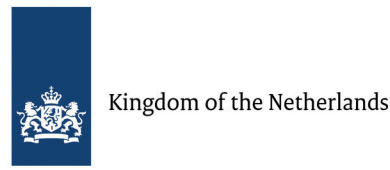




# Fast-Tracking the Resolution of Minor Disputes: Experience from EU Member States



Delivered by the World Bank in collaboration with  
the Ministry of Foreign Affairs of the Kingdom of the Netherlands



**Fast-Tracking the Resolution  
of Minor Disputes:  
Experience from EU Member States**



## Acknowledgements

The report 'Fast-tracking the Resolution of Minor Disputes' analyzes the different small claims and simplified procedures in EU Member States. The report highlights the main features of small claims procedure and details a series of options available for those countries that wish to introduce or reform their small claims procedure. The report was funded by the Kingdom of the Netherlands.

The report was prepared by Ms. Georgia Harley (Justice Reform Specialist) and Ms. Agnes Said (Justice Reform Adviser). The team benefited from guidance from Mr. Srdjan Svircev (Public Sector Specialist), Ms. Marina Matic Boskovic (Justice Reform Adviser), Ms. Ana Krnic (Justice Reform Adviser), Ms. Kate Harrison (Principal Justice Sector Consultant), as well as input from Mr. Nicholas Menzies (Senior Governance Specialist), Mr. Paul Prettitore (Senior Public Sector Specialist) and Mr. Jorge Luis Silva Mendez (Justice Reform Specialist).



# Contents

- Executive Summary..... 7
- 1. Introduction ..... 8
- 2. Why do Small Claims Matter? ..... 8
- 3. What is Small Claims Procedure? ..... 11
- 4. Small Claims Procedure in the EU ..... 11
- 5. Court Fees ..... 13
- 6. Types of Disputes ..... 14
- 7. Thresholds ..... 15
- 8. Institutional Arrangements ..... 18
- 9. Procedure ..... 19
- 10. Rules for Lawyers and Fees ..... 21
- 11. Avenues of Appeal ..... 22
- 12. Use of Technology ..... 24
- 13. Awareness of Small Claims Procedure..... 26
- 14. Conclusion ..... 26
- Annex A: Small claims thresholds in absolute value ..... 28
- Annex B: Court fees for small claims..... 29
- Annex C: Use of technology in small claims..... 30
- References ..... 31
- Select Bibliography ..... 32





## Executive Summary

**1. Not all court cases are the same, nor should they be treated the same.** This principle is known as differentiated case management, and it is increasingly adopted by courts to resolve minor cases more efficiently and more effectively. According to Doing Business data, 138 economies worldwide have either a small claims court or a simplified procedure of some kind for small claims. In the European Union (EU), all but five jurisdictions have some form of fast-tracking procedure for small claims. This report provides a comparative analysis of small claims procedures in the 28 EU Member States to inform countries looking to introduce or reform such a procedure.

**2. Though there is no fixed template, some common and salient features can be found among the fast-track procedures in EU member states,** particularly with regard to court fees, types of disputes, thresholds, institutional set-up, procedure, possibility of self-representation, rules for lawyers and their fees, avenues of appeal, and use of information and communication technology (ICT). Most countries do not have dedicated small claims courts. Rather, small claims disputes fall under the jurisdiction of district courts or other courts of first instance, depending on the type of dispute. Small claims procedure may be optional and available at courts and parties' discretion. Nonetheless, small claims procedures can be tailored to each country's unique context to enhance access to justice and judicial efficiency.

**3. Low court fees are important for facilitating access to justice through a small claims procedure by making the procedure affordable for all.** Examples range from countries that charge no fees for the procedure to countries with sliding scales or fees pegged to the cost of living. The average court fee in the EU28 for a claim of less than 2,000 EUR is 94 EUR, or 5 percent of the claim.

**4. The types of disputes covered by small claims procedures vary, though civil and commercial monetary disputes are the most common.** Germany covers the broadest range of disputes because the law references only the value of the claim and not the type of dispute. A higher threshold for small claims procedure allows more citizens and business to use it, increasing accessibility of the service. In the EU, the highest thresholds can be found in the Netherlands (25,000 EUR) and Austria (15,000 EUR).

**5. Most countries adopt a combination of procedural tools to speed up and simplify the process.** For example, hearings may be conducted in writing; ordinary evidentiary rules, legal representation, and ordinary rules for judgments may be waived; judges may take a more interactive and assertive role with parties; and the process may be sped up with mandatory shorter deadlines. Due to their simplified nature, there is usually no need for lawyers to represent the parties in small claims procedure. As such, in most countries legal aid and recovery of costs from the losing party are not available in small claims procedure. Appeals from small claims judgments can also be limited. In some countries it is only possible to appeal on points of law (i.e., if serious procedural mistakes have been made).

**6. Electronic services facilitate the speed of procedure and reduce costs.** More countries are introducing e-services such as electronic submission of forms and online payment. Some countries are also going further and conducting the procedure entirely online.

**7. Raising awareness among citizens and businesses about the possibility of fast-tracking their case can increase access to justice.** According to survey data, 75 percent of EU citizens are not aware that a small claims procedure exists, and many are deterred from pursuing valid claims for fear of cumbersome procedures and long delays.<sup>1</sup> Awareness-raising should focus on poorer segments of the community and micro and small businesses. For these groups, their most likely interactions with the court system is via a small claim, yet they are often deterred from seeking justice due to high costs, complex procedures and lengthy wait times. A well-designed fast-track procedure can ease these concerns and offer a service that meets their needs.

---

<sup>1</sup> Special Eurobarometer 395, 64

## 1. Introduction

**8. The costs and long duration of court proceedings can be discouraging, and for the poor and micro and small enterprises (MSMEs) it can preclude access to justice entirely.** According to the latest CEPEJ data, in 2014 disposition time of first instance civil and commercial litigious cases ranged from 97 days in Lithuania to 532 in Italy, with an overall EU average of 250 days.<sup>2</sup> Costs (comprising both lawyer and court fees) can sometimes be greater than the value of the claim.<sup>3</sup>

**9. Legislators around the world have long recognized that disputes concerning smaller claims may not require the same complex procedures and rules; instead, they can be resolved in a cheaper and more efficient manner.** Although small claims procedure is not a new phenomenon and has existed for decades, it has only recently gained traction. Factors such as popular demand spur more and more countries into looking for new and faster ways to deal with smaller claims, as citizens are looking for simpler, ICT-enabled ways to resolve smaller disputes.

**10. The courts have also become more sensitive to citizens' needs and are looking for more service oriented and citizen responsive approaches.** Another important factor is cost. Small claims cases take up courts' resources and effort at a time when resources need to be applied judiciously. Small claims procedure frees up courts' resources and reduces backlogs, enabling the courts to focus on more complex cases.

**11. An increasing number of jurisdictions are considering introducing small claims procedure or reforming their existing procedure to make it more cost effective and efficient.** An analysis of how the procedure works in other countries provides a useful input to the policy making process in these countries.

**12. This report provides a comparative analysis of small claims procedure in the 28 EU Member States — including lessons learned and good practices — to inform EU members and candidate countries looking to introduce or reform their small claims procedure.** It considers a number of dimensions, namely: court fees, thresholds, institutional set-up, use of technology, the role of lawyers, lawyer fees, and avenues of appeal.

## 2. Why do Small Claims Matter?

**13. To simplify, speed up, and reduce costs of litigation, countries have introduced fast-track procedures for smaller claims – a so called 'small claims procedure'.** Not only does a small claims procedure help to free up courts' resources and reduce backlogs (making it easier for courts to focus on more complex cases), they also ensure access to justice for ordinary citizens. Indeed, the 2013 Eurobarometer survey<sup>4</sup> found that the ability to carry out proceedings in writing and without a lawyer were the most common factors encouraging respondents to go to court against a business.<sup>5</sup> Unfortunately, as Figure 1 shows, the survey also found that 75 percent of respondents<sup>6</sup> were unaware of the existence of a small claims procedure in their country.

---

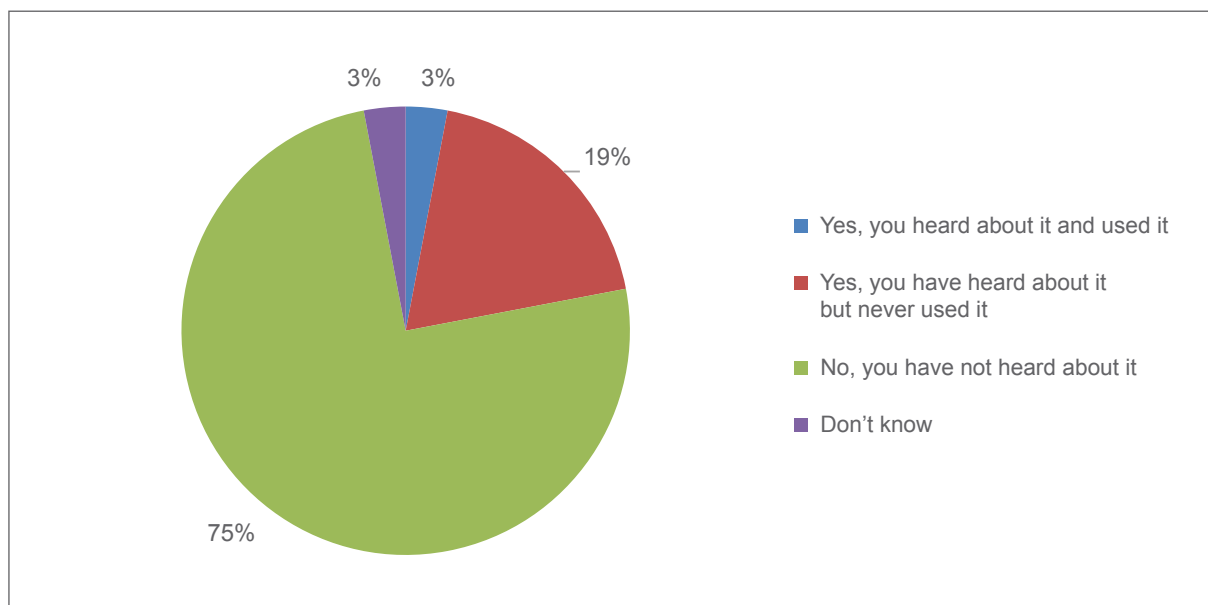
<sup>2</sup> The European Commission for the Efficiency of Justice (CEPEJ). 2016. European judicial systems. Efficiency and quality of justice. Edition 2016 (2014 data). Strasbourg, France: CEPEJ, p.195. EU average based on own calculations. No data was available for Belgium, Bulgaria, Cyprus, Ireland, Portugal, and the UK.

<sup>3</sup> Litigation costs in civil and commercial cases are governed by national legislation and, thus, vary from one Member State to another. All member states, with the exception of France and Luxembourg, have proceedings fees. There are also other costs involved, such as lawyers' fees, bailiffs' fees, expert fees, translation fees, etc. More information on costs of proceedings on a country by country level can be found on the e-Justice portal, available at: [https://e-justice.europa.eu/content\\_costs\\_of\\_proceedings-37-en.do](https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do)

<sup>4</sup> Special Eurobarometer 395, 54.

<sup>5</sup> Ibid. The question was what factors might encourage the respondents to go to court in their own country against a business in another EU Member State.

<sup>6</sup> Ibid. 64.

**FIGURE 1 Awareness of the Procedure for Small Claims**

Source: Special Eurobarometer 395.

