



Compendium

of European Union Legislation on Judicial Cooperation in Civil and Commercial Matters

2017 Edition Supplement

European Small Claims Procedure



Justice
and Consumers

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Compendium

of European Union

**Legislation on Judicial Cooperation
in Civil and Commercial Matters**

2017 Edition Supplement

European Small Claims Procedure

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Explanatory Note

In autumn 2017, a new edition of the “Compendium of European Union Legislation in Civil and Commercial matters” was published. Since Regulation (EU) 2015/2421 amending Regulation 861/2007 establishing a European Small Claims Procedure entered into application during the production cycle of the Compendium, the amended text of the Small Claims Regulation was not published. To ensure that courts, legal practitioners, academics and the general public have easy access to the text in force, this special supplement of the compendium was published. It comprises the consolidated text of Regulation 861/2007, as well as the recitals to this Regulation and to Regulation (EU)2015/2421. Please note, that you can also find the texts published in this supplement in the electronic version of the “Compendium”.

Regulation (EC) No 861/2007
of the European Parliament and of the Council
of 11 July 2007 establishing
a European Small Claims Procedure –
consolidated text of 14 June 2017



This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

►B REGULATION (EC) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 July 2007
establishing a European Small Claims Procedure
(OJ L 199, 31.7.2007, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EU) No 517/2013 of 13 May 2013	L 158	1	10.6.2013
► <u>M2</u>	Regulation (EU) 2015/2421 of the European Parliament and of the Council of 16 December 2015	L 341	1	24.12.2015
► <u>M3</u>	Commission Delegated Regulation (EU) 2017/1259 of 19 June 2017	L 182	1	13.7.2017

Corrected by:

- C1** Corrigendum, OJ L 141, 5.6.2015, p. 118 (861/2007)

▼B**REGULATION (EC) No 861/2007 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL****of 11 July 2007****establishing a European Small Claims Procedure****CHAPTER I****SUBJECT MATTER AND SCOPE***Article 1***Subject matter**

This Regulation establishes a European procedure for small claims (hereinafter referred to as the ‘European Small Claims Procedure’), intended to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs. The European Small Claims Procedure shall be available to litigants as an alternative to the procedures existing under the laws of the Member States.

This Regulation also eliminates the intermediate proceedings necessary to enable recognition and enforcement, in other Member States, of judgments given in one Member State in the European Small Claims Procedure.

▼M2*Article 2***Scope**

1. This Regulation shall apply, in cross-border cases as defined in Article 3, 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 (*acta jure imperii*).

2. 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) bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
- (f) social security;
- (g) arbitration;
- (h) employment law;

▼M2

- (i) tenancies of immovable property, with the exception of actions on monetary claims; or
- (j) violations of privacy and of rights relating to personality, including defamation.

▼B*Article 3***Cross-border cases**

1. For the purposes of this Regulation, a cross-border case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised.

▼M2

2. Domicile shall be determined in accordance with Articles 62 and 63 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council ⁽¹⁾.

3. The relevant moment for determining whether a case is a cross-border case is the date on which the claim form is received by the court or tribunal with jurisdiction.

▼B

CHAPTER II

THE EUROPEAN SMALL CLAIMS PROCEDURE*Article 4***Commencement of the Procedure**

1. The claimant shall commence the European Small Claims Procedure by filling in standard claim Form A, as set out in Annex I, and lodging it with the court or tribunal with jurisdiction 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 shall include a description of evidence supporting the claim and be accompanied, where appropriate, by any relevant supporting documents.

2. Member States shall inform the Commission which means of communication are acceptable to them. The Commission shall make such information publicly available.

3. Where a claim is outside the scope of this Regulation, the court or tribunal shall inform the claimant to that effect. Unless the claimant withdraws the claim, the court or tribunal shall proceed with it in accordance with the relevant procedural law applicable in the Member State in which the procedure is conducted.

4. Where the court or tribunal considers the information provided by the claimant to be inadequate or insufficiently clear or if the claim form is not filled in properly, it shall, unless the claim appears to be clearly unfounded or the application inadmissible, give the claimant the opportunity to complete or rectify the claim form or to supply supplementary information or documents or to withdraw the claim, within such period as it specifies. The court or tribunal shall use standard Form B, as set out in Annex II, for this purpose.

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

▼B

Where the claim appears to be clearly unfounded or the application inadmissible or where the claimant fails to complete or rectify the claim form within the time specified, the application shall be dismissed.

►M2 The court or tribunal shall inform the claimant of such dismissal and whether an appeal is available against such dismissal. ◄

▼M2

5. 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.

▼B*Article 5***Conduct of the Procedure****▼M2**

1. The European Small Claims Procedure shall be a written procedure.

1a. The court or tribunal shall hold an oral hearing only if it considers that it is not possible to give the judgment on the basis of the written evidence or if a party so requests. 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 refusal may not be contested separately from a challenge to the judgment itself.

▼B

2. After receiving the properly filled in claim form, the court or tribunal shall fill in Part I of the standard answer Form C, as set out in Annex III.

A copy of the claim form, and, where applicable, of the supporting documents, together with the answer form thus filled in, shall be served on the defendant in accordance with Article 13. These documents shall be dispatched within 14 days of receiving the properly filled in claim form.

3. The defendant shall submit his response within 30 days of service of the claim form and answer form, by filling in Part II of standard answer Form C, accompanied, where appropriate, by any relevant supporting documents, and returning it to the court or tribunal, or in any other appropriate way not using the answer form.

4. Within 14 days of receipt of the response from the defendant, the court or tribunal shall dispatch a copy thereof, together with any relevant supporting documents to the claimant.

5. If, in his response, the defendant claims that the value of a non-monetary claim exceeds the limit set out in Article 2(1), the court or tribunal shall decide within 30 days of dispatching the response to the claimant, whether the claim is within the scope of this Regulation. Such decision may not be contested separately.

6. Any counterclaim, to be submitted using standard Form A, and any relevant supporting documents shall be served on the claimant in accordance with Article 13. Those documents shall be dispatched within 14 days of receipt.

The claimant shall have 30 days from service to respond to any counterclaim.

▼B

7. If the counterclaim exceeds the limit set out in Article 2(1), the claim and counterclaim shall not proceed in the European Small Claims Procedure but shall be dealt with in accordance with the relevant procedural law applicable in the Member State in which the procedure is conducted.

Articles 2 and 4 as well as paragraphs 3, 4 and 5 of this Article shall apply, *mutatis mutandis*, to counterclaims.

*Article 6***Languages**

1. The claim form, the response, any counterclaim, any response to a counterclaim and any description of relevant supporting documents shall be submitted in the language or one of the languages of the court or tribunal.

2. If any other document received by the court or tribunal is not in the language in which the proceedings are conducted, the court or tribunal may require a translation of that document only if the translation appears to be necessary for giving the judgment.

3. Where a party has refused to accept a document because it is not in either of the following languages:

- (a) the official language of the Member State addressed, or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched; or
- (b) a language which the addressee understands,

the court or tribunal shall so inform the other party with a view to that party providing a translation of the document.

*Article 7***Conclusion of the Procedure**

1. Within 30 days of receipt of the response from the defendant or the claimant within the time limits laid down in Article 5(3) or (6), the court or tribunal shall give a judgment, or:

- (a) demand further details concerning the claim from the parties within a specified period of time, not exceeding 30 days;
- (b) take evidence in accordance with Article 9; or
- (c) summon the parties to an oral hearing to be held within 30 days of the summons.

2. The court or tribunal shall give the judgment either within 30 days of any oral hearing or after having received all information necessary for giving the judgment. The judgment shall be served on the parties in accordance with Article 13.

3. If the court or tribunal has not received an answer from the relevant party within the time limits laid down in Article 5(3) or (6), it shall give a judgment on the claim or counterclaim.

▼M2

*Article 8***Oral hearing**

1. Where an oral hearing is considered necessary in accordance with Article 5(1a), 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.

Where the person to be heard is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised, that person's attendance at an oral hearing by way of videoconference, teleconference or other appropriate distance communication technology shall be arranged by making use of the procedures provided for in Council Regulation (EC) No 1206/2001 ⁽¹⁾.

2. 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.

