European payment order

Latvija

1 Existence of an order for payment procedure

In Latvia the uncontested enforcement of obligations is possible (Articles 400-406, Chapter 50 of the Law on civil procedure (*Civilprocesa likums*), as is the enforcement of obligations on court notice (Articles 406.1-406.10 of Chapter 50.1 of the same law).

1.1 Scope of procedure

1.1.1 What types of claims are eligible (e.g. only pecuniary claims, only contractual claims etc.)?

The uncontested enforcement of obligations is permitted:
(1) under agreements regarding obligations which are secured with a publicly registered mortgage or a commercial pledge;
(2) under notarised term agreements or term agreements of equivalent legal effect regarding money payments or the return of movable property;
(3) under term property lease or rental agreements that are notarised or entered in the Land Register according to which the lessee or tenant is under the obligation, owing to expiry of the term or failure to pay the lease or rent, to vacate the leased or rented property and under the obligation to pay the lease or rental payments;
(4) for protested promissory notes that do not take the form of a notarial deed.
The obligations indicated cannot be performed under uncontested enforcement if:
(1) enforcement concerns State or local authority property;
(2) the obligation has lapsed over time, where the end of the time period is indisputably apparent from the act itself.
The enforcement of obligations on court notice is permitted for payment obligations which are substantiated by a document and for which the term for enforcement is due, as well as payment obligations regarding the payment of such compensation provided for in a contract regarding the supply of goods, purchase of goods or provision of services if such obligations are substantiated by a document and for which the time period for enforcement has not been specified.
The enforcement of obligations on court notice is not permitted:
(1) for payments related to unfulfilled considerations;
(2) if the declared place of residence or the place of residence of the debtor is not known;
(3) if the declared place of residence, the place of residence, the whereabouts or the registered office of the debtor is not in Latvia;
(4) if the requested penalty exceeds the amount of the principal debt;
(5) if the interest requested exceeds the amount of the principal debt;
(6) for payment obligations where the amount of the debt exceeds EUR 15 000;
(7) for joint payment obligations.

1.1.2 Is there an upper limit regarding the value of the claim?

The enforcement of obligations on court notice is not permitted for payment obligations where the amount of debt exceeds EUR 15 000.

1.1.3 Is the use of that procedure optional or obligatory?

The use of the procedures is not obligatory.

1.1.4 Is the procedure available if the defendant lives in another Member State or in a third country?

The enforcement of obligations on court notice is not permitted if the declared place of residence, the place of residence, the whereabouts or the registered office of the debtor is not in Latvia.

1.2 Competent court

Applications for the uncontested enforcement of obligations are to be made to the land registry office of the district/city court:
(1) of the declared place of residence of the debtor or, failing that, the debtor's *de facto* place of residence, where the application concerns monetary payments, the return of movable property or obligations under contracts which are secured by a commercial pledge;
(2) of the location of the immovable property, where the application for the uncontested enforcement of obligations concerns documents pledging immovable property or an obligation to vacate or return leased or rented immovable property. If an obligation is secured against several immovable properties, and the applications would fall within the jurisdiction of the land registry offices of multiple district or city courts, the application is to be adjudicated by the land registry office of the district or city court of the place where one immovable property is situated, at the choice of the applicant;
(3) of the place of registration of the ship mortgage, if the application is based on a mortgage obligation for the vessel.
An application for the enforcement of obligations on court notice must be submitted to the land registry office of the district or city court of the declared place of residence of the debtor, or failing that the debtor's *de facto* place of residence or registered office

1.3 Formal requirements

1.3.1 Is the use of a standardised form obligatory? (if yes, where can that form be obtained?)

Applications for the enforcement of obligations on court notice may only be submitted electronically, using the online form available in the online courts system (e-case portal (*e-lietas portāls*)).
The debtor may reply using the online form available in the online system or draw up their reply in accordance with Annex 3 to Cabinet Regulation No 792 of 21 July 2009 on the forms to be used in the enforcement of obligations on court notice. The form is available here.
No form has been drawn up for applications for uncontested enforcement of obligations, which must be made pursuant to Article 404 of the Law on civil procedure.

1.3.2 Is representation by a lawyer required?

No, it is not mandatory. The general rules on representation are laid down in Chapter 12 of the Law on civil procedure on 'Representatives'.

1.3.3 In how much detail do I have to describe the reason for the claim?

Applications do not have to be substantiated in detail.

An application for the uncontested enforcement of obligations must indicate the obligation, and the legal act from which it derives, of which the creditor is seeking enforcement through the uncontested procedure, specifying the principal debt, contractual penalty and interest, and, for promissory notes, also the expenses related to the protest and the compensation laid down by law. Applications for the uncontested procedure are to include the enforceable act and a copy thereof, and for promissory notes, also the notarial protest, as well as proof of the notice served on the debtor, unless it follows from the law that no such notice is required.