**14. The benefits of small claims procedure for contract enforcement, in particular, have been recognized by countries, corporations, and international organizations.** The World Bank, for example, recently incorporated small claims courts and fast-track procedure as a good practice in its methodology for contract enforcement in its Doing Business report. According to Doing Business data, 138 economies worldwide have either a small claims court or a simplified procedure.<sup>7</sup> Several global corporations have introduced their own small claim resolution systems. Interestingly, eBay's innovative approach to online dispute resolution inspired the online small claims court currently being considered in the UK.<sup>8</sup>

**15. The Special Eurobarometer 395, which surveyed EU citizens regarding disputes with a retailer, provider or business transaction partner, can shed some light on citizens' views about small claims and their willingness to go to court over disputes under 2,000 EUR.**<sup>9</sup> As can be seen in Figure 2, 54 percent of the respondents would be willing to go to court with a business located in their country over a dispute of 2,000 EUR or less. Willingness was the highest in Germany (68 percent), Sweden (64 percent), and Austria (62 percent), while the consumers least willing to take a business to court were in Bulgaria (31 percent), Cyprus (35 percent), and Greece (36 percent)<sup>10</sup>. The report did not reveal why people in some countries were less willing to go to court, however, it is noteworthy that neither Bulgaria nor Cyprus have a small claims or simplified procedure. While Greece does have a dedicated small claims court, 92 percent of the Greek respondents had not heard of it.

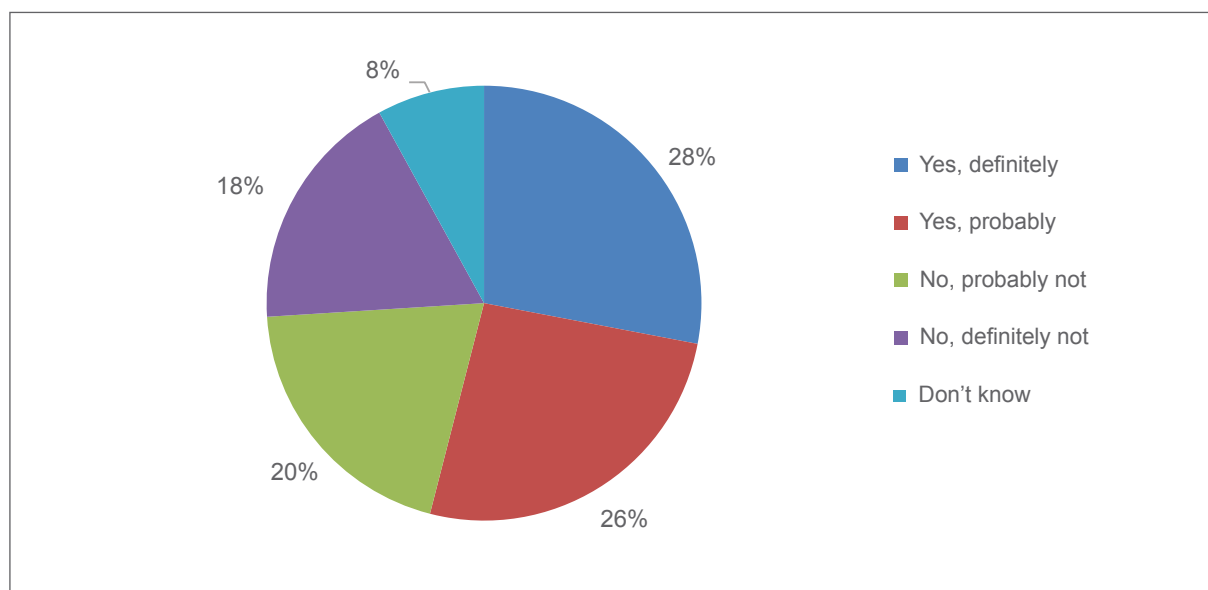
<sup>7</sup> A country receives a score of 1 if it has a small claims procedure which is applicable to all civil cases and the law sets a cap on the value of cases that can be handled through this court or procedure. If small claims are handled by a stand-alone court, the point is assigned only if this court applies a simplified procedure. An additional score of 0.5 is assigned if parties can represent themselves before this court or during this procedure. If no small claims court or simplified procedure is in place, a score of 0 is assigned. For more information, see: <http://www.doingbusiness.org/methodology/enforcing-contracts>

<sup>8</sup> The Register "We're four years away from digitising England's courts – report", 19 February 2016. [http://m.theregister.co.uk/2016/02/19/fouryear\\_target\\_for\\_digital\\_court\\_in\\_england\\_ambitious\\_but\\_not\\_unworkable\\_says\\_expert/](http://m.theregister.co.uk/2016/02/19/fouryear_target_for_digital_court_in_england_ambitious_but_not_unworkable_says_expert/)

<sup>9</sup> The amount of 2,000 EUR was chosen as it is the small claims threshold for cross-border cases in the EU. The data above refers to citizens' willingness to go to court against a retailer based in their own country.

<sup>10</sup> Special Eurobarometer 39538.

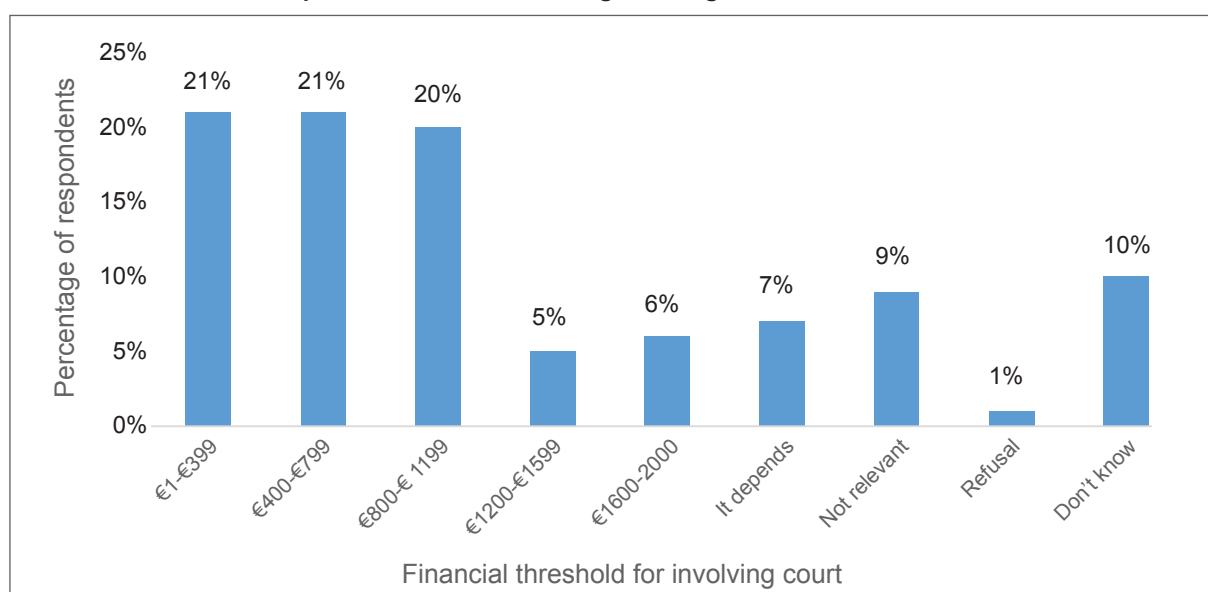
**FIGURE 2** EU citizens' willingness to go to court for claims under 2,000 EUR



Source: Chart based on Special Eurobarometer 395 data.

**16. According to the Eurobarometer 395 survey, EU citizens are willing to go to court over minor amounts.** With regard to the financial threshold for involving the court, *Figure 3* shows that more than one in five EU citizens (21 percent) would be willing to go to court if the amount of the dispute was up to 399 EUR and another 21 percent for an amount between 400 and 799 EUR. Seventeen percent would be willing to go to court if the amount of the dispute was 800 to 1,199 EUR. Only 5 percent of respondents would require a minimum amount between 1,200 to 1,599 EUR to go to court, while 6 percent would not go to court for less than 1,600 EUR. This shows that the amounts that EU citizens are willing to go to court over can be very low. Introducing a small claims procedure would capture such claims, thus enabling citizens to have their disputes resolved cheaply and efficiently.

**FIGURE 3** Value of the dispute for EU citizens' willingness to go to court



Source: Chart based on Special Eurobarometer 395 data on page T17.

### 3. What is Small Claims Procedure?

**17. There is no universally agreed definition of small claims procedure.** Doing Business identifies it as a “mechanism for quick and inexpensive resolution of legal disputes involving small sums of money”<sup>11</sup> and lists such features as informal hearings, simplified rules of evidence and more streamlined rules of civil procedure, and the possibility of self-representation. Doing Business assigns a score to countries which have a small claims court or a fast-track procedure for small claims in place which is applicable to all civil cases and where the law sets a cap on the value of the disputes that can be handled through this court or procedure. For countries where small claims are handled by a stand-alone court, the court needs to apply a simplified procedure. It also assigns an additional score if parties can represent themselves before the court or during the procedure.<sup>12</sup> The European e-Justice Portal, which refers to small claims procedure as its own category and contains information on the procedure in EU Member States, does not provide a definition of what such procedure entails. The CEPEJ report on the efficiency and quality of justice<sup>13</sup>, which makes reference to small claims procedure, only notes that the definition of what constitutes a small claim differs across jurisdictions and seems to only refer to the monetary value of what constitutes a small claim and not to the procedure itself.

**18. For the purpose of this report, ‘small claims procedure’ means any simplified or fast-track procedure for claims up to a certain fixed monetary threshold, as specified under the law.**<sup>14</sup>

### 4. Small Claims Procedure in the EU

**19. There is no template for how small claims procedures are set up in different jurisdictions, but they do share some common features.** Generally, the procedure has *limited jurisdiction* and is only available for certain types of disputes, usually simple civil/commercial claims involving private persons, tenants/landlords, consumers, or businesses. The *costs* are usually lower, both with regard to court fees and costs for lawyers, as the idea behind small claims procedure is to keep the costs down, and in fact there is usually no need or even allowance for lawyers. As a result, in some jurisdictions legal aid is not available.

**20. Many jurisdictions offer detailed information about the procedure online, as well as electronic services.** To simplify and accelerate the process, many jurisdictions offer downloadable application forms and check-lists, as well as e-filing or e-payment.

**21. In most jurisdictions, small claims follow a *simplified procedure*<sup>15</sup> with deviations from rules of ordinary procedure both for the parties and the court, making it easier for**

---

<sup>11</sup> <http://www.doingbusiness.org/data/exploretopics/enforcing-contracts/good-practices#Introducing>

<sup>12</sup> <http://www.doingbusiness.org/methodology/enforcing-contracts>

<sup>13</sup> The European Commission for the Efficiency of Justice (CEPEJ). 2014. European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice. Strasbourg, France: CEPEJ, p.120.

<sup>14</sup> Order for payment procedure is also a form of simplified procedure which is available in most EU member states. However, the procedure falls under its own category, relating to uncontested monetary claims, often with its own procedural track, and is thus not part of this analysis. The order for payment procedure will be the focus of a forthcoming World Bank analysis. The report does not cover simplified procedure in criminal cases.

<sup>15</sup> There is no agreed definition of the term ‘simplified procedure’, which is sometimes used with reference to small claims. For example, the CEPEJ report on the efficiency and quality of justice uses it as a catch-all term for any kind of simplified procedure, including small claims and payment orders, as well as simplified procedures in criminal law and administrative law cases. The e-Justice Portal, on the other hand, refers to simplified procedure as an alternative to small claims procedure. For example, it states that Germany does not have any small claims procedure but does allow for a simplified procedure for any claims up to 600 EUR. Similarly, for Austria, it stipulates that no small claims procedure exists under Austrian law, but that a simplified procedure can be used for purely financial disputes of 25,000 EUR or less. No further explanation is provided regarding the definition or the difference with small claims procedure. In this report, ‘simplified procedure’ means a procedure which does not need to follow all the steps and requirements of ordinary procedure.

**ordinary citizens with no legal education to understand the process.** This does not mean, however, that due process is not ensured. The procedure is also more informal, as the procedure normally does not foresee the need for lawyers, with the judge often being required to step in to inform the parties about their rights and obligations.

**22. Time limits for small claims procedure are usually shorter and the right to appeal is limited.** By setting stricter time limits, small claims procedure provides quicker resolution and reduces costs. Further, once the small claims track is chosen it is normally not possible to transfer the claim to ordinary procedure, and the *right to appeal* is generally limited except on points of law.

