

A nighttime photograph of a cityscape featuring a river in the foreground. On the left, a stone bridge with arches spans the river. A prominent, ornate, light-colored building with a domed roof stands on the riverbank. In the background, modern glass skyscrapers are illuminated against a dark, cloudy sky. The lights from the buildings and bridge are reflected in the calm water of the river.

EUROPEAN LAW FIRM DEBT COLLECTION IN EUROPE

2019 SUMMARY

EUROPEAN LAW FIRM DEBT COLLECTION IN EUROPE

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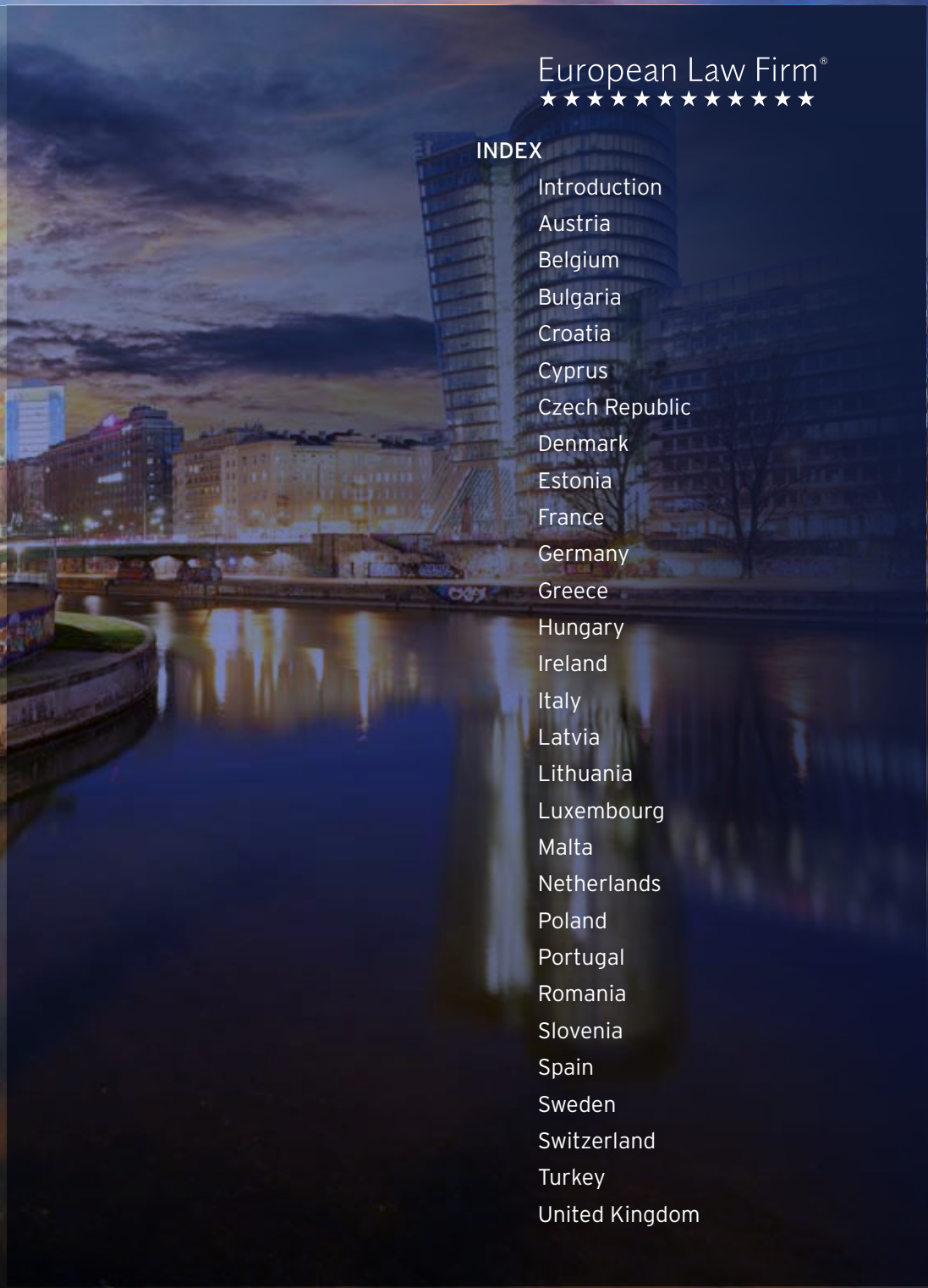
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WELCOME

TO THE EUROPEAN LAW FIRM

INTRODUCTION

This guide is the result of a study of European Law Firm member firms as of 2018, regarding the procedures that regulate debt collection in Europe, with particular focus on the recovery of foreign debts. Although it should not be relied upon as being a complete source of information, the guide includes essential information on timescales, costs and remedies in each jurisdiction and focuses on:

- a) Court proceedings;
- b) Online civil trial;
- c) Enforcement;

- d) EC Regulations on debt collection's effective application in EC countries (805/2004 - 'EEO' for uncontested claims; 1896/2006 - 'EOP' European order for payment; 861/2007 - European Small Claims Procedure 1393/2007 - Service of documents, 1215/2012 - Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; 655/2014 - European Account Preservation Order which were introduced to regulate and simplify the whole process in cross border litigation within the EC framework.

European Law Firm is ready to respond to the massive request of the international market and to offer its members' firms' know-how and legal services. This guide should

be an interesting and useful resource for anyone considering debt collection in a European country. As the law is constantly changing, we recommend that local legal advice is

always sought before any action is taken. Contact details for all European Law Firm members are available throughout the booklet.



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European Law Firm is a network of independent dynamic law firms who know each other personally and collaborate to offer clear, cross-border legal advice. Our members are medium sized firms for their jurisdiction, selected for their range of expertise and proven track record in cross-border advice. All members have English-speaking lawyers and many are multilingual. For more information visit: www.european-law-firm.com

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 3 years; in some cases 30 years.</p> <p>Judicial order / arbitral award: 30 years.</p> <p>Commercial papers (cheques, bills of exchange): 1 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	It is possible to apply legal interests to the credit: 4% (private) to 9.2% (8% if the signing of the contract was before 16.03.2013) plus base lending rate (commercial). It is possible to agree rates of interests that are higher than the legal rate.
3. How long will a Court action take?	It varies but 2 months without plea.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes, there are fast track procedures. Small amounts: Yes, there is no minimum amount. Debts up to €75,000 are considered small and require a summary notice to pay.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, the creditor may personally claim up to €4,000. Legal assistance is required for claims above this amount.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	The Hague Convention is applied (a long list of bilateral conventions as well). The written Power Of Attorney is not necessary versus the Court.
8. Indicate the main steps for judiciary recovery of debts: a. Jurisdiction. b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other. c. Duration of the proceedings. d. Procedure of service, if any.	<p>a. Commercial courts if the defendant is commercially active. If not, the Tribunal of First Instance.</p> <p>b. Only information about the facts of the case.</p> <p>c. Very different, without plea 2 months.</p> <p>d. Claim, default summons, legal force or plea; if plea, hearings, judgment.</p>

9. Does the judicial order allow you to start enforcement proceedings?	Usually not before legal force.
10. May the judicial order be enforced before it has been served?	Usually not.
11. May the debtor challenge/appeal the judicial order?	Yes.
SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	Movables, debt claims (e.g. bank account), garnishment of wages, real estate and rights.
13. What are the necessary actions for the execution?	Application for execution with a valid title.
14. Indicate the duration of the different types of execution.	Garnishment of wages, debt claims and rights: 1-2 weeks; Movables and real estate: 6-12 months.
15. Indicate the costs of the different types of execution.	Costs depend on the volume of the claim.
16. Can the debtor propose opposition to enforcement?	Yes, especially if the debt was paid after the final judgment.
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	<p>a. Yes.</p> <p>b. Without plea 2 months.</p> <p>c. Costs depend on the volume of the claim.</p>
18. Who is entitled to use the online civil trial?	Lawyers.
19. What kind of technical requirements are required?	The internet plus special software.
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.

21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Timing: 1 month. Costs depend on the volume of the claim.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	If the judicial order is not according to international contracts.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	Where the defendant does not raise any plea.
26. Please indicate timing and costs to obtain a first order.	Timing: Approx. 2 to 3 months. Costs depend on the volume of the claim.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: Approx. 2 to 3 months. Costs will depend on the volume of the claim.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	There is no information regarding statistics in Austria.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: Approx. 2 to 3 months. Costs will depend on the volume of the claim.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	There is no information regarding statistics in Austria.

33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognised and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	<ul style="list-style-type: none"> • Under special conditions yes. • Not in advance.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	Not currently.

SECTION 1: GENERAL INFO & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes</p> <p>b. Judicial order / arbitral award: Yes</p> <p>c. Commercial papers (cheques, bills of exchange): Yes</p> <p>You will always need a judicial order to execute, except in case of the IOS procedure as mentioned in question 5.</p> <p>Agreement: 10 years.</p> <p>Judicial order / arbitral award: 30 years.</p> <p>Commercial papers (cheques, bills of exchange): cheques: 6 months.</p> <p>Bills of exchange: all legal claims arising from the bill of exchange against the merchant expire after three years counting from the due date. The claims of the holder against the endorsees and against the creditor shall expire after a period of 1 year from the date of the timely or, in case of a 'without costs - clause', the due date. The legal claims of the endorsees against each other and against the creditor will expire after six months, starting from the day on which the end-user has paid the bill of exchange to settle his duty to reclaim, or from the day on which he himself has been sued in court.</p>
What is the statute of limitation?	
2. Is it possible to apply legal interest to the credit?	<p>Yes. We have two types of legal interests: the rates applicable to end-users and rates applicable for merchants.</p> <p>It is possible to agree on higher rates, but there is always the possibility court will consider those too high and therefore will lower them.</p>
3. How long will a Court action take?	<p>The normal court procedure will take in between 1 and 3 years (procedure in first instance).</p> <p>A fast procedure where you do not go to court, but simply your bailiff will send an official notice of default; If this notice is not disputed in time, then it will serve as title to directly execute.</p>
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes. There is the so-called IOS-procedure (see question 3) where we call upon the services of the bailiff and no summons to appear in court is required. This procedure can only be used for undisputed claims between companies.

6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	There is no obligation to have the assistance of lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Yes.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. Business Court for merchants; tribune of first instance for end-users; Justice of Peace for any claim under €2,500.</p> <p>b. Conditions for an order of payment to be issued: we need a verdict except if the IOS-procedure is applicable as mentioned in question 5.</p> <p>c. Duration of the proceedings: 1-3years, except in case of the IOS-procedure as explained in question 5.</p> <p>d. Procedure of service, if any: writ of summons.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	Enforcement will take place together with the notification.
11. May the debtor challenge/appeal the judicial order?	Yes, except for verdicts rendered by the Justice of Peace for an amount lower then €1,860 and verdicts rendered by the Tribune of First Instance and the commercial court for and amount lower then €2,500.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	<p>Seizure on:</p> <ul style="list-style-type: none"> • Real estate. • Bank accounts. • Income. • Movable property.
13. What are the necessary actions for the execution?	The verdict will need to be notified. After 1 month, the bailiff will start executing.
14. Indicate the duration of the different types of execution.	Seizure on real property: 1-3 years. Seizure on movable property: Up to 6 months. Seizure on income or bank accounts: 1 month.

15. Indicate the costs of the different types of execution.	Seizure on real property: approx. €1,250. Seizure on movable property: €800. Seizure on income or bank accounts: approx. €1,000 .
16. Can the debtor propose opposition to enforcement?	Yes.
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	No. a. N/A. b. N/A. c. N/A.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	€135 - within the week (faster possible).
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	It needs to be disputed with the bailiff.
24. Is Regulation EC No. 805/2004 applied in your country?	Not regularly.
25. What is an uncontested claim in your country?	When the debtor does not dispute the invoice in a timely fashion or does not respond to the notification by the bailiff in the IOS-procedure.
26. Please indicate timing and costs to obtain a first order.	Costs of the IOS-procedure are fixed by law and can change on a regular basis.
27. Is Regulation EC No. 1896/2006 applied in your country?	Not regularly.

28. Please indicate timing and costs to obtain an order.	It depends on the hourly fee of the lawyer involved.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	I have no knowledge of this.
30. Is Regulation EC No. 861/2007 applied in your country?	Not regularly.
31. Please indicate the timing and the costs to obtain an order.	It depends on the hourly fee of the lawyer involved.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data correct with respect to your country?	I have no knowledge of this.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognised and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? yes If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	No.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 5 years unless otherwise stated. Labour remuneration claims; claims arising from damages and penalties from a non-performed contract; claims for rent, interests and other periodic payments, have a statute of limitation of 3 years.</p> <p>Judicial order / arbitral award: 5 years.</p> <p>Commercial papers (cheques, bills of exchange): 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	It is possible to apply legal interests to the credit. There are contractual interests, delay interests and liquidated damages. Parties can negotiate the interest rates in line with the rules of good practice. It is possible to agree rates of interests that are higher than the legal rate.
3. How long will a Court action take?	There is a three-tier Court system. Court actions in each instance take about 1.5 years.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	The Code of Civil Procedure arranges two fast track procedures (also for small amounts): i) Writ of execution for claims for cash and for transfer of movables which the debtor has received with a commitment to return; ii) Writ of immediate execution based on a document. (i.e. act of an administrative body, document or statement of account books, notary deed etc.). The execution of both procedures is similar, although in the second, claims have no amount limitation. In the latter procedure, the court issues an execution order despite the defendant's objection.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, but a lawyer is recommended.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Bulgaria is a member of The Hague Convention. Notarisation for a Power Of Attorney presented to court is not mandatory. A simple written form is sufficient.

8. Indicate the main steps for judiciary recovery of debts:	<p>a. The claim shall be laid upon the court where the debtor's address is situated.</p> <p>b. Creditor shall prove his claim with written evidence, accountant expertise, evidences that the defendant has admitted the debt etc.</p> <p>c. Approx. 1.5 years per court instance.</p> <p>d. Companies shall be summoned at the company address; individuals at their permanent residence.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Once the judgment comes into force the enforcement procedure can be initiated. There are few exceptions to this regulation: enforcement can start before the final order i.e. in case of labour remuneration.
10. May the judicial order be enforced before it has been served?	Generally no. An exception is the writ of immediate execution. In this case, the debtor is notified for the judgment of the court after the execution procedure has started.
11. May the debtor challenge/appeal the judicial order?	Yes.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	Once the creditor obtains writ of execution against a debtor an enforcement case can be initiated. The enforcement case is run by a bailiff who is entitled to freeze debtors' bank accounts, movables, real estates, shares in companies, receivables from third parties. Once the assets of the debtor are frozen, the bailiff is entitled to sell on a public sale the real estates, movable assets and shares. Regarding the frozen receivables, the bailiff instructs the respective debtors of the debtor to pay the due amounts to his special bank account. In case of lack of amicable payment, the bailiff is entitled to empower the creditor to bring a claim against the debtors of the debtor.
13. What are the necessary actions for the execution?	The bailiff undertakes the enforcement actions further to a request of the creditor.
14. Indicate the duration of the different types of execution.	The public sale of real estates, movables and shares lasts one month.
15. Indicate the costs of the different types of execution.	<p>For initiating enforcement case approx. €60.</p> <p>For inventory of assets 1.5% of the appraisal of the asset.</p> <p>For collection of receivables between 2% and 10% depending on the amount of the receivables.</p>

16. Can the debtor propose opposition to enforcement?	The debtor is entitled to appeal some of bailiff's enforcement actions.
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	a. N/A. b. N/A. c. N/A.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Permissible if the addressee is a citizen of an EU member state which issued the document. The documents shall be translated into Bulgarian. The foreign court sends the documents to the competent Bulgarian District Court who serves the documents according to the Bulgarian legislation and then issues a Certificate for service or non-service of documents - Annex 1 of Regulation (EC) No. 1393/2007. The foreign acts or judicial orders can also be served by post.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The Refusal under article 8 shall be filed via the standard form (appendix II of the Regulation) with the respective Bulgarian court that has served the foreign act.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes but rarely used.
25. What is an uncontested claim in your country?	It is established by a judgment, court settlement or authentic document by authority of an EU member which does not pass through the procedure for recognition and admission of execution and directly receives a writ of execution according to the specific grounds.
26. Please indicate timing and costs to obtain a first order.	Approx. 3 months. The court fee is €25.

27. Is Regulation EC No. 1896/2006 applied in your country?	Yes, but rarely used.
28. Please indicate timing and costs to obtain an order.	Approx. 3 months. The court fee is €25.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Yes. The statistical data seems correct.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes, but rarely used.
31. Please indicate the timing and the costs to obtain an order.	There is no legal regalement for the taxes, however the court practice apply 2% of the claimed amount. Timing: 3 months
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	Yes. The statistical data seems correct.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognised and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	The foreign judgments issued under Regulation EC No. 1215/2012 are directly enforceable in Bulgaria. The debtor is informed for the enforcement case after the bailiff has frozen his assets.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	This Regulation is implemented in the Bulgarian Civil Procedural Code in 2017 and still is very rarely used. There are only few court proceedings based on this Regulation.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: General rule is 5 years; 3 years for claims arising from commercial contracts.</p> <p>Judicial order / arbitral award: 10 years.</p> <p>Commercial papers (cheques, bills of exchange): Depending on the type of commercial paper, e.g. 10 years for promissory notes (the most widely used), 6 months, 1 or 3 years for bills of exchange, etc.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit. It is possible to agree rates of interests that are higher than the legal rate, but the Civil Obligations Act determines the maximum rate. The rate of the agreed interest cannot be higher than the legal interest applicable to contract on the day of the conclusion of the contract, increased by half of the legal rate (if at least one party isn't an entrepreneur) or increased by three quarters of the legal rate (if both parties are entrepreneurs).
3. How long will a Court action take?	The ordinary procedure may take up to 3 years or longer.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	There is a fast track procedure for the creditors holding the right kind of document. For example, if the creditor is holding a debtor's promissory note, it can be used in front of financial agency (FINA) in order to block the debtor's account and enforce funds in 60 days procedure. According to the Law on Enforcement and Funds Enforcement Act, FINA enforces business entities' and individuals' funds in all accounts and time-deposit funds in all banks according to debtor's personal identification number. If the creditor is holding an authentic document (e.g. business book excerpt) he can use it to seek and writ of enforcement before the public notary (the writ contains the order of payment; public notary issues the writ upon the application of the creditor to which the debtor can file a complaint; if the debtor complains to the payment order, the case is transferred to court and the normal court proceedings begin). Also, with an authentic document the creditor may seek an order of payment before the court, but this possibility is rarely used since the public attorney procedure is more efficient.

	Small amounts: A special procedure is proscribed for small claims (between individuals' claims not higher than 10.000,00 kuna (circa €1,350) and claims between legal persons not higher than 50.000,00 kuna (circa €6,760)). In small procedure claims there are more restrictions to evidentiary proceedings, number of court hearings, basis for legal remedy and similar.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Any party (individual or legal entity) may file a claim, either in person or by representative (proxy holder). Proxy holders, as a general rule, must be lawyers. The exception of this rule is following: for legal entities, the proxy holder may be their employee (with bar exam if the claim is higher than 50.000,00 kuna, (circa €6,760)) and for individual claimants, the proxy holder can be his/her close relative (spouse, descendant, brother, sister). For the procedure before the Supreme Court, a party must be represented by a person with the bar exam.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	<p>The Power of attorney does not need to be certified unless it relates to some specific cases (e.g. Real estate purchase contract).</p> <p>For the foreign public documents or documents which are certified in a foreign country, there are three options. i) with 23 countries Croatia has the bilateral agreement of legal aid; under these agreements, all public documents or certified documents from the countries with which the bilateral agreement is concluded, the legalization or verification of the document is not required. ii) Croatia adopted The Hague Convention so only an apostille is required for countries (other than 23 mentioned ones) who adopted that Convention. iii) for other countries, full process of legalization and verification is required.</p>
8. Indicate the main steps for judiciary recovery of debts:	<p>a. The civil procedure is governed by the provisions of the Civil Procedure Act (Zakon o parničnom postupku). The Commercial Court has jurisdiction in the process concerning debts between the legal persons, whereas the Municipal Court has jurisdiction in the processes concerning other debts. The enforcement proceedings are governed by the provisions of the Enforcement Act (Ovršni zakon). Under this Act, Municipal Courts lead the procedure for all debts arising out of the enforcement title documents, unless special regulations provide otherwise and notaries public for debts arising out of the authentic instruments, e.g. excerpt from business.</p> <p>Territorial jurisdiction for both matters (civil and enforcement) is determined by the defendant's place of residence or seat, unless special regulations provide otherwise.</p>

b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.	b. In the civil procedure the claimant must substantiate the claim by providing relevant documentation or evidence, which depends from case to case. There is no law that requires specific evidences in specific cases.
c. Duration of the proceedings.	Execution proceedings are conducted by courts on the basis of enforcement title documents (e.g. enforceable court decisions and settlements), while notaries public conduct enforcement proceedings on the basis of authentic documents (e.g. unpaid bill). Also, as it was mentioned earlier, there is fast track procedure in front of FINA if the creditor is holding debtor's promissory note or has final judgment etc.
d. Procedure of service, if any.	c. Duration of the proceedings depends mainly on the complexity of each case, but it is approximately between two or three years.
	d. Service must be made personally to the recipient in all the cases where the recipient has the right or duty to act in a proscribed time period (e.g. file a remedy). Service to an individual shall be made at the recipient's place of residence or workplace. For legal persons, the service shall be made to their registered seat. If such service fails, as a general rule, it shall be tried again (the service shall be left with an adult member of recipient's household or authorized person or employee at the recipient's workplace), and if it fails again, the service shall be made by publishing the document on the relevant court's notice board. After 8 days such delivery is full and valid.
9. Does the judicial order allow you to start enforcement proceedings?	Yes, the judicial order is one of the instruments permitting enforcement because it is considered to be the enforcement title document.
10. May the judicial order be enforced before it has been served?	Court may issue preliminary or interim measures to secure the claim. Also, execution can be ordered based on a court decision that is yet to become legally effective and a decision rendered in an administrative procedure that is yet to become final, if provided by law that the appeal or any other legal remedy does not postpone execution.
11. May the debtor challenge/appeal the judicial order?	The party not satisfied with the order may challenge the order within 3, 8 or 15 days (depending on the type of the procedure) from the date of service. Debtor may submit an appeal against the writ of execution even after it becomes legally effective in special cases prescribed by law.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	Types of forced execution are judicial and non-judicial execution. Non-judicial execution includes procedure before FINA and withdrawal of salary by the employer (debtor is an employee and he/she does not receive a salary through his/her account in the bank). Judicial execution procedure is conducted by the court or by public notary as a court trustee.

13. What are the necessary actions for the execution?	For execution it is necessary that the court decision is final and enforceable. Such court decision must be sent with the request for enforcement to the competent body for execution (e.g. court or FINA).
14. Indicate the duration of the different types of execution.	Duration of execution depends of circumstances of the case (e.g. parties, the object of execution, etc.) Non-judicial execution before FINA lasts 60 days when there are sufficient funds. Judicial execution lasts from 2-3 months before public notary if there is no debtor's objection, and 2-3 years in courts.
15. Indicate the costs of the different types of execution.	Costs of execution are: costs of legal representation, court fees and other expenses (e.g. costs of a court expert). Final amount depends on the duration of the process. Certain costs are determined by the lawyer's tariff, public notary's tariff and Law on Court Fees. Also, costs of execution are proportional to the amount of the claim.
16. Can the debtor propose opposition to enforcement?	Yes, the debtor can file an appeal on writ of execution or on other court decisions in the execution procedure. The latter only when it is determined by law.
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs	No. a. N/A. b. N/A. c. N/A.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.

