

European Small Claims Procedure

2005/0020(COD) - 01/12/2005

The Council reached agreement on a number of specific issues on the draft Regulation establishing a European small claims procedure.

The Council agreed a way forward in relation to certain outstanding issues, such as:

- the written nature of the procedure, with the possibility of an oral hearing when necessary;
- applying time limits to specific stages of the procedure in order to ensure an accelerated and efficient procedure;
- the use of modern communications technology (e.g. video-conference) in the conduct of hearings and taking of evidence, in accordance with national law;
- legal representation shall not be mandatory;
- regarding the costs of the proceedings, as a general rule the unsuccessful party should bear the costs of the proceedings but the costs should be proportionate to the value of the claim;
- review of implementation.

At the informal JHA Council in Newcastle in September 2005 Ministers unanimously re-affirmed their support for creating a simplified and accelerated European procedure for resolving small claims, based on the principle of proportionality. There was overwhelming support for the view that the proposal should be restricted to cross-border matters and should not cover cases which are purely internal to a Member State.