

Scan 2 Project - Simplification of legal text

Oct 16, 2023

Text Simplification - Form A

In this questionnaire, the respondents are asked to read 10 short texts extracted from Form A (Claim Form, https://e-justice.europa.eu/177/EN/small_claims_forms?init=true) of the "Small Claims Procedure". Respondents are first asked to indicate (separated by commas) for each original text, which words or phrases might be difficult for a non-expert user (i.e. a user who has no legal expertise/training) to understand. Secondly, four simplified versions are proposed for each original text and respondents are asked to select, according to their own judgement, the simplified version that best matches the original text (or "None of the suggestions"). There are no right/wrong answers. Additional comments can be entered by the respondents in the "Comments" section, for example for motivating their choices.

1. What legal terms or expressions in the following text "**Claim**" do you think might be difficult for a non-expert user to understand?

Original text

Claim

Scope: Please note that the European Small Claims Procedure has a limited scope. No claims of a value higher than EUR 5000 or which are listed in Article 2 of Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure can be dealt with under this procedure. If your claim does not relate to an action within the scope of that Regulation in accordance with Article 2, proceedings will continue before the courts/tribunals with jurisdiction in accordance with the rules of ordinary civil procedure. If you do not wish to continue proceedings in that event, you should withdraw your application. Monetary or other claim: You should indicate whether you are claiming money and/or something else (non monetary claim), for example, delivery of goods, and then fill in respectively either 5.1. and/or 5.2.

2. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Claim**"?

- ☐ a) The European Small Claims Procedure is a legal process that can be used to settle disputes involving claims of up to €5000. It cannot be used for certain types of claims listed in Article 2 of Regulation (EC) No 861/2007. If the claim is not within the scope of the Regulation, proceedings will continue in court. If the claimant does not wish to continue, they should withdraw their application. The claimant must indicate whether they are claiming money or something else (non-monetary claim).
- ☐ b) The European Small Claims Procedure is a legal process that can be used to settle disputes involving claims of up to €5000. It cannot be used for certain types of claims listed in Article 2 of Regulation (EC) No 861/2007. If the claim does not fall within this scope, proceedings will continue before the courts or tribunals with jurisdiction according to ordinary civil procedure rules. If you do not wish to proceed, you should withdraw your application. When making a claim, it must be specified whether money and/or something else (non-monetary claim) is being requested.
- ☐ c) The European Small Claims Procedure is limited to claims of a value up to EUR 5000. Certain claims listed in Article 2 of Regulation (EC) No 861/2007 are not eligible. If your claim does not meet these criteria, it will be handled by the courts/tribunals. If you don't want to continue with this process, you should withdraw your application. When filling out the form, indicate if you are claiming money or something else (non-monetary claim).
- ☐ d) The European Small Claims Procedure is limited to claims of a value up to EUR 5000. Certain types of claims listed in Article 2 of Regulation (EC) No 861/2007 cannot be dealt with under this procedure. If your claim does not fit within the scope, it will need to be handled by the courts or tribunals according to ordinary civil procedure rules. You should indicate if you are claiming money and/or something else (non-monetary claim).
- ☐ e) None of the above

3. Remarks about the "**Claim**" text (optional)

4. What legal terms or expressions in the following text "**Costs of Proceeding**" do you think might be difficult for a non-expert user to understand?

Original text

Costs of Proceeding

If you wish to claim the costs of the proceedings (e.g. translation costs, lawyers' fees, costs relating to the service of documents etc.), then you should indicate this in 7.3. Please note that rules regarding the costs which courts/tribunals can award vary between different Member States. Details of categories of costs in the Member States can be found on the European e-Justice Portal https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do .

5. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Costs of proceeding**"?

- ☐ a) If you need to pay for things related to your court case, like translation services or lawyers' fees, make sure to indicate this in the 7.3 section of your paperwork.
- ☐ b) Different countries have different rules about what costs they can award, so check out the European e-Justice Portal (https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do) for more information on what costs are allowed in each country.
- ☐ c) If you want to be reimbursed for expenses related to your case (like translation fees, lawyer fees, or costs for delivering documents), check box 7.3. Rules for how much courts/tribunals can award vary by country. For more information, visit the European e-Justice Portal.
- ☐ d) If you want to be reimbursed for expenses related to the case (like translation fees, lawyer costs or delivering documents), check box 7.3. Rules about how much courts/tribunals can give back vary in different countries. To find out more, visit the European e-Justice Portal: https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do
- ☐ e) If you need to pay for things related to your court case, like translation services, lawyer fees, or documents, you should indicate this in 7.3. Different countries have different rules about what costs they can award, so you can find more information about this on the European e-Justice Portal.
- ☐ e) None of the above

6. Remarks about the text "**Costs of proceedings**" (optional)

7. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "***Claim interests***"?

