

X'inhil-proċedura?

Din il-Proċedura hija waħda bil-miktub u tista' tirrikorri għaliha f'każ ta' tilwim fuq prodott jew servizz li l-valur tagħhom ma jaqbiżx l-2,000 ewro. Mhux bilfors li tqabdad avukat. Il-vantaġġ tagħha hu li mhix proċedura li ddum fit-tul bħal kawżi oħrajn. Il-proċedura Ewropea għal Talbiet Żgħar tista' ssir bejn kull Stat Membru tal-UE, ħlief id-Danimarka.

Kif taħdem?

Biex tibda dil-proċedura għandek tmur ir-Regjistru Ċivili fit-Taqsima tat-Tribunal għat-Talbiet Żgħar (fil-bini tal-Qorti, Triq ir-Repubblika, il-Belt) u timla l-formoli.

Dawn tista' tniżżilhom ukoll mis-sit: https://e-justice.europa.eu/content_small_claims_forms-177-mt.do u tippreżentahom il-Qorti.

Hemm b'kollox erba' formoli

Formola A: Il-Formola tat-Talba

Formola B: Talba mill-Qorti jew Tribunal sabiex il-Formola tat-Talba titlesta u/ jew tiġi rranġata

Formola Ċ: Il-Formola tar-Risposta

Formola D: Ċertifikat li jirrigwardja Sentenza fil-Proċedura Ewropea għal Talbiet Żgħar

Għalkemm il-proċedura ssir bil-miktub, il-Qorti tista' titlob li xi darba jkun hemm xi smiġ bil-fomm, u għalhekk tista' tintalab titla' l-Qorti f'xi stadju jew iehor. L-ewwel li trid timla hija l-formola A, b'waħda mill-lingwi uffiċjali tal-Qorti fejn tiġi ppreżentata – fil-każ tagħna, il-Malti, flimkien ma' formola oħra miktuba b'lsien li l-bejjieġh ikun jifhem.

Fil-**Formola A** għandek tagħti d-dettalji dwar x'inhija t-talba tiegħek u trid tgħid jekk hix talba għall-flus jew talba sabiex jingħatalek xi servizz. Agħti wkoll ir-raġunijiet li wassluk tressaq din it-talba u ehmeż xi dokumenti u provi oħra li jista' jkolllok. Importanti li tniżżel ukoll l-indirizz u l-isem tal-bejjieġh/persuna li tkun qed tagħmel il-kawża kontrih/a.

Jekk ma tkunx niżżilt id-dettalji kollha, il-Qorti tista' tibgħatlek il-**Formola B** biex tirranġa l-formola. Imbagħad, il-Qorti tibgħat kopja lill-parti l-oħra, il-**Formola Ċ**, fi żmien 14-il jum. Il-bejjieġh jingħata 30 jum biex jagħti risposta. Wara, il-ġudikant jikkunsidra t-talba u jagħti deċiżjoni fi żmien 30 jum; kopja tas-sentenza tintbagħat liż-żewġ partijiet bil-posta.

Is-sentenza li tkun ingħatat fi Stat Membru tkun rikonoxxuta u tiġi infurzata fi Stat Membru iehor. Il-Qorti li tkun harġet is-sentenza toħroġ ċertifikat billi tuża l-**Formola D**.

Hemm xi spejjeż?

Iva. It-tariffa li tkun trid tithallas hi l-istess waħda li tapplika għat-Tribunal tat-Talbiet Żgħar jekk il-kawża ssir Malta. Għal Formola A it-tariffa hi minn 23 sa 29 ewro , u 6.98 ewro għall kull notifika li tista' ssir waqt il-kawża.

Meta ma nkun nista' nirrikorri għal din il-Proċedura?

Ma tkunx tista' tuża dan ir-rimedju f'dawn il-każi:

- f'kawżi li għandhom x'jaqsmu ma' taxxi jew dwana,
- f'każi ta' kwistjonijiet kontra l-Istat,
- sigurtà soċjali, wirt, manteniment jew malafama,
- falliment ta' kumpaniji
- każi ta' tilwim bejn l-impjegat u min iħaddmu (liġi industrijali).

Id-differenza bejn il-Proċedura Ewropea għal Talbiet Żgħar u t-Tribunal għat-Talbiet tal-Konsumatur

Tista' tirrikorri għall-Proċedura Ewropea għal Talbiet Żgħar jekk ikolllok tilwima ma' bejjieġh fi stat iehor tal-Unjoni Ewropea u l-kawża tinstema' fil-bini tal-Qorti tal-Ġustizzja (it-Tribunal għat-Talbiet Żgħar).

