

Úvodní stránka>Soudní řízení>**Soudní dražby**

### Soudní dražby

Soudní dražba (nedobrovolná veřejná dražba) je řízení, v jehož rámci se veřejně draží dlužníkův majetek s cílem získat dostatečnou částku k uspokojení věřitelovy pohledávky. Soudní dražbu může pořádat soudce nebo osoba jím pověřená, nebo příslušný orgán či jiný veřejnoprávní nebo soukromý subjekt (oprávněný v souladu s právními předpisy jednotlivých zemí).

#### Soudní dražby – definice

##### Glosář pojmů v oblasti soudních dražeb

##### Seznam zemí EU, ve kterých již probíhají soudní dražby on line

#### Definice

Soudní dražbě obvykle předchází zabavení, jehož prostřednictvím věřitel nebo příslušný orgán určí a zajistí majetek vhodný k uspokojení pohledávky. Zajistit lze nemovitý či movitý majetek, jakož i pohledávky, které dlužník má za třetími osobami. V případě pohledávek však vykonávací řízení nekončí prodejem, ale přechodem dlužníkovy pohledávky na jeho věřitele.

V zemích EU existuje několik typů soudních dražeb a příslušnou právní úpravu stanovují vnitrostátní právní předpisy. V některých zemích EU může soudní dražba probíhat přes internet, a účastníci dražby se tak nemusí osobně dostavit před soudce či soud nebo jiné veřejnoprávní či soukromé subjekty.

Soudní dražbu zpravidla řídí soudce, který může prodejem pověřit třetí stranu (nezávislého odborníka nebo společnost s oprávněním k výkonu této činnosti), nebo ji mohou rovněž zcela zajišťovat jiné subjekty (např. soudní exekutor nebo jiný donucovací orgán). Obvykle jí předchází náležitě zveřejnění.

**Informace budou na stránky jednotlivých států teprve dodány. Pokud je vlajka příslušného státu (na stránce vpravo) zobrazena šedě, informace ještě nejsou k dispozici.**

##### Glosář pojmů v oblasti soudních dražeb

**Dražební jistota** – před zahájením soudní dražby musí každý účastník dražby složit určitou zálohu. Účastník dražby získá svou zálohu na konci dražby zpět, pokud draženou věc nevydražil.

**Dražební vyhláška** – před prodejem zabaveného majetku v rámci soudní dražby musí soudce nebo jím pověřená osoba nebo příslušný orgán zveřejnit dražební vyhlášku (uvádějící, jak a kdy bude dražba uskutečněna). Soudní dražby se zpravidla zveřejňují na internetu, ale často též v tisku.

**Dražebník** – fyzická či právnická osoba odpovědná za informování zájemců o koupi daného majetku, zveřejnění dražební vyhlášky, vedení samotné dražby atd.

**Možnost prohlídky předmětu dražby** – možnost potenciálních kupců prohlédnout si danou věc a seznámit se s jejím stavem (prostřednictvím fotografií či osobně).

**Nové podání (nabídka)** – nová nabídka ceny převyšující o příhoz předchozí podání, učiněná při soudní dražbě fyzickou či právnickou osobou za účelem vydražení.

**Odhadce ceny zabaveného majetku** – znalec (v příslušném oboru), jehož služeb se zpravidla využívá k odhadu ceny majetku. Tento znalec musí určit reálnou tržní cenu daného majetku s ohledem na jeho stav a celkovou situaci na daném trhu.

**Podání nabídky ceny učiněné účastníky dražby v průběhu dražby** – přihazování nabídek na vydražení určité věci v průběhu soudní dražby.

**Přechod** – úkon, při němž vlastnictví prodáváného majetku přechází z dlužníka na vydražitele.

**Příklep** – prodáváný majetek připadá osobě, která na konci soudní dražby učinila nejvyšší podání.

**Vyvolávací cena** – hodnota dlužníkovy zabaveného majetku (nemovitosti či osobního majetku), který byl obstaven věřitelem nebo příslušným orgánem.

**Zabavený majetek** – dlužníkův majetek (nemovitě či movitě věci), který věřitel nebo příslušný orgán zajistí v případě, že dlužník nehodlá dobrovolně splatit svůj dluh. Pro účely zajištění majetku musí věřitel nebo příslušný orgán zaslat dlužníkovi příkaz k obstavení. V tomto dokumentu věřitel nebo příslušný orgán určí majetek, jenž může být použit ke splacení dluhu.

##### Seznam zemí EU, ve kterých již probíhají soudní dražby on line

Estonsko

Finsko

Chorvatsko

Itálie

Lotyšsko (pouze vykonávací řízení týkající se nemovitého majetku)

Maďarsko

Německo (ve spolupráci s Rakouskem)

Nizozemsko (pouze vykonávací řízení týkající se nemovitého majetku)

Portugalsko

Rakousko (ve spolupráci s Německem)


Španělsko

Poslední aktualizace: 18/01/2019

Tyto stránky spravuje Evropská komise. Informace na této stránce nemusí nezbytně vyjadřovat oficiální stanovisko Evropské komise. Komise neodpovídá ani neručí za informace nebo údaje, které tento dokument obsahuje či na které odkazuje. Pokud jde o předpisy v oblasti autorských práv pro webové stránky EU, viz právní upozornění.

### Judicial auctions - Estonia

#### 1. Publicising and pricing regarding the sale of seized assets

Seized assets are sold by a  bailiff. Seized assets need not be sold at an auction if the debtor and the claimant reach an agreement on the satisfaction of the claim, i.e. if it is agreed that the claim being enforced in the enforcement proceedings can be satisfied in another way. Such agreements must be made with all the claimants. The agreements must be notified to the bailiff; otherwise the bailiff will continue with the usual procedural acts.

If applications for enforcement of a debt have been filed by different creditors with different bailiffs and the debtor's immovable property has already been seized by one of the bailiffs, another bailiff who has commenced enforcement proceedings cannot seize the registered immovable property of the debtor until the property is released by the first bailiff.

The value and starting price of auctioned assets are determined by an expert.

Online auctions are held in the special online [e-auction environment](#). An announcement of an auction is published at least ten days prior to the auction in the official publication [Ametlikud Teadaanded](#) and on the internet. A bailiff may also publish an announcement in a newspaper which is on sale in the area of the auction. At the request of the claimant or debtor, the bailiff will publish the announcement in other publications at the expense of the claimant or the debtor.

Interested persons have the right to examine the assets at auction from the publication of the announcement until the start of the auction. Interested persons also have the right to examine applications submitted regarding the assets to be auctioned and certificates concerning the assets, including valuation reports. Where assets are sold in enforcement proceedings, neither the bailiff nor the debtor is liable for any defects in the assets sold. This does not preclude possible liability of the bailiff or debtor for damage caused unlawfully. The bailiff determines the time when the assets can be examined. If the assets are in the possession of the debtor, the debtor has the right to demand that examination take place within the period of time set for enforcement acts. The bailiff has to take the interests of the owner into consideration.

If several persons are interested in assets to be auctioned, all of them may participate in the bidding on the condition of having been duly registered for the auction. Bidding begins at the starting price and participants can make bids in accordance with the bidding increment and during the time set for the auction. If a new bid is made during the extension interval before the end of the auction, the end of the auction is extended by the extension interval and the auction will last for as long as bids are made. The extension interval is from 1 to 60 minutes. At an online auction, the highest bid made in the auction environment by the end of the auction is declared to be the best bid. The best bid will be announced in the auction environment on the working day following the date of the auction.

A bailiff may set a deposit for auction participants of up to ten per cent of the starting price. If a deposit has been set, a person who wishes to participate in the auction is required to pay the deposit. The deposit can be paid electronically, i.e. via internet banking, to the bank account specified by the bailiff, or in the auction environment via a payment service provider. At oral auctions, deposits not exceeding EUR 640 may be paid in cash.

## **2. Third parties that may conduct the sales operation**

Movable and immovable assets seized in enforcement or bankruptcy proceedings are sold by bailiffs. Simplified auctions are conducted by persons authorised by the [Chamber of Bailiffs and Trustees in Bankruptcy](#).

## **3. Auction types for which the rules might not fully apply**

There are no auction types in Estonian enforcement and bankruptcy proceedings to which the above rules apply only in part. However, certain differences in the terms and conditions for conducting auctions may arise from specific acts of law.

