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The SCAN consortium consists of the following partners.

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¹ **Types.** **R:** Document, report (excluding the periodic and final reports); **DEM:** Demonstrator, pilot, prototype, plan designs; **DEC:** Websites, patents filing, press & media actions, videos, etc.; **OTHER:** Software, technical diagram, etc.

² **Dissemination levels.** **PU:** Public, fully open, e.g. web; **CO:** Confidential, restricted under conditions set out in Model Grant Agreement; **CI:** Classified, information as referred to in Commission Decision 2001/844/EC.



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Acronyms and Abbreviations

Acronym/Abbreviation	Description
SCAN	Small Claims Analysis Net
ESCP	European Small Claims Procedure
VUB	Vrije Universiteit Brussel
HEC	Hautes Etudes Commerciales de Paris
UNINA	Università degli Studi di Napoli Federico II
LUISS	Libera Università Internazionale degli Studi Sociali Guido Carli
COA	Consiglio dell'ordine degli Avvocati Di Roma
UL	Univerza V Ljubljani
VU	Vilniaus Universitetas
UAE	Union des Avocats Europeens



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E-Manual

SCAN E-Manual

A practical guide to the use of ESCP

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1. SCAN background

The SCAN project (Small Claims Analysis Net) was created in order to ensure the efficient implementation of the European Regulation No. 861/2007, as amended by the Regulation 2015/2421, introducing the European Small Claims Procedure (hereinafter ESCP) framework.

The main goal of this Regulation is to safeguard the right to have access to justice for consumers and SMEs in civil and commercial cross-border 5 small claims (currently up to 5,000 euros) through a more expedited, simplified and cost-efficient procedure.

Despite of this, the ESCP is not widely used which is mainly due to the lack of awareness about the procedure. The main reason for such lack of knowledge refers to the fact that either consumers are rarely introduced to the ESCP mechanism or they are unable to obtain accurate information about this Procedure and seek legal aid in this regard. Although, the ESCP is intended to function as a simplified procedural instrument, however, there are still some issues in using this Procedure such as language, cost related and enforcement obstacles that hamper the effective application of this Regulation. These issues are mainly deriving from the vast diversity in the Member States' national laws and the lack of harmonization in this aspect.

Accordingly, due to these significant issues, the SCAN project aims to analyze the implementation of this Regulation in the Member States as well as disseminating the knowledge of the European Small Claims Procedure among consumers to raise their awareness concerning this procedural tool. Besides being focused on disseminating information about the ESCP among consumers, this project also evaluates the level of awareness among the practitioners who dealt or deal with the ESCP in some way. These practitioners include lawyers, judges, academics and the experts. The consumer associations (due to their significant role in guiding and supporting consumers in being informed about their rights) about the Small Claims Procedure have been also taken into consideration within this project.

To this end, the SCAN Consortium conducted questionnaires and interviews on the use and application of the ESCP among various categories of Stakeholders, including judges, lawyers, academics and experts who provide legal advice; EU citizens/consumers/entrepreneurs; and representatives of consumer associations. The interviews provided an opportunity for the interviewed Stakeholders to freely express their views, concerns, and issues related to the ESCP. Thus, elaborating



the data derived from the interviews, the SCAN project partners were able to analyze the implementation of this procedural tool.

The data acquired from conducting the interviews enabled the Consortium to identify the best practices for the implementation of the ESCP in the partners' jurisdictions. The primary objective of the Consortium behind determining the best practices was to gather data on the better solutions adopted by the Member States in order to increase the efficiency of the ESCP Regulation, boosting protection of consumers and creditors in low-value cross-border disputes – with a fixed threshold – and address problematic issues that hinder or discourage consumer access to the ESCP. Having identified national best practices from the SCAN Project partners, a database of national guidelines has been created.

The SCAN consortium already hypothesized in the proposal that there was a lack of awareness of ESCP among practitioners. This prediction was confirmed by the results of the questionnaires and interviews.

The SCAN consortium, considering the above, has created a web platform to further facilitate the use of the ESCP. We have called it the European Small Claims Platform. It is an interactive guide designed to provide support to the European citizen regarding the correct filling in of the forms needed to activate the European procedure.

Therefore, the E-manual created by the SCAN Consortium aims to illustrate the European Small Claims Procedure and how the SCAN project intervened in order to improve the awareness and the use of this instrument.

2. Introduction to the E-Manual

The *SCAN E-Manual - A practical guide to the use of ESCP* allows a greater dissemination of the SCAN project and consequently of the European Small Claims Procedure (ESCP). The e-manual is designed especially for ESCP practitioners in order to guide them in the proper use of the ESCP procedure. In order to achieve these goals, the e-manual focuses on user-friendly concept and the approach used is based on legal design. The e-manual through illustrations, templates and contacts will allow a better understanding and an easy use of the procedure and the SCAN platform. In this way it will be usable even for the most curious citizens who want to protect their rights on their own.



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3. Structure

The e-manual contains a first part in which the SCAN project, the consortium, and the main study activities carried out are introduced.

It continues with a presentation of the ten introductory points to the use of the ESCP. This part is an introductory guide illustrating the essential features of the ESCP and explaining step-by-step instructions on how to use this Procedure.

This is followed by the description of the Guidelines for Judicial Authorities and Users. Through this section, the consortium aims to promote the use and a uniform application of the ESCP in the competent courts of the different Member States. Moreover, thanks to these guidelines, we believe that ESCP practitioners will be able to pick up on the strengths of the ESCP to optimize their own expertise in this field and it will be easier for them to direct possible users to the best resolution of a small cross-border dispute.

In addition, there is a section in e-the manual about the European justice portal. In this part, we included all the information on ESCP that already exists in order to provide readers with guidance on where to find what they are looking for on ESCP. One of the main difficulties highlighted in our analysis was finding information on the e-justice portal. The use of interactive links and images can make it very easy to find information such as ESCP forms, legislation, etc.

The last section of the e-manual describes the purpose and the functioning of the EuSCPportal.

The first web application developed in the portal is dedicated to the scope of the ESCP and illustrates to users the usability of this tool. By answering a few questions, the user can find out if its dispute can be solved through the ESCP. The second web application was introduced to help the user define in which EU Member State the competent court to resolve the dispute is located and, thus, in which language the procedure will take place.

The e-manual outlines the objectives of the EuSCPportal and its web application and describes how it works.

Finally, guidelines for policymakers are included at the end of the handbook to highlight the weaknesses of the ESCP as identified by the SCAN consortium analysis.



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4. Authors

The e-manual was produced by the UNINA unit in collaboration with the LUISS unit. Francesco Giuseppe Sacco, Flavia Rolando, Cristina D'Onofrio, Paola Chiara Ruggieri and Federica Pinto worked on the document as UNINA unit; Irene Abignente and Rita Tuccillo for LUISS. The whole work was then revised by the Project Coordinator Prof. Francesco Romeo.

5. Annex

On the next page the text of the e-manual.



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SCAN E-Manual

A practical guide to the use of ESCP

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Overview

The Small Claims Analysis Net (SCAN) is an EU cofounded project coordinated by the **University of Naples Federico II (UNINA)**, in consortium with 8 other European partners:

- **Univerza v Ljubljani (UL)** - Slovenia;
- **Libera Università Internazionale degli Studi Sociali Guido Carli (LUISS)** - Italy;
- **Vilniaus Universitetas (VU)** - Lithuania;
- **Vrije Universiteit Bruxelles (VUB)** - Belgium;
- **Établissement d'Enseignement Supérieur Consulaire Haute Études Commerciales de Paris (HEC)** - France;
- **Consiglio dell'Ordine degli Avvocati di Roma (COAROMA)** - Italy;
- **Associazione italiani difesa consumatori ed ambiente (ADICONSUM)** - Italy;
- **Union des Avocats Européens (UAE)** - Luxembourg.

