

Case study:

“When sheer determination pays off”

On this occasion, we acted for a consumer who had obtained a European Order for Payment against an Airline headquartered outside of the UK.

Back in June 2007, Mrs P was due to fly back from Italy and suffered a 13 hour delay for which no explanation was given to her whatsoever. An alternative flight on another carrier was eventually organised by the Airline.

Mrs P wrote to the Airline’s headquarters by recorded delivery but received no reply.

In May 2013, just before the claim was due to become statute barred, Mrs P decided to commence a European Order for Payment procedure in the County Court.

This European cross-border legal procedure has been available to creditors since 12 December 2008, date at which The European Order for Payment (EOP) regulation (EC) 1896/2006 of 12 December 2006 came into force.

The EOP is a great tool to obtain judgment on undisputed debts when a person or company who owes you money (the Debtor) is based in another European country. It is simple to use and simple to understand: if the Debtor does not pay you or does not oppose the Order within 30 days of receiving notification, you have a judgment which can be enforced across Europe.

In this case, the Airline did not respond and the European Order for Payment was issued in October 2013.

But a judgment does not give you your money back. And the journey must continue until it has been turned into cash.

Mrs P knew this but did not know what to do next.

She sought advice from the County Court but nobody could help.

She contacted Bottomline Technologies Ltd who recommended that she speaks to enforcement specialists and mentioned the Sheriff’s Office (as seen on TV!)

The Sheriff’s Office explained to Mrs P that their Enforcement Powers do not cross the borders of England & Wales and told Mrs P to go to Credit Limits International Ltd (CLI), the award-winning Debt Collection Agency specialised in International work & European matters.

Mrs P instructed CLI on 11 June 2014. CLI’s intimate knowledge of the Enforcement options in Italy and of the Italian language did not fail to convince the Airline to pay the full amount due under the EOP including interest & costs. Well done Ken!

Payment was received by CLI on 17 July 2014 and remitted to Mrs P on 24 July 2014.