## **4. Information on national registers of assets**

Estonia has the following registers:

The [e-Land Register](#) is an electronic service that enables quick and convenient verification of the general data, area and owners of, restrictions applicable to, and mortgages established on registered immovable properties. Using the service requires the user to be identified. Detailed data entered in the different parts of the Land Register can be accessed for the fee indicated in the price list.

The [Register of Buildings](#) is a public electronic register the purpose of which is to gather, store and publish information on buildings under construction or in use.

The [Traffic Register](#) provides information on vehicles and trailers. The Traffic Register is a public electronic database, but access to some of the data contained therein (for example, information on the owners of vehicles) is restricted.

The [Register of Securities](#) is the electronic service environment of the Estonian Central Register of Securities, which is intended for both companies and private individuals and in which searches can be performed and information can be promptly obtained on the securities and securities accounts entered in the register within certain agreed limits. Using the service requires the user to be identified.

The [e-Business Register](#) contains data concerning all legal persons registered in Estonia. In addition to companies, non-profit associations and foundations, it is also possible to access data concerning state and local government authorities, legal persons in public law and constitutional institutions. Anyone who logs in using their ID card can view the data concerning themselves free of charge.

The [Marital Property Register](#) contains data on the type of proprietary relations chosen and the marital property agreements signed by spouses. Information entered in the Marital Property Register is public and accessible to everyone free of charge via an e-service.

The [Ship Register](#) is an electronic register that contains information on registered ships and ships under construction, as well as related real rights. The data entered in the Ship Register are public and have legal force. The data are accessible to everyone free of charge.

The [Aircraft Register](#) is intended for collecting and processing data required for aircraft to be registered and identified.

The [Credit Register](#) is Creditinfo's official register and the only register in Estonia that contains consistent and high-quality information on defaulted payments. It was set up in 2001 by the Estonian banks. Searches can be performed in the register for a fee.

Searches can be performed in the public e-registers of [patents and trade marks](#) free of charge.

## **5. Information on databases for creditors to identify debtors' assets or claims**

Most of the information in the national registers listed above is either wholly or partly public. Performing a search may require the person to be identified using an ID card, mobile ID, or through a bank. A fee may apply to certain searches.

Bailiffs and trustees in bankruptcy need to apply for authorisation to obtain electronic access to the data they require in various registers.

## **6. Information on online judicial sales**

At auctions conducted in enforcement proceedings, the immovable and movable assets seized are sold in accordance with the law. Online auctions can be viewed and are accessible in the special [e-auction environment](#). The public auction environment is managed by the [Chamber of Bailiffs and Trustees in Bankruptcy](#).

An announcement of a public auction is published at least ten days prior to the auction in the official publication [Ametlikud Teadaanded](#) and on the internet. A bailiff may also publish an announcement in a newspaper which is on sale in the area of the auction. At the request of the claimant or debtor, the bailiff will publish the announcement in other publications at the expense of the claimant or the debtor.

A person who wishes to participate in a particular auction has to register for the auction in accordance with the rules and by the due date specified in the auction announcement, and pay the deposit if this is a condition of participating in the auction and if the person is not exempt by law from paying the deposit. Bids can be made by participants registered for the auction who have the necessary legal capacity and whose right to participate in the auction is not legally or otherwise restricted. An application to participate in a public auction has to be signed either digitally or by hand. The application to participate can be submitted by emailing it to the bailiff at the address specified in the auction announcement or by uploading it in the auction environment. The application to participate need not be encrypted, but the specific procedure for registration is determined by the bailiff. In the case of an oral auction, the envelope must be sealed. To make a bid in the online auction environment, a participant has to log in using an ID card, mobile ID, or a username and password.

The required payments (deposit, costs, purchase price, etc.) can be made electronically via internet banking, to the bank account specified by the bailiff, or in the auction environment via a payment service provider.

A bidder has to be registered for the auction by the start of the auction. All bidders are informed of the start of the auction. A notice concerning the start of the auction is sent to the bidders by email. The public can observe the progress of the auction in the public auction environment. Bids can be made within a specific time limit (the eBay model). User support (in Estonian, Russian and English) is available to participants in an auction. The anonymity of bidders participating in an auction is ensured until the end of the auction.

Public auctions organised between Member States would encourage relations between the people and companies of EU Member States, make auctions more transparent and attract a higher number of participants. Such auctions might also reduce the time required to sell assets.

Last update: 14/05/2019

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Na překladu do jazyka, ve kterém se vám stránka právě zobrazuje, zatím pracujeme.

K dispozici jsou již tyto aktualizované překlady

## Judicial auctions - Greece

### 1. Publicity and determination of price for the sale of seized assets

Seizure occurs when the bailiff removes movable property (Article 954 Code of Civil Procedure) or seizes immovable property in the ownership of the debtor or a right in rem of the debtor against immovable property (Article 992 Code of Civil Procedure) and a report is drawn up in the presence of an adult witness. The seized property is valued by the bailiff or by an expert hired by the bailiff, at his or her discretion, for that purpose. In the case of immovable property, an independent expert must determine its market value.

The seizure report must contain: (a) an precise description of the movable property seized so that no doubts arise concerning its identity; (b) mention of the assessment of the seized property by the bailiff or the expert; (c) a starting bid price, which must be equal to at least two-thirds of the value at which the property was assessed; (d) mention of the enforceable title on which enforcement is based, the order served on the debtor and the amount for which property has been seized; (e) mention of the auction date, which must be seven (7) months from the date of completion of the seizure but no later than eight (8) months from that date, the place of the auction as well as the name of the auctioneer.

An extract from the seizure report, including the full names of the party seeking enforcement and the party against whom enforcement is sought, a short description of the seized assets, the starting bid price, the name and exact address of the auctioneer, as well as the place, date and time of the auction, must be published ten (10) days after the seizure on the auction publication website of the Bulletin for Judicial Publications Lawyers' Insurance Sector of the National Self-Employed Persons' Fund.

The auction may not take place unless the above formalities have been observed, otherwise it will be invalid.

### 2. Third parties who may carry out the sale

Seized movable property is auctioned publically in the presence of a notary of the district of the place where the seizure took place, appointed for the auction (Article 959 Code of Civil Procedure) while seized immovable property is auctioned publically in the presence of a notary of the district in which the immovable property is located, appointed for the auction (Article 998 Code of Civil Procedure).

The auction takes the form of the submission of written, sealed bids followed by successive oral bids, in accordance with Article 959(4) of the Code of Civil Procedure. At the start of the auction, all bidders must, by a declaration to the auctioneer, appoint an agent in the district of the court of first instance of the location of the auction who is authorised to accept service of all documents relating to the enforcement.

The auction takes place on a working Wednesday at the district civil court of the district where the seizure has taken place. If the seized movable property is located in the districts of several district civil courts, the auction takes place at the district civil court designated by the bailiff in the seizure report. If the auction pertains to movable property, it may take place, at the bailiff's discretion, at the district civil court either of the place of enforcement or of the place of seizure or of the place where the property is kept. If the auction pertains to immovable property, it takes place at the district civil court of the district where the property is located. If the immovable property is located in the districts of several district civil courts, the auction takes place at any district civil court, at the choice of the party seeking enforcement.

### 3. Types of auctions to which the rules may not fully apply

Seizure of special assets (Articles 1022 to 1033 of the Code of Civil Procedure):

Seizure is also possible against property rights of the party against whom enforcement is sought that may not be seized under the procedure laid down in Articles 953(1) and (2), 982 and 992 of the Code of Civil Procedure, in particular intellectual property rights, patent rights, film royalties and claims against third parties which are dependent on counter-performance, provided that the provisions of substantive law permit the transfer of those rights (Article 1022 of the Code of Civil Procedure).

If the sale by auction of the seized right has been ordered, the district civil court will appoint the auctioneer (Article 1026 of the Code of Civil Procedure) and the provisions in force concerning the auctioning of movable property will apply.

### 4. Information on the national registers of assets

There are no national registers of assets

### 5. Information on the databases which the creditor can use to locate the material assets or receivables of the debtor

There are no databases which can be used to locate the material assets or receivables of the debtor

### 6. Information on online judicial auctions

Judicial auctions are not carried out online.

