

## EFFECTIVE NATIONAL APPROACHES TO SMALL CLAIMS PROCEDURES: DIGITAL ENFORCEMENT IN SLOVENIA

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**ABSTRACT:** This paper explores effective strategies for resolving small claims disputes in Slovenia, with a particular emphasis on digital enforcement. It delves into both national and European small claims procedures, illustrating how digital enforcement enhances judicial efficiency and streamlines debt recovery. The paper also evaluates the benefits and drawbacks of digital enforcement within Slovenia's legal framework and proposes that digital tools, like the SCAN-II platform, could further improve the European procedure.

**KEYWORDS:** european small claims procedure; digital enforcement; Slovenia; digitalisation; judicial efficiency.

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## 1. INTRODUCTION

This paper argues that digital enforcement is an effective national tool in small claims dispute resolution, using the Republic of Slovenia (hereinafter, Slovenia) as a case study. In section 2, this paper briefly reviews the options available to a party with a small claim in Slovenia, including the national small claims procedure and the European small claims procedure (hereinafter, ESCP). We stress the importance of cost-effectiveness and speed when dealing with small claims. In section 3, this paper describes how digital enforcement fits into the Slovenian small claims system and argues that it is one of the key tools for lowering the cost of enforcing a party's rights. Furthermore, this paper discusses the positive and negative effects of digital enforcement and situates it within the broader system of legal options available to a party with a small claim. Finally, in section 4, this article connects the digital enforcement system to the ESCP, stressing the laudable efforts of the SCAN-II project.<sup>1</sup>

## 2. SMALL CLAIMS PROCEDURES —COST-EFFECTIVENESS AND SPEED

The common purpose of small claims procedures is to minimise the cost and length of the proceedings since the costs of litigating such small claims often exceed the value of the dispute (European Commission, Directorate General for Justice, 2013; Ude, 2002, p. 381).<sup>2</sup> This can adversely impact access to justice as claimants may be discouraged from initiating proceedings to protect their rights (Ude, 2002, p. 381). Historically, small claims proceedings have their roots in English market courts, pie powder courts, and similar institutions (Bradway, 1940, p. 16). Furthermore, their advantages have been highlighted by academics for years (Bradway, 1940; Huan, 2012; Rong, 2011).

Failure to resolve small claims quickly and efficiently can negatively impact judicial resources, strain personal relationships, and disrupt business operations. To address these challenges, countries often implement special rules for small claims disputes that simplify and expedite the proceedings. These rules may include shorter deadlines, the omission of certain parts of the proceedings (such as pre-trial or main hearings), conducting proceedings in writing, and limitations on available remedies. The monetary threshold for small claims is typically determined based on the economic conditions of the country (Petkova & Senderayi, 2021).

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<sup>1</sup> Small Claims Analysis Net II (SCAN-II), funded by the European Commission as part of the call JUST-2021-JCOO.

<sup>2</sup> See also Article 1 of the Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, Official Journal of the European Union, L 199/1 (Regulation) and recitals 1, 7, 8 and 36.

Thus, small claims procedures alleviate the burden on courts, reduce backlogs, and ensure justice for ordinary citizens (Harley & Said, 2017, p. 8). According to the Eurobarometer survey, the most common factors that encouraged respondents to pursue legal action against a business were the ability to conduct small claims proceedings without a lawyer and in writing (European Commission, 2012, p. 64; Harley & Said, 2017, p. 8). In Slovenia, the options available to a party with a small claim include the national small claims procedure and the ESCP, which coexist. Both systems include provisions aimed at enhancing the cost-effectiveness and speed of the proceedings, which are briefly presented below.

