

## NEW PROCEDURES IN CROSS-BORDER CASES

An amendment to the Civil Procedure Code concerning the European order for payment procedure and the European small claims procedure entered into force on 1 July 2009. These procedures are set forth in detail in EU regulations that are directly applicable in Poland. The amendment to the Polish code was necessary in order to adjust national procedures to fit the EU regulation.

The purpose of the European procedures is to simplify and speed up the enforcement of monetary claims in cross-border matters.

The chief prerequisite for use of these procedures is the cross-border nature of the matter—when at least one of the parties resides in a country other than the country where the case is filed.

These European procedures require use of specific forms, which are annexes to the EU regulations. In Poland, district and regional courts have jurisdiction over these proceedings. They are heard in closed session, but in the case of the European small claims procedure, under certain conditions set forth in the regulation the court may set a hearing.

Both the European order for payment and decisions under the small claims procedure are recognized and enforceable

in other EU member states without the need to obtain a separate declaration of enforceability.

European order for payment is governed by Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure, which entered into force on 12 December 2008.

This procedure applies to cross-border civil and commercial matters, with exceptions provided in the regulation. The procedure is applicable to pecuniary claims for a specific amount that have fallen due at the time when the application for a European order for payment is submitted.

After it determines that the application for the European order for payment meets the formal requirements stipulated in the provisions, the court will issue the European order for payment as soon as possible (usually within 30 days from submission of the application).

The order is served on the defendant, who may present a statement of opposition to the European order for payment within 30 days from service. If a statement of opposition is presented, further proceedings are conducted in accordance with the ordinary rules of civil procedure for an order for payment proceeding.

If the statement of opposition to a European order for payment is not submit-

ted within 30 days, the court immediately pronounces the enforceability of the European order for payment.

European small claims procedure is governed by Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, which came into force on 1 January 2009.

The regulation applies to cross-border civil and commercial matters where the value of the claim (excluding interest, expenses and disbursements) does not exceed EUR 2,000 at the time the claim form is filed with the proper court.

If you wish to obtain more information, please contact Izabela Antos ([izabela.antos@laszczuk.pl](mailto:izabela.antos@laszczuk.pl)).

**WORKPLACE FIRE SAFETY  
OFFICIAL NO LONGER  
NECESSARY**

An amendment to the Labour Code repealing the obligation to employ a fire safety inspector at the workplace entered into force on 5 August 2009.

The obligation to employ a fire inspector, in force since January 2009, was described in more detail in the January issue of the Bulletin. Introduction of this provision met with severe criticism, which soon led the parliament to change the law.

The Labour Code still requires employers to appoint an employee responsible for fire protection and evacuation, but the employee is no longer required to be a certified fire safety inspector.

If you wish to obtain more information, please contact Michał Chodkowski ([michal.chodkowski@laszczuk.pl](mailto:michal.chodkowski@laszczuk.pl)).