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## Small claims

National information and online forms concerning Regulation No. 861/2007

### General information

**Regulation (EC) 861/2007** of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure seeks to improve and simplify procedures in civil and commercial matters where the value of a claim does not exceed 5000 €.

The Regulation applies between all Member States of the European Union with the exception of Denmark.

The Small Claims procedure operates on the basis of standard forms. It is a written procedure unless an oral hearing is considered necessary by the court.

Oral hearings could be carried out through tele- or videoconference if the equipment is available to the court.

The Regulation also establishes time limits for the parties and for the court in order to speed up litigation.

The Regulation provides for four standard [forms](#).

You do not know whether the European payment order or the European small claims procedure can be used for your claim? Use the wizard available on the [Online forms](#) page to help you decide.

The European e-Justice Portal provides information concerning the application of the Regulation and forms which can be filled-in on your computer and printed out.

**Please select the relevant country's flag to obtain detailed national information.**

### Related links

[Practice Guide for the Application of the European Small Claims Procedure](#)  (2237 Kb) 

[A Guide for Users to the European Small Claims Procedure](#)  (1699 Kb) 

[ARCHIVED European Judicial ATLAS website \(closed on 30 September 2017\)](#)

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## Small claims - Belgium

### Article 25 1 (a) Competent courts

According to the Belgian Judicial Code (Code judiciaire/Gerechtelijk Wetboek), the courts that have subject-matter jurisdiction to give a judgment in the European Small Claims Procedure are the justice of the peace (juge de paix/vrederechter), the court of first instance (tribunal de première instance/rechtbank van eerste aanleg) and the commercial court (tribunal de l'entreprise/rechtbank van koophandel).

### Article 25 1 (b) Means of communication

Any lodgement or communication accepted for the purposes of the procedure and available to the courts or tribunals in accordance with Article 4(1) of the Regulation may take place in Belgium by lodging standard claim Form A, as set out in Annex I, with the supporting documents, directly at the registry of the court of first instance with territorial jurisdiction OR by sending the same form, with the supporting documents, to the court with territorial jurisdiction by registered post.

It should soon be possible to submit standard claim Form A electronically.

### Article 25 1 (c) Authorities or organisations providing practical assistance

The registry of the court or tribunal that has jurisdiction can provide practical help in filling in the forms and provide general information.

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

In Belgium, documents and decisions are served by court bailiffs (*huissiers de justice/gerechtsdeurwaarders*). Service by electronic means should become possible in the near future.

Notification takes place by post or, where provided for by law, by fax. Notification should become possible by electronic means in the near future.

For detailed information on the service and notification of documents and decisions, see the dedicated page on the [e-Justice Portal](#).

### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

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### Article 25 1 (f) Court fees and the methods of payment

This matter is regulated by Articles 1017 to 1022 of the Judicial Code, with regard to the witness fee by Article 953 of the Judicial Code and with regard to registration fees by the Code on registration, mortgage and court registry fees (*Code des droits d'enregistrement, d'hypothèque et de greffe/Wetboek der registratie-, hypotheek- en griffierechten*), in particular Articles 142 et seq. and Articles 268 et seq.

Article 1018 of the Judicial Code details the costs:

1. *The various registry and registration fees.* Court registry fees include fees for entry in the cause list fees for drafting court documents and fees for providing copies of court documents (see Article 268 et seq. of the Code on registration, mortgage and registry fees).

Registration fees are payable for decisions relating to a principal amount of more than €12 500 (not including legal costs) and are set at 3 % of that amount.

They are therefore not payable for small claims.

2. *The cost of and emoluments and salaries for judicial documents.*

3. *The cost of providing a copy of a judgment.*

4. *The costs of any measures of inquiry, particularly the witness and expert fees.* The Royal Order of 27 July 1972 sets this fee at 200 francs per witness, which today corresponds to around EUR 5. Reimbursement of travelling expenses is added to this amount.

Experts are free to set their expenses and fees for expert reports, although the method of calculation must be clearly indicated and in the final assessment of the total legal costs the court may reduce the amount, where appropriate, for example where unnecessary expenses have been incurred.

5. *Travel and subsistence expenses for judges, registrars and parties, when required to travel by order of the court, and costs of documents drawn up solely for the proceedings.*

6. *Procedural cost indemnity* (Article 1022 of the Judicial Code): this indemnity is paid by the unsuccessful party and is a flat-rate contribution towards the successful party's expenses and lawyers' fees. The amounts are linked to the consumer price index. Any change of plus or minus 10 points gives rise to an increase or decrease, respectively, of 10 % of the amount.

Value of the claim	Basic amount*	Minimum amount*	Maximum amount*
Up to €250.00	€180.00	€90.00	€360.00
From €250.01 to €750.00	€240.00	€150.00	€600.00
From €750.01 to €2 500.00	€480.00	€240.00	1 200.00

\*New amounts from 1 June 2016.

Labour Court (special scheme)

Value of the claim	Basic amount*	Minimum amount*	Maximum amount*
Up to €250.00	€43.75	€31.75	€55.75
Up to €620.00	€87.43	€59.43	€105.43
Up to €2 500.00	€131.18	€107.18	€155.18

7. *The fees, emoluments and costs of a mediator appointed pursuant to Article 1734 of the Judicial Code.*

Based on the above, the amount payable varies from case to case depending on factors such as whether you are the successful party and whether experts have been commissioned, witnesses have been called, judicial officers have had to travel abroad, a mediator has been appointed, etc.

Registry fees must be paid in advance, otherwise the case will not be entered in the cause list. Experts always require payment of a deposit before they carry out their work. If you request examination of a witness, you must deposit the costs due in advance with the registrar. If you do not make this payment, it will be assumed that you have dropped the request for examination of the witness.

Payment can be made by credit transfer or payment order form, by electronic transfer, in cash or by cheque to the order of the registry (the latter method is reserved to lawyers and bailiffs).

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

An appeal can be lodged in accordance with Article 17 of the Regulation under Belgian civil procedural law. The appeal may be lodged with the court of first instance, the commercial court or the court of appeal with subject-matter jurisdiction under the Judicial Code. To establish which court of appeal has territorial jurisdiction, please consult the European Judicial Atlas in civil matters.

Article 1051 of the Judicial Code provides that, subject to any time-limits laid down in mandatory provisions of supranational and international law, an appeal may be lodged within one month from service of the judgment or of its notification of in accordance with the second and third paragraphs of Article 792 of the Code. By analogy with that provision, the time-limit for lodging an appeal under the European Small Claims Procedure is, in principle, one month from service or notification of the judgment of the court or tribunal with jurisdiction pursuant to Article 13 of the Regulation establishing a European Small Claims Procedure.

#### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Depending on the specific circumstances of the case, under Belgian law there are several courses that may be open to a party wishing to secure a review of a decision:

- First, under Article 1051 of the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*) an appeal may be lodged against a judgment within one month from service of the judgment or, in some cases, within one month from notification of the judgment in accordance with the second and third paragraphs of Article 792 of the Code. This applies whether or not both parties appeared in the proceedings.

- Second, under Article 1048 of the Code a motion to have a default judgment set aside may be filed within one month from service of the judgment or, in some cases, within one month from its notification in accordance with the second and third paragraphs of Article 792 of the Code.

The time-limits indicated above for lodging an appeal or filing a motion to aside apply:

- subject to the time-limits laid down in mandatory provisions of supranational and international law;

- without prejudice to the possibility offered by Article 50 of the Judicial Code of extending a time-limit set on pain of default under certain conditions laid down by law;

- without prejudice to the possibility of applying the general principle of law, repeatedly confirmed by the Belgian Court of Cassation, according to which the time-limits set for the performance of an act are extended in favour of a party who has been prevented by force majeure from performing the before the time-limit expires.

#### Article 25 1 (i) Accepted languages

For the purposes of Article 21a(1), Belgium does not accept **any language other** than the official language or one of the official languages of the place of enforcement under Belgian national law.

#### Article 25 1 (j) Authorities competent for enforcement

In Belgium, the competent authorities with respect to enforcement of a judgment delivered by a court or tribunal in the European Small Claims Procedure are bailiffs.

The authority with competence to apply Article 23 of the Regulation establishing a European Small Claims Procedure is first and foremost the judge responsible for attachment proceedings (*juge des saisies/beslagrechter*) in the place where enforcement is to take place. Under Article 1395 of the Belgian Judicial Code, the judge responsible for attachment proceedings has jurisdiction for all applications relating to attachment or enforcement. Territorial jurisdiction is determined under Article 633 of the Judicial Code.

The Judicial Code also provides for the jurisdiction of the court of first instance of the place. Article 569(5) of the Judicial Code provides that the court of first instance – of which the judge responsible for attachment is a member – has jurisdiction to hear objections regarding the enforcement of judgments and orders. The court of first instance, including the judge responsible for attachment proceedings, also has full conditional jurisdiction under Article 568 of the Judicial Code.

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#### **Article 25 1 (a) Competent courts**

The court competent to deal with proceedings under this category is the district court (*rayonen sad*) with jurisdiction at the place of the respondent's permanent address or registered office.

#### **Article 25 1 (b) Means of communication**

Standard claim Form A must be filed directly with the competent district court or sent by post.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

Practical assistance and information in accordance with Article 11 of the Regulation is provided by the European Consumer Centre in Bulgaria, which is part of the European Consumer Centres Network (ECC-Net). Information on the application of the Regulation is provided by the Ministry of Justice upon request.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

The applicable means of service are as laid down in the current Code of Civil Procedure.

Article 38 governs the address for service:

'Article 38 (1) The communication is served at the address indicated in the case.

(2) Service may be effected at an e-mail address chosen by the party for service via:

1. The single e-Justice portal;

2. Qualified electronic registered delivery service, in accordance with Article 3(37) of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73) ('Regulation (EU) No 910/2014').

(3) Where the party has not opted for service under paragraph 2 but has indicated an e-mail address, service is effected at the address indicated.

(4) Consent to service under paragraphs 2 and 3 may be withdrawn at any time, without prejudice to the regularity of the actions already carried out.

(5) Where service cannot be effected under paragraphs 1 to 3, the communication is served at the current address of the party or, failing that, at their permanent address.

(6) The party may indicate an e-mail address for service on an expert, witness or third party, who is obliged to produce a document in their possession.'

Article 38a provides that a person who has carried out a procedural act in electronic form must provide an e-mail address for notification of receipt of the electronic statement and for the result of the technical verification of the act. A person who carries out a procedural act in electronic form may agree to accept electronic statements and electronic documents from the court hearing the case in proceedings before the relevant level of jurisdiction or before all levels. A person who carries out a procedural act via the single e-Justice portal agrees to accept electronic statements and electronic documents, communications, summons and papers in proceedings before the relevant level of jurisdiction and before all levels. Consent may be withdrawn at any time, without prejudice to the regularity of the actions already carried out.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Service on credit and financial institutions, including those carrying out debt recovery against consumers, on insurance and reinsurance companies, on traders supplying energy or gas or providing postal or electronic communications or water and sewerage services or on notaries and private bailiffs is effected only in accordance with the procedure laid down in Article 38(2) at an e-mail address specified by them. (Article 50(5) of the Code of Civil Procedure)

Service on a lawyer is effected via the single e-Justice portal or in any place where he or she has an office. (Article 51(1) of the Code of Civil Procedure)

Service on government institutions and municipalities is effected only in accordance with the procedure laid down in Article 38(2) at an e-mail address specified by them. (Article 52(2) of the Code of Civil Procedure)

#### **Article 25 1 (f) Court fees and the methods of payment**

In accordance with the *Schedule of state fees charged by courts under the Civil Procedure Code*, court fees in Bulgaria are 4% of the value of the claim, with a minimum of BGN 50.

Court fees are paid by bank transfer.

The courts allow the parties to pay the fees electronically. Where the application for protection and assistance has been performed electronically under Article 102(f) via the single e-Justice portal, there is a 15% reduction in the State fee due. If consent to service in this way is withdrawn, the person liable for payment pays the difference within 7 days to cover the full amount of the State fee due. (Article 73(4) of the Code of Civil Procedure)

The fee for an application for the recognition and enforcement of a judgment issued by a foreign court, arbitration court or other body is BGN 50 (Article 15 of the Schedule).

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Appeals against a European small claims decision must be lodged with the relevant provincial court (*okrazhen sad*) (Article 624(2) of the Code of Civil Procedure).

The appeal must be submitted within two weeks of the decision of the district court being served on the party in question. The appeal procedure is laid down in Chapter 20 of the Code of Civil Procedure.

The judgment of the provincial court is subject to appeal in cassation before the Supreme Court of Cassation under the conditions laid down in Article 280 (Article 624(2) of the Code of Civil Procedure).

The grounds and conditions for the enforcement of a decision on an appeal in cassation are explicitly laid down in Chapter 22 of the Code of Civil Procedure.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The respondent may submit an application for review of the judgment delivered in the European small claims procedure to the relevant court of appeal under the conditions laid down in Article 18. The court sends a copy of the application for review to the other party, who has the opportunity to reply within one week of receiving it. The application for review is examined in closed session. If the court deems it necessary, it may examine the application in open session. The decision on the application for review cannot be appealed.

#### **Article 25 1 (i) Accepted languages**

For the purposes of Article 21(a)(1), the accepted language is Bulgarian.

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities competent for enforcement are court bailiffs (public and private).

An application for a writ of execution on the basis of a European small claims procedure must be lodged with the provincial court with jurisdiction at the place of the permanent address or registered office of the debtor, or at the place of enforcement.

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#### Article 25 1 (a) Competent courts

For determining which courts are competent in the Czech Republic to conduct the European Small Claims Procedure, the general legal provisions governing competence in civil matters contained in [Act No 99/1963, the Code of Civil Procedure \(občanský soudní řád\)](#), as last amended, shall apply. Material competence is governed by Sections 9 to 12 and territorial competence by Sections 84 to 89a.

Taking into account the type of cases envisaged, district courts (*okresní soudy*) will usually have material competence and the criterion for determining territorial competence will usually be the place of residence/registered office of the defendant.

#### Article 25 1 (b) Means of communication

The Czech Republic hereby gives notice that the following means are accepted as other means of communication:

(a) applications lodged in electronic form signed using means deemed by specific legislation to have the same effects as a handwritten signature, under [Act No 297/2016 on trust services for electronic transactions](#);

(b) electronic mail;

(c) fax.

In the case of (b) and (c), the original form must also be submitted no later than three days after submitting the application, otherwise the court will disregard it.

#### Article 25 1 (c) Authorities or organisations providing practical assistance

Information is available at <https://www.coi.cz/pro-spotrebitele/evropske-spotrebitelske-centrum/>.

#### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The 'data box' (*datová schránka*) is the means of electronic service in the Czech Republic. The data box is an electronic repository designated by public authorities for serving documents (data messages). The particulars are governed by [Act No 300/2008 on electronic transactions and authorised document conversion](#).

#### Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Data boxes are set up free of charge, and without being requested, for legal persons registered in the commercial register, legal persons established by law, spin-off companies of foreign legal persons registered in the commercial register, lawyers, tax advisors and bankruptcy administrators; since 1 January 2023 this has been possible also for natural persons engaged in business activity. There is an obligation to set up a data box for those entities. For other types of legal persons and for natural persons not engaged in business activity, data boxes are set up upon request. The particulars are governed by [Act No 300/2008 on electronic transactions and authorised document conversion](#).

#### Article 25 1 (f) Court fees and the methods of payment

The amount of court fees in a small claims procedure is governed by item 1 of the tariff annexed to [Act No 549/1991 on court fees](#). Where the amount claimed does not exceed CZK 20 000, the court fee is CZK 1 000. For larger amounts claimed, up to the maximum limit of EUR 5000 laid down by the Regulation, the court fee is 5% of the amount claimed.

Court fees can be paid into the account opened at the Czech National Bank (*Česká národní banka*) for the court having subject-matter and territorial jurisdiction to hear and rule on the case at first instance.

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

Recourse is available under Czech law. It takes the form of an appeal governed by Sections 201 to 226 of [Act No 99/1963, the Code of Civil Procedure \(občanský soudní řád\)](#). Appeals must be lodged with the court whose decision is being contested no more than 15 days after the written decision is served. That court then refers the appeal to the higher court that will conduct the appeal procedure.

No appeal is permitted against a decision ordering the payment of sums not exceeding CZK 10 000 under Section 202(2) of the Code of Civil Procedure, excluding ancillary charges. This does not apply to judgments for recognition and judgments by default.

#### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Competence to hear review proceedings lies with the district court (*okresní soud*) that handed down the judgment at first instance. An appeal is possible against court decisions rejecting an application for review. This is governed by Sections 201 to 226 of [Act No 99/1963, the Code of Civil Procedure \(občanský soudní řád\)](#).

#### Article 25 1 (i) Accepted languages

The only language accepted by the Czech Republic is Czech.

#### Article 25 1 (j) Authorities competent for enforcement

1. In the Czech Republic, the authorities that have competence with respect to enforcement are district courts (*okresní soudy*) and court bailiffs (*soudní exekutoři*). The person entitled may:

(a) lodge an application for judicial enforcement of a decision with the district court that has territorial jurisdiction;

(b) lodge an application for an enforcement order with any court bailiff.

When determining which district court has territorial jurisdiction, in the case of paragraph (a) the provisions of Sections 84 to 86 of [Act No 99/1963, the Code of Civil Procedure](#), apply, whereas in the case of paragraph (b) the applicable provision is Section 45 of [Act No 120/2001 on court bailiffs and enforcement activities](#), as amended, (the Enforcement Code (*exekuční řád*)). Enforcement of a decision is carried out in accordance with the Code of Civil Procedure, and in the case of bailiffs the Enforcement Code also applies.

2. The Czech Republic has appointed the district courts (*okresní soudy*) as the authorities with competence for the purposes of applying Article 23. Their territorial jurisdiction is governed by Sections 84 to 86 of the Code of Civil Procedure in the case of judicial enforcement (see paragraph (a) above) and by Section 45 of the Enforcement Code in the case of enforcement of a decision by a court bailiff (see paragraph (b) above).

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### Small claims - Germany

#### Article 25 1 (a) Competent courts

In the German federal states (*Länder*), all courts that can be seised under the rules on international, territorial and substantive jurisdiction have jurisdiction in matters regarding the European Small Claims Procedure under Regulation (EC) No 861/2007 (see [https://e-justice.europa.eu/content\\_jurisdiction-85-de-de.do?member=1](https://e-justice.europa.eu/content_jurisdiction-85-de-de.do?member=1)). In general, the local courts (*Amtsgerichte*) have substantive jurisdiction over disputes.

For the federal states of Baden-Württemberg, Hessen, North Rhine-Westphalia, Saxony Anhalt and Schleswig-Holstein, the following courts have jurisdiction: In Baden-Württemberg:

For cases before the local courts

1. Heidelberg Local Court  
for the Karlsruhe Higher Regional Court district (*Bezirk des Oberlandesgerichts*),  
2. Heilbronn Local Court  
for the Stuttgart Higher Regional Court district.

In Hessen:

1. Frankfurt am Main Local Court for the districts covered by the Hessen Local Courts  
2. Frankfurt am Main Regional Court (*Landgericht*) for the districts covered by the Hessen Regional Courts.

In North Rhine-Westphalia:

Essen Local Court for all districts covered by the North Rhine-Westphalia Local Courts.

In Saxony-Anhalt:

Halle Local Court (Saale).

In Schleswig- Holstein:

For cases falling under the substantive jurisdiction of the Local Courts

1. Flensburg Local Court for the district covered by Flensburg Regional Court (Flensburg, Husum, Niebüll and Schleswig Local Courts),  
2. Itzehoe Local Court for the district covered by Itzehoe Regional Court (Elmshorn, Itzehoe, Meldorf and Pinneberg Local Courts),  
3. Kiel Local Court for the district covered by Kiel Regional Court (Bad Segeberg, Eckernförde, Kiel, Neumünster, Norderstedt, Plön and Rendsburg Local Courts) and  
4. Lübeck Local Court for the district covered by Lübeck Regional Court (Ahrensburg, Eutin, Lübeck, Oldenburg, Ratzeburg, Reinbek and Schwarzenbek Local Courts).

#### **Article 25 1 (b) Means of communication**

The following means of communication are available everywhere: post including private courier, fax, delivery by hand, or lodging the claim at the court's claims filing office (*Rechtsantragstelle*).

In addition, written claims can be lodged in electronic form in all federal states (*Länder*) at certain courts and at all Federal courts, in which case the person responsible for submitting the electronic document must attach an authorised electronic signature. This requires signature software and a signature card with the corresponding card reader. The participating courts can also be contacted from other Member States via the eCODEX interface. Information about which courts allow electronic access can be found at <http://www.justiz.de/> and <http://www.egvp.de/> or on the websites of the individual courts.

As of 1 January 2018, it will be possible to submit electronic documents to all *Land* and federal courts, pursuant to Section 130a of the revised Code of Civil Procedure, provided the electronic document bears the authorised electronic signature of the person responsible for it, or is signed by them and transmitted by secure means. 'Secure means' will be considered to be:

1. the German e-government service 'DeMail' with authentication of sender (*absenderbestätigt*);  
2. the special electronic mailbox for lawyers ('beA');  
3. the special electronic mailbox for public authorities ('beBPO').

The technical parameters for the transmission of electronic documents are to be laid down in a Federal Government Regulation to enter into force by 1 January 2018.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

The local courts are competent to provide practical assistance in accordance with Article 11 of Regulation (EC) No 861/2007 as amended. Practical assistance is provided by the relevant staff as per the organisation chart, primarily staff at the claims filing offices or information desks. Information on the competent local courts and the means of communication can be found in the European Judicial Atlas. Please refer to point (a) above.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Under Section 174(1) and (2) of the Code of Civil Procedure, a procedural document may be served by fax, against acknowledgement of receipt, on a lawyer, a notary, a bailiff (*Gerichtsvollzieher*), a tax consultant or any other person who enjoys particular trust by reason of their profession, a public authority, a corporation, or a body governed by public law.

Under Section 174(3), electronic documents may also be served on the same persons. The same applies to other parties to legal proceedings, provided they have expressly consented to the documents being transmitted in electronic form. The document must be signed electronically and must be protected against its becoming known to unauthorised third parties. Documents may also be transmitted by De-Mail.