## 2.1. Slovenian national small claims procedure

Small claim disputes are regulated in Chapter 30 of the Slovenian Civil Procedure Act (hereinafter, CPA).<sup>3</sup> Thus, Article 443 of the CPA stipulates that special procedural provisions can be used for disputes, where the value of the claim does not exceed 2.000,00 EUR<sup>4</sup> (or 4.000,00 EUR in commercial matters<sup>5</sup>). Pecuniary and non-pecuniary claims may be litigated under chapter 30 of the CPA, as long as the claimant has indicated that they are willing to accept a sum of money not exceeding 2.000,00 (4.000,00) EUR in lieu of performance. Claims can also be made for movable property if the claimant asserts that the value of the property falls below the pecuniary threshold. When determining the value of the matter, only the principal claim is taken into account. Hence, interest, litigation costs, and ancillary claims are not relevant, in so far as they are not asserted as the principal claim.<sup>6</sup>

The CPA allows for the cumulation of claims even in small claims proceedings, provided that all claims have the same legal and factual background (Betteto, 2010, p. 717). However, the national small claims procedure cannot be used for disputes concerning immovable property, copyright, patents, and trademarks or the right to use a firm name, competition cases, or disputes relating to interference with possession.<sup>7</sup> Moreover, given their specific nature, the small claims procedure cannot be used in matrimonial disputes and disputes regarding relationships between parents and children (Kveder, 2017, p. 4).

To enhance cost-effectiveness and expedite the proceedings, the Slovenian legislation on small claims incorporates various specific rules. These include preclusion rules concerning the pleading of facts and evidence, provisions for presumed recognition of the claim, prohibition of suspending the proceed-

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<sup>3</sup> Zakon o pravdnem postopku, Official Journal of the Republic of Slovenia, no. 73/07 – official consolidated text, 45/08.

<sup>4</sup> Article 443 of the Civil Procedure Act; Higher Court of Ljubljana, case number II Cpg 518/2023 (25. 1. 2024).

<sup>5</sup> Article 495 of the Civil Procedure Act.

<sup>6</sup> Supreme Court of the Republic of Slovenia, case number III IPS 61/93 (22. 12. 1993).

<sup>7</sup> Article 444 of the Civil Procedure Act.

ings, simplified rules on collecting evidence, the possibility for accelerated judgment delivery, shorter deadlines, and restricted use of remedies in comparison to the regular civil procedure.<sup>8</sup>

Furthermore, the CPA strives for small claims procedures to be conducted purely in writing.<sup>9</sup> However, parties may request oral hearings and consequently, two hearings may be held – one for stating the claim or defence and one preparatory hearing. Nevertheless, when the facts of the case are clear, the court does not need to wait for the preparatory hearing (Betteto, 2010, p. 722). In the Slovenian legal system, there is some dispute regarding the extent of the court's involvement in substantive and procedural questions. As a general rule, Article 285 of the CPA provides that the court should be proactively involved in the proceedings, however, certain scholars argue that substantive procedural guidance should be limited in comparison to the regular civil procedure (Pavlina, 2013, p. 2013).

## 2.2. European small claims procedure

The Slovenian national small claims procedure, governed by chapter 30 of the CPA, coexists with the ESCP, which is governed by Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007<sup>10</sup> (hereinafter, ESCP Regulation). Thus, when a dispute with an international element arises, the creditor who meets the criteria for both procedures may choose whether to settle the dispute within the national or the European framework (Kramberger Škerl, 2015, pp. 283–303).

The ESCP is a simplified procedure that allows natural and legal persons to speed up the resolution of cross-border disputes where the value of the claim does not exceed 5.000,00 EUR in civil and commercial matters, excluding family law, maintenance, bankruptcy, employment, and social security matters.<sup>11</sup> The ESCP may be utilised when 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 seized.<sup>12</sup> Nevertheless, the ESCP cannot be used in Denmark (*European Small Claims Procedure*, 2023).

The ESCP can be used for both pecuniary and non-pecuniary claims (expressed in monetary value). It should be noted that European legislation is particularly attentive to consumers as creditors.<sup>13</sup> Crucially, judgments ren-

<sup>8</sup> See Chapter 30 of the Civil Procedure Act.

<sup>9</sup> Article 450 of the Civil Procedure Act.

<sup>10</sup> Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, Official Journal of the EU L 199/1, 31.7.2007 (ESCP Regulation).

<sup>11</sup> Article 2 of the ESCP Regulation.

<sup>12</sup> Article 3 of the ESCP Regulation.

