

The Netherlands Order for Payment Procedure  
Anka L.H. Ernes



OpenUniversiteitNederland

[www.ou.nl](http://www.ou.nl)



The slide features a red background with a white wavy border at the bottom. In the background, there is a faint image of a person in a striped shirt and another person in a dark shirt, possibly in a physical struggle or a performance. The text is centered in white. The logo for the 25th anniversary of the Open University of the Netherlands is on the left, and the university's name and website are at the bottom. The university's logo is on the right.

# The Netherlands



A map of the Netherlands, divided into its 12 provinces, each represented by a different color. The map is centered on a white background.

## European Order for Payment Procedure

- Regulation (EC) No. 1896/2006
- AIM: simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims
- HOW: in Regulation minimum standards

## Implementation

- Act of June 10<sup>th</sup>, 2009
- Recovery of uncontested claims in cross-border cases, but NOT in national cases
- Since 1942 national order for payment procedure, abolished in 1991
- 2 published procedures

## Dualistic system for access to justice

- Writ of summons (subpoena) or request procedure
- Since 2008: request may be filed by email,
- On the condition that the specific court allows this in its procedural rules
- National Rules for Request Procedures (art. 1.1.3): not yet possible to send in a request via email
- SO: FACTUALLY IT IS NOT POSSIBLE!

## Language

- Forms have to be filled out in the Dutch language

## Where to file an application?

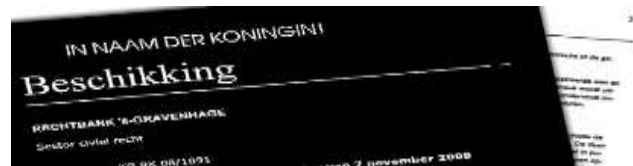
- Complicated Dutch system
- District Court in The Hague designated as ancillary court hearing location for all district courts
- [http://ec.europa.eu/justice\\_home/judicialatlascivil/html/epo\\_courtsJurisd\\_en.htm](http://ec.europa.eu/justice_home/judicialatlascivil/html/epo_courtsJurisd_en.htm)

## Documents required

- No written evidence needed
- Sufficient facts and elements of proof to enable the defendant to make an informed decision whether or not to object the claim
- NL: payment of the court fees

## Serving the defendant with the Order

- By registered mail, followed by the defendants signature on receipt of the Order
- Defendants are often consumers, official address may not match factual address
- Risk that they don't return the signature card
- By bailiff
- Novelty in Dutch law: bailiff engaged by the court!



- Standard forms E and G
- Payment Order and Declaration of enforceability
- Then: execution similar to a Dutch court ruling

## Statement of Opposition

- If continuation under Dutch law:
- Parties need representation by an attorney if value of the claim exceeds 5.000 euro
- As of January 1<sup>st</sup>, 2011 this will be changed to claims surpassing 25.000 euro

## Review

- Article 20 European Order for Payment Procedure
- Time period: 4 weeks