**TABLE 1** Small Claims by Country

Country	Small claims procedure
Austria	Yes
Croatia	Yes
Denmark	Yes
Estonia	Yes
France	Yes
Germany	Yes
Greece	Yes
Hungary	Yes
Ireland	Yes
Italy	Yes
Latvia	Yes
Lithuania	Yes
Luxembourg	Yes
Malta	Yes
Netherlands	Yes
Poland	Yes
Portugal	Yes
Romania	Yes
Slovakia	Yes
Slovenia	Yes
Spain	Yes
Sweden	Yes
UK	Yes
Belgium	No
Bulgaria	No
Cyprus	No
Czech Republic	No
Finland	No

**23. As can be seen in Table 1, with the exception of Belgium, Bulgaria, Cyprus, and the Czech Republic, all EU member states have a small claims procedure or some form of simplified procedure for smaller claims.**<sup>16</sup> While the design of small claims procedures may differ across countries, in general it requires a dedicated small claims track. In contrast, simplified procedures vary more significantly in design. **Finland** does not have a small claims procedure, but ordinary procedures can be adapted depending on the case and regardless of claim value. This includes allowing cases to be conducted entirely in writing.<sup>17</sup> **Austria** and **Germany** similarly do not have a small claims track in a strict sense, but they do allow for a simplified procedure.<sup>18</sup> In Germany, the choice of procedure is at the court's discretion, while in Austria the procedure is mandatory and neither the parties nor the court can opt out of the specific rules for small claims.

**24. In addition to the small claims procedure available in most Member States, a cross-border procedure for smaller claims not exceeding 2,000 EUR was introduced by the EU in 2009 to facilitate access to cross-border justice.**<sup>19</sup> The European small claims procedure<sup>20</sup> is available in all EU countries, except Denmark, and serves as an alternative to national procedures in cases where at least one of the parties is from another state.

Sources: E-Justice Portal: Small Claims Procedure, and own research.

<sup>16</sup> The available information on small claims procedure in different EU member states is somewhat inconsistent. For example, while the European e-Justice Portal states that there is no small claims procedure in Belgium, Bulgaria, Cyprus, Czech Republic and Finland, the Doing Business report only lists Bulgaria, Czech Republic and Finland as countries without a small claims procedure. The CEPEJ report on the efficiency and quality of justice, on the other hand, lists Belgium, Cyprus and Czech Republic among those countries which have small claims procedure, but not Bulgaria and Finland. For the sake of consistency, only those countries which fall within this report's definition of small claims procedure are included in the analysis.

<sup>17</sup> Although Finland allows for a simplified procedure, it does not set any thresholds for the value of the claim, therefore it falls outside of this report's definition of small claims procedure and is not included in the analysis.

<sup>18</sup> The simplified procedures in Austria and Germany are included in the comparative analysis as they fall under this report's definition of small claims procedure.

<sup>19</sup> Cross-border cases can include, for example, a dispute involving a consumer in one Member State against a seller located in another Member State.

<sup>20</sup> Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure.

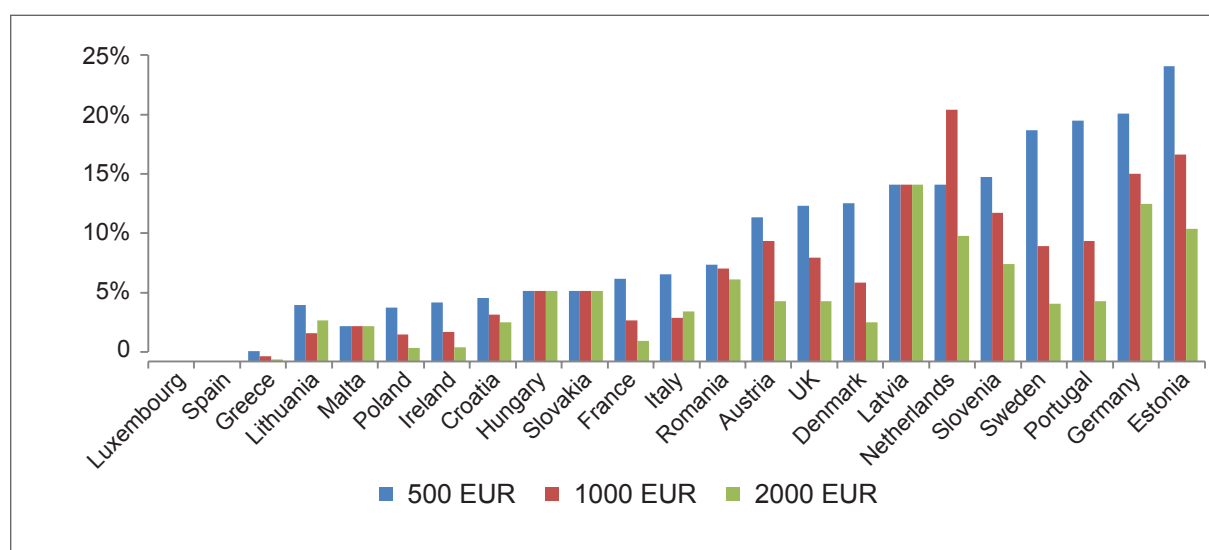
## 5. Court Fees

**25. Fees charged by courts to the parties for addressing claims are calculated in different ways across EU Member States.**<sup>21</sup> These fall into three main categories: fixed court fees, fees based a fixed percentage of the claim, and fees that vary according to claim value.<sup>22</sup> Some countries, such as the **UK**, allow for lower fees if the claim is made online. The average court fee in the EU28 for a claim of less than 2,000 EUR is 94 EUR.<sup>23</sup>

**26. In most EU jurisdictions, the absolute value of court fees for small claims procedure increases with the value of the claim, but there is some variation among Member States. Spain, for example, has no court fees at all. France, Denmark, Greece, Ireland, Malta, Portugal, and Sweden, have fixed court fees, regardless of claim value. The Czech Republic and Croatia have a combination of a fixed fee and a fee based on a fixed percentage of the claim. In several countries, such as the Czech Republic, Greece, Latvia, and Hungary, natural persons with low incomes can request an exemption or deferral of fees, thus increasing access to justice for the poor.**

**27. Figure 4 depicts court fees as a percentage of the value of the claim for three sample values.**<sup>24</sup> In countries with a small claims threshold below 1000 or 2000 EUR, disputes above these amounts are settled in ordinary procedure. In these countries ordinary court fees kick in in relatively small cases and the procedure may become more expensive.

**FIGURE 4** Court Fees for Small Claims Procedure as a percentage value of the claim amounts of 500, 1000 and 2000 EUR



Source: E-justice portal: Court fees concerning Small Claims procedure.

**28. Court fees that are relatively high may have a detrimental effect on the use of small claims procedure.** Court fees which are higher than 10 percent of the claim value are considered disproportionate and may deter citizens from pursuing legal action.<sup>25</sup> As seen in *Figure 4*, in most countries the relative costs of going to court are highest for the lower threshold of 500

<sup>21</sup> The court fee amounts by country and by value of the claim can be found in the Annex.

<sup>22</sup> European Commission, *Assessment of the socio-economic impacts of the policy options for the future of the European Small Claims Regulation*, Final Report, 2013, 87.

<sup>23</sup> As calculated based on court fees table in Annex B.

<sup>24</sup> Detailed information on court fees is provided in Annex B.

<sup>25</sup> Impact Assessment (SWD (2013) 459, SWD (2013) 460 (summary)) for a Commission Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) n°861/2007 establishing a European Small Claims Procedure and Regulation (EC) n° 1896/2006 creating a European order for payment procedure (COM (2013) 794).

EUR and then drop as the value of the claim rises. The figure also shows that it is still relatively expensive to go to court for disputes with a relatively small value. In 10 EU jurisdictions, the court fees are more than 10 percent of the claim for disputes up to 500 EUR. **Estonia** has the highest costs, where the court fee for a claim of 500 EUR is 25 percent of the value of the claim.

## 6. Types of Disputes

**29. In most EU jurisdictions, only simple civil law cases can be resolved under the small claims track, as seen in Table 2.** These include commercial and consumer disputes, movable property disputes, rent, damages, and contractual claims. Disputes involving cases such as divorce, custody, or bankruptcy are generally exempted.

**TABLE 2** Types of Disputes Included in Small Claims by Country

Country	Types of disputes
<b>Austria</b>	Financial disputes, labor and social security law disputes
<b>Croatia</b>	Private disputes, commercial disputes
<b>Denmark</b>	Monetary and non-monetary claims with exceptions provided for by the law
<b>Estonia</b>	Proprietary claims
<b>France</b>	Civil claims under the jurisdiction of district courts and local courts
<b>Germany</b>	All claims under €600
<b>Greece</b>	Movable property and possession claims which fall under the jurisdiction of magistrate courts
<b>Hungary</b>	Disputes involving a statement of opposition to an order for payment
<b>Ireland</b>	Consumer claims, business claims, damages to property claims, rent deposit claims
<b>Italy</b>	Disputes concerning movable assets, with exceptions provided for by the law
<b>Latvia</b>	Claims for recovery of money, claims for recovery of maintenance
<b>Lithuania</b>	Pecuniary claims
<b>Luxembourg</b>	Pecuniary claims
<b>Malta</b>	Pecuniary claims with exceptions provided for by the law (e.g. ownership of immovable property)
<b>Netherlands</b>	Pecuniary claims, employment claims, cases involving the lease of residential and commercial property
<b>Poland</b>	Contractual claims, consumer warranty or guarantee claims, claims regarding residential rent and fees
<b>Portugal</b>	Monetary obligations, commercial transactions
<b>Romania</b>	Pecuniary claims with exceptions provided for by the law
<b>Slovakia</b>	Civil disputes
<b>Slovenia</b>	Monetary claims, non-monetary claims that the plaintiff has declared his willingness to accept, claims for delivery of movable property.
<b>Spain</b>	Civil disputes, monitory procedure, administrative disputes
<b>Sweden</b>	Any civil action except family law matters
<b>UK</b>	Consumer claims, accident claims, disputes about ownership of goods, and disputes between landlords and tenants about repairs, deposits, rent arrears, etc., but not possession

Sources: E-Justice Portal: Small Claims Procedure; other desk research.

**30. Only in Germany** are there no limitations to court jurisdiction based on case type, as the law only refers to the monetary value of the claim and not subject matter. **Lithuania, Luxembourg, Malta, and Romania** only allow for monetary claims, while **Austria** allows for monetary claims and social security and labor law disputes. **The Netherlands** allows for monetary and labor law disputes as well as cases involving the lease of residential and commercial property.

**31. Denmark, Italy, Romania, Slovenia, and Sweden** provide exceptions in the law for the types of disputes that are exempted from small claims procedure. For example, in **Slovenia** disputes concerning immovable property, copyright, intellectual property, competition, and disturbance of possession are not covered. **Sweden** expressly exempts family law matters.



## 7. Thresholds

**32. Small claims procedure is generally intended to only apply to uncomplicated cases where the amount in dispute is low.** In the EU, this amount varies as each country determines its own thresholds. Some countries have also set different thresholds for different types of disputes, as is the case in **Croatia, Spain, and Slovenia**, where the threshold for commercial disputes is higher than for private disputes.

**33. There is no clear pattern for thresholds among EU jurisdictions.** Rather, clusters of thresholds can be discerned, which are presented in *Table 3*. The lowest threshold can be found in **Germany and Croatia** (in the latter only for private claims), where the upper limit is 600 EUR. On the lower range are also **Lithuania and Slovakia**, where the threshold ranges between 1,000 and 1,500 EUR. In the **UK**, there is no upper limit for cases that a judge deems to be simple<sup>26</sup> and in **Austria** there is no limit for labor and social security law disputes, while there is a threshold of 15,000 EUR for pecuniary disputes.