<sup>13</sup> Consumers have the option to initiate proceedings in their country of residence or in the Member State where the enterprise they wish to sue is based (EU Državljan, n.d.).

dered under the ESCP are automatically recognised and enforceable in other Member States.<sup>14</sup> Importantly, Slovenian national law applies to the ESCP regarding the questions not covered by the ESCP Regulation (Kveder, 2017, p. 5). For example, under Slovenian national law, the court fees that must be paid by the parties are equivalent in small claims and regular proceedings. Thus, the same amount of court fees must also be paid in the ESCP. Furthermore, remedies against the decision delivered in the ESCP are governed by national law (EU Državljan, n.d.).

To enhance cost-effectiveness and speed<sup>15</sup> the ESCP is conducted in writing and the role of courts is strengthened. Therefore, extensive participation by the parties is not as essential as in regular proceedings. The parties can file their claims using the small claims digitalised forms. Form A is used to start the proceedings. Form B is used to provide further explanation at the court's request. Form C is an answer form and Form D serves as a certificate pertaining to a judgment in the ESCP or a court settlement (*European E-Justice Portal - Small Claims Forms*, 2023). When the court receives Form A, it fills out its part of the answer form and may ask the claimant to fill out Form B if additional information is needed. Subsequently, the court serves a copy of the form to the defendant, who must fill out and submit the answer form to the court (*European Small Claims Procedure*, 2023). While Article 454 of the CPA allows the parties to request an oral hearing in domestic proceedings, the ESCP Regulation stipulates that only the court has the authority to decide whether to conduct an oral hearing.<sup>16</sup> Thus, an oral hearing takes place only when the court decides that it is not possible to deliver a judgment based on the written evidence or if one of the parties requests an oral hearing and the court agrees that an oral hearing is necessary. Even so, the court is involved in the proceedings and can request clarification from the claimant if the information provided on the initial form is unclear. Nevertheless, after filing out the forms, the parties are generally precluded from providing additional information and may only do so at the court's request (European Commission, Directorate General for Justice, 2013).

### 3. DIGITAL ENFORCEMENT AS AN EFFECTIVE APPROACH TO SMALL CLAIMS PROCEDURES

This section presents and analyses an additional mechanism that can be used in Slovenia to expedite proceedings and decrease costs – digital enforcement. While taking into account the procedural adjustments presented above, the Slovenian small claims procedure regulated by the CPA remains a procedure conducted in front of a judge. However, in cases where a trustwor-

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<sup>14</sup> Article 20 of the ESCP Regulation.

<sup>15</sup> See Article 1 of the ESCP Regulation and its recitals 1, 7, 8 and 36.

<sup>16</sup> Article 5 of the ESCP Regulation.

thy document<sup>17</sup> exists, the Slovenian legal system allows for the resolution of (small) claims through a digital enforcement system, without the active involvement of a judge. Therefore, we propose that digital enforcement is an effective national practice for settling small claims that expedites dispute resolution even further.<sup>18</sup>

### 3.1. Overview of digital enforcement

Digital enforcement is facilitated through the information system e-Izvršba (unofficial translation: e-Enforcement) which is part of the information system e-Sodstvo (unofficial translation: e-Justice).<sup>19</sup> Digital enforcement is used for the recovery of a sum of money based on a trustworthy document. Trustworthy documents include invoices (also statements of account in respect of interest), bills of exchange, cheques, public documents, private documents certified by law, and others.<sup>20</sup> On their own, trustworthy documents do not serve as enforceable titles; instead, they function as evidence indicating a high degree of probability that the claim is valid. As trustworthy documents frequently serve as valuable evidence in small claims cases, the creditor may thus initiate a digital enforcement procedure on their basis. Nevertheless, the debtor's objection to the trustworthy documents referred to by the creditor may lead to litigation, which may delay the recovery of the claim considerably (Cigrovski, 2010).