With effect from 1 January 2018, it will be possible to send electronic documents via a secure transmission channel (*sicherer Untermittlungsweg*) within the meaning of Section 130a of the Code of Civil Procedure, instead of using an electronic signature. The persons mentioned above will have to set up a secure transmission channel for the service of electronic documents. Proof of electronic service will be by electronic acknowledgement of receipt in a structured, machinereadable format. To this end the court will provide a data set when it serves the document.

Acceptance pursuant to Article 13 and Section 174(3) of the Code of Civil Procedure can be expressed using the means described at point (b) above.

For more details see point (b).

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Following the introduction of Section 31a(1), first sentence, of the Federal Code governing the Legal Profession ('BRAO'), the Federal Bar is required to set up a special electronic mailbox for every lawyer in Germany. One of the goals of this Section 31a is to ensure that every lawyer in Germany can be reached through electronic channels. The special electronic mailbox for lawyers was set up on 28 November 2016.

However, there is not at present any obligation to use it. Rather, Section 31 of the Regulation governing the Lawyers' Directory and Mailbox (*Rechtsanwaltsverzeichnis- und -postfachverordnung*) provides that, up to 31 December 2017 inclusive, information received via the special electronic mailbox for lawyers must be taken into account only if the mailbox owner has agreed to its use in advance. This period of voluntary use is intended to give lawyers the opportunity to phase the new technology in and to ensure that the mailbox is operating smoothly prior to making its use obligatory. With effect from 1 January 2018, a new paragraph 6 is to be added to Section 31a BRAO, requiring all lawyers to take due cognisance of information sent to their special lawyer's electronic mailbox. A legislative amendment to that effect is included in the Bill to implement the Directive on the recognition of professional qualifications and to amend other provisions on the legal professions (ref. Bundestagsdrucksache 18/9521, pp. 9 and 107 et seq.).

This area is also governed by Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents).

#### **Article 25 1 (f) Court fees and the methods of payment**

The court fees for the European small claims procedure are subject to the Court Costs Act ('GKG').

The court fees are charged by the court by way of a court fees invoice (*Gerichtskostenrechnung*). The fees fall due when the application commencing proceedings is lodged, although the proceedings may continue even if payment is not made.

Besides the applicant, anyone on whom such liability is imposed by the court, or anyone who assumes liability as part of a settlement, is also liable for the court fees.

The specific fees are laid down in a cost schedule annexed to the Court Costs Act ('KV-GKG'). Number 1210 KV-GKG sets a fee rate of 3.0 fee units for the European small claims procedure. In the event of early termination of the proceedings, the fee rate is reduced to 1.0 unit (number 1211 KV-GKG).

The fee is set in accordance with the amount at issue in the case, normally the same as the amount of the claim. If, in addition to the principal claim, ancillary claims (interest or costs) are also involved, the amount of the ancillary claims is not taken into account.

The following fees apply:

Amount up to €	Rate 3.0 €	Rate 1.0 €
500.00	105.00	35.00
1 000.00	159.00	53.00
1 500.00	213.00	71.00
2 000.00	267.00	89.00
3 000.00	324.00	108.00
4 000.00	381.00	127.00
5 000.00	438.00	146.00

Besides the fees, any expenses such as for witnesses, experts or interpreters are also due.

Payment can be made by bank transfer. Bank details are communicated with the request for payment issued by the court cashier's office.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Legal remedies such as ordinary appeals (*Berufungen*) can be brought against court rulings given at first instance in accordance with the rules laid down in the Code of Civil Procedure (ZPO), in particular Sections 511 et seq. thereof. Such appeals must be brought within one month; the period runs from the date of service of the full judgment. The court with jurisdiction to hear an appeal against a ruling of a local court (*Amtsgericht*) in the European small claims procedure is the regional court (*Landgericht*) in whose district the local court is located.

A ruling on appeal handed down by a regional court may - following a specific authorisation - be challenged on points of law (*Revision*) before the Higher Regional Court (*Oberlandesgericht*) in whose district the regional court is located.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Pursuant to Section 1104(1) of the Code of Civil Procedure, if the requirements laid down in Article 18 are met, and upon application being made, the proceedings are continued and returned to the stage they were at before the judgment was handed down. The competent court is the one that heard the original proceedings.

#### **Article 25 1 (i) Accepted languages**

Only the German language may be used. In the homeland districts of the Sorbian population, Sorbs have the right to speak Sorbian in court.

#### **Article 25 1 (j) Authorities competent for enforcement**

For information on the authorities competent for enforcement see the summary at '[Proceedings for enforcing a judgment](#)'. The court with jurisdiction for decisions under Article 23 is the court responsible for hearing the main proceedings.

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### **Small claims - Estonia**

#### **Article 25 1 (a) Competent courts**

In Estonia, a judgment in the European Small Claims Procedure is given by the [county court](#) (*maakohus*) with the relevant jurisdiction.

#### **Article 25 1 (b) Means of communication**

In Estonia, the means of communication permitted in a European Small Claims Procedure and available to the courts in accordance with Article 4(1) of the Regulation are delivery by hand, post, fax and electronic transmission channels. When submitting documents, the requirements for format laid down in Sections 334-336 of the [Code of Civil Procedure](#) must be observed.

In accordance with those provisions, petitions must be submitted to the court in clearly legible typewritten form in A4 format. This applies to documents signed in manuscript. In accordance with the Act, participants in proceedings also provide the court with electronic copies of procedural documents submitted in writing where possible. This means the sending of a simple email without the need to sign it digitally or to authenticate it in any other manner, in order to simplify the work of the courts when handling documents.

If documents are submitted by fax or email to the relevant address or in another form capable of producing a written record, the original copy of the written document must be handed over to the court without delay or, at the latest, when the case is heard in court or during the period laid down for the submission of documents in written procedure. In that case, the deadline for submitting a written petition or appeal is deemed to have been met.

Petitions and other documents which must be in written form may also be submitted to the court in electronic form, provided that the court can print and make copies of the documents. In this case, the document must bear the sender's digital signature or have been transmitted in a similarly secure manner which enables the sender to be identified. An electronic document is deemed to have been submitted to a court once it has been recorded in the database for the receipt of court documents. More detailed rules for submitting electronic documents to the courts and the format requirements for documents are laid down in a Regulation enacted by the Minister for Justice.

The court may deem a petition or other procedural document sent by email by a participant in proceedings to be sufficient also if it is not signed in manuscript or does not bear a digital signature, provided that the court has no doubts about the identity of the sender or the sending of the document, in particular where documents bearing a digital signature have previously been sent to the court from the same email address in the same case by the same participant or where the court has agreed that petitions or other documents may be submitted to it also in this form.

The submission of a petition through the information system created for that purpose (the eFile procedural information system), which is available at <https://www.e-toimik.ee/>, is also considered to be electronic submission. If a petition is submitted via the e-File procedural information system, it may not be submitted by email unless there is a valid reason for doing so. The Minister for Justice has established in a Regulation the list of documents to be submitted through the portal.

In a European Small Claims Procedure, the court may bypass the provisions laid down in the Code concerning the requirements for the service of procedural documents and the form of documents submitted by participants in the proceedings, except when serving a notice of action on a defendant.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

You can obtain practical assistance concerning the European Small Claims Procedure from the [Court Registry](#).

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

The means of electronic service and communication that are technically available and admissible in Estonian courts are the public e-File (<https://www.e-toimik.ee/>) and the service of documents by email or fax.

If a court serves a procedural document through the public e-File procedural information system, the court will send the recipient a notice that the document has been made available in the system:

to the email address or telephone number notified to the court;

if the recipient is a sole proprietor or a legal entity, to the email address or telephone number entered in the information system of a register maintained in Estonia;

to the email address or telephone number of the addressee and his or her legal representative as entered in the population register;

to the email address or telephone number of the addressee and his or her legal representative as entered in another national database in which the court can check the information independently by making an electronic query;

to the email address [personal-identification-code@eesti.ee](mailto:personal-identification-code@eesti.ee) of the addressee and his or her legal representative if they have an Estonian personal identification code (Section 3111(1) of the Code of Civil Procedure).

The court may also send a notice to the effect that the document has been made available to a phone number or email address found on the internet, or post it on the presumed user account page of a virtual social network or on a page of another virtual communication environment which, according to the information available on the internet, the addressee may be presumed to use or where information posted there may be presumed to reach the addressee. If possible, the court will make the notice available on the presumed user account page of a virtual social network or on a page of another virtual communication environment in such a manner that the notice cannot be seen by any other persons than the addressee. A procedural document is deemed to be served when the recipient opens it in the information system or confirms its receipt in the information system without opening the document and also if the same is done by another person to whom the recipient has granted access to see documents in the information system. The information system registers the service of the document automatically.

If a recipient cannot be expected to be able to use the e-File procedural information system or if service through the information system is technically impossible, the court may also serve procedural documents on the recipient electronically by email or fax. In such cases a procedural document is deemed to be served on the recipient when the recipient confirms the receipt of the procedural document in writing, by fax or electronically. The confirmation must set out the date of receipt of the document and bear the signature of the recipient or their representative. A confirmation prepared in electronic form must bear the digital signature of the sender or be transmitted in another secure manner which enables the sender to be identified and the time of sending to be established, unless the court has no reason to doubt that the confirmation without a digital signature has been sent by the recipient or their representative. A confirmation prepared in electronic form may be sent to the court by email if the email address of the recipient is known to the court and it can be presumed that unauthorised persons have no access to it and also if the court has already transmitted documents to this email address in the course of the same case or if the participant in the proceedings has provided his or her email address to the court independently.

Prior consent to the use of electronic service of documents may be granted through the e-File procedural information system, by email or by fax. Such consent may be sent to the court through an application for a European Small Claims Procedure or by replying thereto.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Procedural documents must generally be served to attorneys, notaries, bailiffs, trustees in bankruptcy and state or local government agencies electronically, through the e-File procedural information system. Service of documents using other methods is only permitted if there is good cause. For other persons, no mandatory method of serving documents is laid down in law.

#### **Article 25 1 (f) Court fees and the methods of payment**

A state fee is payable for lodging a petition for a European Small Claims Procedure with a county court. The size of that fee is determined on the basis of the value of the civil case, which is in turn determined based on the amount claimed. In calculating the value of a civil matter, the amount of the principal claim is added to the amount of the ancillary claims. In the event of a European Small Claims Procedure application for the recovery of interest on arrears that has not become chargeable, an amount corresponding to one year of interest on the arrears must also be added to the amount. The size of the state fee is determined on the basis of the final amount received (the cost of the civil case) and in accordance with the table presented in [Annex 1](#) to the [State Fees Act](#), as referred to in Section 59(1).

A security must be paid for submitting a petition for reviewing a court judgment (a petition to set aside a default judgment). The security is an amount that corresponds to the state fee for half of the amount involved in the action. The size of the state fee must not be less than €100 and must not exceed €1 500. The same state fee must be paid for lodging an appeal as was paid for the initial lodging of the European Small Claims Procedure application with the county court, taking into account the extent of the appeal.

Security must also be paid in order to lodge an appeal in cassation and an application for review. One per cent of the cost of the civil case is to be paid as security, taking into account the extent of the appeal, but not less than €100 and not more than €3 000.

A state fee of €50 must be paid for lodging an appeal with a district court or the Supreme Court.

The state fee can be paid by bank transfer to any of the Ministry of Finance's bank accounts, which can be found on the [Courts website](#).

In all cases the state fee must be paid before the petition is lodged. Together with the petition, a document proving payment of the state fee or information enabling the court to verify payment of the state fee (for instance the date on which the payment was made, the amount, the payer of the fee, etc.) must be submitted to the court.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

An appeal may be lodged under the **appeal procedure** against a court judgment delivered in a European Small Claims Procedure.

If the value of the action does not exceed an amount corresponding to €2 000 on the main claim and to €4 000 together with ancillary claims, the county court may note in the judgment that leave to appeal is granted. In general, the court will give leave to appeal if it considers that a ruling by a court of appeal is necessary in order to obtain the opinion of a district court on a point of law. If the county court's judgment does not include leave to appeal, an appeal may still be submitted to a district court, but the district court will admit the appeal only if it is clear that, when making its judgment, the county court incorrectly applied a provision of substantive law, breached procedural requirements or incorrectly appraised evidence, and if this could have had a serious impact on the ruling.

Appeals are to be lodged with the [district court](#) in whose jurisdiction the county court ruling on the European Small Claims Procedure is located.

An appeal may be lodged within 30 days of the service of the judgment on the appellant, but not later than within five months of the judgment of the court of first instance being made public. If the county court judgment was made without the part describing and justifying the judgment and if a participant in the proceedings requested the court to add such a part to its judgment, the period for appeal will begin anew as of the service of the complete judgment. An appeal may not be lodged if both parties have renounced their right to lodge an appeal in a petition submitted to the court.

An **appeal in cassation** may be lodged with the Supreme Court against a court judgment made under the appeal procedure (Chapter 66 of the [Code of Civil Procedure](#)). A participant in proceedings may lodge an appeal in cassation with the Supreme Court if a district court has significantly breached procedural requirements or incorrectly applied a provision of substantive law.

An appeal in cassation may be lodged within 30 days of the service of the judgment on the participant, but not later than within five months of the district court's judgment being made public. An appeal in cassation may not be lodged if both parties have renounced their right to lodge an appeal in a petition submitted to the court.

In exceptional circumstances where a participant in proceedings so wishes and where new evidence has come to light, an **application for review** of a court judgment which has entered into force may be submitted to the Supreme Court pursuant to the procedure laid down in Chapter 68 of the Code of Civil Procedure. An application for review may be submitted within two months of becoming aware of there being a reason for review. On the grounds that a participant in proceedings was not represented at the proceedings, an application for review may be submitted within two months of the service of the ruling on the participant or, in the case of a party with no active legal capacity in civil proceedings, on the participant's legal representative. For this purpose, service by public notice is not taken into account. An application for review may not be submitted if five years have passed since the entry into force of the court ruling concerning which a review is being sought. An application for review may not be submitted on the grounds that the party did not participate or was not represented in the proceedings or in the case laid down in Section 702(2)(8) of the Code of Civil Procedure if ten years have passed since the entry into force of the court ruling.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The procedure for applying for a review of a court judgment corresponds to the procedure **to set aside a default judgment** (Section 415 of the [Code of Civil Procedure](#)). An application for a review must be lodged with the court that made the judgment in the matter of the application for a European Small Claims Procedure. The application must be submitted in writing and it must contain the following: a reference to the judgment for which a review is sought; a petition requesting review of the judgment; the circumstances and grounds for which the judgment should be reviewed. After that the court will serve the petition on the counterparty, and assign it a deadline for presenting its position. The court will issue a written ruling regarding the petition. Where necessary, a petition to set aside a default judgment is dealt with in a court hearing. If the petition is satisfied, the proceedings will be reopened and the European Small Claims Procedure will continue in the situation it was before the failure to perform the procedural act which resulted in the judgment in default. Appeals may be filed with a district court against court rulings rejecting applications for review of court judgments. Appeals may be filed with the Supreme Court against appeal rulings issued by a district court only if the district court rejected the appeal.

#### **Article 25 1 (i) Accepted languages**

Under Article 21a(1) of the Regulation, the accepted languages are Estonian and English.

#### **Article 25 1 (j) Authorities competent for enforcement**

Rulings given in European Small Claims Procedures in Estonia are enforced by independent bailiffs. An application for enforcement proceedings to be commenced is to be submitted to the bailiff of the debtor's place of residence or domicile or at the location of the assets. The list of bailiffs' offices is available on the [website](#) of the Estonian Chamber of Bailiffs and Trustees in Bankruptcy.

If an appeal is lodged against a ruling given in a European Small Claims Procedure, the measures laid down in Article 23 of the Regulation are applied by the district court with which the appeal is lodged. When a petition is lodged, the application for measures to be applied is to be submitted to the court ruling on the petition.

If an appeal has not yet been lodged, the measures laid down in Article 23 of the Regulation are applied by the court which delivered the ruling on the case. The court competent to apply the measure laid down in Article 23(c) of the Regulation is the county court in whose jurisdiction enforcement proceedings are being conducted or would have to be conducted. In the cases laid down in Section 46 of the [Code of Enforcement Procedure](#), a decision to stay enforcement proceedings may be taken by the bailiff conducting the enforcement proceedings, as well as by the court.

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### **Small claims - Ireland**

#### **Article 25 1 (a) Competent courts**

The District Court has jurisdiction to give judgment in the European Small Claims Procedure and all applications should be made to the Registrar for the relevant District Court. The addresses and contact details of District Courts can be found at:

<http://www.courts.ie/offices.nsf/WebCOByJurisdiction?OpenView&Start=1&Count=30&Expand=5#5>

#### **Article 25 1 (b) Means of communication**

Standard means of communication are post and email

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

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 Ireland are competent to give a judgment in the European Small Claims Procedure can be provided to parties by the staff of relevant court offices.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

These issues are covered by Rules of Court which provide that –

“Notwithstanding any other provision of these Rules, where suitable facilities for that purpose have been established by the Courts Service, and the Court or Registrar has so directed, the service of any document required to be sent, delivered, dispatched or served under the European Small Claims Procedure is valid if transmitted in electronic form as an electronic message to the claimant's or respondent's electronic mail address (as identified on any letterhead or stationery of the claimant or respondent, or as used by either to send any communication to the Registrar) or to the Registrar's electronic mail address (as identified on any website operated by the Courts Service) provided that where the sender is not satisfied that the electronic communication was delivered to the intended recipient (by reason of any delivery status message received) or where no response has been received within a period of seven days following such transmission, then the electronic communication must be treated as if it had never been sent and the relevant document must be served as otherwise provided for in this Order within eight days following such period.” (Order 53B Rule 3)

“The claim form and supporting documents may be filed by registered post or, where rule 3 applies, in electronic form.” (Order 53B Rule 4)



"Where the claim does not come within the scope of the European Small Claims Procedure, the Registrar must so inform the claimant, where possible by the same means by which the claimant's application was sent to the Registrar (and if not possible, by registered or recorded delivery post) ....". (Order 53B Rule 6)

"The Registrar must dispatch copies of the respondent's response .... to the claimant by registered post (or, where relevant, as otherwise permitted by rule 3) within the time limit prescribed by Article 5(4) of the EU Regulation. ... The Registrar must dispatch copies of any counterclaim and any supporting documents provided (where applicable) to the claimant by registered post (or, where relevant, as otherwise permitted by rule 3) within the time limit prescribed by Article 5(6) of the EU Regulation." (Order 53B Rule 8)

"Any notification or notice given by the Registrar to a party to a European Small Claim for any purpose set out in the EU Regulation must be given by the means by which that party has communicated to him (or to the address or contact detail provided for that party) and ...". (Order 53B Rule 18)

#### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

None

#### **Article 25 1 (f) Court fees and the methods of payment**

The European Small Claims Procedure application fee is €25, the rate which applies to an application under the domestic small claims procedure. A counterclaim is also €25. As indicated in (a) above, European small claims procedure applications should be made to the Registrar for the relevant District Court who will advise the claimant of the arrangements for making that payment. The contact details are as in (a) above.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

An appeal other than an appeal against dismissal under Article 4.4 may be lodged with the relevant Circuit Court within 14 days of the decision being given. The addresses and contact details of Circuit Courts can be found at

<http://www.courts.ie/offices.nsf/WebCOByJurisdiction?OpenView&Start=1&Count=30&Expand=4#4>

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Relevant Rules of Court provide that

"(1) A respondent against whom judgment by default has been given in a European Small Claim in accordance with the provisions of this Order may apply by notice of motion to the Court in the Court area in which the order was obtained for an order to set aside and/or vary the said order on any of the grounds specified in Article 18(1) of the EU Regulation.

(2) The notice of motion must be served on the claimant or solicitor for the claimant, if any, within ten clear days from the date on which the giving of the default judgment came to the knowledge of the respondent.

(3) Service of the notice of motion does not operate as a stay of proceedings.

(4) The Court may declare sufficient the service of the notice of motion actually effected.

(5) The notice of motion must set out clearly and briefly the grounds specified in Article 18(1) of the EU Regulation relied on by the party applying.

(6) The Court may, on the hearing of the motion, grant or refuse the application on the basis of the provisions of Article 18(1) of the EU Regulation.

(7) Where the Court rejects the review on the basis that none of the grounds referred to in Article 18(1) of the EU Regulation applies, the judgment remains in force.

(8) Where the Court decides that the review is justified for one of the reasons laid down in Article 18(1) of the EU Regulation, then the judgment given in the European Small Claims Procedure must be set aside and is null and void."

#### **Article 25 1 (i) Accepted languages**

English and Irish

#### **Article 25 1 (j) Authorities competent for enforcement**

An application for enforcement should be made by the creditor to the relevant County Registrar/Sheriff through the associated Circuit Court. The relevant District Court is competent to deal with applications for refusal, stay or limitation of enforcement

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### **Small claims - Greece**

#### **Article 25 1 (a) Competent courts**

The competent courts are the territorially competent district civil courts of the country.

#### **Article 25 1 (b) Means of communication**

The action is brought by lodging a written application to the registry of the district civil court in person. The application may also be made by email or via a digital platform for the submission of documentation where such means are available.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

No such authority has been established.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

There is no possibility of electronic service or communication by electronic means.

#### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Those who engage in electronic commerce in Greece, i.e. persons offering services and effecting sales via the Internet, have a legal obligation to accept communications using electronic means, pursuant to Article 8(1) of Presidential Decree No 131/2003 (harmonisation of Greek law with Directive 2000/31 /EC), in cases involving disputes arising from contracts concluded between the parties by use of a simple electronic signature, i.e. through simple electronic mail and messages exchanged.

#### **Article 25 1 (f) Court fees and the methods of payment**

The costs are calculated on the basis of costs incurred by the winning party in the particular court case.

Court fees to be paid by the claimant include: a) the lawyer's fees, provided that the relevant proceedings were signed off by a Greek lawyer, amounting to EUR 32, and (b) the court stamp duty paid for the consideration of each court case, amounting to approximately 1.14 % of the total amount requested (principal and interest). No court stamp duty is to be paid for claims up to the amount of EUR 200.

Where the defendant assigns the case to a lawyer (who must sign the completed form C), he or she must pay an advance lawyer's invoice fee of EUR 32. Exceptionally, an additional advance lawyer's invoice fee of EUR 32 is required where the lawyer is called to an oral hearing.