Original text

Claim interests

If you wish to claim any contractual interest, for example on a loan, you should indicate the rate and from what date it runs. The court/tribunal may award statutory interest on your claim, if you are successful. If you wish to claim interest, please indicate this and the date from which the interest should run. If necessary, please use additional pages to describe your claim e.g. if you claim several payments and the interest is claimed from different date on each of the payments.

8. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "***Claim interests***"?

- ☐ a) If you are claiming interest on a loan, please indicate the rate and the date it should start from. The court/tribunal may also award you interest if your claim is successful. If you are claiming interest, please state this and the date it should start from. If you are claiming multiple payments with different interest start dates, please use extra pages to explain your claim.
- ☐ b) If you are claiming interest on a loan, please indicate the rate and when it should start. The court/tribunal may also award statutory interest if your claim is successful. If you need to explain more about your claim (e.g. multiple payments with different dates for each), use extra pages to do so.
- ☐ c) If you are claiming money from someone, you can ask for interest to be paid on top of the amount you are owed. You should indicate the rate of interest and the date it should start from. The court may also award you statutory interest if your claim is successful. Make sure to include this information in your claim and provide additional pages if you are claiming multiple payments with different interest rates.
- ☐ d) If you are claiming money from someone, you can ask for interest to be paid on top of the amount. You should indicate what rate of interest and when it should start being paid. The court may also award statutory interest if your claim is successful. Make sure to include this information in your claim and provide any extra details needed (e.g. different dates for each payment).
- ☐ None of the above

9. Remarks about the text "***Claim Interests***" (optional)

10. What legal terms or expressions in the following text "**Claimant**" do you think might be difficult for a non-expert user to understand?

Original text

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

11. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Claimant**"?

- ☐ a) This field is used to identify the person making the claim and any representative they may have. It is not required to have a lawyer or legal professional represent you. When providing an address, it is important to include the street name and number, as well as a postcode. If this information is not included, the document may not be served. If there is more than one claimant, additional sheets should be used.
- ☐ b) This field is used to identify the person making a claim and any representative they may have. It's not necessary to have a lawyer or legal professional represent you, but it's important to include your full address (including street name, number, and postcode) when filling out this form. If more than one person is claiming something, additional sheets should be filled out. Failing to provide all of the required information could result in the document not being served.
- ☐ c) This field must identify you as the claimant and any representative you have. You don't have to have a lawyer or legal professional. Make sure to include the street name, number, and postcode when giving an address. If you don't, the document may not be served. If there is more than one claimant, use extra sheets.
- ☐ d) This field must identify you as the claimant and any representative you have. You don't need to use a lawyer or legal professional. Make sure your address includes the street name, number, and postcode - not just a PO Box. If it doesn't, the document may not be served. If there's more than one claimant, add extra sheets.
- ☐ None of the above

12. Remarks about the text "**Claimant**" (optional)

13. What legal terms or expressions in the following text "**Court**" do you think might be difficult for a non-expert user to understand?

Original text

Court

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.

14. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Court**"?

- ☐ a) When making a claim, you need to identify the court or tribunal before which it is being made. You should consider the grounds for jurisdiction of that court/tribunal when deciding which one to choose. A list of possible grounds can be found in section 4.
- ☐ b) Choose the court or tribunal where you are making your claim. Consider the grounds for the court or tribunal's jurisdiction. A list of possible grounds is in section 4.
- ☐ c) Choose the court or tribunal where you are making your claim. Consider what grounds of jurisdiction apply to that court or tribunal. See section 4 for a list of possible grounds.
- ☐ d) When making a claim, you need to identify the court or tribunal before which you are making the claim. You should consider the grounds for the court or tribunal's jurisdiction before making your decision. A list of possible grounds of jurisdiction is provided in section 4.
- ☐ None of the above

15. Remarks about the text "**Court**" (optional)

16. What legal terms or expressions in the following text "**Cross-border Nature**" do you think might be difficult for a non-expert user to understand?