Last update: 25/06/2018

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

## Judicial auctions - Spain

### 1. Advertising of the sale of seized assets and valuation

Auctions are advertised through notices published in the 'Administración de Justicia' (Administration of Justice) section of the [B.O.E.](#) (*Boletín Oficial del Estado*, Official State Gazette) portal, and on the [auctions portal](#) itself.

**Valuations** are carried out in legal proceedings established for that purpose (Article 637 of the Law on Civil Procedure — *Ley de Enjuiciamiento Civil*, LEC), through the appointment of experts. Sometimes a valuation is not necessary because the value for auction purposes has already been established, for instance in foreclosures. Nor is valuation required for voluntary auctions where the assets may be put up for sale without a minimum price or without an estimated value, or at the value proposed by the parties.

## 2. Third parties who may carry out sales operations

Under Spanish law, the sale may also **be carried out by specialist persons or entities**, whether public or private, and, when the judicial authority agrees to this, the sale or auction must comply with the rules of that entity, provided they are not incompatible with the aim of enforcement or protecting the interests of both the enforcing party and the person against whom enforcement is being carried out, under Article 641 LEC.

The first paragraph of the above provision states that the **Associations of Lawyers** (*Colegios de Procuradores*) may take on these functions, and they have set up their own [electronic auctions portal](#) for that purpose.

We can also find cases of direct sales by insolvency proceeding administrators at the liquidation stage of insolvency proceedings.

## 3. Types of auction to which the rules may not apply in full

Currently, the auctions portal advertises all auctions, both judicial and those managed by notaries, that are held in Spain, but administrative auctions (e.g. Treasury or Social Security) are not included, although there are plans to incorporate them into the portal in the future.

Also not included in the portal are sales already reported by specialised entities, those under insolvency proceedings where the court has approved another form of disposal, and enforcement proceedings in which the parties mutually agree on another form of disposal by signing a sales agreement (Article 640 LEC).

## 4. Information on national registers of assets

**Land and property:** The property registers are responsible for providing information on land and property put up for auction, such as on the owner, physical condition of the property, location and rights accruing to or constituting an encumbrance on the land and property, for example, a right of usufruct in relation to land or property.

**Movable property:** There is also a register of movable property, which includes aircraft, vessels, motor cars and other vehicles with engines, industrial machinery, business premises and capital goods, etc.

**Other registers of assets:** Information on certain assets is made public in a specific manner owing to their nature, as may be the case with intangible assets at the Spanish Patent and Trademark Office.

## 5. Information on databases in which creditors may identify the assets or rights of debtors

The property register and the register of movable property serve this purpose, as both provide us with information on the ownership of an asset and on all the asset's creditors.

It is also possible to consult the data in the [Land Registry's website](#). If the land register reference of the asset to be auctioned is published, the auctions portal generates a link which will allow the asset to be displayed via satellite, through platforms such as Google Earth.

## 6. Information on on-line judicial sales

[Auctions portal](#)

Last update: 14/05/2019

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

### Judicial auctions - France

#### 1. Advertising and setting the price of seized assets

In cases involving property seizures, the petitioning creditor is responsible for drawing up the conditions of sale. This sets the reserve price amount, which can however be contested by the debtor, with the judge being required to issue a ruling after the repossession hearing.

Generally, the professional who performs the sale sets the reserve price in sales of moveable property at public auctions, namely the starting price of the sale, with the property then being awarded to the highest and final bidder. The professional who performs the sale may call on the services of an expert to estimate the value of the property if required.

In forced sales of immovable property, the petitioning creditor may arrange optional advertising (see below, next item); in cases involving forced sales of moveable property, the professional who will perform the sale may also advertise the property on their own website or, in the case of auctioneers, on the appropriate websites of the profession: <http://www.interencheres.com/> or <http://www.drouot.com/>

In cases involving the forced sale of moveable property, advertising in the press is possible; in cases involving the forced sale of immovable property, the notice drawn up by the creditor must be published in a newspaper that publishes legal announcements, and a simplified notice must be placed in two periodical editions of local or regional newspapers. Optional advertising is also possible using any other means.

For forced sales of immovable property, the notice drawn up by the petitioning creditor must be displayed in a place that is easily accessible to the public on court premises.

For forced sales of tangible moveable property, advertising should take the form of notices displayed at the town hall of the municipality in which the debtor resides, and at the place of sale.

In cases involving the forced sale of moveable property, advertising in a prospectus or catalogue is possible.

In cases involving seizure of moveable property for sale, advertisement of the sale may include a description of the property and its estimated value.

In cases involving seizure of immovable property, the notice published and displayed at the court premises should state the immovable property seized, provide a summary description (nature, any occupation, all the details known about its surface area) and mention the reserve price.

Property for sale at public auction is presented during the sale by the auctioneer or the authorised professional organising the sale. An optional prior viewing of the property may be arranged.

Immovable property seized may be visited on the dates and at the times set by the judge (article R. 322-26 of the Civil Enforcement Procedure Code [CPCE]) and visitors will be accompanied by a bailiff.

As regards auctions and in terms of moveable property, the highest and final bidder will be awarded the property. It should be noted that auctions are not limited in time, and a property can only be awarded after counting down the three calls to the end of the auction. In cases involving seized immovable assets, the system used is one of increasing bids, where each bid must be higher than the one before; the auction is stopped after 90 seconds have expired since the last bid (this time is counted down by a visual and acoustic method that signals each passing second to the public).

For the forced sale of moveable property, no security deposit or guarantee is required. In contrast, in cases involving the forced sale of immoveable property, anyone interested in participating in the auction must issue their lawyer with a non-returnable bank security or a bank cheque payable to the receiver or the Deposits and Consignments Fund (Caisse des Dépôts et Consignations) representing 10 % of the amount of the reserve price (this amount may not be less than EUR 3 000). This sum is returned to the bidder at the end of the auction if they are not declared the successful bidder.

## 2. Third parties authorised to carry out the sale

Auctioneers, notaries, sworn commodities brokers and bailiffs are the only professionals authorised to organise public judicial auctions of moveable property (in particular seized moveable property).

## 3. Types of judicial auction to which the rules may only partially apply

In cases involving moveable property, voluntary sales at public auctions can occur and are subject to much more flexible rules than judicial auctions. Articles L. 321-1 et seq. and R. 321-1 et seq. of the Commercial Code apply. Voluntary sales fall outside the framework of forced execution procedures, which are judicial.

## 4. Information on the national property registers

In cases involving immoveable property, the land register, which is an administrative and fiscal document, can provide information for the creditor on the immoveable property held by the debtor within a municipality and what it comprises (real estate already built or under construction, the volume of plots and the nature of each site). In addition, the land advertising services (administrative services of the General Directorate of Public Finances [Direction Générale des Finances Publiques]) maintain a property file for each municipality that lists extracts of the documents published under the name of each owner and for each property, and presents the legal status of each property.

In respect of moveable property, the SIV (Système d'Immatriculation des Véhicules [vehicle registration system]) provides information on the civil status of the holders of registration certificates for motor vehicles and two-wheeled vehicles, and the registration number and characteristics of the vehicle. There are national files for the compulsory registration of ships (decrees currently being drawn up), boats (digitised register maintained by the Ministry for Transport) and aircraft (register maintained by the ministry in charge of civil aviation). Intellectual property rights are listed in a national file which can be accessed directly by creditors and is maintained by the National Institute of Intellectual Property (Institut national de la propriété intellectuelle, INPI). The titles of films intended for public showings in France are listed in the public cinema and audiovisual register, which is administered by a tax administration official, and the titles of literary works with the option to purchase adaptation rights are compiled in a register of options.

In terms of immoveable property, the land register is maintained by each municipality and includes several series of documents (cadastral map, subdivision listing, land tax register), of which only the cadastral map is maintained online. The property file is stored by the land advertising services, which are based locally, under the responsibility of each Regional Court (Tribunal de grand instance). There is no national file.

For motor vehicles, each prefecture has one register, but the SIV maintains a national data file.

For boats, the computerised register is maintained by the Ministry for Transport; for ships, there are six different registers that are also maintained by the Ministry for Transport.

For aircraft, the register maintained by the ministry in charge of civil aviation can be accessed online for information purposes.

Information on the various intellectual property rights is maintained centrally by a single body, the National Institute for Industrial Property (INPI), which provides access to various documentary records through its website.

