European Small Claims Procedure

2005/0020(COD) - 15/03/2005 - Legislative proposal

PURPOSE: the establishment of a European Small Claims Procedure.

PROPOSED LEGISLATIVE ACT: Regulation of the European Parliament and of the Council.

CONTENT: The aim of the proposal is to simplify, speed up and reduce the costs of litigation concerning small claims by establishing a European Small Claims Procedure to be available to litigants as an alternative to the procedures existing under the laws of the Member States which will remain unaffected.

The new procedure will apply in civil and commercial matters where the total value of a monetary or non-monetary claim does not exceed EUR 2.000.

In order to reduce costs and delays, the European Small Claims Procedure provides for several procedural simplifications. Documents shall be served on the parties by registered letter with acknowledgment of receipt (or by any simpler means such as simple letter, fax or email). The procedure shall be a written procedure, unless an oral hearing is considered necessary by the court. The court may hold a hearing through an audio, video or email conference. The parties shall not be obliged to be represented by a lawyer. The court may determine the means of proof and the extent of the taking of evidence according to its discretion. The court may admit the taking of evidence through telephone, written statements of witnesses, and an audio, video or email conference. The judgment shall be immediately enforceable notwithstanding any possible appeal and without the condition of the provision of a security.

Furthermore, the proposal will remove the intermediate measures which are still required to enable recognition and enforcement of a judgment. A judgment given in the European Small Claims Procedure will be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.