Original text

Cross-border nature

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.

17. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Cross-border Nature**"?

- ☐ a) You can use the European Small Claims Procedure if you and the other party are from different countries in the European Union.
- ☐ b) You can use the European Small Claims Procedure if you have a legal dispute with someone from another country in Europe.
- ☐ c) The European Small Claims Procedure is a legal process that can be used to resolve disputes between parties from different countries in the European Union. To use this procedure, at least one of the parties involved must be from a different country than the court or tribunal handling the case.
- ☐ d) The European Small Claims Procedure is a legal process that can be used to resolve disputes between parties from different countries in the European Union. To use this procedure, at least one of the parties involved must live or usually reside in a country other than where the court or tribunal is located.
- ☐ None of the above

18. Remarks about the text "**Cross-border nature**" (optional)

19. What legal terms or expressions in the following text "**Defendant**" do you think might be difficult for a non-expert user to understand?

Original text

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 P.O. 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.

20. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Defendant**"?

- ☐ a) Identify the defendant in this field. If they have a representative, include their name too. Make sure to provide an address with street name and number plus postcode - not just a P.O. Box - or the document may not be served correctly.
- ☐ b) When filing a legal document, you must identify the defendant and their address. If they are represented by a lawyer or other legal professional, you should include this information. Make sure to include the street name and number, as well as the postcode, as some countries may not accept a P.O. Box address. If this information is not included, the document may not be served.
- ☐ c) When filing a legal document, you must identify the defendant and their address. If they are represented by a lawyer or other professional, include that information as well. Make sure to provide the street name and number with a postcode; otherwise, the document may not be served.
- ☐ d) Identify the defendant in this field. If they have a representative, include their name too. Make sure to include the street name, number and postcode of the defendant's address. If this information is not provided, the document may not be served.
- ☐ None of the above

21. Remarks about the text "**Defendant**" (optional)

22. What legal terms or expressions in the following text "**Documents and Communication**" do you think might be difficult for a non-expert user to understand?

Original text

Documents and communication

Service of documents and communication with the court Procedural documents, like your application, the response from the defendant, any counterclaim and the judgment may be served upon the parties by post or by electronic means, if such means are technically available to the court and admissible in accordance with the procedural law of the Member State in which the procedure is conducted. If the documents are to be served in a Member State other than the one in which the procedure is conducted, the procedural rules of the Member State where service is effected have to be observed as well. Electronic means could be used also for other written communications (e.g. a request to attend a court hearing). Electronic means can be used only if the addressee expressly consents in advance to their use or if he/she is legally obliged to accept electronic service and/or other written communication from the court in accordance with the procedural rules of the Member State in which the addressee is domiciled. To see if electronic means of service and/or communication are available and admissible in the relevant Member States check the information on the European e-justice portal at https://e-justice.europa.eu/content_small_claims-354-en.do?clang=en

23. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Documents and Communication**"?

- ☐ a) Documents and communication related to a court case can be served to the parties involved by post or electronically. Electronic means can be used if the addressee agrees or is legally required to accept them. To find out if electronic means are available and allowed in the relevant Member States, check the European e-justice portal.
- ☐ b) Documents and communication related to a court case can be served or sent by post or electronically, depending on the rules of the country where the procedure is taking place. If documents are being served in another country, that country's rules must also be followed. Electronic means may also be used for other written communications with the court if allowed by law. To find out what electronic services are available and admissible in different countries, visit https://e-justice.europa.eu/content_small_claims-354-en.do?clang=en
- ☐ c) You can serve documents and communicate with the court in different ways. You can send them by post or electronically, if the court has the technology and it is allowed by the law of the country where the procedure is taking place. If you need to serve documents in a different country, you must follow the laws of that country. You can also use electronic means for other written communication, like a request to attend a court hearing. This is only possible if the person receiving the documents agrees or is legally required to accept electronic service and communication from the court in the country where they live. To find out if electronic service and communication is available and allowed in the relevant countries, check the European e-justice portal at https://e-justice.europa.eu/content_small_claims-354-en.do?clang=en.
- ☐ d) You can serve documents and communicate with the court in different ways. You can send them by post or electronically, if allowed by the law of the country where you are making your claim. If you need to serve documents in another country, then that country's laws must also be followed. Electronic communication may also be used for other written communications (e.g., a request to attend a court hearing). This is only possible if the person receiving it agrees beforehand or is legally required to accept electronic service from the court according to their own country's laws. To find out more about using electronic means of service and/or communication, visit https://e-justice.europa.eu/content_small_claims-354-en.do?clang=en
- ☐ None of the above

24. Remarks about the text "**Documents and communication**" (optional)

25. What legal terms or expressions in the following text "***Jurisdiction***" do you think might be difficult for a non-expert user to understand?