21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	<p>Croatian Civil Procedure Act refers to the Regulation. As "transmitting agencies" Croatia designated: 1/ each court for judicial documents of that court and 2/ the Municipal Court of the recipient's residence for non-judicial documents and 3/ the Municipal Court of public notary's seat for the public notary's documents. As "receiving agencies" Croatia designated the Municipal court of the place where the document is to be delivered. Croatia accepts standard forms set out in the Regulation only in Croatian.</p> <p>Regarding cost, the costs of postal delivery shall be charged for and accounted for in accordance with the rules governing postal services. If a public notary provided service, his cost should be paid in accordance with Public notary's tariff. In relation to the costs of service via an appointed court official the associated costs will be paid in advance in an amount determined by the court.</p>
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The right of refusal is in Croatia regulated by Regulation EC No. 1393/2007 therefore addressee may refuse to accept the document to be served if it is not written in or translated into a language which the addressee understands, or in the official language of the Member State addressed.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	<p>A claim is regarded as uncontested if:</p> <ul style="list-style-type: none"> • The debtor has expressly agreed to it by admission or by means of a settlement which has been approved by a court or concluded before a court in the course of proceedings; or • The debtor has never objected to it in the course of the court proceedings; or • The debtor has not appeared or been represented at a court hearing regarding that claim after having initially objected to the claim in the course of the court proceedings; or • The debtor has expressly agreed to it in an authentic instrument.
26. Please indicate timing and costs to obtain a first order.	Costs to obtain an order are composed of court fee or a public notary fee, depending on which of the above mentioned is issuing an order. Also, lawyer's fee may apply, if the party is represented by a lawyer. Such representation is optional. All the mentioned costs depend on the amount of the claim. Also, it is required to obtain a translation of the decision for the debtor, which increases costs. From our experience with Public notary time needed to obtain an order is approximately 2-3 days.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	The costs to obtain an order depend on the amount of the claim. Time needed to obtain an order is 30 days, as proscribed in the Regulation.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Yes, but there is no statistical data for Croatia as Croatia joined the European Union on 1st July 2013.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Costs to obtain an order depend on the amount of the claim. Time needed to obtain a first order is approximately 60 days.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	Yes, but there is no statistical data for Croatia as Croatia joined the European Union on 1 July 2013.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Regulation EC No. 1215/2012 is applied in Croatia.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, the provisional enforcement of a foreign judgment or title is possible in Croatia. Foreign judgment or title can be enforced without the opportunity for the debtor to be heard, as proscribed under the Croatian law for domestic judgments and titles.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Statute of limitation: Agreement: No time limit, although a statute of limitation is currently being drafted.</p> <p>Judicial order/arbitral: 10 years, renewable.</p> <p>Commercial papers: 3 months for cheques.</p>
What is the statute of limitation?	
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit. Minimum rate according to Cypriot law is 5.5%. It is possible to agree rates of interests that are higher than the legal rate but it depends on the agreement between the parties.
3. How long will a Court action take?	3 - 7 years.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes there is a fast track procedure in order to collect debts with a special fast track procedure for claims under €3,000.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, the creditor may claim directly his credit irrespective of the value of the debt. In practice when the amount is large, most creditors ask for legal assistance.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Cyprus is a signatory party to The Hague Convention 1961. Therefore the procedure of certifying a Power Of Attorney is by Apostille.

8. Indicate the main steps for judiciary recovery of debts:	Indicate the main steps for judiciary recovery of debts:
<p>a. Jurisdiction.</p> <p>b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.</p> <p>c. Duration of the proceedings.</p> <p>d. Procedure of service, if any.</p>	<p>a. District Court Judge: Up to €100,000; Senior District Court Judge: €100,000-€500,000; President of the District Court: More than €500,000 The court with jurisdiction to issue an order for the enforcement of an act not issued by a court or issued by a foreign court is the district court of the area where the person against whom the enforcement will be made resides, or the family court in cases of maintenance orders.</p> <p>b. All the invoices that were sent, legal letters, agreements, cheques, written affidavit from the creditor explaining the facts in detail.</p> <p>c. Depends on the circumstances. Usually it takes from 1 month to 2 years.</p> <p>d. After we file the lawsuit, we give the relevant documents to the process-server. After the process-server serves the notice, it issues an affidavit where it states that the notice was served to the debtor.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	Yes, on special occasions such as the issue of Interim orders on its property.
11. May the debtor challenge/appeal the judicial order?	Yes. The Supreme Court has jurisdiction to hear and determine all appeals from lower courts in civil and criminal matters. Appeals are heard by a panel of three judges. The hearing of the appeal is based on the record of the proceedings kept in the lower court.
SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	Enforcement means the forced implementation of the content of a judgment or order with the court's assistance and, in some cases, with the additional assistance of other competent officers/services (e.g. the Land Registry (Ktimatológió). A party who has obtained a court judgment or order can request that the court take enforcement measures. The Courts Service (bailiffs) and the Land Registry. The authority competent for enforcement of an order to collect overdue maintenance payments is the police.

13. What are the necessary actions for the execution?

A judgment or order is enforceable upon its delivery. The deadline for lodging an appeal does not by itself suspend enforcement; the appellant needs to lodge a reasoned request for this purpose.

The procedure: The costs of the procedure cannot be determined in advance, but are calculated by the registrar of the court based on the regulations on fees and are levied on the person against whom the judgment was delivered.

The enforcement is carried out mainly through bailiffs (dikastikoí epidótes), who are civil servants employed at the courts on a permanent basis.

There must be a court judgment, delivery of the judgment that creates an obligation, and refusal/failure of the defendant to pay the sum awarded.

The criteria for an enforcement order for a judgment from a foreign country are usually specified in the corresponding agreement. A usual condition in this case is that the defendant must have been duly notified of the proceedings against him/her in the foreign country.

Items subject to enforcement may include bank accounts, shares, registered vehicles, immovable property and other items. Very personal items which are essential for survival or for the pursuit of the defendant's occupation are excluded.

Enforcement measures include:

- Warrant of seizure and sale (éntalma katáschsis kai pólis) of movable property.
- Warrant of surrender (éntalma parádosis) of movable property (if the movable property was the subject of the action, e.g. in an action for breach of a lease-purchase contract, the object of the lease-purchase).
- Writ of garnishment to seize assets in the hands of a third party (éntalma katáschsis eis cheíras trítou).
- Order to repay a judgment debt in monthly instalments.
- Order to make deductions (díatagma apokopís) from the judgment debtor's monthly earnings (which is served on the employer for execution).
- Order to surrender possession (éntalma parádosis katochís) of immovable property.
- Order to sell (éntalma pólis) immovable property.
- Order to place immovable property in escrow (mesengýisi) (issued on request of the judgment debtor, as long as the court is satisfied that in, up to three years, the income from the immovable property can cover the judgment debt, interest and all costs).

14. Indicate the duration of the different types of execution.

• Immovable property charge (epivárynsi), with entry of the judgment against the property.

• Bankruptcy.

• Company dissolution.

In the case of a maintenance order, the enforcement includes the possibility of issuing a writ of detention (fylakistiriou éntalma) against the debtor.

The debtor and any third party are obliged to comply with the judgment ordering the enforcement measure. If the debtor refuses or neglects to carry out the acts/actions specified in the order imposing the enforcement measures, an imprisonment procedure may be initiated against him for disobeying a court order.

A bank on which a garnishment order is served is required to freeze the relevant account, unless it has reason to contest this. In this case, it has to appear before the court which delivered it and provide reasons why this should not apply.

All undisputed orders become final and have the force of a court judgment.

Enforcement measures are valid for six months from their delivery. A judgment imposing enforcement measures is valid for six years from the date of delivery. In case of non-enforcement within that period, the judgment may be renewed by the court pursuant to Rule 40D.8 of the Civil Procedure Rules.

15. Indicate the costs of the different types of execution.

Costs will depend on the case.

16. Can the debtor propose opposition to enforcement?

Depending on the case, it is possible to bring legal challenges, e.g. in order to suspend enforcement or to cancel an entry in the register. For debtor protection purposes, any personal belongings that are essential for survival or to the pursuit of a person's occupation cannot be subject to enforcement.

SECTION 4:

ONLINE CIVIL TRIAL

17. Are online civil trials available to collect debts? If so, please indicate:

No

a. Credits to be collected by telematic procedures.

a. N/A.

b. Timescales.

b. N/A.

c. Costs.

c. N/A.

18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Costs depend on the disputable amount and the time that was consumed on notification.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The receiving agency should inform the addressee in writing using the standard form that he may refuse to accept the document to be served at the time of service or by returning the document to the receiving agency within 1 week if it is not either in a language which he understands or in the official language or one of the official languages of the place of service. This rule should also apply to the subsequent service once the addressee has exercised his right of refusal. These rules on refusal should also apply to service by diplomatic or consular agents, service by postal services and direct service. It should be established that the service of the refused document can be remedied through the service on the addressee of a translation of the document.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	It is defined through article 3 of the Regulation (EC) No. 805/2004.
26. Please indicate timing and costs to obtain a first order.	It could take between 1-3 months.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing depends on the court and if the Debtor has hired legal representation. It could take from 3 months to 5 years. Costs depend on the value of the claim including the court's fees.

29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	Yes.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	It depends on the amount and if the debtor hires legal representation.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data correct with respect to your country?	Yes.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes. In addition for the registration and enforcement of a foreign judgment under a multilateral or bilateral agreement, the procedure is undertaken by the Ministry of Justice and Public Order, as the central authority, through the Legal Service (Nomikí Ypiresía). In other cases the procedure may be carried out through private lawyers.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	Yes.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: 3 years.</p> <p>Judicial order / arbitral award: Up to 10 years.</p> <p>Commercial papers (cheques, bills of exchange): 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	<p>It is possible to apply legal interests to the credit. The Czech National Bank REPO rate plus 8% P.A. (for receivables due from 01.07.2018 such default interest will be 9.00%, in the case of delays arising in the first half of 2018 is 8.50%).</p> <p>Yes, it is possible to agree rates of interests that are higher than the legal rate (with the exception of consumers).</p>
3. How long will a Court action take?	It takes usually from 6 months to 2 years.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes (the amount of the claim fees and other costs depends on the success in the dispute).
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>Yes. Upon request, the Court will immediately issue a payment order instead of proceeding with the regular judgment. If not challenged by the debtor, the payment order becomes final and can be used as title for execution.</p> <p>Small Amount: No, appeals against a decision cannot be filed on very small amounts.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Legal representation is not formally required. In practice, the clients are represented either by external counsels or by in-house counsels.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	The Power Of Attorney for court proceedings does not need to be certified. Yes, the Czech Republic is party to The Hague Convention on Apostillation. Bilateral treaties have been concluded with many European countries.

8. Indicate the main steps for judiciary recovery of debts:	<p>a. District court according to the registered office of the debtor.</p> <p>b. The court fee must be paid, brief information of the facts of the case must be provided and it must correspond to the evidence.</p> <p>c. It takes usually from 6 months to 2 years.</p> <p>d. In general the service of documents is conducted via registered mail. If the order has to be served to a physical person, it has to be notified in his usual or last known resident domicile, if the debtor is a company, the order has to be notified to the registered office address or to its registered data box (unique electronic address).</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes, unless challenged by the debtor. Then regular proceedings finished by regular judgment.
10. May the judicial order be enforced before it has been served?	No.
11. May the debtor challenge/appeal the judicial order?	Yes, the debtor is entitled to challenge the payment order within 15 days of receipt of the payment order.
SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	There are two types of forced execution, first is provided directly by the court, second is provided by the court appointed bailiff.
13. What are the necessary actions for the execution?	The necessary prerequisite is to obtain an enforceable title as the basis for the application of execution.
14. Indicate the duration of the different types of execution.	Duration of execution is significantly different, it could take from 3 months to 8 years or more.
15. Indicate the costs of the different types of execution.	Costs depend on the value of the claim including the bailiff's fees. The costs of execution shall be paid by the obliged party (i.e. debtor).
16. Can the debtor propose opposition to enforcement?	Yes.

SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate:	Yes, there are telematic procedures in order to collect debts. Credits to be collected by telematic procedures: by means of a completed e-form presenting circumstances of the claim. Timescale: Circa 2-3 months. Costs: There are standard court fees (if the claim is exceeding circa €770, the court fee is 4% of this amount).
18. Who is entitled to use the online civil trial?	Individuals and legal entities for a claim up to 1 million Czech Crowns (approx. €40,000).
19. What kind of technical requirements are required?	Internet access, Official Electronic Signature.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The notification should be sent directly to the addressee by registered mail, in Czech or with a Czech translation. All other formal terms are standard according to (EC) No. 1393/2007. There is no extra cost except for postage. Timing: 2 to 3 months.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	Regulation is included in the Civil Procedure Code (Act No. 99/1963 Coll.). The addressee has right to refuse to receive any notification (civil). In such case the notification is considered to be delivered on the day of refusal.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	If no defence is presented by the debtor in the proceedings or if the debtor acknowledges the debt before the court or public notary.
26. Please indicate timing and costs to obtain a first order.	Timing: 2 to 3 months. The costs of monetary claims are basically 4% of the claimed amount (minimal fee is €25).
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.

28. Please indicate timing and costs to obtain an order.	Timing: 2 to 3 months. The costs of monetary claims are basically 4% of the claimed amount (minimal fee is €25).
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	N/A
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: 2 to 3 months. The costs of monetary claims are basically 4% of the claimed amount (minimal fee is €25).
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data correct with respect to your country?	N/A
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, provisional enforcement of a foreign judgment could be issued without a debtor hearing.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	N/A

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: Main rule is 3 years (debt acknowledged by debtor, e.g. loan contracts etc.: 10 years).</p> <p>Judicial order / arbitral award: 10 years.</p> <p>Commercial papers (cheques, bills of exchange): 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	It is possible to apply legal interests to the credit. The rate is calculated as The Danish Central Bank lending rate plus additional 8%. Yes, it is possible to agree rates of interests that are higher than the legal rate.
3. How long will a Court action take?	A simple debt collection takes 2-3 months. If the claim is contested: 9 to 12 months.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>Yes, there are, for claims less than DKK 100,000 (approx. €13,424).</p> <p>If the debtor contests the claim, another simplified process can be used if the claim is less than DKK 50,000 (approx. €6,712).</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, but the Court may require the debtor to appoint a lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	<p>There is no special procedure to certify the lawyer's Power Of Attorney.</p> <p>Yes, The Hague Convention of 5 October 1961 has been adopted.</p>
8. Indicate the main steps for judiciary recovery of debts: a. Jurisdiction. b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.	<p>a. The debtors local jurisdiction.</p> <p>b. Agreement, contract, order confirmation, invoice, receipt etc.</p>

c. Duration of the proceedings.	c. 6 to 12 months.
d. Procedure of service, if any.	d. The court will serve the claim itself.
9. Does the judicial order allow you to start enforcement proceedings?	Yes. The debtor is given 14 days to pay before enforcement can begin.
10. May the judicial order be enforced before it has been served?	No.
11. May the debtor challenge/appeal the judicial order?	Yes, but only once.
SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	A judicial order can be enforced in the special bailiff's Court (Danish: Fogedretten) by use of repayment plans, distraint on personal property and forced auctions etc.
13. What are the necessary actions for the execution?	<p>The bailiff's Court requires a title of execution presented to it. The title may be court verdicts, foreign EU member state court verdicts, voluntary settlement agreements, promissory notes, mortgage deeds etc. It is for the creditor to present the title before the bailiff's Court.</p> <p>If the claim is less than DKK 100,000 (approx. €13,424) the creditor may file an 'order for payment' directly to the bailiff's Court. If the debtor has no objections to the claim, the demand itself will serve as a title for forced execution.</p>
14. Indicate the duration of the different types of execution.	Depending on what type of forced execution is used (e.g. forced auction or a simple repayment plan) the process may last between 3 to 24 months.
15. Indicate the costs of the different types of execution.	Court fees are applied depending on the value of the claim.
16. Can the debtor propose opposition to enforcement?	Once the bailiff's Court has received a title for enforcement, the debtor can under certain conditions impose evidence to the contrary and make complaints, although not all evidence is allowed. Opposition against the title itself is sometimes allowed.
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate:	<p>All preparation for a civil court trial is done online (filing documents, managing time limits etc.) using a special online service provided by the Courts. The overall procedure remains the same. After the trial, the court can issue a title of execution.</p> <p>However, the enforcement of credits is undertaken by the bailiff's court, which procedure has not yet been transferred to the online service. Therefore, the case-material should be sent directly to the bailiff's court by e-mail or letter.</p>

<p>a. Credits to be collected by telematic procedures.</p> <p>b. Timescales.</p> <p>c. Costs.</p>	<p>If the fast track option for claims under DKK 100,000 of filing an 'order for payment' directly to the bailiff's Court is used, the online service is of this date not used.</p> <p>In conclusion there is no "telematics procedure" with regards to the bailiff's court other than emailing back and forth, and therefore the online procedure does not apply and sub questions a, b and c will be answered N/A.</p>
	a. N/A
	b. N/A
c. N/A - See the costs under question 15.	
18. Who is entitled to use the online civil trial?	All parties of the lawsuit are allowed access to the online platform.
19. What kind of technical requirements are required?	Internet access and a digital signature called "nem-id".
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	<p>To enforce foreign judgments in Denmark, you must first apply to the Court to register the foreign judgment. You need to submit, along with your application notice: i) An authenticated copy of judgment; ii) A certificate set out in the form of annex V of the Brussels Regulation, produced by the court or competent authority of the Member State where judgment was given; iii) A translation of the judgment in Danish, if necessary, certified by a notary or accompanied by written evidence confirming that the translation is accurate. If you want to recover interest under the foreign judgment, then you also need to submit a written statement confirming: i) The amount of interest that has accrued up to the date of the application; ii) The rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.</p> <p>Costs: Court fees.</p>
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	Danish national law does not include any more specific rules other than those stipulated by the Regulation.
24. Is Regulation EC No. 805/2004 applied in your country?	No.
25. What is an uncontested claim in your country?	An uncontested claim in Denmark can be one in which the Defendant admits the claim in writing; or fails to file a defence.

26. Please indicate timing and costs to obtain a first order.	Timing depends on the court and if the debtor has hired legal representation. It will take about 3 months if the debtor fails to file a defence. It will take about 9 to 12 months, if the debtor files a defence. Costs depend on the value of the claim including the court's fees.
27. Is Regulation EC No. 1896/2006 applied in your country?	No.
28. Please indicate timing and costs to obtain an order.	N/A.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	N/A.
30. Is Regulation EC No. 861/2007 applied in your country?	No.
31. Please indicate the timing and the costs to obtain an order.	N/A.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	N/A.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, foreign court verdicts from other EU-member states and foreign voluntary settlements can be recognized and enforced if translated into Danish. The debtor has a right to be heard as a part of the Court's ex officio review of the foreign judgment.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	This order is not applied in Denmark.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes (although these are rarely used in Estonia).</p>
What is the statute of limitation?	<p>Agreement: 3 years; if the obligor has intentionally violated its obligations, the statute of limitation is 10 years. The 10-year period is however debatable and plain failure to perform will not result in application of the 10 year period.</p> <p>Judicial order / arbitral award: 10 years.</p> <p>Commercial papers (cheques, bills of exchange): 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	<p>It is possible to apply legal interests to the credit. If the interest rate is not specified in the agreement, it shall be applied on a half-year basis and shall be equal to the last interest rate applicable to the main refinancing operations of the European Central Bank before 1 January or 1 July of each year.</p> <p>It is possible to agree rates that are higher than the legal rate. If a contract prescribes payment of interest exceeding the rate provided by law, the interest rate prescribed by the contract shall be the rate of default interest. However, if the interest rate is unreasonably high, the court may reduce the rate to a reasonable amount.</p>
3. How long will a Court action take?	Usually not less than a year. It can take several years.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>Yes, fast track procedures are possible via a petition by way of expedited procedure. The claim cannot exceed €6,400 and the expedited procedure cannot be filed against a bankrupt undertaking.</p> <p>Small amounts: Yes, claims under €2,000 (or €4,000 including default interest or other kinds of collateral claims) may be tried as a simplified procedure. In this case, the court shall only observe the main principles of civil procedure. The petition by way of expedited procedure described above is usually the most reasonable and quickest procedure in case of small claims.</p>

6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	The creditor may claim recovery for his amount directly from the debtor. In case of court proceedings however, it is strongly recommended that the creditor seek counsel from a lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	The Hague Convention of 5 October 1961 has been adopted by Estonia. However, usually, when the PoA is required, a document in simple written form is sufficient.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. Jurisdiction is divided into three: General jurisdiction, optional jurisdiction and exclusive jurisdiction:</p> <p>In general jurisdiction an action against a natural person can be filed with the court of his or her residence and an action against a legal person can be filed with the court of its seat.</p> <p>In optional jurisdiction an action involving a proprietary claim can be filed against a natural person also with the court of his or her place of stay if the person has stayed in such place for a longer period of time due to an employment or service relationship. An action related to the economic or professional activities of the defendant can also be filed with the court of the place of business thereof.</p> <p>Exclusive jurisdiction is not related to debt collection and is used only in litigations relating to matrimonial-, filiation-, maintenance matters and in litigations relating to immovables.</p> <p>In cases other than exclusive jurisdiction, an agreement on jurisdiction can be concluded.</p> <p>b. The plaintiff must issue a written claim that includes:</p> <p>i) The clearly expressed claim of the plaintiff; ii) The facts that constitute the basis of the action; iii) The evidence in proof of the facts which are the cause of the action, and a specific reference to the facts which the plaintiff wants to prove with each piece of evidence; iv) Whether or not the plaintiff agrees to the conduct of written proceedings in the matter or wishes the matter to be heard in a court session; v) The value of the action unless the action is directed at payment of a certain sum of money.</p> <p>c. There is no actual time limit, but the proceeding of action shall be effected in reasonable time. Usually proceedings take about 1 year or more.</p>

d. In general the service of documents is conducted via internet-based electronic system 'E-toimik' or via registered mail. When documents are delivered via E-toimik, a notification about making documents accessible in e-toimik will be sent by mail or some other way. Documents to an attorney should always be delivered via e-toimik. Court may arrange the service of documents also through a person providing postal services, a bailiff, court security guard or in another manner specified by law. If the defendant fails to receive the documents the documents will be served publicly.

9. Does the judicial order allow you to start enforcement proceedings?

Yes, a judicial order is an enforcement document, upon which enforcement proceedings may be initiated.

10. May the judicial order be enforced before it has been served?

A judicial order may be enforced only after the delivery of the enforcement notice, which is based on the relevant judicial order, to the debtor. Judgements by default are an exception and can be enforced immediately.

11. May the debtor challenge/appeal the judicial order?

Yes, the debtor may appeal the judicial order of the first and second instance courts in the period of time provided in the judicial order, which is usually 30 days from the service of the order.

SECTION 3: ENFORCEMENT

12. What are the different types of forced execution in your country?

Arrest of the property; forced sale of the property; compulsory administration; eviction; search of premises, plots of land and debtor.

13. What are the necessary actions for the execution?

A bailiff will start the enforcement proceedings on the basis of an application of a claimant (application for enforcement) and an enforcement instrument.

14. Indicate the duration of the different types of execution.

There is no actual time limit of the forced execution. Duration depends on the actions of the debtor and on the type of execution (whether it is a one-time payment or longer procedure).

15. Indicate the costs of the different types of execution.

The costs of different types of execution depend on the amount of claim and on the work that bailiff has to do to get the claim satisfied. The bailiff's fee may compose of the fee for commencement of proceedings, basic fee of proceedings and additional fee for enforcement actions.

The fee for commencing an enforcement procedure is €15 to €30 for non-pecuniary claim and €15 to €120 for a property claim. The basic fee depends on the amount of the claim and ranges from €25 to €7,000. A bailiff has the right to request an additional fee, if an enforcement action is technically or legally complex or time-consuming. The additional fee shall be determined in the form of a fixed sum or hourly fee (€28/hour). The fees and costs of the proceedings shall be paid by the debtor; however, in certain cases the bailiff may ask the creditor to make a prepayment of these (not exceeding €319).

16. Can the debtor propose opposition to enforcement?

Yes, a participant in enforcement proceeding may file a complaint to a bailiff about a decision or the activities of a bailiff within ten days as of the day on which the complainant becomes or should have become aware of the decision or action.

SECTION 4: ONLINE CIVIL TRIAL

17. Are online civil trials available to collect debts? If so, please indicate:

a. Credits to be collected by telematic procedures.

b. Timescales.

c. Costs.

a. A claim against another person arising from a private law relationship directed at the payment of a certain sum of money (up to €6,400) can be collected via a telematic procedure called Expedited Procedure in Matters of Payment Order. It is a simplified procedure which demands filing a claim via electronic means, (although, the defendant is allowed to respond in writing). The claim cannot be filed if: debtor has been declared bankrupt, the object of the claim is compensation of non-proprietary damage, the claim has not yet fallen due at the time the petition is fixed or the claim which is filed against several debtors does not arise from the same basis or obligation.

b. After the plaintiff has filed the claim, the court shall within 10 days make a proposal for payment to the defendant. With making the proposal of payment the court gives the defendant 15 days (30 days if abroad) to either pay or file an objection. If the debtor files an objection in time, the court continues the hearing of the matter in general proceedings. If the debtor does not pay the amount indicated in the proposal for payment or does not file an objection to the proposal for payment in time, the court renders, in the form of a ruling, a payment order for such amount. In general, the proceedings are fast, however if there is a problem with the service of the documents and the debtor cannot be reached, the time and length of the proceedings will depend on the time needed to serve the documents. This may take up to about half a year.

c. The state fee is 3% of the claim, but not less than €45.

18. Who is entitled to use the online civil trial?

There are no limitations in general, but the procedure cannot be initiated against a debtor that has been declared bankrupt.