Applications for the enforcement of obligations on court notice are submitted by completing the online form available in the online courts system (e-case portal), in which information is given on the applicant and the debtor, the payment obligation, information identifying the documents substantiating the obligation and the time limits for enforcement of the obligation, the amount sought and how it is calculated, as well as a statement by the applicant that the claim does not depend on the performance of any counter-party now or in the past.

1.3.4 Is it necessary to present written evidence of the claim at issue? If yes, which documents are admissible as proof?

An application for undisputed enforcement of obligations must be accompanied by the document to be enforced and a true copy thereof, or in the case of a promissory note the protest notification, and proof that notice has been given to the debtor, unless it follows from the law that no such notice is required (the evidence that notice has been given may be a statement drawn up by a certified bailiff or their assistant declaring that the addressee has refused to accept such notice).

For the enforcement of obligations on court notice, no written evidence of the claim needs to be submitted, but the application must identify the documents substantiating the obligation and the time limit for performance of the obligation. If the debtor contests the validity of the payment obligation within 14 days of receipt of the notice sent by the court, the court proceedings for the enforcement of obligations on court notice are terminated. The decision to terminate the proceedings for the enforcement of obligations on court notice upon objection by the debtor does not prevent an action from being brought under the ordinary court procedure.

1.4 Rejection of application

For the undisputed enforcement of obligations, – a judge, sitting alone, takes a decision within seven days of the day the application is submitted, on the basis of the application and the documents attached to it, without giving prior notice to the applicant and the debtor. The judge will dismiss the application if it is unfounded, or the penalty indicated in the application is disproportionate to the principal debt, or the document to be enforced contains unfair contractual provisions that violate consumer rights.

In the case of the enforcement of obligations on court notice, if the court accepts the application but within 14 days of receiving the notice sent by the court the debtor submits a statement of opposition contesting the validity of the payment obligation, the judge will terminate the proceedings on the enforcement of obligations on court notice.

1.5 Appeal

A judge’s decision on an application for undisputed enforcement of obligations or enforcement of obligations on court notice is not subject to appeal.

Where the debtor holds that the applicant’s claim is, on the merits, unfounded, they may file an application against the creditor to dispute the claim within three months from the date that the ruling is sent. When the debtor brings such an action, they may request a stay of the enforcement of obligations; if the creditor has already received satisfaction through the enforcement process, the debtor may apply to have their claim secured.

1.6 Statement of opposition

On an application for undisputed enforcement of obligations, a judge takes a decision sitting alone, and the debtor’s opinion is not taken into account.

On an application for enforcement of obligations on court notice, a judge gives notice to the debtor proposing that the debtor pay the amount indicated in the application or submit a statement of opposition to the court within 14 days of the notice being sent.

1.7 Effect of statement of opposition

Enforcement of obligations on court notice – if the debtor contests the validity of the payment obligation within 14 days of the notice being sent, the court proceedings for the enforcement of obligations on court notice are terminated. If the debtor accepts part of the application, the applicant will be notified of the debtor’s answer and a time limit laid down within which the applicant is to notify the court whether the portion of the obligation whose enforcement is accepted has been surrendered. If the debtor accepts part of the application, the judge adopts a ruling on the enforced performance of the accepted part, but the court proceedings for the remainder will be terminated.

1.8 Effect of lack of statement of opposition

On an application for the enforcement of obligations on court notice, if the debtor fails to submit a statement of opposition within the time specified in the notice, the judge will take a decision, within seven days from the date of expiry of the time allowed for a statement of opposition, ordering the enforcement of the payment obligation specified in the application and the recovery of court costs.

1.8.1 What needs to be done in order to obtain an enforceable decision?

Enforcement of obligations on court notice: the judge’s decision on the enforcement of the payment obligation indicated in the application takes effect at once; it is an enforceable document that may be enforced in accordance with the rules on the enforcement of judgments.

Undisputed enforcement of obligations: the judge, having examined the validity of the application and having found that it should be accepted, takes a decision determining which obligation is to be enforced and how far. The judge’s decision takes effect at once; it is an enforceable document that can be enforced in accordance with the rules on the enforcement of judgments. The judge’s decision is lodged for enforcement together with a true copy of the document being enforced.

1.8.2 Is this decision final or is there still a possibility for the defendant to appeal against that decision?

A judge’s decision on an application for undisputed enforcement of obligations or for enforcement of obligations on court notice is not subject to appeal; however, if the debtor is of the opinion that the applicant’s claim is, on the merits, unfounded, they may bring an action against the creditor to dispute the claim (in the case of undisputed enforcement of obligations, within six months from the date when the true copy of the judge’s decision is sent, and in the case of enforcement of obligations on court notice, within three months from the date when the true copy of the decision is sent). When the debtor brings such an action, they may request a stay of the enforcement of obligations; if the creditor has already received satisfaction, the debtor may apply to have their claim secured.

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