

Date: 18/03/2013 – 10/06/2013

Policy field(s)

- Civil Justice

Who can reply to this consultation?

All citizens, organisations and public authorities are welcome to contribute to this consultation

Period of consultation

From 18 March to 10 June 2013

Purpose of the consultation

The Commission evaluates practical application of Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and assesses what improvements are needed to enhance its attractiveness as a means of resolution of cross-border disputes.

This consultation gives interested parties the opportunity to present their views on the practical operation of the European Small Claims Procedure and on its future. Your answers to this consultation will help the Commission to determine whether and how the existing legal instrument should be improved, simplified and modernised.

How to submit your contribution

This consultation can be filled out online; you also have the possibility to upload a document with comments at the end of the questionnaire. Alternatively replies can be submitted electronically to the address indicated below. It is not necessary to answer all questions (with the exception of the background information). All contributions will be published on the website of the European Commission, provided that respondents clearly identify themselves. Please read the specific privacy statement attached to this consultation for information on how your personal data and contribution will be dealt with.

View the consultation document

[Access the consultation questionnaire.](#)

Reference documents and other related consultations

(to add hyperlinks later)

Contact details

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Data Protection Disclaimer

Incoming contributions will be published on the Commission website. It is possible to request that submissions remain confidential. In this case, contributors should expressly state in their submission that they oppose publication.

For further information on privacy rulings for this public consultation see the following Specific Privacy Statement.

[Civil Justice - Public consultations](#)

Public consultation on the European Small Claims Procedure

Regulation (EC) No 861/2007 establishing a European Small Claims Procedure (hereafter: the Regulation) is applied in the EU (except in Denmark) from 1 January 2009. The Regulation is intended to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs.

The most important features of the European Small Claims Procedure are:

- It offers the consumers and SMEs an efficient cross-border procedure as alternative to the national procedures existing in the Member States;
- It is a written procedure; although there is possibility to hold a hearing;
- It can be launched and carried out with the help of multilingual standard forms;
- There are time limits for procedural acts for the parties and for the court;
- There is no mandatory legal representation;
- The loser-pays principle is limited to reasonable costs; and
- It encourages the use of modern communication technology, e.g. for videoconferences.
- Judgements are directly enforceable in other Member States (there is no need to complete the formalities of a declaration of enforceability "exequatur").

The European Small Claims Procedure is currently available for the cross border claims not exceeding 2000 euros, and it is a means of enforcement of individual consumers' rights and obtaining redress. It is also available for Small and Medium Enterprises (SMEs) doing cross-border transactions in the EU.

After almost five years of operation of the European Small Claims Procedure, the Commission carries out an assessment of the functioning of the Regulation with a view to present a report to the European Parliament, the Council, and the European Economic and Social Committee, by the end of this year (ref. Article 28 of the Regulation). The report will be accompanied, if necessary, by a proposal for the revision of the Regulation. In this context, the Commission seeks through this consultation possible improvements and simplifications of the Regulation that would further enhance the benefits of the European Small Claims Procedure, in particular for the consumers and SMEs.

By providing for more effective access to justice in cross-border disputes, the Regulation would increase confidence in entering to cross-border transactions and thereby make full use of the Internal Market.

I. Background information

This consultation is addressed to the broadest public possible, as it is important to get views and input from all interested parties and stakeholders. In order to best analyse the responses received, there is a need for a limited amount of background information about you as a respondent.

1. Please indicate your role for the purpose of this consultation
(compulsory)

- Private individual
- Company
- Please indicate the size of your company:*
 - large (more than 250 employees)
 - medium (less than 250 employees)
 - small (less than 50 employees)
 - micro (less than 10 employees)
- Judge
- Lawyer
- Court staff member
- Public authority
- Academic
- Consumer organisation
- Other, please specify.....

