Commission Delegated Regulation (EU) 2017/1259 of 19 June 2017 replacing Annexes I, II, III and IV to Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure

COMMISSION DELEGATED REGULATION (EU) 2017/1259

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replacing Annexes I, II, III and IV to Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure[(1)], and in particular Article 26 thereof,

Whereas:

(1) Regulation (EC) No 861/2007 establishes in its Annexes the forms to be used to facilitate its application.

(2) Regulation (EC) No 861/2007 was amended by Regulation (EU) 2015/2421 of the European Parliament and of the Council[(2)]. The introduced changes to the European Small Claims Procedure should be reflected in the forms in the annexes. For the sake of clarity, it is appropriate to replace the whole Annexes.

(3) As the amendments to Regulation (EC) No 861/2007 will start to apply on 14 July 2017, this Regulation should enter into force on 14 July 2017.

(4) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of Regulation (EC) No 861/2007 and of Regulation (EU) 2015/2421, and are therefore bound by this Regulation.

(5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(6) Therefore, it is necessary to replace Annexes I to IV to Regulation (EC) No 861/2007,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II, III and IV to Regulation (EC) No 861/2007 are replaced by the text in the Annex to this Regulation.

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2017/1259. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Article 2

This Regulation shall enter into force on 14 July 2017.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 19 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

ANNEX

EUROPEAN SMALL CLAIMS PROCEDURE

FORM A

CLAIM FORM

(Article 4(1) of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure)

Case number (*):

Received by the court/tribunal on: ____/ ___ / _____ (*)

(*) To be filled in by the court/tribunal.

IMPORTANT INFORMATION

PLEASE READ THE GUIDELINES AT THE BEGINNING OF EACH SECTION — THEY WILL HELP YOU TO FILL IN THIS FORM

Assistance in filling in the form

You may benefit from assistance in filling in this form. To find out how to obtain such assistance, you may refer to the information provided by the Member States and published on the website of the European Judicial Atlas in civil and commercial matters, available at the European e-Justice Portal https://e-justice.europa.eu/content_small_claims-354-en.do Please note that this assistance does not include legal aid, for which appropriate application must be made under national law; nor does it include a legal assessment of your case.

Language

Fill in this form in the language of the court/tribunal to which you are sending your application. Please note that the form is available in all official languages of the institutions of the European Union on the European e-Justice Portal https://e-justice.europa.eu/content_small_claims_forms-177-en.do This may help you in filling in the form in the required language.

Supporting documents

Please note that the claim form should be accompanied, where appropriate, by any relevant supporting documents. However, this does not prevent you from submitting, where appropriate, further evidence during the procedure.

A copy of the claim form and, where appropriate, of the supporting documents, will be served on the defendant. The defendant will have an opportunity to submit a response.

1. *Court/tribunal*

In this field you should identify the court/tribunal before which you are making your claim. When deciding which court/tribunal to choose, you need to consider the grounds for the court's/tribunal's jurisdiction. A non-exhaustive list of possible grounds of jurisdiction is included in section 4. You may wish to use the dedicated search facility, available on the European e-Justice Portal to find the details (address, telephone number etc.) of the court with jurisdiction:

https://e-justice.europa.eu/content_small_claims-354-en.do

1. *Before which court/tribunal are you making your claim?*

1.1. Name:

1.2. Street and number/PO box:

1.3. City and postal code:

1.4. Country:

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2. *Claimant*

This field must identify you as the claimant and your representative, if any. Please note that it is not mandatory to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a P.O. Box as the address and you should therefore include the street name and number with a postcode. Failure to do so may result in the document not being served.

If you have a personal identification number given by the authorities of a Member State it would be helpful to provide it. If you don't have such number, it would be helpful to provide the number of your passport or identification document, if you have them. If you act on behalf of a legal person or any entity having legal capacity, it would be helpful to provide a relevant registration number.

'Other details' may contain further information that helps to identify you, for example, your date of birth, occupation or position in the company.

Where there is more than one claimant, please use additional sheets.

2. *The claimant's details*
2.1. Surname, first name/name of company or organisation:
2.2. Personal identification number or passport number/registration number (*):
2.3. Street and number/PO box:
2.4. City and postal code:
2.5. Country:
2.6. Telephone (*):
2.7. Email (*):
2.8. Claimant's representative, if any, and contact details (*):
2.9. Other details (*):

3. *Defendant*

In this field you should identify the defendant and, if known, his representative. Please note that it is not mandatory for the defendant to be represented by a lawyer or another legal professional.

It may not be sufficient in some countries to give only a PO box as the address and therefore you should include the street name and number with a postcode. Failure to do so may result in the document not being served.

If you know a personal identification number given to a defendant by authorities of a Member State it would be helpful to provide it. Alternatively or additionally it would be helpful to provide a number of the defendant's passport or identification document, if you have them. If the defendant is a legal person or any entity having legal capacity, it would be helpful to provide a relevant registration number for the defendant if you know it.

'Other details' may contain further information that helps to identify the person, for example the date of birth, occupation or position in the company. If there is more than one defendant, please use additional sheets.

3. *The defendant's details*
3.1. Surname, first name/name of company or organisation:
3.2. Personal identification number or passport number/registration number
3.3. Street and number/PO box:

(*) Optional.

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3.4. City and postal code:

3.5. Country:

3.6. Telephone (*):

3.7. Email (*):

3.8. Defendant's representative, if known, and contact details (*):

3.9. Other details (*):

4. *Jurisdiction*

Your application must be lodged with the court/tribunal that has jurisdiction to deal with it. The court/tribunal must have jurisdiction in accordance with the rules of Regulation (EU) No 1215/2012 of the European Parliament and of the Council ([1]).

This section includes a non-exhaustive list of possible grounds for jurisdiction.

Information on the rules of jurisdiction can be found on the website of the European Judicial Atlas at https://e-justice.europa.eu/content_brussels_i_regulation_recast-350-en.do

You can also look at http://ec.europa.eu/civiljustice/glossary/glossary_en.htm for an explanation of some of the legal terms employed.

4. *On what ground do you consider the court/tribunal to have jurisdiction?*

4.1. Domicile of the defendant ☐

4.2. Domicile of the consumer ☐

4.3. Domicile of the policyholder, the insured or the beneficiary in insurance matters ☐

4.4. Place of performance of the obligation in question ☐

4.5. Place of the harmful event ☐

4.6. Place where the immovable property is situated ☐

4.7. Choice of court/tribunal agreed by the parties ☐

4.8. Other (please specify) _____

5. *Cross-border nature of the case*

In order to make use of the European Small Claims Procedure, your case must be of a cross-border nature. A case is of a cross-border nature if at least one of the parties is domiciled or habitually resident in a Member State other than the Member State of the court/tribunal.

(*) Optional.

([1]) Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).