Article 41 of the Enforcement of Judgments and Protective Measures Act<sup>21</sup> defines the content of an application for digital enforcement based on a trustworthy document. First, the creditor must include both their and the debtor's identification data. Second, the instrument or object of enforcement needs to be provided. The creditor may propose multiple objects of enforcement. If only one object is proposed and later proves unsuccessful, the court will discontinue the proceedings. The creditor must also input the data of the bank

<sup>17</sup> The translation of the Slovenian expression "verodostojna listina" which encompasses all the documents that can be used in digital enforcement is disputed. The unofficial translation, published on the official national website PisRS, where legislation is published, uses the expression "authentic instrument" (*Zakonodaja v Angleščini*, 2024). Additionally, EU webpages also use the translation "authentic instrument" (*European E-Justice Portal - How to Enforce a Court Decision*, 2020). However, distinguished scholars in the field of civil procedure use the expression "trustworthy document" as the phrase "authentic instrument" is usually associated with public documents while "verodostojna listina" includes other types of documents (Galič, 2004, 2010, 2012; Uzelač, 2010). For the purposes of this article, we will use the expression "trustworthy document".

<sup>18</sup> It should be noted that digital enforcement is not limited solely to small claims, provided that all the legal requirements for conducting such a procedure are met.

<sup>19</sup> Article 3 of the Rules on Form Sheets, Types of Enforcements and the Automated Enforcement Procedure (*Pravilnik o obrazcih, vrstah izvršb in poteku avtomatiziranega izvršilnega postopka*, Official Journal of the Republic of Slovenia, no. 104/11, 88/14, 44/16 and 13/21).

<sup>20</sup> Article 23 of the Enforcement of Judgments and Protective Measures Act (*Zakon o izvršbi in zavarovanju* (ZIZ), Official Journal of the Republic of Slovenia, no. 3/07 – official consolidated text, 93/07, 37/08 – ZST-1, 45/08 – ZArbit, 28/09, 51/10, 26/11, 17/13, 45/14, 53/14, 58/14, 54/15, 76/15, 11/18, 53/19).

<sup>21</sup> *Zakon o izvršbi in zavarovanju* (ZIZ), see footnote above.

account to which the funds should be transferred. When movable property is proposed as the object of enforcement, the creditor may name an executor. Third, information regarding the trustworthy document should be provided. However, the document itself does not need to be provided.<sup>22</sup> Additionally, the claim must be described and substantiated —the creditor must disclose the basis of the claim and confirm whether they have fulfilled their obligations.

Next, the debtor's obligation needs to be precisely defined. The creditor must provide information on the principal amount owed, including details of any interest accrued due to late payment and the relevant start dates for interest calculation. If contractual interest applies, the creditor may request its payment, providing any associated details (Vukojević, 2021). The creditor may also claim costs related to issuing reminders, provided that these costs do not exceed the actual expenses incurred for creating and sending the reminder, and do not surpass the amount of late interest owed (in business-to-consumer cases).<sup>23</sup> Sending a reminder is not mandatory, except in cases where the debtor is a consumer and the creditor is a provider of public goods or services.<sup>24</sup>

Furthermore, the creditor may claim reimbursement of recovery costs. Under Article 14 of the Act on the Prevention of Late Payments,<sup>25</sup> the creditor is entitled to request a flat-rate recovery fee of 40,00 EUR per claim, which does not require additional proof. However, this does not preclude the creditor from seeking reimbursement of other costs specified in the contract or provided for by other regulations. In line with the Court Fees Act,<sup>26</sup> the creditor may also claim a court fee of 44,00 EUR,<sup>27</sup> which is necessary for the court to review the application for enforcement. Failure to pay the court fee within 8 days will result in the application being considered withdrawn.<sup>28</sup> Lastly, the creditor may include any other relevant information necessary for the enforcement proceedings, for example, an executor. A specific department of the Local Court of Ljubljana (Okrajno sodišče v Ljubljani), called the Central Department for Trustworthy Documents (Centralni oddelek za verodostojno listino, hereinafter also referred to as COVL), has exclusive jurisdiction to review applications for digital enforcement based on trustworthy documents.<sup>29</sup>

<sup>22</sup> Article 41 of the Enforcement of Judgments and Protective Measures Act.

<sup>23</sup> Article 33 of the Consumer Protection Act (Zakon o varstvu potrošnikov (ZVPot-1), Official Journal of the Republic of Slovenia, no. 130/22).

<sup>24</sup> Article 30 of the Consumer Protection Act.

