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Webinars

Working Package 5

Dissemination and communication activities

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No.	Name	Short Name	Country
1	UNIVERSITA DEGLI STUDI DI NAPOLI FEDERICO II	UNINA	IT
2	UNIVERZA V LJUBLJANI	LJUBLJANA	SI
3	LIBERA UNIVERSITA INTERNAZIONALE DEGLI STUDI SOCIALI GUIDO CARLI	LUISS	IT
4	VILNIAUS UNIVERSITETAS	VILNIUS	LT
5	VRIJE UNIVERSITEIT BRUSSEL	VUB	BE
6	ETABLISSEMENT D'ENSEIGNEMENT SUPERIEUR CONSULAIRE HAUTES ETUDES COMMERCIALES DE PARIS	HEC	FR
7	CONSIGLIO DELL'ORDINE DEGLI AVVOCATI DI ROMA	COA	IT
8	ASSOCIAZIONE ITALIANA DIFESA CONSUMATORI ED AMBIENTE	ADICONSUM	IT
9	UNION DES AVOCATS EUROPEENS	UAE	LU

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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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1. Background to the SCAN project

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

The main objective of this Regulation is to safeguard the right to have access to justice for consumers and SMEs in civil and commercial cross-border 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 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.

For that end, during the project, the SCAN Consortium has conducted interviews on the use and application of the ESCP among various categories of Stakeholders including:

- Stakeholders involved in the ESCP including Judges, Lawyers, Academics and Experts providing legal advices
- EU Citizens/Consumers/Entrepreneurs



- Consumer Associations Representative

The interviews enabled the interviewed Stakeholders to freely express their concerns and issues regarding the ESCP. Therefore, based on the data derived out of the interviews, the SCAN project partners were able to analyze the implementation of this procedural instrument.

Moreover, the main purpose of the interviews is to identify areas of Small Claims that best practices are applying to achieve:

Advanced possibility of increasing consumer and creditors protection in cross-border claims with a fixed threshold.

Tackling problematic issues that hinders or deters consumer from having access to the ESCP.

It is essential to collect relevant data of the best national practices and establish a database using the collected data through the questionnaires.

This provides a possibility to efficiently compare, exchange and disseminate the data of the distinguished practices to be considered as a pattern among the Small Claims Procedure associated national authorities of all the Member States within the EU.

2. Report

Three webinars were included in the proposal of the project.

These webinars were structured to be conducted online, to have a duration of 20 minutes and organised for invited people only. The webinars were designed with a duration of only twenty minutes. The consortium produced two webinars, but their duration exceeded the total time expected in the proposal. Indeed, both webinars lasted about 1 hour each.

UNINA and UAE organized two specific webinars to meet the needs of specific stakeholder groups: young students and lawyers. Both webinars were in Italian; the UAE one will be subtitled in English. The first webinar, organized by the UAE, was held on the Zoom platform and live on the Facebook page UAE Delegation Campania on Friday 29/01 at 12.00. Link to the Facebook page where the full recording of the event is available:

The meeting was introduced by Francesco Avolio, Vice President of the Delegation Campania of the UAE, Coordinator of the Commission of EU Law COA Naples, who introduced the speakers and introduced the topic of the Small Claims Regulation and its criticalities.



Then, Prof. Adriano Maffeo (UNINA), gave a speech entitled “The Europeanization of national civil procedural rules”. He focused on the evolution of the competences of the European Union in the field of judicial cooperation in civil matters, stressing the importance of a process of harmonization of national procedural rules in civil matters, which is now unstoppable.

Following this, Dr. Flavia Rolando (UNINA), gave a presentation entitled “The European small claims procedure: features and functioning of the procedure” in which she developed an effective summary of the European regulation. Then she illustrated the pages of the SCAN project website, especially the platform, illustrating the web applications to define the scope and the identification of the competent court under Regulation 1215/12. Finally, Flavia Rolando showed the links to the E-Justice portal.

In the debate phase, Francesco Avolio framed the regulations of the civil judicial cooperation as indispensable tools of the modern European lawyer, highlighting in particular the pros and cons of the ESCP Regulation.

As part of the SCAN Project, UAE lawyers have highlighted the difficulties in using electronic forms, in identifying the competent court, the excessive costs due to translations as well as the burdens falling on Judicial Offices, which should be fully computerized and provide free assistance to end users. In addition, other points necessary for a good functioning of the ESCP are the development of the role of small businessmen as well as consumers and the importance of creating specialized sections within the Justice of the Peace Offices also through the elaboration of protocols of collaboration with the local Councils of the Order.

Finally, Francesco Avolio stressed the need for greater coordination between the internal rules of civil procedure and the European rules of the Regulation, as has already been done in many European countries such as Germany, France and Holland. Coordination should be promoted with the internal rules of civil procedure aimed at the creation, for example, of alternative rules to the ordinary procedure which should have the effect of making the use of the European regulation preferable to the national rules, while at present the exact opposite occurs in practice.

Other points discussed included the need for translations and the related affidavits by experts, the greater use of the regulation in some countries, in particular in Luxembourg.

The event was viewed on Facebook by 100 people with 14 interactions. A summary of the speeches of the webinar in English will soon be available for users in other European countries.



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The second webinar has been organized by UNINA on Saturday, January 30, 2021 at 4:30 pm. The webinar was conducted on the Microsoft Teams platform. Francesco Giuseppe Sacco and Cristina D'Onofrio illustrated the SCAN project and the EuSCP platform to 6 law students on 10 invited. Students were selected based on their participation in dissemination workshops, during which they had asked to be made directly aware of the platform.

