

European Small Claims Procedure

2005/0020(COD) - 01/06/2006

The Council reached general agreement on a Regulation establishing a European small claims procedure.

This Regulation will simplify and speed up litigation concerning small claims in cross-border cases and reduce costs by establishing a European procedure for small claims. It will also eliminate the intermediate measures necessary to enable recognition and enforcement of judgments given in one Member State in a European Small Claims Procedure in other Member States.

The Regulation will apply, in cross-border cases, in civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 2000 at the time the procedure is commenced, excluding all interest, expenses and outlays. It will not apply, in particular, to revenue, customs or administrative matters or the liability of the State for acts and omissions in the exercise of state authority ("acta iure imperii").

The Regulation will not apply to matters concerning:

- the status or legal capacity of natural persons and maintenance obligations,
- rights in property arising out of a matrimonial relationship, wills and succession,
- bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings,
- social security,
- arbitration,
- employment law,
- tenancies of immovable property, except actions on monetary claims,
- violations of privacy and rights relating to personality, including defamation.

A claimant will commence the European Small Claims Procedure by completing a claim form set out in the Annex to the text and lodging it at the competent court or tribunal directly, by post or by any other means of communication such as fax or e-mail acceptable to the Member State in which the procedure is commenced. The claim form will include a description of evidence supporting the claim and be accompanied, where appropriate, by any relevant supporting documents.

In the context of the internal market, individuals and businesses will benefit from this instrument when reclaiming smaller debts in a cross-border context.