3. A party summoned to attend an oral hearing through distance communication technology may request to be physically present at that hearing. The standard claim Form A and the standard answer Form C, established in accordance with the procedure referred to in Article 27(2), shall provide information to the parties that the recovery of any costs incurred by a party as a result of being physically present at the oral hearing, upon request of that party, is subject to the conditions laid down in Article 16.

4. The decision of the court or tribunal on a request provided for in paragraphs 2 and 3 may not be contested separately from a challenge to the judgment itself.

*Article 9***Taking of evidence**

1. The court or tribunal shall determine the means of taking evidence, and the extent of the evidence necessary for its judgment, under the rules applicable to the admissibility of evidence. It shall use the simplest and least burdensome method of taking evidence.

2. The court or tribunal may admit the taking of evidence through written statements of witnesses, experts or parties.

3. Where the taking of evidence involves a person being heard, that hearing shall be carried out in accordance with the conditions set out in Article 8.

⁽¹⁾ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

▼ M2

4. The court or tribunal may take expert evidence or oral testimony only if it is not possible to give the judgment on the basis of other evidence.

▼ B*Article 10***Representation of parties**

Representation by a lawyer or another legal professional shall not be mandatory.

▼ M2*Article 11***Assistance for the parties**

1. The Member States shall ensure that it is possible for the parties to 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.

2. The Member States shall ensure that information on the authorities or organisations competent to give assistance in accordance with paragraph 1 is available at all courts and tribunals before which the European Small Claims Procedure can be commenced, and is accessible through relevant national websites.

▼ B*Article 12***Remit of the court or tribunal**

1. The court or tribunal shall not require the parties to make any legal assessment of the claim.

2. If necessary, the court or tribunal shall inform the parties about procedural questions.

3. Whenever appropriate, the court or tribunal shall seek to reach a settlement between the parties.

▼ M2*Article 13***Service of documents and other written communications**

1. The documents referred to in Article 5(2) and (6) and judgments given in accordance with Article 7 shall be served:

(a) by postal service, or

(b) by electronic means:

▼M2

- (i) where such means are technically available and admissible in accordance with the procedural rules of the Member State in which the European Small Claims Procedure is conducted and, if the party to be served is domiciled or habitually resident in another Member State, in accordance with the procedural rules of that Member State; and
- (ii) where the party to be served has expressly accepted in advance that documents may be served on him by electronic means or is, in accordance with the procedural rules of the Member State in which that party is domiciled or habitually resident, under a legal obligation to accept that specific method of service.

The service shall be attested by an acknowledgment of receipt including the date of receipt.

2. All written communications not referred to in paragraph 1 between the court or tribunal and the parties or other persons involved in the proceedings shall be carried out by electronic means attested by an acknowledgment of receipt, where such means are technically available and admissible in accordance with the procedural rules of the Member State in which the European Small Claims Procedure is conducted, provided that the party or person has accepted in advance such means of communication or is, in accordance with the procedural rules of the Member State in which that party or person is domiciled or habitually resident, under a legal obligation to accept such means of communication.

3. In addition to any other means available in accordance with the procedural rules of the Member States for expressing acceptance in advance, as required under paragraphs 1 and 2, of the use of electronic means, it shall be possible to express such acceptance by means of the standard claim Form A and the standard answer Form C.

4. If service in accordance with paragraph 1 is not possible, service may be effected by any of the methods provided for in Article 13 or 14 of Regulation (EC) No 1896/2006.

If communication in accordance with paragraph 2 is not possible, or, on account of the particular circumstances of the case, not appropriate, any other method of communication admissible under the law of the Member State in which the European Small Claims Procedure is conducted may be used.

▼B*Article 14***Time limits**

1. Where the court or tribunal sets a time limit, the party concerned shall be informed of the consequences of not complying with it.

2. The court or tribunal may extend the time limits provided for in Article 4(4), Article 5(3) and (6) and Article 7(1), in exceptional circumstances, if necessary in order to safeguard the rights of the parties.

▼B

3. If, in exceptional circumstances, it is not possible for the court or tribunal to respect the time limits provided for in Article 5(2) to (6) and Article 7, it shall take the steps required by those provisions as soon as possible.

*Article 15***Enforceability of the judgment**

1. The judgment shall be enforceable notwithstanding any possible appeal. The provision of a security shall not be required.
2. Article 23 shall also apply in the event that the judgment is to be enforced in the Member State where the judgment was given.

▼M2*Article 15a***Court fees and methods of payment**

1. 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.

2. The Member States shall ensure that the parties can pay the court fees by means of distance payment methods which allow the parties to make the payment also from a Member State other than the Member State in which the court or tribunal is situated, by offering 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.

▼B*Article 16***Costs**

The unsuccessful party shall bear the costs of the proceedings. However, the court or tribunal shall not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.

*Article 17***Appeal**

1. Member States shall inform the Commission whether an appeal is available under their procedural law against a judgment given in the European Small Claims Procedure and within what time limit such appeal shall be lodged. The Commission shall make that information publicly available.

▼M2

2. Articles 15a and 16 shall apply to any appeal.

▼M2

*Article 18***Review of the judgment in exceptional cases**

1. A defendant who did not enter an appearance shall be entitled to apply for a review of the judgment given in the European Small Claims Procedure before the competent court or tribunal of the Member State in which the judgment was given, where:

- (a) the defendant was not served with the claim form, or, in the event of an oral hearing, was not summoned to that hearing, in sufficient time and in such a way as to enable him to arrange for his defence; or
- (b) the defendant was prevented from contesting the claim by reason of *force majeure* or due to extraordinary circumstances without any fault on his part,

unless the defendant failed to challenge the judgment when it was possible for him to do so.

2. The time limit for applying for a review shall be 30 days. It shall run from the day the defendant was effectively acquainted with the contents of the judgment and was able to react, at the latest from the date of the first enforcement measure having the effect of making the property of the defendant non-disposable in whole or in part. No extension of the time limit may be granted.

3. If the court rejects the application for a review referred to in paragraph 1 on the basis that none of the grounds for a review set out in that paragraph apply, the judgment shall remain in force.

If the court decides that a review is justified on any of the grounds set out in paragraph 1, the judgment given in the European Small Claims Procedure shall be null and void. However, the claimant shall not lose the benefit of any interruption of prescription or limitation periods where such an interruption applies under national law.

▼B

*Article 19***Applicable procedural law**

Subject to the provisions of this Regulation, the European Small Claims Procedure shall be governed by the procedural law of the Member State in which the procedure is conducted.

CHAPTER III

RECOGNITION AND ENFORCEMENT IN ANOTHER MEMBER STATE*Article 20***Recognition and enforcement**

1. A judgment given in a Member State in the European Small Claims Procedure shall be recognised and enforced in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.

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2. At the request of one of the parties, the court or tribunal shall issue a certificate concerning a judgment given in the European Small Claims Procedure using the standard Form D, as set out in Annex IV, at no extra cost. Upon request, the court or tribunal shall provide that party with the certificate in any other official language of the institutions of the Union by making use of the multilingual dynamic standard form available on the European e-Justice Portal. Nothing in this Regulation shall oblige the court or tribunal to provide a translation and/or transliteration of the text entered in the free-text fields of that certificate.

▼B*Article 21***Enforcement procedure**

1. Without prejudice to the provisions of this Chapter, the enforcement procedures shall be governed by the law of the Member State of enforcement.

Any judgment given in the European Small Claims Procedure shall be enforced under the same conditions as a judgment given in the Member State of enforcement.

2. The party seeking enforcement shall produce:

(a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity; and

▼M2

(b) the certificate referred to in Article 20(2) and, where necessary, the translation thereof into the official language of the Member State of enforcement or, if there are several official languages in that Member State, the official language or one of the official languages of court or tribunal proceedings of the place where enforcement is sought in conformity with the law of that Member State, or into another language that the Member State of enforcement has indicated it can accept.

▼B

3. The party seeking the enforcement of a judgment given in the European Small Claims Procedure in another Member State shall not be required to have:

(a) an authorised representative; or

(b) a postal address

in the Member State of enforcement, other than with agents having competence for the enforcement procedure.