19. What kind of technical requirements are required?

The internet-based electronic filing system 'E-toimik' (www.e-toimik.ee) should be used. The system is compatible with all major browsers (latest versions), however there are common technical problems when using Firefox. Authentication with ID-card of Mobile-ID is mandatory. Therefore an Estonian ID-card and a card-reader or a Mobile-ID is required.

SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The court shall arrange for the service of foreign procedural documents according to the Code of Civil Procedure with a difference that foreign procedural documents may not be served publicly. In general the service of documents should be conducted via internet-based electronic system 'E-toimik' or via registered mail. Court may arrange the service of documents also through a person providing postal services, a bailiff or court security guard. Costs: Registered letter: €2.95; standard letter: €0.65; costs occasioned by services of a bailiff (up to €60).
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	If the recipient refuses without any legal ground, the document is regarded as delivered. The addressee may refuse to receive the document on the grounds provided in Section 8 Paragraph 1 of Regulation (EC) No. 1393/2007. In addition, a procedural document which is served by sending a registered letter may sometimes be handed over to a person who is not the recipient (e.g. if a person to whom a procedural document is served cannot be reached in his or her dwelling), the document is deemed to be served on the recipient if the document is delivered to a person who resides in the dwelling of the recipient and is at least fourteen years old. This person may refuse to accept the document if he or she cannot hand it over to the recipient.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	The claim is uncontested, when it has been acknowledged or admitted by the defendant, or when the defendant fails to file a defense on time.
26. Please indicate timing and costs to obtain a first order.	The state fee for the request to issue a European Enforcement Order is €25, €10 if the application is submitted via internet-based electronic system 'E-toimik'. The procedure should not take more than 1 month.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timeframes prescribed by the regulation are observed. State fee in Expedited Procedure in Matters of Payment Order is 3% from principal claim, but not less than €45.

29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Yes. The statistical data is correct.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timeframes that are prescribed by the regulation are observed. The state fee will range from €60 to €325 depending on the amount of the claim and whether an action is filed via internet-based electronic system 'E-toimik' or not.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data accurate with respect to your country?	Yes. The statistical data is correct.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognised and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, the provisional enforcement of a foreign judgement or title is possible, but only if the judgment containing the measure is served on the defendant prior to enforcement. Such foreign judgement or title can be enforced without the opportunity for the debtor to be heard if the applicant provides the competent enforcement authority among other things with the proof of service of the judgement to the debtor according to the regulation n. 1215/2012 article 42 p. 2.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	We do not have any experience on the use of Regulation EC No. 655/2014 in particular, but it is regulated in Code of Civil Procedure.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: 5 years.</p> <p>Judicial order / arbitral award: 5 years.</p> <p>Commercial papers (cheques, bills of exchange): 5 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	There is no obligatory legal interest on the credit. It is possible to apply legal interests to the credit. According to the law of 1st July 2010 on consumer credit, and since 2016, there are two reference legal rates ('effective global rate': 'TEG' for business credit and credit to legal persons under public law; 'TAEG' or 'annual effective global rate' for individual consumer credit and home loans) whose calculation is quite complex (it corresponds to the real value of the credit which includes bank fees, insurance and commission). Conventional interests are also possible if they are not usurious. The usurious rate is regularly published.
3. How long will a Court action take?	It takes between 1 and 2 years in first instance and the same again before the Court of appeal.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, but legal fees are usually a lump sum, court fees are not expensive (around €100), complementary damages can be claimed.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>There are two summary procedures: i) The summary proceeding for 100% payment ('référé-provision 100%'), which can take place if the creditor can show the existence of a non-contestable right; ii) The order for payment procedure ('Injonction de payer'), when the debt has a contractual nature for a determined amount or if the agreement comes from the acceptance or from the drawing of a bill of exchange.</p> <p>Small Amounts: Yes, the order for payment procedure is typically used in these cases. It is possible to obtain an injunction after one hearing without the presence of the debtor.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	When the debt is more than €10,000, representation by a lawyer is obligatory.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	There is no need in France to obtain a power of attorney from a foreign client to act. Nevertheless, our law firm ask a formal approval before any action on behalf of the client. The Hague Convention of 5 October 1961 was signed by France on 9 October 1961.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. For litigations between shopkeepers or when there is a commercial relation between the parties, the commercial Court is competent. Physical persons, who concluded an agreement with a company or a shopkeeper, have the right to choose their privileged jurisdiction which is the high civil court, for debts of more than €10,000 and the civil court for debts below this amount.</p> <p>b. Agreements, invoices and all possible documents to prove the existence of an order and/or a delivery, because all types of evidence are admissible in commercial law ("free proof" system).</p> <p>c. For small debts, in the order for payment procedure, the debt can be dispute by the way of opposition in the month following the receipt of the order. The proceedings shall continue before the court. Without opposition, the order can be enforced. For all claims, in the first instance it can take from 6 months to 1 year; and the same again before the court of appeal.</p> <p>d. Before the high civil court and the commercial court there is a written procedure so, each party must send his position and documents to the other party and has to justify it to the Court.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	It is quite rare in commercial matters; the principle is a necessary notification by a bailiff before enforcement.
11. May the debtor challenge/appeal the judicial order?	Yes.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	<p>Several methods of enforcement only by virtue of a final court decision: Obtaining the services of a bailiff to proceed with summons to pay and seizure (property/bank account / movable goods / wages).</p> <p>With a judicial control of the enforcement judge if necessary.</p>

13. What are the necessary actions for the execution?	<p>A final court decision.</p> <p>A summons to pay.</p> <p>Then the lawyer and the bailiff decide which action have to be followed:</p> <ul style="list-style-type: none"> • Wage seizure (only after a conciliation procedure before the lower court). • Seizure for sale of property • Seizure for sale of movable goods. • Seizure of bank account. • Seizure of motor vehicles. <p>Control of the enforcement judge if necessary.</p>
14. Indicate the duration of the different types of execution.	<p>It can take several months depending of the actions to recover the money obtained.</p> <p>There is no legal duration.</p>
15. Indicate the costs of the different types of execution.	<p>About €100 for the services of the bailiff.</p> <p>About €500 for enforcement judge proceedings.</p>
16. Can the debtor propose opposition to enforcement?	<p>Enforcement is possible only by virtue of a final court decision.</p> <p>There can be no more opposition after.</p> <p>The debtor can only request terms of payment to the judge if he acts on the Judge of execution that has the power to give delays of payment to the debtor.</p>
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate:	<p>No.</p> <p>a. N/A.</p> <p>b. N/A.</p> <p>c. N/A.</p>
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.

SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Costs for the procedure of notification of foreign acts or of a judicial order can be assessed at €100 (excluding translation fees) and the Tribunal costs can be estimated at €120.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes if the summons is not translated to the language of the country of the debtor.
23. If so, how is it regulated?	N/A
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	According to French law, an uncontested claim is either one which was expressly accepted by the debtor, or one that was not refused during the proceedings. It is also when the debtor did not appear before the judge and was not represented at the hearing, and when he expressly recognised his debt in an authenticated deed.
26. Please indicate timing and costs to obtain a first order.	<p>Costs: Can be evaluated at €100 to obtain a first order. Translation and bailiff costs</p> <p>Timing: Approx. 1 month.</p>
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	<p>Costs: Can be evaluated at €100 to obtain a first order.</p> <p>Timing: Approx. 1 month.</p> <p>Order for payment procedure is free before civil court. Registry fees before commercial court. In all cases, fees (about €100) for translation and for the mandatory service of the order by a bailiff.</p>
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	No.

30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Costs: Can be evaluated at €100 to obtain a first order. Registry fees and translation costs. Timing: Approx. 2-3 months.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data correct with respect to your country?	No.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes. Yes.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No, but France has already an effective procedure of attachment order.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country?	a. Agreement: Yes. b. Judicial order / arbitral award: Yes. c. Commercial papers (cheques, bills of exchange): Yes.
What is the statute of limitation?	Agreement: 3 years the time limit commences at 31.12 of the year in which the creditor learned about the existence of the claim and the person of debtor (or failed to learn due to his gross negligence). Judicial order / arbitral award: 30 years. Commercial papers (cheques, bills of exchange): 3 years for the claim against the drawee (person designated to pay), claims against the person issuing the paper might be shorter.
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate? Legal rate is basic interest rate as published by the European Central bank plus five points; if neither party is "consumer" plus 9 points.	It is possible to agree on higher rates but not by way of general terms.
3. How long will a Court action take?	Approx. 10 months (first instance).
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, court fees and lawyer's fees (calculated according to the Federal Tariff) can be claimed.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	It is possible to use a payment order (similar to a European Payment order), but neither summary proceedings nor special rules for small claims exist.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	A lawyer is required to file a claim if the amount exceeds €5,000.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	A "formal" power of attorney only has to be provided to court if the defendant challenges the existence of a PoA. Yes, the Hague convention is adopted.
8. Indicate the main steps for judiciary recovery of debts: a. Jurisdiction. b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other. c. Duration of the proceedings. d. Procedure of service, if any.	a. Usually, debtor's seat is determinative for the jurisdiction, Local Court deals with claims up to EUR 5,000, High Court / Regional Court deals with claims exceeding this threshold. Special local courts deal with payment orders regardless of the amount of the claim. b. No evidence required for a payment order ("Mahnbescheid"), supporting documents required for "regular" claim. c. 10 months for claim, approx. six weeks for payment order unless debtor opposes against the order. d. Court will serve the notices, however service by bailiff required prior to enforcement.
9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	No, but preliminary seizure of bank accounts may be possible.
11. May the debtor challenge/appeal the judicial order?	Yes, within given time limits.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	Seizure of movable assets, rights or claims, judgment liens on real estate ("Zwangssicherungshypothek").
13. What are the necessary actions for the execution?	Service of the enforceable title to debtor by bailiff. Different rules apply depending on the kind of asset which is the target of enforcement.
14. Indicate the duration of the different types of execution.	It varies depending on the kind of asset: few weeks for seizure of claims to several months enforcement in shares.
15. Indicate the costs of the different types of execution.	The costs are calculated on basis of the amount claimed according to a fixed tariff.
16. Can the debtor propose opposition to enforcement?	Yes, but he may only use arguments that he could not have used in the procedure obtaining the title.

SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: Credits to be collected by telematic procedures; a. Payment orders can be applied online. b. Timescales; Payment orders. c. Costs.	a. Payment orders can be applied online. Other civil online trials do not exist. b. Payment orders: 6 weeks (see above). c. N/A. (Payment orders: depending on the amount claimed see above).
18. Who is entitled to use the online civil trial?	N/A. Payment order: Electronic templates must be used which require a registration.
19. What kind of technical requirements are required?	The electronic templates include a barcode, the IT system of applicant has to fulfil certain requirements.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The competent "receiving" institution is the local court ("Amtsgericht") at the recipient's domicile / seat. Delivery by registered letter with confirmation of receipt is accepted.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes, it does apply.
23. If so, how is it regulated?	German national law does not include any more specific rules than the Regulation does. Hence, recipient is informed by the standard form about the right to refuse service and can refuse within one week.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	A claim is uncontested if (a) the debtor acknowledged the claim in court or in any official deed or (b) debtor did not oppose against the claim in the judicial proceedings or (c) debtor failed to appear in a hearing in court provided that such failure allows to issue a judgment by default in the jurisdiction in which the proceedings were held.
26. Please indicate timing and costs to obtain a first order.	A few weeks; costs calculated on basis of the amount claimed.

27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	A few weeks, costs calculated on basis of the amount claimed.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Not known.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Approx. 4 months, costs depending on amount claimed.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data accurate with respect to your country?	Not known.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes, it is applied.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	A provisional seizure of bank accounts is possible without the debtor being heard.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes, but only if an agreement or commercial papers exist.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 5 years.</p> <p>Judicial order / arbitral award: 5 to 20 years, depending on the court action.</p> <p>Commercial papers (cheques, bills of exchange): 6 months from issuing for cheques, 3 years for bills of exchange.</p>
2. Is it possible to apply legal interest to the credit?	Yes, it is possible to apply legal interests to the credit. The rate varies from period to period and is currently 7.25%. No, it is not possible to agree rates of interests that are higher than the legal rate.
3. How long will a Court action take?	It takes 2 to 4 years in first instance for an ordinary court and 2 to 5 months for an injunction of payment.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, you may, but restrictions apply.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>Yes, there are fast procedures.</p> <p>Small Amounts: Yes, there is the so-called 'small claims procedure'. It includes claims of up to €5,000. The main difference from the classic procedure is that there is no possibility to appeal the court decision. Also there is the procedure of issuing a court order for signed documents such as invoices in order to collect a claim.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	No, only by a lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Yes, the Hague Convention is applied.

<p>8. Indicate the main steps for judiciary recovery of debts:</p> <p>a. Jurisdiction.</p> <p>b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.</p> <p>c. Duration of the proceedings.</p> <p>d. Procedure of service, if any.</p>	<p>a) Up to the amount of €20,000: Magistrate's Court. Up to the amount of €250,000: Single Judge Court of First Instance. Over the amount of €250,000; Multi member Court of First Instance. The Supreme Court is competent to judge the decisions of all the Courts.</p> <p>b) Checks, proofs of delivery, written agreement etc.</p> <p>c) 2 months if you proceed with a court order otherwise 2 to 5 years.</p> <p>d) The document of the lawsuit has to be served to the defendant by a bailiff.</p>
<p>9. Does the judicial order allow you to start enforcement proceedings?</p>	<p>Yes.</p>
<p>10. May the judicial order be enforced before it has been served?</p>	<p>Only in the case of a mortgage on real estate can you secure your claim and then notify it.</p>
<p>11. May the debtor challenge/appeal the judicial order?</p>	<p>Yes.</p>
<p>SECTION 3: ENFORCEMENT</p>	
<p>12. What are the different types of forced execution in your country?</p>	<p>Seizure i) Movable property ii) Real Estate, iii) Credits (current accounts), iv) Others (shares) v) Garnishment.</p>
<p>13. What are the necessary actions for the execution?</p>	<p>Issuing of enforceable title, notification of the enforcement order to the debtor by a bailiff, After the period of 3 days, compulsory execution can take place.</p>
<p>14. Indicate the duration of the different types of execution.</p>	<p>After the period of three days after the debtor is notified (an enforceable title) execution can take place.</p>
<p>15. Indicate the costs of the different types of execution.</p>	<p>The fee of the court bailiff differs according to the amount of claim and type of execution.</p>
<p>16. Can the debtor propose opposition to enforcement?</p>	<p>The first step is the debtor can file an application the competent court for the revocation of the enforceable title. The second step is the debtor can file an application for the stay of execution after being notified.</p>
<p>SECTION 4: ONLINE CIVIL TRIAL</p>	
<p>17. Are online civil trials available to collect debts? If so, please indicate:</p>	<p>Not currently.</p>
<p>18. Who is entitled to use the online civil trial?</p>	<p>N/A.</p>
<p>19. What kind of technical requirements are required?</p>	<p>N/A.</p>

SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
<p>20. Is Regulation EC No. 1393/2007 applied in your country?</p>	<p>Yes</p>
<p>21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.</p>	<p>The document is sent through the Ministry of Justice to the Public Prosecutor's office, where it is registered. After the public prosecutor's request (order) it is delivered to the competent court clerk in order to be served. The clerk is responsible for returning the proof of service to the legal assistance office where they complete the foreign proof of service or the non-performance (when it is not served) and finally it is sent to the Ministry of Justice. There are no costs apart from postage.</p>
<p>22. Does the right of refusal (article 8 of the Regulation) exist?</p>	<p>Yes.</p>
<p>23. If so, how is it regulated?</p>	<p>According to the Greek Law, if the recipient of the performance refuses to receive the document, the clerk responsible for serving the document delivers it to the residence or the office of the recipient in front of a witness. Concerning the serving of a foreign document the particular terms and conditions of Regulation (EC) No. 1393/2007 are applied.</p>
<p>24. Is Regulation EC No. 805/2004 applied in your country?</p>	<p>Yes.</p>
<p>25. What is an uncontested claim in your country?</p>	<p>The term of an uncontested claim refers only to the applying of the regulation 805/2004. It includes all the claims which are described in detail in the above mentioned regulation, Apart from that, enforceable decisions in Greece are the final decisions of the civil courts, the provisionally enforceable decisions and the decisions of safety measures. The above can be certified as a European enforceable deed.</p>
<p>26. Please indicate timing and costs to obtain a first order.</p>	<p>Approx. 1 month. The cost varies according to the amount of claim.</p>
<p>27. Is Regulation EC No. 1896/2006 applied in your country?</p>	<p>Yes.</p>
<p>28. Please indicate timing and costs to obtain an order.</p>	<p>Approx. 1 month. The cost varies according the amount of claim.</p>

29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	No.
30. Is Regulation EC No. 861/2007 applied in your country?	It is valid.
31. Please indicate the timing and the costs to obtain an order.	€64 cost of the deposit of the lawyer plus 24% VAT plus court stamp of approx. 1.14% of the amount of the claim (legal fee is not included).
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	No.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	The non-contentious procedure is followed in order to recognize the provisional enforcement of a foreign judgment or title in Greece.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country?	a. Agreement: Yes. b. Judicial order / arbitral award: Yes. c. Commercial papers (cheques, bills of exchange): Yes.
What is the statute of limitation?	The general statute of limitation is 5 years but the Parties may agree a shorter timeframe.
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	It is possible to apply legal interests to the credit: the amount of the interest - if not decided by legislation or the parties - is equal to the central bank's base rate (currently 0.9%). It is possible to agree rates of interests that are higher than the legal rate. Any unreasonably excessive interest rate established by the Parties may be reduced by court.
3. How long will a Court action take?	Between 1-4 years. With the introduction of the new Act on Civil Procedure the legislator intends to reduce the length of litigation, however the effect of the new act on the length of litigation is essentially unclear so far.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes, in case of debts under HUF 3 million (approx. €9,500), a payment order shall be requested in a procedure in front of a notary, the whole procedure can be done electronically. The notary procedure can also be initiated above HUF 3 million up to 30 million HUF (approx. €95,000), however, in these cases the creditor may choose to go straight to court.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Legal representation is mandatory if the claim is above HUF 30 million (approx. €100,000) and such procedures belong to the Tribunal Courts.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	The Hague Convention is applied in addition to a long list of bilateral conventions.

<p>8. Indicate the main steps for judiciary recovery of debts:</p> <ul style="list-style-type: none"> a. Jurisdiction. b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other. c. Duration of the proceedings. d. Procedure of service, if any. 	<ul style="list-style-type: none"> a. The fast track procedure can be initiated either personally at any notary's office chosen by the creditor or electronically when an information system provides the case for a notary arbitrarily. The competent court is the district court at the domicile or seat of the debtor, but there are a number of special regulations for competency. In some cases the parties can agree about the jurisdiction which may also include arbitration. b. In the fast track notarial procedure, only a statement on the debt may be presented without any evidence. If the debtor disputes the debt then a court procedure is started, where all the invoices that were sent previously, legal letters, agreements, any written or other proof (including testimonies, experts' opinions) from the creditor evidencing the facts in detail will be needed. c. Depending on the debtor and the circumstances it can take from 1-2 months up to 3-4 years to recover the amount. With the introduction of the new Act on Civil Procedure the legislator intends to reduce the length of litigation, however the effect of the new act is essentially unclear so far. d. Regarding payment orders issued by the notary: If the notary decides to issue the payment order, than he/she sends this directly to the Debtor always via registered mail. If the Debtor decides to dispute the payment order, he/she has to do it electronically, or via registered mail or in person at the notary's office. If the debtor is a legal entity or if the debtor has a legal representative, the dispute may only be sent exclusively electronically. Regarding court orders: if the concerned party has a legal representative, court orders are always serviced electronically, if the concerned party processes without an attorney-at-law, court orders can be serviced either electronically or via registered mail pursuant to the intention of the concerned party.
<p>9. Does the judicial order allow you to start enforcement proceedings?</p>	<p>Final and binding judicial orders allow the creditor to start enforcement proceedings.</p>
<p>10. May the judicial order be enforced before it has been served?</p>	<p>No.</p>
<p>11. May the debtor challenge/appeal the judicial order?</p>	<p>Yes:</p> <ul style="list-style-type: none"> • The judicial order of the first instance is the general decision of the court, which can be challenged with an appeal as an ordinary remedy pursuant to general rules on civil procedure. However the decision of the second instance can be also challenged either with re-trial or with supervision as extraordinary remedies.

	<ul style="list-style-type: none"> • In case the payment order became final and binding already in the notary procedure, a re-trial is possible against it within the timeframe of 6 months. This time limit shall be calculated from the date of the challenged judgment becoming final and binding or, if the party became aware of the ground for retrial or only became able to apply for retrial later, from this subsequent date. <p>Re-trial shall not be granted after five years following the date the challenged judgment becoming final and binding.</p>
<p>SECTION 3:</p>	<p>ENFORCEMENT</p>
<p>12. What are the different types of forced execution in your country?</p>	<p>The following types of forced execution procedures exist in Hungary for debt collection:</p> <ul style="list-style-type: none"> • Execution on wage and other allowance. • Execution on sums managed by a payment service provider. • Execution on movables. • Execution on real estates. <p>The first two categories consist of deductions by judicial order, the last two categories involve auctioning.</p>
<p>13. What are the necessary actions for the execution?</p>	<p>In the possession of an executable document the creditor shall submit an application for execution for the court, which rendered the decree on the first instance. In case of a final and binding payment order, the creditor shall submit the application for execution for the notary before the payment order procedure took place.</p> <p>Concurrently with the submission of the application for execution the creditor shall pay duty fee, which is 1% of the main claim without interest and any other additional claim.</p> <p>After the court decides within 15 days on ordering the execution procedure, the processing bailiff is appointed by an information system arbitrarily. The execution procedure initiates after the creditor advances the expenditures of the bailiff, which will be borne entirely by the debtor. The expenditures of the bailiff are determined in rules of law, which is calculated on the basis of the main claim.</p> <p>In a payment order procedure, the execution procedure shall be ordered exclusively by notary before the procedure took place.</p>
<p>14. Indicate the duration of the different types of execution.</p>	<p>The duration of execution processes highly depend on the unique circumstances of the concerned cases. Execution on sums managed by a payment service provider is the most rapid way of execution, other methods can take up to months or even years. Without executable premises, the enforcement procedure can even end up in failure.</p>

15. Indicate the costs of the different types of execution.	There is not any difference in cost between the different types of execution. The cost for execution always involves 1% of the main claim as duty, and the fee of the bailiff, which shall be calculated pursuant to the provision of law.
16. Can the debtor propose opposition to enforcement?	The debtor can either raise a demurrer on execution in the execution process against any measure, which infringes the rules of execution or the rights and the rightful interest of the debtor. The debtor also has the possibility to initiate a civil process for the termination or restriction of execution, if the circumstances for litigation emerged.
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate:	At the moment only the mentioned electronic notarial payment order system works.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	This provision does not concern Hungary, since in Hungary the decrees of another Member State are delivered by the courts and delivery fee cannot be charged.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The court should inform the addressee in writing using the standard form. The addressee may refuse to accept the document served at the time of service or by returning the document to the court within 1 week if it is not either in a language which he understands or in the official language or one of the official languages of the place of service.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	When the defendant admits the claim or does not raise any plea.
26. Please indicate timing and costs to obtain a first order.	Obtaining a first (not yet binding and enforceable) order in a payment order procedure takes 3 days following the request if it was sent electronically and 15 days if it was submitted in writing or in person. The fee is 3% of the claim.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.