**34. In Estonia, Ireland, Latvia, Poland, Romania, Slovenia** (for private disputes), and **Sweden**, the threshold ranges between 2,000 and 2,400 EUR. In **France, Hungary, Malta, and Slovenia** (for commercial disputes only), the threshold is between 3,500 and 4,000 EUR.<sup>27</sup> The highest ranges, between 10,000 and 25,000 EUR, can be found in **Austria, Luxembourg, the Netherlands, Portugal, Spain** (for administrative disputes), and the **UK**. By comparison, the European Small Claims procedure for cross-border cases has a threshold of 2,000 EUR.

**TABLE 3** Small Claims Thresholds

Below 1,000 EUR	1,000 to 1,500 EUR	2,000 to 2,400 EUR	3,500 to 4,000 EUR	5,000 to 6,700 EUR	10,000 to 25,000 EUR	No upper limit if the case is deemed simple
<b>Croatia (1)</b> <b>Germany</b>	<b>Lithuania</b> <b>Slovakia</b> <b>UK (2)</b>	<b>Estonia</b> <b>Ireland</b> <b>Latvia</b> <b>Poland</b> <b>Romania</b> <b>Slovenia</b> <b>(3)</b> <b>Sweden</b>	<b>France</b> <b>Hungary</b> <b>Malta</b> <b>Slovenia</b> <b>(4)</b>	<b>Denmark</b> <b>Greece</b> <b>Italy</b> <b>Spain</b>	<b>Austria</b> <b>Luxembourg</b> <b>Netherlands</b> <b>Portugal</b> <b>Spain (5)</b> <b>UK</b>	<b>UK</b>
(1) Only for private claims		(4) Commercial disputes		(2) For personal injuries, and landlord/tenant disputes		
(2) For personal injuries, and landlord/tenant disputes		(5) Administrative disputes		(3) Private disputes		

Sources: E-Justice Portal: Small Claims Procedure.

**35. Sweden adjusts the threshold value to take into account changes in the Consumer Price Index (CPI).** The small claims threshold is set to 50 percent of the price base amount,<sup>28</sup> which is adjusted every year by the government based on the CPI. The price base amount for 2016 was set at 44,300 SEK (4,826 EUR), so for 2016 the small claims threshold is 2,413 EUR. By comparison, in 2015 the threshold was 12 EUR higher at 2,425 EUR.

<sup>26</sup> The decision is made based on factors such as the amount in dispute, which should normally be under 10,000 pounds, and the type of claim, normally consumer claims, accident claims, disputes between tenants and landlords, etc.

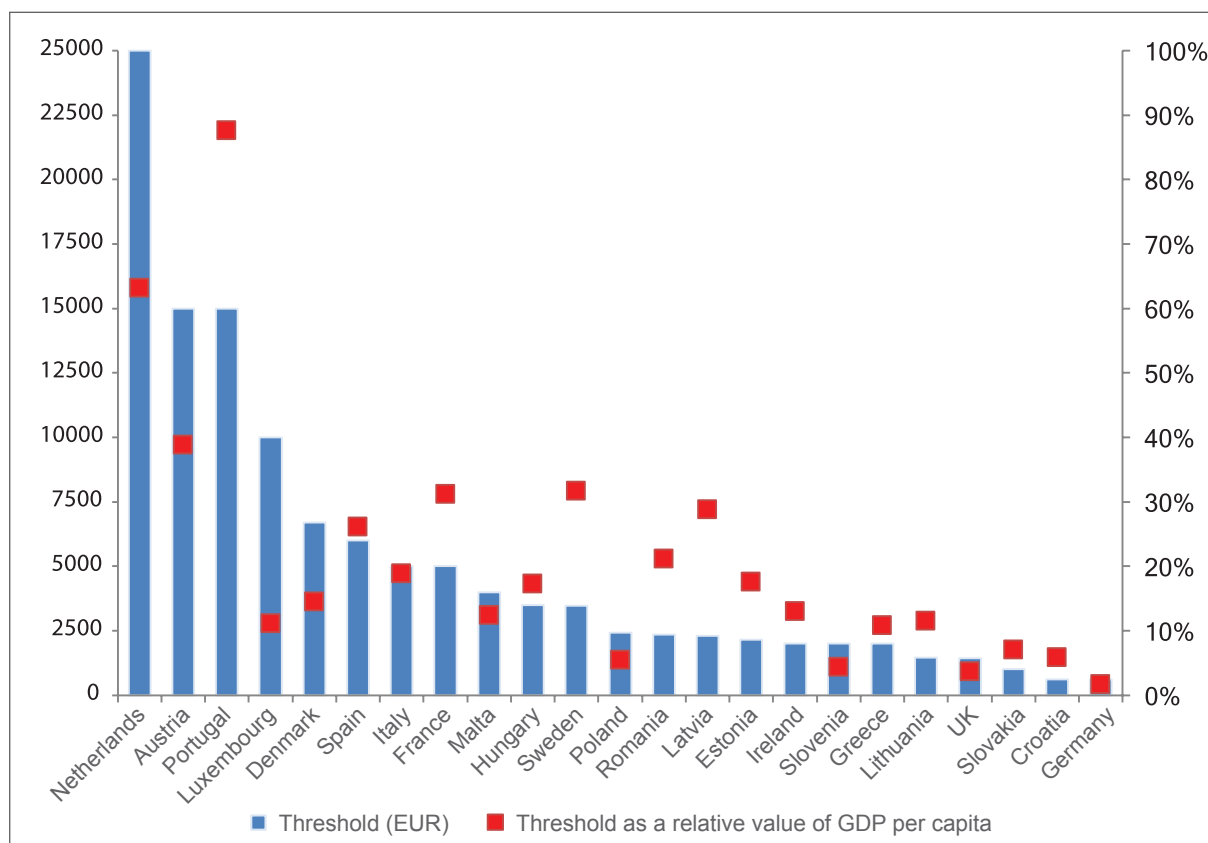
<sup>27</sup> The limit for small claims in Malta will be increased to 5,000 EUR. Times of Malta, *Limit for cases filed at Small Claims Tribunal to rise to €5,000*, October 22, 2015, available at: <http://www.timesofmalta.com/articles/view/20151022/local/limit-for-cases-filed-at-small-claims-tribunal-to-rise-to-5000.589221>.

<sup>28</sup> The price base amount is set by the government and is adjusted annually based on the price trends in Sweden. It is used for calculating different kinds of benefits and, as in this case, the threshold for the small claims procedure. Whenever the price base amount changes, the sums change automatically.

**36. The value of the threshold relative to income provides a better measure of accessibility than the absolute value – the higher the threshold the more accessible the procedure.** While the threshold is the same in **Austria** and **Portugal** in absolute terms, it is significantly higher in Portugal when compared to income as a percentage of GDP per capita.

**37. Figure 5 shows the absolute value of thresholds for small claims procedure<sup>29</sup> across EU Member States and those thresholds relative to GDP per capita. Portugal has a relatively high threshold, while Luxembourg has a relatively low one.**

**FIGURE 5** Thresholds for Small Claims in EU Member States

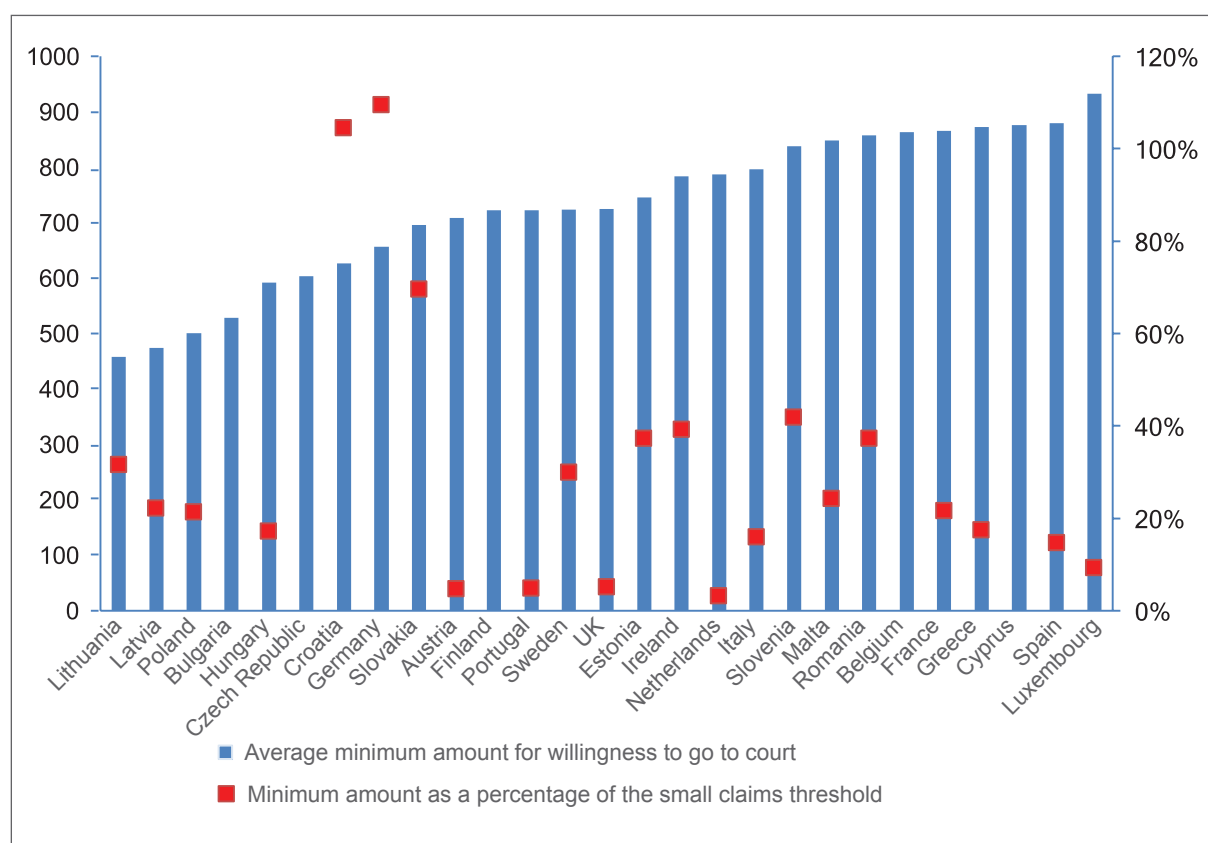


Sources: E-Justice Portal: Small Claims Procedure, World Bank 2015 GDP rates as converted to EUR on 28 September 2016 (the most recent GPD per capita rate for Malta is from 2013)

<sup>29</sup> A table with detailed information on thresholds can be found in Annex A.

**38. There is no clear pattern to the level of the threshold compared to a country's GDP per capita, nor does the ratio depend on geographical location.** As a percentage of GDP per capita,<sup>30</sup> the countries with the highest thresholds are **Portugal** and the **Netherlands** (88 percent and 63 percent, respectively). They are also significantly higher than the rest of the EU Member States. **Germany** has the lowest threshold, at 2 percent. The remaining EU jurisdictions are evenly spread ranging between 3 and 39 percent.