4. No security, bond or deposit, however described, shall be required of a party who in one Member State applies for enforcement of a judgment given in the European Small Claims Procedure in another Member State on the ground that he is a foreign national or that he is not domiciled or resident in the Member State of enforcement.

▼M2*Article 21a***Language of the certificate**

1. 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 referred to in Article 20(2).

▼M2

2. Any translation of the information on the substance of a judgment provided in a certificate as referred to in Article 20(2) shall be done by a person qualified to carry out translations in one of the Member States.

▼B*Article 22***Refusal of enforcement**

1. Enforcement shall, upon application by the person against whom enforcement is sought, be refused by the court or tribunal with jurisdiction in the Member State of enforcement if the judgment given in the European Small Claims Procedure is irreconcilable with an earlier judgment given in any Member State or in a third country, provided that:

- (a) the earlier judgment involved the same cause of action and was between the same parties;
- (b) the earlier judgment was given in the Member State of enforcement or fulfils the conditions necessary for its recognition in the Member State of enforcement; and
- (c) the irreconcilability was not and could not have been raised as an objection in the court or tribunal proceedings in the Member State where the judgment in the European Small Claims Procedure was given.

2. Under no circumstances may a judgment given in the European Small Claims Procedure be reviewed as to its substance in the Member State of enforcement.

*Article 23***Stay or limitation of enforcement**

Where a party has challenged a judgment given in the European Small Claims Procedure or where such a challenge is still possible, or where a party has made an application for review within the meaning of Article 18, the court or tribunal with jurisdiction or the competent authority in the Member State of enforcement may, upon application by the party against whom enforcement is sought:

- (a) limit the enforcement proceedings to protective measures;
- (b) make enforcement conditional on the provision of such security as it shall determine; or
- (c) under exceptional circumstances, stay the enforcement proceedings.

▼M2*Article 23a***Court settlements**

A court settlement approved by or concluded before a court or tribunal in the course of the European Small Claims Procedure and that is enforceable in the Member State in which the procedure was conducted shall be recognised and enforced in another Member State under the same conditions as a judgment given in the European Small Claims Procedure.

The provisions of Chapter III shall apply, *mutatis mutandis*, to court settlements.

▼ BCHAPTER IV
FINAL PROVISIONS*Article 24***Information**

The Member States shall cooperate to provide the general public and professional circles with information on the European Small Claims Procedure, including costs, in particular by way of the European Judicial Network in Civil and Commercial Matters established in accordance with Decision 2001/470/EC.

▼ M2*Article 25***Information to be provided by Member States**

1. By 13 January 2017, the Member States shall communicate to the Commission:

- (a) the courts or tribunals competent to give a judgment in the European Small Claims Procedure;
- (b) the means of communication accepted for the purposes of the European Small Claims Procedure and available to the courts or tribunals in accordance with Article 4(1);
- (c) the authorities or organisations competent to provide practical assistance in accordance with Article 11;
- (d) the means of electronic service and communication technically available and admissible under their procedural rules in accordance with Article 13(1), (2) and (3), and the means, if any, for expressing acceptance in advance of the use of electronic means as required by Article 13(1) and (2) available under their national law;
- (e) the persons or types of professions, if any, under a legal obligation to accept service of documents or other written communications by electronic means in accordance with Article 13(1) and (2);
- (f) the court fees of the European Small Claims Procedure or how they are calculated, as well as the methods of payment accepted for the payment of court fees in accordance with Article 15a;
- (g) any appeal available under their procedural law in accordance with Article 17, the time period within which such an appeal is to be lodged, and the court or tribunal with which such an appeal may be lodged;
- (h) the procedures for applying for a review as provided for in Article 18 and the competent courts or tribunals for such a review;
- (i) the languages they accept pursuant to Article 21a(1); and
- (j) the authorities competent with respect to enforcement and the authorities competent for the purposes of the application of Article 23.

Member States shall inform the Commission of any subsequent changes to that information.

▼M2

2. The Commission shall make the information communicated in accordance with paragraph 1 publicly available by any appropriate means, such as the European e-Justice Portal.

*Article 26***Amendment of the Annexes**

The Commission shall be empowered to adopt delegated acts in accordance with Article 27 concerning the amendment of Annexes I to IV.

*Article 27***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 26 shall be conferred on the Commission for an indeterminate period of time from 13 January 2016.

3. The delegation of power referred to in Article 26 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 26 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 28***Review**

1. By 15 July 2022, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the operation of this Regulation, including an evaluation as to whether:

- (a) a further increase of the limit referred to in Article 2(1) 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

▼M2

- (b) 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.

To that end and by 15 July 2021, Member States shall provide the Commission with information relating to the number of applications under the European Small Claims Procedure as well as the number of requests for enforcement of judgments given in the European Small Claims Procedure.

2. By 15 July 2019, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee 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.

▼B*Article 29***Entry into force**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009, with the exception of Article 25, which shall apply from 1 January 2008.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

ANNEX I

<p>EUROPEAN SMALL CLAIMS PROCEDURE</p> <p>FORM A</p> <p>CLAIM FORM</p> <p>(Article 4(1) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)</p> <p>Case number (*):</p> <p>Received by the court/tribunal on: ___/___/___ (*)</p> <p>(*) To be filled in by the court/tribunal.</p>
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IMPORTANT INFORMATION

PLEASE READ THE GUIDELINES AT THE BEGINNING OF EACH SECTION — THEY WILL HELP YOU TO FILL IN THIS FORM

Assistance in filling in the form

You may benefit from assistance in filling in this form. To find out how to obtain such assistance, you may refer to the information provided by the Member States and published on the website of the European Judicial Atlas in civil and commercial matters, available at the European e-Justice Portal https://e-justice.europa.eu/content_small_claims-354-en.do Please note that this assistance does not include legal aid, for which appropriate application must be made under national law, nor does it include a legal assessment of your case.

Language

Fill in this form in the language of the court/tribunal to which you are sending your application. Please note that the form is available in all official languages of the institutions of the European Union on the European e-Justice Portal https://e-justice.europa.eu/content_small_claims_forms-177-en.do This may help you in filling in the form in the required language.

Supporting documents

Please note that the claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent you from submitting, where appropriate, further evidence during the procedure.

A copy of the claim form and, where appropriate, of the supporting documents, will be served on the defendant. The defendant will have an opportunity to submit a response.

1. Court/tribunal

In this field you should identify the court/tribunal before which you are making your claim. When deciding which court/tribunal to choose, you need to consider the grounds for the court's/tribunal's jurisdiction. A non-exhaustive list of possible grounds of jurisdiction is included in section 4. You may wish to use the dedicated search facility, available on the European e-Justice Portal to find the details (address, telephone number etc.) of the court with jurisdiction:

https://e-justice.europa.eu/content_small_claims-354-en.do

1. Before which court/tribunal are you making your claim?

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

▼ **M3**

2. *Claimant*

This field must identify you as the claimant and your representative, if any. Please note that it is not mandatory to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a P.O. Box as the address and you should therefore include the street name and number with a postcode. Failure to do so may result in the document not being served.

If you have a personal identification number given by the authorities of a Member State it would be helpful to provide it. If you don't have such number, it would be helpful to provide the number of your passport or identification document, if you have them. If you act on behalf of a legal person or any entity having legal capacity, it would be helpful to provide a relevant registration number.

'Other details' may contain further information that helps to identify you, for example, your date of birth, occupation or position in the company.

Where there is more than one claimant, please use additional sheets.

2. *The claimant's details*

2.1. Surname, first name/name of company or organisation:

2.2. Personal identification number or passport number/registration number (*):

2.3. Street and number/PO box:

2.4. City and postal code:

2.5. Country:

2.6. Telephone (*):

2.7. Email (*):

2.8. Claimant's representative, if any, and contact details (*):

2.9. Other details (*):

3. *Defendant*

In this field you should identify the defendant and, if known, his representative. Please note that it is not mandatory for the defendant to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a PO box as the address and therefore you should include the street name and number with a postcode. Failure to do so may result in the document not being served.

If you know a personal identification number given to a defendant by authorities of a Member State it would be helpful to provide it. Alternatively or additionally it would be helpful to provide a number of the defendant's passport or identification document, if you have them. If the defendant is a legal person or any entity having legal capacity, it would be helpful to provide a relevant registration number for the defendant if you know it.