The project started on October 31, 2018 and was completed on January 31, 2021.

The main goal of SCAN project is to highlight the added value of the European Small Claims Procedure (ESCP), a procedure aimed at simplifying and speeding up cross-border disputes up to 5000 € and available to litigants as an alternative to existing procedures under the laws of the Member States.

The European Small Claims Procedure is disciplined by EU Regulation [861/2007](#), as amended by EU Regulation 2015/2421. This regulation aims at safeguarding the right to have access to justice for consumers and SMEs in civil and commercial cross-border small claims (currently up to € 5000) through a more expedited, simplified and cost-efficient procedure.

Despite this, the ESCP is not widely used which is mainly due to the lack of awareness about the procedure. The main reason for such lack of knowledge refers to the fact that either consumers are rarely introduced to the ESCP mechanism or they are unable to obtain accurate information about this Procedure and seek legal aid in this regard. Although, the ESCP is intended to function as a simplified procedural instrument, however, there are still some issues in using this Procedure such as language, cost related and enforcement obstacles that hamper the effective application of this Regulation. These issues are mainly deriving from the vast diversity in the Member States' national laws and the lack of harmonization in this aspect.

Accordingly, due to these significant issues, the SCAN project aims to analyse the implementation of this Regulation in the Member States as well as disseminating the knowledge of the European Small Claims Procedure among consumers to raise their awareness concerning this procedural tool.

Besides being focused on disseminating information about the ESCP among consumers, this project also evaluates the level of awareness among the practitioners who dealt or deal with the ESCP in some way. These practitioners include lawyers, judges, academics and the experts. The consumer associations (due to their significant role in guiding and supporting consumers in being informed about their rights) about the Small Claims Procedure have been also taken into consideration within this project.

To this end, the SCAN Consortium conducted interviews on the use and application of the ESCP among various categories of Stakeholders, including judges, lawyers, academics and experts who provide legal advice; EU citizens/consumers/entrepreneurs; and representatives of consumer associations.

The interviews provided an opportunity for the interviewed Stakeholders to freely express their views, concerns, and issues related to the ESCP. Thus, based on the data derived from the interviews, the SCAN project partners were able to analyse the implementation of this procedural tool.

The data acquired from conducting the interviews enabled the Consortium to identify the best practices for the implementation of the ESCP in the partners' jurisdictions. The primary objective of the Consortium behind determining the best practices was to gather data on the better solutions adopted by the Member States in order to increase the efficiency of the ESCP Regulation, boosting protection of consumers and creditors in low-value cross-border disputes – with a fixed threshold – and address problematic issues that hinder or discourage consumer access to the ESCP. Having identified national best practices from the SCAN Project partners, a database of national guidelines has been created.

The guidelines identified by the partners at national level were then harmonised and collected in two different categories of guidelines: one addressed to Policymakers (included in Annex 1 of the e-manual), with the aim of suggesting possible changes to the existing legislation; the other addressed to Judicial Authorities and Users, with the aim of allowing a better knowledge of the ESCP and to facilitate and increase its application.

Ten-point introductory guide to the ESCP

Based on the interviews, questionnaires and other materials collected on the European Small Claims Procedure, the partners of the SCAN Consortium propose the following “Ten-point introductory guide on the ESCP” to increase awareness, facilitate the access and encourage the use of the ESCP. This Ten-Point Guide summarizes the main characteristics and essential rules of the ESCP.

1. The European Small Claims Procedure - ESCP (European Regulation No. 861/2007, as amended by the European Regulation 2015/2421) applies to every European Member State, except for Denmark, which is not bound to apply the regulation.

The ESCP is an alternative procedure to the domestic civil procedure applicable in each of the Member States. Therefore, the ESCP is a potential avenue for citizens to resolve cross-border disputes in a short time and with low costs. It is part of the judicial cooperation sector in the European context, as an instrument aiming to establish a uniform procedure for small claims disputes, necessary for the proper working of the EU internal market.

The small claims procedure has significant strengths, such as speed, simplicity, the possibility of employing modern technologies to eliminate the geographical distance between the parties, the enforceability of the decision across different Member States and cost reduction.

2. The ESCP procedure applies to **cross-border civil and commercial disputes of a value not exceeding € 5,000**.

A dispute is “**cross-border**” when at least one of the parties (plaintiff or defendant) has its residence or domicile in an EU Member State different from the one of the competent court. The maximum **value** of a dispute to which the regulation is applicable (**€ 5,000**) must be calculated without adding interest, expenses and disbursements to the value of the claim.

The expression “**civil and commercial matters**” is not defined in the ESCP and cannot be determined by the meaning established in any specific legal system. Instead, it must be given an autonomous meaning derived from the objectives and scheme of the EU legislation. It is generally understood that there is a distinction between civil matters, on one side, and public law matters, on the other; therefore, according to the European Court of Justice, a matter is not to be considered ‘civil or commercial’ when it concerns a dispute between a public authority and a private person when the former is acting in the exercise of a public power (*acta iure imperii*).

However, some disputes cannot be decided under the ESCP regulation. In particular, the disputes concerning the following matters are excluded from the scope of the regulation: status and capacity

of natural persons; marriage and family relationships; successions; bankruptcies and other insolvency proceedings; social security; arbitration; labour law; personality rights; leases.

3. The legal procedure established in the ESCP is conducted in **written form**. This ensures the simplification and the celerity of the procedure, with a hearing taking place only exceptionally.

In fact, a **hearing** is set exclusively in the event that the court is unable to issue a judgment based on the written evidence or if the hearing is requested by one of the parties; the parties' request, however, is subject to the review of the judicial court, which may reject it if the hearing is found to be unnecessary for the purposes of the case.

In the residual cases where it may be necessary or appropriate to carry out the hearing, it is possible to use remote communication technologies such as video conference or teleconference in order to ensure full accessibility to the procedure.

4. The Claim Form has to be sent to the courts of the Member State having **international jurisdiction over the case under EU law. The domestic rules of each Member State will then determine the specific court within its territory with jurisdiction to hear the case.**

The rules to identify the Member States having international jurisdiction are those set out, mainly, in the EU Regulation No. 1215/2012. This means that, in order to establish to which court a claim should be sent, it is necessary to establish if the claim arises from a contractual obligation or a non-contractual obligation – such as an obligation arising through the fault or negligence of the defendant which has given rise to loss, injury or damage to the claimant.

Once the Member State with international jurisdiction has been identified, it is necessary to identify the court that has local jurisdiction. Each Member State has indicated the internal court competent to decide the small claims and this is easily found on the European e-Justice portal.

5. The procedure takes place **without establishing the need for the parties to have the assistance of a lawyer**. Thus, the claimant and the defendant could participate in the judgment alone, without a lawyer. The non-mandatory nature of legal assistance entails a significant reduction in the costs that the parties could potentially incur to resolve the dispute.

The information on the ESCP and the practical assistance in fulfilling the forms is to be ensured by the Member States and through the EU e-Justice portal, which contains all the essential information to initiate the procedure.

