

The procedure in action

CASE 1: A REFUND

A Dutch consumer buys a laptop from a French online store and the laptop arrives damaged. After several attempts to secure a refund, the consumer turns to a lawyer, who recommends using the ESCP.

1. The lawyer downloads and fills in Claim Form A from the Dynamic Forms section of the e-Justice Portal and submits it to a court in the Netherlands along with the receipt for the laptop, email exchanges with the store and photo of the damage.
2. Within 14 days, the court sends a copy of the form to the online store, giving it 30 days to respond.
3. The store replies, using Answer Form C.
4. The court orders the store to refund the consumer and to reimburse legal costs.

CASE 2: NON-PAYMENT OF BILL

A graphic designer in Spain claims a German client has failed to pay an invoice of €800.

1. He fills out Claim Form A.
2. Within 14 days, the court sends a copy of the form to the German company.
3. The German company responds, asking for an oral hearing.
4. The court hears from both parties via video linkup and partially rules in favour of the graphic designer, the German company has to pay part of the bill.



Give people an easier way to compensation when things go wrong. Download the European Small Claims Procedure guide for practitioners to find out all about the procedure and the new measures to make it faster and more effective: https://e-justice.europa.eu/content_small_claims-42-en.do

Visit the e-Justice Portal for more on civil justice in the EU: <https://e-justice.europa.eu/home.do?plang=en&action=home>

Follow us

 <https://www.facebook.com/EUJustice/>

 https://twitter.com/EU_commission

European Judicial Network
in civil and commercial matters



Publications Office
of the European Union

ISBN 978-92-76-03947-1
doi:10.2838/027977



The new look European Small Claims Procedure

Fast and effective
resolution of
cross-border
disputes

Δικαιοσύνη και
Καταναλωτές

A faster way to settlement

The European Small Claims Procedure (ESCP) is a handy tool for consumers and small and medium-sized businesses to chase debts and compensation up to €5 000 outside their country's borders.

Use it to help people get their money back faster and give them confidence to trade and shop abroad.

ADVANTAGES OF THE ESCP

- Courts in 26 EU countries are in this common scheme (all EU members bar Denmark).
- It is inexpensive, making small claims worth litigating.
- It is time efficient since it is mainly a written procedure.
- Its simplicity makes legal representation optional – but permitted.
- Courts can use technologies like video conferencing to keep everyone's time and costs to a minimum.
- A judgement issued in one of the countries is enforceable in the others.

A new improved procedure

The procedure was launched in 2007 (Regulation 861/2007) and upgraded in 2015 (Regulation 2015/2421) to make it faster and applicable to more cases. New measures effective from July 2017 include:

- Increase from €2 000 to €5 000 for value of claims.
- A clearer push to give claimants more practical assistance in Member States, via for example the European Consumer Centres.
- Clearer criteria on when oral hearings should be held.
- The use of electronic communication is encouraged to save costs and time.

What the courts need to know

- There are new requirements from July 2017 for court fees and costs to be proportionate.
- Enforcement certificates requested should be issued at no extra cost in other EU languages. Multilingual standard forms are available in the official languages of the EU institutions to help this.
- The courts should use new technologies to help take evidence and hear oral evidence only if necessary to make a judgment.
- Courts can serve claim forms and documents electronically if they are available and accepted.

The ESCP
makes
justice more
accessible.

