Commission Regulation (EU) No 936/2012 of 4 October 2012 on amending the Annexes to Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure

COMMISSION REGULATION (EU) No 936/2012

of 4 October 2012

on amending the Annexes 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) Since the entry into force of Regulation (EC) No 1896/2006 it has become apparent that modifications to all the Annexes to that Regulation are necessary in order to update them and to improve the practical application of the Regulation, as well as to facilitate the electronic use of the procedure in the European Judicial Atlas in Civil Matters. The standard forms in the annexes to the Regulation need amending in order to incorporate Bulgaria and Romania, update currencies and to make them easier to fill in by plaintiffs, defendants and courts.

(2) Denmark, 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 on the Functioning of the European Union, is not participating in the adoption of this Regulation, and is therefore not bound by it or subject to its application.

(3) Regulation (EC) No 1896/2006 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 1896/2006 are replaced by the text in the Annex to this Regulation.

Article 2

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

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

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 936/2012. 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*

Done at Brussels, 4 October 2012.

For the Commission

The President

José Manuel BARROSO

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

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

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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 Cyprus	16 Malta	21 Romania	26 United Kingdom
02 Bulgaria	07 Spain	12 Latvia	17 The Netherlands	22 Slovenia	27 other (please specify)
03 Czech Republic	08 France	13 Lithuania	18 Austria	23 Slovakia	
04 Germany	09 Ireland	14 Luxembourg	19 Poland	24 Finland	
05 Estonia	10 Italy	15 Hungary	20 Portugal	25 Sweden	

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 O5, 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
LTL	Lithuanian Litas	LVL	Latvian Lats	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 ☐