

INTRODUCTION

The pursuit of effective justice for small claims disputes, both at national and cross-border levels, remains a cornerstone of legal and procedural reforms across Europe. Over the past two decades, the European legal landscape has witnessed substantial efforts to streamline and harmonize small claims procedures, aiming to balance efficiency, accessibility, and fairness. From the introduction of specialized procedural tools like the European Small Claims Procedure (ESCP) to innovative technological solutions such as blockchain and AI-driven automation, the collective endeavor reflects a growing recognition of the need to adapt justice systems to contemporary societal demands.

Small claims disputes, often characterized by their relatively low monetary value, represent a significant proportion of the caseload in courts across Europe. These disputes, ranging from consumer credit arrears and unpaid subscriptions to parking fines and utility bills, pose unique challenges due to their volume and the associated costs of adjudication. For instance, in Belgium, the prevalence of uncontested money debts led to the introduction of the “Invordering Onbetwiste Schulden” (IOS) mechanism, a novel extrajudicial procedure designed to ease the burden on courts while addressing the European Commission’s concerns about inadequate small claims recovery frameworks. Similarly, across the European Union, the ESCP was established with the dual objective of standardizing cross-border procedures and alleviating procedural inefficiencies in domestic systems.

However, despite these reforms, challenges persist. The European Small Claims Procedure, introduced under Regulation (EC) No 861/2007, was envisioned as a streamlined, cost-effective mechanism to resolve disputes of up to €5,000. Yet, as several studies reveal, its adoption has been uneven across Member States. Litigants often remain unaware of its existence, and national procedural frameworks frequently overshadow its utility. In Italy, for example, the ESCP faces obstacles such as high appeal rates, misaligned costs, and mandatory negotiation requirements that complicate its implementation.

These challenges underscore the broader tension between uniform European instruments and diverse national legal traditions.

Digital innovation has emerged as a critical avenue for addressing these procedural inefficiencies. Countries like Slovenia have demonstrated the potential of digital enforcement mechanisms to enhance the efficiency of small claims resolution. Platforms such as SCAN-II illustrate how technology can reduce costs and simplify enforcement procedures. In North Macedonia, the ongoing digitalization of civil justice, coupled with legislative reforms, points to a future where small claims procedures could be fully integrated into an e-justice framework. Yet, as scholars caution, the adoption of digital tools must navigate the complexities of legal tradition and ensure that advancements like AI and blockchain align with fundamental principles of justice and fairness.

The integration of AI into the judiciary, particularly in the context of the ESCP, represents a frontier in procedural reform. AI-driven automation offers the promise of reducing case backlogs and expediting decision-making processes. However, as studies indicate, the deployment of such technologies raises critical questions about the balance between human oversight and algorithmic efficiency. The mapping of legal frameworks for AI-based automation within the ESCP highlights both the opportunities and the limitations of this approach.

Parallel to these technological advancements, the debate over the digitalization of civil justice touches upon foundational questions of procedural law. The traditional emphasis on orality—valuing direct interaction between judges, parties, and witnesses—has given way to more flexible models that prioritize efficiency. While digital hearings and online dispute resolution mechanisms offer convenience, they also challenge established notions of procedural justice and the role of human engagement in the adjudication process.

At the same time, the broader context of alternative dispute resolution (ADR) reflects a growing demand for harmonized approaches to consumer protection. The introduction of a unified European code for ADRs could address longstanding disparities in national frameworks and ensure that consumers, often the weaker party in contractual disputes, receive effective remedies. Cases underscore the importance of aligning ADR mechanisms with fundamental EU principles, such as the right to effective judicial protection.

Blockchain technology offers yet another avenue for reimagining the ESCP. By introducing transparency, traceability, and security into procedural workflows, blockchain could transform the way cross-border disputes are managed. However, as recent studies reveal, the integration of blockchain into legal systems is not without its challenges. Issues of scalability, technical compatibility, and regulatory alignment must be addressed to realize its full potential.

Across these discussions, a recurring theme is the need for a balanced approach to reform. While digitalization and technological innovation hold immense promise, they are not panaceas. Procedural tools like the ESCP must grapple with deeper structural issues, including the lack of awareness among litigants, the uneven integration into national systems, and the overarching reliance on Member States' judiciary infrastructures.

The 12 papers presented here are the result of a pivotal conference held in Brussels, organised by Profs. Marco Giacalone, Kim Van der Borgh and Gina Gioia, at the conclusion of the SCAN-II project, a co-funded project by the European Commission, JUST 2027 Program, under grant agreement no. 101046587¹. This gathering of scholars, practitioners, and policymakers provided an invaluable platform for discussing the project's findings, debating innovative solutions, and charting the path forward for small claims procedures in Europe. Each paper reflects a unique perspective on the challenges and opportunities inherent in this critical area of law and justice.

As Europe continues its journey toward a more unified and efficient legal framework for small claims, the lessons from these studies underscore the importance of collaboration, innovation, and respect for fundamental rights. From Belgium's IOS mechanism to North Macedonia's digital transformation and the ambitious visions of AI and blockchain, the evolution of small claims procedures reflects a dynamic interplay between tradition and progress. This narrative not only highlights the achievements and challenges of past reforms but also lays the groundwork for future innovations that can better serve citizens, foster cross-border cooperation, and uphold the principles of justice in an increasingly interconnected world.

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¹ For more info about the SCAN2 project, please visit <https://scan2.vub.be>.

