2.2. Estimated value of the claim: _____

Currency:

- | | | |
|---|---|---|
| <input type="checkbox"/> Euro (EUR) | <input type="checkbox"/> Bulgarian lev (BGN) | <input type="checkbox"/> Cypriot pound (CYP) |
| <input type="checkbox"/> Czech koruna (CZK) | <input type="checkbox"/> Estonian kroon (EEK) | <input type="checkbox"/> Pound Sterling (GBP) |
| <input type="checkbox"/> Hungarian forint (HUF) | <input type="checkbox"/> Latvian lats (LVL) | <input type="checkbox"/> Lithuanian litas (LTL) |
| <input type="checkbox"/> Maltese lira (MTL) | <input type="checkbox"/> Polish zloty (PLN) | <input type="checkbox"/> Romanian leu (RON) |
| <input type="checkbox"/> Swedish kronor (SEK) | <input type="checkbox"/> Slovak koruna (SKK) | |

☐ Other (please specify): _____

7.3. Are you claiming the costs of proceedings?

7.3.1. Yes ☐

7.3.2. No ☐

7.3.3. If yes, please specify which costs and indicate the amount claimed or incurred so far:

7.4. Are you claiming interest?			
Yes	<input type="checkbox"/>		
No	<input type="checkbox"/>		
If yes, is the interest:			
Contractual?	<input type="checkbox"/>	If so, go to 7.4.1	
Statutory?	<input type="checkbox"/>	If so, go to 7.4.2	
7.4.1. If contractual			
(1) the rate is:			
	<input type="checkbox"/>	_____ %	
	<input type="checkbox"/>	_____ %	above the base rate of the ECB
	<input type="checkbox"/>	other: _____	
(2) the interest should run from: ____ / ____ / ____ (date)			
7.4.2. If statutory			
the interest should run from: ____ / ____ / ____ (date)			

8. Details of claim

In 8.1. you should describe briefly the substance of your claim.

In 8.2. you should describe any relevant supporting evidence. This could, for example, be written evidence (e.g. contracts, receipts, etc.) or oral or written statements from witnesses. For each piece of evidence, please indicate which aspect of your claim it is intended to support.

If space is insufficient, you can add additional sheets.

8. Details of claim	
8.1. Please give reasons for your claim, for example what happened, where and when.	
8.2. Please describe the evidence you wish to put forward to support your claim and state which points of the claim it supports. Where appropriate, you should add relevant supporting documents.	
8.2.1. Written evidence	<input type="checkbox"/> please specify below
8.2.2. Witnesses	<input type="checkbox"/> please specify below
8.2.3. Other	<input type="checkbox"/> please specify below

Oral hearing: Please note that the European Small Claims Procedure is a written procedure. However, you can request, in this form or at a later stage, that an oral hearing be held. The court/tribunal may decide to hold an oral hearing if it considers it necessary for the fair conduct of the proceedings or it may refuse it, having regard to all the circumstances of the case.

8.3. Do you want an oral hearing to be held?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, please indicate reasons (*)	

9. Certificate

A judgment given in a Member State in the European Small Claims Procedure can be recognised and enforced in another Member State. If you intend to ask for recognition and enforcement in a Member State other than that of the court/tribunal, you can request in this form that the court/tribunal, after having made a decision in your favour, issue a certificate concerning that judgment.

9. Certificate

I ask the court/tribunal to issue a certificate concerning the judgment

Yes ☐

No ☐

10. Date and signature

Please make sure that you write your name clearly and sign and date your application at the end.

10. Date and signature

I hereby request that the court/tribunal give a judgment against the defendant on the basis of my claim.

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at: _____

Date: ____/____/____

Name and signature: _____

*Appendix to the claim form (Form A)***Bank details (*) for the purposes of payment of the application fee**

Account holder/credit card holder:

Bank name, BIC or other relevant bank code/credit card company:

Account number or IBAN/credit card number, expiry date and security number of the credit card:

(*) Optional.