2. Have you had practical experience with the European Small Claims procedure and if so, in what capacity? (compulsory)

- Yes
 - O as a plaintiff acting as*
 - o consumer*
 - o SME*
 - o other*
 - O as a defendant acting as*
 - o consumer*
 - o SME*
 - o other*
 - O as a judge*
 - O as a lawyer*
 - O as a court staff member*
 - O as a bailiff*
 - O as other legal practitioner*
 - O other (please specify)*
- No

3. Please indicate the country where you are located: (compulsory)



EU Country:

Postal Code:

Municipality:

Non- EU Country:

Please specify: ...

4. Please provide your contact information (name, address and email-address) (compulsory)

...

II. General assessment

Q1 - Do you think that the European Small Claims Procedure is a helpful and efficient tool for consumers in cross border disputes?

Yes

No.

If no, what are the main issues which prevent it from being useful?

Q2 – Do you think that the European Small Claims Procedure is a helpful and efficient tool for SMEs doing cross-border transactions?

Yes

No.

If no, what are the main issues which prevent it from being useful?

III. Specific issues

Q3 – Do you think that the standard forms provided for in the European Small Claims Procedure Regulation are comprehensible and "user friendly"?

Yes

No.

If no, which elements could be changed/improved?

Q4 – Does the Member State in which you are domiciled provide free of charge assistance in completing the application form?

Yes

If yes, how is this organised?

How does it work in practice?

How is information of the assistance disseminated?

No

Q5 – There are several Member States that have increased the threshold amount for claims in their national simplified procedures. Should the European Small Claims Procedure follow this trend and be available for claims e.g. up to 10.000 euro?

Yes

If yes, would you propose any other upper limit?

No

Q6 The European Small Claims Procedure sets certain procedural deadlines that aim at speeding up the proceedings; however there is no sanction for the non-observance of such deadlines. Do you think that the Regulation should be strengthened to address the effect of lapse of time provided for under the Regulation?

Yes

If yes, do you have specific proposals for such strengthening?

No

Q7 The court fees, in particular those paid at the start of the proceedings may have a deterrent effect on the use of the European Small Claims Procedure. Do you think that the issue of court fees should be addressed in the possible revision to tackle such problem?

Yes

If yes, how do you propose this should be done?

No

Q8 – The European Small Claims Procedure, similarly to other civil procedures entail costs for the parties, relating to e.g. translations, service of documents, travel expenses in case of a hearing, remuneration of witnesses etc. Do you consider that these costs should be addressed in the possible revision?

Yes

If yes, how the costs of the European Small Claims Procedure could be reduced?

No.

Q9 - Though the European Small Claims Procedure is a written procedure, the court may decide to hold a hearing. In order to increase the efficiency and speed of the European Small Claims Procedure, could the discretion of the court to hold an oral hearing be limited in some circumstances?

Yes,

If yes, what would be such circumstances?

No

Q10 - The Member States may accept a transmission of the European Small Claims Procedure application by any means of communication, including e-mail. The use of electronic means could be further improved. Do you think that the seller, or the service provider who communicates with the customers through electronic means, should legally accept to receive the documents in the framework of the European Small Claims Procedure through the same means?

Yes

If yes, would this need any conditions?

No

Q11 – The courts competent for the European Small Claims Procedure are mostly the numerous lowest instance courts that may not be appropriately equipped to carry out the procedure. For example the electronic communication and videoconferencing could increase efficiency of the European Small Claims Procedure and reduce its costs. Do you think that there is need for a better organisation and/or for adequate equipment of courts?

Yes

If yes, what would you propose for better organisation of courts or for their better equipment?

No

Q13 - Whilst a judgment given in the European Small Claims Procedure is to be directly enforced within the European Union, the Commission has received complaints on the lack of information on the national enforcement rules and procedures in situations when the judgement resulting from the European Small Claims Procedure is to be enforced in another Member State. Do you think that the Member States should be required to provide structured and updated information on the national enforcement procedures for the judgements resulting from the European Small Claims Procedure, including the possible costs, addresses etc?

Yes

If yes, how could this be realised?

No

Q14 - Are there other elements of the European Small Claims Procedure than those discussed above that should be reformed/improved? You can also write here any other comments that you may have concerning the European Small Claims Procedure.

Yes

If yes, what do you propose?

No