Mill-banda l-oħra, il-konsumaturi residenti f'Malta li jkollhom tilwima ma' bejjieġh ibbażat f'Malta, jistgħu jressqu talba kontrih fit-Tribunal għat-Talbiet tal-Konsumatur li jinsab f'Consumer House, 47A, Triq in-Nofsinar, il-Belt Valletta. Dan it-Tribunal jisma' biss talbiet ta' konsumaturi residenti f'Malta kontra bejjieġha li joperaw f'Malta. Tista' tiftah talba għand it-Tribunal wara li jkun infetaħ każ ta' medjazzjoni mal-Awtorità Maltija għall-Kompetizzjoni u l-Affarijiet tal-Konsumatur, jew ma' għaqda rreġistrata tal-Konsumaturi u li permezz tagħha xorta waħda ma tkunx wasalt għal ftehim.

Dan il-fuljett huwa parti mill-proġett tan-Network ta' Ċentri Ewropej tal-Konsumatur - ECC-Net, li irċieva fondi mill-Unjoni Ewropea u l-Istati Membri, fil-qafas tal-programm ta' azzjoni tal-Komunita' fil-qasam tal-Politika tal-Konsumatur għall-2007-13.

Il-fuljett jista' jkollu opinjonijiet li mhux neċessarjament jirreflettaw dawk tal-Kummissjoni Ewropea/EAHC jew korpi nazzjonali ta' għoti ta' fondi.



Ko-finanzjat
mill-Unjoni Ewropea

PRACTICAL GUIDE TO THE European small claims procedure

If you have a dispute with a trader based in another EU Member State and the European Consumer Centre is unable to reach a solution or the issue does not fall within its remit, you may consider another remedy by filing a claim against the trader via the European Small Claims Procedure (ESCP).



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ECC Malta is hosted by the Malta Competition and Consumer Affairs Authority

What is this procedure?

This procedure is carried out in writing and may be availed of in case of disputes concerning products or services, the value of which does not exceed 2,000 Euros. Hiring a lawyer is not mandatory. The advantage of this procedure is that it is not long-drawn, unlike other court cases. The European Small Claims Procedure may be resorted to in all EU Member States except Denmark.

How does it work?

To commence this procedure, you must go to the Civil Registry of the Small Claims Tribunal (in the Courts of Justice building, Republic Street) and complete a number of forms.

These may also be downloaded from the following site https://e-justice.europa.eu/content_small_claims_forms-177-en.do and file them in Court.

There are four forms in total:

Form A: The Claim Form

Form B: Request by the Court or Tribunal to Complete and/or Rectify the Claim Form

Form C: The Answer Form

Form D: Certificate Concerning a Judgment in the European Small Claims Procedure

Although the procedure is carried out in writing, the Court may request an oral hearing, thus you may be requested to attend a Court sitting at some stage. You must fill in Form A in one of the official languages of the relevant Court - Maltese in our case, as well as another one written in a language that the trader understands.

In Form A you must give details of what your claim is about. It must be specified also whether the applicant's claim is a monetary one or related to a provision of service. Also, state the reasons that led you to file this claim and attach any documents and other evidence at your disposal. Furthermore, it is important to write down the address and name of the trader or person against whom you are filing your claim. If you have not included all the details, the Court may send you Form B in order to rectify the form.

Subsequently, the Court sends a copy to the other party, Form C, within 14 days. The trader is given 30 days to reply. The judge will consider the claim and will give a decision within 30 days; a copy of the judgement is sent to the parties by post. A judgment given through the ESCP in a Member State will be recognised and enforced in another Member State. The Court issuing the judgment under the ESCP will issue a certificate by using Form D.

Are there any costs involved?

Yes, the tariff to be paid is the same that applies to a case instituted in Malta before the Small Claims Tribunal. Filing Form A costs from 23 to 29 euros and 6.98 euros for any service of documents to the other party.

When I am unable to use this Procedure:

The remedy cannot be availed of in these cases:

- actions related to taxes or customs duty;
- disputes against the State;
- Disputes concerning Social security, inheritance, maintenance or defamation
- Bankruptcy proceedings;
- Employee-employer disputes (industrial law)

The difference between the European Small Claims Procedure and the Consumer Claims Tribunal

You may have recourse to the European Small Claims Procedure if you have a dispute with a trader based in another EU Member State and the case is heard in the building of the Court of Justice (Small Claims Tribunal).

On the other hand, those consumers resident in Malta who have a dispute with a trader based in Malta may file a claim against him at the Consumer Claims Tribunal situated at Consumer House, 47A, South Street, Valletta. This Tribunal hears only claims of consumers resident in Malta against traders operating in Malta. You may file a claim at the Tribunal after a mediation case has been opened via the Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority or a registered consumers' association and no agreement has been reached.

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GWIDA PRATTIKA GHALL- Proċedura Ewropea għal Talbiet Żgħar

Jekk ikollok tilwima ma' bejjiegħ minn pajjiż ieħor tal-Unjoni Ewropea, u ċ-Ċentru Ewropew tal-Konsumaturi ma jkunx jista' jasal għal soluzzjoni jew għax il-kwistjoni ma tkunx taqa' fil-kompetenza tiegħu, tista' tikkunsidra rimedju ieħor billi tressaq talba kontra l-bejjiegħ permezz tal-Proċedura Ewropea għal Talbiet Żgħar.



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