Some, but not all, land register services can be accessed [on line](#). Only the cadastral map can be viewed, but not the land tax register which provides information on property owners, in a similar way to the SIV, the French international register of French-registered ships, and the INPI registers.

Generally, most of the publicly available registers are subject to the provisions of the Code on Relations between the Public and the Authorities, which stipulates that access to administrative documents should be free of charge when viewed at their location, or charged for at a cost equivalent to the cost of copying them if a copy is provided, or free of charge when sent by email if the document is available in digital format.

## 5. Information on the databases that enable creditors to identify assets and a debtor's debt obligations

Article L.152-1 of the CPCE allows bailiffs to obtain information identifying the debtor's address, the identity and address of their employer or of any third-party debtor or custodian of liquid or payable sums and the composition of their real-estate assets from State, regional, departmental and municipal administrations and public institutions or bodies controlled by the administrative authority.

Bailiffs can request information directly from FICOBA (the national database of bank accounts, managed by the tax authorities and with entries provided by the banks) to obtain information on the possible existence of bank accounts in the name of the debtor, and where these accounts are held.

They may also request information from health and unemployment insurance funds.

Under article L. 152-2 of the CPCE, the banks are required to inform the bailiff mandated by the creditor if one or more accounts are open in the name of the debtor and the locations of these accounts, but not to provide any other information.

The SIV, which the bailiff mandated by the creditor may access, provides information on the civil status of the holder of registration certificates for motor vehicles and two-wheeled vehicles, the registration number and the vehicle's characteristics.

The creditor may not access these databases directly, but can do so through the bailiff mandated to perform the forced execution.

## 6. Information about online judicial auctions

There are two types of online auction in France for the auctioning of moveable property:

- '**Live auctions**', which are partially computerised: the sale physically takes place at a given location and is broadcast live online on the website of the professional person or body performing the sale, or on one of the appropriate websites available to professional auctioneers (<http://www.interencheres.com/> or <https://www.drouotlive.com/>) **These judicial auctions are permitted** as there is nothing to prevent them. They are becoming increasingly common.

- '**Online auctions**', which are entirely computerised: the sale takes place solely online, without a physical presence at a given location. **These sales are not permitted in judicial cases under the current law** (although they are in voluntary cases) owing to technical judicial obstacles.

(Partially) computerised auctions are only possible for moveable property.

The professionals who perform the sales may advertise them outside France, and bids may be submitted from any bidder irrespective of their location or nationality and whether the sale is live or not (there are also remote auction procedures such as bids sent in writing or by telephone).

In order to take part in a computerised auction, the person (potential bidder) is not required to provide their signature, but the professional in charge of the sale may require credit card details. The professional in charge of the sale takes registrations, which can in principle be conveyed by any means, the most common being through the website on which the auction will be broadcast. Written bids are possible on any medium.

The professional in charge of the sale determines the accepted means of payment.

Remote bidders are not required to attend in person (but they may do so if they wish). They can follow the auction live and bid in real time. They may also register one or more bids before the sale. In such cases the bids will increase progressively, taking the proposed bid into account from the beginning. A telephone link is also generally available during the auction.

Translation depends on the professional in charge of the sale and their assistants as there are no specific provisions in this regard.



Given the configurations of auction websites, only people who have registered for the online auction may access the sale through the website in question. However, the sale is open to the public at its physical location.

Last update: 16/03/2018

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Upozorňujeme, že výchozí verze této stránky byla v nedávné době aktualizována. Na překladu do jazyka, ve kterém se vám stránka právě zobrazuje, zatím pracujeme.

## Judicial auctions - Croatia

### 1. Announcing and determining the prices for the sale of seized assets

Judicial auctions are used for the sale of movable property and real estate in accordance with the provisions of the Enforcement Act (*Ovršni zakon*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 112/12, 25/13, 93/14 and 55/16, hereinafter: the EA). A system of sales of movable property and real estate by on-line judicial auctions in Croatia entered into force on 1 January 2015 for proceedings initiated after that date.

#### Real estate

Enforcement against real estate is carried out by entering a record of enforcement in the land register, establishing the value of real estate, selling the property in question and settling the claim of enforcement creditor(s) from the proceeds of such sale.

The value of real estate is determined by discretionary court conclusion, based on a reasoned finding and opinion of an authorised expert witness or appraiser; in establishing the real estate value, certain rights and encumbrances on the property which do not cease even after the sale, diminishing its value, will also be taken into account.

On completion of the property valuation procedure, the court will issue a conclusion on its sale establishing the property value and the manner and conditions of its sale.

Article 92(2) and (3) of the EA provides that the parties may determine the property value by judicial or extra-judicial agreement, forming the basis for a lien or other relevant property right established to secure the claim for which settlement is sought.

Real estate is sold by on-line judicial auctions carried out by the Financial Agency (*Financijska agencija*; hereinafter: FINA) at the request of a competent authority. The request for sale and other documents in the procedure of real estate sale are submitted to the regional centres of FINA having territorial jurisdiction according to the location and jurisdiction of the enforcement court.

An on-line judicial auction begins with a call for participation in an on-line judicial auction.

At the first on-line judicial auction, the real estate may not be sold below four fifths of its established value. At the second on-line judicial auction, the real estate may not be sold below three fifths of its established value (Article 102(1) and (2) of the EA).

Bids are collected over a period of 10 business days. If no valid bids are collected at the first on-line judicial auction, the second auction will begin by publishing a call for participation on the first day following the completion of the first on-line judicial auction.

If no valid bids are collected at the second on-line judicial auction either, FINA will notify it to the court. In that case, the court will suspend enforcement.

The on-line judicial auction will close at the time specified in the call for participation (Article 103(1) of the EA).

After the sale of real estate is successfully completed by on-line judicial auction, on receiving notification by FINA, the court will issue a decision adjudicating the real estate. In that decision it will determine that, once the decision has become final and after the buyer has submitted the purchase price, the right of ownership to the adjudicated property is to be entered in his or her favour in the land register, and that any rights and encumbrances on the property in question which cease by its sale are to be deleted.

After the decision adjudicating the real estate to the buyer becomes final, the court will set a date for the hearing to divide the purchase price.

#### Movable property

Enforcement against movable property is carried out by foreclosure, appraisal, seizure, dispatch of the property, entrusting it to the care of the court, enforcement creditor or a third party, its sale and settling the claim of the enforcement creditor from the proceeds of such sale.

Movable property is sold by oral judicial auction or by direct dealing. The manner of sale is determined by conclusion of the court, taking account that the movable property is sold to the highest bidder.

The sale of movable property is announced in due time on the court bulletin board, but it may also be announced in the same manner provided for the sale of real estate.

The place, date and hour of sale is notified to the enforcement creditor and the enforcement debtor.

At the proposal of the enforcement creditor, the sale of movable property may also be done by an on-line judicial auction, to which the provisions of the EA relating to the on-line judicial auction of real estate (Article 149(7) of the EA) will be applied *mutatis mutandis*.

At the auction, the movable property may not be sold below one half of its estimated value. It may not be sold below that price even in the time period determined by the court for the sale by direct dealing.

If the movable property cannot be sold via the auction or by direct dealing, the enforcement will be stayed.

On successful completion of the movable property sale, the buyer is required to submit the purchase price and take charge of the movable property as soon as the auction or the sale by direct dealing is concluded. If the buyer fails to submit the purchase price, the auction will be deemed to have failed.

The sale of movable property seized in the enforcement proceedings may be entrusted to a certified commission agent. The activities of a certified commission agent are organised and implemented by the Croatian Chamber of the Economy.

Movable property auctions at the commission agent's are conducted by the notary public.

After the movable property is sold, the commission agent will hand it over to the buyer against payment of the purchase price.

### 2. Third persons who can conduct the sale

#### Real estate

In Croatia, real estate sales are carried out by FINA. Along with a request for sale to be submitted on the prescribed form, the court is required to deliver to FINA the enforcement decision, the extract from the land register and the conclusion concerning the sale.

In the case of real estate sales by direct dealing, real estate is sold through a person authorised for real estate sales, an enforcement administrator, a notary public or in another manner.

#### Movable property

Oral judicial auctions of movable property are conducted by an enforcement administrator. In a conclusion, the court may entrust the conducting of the auction to a notary public (Article 149(2) of the EA). The sale of movable property seized in the enforcement proceedings may be entrusted to a certified commission agent. (Article 152(1) of the EA)

At the proposal of the enforcement creditor, the sale of movable property will be performed by an on-line judicial auction conducted by FINA.

