



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 February 2008

6356/08

LIMITE

JURINFO 12

TRANSLATION PROVIDED BY THE GERMAN DELEGATION

NOTE

from:	German and Austrian delegations
to:	Working Party on Legal Data Processing (e-Justice)
Subject:	European Order for Payment Procedure

Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 (OJ L 399/1R) introduces the European order for payment procedure as on 12 December 2008. The procedure applies in all Member States with the exception of Denmark. Germany, Austria and prospectively Slovenia would like to develop an IT application for this procedure together which is also suited in principle for deployment across the entire EU, albeit it will need to be adjusted for national features.

I. Background

The introduction of the European order for payment procedure is one of a number of measures with which the EU is seeking to support the unified economic area through a judicial area which works in greater harmony. Whilst the last major project in this field, namely the 2004 regulation creating a European enforcement order for uncontested claims, simplified the enforcement of uncontested claims from other Member States, the Regulation on the European order for payment procedure now goes one step further. It regulates how the title itself can be obtained in a uniform, rapid manner. This means that the authors of the regulation are treading on new ground, given that it is the first contentious procedure for the entire EU. The procedural steps leading up to the issuance of the title are now the same in all Member States.

II. The project

On the basis of their experience in the national payment order procedures, the judicial administrations of Germany and Austria are planning to develop together an IT application to deal with the European payment order procedure electronically. It is hoped that Slovenia will also participate in the cooperation. In Germany, competence for the European payment order procedure lies with the Federal *Länder*, who have however already agreed to concentrate the administration in one court, that being Wedding Local Court in Berlin. Hence, the Senate Administration of Justice of the *Land* Berlin is taking on the management of the project for Germany – with support being provided by the Federal Ministry of Justice. In Austria, the regional courts which have jurisdiction depending on the value of the legal matter will deal with the procedure. Both there and in Slovenia, competence for the automatic procedure lies with the national justice department.

It is of particular significance for the partners to use their cooperation to create an option for all Member States, going beyond their internal requirement, and at the same time to support the goals of the European E-Justice Initiative. Therefore, the IT application is to be developed in a form which in principle can be used in all Member States. The project is to portray the entire European payment order procedure as applicable uniformly in all Member States. In order to be deployed in all countries, it is equipped with language and currency modules, as well as with all necessary interfaces for integration into different infrastructures. Furthermore, it will be designed such that it can be used in the EU's planned justice portal, as well as in other portals.

The application is to be based on the IT solution available in Austria for the national payment order procedure. Various elements of this application can continue to be used because the national Austrian payment order procedure and the European payment order procedure are similar in many respects. This will have a favourable effect on the time and cost needed for development. The modules suited for continued use must however first of all be identified, revised and updated. Additionally, many new developments are to be carried out for the various procedural steps (use cases).

III. Planned approach

The application will fully reflect the European payment order procedure in a modular structure. The procedure is to run automatically, but only as far as is expedient. A small number of tasks which can be done simply by hand, but which would require extensive, complicated programming, are therefore to be removed from the automatic procedure.

The sub-steps of the payment order procedure, which the regulation does not cover, but which are subject to the respective national conditions – such as establishment and collection of the court fees – are not covered by the project. The participating Member States will have to supplement the application by designing their own solutions for these elements. The same applies for instance to adjustment to the different court structures or enforcement regulations.

The first stage of the project should be completed on entry into force of the European payment order procedure on 12 December 2008. Because of the scant time until then, it will however initially only be a basic version, restricted to essential functions. The basic version can then be continually completed and expanded thanks to its modular structure.

Germany and Austria have agreed on the following division of tasks for the development work: Germany will contribute the work to investigate the relevant Community law and to analyse the business processes, and will lead the consortium. Austria will provide the modules suited to continued use from its national payment order procedure, as well as its special knowledge of this application. It should be noted in this context that the Austrian modules are subject to industrial property rights of the partner who contributed to its development, which must be accommodated in the future work.

The preparations for the project entered a concrete stage at the beginning of the year with the preliminary examination by an external service-provider. The preliminary examination has revealed that the project will require considerable effort in development, but that there are no fundamental obstacles to it. If it is implemented rapidly, the basic version can indeed be ready for operation by 12 December 2008.

The development of an application which is suitable in principle for all Member States will demand considerable financial effort. The cooperation partners hence only consider themselves able to achieve this overarching solution if the project has EU funding. Otherwise, the development will have to be reduced to a simple solution which only covers the absolute minimum needs of the cooperation partners.

IV. Overview of basic technical data

- Use of open standards
- Modular application architecture (SOA)
- Unrestricted possibility of integration into websites provided by the EU and other portal solutions
- Integration into electronic legal relations, electronic availability of all documents concerning the proceeding
- Integration into national e-justice applications
- Preparation for multilingualism and different currencies
- No full automatic but nevertheless very efficient handling of cases
- Citizen-centric communication by real-time availability of data
- Extensive analysis options (statistics)

V. Association with other Member States and with the Commission

The project is fundamentally open to all interested Member States. With regard to the fact that a large amount of preliminary work has already been concluded, and that the time remaining until the entry into force of the European order for payment procedure is scarce, complete integration of further cooperation partners in the operative implementation of the basic version however appears to be virtually impossible. It would however be welcome if further interested parties could get involved – initially with observer status. Such status would entail receiving extensive information on the respective state of implementation, as well as making it possible to contribute ideas and suggestions to the ongoing work and then helping to refine the basic version as an integrated partner.

Insofar as the project might overlap with the Commission's thoughts to present a feasibility study on automatic administration of the European order for payment procedure, the cooperation partners are open to coordination or interlinking of the two projects. Given that all participants share a common concern, they are very much interested in informing the Commission extensively of their plans and intentions and, on this basis, in receiving proposals as to the further procedure, as well as in providing the Commission with information on the practical feasibility of theoretical concepts.

VI. Summary

Germany, Austria and prospectively Slovenia are planning to develop an application for the electronic administration of the European payment order procedure. Further interested Member States are open to participate – initially with observer status. The application is to be structured such that it can be deployed in all interested Member States. This overarching deployability is expedient in order to avoid parallel and duplicate developments, and to enable Member States to administrate the procedures effectively and in an up-to-date manner whose procedural volume is too small for an IT solution of their own. In the interest of the European E-Justice Initiative, the prototype will be equipped with all necessary interfaces, as well as with opportunities for inclusion in portal solutions.

Because of the particular effort involved, the overall project can only be implemented if financial assistance is forthcoming from the EU. Should there be overlaps with the Commission's intention to have a feasibility study drawn up, the cooperation partners are interested in proposals for harmonisation and interlinking of the two projects.