28. Please indicate timing and costs to obtain an order.	Obtaining a first (not yet binding and enforceable) order in European Payment Order procedure usually takes 30 days after the request, the fee for the order is 3% of the original claim.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Yes, it is more or less correct, the issuance of orders usually take several months.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	The fee of the procedure is 6% of the claim. The length of the procedure may vary based on the circumstances on each case.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	Yes, it is more or less correct, Hungarian courts do not tend to apply ICTs (Information & communication technology) for court hearings in cross-border litigation.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes. The court decides on the protective measure out of turn but at the latest within 8 days with its decree and serves it for the bailiff. If the protective measure concerns real estate it is served for the creditor as well, if it concerns movables the bailiff hands the decree over to the creditor personally on the spot, calling upon him/her to comply with his/her obligation for payment. The effect on the protective measure lasts as long as the enforcement is not ordered to be initiated or the court does not terminate the protective measure.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No, the application of regulation 655/2014 is not widespread in Hungary.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: Claims for liquidated sums are based in contract and as such are subject to the limitation period of six years calculated from the date on which the sum became due. The starting date can be altered if the debtor acknowledges the debt after it becomes due or if the debtor makes a part payment.</p> <p>Judicial order / arbitral award: As above.</p> <p>Commercial papers (cheques, bills of exchange): As above.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	It is possible to apply legal interests to the credit. They can be applied to commercial debts pursuant to the Courts Act 1981 (Interest on Judgment Debts) Order 2016 at a rate of 2%. This begins to run on the judgment amount and not the costs from the day that the judgment is given.
3. How long will a Court action take?	An uncontested claim can take approximately one year. However, a contested claim can take between 18-24 months before it will be heard in court.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes it is possible to claim solicitor's costs, barrister's costs and the costs of issuing any proceedings.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes. A special summary procedure is available in the District Court for recovery of a debt or liquidated demand up to €15,000. Where a civil summons has been issued and served claiming a debt due to the plaintiff and no notice of intention to defend has been received from or on behalf of the defendant, the plaintiff is at liberty to apply for a summary decree 'in the office', by filing by hand or by post in the District Court Office the requisite documents under Order 45 Rule 2 of the District Court Rules. The judge does have discretion to refuse to enter judgment, in which case the matter is listed for hearing. Once the signed decree has been received, it can be sent to the Sheriff for enforcement.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	It is recommended that a creditor should seek legal advice before commencing a claim in Ireland.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	A Power of Attorney is not required to act for foreign clients. Ireland has adopted The Hague Convention of 5th October 1961.
8. Indicate the main steps for judiciary recovery of debts:	<p>a) District Court: Recovery of debt up to €15,000. Circuit Court: Recovery of debt up to €75,000. High Court: Proceedings to recover debts in excess of the Circuit Court limit must be issued in the High Court and are commenced by way of Summary Summons.</p> <p>b) District Court: An affidavit of debt verifying the plaintiff's claim, sworn by the plaintiff or some person on the plaintiff's behalf who can swear the facts. The affidavit must be sworn within one month before the application for judgment. A completed form of decree signed by the plaintiff must also be submitted to the District Court Circuit Court: Where no appearance has been entered within the time prescribed in the Circuit Court Rules or no defence has been delivered within 10 days of the date of entry of appearance, the plaintiff may lodge the necessary documents in the Circuit Court Office to obtain judgment. This procedure is not available where the defendant has been served with the proceedings outside the jurisdiction. The plaintiff must send the defendant a 14 day warning letter to the defendant of the plaintiff's intention to have judgment in default of Appearance marked against them. High Court: A Summary Summons is issued and served and once this is done the plaintiff's solicitor must wait the required eight days from the date of service to allow entry of appearance before any further steps can be taken. If no appearance has been entered, the relevant documents can be lodged in the Judgments Section of the Central Office of the High Court for the purposes of obtaining judgment in default of appearance.</p> <p>c) Duration of proceedings varies in each jurisdiction.</p> <p>d) By registered post or personal service.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes a court judgment allows you to start enforcement proceedings to secure payment.
10. May the judicial order be enforced before it has been served?	No as the debtor needs to be given notice that there has been an order against them before enforcement proceedings are commenced.
11. May the debtor challenge/appeal the judicial order?	Yes they can appeal the judicial order, particularly if the debtor can show reasonable prospects of defending the claim.

SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	<ul style="list-style-type: none"> • Judgment Mortgage. • Execution Orders ('fieri facias'). • Attachment and Committal. • Attachment of debts (garnishee). • Appointment of a receiver by way of equitable execution . • Charging order over stocks and shares. • Order for possession and order for delivery. • Stop order. • Instalment order.
13. What are the necessary actions for the execution?	This will depend on the method chosen from the above list as they vary.
14. Indicate the duration of the different types of execution.	This will vary depending on what method is chosen and it is very difficult to advise on how long as it can range from a couple of months to a couple of years.
15. Indicate the costs of the different types of execution.	These will vary depending on what jurisdiction is chosen.
16. Can the debtor propose opposition to enforcement?	Yes it is possible for a debtor to oppose enforcement and the options available to them will vary on the various methods of enforcement.
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	<p>a. No they are not available in Ireland.</p> <p>b. N/A.</p> <p>c. N/A.</p>
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.

SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Applications to the Irish courts must be sent to the High Court, together with a completed Form A which is only available on the European e-Justice portal. The claim must be signed by the plaintiff or signed / stamped by a duly authorised person, who states that he / she is authorised to sign on behalf of the plaintiff. If these requirements are not met the claimant will be given the opportunity to complete or rectify the application and will have to send a fresh / amended Form A to the Irish court.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	It must be proved that service can be completed by ordinary post if the debtor refuses normal service.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	Where the debtor doesn't respond to notice from the creditor and as a result, no hearing takes place.
26. Please indicate timing and costs to obtain a first order.	Approximately 6 months and if the matter is not contested then costs will approximately €500 or higher. If the order is contested then costs will depend on the complexity of the matter and the costs of further procedures.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Approximately 6 months and if the matter is not contested then costs will approximately €500 or higher. If the order is contested then costs will depend on the complexity of the matter and the costs of further procedures.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	No.

30. Is Regulation EC No. 861/2007 applied in your country?	No.
31. Please indicate the timing and the costs to obtain an order.	N/A.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	No.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	A foreign judgment must be registered before it can be enforced.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 10 years.</p> <p>Judicial order / arbitral award: 10 years.</p> <p>Commercial papers (cheques, bills of exchange): 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	<p>Yes, it is possible to apply legal interest to the credit. The rates in force are governed by an annual Ministerial Decree: presently they are governed by D.M. 13/12/17 and are currently at a rate of 0.3% per year. The interest rate applicable to commercial debts is higher and it is currently applied pursuant to the Legislative Decree 231/2001 at a variable rate (currently it is 8%) depending on the extent of the payment delay. Since 2014, it is possible to apply the applicable interest rates on commercial debts to all credits which have been awarded in legal or arbitral proceedings (unless the parties agreed to a specific rate).</p> <p>Yes, it is possible to agree rates of interests that are higher than the legal rate. According to Italian Civil Code the agreed rate cannot be higher than the usurious interests.</p>
3. How long will a Court action take?	An ordinary Court action may take from 2 to 3 years in First Instance. A special action or fast track proceedings is provided allowing an injunction for the payment of a commercial debt (the relevant proceedings can be found online) to be obtained. The injunction for payment is normally issued within 30 days of the application being filed, however, timing may depend on the competent court. If the injunction is challenged by the debtor, an ordinary Court action commences.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, you may claim court fees as well as issuance fees and further costs (including legal fees). At present, the applicable court fees for a fast track injunction are predetermined by the Courts according to the approved Statutory Tariffs. At the outcome of the ordinary proceedings, the legal fees of the winning party are generally and discretionarily awarded by the Court.
SECTION 2:	COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect minor amounts?	There is a fast track procedure (request for injunction of payment) if the commercial credit is supported by written evidence. Small Amounts: the procedure is the same as above, but before the jurisdiction of the lower Court, the "Giudice di Pace" for a credit up to €5,000.
6. Is it possible for the creditor to make a claim directly for the recovery of his credit (within limits of value) or does he need to be assisted by a lawyer?	The creditor can represent himself and claim directly for the recovery of the owed amount if the value of the credit is less than €1,000.
7. In case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	In the case of a foreign client, the signature of the PoA is to be authenticated at the local Italian Consulate or before a local notary whose signature is to be legalised at the Italian Consulate. Italy has adopted The Hague Convention of 5 October 1961 and therefore Power of Attorneys coming from other adopting states do not need legalization and are valid deeds if duly validated by the Apostille. Italy has also adopted the Brussels Convention of 25 May 1987 (together with Belgium, Denmark, France, Ireland and Latvia) and therefore Power of Attorneys coming from the other adopting states do not need legalization nor apostille to be valid. As well, Italy is a part of several bilateral conventions, therefore a preliminary check is required at the time the PoA is needed.
8. Indicate the main steps for judiciary recovery of debts: a. Jurisdiction. b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other. c. Duration of the proceedings. d. Procedure of service, if any.	<p>a. Credit up to €5,000: the lower Court ("Giudice di Pace"); credit over €5,000: the ordinary Court; with few exceptions, linked to certain specific kind of debts. The claim should be filed generally before the court located where the debtor resides or is registered, should the parties have not agreed otherwise and with few exceptions provided by law.</p> <p>b. Checks, invoices (with proof of delivery of goods), written agreement.</p> <p>c. Upon service of the injunction for payment to the debtor, the debtor has 40 days to file an opposition. Then, an ordinary court trial begins. Otherwise, after approximately a month it is possible to start the enforcement procedures.</p> <p>d. If the Judicial Order has to be served on a physical person, it has to be notified in his usual or last known residence/ domicile. If the debtor is a company, the order has to be served on the registered head office of the company or to its legal representative's residence, but also it can be served through a registered and certified e-mail address to its certified e-mail address that creditors can extract from public records.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes, it does if the Court has issued an immediately enforceable order.
10. May the judicial order be enforced before it has been served?	No, upon order of the Court it can be enforced at the same time it is served.

11. May the debtor challenge/appeal the judicial order?	Yes.
SECTION 3: ENFORCEMENT	
12. What are the possible different types of forced execution in the country?	Seizures, foreclosure and garnishment/attachment of earnings.
13. What are the necessary actions for the execution?	Notification of an official creditor's act evidencing the debtor's obligation to pay the amount due within a period of 10 days from the notification. Once the 10-day deadline has expired without payment, it is possible to proceed with the forced execution.
14. Indicate the duration of the different types of execution.	Seizures and attachment/garnishment: approximately 6 months, maximum one year. Real estate foreclosure: about 3/5 years.
15. Indicate the costs of the different types of execution.	Garnishment/Attachments: approximately €350 of expenses and between €470 and approximately €4,500 for attorney's fees based on the value of the credit. Seizure: €170 of expenses and between €315 and €3,000 for attorney's fees based on the value of the loan. Real estate foreclosure: approximately €10,000 of expenses (including costs of Notary for the necessary documents, for the professional delegate and for the auctions) and between €2,500 and €5,000 approximately for attorney's fees based on the value of the credit.
16. Can the debtor propose opposition to enforcement?	Yes. Opposition may be based on formal irregularities of the proceedings, if any, or on the existence of the debt at the time of the service of the injunction.
SECTION 4: ONLINE CIVIL TRIAL	
17. Is online civil trial available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	Online Civil Trial is mandatory to recover credit higher than € 5,000 a. All types of credit can be collected by an online civil trial provided that the requirements to apply for an injunction of payment are met (i.e. written evidence). b. On or about 30 days. c. Costs depend on the value of the claim.
18. Who is entitled to use the online civil trial?	All lawyers are entitled to use the online civil trial.
19. What kind of technical requirements are required?	The lawyer must be Bar registered, have a digital signature/ smart card, to register and download the appropriate software.

SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Does Regulation: EC No. 1393/2007 applies in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	<p>Costs: Postal notification or no cost by serving to the certified e-mail address of the defendant.</p> <p>Timing: Italian postal notification takes about two to three weeks if it is not urgent (timing is calculated till the receipt of the proof of serving is back), if it is urgent it may take one week. Service on the defendant by certified e-mail address is immediate.</p>
22. Does the right of refusal provided for in article 8 of the Regulation exist?	Yes, the right to refuse notice is limited to exceptional situations such as the omission of the translation of the act in a language that the receiver understands or in one of the official languages of the place where the order is served.
23. How is it regulated?	The receiving agency should inform the addressee in writing using the standard form. The addressee may refuse to accept the document to be served either at the time of service or by returning the document to the receiving agency within 1 week if it is not either in a language which he understands or in the official language or one of the official languages of the place of service. This rule also applies to the subsequent service after the addressee has exercised his right of refusal. These rules on refusal should also apply to service by diplomatic or consular agents, services and direct service. It should be established that the service of the refused document can be remedied through the service on the addressee of a translation of the document.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	The concept of "uncontested claims" should cover all situations in which a creditor, given the proven absence of any dispute by the debtor as to the nature or extent of a pecuniary claim, has obtained either a court decision/ judgment against that debtor or an enforceable title that requires the debtor's express consent, be it a court settlement a deed with authenticated signature.
26. Please indicate timing and costs to obtain an order.	Obtaining an European Enforcement Order certificate requires a stamp applied by the registrar for orders of the court which issued the act and is done contextually at the time of filing the request. There are no costs for the release of the EEO certificate. Costs only relate to postal notification.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: Within 30 days from filing the claim the judge issues an European order of payment.

	The defendant can either pay or within 30 days from service, file a defence. If the defence is not filed, the order becomes enforceable. There is no need for recognition of the order in the debtor country; the order is executed under the same applicable conditions of any act issued in such country. Costs: Costs are the same to obtain the regular injunction for payment. Additional costs for certified translation need to be taken into consideration.
29. Do you know anything about the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006 and about the statistical data provided in the Report? If so, is that statistical data truthful with respect to your Country?	Yes, we are familiar with the Report. Italy did not provide its data, however according to our experience Italy is one of the Country where the procedure has been taken up to a more limited extent.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Following the schedule set up by the Regulation, the order should be obtained approx. within 1 year. Costs will depend on the development of the proceeding.
32. Do you know anything about the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017 and about the statistical data provided in the Report? If so, is that statistical data accurate with respect to your Country?	Yes, we are familiar with the Report and its statistical data are accurate with respect to Italy.
33. Is Regulation EC No. 1215/2012 applied in your country? If not applied, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is it possible the provisional enforcement of a foreign judgment or title in your country? Yes. If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, in the Italian Jurisdiction and in the case of a provisory injunction for payment issued as immediately enforceable by the judge, such injunction can be enforced even without the debtor's opportunity to be heard.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: General commercial agreement limitation - 3 years.</p> <p>Judicial order / arbitral award: N/A. No limitation if submitted for execution, but if not, general Civil law limitation of 10 years.</p> <p>Commercial papers (cheques, bills of exchange): General commercial agreement limitation - 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interest to the credit. The general rate is 6% per year; legal interest on money due for delivery of goods, sales transactions or services shall be 8% above the basic interest rate (final interest rate which the European Central Bank has applied in the latest main financing operations carried out before the first calendar day of the relevant half-year) per year (usually 0%), except in legal transactions with consumers where the general rate applies. Yes, it is possible to agree on rates of interest that are higher than the legal rate.
3. How long will a Court action take?	<p>The ordinary procedure will take around 1 year for each instance.</p> <p>The simplified procedure could take less - around 6 months.</p>
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, but restrictions, depending on the amount of a claim, apply.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>There is a warning procedure for payment obligations up to €15,000.</p> <p>There is also a small claims procedure, which is now called a simplified procedure, for payment obligations up to €2,500. The form of the statement of claim must follow a template provided by the Cabinet of Ministers. The procedure will be written unless the other party disagrees with written procedure, or the court deems the oral procedure necessary.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, the creditor can claim the amount directly, but assistance of a lawyer is highly advisable.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	If a document is issued in a country which has joined The Hague Convention its authenticity must be certified with an Apostille by the competent institution of the relevant country. If a document is issued in a foreign country which has not joined The Hague Convention, it must be first legalised by foreign services of the relevant country and afterwards by the Consular Department of the Ministry of Foreign Affairs or by diplomatic/consular mission of Latvia in the relevant country. If a document is issued in the EU or EEA member state, or Switzerland, no certification whatsoever is necessary. In court proceedings a certified PoA is required in certain cases only.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. A claim has to be submitted within the jurisdiction of the court according to the legal office of a company (respondent) or a place of residence of an individual (respondent).</p> <p>b. Verified evidence proving rights to claim - invoices, agreements, notifications, etc.</p> <p>c. Depending on the procedure initiated, around 6 months to 1 year for each instance.</p> <p>d. Documents are usually served by registered mail, but e-mail and other methods may also be used.</p>
9. Does the judicial order allow you to start enforcement proceedings?	A judicial order shall be submitted to a bailiff, who shall proceed with enforcement. A prior registration of a mortgage on the real estate for the ordered amount is possible without addressing a bailiff.
10. May the judicial order be enforced before it has been served?	A bailiff shall issue a 10 day notice of voluntary performance before proceeding with enforcement.
11. May the debtor challenge/appeal the judicial order?	Yes, various options for appeal of the judicial order exist. Also a bailiff's actions can be challenged in the light of the enforcement proceedings.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	<p>a. the sale of debtor's movable and intangible property, including property which currently resides in another person's possession;</p> <p>b. available fund and asset forfeiture, collection of debtor's income or sale or cession of rights to debtor's creditors;</p> <p>c. sale of debtor's immovable property;</p> <p>d. transfer of debtor's property to creditor or any other action as commanded by the court.</p> <p>e. removal of personal belongings from the property.</p>

13. What are the necessary actions for the execution?	After the judgment enters into force and a period of voluntary performance has expired, the creditor shall request the court to issue a writ of execution. Then the creditor shall submit a writ of execution to a bailiff with a request to enforce the judgment.
14. Indicate the duration of the different types of execution.	The time allocated by a bailiff for voluntary performance is 10 days. Duration of all other types of involuntary execution depends on various factors, such as the debtor's financial situation, location of assets, liquidity, etc. Collection of funds usually is the fastest type, whereas sale of an immovable property takes longer.
15. Indicate the costs of the different types of execution.	The costs of execution are eventually paid by the debtor, and consist of a fixed fee of a bailiff, a certain sum (%) from the recovered funds, and various costs of the execution, such as bank fees, expenses of an auction, etc. The amount of the fixed fee and % from the recovered funds depend on the amount of the claim.
16. Can the debtor propose opposition to enforcement?	The debtor can request the court to postpone enforcement, divide it into terms, change the process and type of enforcement. Also a bailiff's actions can be challenged in the light of the enforcement proceedings.
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	a. No. b. No. c. No.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The request of foreign notification is decided within 7 days. The general term for execution of such a request is 1 month. The court notifies the costs of notification.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.

23. If so, how is it regulated?	The addressee may refuse to receive the notification on the grounds provided in Section 8 Paragraph 1 of Regulation (EC) No. 1393/2007. This right may be exercised also within 1 week after receipt of the notification by sending the notification back to the court that issued it.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	Uncontested claim is defined in detail in the regulation referred to above.
26. Please indicate timing and costs to obtain a first order.	The court issues EEO upon the plaintiff's request after the judgment has come into force. If the judgment comes into force immediately, the EEO is also issued right after the judgment. There are no costs defined for issuing the order, but costs of service of the court documents may be applicable.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: Normally it should take 30 days to obtain an order (if there are no amendments required from the plaintiff), then it is serviced on the defendant and the defendant has 30 days to object. If the defendant does not object, the court will declare the order enforceable. Costs: A state fee of 2%, but not more than €500 shall be payable from the amount claimed.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	No data regarding Latvia is available in this report.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: Time limits are defined in the regulation - the procedure takes 3-4 months if the court follows them strictly and there are no amendments to the claim necessary and there is no counterclaim submitted. Costs: The state fees as for regular claims are applicable. In the case of small claims (up to €2,000) it is currently 15% from the amount of the claim, but not less than €70.

32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	Regarding Latvia in particular there is specific data in relation to one aspect only - the use of video conference for oral hearings. Now the situation has considerably changed since 2013, and video conferences are available for conducting of oral hearings in all courts in Latvia.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes, it is applied.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, it is possible as stipulated by the regulation referred to above. Namely, if the debtor is not heard before passing of the provisional judgment, then the judgment must at least be served on the defendant prior to enforcement.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	Yes.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 6 months for penalty (fine, forfeit), 3 years for material damage, 5 years for interests and other periodic payments and 10 years for any other commercial debt.</p> <p>Judicial order / arbitral award: 5 years.</p> <p>Commercial papers (cheques, bills of exchange): 6 months for claims arising from cheques and 3 years for claims arising from bills of exchange.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	<p>Yes, it is possible to apply legal interests to the credit. The annual rate is half-yearly MRO (European Central Bank Main Refinancing Operations) rate plus 8%. Calculations are made using last half-yearly MRO which was applied at the time when the monetary obligation was due.</p> <p>Yes, it is possible to agree rates of interests that are higher than the legal rate, however, the interest rate should be reasonable. In commercial relations where both parties have equal financial and negotiating power, interest rate of up to 0.1% per day is usually considered reasonable. If the court decides that rate of interest is unreasonably high, it is entitled to reduce it.</p>
3. How long will a Court action take?	The time needed for a Court action varies from case to case. Sometimes it can take 1 month (when a Court order in a summary procedure is issued), but in some cases it may take up to 3-4 years (if the procedure goes to cassation instance) or even longer (if the Court of cassation reverses the judgment and remands the case to the court of first instance or the court of appeal). An ordinary debt case in the court of first instance is usually decided in approx. 4 months.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, litigation costs can be claimed from the debtor, but there are certain limitations regarding their award (e. g. the amount of recoverable attorney's fee is limited by statute).
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>Fast track/summary procedures: Yes, there are two procedures of this kind.</p> <p>1. Court order procedure (used only for monetary claims). The Court order must be passed not later than within 1 workday of the day the claim was accepted. It comes into force if the debtor does not file an objection to the claim within 20 days from receipt of the Court order (it is sufficient to file an objection without indicating any arguments).</p>

	<p>2. Documentary procedure (used for broader scope of claims). If a claim is founded on written evidence only, the plaintiff may request the claim to be examined by means of documentary proceedings. In this case the Court passes interlocutory judgment within 14 days of the day the claim was accepted. The interlocutory judgment comes into force if the debtor does not file objections within 20 days from receipt of the interlocutory judgment (unlike in Court order procedure, these objections must be reasoned and founded by evidence).</p> <p>Small amounts: Yes, there is special procedure for hearing disputes for small claims (not exceeding €2,000), in which the Court is entitled to decide by what form and procedure to hear the case and to pass a judgment stating the reasons in brief.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	The creditor may claim directly for the recovery of his debt, but the assistance of a lawyer is strongly recommended. However, appeals and cassation appeals must be drafted and signed by attorney at law or employee of the legal entity having a higher (university) legal education.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	<p>Yes, the Hague Convention of 5 October 1961 is applied in Lithuania. Authenticity of a Power of Attorney (PoA) issued in a country, which is a party to the Hague Convention, should be certified with an Apostille by the competent institution of this country. If the respective country is not a party to the Hague Convention, the Power of Attorney (PoA), issued in this country, should be first legalised by the competent institution of this country and afterwards by the Ministry of Foreign Affairs of the Republic of Lithuania or by consular mission of the Republic of Lithuania in the respective country.</p> <p>However, if a place of conclusion of legal services agreement is in Lithuania, there is no need to certify the Power of Attorney (PoA). In this case the power to act on behalf of the client can be confirmed by the legal services agreement (original, signed by both parties) or its extract (certified by the attorney at law).</p>
8. Indicate the main steps for judiciary recovery of debts:	<p>a. The default rule is that claims can be brought to a court according to the defendant's place of residence or registered office. However, the parties are free (with several exceptions) to determine the jurisdiction of the Court by contract.</p> <p>b. In order to issue a Court order in a summary procedure it is enough to file a claim using standard form and to pay a stamp duty, no evidence of the debt is required. In other procedures a claim must be supported by evidence.</p>
a. Jurisdiction.	
b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.	

c. Duration of the proceedings.	c. See answer no. 3.
d. Procedure of service, if any.	d. A claim is served by the Court via mail or electronically. If a debtor is legal entity and first attempt to serve the claim was unsuccessful, the claim will be sent to the debtor's registered office and will be considered to be served after 10 calendar days from the date of dispatch. If the debtor is natural person and first attempt to serve the claim was unsuccessful, notification of the claim will be left at the debtor's registered place of residence and the claim will be considered to be served after 30 calendar days from the date of leaving the notification. If a debtor (natural person) does not have a registered place of residence, the claim may be also served by means of public announcement (via a special website).
9. Does the judicial order allow you to start enforcement proceedings?	In the case of a Court order in a summary procedure - yes. In the case of other Court judgments, additional enforcement orders must be obtained.
10. May the judicial order be enforced before it has been served?	If the debtor has been given notice of the claim, the judicial order may be enforced before it has been served. However, the bailiff must notify the debtor of the judicial order before starting enforcement proceedings.
11. May the debtor challenge/appeal the judicial order?	<p>The debtor may file objections to the Court order in a summary procedure (in this case the claim is examined in an ordinary procedure). If the debtor does not file an objection, the Court order comes into force and may not be challenged/appealed.</p> <p>Default judgments may not be appealed, but the debtor may request to review a default judgment on specific grounds. Other Court judgments may be appealed.</p>
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	Forced execution is performed by bailiff, unless the payment of the debt is secured (by bank guarantee, pledge, mortgage, etc.).
13. What are the necessary actions for the execution?	Enforcement order or Court order (obtained in a summary procedure) should be submitted to the bailiff and execution costs should be paid (if execution is successful, these costs are recovered from the debtor).
14. Indicate the duration of the different types of execution.	Depends on the circumstances of particular situation. The duration may vary from 1 month to several years or even more.