### **3. Types of auctions which may not be fully subject to the rules**

#### **Real estate**

Real estate is sold by on-line judicial auctions. An on-line judicial auction begins with a call for participation in an on-line judicial auction (Article 97(1) of the EA).

Parties, lien creditors and the holders of personal servitudes and proprietary charges that are to cease once the real estate is sold may come to an agreement, by the time of the real estate sale at the on-line judicial auction at the latest, for the sale of the property in question to be carried out by direct dealing through a person authorised for trading in real estate, an enforcement administrator, a notary public or in another manner within a specific period of time (Article 97(6) of the EA).

In the case of a sale by direct dealing, the court will issue a decision adjudicating the real estate sold by direct dealing having established that the conditions for legal validity of the sale have been met (Article 104(1) of the EA).

The adjudication decision will be displayed on the court bulletin board and sent to all persons to whom the conclusion on sale of the real estate to the buyer is delivered (Article 104(2) of the EA).

#### **Movable property**

Movable property is sold by oral judicial auction or by direct dealing. The manner of sale is determined by conclusion of the court, taking account that the movable property is sold to the best bidder (Article 149(1) of the EA).

The sale by direct dealing is concluded by and between the buyer as one party and the enforcement administrator or a person performing commission activities as the other party. The enforcement administrator sells the movable property on behalf and for the account of the enforcement debtor, and the person performing commission activities on his or her own behalf and for the account of the enforcement debtor (Article 149(3) of the EA).

At the proposal of the enforcement creditor, the sale of movable property may also be done by an on-line judicial auction, to which the provisions of this Act relating to the on-line judicial auction of movable property (Article 149(7) of the EA) will be applied *mutatis mutandis*.

The sale of real estate and movable property that is the subject of judicial and notarial security by the transfer of ownership and the transfer of rights may be carried out in accordance with the relevant provisions relating to the sale of real estate and movable property for the purpose of enforcement.

### **4. Information on national property registers**

The following property registers are kept in Croatia:

land registry books relating to the legal status of real estate in the territory of Croatia,

register of motor vehicles,

register of ships,

register of aircraft,

register of shares and dematerialised securities,

register of judicial and notarial security instruments (register of liens),

single register of accounts,

other registry books and registers.

Registers are kept in electronic form by various state authorities and can be accessed electronically (for example, by accessing a register of legal persons kept by commercial courts).

In order to obtain data from state authorities, it is typically necessary to pay an appropriate fee, where the amount of the fee depends on each individual state authority and is determined in accordance with the Administrative Fees Act (NN No 115/16) and the Decree on the Administrative Fee Tariff (NN No 8/17). Administrative fees of up to HRK 100.00 are payable in revenue stamps, and those exceeding over HRK 100.00 can be paid by internet banking.

The list of real estate and movable property sold in enforcement proceedings is regulated by the Rules on the content and manner of keeping a register of the real estate and movable property sold in enforcement proceedings (NN Nos 115/12 and 156/14).

### **5. Information on databases allowing creditors to determine the assets or the claims of debtors**

Article 18 of the EA lays down an obligation of state authorities to provide information on the debtor at the request of a person claiming to intend initiating enforcement proceedings or security proceedings, within eight days from the day on which the request is filed.

The Ministry of the Interior is required to provide information on whether a person is entered in the record of registered and marked vehicles as the vehicle owner and on the kind, brand, type, model, year of production and registration number of the vehicle, as well as on any encumbrances on that vehicle.

The Central Depository and Clearing Company or other authorised persons keeping the accounts of registered securities or dematerialised securities, shares, bonds, treasury bills, central bank bills, commercial paper, depository receipts and other securities issued in a series are required to furnish data on whether a person in the registry book kept by it has securities registered in the accounts.

The Harbourmaster's Office is required to furnish data on whether a person in the registry book or register kept by it is entered as the owner of a ship, a yacht, a floating facility, a fixed off-shore facility, a boat or facilities under construction.

The authority responsible for cadastral records is required to provide a printout of any property sheets kept on a natural or a legal person.

The employer or the payee of permanent cash income is required to furnish data on the method of payment of salary or other permanent cash income to a person against whom the claimant intends to initiate the proceedings.

Another authority or person keeping a relevant registry book or register of any rights constituting property is required to furnish data on whether a person entered in the registry book or in the register kept by it is entered as a holder of a particular right.

At the request of the court, the person claimed by the enforcement creditor to be a debtor of the enforcement debtor or to hold some of the enforcement creditor's property in his or her possession is required, within eight days, to issue a statement on whether the enforcement debtor has a claim against him or her, and whether the person concerned holds any of the enforcement debtor's property in his or her possession.

The authorities and persons listed above are not required to act upon the request of the person requesting the data until the costs for undertaking such actions have previously been paid to them.

The person submitting a request for data is required to identify in the request the claim in respect of the enforcement or security of which that person intends to initiate the enforcement or the security proceedings, and enclose a document forming the basis of that claim.

It is not necessary to hire an attorney to submit the above request for data, and the costs depend on the state authority to which the request is submitted.

### **6. Information on on-line judicial auctions**

The procedure of real estate and movable property sales by on-line judicial auction is regulated by the provisions of the EA, as well as by implementing regulations, specifically:

the Rules on the manner and procedure for the sale of real estate and movable property in enforcement proceedings (NN No 156/14; hereinafter: the Rules of sale).

the Rules on the types and amount of fees for conducting the sale of real estate and movable property in enforcement proceedings (NN No 156/14), the Rules on the content and manner of keeping a register of the real estate and movable property sold in enforcement proceedings (NN Nos 115/12 and 156/14).

An on-line judicial auction begins with a call for participation in an on-line judicial auction.

The call for participation in an on-line judicial auction must contain the manner and the conditions of sale, the date and time of the start and end of the on-line judicial auction, the time when the persons interested in real estate can view the property in question, as well as other necessary data.

FINA will publish a call for participation in an on-line judicial auction in public media if the party submits a written request to FINA and advances the costs of such procedure.

At least 60 days must elapse between the announcement of the call for participation in an on-line auction on the FINA website until the start of the bidding process.

Only the persons who have submitted a security deposit may participate as buyers in the on-line judicial auction (Article 99(1) of the EA).

The prerequisite for accessing the on-line judicial auction system is a valid digital certificate confirming the identity of the bidder and a certificate enabling the use of an advanced electronic signature on the bid of the respective person (Article 14(2) of the Rules of sale).

At the time of the first log-on to a particular on-line judicial auction, the bidder is required to fill in a registration form for participation in the on-line judicial auction.

The bidder signs this form with an advanced electronic signature.

On completion of the electronic form referred to in Article 15 of the Rules of sale, the on-line judicial auction system will assign a unique identifier to the bidder for a particular on-line judicial auction.

Forms form an integral part of the Rules of sale.

The collection of bids in an on-line judicial auction lasts 10 business days, and bids are collected electronically between 0 and 24 hours on business and non-business days.

The starting price of an item on sale from which the bidding starts will be determined by the court; on completion of the on-line judicial auction, FINA will submit a report to the court with the information laid down in Article 25 of the Rules of sale.

The on-line judicial auction procedure takes place before FINA, and payments are made through a bank transfer. The bidder does not have to be present at the auction in person, but may participate in that procedure remotely.

The court will issue a written decision (adjudication decision) to be displayed on the court bulletin board and on the FINA website.

In the case of movable property sales, at the proposal of the enforcement creditor, the sale of movable property may also be done by an on-line judicial auction, to which the provisions of the EA relating to the on-line judicial auction of real estate (Article 149(7) of the EA) will be applied *mutatis mutandis*.

Last update: 18/10/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

## Judicial auctions - Cyprus

### 1. Publicity and determination of price for the sale of seized assets

The price of seized assets is determined on the basis of current prices on the Cypriot market. In the case of seized immovable property, after researching its value, the auctioneer determines a reserve selling price. If the reserve price is not met, the property is not sold.

As regards movable assets, after the bailiffs have seized such assets by enforcing an order to seize movable property in favour of the creditor, they will determine the minimum price on the basis of current market prices and will then proceed to sell the movable assets. If the minimum price is not met, the bailiffs may repeat the auction.