**FIGURE 6** Minimum amount to be willing to go to court over and its relation to the small claims threshold



Sources: Chart based on Special Eurobarometer 395 and own calculations

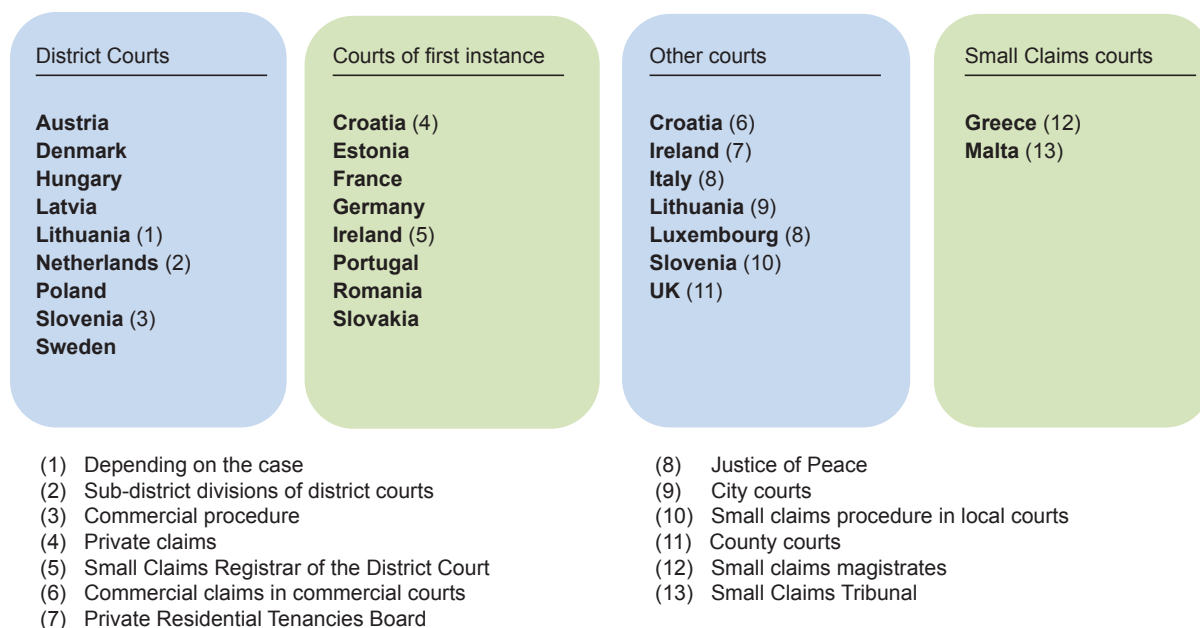
**39. The thresholds in most of the countries are well above the average minimum range of amounts that EU citizens are willing to go to court over.** Only **Croatian** and **German** citizens would be unwilling to go to court for amounts within the threshold in their countries. The threshold for what constitutes a small claim in Croatia and Germany is 600 EUR. However, respondents said they would only go to court if the amount of the dispute was 627 EUR in Croatia and 657 EUR in Germany, which, as can be seen in *Figure 6*, constitutes 105 and 110 percent, respectively, of the small claims threshold. **Lithuanian** and **Latvian** citizens would go to court over the smallest amounts (i.e., 458 EUR and 474 EUR, respectively), while citizens of **Spain** and **Luxembourg** would only go to court if the dispute amount was at least 880 EUR and 933 EUR, respectively.

<sup>30</sup> GDP 2015 rates, source the World Bank

## 8. Institutional Arrangements

**40. Most EU Member States keep small claims procedure in regular courts, usually in district courts or relevant courts of first instance, depending on the type of case (see Figure 7).** Although a dedicated small claims court can save judicial resources over time, establishing such courts may require upfront investment of both financial and human resources.

**FIGURE 7** Court Location of Small Claims Procedure by Country



*Sources:* relevant legal acts of respective country.

Note: Courts of first instance include any courts of first instance, including district courts, depending on the type of the dispute.

**41. Very few countries have dedicated small claims courts.** Greece has small claims magistrates, while **Malta**<sup>31</sup> has a small claims tribunal. In **Austria, Denmark, Hungary, Latvia, Poland**<sup>32</sup>, and **Sweden**, the small claims procedure falls under the jurisdiction of district courts. In **Croatia, France, Ireland, Lithuania, and Slovenia** many disputes fall under district courts, but they can also fall under other courts depending on the type of claim. For example, in **Croatia** commercial claims fall under commercial courts, while in **Ireland** the Private Residential Tenancies Board handles personal injuries, debts, and problems with lease agreements. In **Estonia, Germany, Portugal, Romania, and Slovakia**, relevant courts of first instance have jurisdiction depending on the type of claim. In **Italy** and **Luxembourg**, small claims procedure is handled by the justice of the peace.

<sup>31</sup> In Malta, the arbiters in the Small Claims Tribunal are appointed from amongst lawyers - who have been practicing law for at least seven years - for a term of five years. The adjudicators are not eligible for re-election.

<sup>32</sup> In Poland, small claims fall under common courts which are divided into divisions. If the claim is of a civil character, it is dealt with within the civil division of a district court. If it is a commercial claim, it is dealt with in the commercial division of the district court. The former is mandatory to be in place in every court. The latter can be allocated to the most efficient location where the court has jurisdiction over the case.

## 9. Procedure

**42. As the objective of small claims procedure is to resolve disputes in a simpler, quicker, and cheaper manner than ordinary procedure, most jurisdictions allow for rules of standard procedure to be set aside without compromising due process.** This can involve simpler rules for presenting evidence, hearing witnesses, or presenting a judgment. In some countries the entire procedure can be held in writing and the parties do not need to attend court.

**43. There is no “one size fits all” template for small claims procedure and most countries have a tailor-made approach that fits their individual needs.** Some countries may choose to set aside ordinary rules for evidence, while others may not. In some jurisdictions small claims procedure may be optional, while in others it is mandatory. Oral hearings may be required or claims may be conducted entirely in writing.

**44. Understanding the varied forms of small claims procedure may help countries choose those procedures that best suit their needs and available resources.** *Table 4* and the section below show some of the main features of small claims procedure in the EU. These include whether the procedure is mandatory or optional, whether hearings are held orally or in writing, the rules for taking evidence and judgments, the role of the judge, and what time limits, if any, are in place to ensure a speedy process.

**45. Mandatory/Optional:** In the majority of EU countries small claims procedure is optional, but once initiated cannot be transferred to ordinary procedure.<sup>33</sup> **Denmark** has a flexible system where parties can select either small claims procedure or ordinary procedure—regardless of the threshold—unless the dispute is between a consumer and a business, in which case it must be processed under the small claims procedure. In **Estonia** and **Germany**, a simplified procedure is an option and is used at the court’s discretion, regardless of the parties’ preferences. Only in **Greece** and **Lithuania** is small claims procedure mandatory, both for the parties and the court.

**46. Hearings:** In 12 EU countries, court hearings are not mandatory and the court may decide to resolve the dispute through written procedure (**Estonia, Germany, Greece, Latvia, Lithuania, Luxembourg, Poland, Romania, Slovakia, Slovenia, Sweden, and the UK**). However, parties can request an oral procedure or the court can deem it necessary, for example, if the case is complex. In **Croatia, Denmark, France, Ireland, Italy, Malta, the Netherlands, Portugal, and Spain**, on the other hand, the small claims procedure is oral and parties or their representatives are required to attend the hearing. In **France, Ireland, and Italy** the Judge, the Registrar, or the Justice of Peace, respectively, first attempt to reconcile the parties and only when reconciliation is unsuccessful is the matter transferred to small claims procedure.

**47. Taking Evidence:** Several countries have introduced more flexible and relaxed rules on taking evidence compared to ordinary procedure. In **Estonia, Germany, Greece, Malta, Poland, Romania, Slovenia**, and the **UK**, the formal requirements for taking evidence can be set aside. For example, the court can hear a witness or expert by phone or in writing or recognize other means of proof as evidence (e.g. statements not given under oath). In **Austria**, for claims below 1,000 EUR the ordinary rules of evidence can also be set aside and the judge can decide to disregard evidence in certain cases. For the sake of speedy resolution, some countries have restrictions on expert witnesses. In **Poland**, it is not possible to hear expert witnesses, while in **Portugal** it is only possible to hear one expert witness. In the **UK**, the judge decides on a case-by-case basis whether expert witnesses will be heard or not. In **Malta**, the Small Claims Tribunal Act specifically states that proceedings will not be deemed invalid even if formalities are not

---

<sup>33</sup> In **Denmark, Poland, Romania** and the **UK**, however, the court can decide to transfer a claim to ordinary procedure if the case is too complex.

observed as long as there has been substantial compliance with the Act.<sup>34</sup> In **France, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Slovakia, Spain, and Sweden**, however, the rules for taking evidence are the same as for ordinary procedure.

**48 Judgments:** In **Austria, Estonia, Germany, Greece, Ireland, Malta, Portugal, Slovenia**, and the **UK** the formal requirements for the judgment itself are more flexible and simplified and the judge can, for example, omit the description of the facts in his or her judgment. In **Greece, Ireland, Slovenia**, and **Spain** the court delivers its judgment immediately after the oral hearing. In **France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Slovakia, Spain**, and **Sweden** the contents of the judgment must be the same as under ordinary procedure.

**49. Role of the Judge:** In several countries judges have a more interactive role with the parties to a small claims procedure than under ordinary procedure. For example, in **Austria**, judges are required to give parties appropriate guidance on filling out forms and their procedural rights and obligations, as well as any legal consequences of their acts and omissions. In **Germany**, the court has a duty to explain the proceedings and clarify the issues. Judges in **Denmark** play an active role, attending to the preparation of the case and assisting and guiding the parties, while, on the other hand, in **Luxembourg** the courts and bailiffs have no obligation to assist the parties. In **Croatia**, small claims disputes can be assigned to court advisors who are public servants, while in **Malta**, the Small Claims Tribunal is presided over by a lawyer.

**50. Speed:** Several countries have tighter deadlines for small claims procedure than for ordinary procedure. In **Hungary**, for example, the court has to review the small claims form within eight days and schedule a first hearing within 60 days of receiving the form. In **Italy**, the time between serving the summons and appearance in court is half that of ordinary procedure and judgment should be rendered 15 days after the final hearing. In **Lithuania**, the average duration of small claims proceedings is intended to be one to three months, while in **Portugal** the hearing is held within 30 days of the application. **Latvia's** Civil Procedure Law, however, does not provide for any time limits for the conduct and resolution of small claims cases.

**TABLE 4 Main Features of Small Claims Procedure in EU Member States**

Country	Optional procedure	Mandatory procedure	Optional hearings	Mandatory hearings	Deviations from ordinary rules on taking of evidence	Ordinary rules for taking of evidence	Deviations from ordinary rules for judgements	Ordinary rules for judgements
Austria	X		-	-	X		X	
Croatia	-	-		X	-	-	-	-
Denmark	X			X	-	-		
Estonia	X		X		X		X	
France	X			X		X		X
Germany	X		X		X		X	
Greece		X	X		X		X	
Hungary	-	-	-	-		X		X
Ireland	X			X	X		X	
Italy*	-	-		X		X		X
Latvia	X		X			X		X
Lithuania		X	X			X		X
Luxembourg	X		X			X		X
Malta	X			X	X		X	
Netherlands	-	-		X		X	-	-
Poland	X		X		X			X
Portugal	X			X	X		X	
Romania	X		X		X		-	-
Slovakia	-	-	X			X		X
Slovenia	-	-	X		X		X	
Spain	-	-		X		X		X
Sweden	X		X			X		X
UK	X		X		X		X	

<sup>34</sup> Article 9(3) of the Small Claims Tribunal Act

Sources: E-Justice Portal: Small Claims Procedure, relevant legal acts of respective country, information from the websites of respective country's courts.

Note: "X" means yes and "-" indicates that information was not available

**51. Length of Proceedings:** A speedy procedure is one of the cornerstones of the small claims track. While there are no statistics for the EU28 Member States on the average length of proceedings, most countries have time limits for different steps of the procedure, for example: for setting a hearing once a small claim has been received; for when the applicant and defendant need to respond; for when the judgement must be rendered; and for when the appeal must be lodged. In **Ireland**, if the parties fail to come to an agreement through the Registrar they are called to a court hearing and the law prescribes the court hearing be set at least 14 days after the court receives the small claim, although in practice the parties are usually given one month's notice to appear in court. In **Hungary**, the court has to set a hearing within 60 days after receiving a small claim, while in **Portugal** the hearing needs to take place within 30 days.

**52. Enforcement of Decisions:** Enforcement arrangements impact the efficiency of small claims procedure. Notably, several countries do have specific procedures to facilitate enforcement of small claims. In the **UK**, if the debtor does not pay after receiving the court order, the claimant can ask the court to collect the payment or to send bailiffs to collect it. The claimant needs to pay another court fee (in addition to the fee that was paid for the small claims procedure) in order for the court to process this request. In **Ireland**, if the respondent has not paid within 28 calendar days, the claimant can turn to the Sheriff for enforcement of the decision.

