

## Basic information

**2013/0403(COD)**

COD - Ordinary legislative procedure (ex-codecision procedure)  
Regulation

European small claims procedure and European order for payment procedure: improving access to justice and the efficiency of justice

Amending Regulation (EC) No 1896/2006 [2004/0055\(COD\)](#)

Amending Regulation (EC) No 861/2007 [2005/0020\(COD\)](#)

### Subject

4.60.06 Consumers' economic and legal interests

7.40.02 Judicial cooperation in civil and commercial matters

Procedure completed

## Key players

European  
Parliament

Committee responsible	Rapporteur	Appointed
<a href="#">JURI</a> Legal Affairs	GERINGER DE OEDENBERG Lidia Joanna (S&D)	03/09/2014
	Shadow rapporteur  BUDA Daniel (PPE) KARIM Sajjad (ECR) USPASKICH Viktor (ALDE) CHRYSOGONOS Kostas (GUE/NGL) HAUTALA Heidi (Verts/ALE)	
Former committee responsible	Former rapporteur	Appointed
<a href="#">JURI</a> Legal Affairs		
Committee for opinion	Rapporteur for opinion	Appointed
<a href="#">ITRE</a> Industry, Research and Energy	The committee decided not to give an opinion.	
<a href="#">IMCO</a> Internal Market and Consumer Protection	The committee decided not to give an opinion.	
<a href="#">LIBE</a> Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

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Key events			
Date	Event	Reference	Summary
19/11/2013	Legislative proposal published	COM(2013)0794 	Summary
09/12/2013	Committee referral announced in Parliament, 1st reading		
20/10/2014	Committee referral announced in Parliament, 1st reading		
04/12/2014	Debate in Council		
14/04/2015	Committee decision to open interinstitutional negotiations with report adopted in committee		
16/04/2015	Vote in committee, 1st reading		
23/04/2015	Committee report tabled for plenary, 1st reading	A8-0140/2015	Summary
14/07/2015	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
06/10/2015	Debate in Parliament		
07/10/2015	Decision by Parliament, 1st reading	T8-0338/2015	Summary
07/10/2015	Results of vote in Parliament		
03/12/2015	Act adopted by Council after Parliament's 1st reading		
03/12/2015	End of procedure in Parliament		
16/12/2015	Final act signed		

24/12/2015	Final act published in Official Journal		
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Technical information	
Procedure reference	2013/0403(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1896/2006 <a href="#">2004/0055(COD)</a> Amending Regulation (EC) No 861/2007 <a href="#">2005/0020(COD)</a>
Legal basis	Treaty on the Functioning of the European Union TFEU 081-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/00263

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE539.630</a>	07/11/2014	
Amendments tabled in committee		<a href="#">PE544.192</a>	01/12/2014	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0140/2015</a>	23/04/2015	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0338/2015</a>	07/10/2015	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type		Reference	Date	Summary
Draft final act		<a href="#">00040/2015/LEX</a>	16/12/2015	
<b>European Commission</b>				
Document type		Reference	Date	Summary
Legislative proposal		COM(2013)0794 	19/11/2013	<a href="#">Summary</a>
Document attached to the procedure		SWD(2013)0459 	19/11/2013	
Document attached to the procedure		SWD(2013)0460 	19/11/2013	
Commission response to text adopted in plenary		<a href="#">SP(2015)750</a>	10/12/2015	
<b>National parliaments</b>				

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0794	28/01/2014	
Contribution	ES_PARLIAMENT	COM(2013)0794	04/02/2014	
Contribution	DE_BUNDESRAT	COM(2013)0794	19/03/2014	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0025/2014	25/03/2014	

#### Additional information

Source	Document	Date
EP Research Service	Briefing	
European Commission	EUR-Lex	

#### Final act

Regulation 2015/2421  
OJ L 341 24.12.2015, p. 0001

[Summary](#)

## European small claims procedure and European order for payment procedure: improving access to justice and the efficiency of justice

2013/0403(COD) - 19/11/2013 - Legislative proposal

PURPOSE: to improve the European procedure for small claims.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation 861/2007 established **an alternative procedure** in addition to the procedures existing under the laws of the Member States, for cross-border cases concerning claims which do not exceed EUR 2 000. The Regulation is applied in the EU (except in Denmark) as of 1 January 2009.