Court stamp duty must be paid to the State budget, while lawyers' fees must be paid to the Bar Associations, which collects and subsequently pays the lawyer's invoice by filing a corresponding document.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Judgments handed down under the small claims procedure are not appealable. However, recourse is available in the form of an application to be submitted to the court that issued the decision, and an appeal for annulment to the Supreme Court.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

A review request may only be submitted by filing an application at the registry of the court that issued the decision.

#### **Article 25 1 (i) Accepted languages**

The acceptable language is Greek.

#### **Article 25 1 (j) Authorities competent for enforcement**

The bailiffs competent at the place of enforcement are responsible for the seizure of movable and immovable property; the notaries are responsible for auctioning.

The lawyers are responsible for the drawing up of the garnishing order, while the bailiffs are responsible for the service of that document.

The district civil court which issued the decision is competent under Article 23 of the Regulation.

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### **Small claims - Spain**

#### **Article 25 1 (a) Competent courts**

The Court of First Instance (*juzgado de primera instancia*) and the Commercial Court (*juzgado de lo mercantil*) as laid down in Article 86b(2) of Spain's Organic Law on the Judiciary (*Ley Orgánica del Poder Judicial*), in particular for cases where the claim is linked to a claim deriving from a transport contract.

#### **Article 25 1 (b) Means of communication**

In addition to submissions in person before the competent court and submissions by post, Spanish courts also permit the submission of claims via the Electronic Courthouses (*sedes judiciales electrónicas*) of the authorities responsible for the administration of justice.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

The parties can obtain practical assistance to fill in the forms, or find out more about the European Small Claims Procedure and the competent bodies for issuing a judgement, from the citizen advisory offices listed by the courts.

A technical advice service is provided for the submission of claims via an Electronic Courthouse.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Via the Electronic Courthouses.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

The following parties must use electronic means of communication with the courts:

- a) Legal persons;
- b) Entities without legal personality;
- c) Professionals working in areas requiring registration in a professional organisation for any formalities and actions that they carry out with the Courts Service when exercising their professional activities;
- d) Notaries and registrars;
- e) Representatives of an interested party that must have electronic dealings with the Courts Service;
- f) Public administration officials for any actions and steps that they carry out because of their position.

#### **Article 25 1 (f) Court fees and the methods of payment**

The European Small Claims Procedure is not subject to a court fee.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

No appeals can be lodged for small claims of less than EUR 3 000.

For claims of EUR 3 000 to EUR 5 000, appeals can be lodged before the court that issued the initial judgement, which will rule on their admissibility and subsequent referral for judgement to the Provincial Court (*Audiencia Provincial*). The deadline for appeal is 20 working days as of the day following the notification date of the judgement.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The appeal must be lodged in accordance with the procedures for ordinary proceedings laid down in Spanish legislation.

#### **Article 25 1 (i) Accepted languages**

Spanish, English.

#### **Article 25 1 (j) Authorities competent for enforcement**

The Court of First Instance and the Commercial Court, as laid down in Article 86b(2) of Spain's Organic Law on the Judiciary (in particular for cases where the claim is linked to a claim deriving from a transport contract).

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### **Small claims - France**

#### **Article 25 1 (a) Competent courts**

Claims made under Regulation (EC) No 861/2007 establishing a European Small Claims Procedure are submitted either to the local chambers of the ordinary courts (*chambres de proximité des tribunaux judiciaires*), which have jurisdiction if the claim is of a civil nature (Articles L. 211-4-2 and L. 212-8 and Annex Table IV-II of the Code of Court Organisation) or to the commercial courts (*tribunaux de commerce*), which have jurisdiction if the claim concerns traders, commercial companies or finance companies (Article L. 721-3-1 of the Commercial Code).

Where 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 designates the courts of a Member State without further specification, the court with territorial jurisdiction is that of the place of residence of the defendant or of any of the defendants.

#### **Article 25 1 (b) Means of communication**

A request for institution of legal proceedings can be delivered to the court or sent by post.

Parties to a proceeding commenced under Regulation (EC) No 861/2007 establishing a European Small Claims Procedure can communicate with the courts by post.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

The litigants may request information for filling in the forms annexed to the Regulation in accordance with Article 11 from: clerks (*personnel de greffe*) at the courts with competence to handle claims lodged under Regulation (EC) No 861/2007 establishing a European Small Claims Procedure, i.e. the ordinary courts of first instance or commercial courts; it will usually be the clerks in the court's litigant reception service (*service d'accueil du justiciable* – SAUJ) who provide the necessary information on the procedures. staff working in law centres (*maisons de la justice et du droit*) throughout the country; lawyers, whom the parties can consult at the advice centres operated free of charge by the legal counselling services at *département* level (*centres départementaux d'accès au droit*).

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Service of the documents in question by electronic means is not authorised. There are therefore no technical means available. Communication with the French courts with competence to handle claims lodged under the Small Claims Regulation is by post only.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

No person or professional is obliged to accept a document served by electronic means under Article 13.

#### **Article 25 1 (f) Court fees and the methods of payment**

If proceedings are brought before the ordinary court of first instance, there are no court fees. However, the court may order the losing party to pay expenses, including the cost of enforcing the decision. The cost of notification by registered letter is borne by the court. Any costs of service incurred under Article 1387 of the Code of Civil Procedure are subject to an enforcement order issued by the court, recovery of which is the responsibility of the State Treasury. The ordinary court of first instance may also order the losing party to pay non-recoverable expenses, i.e. any expenses for representation and assistance incurred by the winning party.

If the proceedings are brought before the commercial court, the amount of the court fees depends on whether or not a hearing is held. If there is no hearing, the court fee is around EUR 12 including tax (the cost of an application for an injunction other than an interim order not including postal charges and bailiff's fees); if a hearing is held, the court costs amount to around EUR 60 including tax (excluding postal charges and bailiff's fees). These amounts do not include any other additional expenses incurred due to the nature of the proceedings.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

The following appeals can be brought under French law in accordance with Article 17 of the Regulation:

- If the decision is final, i.e. if it cannot or can no longer be appealed, the parties may lodge an appeal on points of law (*pourvoi en cassation*) before the court of cassation (*cour de cassation*) (Articles 605 to 618 of the Code of Civil Procedure). An appeal on a point of law may be lodged by the interested party within 2 months of notification of the decision (Article 612 of the Code of Civil Procedure).
- An objection (*opposition*) can be lodged by a defendant on whom the judgment has not been served personally in accordance with Article 5(2), and who has not responded in the forms laid down in Article 5(3) ('judgment rendered by default'). Such an objection is lodged before the court that delivered the judgment being challenged (Articles 571 to 578 of the Code of Civil Procedure).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

In the event of wilful circumvention of jurisdiction (*fraude au jugement*), the parties may bring an application for revision of the judgment (*recours en révision*) before the court that delivered the judgment being challenged (Articles 593 to 603 of the Code of Civil Procedure).

#### **Article 25 1 (i) Accepted languages**

The languages accepted pursuant to Article 21a(1) are: French, English, German, Italian and Spanish.

#### **Article 25 1 (j) Authorities competent for enforcement**

The competent authorities with respect to enforcement are court enforcement officers (*commissaires de justice*) and, in the case of attachment of remuneration (*saisie des rémunérations*) authorised by the enforcing court, the director of the registry (*directeur du greffe*) of the ordinary court of first instance.

For the purposes of the application of Article 23,

- in the case of a judgment by default, the court with which an objection is lodged can, before examining the substance of the case again, withdraw any provisional enforcement order it has granted, which has the effect of staying enforcement (Article 514-3 of the Code of Civil Procedure);
- in all cases, the enforcing judge, after service of a notice of distraint (*commandement*) or distraining order (*acte de saisie*), may defer enforcement by granting a period of grace to the debtor (Article 510 of the Code of Civil Procedure).

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### **Small claims - Croatia**

#### **Article 25 1 (a) Competent courts**

In Croatia, the courts or tribunals competent to give a judgment in the European Small Claims Procedure are the municipal and commercial courts.

#### **Article 25 1 (b) Means of communication**

Forms, other applications or statements are to be submitted in written form, by fax or email.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

Pursuant to the Free Legal Aid Act (*Narodne novine* (NN; Official Gazette of the Republic of Croatia, No 143/13, 98/19 – [https://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_12\\_143\\_3064.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html)), primary legal aid is provided by offices, professional associations and law clinics.

Primary legal aid comprises:

- a) general legal information;
- b) legal advice;
- c) the drawing up of submissions to bodies governed by public law, the European Court of Human Rights and international organisations under international agreements and the rules on the functioning of those bodies;
- d) representation in proceedings before bodies governed by public law;
- e) legal aid in an amicable out-of-court settlement.

A list of professional associations and law clinics providing primarily legal aid can be found at: <https://mpu.gov.hr/istaknute-teme/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190>

#### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Documents are served by mail or by a specific judicial officer, i.e. an employee of a court, via a competent judicial authority or notary public or directly in court, or by electronic means in accordance with a specific act.

#### Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Not applicable.

#### Article 25 1 (f) Court fees and the methods of payment

The court fee is based on the subject of the dispute, and is charged:

- for a claim and a counterclaim
- for a reply to a claim
- for a court ruling on a claim
- for legal remedies
- for an application for enforcement.

Unless provided otherwise, the obligation to pay the fee arises at the time when a submission is presented, as laid down in Article 4 of the Court Fees Act (*Zakon o sudskim pristojbama*) (NN Nos 18/18 and 51/23).

Court fees may be calculated for each individual operation, depending on the value of the subject of the dispute, in accordance with the following table:

In excess of	Up to EUR	EUR
0.00	398.17	13.27
398.18	796.34	26.54
796.35	1 194.51	39.82
1 194.52	1 592.67	53.09
1 592.68	1 990.84	66.36
Over EUR 1 990.84 a fee of EUR 66.36 is to be paid, plus 1% of the amount over EUR 1 990.84, up to a maximum of EUR 663.61.		

The fees set in the Tariff of Court Fees are to be paid by cashless payment, in cash, in revenue stamps issued by Croatia or electronically. Fees can be paid in revenue stamps if the fee is less than EUR 13.27. If a party pays the court fee in revenue stamps and requests a payment receipt, the court shall duly oblige. Information on the fee payment method is to be made available on the e-Bulletin Board website, court websites and in court offices. The cash fee can also be paid in the court's accounting, in which case the court is obliged to pay that money into the budget revenue from court fees within five days of the date of collection. Submissions filed in electronic form under special legislation via the IT system used by the court in its operations are subject to a fee of one half of the fee amount specified in the Tariff and which is payable at the time of their filing. Decisions served by the court in electronic form under special legislation via the IT system used by the court in its operations are subject to a fee of one half of the fee amount specified in the Tariff, if payment is made within 3 days from the day of electronic service of the decision. If the court fee is not paid by the deadline, it becomes payable in the amount specified in the Tariff. The right to levy the fee becomes statute-barred 5 years after the end of the year in which it should have been paid.

Fees are expressed in absolute terms in euro and as percentages.

Pursuant to Article 15a of Regulation No 861/2007, a court fee may be paid by bank transfer.

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

An appeal may be brought against a judgment. The appeal is to be lodged with the court which handed down the judgment within eight days of the date on which the judgment was published, but if the judgment is served on a client, the period begins on the date on which it is served.

A decision on an appeal against a judgment in a small claims procedure is made by a single judge in a second-instance court.

#### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

If a defendant demonstrates that the existence of the preconditions for the review of a judgment handed down in a European Small Claims Procedure under Article 18 of Regulation No 861/2007 is plausible, an application for review is submitted in the form of a claim to the competent municipal or commercial court, which may declare the judgment null and void, whereas an application to restore a prior status is submitted to the court or tribunal seized of the proceedings, which may also restore the proceedings to the state in which they were before the judgment was handed down.

#### Article 25 1 (i) Accepted languages

A translation into Croatian, certified by a qualified person in one of the Member States, must be submitted.

#### Article 25 1 (j) Authorities competent for enforcement

As the court responsible for enforcement, it is a municipal court that issues a decision on applications for enforcement. The territorial jurisdiction of the court is determined in accordance with the rules on territorial jurisdiction of courts in enforcement proceedings.

A decision on a stay or limitation of enforcement pursuant to Article 23 of Regulation No 861/2007 is made by a municipal court.

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### Small claims - Italy

#### Article 25 1 (a) Competent courts

The courts or tribunals with jurisdiction for the European small claims procedure are: the justice of the peace (*giudice di pace*) or, or, in cases in which Italian legislation provides for exclusive jurisdiction over the subject-matter, the ordinary court (*tribunale ordinario*).

In particular, jurisdiction lies with the ordinary court in the event of:

- (1) monetary claims in respect of rentals of immovable property and of businesses (Article 447 *bis* of Italy's Code of Civil Procedure);
- (2) claims relating to agricultural contracts (in this case jurisdiction lies with the specialised agricultural divisions of the ordinary court within the meaning of Act No 29 of 14 February 1990);
- (3) claims relating to patents and trademarks, company law and antitrust issues, or concerning public contracts for work, services or supplies of Community significance (in this case jurisdiction lies with the divisions of the ordinary court specialising in business cases within the meaning of Legislative Decree No 168 of 26 June 2003);

(4) claims under shipping law, in particular for damage in connection with the collision of vessels; damage caused by vessels when anchoring or mooring or performing any other manoeuvres in ports and other stopping places; damage caused by the use of loading and unloading gear and the handling of goods in ports; damage caused by vessels to nets and other fishing equipment; charges and compensation for assistance, rescue and recovery; and reimbursement of expenditure and awards for recovering wreckage under Article 589 of the Navigation Code.

#### **Article 25 1 (b) Means of communication**

By post. Online submission is also accepted only for proceedings before the ordinary courts. This must be done by a defence lawyer. More detailed technical information is available via the following link: [https://pst.giustizia.it/PST/it/pst\\_1\\_2.wp](https://pst.giustizia.it/PST/it/pst_1_2.wp)

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

ECC-NET Italy (<https://www.ecc-netitalia.it/en/>), which provides assistance to consumers only, within the scope of its competence;

For matters beyond the competence of ECC-NET Italy, the Ministry of Justice (*Ministero della Giustizia*).

Department of Judicial Affairs (*Dipartimento per gli Affari di Giustizia*)

Directorate-General for International Affairs and Judicial Cooperation (*Direzione Generale degli Affari internazionali e della Cooperazione giudiziaria*)

Office I - International Judicial Cooperation (*Ufficio I - Cooperazione giudiziaria internazionale*)

Via Arenula 70 - 00186 Rome Tel. (+39) 06 68852480

E-mail: [cooperation.dginternazionale.dag@giustizia.it](mailto:cooperation.dginternazionale.dag@giustizia.it)

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

There is no provision for their use in cases before the justices of the peace. Electronic service and communication may, however, be used for cases before the ordinary courts. More detailed technical information is available via the following link: [https://pst.giustizia.it/PST/it/pst\\_1\\_7.wp](https://pst.giustizia.it/PST/it/pst_1_7.wp)

#### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

The lawyers of the parties, but only for cases heard by the ordinary courts.

#### **Article 25 1 (f) Court fees and the methods of payment**

The court fees applying are governed by Presidential Decree No 115 of 30 May 2002.

They are made up of three parts: (A) a standard fee; (B) a flat-rate advance for costs; and (C) a fixed duty for the registration of judicial documents, payable only for cases before the Court of Cassation (*Corte di cassazione*).

(A) The level of the standard fee varies depending on the amount of the claim and whether the case is being heard at first instance or on appeal. Specifically: (a) for claims up to EUR 1 100 the fee is: EUR 43 if the court proceedings are at first instance; EUR 64.50 if the court proceedings go to appeal; EUR 86 in the case of appeal on a point of law to the Court of Cassation;

(b) for claims between EUR 1 100 and EUR 5 200 the fee is: EUR 98 if the court proceedings are at first instance; EUR 147 if the court proceedings go to appeal; EUR 196 in the case of appeal to the Court of Cassation.

(B) In addition to the standard fee, an amount of EUR 27 is payable as a flat-rate advance for the costs.

Exception: for cases before the justice of the peace and attempts at settlement prior to litigation where the value of the claim is less than EUR 1 033.00, and the corresponding acts and measures, only the standard fee is payable (thus excluding the advance under this point (B)).

(C) If the case goes before the Court of Cassation, a further payment of EUR 200 is payable, irrespective of the value of the claim, being the fixed duty for the registration of judicial documents.

As for the methods of payment accepted:

(A) payment of the standard fee can be made:

(a) at Italian post offices using a post office payslip (*bollettino di conto corrente personale*);

(b) at Italian banks using form F23;

(c) at vendors of revenue stamps in Italy using the appropriate form to notify payment;

(d) by bank transfer:

BIC code: BITAITRRENT

IBAN: IT 04 0 01000 03245 350008332100,

which is a method available to persons who are not resident in Italy and do not have a current account with a bank under contract to the Revenue Agency (*Agenzia delle Entrate*).

(B) Payment of the flat-rate advance for costs can be made:

(a) at vendors of revenue stamps in Italy using the appropriate form to notify payment;

(b) electronically, but only for cases before the ordinary courts.

(C) Payment of the fixed registration duty can be made:

(a) at Italian banks using form F23;

(b) by bank transfer.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

The decisions of the justices of the peace can be challenged before the ordinary courts. The decisions of the ordinary courts can be challenged before the courts of appeal (*corte di appello*).

The time-limit for lodging a challenge is 30 days from notification of the judgment (Article 325 of Italy's Code of Civil Procedure) or six months from its publication in the event of the judgment not being notified (Article 327 of the Code of Civil Procedure).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The bodies competent for review are:

(a) for decisions by the justice of the peace - the ordinary court;

(b) for decisions by the ordinary court - the court of appeal.

In terms of procedure, the rules that apply are those governing appeals and legal challenges in general (Article 323 *et seq.* of the Code of Civil Procedure).

#### **Article 25 1 (i) Accepted languages**

The language accepted is Italian.

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities competent for enforcement are the ordinary courts.

The authorities competent to stay or limit enforcement of a decision within the meaning of Article 23 of the Regulation are the ordinary courts.

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## Small claims - Cyprus

### Article 25 1 (a) Competent courts

#### Nicosia District Court

Address: Charalambou Mouskou, 1405 Nicosia, Cyprus

Telephone: (+357) 22865518

Fax: (+357) 22304212/22805330

E-mail address: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

#### Limassol District Court

Address: Leoforos Lordou Byronos 8, P.O. Box 54619, 3726, Limassol, Cyprus

Telephone: (+357) 25806100/25806128

Fax: (+357) 25305311

E-mail address: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

#### Larnaca District Court

Address: Leoforos Artemidos, 6301, Larnaca, P.O. Box 40107, Cyprus

Telephone: (+357) 24802721

Fax: (+357) 24802800

E-mail address: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

#### Paphos District Court

Address: Corner of Neophytou & Nikou Nikolaidi, 8100, Paphos, P.O. Box 60007, Cyprus

Telephone: (+357) 26802601

Fax: (+357) 26306395

E-mail address: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

#### Famagusta District Court

Address: Sotiras 2, Megaro Tzivani, 5286, Paralimni, Cyprus

Telephone: (+357) 23730950/23742075

Fax: (+357) 23741904

E-mail address: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

### Article 25 1 (b) Means of communication

The available means of communication accepted for the purposes of the European small claims procedure are: lodging an application in the register personally, or sending it by post or by any other means of communication, such as fax or e-mail.

### Article 25 1 (c) Authorities or organisations providing practical assistance

The 'πρωτοκολλητεία' (registries) of the district courts

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Documents are serviced by post or registered mail with acknowledgement of receipt including the date of receipt. If this form of service is not possible, service may be made by any of the methods set out in Articles 13 or 14 of Regulation (EC) No 805/2004.

### Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Not implemented

### Article 25 1 (f) Court fees and the methods of payment

No court fees for completing the form are charged.

### Article 25 1 (g) Appeal procedure and courts competent for an appeal

Decisions of the court of first instance in small claims cases may be appealed against before the Supreme Court. The appeal must be lodged within 14 days of issue of the decision at first instance.

### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Not implemented

### Article 25 1 (i) Accepted languages

The application, reply, any counterclaim and replies to counterclaims and any description of associated supporting documents must be in Greek.

### Article 25 1 (j) Authorities competent for enforcement

District Courts

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## Small claims - Latvia

### Article 25 1 (a) Competent courts

Territorial jurisdiction is laid down by the Decision on courts, their territorial jurisdiction and location ["Par tiesām, to darbības teritorijām un atrašanās vietām"](#).

### Article 25 1 (b) Means of communication

In Latvia, documents for the court must be submitted in paper form, either by post or by hand. Documents may also be submitted to a Latvian court electronically, using the ["e-lietas portāls"](#) portal or by sending them to the court's email address. Electronically submitted documents must be signed with a secure electronic signature acknowledged in Latvia (a qualified electronic signature within the meaning of Article 3(12) of Regulation (EU) No 910/2014).

### Article 25 1 (c) Authorities or organisations providing practical assistance

RIGA CITY COURT

Address: Abrenes iela 3, Riga, LV-1356

Tel: Tel. 67077222 67077370, 67077290, 67077259

Fax: 67077203

E-mail: [rigas.pilseta@tiesas.lv](mailto:rigas.pilseta@tiesas.lv)

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Courts in Latvia can sign documents using a Latvian secure electronic signature and can send them electronically where the party concerned has clearly confirmed and expressed their wish to receive documents electronically.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Article 56 of the Civil Procedure Law provides *inter alia* that summonses must be sent to lawyers, notaries, bailiffs, administrators, and State and local government institutions by electronic mail. The court informs lawyers of documents and also of electronic documents via the online system. Notaries, bailiffs, administrators, and State and local government institutions are informed of documents prepared by the court and other documents in electronic format by e-mail, unless the person concerned has notified the court of registration as a user of the online system. If a party to a case notifies the court that they agree to communicate with it electronically, and to register as a user of the online system, court documents will be notified to it in the online system. If the court encounters technical obstacles to the notification of court documents through the online system, they are to be delivered in another manner laid down in the Law on Civil Procedure, but summonses will be sent to the e-mail address provided by the party to the case. Summonses are sent by e-mail to representatives for which the registered place of residence or the address for correspondence is outside Latvia, whereas court-prepared documents and other documents in electronic format are sent to them by e-mail unless they indicate their registration as a user of the online system.