'Other details' may contain further information that helps to identify the person, for example the date of birth, occupation or position in the company. If there is more than one defendant, please use additional sheets.

3. *The defendant's details*

3.1. Surname, first name/name of company or organisation:

3.2. Personal identification number or passport number/registration number

3.3. Street and number/PO box:

(*) Optional.

▼ M3

- 3.4. City and postal code:
- 3.5. Country:
- 3.6. Telephone (*):
- 3.7. Email (*):
- 3.8. Defendant's representative, if known, and contact details (*):
- 3.9. Other details (*):

4. *Jurisdiction*

Your application must be lodged with the court/tribunal that has jurisdiction to deal with it. The court/tribunal must have jurisdiction in accordance with the rules of Regulation (EU) No 1215/2012 of the European Parliament and of the Council ^(*).

This section includes a non-exhaustive list of possible grounds for jurisdiction.

Information on the rules of jurisdiction can be found on the website of the European Judicial Atlas at https://e-justice.europa.eu/content_brussels_i_regulation_recast-350-en.do

You can also look at http://ec.europa.eu/civiljustice/glossary/glossary_en.htm for an explanation of some of the legal terms employed.

4. *On what ground do you consider the court/tribunal to have jurisdiction?*

- 4.1. Domicile of the defendant ☐
- 4.2. Domicile of the consumer ☐
- 4.3. Domicile of the policyholder, the insured or the beneficiary in insurance matters ☐
- 4.4. Place of performance of the obligation in question ☐
- 4.5. Place of the harmful event ☐
- 4.6. Place where the immovable property is situated ☐
- 4.7. Choice of court/tribunal agreed by the parties ☐
- 4.8. Other (please specify) _____

5. *Cross-border nature of the case*

In order to make use of the European Small Claims Procedure, your case must be of a cross-border nature. A case is of a cross-border nature if at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court/tribunal.

(*) Optional.

(†) Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

▼ M3

5. *Cross-border nature of the case*

5.1. Country of domicile or habitual residence of claimant: _____

5.2. Country of domicile or habitual residence of defendant: _____

5.3. Member State of the court/tribunal: _____

6. *Bank details (optional)*

In field 6.1 you may inform the court/tribunal by which means you intend to pay the application fee. Please note that not all methods are necessarily available at the court/tribunal to which you are sending your application. You should verify which methods of payment will be accepted by the court/tribunal. You can do this by checking the information given by the Member State concerned and published on the website of the European Judicial atlas in civil and commercial matters, available on the European e-Justice Portal https://e-justice.europa.eu/content_small_claims-354-en.do or by contacting the court/tribunal concerned. By the same means you can discover more information about the amount of the court fee that you will need to pay.

If you choose to pay by credit card or to allow the court/tribunal to collect the fee from your bank account, you should give the necessary credit card or bank account details in the Appendix to this form. The Appendix will be for the information of the court/tribunal only and will not be forwarded to the defendant.

In field 6.2 you are given the possibility of indicating by which means you wish to receive payment from the defendant, for example if the defendant wishes to pay immediately even before the judgment is given. If you wish to be paid by bank transfer, please give the necessary bank details.

6. *Bank details (*)*

6.1. How will you pay the application fee?

6.1.1. By bank transfer ☐6.1.2. By credit card ☐ (please fill in the Appendix)6.1.3. Direct debit from your bank account ☐ (please fill in the Appendix)

6.1.4. Other (please specify):

6.2. To which account do you wish the defendant to pay any amount claimed or awarded?

6.2.1. Account holder:

6.2.2. Bank name, BIC or other relevant bank code:

6.2.3. Account number/IBAN:

7. *Claim*

Scope: Please note that the European Small Claims Procedure has a limited scope. No claims of a value higher than EUR 5 000 or which are listed in Article 2 of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure can be dealt with under this procedure. If your claim does not relate to an action within the scope of that Regulation in accordance with Article 2, proceedings will continue before the courts/tribunals with jurisdiction in accordance with the rules of ordinary civil procedure. If you do not wish to continue proceedings in that event, you should withdraw your application.

(*) Optional.

▼ **M3**

Monetary or other claim: You should indicate whether you are claiming money and/or something else (non-monetary claim), for example, delivery of goods, and then fill in respectively either 7.1 and/or 7.2. If your claim is not for money, please fill in section 7.2 and indicate the estimated value of your claim there. In the case of a non-monetary claim, you should indicate whether you have a secondary claim for compensation if it is not possible to satisfy the original claim.

If you wish to claim the costs of the proceedings (e.g. translation costs, lawyers' fees, costs relating to the service of documents etc.), then you should indicate this in 7.3. Please note that rules regarding the costs which courts/tribunals can award vary between different Member States. Details of categories of costs in the Member States can be found on the European e-Justice Portal https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do

If you wish to claim any contractual interest, for example on a loan, you should indicate the rate and from what date it runs. The court/tribunal may award statutory interest on your claim, if you are successful. If you wish to claim interest, please indicate this and the date from which the interest should run.

If necessary, please use additional pages to describe your claim e.g. if you claim several payments and the interest is claimed from different date on each of the payments.

7. About your claim

☐ 7.1. Claim for money

7.1.1. Amount of principal (excluding interest and costs): _____

7.1.2. Currency

☐ Euro (EUR)

☐ Bulgarian lev (BGN)

☐ Croatian kuna (HRK)

☐ Czech koruna (CZK)

☐ Hungarian forint (HUF)

☐ Pound Sterling (GBP)

☐ Polish zloty (PLN)

☐ Romanian leu (RON)

☐ Swedish kronor (SEK)

☐ Other (please specify):

☐ 7.2. Other claim:

7.2.1. Please specify what you are claiming:

7.2.2. Estimated value of the claim: _____

Currency:

☐ Euro (EUR)

☐ Bulgarian lev (BGN)

☐ Croatian kuna (HRK)

☐ Czech koruna (CZK)

☐ Hungarian forint (HUF)

☐ Pound Sterling (GBP)

☐ Polish zloty (PLN)

☐ Romanian leu (RON)

☐ Swedish kronor (SEK)

☐ Other (please specify):

▼ **M3**

7.3. Are you claiming the costs of proceedings?	
7.3.1. Yes	<input type="checkbox"/>
7.3.2. No	<input type="checkbox"/>
7.3.3. If yes, please specify which costs and indicate the amount claimed or incurred so far:	
7.4. Are you claiming interest?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, is the interest:	
Contractual?	<input type="checkbox"/> If so, go to 7.4.1
Statutory?	<input type="checkbox"/> If so, go to 7.4.2
7.4.1. If contractual	
1) the rate is:	<input type="checkbox"/> _____ % <input type="checkbox"/> _____ % above the base rate of the ECB <input type="checkbox"/> other: _____
2) the interest should run from: _____ / _____ / _____ (date)	<input type="checkbox"/> to: _____ / _____ / _____ (date) <input type="checkbox"/> to the date of the judgment <input type="checkbox"/> to the date of payment of principal
7.4.2. If statutory	
the interest should run from: _____ / _____ / _____ (date)	<input type="checkbox"/> to: _____ / _____ / _____ (date) <input type="checkbox"/> to the date of the judgment <input type="checkbox"/> to the date of payment of principal
7.5. Are you claiming interest on costs?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, the interest should run from: <input type="checkbox"/> _____ / _____ / _____ (date)	<input type="checkbox"/> _____ (event) to: <input type="checkbox"/> _____ / _____ / _____ (date) <input type="checkbox"/> to the date of payment of costs

▼ **M3****8. Details of claim**

In 8.1 you should describe briefly the substance of your claim.

In 8.2 you should describe any relevant supporting evidence. This could, for example, be written evidence (e.g. contracts, receipts, etc.) or oral or written statements from witnesses. For each piece of evidence, please indicate which aspect of your claim it is intended to support.

If space is insufficient, you can add additional sheets.

