Civil and commercial law, private international law: approximation of the procedures. Green papers

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PURPOSE : to re-launch the debate on a European order for payment procedure and on measures to simplify and speed up small claims litigation. CONTENT : this Green Paper launches a consultation with all interested parties on possible measures to be taken at Community level: - to create a European order for payment procedure, that is to say a specific speedy and costefficient procedure for claims that are presumed to remain uncontested available throughout all Member States. Currently, however, order for payment procedures are not available throughout all Member States, and where they exist they vary considerably and are sometimes legally inadmissible or practically unworkable in cases with cross-border implications. A harmonised European order for payment could go a long way towards improving easier access to efficient justice; - to simplify and speed up small claims litigation, an area in which it is particularly essential to streamline proceedings and to limit their costs in order to prevent the pursuit of these claims from becoming economically unreasonable. The paper is based on a comparative study of how Member States currently deal with the pertinent procedural issues. This presentation is intended to facilitate the identification of best practices that could serve as a source of inspiration for European instruments. The two major issues concerning the general approach to European legislation that both areas in question have in common (although the solutions need not necessarily be the same) are the following: - the applicability of a European instrument to cross-border cases only or to purely internal litigation; - the choice of the appropriate instrument to pursue the approximation of procedural law - regulation or directive? Interested parties are invited to send their comments before the 31 May 2003.