Francesco Giuseppe Sacco introduced the webinar by briefly summarizing what is the SCAN project and what were the results achieved. On these topics, students asked questions about how they could overcome the digitization of the courts.

Cristina D'Onofrio then showed the website, with its new features and the changes made based on legal design for a better communication of the message.

Francesco Giuseppe Sacco then showed the platform and its three functions for a better application of the ESCP. Students asked about how the platform was built.

The webinar concluded at approximately 6pm. Indeed, the discussion was very animated by the constant questions asked.

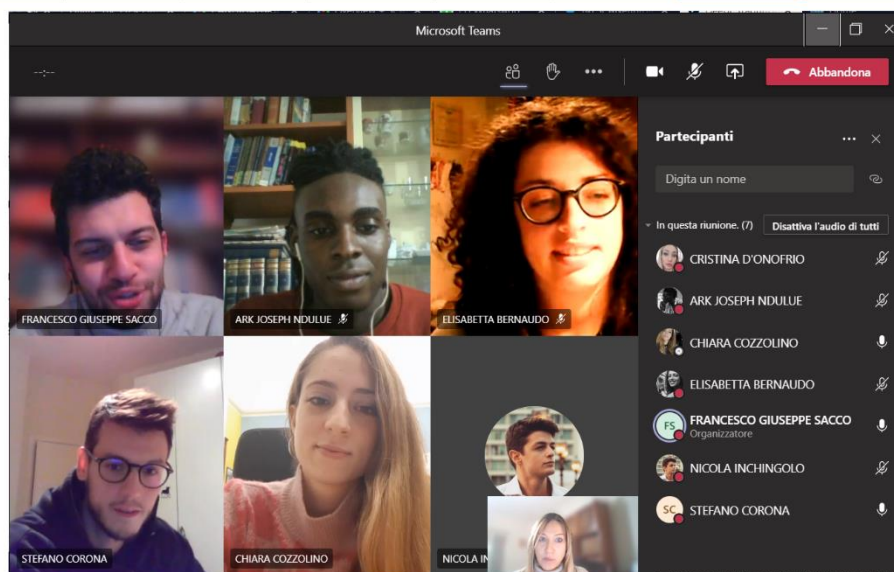
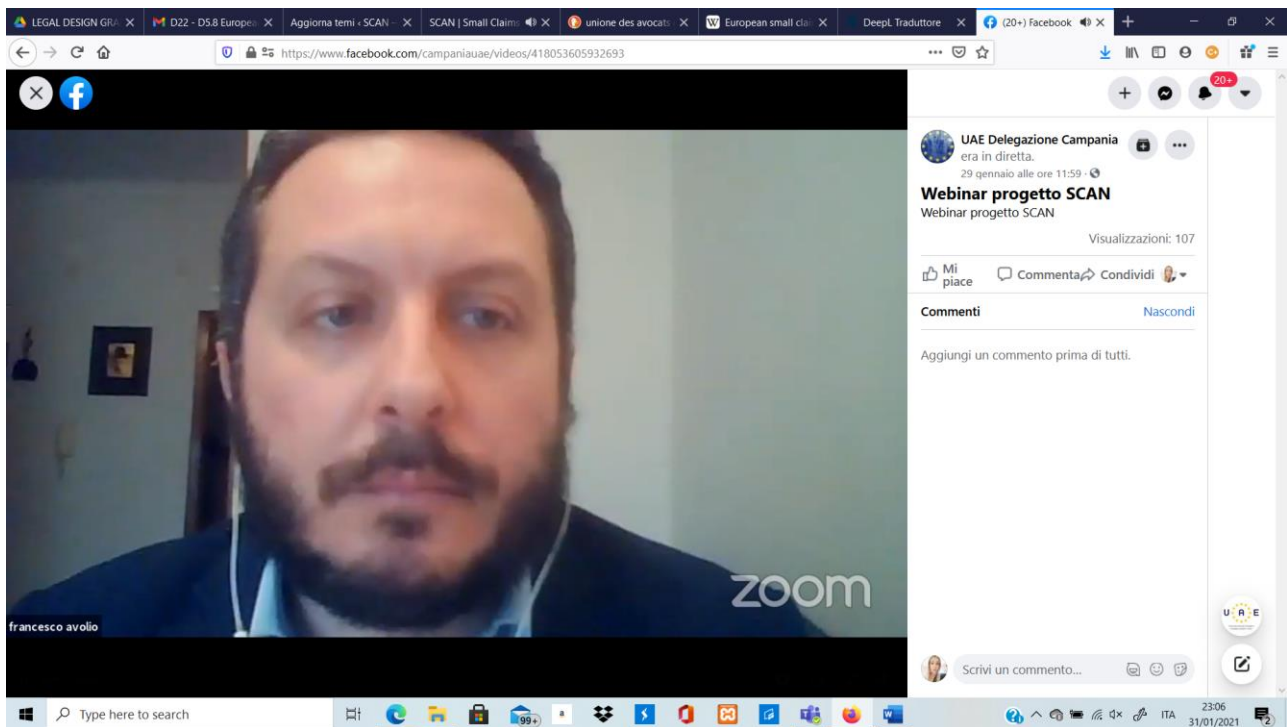
3. Attachments





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UAE Delegazione Campania era in diretta.
29 gennaio alle ore 11:59 · 🌐

Webinar progetto SCAN
Webinar progetto SCAN

Visualizzazioni: 107

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Commenti Nascondi

Aggiungi un commento prima di tutti.

Adriano Maffeo COMPUTER

zoom

13:01 / 1:02:11

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Mi piace Commenta Condividi

Commenti Nascondi

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Flavia Rolando

zoom

35:14 / 1:02:11

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