<sup>25</sup> Zakon o preprečevanju zamud pri plačilih (ZPreZP-1), Official Journal of the Republic of Slovenia, no. 18/11 and 57/12.

<sup>26</sup> Zakon o sodnih taksah (ZST-1), Official Journal of the Republic of Slovenia, no. 20/04.

<sup>27</sup> Pursuant to Article 33.a of the Court Fees Act, a fee set out in the Tariff Part of the Act is reduced by 20% for an application that the party submits electronically. The Tariff Part of the Court Fees Act provides that a fee of 55 EUR is charged for submitting an enforcement claim. The fee for filing an electronic application for such a claim is therefore 80% of this amount, i.e. 44 EUR.

<sup>28</sup> Article 29b of the Enforcement of Judgments and Protective Measures Act and Article 21 of the Rules on Form Sheets, Types of Enforcements and the Automated Enforcement.

<sup>29</sup> Article 40 of the Enforcement of Judgments and Protective Measures Act.



The creditor requests the court to order the debtor to settle the claims and assessed costs within 8 days (or within 3 days for disputes involving bills of exchange and cheques) from the date of service of the order.<sup>30</sup> Enforcement applications must be made using the prescribed form and content; otherwise, the court will deem the application incomplete and request the creditor to provide the missing details.<sup>31</sup> Once the application is complete and the court fee is paid, the digital system automatically issues an enforcement order within 48 hours. This enforcement order is unsigned and bears only a typewritten impression of the court's seal.<sup>32</sup>

To submit the claim, the creditor must have access to the e-Justice portal. The registration procedure is somewhat complex and the guidelines for initial application alone span 11 pages (Supreme Court of the Republic of Slovenia, 2010). Applicants must register using a digital certificate obtained to access the system.<sup>33</sup> In practice, there are service providers that facilitate quicker submission of digital enforcement claims,<sup>34</sup> albeit at a slightly higher cost due to the involvement of intermediaries.

### 3.2. Benefits and drawbacks of digital enforcement

As explained above, the digital enforcement system significantly simplifies and expedites debt recovery, reducing the court fee to just 44,00 EUR and typically issuing enforcement orders within 48 hours. Therefore, the primary advantages of digital enforcement are its cost-effectiveness and speed. Digital filing of forms streamlines the paperwork and administrative tasks, thereby accelerating the overall procedure. Moreover, no supporting documents are attached to the application, thus, the court is not burdened with reviewing them unless contested by the opposing party, which expedites the procedure even further.

Since enforcement proceedings based on trustworthy documents are exclusively managed by the Central Department for Trustworthy Documents (COVL), this shortens the procedure and ensures consistent case law. COVL was established as a new department within the Local Court of Ljubljana to alleviate the burden on other Slovenian courts. Its objectives were to decrease the number of pending enforcement applications and to shorten the decision-making times. The system implemented customised IT solutions, as explained above. The establishment of COVL has led to a significant reduction in the backlog of cases, and the decision-making times decreased

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<sup>30</sup> Article 41 of the Enforcement of Judgments and Protective Measures Act; Constitutional Court of the Republic of Slovenia, judgment U-I192/23-13 from 1. 2. 2024, para. 16.

<sup>31</sup> Article 25 of the Rules on Form Sheets, Types of Enforcements and the Automated Enforcement.

<sup>32</sup> Article 29 of the Enforcement of Judgments and Protective Measures Act.

<sup>33</sup> Articles 20 and 22 of the Rules on Form Sheets, Types of Enforcements and the Automated Enforcement.

<sup>34</sup> For example, <https://www.elektronskaizvrsba.si/> (3. 3. 2024).



from an average of 5 months to less than 5 working days for over 90% of the cases (*Automated System for Enforcement of Authentic Documents (COVL) SLOVENIA*, 2010). Creditors can monitor proceedings conveniently through the online portal, allowing them to track pending and completed actions. Mostly, the system automatically alerts the creditor of any filing errors. If any ambiguity remains in the claim, the court subsequently asks the creditor to clarify or complete it. Any clarifications are also done electronically, further streamlining the process (Horjak, 2012, p. 43).