Despite the benefits it could bring in terms of reducing the costs and time of litigating cross-border claims, the procedure is **still little known and remains under-used** several years after the entry into application of the Regulation. A Eurobarometer survey carried out in 2012, showed that 12% of the respondents were aware of the existence of the ESCP, with 1% of all respondents declaring that they already used the procedure. 69% of those who already used the procedure were satisfied.

The survey also showed that **the most important factors which would encourage citizens** to go to court are: the possibility of carry out proceedings in writing without appearing in the court (33%), conducting proceedings without instructing a lawyer (26%), conducting proceedings on-line (20%) and using their own language (24%).

The **European Parliament** affirmed in a [2011 resolution](#) that more needs to be done in terms of legal certainty, language barriers and transparency of proceedings. It called on the Commission to take steps to ensure that consumers and businesses are made more aware and make use of existing legislative instruments, such as the European Small Claims Procedure.

The Commission identified the revision of the Regulation in its [2013 EU Citizenship Report](#) as one of the actions strengthening the rights of Union citizens, by facilitating the settlement of disputes regarding purchases made in another Member State. This initiative is included in the [European Consumer Agenda](#).

**IMPACT ASSESSMENT:** having carried out several consultations of interested parties, the Commission also undertook an [impact assessment](#) in support of its proposal.

**CONTENT :** the Commission proposes to **revise Regulation (EC) n° 861/2007** as follows:

**Extend the scope of the Regulation to cross-border claims up to EUR 10,000:** raising the current threshold will allow parties to litigate a substantially bigger number of cases on the basis of the simplified European procedure. SMEs will be the main beneficiaries, but consumers will also benefit, since about one fifth of consumer claims exceed EUR 2,000.

**Extend the definition of cross border cases:** the amendment means that the European Small Claim Procedure may be used in disputes involving parties domiciled in the same Member State **which have a significant cross-border element** and includes third-country residents.

**Improve the use of electronic means of communication,** including for service of documents: the proposal will put postal service and electronic service on the same footing. For other, less important communications between the parties and the courts, the proposal will make electronic communication the rule, subject only to the agreement of the parties.

**Impose an obligation on courts to use videoconferencing, teleconferencing or other means of distance communication** for the conduct of oral hearings and taking of evidence: oral hearings should be conducted through videoconferencing or other means of distance communication. In order to safeguard the rights of the parties, an exception will be made for the party who expressly requests to be present in court.

**Provide a maximum limitation on court fees charged for the procedure:** the proposed amendment will not harmonise court fees in the Member States. Instead, it would set a maximum cap on court fees for applications under the Regulation, increasing the attractiveness of the procedure for claimants. The measure allows Member States to maintain a fixed minimum court fee.

**Provide for an obligation on the Member States to put in place on-line means of payment of court fees:** when payment in cash or stamps is the only acceptable means of payment, parties may be discouraged from pursuing their claims. The proposal aims at obliging Member States to put in place distance means of payment, as a minimum bank transfers and credit/debit card on-line payment systems.

**Limit the requirement to translate the certificate of enforcement in Form D to only the substance of the judgment:** the obligation to translate Form D imposes unnecessary costs. The amendment will limit the requirement of translation to the substance of the judgment in point 4.3 of Form D only.

**Impose information obligations on Member States** in respect of court fees, methods of payment of court fees and the availability of assistance in filling in the forms.

**BUDGETARY IMPLICATIONS:** the only implications for the budget of the European Union resulting from the proposed Regulation consist of the one-off costs for the preparation of a report 5 years after the date of application of the Regulation. The operational and administrative costs are estimated at **EUR 437, 000** for the period 2014-2020.

## European small claims procedure and European order for payment procedure: improving access to justice and the efficiency of justice

2013/0403(COD) - 07/10/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 650 votes to 26 with 28 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

The position of the European Parliament adopted in first reading following the ordinary legislative procedure amended the proposal as follows:

**Scope:** the Regulation shall apply to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed **EUR 5 000** at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements.

The Regulation states that a **cross-border case** should be considered to exist when at least one of the parties is domiciled or habitually resident in a Member State bound by this Regulation other than the Member State of the court or tribunal seised.