Auction notices are published in daily newspapers. If the auction pertains to immovable property, notices are posted in the municipality or parish in which the property is located as well as on the website of the Ministry of Interior.

### 2. Third parties who may carry out the sale

The sale of assets by auction may be carried out by qualified private auctioneers. An auctioneer is the appropriate person appointed by the Department of Lands and Surveys of the Ministry of Interior of the Republic of Cyprus and with the qualifications to carry out forced sales of property by public auction.

As regards movable assets, any sale of movable property to enforce a judgment takes place by public auction conducted by bailiffs who are employees of the Court Service of the State and who have been granted powers to sell seized movable goods in connection with the enforcement of an order for the seizure of movable property in favour of creditors.

### 3. Types of auctions to which the rules may not fully apply

There are cases in which an auction of movable assets is carried out by the creditors themselves, whether companies, e.g. banks, or natural persons, if it is they who take possession of the debtor's movable property following enforcement of a court order. These cases are not subject to the same rules as those that apply to public auctions, as laid down in the legislation in force.

### 4. Information on the national registers of assets

The following registers of assets are kept in Cyprus:

The Department of Lands and Surveys of Cyprus keeps a register in which all title deeds for the immovable properties of citizens are recorded.

The Road Transport Department keeps a register of all vehicles registered in the Republic of Cyprus.

The Department of Merchant Marine of Cyprus keeps the Cypriot register of ships, in which all ships and/or vessels are registered.

The Companies Section of the Department of Registrar of Companies and Official Receiver keeps a register of companies, cooperatives and trade names registered in Cyprus.

The Department of Civil Aviation keeps the Cypriot Register of Aircraft and is responsible for aircraft registrations, transfers and removals from the register.

At the Companies Section, the Intellectual and Industrial Property Section keeps a register of trade marks.

### 5. Information on the databases which the creditor can use to locate the material assets or receivables of the debtor

There is easy access to the register of bankrupt persons or liquidated companies on the website of the Cypriot Registrar of Companies and Official Receiver, allowing a creditor to obtain information about a debtor's financial capacity. However, there are no electronic databases to which a creditor can have access to obtain information directly about a debtor's assets. A judgment creditor may, either himself or herself or through a lawyer, carry out a search in the land register using a certified true copy of his/her judgment or the writ of summons to obtain information on the immovable property registered in the debtor's name.



## 6. Information on online judicial auctions

There are no online judicial auctions carried out in Cyprus.

Last update: 23/07/2019

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

### Judicial auctions - Malta

#### 1. Advertising and pricing of sale of seized goods

The procedure of enforcement of seized goods does not necessarily lead to the sale of the seized goods. Instead, the creditor and the debtor may reach an agreement. If there are several creditors, it is necessary to reach an agreement with all of them if the sale is to be avoided. If no agreement is reached, the court will order the sale.

The basic value of the seized goods is determined by an expert who assesses the value (in the case of immovables). In the case of movables, the value is determined by the person making the highest bid during the sale since bids start from 0. If a valuation of movables is requested, bids do not start from 0 but from 60 % of the estimated price.

As regards the advertising of seized goods, this is done via the government website which provides court services, the website of the auctioneer carrying out the sale, daily newspapers (normally the sale notice is published once a month in two daily newspapers) and notices in the court building where the sale will take place.

The characteristics of the seized object offered for sale as well as the documents relating to it are available on the government website providing court services and on the website of the auctioneer carrying out the sale. All interested persons may request access to this information.

If anyone is interested in viewing the seized object offered for sale, he or she may file an application in court requesting a viewing of the object, if the object in question is an immovable. Before any sale of an immovable, a court expert prepares a report on the state of the immovable and this report is public. In the case of movables, interested persons may view them two hours before the commencement of the sale.

On the day of the sale, bids are made *viva voce* to the auctioneer nominated by the court to conduct the sale of the goods.

The person acquiring the goods after the auction does not deposit a part of the price but must pay the whole price. Regarding immovables, the whole amount must be deposited in court within seven days from the date of sale, while in the case of movables, the whole price shall be deposited within 24 hours from the sale. Payment cannot be effected electronically but is made in the court registry.

#### 2. Third parties who may conduct sale proceedings

The sale is carried out under the court's authority by an auctioneer nominated by the court and no third parties may conduct the sale proceedings.

#### 3. Types of auction to which some rules may not fully apply

There are no types of auction to which these rules do not fully apply.

#### 4. Information on the national property Registry

The following National Property Registries exist:

Immovables - the Public Registry and the Lands Registry

Movables - regarding vehicles, sea craft and aircraft - Transport Malta

Company stocks and shares - the Malta Financial Services Authority and the Malta Stock Exchange

Other financial instruments - the Malta Stock Exchange

Trademarks and patents - Department of Commerce

These Registries are kept electronically by the public offices in question. Some of these registries are accessible electronically by the public. As regards the Public Registry and the Malta Financial Services Authority, access by the public against payment is possible. The Transport Malta Registries are not accessible to the public. Regarding the Malta Financial Services Authority, payment for this access may be made online. With regard to the Public Registry, payment must be made in the Public Registry office.

#### 5. Information regarding databases for creditors to identify goods and debtor claims

The creditor has access to databases related to immovables and companies. The Malta Financial Services Authority provides direct online access regarding companies. In relation to immovables, the creditor has access to information through the Public Registry and the Lands Registry. There is no need for further authorisation, either for direct access to the Malta Financial Services Authority databases or for access by means of the Public Registry and the Land Registry.

#### 6. Other information regarding online judicial sales

The facility for online bidding during an auction does not exist.

Last update: 20/10/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

### Judicial auctions - Poland

#### 1. Notices and valuations relating to the sale of seized assets

Property valuations are carried out by an appraiser (appointed by a bailiff) who is authorised to value property pursuant to separate regulations. If, however, the property has been valued for the purpose of selling it on the market not more than six months prior to its seizure and that valuation meets the requirements relating to property valuation carried out for enforcement purposes, no new valuation is carried out. On the other hand, if significant changes in the condition of the property have occurred between the time when the description and valuation were carried out and the auction date, an additional description and valuation may be carried out at the creditor's or debtor's request.

Property that has been seized is sold by public auction. The auction may not be scheduled earlier than two weeks after the description and valuation have become final or before the judgment under which enforcement is initiated has become final.

The bailiff announces the date and object of the auction by way of a public notice, which is delivered to the parties to the proceedings, the municipal authority, the tax office in whose jurisdiction the property is located and the social security authorities.

The auction notice is also published at least two weeks before the auction date in the court building and on the premises of the municipal authority, in a daily newspaper that is widely read in the city/town/village in question and on the website of the National Bailiffs' Council ('*Krajowa Rada Komornicza*'). In addition, at the party's request and expense, the bailiff may order the notice to be published in another manner indicated by the party.

#### 2. Third parties who may effect the sale

Auctions are carried out in public by a bailiff in the presence, and under the supervision, of a judge or judicial clerk ('*referendarz sądowy*'). Enforcement against property is carried out by a bailiff of the court in whose jurisdiction the property is located.

### 3. Types of auction to which the above rules may not fully apply

enforcement against a fraction of a property;

enforcement against the right of perpetual usufruct;

enforcement against undeveloped land and property developed with a residential or commercial building if, at the time when the application for enforcement proceedings was filed, no notice was given of completion of the construction work or no application for an occupancy permit was submitted within the meaning of the Construction Act (*prawo budowlane*);

enforcement against seagoing vessels entered in the shipping register;

enforcement through the sale of an enterprise or farm;

enforcement carried out in order to terminate co-ownership by way of a public sale.

### 4. National asset registers

Land and mortgage registers (*księga wieczysta*) are maintained by district courts (*sąd rejonowy*) in order to determine the legal status of property. These are established and maintained in an ICT system. Land and mortgage registers are public and comprise four sections:

1) the first section comprises a designation of the property and entries concerning the rights associated with ownership;

2) the second section comprises entries concerning ownership and perpetual usufruct;

3) the third section comprises entries concerning limited property rights, except for mortgages, restrictions on disposing of the property or perpetual usufruct, and entries concerning other rights and claims, except for claims relating to mortgages;

4) the fourth section comprises entries relating to mortgages.