#### **Article 25 1 (f) Court fees and the methods of payment**

**COURT EXPENSES** comprise:

- a State fee (*valsts nodeva*)
- expenses relating to the examination of the case.

A court expenses calculator:

[https://manas.tiesas.lv/eTiesasMvc/e-pakalpojumi/nodevu\\_kalkulators](https://manas.tiesas.lv/eTiesasMvc/e-pakalpojumi/nodevu_kalkulators)

#### **THE STATE FEE**

Pursuant to Article 34 of the Civil Procedure Law, a specific amount is payable to the State by way of a fee for every claim application.

Applications under the European Small Claims Procedure are subject to the State fees listed below. For a claim that is assessed as having a value of:

- up to EUR 2 134, 15% of the amount claimed, but no less than EUR 70,
- from EUR 2 135 to EUR 7 114, EUR 320 plus 4% of the amount claimed in excess of EUR 2 134.

An application under the European Small Claims Procedure must be accompanied by a document attesting to payment of the State fee in accordance with the procedure and for the amount laid down in the Civil Procedure Law.

The State judicial fee (Article 34 of the Civil Procedure Law):

Judicial fee (State fee):

Beneficiary: State Treasury (*Valsts kase*)

Registration No 90000050138

Account No LV55TREL1060190911200

Beneficiary's bank: State Treasury (*Valsts kase*)

BIC codeTRELLV22

Purpose of payment: Particulars identifying the person or the case: the number of the case (if known), for natural persons, first name, surname and personal code; for legal persons, the name and registration number. If the payment of a State fee is made on behalf of another person, information must be given identifying that person: the number of the case (if known), for natural persons, first name, surname and personal code; for legal persons, the name and registration number.

#### **EXPENSES RELATING TO THE EXAMINATION OF THE CASE**

Article 39 of the Law on Civil Procedure provides that the expenses relating to the examination of a case comprise:

- amounts payable to witnesses and experts;
- expenses relating to the hearing of witnesses or the carrying out of on-site inspections;
- expenses relating to the search for a respondent or witness;
- expenses relating to the enforcement of a judgment;
- expenses relating to the production, delivery, service and translation of summonses and other derivatives of judicial documents, and the return of written evidence;
- expenses relating to the preparation and publication of a notice;
- expenses relating to the securing of a claim or temporary protection.

Expenses relating to the examination of the case (Article 39 of the Civil Procedure Law) - district (city) courts (*rajona (pilsētas) tiesas*) and regional courts (*apgabaltiesas*)

Beneficiary: National Courts Administration (*Tiesu administrācija*)

Registration No 90001672316

Account No LV51TREL2190458019000

Beneficiary's bank: State Treasury (*Valsts kase*)

BIC codeTRELLV22

Purpose of payment: '21499', and give the particulars identifying the person or the case: the number of the case (if known), for natural persons, first name, surname and personal code; for legal persons, the name and registration number. If the payment of expenses related to the examination of a case is made on behalf of another person, information must be given identifying that person: the number of the case (if known), for natural persons, first name, surname and personal code; for legal persons, the name and registration number.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Appeals against court rulings must be submitted to the court which handed down the decision. The regional court concerned should be applied to for district or city court decisions.

RIGA REGIONAL COURT

Address: Brīvības bulvāris 34, Rīga, LV-1886

Fax: 67088270

Tel.: 67088211, 67088262

Email: [riga.apgabals@tiesas.lv](mailto:riga.apgabals@tiesas.lv)

<p>KURZEME REGIONAL COURT  Address: Kūrmājas prospekts 2/6, Liepāja, LV- 3401  Tel.: 63420059  Fax: 63423479, 63483187  Email: <a href="mailto:kurzeme.apgabals@tiesas.lv">kurzeme.apgabals@tiesas.lv</a></p>
<p>LATGALE REGIONAL COURT  Address: Atbrīvošanas aleja 95, Rēzekne, LV-4601  Tel.: 64625581  Fax: 64624033  Email: <a href="mailto:latgale.apgabals@tiesas.lv">latgale.apgabals@tiesas.lv</a></p>
<p>VIDZEME REGIONAL COURT  Address: Tērbatas iela 13, Valmiera, LV-4201  Tel.: 642 32919  Fax: 642 31122  Email: <a href="mailto:vidzeme.apgabals@tiesas.lv">vidzeme.apgabals@tiesas.lv</a></p> <p>VIDZEME REGIONAL COURT  Madona Court Building  Address: Poruka iela 1, Madona, LV-4801  Tel.: 648 23579  Fax: 648 60691  Email: <a href="mailto:vidzeme.madona.apgabals@tiesas.lv">vidzeme.madona.apgabals@tiesas.lv</a></p>
<p>ZEMGALE REGIONAL COURT  Address: Akadēmijas iela 9, Jelgava, LV-3001  Tel.: 63023508  Fax: 63023911  Email: <a href="mailto:zemgale.apgabals@tiesas.lv">zemgale.apgabals@tiesas.lv</a></p> <p>ZEMGALE REGIONAL COURT  Aizkraukle Court Building  Address: Jaunceltnes iela 5, Aizkraukle, LV-5101  Tel.: 65128197  Fax: 65128119  Email: <a href="mailto:zemgale.aizkraukle.apgabals@tiesas.lv">zemgale.aizkraukle.apgabals@tiesas.lv</a></p>

An appeal may be brought against a judgment under the European Small Claims Procedure where:

- (1) the court of first instance has applied or interpreted a rule of substantive law incorrectly, and this has led to an incorrect adjudication of the case;
- (2) the court of first instance has infringed a rule of procedural law, and this has led to an incorrect adjudication of the case;
- (3) the court of first instance has made incorrect findings of fact or incorrectly assessed evidence, or provided an incorrect legal assessment of the circumstances of the case, and this has led to an incorrect adjudication of the case.

An appeal claiming that a judgment is defective must also indicate the following:

- (1) which rule of substantive law has been applied or interpreted incorrectly by the court of first instance, or which rule of procedural law it has infringed, and how this has affected the adjudication of the case;
- (2) which of the findings of fact made by the court of first instance are incorrect, which evidence has been incorrectly assessed, how it can be seen that the legal assessment of the circumstances of the case is defective, and how this has affected the adjudication of the case.

An appeal against a judgment by a court of first instance may be submitted within 20 days of the delivery of the judgment. If an abridged judgment has been issued, the time period for appeal runs from the date set by the court for drawing up the full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment. In the above instances, where a judgment is being sent to a party to proceedings located abroad, an appeal may be submitted within 20 days of a copy of the judgment being issued. Where the case has been adjudicated by written procedure, in addition to the above, the timelimit for appeal runs from the day the judgment is drawn up.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Re-examination of a case in connection with a review of the ruling can be initiated by the defendant on the basis of Article 18 of Regulation No 861/2007 of the European Parliament and of the Council, by submitting an application

- 1) for the review of a judgment or decision by a district or city court – to the corresponding regional court;
- 2) for the review of a judgment or decision by a regional court – to the Supreme Court;

#### **Article 25 1 (i) Accepted languages**

Latvian.

#### **Article 25 1 (j) Authorities competent for enforcement**

Competent authorities with regard to the enforcement of judgments:

Sworn court bailiffs

The list of sworn court bailiffs is available at: <http://www.lzti.lv/zverinatit-tiesu-izpilditaji/>

Competent authorities with regard to the application of Article 23:

The district or city court in whose area of jurisdiction the ruling by a foreign court is enforceable, on application by the debtor.

The area of operation of Riga City Court is the administrative territory of the City of Riga.

The areas of operation of district (city) courts are defined in Annex 1 to the Law on Courts, their Areas of Operation and Locations [[Likuma "Par tiesām, to darbības teritorijām un atrašanās vietām"](#)].

Last update: 25/06/2024

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## Small claims - Lithuania

### Article 25 1 (a) Competent courts

Pursuant to Article 26 of the Law, cases involving the European small claims procedure are heard by district courts in accordance with the rules on territorial jurisdiction laid down in the Lithuanian [Code of Civil Procedure](#). Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

### Article 25 1 (b) Means of communication

Procedural documents may be submitted to the court directly, by post or in electronic format using electronic means of communication (Article 1751(1) of the Code of Civil Procedure). The Procedure for submitting procedural documents to court and their service on persons using electronic means of communication ('the Procedure') was approved by Order No 1R-332 of the Lithuanian Minister for Justice of 13 December 2012. Paragraphs 3–4 of the Procedure lay down that the public electronic services (VEP) subsystem of the Lithuanian Court Information System (LITEKO) must be used for the submission of procedural documents to court using electronic means of communication. LITEKO VEP subsystem accounts can be accessed through the electronic services portal of the Lithuanian courts: <https://www.e.teismas.lt>.

In accordance with paragraph 5 of the Procedure, individuals connecting to a LITEKO VEP subsystem account must confirm their identity. This can be done:

- using the means provided by the national information system through which persons are provided with institutional public and administrative electronic services in accordance with procedures laid down by law;
- using the connection data identifying the individual as provided by a court.

### Article 25 1 (c) Authorities or organisations providing practical assistance

Pursuant to Article 271 of the Law, the practical assistance and information referred to in Article 11(1) of the Regulation are provided to the parties to proceedings by bodies that provide primary State-guaranteed legal aid. Article 15(1) of the Law on State-guaranteed legal aid lays down that persons wishing to obtain primary legal aid must apply to the executive institution of the municipality of their declared place of residence or, where a person has no declared place of residence, to the executive institution of the municipality where the person lives. The list of bodies that provide primary legal aid is available on the following website: <http://www.teisinepagalba.lt/en/pirmine/tm/wheretosapply/>.

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Pursuant to Article 1751(9) of the Code of Civil Procedure, courts use electronic means of communication to serve procedural documents on attorneys-at-law, assistant attorneys-at-law, bailiffs, assistant bailiffs, notaries, State and municipal undertakings, institutions and organisations, financial institutions, insurance and audit undertakings, judicial experts, bankruptcy administrators and restructuring administrators. Documents are also served by electronic means on persons who are obliged under legislation or under an agreement concluded by the manager of the Court Information System to receive procedural documents by electronic means. Courts use electronic means of communication to serve procedural documents on other persons where, in accordance with the procedure set out in the Code on Civil Procedure, they have expressed a wish to receive procedural documents by electronic means and have provided the requisite contact details.

In accordance with Article 111(2)(3) of the Code of Civil Procedure, each of the procedural documents of a participant in a case must indicate the means of serving the procedural documents on the participant. This provision must be applied in conjunction with Article 13(3) of the Regulation.

In accordance with paragraph 22 of the Procedure, where procedural documents are to be served on a person by electronic means, the documents are sent to the addressee's account in the LITEKO VEP subsystem. A participant in the proceedings is informed of this by means of an electronic notification on their LITEKO VEP subsystem account and via the e-mail address provided. LITEKO VEP subsystem accounts can be accessed through the electronic services portal of the Lithuanian courts: <https://www.e.teismas.lt>

### Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Pursuant to Article 1751(9) of the Code of Civil Procedure, courts use electronic means of communication to serve procedural documents on attorneys-at-law, assistant attorneys-at-law, bailiffs, assistant bailiffs, notaries, State and municipal undertakings, institutions and organisations, financial institutions, insurance and audit undertakings, judicial experts, bankruptcy administrators and restructuring administrators. Documents are also served by electronic means on persons who are obliged under legislation or under an agreement concluded by the manager of the Court Information System to receive procedural documents by electronic means. Courts use electronic means of communication to serve procedural documents on other persons where, in accordance with the procedure set out in the Code on Civil Procedure, they have expressed a wish to receive procedural documents by electronic means and have provided the necessary contact information.

In accordance with Article 111(2)(3) of the Code of Civil Procedure, each of the procedural documents of a participant in a case must indicate the means of serving the procedural documents on the participant. This provision must be applied in conjunction with Article 13(3) of the Regulation.

In accordance with paragraph 22 of the Procedure, where procedural documents are to be served on a person by electronic means, the documents are sent to the addressee's account in the LITEKO VEP subsystem. A participant in the proceedings is informed of this by means of an electronic notification on their LITEKO VEP subsystem account and via the e-mail address provided. LITEKO VEP subsystem accounts can be accessed through the electronic services portal of the Lithuanian courts: <https://www.e.teismas.lt>

### Article 25 1 (f) Court fees and the methods of payment

In accordance with Article 27 of the Law, European small claims procedures are subject to court fees as laid down in Article 80(1)(1) of the [Code of Civil Procedure](#). Under Article 80(1)(1) of the [Code of Civil Procedure](#), the court fees payable for each claim in a pecuniary dispute is calculated on the basis of the amount of the claim. Under the European Small Claims Procedure, a court fee of 3% of the amount of the claim is payable, with a minimum payment of EUR 20.

The court fees may be paid by bank transfer into the State Tax Inspectorate budgetary holding account. All relevant up-to-date information is provided on the State Tax Inspectorate's website: <http://www.vmi.lt/>.

### Article 25 1 (g) Appeal procedure and courts competent for an appeal

In accordance with Article 29 of the Law, court judgments issued under the European Small Claims Procedure may be contested through appeal proceedings. Pursuant to Article 301(3) of the Code of Civil Procedure, cases being brought under appeal proceedings relating to district court judgments that are not yet final are heard by regional courts. Article 307(1) of the Code of Civil Procedure lays down that an appeal may be brought within thirty days of the day of adoption of a judgment by the court of first instance.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

In accordance with Article 30(1) of the Law, a court judgment issued under the European Small Claims Procedure is reviewed, in the cases referred to in Article 18(1) of the Regulation, by the court that issued the judgment.

### Article 25 1 (i) Accepted languages

The language accepted for the certificate referred to in Article 20(2) of the Regulation is Lithuanian.

### Article 25 1 (j) Authorities competent for enforcement

In accordance with Article 31(1) of the Law, a court judgment issued under the European Small Claims Procedure and endorsed using standard Form D as set out in Annex IV to the Regulation is deemed an enforceable instrument. Enforceable instruments are enforced by bailiffs in accordance with the procedure set out in Part VI of the Code of Civil Procedure. The list of bailiffs of the Republic of Lithuania is available on the website of the Lithuanian Chamber of Bailiffs: <http://www.antstoliurumai.lt/index.php/pageid/1089>.

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### Small claims - Luxembourg

#### Article 25 1 (a) Competent courts

The courts with jurisdiction to give the judgments referred to by the Regulation are the courts of the justices of the peace (*justices de paix*).

Link to the national website: <http://www.justice.public.lu/fr/annuaire/index.html>

#### Justice de paix – Luxembourg

Bâtiment JP

Cité Judiciaire

L-2080 - Luxembourg

Tel.: (+352) 475981-1

Fax: (+352) 465434

#### Justice de paix – Diekirch

Bei der Aaler Kiirch

L-9211 - Diekirch

Tel.: (+352) 808853-1

Fax: (+352) 804190

#### Justice de paix – Esch-sur-Alzette

Place Norbert Metz

L-4006 - Esch-sur-Alzette

Tel.: (+352) 530529

#### Article 25 1 (b) Means of communication

The means of communication accepted in Luxembourg is postal delivery.

#### Article 25 1 (c) Authorities or organisations providing practical assistance

##### Service d'accueil et d'information juridique (Legal reception and information service) - Luxembourg

Cité Judiciaire

Bâtiment JP

L-2080 - Luxembourg

Tel.: (+352) 221846

##### Service d'accueil et d'information juridique (Legal reception and information service) - Diekirch

Justice de paix

Place Joseph Bech

L-9211 - Diekirch

Tel.: (+352) 802315

##### European Consumer Centre EIG (Centre Européen des Consommateurs GIE — 'CEC Luxembourg')

271, route d'Arlon

L-1150 Luxembourg

Tel.: (+352) 268464 1

Fax: (+352) 26845761

E-mail: [info@cecluxembourg.lu](mailto:info@cecluxembourg.lu)

#### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

In Luxembourg, electronic means of service and communication are not yet admissible under the procedural rules and communication is carried out by post.

#### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

See (d).

#### Article 25 1 (f) Court fees and the methods of payment

In Luxembourg, no court fees are paid to the competent court under the European Small Claims Procedure.

However, following a judgment, court fees may be incurred in relation to the enforcement of the decision, at the request of the successful party.

The amended Grand-Ducal Regulation of 24 January 1991 **setting rates for bailiffs** applies. You will find more information on this subject on the website of the Bailiffs Association of the Grand Duchy of Luxembourg (Chambre des huissiers de justice du Grand-Duché du Luxembourg): <http://www.huissier.lu/>.

On the basis of Regulation (EU) 2020/1784 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (recast), the single fixed fee for the service of documents by a bailiff (*huissier de justice*) is €165.

Payment can be made to bailiffs by bank transfer.

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

Where the amount of the claim does not exceed EUR 2 000.00, the decisions of the justice of the peace are final. The only possible challenge is an appeal on a point of law (*pourvoi en cassation*).

If the amount of the claim exceeds EUR 2 000.00, a judgment delivered at first instance by a justice of the peace may be challenged in a full appeal (*appel*) to the presiding judge of the district court (*tribunal d'arrondissement*). The appeal may be brought by means of **an application lodged either by the applicant or by his or her lawyer**. Representation by a senior lawyer (*avocat à la cour*) is optional. The time-limit for lodging an appeal is 40 days from notification of the judgment. The parties are summoned by the registry of the court at least eight days before the hearing. If the parties live in another EU Member State, this timelimit is **extended on account of distance** by fifteen days, pursuant to Article 167 of the new Code of Civil Procedure. The procedure before the presiding judge of the district court is oral.

Appeals on points of law may be brought against the final decisions of a justice of the peace and against the decisions delivered by the presiding judge of a district court. The court that hears appeals on a point of law is the Court of Cassation (*Cour de Cassation*); representation by a senior lawyer is mandatory. Link to the national website: <http://www.justice.public.lu/fr/annuaire/index.html>

#### **Tribunal d'arrondissement – Luxembourg**

Bâtiments TL, CO, JT  
Cité Judiciaire  
L-2080 - Luxembourg  
Tel.: (+352) 475981 -1

#### **Tribunal d'arrondissement – Diekirch**

Palais de Justice  
Place Guillaume  
L-9237 Diekirch  
Tel. : (+352) 803214-1  
Fax : (+352) 807119

#### **Cour de Cassation**

Cité Judiciaire  
Bâtiment CR  
L-2080 - Luxembourg  
Tel.: (+352) 475981-2369/2373

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The chief judge of the court of the justices of the peace that delivered the decision, or his or her replacement, is competent to rule on the application for review.

The application for review must be submitted in writing to the registry of the court which delivered the decision, by either the defendant or the defendant's authorised representative. Representation by a senior lawyer is optional, and the parties may appear in person or be assisted or represented by any of the persons named in Article 106 of the New Code of Civil Procedure (link: [http://www.legilux.public.lu/leg/textescoordonnes/codes/nouveau\\_code\\_procedure\\_civile/PageAccueil.pdf](http://www.legilux.public.lu/leg/textescoordonnes/codes/nouveau_code_procedure_civile/PageAccueil.pdf) - page 21 *et seq.*).

At least eight days before the hearing, the parties are summoned to appear by the registry of the court. Under Articles 103 and 167 of the New Code of Civil Procedure, this time-limit is extended if the parties are not domiciled or habitually resident in Luxembourg. The procedure before the justice of the peace is oral.

Link to the national website: <http://www.justice.public.lu/fr/annuaire/index.html>

#### **Justice de paix – Luxembourg**

Bâtiment JP  
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L-2080 - Luxembourg  
Tel.: (+352) 475981-1  
Fax: (+352) 465434

#### **Justice de paix – Diekirch**

Bei der Aaler Kiirch  
L-9211 - Diekirch  
Tel.: (+352) 808853-1  
Fax: (+352) 804190

#### **Justice de paix – Esch-sur-Alzette**

Place Norbert Metz  
L-4006 - Esch-sur-Alzette  
Tel.: (+352) 530.529

#### **Article 25 1 (i) Accepted languages**

Luxembourg accepts French and German.

#### **Article 25 1 (j) Authorities competent for enforcement**

(1) In Luxembourg court judgments are enforced by bailiffs.

You will find the bailiffs' contact details on the website of the Bailiffs Association of the Grand Duchy of Luxembourg: <http://www.huissier.lu/>

(2) For the purpose of Article 23 of Regulation (EC) No 861/2007 establishing a European Small Claims Procedure, the competent authority is the presiding judge of the district court.

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#### **Small claims - Hungary**

##### **Article 25 1 (a) Competent courts**

Under Section 599 of *Act CXXX of 2016 on the Code of Civil Procedure*, the European Small Claims Procedure falls within the competence and exclusive territorial jurisdiction of the district court operating at the seat of the General Court, and of the Buda Central District Court (Budai Központi Kerületi Bíróság) in Budapest.

##### **Article 25 1 (b) Means of communication**

With respect to commencing proceedings, *Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure* ('the Regulation') provides that the claimant commences the European Small Claims Procedure by filling 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, email, or any other electronic means acceptable to the Member State in which the procedure is commenced (Article 4(1) of the Regulation).

It follows from the rules of the Regulation that the request may be submitted in writing. Standard claim Form A, may be submitted to the court, sent to the court by post, and may be submitted by electronic means, in keeping with Article 25(1)(d) of the prospectus.

Section 600(1) of the Code of Civil Procedure provides The claimant may present the claim orally at the district court of jurisdiction, which the court records using the prescribed standard form. This provision is in line with Article 11 of the Regulation, which provides for practical assistance in filling in the forms.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

Section 6 of *Decree No 14/2002 of 1 August 2002 of the Minister for Justice on the rules of court administration* provides that the office receives clients during the period specified by the president of the court or, in the case of district courts, the president of the regional court. An information board is displayed in a publicly accessible place at the court, indicating where and when clients may present their requests or complaints; when and where they may seek information; who is entitled to receive submissions, when and in which room; and pointing out that submissions may also be placed in the mailbox at the court. The court may also provide information by electronic means and may publish it on the internet.

Pursuant to Decree No 14/2002 on the rules of court administration, the courts provide practical assistance to clients during office hours, and further information is available on <http://www.birosag.hu/>.