The Regulation **shall not apply to** matters concerning, inter alia, rights in property arising out of a matrimonial relationship or out of a relationship deemed by the law applicable to such relationship to have comparable effects to marriage; maintenance obligations arising from a family relationship, parentage, marriage or affinity; wills and succession, including maintenance obligations arising by reason of death.

**Procedure:** an amendment states that the court which ruled on the substance of the claim shall inform the claimant of such dismissal and of the possible means of appealing against the decision taken.

**Oral hearing:** where an oral hearing is considered necessary, it shall be held by making use of any appropriate distance communication technology, such as **videoconference or teleconference**, available to the court or tribunal, unless the use of such technology is not appropriate for the fair conduct of the proceedings.

A party summoned to be physically present at an oral hearing may request the use of distance communication technology on the grounds that the arrangements for being physically present, in particular as regards the possible costs incurred by that party, would be disproportionate to the claim.

**Assistance for the parties:** the parties should receive both **practical assistance in filling in the forms** and **general information** on the scope of application of the European Small Claims Procedure, as well as general information as to which courts or tribunals in the Member State concerned are competent to give a judgment. That assistance shall be provided **free of charge**. Nothing in this paragraph requires the Member States to provide for legal aid or for legal assistance in the form of a legal assessment of a specific case.

The standard claim Form A should be available at all courts and tribunals before which the European Small Claims Procedure can be commenced, and **accessible through relevant national websites**.

**Service of documents and other written communications:** for documents which need to be served on the parties in the European Small Claims Procedure, electronic service should be on an equal footing with postal service. To that end, the Regulation sets **a general framework that allows the use of electronic service** whenever the necessary technical means are available and where the use of electronic service is compatible with the national procedural rules of the Member States involved.

**Court fees and methods of payment:** the court fees charged in a Member State for a European Small Claims Procedure **shall not be disproportionate** and shall not be higher than the court fees charged for national simplified court procedures in that Member State. They should not include, for example, sums which are transferred to third parties in the course of proceedings, such as lawyers' fees, translation costs, costs of service of documents by entities other than a court or tribunal, or costs paid to experts or witnesses.

Member States shall ensure that the parties **can pay the court fees by means of distance payment methods** by offering at least one of the following methods of payment: (i) bank transfer; (ii) credit or debit card payment; (iii) direct debit from the claimant's bank account

**Court settlements:** Parliament specified that a court settlement approved by or concluded before a court or tribunal in the course of a European Small Claims Procedure should be recognised and enforced in another Member State under the same conditions as a judgment given in a European Small Claims Procedure.

**Review: within 5 years** of the date of application of the Regulation, the commission present a report evaluating whether:

- **a further increase of the limit** in order is appropriate to facilitate access to justice for citizens and small and medium-sized enterprises in cross-border cases; and
- **an extension of the scope** of the European Small Claims Procedure, in particular to claims for remuneration, is appropriate to facilitate access to justice for employees in cross-border employment disputes with their employer, after considering the full impact of such an extension.

Two years after the date of application of the Regulation, the Commission shall present a report on the dissemination of information about the European Small Claims Procedure in the Member States, and may produce recommendations as to how to make that procedure better known.

## European small claims procedure and European order for payment procedure: improving access to justice and the efficiency of justice

2013/0403(COD) - 16/12/2015 - Final act

**PURPOSE:** to improve the European procedure for small claims.

**LEGISLATIVE ACT:** Regulation (EU) 2015/2421 of the European Parliament and of the Council amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure.

**CONTENT:** this Regulation amends the Regulation establishing a [European Small Claims Procedure](#) and the Regulation creating a [European order for payment procedure](#).

The objective of the amending regulation is to **make the European small claims procedure more efficient**, in particular by reflecting the technological progress made in the justice systems in the Member States, and to make the procedure accessible in a larger number of cases, in particular for businesses.

The main amendments introduced by the Regulation are as follows:

**Scope:** this Regulation shall apply, in cross-border cases, to civil and commercial matters, whatever the nature of the court or tribunal, **where the value of a claim does not exceed EUR 5 000** at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority.