6. The first step to initiate a small claim procedure is to fill the online version of “**FORM A**”, available in the e-Justice portal. The standard form should be filled in the language of the judge competent to hear the dispute. Forms are drawn up in a clear and easily understandable way, allowing them to be completed without the assistance of a lawyer. The claimant should attach to **Form A** any relevant supporting documents and send it to the competent court.

Within 14 days of receiving the application form, the court should serve a copy of it, along with the Answer Form, to the defendant. The defendant has 30 days to reply, by filling the Answer Form (“**Form C**”). The Court must send a copy of any reply to the plaintiff within 14 days of the court receiving it.

Both the Claim Form and the Answer Form must be submitted in the language of the court competent to hear the case, and this also applies to the description of the supporting documents.

7. The ESCP is a **fast procedure** that usually ends in a few months. In fact, within 30 days of receiving the defendant's answer (if any), the competent court must either issue a judgment on the small claim, request further details in writing from each party, or summon the parties to an oral hearing.

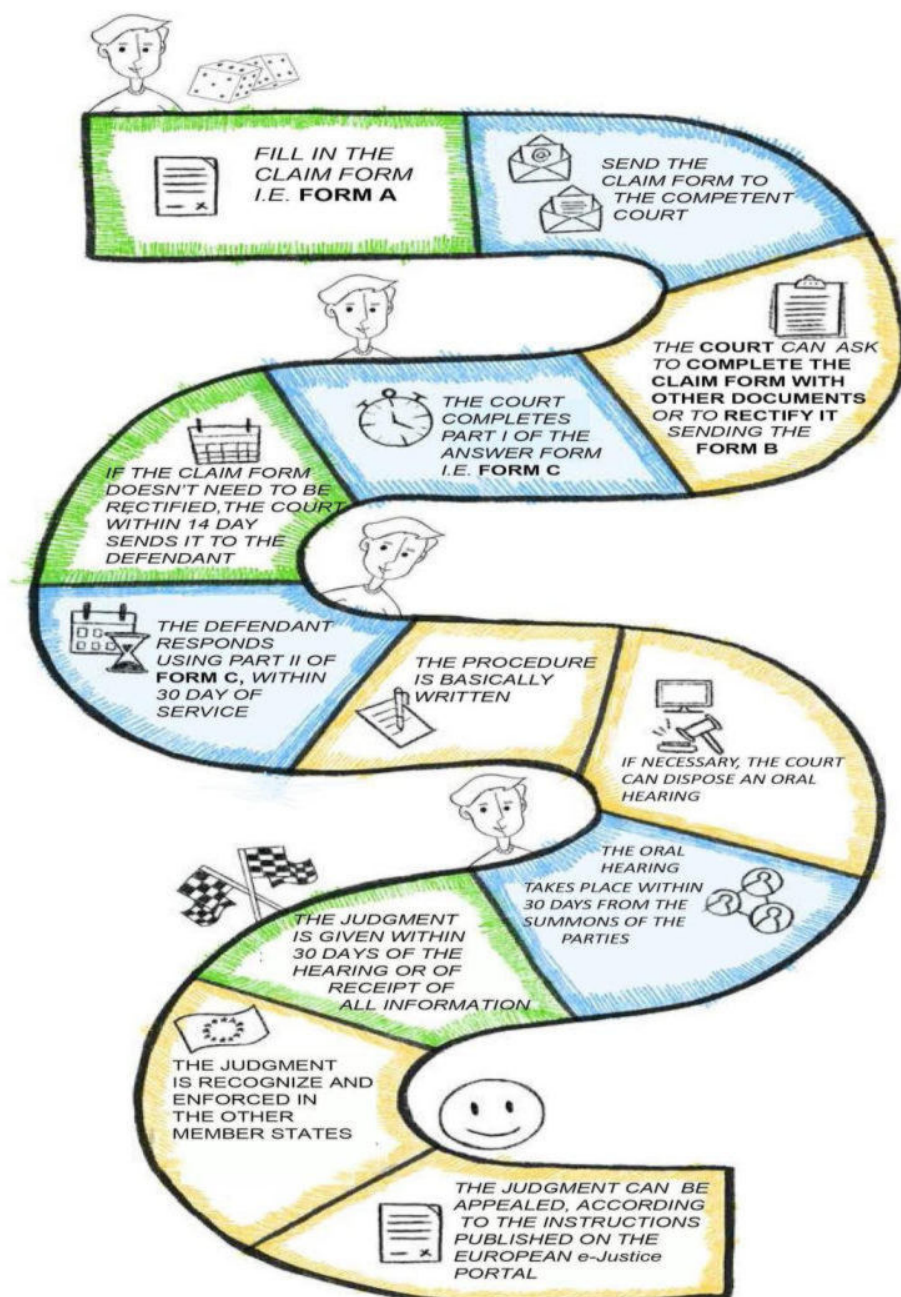
8. The cost of lodging the claim is regulated by the domestic law of the competent court. In most of the Member States, the courts charge a fee for accepting a claim under the ESCP and will not process a claim unless and until the fee is paid. This information is available in local websites and through the e-Justice Portal. However, in accordance to Article 15 (a) of the ESCP, court fees must be proportional and not higher than those charged in the context of comparable domestic procedures.

9. On request of one of the parties, the judge, in addition to the judgment, must issue a certificate (“**FORM D**”). The judgment, with this certificate, is recognized and can be executed immediately in any of the Member States without the need for further formalities. The only reason to refuse enforcement, in another Member State, is when that judgment is irreconcilable with another existing judgment between the same parties. Enforcement takes place in accordance with the domestic rules and procedures of the Member State where the execution of the judgment is being sought.

10. The judgment, according to Article 18 of the ESCP, could be **reviewed** by the court where the decision was given in exceptional cases. This is possible either where the outcome of the decision is against the defendant and in favour of the claimant, or where the defendant has initiated a counterclaim, and the court has granted a judgment against the claimant.

The possibility of **appeal** against the judgment depends on the national law of the Member State where the judgment is issued. If there is an appeal available, the same rules applicable to the original proceedings extend to the appeal. The information on whether an appeal is available and, if so, which court is competent, is shown on the e-Justice Portal.

The provisions of Article 10 on legal representation apply to the proceedings for judgment review, but not to all appeal procedures, which are governed by the national law of every Member State, which in some cases may require the assistance of a lawyer.



Guidelines for Judicial Authorities and Users

The analysis of the questionnaires and interviews presented to Stakeholders during the SCAN project also revealed the need to increase awareness and knowledge of the ESCP and to disseminate guidelines for the uniform application of the procedure by the competent judicial authorities in each Member State. Through these guidelines, the SCAN Consortium offers best practices and suggestions to increase the use of the ESCP; to make the process more accessible to consumers and users; and to ensure uniform application of the rules contained in Regulation 861/2007. More specifically, SCAN Consortium proposes the following Guidelines for Judicial Authorities and Users in order to promote the use and an uniform application of the ESCP in the competent courts of the different Member States.