ANNEX II

EUROPEAN SMALL CLAIMS PROCEDURE

FORM B

REQUEST BY THE COURT OR TRIBUNAL TO COMPLETE AND/OR RECTIFY THE CLAIM FORM

(Article 4(4) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

To be filled in by the court/tribunal

Case number: _____

Received by the court/tribunal on: ____/____/____

1. *Court/tribunal*

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

2. *Claimant*

2.1. Surname, first name/name of company or organisation:

2.2. Street and number/PO box:

2.3. City and postal code:

2.4. Country:

2.5. Telephone (*):

2.6. E-mail (*):

2.7. Claimant's representative, if any, and contact details (*):

2.8. Other details (*):

3. *Defendant*

3.1. Surname, first name/name of company or organisation:

3.2. Street and number/PO box:

3.3. City and postal code:

3.4. Country:

3.5. Telephone (*):

3.6. E-mail (*):

3.7. Defendant's representative, if any, and contact details (*):

3.8. Other details (*):

(*) Optional.

The court/tribunal has examined your claim form and considers it to be inadequate or insufficiently clear or not properly filled in: please complete and/or rectify your form in the language of the court/tribunal as indicated below as soon as possible and at the latest by _____

The court/tribunal shall dismiss your application under the conditions provided for in Regulation (EC) No 861(*)/2007 if you fail to complete and/or rectify it within the time limit set out above.

Your claim form has not been filled in the correct language. Please fill it in one of the following languages.

Bulgarian	<input type="checkbox"/>	Czech	<input type="checkbox"/>	German	<input type="checkbox"/>
Estonian	<input type="checkbox"/>	Spanish	<input type="checkbox"/>	Greek	<input type="checkbox"/>
French	<input type="checkbox"/>	Irish	<input type="checkbox"/>	Italian	<input type="checkbox"/>
Latvian	<input type="checkbox"/>	Lithuanian	<input type="checkbox"/>	Hungarian	<input type="checkbox"/>
Maltese	<input type="checkbox"/>	Dutch	<input type="checkbox"/>	Polish	<input type="checkbox"/>
Portuguese	<input type="checkbox"/>	Romanian	<input type="checkbox"/>	Slovak	<input type="checkbox"/>
Slovene	<input type="checkbox"/>	Finnish	<input type="checkbox"/>	Swedish	<input type="checkbox"/>
English	<input type="checkbox"/>	Other: (please specify) _____			

The following sections of the claim form must be completed and/or rectified as stated below:

—
—
—
—

Done at:

Date: ____/____/____

Signature and/or stamp:

ANNEX III

EUROPEAN SMALL CLAIMS PROCEDURE

FORM C

ANSWER FORM

(Article 5(2) and 5(3) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

IMPORTANT INFORMATION AND GUIDELINES FOR THE DEFENDANT

A claim as set out in the attached claim form has been submitted against you using the European Small Claims Procedure.

You can answer by filling in Part II of this form and returning it to the court/tribunal, or in any other appropriate way, within 30 days after the claim form has been served on you together with the answer form.

Please note that if you do not answer within 30 days, the court/tribunal shall give a judgment.

Please make sure that you write your name clearly and sign and date the answer form at the end.

You should also read the guidelines included in the claim form; these may help you to prepare your response.

Language: You should reply to the claim in the language of the court/tribunal which has sent you this form.

Please note that the form is available in all official languages of the institutions of the European Union on the website of the European Judicial Atlas at

http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm. This may help you in filling in the form in the required language.

Oral hearing: Please note that the European Small Claims Procedure is a written procedure. However, you can ask for an oral hearing to be held. Please be aware that having regard to the circumstances of the case, the court/tribunal can refuse this request.

Supporting documents: You can indicate possible means of evidence, and add, where appropriate, supporting documents.

