

## 1 Existence of an order for payment procedure

### 1.1 Scope of procedure

#### 1.1.1 What types of claims are eligible (e.g. only pecuniary claims, only contractual claims etc.)?

An order for payment comes under so-called summary court procedures. The procedure is regulated in Section 265 and ff. of Act No 160/2015, Code of Civil Procedure (*zákon č. 160/2015 Z.z. Civilný sporový poriadok*) (hereinafter referred to as "CCP").

An order for payment may only be issued if a claimant is seeking to exercise a right to the payment of a financial amount on the basis of facts claimed by the claimant about which the court has no doubts, in particular if those facts are documented by documentary evidence. A decision on a claim may be rendered in the form of an order for payment issued without requesting the defendant's statement and without ordering a hearing. In the decision, the defendant is mandated to pay the financial amount or a part thereof and cover the costs of the procedure within 15 days of service, or to file a statement of opposition within the same time limit. For the purpose of order for payment proceedings, a statement concerning the costs of procedure is deemed to constitute a ruling.

#### 1.1.2 Is there an upper limit regarding the value of the claim?

No, there is not.

#### 1.1.3 Is the use of that procedure optional or obligatory?

The use of the procedure is optional, the purpose being to deal with the matter in an efficient and cost-effective manner. The issuance of an order for payment is not dependent on the claimant's explicit request; a court may issue an order for payment even if the claimant asked the court to decide by means of a judgement.

#### 1.1.4 Is the procedure available if the defendant lives in another Member State or in a third country?

If an order for payment is served abroad, the European order for payment. The application for the issuance of a European order for payment is submitted on Form A pursuant to the Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

### 1.2 Competent court

The court competent in first-instance proceedings is the district court. Proceedings take place at the court that has substantive and local jurisdiction.

### 1.3 Formal requirements

#### 1.3.1 Is the use of a standardised form obligatory? (if yes, where can that form be obtained?)

Use of a form in these proceedings is not mandatory, but if the claimant submits, together with his application for the initiation of proceedings, an order for payment on a form published on the website of the Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti Slovenskej republiky*) <http://www.justice.gov.sk/>, then, provided that the statutory conditions for the issuance of an order for payment have been met and the court fee has been paid, the court will issue an order for payment within 10 business days of the day on which the conditions are met.

#### 1.3.2 Is representation by a lawyer required?

Representation by a lawyer in these proceedings is not required.

#### 1.3.3 In how much detail do I have to describe the reason for the claim?

These are summary proceedings in which the case is based only on the facts claimed by the claimant. It is therefore necessary that the facts underlying the right claimed by the claimant be sufficiently documented, and that the performance requested must be permitted by objective law.

#### 1.3.4 Is it necessary to present written evidence of the claim at issue? If yes, which documents are admissible as proof?

A claim must be documented, for example, by a contract. In all cases, proof by which the claim is supported must be enclosed with claims.

### 1.4 Rejection of application

If the court does not issue an order for payment, the procedure described in Section 168 (1) CCP is followed, i.e., the procedure is as it would be in any other dispute.

If a claim is lodged for the payment of a financial amount on the basis of a consumer contract and the defendant is a consumer, the court will not issue an order for payment if the contract or other contractual documents contain unconscionable terms (Section 299 (2) CCP).

### 1.5 Appeal

A remedy is sought in proceedings contesting the issuance of an order for payment by means of a statement of opposition. An appeal may be employed in seeking a remedy only against the decision concerning the costs of the procedure. A court decides on it summarily, i.e., without a hearing.

### 1.6 Statement of opposition

A statement of opposition employed in seeking a remedy is to be filed within 15 days of its service at the court that issued it. It must be supported with reasons. A court fee is paid for the filing of a statement of opposition employed in seeking a remedy.

### 1.7 Effect of statement of opposition

As soon as even one defendant files a statement of opposition within the time required with relevant justification, the order for payment is set aside and the court will order a hearing.

### 1.8 Effect of lack of statement of opposition

Upon the expiration in vain of the time limit for the submission of a statement of opposition, the order for payment takes full effect.

#### 1.8.1 What needs to be done in order to obtain an enforceable decision?

An order for payment must be made legally effective – it must bear a stamp of validity and enforceability, which is provided at the court that issued the order for payment. Subsequently, an application for execution must be filed.

#### 1.8.2 Is this decision final or is there still a possibility for the defendant to appeal against that decision?

If a statement of opposition is not filed within the statutory time limit for seeking a remedy against an order for payment, the order has the same effect as an enforceable judgement. An extraordinary appeal may be filed to challenge an enforceable decision within the meaning of the OSP, but only provided that all statutory requirements have been met. The possibility of filing an extraordinary appeal depends on the circumstances and facts of each case.

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