A. Initiatives to promote the awareness, use and knowledge of the European Small Claims Procedure

1. Organising training events for judges, lawyers and consumers, not only specifically about the small claims' procedure created by the ESCP, but also regarding digitisation, the use of electronic means of communication and translation services for different foreign language(s).
2. Inserting the study of Regulation No. 861/2007 in the curriculum of law schools, in the context of courses on civil procedural law, EU law, consumer rights' protection, private law or commercial law.
3. Promoting inter organisational workshops and training within the courts competent to apply the ESCP.
4. Serious efforts should be undertaken in the judicial systems of each Member State to promote the digitisation of the communication services in the court(s) competent to apply the Regulation No. 861/2007.
5. The court competent under the ESCP Regulation should ensure the necessary equipment and staff training needed to promote digitisation.
6. The rules about the e-filing and e-evidence should be harmonised under the ESCP. The judges should be equipped with the necessary tools to accept e-evidence and e-filing (instead of being able

to accept only documents and files sent by ordinary post or delivered in person, as it happens in some countries).

7. Every Member State should upload the judgments rendered under the ESCP Regulation in a public online portal, to disseminate models of best practices regarding small claims' disputes.

8. Creating a specific website to centralize useful information about the ESCP Regulation or to increase the knowledge regarding the European e-Justice Portal.

B. About the application of the EU Regulation No. 861/2007: assistance to users; transparency of the procedure and role of the judge

1. Ensuring the effective implementation of Article 11 of the ESCP Regulation and providing or increasing (in the countries where there are already forms of assistance for citizens in place) the role of an information desk to assist users.

2. Increase cost transparency for the small claims procedure through the development of a standard table of costs for each kind of expense and by making available an electronic calculator on the European e-Justice Portal.

3. Clarifying that the criteria determining the maximum value of small claims under the ESCP Regulation do not include interests, expenses and disbursements, despite the potential provisions of domestic law stating otherwise.

4. Establishing a specific translation centre at the EU level available for all Member States or a common online translation platform shared by all Member States.

5. Authorising the parties to provide answers to the ESCP forms and evidence in several languages.

6. Judicial authorities should encourage the use of ADR or ODR in ESCP cases by inviting the parties to use them.

C. Further Suggestions

1. Setting a specific and simplified appeal procedure under the ESCP, because the appeal procedures provided by the domestic laws of the Member State are significantly different.

2. Appointing one or a few national courts as competent to apply the ESCP in each Member State, provided that teleconferencing tools are available, dispensing with the need for the parties to physically go to the court.
3. Introducing an express provision in the ESCP allowing for class actions.

The use of e-justice portal for the ESCP

The European e-Justice Portal is conceived as a future electronic one-stop-shop in the area of justice. It is a tool created and developed to respond to the needs of European citizens. It provides information on the rights deriving from European Union law, on ways to enforce them and on national judicial systems, with the aim of improving access to justice. To ensure effective usability, the website is available in 23 languages.

Here you can find the [beta version of the e-justice portal](#), which is the new version of the Portal, regularly updated and improved. Until the migration process is completed, both the current and the new versions of the Portal will run in parallel.

There are nine boxes on the home page, each accompanied by a brief explanation of the content and with various options that can be viewed by clicking on "show more". The nine boxes are: Family matters & inheritance, Money/monetary claims, Court procedures, Taking legal actions, Your rights, legislation and case law, Registers - business, insolvency & land, Find a legal professional, Trainings, Judicial network and agencies.

Information and functions on the European Small Claims Procedure are directly available in the box Money/monetary claims. The third item of this box allows access to the webpage where the main information on this tool is summarized.

[Here](#) you can find a brief explanation of the function and functioning of the European Small Claims Procedure. In addition, links provide direct access to:

- the consolidated text of the Regulation 861/2007 establishing a European Small Claims Procedure
- the Standard forms that have been drawn up for the European Small Claims Procedure

Small claims

The European Small Claims procedure is designed to simplify and speed up cross-border claims of up to €5000.



Regulation



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Hungary	Malta
Netherlands	Austria
Poland	Portugal
Romania	Slovenia
Slovakia	Finland
Sweden	United Kingdom

The [European Small Claims Procedure](#) is available to litigants as an alternative to the procedures existing under the laws of the Member States. A judgment given in the European Small Claims Procedure is recognized and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition.

Standard forms have been drawn up for the Small Claims procedure and are available [here](#) in all languages. To start the procedure, "Form A" must be filled in. Any relevant supporting documents, such as receipts, invoices, etc. should be attached to the form.

Form A must be sent to the court that has the jurisdiction. Once the court receives the application form it must fill in its part of the "Answer Form". Within 14 days of receiving the application form, the court should serve a copy of it, along with the Answer Form, on the defendant. The defendant has 30 days to reply, by filling in his or her part of the Answer Form. The court must send a copy of any reply to the plaintiff within 14 days.

Within 30 days of receiving the defendant's answer (if any) the court must either give a judgment on the small claim, or request further details in writing from either party, or summon the parties to an oral hearing. If there is an oral hearing, it is not necessary to be represented by a lawyer and if the court has appropriate equipment the hearing should be carried out through videoconference or teleconference.

With the certificate issued by the court (which might need to be translated into the language of the other Member State), and a copy of the judgment, the judgment is enforceable in all the other Member States of the European Union, without any further formalities. The only reason that enforcement in another Member State can be refused is if it is irreconcilable with another judgment in the other Member State between the same parties. Enforcement takes place in accordance with the national rules and procedures of the Member State where the judgment is being enforced.

Related links

[Regulation \(EC\) No 861/2007 - consolidated text of 14 June 2017](#) (1740 Kb)

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

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

[Infographic for consumers](#) (102 Kb)

[Leaflet for legal professionals](#) (553 Kb)

[Leaflet for businesses](#) (237 Kb)

[Web toolkit – information on a European Small Claims Procedure](#) (9.403 Kb)

[Small claims – notifications of the Member States and a search tool helping to identify competent court\(s\)/authority\(ies\)](#)

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

Related pages:

- [Court fees concerning Small Claims procedure](#)
- [Small claims forms](#)

Related link to Court fees



Other related links



Forms



At the bottom of the page, you can find the related links, with direct access to related links:

[Regulation \(EC\) No 861/2007 - consolidated text of 14 June 2017](#) (1740 Kb) (1740 Kb)

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

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

[Infographic for consumers](#) (102 Kb) (102 Kb)

[Leaflet for legal professionals](#) ^[OBJ] (553 Kb) ^[OBJ] (553 Kb)

[Leaflet for businesses](#) ^[OBJ] (237 Kb) ^[OBJ] (237 Kb)

[Web toolkit – information on a European Small Claims Procedure](#) ^[OBJ] (9.403 Kb) ^[OBJ] (9.403 Kb) ^[en]