8. Details of claim	
8.1. Please give reasons for your claim, for example what happened, where and when.	
8.2. Please describe the evidence you wish to put forward to support your claim and state which points of the claim it supports. Where appropriate, you should add relevant supporting documents.	
8.2.1. Written evidence	<input type="checkbox"/> please specify below
8.2.2. Witnesses	<input type="checkbox"/> please specify below
8.2.3. Other	<input type="checkbox"/> please specify below

9. Oral hearing

Please note that the European Small Claims Procedure is a written procedure. However the court may decide to have an oral hearing if it considers that it is not possible to give the judgment on the basis of written evidence. You can request, in this form or at a later stage, that an oral hearing be held. The court may refuse your request if it considers, in the light of the circumstances of the case, that an oral hearing is not necessary for the fair conduct of the proceedings. The oral hearing should be carried out through appropriate distance communication means, like videoconference or teleconference, provided that they are available to the court. If the person to be heard is domiciled in a Member State other than that of the court seised, a hearing by distance communication technology shall be arranged by making use of the procedures provided for in Council Regulation (EC) No 1206/2001 ⁽¹⁾ (https://e-justice.europa.eu/content_taking_of_evidence-76-en.do).

However the court may decide that the persons summoned for the hearing must be physically present. You can indicate your preferences to the court, bearing in mind, that if you requested to be physically present at the hearing, the recovery of any costs incurred with regard to this presence is subject to the rules of Article 16 of Regulation (EC) No 861/2007 establishing a European Small Claims Procedure. This Article stipulates that the court shall not award to the successful party costs that were unnecessarily incurred or are disproportionate to the claim.

9.1. Do you want an oral hearing to be held?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, please indicate reasons (*):	
9.2. If the court decides to hold an oral hearing, do you want to be physically present?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Please indicate reasons (*):	

(*) Optional.

(1) Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

▼ **M3****10. Service of documents and communication with the court**

Procedural documents, like your application, the response from the defendant, any counterclaim and the judgment may be served upon the parties by post or by electronic means, if such means are technically available to the court and admissible in accordance with the procedural law of the Member State in which the procedure is conducted. If the documents are to be served in a Member State other than the one in which the procedure is conducted, the procedural rules of the Member State where service is effected have to be observed as well. Electronic means could be used also for other written communications (e.g. a request to attend a court hearing). Electronic means can be used only if the addressee expressly consents in advance to their use or if he/she is legally obliged to accept electronic service and/or other written communication from the court in accordance with the procedural rules of the Member State in which the addressee is domiciled. To see if electronic means of service and/or communication are available and admissible in the relevant Member States check the information on the European e-justice portal at

https://e-justice.europa.eu/content_small_claims-354-en.do?clang=en

10.1. Do you agree to the use of electronic means of communication for the service of the response by the defendant, any counterclaim and the judgment?

Yes ☐

No ☐

10.2. Do you agree to the use of electronic means of communication to receive written communications other than the documents mentioned in point 10.1?

Yes ☐

No ☐

11. Certificate

A judgment given in a Member State in the European Small Claims Procedure can be recognised and enforced in another Member State. If you intend to ask for recognition and enforcement in a Member State other than that of the court/tribunal, you can request in this form that the court/tribunal, after having made a decision in your favour, issue a certificate concerning that judgment.

11.1. Certificate

I ask the court/tribunal to issue a certificate concerning the judgment

Yes ☐

No ☐

Upon your request the court may provide you with the certificate in another language, by making use of the dynamic forms available through the European e-Justice Portal. This may be helpful in enforcement of the judgment in another Member State. Please note, that the court is not obliged to provide any translation or transliteration of a text entered in the free-text fields of the certificate.

11.2.

I ask the court/tribunal to issue a certificate in another language than the language of the court proceedings, in particular:

BG <input type="checkbox"/>	ES <input type="checkbox"/>	CS <input type="checkbox"/>	DE <input type="checkbox"/>	ET <input type="checkbox"/>	EL <input type="checkbox"/>	EN <input type="checkbox"/>	FR <input type="checkbox"/>	HR <input type="checkbox"/>	IT <input type="checkbox"/>
LV <input type="checkbox"/>	LT <input type="checkbox"/>	HU <input type="checkbox"/>	MT <input type="checkbox"/>	NL <input type="checkbox"/>	PL <input type="checkbox"/>	PT <input type="checkbox"/>	RO <input type="checkbox"/>	SK <input type="checkbox"/>	SL <input type="checkbox"/>
FI <input type="checkbox"/>	SV <input type="checkbox"/>								

12. Date and signature

Please make sure that you write your name clearly and sign and date your application at the end.

▼ **M3**

12. *Date and signature*

I hereby request that the court/tribunal give a judgment against the defendant on the basis of my claim.

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at:

Date: ____/____/____

Name and signature:

▼ **M3**

Appendix to the claim form (Form A)

Bank details (*) for the purposes of payment of the application fee

Account holder/credit card holder:

Bank name, BIC or other relevant bank code/credit card company:

Account number or IBAN/credit card number, expiry date and security number of the credit card:

(*) Optional.



ANNEX II

EUROPEAN SMALL CLAIMS PROCEDURE

FORM B

REQUEST BY THE COURT OR TRIBUNAL TO COMPLETE AND/OR RECTIFY THE CLAIM FORM

(Article 4(4) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

To be filled in by the court/tribunal

Case number:

Received by the court/tribunal on: ____ / ____ / ____

1. *Court/tribunal*

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

2. *Claimant*

2.1. Surname, first name/name of company or organisation:

2.2. Personal identification number or passport number/registration number (*):

2.3. Street and number/PO box:

2.4. City and postal code:

2.5. Country:

2.6. Telephone (*):

2.7. Email (*):

2.8. Claimant's representative, if any, and contact details (*):

2.9. Other details (*):

3. *Defendant*

3.1. Surname, first name/name of company or organisation:

3.2. Personal identification number or passport number/registration number

3.3. Street and number/PO box:

3.4. City and postal code:

3.5. Country:

3.6. Telephone (*):

3.7. Email (*):

3.8. Defendant's representative, if any, and contact details (*):

3.9. Other details (*):

(*) Optional.

▼ **M3**

The court/tribunal has examined your claim form and considers it to be inadequate or insufficiently clear or not properly filled in: please complete and/or rectify your form in the language of the court/tribunal as indicated below as soon as possible and at the latest by _____

The court/tribunal shall dismiss your application under the conditions provided for in Regulation (EC) No 861/2007 if you fail to complete and/or rectify it within the time limit set out above.

Your claim form has not been filled in in the correct language. Please fill it in in one of the following languages.

Bulgarian	<input type="checkbox"/>	Czech	<input type="checkbox"/>	Croatian	<input type="checkbox"/>
German	<input type="checkbox"/>	Spanish	<input type="checkbox"/>	Greek	<input type="checkbox"/>
Estonian	<input type="checkbox"/>	Irish	<input type="checkbox"/>	Italian	<input type="checkbox"/>
French	<input type="checkbox"/>	Lithuanian	<input type="checkbox"/>	Hungarian	<input type="checkbox"/>
Latvian	<input type="checkbox"/>	Dutch	<input type="checkbox"/>	Polish	<input type="checkbox"/>
Maltese	<input type="checkbox"/>	Romanian	<input type="checkbox"/>	Slovak	<input type="checkbox"/>
Portuguese	<input type="checkbox"/>	Finnish	<input type="checkbox"/>	Swedish	<input type="checkbox"/>
Slovene	<input type="checkbox"/>	English	<input type="checkbox"/>	Other: (please specify)	

The following sections of the claim form must be completed and/or rectified as stated below:

—
—
—
—

Done at:

Date: ____ / ____ / ____

Signature and/or stamp:

ANNEX III

EUROPEAN SMALL CLAIMS PROCEDURE

FORM C

ANSWER FORM

(Article 5(2) and 5(3) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

IMPORTANT INFORMATION AND GUIDELINES FOR THE DEFENDANT

A claim as set out in the attached claim form has been submitted against you using the European Small Claims Procedure.

You can answer by filling in Part II of this form and returning it to the court/tribunal, or in any other appropriate way, within 30 days after the claim form has been served on you together with the answer form.

Please note that if you do not answer within 30 days, the court/tribunal shall give a judgment.

Please make sure that you write your name clearly and sign and date the answer form at the end.

You should also read the guidelines included in the claim form; these may help you to prepare your response.