## 10. Rules for Lawyers and Fees

**53. An important feature of the small claims procedure is that it often eliminates the need for parties to be represented by a lawyer.** In most jurisdictions, parties are free to have a lawyer if they wish, but are often not entitled to legal aid. Some countries allow parties to be represented by non-lawyers (**Malta, Latvia, and the UK**), while in others (**France and Greece**), the law lists those who can represent parties, including a spouse, registered partner, or parents. In **Austria, Denmark, and Germany**, it is the judge who advises and guides the parties through the procedure, but lawyers may be present and may even be mandatory in some instances (see section 55 below).<sup>35</sup> According to Doing Business, of all EU jurisdictions, only **Lithuania** does not allow self-representation in small claims procedure. In **Latvia**, the use of a lawyer is optional. No statistics could be identified on whether the use of a lawyer contributes to faster small claim proceedings.

**54. As with the different options for the procedure for the small claims track, the rules for lawyers and fees vary across the different Member States.** Countries may want to look at the available options and choose the solutions that best fit their needs and resources.

**55. Mandatory Legal Representation:** Some jurisdictions require legal representation for claims exceeding a certain amount. For example, in **Austria** parties are required to have legal representation if the claim exceeds 5,000 EUR, in **Italy** parties must have legal representation if the claim is more than 1,100 EUR, and in **Spain** legal representation is mandatory for claims above 2,000 EUR.

---

<sup>35</sup> Information in English on rules for lawyers and fees is sparse, thus this should be kept in mind when considering the assessments in this section.

**56. Optional Legal Representation:** In **Croatia, Denmark, France, Greece, Ireland<sup>36</sup>, Latvia, Lithuania, and The Netherlands**, legal representation is optional. Thus, in most of these countries it is not possible for the parties to apply for legal aid. Furthermore, in those countries where legal representation is not deemed necessary, all parties bear their own costs and are not entitled to recover the costs of a lawyer from the losing party. There are some exceptions to this rule: in **The Netherlands** and **Latvia** the judge can decide that the losing party shall also pay the legal assistance costs of the opposing party.

**57. Ordinary Rules for Lawyers' Fees:** In **Austria, Germany, Italy, and Latvia** the rules for ordinary procedure apply with regard to use of lawyers and their fees.

**58. Fixed Costs:** Fixing the lawyers' fees in disputes involving small claims is a good way to prevent soaring costs for the parties. **Denmark** has opted to establish fixed costs for those who wish to be represented by a lawyer in a small claims procedure. The costs are 2,700 DKK (360 EUR) for cases that take up to one hour in court, 4,000 DKK (540 EUR) for cases up to two hours, and 6,000 DKK (805 EUR) for cases up to three hours. The rates are lower for relatively low amounts: 1,500 DKK (200 EUR) for claims less than 5,000 DKK (670 EUR), and 2,500 DKK (335 EUR) for claims between 5,000 and 10,000 DKK (670 - 1,340 EUR).

**59. Legal Aid:** In most EU jurisdictions, parties to small claims procedure are not entitled to legal aid. There are some exceptions: in **Estonia, Hungary, Latvia, The Netherlands, and Slovenia** parties to a small claims procedure can be granted legal aid if they are deemed in need. Legal aid may be provided only partially free of cost and the applicant may be required to contribute to the costs in accordance with his or her financial situation.

**60. Losing Party Pays Principle:** In **Estonia, Hungary, Italy, Latvia, Malta, Poland, Portugal, Romania, and Slovenia** the losing party pays all the costs, including the costs for legal fees of the opposing party. **Luxembourg** has opted for a slightly different solution: although the losing party normally pays the costs of the other party, lawyers' costs are not normally reimbursed, but the judge may award the successful party a lump sum that can include lawyers' costs. In **Sweden**, the winning party may only be reimbursed for one hour of a lawyer's advice (apart from fees and costs of travel and translation). In the **UK**, the winning party may claim any court fees, but the costs of legal advice (up to 260 GBP) may only be claimed in certain types of cases. In contrast, in **Ireland**, each party pays their own fees and lawyers' costs are not reimbursed by the losing party.

## 11. Avenues of Appeal

**61. To prevent strain on judicial resources, many countries limit avenues of appeal for smaller claims.** Providing citizens and businesses the opportunity to resolve small claims disputes in court can facilitate access to justice, but allowing disputes to continue over several instances could prove costly for the courts. *Table 5* shows the avenues of appeal for small claims in EU member states and whether it is possible to appeal at all.

**62. In France, Greece, Hungary, Poland, and Slovenia there is no right of appeal, but some make exceptions on points of law (e.g., if there has been a serious breach of procedural law).** **Sweden** requires the permission of the court of appeal which can only grant leave if the examination of the case would have an impact on case law or if the lower court's decision is expected to be overturned.<sup>37</sup>

---

<sup>36</sup> In Ireland businesses are required to have legal representation in small claims procedure though consumers are not.

<sup>37</sup> The same rule applies to appeals in ordinary procedure in Sweden.



**63. In other countries, the right to appeal varies depending on the value of the claim.** In **Denmark**, appeals are only possible for claims above 10,000 DKK (1,330 EUR), while in **Germany** appeals from claims under 600 EUR are only possible if the court of first instance grants explicit leave for appeal. In **Austria**, the right of appeal is limited: for claims not exceeding 2,700 EUR, appeals are only allowed on points of law or if the court made a serious procedural error rendering the procedure invalid, but for claims above 2,700 EUR normal rules of appeal apply. In **Italy** no appeals are possible for claims under 1,100 EUR, in the **Netherlands** appeals are possible for claims exceeding 1,750 EUR, and in **Spain** appeals are only possible for claims above 3,000 EUR.

**64. Estonia, Ireland, Lithuania, Malta, Portugal, Romania, and Slovakia, allow for appeals of small claim disputes in all instances.** In **Latvia**, appeal is possible only to the court of second instance, but not to the third instance. In some countries, like **Ireland**, the small claims procedure no longer applies when an appeal is made. This means that the fees are higher, legal representation is mandatory, and the judge might award costs against the claimant.

**TABLE 5 Avenues of Appeal for Small Claims Procedure in EU Member States**

Country	Avenues of Appeal
<b>Austria</b>	Right of appeal for small claims is limited under Austrian law. For claims under 2700 EUR, appeals are only allowed on points of law or on grounds of invalidity, i.e. in the case of extremely serious procedural errors. For claims above 2700 EUR, normal appeal procedure applies.
<b>Croatia</b>	-
<b>Denmark</b>	No possibility of appeal for claims under 10,000 DKK (1,330 EUR)
<b>Estonia</b>	Appeals of simplified proceedings follow the ordinary procedure. Appeals are made to circuit or district courts
<b>France</b>	No possibility of appeal
<b>Germany</b>	Where the claim does not exceed 600 EUR, appeals are not allowed unless the first instance court grants explicit leave for appeal.
<b>Greece</b>	No possibility of appeal
<b>Hungary</b>	Appeals can only be made on the grounds of a serious breach of procedural rules or the incorrect application of the legislation.
<b>Ireland</b>	Appeal is possible before the Circuit Court
<b>Italy</b>	If the disputed value does not exceed 1,100 EUR no appeal is possible. Appeal is only possible if there has been a breach of procedural rules, constitutional law or Community law, or of the principles governing the subject-matter
<b>Latvia</b>	Only one appeal is allowed. No cassation to the 3 <sup>rd</sup> instance is allowed.
<b>Lithuania</b>	Appeals may be filed within 30 days from the passing of the judgment
<b>Luxembourg</b>	Ordinary rules for appeal apply for order for payment cases, while summons cases before a justice of the peace can only be appealed if the value of the claim exceeds 1,250 EUR.
<b>Malta</b>	Appeals are made to the Court of Appeal by filing a claim in the Court's Registry.
<b>Netherlands</b>	Appeals are possible for claims exceeding 1,750 EUR. Civil cases are brought to the four competent courts of appeal and administrative cases to the two competent courts of appeal (one for planning matters and one for civil servants).
<b>Poland</b>	Appeal is allowed only on a point of law and is decided upon by a single judge (instead of 3) in written procedure.
<b>Portugal</b>	Appeals are not subject to specific rules and are thus allowed in the way of ordinary procedure.
<b>Romania</b>	Appeal is possible.
<b>Slovakia</b>	The possibility to appeal is the same as for ordinary procedure. Appeals shall be filed within 15 days of the ruling
<b>Slovenia</b>	Appeals are only possible on the point of law.
<b>Spain</b>	Appeal is only possible for claims above 3,000 EUR. The appeal is submitted to the same court in writing within 20 days of the passing of the judgment.
<b>Sweden</b>	Appeal is allowed but requires permission from the court of appeal. Leave to appeal may only be granted if the examination of the case would have a wider impact on the application of the law or if the court's decision is expected to be overturned on appeal. Appeals are made to the competent Court of Appeal ( <i>Hovrätt</i> )
<b>UK</b>	The possibility of launching an appeal is not available as a matter of right. The party must ask the trial judge for permission and give persuasive reasons. Court claims for money can be appealed within 21 days of the ruling.

Sources: E-Justice Portal: Small Claims Procedure, relevant legal acts of respective country, information from the respective country's courts' websites.

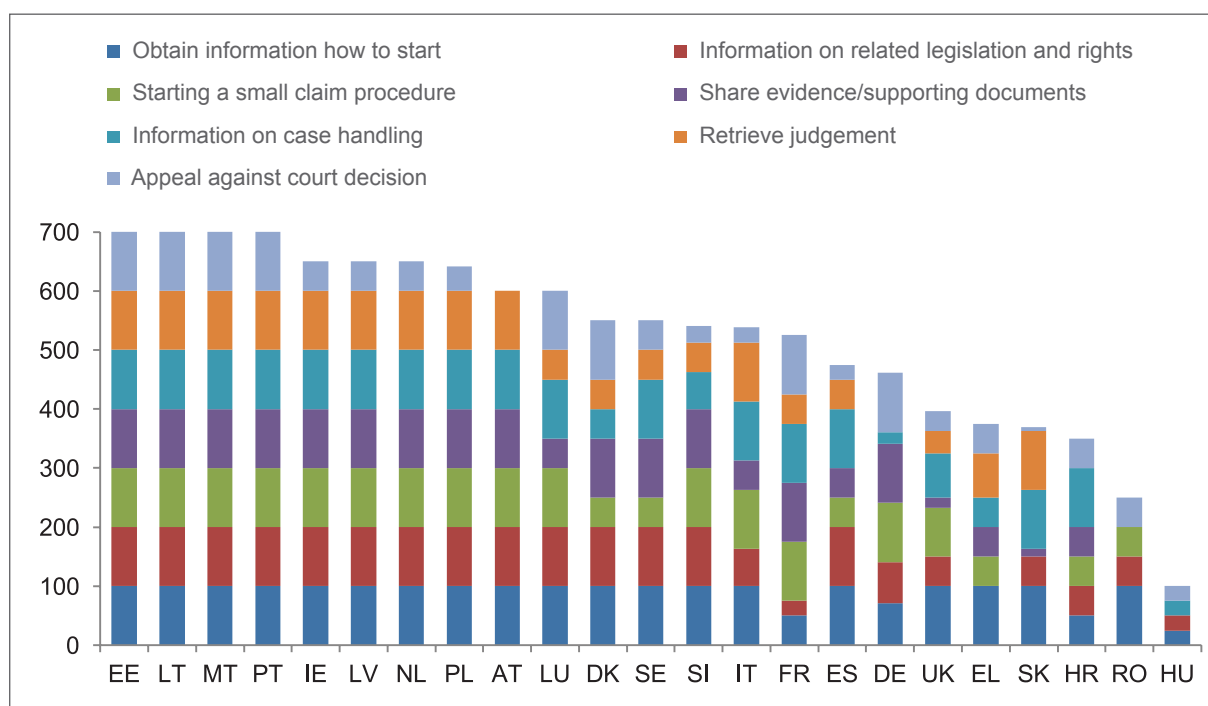
Note: "–" means information was not available.