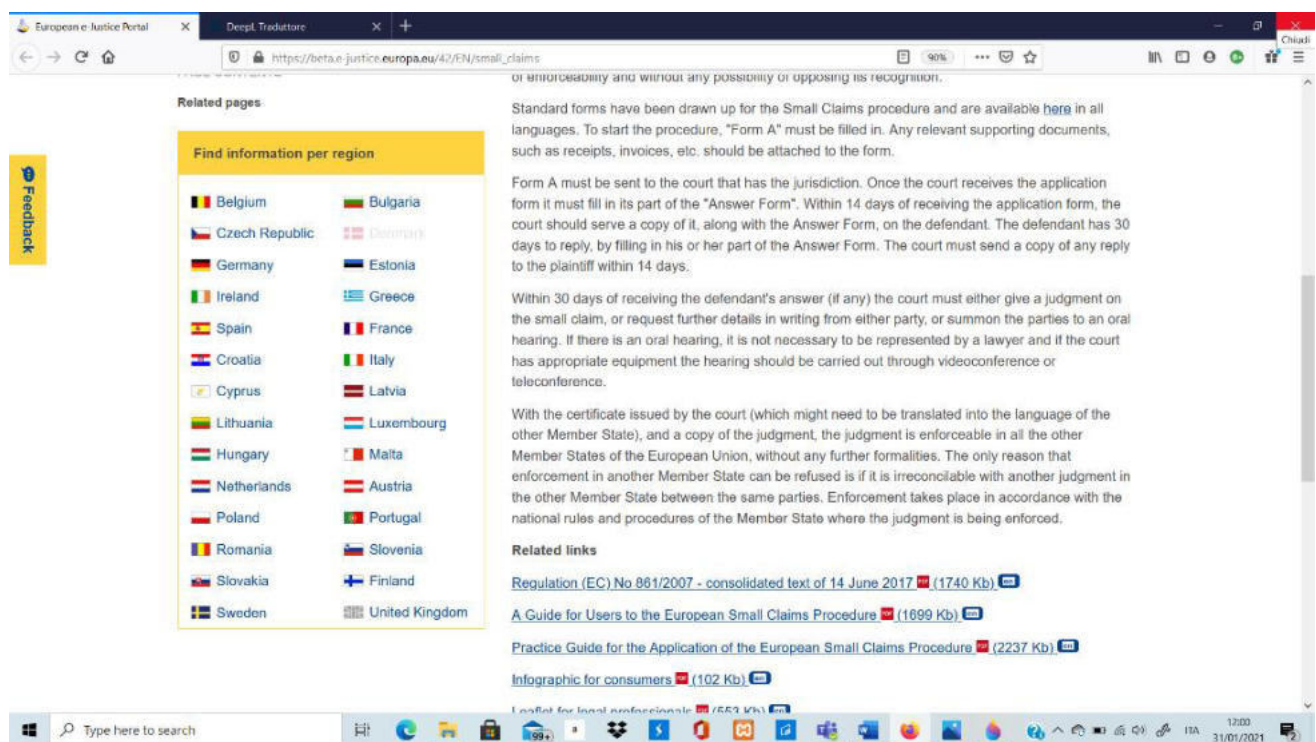
[Small claims – notifications of the Member States and a search tool helping to identify competent court\(s\)/authority\(ies\)](#)

Then you can also find the link to the related pages:

[Court fees concerning Small Claims procedure](#)

[Small claims forms](#)

A very useful tool is the “Find information per Region”, located on the left. By selecting the relevant country’s flag, you can obtain detailed national information on the existence of a specific small claims procedure and, more specifically, about Scope of procedure, threshold; Application of procedure; Forms; Assistance by a lawyer; Rules concerning the taking of evidence; Written procedure; Content of judgement; Reimbursement of cost; Possibility to appeal.



The page on [Court fees concerning Small Claims procedure](#) can also be accessed directly from the Money/monetary claims box on the home page. Here, by selecting one of the flags listed on the left,

the user can find all the information concerning fees: What fees are applicable, how much it shall be paid, what happened if the claimant does not pay the court fee on time, available means to pay and post-payment actions.

To directly access the forms, you can follow the following steps:

Home » Taking legal action » Online forms » Small claims forms

Here the [link](#) to the webpage.

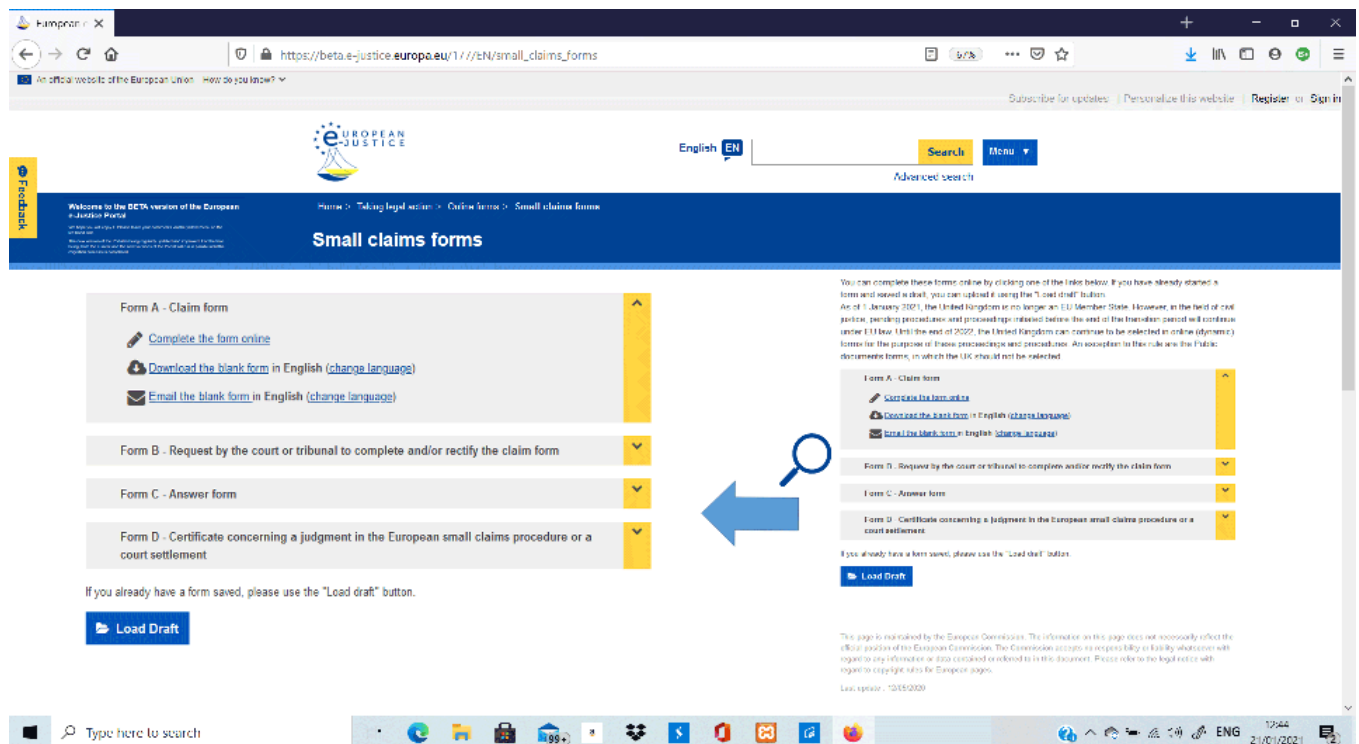
Here the user can find the four standard forms:

[Form A - Claim form](#)

[Form B - Request by the court or tribunal to complete and/or rectify the claim form](#)

[Form C - Answer form](#)

[Form D - Certificate concerning a judgement in the European small claims procedure or a court settlement](#)



In addition to providing a link to the form that can be completed online, on this page it is also possible to download a blank form in pdf format and email the blank form.

Moreover, it is provided a [Practice Guide for the Application of the European Small Claims Procedure \(2237 KB\) \(2237 KB\)](#).

[Here](#) you can find a dynamic form wizard, through which it is possible to ascertain whether the European Payment Order or ESCP can be used to resolve your dispute.

Finally, in the Taking legal action box, it is possible to select the European Judicial Atlas in civil matters and then, the page dedicated to the [small claims](#).

On this page the user can find general information on this tool, access the consolidated version of Regulation 861/2007, access the forms and, most importantly, use the search engine for courts and competent authorities. By entering the [Country of interest](#) and the competent court, the address, telephone and fax number, and e-mail address are displayed.