15. Indicate the costs of the different types of execution.	Execution costs depend on the amount of the debt. Execution costs include necessary costs (from €12 to €399.97), remuneration to the bailiff (from €8 to 4% of the debt) and additional enforcement costs. If debt recovery is successful, execution costs are recovered from the debtor.
16. Can the debtor propose opposition to enforcement?	Yes. Although the debtor may not challenge the existence of the debt, he has a right to oppose actions of the bailiff. In other cases (e.g. when the debt is secured by bill of exchange or mortgage) the debtor has a right to oppose both: the existence of the debt or notary's enforcement records and the actions of the bailiff.
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	Yes. a. Any civil claim may be filed using E-service Portal of Lithuanian Courts*. b. Since service of documents through E-service Portal* speeds up the process, eventually the total duration of the proceedings is shorter. c. When a claim, appeal or other application is filed via E-service Portal* stamp duty is reduced by 25%, also Court's costs for service of documents are not applied.
18. Who is entitled to use the online civil trial?	All legal entities and natural persons (both national and foreign). Foreign legal entities and natural persons may create E-service Portal* account by submitting an application to respective Court's administration. This application must be submitted in person or through a representative. If a person is represented by lawyer, the online services are also accessible to him.
19. What kind of technical requirements are required?	E-service Portal* account should be created. No other technical requirements are necessary.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Terms: No terms for the notification are set in national legislation. Costs: €110 should be paid (article 11(2a) of the Regulation).
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	There is no specific national regulation regarding the right of refusal, article 8 of the Regulation is applied.

24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	The claim, arising from: 1) Court judgment; 2) Court approved settlement agreement; 3) Other claims, if the debtor has recognized them or has not objected to them.
26. Please indicate timing and costs to obtain a first order.	1. If the ground for obtaining European Enforcement Order is authentic instrument (bills of exchange, cheques and mortgage (pledge) with notary's enforcement records): Timing: Within 5 working days from receipt of the request. Costs: From 0.3% to 0.5% of the debt, but not less than €14.48. 2. If the ground for obtaining European Enforcement Order is Court judgment: Timing: Lithuanian national legislation does not detail the term to obtain European Enforcement Order, but in practice the term usually does not exceed 1-2 weeks. Costs: No costs are applied.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: It can take up to 1 month from the receipt of the application. Costs: Stamp duty should be paid. The size of stamp duty depends on the debt to be awarded: 1. If the debt does not exceed €30,000 - 0.75% of the debt, but not less than €10; 2. If the debt exceeds €30,000, but does not exceed €100,000 - €225 plus 0.5% of the part of the debt exceeding €30,000; 3. If the debt exceeds €100,000 - €575 plus 0.25% of the part of the debt exceeding €100,000, but not more than €15,000. If the application is submitted via E-service Portal*(see answer no. 17), stamp duty is reduced by additional 25%.

29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	Yes, we are familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006. Since statistics of this kind is not accumulated by our firm, we cannot give a definite answer to the second question, but from our practical experience these statistics are most likely to be trustworthy.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	<p>Timing: Highly depends on the respective case.</p> <p>Costs: Stamp duty should be paid. The size of stamp duty depends on the debt to be awarded:</p> <ol style="list-style-type: none"> 1. If the debt does not exceed €30,000 - 3% of the debt, but not less than €20; 2. If the debt exceeds €30,000, but does not exceed €100,000 - €900 plus 2% of the part of the debt exceeding €30,000; 3. If the debt exceeds €100,000 - €2,300 plus 1% of the part of the debt exceeding €100,000, but not more than €15,000. <p>If the application is submitted via E-service Portal* (see answer 17), stamp duty is reduced by 25%.</p>
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	Yes, we are familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007. Yes, the statistical data mentioned in this Report is correct as regards Lithuania.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes, Regulation EC No. 1215/2012 is applied in Lithuania.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	No.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	Yes.

*www.e.teismas.lt

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 10 years.</p> <p>Judicial order / arbitral award: In principle 30 years.</p> <p>Commercial papers (cheques, bills of exchange): Depending from 3 years to 10 years.</p>
What is the statute of limitation?	
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	<p>Yes, it is possible to apply legal interests to the credit. For B2B transactions interests are due automatically from the expiry date agreed for the payment. If no expiry date has been agreed the interests are due one month after the date of the invoice. The interest rate is the BCE rate increased by 8%. For B2C transactions the interest rate is fixed annually by regulation (2% for 2019).</p> <p>Yes, in principle, it is possible to agree interest rates that are higher than the legal rate.</p>
3. How long will a Court action take?	A classic first instance action before the Justice of Peace (if the claim is within €10,000) may take from a month to a year (depending if it comes to a default judgment or the defendant organizes a big resistance). A classic first instance action before the District Court (if the claim is over €10,000) takes from six weeks to 2 years (depending if it is introduced before a commercial Court or a civil Court and if it comes to a default judgment or the defendant organizes a big resistance).
4. Can the court fee, issue fee and any other further costs be claimed?	There are no Court fees in Luxembourg. Judicial fees (bailiff costs, expertise costs, witness costs etc.) have to be finally paid by the losing party but must in most cases be advanced by the claimant. In principle each party has to support his own lawyer fees which cannot be shifted to the losing party. The Parties may however request that the Court allocates them a procedure indemnity (which is more or less symbolic).
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	You may request before the President of the District Court (for disputes over €10,000) a provisional order that the debtor pays if the claim is not seriously contestable. This provisional order orders the debtor to pay the creditor within 15 days. If the payment does not occur the creditor may request an execution order. This execution order shall be submitted to the bailiff for forced recovery.

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	<p>If the debtor does not agree to the provisional order he may oppose it by a motivated opposition. This opposition is possible as long as the executive order has not been issued. The opposition is then judged in a contradictory hearing.</p> <p>It is also possible to request a provisional execution order by introducing a claim by bailiff before the Court. In this procedure, the claim is discussed contradictory by the parties before the judge and the judge issues a provisional execution order if the claim is not seriously contestable.</p> <p>For claims of or under €10,000 a similar procedure as the first one is foreseen before the Justice of Peace.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Before the Justice of Peace (for disputes up to €10,000) the assistance of a lawyer is not required. Before the District Court (for disputes over €10,000) and if it is preceded by way of a writ of summons following the civil procedural rules, the creditor and the debtor have to be represented by a lawyer. If the procedure is the commercial procedure (only possible if the debtor is a commercial person) the procedure does not request a lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	There is no particular procedure to follow in order to certify a PoA given by a foreign client. Luxembourg has adopted The Hague Convention of 5 October 1961 by law on 14 March 1978.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. For disputes up to €10,000, court procedures have to be introduced before the Justice of the Peace. For disputes over €10,000, the application must be done before the District Court. Territorial jurisdiction depends on the debtor's domicile or the place of performance of the contractual obligation, or the jurisdiction chosen in the agreement.</p> <p>b. In support of the application, any documents such as contracts and bills must be provided in order to justify the existence, the amount and the merits of the claim.</p> <p>c. Before the Justice of the Peace: a judgment will be issued normally between 6 and 12 months after the application. Before the District Court the procedure takes normally between 6 months and 2 years.</p> <p>d. By bailiff (writ of summons).</p>
9. Does the judicial order allow you to start enforcement proceedings?	Judgments may only be enforced if they are definitive or as long as they have not been challenged by an appeal. Some judgments may be declared provisionally executable. In this case an appeal is not an obstacle to an execution.
10. May the judicial order be enforced before it has been served?	No.

11. May the debtor challenge/appeal the judicial order?	Yes, appeals against first instance decisions may be introduced before the District Court (for appeals against Justice of the Peace judgments) or the Court of Appeal (for appeals against District Court judgments).
SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	<p>The most common types of forced execution in Luxembourg are:</p> <ul style="list-style-type: none"> • Attachment (of assets or money): action by which a creditor, after freezing money which belongs to the debtor and is held by a third party, takes delivery of these sums up to the amount the debtor owes. • Attachment (of tangible movable property): action which enables the creditor to arrange for one or several of the movable assets belonging to his debtor to be sold, and to recoup the sum that he is owed from the profit from the sale. • Attachment on salaries and pensions. <p>Other types of forced execution: seizure of immovable assets, protective attachment order (for commercial debts).</p>
13. What are the necessary actions for the execution?	The debtor must possess an enforcement order (court decision, orders to pay, sometimes a notary deed) establishing the claim is certain, the amount is fixed and due and certified enforceable. The enforcement order must normally be served to the debtor.
14. Indicate the duration of the different types of execution.	It varies from a few days to several years.
15. Indicate the costs of the different types of execution.	There are no court filing fees other than the bailiff's intervention costs. The bailiff's costs must be advanced by the creditor and may be recovered against the debtor (costs normally between €100 and €1,000).
16. Can the debtor propose opposition to enforcement?	No, but he shall normally be entitled to appeal against the condemnation decision if this decision is a first instance decision.

SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	No. a. N/A. b. N/A. c. N/A.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The procedure as described in the EC Regulation has to be followed. Timing: A few weeks. Costs: Around €140
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	There is no specific internal regulation, the procedure specified in article 7 of the EC Regulation applies.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	A claim is deemed to be uncontested if the debtor among others: i) has agreed to it by admission or by means of a settlement which has been approved by a court or concluded before a court in the course of proceedings; ii) has never objected to it in the course of the court proceedings; iii) has not appeared or been represented at a court hearing regarding that claim after having initially objected to the claim in the course of the court proceedings; or iv) has expressly agreed to it in an authentic instrument.
26. Please indicate timing and costs to obtain a first order.	Timing: 1-2 weeks. Costs: There are no court filing fees in Luxembourg other than the bailiff intervention costs.

27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: 1-2 months. Costs: There are no court filing fees in Luxembourg other than the bailiff intervention costs.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Yes, the statistical data is correct.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes, for disputes under €5,000.
31. Please indicate the timing and the costs to obtain an order.	Timing: Some weeks. Costs: there are no court filing fees in Luxembourg other than the bailiff intervention costs.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	Yes.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? Yes If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	No.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	The regulation has been implemented by the law of May 15 2018.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes</p> <p>b. Judicial order / arbitral award: Yes</p> <p>c. Commercial papers (cheques, bills of exchange): Yes</p>
What is the statute of limitation?	<p>Agreement: Varies. Actions for the payment of debts arising from commercial transactions are barred by the lapse of five years unless such arise from a public (notarial) deed or unless a shorter period applies in terms of law.</p> <p>Judicial order / arbitral award: No prescription applies. However after 15 years from a Superior Court judgment and 10 years from an Inferior Court judgment (or arbitral award), enforcement may only proceed by filing an application in Court confirmed on oath by the creditor.</p> <p>Commercial papers (cheques, bills of exchange): Generally 5 years from maturity. However no limitation applies if a bill of exchange or a promissory note is registered as an executive title.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit. Unless a lower rate is agreed, the maximum legal rate of 8% applies. This is higher in case of commercial transactions in line with the Late Payments Directive. It is not possible to agree rates of interests that are higher than the legal rate. Doing so would constitute usury, a serious criminal offence under Maltese law.
3. How long will a Court action take?	Any difficulty in serving judicial acts will prolong the time to go to trial. Contestation of claims and filing of counterclaims will also cause delays. However court efficiency (especially in the higher courts) has increased considerably. Legal mechanisms also facilitate rapid judgments in case of non-appearance of defendant or non-contestation.
4. Can the court fee, issue fee and any other further costs be claimed?	Court fees and issue fees are automatically claimed. All fees are as per legal tariff and are taxed by the Registrar. Fees are usually borne by the party who loses the lawsuit but the Court may in certain cases decide to apportion fees between the parties.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes. i) For debts not exceeding €25,000 a judicial letter (Form 166A) may be filed and served on the debtor. If uncontested within 30 days from service, the creditor may register the judicial letter as an executive title having the same force and effect as a court judgment;

	<p>ii) For debts exceeding €15,000 a summary lawsuit procedure may be filed in the Superior Courts whereby the creditor declares that in his belief there is no defence to the action and requests the Court to proceed to award judgment without a trial. A sitting is scheduled and in case of non-appearance of defendant or non-contestation, the court will award judgment in favour of the plaintiff; iii) In all cases, non-appearance of the defendant at the trial will entitle the plaintiff to file a reference to his oath. If the defendant again fails to appear, an implied admission is registered and the Court proceeds to award judgment in favour of the creditor; iv) A bill of exchange (or promissory note) may be registered as an executive title if a judicial letter is served on the debtor and is not contested within 20 days.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes. Legal representation is not compulsory at all stages of the lawsuit. Creditors may file judicial acts personally and may also represent themselves in Court.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Since Malta is a signatory of the Hague Convention (1961), certification of a power of attorney is done via the apostille procedure at the Ministry for Foreign Affairs.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. The amount of the debt generally determines the jurisdiction of the Court. The Small Claims Tribunal decides cases whose value does not exceed €5,000, the Court of Magistrates decides cases whose value is between €5,000 and €15,000, while the First Hall Civil Court decides cases involving immovable property or cases whose value exceeds €15,000.</p> <p>b. The creditor has to prove his case on a mere balance of probabilities. Certified copies of invoices, statements, delivery orders, agreements and correspondence may all be submitted as evidence.</p> <p>c. Uncontested claims or fast-track claims take less than a few months. Counter claims or contested claims will cause inevitable delay but efficiency in court proceedings has increased considerably.</p>

d. Procedure of service, if any.	d. The written pleading may be served personally to the debtor or by leaving it at the place of residence or business or place of work or postal address of such person with some member of his family or household or with some person in his service or his attorney or person authorised to receive his mail. If this is unsuccessful, the Executive Officer will make two further attempts at different times of the day with the last one being made after judicial hours. If all attempts are unsuccessful, one may ask the Court to authorise service of the judicial proceedings by publication in the Government Gazette as well as one or more local daily newspapers, by affixation of the written pleading to the door leading to the place of residence of the debtor (if known) and by posting a copy of the pleading on the notice board in the Local Council and Police Station of the village or city of abode of the debtor.
9. Does the judicial order allow you to start enforcement proceedings?	Yes. Definitive tribunal awards and court judgments are generally enforceable after 2 days from the day of their delivery. Definitive arbitral awards are enforceable after 24 hours from their delivery. The court may, on grounds of urgency, order the enforcement of any judgment even before the expiration of such time limits.
10. May the judicial order be enforced before it has been served?	Yes. Definitive arbitral/tribunal awards and court judgments are enforceable without the need to notify the debtor.
11. May the debtor challenge/appeal the judicial order?	Yes. Judgments of a court of first instance (including tribunal awards) are subject to appeal within 20 days of their delivery. Arbitral awards may also be subject to appeal on specific grounds. The enforcement of any judicial order may also be challenged on very specific grounds.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	(a) warrant of seizure of movable property; (b) warrant of seizure of immovable property; (c) warrant of seizure of a commercial going concern; (d) judicial sale by auction of movable or of immovable property; (e) executive garnishee order; (f) warrant of ejection or eviction from immovable property; (g) warrant in factum; (h) warrant of arrest of sea vessels; (i) warrant of arrest of aircraft; (j) warrant in procinctu (an innovative warrant that is applied for when enforcement is not possible through the other warrants).
13. What are the necessary actions for the execution?	Each warrant has its own procedure. However generally the creditor files the warrant in court indicating the amount due to him including interest and fees and making reference to the judicial order. The warrant is then signed by the Judge or Magistrate and an order is given to the Executive Officer to execute the warrant immediately and to report back to the Court in case of any hindrance or obstacle.
14. Indicate the duration of the different types of execution.	Most warrants are executed immediately or in a few days. Other warrants such as the judicial sale by auction or the warrant in procinctu take several months since they kick start a sometimes lengthy process of enforcement.

15. Indicate the costs of the different types of execution.	Generally €57 (excluding service fees). €200 in case of judicial sale by auction of immovable property and €65 in case of judicial sale by auction of movable property.
16. Can the debtor propose opposition to enforcement?	Yes but this can only be done on very specific grounds (e.g. nullity of judicial order).
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	a. No b. N/A c. N/A
18. Who is entitled to use the online civil trial?	N/A
19. What kind of technical requirements are required?	N/A
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Service of judicial documents coming from a Member State to the Maltese receiving agency (Attorney General's office) in terms of Regulation (EC) No. 1393/2007 carries a flat €50 fee for each and every document to be served in Malta.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The addressee is informed (using the standard form set out in Annex II of the Regulation) that he may refuse to accept the document to be served at the time of service or by returning the document to the receiving agency (Attorney General's office) within 1 week if it is not written in Maltese or English, or accompanied by a translation into a language which the addressee understands.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	A claim is deemed to be uncontested if: i) Although having been notified in terms of law, the debtor does not file his reply within the prescribed time limit (and in case of court proceedings, fails to appear or be represented in court); ii) The debtor files a note of admission.

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26. Please indicate timing and costs to obtain a first order.	Timing: Up to 3 months. Costs: €30.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: Up to 3 months. €30 (excluding service fees). Costs: A fee of €20 applies for a declaration of enforcement.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	Yes. The Report's data relates to the year 2012 when only one European Payment Order had been issued in Malta. This procedure has now become more popular and therefore the statistical data in any new updated report by the Commission is bound to be significantly different.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: Between 1 and 6 months. Costs: €40 to file Form A (claim) excluding service fees.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	Yes. It appears to be correct.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes as long as the executive title is issued by a competent court in a Member State.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, provisional enforcement of a foreign judgment/title (issued by a competent court in a Member State) that is not yet final (res judicata) is possible by means of a special judicial procedure which must however be first served upon the debtor.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	Yes. The procedure for filing Preservation Orders in Malta is efficient and straightforward. Costs: €50 excluding service fees.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: The limitation period is 5 years.</p> <p>Judicial order / arbitral award: Usually 20 years. A limitation period of 5 years applies, if the action mentioned in the judicial order / arbitral award has to be performed within one year. The prescription period of related interests, penalties and fines will usually not exceed the limitation period applicable to the main claim.</p> <p>Commercial papers (cheques, bills of exchange):</p> <ul style="list-style-type: none"> • Legal claims against the acceptor: 3 years. • Legal claims of the holder against the drawer or endorser: 1 year. • Legal claims between drawers or endorsers: 6 months. <p>The prescription period depends on the type of commercial paper and the party to invoking a claim.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interest to the credit in case the debtor is in default. The statutory interest rate is currently approximately 4% and it applies to non-commercial cases. For commercial contracts the statutory interest rate to apply is approximately 8%. Yes, it is possible to agree rates of interest that are higher than the legal rate, which is very often done in general conditions (1 or 1.5% a month).
3. How long will a Court action take?	A Court action will take at least 6 months if the debtor sets up a defence against the claim of the creditor - without hearing witnesses. If the debtor does not set up a defence, a default judgment can be rendered within a few weeks.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, you may claim extrajudicial collection costs, interests and costs of the proceedings. Extrajudicial costs should be proved and be in compliance with guidelines, not disproportional. The courts maintain other standards, so that a small part only of the counsel's fee is to be allocated to the party winning the proceedings.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	No, there is no real fast track/summary proceeding to collect debts. No, there are no special proceedings to collect small amounts, such as payment orders.

6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, in cases up to €25,000 and other cases before the District Court, Sub District Sector (county court), parties can conduct legal proceedings in person, or appoint an authorised representative. In cases exceeding €25,000, representation by a lawyer (advocaat) before the District Court is compulsory.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	When a lawyer takes on proceedings on behalf of a foreign client, the judge will not assess whether he is authorised; the judge will accept his representation of the client, a PoA is not necessary. The Netherlands have adopted The Hague Convention of 5 October 1961.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. Subject matter: In cases up to €25,000 and types of cases that must be brought before the Sub District Sector of the District Court (county court) due to their nature (agency, employment, rent, consumer), the District Court, Sub-District Sector is competent. Above the threshold of €25,000 the District Court is competent.</p> <p>b. Certified copies of invoices, statements, delivery orders, order confirmations, waybills, agreements and general conditions and correspondence.</p> <p>c. If the debtor sets up a defence, a court action can easily take at least 6-9 months, without hearing witnesses. If the debtor does not set up a defence, a default judgment can be rendered within a few weeks.</p> <p>d. The notice of a judgment has to be served to the debtor by a bailiff. The service can take place in person, at the debtor's place of residence, or to a household member of the debtor or another person who is present at the debtor's place of residence, provided that it is likely that this person will inform the debtor of the service.</p>
9. Does the judicial order allow you to start enforcement proceedings?	The judicial order allows a party to start enforcement proceedings after a notice has been served to the debtor and the debtor has not complied with the judicial order voluntarily, provided that the judicial order is provisionally enforceable. If that is not the case, the claimant must wait if the defendant lodges an appeal first.
10. May the judicial order be enforced before it has been served?	No, the judicial order may not be enforced before it has been served.
11. May the debtor challenge/appeal the judicial order?	The debtor may in general challenge the judicial order and lodge an appeal within 3 months after the final judgment if he has been ordered to pay an amount exceeding €1,750. If the judicial order is not provisionally enforceable, appeal will have a suspensive effect.

SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	Forced execution of the debtor's assets is possible following i) a pledge and ii) mortgage right. Pledges are established on all assets, such as shares, credits, movables, except for property subject to registration. Mortgages are established on property subject to registration (houses/ships). Without a pledge or mortgage, the claimant cannot avail himself of forced execution and has to have recourse to attachments, seizures, effected by the bailiff, in which case the execution can take place once the judgment has become enforceable.
13. What are the necessary actions for the execution?	<p>Mortgage rights: The debtor must be served a summons, indicating that the holder of the mortgage right intends to execute the registered property, which execution shall be coordinated by the civil-law notary mentioned therein. Execution happens in public, but can also be concluded via the internet. A private sale is a possibility if the court approves of such.</p> <p>Pledges: Disclosed pledges on assets can be executed by the pledgee. The sale itself is executed in public in accordance with local custom and on the usual conditions. The court can approve of a private sale. Receivables can be collected by the pledgee directly, in case of undisclosed pledges only after a notification to the debtors, indicating that the pledgee is solely entitled to the claim. In case there is no pledge or mortgage, the bailiff is to be instructed after the notice of the enforceable judgment to attach or seize debtor's goods.</p>
14. Indicate the duration of the different types of execution.	Mortgage rights/pledges: It depends on factors such as frustration of the execution by the debtor, the existence of multiple holders of security rights with respect to the encumbered asset, the conduct of the officials involved (such as the civil-law notary) and court proceedings which all might have a delaying effect on the execution. In case there is no pledge or mortgage it depends on whether the bailiff can attach or seize any means of recovery.
15. Indicate the costs of the different types of execution.	There are no fixed fees.
16. Can the debtor propose opposition to enforcement?	In exceptional cases, a debtor can successfully oppose enforcement in court if he can prove that execution of the security right in question, given the circumstances, qualifies as misuse of law. Such might be the case i) when a holder of such right does not have a reasonable interest in forced execution, mindful of the interests of the debtor who might be hit disproportionately hard by the execution or ii) when following the execution the debtor would find himself in an acute emergency situation. These trials are normally summary proceedings.

SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	a. No. b. No. c. No.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	According to article 11 of Regulation (EC) No. 1393/2007, the service of judicial documents coming from a Member State does not give rise to any payment or reimbursement of taxes or costs for services rendered by the Netherlands, as the addressed Member State (sub 1). The applicant does, however, have to pay or reimburse the costs occasioned by services of a bailiff (approx. €75) or the use of a particular method of service (sub 2) and translation costs, if any.
22. Does the right of refusal (article 8 of the Regulation) exist?	In accordance with article 8 of Regulation (EC) No. 1393/2007, the right of refusal to accept a document exists within 1 week by returning the document to the receiving agency if it is not written in, or accompanied by a translation into, either a language which the addressee understands or the official language of the Member State addressed.
23. If so, how is it regulated?	When the receiving agency (in the Netherlands any bailiff) is informed that the addressee refuses to accept the document it immediately informs the transmitting agency and returns the request and the documents of which a translation is requested. The service of the document can subsequently be remedied through the service on the addressee in accordance with the provisions of the Regulation of the document accompanied by a translation into a language provided for in sub 1.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.

25. What is an uncontested claim in your country?	A claim shall be regarded as uncontested if the debtor: i) has expressly agreed to it by admission or by means of a settlement which has been approved by a court or concluded before a court in the course of proceedings; ii) has never objected to it in the course of the court proceedings [default judgment]; or iii) has expressly agreed to it in an authentic instrument.
26. Please indicate timing and costs to obtain a first order.	Timing: If all necessary documents are added to the petition, the Enforcement Order can be available within a few days. Costs: The amount of the court fees to be paid depends on the stake of the case and quality of the applicant [natural person/entity].
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: If the conditions for applying for a European order for payment are met, the court normally issues the order within 30 days from the lodging of the application. This period does not include the time taken by the applicant to complete, rectify or amend the application. Costs: The amount of the court fees to be paid depends on the stake of the case and quality of the applicant.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	We cannot assess if such is the case.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: Depends. An order can be obtained by an applicant who must file a Form A with the Sub District Sector of the District Court (county court). This Form A and the answer form as filled in by the court are then served to the defendant, who has 30 days to respond to the claim and if applicable, can submit a counterclaim pursuant to which the applicant also has a term of 30 days to respond. The court shall decide on the matter within 30 days after receipt of the (latest) response. Costs: The amount of the court fees to be paid depends on the stake of the case and quality of the applicant.

