Updated European Small Claims Guides

The new Practice Guide and User Guide for the European Small Claims Procedure, prepared by Xandra Kramer (ESL, Erasmus University Rotterdam, Utrecht University) in collaboration with the European Commission and the European Judicial Network, have been published. These updates were necessitated by the amendments to the European Small Claims Regulation, resulting from Regulation No 2015/2421 as applicable since 14 July 2017. The European Small Claims Regulation provides a uniform, low threshold procedure for consumers to claim their rights in cross-border cases in the EU.

'The most significant amendment is the raising of the monetary limit of the procedure from €2,000 to €5,000 (Article 2). Most other amendments aim at strengthening the use of distance communication technology, including to conduct oral hearings (Article 8), and the taking of evidence (Article 9) and enabling the e-service of documents (Article 13) and distant payment of court fees (Article 15a). Other amendments are that the primacy of the written procedure is underlined (Article 5), the practical assistance of parties is strengthened (Article 11) and the rule on minimum standard for review is clarified (Article 18). New provisions are inserted regarding the requirement that court fees should be proportionate (Article 15a), the language of the enforcement certificate (Article 21a) and the enforcement of court settlements (Article 23a). In addition, Regulation No 2015/2421 amended one provision of the Order for Payment Procedure (15). Article 17 of that Regulation now envisages a transfer to the European Small Claims Procedure in cases where a statement of opposition is lodged against the payment order, where the European Small Claims Procedure is applicable.' (p. 12 Practice Guide).

One of the novelties in the User Guide and the Practice Guide is the link to available ADR mechanisms and the reference to the ODR platform, which informs consumers and practitioners about the existing alternatives and secure a more integrated approach to consumer dispute resolution. The publication of the new guides are part of a European consumer campaign launched in July. The Guides as well as other tools on and information about the Small Claims Procedure – including an infographic for consumers, a leaflet for legal professionals, a leaflet

for businesses and a web toolkit – are available in the Small Claims Section of the e-Justice Portal.