

Unit 8

The European order for payment procedure and the European small claims procedure

Self-assessment questionnaire

I. Regulation (EC) no. 1896/2006

1. The Regulation is applicable to pecuniary claims of a certain amount in cross-border cases in civil and commercial matters.

Answer: True

2. The jurisdiction of the court is determined in accordance with the law of the corresponding Member State.

Answer: False. It is determined by virtue of Article 6 of Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

3. The application for the issue of a European order for payment can only be presented in paper form.

Answer: False. In those Member States in which it is permitted and possible, the application may also be presented via electronic means with an electronic signature.

4. The statement of opposition to the European order for payment must be presented within 30 days as of notification and it is not necessary to provide grounds.

Answer: True

5. The opposition procedure will be governed by the national procedural law corresponding to the court in the Member State of origin.

Answer: True

II. Regulation (EC) 861/2007

1. The Regulation is applicable to cross-border disputes in civil and commercial matters up to an amount of € 600.

Answer: False. It can apply to cases with an amount of up to € 2000.

2. An oral hearing is obligatory.

Answer: False. An oral hearing is only held if the court considers it necessary or if one of the parties requests it. However, the court is not obliged to accede to the request and may reject it, providing the reasons for its decision in writing.

3. Representation by a lawyer is not necessary.

Answer: True

4. The judgment is enforceable without the need for security.

Answer: True

5. The judgment requires a declaration of enforceability from the court with jurisdiction in the Member State of enforcement.

Answer: False. The judgment is recognised and enforced in the other Member States without the need for a declaration of enforceability and recognition cannot be refused.