32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	We cannot assess if such is the case.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, however if the debtor successfully invokes one of the grounds listed in article 45 of Regulation EC No. 1215/2012, enforcement can be refused by the court. In principle, the foreign judgment entitles the claimant forthwith to provisional relief, against which the defendant can start summary proceedings seeking a prohibitory injunction.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	Yes.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 3 years or less for specific cases.</p> <p>Judicial order / arbitral award: 6 years or less for specific cases.</p> <p>Commercial papers (cheques, bills of exchange): 6 months for claims arising from cheques; 3 years for the claims against the acceptor from the date of the payment of the bill of exchange; 1 year for the claims of possessor of bill of exchange against the endorser and the drawer from the day of the protest or the day of the payment; 6 months for the claims of endorser between themselves and the claims against the drawer from the date on which the endorser purchased the bill of exchange or was himself sued under the bill of exchange.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	The statutory rate, if the parties do not agree otherwise, is 9% per year in commercial cases. Since 1 January 2016, the maximum interest rate is 14% per year. No, it is not possible to agree rates of interest that are higher than the legal rate.
3. How long will a Court action take?	It is hard to predict how long a Court action will take. Generally, Polish law provides that commercial disputes shall be resolved within 3 months from the day of filing.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	There is a summary procedure in Poland provided in order to collect debts but it is limited only to pecuniary debts and only to the cases where the value of the dispute does not exceed 20,000 PLN (€4,500). The amount's limitation does not apply to the claims related to the lease agreements of the residential premises. The plaintiff may also demand in the lawsuit the issuance of the judicial order of payment which, in case the other party to the dispute does not appeal against it, may constitute the basis of the execution. There are no special procedures in order to collect small amounts except the above mentioned procedure.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, the creditor can claim directly for the recovery of his amount.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Poland has adopted The Hague Convention of 5 October 1961 and the provisions of that Convention shall apply in order to certify the POA unless the bilateral Conventions have abolished or simplified legalisation, or exempt the document itself from legalisation.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. Generally unless otherwise provided for by law or the agreement, the creditor should bring the case before the court competent for the domicile or seat of the debtor.</p> <p>b. Documents attached to the claim form: official documents, receipts or invoices accepted by the debtor, request of the payment and the written statement of the debtor acknowledging the debt, payment demand accepted by the debtor, returned by the bank and unpaid due to the lack of the funds under the bank account; bill of exchange, the cheques, agreement, the proof of performance of the non-pecuniary obligation and the proof of delivery.</p> <p>c. An order as such can be issued within a few days or weeks. It depends on many factors, for example, the complexity of the case or the submitted evidence by the parties to the dispute as well as given court's cases workload.</p> <p>d. The lawsuit should be filed directly with the court by the creditor along with a counterpart for the debtor. If the party to the dispute is not represented by the professional proxy any procedural brief shall be sent to the court at the counterpart thereof and with the attachments thereto for the other party to the dispute. If the case is pending and the parties to the dispute are represented by the professional proxies the professional proxies shall deliver directly to each other the counterparts of the procedural briefs with the attachments thereto.</p>
9. Does the judicial order allow you to start enforcement proceedings?	If the judicial order is not valid and binding, it does not allow the plaintiff to start the enforcement proceedings.
10. May the judicial order be enforced before it has been served?	The judicial order cannot be enforced before it has been notified.
11. May the debtor challenge/appeal the judicial order?	Yes, the debtor may challenge/appeal the judicial order.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	In Poland different types of forced execution are as follows (as part of execution of monetary obligations): i) execution against movable property; ii) execution against remuneration for work; iii) execution against bank accounts; iv) execution against other receivables; v) execution against other property rights; vi) execution against immovable property; vii) execution against seagoing vessel.

13. What are the necessary actions for the execution?	First of all, an application for the commencement of execution should be filed with the competent court or an enforcement officer. However, in cases which may be instituted ex officio, execution may be commenced ex officio at the request of the court of the first instance which heard the case, addressed to the competent court or an enforcement officer. Execution may also be commenced at the request of a competent authority. An application or request for ex officio execution should identify the obligation to be satisfied and the method of execution. An application should be accompanied by an enforceable title. The basis for execution is an enforceable title. An enforceable title is an enforcement order with a writ of execution, unless otherwise provided for in the Polish Civil Proceedings Code.
14. Indicate the duration of the different types of execution.	Polish law does not specify any time limit for types of execution. It depends on the specific case, but undoubtedly the simplest type of execution should be included execution against bank accounts. In turn, the most difficult type of execution is as follows execution against immovable property.
15. Indicate the costs of the different types of execution.	Enforcement costs were settled uniformly for the above types of executions. In the case of execution of monetary obligations, the enforcement officer draws from the debtor a ratio of 10% (or less in specific cases) of the value of the enforced benefit. However, if the action of the enforcement officer causes expenses, the enforcement officer makes the activity dependent on making the advance payment by the party who requests action. If the execution turns out to be in whole or in part ineffective, the enforcement officer shall issue a decision on collecting from the creditor an amount corresponding to the amount of expenses that were not covered by advance payments or enforced part of the benefit and for which no order was given to collect the missing advance payment. If the benefit is paid by the debtor within a month from delivery of notification on the commencement of enforcement proceedings directly to enforcement officer or via transfer to a bank account, the minimum payment for the enforcement is 150 PLN (€35). If the benefit is enforced only as a result of: (i) the execution against remuneration for work or against the social security benefits; (ii) execution against bank accounts; (iii) execution against the receivable (iv) the performance of obligation directly to enforcement officer or via transfer to a bank account, the minimum payment for enforcement is 200 PLN (€45). However, the amounts may differ in specific cases.

16. Can the debtor propose opposition to enforcement?	<p>A debtor may bring an action (it is a separate civil case) to limit or cancel the enforceability of an enforceable title in whole or in part, if:</p> <p>1) it denies facts on whose basis a writ of execution was issued, and in particular if he questions the existence of an obligation recognised by an enforcement order other than a court ruling, or if he questions the transfer of an obligation despite the existence of a formal document recognising that transfer;</p> <p>2) an event took place after an enforcement order was issued, as a result of which an obligation expired or may not be enforced; if the title is a court ruling, the debtor may also found his action on events which took place after hearing closed, and on alleged satisfaction of obligation, if such allegation was not heard in the case.</p>
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate:	<p>a. The e-court is competent to examine the civil pecuniary claims (including commercial) regardless the total value of the dispute, which means that some of them would otherwise fall within the competence of District Courts. The e-court lack competence over non-pecuniary claims.</p> <p>b. Up to 3 months to the payment order (writ of payment) is served on the plaintiff by electronic system whereas the service of the lawsuit and the order on the respondent takes place in the traditional way (by post).</p> <p>c. The plaintiff shall make a bank wire transfer of the court fee for submitting the claim before the e-court. The fee amounts to a quarter of the 5%, of the value of the dispute plus the operator's fee for making a wire transfer.</p>
18. Who is entitled to use the online civil trial?	It needs to be stressed that bringing a case before the e-court is just an alternative to the traditional proceedings. All entities may submit the claim before the e-court.
19. What kind of technical requirements are required?	First of all the lawsuit shall be signed with the safe digital signature verified by the valid, qualified certificate. The plaintiff shall obtain such a signature in order to initiate the electronic order for payment proceedings. Considering that the plaintiff can only communicate with the e-court electronically, it should be noted that the plaintiff shall first register on the platform www.e-sad.gov.pl
SECTION 5:	EC REGULATIONS ON DEBT COLLECTION
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.

21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	If the defendant is domiciled in an EU Member State, the Regulation (EC) No. 1215/2012 shall apply to recognition and enforcement of judgments in civil and commercial matters. Otherwise the relevant provisions of the Polish Civil Proceedings Code shall apply. The application in Poland shall be submitted to the court. The local jurisdiction shall be determined by reference to the place of domicile of the party against whom enforcement is sought or to the place of enforcement. The official documents should have the apostille clause. The court fee for the enforceability or recognition motion amounts to 300 PLN (€75).
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	If the defendant is domiciled in an EU Member State, the right of refusal of the recognition is regulated by the Article 45 of the Regulation (EC) No. 1215/2012 while the right of refusal of the enforcement is determined by the Article 46 of the Regulation (EC) No. 1215/2012. Otherwise the right of refusal of the recognition and the right of refusal of the enforcement is regulated by the Article 1146 and 1150 of the Polish Civil Proceedings Code.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	In Poland uncontested claims are as follows: i) Judgments concerning recognised claims; ii) Judgments by default; iii) Settlements concluded in the course of the judicial settlement proceedings; iv) Settlements concluded within the settlement proceedings conducted prior to the institution of the disputable proceedings; v) Settlements concluded through mediation and subsequently approved by the court; vi) Writs of payment (orders of payment) issued in the 'payment order proceedings' and the 'reminding proceedings'; vii) Notarial deeds, in which the debtor submitted himself to enforcement.
26. Please indicate timing and costs to obtain a first order.	<p>Timing: Polish law does not specify any time limit for issuing the first order.</p> <p>Costs: The creditor shall pay the court fee that amounts to €12 for issuing a first order.</p>
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	<p>Timing: Polish law does not specify any time limit for issuing an order.</p> <p>Costs: The court fee for filing the lawsuit amounts 5% of the value of the dispute. If the order is valid and binding the court returns the plaintiff 3/4 of the court fee for filing the lawsuit.</p>

29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Yes, the statistical data is correct. Based on the work by P. Ryłski, Title: "Europejski nakaz zapłaty w praktyce sądowej", Prawo w Działaniu Sprawy Cywilne 12/2012.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: Polish law does not specify any time limit for issuing an order. Costs: The court fee for filing the lawsuit in this procedure amounts 100 PLN (approx. €25) regardless the value of the dispute.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data accurate with respect to your country?	Yes. The statistical data is correct, if it is based on data provided by the Polish government.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	No.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No, not to date.

SECTION 1:	GENERAL INFORMATION & FAQ
<p>1. What are the sources of a commercial debt in your Country?</p> <p>(Commercial debts are debts that originate from a contract/agreement/deal where both parties are traders/merchants.)</p> <p>What is the statute of limitation?</p>	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: Depends on the matter. The ordinary statute of limitation is 20 years. There are special rules that establish shorter limitation statute (e.g. 5 years for leases, interests, companies' dividends, other periodically renewed payments).</p> <p>Judicial order / arbitral award: 20 years.</p> <p>Commercial papers (cheques, bills of exchange): Statute of limitation for cheques: in order to be enforced as commercial papers, cheques issued in the same country where they are payable must be presented for payment within 8 days of the date there written as date of issuing (for cheques issued in a country different than the country where they are payable: 20 days if "same part of the world" or 70 if "different part of the world". Europe and Mediterranean are considered same part of the world) and afterwards enforced within 6 months of the deadline for presentation for payment.</p> <p>Statute of limitation for bills of exchange: the presentation for payment deadline depends on the type of the bill of exchange and parties' stipulations. Statute of limitation for enforcement as a commercial paper: 3 years after due date for lawsuits against the acceptor and 1 year after protest (in due time) for lawsuits issued by the bearer against indorsees and drawers.</p> <p>For both cheques and bills of exchange: Should the above deadlines not be fulfilled cheques and bills of exchange can still be presented as enforcement titles (as mere private signed documents) so long as the underlying relationship is duly explained in the enforcement request/form. In this case the statute of limitation applicable to the underlying relationship will apply.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit: Legal civil interests: 4%; Commercial interests' rate changes every 6 months (on January 1st and July 1st) and it is currently (second semester 2018) 8% per year for commercial transactions (as per definition of Directive 2011/7/EU) and 7% per year for remaining transactions; For commercial papers (cheques and bills of exchange) civil legal interests apply. Yes, it is possible to agree rates of interest that are higher than the legal rate, within legal limits.

3. How long will a Court action take?	It is not foreseeable. If the defendant presents an opposition, it will most certainly take at least 1 year and then it will depend on the number of papers produced by each party, hearings, means of proof, etc., as well as the number of pending proceedings in the court.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, you can claim court fees and other court costs, enforcement officer's fees and expenses and lawyer's fees (within certain limits established by law).
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes there is an extra judiciary proceeding called 'Injunção', that results in an order of payment that can be used to start the enforcement proceedings. The 'Injunção' is issued online and if the debtor, duly notified, does not present an opposition, it becomes enforceable. Should the debtor present an opposition it will proceed as a lawsuit. This is valid for the recovery of small amounts. The use of the 'Injunção' proceeding is limited to the collection of pecuniary debts originating from contracts. Where it is not a commercial transaction, it is limited to €15,000.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, for debt collection lawsuits up to €5,000 a lawyer is not required.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Power Of Attorney for court purposes does not require authentication, but it must be written in Portuguese (or be bilingual) or have an authenticated translation. Portugal has adopted The Hague Convention of 5 October 1961.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. For commercial debt collection lawsuits, as a general rule, the competent court is that of the defendant's domicile. Should the defendant be a juristic person, the creditor may choose between the court of the defendant's domicile or the court of the place where the obligation should have been fulfilled.</p> <p>b. It is not foreseeable. An 'Injunção' proceeding where the debtor, having been duly notified, does not present an opposition may take 2 months. Afterwards, an enforcement lawsuit must be issued to enforce that 'Injunção'. The duration of this process depends on the assets that the Enforcement Officer (EO) is able to find and seize. A lawsuit for the recognition or declaration of the debt in court, where there is opposition by the defendant, will probably take at least a year, possibly more.</p>

c. Procedure of service, if any.	c. When a lawsuit is issued the defendant must be served, being granted a deadline to oppose. A copy of the claim and respective documents is sent to the defendant by registered mail with proof of receipt. Should this notification fail, other means of notification will be used, including personal notification by an EO.
9. Does the judicial order allow you to start enforcement proceedings?	Yes, by means of an enforcement lawsuit (to enforce the court sentence, in case it is not voluntarily fulfilled).
10. May the judicial order be enforced before it has been served?	The judicial order of payment (the court sentence) must be notified to the defendant. But, afterwards, you may commence the enforcement lawsuit (to enforce the court sentence) and respective proceedings (such as seizure of assets and rights, etc.) before the other party has been notified of the enforcement lawsuit itself.
11. May the debtor challenge/appeal the judicial order?	As a general rule, so long as the lawsuit has a value over €5,000, the losing party can present an appeal after being notified of the court sentence. The debtor can also challenge the judicial order in the enforcement lawsuit based, namely, on statute of limitation and formal problems related to the court sentence that may affect its validity.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	There are three types of enforcement lawsuits: a) enforcement lawsuit for the payment of a certain amount (with two possible forms - ordinary or summary - depending, namely, on amount and type of enforcement title); b) enforcement lawsuit for the delivery of a certain thing; c) enforcement lawsuit for the performance of an action.
13. What are the necessary actions for the execution?	<p>All enforcement lawsuits begin with the presentation of the enforcement request/form through the Courts online platform (general rule), accompanied by the enforcement title (and possibly other documents depending on each type of enforcement lawsuit), the payment of the court costs and the initial payment for the EO. Then, each type may have different specifications, e.g.:</p> <ul style="list-style-type: none"> • Enforcement lawsuit for the payment of a certain amount: one must also indicate seizable assets / rights owned by the debtor and present along with the enforcement request / form documents regarding those assets / rights. • Enforcement lawsuit for the performance of an action: depending on the specific action at stake, the creditor may choose between the specific enforcement of the obligation by the debtor, the payment by the debtor of the necessary costs to have a third party perform the action or, should that not be possible, an indemnification for damages for the non-compliance.

14. Indicate the duration of the different types of execution.	<p>It is no entirely foreseeable, since the duration depends on the necessary actions to be performed by the EO. In enforcement lawsuits for the payment of a certain amount, the summary proceedings (e.g. for enforcement of court sentences or collection of sums lower than €10,000.01) are faster since a previous summoning of the debtor is not necessary. The EO starts the searches and seizures of assets immediately and only afterwards summons the debtor. On the other hand, should the debtor after being summoned present an Opposition, a parallel declarative lawsuit / incident will take place at the Court, which, unless a guaranty is presented, does not suspend the enforcement actions by the EO (seizure of assets / rights), but prevents any payment to the creditor from being made until a final and definitive decision is obtained.</p>
15. Indicate the costs of the different types of execution.	<p>For all types of enforcement lawsuits with EO, the court fees are: * value of the lawsuit up to €30,000 - €25,50 * value of €30,000.01 or more - €51.</p> <p>EO's fees and expenses:</p> <p>a) Enforcement lawsuit for the payment of a certain amount:</p> <ul style="list-style-type: none"> • First stage (presentation of enforcement request / form, respective examination, first searches) - €76.50. • Second Stage (summoning of the debtor, if applicable) - €25.50. • Third Stage (seizure of assets and debtor summoning or notification) - €51. • Fourth Stage (sale of assets and payment) - €102. • In the end the EO is entitled to additional fees that correspond to, depending on the results, a fixed amount (€153 or €255) or a percentage of the obtained amount. <p>These amounts include several actions (searches, seizures, notifications) up to a limit, after which creditor must pay additional amounts.</p> <p>b) Enforcement lawsuit for the delivery of a certain thing or the performance of an action:</p> <ul style="list-style-type: none"> • Actions by the EO that prove necessary to attain said goals - €204. • In the end the EO is entitled to additional fixed fees - €408. <p>All court costs and EO's fees and expenses are included in the amounts that the EO tries to obtain from the debtor or his assets. This way should all be paid, the creditor will recuperate the provisions paid to the EO to proceed with the process.</p>

16. Can the debtor propose opposition to enforcement?	<p>In all types of enforcement lawsuit the debtor can present Opposition (either to the enforcement itself or to the seizure of certain assets or both), which will initiate a parallel declarative lawsuit / incident running in Court where the Claimant will be able to Contest. Unless a guaranty is presented by the debtor, the Opposition process does not suspend the enforcement actions by the EO (seizure of assets / rights), but prevents any payment to the creditor from being made until a final and definitive decision is obtained. Court costs are due (* value of the Opposition up to €30,000 - €306; * value of €30,000.01 or more - €612).</p>
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate:	<p>a. All. Nowadays all civil lawsuits where party is represented by a lawyer are processed online (in the online courts' platform named citius), documents being presented and notifications to the lawyers being made online. Trials (court audiences for witnesses' hearing, oral statements, etc.) take place in the court where the lawsuit is pending, although witnesses may be heard via video conference.</p> <p>b. Not foreseeable</p> <p>c. Regular court costs are applicable and are fixed depending on the type and value of lawsuit.</p>
18. Who is entitled to use the online civil trial?	Any party duly represented by a lawyer.
19. What kind of technical requirements are required?	Computer, internet, a digital certificate and an access password to the citius platform (all lawyers have them).
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	<p>Procedure is done in accordance with the Regulation's provisions. With most European countries these procedures are free of costs (so long as the requesting foreign court is in a country that signed the convention regarding these procedures).</p>
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes, as per the Regulation's provisions.

23. If so, how is it regulated?	In accordance with the Regulation's provisions - based on the fact that the document to be served is not in the official language of the place where the notification takes place or in a language the person who is being notified understands.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	All claims that the debtor does not oppose to; those proceedings in which, after the opposition, the defendant does not present himself (or his lawyer) in court having been duly summoned; or those that the debtor confesses or recognises in settlement approved by court or in a public document.
26. Please indicate timing and costs to obtain a first order.	<p>Should the court apply the Portuguese general civil procedure and court costs rules for the issuing of certificates: a) In paper -</p> <p>Timing: 5 days;</p> <p>Costs: a) €20.40 if the certificate has up to 50 pages (an additional €10.20 will be charged for up to 25 additional pages).</p> <p>b) Electronic judicial certificate (requested electronically at the Court's online platform).</p> <p>Timing: 5 days;</p> <p>Costs: €10.20.</p>
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	<p>Timing: Not foreseeable. Although it is intended as a rapid proceeding, the deadlines established in the Regulation are not always fulfilled.</p> <p>Costs: As a general rule, €102 (for a claim up to €5,000); €204 (for a claim between €5,000.01 up to €15,000); €306 (for a claim of €15,000.01 or more).</p>
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	Yes. The analyses and conclusions therein seem accurate, although we do not possess data to confirm nor contradict said Report.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.

31. Please indicate the timing and the costs to obtain an order.	<p>Timing: Not foreseeable. Although short deadlines for each stage are established in the Regulation, said deadlines are not always fulfilled by the court.</p> <p>Costs: As a general rule, costs for a regular lawsuit under €2,000 are €102.</p>
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data correct with respect to your country?	Yes. The analyses and conclusions therein seem accurate, although we do not possess data to confirm nor contradict said Report.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes, this Regulation is applicable.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	<p>Yes, in accordance with Regulation (EC) No. 44/2001. For the declaration of enforceability of the foreign judgment by a Portuguese Court, the Regulation demands only that said judgment be deemed enforceable in the Country of origin even if it is not yet definitive. Afterwards, enforcement lawsuit can be issued based on said judgment and respective declaration of enforceability. The defendant is summoned and heard in both proceedings - lawsuit for the declaration of enforceability and enforcement lawsuit.</p>
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No, although it is applicable in Portugal as of January 2017.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 3 years</p> <p>Judicial order / arbitral award: 10 years</p> <p>Commercial papers (cheques, bills of exchange): 3 years</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit. The applicable rates are settled according with the National Bank reference rate. Yes, it is possible to agree rates of interest that are higher than the legal rate.
3. How long will a Court action take?	There are two Court terms. The first term is 30 days and the second it is up to 3 months.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes, there is the procedure of Summons and the payment ordinance procedure. Both the summons and the payment ordinance procedures refer to claims that are determined, liquid and matured. A claim is determined when its existence is under no doubt, it is liquid when its amount can be perceptibly determined, and it is matured when it has become due. The summons procedure is a special and immediate court proceeding, that may only be used for the collection of pecuniary debts resulting from a contract or other written instrument, signed by both parties. The payment ordinance has a narrower area of application, in the sense that it regulates the collection of pecuniary debts deriving only from commercial agreements, defined as agreements concluded between traders or between traders and contracting authorities. The limits are referring to the amount as follows: Claims up to €30,000 are applied at the First Court. Amounts exceeding €30,000 must be applied at the Appeal Court for small amounts an application form can be used.

6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	<p>Yes. There is a simpler procedure where the value of the claim, without taking into account interest, court fees and other incidental income, does not exceed the amount of 10,000 lei (approx. €2,150) at the date of the court's referral.</p> <p>The creditor initiates the procedure on small claims by filling in the application form and filing it or sending it to the competent court, by post or by any other means of transmission of the form and acknowledgment of receipt.</p> <p>Also this does not apply to fiscal, customs or administrative matters, nor to the liability of the State for acts or omissions in the exercise of public authority.</p>
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	PoA must be translated by Certified Translator and legalise by Public Notary. The Hague Convention is adopted and applied.
8. Indicate the main steps for judiciary recovery of debts:	<p>Jurisdiction is in the district court in whose jurisdiction the debtor's real estate, domicile or head office is located or the place where enforcement is to take place.</p> <p>a) Romanian courts observe the choice of jurisdiction in a contract. Romanian courts must set aside a choice of jurisdiction clause if the law provides for the exclusive jurisdiction of the Romanian courts, e.g. in cases concerning land and other immovable assets in Romania, or insolvency or other corporate disputes involving Romanian corporations.</p> <p>b) Contract (notarised or simple form), invoices.</p> <p>c) 2-3 months.</p> <p>d) A copy of the law suit must be served to the defendant.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	No.
11. May the debtor challenge/appeal the judicial order?	Yes.

SECTION 3: ENFORCEMENT

12. What are the different types of forced execution in your country?

Direct force execution; indirect enforcement.

In order to recover the debt provided in the enforceable title, the bailiff may start against the debtor's pursuit of movable goods belonging to him by indemnity money, securities or other movable assets, capitalization movable property owned or held by third parties or pursuit fruit and property income.

Conditions for Enforcement of a Judgment:

1. The judgment is enforceable or final

There are enforceable judgments:

- Decisions given in the appeal, unless otherwise provided by law;
- Judgments given at first instance without the right of appeal or those in relation to which the parties agreed to exercise the appeal directly.

There are definite judgments:

- Decisions that are not subject to appeal or appeal;
- Judgments given at first instance, without a right of appeal, not filed with appeal;
- Judgments given at first instance, which were not appealed;
- Decisions given in the appeal, with no right of appeal, as well as those not settled with appeal;
- The judgments given in the appeal, even though the case was settled;
- Any other decisions that, under the law, can no longer be appealed.