In addition, by selecting the flags placed on the left column, it is possible to view information on the practical functioning of the ESCP in that Country as communicated by the national authorities in accordance with Article 25 of Regulation 861/2007, namely:

- Article 25 1 (a) Competent courts
- Article 25 1 (b) Means of communication
- Article 25 1 (c) Authorities or organisations providing practical assistance
- Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof
- Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means
- Article 25 1 (f) Court fees and the methods of payment
- Article 25 1 (g) Appeal procedure and courts competent for an appeal
- Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review
- Article 25 1 (i) Accepted languages
- Article 25 1 (j) Authorities competent for enforcement

From the webpage [European Judicial atlas in civil matters](#) it is also possible to see [information on the Regulation 1215/2012](#) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

The SCAN web portal and platform

Project SCAN – Small Claims Analysis Net, aims to enhance the ESCP procedure and remove any obstacles to its practical and efficient implementation in the EU context.



The aim of the ESCP is to make the cross-border small claims procedure more user-friendly for the European citizen.

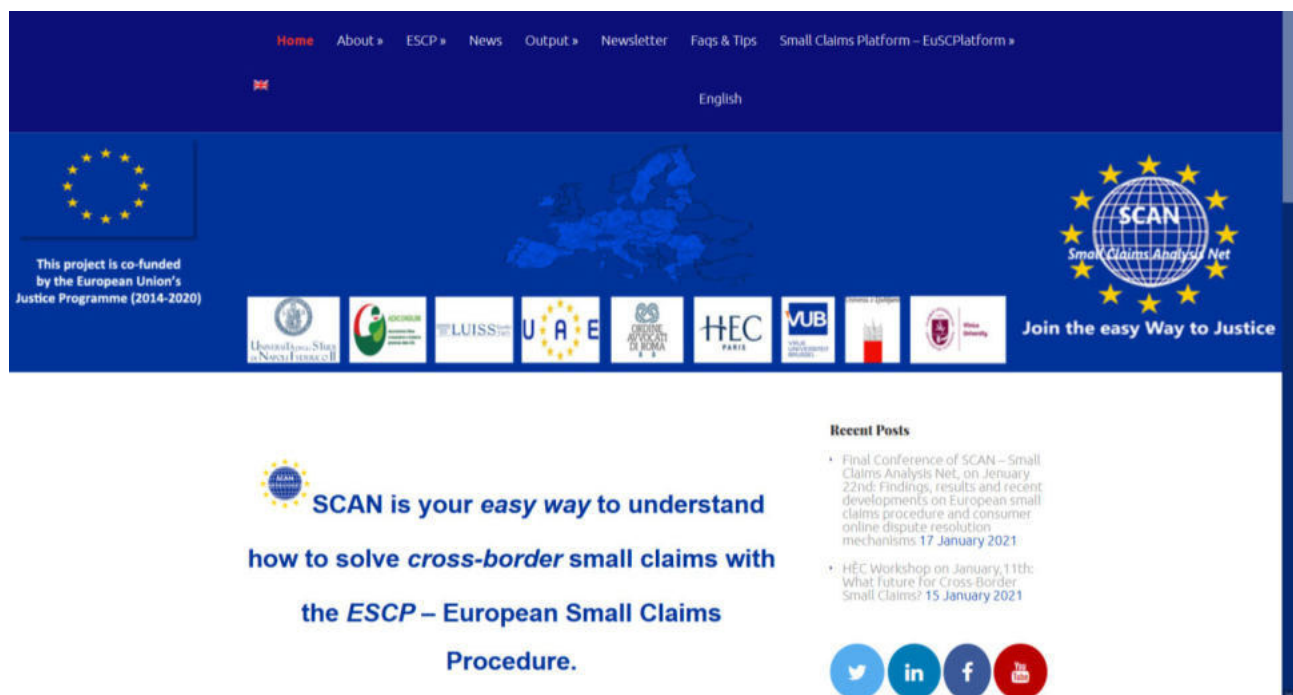


Therefore the SCAN project has decided on a so-called human-centred approach: the people targeted are the citizens (consumers, small and medium-sized enterprises and legal practitioners), and the European procedure offers a simple solution to their problems, **even** without the assistance of a lawyer, quickly and at low cost.

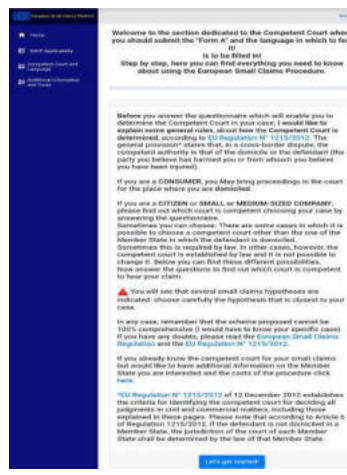


The most appropriate way to enhance these aspects of the European procedure is through Legal Design, as it provides graphical content and text aimed at increasing the usefulness, usability and comprehensibility of the ESCP for both the user unfamiliar with the law and an experienced practitioner. Thus, the SCAN portal was built on two levels:

1° Create a website dedicated to the SCAN project and all aspects related to the ESCP procedure;



2° Complete the first level with a web application, so-called European Small Claims Platform - EuSCPlatform, which is an interactive guide designed to provide support to the European citizen regarding the correct filling in of the claim form necessary to activate the European procedure.



The website and web application provide an overview of:

- What the SCAN project is and exactly what it does.
- What the ESCP means and what the European Small Claims Procedure is used for;
- Why the citizen (consumer or small - medium enterprise), should use this procedure;
- How the procedure can be activated, providing the user with a step-by-step GUIDE.

Below is illustrated how the Platform is structured.

The web application has three steps. The first step helps the user to understand if he/she can use the ESCP or not. This web application has been developed especially for ordinary citizens, for whom it might be more difficult to study what Regulation 861/2007 states about its scope. By answering a few questions, the user can find out if its dispute can be solved through the ESCP.

The Regulation's provisions which are relevant for defining the scope of the ESCP are Articles 2 and 3.

Art. 2 of the ESCP Regulation states that:

“1. This Regulation shall apply, in cross-border cases as defined in Article 3, to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 5 000 at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (acta jure imperii).

2. This Regulation shall not apply to matters concerning:

- the status or legal capacity of natural persons;

- b. rights in property arising out of a matrimonial relationship or out of a relationship deemed by the law applicable to such relationship to have comparable effects to marriage;
- c. maintenance obligations arising from a family relationship, parentage, marriage or affinity;
- d. wills and succession, including maintenance obligations arising by reason of death;
- e. bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
- f. social security;
- g. arbitration;
- h. employment law;
- i. tenancies of immovable property, with the exception of actions on monetary claims; or
- j. violations of privacy and of rights relating to personality, including defamation.”