## 12. Use of Technology

**65. The use of technology in small claims procedure has several benefits: it facilitates access to information and access to justice, reduces the administrative burden for all actors, and speeds up proceedings.** While some progress has been made, several countries fail to offer any electronic services at all while others only offer downloadable forms and online information. In a number of countries, filing a complaint still requires the traditional procedure of filling out a paper form and posting it by mail or bringing it to the relevant court.

**66. The latest EU Justice Scoreboard shows that there are significant differences between EU jurisdictions in allowing litigants to pursue a small claim online, as illustrated by Figure 8.** No regional patterns can be discerned. **Estonia, Lithuania, Malta, and Portugal** offer the most comprehensive packages of information and services online, including how to: start a small claims procedure, obtain information on related legislation and rights, share evidence and supporting documents, retrieve a judgment, and appeal against a court decision. It is encouraging that compared to the previous year, there has been improvement in all categories.<sup>38</sup>

**FIGURE 8** Benchmarking of Small Claims Procedure Online



Source: EU Justice Scoreboard 2016, Figure 22.

**67. In the majority of jurisdictions, there is a gap between providing information about small claims procedure and actually offering online services.<sup>39</sup> Only Estonia, Lithuania, Malta, and Portugal score 100 percent for online availability.** According to the European Commission's Background Report *Delivering the European Advantage*,<sup>40</sup>

<sup>38</sup> EU Justice Scoreboard 2016, 22, available at: [http://ec.europa.eu/justice/effective-justice/files/justice\\_scoreboard\\_2016\\_en.pdf\\_20](http://ec.europa.eu/justice/effective-justice/files/justice_scoreboard_2016_en.pdf_20)

<sup>39</sup> Detailed information online and in English on the availability of electronic services is sparse and was available for less than half of EU jurisdictions.

<sup>40</sup> European Commission, *Delivering the European Advantage? How European governments can and should benefit from innovative public services*, Final Background Report, May 2014, 104, available at: [https://www.capgemini.com/resource-file-access/resource/pdf/background\\_report\\_20-05\\_final\\_for\\_ec\\_0.pdf](https://www.capgemini.com/resource-file-access/resource/pdf/background_report_20-05_final_for_ec_0.pdf)

appeal of small claim procedures is the service and information offered online in fewest instances, in those countries where appeals are possible.

**68. Austria, Denmark, Estonia, Ireland, Latvia, Lithuania, Malta, Poland, Portugal, Slovenia, Sweden,** and the **UK** offer some form of electronic services, for example electronic submission of claims (**Denmark, Ireland, Slovenia, and Sweden**). In **Poland**, it is possible in some courts for the parties to log in and check the status of their case, but the case is not processed electronically. **Ireland** and the **UK** (claims under GBP 100) offer “regular” e-services and also allow for an alternative “small claims online” procedure<sup>41</sup> conducted entirely online by district court offices and available to both consumers and businesses.

**TABLE 6** Availability of Electronic Payment of Court Fees

Country	Electronic payment of court fees
Austria	Yes
Belgium	No
Bulgaria	Yes
Croatia	Yes
Cyprus	No
Czech Republic	Yes
Denmark	Yes
Estonia	Yes
Finland	Yes
France	No
Germany	Yes
Greece	Yes
Hungary	No
Ireland	No
Italy	Yes
Latvia	Yes
Lithuania	Yes
Luxembourg	No
Malta	No
Netherlands	No
Poland	Yes
Portugal	Yes
Romania	No
Slovakia	Yes
Slovenia	Yes
Spain	Yes
Sweden	No
UK	Yes

**69.** In the **UK**, a review<sup>42</sup> was recently undertaken of how ICT tools and services can become more central in the daily administration of justice. The goal is to digitize the processes of the courts, including creating an online court for small claims disputes. The proposed structure involves an automated process to help the parties identify the nature of the claim, case management and conciliation conducted mainly by phone or online by case officers, and a decision taken by a judge either in writing, by phone, video, or face to face.

**70.** According to the 2015 EU Justice Scoreboard,<sup>43</sup> electronic processing of claims, part of the communication between the courts and the parties, is available in most EU jurisdictions with the exception of **Croatia, Greece, Hungary, Slovakia, and Slovenia**. In **Germany** and **Italy**, it is only available in a few courts. In **Sweden** and **Romania**, it is possible to submit a claim via email; however, a signed paper copy must also be submitted to the court. The most recent Doing Business data shows that more than a third of EU jurisdictions do not offer electronic payment of court fees<sup>44</sup>, as seen in *Table 6*.

Source: EU Justice Scoreboard 2016

<sup>41</sup> UK: Money Claim Online, available at: <https://www.gov.uk/make-money-claim-online> Ireland, available at: <http://www.courts.ie/Courts.ie/Library3.nsf/0/50A0FEDF19079201802574050061745F?OpenDocument>

<sup>42</sup> The Register “We’re four years away from digitizing England’s courts – report”, 19 February 2016, available at: [http://www.theregister.co.uk/2016/02/19/fouryear\\_target\\_for\\_digital\\_court\\_in\\_england\\_ambitious\\_but\\_not\\_unworkable\\_says\\_expert/](http://www.theregister.co.uk/2016/02/19/fouryear_target_for_digital_court_in_england_ambitious_but_not_unworkable_says_expert/)

<sup>43</sup> EU Justice Scoreboard 2015, available at: [http://ec.europa.eu/justice/effective-justice/files/cej\\_study\\_scoreboard\\_2015\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/cej_study_scoreboard_2015_en.pdf)

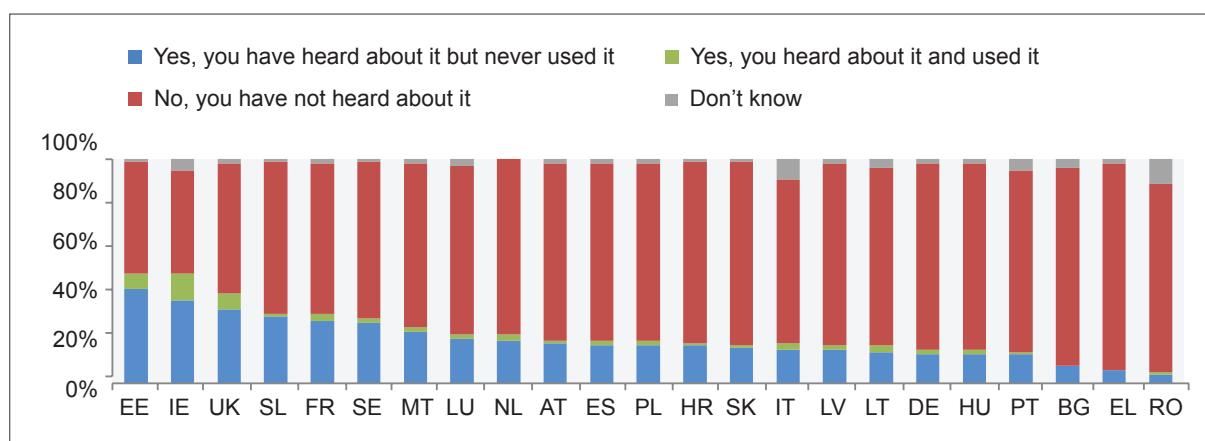
<sup>44</sup> The data does not distinguish between small claims procedure and regular procedure. Hence, also countries which do not have a small claims track are included.

### 13. Awareness of Small Claims Procedure

**71. A large obstacle to using small claims procedure is the lack of awareness about its existence among the general population.**<sup>45</sup> As *Figure 9* shows, awareness of small claims procedure ranges between 4 and 42 percent across EU jurisdictions. According to the Special Eurobarometer 395, 75 percent of EU citizens were not aware of and had not heard of small claims procedure. Awareness raising campaigns aimed at the general population and targeted court users may be worth exploring to boost the use of the procedure.

**72. In addition to raising awareness, a number of other features could be emphasized to encourage citizens to pursue a small claim.** According to the Eurobarometer survey<sup>46</sup> these include being able to carry out the proceedings remotely, in writing, online, and without the necessity of a lawyer. Furthermore, two thirds of the respondents said they would be more likely to go to court over a dispute under 2,000 EUR if they received free legal assistance. This indicates the population is not aware of how the procedure works and that it can, and should, be conducted without the help of a lawyer. Here, consumer organizations and easily accessible information about the procedure could contribute to its wider use.

**FIGURE 9** Awareness of a Simplified Procedure for Small Claims by Country



Source: Special Eurobarometer 395, 65.

### 14. Conclusion and Recommendations

**73. Judiciaries across the world are looking for innovative ways to simplify and speed up resolution of small disputes.** This report provides some comparative evidence of how judiciaries in the EU have achieved this through small claims procedures. Countries differ but there are salient common features, including: lower court fees, types of eligible cases, thresholds for what constitutes a small claim, institutional set-up, simplified procedural track, the possibility of self-representation, restricted avenues of appeal, and the use of technology.

**74. Some core recommendations may be drawn from the analysis:**

- i. **Court fees should be less than 10 percent of the value of a small claim, and preferably less than 5 percent.** Research shows that court fees which are higher than 10 percent of claim value are considered disproportionate and likely deter citizens from pursuing their legal rights. Therefore, low or no court fees are recommended in small claims procedure.

<sup>45</sup> Special Eurobarometer 395, 64

<sup>46</sup> Ibid. 9

- ii. **Thresholds should reflect local context but should be low enough to provide accessibility to large groups of potential court users.** With widely varying thresholds for small claims procedure across the EU (from 600 EUR in Germany to 25,000 EUR in The Netherlands) it is difficult to assess the optimal threshold. However, the threshold of 2,000 EUR introduced by the EU for European small claims procedure for cross-border disputes can serve as a barometer of a reasonable threshold. In setting thresholds, policymakers should consider incomes per capita and local cost of living.
  - iii. **The types of disputes covered should at least include civil and commercial cases.** While several countries also allow for other types of disputes, civil and commercial disputes are subject to small claims procedure in all of the countries covered by this study. Though there is no concrete data on this, many small claims disputes would appear to be between consumers and sellers and between small businesses. Family law disputes are often (but not always) explicitly excluded from small claims procedure.
  - iv. **The procedure should value flexibility and responsiveness to citizens and businesses.** One of the defining features of small claims procedure is its flexibility, which allows for speedier resolution. One particularly good practice is found in Malta where the Small Claims Tribunal Act states that proceedings will not be deemed invalid even if formalities are not observed, as long as there has been substantial compliance with the act.
  - v. **Judges should take an active role in proceedings.** A defining feature of the procedure is that self-representation is allowed. So, in order to ensure due process and that parties without legal representation are not at a disadvantage, the judge in small claim cases should take a more active role and guide the parties through the process. This is likely to require the careful selection of judges adept at this approach, and training will likely be required to instill a proactive culture among small claims judges.
  - vi. **E-services should be offered wherever possible, with analogue back-ups.** As the report shows, in many cases small claims procedure can be conducted entirely in writing and court hearings may not be necessary. Conducting the entire procedure online should therefore be an option for the courts. Courts should at the very least offer parties the option to pay court fees online and to submit applications online. In-person options should always be available for vulnerable groups, such as the elderly and those with limited internet access, with an expectation that demand for in-person services will reduce in the medium term.
  - vii. **Policymakers should consider how best to ensure effective enforcement of small claim judgment.** From the perspective of the user, the enforcement procedure is a key step in their path to justice, even if the court sees it as a separate procedure. For example, if the fast-track procedure delivers a judgment quickly, but the enforcement of decisions is lengthy or requires additional costs, as is the case in the UK, citizens and small businesses may continue to be deterred from bringing valid claims. In that case, improvements to the enforcement procedure should be factored into the reforms.
  - viii. **Raise awareness about the possibility of fast-tracking.** Surveys show that 75 percent of EU citizens are not aware of the existence of a small claims procedure, so many citizens and businesses labor under the erroneous assumption that the process will be lengthy and costs will be high. Countries that already have a small claims procedure should consider launching awareness raising campaigns to encourage citizens and businesses to use this friendly service as part of broader government responsiveness initiatives. Countries looking to introduce such a procedure should consider dissemination as a key part of the reform rollout.
- 75. Resolving small claims via a fast track has many benefits: it frees up court time and court resources, it reduces backlogs, and it improves access to justice for ordinary citizens and micro and small enterprises.** Jurisdictions that lack a small claims procedure, or wish to improve the effectiveness of their existing procedure, would do well to consider how best to incorporate these good practices into their context.