Assistance in filling in the form: You may benefit from assistance in filling in this form. To find out how to obtain such assistance, you may refer to the information provided by the Member States and published on the website of the European Judicial Atlas in civil and commercial matters, available on the European e-Justice Portal https://e-justice.europa.eu/content_small_claims-354-en.do Please note that this assistance does not include legal aid, for which appropriate application must be made under national law; nor does it include a legal assessment of your case.

Language: You should reply to the claim in the language of the court/tribunal which has sent you this form.

Please note that the form is available in all official languages of the institutions of the European Union on the European e-Justice Portal https://e-justice.europa.eu/content_small_claims_forms-177-en.do#action This may help you in filling in the form in the required language.

Oral hearing: Please note that the European Small Claims Procedure is a written procedure. However the court may decide to have an oral hearing if it considers that it is not possible to give the judgment on the basis of written evidence. You can request, in this form or at a later stage, that an oral hearing be held. The court may refuse your request if it considers, in the light of the circumstances of the case, that an oral hearing is not necessary for the fair conduct of the proceedings. The oral hearing should be carried out through appropriate distance communication means, like videoconference or teleconference, provided that they are available to the court. If the person to be heard is domiciled in a Member State other than that of the court seised, a hearing by distance communication technology shall be arranged by making use of the procedures provided for in Regulation (EC) No 1206/2001 (https://e-justice.europa.eu/content_taking_of_evidence-76-en.do).

However the court may decide that the persons summoned for the hearing must be physically present. You can indicate your preferences to the court, bearing in mind, that if you requested to be physically present at the hearing, the recovery of any costs incurred with regard to this presence is subject to the rules of Article 16 of Regulation (EC) No 861/2007 establishing a European Small Claims Procedure. This Article stipulates, that the court shall not award to the successful party costs that were unnecessarily incurred or are disproportionate to the claim.

Supporting documents: You can indicate possible means of evidence, and add, where appropriate, supporting documents.

Counterclaim: If you want to make a claim against the claimant (counterclaim), you should fill in and attach a separate Form A which you can find on the internet on the European e-Justice Portal https://e-justice.europa.eu/content_small_claims_forms-177-en.do#action or obtain from the court/tribunal which sent you this form. Please note that for the purposes of the counterclaim you are considered to be the claimant.

Correcting your details: You can also correct or supplement information about yourself (e.g. contact details, representative etc.) in section 6. 'Other information'.

▼ **M3**

Service of documents and communication with the court: Procedural documents, like your response and the judgment may be served upon the parties by post or by electronic means, if such means are technically available to the court and admissible in accordance with the procedural law of the Member State in which the procedure is conducted. If the documents are to be served in a Member State other than the one in which the procedure is conducted, the procedural rules of the Member State where service is to be effected have to be observed as well. Electronic means could be used also for other written communications (e.g. a request to attend a court hearing). Electronic means can be used only if the addressee expressly consents in advance to their use or if he/she is legally obliged to accept electronic service and/or other written communication from the court in accordance with the procedural rules of the Member State in which the addressee is domiciled. To see if electronic means of service and/or communication are available and admissible in the relevant Member States check the information on the European e-justice portal at

https://e-justice.europa.eu/content_small_claims-354-en.do?clang=en

Extra space: If space is insufficient, you can add additional sheets.

<p style="text-align: center;">Part I (to be filled in by the court/tribunal)</p> <p>Name of claimant:</p> <p>Name of defendant:</p> <p>Court/tribunal:</p> <p>Claim:</p> <p>Case number:</p>
--

<p style="text-align: center;">Part II (to be filled in by the defendant)</p> <p>1. Do you accept the claim?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Partially <input type="checkbox"/></p> <p>If you have answered 'no' or 'partially', please indicate reasons:</p> <p>The claim is outside the scope of the European Small Claims Procedure <input type="checkbox"/></p> <p>please specify below</p> <p>Other <input type="checkbox"/></p> <p>please specify below</p> <p>2. If you do not accept the claim please describe the evidence you wish to put forward to contest it. Please state which points of your answer the evidence supports. Where appropriate, you should add relevant supporting documents.</p> <p>Written evidence <input type="checkbox"/> please specify below</p> <p>Witnesses <input type="checkbox"/> please specify below</p> <p>Other <input type="checkbox"/> please specify below</p>
--

▼ **M3**

3. Do you want an oral hearing to be held?

Yes ☐

No ☐

If yes, please indicate reasons (*):

4. If the court decides to hold an oral hearing, do you want to be physically present?

Yes ☐

No ☐

Please indicate reasons (*):

5. Are you claiming the costs of proceedings?

Yes ☐

No ☐

If yes, please specify which costs and if possible, indicate the amount claimed or incurred so far:

6. Do you want to make a counterclaim?

Yes ☐

No ☐

If yes, please fill in and attach a separate Form A

7.1. Do you agree to the use of electronic means for service of the judgment?

Yes ☐

No ☐

7.2. Do you agree to the use of electronic means to receive written communications other than the judgment?

Yes ☐

No ☐

8. Other information (*)

9. Date and signature

I declare that the information provided is true to the best of my knowledge and is given in good faith.

Done at:

Date: ____/____/____

Name and signature:

(*) Optional.



ANNEX IV

EUROPEAN SMALL CLAIMS PROCEDURE

FORM D

CERTIFICATE CONCERNING A JUDGMENT IN THE EUROPEAN SMALL CLAIMS
PROCEDURE OR A COURT SETTLEMENT

(Article 20(2) and 23a of Regulation (EC) No 861/2007 of the European Parliament and of
the Council establishing a European Small Claims Procedure)

To be filled in by the court/tribunal

1.	<i>Court/tribunal</i>
1.1.	Name:
1.2.	Street and number/PO box:
1.3.	City and postal code:
1.4.	Country:
2.	<i>Claimant</i>
2.1.	Surname, first name/name of company or organisation:
2.2.	Personal identification number or passport number/registration number (*)
2.3.	Street and number/PO box:
2.4.	City and postal code:
2.5.	Country:
2.6.	Telephone (*):
2.7.	Email (*):
2.8.	Claimant's representative, if any, and contact details (*):
2.9.	Other details (*):
3.	<i>Defendant</i>
3.1.	Surname, first name/name of company or organisation:
3.2.	Personal identification number or passport number/registration number (*)
3.3.	Street and number/PO box:
3.4.	City and postal code:
3.5.	Country:
3.6.	Telephone (*):
3.7.	E-mail (*):
3.8.	Defendant's representative, if any, and contact details (*):
3.9.	Other details (*):

(*) Optional.

▼ **M3**4. *Judgment*

4.1. Date:

4.2. Case number:

4.3. The substance of the judgment:

4.3.1. The court/tribunal has ordered _____ to pay to _____

(1) Principal:

(2) Interest:

(3) Costs:

4.3.2. The court/tribunal has made an order against _____ to _____

(If the judgment was given by an appeal court or in the case of a review of a judgment.)

This judgment supersedes the judgment given on ____ / ____ / ____, case number _____, and any certificate relative thereto.

THE JUDGMENT WILL BE RECOGNISED AND ENFORCED IN ANOTHER MEMBER STATE WITHOUT THE NEED FOR A DECLARATION OF ENFORCEABILITY AND WITHOUT ANY POSSIBILITY OF OPPOSING ITS RECOGNITION.

5. *Court Settlement*

5.1. Date:

5.2. Case number:

5.3. The substance of the settlement:

5.3.1. The parties agreed that _____ will pay to _____

(1) Principal:

(2) Interest:

(3) Costs:

5.3.2. The parties agreed that _____ will _____

Done at:

Date: ____ / ____ / ____

Signature and/or stamp

(*) Optional.

Recitals to Regulation (EC) No 861/2007
of the European Parliament and of the Council
of 11 July 2007 establishing
a European Small Claims Procedure



I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

REGULATION (EC) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 July 2007
establishing a European Small Claims Procedure

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) The Community has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the gradual establishment of such an area, the Community is to adopt, *inter alia*, measures in the field of judicial cooperation in civil matters having cross-border implications and needed for the proper functioning of the internal market.
- (2) According to Article 65(c) of the Treaty, those measures are to include those eliminating obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.
- (3) In this respect, the Community has, among other measures, already adopted Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the

Member States of judicial and extrajudicial documents in civil or commercial matters ⁽³⁾, Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽⁴⁾, Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters ⁽⁵⁾, Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ⁽⁶⁾ 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 ⁽⁷⁾.