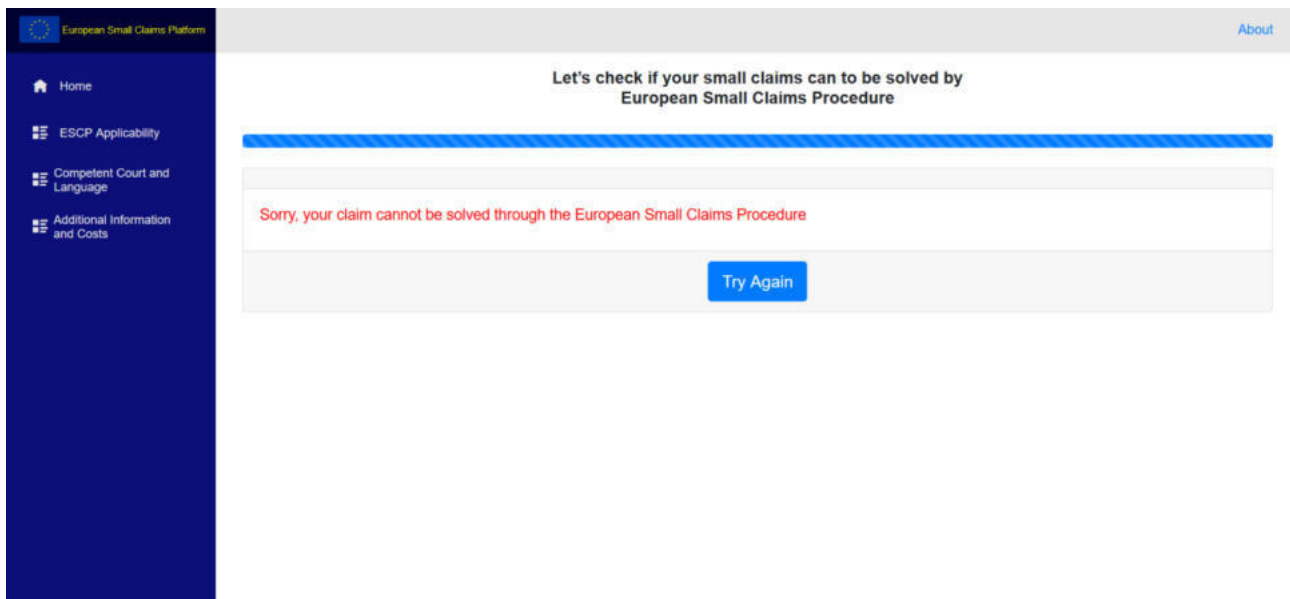
According to Art. 3 of the ESCP Regulation:

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

In order to make it easier for users to understand the provisions of Articles 2 and 3 of the ESCP Regulations and to allow users to easily find out whether he/she can use the ESCP or not, the SCAN Project has developed an interactive questionnaire.

After each question, the user will be informed if he/she can continue with the questions or if its dispute cannot be solved through the ESCP.

ACRONYMS	
Art.	Article
Artt	Articles
ESCP	European Small Claims Procedure
N°	Number
Par	Paragraph
Reg	Regulation



More specifically, the questions are:

1. Does the value of your claim exceed € 5,000, excluding all interest, expenses and disbursements?
2. Are you or one of the other parties domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised?
3. Is your claim related to revenue or to the liability of the State for acts and omissions in the exercise of State authority (*Acta jure imperii*)?
4. Is your claim related to customs or administrative matters?
5. Does your claim concern the status or legal capacity of natural persons?
6. Does your claim concern the rights in property arising out of a matrimonial relationship or out from a relationship deemed by the law applicable to such relationship to have comparable effects to marriage?
7. Does your claim concern the maintenance obligations arising from a family relationship, parentage, marriage or affinity?
8. Your claim concerns wills or succession, including maintenance obligations arising from reasons of death?
9. Your claim concern: Bankruptcy or winding-up proceedings of insolvent companies or other legal persons, Court settlements, compositions and similar procedures?
10. Does your claim concern the social security, arbitration or employment law?
11. Does your claim concern tenancies of immovable property, except actions on monetary claims? Does your claim concern the violation of privacy and personality rights, including defamation?

Please, note that for complex legal definitions, a brief explanation will be provided by mousing over the marked word.


ACRONYMS	
Art.	Article
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The second step of the web application is designed to help the user define in which EU Member State the competent court to resolve the dispute is located and, therefore, in which language the procedure will be conducted. The information you can get with this web application is essential to start an ESCP and can be useful for any kind of user, even lawyers!

This web application may be helpful in completing the following parts of Form A:

1. Before which court/tribunal are you making your claim
4. Jurisdiction
5. Cross-border nature of the case;

After finding out in which Member State the competent Court to decide the dispute is located, thanks to the search engine provided by the e-justice portal at this [link](#) you can find out exactly to which Court or Tribunal you should send your Form A to start an ESCP.



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Germany	Estonia
Ireland	Greece
Spain	France
Croatia	Italy
Cyprus	Latvia
Lithuania	Luxembourg
Hungary	Malta
Netherlands	Austria
Poland	Portugal
Romania	Slovenia
Slovakia	Finland
Sweden	United Kingdom

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](#).

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 link

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

FINDING COMPETENT COURTS

The search tool below will help you to identify courts/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Country *

Please select

Instrument *

European cross-border procedures : Small claims

[Next](#)

The criteria for determining in which member State is based the competent Court are established by Regulation 1215/2012.

As a general rule, in a cross-border dispute, the competent authority is that of the domicile of the defendant (the party you believe has harmed you or from whom you believe you have been injured). There are some important possible exceptions to this general rule. For instance, if the user is a CONSUMER, he/she may bring proceedings against the other party to a contract either in the courts of the Member State in which that party is domiciled or, regardless of the domicile of the other party, in the courts for the place where the consumer is domiciled.

Thanks to the questionnaire proposed in this second web application, the user can discover all the rules that Regulation 1215/2012 establishes and apply the one that concerns its case.

There are some cases in which it is possible to choose a competent court other than the one of the Member State in which the defendant is domiciled.

In other cases, however, the competent court is established by law and it is not possible to change it. Below you can find these different possibilities.

Welcome to the section dedicated to the Competent Court where you should submit the "Form A" and the language in which to fill it is to be filled in!

Step by step, here you can find everything you need to know about using the European Small Claims Procedure.

☐ You are a Consumer and it means that you are acting for a purpose which can be regarded as being outside your trade or profession
☐ You are acting for a purpose which can be regarded as including your trade or your profession and the defendant is a consumer
☐ You and the other party have agreed that a court or the courts of a Member State are to have jurisdiction to settle any dispute which have arise in connection with a particular legal relationship*
☐ Your claim is based on a contract between you and the defendant
☐ Your claim concerns a matter relating to tort, delict or quasi-delict
☐ Your claim regards a civil claim for damages or restitution which is based on an act giving rise to criminal proceedings
☐ Your claim regards a dispute brought against a settlor, trustee or beneficiary of a trust created by the operation of a statute, or by a written instrument or created orally ad evidenced in writing
☐ Your claim regards a dispute concerning the payment of remuneration claimed in respect of the salvage of a cargo or freight and it is claimed that the defendant has an interest in the cargo or freight or had such an interest at the time of salvage
☐ Your claim is directed against more than one defendant
☐ Your claim concerns matters relating to insurance
☐ Your claim has as its object in rem in immovable property or tenancies of immovable property* Please, consider that the ESCP shall not apply to matters concerning tenancies of immovable property, with the exception of actions on monetary claims.
☐ Your claim concerns the registration or validity of patents, trade marks, design, or other similar rights required to be deposited or registered, irrespective of whether the issue is raised by way of an action or as a defence
☐ Your claim regards a dispute arising out of the operations of a branch, agency or other establishment

Next Step

ACRONYMS	
AC	Article
Art	Article
ESCP	European Small Claims Procedure
10 th	Number
Par	Paragraph
Reg	Regulation

This web application will be helpful to have Additional Information and the Costs of procedure too, in its third step.