The goods located at the place of residence or residence or, where appropriate, headquarters social or working point of the debtor is presumed, until proven otherwise, to belong to it the latter being subject to seizure. They will even seize the goods they claim to be that it would be the property of another person, but its rights do not result from time stamps certain, making only mention in the seizure record of the alleged rights.

13. What are the necessary actions for the execution?

Tracking movable property, tracking property income, and tracking property to the debtor.

Stages of forced execution:

1. Registration of the enforcement request

Enforced execution is triggered at the request of the creditor to which the enforceable title is attached in original or legalized copy, as the case may be, proof of payment of stamp duties, inclusive judicial stamp, as well as other statutory credentials, if any. The first step in forced execution for the recovery of a claim brought as an element of novelty of the new Code of Civil Procedure, consists in checking by the bailiff of the documents submitted by the creditor and the issuance of a termination ordering the registration the application and the opening of the enforcement file or, as the case may be, the refusal to open the proceedings enforcement. The execution of the bailiff is communicated to the creditor who, in the case the refusal to open the enforcement procedure may appeal to the court of law execution within 15 days of communication.

2. Confirmation of forced execution

In the case of the opening of the enforcement file, the bailiff will ask the court of execution within max. 3 days from filing of the application, approval of the execution, submitting in certified copies the enforcement request made by the creditor, the enforceable title, the closing of the opening of the enforcement file, the stamp duty and the stamp judicial payment by the creditor. In order to ensure the speedy enforcement activity, the new Code of Civil Procedure added 7 days after the application was filed which the court is required to rule on the application for a declaration of enforceability within 7 days to motivate it. Also, the endorsement of the execution produces its effects throughout Romania and extends to executory titles issued by the bailiff in the approved enforcement procedure.

3. Identify the traceable income and assets

After the court has given a ruling on the acceptance of the application for a declaration of enforceability, the executor the court will immediately proceed to identify the proceeds and the proceeds belonging to it debtor.

14. Indicate the duration of the different types of execution.

Term of 30 days since the forced execution final decision. In the new civil procedure code, attachment can also be established on the goods tangible movable assets belonging to the debtor but held by a third party. The third party is obliged to make the payment within 5 days of the communication.

Once the seizure is enforced, the bailiff is obliged to assess the goods seizures, and if this is not possible, the assessment is done by an expert. If, within 15 days of the seizure of the property, the debtor fails to pay the amount due, all the accessories, as well as the execution costs, the bailiff will proceed to the sale of goods by sale.

15. Indicate the costs of the different types of execution.	It is a percentage starting from 10% for small amounts and gradually 5% and 3%.
16. Can the debtor propose opposition to enforcement?	<p>Yes. The debtor can formulate an appeal against forced execution as well as against any act of execution, as a person interested or injured by execution.</p> <p>Consequently, the challenge to enforcement may have as its object any procedural irregularity committed in the course of forced pursuit. By way of example they may refer to; non-observance of the forms stipulated by the law for informing the debtor about the triggering of the forced pursuit, the choice of the execution form, the prescription of the right to demand forced execution, the perimetry of the execution, the manner of realization of the publicity required by the law for the auction, the time during which the prosecution, and so on.</p>
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate:	<p>a. No.</p> <p>b. N/A.</p> <p>c. N/A.</p>
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	30 days plus judicial tax.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	If it is not drafted or accompanied by a translation into one of the following languages: the official language of the Member State of destination or a language the recipient understands.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.

25. What is an uncontested claim in your country?	<p>A judgment against that debtor, or an enforceable act requiring the debtor's express acceptance, whether it is a legal transaction or a genuine act.</p> <p>The uncontested claim is one whose unequivocal existence derives from the title of the claim itself (be it enforceable or not), but for whose enforcement the creditor must acquire a writ of execution if the title of the claim itself does not have this law character</p>
26. Please indicate timing and costs to obtain a first order.	30 days plus judicial tax.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	60 - 90 days plus judicial tax.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	No.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	30 days plus judicial costs.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	No.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: 5 years (3 years for claims arising out of commercial contracts).</p> <p>Judicial order / arbitral award: 10 years.</p> <p>Commercial papers (cheques, bills of exchange): Cheques: 6 months. Bills of exchange: From 6 months to 3 years, depending on the type of claim.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	<p>Yes, it is possible to apply legal interest to the credit. If commercial interest is agreed but parties fail to specify the rate, it shall be 6% p.a. Legal interest rate for late payment is currently 8% p.a. (as of [30.06.2018], and is determined every 6 months as the ECB interest rate for main refinancing operations plus 8% p.a.).</p> <p>Yes, it is possible to agree rates of interest that are higher (or lower) than the legal rate. However, agreed interest rate that is more than 50% higher than the legal interest rate is presumed to be usury, unless proven otherwise (such presumption does not apply in regard to commercial contracts).</p>
3. How long will a Court action take?	The ordinary procedure may take up to 2 years or longer. In case of fast track action, the Court may issue its final decision within 3 months.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes, the Court may issue a payment order ex officio in ex parte proceedings if pecuniary obligation is due and substantiated by an authentic document. There is also a summary procedure for amounts up to €2,000 (€4,000 for claims arising out of a commercial contract).
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Any party may file a claim itself or by a representative (in procedures before District, Higher and Supreme Court the representative must have passed the bar exam). Extraordinary procedures require representation by an attorney-at-law.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Yes, Slovenia has adopted the Hague Convention, according to which PoA (with translation) from another contracting state has to only be authenticated via Apostille. In other cases, legalisation by the Ministry of foreign affairs or a Slovenian embassy is required. Slovenia has also adopted a number of bilateral conventions.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. Jurisdiction. Local Courts have jurisdiction for claims not exceeding €20,000 (above this threshold, jurisdiction lies with District Courts). Territorial jurisdiction is normally determined by the defendant's place of residence (additional jurisdiction exists in special circumstances - e.g. liability claims, claims against insurance companies, real estate etc.).</p> <p>b. Conditions for payment order. In addition to payment order procedure (see 5. above - for claims under the threshold, the Court issues the payment order even without being presented with an authentic document, provided that the claim is otherwise adequately substantiated). There is also a possibility of directly initiating enforcement procedure under an authentic document (in this case civil trial is opened only if the debtor objects to the enforcement order).</p> <p>c. Duration. For civil trial, see 3. above. For enforcement stage, see 14. below.</p> <p>d. Procedure of service. Service is made either by mail, by officers of the court, by electronic means, at the court or in another manner prescribed by law (at the proposal of the opposing party, the court may also order service by a private detective or bailiff). If a person is not found at its place of residence or workplace, an adult member of recipient's household or an authorised person for receipt at the workplace, is obligated to accept service (in the workplace, the service may also be left with another employee who is willing to accept it). While service of some documents - e.g. actions, decisions against which appeals are permitted, extraordinary legal remedies, payment orders, etc. - must be made personally (in this case if service procedure indicated above is not successful, a notice is left in the letterbox indicating where the service may be accepted including a warning that the service shall be deemed to occur after expiry of 15 days following that notice), in other cases (regular service), the service is immediately left in the mailbox and deemed to occur at that time.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes.

10. May the judicial order be enforced before it has been served?	Yes, in enforcement procedure the Court may issue an interim decision to secure the claim.
11. May the debtor challenge/appeal the judicial order?	Yes, both parties may challenge the judicial order within 30 days from the date of the service (15 days for disputes regarding bills of exchange or cheques; in specific cases, the law prescribes longer or shorter periods).
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	<p>a) Enforcement of monetary claims: i) sale of movables, ii) sale of immovable, iii) transfer of debtor's claim, iv) redemption of other proprietary or material rights and book-entry securities, v) sale of company member's stake and vi) transfer of money kept at a payment institution.</p> <p>b) Enforcement of non-monetary claims: i) taking and delivering movables, ii) emptying and taking of immovable, iii) substituting service at the debtor's expense; iv) forcing a debtor to act through pecuniary penalties, and others.</p>
13. What are the necessary actions for the execution?	After obtaining the enforcement order, the execution depends on the type of execution and assets (to be specified in the application for enforcement), but normally includes i) seizing and ii) selling, transferring or realising property. Enforcement of non-monetary claims is more case-specific.
14. Indicate the duration of the different types of execution.	For example, average duration of enforcement procedure instituted under an authentic document (until the claim is settled in full) is 1.5 years. Data on average duration on different types of execution is not available.
15. Indicate the costs of the different types of execution.	In addition to an initial court fee which includes issuing the enforcement order and any subsequent court actions (in all cases where there is no opposition: €44 for online application, otherwise €55), execution costs vary significantly and are determined by: i) amount of claim; ii) value of the seized property; iii) time consumed and iv) when appropriate, a fixed amount. The following examples provide a rough frame of reference: Cost of seizing and transferring money kept at a payment institution is determined according to tariff of the payment institution (up to €50, irrespective of amount of claim); Sale of movables for settlement of €10,000 claim costs around €630 (based on amount of claim); Sale of immovable (irrespective of amount of claim) is executed by the court at no additional cost (apart from valuation by court appointed valuer normally around €1,000).
16. Can the debtor propose opposition to enforcement?	Yes, the debtor can oppose enforcement on several grounds, including i) inefficiencies in executory title; ii) irregularities in the enforcement proceedings; and iii) objections referring to the creditors' right to enforcement.

SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate:	<p>a. Credits to be collected by telematic procedures.</p> <p>b. Timescales.</p> <p>c. Costs.</p> <p>a. Although many steps can be taken by electronic means (including filing a claim and subsequent correspondence with the Court), there is no fully telematic civil trial procedure. However, enforcement procedure may be fully electronic if there is no opposition.</p> <p>b. N/A.</p> <p>c. Court fees for electronically filed applications are weighted by a 0.8 in comparison to regular applications (€44 for electronic enforcement order application).</p>
18. Who is entitled to use the online civil trial?	Anyone is entitled to use online enforcement procedure if certain requirements are met; however, civil trial steps (such as service of documents and other communication with the Court and the other party) are reserved to "qualified users". See 19. below.
19. What kind of technical requirements are required?	Anyone may become a: i) "regular user", who requires no identification but may only download document templates; ii) "registered user", who must first create a user account (only email address is required - the user is then identified only by username and password) and may then file an enforcement application under an authentic document; or an iii) "external qualified user", who must obtain a Qualified Digital Certificate from the Ministry of Public Administration, further classified as either "professional user" (reserved for notary public, attorney-at-law, executor, administrator, state attorney general, state prosecutor, real-estate company and local authorities attorney general) or a "party" (any natural or legal person, as well as state and local authorities). Qualified users may file all enforcement applications.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.

21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	For the District Court of Slovenia with territorial jurisdiction (a "receiving agency" under Reg. 1393/2007) to order service, the document must be i) sent to it by or through a transmitting agency (as designated by the sending member state) and ii) accompanied by a request in standard form. The iii) request must be in either official language (Slovenian, and also either Italian or Hungarian on territory of the recognized minorities) or in English, while iv) the document itself (or its translation) must be in the official language, or a language that the addressee understands (the sender is responsible for obtaining the translation). The service is then made in the same way as with domestic documents. The sender may also indicate a specific way of service (e.g. personally by a bailiff, €12.81), otherwise service is usually made via post or by electronic means (at no additional cost).
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	If language requirements are not met, the addressee may refuse service directly with the person serving the document, or return to the District Court the document accompanied by a statement of refusal in filled-in standard form within one week of service.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	A claim is uncontested if it is included in the i) settlement approved by or concluded before a court, ii) court decision by admission of the debtor, iii) court decision by default or iv) an authentic document concluded before a public official, if the debtor has expressly agreed to it.
26. Please indicate timing and costs to obtain a first order.	The first order is usually issued within [three months] after the request. Costs are the same as for the issuance of domestic payment order and depend on the value of the claim (e.g. €150 for claim in amount of €10,000).
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	The first order is usually issued within [three months] after the request and becomes final if the debtor has not objected to it within 30 days after notification. The costs are the same as for obtaining an enforcement order for uncontested claims under Reg. 805/2004 (see 26. above).
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	The data is not available.

30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	The final decision may be issued within [three months]. If requirements for payment order are met (see question 8), the court fee amounts to a maximum of €66, while in other cases (regular summary proceedings) the court fee amounts to a maximum of €165 (i.e. calculation based on a claim in amount of €2,000).
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	The data is not available.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes, Reg. No. 1215/2012 is applied to all proceedings instituted and authentic documents issued (including settlements) on or after 10 January 2015. In other cases, Reg. EC No. 44/2001 applies.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes, in enforcement procedure the Court may issue an interim decision if certain conditions are met (e.g. there is high risk that the enforcement could later become impossible or severely onerous or potential damage to the debtor is insignificant). An objection of the debtor does normally not stay the execution of the interim decision.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: General rule of 5 years.</p> <p>Judicial order / arbitral award: General rule of 5 years since the sentence is final.</p> <p>Commercial papers (cheques, bills of exchange): Depends on the kind of document.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit. Yes, it is possible to agree rates of interests that are higher than the legal rate, but these interests cannot be too high as they are controlled by Spanish Law.
3. How long will a Court action take?	An ordinary action may take between 6 and 12 months.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, if the sentence accepts all the petitions of the creditor, the debtor will have to pay the principal amount plus interests and legal costs.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes, fast tracks/summary proceedings exist, also for small amounts. These are the same as EC Regulations, but adapted for the Spanish system.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	If the claim does not exceed €2,000, the creditor can directly claim for the recovery of the amount.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Yes, The Hague Convention is applied and other bilateral treaties with countries that are not part of the 'Apostille' convention.

8. Indicate the main steps for judiciary recovery of debts:	<p>a. The competent court is the one of first instance the domicile of the debtor.</p> <p>b. It is required a written evidence of the credit, with all available documents, e.g. a final judgment, judicial settlement, notarial deed or an authentic document (i.e. as a promissory note, cheque etc.).</p> <p>c. It should take less than 6 months in theory, but will depend on the workload of the court and the time it takes to notify the case to the defendant.</p> <p>d. The service has to be personal to defendant, by an officer's court.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes, in cases based on executive documents like commercial papers.
10. May the judicial order be enforced before it has been served?	Yes, in executive proceedings it can take place simultaneously.
11. May the debtor challenge/appeal the judicial order?	Yes.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	There is one basic procedure for the enforcement of all kinds of executive titles (Ley de Procedimiento Civil, Libro III, De la ejecución forzosa).
13. What are the necessary actions for the execution?	To present plaintiff statements (like an ordinary proceeding) together with the executive title that has to be enforced.
14. Indicate the duration of the different types of execution.	Generally talking it can take between half year and one year, although there can be many reasons why it can take longer (court overload, defendant strategies for example).
15. Indicate the costs of the different types of execution.	It is connected to the quantum of the execution ("procurador", "abogado" and "tasa judicial").
16. Can the debtor propose opposition to enforcement?	The debtor can propose opposition, but only founded on formal excuses, it can't discuss the grounds of the executive title.

SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	No. a. N/A. b. N/A. c. N/A.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	Notification is made by the court of the domicile of the debtor. Timing: It depends on the workload of the local court. Costs would depend upon the amount of the claim.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The debtor has the right of refusal, and in this case the judge has to decide if the refusal is correct or not.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	Any case where the creditor has claimed to the court, the defendant has been duly notified but has not reacted, and the court has given a sentence in favour of the creditor.
26. Please indicate timing and costs to obtain a first order.	Timing: Varies depending on the workload of the local court. Costs: Will depend upon the amount of the claim.
27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: Varies depending on the workload of the local court. Costs: Will depend upon the amount of the claim.

29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	Statistics show that the application of the regulation has not worked very well, but I'm not sure the data provided by the Report is accurate.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	Timing: Varies depending on the workload of the local court. Costs: Will depend upon the amount of the claim.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	Statistics show that the application of the regulation has not worked very well, but I'm not sure the data provided by the Report is accurate.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes, is applied.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	A provisional enforcement of foreign judgment can be enforced, and usually the debtor has the opportunity to be heard.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	We have not had any experience with the use of that regulation.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes</p> <p>b. Judicial order / arbitral award: Yes</p> <p>c. Commercial papers (cheques, bills of exchange): Yes</p>
What is the statute of limitation?	<p>Agreement: Usually ten years. For a consumer the statute of limitation is usually three years, however the three year's limitation does not apply for when the debt originates from a promissory note. For rights of contribution for example, special rules regarding statute of limitations apply.</p> <p>Judicial order / arbitral award: No extended statute of limitation for judicial orders or arbitral awards. The statute of limitation is usually ten years from the debt's accrual unless the period of limitation is interrupted prior thereto. If the debt originates from damages in a criminal case special rules regarding statute of limitations apply.</p> <p>Commercial papers (cheques, bills of exchange): Usually ten years. For cheques the statute of limitation is six months from when the check is presented. For bills of exchange the statute of limitation is three years from the due date.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes it is possible for the parties to agree upon an interest rate, but this excludes the possibility to claim interest in accordance with the Swedish Interest Act ('legal interest rate'). In absence of an agreed interest rate, the creditor has a right to claim an interest of 8% plus a reference rate on an overdue loan. The reference rate is decided periodically by the Swedish Central Bank (e.g. 8% + a reference rate of -0.5% for 2019). Yes, it is possible to agree upon an interest rate which is higher than the legal interest rate. However, if the interest rate is too high, it may be adjusted by the court.
3. How long will a Court action take?	The average time for an ordinary court action is 9 to 12 months. If it is an uncontested claim, credit time will be shorter.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes. Kronofogden is the Swedish autonomous public authority which provides simplified and accelerated summary proceedings for monetary and non-monetary claims. All claims must be overdue and negotiable. The application must be in writing. The applicant has to describe the claim but does not need to supply any evidence. There is no examination of the merits of the case. As long as the application is complete and without any formal errors, the documents are sent to the respondent.

	<p>After having been served the claim, the respondent has a certain time within which he/she has to object. If the respondent does not object, a verdict will be rendered in accordance with the claim as stated in the application. The verdict is directly enforceable. If the respondent contests the claim the applicant may request either that the case is turned over to the District Court for trial or that the claim is withdrawn from the summary proceeding. A withdrawal from the summary proceedings does not imply that the claim may not be tried in ordinary proceedings. Neither party needs representation during the summary process. There is no limit to the size of a monetary claim. A monetary claim can be combined with a non-monetary claim, i.e. a landlord may claim both rent and that the respondent shall be evicted from the property. The procedure normally takes 2 months from the application is sent to Kronofogden.</p> <p>There are also special claim court procedures which normally take less time than a normal court proceeding. The parties may not claim costs such as court fee and other further costs from the other party, except for a small amount of compensation according to a fixed rate. The special small claim court procedures only apply to half a price base amount (half a price base amount for 2019 amounts to 23,250 SEK (approx. €2,270)).</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	The creditor does not need to be assisted by a lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	The Hague Convention is applied. If the client is a legal entity, its legal representative has to prove his authority by official documents.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. The various courts have jurisdiction following the Code of Judicial Procedure. Kronofogden has jurisdiction for the entire territory of Sweden.</p> <p>b. No formal requirement to provide written evidence. A description of the claim has to be provided.</p> <p>c. Approx. 2 months in summary proceedings. Small claim court proceedings (max. 23,250 SEK (approx. €2,270)) approx. 6 months. Ordinary proceedings 6 months to 2 years.</p> <p>d. Service of a law suit is required. Service is usually done by the court or Kronofogden. Service can under certain conditions be made by a party. Service can be acquired by publication in certain newspapers.</p>
<p>a. Jurisdiction.</p> <p>b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.</p> <p>c. Duration of the proceedings.</p> <p>d. Procedure of service, if any.</p>	

9. Does the judicial order allow you to start enforcement proceedings?	Yes, enforcement may take place directly after a judicial order.
10. May the judicial order be enforced before it has been served?	Yes, generally a judgment may be enforced before the losing party is notified. A judgment that is still open for appeal may also be enforced in certain cases. Enforcement may take place immediately in a judgment for bills of exchange or cheques. Judicial orders in summary proceedings may usually be enforced immediately. This usually also applies to arbitrations.
11. May the debtor challenge/appeal the judicial order?	Yes, the debtor can have the summary proceeding case turned to the District Court for a verdict or to terminate the process. The debtor may also appeal the District Court's verdict. In order to do so the Court of Appeal has to grant the debtor leave of appeal. Usually it is not possible to appeal an arbitration.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	Execution, attachment and sale, eviction, removal and readmission.
13. What are the necessary actions for the execution?	The application is usually made in writing. A written application has to be signed by the applicant or his legal representative. The application must contain information about what measures the applicant wants Kronofogden to take.
14. Indicate the duration of the different types of execution.	For execution, attachment and sale the time period is usually around six months. For eviction and removal the time period is shorter and not more than a couple of months.
15. Indicate the costs of the different types of execution.	For execution and attachment and sale, the cost is 600 SEK (approx. €59) per year. For removal, the cost is 300 SEK (approx. €30) for every identifiable person, maximum 3,000 SEK (approx. €293). For eviction, the cost is 300 SEK (approx. €30). These costs only cover the initial cost for application. During the proceedings special costs may arise such as costs for removing personal property. Kronofogden will afterwards send a bill to the applicant for the costs incurred.
16. Can the debtor propose opposition to enforcement?	Yes. For example if he or she shows that payment has already been made, enforcement may not take place. Or if the debtor makes an objection that cannot be ignored enforcement may not take place.

SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	No. a. N/A. b. N/A. c. N/A.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The terms and costs are set out in the regulation at hand. Every court in Sweden and Kronofogden are authorised to notify foreign acts and judicial orders. There are no additional costs. The cost is therefore the application fee, which is 2,800 SEK (approx. €274) for courts and 600 SEK (approx. €59) for Kronofogden.
22. Does the right of refusal (article 8 of the Regulation) exist?	Yes.
23. If so, how is it regulated?	The addressee may refuse to receive the notification on the grounds provided in Section 8 Paragraph 1 of Regulation (EC) No. 1393/2007. This right may be exercised also within 1 week after receipt of the notification back to the court that issued it.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	An uncontested claim is when the debtor has: i) Not objected to the claim in the course of court proceedings; ii) Not appeared in court; or iii) Has expressly agreed that the claim exists and is justified in the course of court proceedings (including settlement) or an authentic instrument.
26. Please indicate timing and costs to obtain a first order.	The time to obtain an order is hard to define and differs depending on the matter at hand.

27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	It is not possible to state how long it takes to issue an European Order for Payment. The combined court fees shall not exceed 300 SEK (approx. €30).
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	Yes. In our opinion, the statistical data seems accurate with respect to Sweden. It is not common to use this procedure. The knowledge of the procedure is relatively low.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes.
31. Please indicate the timing and the costs to obtain an order.	The time to obtain an order is hard to define. It may vary depending on the case at hand. The unsuccessful party shall bear the costs of the proceedings. However, the court or tribunal shall not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	Yes, we are familiar with Regulation EC No. 861/2017. In our opinion, the statistical data seems accurate with respect to Sweden. It is not common to use this procedure. The knowledge of the procedure is relatively low.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes. According to Swedish law a judgment can, in certain cases, be enforced without the opportunity of the debtor to be heard. The debtor then has the possibility to be heard after the provisional enforcement has been made.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	The regulation is applied in Sweden through the law 'Lag (2016:757) om kvarstad på bankmedel inom EU'. The law entered into force on January 18 2017.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	a. Agreement: Yes. b. Judicial order / arbitral award: Yes. c. Commercial papers (cheques, bills of exchange): Yes.
What is the statute of limitation?	Agreement: Generally 10 years; 5 years for claims for rent, periodical claims etc. Judicial order / arbitral award: 10 years. Commercial papers (cheques, bills of exchange): Depends on terms.
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit. The statutory applicable rate is 5%, but it is possible to apply rates of interests that are higher than the legal rate, as long as they are not excessive.
3. How long will a Court action take?	The ordinary Court procedure lasts approximately 1 year. The summary Court proceeding takes approximately 3 to 6 months.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes. If the debtor contests the creditor's claim in the debt enforcement proceeding (within 10 days of the receipt of the summons for payment issued by the debt collection office), the creditor must procure a court order dismissing the objection in order to proceed with the enforcement of his claim. This can be made through a summary procedure (regardless of the amount) as far as the creditor is in possession of a valid court verdict confirming the contested debt or a signed or notarised promise by the debtor to pay the sum claimed. In case of small amounts: There are two types of ordinary court proceedings (applicable if the creditor is not in possession of a valid court verdict confirming the contested debt or a signed or notarised promise by the debtor to pay the sum claimed): (1) a simplified procedure if the value in dispute is less than CHF 30'000 (€25,783) or (2) an ordinary procedure if the value in dispute is more than CHF 30'000 (€25,738).
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, the creditor may claim directly for the recovery of his amount.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	Yes. The Hague Convention is applied.
8. Indicate the main steps for judiciary recovery of debts:	
a. Jurisdiction.	a. The competent court is the district court at the domicile or seat of the debtor, unless a special regulation is applied. In some cases, the parties can agree on the jurisdiction (jurisdiction clause).
b. Conditions for an order of payment to be issued, i.e. written evidence of the credit, other.	b. The debt collection office serves a summons for payment (order of payment) without proving the validity of the claim. Information which has to be provided by the creditor: name and address of the parties, amount of the claim, interest, if available: documents proving the claim (court verdict, signed or notarised contract), if not available: brief description of the claim. If the order of payment is contested by the debtor, only written evidence (court verdict, signed or notarised contract, other documents like invoices, statements, delivery orders, agreements and correspondence) is permitted in the summary court proceeding. On the contrary, in the ordinary court proceeding claims can be proved by any means of evidence (including witness statements), unless the law requires the written form or notarisation for a contract.
c. Duration of the proceedings.	c. The duration depends on the type of proceeding and other factors such as the complexity of the case as well as given court's cases workload. The summary proceeding (i.e. if the creditor is already in possession of valid court verdict or a signed or notarised promise by the debtor to pay the sum claimed) lasts approx. 3 to 6 months. The ordinary court proceeding lasts approx. 1 year.
d. Procedure of service, if any.	d. The summons of payment (debt enforcement proceeding) has to be delivered personally to the debtor at his place of residence or place of work by the postman (substitute for the Debt Enforcement Execution Officer). If the debtor is not at home, the summons can be delivered to a member of his family or household. If the summons cannot be delivered by the post office, it will be delivered by the police or a local Execution Officer. In claims against companies they have to be delivered to a representative. In court proceedings the summons can be delivered by registered mail or otherwise against receipt confirmation. They may be served personally to the defendant or his attorney or a person authorised to receive his mail (i.e. foreign defendants). If the residence of a defendant is unknown, or a foreign defendant does not name a person authorised to receive his mail in Switzerland the court will 'deliver' the summons by publication in the Swiss Official Gazette of Commerce.