As already mentioned, there are potential issues associated with the digital enforcement system, especially given the goals of (the European) small claims proceedings. First, any electronic system should ideally prioritise user-friendliness (which is also one of the main goals of the SCAN-II platform<sup>35</sup>). However, the potential challenges in accessing the digital enforcement platform represent hurdles to exercising the claimant's rights. Second, the most significant potential issue (and virtue) of the system is its full automation, whereby the court does not verify the reliability of the creditor's claims or the authenticity of the trustworthy document. The decision rendered in the digital enforcement procedure is not endorsed by a judge. The debtor bears a substantial burden of analysing the claim and order and must object to any discrepancies, given that the enforcement order is primarily based on the creditor's assertions. Therefore, the debtor must carefully verify the accuracy of all claims in the enforcement order (Horjak, 2012).<sup>36</sup> The only remedy available to the debtor is a reasoned objection,<sup>37</sup> which places a significant obligation on the debtor to address any claims promptly. Should an objection by the debtor be raised, the regular civil procedure resumes<sup>38</sup> and the dispute cannot be resolved through the digital enforcement system (Cigrovski, 2010). These issues may be amplified in higher-value claims as there is no limit on the value of a claim which may be enforced digitally based on a trustworthy document.

Digital enforcement has been operational since 2008 in Slovenia, and during the initial years, numerous opinions questioned its suitability. Scholars have raised questions about the legality of digital enforcement within the framework of civil procedure and enforcement legislation (Horjak, 2012, p. 43; Tekavc, 2008). Furthermore, issues can arise due to computer system malfunctions. Foreign scholars have also discussed the compatibility of digital enforcement with legal principles, such as the right to a fair trial.<sup>39</sup> Nevertheless, procedural guarantees can ensure a fair trial to some extent. For instance, electronic communication tools between the court and the par-

<sup>35</sup> The SCAN-II platform was developed under the SCAN-II project and is available at: <https://scan.khramov.dev/home> (12. 4. 2024).

<sup>36</sup> Horjak, 2012.

<sup>37</sup> See Article 61 of the Enforcement of Judgments and Protective Measures Act.

<sup>38</sup> See Article 62 of the Enforcement of Judgments and Protective Measures Act.

<sup>39</sup> The right to a fair trial is protected also at the supranational level, for example, in Article 6 of the European Convention on Human Rights.

ties can facilitate efficient communication in the matter. Moreover, parties should have the option to request litigation proceedings (Jokubauskas & Świerczyński, 2023).

There have been other concerns raised among Slovenian academics and especially the general public regarding the digital enforcement system. For example, Teršek highlights three cases that illustrate potential absurdities with the system. In one case, a student rented accommodation previously occupied by a middle-aged unsuccessful businessman, who used the flat as a temporary residence and accrued a debt of 3.000,00 EUR. The student, after registering this address as their temporary residence, went abroad for a study exchange. Upon returning, the student discovered that their personal belongings had been removed from the apartment, including a TV, radio, computer, bicycle, and fridge. Legal proceedings to retrieve these belongings were initiated but remained unresolved a year and a half later (Teršek, 2015). Even though such a case could also arise under regular enforcement proceedings, digital enforcement can increase the number of such absurdities, since the procedure is conducted quicker.

However, over time, most of the concerns regarding digital enforcement have been addressed, and digital enforcement is now widely used and considered a valuable tool. The efforts of the Slovenian judicial system have been recognised both by the Council of Europe and the European Commission. In 2019, the Supreme Court of the Republic of Slovenia was awarded the European Crystal Scales of Justice Prize for their initiative called “Improving the Quality of Justice.” This project encompassed a wide array of innovative tools and methods aimed at enhancing the quality of judicial activities and fostering greater trust in the judiciary (Council of Europe, 2019). The Crystal Scale award identifies and highlights innovative and effective practices employed by European courts to improve the organisation of their work and the efficient conduct of court proceedings, ultimately improving the functioning of court systems as a whole (Supreme Court of the Republic of Slovenia, 2019). In 2010, special mention was bestowed upon the Supreme Court of the Republic of Slovenia for the scheme “Automated System for Enforcement of Authentic Documents<sup>40</sup>” (*2010 Edition of the Crystal Scales of Justice*, n.d.). Therefore, digital enforcement represents an effective approach to expediting proceedings and reducing costs, which has been recognised at an international level.