In addition to land and mortgage registers, the second property register is the land and building register ('*ewidencja gruntów i budynków*') governed by the Land Survey and Cartographic Act of 17 May 1989 ('*Prawo geodezyjne i kartograficzne*') (consolidated text: Journal of Laws 2010/193, item 1287, as amended). Maintaining the land and building register is the responsibility of the district governor ('*starosta*').

### 5. Databases that can be used by creditors to identify debtors' assets or receivables due to them

The databases described in point 5, i.e. land and mortgage registers and the land and building register, are available to creditors and serve to identify debtors' assets. In addition, land and mortgage registers allow creditors' receivables that are secured by mortgages to be identified.

### 6. On-line judicial auctions

Judicial auctions are not carried out on-line. Only auction notices are published on the website of the National Bailiffs' Council (as a statutory obligation) and customarily on the website of the bailiff conducting the auction in question.

Last update: 23/10/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

## Judicial auctions - Portugal

### 1. Notice of sale and prices of seized property

Currently, the sale of goods preferably takes place through the platform <https://www.e-leiloes.pt/>, pursuant to Article 837 of the Portuguese Code of Civil Procedure (*Código de Processo Civil* -- CPC) and Articles 20 et seq of Ministerial Implementing Order No. 282/2013 of 29 August.

The operating rules of the platform <https://www.e-leiloes.pt/> were approved by Order of the Minister for Justice No. 12624/2015, published in the Official Gazette of the Portuguese Republic (*Diário da República*), series 2, No. 219, dated 9 November 2015.

**Notices of sale** are governed by the provisions of Article 6 of Ministerial Order 12624/2015:

#### Article 6

##### Advertisement of the Auction

Auctions are published on the platform [www.e-leiloes.pt](http://www.e-leiloes.pt), and, by decision of the Portuguese Solicitors' Association (*Câmara dos Solicitadores*), full or partial information can also be disseminated on other Internet sites, in print and via electronic mail, without prejudice to the enforcement agent assigned the procedure also publicising the sale through other means they deem appropriate.

The publication on the [www.e-leiloes.pt](http://www.e-leiloes.pt) portal must indicate, as a minimum:

The judicial proceedings number, court and organisational unit;

The auction start date;

The auction deadline (date and time);

The base value of the goods (or set of goods) to be sold;

The value of the final bid;

In the case of movable property, a photograph of the goods or set of goods included in the bidding lot;

A summary identification of the goods;

The nature of the goods;

In the case of real estate, its location and composition, land register entry and property description, district, municipality, parish and geographical coordinates of the approximate location, a photograph of the property's exterior and whenever possible of the interior, in the case of urban property or a building unit;

Identification of the trustee or the place of deposit;

Place and time at which the goods may be viewed, and contact details of the trustee;

Identification of the enforcement agent assigned the procedure, including their name, professional ID, telephone and mobile number, fax, email and hours of work;

Any circumstances which, under law, must be notified to any interested parties, including any pending objection to the enforcement or seizure, any pending appeal, the existence of encumbrances that are not due to lapse on sale, and any holders of pre-emptive rights put forward in the procedure;

The name of the enforcement debtor(s) to whom the goods to be sold belong.

##### The prices/values of the goods seized:

**Base Value:** This is the value of the goods or set of goods making up a lot, as determined within the scope of the procedure to which the sale relates, namely in enforcement governed in accordance with the CPC or, in insolvency procedure, governed in accordance with the Insolvency and Business Recovery Code (*Código da Insolvência e da Recuperação de Empresas*).

**Minimum Value:** The 'minimum value' is the value above which the goods may be sold, and which corresponds, under Article 816(2) of the CPC, to 85 % of the base value. In some cases, the minimum value may be equal to the base value.

## 2. Third parties who may conduct the sale

The operating rules of the platform <https://www.e-leiloes.pt/> were approved by Order of the Minister for Justice No. 12624/2015, published in the Official Gazette of the Portuguese Republic, series 2, No. 219, dated 9 November 2015, and stipulated that the platform would be developed and administrated by the then Portuguese Solicitors' Association, now the Association of Solicitors and Enforcement Agents (*Ordem dos Solicitadores e Agentes de Execução*). In civil enforcement procedures conducted by enforcement agents, only the latter may perform the sales proceedings.

## 3. Types of enforcement sale to which the rules may not be fully applicable

For example, goods that must be sold in regulated markets or that must be sold directly.

### Article 837. of the CPC – Sale by electronic auction

Save for the instances referred to in Articles 830 and 831, the sale of seized immoveable property shall preferably be carried out by electronic auction, under terms to be defined by implementing order of the government minister responsible for justice.

### Article 830 of the CPC – Goods sold in regulated markets

Financial instruments and commodities with a listing on a regulated market are sold in regulated markets.

### Article 831 of the CPC – Direct sale

If the goods are legally required to be delivered to a particular entity, or have been promised for sale, with real effect, to a person wishing to exercise the specific right of enforcement, the sale is made directly to them.

It should be noted that, although electronic auction is the preferred mode of enforcement sale in Portugal, the CPC also provides for other alternative methods of sale:

- sale by sealed bid;
- sale in regulated markets;
- direct sale to persons or entities that are entitled to acquire the goods;
- sale by private negotiation;
- sale at auction house;
- sale at public or similar deposit facility;
- sale by electronic auction.

## 4. Information from national property registers

Regulatory and registry entities include:

**The Institute of Registries and Notary Services (*Instituto dos Registos e do Notariado, I.P.* -- IRN):** this is a public institute with the task of enforcing and monitoring policies relating to registry services, with a view to providing services to citizens and companies within the remit of civil identification and civil registers, registers of nationality, real estate, commercial registers, and registers of moveable property and legal entities, as well as the regulation, monitoring and oversight of notarial activity – e.g.: real estate, vehicles, boats, planes etc.

The Securities Market Commission (*Comissão do Mercado de Valores Mobiliários* – CMVM): has the task of overseeing, supervising and regulating financial markets, as well as the agents operating within them, promoting investor protection – e.g. shares and financial instruments

The National Intellectual Property Institute (*Instituto Nacional de Propriedade Industrial* – INPI): its activity focuses on the assignment and protection of industrial property rights, internally and externally, in collaboration with the international organisations Portugal is member of, e.g. trademarks and patents.

## 5. Information on databases in which the creditor can identify the assets and credits of the debtor

Firstly, it is important to note that access to the databases is by the enforcement agent, confidentially, rather than by the creditor directly.

Ministerial Implementing Order No. 331-A/2009 of 30 March, as amended by Ministerial Implementing Order No. 350/2013 of 3 December, and by Ministerial Implementing Order No. 288/2015 of 17 September, governs access to public databases.

Ministerial Implementing Order No. 282/2013 of 29 August also governs access to the databases of the Bank of Portugal.

The databases to which the enforcement agent has direct electronic access are, among others:

- The tax and customs authority (*Autoridade Tributária e Aduaneira*);
- Social Security;
- The Civil Service Pension Fund (*Caixa Geral de Aposentações*);
- The Land Register;
- The Commercial Register;
- The National Register of Legal Persons;
- The Register of Motor Vehicles;
- The Bank of Portugal;
- The Public Debt Management Institute (*Instituto de Gestão de Crédito Público*);
- CITIUS citizens' justice portal.

## 6. Information on enforcement sales online

The operating rules of the platform <https://www.e-leiloes.pt/> were approved by Order of the Minister for Justice No. 12624/2015, published in the Official Gazette of the Portuguese Republic, series 2, No. 219, dated 9 November 2015.

The relevant information can be found at:

[Operating rules](#) of the electronic auction platform

[Answers to Frequently Asked Questions](#)

Last update: 12/08/2019

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

## Judicial auctions - Romania

### 1. Publicising and pricing regarding the sale of seized assets

The enforcement procedure is governed by the Romanian Code of Civil Procedure, which contains general rules regarding the enforcement of obligations established by warrants of execution. In addition to the rules of civil procedure which govern enforcement, there are two other separate categories of rules which apply to the specific situations of debtors of obligations: enforcement of fiscal debts and enforcement of debts arising out of offences.

The general category of debts arising out of warrants of execution, other than those of a fiscal nature or those arising out of offences, are enforced in Romania by bailiffs, enforcement authorities authorised by order of the Minister of Justice to enforce warrants of execution.