Under *Act LXXX of 2003 on legal aid*, legal assistants provide, inter alia, legal advice to clients or prepare submissions or other documents, the fees and costs of which are paid or advanced to legal assistants by the State instead of the client. Aid is subject to clients seeking legal advice on their procedural rights and obligations, or preparing a submission with a view to making subsequent legal statements in the case. Clients must belong to the groups of persons specified in Sections 4 to 9 of Act LXXX of 2003, their income may not exceed the amounts specified in those sections, and they may not be subject to the conditions set out in Section 10 of Act LXXX of 2003 excluding eligibility for aid.

If a procedure is already pending, Section 11(1) of Act LXXX of 2003 provides that, within the framework of legal aid, the State provides legal representation to the claimant, the defendant, the intervenor (third party), the interested party, the petitioner and the respondent, and, in keeping with the above-mentioned provisions, advances or bears the costs thereof on behalf of the client. In addition to the conditions laid down in Act LXXX of 2003, clients are considered eligible even if they are exempted from payment. Clients are eligible for aid if, due to their lack of legal expertise or the intricacy of the case, they would not be able to represent their interests or assert their procedural rights effectively if they proceeded personally.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Article 13 of the Regulation sets out rules on the service of documents and other written communications.

In order to ensure that communication with the court in court proceedings is carried out as comprehensively as possible and preferably electronically, the Code of Civil Procedure makes electronic communication with the court possible and partly mandatory. Under the Code of Civil Procedure, in keeping with the provisions of point (e), clients or their representatives may choose to communicate electronically, or, if they are required to do so, they must communicate with the court by electronic means.

Clients communicating electronically send the request form, as well as all other submissions and documentary evidence, to the court using the form submission support service (by filling in electronic forms that meet technical specifications and by successfully identifying themselves electronically).

Electronic communication with the courts takes place through three channels of communication:

- Mailbox requiring registration in the Central Customer Registration System (a storage space considered as a secure service address available for personal administration; formerly the Customer Gateway),
- Official Mailbox (reserved for the official electronic communication for administrative bodies),
- Company Portal (a storage space considered as a secure service address available for business organisations and individual lawyers, European Community lawyers and individual patent attorneys).

Any natural person may apply for registration in the **Central Customer Registration System** with the registration body (in Government customer service offices, Government information offices (Kormányablak), tax authority customer service offices, embassies and some post offices), or electronically, with a valid identity card issued after 1 January 2016. Personal registration requires an official document confirming identity (ID, passport, driving licence in card format) and an email address. Foreign nationals not covered by the personal data and address register are identified by means of their passport or, where applicable, residence permit. Nationals of EEA Member States not covered by the personal data and address register are identified by means of their passport or other official document confirming their identity. At the time of registration, clients must prove their identity and sign a statement consenting to the processing of their data. Subsequently, the Central Office verifies the data provided in the personal data and address register (or, in the case of aliens not covered by it, in the aliens' register). In addition to these data, a unique user name and an email address are also required, as the natural person is sent to that address the one-time code necessary for the first login.

The common feature of the Company Portal and the Official Mailbox is that users must have specific rights to use them. **The Official Mailbox** may be used by organisations joining the Central System. The **Company Portal** service may be used by business organisations and legal representatives.

Clients communicating electronically must send their submission by means of a **form** where the President of the National Office for the Judiciary has provided one. If no form is provided, clients communicating electronically must upload their submission and its attachment(s) in one of the file formats accepted by the President of the National Office for the Judiciary and published on the central website of the courts (<http://www.birosag.hu/>). To download the forms, clients need to have installed special form-filler software (Általános Nyomtatványkitöltő Keretprogram ([ÁNYK](#))) for filling in the forms and uploading electronic documents as attachments. The submission and its attachments must be sent to the court electronically signed or authenticated by means of an identification-based document authentication service. The central website of the courts provides practical information for filling in the form. If submissions do not meet IT requirements, clients communicating electronically are notified directly as part of the submission process. If submissions uploaded by clients communicating electronically meet IT requirements, they are sent an **acknowledgement of receipt** by means of the service system. The submission is deemed to have been served on the court at the time indicated therein.

The court sends clients communicating electronically a **certificate of receipt** of all submissions, via the service system (automatically). (Section 75/C of Decree No 14/2002 on the rules of court administration).

Clients communicating electronically are notified by email of the receipt of documents, and access the documents by clicking on link to the document.

Clicking on the link creates an **electronic acknowledgment of receipt** indicating the name of the sender and the addressee, the number of the case and the date of receipt of the document, and is sent both to the court and to the clients communicating electronically. The electronic acknowledgment of receipt and the postal acknowledgment of receipt referred to in Code of Civil Procedure meet the requirements of acknowledgments of receipt in Article 13(1) of the Regulation. If the service system indicates that the document has not been received despite being notified twice, it will be deemed to have been served on the fifth working day following the date indicated in the second notification certificate.

#### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Article 13 of the Regulation sets out rules on the service of documents and other written communications.

In order to ensure that communication with the court in court proceedings is carried out as comprehensively as possible and electronically in as many cases as possible, the Code of Civil Procedure makes electronic communication with the court possible and partly mandatory.

According to the referential rule set out in Section 608 of the Code of Civil Procedure, the groups of persons communicating electronically are listed in *Act CCXII of 2015 laying down general rules on electronic administration and trust services*.

Section 9 (1) of Act CCXII of 2015, unless otherwise provided for in an Act or an international treaty by virtue of commitment under international treaty, electronic communication is mandatory for

(a) the following when acting as clients:

- (aa) economic operators,
  - (ab) the State,
  - (ac) local governments,
  - (ad) budgetary bodies,
  - (ae) the public prosecutor,
  - (af) notaries,
  - (ag) public sector bodies,
  - (ah) other administrative authorities not covered in points (ac)–(ag); and
- (b) the legal counsels of clients.

Under Sections 608(2) and 75(1) of the Code of Civil Procedure, the following are considered to be legal representatives:

- (a) attorneys and law firms;
- (b) bar association legal counsels in cases defined by the Act on Legal Practice;
- (c) a judge and court secretary authorised to represent the court vested with legal personality;
- (d) a public prosecutor empowered to represent the Prosecutor General's Office;
- (e) trainee lawyers and legal rapporteurs (if they are permitted to act in the lawsuits under the Code of Civil Procedure), and
- (f) other persons defined by legislation.

#### **Article 25 1 (f) Court fees and the methods of payment**

Section 74(1) of *Act XCIII of 1990 on duties* gives the party initiating the procedure the choice – provided the technical conditions exist for this – of paying all court fees electronically through the electronic payment and settlement system, rather than by revenue stamps, in respect of all court proceedings (whether initiated on paper or by electronic means). The electronic payment and settlement system is a central electronic payment service (with the associated settlement system) that allows clients to meet their payment obligations to the bodies providing electronic administration, including electronically, using by bank card, virtual bank card or internet banking, in the course of electronic administration.

According to Section 42(1) of Act XCIII of 1990 on duties, the general rate of court fees is 6% of the value of the subject-matter of the dispute in contentious proceedings and 3% of the value of the subject-matter of the dispute in non-contentious proceedings. Under Section 46(1) of Act XCIII of 1990, appeals against judgments incur a fee of 8% of the value of the subject-matter of the dispute.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

The ordinary remedy relevant for the purposes of the Regulation is the appeal, and extraordinary remedy is the retrial and the request for review.

The second-instance procedure is brought by the appellant by means of an **appeal** lodged in writing at the court of first instance. Parties and persons in relation to whom the decision contains a provision may appeal against the part of the provision relating to them. The deadline to submit an appeal is fifteen days following the date the decision was notified.

The appeal must indicate the number of the judgment contested in the appeal and the provision or part of the judgment contested in the appeal, a firm request that the contested provision or part of the judgment of first instance be amended or annulled by the court of second instance, the substantive or procedural infringement on which the appellant bases its appeal, unless the exercise of the power of review is not conditional on the violation of the law. The appeal must, as a general rule, be decided by the court of second instance without a hearing, unless either of the parties requests that a hearing be held, the court considers it justified, or evidence must be taken to be used at a hearing. A motion for **retrial** may be submitted against a final judgment and any decision having the same effect if:

- (a) the party presents any fact or evidence, or any final court or other official decision that the court did not take into consideration during the action, provided that it would have resulted in a more favourable decision for him had it been considered originally;
- (b) the party lost the action in consequence of any crime committed by a judge who took part in giving the judgment, or by the opposing party or any other person, contrary to the law;
- (c) the party refers to a judgment of the European Court of Human Rights given in his own case, establishing an infringement of any right provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, promulgated by Act XXXI of 1993, and in its additional protocols, provided that the final judgment given in his case is based on the same infringement, and the party received no satisfaction from the European Court of Human Rights, or the injury cannot be remedied by indemnification;
- (d) a final judgment has previously been adopted relating to the same right before the adoption of the judgment concerned;
- (e) the statement of claim or any other document was delivered to the party by way of public notice in violation of the provisions on service of process by public notification. Section 393 of the Code of Civil Procedure)

A request for retrial is submitted within six months; this time limit begins from the date when the judgment contested has become final, or if the party gained knowledge of the reason for retrial subsequently, or had the opportunity to lodge a motion for retrial thereafter, it begins at that time. No retrial is possible after five years from the date on which the judgment became final; no justification may be provided for failure to comply with this time limit. The request for revision must indicate the judgment against which the retrial is sought and the content of the decision the party wishes to adopt. The request must specify the facts and the evidence on which the retrial is based, and the relevant documents must be attached. If the request is made after six months from the date on which the judgment under appeal becomes final and binding, reasons must be provided.

The request for revision must be submitted in writing to the court of first instance acting in the action. The party may also record the request in the minutes. The court entitled to decide on the retrial must be the court of first instance acting in the main proceeding. Under the Code of Civil Procedure, if retrial is allowed, it must be tried again within the limits of the request. The court upholds the judgment challenged in the request for revision in relation to the result of the retrial of the action; or, while repealing it in whole or in part, adopts a new decision in accordance with the law. Sections 392-404 of the Code of Civil Procedure

Subject to the exceptions laid down by law, a decision on the merits of the court of second instance, which has become final and binding, may be challenged by means of a **review** as an extraordinary action. Unless otherwise provided by law, the subject of the review is a final judgment on the merits of the case or a final and binding decision on the merits of the case.

A review of a final judgment or of a final and binding order on the merits of the case may be requested from the Curia by the party or any person subject to the judgment, against the provision affecting him or her, by making reference to an infringement affecting the merits of the case or to a derogation from a published decision of the Curia regarding a legal issue.

In principle, no review may be made in a property case in which the value contested in the request for review does not exceed HUF 5 million.

However, in the case described above, the Curia may, by way of exception, authorise review if the examination of the infringement affecting the merits of the case is justified by the need to ensure the unity or further development of the case-law, the particular importance of the legal issue raised or its social significance or, in the absence of a decision by the court of second instance, the need for a preliminary ruling from the Court of Justice of the European Union. The party may submit a request for authorisation of the review to the court of first instance within forty-five days of the notification of the judgment. The request for authorisation of the review must specify the judgment against which the party seeks review, the infringement affecting the merits of the case, the precise indication of the law infringed, and the grounds and points of law on which the authorisation is based.

The request for review must be submitted to the court that issued the decision of first instance within forty-five days from the date of notification of the decision. The request for review must meet the general requirements for submissions and must include the attachments set out in Section 413 of the Code of Civil Procedure. As a general rule, the Curia decides on revision requests outside hearings (Section 405–424 of the Code of Civil Procedure).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

According to Article 18(1) of the Regulation, the court that issued the judgment in the European Small Claims Procedure has jurisdiction to rule on the request for review. The description of the courts having jurisdiction to conduct the procedure and thus to issue a judgment is provided in the section of the prospectus relating to Article 25(1)(a).

On the basis of Article 19 of the Regulation, the relevant rules of the Code of Civil Procedure also govern the procedure for the request for review, in matters relating to which Article 18 of the Regulation does not provide otherwise.

Among the provisions governing the European Small Claims Procedure, the Code of Civil Procedure contains specific rules concerning the review pursuant to Article 18 of the Regulation (Section 602(1)–(3) of the Code of Civil Procedure) The Code of Civil Procedure expressly states that the rules on the verification of failure to act apply to the review, and excludes the submission of a request for *restitutio in integrum* in the event of failure to comply with the time limit for lodging an appeal on a point of law, and does not allow the right to appeal against the order rejecting the request for review of its own motion. On this basis, the reason for the review and the circumstances on which it is based are set out in the request for review under Article 18 of the Regulation. The request does not have suspensory effect on the enforcement of the judgment. However, if the success of the request appears likely, the court may order the suspension of the enforcement of the decision *ex officio* without hearing the opposing party. The court may, upon request, amend the decision on the suspension. If review is excluded by law, or if the request is submitted late, the request is rejected without examination of its merits. Before deciding on the request, the court may hear the parties. Whether the preconditions for a request are met is assessed equitably. If the court grants the request, the proceeding is repeated in the necessary framework. An appeal may be submitted against decisions rejecting a request.

#### **Article 25 1 (i) Accepted languages**

The Code of Civil Procedure provides that proceedings are conducted in the Hungarian language (Section 113(1) of the Code of Civil Procedure). The Code of Civil Procedure also provides that unless otherwise provided for by law, a binding legal act of the European Union or an international convention, submissions addressed to the court must be filed in Hungarian and submissions and decisions of the court are served in Hungarian. The law also provides that everyone is entitled to use their mother tongue orally in court proceedings, and, within the scope of an international convention, they may use their mother tongue, regional or national minority language. The court appoints an interpreter or translator if it is necessary for the enforcement of these rights or is otherwise necessary under the provisions of this Act relating to the use of languages. Under the special rules on the European Small Claims Procedure, the Pp. provides that the court may order the party to submit a certified translation for any document he has presented only if there is no other way to ascertain the relevant facts of the case (Section 600(5) of the Code of Civil Procedure).

Hungary does not indicate – within its right to do so under in Article 21a(1) of the Regulation – an official language other than its own, which it can accept for the official language of the certificate.

#### **Article 25 1 (j) Authorities competent for enforcement**

Enforcement orders in Hungary may be issued, in cases falling within the scope of the Regulation, by the district court operating at the seat of the regional court in the territory of which the debtor is domiciled; in the absence of this, the district court operating at the location of the assets that may be subject to enforcement, at the location of a Hungarian branch office of a company registered abroad, or, in the case of direct commercial representation, at the location of the branch or agency; and in Budapest, the Buda Central District Court.

The court carrying out enforcement is entitled to the measures specified in Article 23 of the Regulation in Hungary. In Hungarian law, the court carrying out the enforcement is the court to which the proceeding independent court bailiff has been appointed.

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### **Small claims - Malta**

#### **Article 25 1 (a) Competent courts**

The Tribunals competent to issue decisions in the European Small Claims Procedure are the Small Claims Tribunal (Malta) and the Small Claims Tribunal (Gozo).

Details of the Tribunals are as follows:

##### **Small Claims Tribunal (Malta)**

Telephone: 00356 25902000

Email: [courts.justice@gov.mt](mailto:courts.justice@gov.mt)

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

##### **Small Claims Tribunal (Gozo)**

Telephone: 00356 22156650

Email: [gozocourts@mgoz@gov.mt](mailto:gozocourts@mgoz@gov.mt)

Address: Gozo Courts and Tribunals, Cathedral Square, Victoria VCT1821, Gozo

#### **Article 25 1 (b) Means of communication**

The accepted means of communication are the following: in person at the Tribunal Registry, by post, by fax and by email.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

If the claim is brought by a consumer against a person pursuing commercial activities, the authority providing practical assistance is ECC-Net Malta - European Consumer Centre Malta. The address of ECC-Net Malta is:  
Consumer House, 47A, South Street, Valletta VLT1101 Malta.  
Email: [✉ ecc.malta@gov.mt](mailto:ecc.malta@gov.mt).

If the claim is brought by a person pursuing commercial activities against another person pursuing commercial activities, this practical assistance is provided by Malta Enterprise. The address of Malta Enterprise is:  
Malta Enterprise Corporation, Gwardamangia Hill, Pieta', MEC0001, Malta.  
Email: [✉ info@maltaenterprise.com](mailto:info@maltaenterprise.com).

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Malta's procedural laws do not make provision for electronic methods as a means of notification. The use of electronic methods for notification purposes can neither be provided for nor is admissible.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

No person or professional is under such obligation.

#### **Article 25 1 (f) Court fees and the methods of payment**

The fees are as follows: EUR 40 to file Form A and EUR 7.20 for each notification served on the respondents. If Form C is used, the fee is EUR 25 and EUR 7.20 for each notification. For Article 15a, the method of payment is by bank transfer.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Appeals may be brought before the Court of Appeal (Inferior Jurisdiction) in Malta, in the case of appeals against decisions of the Small Claims Tribunal in Malta, and in the case of decisions of the Small Claims Tribunal in Gozo appeals may be brought before the Court of Appeal (Inferior Jurisdiction) in Gozo. Pursuant to Article 8 of Chapter 380 of the Laws of Malta, an appeal may be brought by means of an application within twenty days of the decision. Article 8 (2) states that independently of the amount of the claim an appeal may always be brought in the following cases:

- (a) on any matter relating to the jurisdiction of the Tribunal;
- (b) on any question of prescription;
- (c) on any infringement of the provisions of Article 7(2) of Chapter 380. This Article states that the Tribunal must suspend its proceedings if the claim is sought to be avoided by way of defence, involving an issue outside the Tribunal's jurisdiction, and/or if there is pending before a competent court an action the outcome of which would affect the claim before the Tribunal;
- (d) where the Tribunal has acted in a manner contrary to the rules of impartiality and equity and such action has prejudiced the rights of the appellant.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Requests for review in accordance with Article 18 of the Regulation are submitted to the Small Claims Tribunal of Malta or Gozo.

#### **Article 25 1 (i) Accepted languages**

The language accepted is Maltese.

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities competent for enforcement of decisions are the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) depending on the place of residence of the person against whom a decision is being enforced.

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### **Small claims - Netherlands**

#### **Article 25 1 (a) Competent courts**

Cases involving European small claims are dealt with and decided on by a sub-district court judge (*kantonrechter*).

#### **Article 25 1 (b) Means of communication**

Under Article 33 of the Code of Civil Procedure as it stands, claim forms may be submitted electronically provided that this is allowed under the court's procedural rules. None of the courts currently allows forms to be submitted electronically. Forms may only be submitted as follows:

- by post;
- by submitting them to the court registry.

In conjunction with legislation on the simplification and digitalisation of procedural law which is still in the pipeline (including a new Article 33 of the Code of Civil Procedure), the Implementing Act has incorporated rules on e-submission. These rules will probably enter into force at a later stage.

The new Article 30c of the Code of Civil Procedure states that proceedings must be instituted electronically. Pursuant to Article 30c(4), natural persons and associations whose constitutions are not set out in a notarial deed are not required to submit documents electronically unless they are represented by a third party providing professional legal assistance.

Direct e-submission of documents instituting proceedings from another Member State will not be possible for the time being. Parties from another Member State with a professional representative in the Netherlands will be able to submit documents electronically. Foreign parties without a legal representative wishing to institute proceedings must follow the paper route.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

Practical assistance can be provided by the Legal Service Counter (*Juridisch Loket*) and, more specifically, by the European consumer information centre which is hosted by the Legal Service Counter.

See <http://www.eccnederland.nl> and <http://www.juridischloket.nl>.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Service pursuant to Article 13(1) of the Regulation and written communications pursuant to Article 13(2) of the Regulation are effected in accordance with Article 30e of the Code of Civil Procedure. After the legislation referred to above enters into force, the Netherlands will work on the assumption that proceedings are instituted electronically.

Pursuant to Article 30e of the Code of Civil Procedure, other documents whose submission is not specifically required and other communications between the court and the parties will be made available electronically unless Article 30c(5) applies. According to Article 30c(5), parties which are not obliged to circulate documents electronically, and are not doing so, follow the paper route.

Under the legislation on the simplification and digitalisation of procedural law it is not yet technically possible for parties whose place of residence is in another Member State to submit documents directly (see b) above) and circulate them via the courts' digital system. Neither foreign companies nor natural persons are required to submit documents electronically. Where a party from another Member State has a legal representative in the Netherlands, proceedings will take place electronically and the court may accordingly serve the documents referred to in Article 13(1) electronically.

In the case of parties which are not required to submit documents electronically and do not have a legal representative, service will be effected by post.

#### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

See the information indicated under d).

#### **Article 25 1 (f) Court fees and the methods of payment**

Only persons lodging claims with the sub-district court are liable for court fees. Defendants do not have to pay court fees. As regards the amount of court fees, where appropriate, a distinction is made in the Netherlands between

- claims of less than €500 or of an indeterminate amount, and
- claims of an amount between €500 and €12 500.

There are three flat rates. Which rate applies depends on whether the claimant is a legal person, a natural person or a natural person with limited financial capacity.

For rates see [www.rechtspraak.nl](http://www.rechtspraak.nl).

Distance payments may be made to the Dutch courts by bank transfer. The statement of fees (*griffienota*) sent by the clerk of the court indicates the bank account details of the court. The court fees should be transferred to that account.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Under the national rules, appeals against decisions handed down by the sub-district court judge may be lodged with the court of appeal (*gerechtshof*) in the case of European small claims involving amounts of €1 750 or more. The time limit for lodging an appeal is 30 days from the date of the decision.

For information on the courts in the Netherlands, see: <http://www.rechtspraak.nl>.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Defendants can petition the sub-district court that has handed down a decision on a European small claims case to review the decision on the grounds set out in Article 18(1) of the Regulation. This petition must be lodged within the 30-day time limit indicated in Article 18(2).

#### **Article 25 1 (i) Accepted languages**

Certificates within the meaning of Article 20(2) of the Regulation from a court in another Member State must be drawn up in, or translated into, Dutch.

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities responsible for the enforcement of a decision in a European small claims case are the Dutch bailiffs.

For the authorities responsible for the application of Article 23 of Regulation (EC) No 861/2007, see Article 8 of the Implementing Act for European Small Claims Procedures.

