



Ms Paraskevi Michou
Director DG Justice
B-1049 Brussels

12 June 2013

Dear Ms Michou,

I am writing to you with regard to the recent consultation on the European Small Claims Procedure.

BUSINESSEUROPE has always stressed the importance of effective enforcement of EU legislation. In order to make full use of the Internal Market, both businesses and consumers need to rely on effective means of redress. BUSINESSEUROPE believes that an emphasis should be put on improving and reinforcing existing mechanisms and promote non-judicial mechanisms such as arbitration, mediation, complaint-handling and information schemes.

Although courts should remain the last resort, facilitating the access to simplified and low-cost judicial means, especially in cross-border cases is essential especially in a time of fast-growing ecommerce trade.

The European Small Claims Procedure is a remarkable instrument which has filled an important gap in completing the European Justice Area. It grants both businesses and consumers with an option to claim rights stemming from their cross-border relations where the low values involved would normally not motivate claimants to address courts in other Member States.

Despite 5 years of existence and the widely accepted advantages, this European procedure has not yet met its full potential.

BUSINESSEUROPE believes that the following improvements would make this instrument more attractive for both businesses and consumers:

- Intensifying **awareness-raising** activities among judges, court bailiffs and legal practitioners as well as among consumers and SMEs;
- **Increase the threshold of 2 000 EUR**: the current threshold limits the outreach of this instrument;
- Ensuring that **court fees** for the procedure remain proportionate and adequate;



- Facilitating the **use of electronic means** for the application of the procedure and throughout the judicial proceedings (e.g. electronic communication, video conferencing);
- Ensuring that after the judgement is given, **parties are well-informed** about the next steps;
- Ensuring that the **standard form** remains user-friendly and that **some assistance** (e.g. information campaign or a service) is available to complete it.

By meeting these challenges, the European Small Claims Procedure can be, in articulation with the recently adopted Alternative Dispute Resolution package, the missing piece to provide European consumers and businesses with effective means of solving their disputes. This will boost confidence in the Internal Market, a driver for growth and jobs.

We remain at your disposal should you wish to discuss this subject further.

Yours sincerely, *Best regards,*
J. Chauvin

Jérôme P. Chauvin
Director
Legal Affairs Department
Internal Market Department