## Annex A: Small claims thresholds in absolute value

Country	Threshold
<b>Austria</b>	15,000 EUR for financial disputes N/A for labor and social security law disputes
<b>Croatia</b>	Private claims: 5,000 HRK (600 EUR) Commercial disputes: 50,000 HRK (6,000 EUR)
<b>Denmark</b>	50,000 DKK (6,700 EUR)
<b>Estonia</b>	2,000 EUR
<b>France</b>	4,000 EUR
<b>Germany</b>	600 EUR
<b>Greece</b>	5,000 EUR
<b>Hungary</b>	1,000,000 HUF (3,460 EUR)
<b>Ireland</b>	2,000 EUR
<b>Italy</b>	5,000 EUR
<b>Latvia</b>	2,100 EUR
<b>Lithuania</b>	5,000 LTL (1,450 EUR)
<b>Luxembourg</b>	10,000 EUR
<b>Malta</b>	3,494.06 EUR
<b>Netherlands</b>	25,000 EUR
<b>Poland</b>	10,000 PLN (2,355 EUR)
<b>Portugal</b>	15,000 EUR
<b>Romania</b>	10,000 RON (2,300 EUR)
<b>Slovakia</b>	1,000 EUR
<b>Slovenia</b>	2,000 EUR 4,000 EUR for commercial disputes
<b>Spain</b>	Civil disputes: 6,000 EUR Administrative disputes: 13,000 EUR
<b>Sweden</b>	22,150 SEK (2,413 EUR) (subject to annual indexation)
<b>UK</b>	10,000 GBP (14,240 EUR) Personal injuries, cases against a landlord for repair or other works or for damages: 1,000 GBP (1,424 EUR) Cases deemed to be simple: no limit

Sources: E-justice portal: Court fees concerning Small Claims procedure, sources listed in bibliography.

## Annex B: Court fees for small claims

Country	Court fee for a sample of values (EUR)						
	50	200	500	1000	2000	5000	10000
Austria	22	43	61	102	102	299	707
Belgium*	35	35	35	35	35	35	35
Bulgaria*	25	25	25	40	80	200	400
Croatia	13,5	13,5	27	40	67	567	736
Cyprus*	0	0	0	0	0	0	0
Czech Republic*	40	40	40	50	100	250	500
Denmark	67	67	67	67	67	67	N/A
Estonia	75	75	125	175	225	325	N/A
Finland*	113	113	113	113	113	113	113
France	35	35	35	35	35	35	35
Germany	75	75	105	159	267	N/A	N/A
Greece	4,50	4,50	4,50	4,50	4,50	4,50	4,50
Hungary	3	12	30	60	120	216	216
Ireland	25	25	25	25	25	25	25
Italy	37	37	37	37	85	85	206
Latvia	71,14	71,14	75	150	300	N/A	N/A
Lithuania	15	15	15	30	60	150	300
Luxembourg	0	0	0	0	0	0	0
Malta	23	23	23	23	23	23	23
Netherlands	75	75	75	213	213	213	213
Poland	7	24	24	24	70	N/A	N/A
Portugal	102	102	102	102	102	102	102
Romania	4,50	17	41	79	139	308	486
Slovakia	16,50	16,50	30	60	120	200	600
Slovenia	54	54	78	126	165	N/A	N/A
Spain	0	0	0	0	0	0	0
Sweden	98	98	98	98	98	98	98
UK	41	41	66	88	102	140	287

Sources: E-justice portal: Court fees concerning Small Claims procedure, European Commission, *Assessment of the socio-economic impacts of the policy options for the future of the European Small Claims Regulation*, Final Report, 2013, 58

Note: The sign \* indicates countries with no simplified or small claims procedure. For these countries the table reflects the court fees for ordinary procedure.

## Annex C: Use of technology in small claims

Country	Use of technology, e.g. e-filing, e-service
<b>Austria</b>	Yes
<b>Croatia</b>	No
<b>Denmark</b>	Yes. Electronic submission of claims available as of January 1, 2015. Electronic systems are used to process the claims but the process is not 100 percent electronic
<b>Estonia</b>	Yes
<b>France</b>	Yes
<b>Germany</b>	Partially. Electronic processing of small claims is available at a few courts
<b>Greece</b>	No
<b>Hungary</b>	No
<b>Ireland</b>	Yes. It is possible to initiate the proceedings and pay the application fee online. There is also an alternative “small claims online” procedure provided by District Court offices available for both consumers and businesses
<b>Italy</b>	Yes, but not available at all courts
<b>Latvia</b>	Yes. Standardized forms are available on the web
<b>Lithuania</b>	Yes
<b>Luxembourg</b>	Electronic processing of small claims (in part or totally) is available at the level of the district courts and the justices of the peace
<b>Malta</b>	Yes. E-filing is available
<b>Netherlands</b>	Yes
<b>Poland</b>	Yes, e-filing and e-service are available to a limited extent.
<b>Portugal</b>	Yes
<b>Romania</b>	Partially. Electronic submission of small claims is available at a few courts; however the parties must also provide the originals in hard copy.
<b>Slovakia</b>	No, but application forms are available for download
<b>Slovenia</b>	No
<b>Spain*</b>	-
<b>Sweden</b>	There is no electronic system but it is possible to submit a claim via email. However, a signed paper copy must also be submitted. Forms are also available online.
<b>UK</b>	A so called “Money Claim Online” procedure can also be used, which is a purely online procedure.

Source: Sources listed in bibliography, EU Justice Scoreboard 2015

Note: The sign - indicates that information is not available



## References

- European Commission. 2015. *Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions – The 2015 EU Justice Scoreboard*. Brussels, Belgium: European Commission. [http://ec.europa.eu/justice/effective-justice/files/justice\\_scoreboard\\_2015\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/justice_scoreboard_2015_en.pdf)
- European Commission. 2016. *Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Region - The 2016 EU Justice Scoreboard*. Brussels, Belgium: European Commission. [http://ec.europa.eu/justice/effective-justice/files/justice\\_scoreboard\\_2016\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/justice_scoreboard_2016_en.pdf)
- European Commission. 2013. *Assessment of the socio-economic impacts of the policy options for the future of the European Small Claims Regulation*. Final Report. Brussels, Belgium: European Commission. [http://ec.europa.eu/justice/civil/files/small\\_claims\\_report\\_ia\\_en.pdf](http://ec.europa.eu/justice/civil/files/small_claims_report_ia_en.pdf)
- European Commission. 2014. *Delivering the European Advantage? How European governments can and should benefit from innovative public service*. Final Background Report. Brussels, Belgium: European Commission. [https://www.capgemini.com/resource-file-access/resource/pdf/background\\_report\\_20-05\\_final\\_for\\_ec\\_0.pdf](https://www.capgemini.com/resource-file-access/resource/pdf/background_report_20-05_final_for_ec_0.pdf)
- European Commission. 2012. *Special Eurobarometer 395*. 2013. *European Small Claims Procedure*. Brussels, Belgium: European Commission. [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_395\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_395_en.pdf)
- e-Justice Portal: Court fees concerning Small Claims Procedure. Accessed May to November 2016. [https://e-justice.europa.eu/content\\_court\\_fees\\_concerning\\_small\\_claims\\_procedure-306-en.do](https://e-justice.europa.eu/content_court_fees_concerning_small_claims_procedure-306-en.do)
- e-Justice Portal: Small Claims Procedure. Accessed May to November 2016. [https://e-justice.europa.eu/content\\_small\\_claims-42-en.do?clang=en](https://e-justice.europa.eu/content_small_claims-42-en.do?clang=en)
- The European Commission for the Efficiency of Justice (CEPEJ). 2016. *European judicial systems. Efficiency and quality of justice. Edition 2016 (2014 data)*. Strasbourg, France: CEPEJ. [http://www.coe.int/T/dghl/cooperation/cepej/evaluation/2016/publication/REV1/2016\\_1%20-%20CEPEJ%20Study%2023%20-%20General%20report%20-%20EN.pdf](http://www.coe.int/T/dghl/cooperation/cepej/evaluation/2016/publication/REV1/2016_1%20-%20CEPEJ%20Study%2023%20-%20General%20report%20-%20EN.pdf)
- The European Commission for the Efficiency of Justice (CEPEJ). 2014. *European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice*. Strasbourg, France: CEPEJ. [http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport\\_2014\\_en.pdf](http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf)
- The European Commission for the Efficiency of Justice (CEPEJ). 2014 *Study on the functioning of judicial systems in the EU Member States – Facts and figures from the CEPEJ 2012-2014 evaluation exercise*. Strasbourg, France: CEPEJ. [http://ec.europa.eu/justice/effective-justice/files/cepej\\_study\\_scoreboard\\_2014\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/cepej_study_scoreboard_2014_en.pdf)
- The European Commission for the Efficiency of Justice (CEPEJ). 2015. *Study on the functioning of judicial systems in the EU Member States – Facts and figures from the CEPEJ questionnaires 2010-2012-2013*. Strasbourg, France: CEPEJ. [http://ec.europa.eu/justice/effective-justice/files/cepej\\_study\\_scoreboard\\_2015\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/cepej_study_scoreboard_2015_en.pdf)

## Select Bibliography

Consumer Europe Denmark:

<http://www.consumereurope.dk/Complaints/Small-claims-process-in-Denmark> and  
<http://www.consumereurope.dk/Complaints/Small-claims-process-in-Denmark/Instructions-on-filling-in-an-application-form>

Consumer Association of Ireland. <http://thecai.ie/your-rights/small-claims-procedure/>

Consumer Help Ireland. <http://www.consumerhelp.ie/small-claims>

European Commission Consumer Redress Info Sheets (Czech Republic, Denmark)

[http://ec.europa.eu/consumers/solving\\_consumer\\_disputes/docs/ms\\_fiches\\_czech\\_republic.pdf](http://ec.europa.eu/consumers/solving_consumer_disputes/docs/ms_fiches_czech_republic.pdf)  
[http://ec.europa.eu/consumers/solving\\_consumer\\_disputes/docs/ms\\_fiches\\_denmark.pdf](http://ec.europa.eu/consumers/solving_consumer_disputes/docs/ms_fiches_denmark.pdf)

Government of Malta. Small Claims.

<https://www.gov.mt/en/Life%20Events/SmallClaims/Pages/Small-Claims.aspx>

Make a court claim for money, UK. <https://www.gov.uk/make-court-claim-for-money/overview>

Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure. OJ L 199, 31.7.2007, p. 1–22.

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32007R0861>

Small Claims Online Procedure. Ireland.

<http://www.courts.ie/courts.ie/library3.nsf/pagecurrent/50A0FEDF19079201802574050061745F?opendocument&l=en>

Small Claims Tribunal Act. Malta.

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8847&l=1>

Small Claims Tribunal Rules. Malta.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10476&l=1>

The European Commission for the Efficiency of Justice (CEPEJ). 2009. Scheme for Evaluating Judicial Systems. Slovakia. Strasbourg, France: CEPEJ.

[http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2010/2010\\_Slovakia.pdf](http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2010/2010_Slovakia.pdf)

The Register “We’re four years away from digitising England’s courts – report”. 19 February 2016.

[http://www.theregister.co.uk/2016/02/19/fouryear\\_target\\_for\\_digital\\_court\\_in\\_england\\_ambitious\\_but\\_not\\_unworkable\\_says\\_expert/](http://www.theregister.co.uk/2016/02/19/fouryear_target_for_digital_court_in_england_ambitious_but_not_unworkable_says_expert/)

World Bank 2015. Doing Business Indicators 2016. Washington, DC: World Bank.

<http://www.doingbusiness.org/>