Counterclaim: If you want to make a claim against the claimant (counterclaim), you should fill in and attach a separate Form A which you can find on the Internet at http://ec.europa.eu/justice_home/judicialatlascivil/html/fillinginformation_en.htm or obtain from the court/tribunal which sent you this form. Please note that for the purposes of the counterclaim you are considered to be the claimant.

Correcting your details: You can also correct or supplement information about yourself (e.g. contact details, representative etc.) in section 6 'Other information'.

Extra space: If space is insufficient, you can add additional sheets.

Part I (to be filled in by the court/tribunal)

Name of claimant:

Name of defendant:

Court/tribunal:

Claim:

Case number:

Part II (to be filled in by the defendant)

1. Do you accept the claim?
 - Yes ☐
 - No ☐
 - Partially ☐

If you have answered 'no' or 'partially', please indicate reasons:

The claim is outside the scope of the European Small Claims Procedure ☐
please specify below

Other ☐
please specify below
2. If you do not accept the claim please describe the evidence you wish to put forward to contest it. Please state which points of your answer the evidence supports. Where appropriate, you should add relevant supporting documents.
 - 2.1. Written evidence ☐ please specify below
 - 2.2. Witnesses ☐ please specify below
 - 2.3. Other ☐ please specify below
3. Do you want an oral hearing to be held?
 - Yes ☐
 - No ☐

If yes, please indicate reasons (*);
4. Are you claiming the costs of proceedings?
 - 4.1. Yes ☐
 - 4.2. No ☐
 - 4.3. If yes, please specify which costs and if possible, indicate the amount claimed or incurred so far;
5. Do you want to make a counterclaim?
 - 5.1. Yes ☐
 - 5.2. No ☐
 - 5.3. If yes, please fill in and attach a separate Form A
6. Other information (*)
7. Date and signature

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at: _____

Date: ____/____/____

Name and signature: _____

(*) Optional

ANNEX IV

EUROPEAN SMALL CLAIMS PROCEDURE

FORM D

CERTIFICATE CONCERNING A JUDGMENT IN THE EUROPEAN SMALL CLAIMS PROCEDURE

(Article 20(2) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

To be filled in by the court/tribunal

1. *Court/tribunal*
 - 1.1. Name:
 - 1.2. Street and number/PO box:
 - 1.3. City and postal code:
 - 1.4. Country:
2. *Claimant*
 - 2.1. Surname, first name/name of company or organisation:
 - 2.2. Street and number/PO box:
 - 2.3. City and postal code:
 - 2.4. Country:
 - 2.5. Telephone (*):
 - 2.6. E-mail (*):
 - 2.7. Claimant's representative, if any, and contact details (*):
 - 2.8. Other details (*):
3. *Defendant*
 - 3.1. Surname, first name/name of company or organisation:
 - 3.2. Street and number/PO box:
 - 3.3. City and postal code:
 - 3.4. Country:
 - 3.5. Telephone (*):
 - 3.6. E-mail (*):
 - 3.7. Defendant's representative, if any, and contact details (*):
 - 3.8. Other details (*):

(*) Optional.

4. Judgment

4.1. Date:

4.2. Case number:

4.3. The substance of the judgment:

4.3.1. The court/tribunal has ordered _____ to pay to _____

(1) Principal:

(2) Interest:

(3) Costs:

4.3.2. The court/tribunal has made an order against _____ to _____

(If the judgment was given by an appeal court in the case of a review of a judgment.)

This judgment supersedes the judgment given on ____/____/____, case number _____, and any certificate relative thereto.

THE JUDGMENT WILL BE RECOGNISED AND ENFORCED IN ANOTHER MEMBER STATE WITHOUT THE NEED FOR A DECLARATION OF ENFORCEABILITY AND WITHOUT ANY POSSIBILITY OF OPPOSING ITS RECOGNITION.

Done at: _____

Date: ____/____/____

Signature and/or stamp