- (4) The European Council meeting in Tampere on 15 and 16 October 1999 invited the Council and the Commission to establish common procedural rules for simplified and accelerated cross-border litigation on small consumer and commercial claims.
- (5) On 30 November 2000, the Council adopted a joint programme of the Commission and the Council of measures for the implementation of the principle of mutual recognition of decisions in civil and commercial matters ⁽⁸⁾. The programme refers to simplifying and speeding up the settlement of cross-border litigation on small claims. This was taken forward by the Hague Programme ⁽⁹⁾, adopted by the European Council on 5 November 2004, which called for work on small claims to be actively pursued.

⁽³⁾ OJ L 160, 30.6.2000, p. 37.

⁽⁴⁾ OJ L 12, 16.1.2001, p. 1. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁵⁾ OJ L 174, 27.6.2001, p. 25.

⁽⁶⁾ OJ L 143, 30.4.2004, p. 15. Regulation as amended by Commission Regulation (EC) No 1869/2005 (OJ L 300, 17.11.2005, p. 6).

⁽⁷⁾ OJ L 399, 30.12.2006, p. 1.

⁽⁸⁾ OJ C 12, 15.1.2001, p. 1.

⁽⁹⁾ OJ C 53, 3.3.2005, p. 1.

⁽¹⁾ OJ C 88, 11.4.2006, p. 61.

⁽²⁾ Opinion of the European Parliament of 14 December 2006 (not yet published in the Official Journal) and Council Decision of 13 June 2007.

- (6) On 20 December 2002, the Commission adopted a Green Paper on a European order for payment procedure and on measures to simplify and speed up small claims litigation. The Green Paper launched a consultation on measures concerning the simplification and the speeding up of small claims litigation.
- (7) Many Member States have introduced simplified civil procedures for small claims since costs, delays and complexities connected with litigation do not necessarily decrease proportionally with the value of the claim. The obstacles to obtaining a fast and inexpensive judgment are exacerbated in cross-border cases. It is therefore necessary to establish a European procedure for small claims (European Small Claims Procedure). The objective of such a procedure should be to facilitate access to justice. The distortion of competition within the internal market due to imbalances with regard to the functioning of the procedural means afforded to creditors in different Member States entails the need for Community legislation that guarantees a level playing-field for creditors and debtors throughout the European Union. It should be necessary to have regard to the principles of simplicity, speed and proportionality when setting the costs of dealing with a claim under the European Small Claims Procedure. It is appropriate that details of the costs to be charged be made public, and that the means of setting any such costs be transparent.
- (8) The European Small Claims Procedure should simplify and speed up litigation concerning small claims in cross-border cases, whilst reducing costs, by offering an optional tool in addition to the possibilities existing under the laws of the Member States, which will remain unaffected. This Regulation should also make it simpler to obtain the recognition and enforcement of a judgment given in the European Small Claims Procedure in another Member State.
- (9) This Regulation seeks to promote fundamental rights and takes into account, in particular, the principles recognised by the Charter of Fundamental Rights of the European Union. The court or tribunal should respect the right to a fair trial and the principle of an adversarial process, in particular when deciding on the necessity of an oral hearing and on the means of taking evidence and the extent to which evidence is to be taken.
- (10) For the purposes of facilitating calculation of the value of a claim, all interest, expenses and disbursements should be disregarded. This should affect neither the power of the court or tribunal to award these in its judgment nor the national rules on the calculation of interest.
- (11) In order to facilitate the commencement of the European Small Claims Procedure, the claimant should make an application by filling in a standard claim form and lodging it with the court or tribunal. The claim form should be submitted only to a court or tribunal that has jurisdiction.
- (12) The claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent the claimant from submitting, where appropriate, further evidence during the procedure. The same principle should apply to the response by the defendant.
- (13) The concepts of 'clearly unfounded' in the context of the dismissal of a claim and of 'inadmissible' in the context of the dismissal of an application should be determined in accordance with national law.
- (14) The European Small Claims Procedure should be a written procedure, unless an oral hearing is considered necessary by the court or tribunal or a party so requests. The court or tribunal may refuse such a request. Such refusal may not be contested separately.
- (15) The parties should not be obliged to be represented by a lawyer or another legal professional.
- (16) The concept of 'counterclaim' should be interpreted within the meaning of Article 6(3) of Regulation (EC) No 44/2001 as arising from the same contract or facts on which the original claim was based. Articles 2 and 4 as well as Article 5(3), (4) and (5) should apply, *mutatis mutandis*, to counterclaims.
- (17) In cases where the defendant invokes a right of set-off during the proceedings, such claim should not constitute a counterclaim for the purposes of this Regulation. Therefore, the defendant should not be obliged to use standard Form A, as set out in Annex I, for invoking such a right.
- (18) The Member State addressed for the purposes of the application of Article 6 is the Member State where service is to be effected or to where the document is to be dispatched. In order to reduce costs and delays, documents should be served on the parties primarily by postal service attested by an acknowledgment of receipt, including the date of receipt.
- (19) A party may refuse to accept a document at the time of service or by returning the document within one week if it is not written in, or accompanied by a translation into, the official language of the Member State addressed (or, if there are several official languages in that Member State, the official language or one of the official languages of the place where service is to be effected or to where the document is to be dispatched) or a language which the addressee understands.

- (20) In the context of oral hearings and the taking of evidence, the Member States should encourage the use of modern communication technology subject to the national law of the Member State where the court or tribunal is situated. The court or tribunal should use the simplest and least costly method of taking evidence.
- (21) The practical assistance to be made available to the parties should include technical information concerning the availability and the filling in of the forms.
- (22) The information about procedural questions can also be given by the court or tribunal staff in accordance with national law.
- (23) As the objective of this Regulation is to simplify and speed up litigation concerning small claims in cross-border cases, the court or tribunal should act as soon as possible even when this Regulation does not prescribe any time limit for a specific phase of the procedure.
- (24) For the purposes of calculating time limits as provided for in this Regulation, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits ⁽¹⁾ should apply.
- (25) In order to speed up the recovery of small claims, the judgment should be enforceable notwithstanding any possible appeal and without the condition of the provision of a security except as provided for in this Regulation.
- (26) Any reference in this Regulation to an appeal should include any possible means of appeal available under national law.
- (27) The court or tribunal must include a person qualified to serve as a judge in accordance with national law.
- (28) Whenever the court or tribunal is required to set a time limit, the party concerned should be informed of the consequences of not complying with it.
- (29) The unsuccessful party should bear the costs of the proceedings. The costs of the proceedings should be determined in accordance with national law. Having regard to the objectives of simplicity and cost-effectiveness, the court or tribunal should order that an unsuccessful party be obliged to pay only the costs of the proceedings, including for example any costs resulting from the fact that the other party was represented by a lawyer or another legal professional, or any costs arising from the service or translation of documents, which are proportionate to the value of the claim or which were necessarily incurred.
- (30) In order to facilitate recognition and enforcement, a judgment given in a Member State in the European Small Claims Procedure should be recognised and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.
- (31) There should be minimum standards for the review of a judgment in situations where the defendant was not able to contest the claim.
- (32) Having regard to the objectives of simplicity and cost-effectiveness, the party seeking enforcement shall not be required to have an authorised representative or a postal address in the Member State of enforcement, other than with agents having competence for the enforcement procedure in accordance with the national law of that Member State.
- (33) Chapter III of this Regulation should also apply to the determination of costs and expenses made by officers of the court or tribunal due to a judgment given pursuant to the procedure specified in this Regulation.
- (34) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (35) In particular, power should be conferred on the Commission to adopt measures necessary to update or make technical amendments to the forms set out in the Annexes. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation and/or to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (36) Since the objectives of this Regulation, namely, the establishment of a procedure to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (37) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland have given notice of their wish to take part in the adoption and application of this Regulation.
- (38) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application,

Recitals to Regulation (EU) 2015/2421
of the European Parliament and of the Council
of 16 December 2015 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