Original text

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. 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.

26. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Jurisdiction**"?

- ☐ a) You must submit your application to the court/tribunal that has the authority to handle it. This is based on rules from a European law called Regulation (EU) No 1215/2012. You can find more information about these rules on the website of the European Judicial Atlas.
- ☐ b) You must submit your application to the court/tribunal that has the authority to handle it. This authority is based on the rules of Regulation (EU) No 1215/2012. You can find more information about these rules on the European Judicial Atlas website.
- ☐ c) You must submit your application to the court/tribunal that has the authority to handle it. This is based on rules from a European law called Regulation (EU) No 1215/2012. You can find more information about these rules on the European Judicial Atlas website.
- ☐ d) You must submit your application to the court/tribunal that has the authority to handle it. This is based on the rules of Regulation (EU) No 1215/2012. You can find more information about these rules on the European Judicial Atlas website.
- ☐ None of the above

27. Remarks about the text "**Jurisdiction**" (optional)

28. What legal terms or expressions in the following text "**Oral Hearing**" do you think might be difficult for a non-expert user to understand?

Originaltext

Oral hearing

Please note that the European Small Claims Procedure is a written procedure. However the court may decide to have an oral hearing if it considers that it is not possible to give the judgment on the basis of written evidence. You can request, in this form or at a later stage, that an oral hearing be held. The court may refuse your request if it considers, in the light of the circumstances of the case, that an oral hearing is not necessary for the fair conduct of the proceedings. The oral hearing should be carried out through appropriate distance communication means, like videoconference or teleconference, provided that they are available to the court. If the person to be heard is domiciled in a Member State other than that of the court seised, a hearing by distance communication technology shall be arranged by making use of the procedures provided for in Council Regulation (EC) No 1206/2001 (https://e-justice.europa.eu/content_taking_of_evidence-76-en.do). However the court may decide that the persons summoned for the hearing must be physically present. You can indicate your preferences to the court, bearing in mind, that if you requested to be physically present at the hearing, the recovery of any costs incurred with regard to this presence is subject to the rules of Article 16 of Regulation (EC) No 861/2007 establishing a European Small Claims Procedure. This Article stipulates that the court shall not award to the successful party costs that were unnecessarily incurred or are disproportionate to the claim.

29. Which of the following four textual simplification proposals do you think is more appropriate w.r.t. the original text "**Oral Hearing**"?

- ☐ a) The European Small Claims Procedure is a written procedure. You can request an oral hearing, but the court may refuse if it's not necessary. If the person to be heard is in another Member State, the court may arrange a hearing by distance communication technology. You can indicate your preference to be physically present, but the court may not award costs if they are unnecessary or disproportionate.
- ☐ b) The European Small Claims Procedure is a written procedure. You can request an oral hearing, but the court may refuse if it's not necessary for the fair conduct of proceedings. If the person to be heard is in another Member State, distance communication technology (e.g. videoconference or teleconference) will be used unless the court decides that they must be physically present at the hearing. Costs incurred with regard to physical presence are subject to rules on proportionality and necessity.
- ☐ c) The European Small Claims Procedure is a written procedure, but a court may decide to have an oral hearing if it is necessary. You can request an oral hearing, but the court may refuse if it is not necessary. If the person to be heard is in another Member State, the hearing can be done through distance communication technology. You can indicate your preferences to the court, but any costs incurred may not be awarded if they are unnecessary or disproportionate.
- ☐ d) The European Small Claims Procedure is a written procedure, but the court may decide to have an oral hearing if it considers that it is not possible to give the judgment on the basis of written evidence. The oral hearing can be done through distance communication technology like videoconference or teleconference, and you can request for this at any stage. However, if you requested to be physically present at the hearing, there are rules in place regarding recovery of costs incurred with regard to this presence.
- ☐ None of the above

30. Remarks about the text "**Oral Hearing**" (optional)