This Regulation shall not apply to matters concerning: (a) the status or legal capacity of natural persons; (b) rights in property arising out of a matrimonial relationship or out of a relationship deemed by the law applicable to such relationship to have comparable effects to marriage; (c) maintenance obligations arising from a family relationship, parentage, marriage or affinity; (d) wills and succession, including maintenance obligations arising by reason of death; (e) social security; (f) employment law.

**Written procedure:** it is stated that the European Small Claims Procedure is essentially a written procedure. Oral hearings should only be held exceptionally where it is not possible to give the judgment on the basis of the written evidence or where a court or tribunal agrees to hold an oral hearing upon a party's request. The court or tribunal may refuse such a request if it considers that, with regard to the circumstances of the case, an oral hearing is not necessary for the fair conduct of the proceedings. The reasons for refusal shall be given in writing.

The court or tribunal shall **inform the claimant** of such dismissal and whether an appeal is available against such dismissal.

**Oral hearing:** where an oral hearing is considered necessary, it shall be held by **making use of any appropriate distance communication technology, such as videoconference or teleconference**, available to the court or tribunal, unless the use of such technology, on account of the particular circumstances of the case, is not appropriate for the fair conduct of the proceedings.

A party summoned to be physically present at an oral hearing may **request the use of distance communication technology**, provided that such technology is available to the court or tribunal, on the grounds that the arrangements for being physically present, in particular as regards the possible costs incurred by that party, would be disproportionate to the claim.

**Taking of evidence:** the court or tribunal shall use the simplest and least burdensome method of taking evidence. It may admit the taking of evidence through written statements of witnesses, experts or parties. Where the taking of evidence involves a person being heard, that hearing shall be carried out using videoconference or teleconference.

**Assistance for the parties:** parties may receive both practical assistance in filling in the forms and **general information** on the scope of application of the European Small Claims Procedure, as well as general information as to which courts or tribunals in the Member State concerned are competent to give a judgment in the European Small Claims Procedure. That assistance shall be provided **free of charge**. Nothing in this paragraph requires the Member States to provide for legal aid or for legal assistance in the form of a legal assessment of a specific case.

**Standard claim form:** Member States shall ensure that the standard claim Form A is available at all courts and tribunals before which the European Small Claims Procedure can be commenced, and that it is accessible through relevant national websites.

**Service of documents and other written communications:** the documents and judgments given shall be served by postal service, or by electronic means where such means are technically available and where the party to be served has expressly accepted in advance that documents may be served on him by electronic means.

**Court fees and methods of payment:** the court fees charged in a Member State for the European Small Claims Procedure shall **not be disproportionate** and shall not be higher than the court fees charged for national simplified court procedures in that Member State.

The Member States shall ensure that the parties can pay the court fees by means of **distance payment methods** and should offer at least one of the following methods of payment: (a) bank transfer; (b) credit or debit card payment; or (c) direct debit from the claimant's bank account.

**Language of the certificate:** each Member State may indicate the official language or languages of the institutions of the Union, other than its own, which it can accept for the certificate concerning a judgment given in the European Small Claims Procedure.

In order to **minimise the need for translation and associated costs**, the court or tribunal should, when issuing a certificate for the enforcement of a judgment given in the European Small Claims Procedure, or of a court settlement approved by or concluded before a court or tribunal in the course of that procedure, in a language other than its own, use the relevant language version of the standard form for the certificate available in a dynamic online format on the European e-Justice Portal.

**Court settlements:** the Regulation stipulated that a court settlement approved by or concluded before a court or tribunal in the course of the European Small Claims Procedure is enforceable **in the same way** as a judgment given in that procedure.

**Information to be provided by Member States:** by 13 January 2017, the Member States shall communicate to the Commission information about court fees and methods of payment, as well as about the authorities or organisations competent to give practical assistance in the Member States should be made more transparent and easily available on the internet. To that end, the Member States should provide that information to the Commission, which in turn should ensure that it is made publicly available and widely disseminated by any appropriate means, in particular through the European e-Justice Portal.

It should be clarified in Regulation (EC) No 1896/2006 that, where a dispute falls within the scope of the European Small Claims Procedure, that procedure should also be available to a claimant in a European order for payment procedure in the event that the defendant has lodged a statement of opposition against the European order for payment.