I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2015/2421 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 16 December 2015****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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 861/2007 of the European Parliament and of the Council ⁽³⁾ established the European Small Claims Procedure. That Regulation applies to both contested and uncontested cross-border civil and commercial claims of a value not exceeding EUR 2 000. It also ensures that the judgments given within this procedure are enforceable without any intermediate procedure, in particular without the need for a declaration of enforceability in the Member State of enforcement (abolition of *exequatur*). The general aim of Regulation (EC) No 861/2007 has been to improve access to justice for both consumers and businesses by reducing costs and accelerating civil procedures with regard to claims within its scope.
- (2) The Commission's report of 19 November 2013 on the application of Regulation (EC) No 861/2007 states that, in general, the European Small Claims Procedure is considered to have facilitated cross-border litigation for small claims in the Union. However, that report also identifies obstacles to realising the full potential of the European Small Claims Procedure to benefit consumers and businesses, in particular small and medium-sized enterprises (SMEs). That report finds, among other things, that the low ceiling set out in Regulation (EC) No 861/2007 as

⁽¹⁾ OJ C 226, 16.7.2014, p. 43.⁽²⁾ Position of the European Parliament of 7 October 2015 (not yet published in the Official Journal) and decision of the Council of 3 December 2015.⁽³⁾ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1).

regards the value of the claim deprives many potential claimants in cross-border disputes of the use of a simplified procedure. Furthermore, it states that several elements of the procedure could be further simplified in order to reduce the costs and the duration of litigation. The Commission's report concludes that those obstacles could be removed most effectively by amending Regulation (EC) No 861/2007.

- (3) Consumers should be able to use the opportunities afforded by the internal market to the fullest extent, and their confidence should not be limited by the lack of effective legal remedies for disputes in which there is a cross-border element. The improvements to the European Small Claims Procedure proposed in this Regulation aim to provide consumers with a means of effective redress, and thus contribute to the practical enforcement of their rights.
- (4) Increasing the ceiling as regards the value of a claim to EUR 5 000 would improve access to an effective and cost-efficient judicial remedy for cross-border disputes, in particular for SMEs. Increased access to justice would enhance trust in cross-border transactions and would contribute to the fullest use of the opportunities afforded by the internal market.
- (5) This Regulation should apply to cross-border cases only. 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.
- (6) The European Small Claims Procedure should be further improved by taking advantage of the technological developments in the field of justice and of new tools available to the courts and tribunals, which can help to overcome geographical distance and its consequences in terms of high costs and length of proceedings.
- (7) To further reduce the costs of litigation and the length of proceedings, the use of modern communication technology by the parties and the courts and tribunals should be further encouraged.
- (8) 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, this Regulation should set 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. As regards all other written communications between the parties or other persons involved in the proceedings and the courts or tribunals, electronic means should be used as the preferred means to the extent possible, where such means are available and admissible.
- (9) Unless the parties or other addressees are obliged under national law to accept electronic means, they should have the choice as to whether electronic means, where such means are available and admissible, or more traditional means are to be used for the service of documents or for other written communications with the court or tribunal. The acceptance by a party of service by electronic means is without prejudice to his right to refuse to accept a document that is not written in, or accompanied by a translation into, the official language of the Member State in which he is domiciled or habitually resident or, if there are several official languages in that Member State, the official language or one of the official languages of the place where that party is domiciled or habitually resident, or in a language which he understands.
- (10) Where electronic means are used for the service of documents or for other written communications, existing best practices should be applied by the Member States to ensure that the content of the documents and other written communications received is true and faithful to that of the documents and other written communications sent, and that the method used for the acknowledgement of receipt provides confirmation of the receipt by the addressee and of the date of receipt.
- (11) 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.

- (12) In order to enable persons to be heard without requiring them to travel to the court or tribunal, oral hearings as well as the taking of evidence by hearing witnesses, experts or parties should be carried out using any appropriate means of distance communication available to the court or tribunal, unless, on account of the particular circumstances of the case, the use of such technology would not be appropriate for the fair conduct of the proceedings. As regards persons domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised, oral hearings should be organised by making use of the procedures provided for in Council Regulation (EC) No 1206/2001 ⁽¹⁾.
- (13) Member States should promote the use of distance communication technology. For the purpose of carrying out oral hearings, arrangements should be made so that the courts or tribunals that are competent in relation to the European Small Claims Procedure have access to appropriate distance communication technology with a view to ensuring the fairness of proceedings with regard to the particular circumstances of the case. In relation to videoconferencing, the Council Recommendations on cross-border videoconferencing adopted by the Council on 15 and 16 June 2015 and the work undertaken in the framework of European e-Justice should be taken into account.
- (14) The potential costs of litigation can play a role in the claimant's decision on whether to commence a court action. Among other costs, court fees may discourage claimants from taking court action. In order to ensure access to justice for cross-border small claims, the court fees charged in a Member State for the European Small Claims Procedure should not be disproportionate to the claim and should not be higher than the court fees charged for national simplified court procedures in that Member State. This should, however, not prevent the levying of reasonable minimum court fees and should be without prejudice to the possibility of levying, under the same conditions, a separate fee for any appeal procedure against a judgment given in the European Small Claims Procedure.
- (15) For the purposes of this Regulation, court fees should comprise fees and charges to be paid to the court or tribunal, the amount of which is determined in accordance with national law. 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.
- (16) Effective access to justice across the Union is a major objective. To ensure such effective access in the context of the European Small Claims Procedure, legal aid should be provided in accordance with Council Directive 2003/8/EC ⁽²⁾.
- (17) The payment of court fees should not require the claimant to travel to the Member State of the court or tribunal seised or to hire a lawyer for that purpose. In order to ensure that effective access to the proceedings is also given to claimants who are situated in a Member State other than the Member State in which the court or tribunal seised is situated, the Member States should, as a minimum, offer at least one of the distance payment methods provided for in this Regulation.
- (18) It should be clarified 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.
- (19) 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. In this regard, it should be entitled to rely on the accuracy of the translation available on that Portal. Any costs for necessary translation of the text entered into the free text fields of the certificate are to be allocated as provided for under the law of the Member State of the court or tribunal.

⁽¹⁾ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

⁽²⁾ Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26, 31.1.2003, p. 41).

- (20) Member States should provide practical assistance to parties in filling in the standard forms provided for in the European Small Claims Procedure. Moreover, they should provide general information on the scope of application of the European Small Claims Procedure and on which courts or tribunals are competent in relation to it. However, that obligation should not entail the provision of legal aid or of legal assistance in the form of a legal assessment of a specific case. Member States should be free to decide on the most appropriate ways and means of providing such practical assistance and general information, and it should be left to the Member States to decide upon which bodies those obligations are imposed. Such general information on the scope of application of the European Small Claims Procedure and on the competent courts or tribunals may also be provided by way of reference to information given in brochures or handbooks, on national websites or on the European e-Justice Portal, or by appropriate support organisations, such as the European Consumer Centres Network.
- (21) 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.
- (22) It should be clarified in Regulation (EC) No 1896/2006 of the European Parliament and of the Council ⁽¹⁾ 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.
- (23) In order to further facilitate access to the European Small Claims Procedure, the standard claim form should not only be made available at the courts and tribunals that are competent in relation to the European Small Claims Procedure, but it should also be made accessible through appropriate national websites. That obligation could be met by providing a link to the European e-Justice Portal on the relevant national websites.

To improve the protection of the defendant, the standard forms provided for in Regulation (EC) No 861/2007 should contain information about the consequences for the defendant if he does not contest the claim or does not attend an oral hearing when summoned, in particular as regards the possibility that a judgment may be given or enforced against him and that liability may be incurred for the costs of the proceedings. The standard forms should also contain information about the fact that the successful party may not be able to recover the costs of the proceedings to the extent that they are unnecessarily incurred or are disproportionate to the value of the claim.

- (24) 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, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of changes to Annexes I to IV to Regulation (EC) No 861/2007 and in respect of changes to Annexes I to VII to Regulation (EC) No 1896/2006. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (25) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the TFEU, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation.
- (26) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (27) Regulations (EC) No 861/2007 and (EC) No 1896/2006 should therefore be amended accordingly,

⁽¹⁾ Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (OJ L 399, 30.12.2006, p. 1).

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