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European Small Claims Procedure

Regulation (EC) 861/2007 establishing a European Small Claims Procedure

amended by Regulation (EU) 2015/2421

Disclaimer: These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

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Objectives of the Regulation

<u>Facilitating cross border litigation and reducing the costs</u> in disputes on claims of small value by:

- *Abolition of exequatur*
- *Written procedure and use of forms*
- *Provision of adequate procedural information and assistance*
- *No mandatory legal representation*
- *Use of electronic and distance means of communication*

With full observance of procedural rights of the parties!

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Scope of aplication

Civil and commercial matters

Cross-border cases

Pecuniary claims up to 5000 €

Exemptions

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Conduct of the procedure (I)

1) Finding out the competent court by the claimant (Brussels I Regulation and national law)

2) Filling in and lodging with the court by means determined by the Member State. @!

3) Service upon the defendant. If cross-border – Service Regulation applies. @!

4) Defendant's response (counterclaim) @!

Conduct of the procedure (II)

5) Examination of evidence

6) Hearing – use of distance means of communication @!

7) Judgment (appeal if available under national law) and certificate

8) Enforcement of the judgment

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Procedural guarantees

1) Assistance in filling-in the forms

2) Information of the parties on procedural issues

3) No fictitious service of documents

4) Review of the judgment in exceptional cases

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Facilitating tools

Always look at the e-Justice Portal!

1) dynamic forms

2) dedicated guides

3) search for competent courts

4) bodies entrusted with provision of information and assistance in filling-in the forms

5) all notifications of Member States

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Thank you!

DG JUST Unit A1

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