Article 8 of the Implementing Act for European Small Claims Procedures:

*In the case of applications for enforcement as referred to in Articles 22 and 23 of the Regulation, Article 438 of the Code of Civil Procedure shall apply.*

Article 438 of the Code of Civil Procedure

- 1. Disputes which arise in connection with enforcement shall be brought before the district court (rechtbank) that would have jurisdiction under the normal rules, or in whose geographical jurisdiction seizure is to take place, one or more of the items of property affected are located, or enforcement is to be carried out.*
  - 2. In order to obtain an interim measure, interim proceedings (kort geding) can also be brought before the judge hearing applications for interim relief (voorzieningsrechter) at the court with jurisdiction under paragraph 1. Without prejudice to his other powers, the judge hearing applications for interim relief can, if required, suspend the enforcement for a certain time or until judgment has been given in the dispute, or decide that the enforcement can go ahead or be continued only if a security is lodged. The judge can lift an attachment, with or without the provision of security. During enforcement the judge can order incomplete formalities to be rectified, stipulating which of the incomplete formalities must be carried out again and who is to bear the costs involved. The judge can order that any third party joined in the case must consent to the continuation of enforcement or cooperate with the procedure, with or without the provision of security by the party seeking enforcement.*
  - 3. If the case does not lend itself to interim proceedings, the judge hearing the application can, instead of dismissing the application and if the claimant so requests, refer the matter to the district court, specifying the date on which it must be heard. A defendant who fails to appear on that date and is not represented in court by his lawyer shall be declared to be in default if he was summoned to attend the proceedings on that date with due regard for the time limit prescribed for a summons or the time limit set by the interim relief judge at the claimant's request.*
  - 4. If an objection is made to the bailiff responsible for enforcement which calls for the adoption of an immediate interim measure, the bailiff may present himself to the interim relief judge with the report he has drawn up on the subject asking the judge to adopt an interim measure deciding between the parties involved. The interim relief judge shall stay the proceedings until the parties have been summoned unless, because of the nature of the objection, he considers that an immediate decision is required. A bailiff who exercises this power without the agreement of the party seeking enforcement may himself be ordered to pay costs if it transpires that his action was unfounded.*
  - 5. A third party can object to enforcement by serving a summons on both the party seeking enforcement and the party against whom enforcement is sought.*
- Paragraphs 3 and 5 will be amended to take into account legislation still in the pipeline on the simplification and digitalisation of procedural law:
- 3. If the case does not lend itself to interim proceedings, the judge hearing the application can, instead of dismissing the application and if the claimant so requests, refer the matter to the district court. The court to which the matter is referred shall immediately set a date for the next procedural step. A defendant who fails to appear on that date and is not represented in court by his lawyer shall be declared to be in default only if he was summoned to attend the proceedings on that date with due regard for the time limit prescribed for a summons or the time limit set by the interim relief judge at the claimant's request.*
  - 5. A third party can object to enforcement by summoning both the claimant and the party against whom enforcement is sought.*

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#### **Small claims - Austria**

#### **Article 25 1 (a) Competent courts**



In Austria it is the district courts (*Bezirksgerichte*) that have jurisdiction to hear cases at first instance under Regulation (EC) No 861/2007, as amended by Regulation (EC) No 2421/2015, establishing a European Small Claims Procedure. Geographical jurisdiction is determined, insofar as it is not already determined by the application of Regulation (EC) 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, by the Austrian legislation on jurisdiction.

#### **Article 25 1 (b) Means of communication**

Claims under Regulation (EC) No 861/2007, as amended by Regulation (EC) No 2421/2015, establishing a European Small Claims Procedure may be lodged on paper or electronically via the electronic legal correspondence system (*Elektronischer Rechtsverkehr* - 'ERV'). The ERV is in principle available to all natural and legal persons, although it needs special software and the involvement of an intermediary agency. An up-to-date list of the intermediary agencies can be found at

<http://www.edikte.justiz.gv.at/edikte/km/kmhlp05.nsf/all/erv>.

Submissions and attachments may also be lodged in electronic form using the citizen's card function (*Bürgerkartenfunktion*) (chip card or mobile phone signature - see <http://www.buergerkarte.at/>) with the online forms available on Austria's Justice website: <https://portal.justiz.gv.at/at.gv.justiz.formulare/Justiz/index.html>.

Documents may not be submitted using fax or e-mail.

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

Where Austria has international jurisdiction, the parties receive assistance and general information from the appropriate district court.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

The courts can use the Austrian ERV system for electronic service of documents on the parties or their representatives. This is a form of transmission that follows precise technical rules, within a circle of identified users. The ERV is in principle available to all natural and legal persons, although it needs special software and the involvement of an intermediary agency. An up-to-date list of the intermediary agencies can be found at

<http://www.edikte.justiz.gv.at/edikte/km/kmhlp05.nsf/all/erv>.

If service via the ERV is not possible, electronic service of documents can also take place via an administrative department for the service of documents in accordance with Part 3 of the Service of Documents Act (*Zustellgesetz*, sections 28 *et seq.*).

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

The persons required to use the Austrian ERV (but not other systems of electronic service) are: lawyers (*Rechtsanwälte*), other persons authorised to represent a defendant in criminal proceedings (*Verteidiger in Strafsachen*), notaries (*Notare*), credit and financial institutions (Sections 1(1) and (2) of the Banking Act – BWG), undertakings within the scope of Section 1(1), points 1, 2, 4, 6, 7 and 8 of the Insurance Supervision Act 2016 (VAG 2016), social insurance institutions (Sections 23 to 25 of the General Social Insurance Act – ASVG, Section 15 of the Self-employed Persons' Social Insurance Act – GSVG, Section 13 of the Farmers' Social Insurance Act – BSVG, Section 9 of the Civil Servants' Health and Accident Insurance Act – B-KUVG, and Section 4 of the Notaries' Insurance Act – NVG, 1972), pension institutions (Section 479 of the General Social Insurance Act – ASVG), the Construction Workers' Leave and Severance Pay Fund (Section 14 of the Construction Workers' Leave and Severance Act – BUAG), the Pharmacy Workers' Salary Fund (Section 1 of the Salary Fund Act 2002), the Insolvency Contingency Fund (Section 13 of the Insolvency Contingency Provision Act – IESG) and IEF Service GmbH (Section 1 of the IEF Act – IEFG), the Confederation of Austrian Social Insurance Institutions (Section 31 of the General Social Insurance Act – ASVG), the Financial Prosecutor (*Finanzprokurator*, who represents the State in certain types of case) (Section 1 of the Financial Prosecutor Act – ProkG), and the bar associations (*Rechtsanwaltskammern*).

#### **Article 25 1 (f) Court fees and the methods of payment**

Austrian law on court fees has no separate provisions on the court fees for the European small claims procedure. For the claim and subsequent procedure at first instance, **tariff item 1 (TP 1) of the Court Fees Act (GGG)** applies; for appeal and the subsequent procedure at second instance, **tariff item 2 (TP 2)** of the same Act applies. These are the same fees as for all domestic civil cases.

The court fees are calculated on the basis of the value at issue in the action (value of the original claim, increased by any additional amount by which the claim is extended), or the value at issue on appeal, and the number of parties. The fees currently in force are available in the Federal Legal Information System (<https://www.ris.bka.gv.at/Bundesrecht/>; enter 'GGG' under 'Bundesrecht consolidated' with 'Title, abbreviation', and enter '32' in 'Paragraph').

The methods of payment are laid down in Section 4 of the Court Fees Act, under which fees may be paid by bank card with **ATM function** or by **credit card**, by **deposit** or by **bank transfer** to the account of the competent court, or by **cash deposit** to the same court.

All fees may also be paid by **direct debit**, if the court (or the Austrian judicial system in general) has been authorised to collect the court fees from an account to be notified by the party owing the fees and deposit them in a judicial account, and if the submission specifies at least the **details of the account** from which the fees are to be drawn and the maximum amount that may be debited.

If the claim is submitted using the **ERV** system, the fees must be paid by direct debit. In this case, the maximum amount to be debited cannot be specified.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

In a case brought under Regulation (EC) No 861/2007, as amended by Regulation (EC) No 2421/2015, establishing a European Small Claims Procedure, a judgment given at first instance by a district court is open to appeal (*Berufung*). The appeal must be lodged in writing at the district court which handed down the judgment at first instance within four weeks of service of the judgment. It must be signed by a lawyer (*Rechtsanwalt*). The party must also be represented by a lawyer in the ensuing appeal proceedings.

The decision on costs may be contested by means of an appeal on costs (*Kostenrekurs*) even if the judgment itself is uncontested. Such an appeal must be lodged at the court which handed down the judgment within 14 days of service of the judgment.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Under Section 548(5) of the Austrian Code of Civil Procedure, the court of first instance with jurisdiction for the European small claims procedure is also competent for the review provided for in Article 18 of the Regulation.

A review will be conducted only if it is expressly applied for by the defendant. The defendant's application must give plausible grounds for such a review. The court will consider only the submissions put forward by the defendant. The court need grant an oral hearing only if it considers this necessary.

If, in the court's opinion, the grounds for a review set out in Article 18(1) of the Regulation do not apply, it will reject the application in accordance with Article 18(3), in which case the original judgment remains in force. An appeal on a point of law (*Rekurs*) may be brought against this decision. If, on the other hand, the grounds set out in Article 18(1) do apply, that is, if the court deems the reasons justified, it will declare its original judgment null and void. This decision may not be contested. The litigation reverts to the status which it had before the procedural step declared null and void was taken. During the review procedure under Article 18, the defendant may apply in the Member State of enforcement for a stay or limitation of enforcement under Article 23.

#### **Article 25 1 (i) Accepted languages**

In addition to the official language (German), anyone may use Hungarian before the district courts of Oberpullendorf and Oberwart, Slovenian before the district courts of Ferlach, Eisenkappel and Bleiburg, and Croatian before the district courts of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart.

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities competent for enforcement and for the purposes of the application of Article 23 are the district courts. Geographical jurisdiction is determined in accordance with the Austrian Enforcement Code (*Exekutionsordnung*).

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#### **Small claims - Poland**

##### **Article 25 1 (a) Competent courts**

District courts (*sądy rejonowe*) or regional courts (*sądy okręgowe*).

(In principle, the district court has jurisdiction (at first instance). However, the regional court has jurisdiction (at first instance) for matters which, due to their nature, are within the subject-matter competence of regional courts irrespective of the value of the claim. These include, for example, property claims for copyright protection.)

##### **Article 25 1 (b) Means of communication**

Written pleadings in paper form.

##### **Article 25 1 (c) Authorities or organisations providing practical assistance**

Customer Service Offices (*Biura Obsługi Interesantów*) at the district and regional courts.

##### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

Electronic service [of court documents] is mandatory if the parties have opted to lodge pleadings in this way. Documents are not served electronically to e-mail addresses maintained by commercial services, but to mailboxes created specifically for the purposes of court proceedings. Article 1311 of the Code of Civil Procedure lays down the procedure for electronic service through an ICT system. The court serves documents through the ICT system if the addressee has submitted their document through the system or has opted to submit documents in this way. An addressee who has opted to submit documents through an ICT system may opt out of electronic service (Article 1311 (21)).

The legislature did not specify the manner in which the addressee should communicate their choice, so it can be done either in writing or orally, and it must be recorded in the minutes of the hearing.

In addition, as of 30 December 2023, it will be possible to serve court documents electronically to an e-mail address (Article 1312 of the Code of Civil Procedure). Where a civil court meets the relevant organisational and technical requirements, documents are served to the address for electronic service entered in the e-mail address database or to the 'qualified' e-mail address which was used to submit the document. This is permitted if the address for the electronic service of court documents provided by the party to the proceedings has not been entered in the e-mail address database.

On the other hand, court documents may be served on a natural person through the public electronic registered delivery service only if the addressee has either submitted the document from an e-mail address entered in the e-mail address database or from an e-mail address for electronic service linked to a qualified electronic registered delivery service, or has indicated that e-mail address as the address for service. This does not apply to the service of court documents on natural persons who are entrepreneurs entered in the Central Register and Information on Business Activity (*Centralna Ewidencja i Informacja o Działalności Gospodarczej, CEIDG*).

##### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

Article 132(1)3 of the Code of Civil Procedure provides for the electronic form of direct service between professional representatives. Professional legal representatives serve pleadings and attachments directly on each other only by electronic means, if they file unanimous statements to this effect with the court and notify the court of the contact details to be used for this purpose. In order to avoid any manipulation having an impact on the effectiveness of service and the speed of proceedings, a rule is introduced that such statements are irrevocable and any stipulations of a condition or a time-limit deemed non-existent. In justified cases, the court may order that such means of service be waived (in particular at the request of the parties). The above rule does not apply to documents submitted via the ICT system which are to be served on an advocate, attorney-at-law, patent agent and the General Counsel to the Republic of Poland where they opted to submit documents via the ICT system and have not revoked their decision.

##### **Article 25 1 (f) Court fees and the methods of payment**

– A set fee of PLN 100 is charged for applications in cases being heard under the European Small Claims Procedure. An identical fee is also charged for appeals.

– Court fees in civil cases can be paid in non-cash form into the current account of the court with jurisdiction (account details can be obtained directly from the court or its website or from the website of the Ministry of Justice), directly at the court cashier's office or in the form of court fee stamps which can be purchased at the court cashier's office.

##### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

Where the circumstances set out in Article 7(2) of the Regulation arise, the competent court delivers its judgment which may be appealed against by the party concerned at the court of second instance (i.e. judgments of the district court are appealed at the regional court and judgments of the regional court are appealed at the court of appeal). An appeal is lodged with the court that issued the judgment under appeal within 2 weeks of service of the judgment and the grounds on the applicant, and if the time limit for drawing up the grounds of the judgment has been extended, within 3 weeks of service of the judgment and the grounds on the applicant (Article 316(1), Article 367(1) and (2), in conjunction with Article 369, Article 50526 of the Code of Civil Procedure).

Where the circumstances set out in Article 7(3) of the Regulation arise, the court delivers a judgment by default. The defendant may file an objection against the judgment by default with the court which delivered the default judgment. In the event of an unfavourable outcome, the applicant has the right to appeal under general rules. (Articles 339(1), 342 and 344(1) of the Code of Civil Procedure)

##### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Proceedings concerning an application to set aside a judgment are governed by Article 50527a of the Code of Civil Procedure. The court which delivered the judgment is competent to examine the application.

##### **Article 25 1 (i) Accepted languages**

Polish

##### **Article 25 1 (j) Authorities competent for enforcement**

Court bailiffs (*komornicy*) are the competent authorities for the enforcement of judgments handed down under the European Small Claims Procedure. Complaints against the actions taken by the court bailiffs may be brought before the competent district court. Legal basis: Article 767(1) of the Code of Civil Procedure.

The competent authority to which applications for refusal of enforcement are submitted is the regional court of the debtor's domicile or registered office or, in the absence of such a court, the regional court in whose area of jurisdiction enforcement is pending or being carried out.

The competent district court is the authority responsible for implementing the measures under Article 23 of the Regulation. Legal basis: Article 115320(1) and (2) of the Code of Civil Procedure (in the case of enforcement carried out in Poland on the basis of a judgment handed down under the European Small Claims Procedure in another EU Member State) or Article 8202 of the Code of Civil Procedure (in the case of enforcement carried out in Poland on the basis of an enforceable title in the form of a judgment containing an enforceability clause handed down by a Polish court under the European Small Claims Procedure).

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## Small claims - Portugal

### Article 25 1 (a) Competent courts

Local civil courts and courts with general jurisdiction.

### Article 25 1 (b) Means of communication

Registered post, fax and electronic data transmission.

### Article 25 1 (c) Authorities or organisations providing practical assistance

DGAJ - Directorate-General for Justice Administration (<http://www.dgaj.mj.pt/DGAJ/sections/home>).

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The following means of communication are available:

Electronic communication via the IT system that supports the work of the courts, URL <https://citius.tribunaisnet.mj.pt/habilus/myhabilus/Login.aspx>, when the parties have appointed legal representatives. To this end, the legal representative of the party must first apply for registration with the body tasked with managing access to the IT system (Articles 132(1) and (3), 247 and 248 of the Code of Civil Procedure and Articles 3, 5, 25 and 26 of Ministerial Implementing Order (*Portaria*) No 280/2013 of 26 August 2013).

Communication by registered letter addressed to the party's residence or headquarters, or to the address chosen for notification purposes, if the party has not appointed a legal representative (Article 249 of the Code of Civil Procedure).

### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Legal representatives, judges, prosecutors and court officials, via the IT system that supports the work of the courts (<https://citius.tribunaisnet.mj.pt/habilus/myhabilus/Login.aspx>) (Articles 3 and 5 of Ministerial Implementing Order No 280/2013 of 26 August 2013).

In the case of legal representatives, they must first apply for registration with the body tasked with managing access to the IT system. It should be noted that the system certifies the date on which the notification is issued and this is presumed to have been done on the third day after it is drawn up or alternatively on the first business day afterwards (Articles 247 and 248 of the Code of Civil Procedure).

If the party has not appointed a legal representative, notifications are sent by registered letter addressed to the residence or headquarters of the party or to the address chosen for receiving notifications. The notification is presumed to have been made on the third day after the date of registration or alternatively on the first business day thereafter (Article 249(1) of the Code of Civil Procedure).

### Article 25 1 (f) Court fees and the methods of payment

- In cases where the amount involved is up to €2 000.00: €102 (1 unit of account);
- In cases where the amount is higher than €2 000.00 but not more than €5 000.00: €204 (2 units of account).

If the case proves to be particularly complex, the judge may decide to apply the following costs:

- In cases where the amount involved is up to €2 000.00: €153 (1.5 units of account);
- In cases where the amount is higher than €2 000.00 but not more than €5 000.00: €306 (3 units of account).

(Article 6(1) and (5) of the Regulation on Procedural Costs, approved by DecreeLaw No 34/2008 of 26 February 2008, as last amended).

If, pursuant to Article 17(1)(a) of Regulation (EC) No 1896/2006, within the scope of the European order for payment procedure, the defendant enters a statement of opposition and the proceedings continue, the amount paid within that procedure is reduced by the amount of the procedural costs owed for the European Small Claims Procedure, in the case of the claimant.

The reduction can be €102 (1 unit of account) or €153 (1.5 units of account). (Article 7(6) of the Regulation on Procedural Costs, approved by Decree-Law No 34/2008 of 26 February 2008, as last amended).

Where there is a counterclaim – in which case the amounts involved in the two claims are added together for the purposes of calculating the costs, which can lead to cases where the amount involved is up to €10 000.00 – the costs for cases where the amounts involved are between €8 000.01 and €10 000.00 will be 3 units of account (€306.00) or 4.5 units of account (€459.00) for particularly complex cases. It should be noted that for cases where the amount involved is between €5 000.01 and €8 000.00, the costs are kept at 2 units of account (€204.00) or 3 units of account (€306.00) in particularly complex cases (Article 11 of the Regulation on Procedural Costs, approved by Decree-Law No 34/2008 of 26 February 2008, as last amended, in conjunction with Articles 145(5) 530(2), 299(1) and (2) and 297(2) of the Code of Civil Procedure).

The accepted payment method is by bank transfer.

### Article 25 1 (g) Appeal procedure and courts competent for an appeal

An appeal is admissible only in situations provided for in Article 629(2) of the Code of Civil Procedure or in Article 696 of that Code.

Therefore, pursuant to Article 629(2) of the Code of Civil Procedure, irrespective of the value of the case and of the loss borne by the defeated party, an appeal is always admissible:

- a) on the grounds of an infringement of the rules of international jurisdiction, the rules of subject-matter jurisdiction or hierarchical jurisdiction, or where there is a conflict with a final court decision;
- b) against decisions in respect of the value of the case or related amounts, on the grounds that the value exceeds the value limit of the court in which the case was brought;
- c) against decisions given in the same legislative field and on the same fundamental point of law that run counter to the uniform case-law of the Supreme Court of Justice;

d) against an appeal court judgment that contradicts another judgment by the same or another appeal court in the same legislative field and on the same fundamental point of law, and against which no ordinary appeal can be brought for reasons other than the court's value limit, unless a judgment has been given setting out a uniform case-law that is consistent with it.

Pursuant to Article 696 of the Code of Civil Procedure, a final decision may only be the object of review when:

- a) another final decision has proved that the decision was the result of an offence committed by the judge in the performance of his duties;
- b) it is established that documentary evidence or official court testimony or a statement given by an expert or arbiter is false and, in any of these cases, may have been a determining factor in the decision to be reviewed, and the matter was not discussed during the proceedings in which the decision was given;
- c) a document is presented of which the party was unaware or of which he could not have made use in the proceedings in which the decision to be reviewed was given and that in itself is sufficient to alter the decision in favour of the defeated party;
- d) a confession, withdrawal or agreement on which the decision was based is invalid or may be declared invalid;
- e) the action and execution have taken place in default, with no participation whatsoever by the defendant, and it is shown that no summons was issued or that the summons issued is null and void;
- f) it is incompatible with the final decision of an international appeal body which is binding on the Portuguese State;
- g) the dispute was based on an act simulated by the parties, and the court, having failed to realise that a fraud had been perpetrated, did not use the powers conferred on it under Article 612.

Pursuant to Article 638(1) of the Code of Civil Procedure, the time limit for lodging an appeal is 30 days from notification of the decision.

Pursuant to Article 697(2) and (3) of the Code of Civil Procedure, an extraordinary appeal for review may not be lodged if more than five years have elapsed since the final decision. The time limit for lodging such an appeal is 60 days, counting:

- i. In the case of Article 696(a), from the date of the final decision on which the review is based;
- ii. In the case of Article 696(f), from when the decision on which the review is based became final;
- iii. In other cases, from when the appellant obtained the document or was informed of the circumstance on which the review is based.
- iv. In the case of Article 696(g), the time limit for lodging the appeal is two years, counting from when the appellant is informed of the ruling, without detriment to the five-year time limit mentioned previously.

The courts with jurisdiction to decide on the appeal are the *Tribunais de Relação* (appeal courts) in the circumstances provided for in Article 629(2) of the Code of Civil Procedure, and the courts that gave the decision that is to be reviewed as indicated in paragraph a) in the circumstances provided for in Article 696 of the Code of Civil Procedure.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The appeal is lodged at the court that gave the decision that is to be reviewed and the appellant must state the facts that constitute the grounds for the appeal. When lodging the appeal, the appellant must submit a certificate concerning the decision or document on which the request is based (Articles 697(1) and 698 of the Code of Civil Procedure).

