

Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure

CHAPTER I

SUBJECT MATTER AND SCOPE

Article 1

Subject matter

This Regulation establishes a European procedure for small claims (hereinafter referred to as the European Small Claims Procedure), intended to simplify and speed up litigation concerning small claims in cross-border cases, and to reduce costs. The European Small Claims Procedure shall be available to litigants as an alternative to the procedures existing under the laws of the Member States.

This Regulation also eliminates the intermediate proceedings necessary to enable recognition and enforcement, in other Member States, of judgments given in one Member State in the European Small Claims Procedure.

Article 2

Scope

1 This Regulation shall apply, in cross-border cases, to civil and commercial matters, whatever the nature of the court or tribunal, where the value of a claim does not exceed EUR 2 000 at the time when the claim form is received by the court or tribunal with jurisdiction, excluding all interest, expenses and disbursements. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (*acta jure imperii*).

2 This Regulation shall not apply to matters concerning:

- a the status or legal capacity of natural persons;
- b rights in property arising out of a matrimonial relationship, maintenance obligations, wills and succession;
- c bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings;
- d social security;
- e arbitration;
- f employment law;
- g tenancies of immovable property, with the exception of actions on monetary claims; or
- h violations of privacy and of rights relating to personality, including defamation.

3 In this Regulation, the term 'Member State' shall mean Member States with the exception of Denmark.

Status: Point in time view as at 11/07/2007.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 861/2007 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

Article 3

Cross-border cases

1 For the purposes of this Regulation, a cross-border case is one in which at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court or tribunal seised.

2 Domicile shall be determined in accordance with Articles 59 and 60 of Regulation (EC) No 44/2001.

3 The relevant moment for determining whether there is a cross-border case is the date on which the claim form is received by the court or tribunal with jurisdiction.

Status:

Point in time view as at 11/07/2007.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 861/2007 of the European Parliament and of the Council, CHAPTER I.