9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	No.
11. May the debtor challenge/appeal the judicial order?	Yes.
SECTION 3: ENFORCEMENT	
12. What are the different types of forced execution in your country?	1) Bankruptcy if the debtor is a company and registered at the Trade Register or 2) seizure if the debtor is an individual.
13. What are the necessary actions for the execution?	The creditor needs to file a request and submit it to the competent debt collection office at the domicile or seat of the debtor, unless a special regulation is applied. The debt collection office serves a summons for payment (order of payment) without proving the validity of the claim. If the debtor objects the summons for payment, the debt enforcement process is suspended. The creditor has to lift the opposition either in the summary or in the ordinary proceedings depending on the documents has at its disposal. If he succeeds, he has to file a request for continuation. The debt collection enforcement will then continue the procedure through bankruptcy or seizure depending on whether the debtor is a company or an individual.
14. Indicate the duration of the different types of execution.	The duration depends on the type of proceedings (summary or ordinary) and if the debtor objects the order of payment. It can take years to reach the bankruptcy or seizure stage.
15. Indicate the costs of the different types of execution.	The costs depend on the amount in dispute and if the debtor objects the order of payment.
16. Can the debtor propose opposition to enforcement?	Yes.
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate:	Petitions can be placed electronically, but the procedure which follows remains the same (not online).
a. Credits to be collected by telematic procedures.	a. N/A.
b. Timescales.	b. N/A.
c. Costs.	c. N/A.

18. Who is entitled to use the online civil trial?	Anybody can electronically file a petition, but only using officially approved services.
19. What kind of technical requirements are required?	PC, internet. The user needs a certified electronic signature.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	No.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	N/A.
22. Does the right of refusal (article 8 of the Regulation) exist?	N/A.
23. If so, how is it regulated?	N/A.
24. Is Regulation EC No. 805/2004 applied in your country?	No.
25. What is an uncontested claim in your country?	N/A.
26. Please indicate timing and costs to obtain a first order.	N/A.
27. Is Regulation EC No. 1896/2006 applied in your country?	No.
28. Please indicate timing and costs to obtain an order.	N/A.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	N/A.
30. Is Regulation EC No. 861/2007 applied in your country?	No.
31. Please indicate the timing and the costs to obtain an order.	N/A.

32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2007? If so, is the statistical data accurate with respect to your country?	N/A.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	No, the Regulation EC. No. 1215/2012 does not apply in Switzerland. Nevertheless, a foreign executive title can be recognised and enforced under the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Lugano Convention).
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	No, a provisional enforcement of a foreign judgment is not possible in Switzerland.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1: GENERAL INFORMATION & FAQ	
1. What are the sources of a commercial debt in your Country?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p>
What is the statute of limitation?	<p>Agreement: The general limitation period is ten years, which applies where the law does not provide a specific limitation period (Code of Obligations).</p> <p>However, creditor needs to be aware that for some specific claims the applicable statute of limitation is five years.</p> <p>Judicial order / arbitral award: 10 years.</p> <p>Commercial papers (cheques, bills of exchange): 3 years.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	Yes, it is possible to apply legal interests to the credit and agree rates of interests that are higher than the legal rate. Rates of interests are limited and change according to the interest on principal or interest for default and commercial affair or personal affair.
3. How long will a Court action take?	The Court procedure takes approximately 2-5 years.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes.
SECTION 2: COURT PROCEEDINGS	
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	Yes. The creditor can initiate enforcement proceeding without verdict before competent debt enforcement authority and asking for issuance of a payment order to the debtor. Following initiation, the execution office drafts a payment order and serves it to the debtor. In the event that the debtor does not make an objection to the payment order within 7 days (if the debt originates from a bill of exchange the time frame for objection shall be 5 days) following the date of service, the proceeding shall finalize. As a result, the creditor shall be entitled to initiate judicial proceeding. In the event the debtor objects to the payment order, the creditor must file a temporal/permanent removal of the objection action before enforcement court within 6 months or an annulment of objection action before the competent civil/commercial court within 1 year. If the creditor does not file an action within the given time, it shall lose its right to make a claim perpetually. No, there aren't special small claims procedures in order to collect small amounts.
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Yes, the creditor can claim directly for the recovery of his amount, but an attorney is recommended.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	If the Client's country is a party to Hague Convention, the Power of Attorney (PoA) must be apostille stamped following acquiring it from relevant authorities, if not, the PoA must be approved by Turkish embassy or consulate following acquiring it from relevant authorities. The Hauge Convention is applied.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. The competent court is the district court at the residence of the debtor, unless a special regulation is stated. In some cases, the parties can choose the jurisdiction that they wish to apply to the dispute.</p> <p>b. The debt collection office serves an order of payment with or without the documents proving the validity of the debt/claim. The creditor must provide his name, address of the parties, amount of claim, interest, if available: the documents proving the claim, if not available; brief description of the claim.</p> <p>c. The duration of the enforcement process and in case of opposition by the debtor the following litigation process depend on the type of proceeding and other factors such as the complexity of the case, workload of court or the notification process.</p> <p>d. Order of payment and the other documents issued by the Debt Enforcement Execution Directorate has to be delivered personally to the debtor at his given address (work or home address given by the creditor. If the debtor is not present at his address, the summons can be delivered to a member of his family or household. If the notification cannot be delivered then it will be sent to his registered address. In claims against companies notification shall be made to the representative who is authorized to receive notifications on behalf of the company. (debtor)</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes.
10. May the judicial order be enforced before it has been served?	No.
11. May the debtor challenge/appeal the judicial order?	Yes.

SECTION 3: ENFORCEMENT

12. What are the different types of forced execution in your country?

Execution proceedings have three types of groups;

- a. Proceedings with a verdict;** In order to initiate this proceeding, there must be a prior court decision. In the execution order to be sent to the debtor, the debtor is warned to pay the written debt within 7 days. When the debtor objects to the order of payment, for execution proceeding to be suspended, the debtor must submit a letter of guarantee issued by a bank or other security agreed by the creditor.
- b. Proceedings without a verdict;** is a general execution proceeding. Proceeding without a verdict does not require any documentation and procedure. With a request to issue enforcement proceedings stating the debtor and the amount of the debt, the creditor can initiate an execution proceeding. Upon receipt of the payment order, the debtor must act according to the one of the following ways, within seven days upon receipt of the payment order: **i)** paying the amount requested in the payment order; **ii)** objecting to the payment order. If the debtor objects to the payment order within 7 days, the proceeding shall be stopped. In this case, the creditor should file a lawsuit for the annulment of objection or the removal of the objection. If it is found by the Court that the objection is unwarranted and unfair, the proceedings continue from where it was, and the debtor shall be liable to pay the compensation because of denial and bad faith;
- c. Execution pertaining to commercial papers and bills.** In order to initiate the execution pertaining to commercial papers and bills, the Creditor must submit the original form of the commercial paper or the bill to directorate of execution. Additionally for the debts secured by a pledge, the creditor must specifically request the foreclosure of the pledges. The debtor must pay the debt within 10 days to the bank account of the execution office in the payment order. Other execution forms as follows; Evacuation of the leased immovable, foreclosure of the pledged property, delivery of the child, establishment of personal relations with the child, delivery of the movable items, etc. After the period of payment order or after the objection has been removed if the debtor has objected, the creditor may make a request for a seizure. The right to make a request for seizure forfeiture after one year from the date of notification of the payment order. The execution office shall enforce a seizure within three days from the date of the request. After the seizure, the appraisal of the value of the asset shall be made by the execution officer. Different types of measures of conservation shall be taken according to the nature of the asset (movable, immovable etc). The Executive Office maintains gold, silver and other valuable items, such as bills, banknotes, bearer bills etc.

13. What are the necessary actions for the execution?

Other movable properties kept under protection. If the creditor agrees, properties may be temporarily left in the debtor or in the third party. The creditor should make a request for the sale of the properties within six months if the seizure assets are movable, or within one year if the seizure assets are immovable. Movable assets shall be sold within two months of the sales request. There are different types of sales, such as bargain, auction. The immovable assets shall be sold at auction by the execution office within 3 months of the sales request. After all these processes, the partition of the money obtained from the sale shall be made.

After obtaining the payment order, the execution process depends on the type of execution and assets. Proceeding without a verdict does not require any documentation and procedure as explained above. With a request to issue enforcement proceedings stating the debtor and the amount of the debt, the creditor can initiate an execution proceeding. For proceeding with a verdict the Creditor has to submit the verdict to competent directorate of execution. In order to initiate the execution pertaining to commercial papers and bills, after its due date the Creditor must submit the original form of the commercial paper or the bill to directorate of execution. After the period of payment order or after the objection has been removed if the debtor has objected, the following proceedings are as follows (as explained detailed above): seizure, appraisal, taking measures of conservation, encashment (request for sales, sales transaction, encashment and partition).

14. Indicate the duration of the different types of execution.

For the proceedings with a verdict; the debtor must submit a letter of guarantee issued by a bank or other security agreed by the creditor for execution proceeding to be suspended as explained above. Court decision on which execution proceeding is based will be examined by the higher judicial authorities, so the execution proceedings may take 2-3 years since the execution process will stop until the end of this examination. For the proceedings without a verdict, if the creditor files a lawsuit for the annulment of objection or the removal of the objection, the judicial process may take approximately 2 years also. If it is found by the Court that the objection is unwarranted and/or unfair, the execution proceedings continue as explained above. Apart from judicial processes; seizure, sales and other above explained transactions can take 6 months-1 year. So, all the procedures can take approximately 2-4 years.

15. Indicate the costs of the different types of execution.	A fixed fee is payable for execution proceeding with a verdict, and the cost of initiating an execution proceeding with verdict by 2018 is less than 100.00 TRY (approx. €16). For execution proceeding without a verdict 0.05% of the claimed amount and a fixed fee less than 50.00 TRY (approx. €8) is payable to initiate the execution process. In order to initiate the execution pertaining to commercial papers and bills, the debtor must pay 0.05% of the claimed amount and the other expenses is the same with expenses of the execution proceeding without a verdict. Costs may vary according to the amount due for each file. There are fixed amounts such as (including but not limited to) advance fee (0.05%), application fee (35.90 TRY (€6)), fee for enforcement proceedings which cannot be evaluated with money (35.90 TRY(€6)), collection fee (depends on collection time, 4.55%, 9.10% or 11.38%) and jail fee (2%).
16. Can the debtor propose opposition to enforcement?	Yes, the debtor may object to the authorization of the enforcement office or signature or may object to the debt in the payment order after receiving the payment order within the specified time as explained above. If the debtor objected to the signature and the objection has been temporarily removed by the court, it is possible to file a lawsuit for denial of debt. Also, the debtor can make a complaint about the proceedings of the execution offices if an unlawful transaction has been made or if the transaction made is not applicable for the situation, within seven days of the date on which these transactions are learned. Additionally, the debtor can make a complaint about the proceedings of the execution offices any time if a right is retarded or not fulfilled. The debtor may file a negative declaratory action before or during enforcement proceedings with the purpose of proving non-debt. As a result of the enforcement proceedings, if the creditor has received any money without any valid reason, the debtor can file lawsuit for restitution in one year.
SECTION 4: ONLINE CIVIL TRIAL	
17. Are online civil trials available to collect debts? If so, please indicate: a. Credits to be collected by telematic procedures. b. Timescales. c. Costs.	<p>a. Petitions and request to issue enforcement proceedings can be placed electronically but the enforcement proceeding is a written process.</p> <p>b. There is no specific regulation for timescales for electronically issued cases and following proceedings or in enforcement proceedings.</p> <p>c. There is no specific regulation for payments in electronically issued cases and following proceedings or in enforcement proceedings.</p>
18. Who is entitled to use the online civil trial?	Only attorneys with authorized personal electronic signatures through electronic systems approved by Ministry of Justice.
19. What kind of technical requirements are required?	PC, internet. The attorney needs a personal certified electronic signature.

SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	No.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	N/A.
22. Does the right of refusal (article 8 of the Regulation) exist?	N/A.
23. If so, how is it regulated?	N/A.
24. Is Regulation EC No. 805/2004 applied in your country?	No.
25. What is an uncontested claim in your country?	N/A.
26. Please indicate timing and costs to obtain a first order.	N/A.
27. Is Regulation EC No. 1896/2006 applied in your country?	No
28. Please indicate timing and costs to obtain an order.	N/A.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data accurate with respect to your country?	No.
30. Is Regulation EC No. 861/2007 applied in your country?	No.
31. Please indicate the timing and the costs to obtain an order.	N/A.

32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data accurate with respect to your country?	No.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	No.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	Yes. In order for the litigation process to proceed, the debtor/defendant must be notified. Without informing the debtor/defendant, preliminary examination process cannot be completed. Depending on the type of the dispute, upon notification, if the debtor/defendant is not present at the Court, the litigation process can be continued.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

SECTION 1:	GENERAL INFORMATION & FAQ
1. What are the sources of a commercial debt in your Country? What is the statute of limitation?	<p>a. Agreement: Yes.</p> <p>b. Judicial order / arbitral award: Yes.</p> <p>c. Commercial papers (cheques, bills of exchange): Yes.</p> <p>Agreement: 6 years from the date of the cause of action; 12 years if the agreement was made by way of deed.</p> <p>Judicial order / arbitral award: 6 years.</p> <p>Commercial papers (cheques, bills of exchange): 6 years from the date of the cause of action; 12 years if made by way of deed.</p>
2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?	It is possible to apply legal interests to the credit. They can be applied to commercial debts pursuant to the Late Payment of Commercial Debts Act at a rate of 8% above the Bank of England base rate (currently 0.75%) plus a fixed sum between £40 (€46) and £100 (€114) depending on the amount of the debt; interest on damages claims may also be claimed at 8%. It is possible to agree rates of interest that are higher than the legal rate. A contractual rate will be binding over the statutory rate where the sum sufficiently compensates the individual however it must not constitute a penalty rate.
3. How long will a Court action take?	Short and uncontested cases take no more than 3 months. If a claim is contested but is relatively straight forward then the claim will take between 9 to 18 months to get to trial. If the claim is contested and deals with complex issues it is more likely to take between 18 to 24 months to get to trial.
4. Can the court fee, issue fee and any other further costs be claimed?	Yes, it is also possible to claim solicitors' costs, barristers' costs and other disbursements but this depends on the value of the claim.
SECTION 2:	COURT PROCEEDINGS
5. Are there fast track/summary procedures in order to collect debts? Are there special small claims procedures in order to collect small amounts?	<p>Yes, there are designated tracks for the collection of debt. The track taken depends upon the amount owed and will determine the steps taken by the court to manage the claim, the time it takes for a trial to be heard and the recoverability of the claimant's costs. The court may also give summary (early) judgment against a debtor on the whole or part of the claim if the debtor's defence has no reasonable prospect of success and there are no other reasons as to why the case should be disposed of at trial. The court will only consider this remedy if it is able to consider the case on paper. If it needs to hear the witnesses then it will not be allowed.</p> <p>Small amounts: The usual track a debt claim would be allocated as follows: i) Small claims track for simple cases from £50 to £10,000 (€57 to €11,413);</p>

	<p>ii) Fast track for cases £10,000 to £25,000 (€11,413 to €28,533); and iii) Multi track for complex cases and all cases over £25,000 (€28,533). If a debt is for a fixed amount below £100,000 (€114,133) proceedings can be started online.</p>
6. May the creditor make a claim directly for the recovery of his credit (within limits of value) or does he need the assistance of a lawyer?	Although it is recommended that a creditor should seek legal advice before commencing a claim, the small claims Court is designed so that the claim can be issued and run without the assistance of a lawyer.
7. In the case of a foreign client, which procedures should be followed in order to certify the Power of attorney (PoA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?	A Power Of Attorney is not required to act for foreign clients. The UK has adopted The Hague Convention of 5 October 1961.
8. Indicate the main steps for judiciary recovery of debts:	<p>a. The Courts of England & Wales can deal with debt claims from within England & Wales and from elsewhere. If the court can be satisfied that England & Wales is the proper place to bring the claim, the client can attempt to enforce the judgment in England & Wales or it can apply to the court where judgment was entered for it to be certified as a European Enforcement Order (EEO). Once the judgment is certified as an EEO it can be enforced using the enforcement procedures of other Member States.</p> <p>b. Letter before action (outlining the claim) providing 14 days to respond with a concise statement of the facts on which the claimant relies and a statement confirming whether the claimant is seeking interest on the debt.</p> <p>c. Duration depends on the amount of the debt (and therefore the track taken), the complexity of the claim and whether or not the debt is disputed or undisputed. If a claim is on the fast track it will usually take at least 9 months before a trial is heard. If on the small claims track it is likely to be shorter and multi-track will be longer.</p> <p>d. If the debtor is based in England & Wales, the court will usually serve the claim itself by first class post. Other methods of service which are accepted include: i) Personal service; ii) First class post, DX or other service which provides for delivery on the next business day; and iii) Delivery of the document to or leaving it at the relevant place. Fax and email can be used if the debtor has approved this.</p>
9. Does the judicial order allow you to start enforcement proceedings?	Yes, a court judgment allows you to take steps to secure your payment.
10. May the judicial order be enforced before it has been served?	No. The debtor needs to have been given notice that there is an order against them before enforcement proceedings are commenced.

11. May the debtor challenge/appeal the judicial order?	<p>Appeals are only usually permitted where the court has erred in law or has exercised its discretion in an unusual or unreasonable way.</p> <p>If the judgment is obtained in default of a defence/response by the debtor it is possible to apply to set it aside if the debtor can show that it has reasonable prospects of successfully defending the claim.</p>
SECTION 3:	ENFORCEMENT
12. What are the different types of forced execution in your country?	There are many methods of enforcement. These include (1) insolvency proceedings; (2) charging orders; (3) attachment of earnings order and (4) taking control of goods.
13. What are the necessary actions for the execution?	<p>(1) To bring insolvency proceedings a Statutory Demand is usually required which allows 21 days for payment. If payment is not received then a bankruptcy petition or winding up petition must then be issued and a Court hearing will take place. (2) To obtain a charging order over the debtor's beneficial interest in land, the creditor needs to make an application to the Court. After the charging order is obtained the creditor would also need to apply for an order for sale to realise the funds. (3) To obtain an attachment of earnings order, the creditor would need to apply to Court. If successful, a proportion of the debtor's wages are automatically deducted and paid to the creditor. (4) This also requires an application to Court to obtain a writ/warrant of control (depending on which Court the claim is heard). This commands an enforcement officer to seize and sell the debtor's goods to pay the creditor.</p>
14. Indicate the duration of the different types of execution.	The various forms of enforcement can range from 1 month to many years.
15. Indicate the costs of the different types of execution.	<p>Court fees will vary from £66 (€75) to £110 (€125) or a proportion of the debt. Legal fees on top of this will range from £500-£1,000 (€570-€1,139)</p> <p>For insolvency proceedings Court fees are £280 (€318) plus official receiver/liquidator fees and disbursements. Legal fees will range from £500 (€569) -£2,500 (€2,843) It is recommended that a creditor seek legal advice on their specific case.</p>
16. Can the debtor propose opposition to enforcement?	Yes, a debtor is able to oppose enforcement, however the scope available to them varies between the various methods of enforcement.
SECTION 4:	ONLINE CIVIL TRIAL
17. Are online civil trials available to collect debts? If so, please indicate:	<p>a. No.</p> <p>a. Credits to be collected by telematic procedures.</p>

b. Timescales.	b. No.
c. Costs.	c. No.
18. Who is entitled to use the online civil trial?	N/A.
19. What kind of technical requirements are required?	N/A.
SECTION 5: EC REGULATIONS ON DEBT COLLECTION	
20. Is Regulation EC No. 1393/2007 applied in your country?	Yes.
21. Please indicate terms and costs for the notification of foreign acts or of a judicial order in your country.	The procedure and costs for the enforcement of foreign judgments in England & Wales is by first applying to the High Court of England & Wales to register the foreign judgment in accordance with CPR 23. You need to submit, along with your application notice: i) An authenticated copy of the judgment; ii) A certificate set out in the form of annex V to the Brussels Regulation, produced by the court or competent authority of the Member State where judgment was given; iii) A translation of the judgment in English, if necessary, certified by a notary or accompanied by written evidence confirming that the translation is accurate. If you want to recover interest under the foreign judgment, then you also need to submit a written statement confirming: i) The amount of interest that has accrued up to the date of the application; ii) The rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.
22. Does the right of refusal (article 8 of the Regulation) exist?	If the judgment debtor wants to appeal the registration order, then he must file an appeal with the Court within 1 month of being served with the registration order, or, if he does not live in England, within 2 months of being served with registration order.
23. If so, how is it regulated?	CPR 74.6 governs the registration order process. An appeal by the judgment debtor is governed by CPR 52.
24. Is Regulation EC No. 805/2004 applied in your country?	Yes.
25. What is an uncontested claim in your country?	An uncontested claim in England can be one in which the Defendant admits the claim; fails to file a defence or where a consent order has been drawn up and signed by both parties whereby the debtor agrees to pay the creditor.
26. Please indicate timing and costs to obtain a first order.	Timing: Minimum 2-3 months. Costs: If the application is uncontested then TLT's fees are likely to be in the region of £500 (€580). If it is contested then the cost will depend on the complexity of the issued raised.

27. Is Regulation EC No. 1896/2006 applied in your country?	Yes.
28. Please indicate timing and costs to obtain an order.	Timing: Minimum 2-3 months. Costs: If the application is uncontested then TLT's fees are likely to be in the region of £750 (€865). If it is contested then the cost will depend on the complexity of the issued raised.
29. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 1896/2006? If so, is the statistical data correct with respect to your country?	Yes, however no statistical data was provided in relation to England and Wales.
30. Is Regulation EC No. 861/2007 applied in your country?	Yes
31. Please indicate the timing and the costs to obtain an order.	European Small Claims are claims for less than €2,000. Such applications will be treated in England & Wales in the same way as claims that are being heard on the small claims track. Costs of starting the claim would be £95 (€108). If the Small Claim has to go all the way to trial, then TLT's fees are likely to be in the region of £5,000-15,000 (€5,707-17,122) and are generally not recoverable from the other side.
32. Are you familiar with the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Regulation EC No. 861/2017? If so, is the statistical data correct with respect to your country?	No statistical data is provided in relation to England and Wales in this report.
33. Is Regulation EC No. 1215/2012 applied in your country? If no, can a foreign executive title be recognized and/or enforced in your country?	Yes.
34. Is the provisional enforcement of a foreign judgment or title possible in your country? If yes, can such foreign judgment or title be enforced without the opportunity for the debtor to be heard?	A foreign judgment must be registered in England & Wales before it can be enforced.
35. Do you have any experience on the use of the European Account Preservation Order of the Regulation EC No. 655/2014?	No.

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