The courts with jurisdiction to decide on the appeal are the courts that gave the decision to be reviewed as indicated in paragraph a).

#### **Article 25 1 (i) Accepted languages**

English, French and Spanish.

#### **Article 25 1 (j) Authorities competent for enforcement**

The *juízos de execução* (enforcement courts) have jurisdiction for enforcement. If there are no enforcement courts, the jurisdiction lies with the local civil courts and the courts with general jurisdiction.

For the enforcement of decisions given by the Portuguese courts, the enforcement request is submitted in the proceedings in which the decision was given (Article 85(1) of the Code of Civil Procedure). The enforcement request, the accompanying documents and the copy of the decision are then sent urgently to the enforcement court with jurisdiction, if such exists (Article 85(2) of the Code of Civil Procedure).

If the decision was given in another Member State, the court with jurisdiction is the court at the domicile of the defendant (Article 90 of the Code of Civil Procedure).

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### **Small claims - Romania**

#### **Article 25 1 (a) Competent courts**

The jurisdiction to determine small claims at first instance lies with the district courts. Their decisions are subject to appeal before a tribunal only, within 30 days of the decision being issued. See Article 2 of Article 110 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended.

#### **Article 25 1 (b) Means of communication**

According to the ordinary procedure laid down in Article 148(2) CCP, an application submitted to court in person or by a proxy may be written in an electronic format, if it complies with the conditions laid down by law (the regulation also applies, where appropriate, in cases where the CCP requires that the submissions, arguments or conclusions of the parties or any other procedural documents submitted to court be in writing – Article 148(3) CCP).

According to the ordinary procedure laid down in Article 199(1) CCP, a statement of claim lodged in person or by a proxy, by post, courier, fax or scanned and sent by email or as an electronic document is registered and stamped with the date of receipt.

Moreover, in the special procedure for small claims (applicable to internal disputes), the claimant initiates these proceedings by completing an application form and submitting or sending it to the competent court by post or by any other means that ensures that a confirmation of receipt can be issued (Article 1029 (1) CCP).

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

In accordance with Article 11(1) of Regulation No 861/2007, as amended, practical assistance in filling in the application form is provided by the lawyers appointed for this purpose on a rotating basis, every three months, as part of the judicial assistance service by each bar association. The list of lawyers thus appointed and their contact details can be seen on the website of the National Union of Romanian Bar Associations and of each association, and is communicated to each court for display at their premises and on the court portal. For the practical assistance provided, the lawyer is entitled to a fee, which is fixed by the protocol concluded, in accordance with the law, for determining the fees payable to lawyers for the provision of out-of-court and legal aid

services. The lawyer shall not be entitled to receive from the person assisted any remuneration or other reward, in whatever form. See Article 1 of Article 110 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

##### **Article 154(6) and (61) CCP**

*Summonses and other procedural documents may be served by the court clerk and by fax, e-mail or other means that ensure the transmission of the document's content and the acknowledgement of receipt thereof, where the party concerned indicated to the court his/her contact details for this purpose. Service of procedural documents will be accompanied by the court's extended electronic signature, which will replace the court stamp and the signature of the clerk of the hearing as the mandatory references on the summons. Each court will have a single extended electronic signature for summons and procedural documents. Summonses and other procedural documents shall be deemed to have been served when a message is received from the system used that they have arrived at the addressee according to the information provided by him/her.*

##### **Article 205(2)(a) CCP**

**The reply shall include:** the name and surname, personal identification number, domicile or residence of the defendant or, for legal persons, the name and registered office and, where appropriate, the registration code or the tax identification number, the entry number in the trade register or register of legal persons, and the bank account if the claimant has not already mentioned it in the statement of claim. The provisions of the second sentence of Article 148(1) shall apply accordingly. If the defendant lives abroad, the reply will also indicate an address in Romania where all communications concerning the case will be sent.

##### **Article 194(a) CCP**

*The statement of claim shall include:*

*a) the name and surname, domicile or residence of the parties or, for legal persons, their name and registered office. It shall also include the personal identification number or tax identification number, the entry number in the commercial register or entry in the register of legal persons, and the bank account of the applicant and the defendant, if the parties possess or have been assigned those identifiers in accordance with the law, insofar as they are known to the applicant. The provisions of the second sentence of Article 148(1) shall apply accordingly. If the claimant is living abroad, the reply will also indicate an address in Romania where all communications concerning the case will be sent.*

##### **Article 148(1)-(3) CCP**

*(1) Any request addressed to the courts must be made in writing and must include the name of the court to which it is addressed, the name and surname, the domicile or residence of the parties or, where applicable, the name and place of their business, the name and surname, domicile or residence of their representatives, where appropriate, the object, the value of the claim, where applicable, the grounds for the claim and the signature. The request must, where applicable, also include an email address or contract details designated for the purpose by the parties, and a telephone number, fax number and similar.*

*(2) Applications made in person or by proxy may be written in an electronic format, if it complies with the conditions laid down by law.*

*(3) The provisions of paragraph 2 also apply accordingly in cases where this Code requires that the submissions, arguments or conclusions of the parties or any other procedural documents submitted to court be in writing.*

##### **Article 169 CCP**

*After a case has been brought before court, applications, replies or other documents may be sent directly to the court by a lawyer or legal adviser if the parties have one. In this case, the recipient of the request will certify receipt of the copy lodged at the court or, where appropriate, by any other means which ensures that this procedure is completed.*

##### **Article 199(1) CCP**

*(1) A statement of claim lodged in person or by a proxy, by post, courier, fax or scanned and sent by email or as an electronic document is registered and stamped with the date of receipt.*

##### **Article 149(4) CCP**

*(4) If the statement has been communicated, in accordance with the law, by fax or e-mail, the clerk is automatically required to make copies of the statement, at the expense of the party obliged to do so. The provisions of Article 154 paragraph 6 shall continue to apply.*

In the special procedure for small claims (applicable to internal disputes), the claimant initiates these proceedings by completing an application form and submitting or sending it to the competent court by post or by any other means that ensures that a confirmation of receipt can be issued (Article 1029(1) CCP).

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

If the court, in accordance with the law, communicates procedural documents electronically, the parties are implicitly obliged to accept communications made in this way. This applies only when the parties (or their representatives, including lawyers) have provided their e-mail address (see also the reply to (d)).

If a party, in accordance with the law, communicates procedural documents electronically, the court is implicitly obliged to accept communications made in this way.

#### **Article 25 1 (f) Court fees and the methods of payment**

##### **Article 10(1)(b), (2) and (3) of Emergency Government Order No 80/2013 on judicial stamp duties**

*(1) With regard to enforcement, the applications listed below are subject to the following duties:*

*(...)*

*b) application for suspension of enforcement, including provisional enforceability - RON 50.*

*(2) If the enforcement is contested, the duty is calculated on the value of the goods whose enforcement is contested, or on the amount of the debt in question, when the debt is lower than the value of the goods. This duty may not exceed RON 1 000, irrespective of the amount in dispute. If the subject of the enforcement cannot be valued in money, the objection to the enforcement proceedings will be subject to duty - RON 100.*

*(3) If the objection to enforcement proceedings also refers, under the conditions laid down in Article 712(2) of the Code of Civil Procedure, to reasons of fact or of law relating to the substance of the law, stamp duty is determined according to Article 3(1).*

##### **Article 33(1) of Emergency Government Order No 80/2013 on judicial stamp duties**

*Judicial stamp duties shall be paid in advance, except where provided for by law.*

##### **Article 40(1) and (2) of Emergency Government Order No 80/2013 on judicial stamp duties**

*If the person liable to pay the judicial stamp duty has no domicile or residence or, where applicable, registered office in Romania, the stamp duty shall be paid into the local budget account of the administrative unit in which the court introducing the action or application is based, in cash, by bank transfer or on-line system; this account shall be a separate account of the local budget revenue for 'judicial and other stamp duties' at the administrative territorial unit where the natural person has his domicile or residence or, where applicable, where the legal person has its registered office.*

Small claims made in accordance with the special procedure laid down in the Code of Civil Procedure or under the Small Claims Regulation shall be taxed at RON 50 if the value of the claim does not exceed RON 2 000 or if the value in euro does not exceed the equivalent of RON 2 000, and RON 200 for claims the value of which exceeds RON 2 000 or the equivalent in euro. See Article 6(1) of Emergency Order No 80/2013 on judicial stamp duties.

N.B.: The website <https://portal.just.ro/SitePages/acasa.aspx>, for each court, has a subsection entitled 'Bine de știut' [Useful facts], containing information on the accounts into which stamp duties can be paid.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

In accordance with Article 17 of the Regulation, an appeal may be lodged with a tribunal (court of second instance) within 30 days of the decision being issued (Articles 466(1), 468(1) and 94(1)(k) in connection with Article 95(2) CCP).

N.B.: In the special procedure for small claims (applicable to internal disputes), the district court decision is subject to appeal before a tribunal only, to be lodged within 30 days of the decision being issued (Article 1033(1) CCP).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Rules of the ordinary procedure:

- an appeal for annulment of the final judgment (extraordinary appeal) can be made if the applicant was not duly summonsed and was not present at the proceedings; the appeal for annulment is lodged with the court whose judgment is being contested (Articles 503(1) and 505(1) CCP);
- review (extraordinary appeal) of a judgment on the substance (or not) may be required if the party was prevented from appearing in court and notifying the court thereof, due to circumstances beyond his control; the application for review must be sent to the court that issued the decision for which review is requested (Article 509(1)(9) and (2) and Article 510(1) CCP);
- a party who misses a deadline is only given a new deadline if he can give duly justified reasons for the delay; to that end, the party complies with the procedural document no later than 15 days from the end of the event preventing performance and requests a new deadline at the same time; in the case of appeals, this deadline is identical to that foreseen for appeals procedures; the request for a new deadline shall be dealt with by the court competent to hear an application relating to the right exercised within the deadline (Article 186 CCP).

The application for review shall be subject to the jurisdiction of the court whose decision is being challenged. See Article 3 of Article I10 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended.

#### **Article 25 1 (i) Accepted languages**

Romanian

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#### **Small claims - Slovenia**

##### **Article 25 1 (a) Competent courts**

The courts with jurisdiction to deliver a judgment in the European Small Claims Procedure are:

the **local courts** (okrajna sodišča) in the case of civil cases (Article 30 of the Civil Procedure Act (Uradni list RS (UL RS; Official Gazette of the Republic of Slovenia) Nos 73/07 – official consolidated text, 45/08 – 45/08 – ZArbit, 111/08 – Constitutional Court Decision, 57/09 – Constitutional Court Decision, 12/10 – Constitutional Court Decision, 50/10 – Constitutional Court Decision, 107/10 – Constitutional Court Decision, 75/12 – Constitutional Court Decision, 40/13 – Constitutional Court Decision, 92/13 – Constitutional Court Decision, 10/14 – Constitutional Court Decision, 48/15 – Constitutional Court Decision, 6/17 – Constitutional Court Decision, 10/17 and [16/19](#) – ZNP-1, hereinafter: ZPP) **and district courts** (okrožna sodišča) for commercial cases (Article 32 ZPP).

The application of the rules on commercial disputes is regulated by Articles 480 to 484 ZPP. The text of the ZPP can be found on the website of the Republic of Slovenia's Legal Information System:

<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1212>

##### **Article 25 1 (b) Means of communication**

The means of communication accepted for the purposes of the European Small Claims Procedure and available to the courts pursuant to Article 4(1) are as follows:

— standard claim Form A (Annex I) is lodged with the competent court in writing by post, using communication technology (e.g. fax), delivered directly to the body or by a person engaged professionally in submitting applications (Article 105b ZPP).

Applications may not yet be submitted electronically.

##### **Article 25 1 (c) Authorities or organisations providing practical assistance**

The authorities or organisations with jurisdiction to provide practical assistance in accordance with Article 11 are as follows:

The judicial staff of the competent court provide free practical assistance in form-filling and general information on the procedure. Practical assistance for consumers is also provided by the European Consumer Centre, Kotnikova 5, 1000 Ljubljana, email: [epc.mgrt@gov.si](mailto:epc.mgrt@gov.si), tel.: (01) 400 37 29, website: <https://www.epc.si/pages/en/home.php>.

Consumers may also request and obtain free legal aid provided they meet the conditions laid down in the Free Legal Aid Act (UL RS Nos 96/04 – official consolidated text, 23/05, 15/14 – Constitutional Court Decision and 19/15, hereinafter 'ZBPP'). Free legal aid may be allocated for legal advice, legal representation and other legal services provided for by the ZBPP and by way of an exemption from payment of court costs.

##### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

The methods of electronic service and communication technically available and admissible in accordance with Article 13(1), (2) and (3), and the methods of expressing prior consent to the electronic serving of documents under Article 13(1) and (2) are as follows:

The documents referred to in Article 5(2) and (6) and judgments handed down under Article 7 are served in accordance with the ZPP.

Articles 132 to 150 ZPP govern the serving of documents and inspection of files.

Article 132 ZPP provides for various methods of serving documents – post, secure email, bailiff, in the court or in another manner provided by law (service by a legal or natural person who serves documents professionally).

It is not yet possible to serve documents electronically in civil proceedings; court documents in such proceedings must therefore be served in physical form, usually by post.

**Time and place of serving of documents:** during the day between 6.00 and 22.00, or 24 hours a day by email (Article 139(1) ZPP)

##### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

The persons or, where applicable, types of profession under a legal obligation to accept service of documents or other written communications by electronic means in accordance with Article 13(1) and (2) are as follows:

It is not yet possible to serve documents electronically in civil proceedings; court documents in such proceedings must therefore be served in physical form, usually by post.

When the electronic service of court documents does become technically feasible, the courts will always serve court documents electronically (to a secure mailbox) on the national authorities, barristers, notaries, court enforcement officers, experts, valuers, interpreters, insolvency practitioners or any other individuals or bodies the nature of whose work implies greater reliability.

The list of persons and bodies the nature of whose work implies greater reliability is to be drawn up and published by the Supreme Court of the Republic of Slovenia on its website (portal e-Sodstvo). The persons and bodies on the list must open a secure mailbox, the address of which must be sent to the Supreme Court of Slovenia; such persons and bodies must also inform the Supreme Court if that address changes. The address published on the list is considered as the official address of the secure mailbox.

#### **Article 25 1 (f) Court fees and the methods of payment**

The court fees for the European Small Claims Procedure, i.e. how they are to be calculated and what methods of payment are accepted in accordance with Article 15a are as follows:

The amount of the court fees is laid down by the Court Fees Act (UL RS Nos 37/08, 97/10, 63/13, 58/14 – Constitutional Court Decision, 19/15 — Constitutional Court Decision, 30/16, 10/17 — ZPP-E, 11/18 — ZIZ-L and 35/18 — Constitutional Court Decision, hereinafter 'ZST-1'). The court fees of the European Small Claims Procedure are the same as those charged for national simplified court fees.

A one-off fee is paid for the European Small Claims Procedure, the amount of which depends on the value of the subject-matter of the proceedings:

Where the value of the subject-matter of proceedings is EUR ..... or less	the court fee is EUR .....
300	54
600	78
900	102
1 200	126
1 500	150
2 000	165
2 500	180
3 000	195
3 500	210
4 000	225
4 500	240
5 000	255

The claimant must pay the above court fee at the beginning of the European Small Claims Procedure. The fee may be paid in advance, i.e. when the application for a court action is filed; or the application may be submitted beforehand to the court, whereupon the applicant must wait for the court to send a payment order, which gives not only the amount of the fee but also other information required for the payment to be made (such as the deadline for payment). Court fees may be paid remotely, thereby enabling the parties to pay from a Member State other than the one in which the court is located, using 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.

Under Article 6 ZST-1, court fees in the European Small Claims Procedure may be paid in cash, electronically or using any other valid payment method.

In practice, only bank transfers are currently used to pay court fees, although card payments are also possible with the cashier of the court.

All banks have an online payment service to accommodate electronic payments. In the case of electronic payment via online banking, court fees must be paid to the courts' accounts specifically set up for the payment of court fees, as published on the websites of the various courts. Links to the competent courts' websites, providing the courts' account details and other information needed for the payment of court fees are provided in the contact details of each individual court under point (a).

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

The appeals available under Article 17, the deadline for lodging such appeals and the court with which such appeals must be lodged are as follows:

Appeals must be lodged within eight days of the judgment being served (Article 458 ZPP). Appeals must be lodged with the court giving the judgment at first instance (**Local Court**) (Article 342 ZPP).

In commercial cases, appeals must be lodged within eight days of the judgment being served (Article 458, in conjunction with Articles 480 and 496, ZPP).

Appeals must be lodged with the court giving the judgment at first instance (**District Court**) (Article 342 ZPP).

Higher courts (višja sodišča) decide on appeals (Articles 35 and 333 ZPP).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The procedures for applying for a review, as provided for in Article 18, and the competent courts for such a review are as follows:

The party's judicial remedy is to file a motion to restore a prior status (Article 116 ZPP). Where this is admitted by the court, the lawsuit reverts to its status before the default and all judgments handed down by the court as a result of the default are revoked.

Once six months have elapsed since the default, the party's judicial remedy is to file a motion for a retrial in accordance with Article 394(3) of the ZPP and have a procedure closed by a final decision reopened.

Jurisdiction in the case of both judicial remedies rests with the court issuing the judgment.

#### **Article 25 1 (i) Accepted languages**

In accordance with Article 21a(1) the following languages are accepted:

The official languages are Slovenian plus the two national minority languages in official use at the courts in the areas where these national minorities live (Articles 6 and 104 ZPP). The national minority languages are Italian and Hungarian.

Mixed-nationality municipalities are covered by the Establishment of Municipalities and Municipal Boundaries Act (UL RS Nos 108/06 — official consolidated text and 9/11; hereinafter 'ZUODNO'). Under Article 5 ZUODNO mixed-nationality municipalities are those identified as such by the current statutes of Lendava, Hodoš-Šalovci, Moravske Toplice, Koper, Izola and Piran municipalities.'

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities competent to enforce and apply Article 23 are as follows:

Jurisdiction over enforcement rests with the **local courts** (Article 5 of the Enforcement and Securing of Civil Claims Act (UL RS Nos 3/07 – official consolidated text, 93/07, 37/08 – ZST-1, 45/08 – ZArbit, 28/09, 51/10, 26/11, 17/13 – Constitutional Court Decision, 45/14 – Constitutional Court Decision, 53/14, 58/14 – Constitutional Court Decision, 54/15, 76/15 – Constitutional Court Decision, 11/18 and [E 53/19](#) – Constitutional Court Decision). The jurisdiction of these courts also extends to the application of Article 23.

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## Small claims - Slovakia

### Article 25 1 (a) Competent courts

Under Section 12 of Act No 160/2015 – the Code of Civil Dispute Procedure (*Civilný sporový poriadok*), the court competent to give judgment at first instance is the district court (*okresný súd*); for the district of Bratislava IV Municipal Court territorial competence lies with Bratislava IV Municipal Court. Territorial competence lies with the defendant's general court, whereas for natural persons it lies with the court in whose jurisdiction the person is permanently resident, for legal persons the court in whose jurisdiction the person has its registered office, and for foreign legal persons the court in whose jurisdiction their branch is located. If a competent court cannot be designated based on a permanent address or registered office address, or the most recent permanent address or registered office address, competence lies with the court in whose jurisdiction the person has property.

### Article 25 1 (b) Means of communication

General rules for lodging a claim at court shall be followed. Claims may be lodged in writing, either in paper form or electronically. Lodging claims electronically on the merits of the case must be authorised in accordance with Section 23(1) of [E-Government Act No 305/2013](#).

If a claim is lodged electronically on the merits of the case without an authorisation, the claim must be re-submitted with additional authorisation in paper form or electronically within ten days. If an unauthorised electronic claim on the merits of the case were not re-submitted within the deadline in paper form or electronically with an authorisation, it would not be considered, i.e. it would not be deemed submitted.

Authorisation is issued using an advanced electronic signature. An advanced electronic signature can be obtained by purchasing a qualified certificate from an accredited certification authority. Information about accredited certification authorities can be obtained on the website of the Slovak National Security Authority (*Národný bezpečnostný úrad*). Detailed information on advanced electronic signatures can be found at <https://www.nbu.gov.sk/>, <https://www.slovensko.sk/en/title> and <https://www.ardaco.com>.

### Article 25 1 (c) Authorities or organisations providing practical assistance

Complete information about the scope of application of the European Small Claims Procedure, including information about which courts or tribunals are competent to give a judgment in a particular Member State, will be made available on the Slovak Ministry of Justice website at: <https://www.justice.gov.sk>. The forms used for the procedure can also be found on this website.

Applicants who meet the legal conditions for legal aid can apply for it through the Legal Aid Centre (*Centrum právnej pomoci*), which provides legal aid through its own staff and designated lawyers. Conditions for providing legal aid are laid down in Section 17 of [Act No 327/2005 on the provision of legal aid to persons in material need and amending Act No 586/2003 on the legal profession and amending Act No 455/1991 on trading activity \(the Trading Act\), as amended by Act No 8/2005](#).

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

According to the Code of Civil Dispute Procedure, the preferred method of service is service during hearings or during other court acts and service to a functional mailbox set up under a special regulation: the e-Government Act. According to this Act, as of 1 November 2016 courts must serve documents electronically only if a functional mailbox is activated for service. The procedure for activating a functional mailbox differs for legal and natural persons. Natural persons must apply for activation. As of 1 July 2017 the State must activate a functional mailbox for legal persons listed in the business register, and from that date onwards public administrations, including courts, shall exclusively send their decisions electronically.

If a document cannot be served during a hearing or another court act, even to a functional mailbox, and if the documents are not to be served personally, the court shall serve the document to an e-mail address upon the party's request. If documents are to be served personally, they are served with an acknowledgement of receipt – i.e. an acknowledgment confirming receipt by the addressee of the document set out on that acknowledgment.

### Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

All legal persons listed in the business register, which must have a functional mailbox activated, are obliged to accept documents sent electronically to functional mailboxes as of 1 July 2017. However, if other legal or natural persons activate a functional mailbox for service, documents will also be served to the functional mailbox of those entities.

