Commission Delegated Regulation (EU) 2017/1260 of 19 June 2017 replacing Annex I to Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure

COMMISSION DELEGATED REGULATION (EU) 2017/1260

of 19 June 2017

replacing Annex I to Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure[(1)], and in particular Article 30 thereof,

Whereas:

(1) Regulation (EC) No 1896/2006 establishes in its Annexes the forms to be used to facilitate its application.

(2) Regulation (EC) No 1896/2006 was amended by Regulation (EU) 2015/2421 of the European Parliament and of the Council[(2)] with the effect from 14 July 2017. From that date where a European Order for Payment is opposed, the claimant has the possibility to request that the proceedings continue in accordance with the rules of the European Small Claims Procedure laid down in Regulation (EC) No 861/2007 of the European Parliament and of the Council[(3)]. Appendix 2 and the guidelines thereto in Annex I should take into account such possibility. For the sake of clarity, it is appropriate to replace the whole Annex I.

(3) As the amendments to Regulation (EC) No 1896/2006 will start to apply on 14 July 2017, this Regulation should enter into force on 14 July 2017.

(4) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of Regulation (EC) No 1896/2006 and of Regulation (EU) 2015/2421, and are therefore bound by this Regulation.

(5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(6) Therefore, it is necessary to replace Annex I to Regulation (EC) No 1896/2006,

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2017/1260. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 1

Annex I to Regulation (EC) No 1896/2006 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 July 2017.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 19 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

ANNEX

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 (day/month/year)	
Signature and/or stamp	

2. Parties and their representatives

Codes: 01 Claimant; 02 Defendant; 03 Claimant's representative *; 04 Defendant's representative *; 05 Claimant's legally authorised representative **; 06 Defendant's legally authorised representative **

Code	Corporate name of company or organisation		Identification code (if applicable)	
	Surname		First Name	
	Address	Postal code	City	Country
	Phone ***	Fax ***	email ***	
	Occupation ***	Other details ***		

Code	Corporate name of company or organisation		Identification code (if applicable)	
	Surname		First Name	
	Address	Postal code	City	Country
	Phone ***	Fax ***	email ***	
	Occupation ***	Other details ***		

Code	Corporate name of company or organisation		Identification code (if applicable)	
	Surname		First Name	
	Address	Postal code	City	Country
	Phone ***	Fax ***	email ***	
	Occupation ***	Other details ***		

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2017/1260. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Code	Corporate name of company or organisation		Identification code (if applicable)	
	Surname		First Name	
	Address	Postal code	City	Country
	Phone ***	Fax ***	email ***	
	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
02 Place of performance of the obligation in question
03 Place of the harmful event
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
05 Domicile of the trust
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
07 Domicile of the policyholder, the insured or the beneficiary in insurance matters
08 Domicile of the consumer
09 Place where the employee carries out his work
10 Place where the business which engaged the employee is situated
11 Place where the immovable property is situated
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	Greece	11	Italy	16	Hungary	21	Portugal	26	Sweden
02	Bulgaria	07	Spain	12	Cyprus	17	Malta	22	Romania	27	United Kingdom
03	Czech Republic	08	France	13	Latvia	18	The Netherlands	23	Slovenia	28	other (please specify)
04	Germany	09	Croatia	14	Lithuania	19	Austria	24	Slovakia		
05	Estonia	10	Ireland	15	Luxembourg	20	Poland	25	Finland		

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)**

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EUR	Euro	BGN	Bulgarian Lev	CZK	Czech Koruna	GBP	Pound sterling	HUF	Hungarian Forint
HRK	Croatian kuna	PLN	Polish Zloty	RON	Romanian Leu	SEK	Swedish Krona		

6. **Principal**	Currency:	Other (according to international banking code)
		Total value of principal, excluding interest and costs:

The claim relates to (Code 1)

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
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)
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)

Circumstances invoked (Code 2)

30 Non-payment
31 Insufficient payment
32 Late payment
33 Non-delivery of goods or services
34 Delivery of defective goods or poor services
35 Goods or services not in conformity with the order
36 Other (please specify)

Other details (Code 3)

40 Place of purchase
41 Place of delivery
42 Date of purchase
43 Date of delivery
44 Type of goods or services concerned
45 Address of immovable property
46 In case of loan, purpose: Consumer credit
47 In case of loan, purpose: Mortgage credit
48 Other detail (please specify)

ID 1	Code 1	Code 2	Code 3	Explanatory statement	Date* (or period)	Amount
ID 2	Code 1	Code 2	Code 3	Explanatory statement	Date* (or period)	Amount
ID 3	Code 1	Code 2	Code 3	Explanatory statement	Date* (or period)	Amount
ID 4	Code 1	Code 2	Code 3	Explanatory statement	Date* (or period)	Amount

* Date format: day/month/year

The claim has been assigned to the claimant by (if applicable)

Corporate name of company or organisation		Identification code (if applicable)	
Surname		First Name	
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 ☐