



# The new fast-track court for smaller purchases

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## Who is it for?

Every consumer and every business in the EU can benefit from the new fast-track procedure, called the Small Claims Procedure. It allows small claims to be settled in a quick, low-cost and hassle-free way.

### It's for people who:

- order a product online from another EU country, but the product doesn't match the description. You want to return it and get refunded, but the trader fails to do so.
- run a business with customers in another EU country, where the customer refuses to pay for goods or services.

If your claim is up to €5 000, the European Small Claims Procedure can help you seek justice. The procedure can also be used in other cases of disputes that are 'civil' or 'commercial', and have a cross-border nature.

### The type of cross-border claims covered by the procedure could include:

- payment of money
- damages arising from an accident
- delivery of goods
- requiring someone to perform a contract
- stopping or seeking to prevent an illegal act

This simple court procedure is an easier way of resolving cross-border problems in the EU than going through costly and long-winded court procedures.

## How can I benefit from it?



### STEP 1

Fill in the detail of your claim in the standard form.



### STEP 2

Send your completed form to the competent court (local court or the court where the defendant is based). The defendant has 30 days to respond. The court has another 30 days to deliver judgment.



### STEP 3

After the Court issues its decision, you can fill in a form and have the decision enforced in any other EU country.

## What is new?

Introduced in 2007, the European Small Claims Procedure has already reduced the average length of court proceedings from 2.5 years to 5 months.

With the revised rules entering into force on 14 July 2017, the Small Claims Procedure becomes even simpler, faster and more user friendly.

### > **The European Small Claims Procedure is more widely available (for claims of up to €5 000)**

The threshold rises to €5 000 from €2 000. This allows:

- more consumers and businesses to solve their cross-border problems;
- many more business-to-business disputes to be settled.

### > **Citizens can use online procedures to avoid unnecessary travelling to courts**

The new rules enhance the use of technology and will limit unnecessary travelling. In practice this means:

- kicking-off the procedure online;
- using video-conferencing for communication;
- limiting physical presence only to the cases when the court cannot make a decision based on written documents;
- accepting documents sent by email by the court.

These features will apply subject to availability of appropriate technical equipment in the tribunals.

### > **Cutting court fees**

Fees can be very high in small claims cases and sometimes higher than the value of the claim.

With the new rules, the court fees have to be proportionate to the value of the claim.

### **Markus from Austria fully reimbursed for ski boots he never got**

Markus ordered skiing equipment from a German website. He paid €1 800 in advance via bank transfer. The trader never delivered the equipment and did not reimburse the purchase price. The consumer therefore started a European Small Claims Procedure. The Austrian court in Linz issued a judgment in favour of the consumer, which was enforced by the German authorities in Charlottenburg. The consumer then received a refund of the purchase price.

### **Portuguese SME compensated for low-quality delivery**

A cosmetics retailer in Portugal was renovating its shop and ordered €5 000 worth of tiles from a Spanish producer. After delivery, the SME pays the invoice, but when the renovation starts they notice that the tiles delivered are curved, and hence unusable.

The Portuguese retailer demands an exchange of the tiles but the Spanish company refuses, and also refuses to issue a refund. The Portuguese retailer files a small claims case, attaching the invoice to the application to his local court (since the place of performance of the contract was in Portugal) and asks for €3 000 in compensation. The court serves the application to the Spanish company, which objects to the claim stating that the tiles were of good quality. The court requests the opinion of an expert, who confirms that the tiles were of bad quality.

The court rules that this evidence is adequate and sufficient, and orders the Spanish company to pay compensation of €3 000 plus costs.