**Review:** by 15 July 2022, the Commission shall present a report on the operation of this Regulation, including an evaluation as to whether:

- a **further increase of the limit of a claim** is appropriate in order to attain the objective of this Regulation of facilitating access to justice for citizens and small and medium-sized enterprises in cross-border cases; and
- **an extension of the scope** of the European Small Claims Procedure, in particular to claims for remuneration, is appropriate to facilitate access to justice for employees in cross-border employment disputes with their employer, after considering the full impact of such an extension.

That report shall be accompanied, if appropriate, by legislative proposals.

By **15 July 2019**, the Commission shall present a report on the dissemination of information about the European Small Claims Procedure in the Member States, and may produce recommendations as to how to make that procedure better known.

ENTRY INTO FORCE: 13.01.2016.

APPLICATION: from 14.07.2017.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts in order for the standard forms of the European Small Claims Procedure and of the European order for payment procedure to be kept up-to-date. It shall be conferred on the Commission for an **indeterminate period of time from 13 January 2016**. The European Parliament or the Council may formulate objections with regard to the delegated act within a period of two months of its notification (this period may be extended by two months). If the European Parliament and the Council object, the delegated act may not enter into force.

## European small claims procedure and European order for payment procedure: improving access to justice and the efficiency of justice

2013/0403(COD) - 23/04/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Lidia Joanna GERINGER de OEDENBERG (S&D, PL) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

**Scope:** this Regulation shall apply to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim: (i) **is up to EUR 10 000** if pursued against a legal person; (ii) or **less than EUR 5 000** if pursued against a natural person at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements.

Members deleted the exclusions and the exceptions provided for in the proposal as regards the scope.

**Procedure:** according to an amendment, the court which ruled on the substance of the claim shall **inform the claimant of such dismissal and of the possible means of appealing** against the decision taken.

Member States shall ensure that all courts and tribunals at which the European Simplified Procedure can be commenced **meet their obligation to provide citizens, through the competent services, with the standard claim Form A in paper form**. This amendment is justified by the fact that in certain EU countries, a clear obligation needs to be laid down for the courts to make standard claim Form A available to citizens in paper form through the registry.

Members also stipulated that **court hearings should not be mandatory** for court settlements. They should only take place if required.

**Hearings by videoconference:** Members considered that the Member States should be allowed an additional period to ensure that the relevant equipment is available in courtrooms before it becomes mandatory to hold oral hearings by videoconference.

Therefore, Members proposed that from **3 years after the entry into force this Regulation**, any oral hearing shall be held through videoconference, teleconference or other appropriate distance communication technology, where the party to be heard is domiciled in a Member State other than the Member State of the court or tribunal with jurisdiction.

Member States shall ensure that the relevant courts and tribunals are equipped with appropriate distance communication technology.

**Obtaining evidence:** Members suggested that the court or tribunal shall allow the parties to address questions to the witnesses heard **in writing**, where it considers this necessary in order to reach a fair settlement of the claim. The expert who is to be heard shall be appointed by the court or tribunal.

**Procedure costs and means of payment:** according to the Commission proposal, the court fee charged for a European Simplified Procedure shall not exceed 10% of the value of the claim. Members considered that the proposed percentage of 10% of the value of the claim is too high. It would be more appropriate to **set stamp duty at 5%** of the value of the claim.

Each Member State shall set a **minimum income threshold** under which a party shall not be required to pay any court fees.

**Review:** an interim report shall be prepared by, **2 years after the date of application**, which shall examine the dissemination of information about the European Simplified Procedure in the Member States, and may produce recommendations concerning how to improve the public awareness of this instrument.

**Minimum standards for review of the judgment:** Article 18 of the [Regulation 861/2007](#) will be amended in a manner consistent with corresponding provision of Regulation 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, to bring more clarity and facilitate its application in practice. As there is no reason why these provisions on review, which pursue exactly the same objective, are formulated differently in the various European regulations it is opportune to amend also corresponding Article 20 of [Regulation \(EC\) No 1896/2006](#).

**Entry into force:** the Regulation shall apply from **12 months after its entry into force**, with the exception of points 13 to 15 of Article 1, which shall apply from the date of entry into force.