### Article 25 1 (f) Court fees and the methods of payment

Under [Act No 71/1992 on court fees](#), the obligation to pay a fee arises upon submission of a claim - using a completed standard claim form A, which launches the European Small Claims Procedure. The court fees are listed in the schedule of fees as a percentage of the base fee rate ('percentage rate') or as a fixed amount. If a claim is lodged for the European Small Claims Procedure, the fee is given in the schedule of fees in item number 1, which stems from the price (from the payment) of the subject matter of the case or from the value of the claim, in which case the fee is set at 6% (at least EUR 16.50, no more than EUR 16 596.50, and in commercial cases no more than EUR 33 193.50). The Act does not contain special provisions on court fees collected in European Small Claims Procedures.

Fees collected by courts may be paid, for example, in cash, or by bank transfer or in the branch of a foreign bank. Fees may be paid in cash if courts have created conditions for this fee payment method and if the fee for an individual case does not exceed EUR 300. Fees are paid to the court dealing with the case at first instance or on behalf of which the fee is being collected.

### Article 25 1 (g) Appeal procedure and courts competent for an appeal

An appeal may be lodged against the decision of a court of first instance. Appeals shall be lodged within 15 days of the notification of the decision at the court against whose decision the appeal has been made. Appeals shall be deemed lodged in good time even if they are lodged within the deadline at the competent appeals court. Appeals shall also be deemed lodged in good time if they are lodged after the expiry of the 15-day deadline because the appellant was following incorrect instructions given by the court regarding the deadline for lodging an appeal. If the judgment does not contain instructions on the deadline for lodging an appeal, or if it incorrectly states that an appeal is not allowed, an appeal may be lodged within three months of the decision's notification. Appeals shall be deemed lodged in good time if they are lodged at a court without jurisdiction because the appellant was following incorrect instructions regarding the competent court at which an appeal should be lodged. This also applies if the decision does not state the competent court at which an appeal should be lodged.



In addition to all the general particulars, appeals must state the judgment against which the appeal is being lodged, the scope of the appeal, the respect(s) in which the judgment is deemed faulty (reasons for appeal) and the remedy sought by the appellant (appeal claim). Competence for appeal hearings and judgments lies with regional courts (*krajské súdy*).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The competent court for reviewing a judgment shall be the court that ruled at first instance. According to the Code of Civil Dispute Procedure, an application may be made to re-open proceedings if the possibility to review a judgment ensues from special legislation, including Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

In addition to all the general particulars, an application to re-open proceedings must state the reference number of the judgment against which the appeal is being lodged, the scope of the appeal, reasons for re-opening the proceedings, circumstances proving that the application has been lodged in good time, proof of the substance of the application, as well as the remedy sought by the applicant.

#### **Article 25 1 (i) Accepted languages**

Slovak.

#### **Article 25 1 (j) Authorities competent for enforcement**

An application can be made to have a decision enforced; this is lodged with the enforcement court (*exekučný súd*). As of 1 April 2017, the enforcement court is the Banská Bystrica District Court (*Okresný súd Banská Bystrica*).

The enforcement procedure is governed by [Act No 233/1995](#).

Applications for enforcement are submitted electronically to the court's electronic mailbox by means of a dedicated electronic form, to be published on the [Ministry's website](#). Only authorised applications are considered. Necessary accompanying documentation is submitted electronically to the court's electronic mailbox together with the application for enforcement.

If a claimant or the claimant's representative does not have an activated electronic mailbox or is otherwise prevented from submitting their application electronically, their application for enforcement may be submitted via any bailiff. In such cases, the bailiff is the representative authorised to serve documents until such time as enforcement is initiated; they will carry out individual actions without delay. The bailiff sends the abovementioned application for enforcement to the court within 15 days. When a bailiff is used to submit an application for enforcement, the bailiff is entitled to remuneration and reimbursement of expenses. How such payments are determined and how much is to be paid is laid down by the Ministry in a legal act of general application.

Enforcement is carried out by a bailiff authorised for enforcement by the enforcement court. The court shall assign cases by issuing authorisations for enforcement randomly and equally to individual bailiffs using technical means and programme resources approved by the Ministry in such a way that case assignment cannot be influenced. The random bailiff selection rule is based on territoriality. Cases are assigned by selecting from bailiffs appointed for the territory covered by the regional court (*krajský súd*) in which the debtor is permanently resident or has a registered office. If the debtor's permanent residence or registered office address in the Slovak Republic cannot be established under the preceding paragraph, bailiffs are selected from the district in which the debtor was last permanently resident or had a registered office, otherwise the case is randomly assigned to a bailiff appointed for the territory covered by the Banská Bystrica Regional Court (*Krajský súd Banská Bystrica*).

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### **Small claims - Finland**

#### **Article 25 1 (a) Competent courts**

The Helsinki District Court (*Helsingin käräjäoikeus*) has jurisdiction to give a judgment in the European Small Claims Procedure.

The Finnish- and Swedish-language contact details of the District Court are available on line at <https://oikeus.fi>, a website maintained by the Ministry of Justice.

#### **Article 25 1 (b) Means of communication**

The form referred to in Article 4(1) of the Regulation may be sent directly to the Registry of the Helsinki District Court by post, fax or e-mail, as provided for in the [Electronic Services and Communication \(Public Sector\) Act](#).

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

As part of the Finnish Competition and Consumer Authority (*Kilpailu- ja kuluttajavirasto*), the [European Consumer Centre Finland](#) (*Euroopan kuluttajakeskus Suomessa*) provides assistance and general information on the scope of application of the European Small Claims Procedure, as well as general information as to which courts and tribunals are competent to render a judgment in the European Small Claims Procedure.

In Finland, the parties may receive legal aid from State resources under the conditions laid down in the [Legal Aid Act](#). The Act fulfils the requirements of Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

In Finland the procedure is subject to Chapter 11 of the Code of Judicial Procedure on the service of notices in proceedings and to the [Act on Electronic Services and Communication in the Public Sector](#).

In accordance with Section 3, subsection 3 of Chapter 11 of the Code of Judicial Procedure, procedural documents may be sent as an electronic message in the manner identified by the addressee. The party may also provide the court with an electronic address for service to which documents served during court proceedings may be sent.

The acknowledgement of receipt may be sent to the court as an electronic message, for example as an attachment to an e-mail.

In practice, the means of electronic communication used in court proceedings are e-mail and fax.

There is no legal obligation to accept electronic service or communication.

Finland has no specific procedural rules for accepting in advance the use of electronic means.

#### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

N/A

#### **Article 25 1 (f) Court fees and the methods of payment**

In accordance with Section 2, subsection 6 of the [Act on Court Fees 1455/2015](#), a fee of EUR 86 is charged for adversarial court proceedings in a district court under the procedure set out in Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure.

In the case of appeal proceedings, a fee is charged as in national proceedings under the Act on Court Fees.

In Finland, the fee for court proceedings is charged once the case has been closed. As a rule, an invoice, i.e. a remittance form for payment of the fee, is sent to the party in question.

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

An appeal against a judgment given in the European Small Claims Procedure may be made to the Helsinki Court of Appeal (*Helsingin hovioikeus*), as provided for in Chapters 25 and 25a of the Code of Judicial Procedure (Appeal from the District Court to the Court of Appeal).

Under Section 5 of Chapter 25 of the Code of Judicial Procedure, a party who wishes to appeal a decision of the District Court is required to declare an intention to appeal, under threat of forfeiting their right to be heard. A declaration of an intention to appeal must be filed, at the latest, on the seventh day after the day on which the decision of the District Court was handed down or made available to the parties.

Under Section 11 of Chapter 25 of the Code of Judicial Procedure, when a declaration of an intention to appeal has been filed and accepted, the party concerned is provided with appeal instructions that are annexed to a copy of the decision of the District Court. The deadline for lodging the appeal is 30 days from the day on which the decision of the District Court was handed down or made available to the parties (Section 12 of Chapter 25 of the Code of Judicial Procedure). The party must deliver the appeal document to the registry of the District Court at the latest before the end of office hours on the last day for lodging the appeal. An appeal that is out of time will be ruled inadmissible.

When a decision of the District Court is appealed, leave for continued consideration is required from the Court of Appeal pursuant to Chapter 25a of the Code of Judicial Procedure.

An appeal against a decision by the Court of Appeal must be brought before the Supreme Court (*korkein oikeus*) as provided for in Chapter 30 of the Code of Judicial Procedure. The deadline for requesting leave to appeal and lodging the appeal is 60 days from the date on which the decision of the Court of Appeal was made available to the parties. The request for leave to appeal addressed to the Supreme Court must be delivered to the registry of the Court of Appeal that issued the judgment.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The final judgment shall be reviewed again by the court that issued the judgment that became final. The review shall be carried out in accordance with the provisions of Chapter 31, Sections 3 to 5 and 14a of the Code of Judicial Procedure concerning extraordinary appeals.

#### **Article 25 1 (i) Accepted languages**

Finnish, Swedish and English.

#### **Article 25 1 (j) Authorities competent for enforcement**

In Finland the bailiff (*ulosottomies*) is the competent authority for the enforcement of judgments given in the Small Claims Procedure. The initiation of enforcement is governed by Chapter 3 of the [Enforcement Code 705/2007](#). The bailiff in the respondent's place of residence or domicile or another local enforcement authority is competent to act. The bailiff is also competent for the purpose of applying Article 23. It is the district bailiff (*kihlakunnanvouti*) who decides on the measures referred to in that article.

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### **Small claims - Sweden**

#### **Article 25 1 (a) Competent courts**

The court competent to examine an application launching the European Small Claims Procedure is the district court (*tingsrätt*).

#### **Article 25 1 (b) Means of communication**

Applications launching the European Small Claims Procedure must be lodged with the competent district court directly or by post. It is also possible to lodge an application electronically via an e-service available on the Swedish Courts' website: [Sign and submit documents digitally –Swedish Courts](#).

#### **Article 25 1 (c) Authorities or organisations providing practical assistance**

The district court or, if an appeal has been lodged against a judgment in the European Small Claims Procedure, the court of appeal (*hovrätt*) or the Supreme Court (*Högsta domstolen*). Information is also available on the Swedish Courts' website <https://www.domstol.se>.

#### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

An authority may serve documents electronically (e.g. by e-mail). The first consideration when selecting the method of service is that it should be appropriate to the content and size of the document and should entail the least possible costs and inconvenience. Documents must not be served in a way that is inappropriate given the circumstances of the case.

Other written communication may be sent by post or electronically (e.g. by e-mail).

#### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

There is no obligation to accept electronic service of documents.

#### **Article 25 1 (f) Court fees and the methods of payment**

The application fee is SEK 900. It can be paid by card (Mastercard/Visa) or by bank transfer via the Swedish Courts' website <https://betala.etjanst.domstol.se/betala/start>

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

An appeal against a judgment by a district court can be made to the court of appeal. Appeals must reach the district court within three weeks of the date on which the judgment is received by the parties. Appeals must be addressed to the competent court of appeal.

If one party has lodged an appeal against a district court judgment, the other party, in addition to what was stated above, may appeal against the judgment within one week of the day on which the deadline for appeal for the first party expires. Such an appeal will lapse if the first appeal is withdrawn or lapses for some other reason.

An appeal against a judgment by a court of appeal can be made to the Supreme Court. Appeals must reach the appeal court within four weeks of the date on which the judgment was delivered.

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Applications for review must be submitted to the competent court of appeal.

#### **Article 25 1 (i) Accepted languages**

A certificate of a judgment issued in a European Small Claims Procedure must be issued in, or translated into, Swedish or English in order to be accepted.

#### **Article 25 1 (j) Authorities competent for enforcement**

The Swedish Enforcement Administration (*Kronofogdemyndigheten*) has competence with respect to enforcement in Sweden and also takes decisions pursuant to Article 23.

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## Small claims - England and Wales

### Article 25 1 (a) Competent courts

The court(s) that have jurisdiction to give judgment in the European Small Claims Procedure in England and Wales are the county court and the High Court of Justice. In most cases the procedure will be before a District Judge in a county court.

The jurisdiction of the county courts is entirely statutory and covers almost the whole field of civil law. The general jurisdiction in civil law is mostly concurrent with that of the High Court, save that personal injury claims for less than £50,000 and money claims for less than £15,000 must be started in the county court. Further detail is to be found in the [High Court and County Courts Jurisdiction Order 1991 \(as amended\)](#). A number of statutes confer exclusive jurisdiction on the county courts - for example, virtually all cases under the Consumer Credit Act 1974, and most actions by mortgage lenders and landlords. A claim can be issued in any county court in England and Wales. The Court Service website has the addresses of all the [county courts](#) and [details of the High Court](#).

### Article 25 1 (b) Means of communication

The means of communication acceptable by courts in England and Wales for the purposes of commencing the European Small Claims Procedure is by post (due to the necessity to take a court fee to issue the process – Courts in England and Wales cannot at the moment accept payment of court fees by credit or debit cards). However, subsequent documents will be allowed to be sent to the court by post, facsimile or by e-mail in accordance with [Part 5 of the Civil Procedure Rules](#) which contains rules for filing and sending documents to court.

### Article 25 1 (c) Authorities or organisations providing practical assistance

An appeal is available in England and Wales against a judgment given in the European Small Claims Procedure. [The Access to Justice Act 1999 \(Destination of Appeals\) Order 2000](#) (the 2000 Order) prescribes the destination of appeals from courts including the county courts. Under the 2000 Order, a Circuit Judge in the county court will deal with an appeal against a decision made by District Judge in the European Small Claim Procedure. Thereafter any appeal will lie in the High Court.

The provisions contained in [Part 5.2 of the Civil Procedure Rules](#) and its accompanying Practice Direction govern the procedure for any such appeal and specifies the times limits within which such appeal should be lodged.

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The official language acceptable pursuant to Article 21(2)(b) is English.

### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

As is the case in our domestic small claims procedure it will be the responsibility of the successful party in the European Small Claims Procedure to arrange for enforcement of the court's order.

The competent authority for the purposes of enforcement, and for the purposes of Article 23 will be the county court and the High Court. Contact details are provided in a) above.

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## Small claims - Northern Ireland

### Article 25 1 (a) Competent courts

The county court is the court competent to provide a judgment in the European Small Claims Procedure in Northern Ireland. The procedure will be dealt with by a district judge.

### Article 25 1 (b) Means of communication

The means of communication acceptable by courts in Northern Ireland for the purposes of commencing the European Small Claims Procedure is by first class recorded delivery post.

### Article 25 1 (c) Authorities or organisations providing practical assistance

The Northern Ireland Courts and Tribunals Service will provide practical assistance in accordance with Article 11 but cannot offer legal advice on the Regulation.

The Citizens' Advice Bureau or other consumer advice centres operating in Northern Ireland may also be able to provide practical assistance. Further assistance may be available from a solicitor. The Law Society for Northern Ireland can provide contact details for local solicitors.

### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

No electronic service and communication is technically available and admissible under the procedural rules in Northern Ireland. The means of communication is by first class recorded delivery post.

### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

There will be no obligation on any person in Northern Ireland to accept service by electronic means.

### Article 25 1 (f) Court fees and the methods of payment

No court fees are currently payable in respect of the European Small Claims Procedure in Northern Ireland. The position is, however, under review.

### Article 25 1 (g) Appeal procedure and courts competent for an appeal

No appeal is available against an order given under the European Small Claims procedure in Northern Ireland.

### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

An application should be lodged with the court that issued the judgment. The county court is the competent court for such a review in Northern Ireland.

### Article 25 1 (i) Accepted languages

The official language acceptable pursuant to Article 21(a)(1) is English.

### Article 25 1 (j) Authorities competent for enforcement

The competent authority for the purposes of the application of Article 23 will be the Enforcement of Judgments Office and the Master, Enforcement of Judgments. As is the case in domestic small claim procedure it will be the responsibility of the successful party in the European Small Claims Procedure to arrange for enforcement of the court's order.

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## **Small claims - Scotland**

### **Article 25 1 (a) Competent courts**

The court that is competent to give judgment in the European Small Claims Procedure in Scotland is the [Sheriff Court](#) and in all cases the procedure will be before a sheriff.

### **Article 25 1 (b) Means of communication**

The means of communication acceptable by courts in Scotland for the purposes of commencing the European Small Claims Procedure will be similar to that followed in the domestic Simple Procedure, which is by ordinary mail. Claimants may also lodge the claim form with the appropriate Sheriff Court personally during business hours. The Scottish Courts and Tribunals Service (SCTS) website provides information on the location of all Sheriff Courts in Scotland including business hours and contact details: [ScotCourts](#).

### **Article 25 1 (c) Authorities or organisations providing practical assistance**

The Sheriff Clerk's Office will assist in completion of the claim in Form A. However, the assistance provided by the Sheriff Clerk's Office cannot include legal advice. Free advice and assistance on progressing a European Small Claim can also be sought from a solicitor or any of the following organisations:

Scottish Association of Law Centres

Citizens Advice Bureau

Consumer Protection Centres

Consumer Protection Departments

On-Court Adviser at Aberdeen, Airdrie, Dundee, Edinburgh, Hamilton and Kilmarnock Sheriff Courts

The Law Society of Scotland can also provide contact details for local solicitors.

### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

If the defender's address is within the UK then documents must be served by first class recorded delivery. If the defender's address is outside the UK then the documents must be served by registered post.

Electronic service is not available under the procedural law of Scotland. However, parties to the claim may communicate electronically on matters relating to the claim where there is no requirement in the Regulations or Rules of Court for them to be formally sent or received. Any such communication can be sent using the generic email address for the relevant Sheriff Court. However, the Sheriff Clerk's Office are not permitted to provide legal advice.

### **Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

There is no obligation on any person in Scotland to accept service by electronic means.

### **Article 25 1 (f) Court fees and the methods of payment**

Current fees, payable from 1 April 2019::

To lodge a European Small Claim form for 250 euros or less - £19

For all other European Small Claim forms - £104

Marking (i.e. notifying the court of an intention to) appeal - £61

Fees payable from 1 April 2020 will be:

To lodge a European Small Claim form for 250 euros or less - £19

For all other European Small Claim forms - £106

Marking i.e. notifying the court of an intention to appeal - £62

An applicant may be entitled to exemption from paying court fees in certain circumstances - see link:

[Fee Exemptions](#)

Methods of payment:

Cheques - made payable to "The Scottish Courts and Tribunals Service"

Debit and Credit Card - please check which types of card are acceptable with the appropriate court

Postal Order - made payable to "The Scottish Courts and Tribunals Service"

Cash - if paying by post it is not advisable to make cash payments

### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

As in the domestic Simple Procedure an appeal will be available against a judgment given by a Sheriff in the European Small Claims Procedure. An appeal will be to the Sheriff Appeal Court and can only be taken on a point of law. The decision of the Sheriff Appeal Court will be final and not subject to any further review.

The appeal is a two stage process:

Stage 1 - Rule 16.2 of the Act of Sederunt (Simple Procedure) 2016 specifies the time limit for lodging an appeal in a domestic Simple Procedure claim as 4 weeks from the date of sending the final decision and this period will apply to the European Small Claims Procedure. The procedures applicable to an appeal can be found in Part 16 of the Act of Sederunt (Simple Procedure) 2016.

Stage 2 - once the appeal has been sent to the Sheriff Appeal Court, the Rules covering appeals in the Sheriff Appeal Court will apply and can be found in Part 16 of the Act of Sederunt (Simple Procedure) 2016 and Parts 2, 4, 5, and 6 of the Act of Sederunt (Sheriff Appeal Court Rules 2015).

The Rules of Court can be accessed here: [ScotCourts](#)

### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

Rule 5(1) of the Act of Sederunt (Sheriff Court European Small Claims Procedure Rules) 2008 ("the Rules"), as amended, provides that a review is to be made in Form 3 (which is set out in the Schedule to the Rules). Rule 5 states that the sheriff may make any order he thinks fit for the progress of any such application. Otherwise, the procedure will follow Article 18 of the Regulation.

### **Article 25 1 (i) Accepted languages**

The official language acceptable pursuant to Article 21(1)(a) is English.

### **Article 25 1 (j) Authorities competent for enforcement**

Sheriff Officers and Messengers at Arms are the competent authorities for enforcement in Scotland. They will be instructed by creditors to enforce court orders or warrants against debtors which are issued by sheriff courts.

An application may be made to the court (being the competent authority) to stay (in exceptional circumstances) or limit enforcement in terms of Article 23 of the Regulation. An application to a court in Scotland shall be made in Form 5 in terms of Rule 5 of the Act of Sederunt (Sheriff Court European Small Claims Procedure Rules) 2008 ("the Rules"), as amended. The sheriff (the court) may make any order he thinks fit for the progress of any such application in terms of Rule 5(4) of the 2008 Rules.

It is the responsibility of the successful party to have the court's order enforced. The court cannot do so on their behalf. They will also be responsible for the cost of any enforcement action, although they may be able to recover this from the other party.

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#### **Small claims - Gibraltar**

##### **Article 25 1 (a) Competent courts**

The Court which will have jurisdiction to give judgment in the European Small Claims Procedure in Gibraltar is the Supreme Court of Gibraltar. The procedure will be before the Master of the Supreme Court who is the designated Judge for Small Claims.

##### **Article 25 1 (b) Means of communication**

The means of communication that will be acceptable by the Courts in Gibraltar will be by post alone (due to the necessity to take a court fee to issue the process).

##### **Article 25 1 (c) Authorities or organisations providing practical assistance**

An appeal is available in Gibraltar under the provisions of the Supreme Court Rules 2000 which basically provides that such appeal shall be to the Additional Judge or the Chief Justice of the Supreme Court.

The provisions contained in Part 52 of the Civil Procedure Rules and its accompanying Practice Direction will further govern procedures for any such appeal. The Supreme Court Rules 2000 set down the time scale for such appeals to be lodged and, the Supreme Court Rules and Part 52.4 specify the time limits within which such an appeal should be lodged.

##### **Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof**

The Official Language which is acceptable pursuant to Article 21(2)(b) is English.

##### **Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means**

The competent authority for the purposes of enforcement and for the purposes of Article 23 shall be the Supreme Court of Gibraltar.

##### **Article 25 1 (f) Accepted languages**

The Official Language which is acceptable pursuant to Article 21(2)(b) is English.

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