#### 4. A LOOK INTO THE FUTURE: DIGITAL TOOLS IN THE ESCP?

Europe is not well positioned in digital innovation, which represents a fundamental societal shift. The EU aims to create better internal conditions for technological innovation, which is crucial for advancing European interests.

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<sup>40</sup> Trustworthy documents in the terminology of this article.

The Digital Europe program exemplifies the European Commission's comprehensive approach to addressing the challenges of digital transformation, with a particular emphasis on promoting the adoption of widespread digital skills across society (European Economic and Social Committee, 2019).

To establish proper digitalisation tools, it is essential to have adequate digital infrastructure, societal acceptance of digitalisation, and a coherent approach to digital governance. The Covid-19 crisis has significantly expanded the inclination toward digitalisation, with more than half of legal entities in the EU investing in digital initiatives. Therefore, there is a positive trend toward adopting advanced digital technologies. Digitalisation enhances resilience to economic disruptions and climate change. European institutions, therefore, promote digitalisation, emphasising that successfully managing the digital transition requires more than just technological advancements (European Investment Bank, 2023, pp. 1–9).

Following the discussion on digital enforcement in the previous sections of this article, it is pertinent to explore the prospect of digitising small claims proceedings within the EU. Currently, the ESCP is already quite streamlined, relying primarily on standard forms and written proceedings. While these standard forms facilitate the simplification of claims, administrative duties, and procedural aspects, the onus falls upon claimants to navigate diverse legal landscapes across member states and submit documents to the appropriate authority in the correct language (European Commission, n.d.).

There remains significant potential for further digitalisation of the ESCP, offering increased cost-efficiency and expedience in proceedings. Notable illustrations of this potential are evident in national initiatives such as Slovenia's digital enforcement system. Additionally, the EU demonstrates laudable endeavours in this realm, exemplified by the funding of projects like SCAN and SCAN-II. Following the success of the SCAN project, the SCAN-II project focuses on simplifying and digitalising enforcement procedures. The SCAN-II project is aimed at developing an IT Platform and Blockchain system to achieve its objectives.<sup>41</sup> Thus, the EU's financial support of such initiatives encourages the digitalisation of the ESCP. The developed platform<sup>42</sup> allows future users to file claims in a highly digitalised and user-friendly manner. It guides users through the submission of relevant data required for the procedure in line with ESCP forms. Therefore, the claimants provide information about themselves, the defendant, jurisdiction, the nature of the case, details of the claim, and other relevant case information (*SCAN II*, n.d.). Leveraging such tools can enhance cost-effectiveness and expedite small claims proceedings, even on an international level.

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<sup>41</sup> Available at: <https://SCAN-II.vub.be/about/> (2. 3. 2024).

<sup>42</sup> Available at: <https://scan.khramov.dev/home> (15. 2. 2024)

## 5. CONCLUSION

Research into national small claims proceedings unveils several promising national practices that could be adopted at the international level. While small claims proceedings typically incorporate procedural rules conducive to cost-efficiency and speed, additional measures can further enhance these aspects. This article has focused on the Slovenian system of digital enforcement which makes debt repayment more cost-effective, streamlines court administration, and expedites proceedings for all parties involved. However, we have also stressed that digital proceedings come with their own risks, such as placing greater burdens on debtors who must carefully review all the details in the enforcement order and object promptly if needed. Nevertheless, long-standing practices demonstrate the effectiveness of digitalisation in achieving the goals of small claims proceedings.

Therefore, this article has argued that the ESCP could be further improved through digitalisation. Importantly, the user-friendliness of the digital proceedings cannot be overstated. This is also one of the main issues of the Slovenian digital enforcement system. However, the recently developed SCAN-II platform is a prime example of a user-friendly digital tool that can expedite small claims proceedings and reduce burdens on parties. The active engagement of the European Commission in such initiatives reflects proactive efforts toward digitalisation and simplification of small claims proceedings. By drawing insights from national practices, these initiatives offer significant potential to enhance the cost-effectiveness and efficiency of the ESCP.

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