This step helps to solve inquiry about:

1. what happens if the court dismissed the Claim Form;
2. what happens after the court issued the judgment;
3. what the party have to do after to have filled the Claim Form
4. what happens if the judgment is in the party favour?
5. court fees by clicking on the Member State's flag the user is interested.

Let's check Additional Information about the European Small Claims Procedure.

How can I submit Form A? (Remember? This is your application form, You can find it by clicking [here](#)
 You can use the [search function](#)* related to the Country of the Competent Court for your claims, available on the European e-Justice Portal to find detailed information (address, telephone number, etc.) on the competent court for each Member State.
 *This link is related to Italy as an example. Please, select the Country's flag of the Competent Court to find detailed information.

What can I do if the claim, after the transmission to the court, is dismissed? You can submit the application again taking into account the reason for dismissal. Indeed, the dismissal, at this stage, is based on a procedural matter and is not related to the substance of the claim.

How will I be informed on the judgement? The court MUST notify the judgement to the parties once it is issued. In the event of delay, it is advisable to contact the court to receive information about the timeline of its issuing and notification.

What should I do once the judgment is issued? If the judgment is in your favour, you can proceed to have it enforced.
 You can do it by obtaining from the court a copy of the judgment and a specific certificate, the [Form D](#), filled in by the Judge into the language of the country where the judgment should be enforced. **If the judgment is not in your favour and you want to appeal it, check the appealing procedures established by each Member State.**

Let's check the Costs of European Small Claims Procedure.
 In most EU Member States, it will be **necessary to pay a fee to the court** for starting the ESCP. The amount of the court fee varies depending on the country. However, you might incur other expenses such as the travel ones if the court decides to hold an oral hearing. Usually, the party losing the claim is asked to refund the costs of the proceedings to the other party.

Please click on the Country's Flag of the Competent Court, to know how much the small claims procedure costs.

Belgium	
Bulgaria	
Czech Republic	
Germany	
Estonia	
Ireland	
Greece	
Spain	
France	
Croatia	
Italy	
Cyprus	
Latvia	
Lithuania	
Luxembourg	
Hungary	
Malta	
Netherlands	
Austria	
Poland	
Portugal	
Romania	
Slovenia	
Slovakia	
Finland	

Annex 1 - Policymakers Guidelines

Article 28 of Regulation No. 861/2007, as amended by Regulation 2015/2421, allows for the possibility of reviewing the ESCP by 15 July 2022.

Examination of the questionnaires and interviews submitted to the Stakeholders in the course of the SCAN Project revealed the need to intervene on the current discipline in order to make the ESCP more accessible, easier to use, and more uniform throughout Europe. The SCAN Consortium has provided the Commission with a contribution for evaluating the changes or additions to be brought to the existing framework in order to increase and facilitate use of the ESCP by EU consumers and citizens.

Guidelines for policymakers have been developed to be addressed to the European Commission and national legislators. They are attached to this e-Manual with the aim of providing users with a perspective on how ESCP might evolve in the foreseeable future.

They are divided into two sections respectively dedicated to proposals for amending Regulation 861/2007 and suggestions for making the European e-Justice portal more user-friendly:

A. Proposed Amendments to Regulation No. 861/2007

1. Increasing the financial limit of the ESCP's scope referred to in Article 2(1) of the Regulation from EUR 5,000 to EUR 10,000.
2. Extending the material scope of the Regulation to new areas previously excluded from Article 2(2) of the Regulation, such as property rights and maintenance obligations arising from family relationships, parentage, marriage or relationships producing effects comparable to marriage, wills and successions, administrative claims and the protection of privacy and rights relating to personality.
3. Extending the material scope of the ESCP to compensation disputes relating to cross-border labour relationships.
4. The ESCP should be made compulsory for the resolution of cross-border small claims.
5. Reserving the use of ESCP to functionally specialised sections of domestic courts working in coordination.

6. Amending Article 8 of the Regulation, relating to the way hearings are held, introducing the obligation for national courts to offer the parties the opportunity to participate by teleconference or videoconference.
7. Simplifying the forms attached to the Regulation (A, B, C and D) in order to ensure an easier access to justice through the ESCP.
8. Within matters pertaining to the ESCP, obliging national courts to accept forms and documents by electronic means and foster the digital handling of the procedure.
9. Amending the Regulation with regard to the translation of forms and documents. Three solutions are proposed: a) to provide and set up an automatic translation system to be offered by the e-Justice Portal; b) to set up a translation assistance service at EU level to be made available by the European Commission, or to require Member States to offer one; c) to require Member States to include English and French (the two official languages of the EU) among the languages accepted and to provide for the possibility of submitting forms and documents also in one of these two languages and not only in the official language of the seized national court.
10. Providing for a privileged treatment in the stage of enforcement in relation to the ESCP's [final] decisions in order to ease and speed up their enforcement in all Member States.
11. Providing clarifications about the eligibility/admissibility of credit fragmentation under the ESCP.
12. Restricting the possibility to appeal against a final decision rendered under the ESCP.
13. Clarifying and providing a uniform standard regarding the means of gathering evidence to be considered admissible under the ESCP.
14. Establishing fixed court fees equal for all Member States or indicating a reference range to be adopted by all Member States.
15. In line with the previous points, it is suggested that Member States be requested to review and reformulate the statements made in accordance with Article 25:
 - I. calling for a clearer indication of which national courts have jurisdiction and a practical and intuitive guide to help European citizens identify the court to which they should apply;
 - II. requiring that electronic means of communication be accepted in addition to, and as an alternative to, those currently accepted;

- III. requiring the precise identification of the authorities and organisations deputed to provide practical assistance under Article 11, providing the relevant contact details so that the parties can get in touch with them easily;
 - IV. requiring court fees to be established in accordance with the fixed amount or reference range indicated in the Regulation;
 - V. providing for a harmonised appeal procedure applicable to all Member States;
 - VI. requiring the inclusion of English and French among the languages accepted.
16. Collecting and regularly providing transparent data and adequate statistics on the use of the ESCP in national courts.
 17. Extending the use of the ESCP to national disputes.
 18. Strengthening the link between the ESCP and alternative or online dispute resolution (ADR, ORD) mechanisms.
 19. A provision should be made for a centralised online platform to be set up to allow Judicial Authorities to share information regarding the ESCP, as well as case files and judgments in order to coordinate and facilitate uniform and harmonised application of the Procedure across the European Union.

B. Remarks to make the European e-Justice Portal more user-friendly

1. Implementing measures making it easier for European citizens to be aware of the services provided by the European e-Justice Portal.
2. Making the European e-Justice Portal accessible to EU citizens without the help of a lawyer. In order to make the guided procedure more user-friendly, it is recommended that:
 - I. Sentences and questions be rephrased using everyday non-legal terms;
 - II. Questions may be answered by identifying the solution from a multiple choice of pre-established answers;
 - III. A mechanism be created to automatically identify the court having jurisdiction over the user's claim on the basis of the data entered by the user relating to the place of residence or domicile of the parties, the type of claim and other relevant information;
 - IV. Precise instructions and detailed explanations be provided to help the user identify the competent court, including the domestic court which is competent over the user's claim;

- V. An automatic translation system be provided also for the “mobile” parts of the attached forms and documents;
- VI. Citizens are provided with remote assistance in filling in the forms, whether by phone or chat or by both means.