Once enforcement has been approved, for the category of debts which are liable to be enforced, in accordance with what has been stated above, the debtor's assets are sold by public auction in accordance with the rules of civil procedure according to their category, i.e. sale of movable and/or immovable assets by public auction.

Seized movable assets can be valued by a bailiff (based on the criterion of the circulation value as compared with the average market prices in the locality concerned) or, where valuation is not possible or if the parties so request, for a fee, by appointing an expert.

The value of the asset subject to enforcement shall be determined by the bailiff in accordance with similar rules (circulation value, average market price, etc.) or, for a fee, at the request of the parties or where valuation is not possible, by appointing an expert.

With regard to the advertising of sales of movable assets, the announcement or advertisement regarding the sale shall be drawn up by the bailiff, who shall arrange for it to be displayed at the place of the auction, at his office, in the office of the town hall within whose catchment area the asset is being sold, in the office of the enforcement authority, and in other public places. The Romanian Code of Civil Procedure also lays down an obligation to place advertisements in local and national newspapers or on Internet pages intended for the sale of the assets concerned.

In addition to the aforementioned advertising methods, with regard to advertising of sales of immovable assets, there are procedural nuances in that on the one hand, the value of the asset dictates the method of advertising (a national newspaper if the value of the asset exceeds RON 250,000), and on the other hand, there is an obligation to place an advertisement in the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement.

The characteristics of the assets subject to enforcement shall be specified in the announcement/advertisement regarding the sale.

The procedure for viewing assets is not regulated.

Auction guarantees, which are recorded by order of the bailiff and must be paid no later than the time when the auction begins, are regulated. Auction guarantees can be paid electronically, and the bailiff must attach proof of payment to the offer to buy.

Assets are assigned to the person who offers the highest price and, if there is only one bidder, to the latter, provided that he has offered the starting price for the auction.

## **2. Third parties that may conduct the sales operation**

Assets can only be sold by public auction by a bailiff by way of the enforcement procedure that is governed by the Romanian Code of Civil Procedure. For certain categories of debts, i.e. fiscal debts and debts arising out of offences, the sale procedure is conducted either through the Fiscal Authority's own mechanism (for fiscal debts) with special rules of procedure concerning the auction or participants, or through the state authority which is responsible for recovering proceeds of crime (the National Agency for the Administration of Frozen Assets – ANABI). In the latter case, through cooperation agreements, ANABI can entrust the task of recovery to a bailiff.

## **3. Auction types for which the rules might not fully apply**

The common rules that apply to the sale of goods by public auction include exceptions with regard to warrants of execution relating to revenues owed to the consolidated general budget, the EU budget or the budget of the European Atomic Energy Community. There are also exceptions for the recovery of proceeds of crime.

## **4. Information on National registers of assets**

No computer system containing information about assets (national asset registers) has been implemented in Romania.

## **5. Information on databases for creditor's to identify debtor's assets or claims**

Creditors can have access to details of any assets or debts of a debtor solely through an approved enforcement procedure and only through the bailiff. Access for creditors to databases in which they can identify a debtor's assets is limited. For example, because enforcement measures in respect of immovable assets are noted in the Land Register, on the basis of a simple request and in exchange for a fee, anyone can obtain information about the situation of an asset. This form of provision of information is not, however, helpful with regard to any asset which is held by a debtor, as searches are based only on the asset and not the person. Personal details are protected by special regulations, so this type of search is only possible, as stated above, through an authority, sometimes subject to confirmation by a court.


## **6. Information on online judicial sales**

The Electronic Register for the Advertisement of Sales of Assets subject to Enforcement is a computer system through which all bailiffs advertise, at national level, sales of movable assets with a value in excess of RON 2,000 and immovable assets which are subject to an enforcement procedure. The Electronic Register for the Advertisement of Sales of Assets subject to Enforcement was created on the basis of the provisions of article 35(2) of Law no. 188/2000 on bailiffs and has been operational since 2012. Placing advertisements in the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement is a legal obligation for bailiffs, and failure to do is a disciplinary offence pursuant to the provisions of article 47 of Law no. 188/2000 on bailiffs.

The new platform of the [Electronic Register for the Advertisement of Sales of Assets subject to Enforcement](#) was approved by way of **Decision no. 67/05. 12.2014 of the Council of the National Union of Bailiffs.**

Last update: 10/10/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Upozorjujemo, že výchozí  verze této stránky byla v nedávné době aktualizována. Na překladu do jazyka, ve kterém se vám stránka právě zobrazuje, zatím pracujeme.

## **Judicial auctions - Slovenia**

### **1. Publication and determining prices for the sale of seized assets**

Movable and immovable property is sold at public auctions. It is not possible to hold judicial auctions online in Slovenia because the Slovenian enforcement laws do not (yet) allow online auctions.

#### **Movable property**

Enforcement against movable property is executed by means of the seizure and evaluation of the property, its sale, and payment of the proceeds of sale to the creditor (Article 81(1) of the Claim Enforcement and Security Act (*Zakon o izvršbi in zavarovanju*), hereinafter: ZIZ).

Seizable property includes property in the debtor's possession as well as debtor's property in the creditor's possession. Debtor's property in the possession of third parties may be seized with the third party's consent (Article 83 of ZIZ).

Upon seizure, a creditor obtains a lien on the seized property (Article 87 of ZIZ).

**Expert evaluation of seized assets.** The property seized is evaluated on seizure, unless this evaluation cannot take place straight away to the special value of the property. The evaluation is made by the enforcement agent who executed the seizure. On request and with the cost paid by a party, the evaluation can

be made by a court expert selected by the party (Article 89 of ZIZ). The sale of seized property may take place only after the decision of enforcement becomes final, unless the debtor consents to the sale of the property earlier or the property is perishable or if there is a risk that the value of the seized property would significantly drop (Article 92 of ZIZ).

The seized property is sold at a public auction or under a direct contract between the buyer and an enforcement agent or an individual engaged in commission transactions. The manner and the date of sale of the property is determined and noted by the enforcement agent in the seizure record immediately after the seizure, taking into account the principle that the best possible price is to be obtained (Article 93 of ZIZ). If an enforcement agent decides on a public auction, the date and the place of the public auction is added to the record. An enforcement agent informs the parties of the manner and the date of sale of the property by a special notice served on the creditor and the debtor (Article 82 of the Rules on the performance of bailiff services (*Pravilnik o opravljanju službe izvršitelj*)).

**Publication of sale.** If an enforcement agent decides that property is to be sold at a public auction, the public auction is announced on the noticeboard and on the website of the competent authority that issued the decision on seizure. The enforcement agent must request that the announcement of public auction also be published in an official register if such a register exists. If proposed by a creditor or debtor, an enforcement agent may also announce a public auction in the media upon payment of costs by the party seeking the public auction. An announcement of public auction must specify the place, date and time of the auction, state and describe the property to be sold and state where the property can be viewed before the auction (Article 89 of the Rules on the performance of bailiff services).

**Option to view assets being sold.** An enforcement agent must use the announcement of public auction to specify the place, date and time of the auction, describe the property to be sold, and state where the property can be viewed before the auction (Article 89 of the Rules on the performance of bailiff services).

**Deposit.** Before a public auction starts, an enforcement agent must determine if the nature and the value of the property is such that participants in the auction be required to pay a deposit, which may be no higher than 10 % of the starting price for the property.

**Person or company managing the sale.** A public auction is conducted by an enforcement agent who may, at own cost, authorise an auctioneer to bid if necessary, in terms of the amount and quality of the property. The auction is open to the public (Article 92 of the Rules on the performance of bailiff services).

**Starting price.** At the first auction, seized property may not be sold below its assessed value. If the assessed value is not reached at the first auction, an enforcement agent conducts a second auction if proposed by a party and in the second auction the property may be sold below its assessed value but at not less than a third of that value (Article 94 of ZIZ).

**Allocation.** At least 15 minutes after an auction starts, an enforcement agent invites the auction participants to make offers (bidding). The auction continues until all interested participants have made their bids. An enforcement agent gives the property to the highest bidder if no higher bid is made after making two calls to participants for a higher offer. If the buyer does not pay the purchase price by the end of the auction, the enforcement agent may sell the property to the next highest bidder if the creditor agrees by signing the Record of Auction. If the creditor is not present at the auction, the enforcement agent may sell the property immediately to the next highest bidder if their bid is at least 50 % of the best offer but higher than the starting price; otherwise, the enforcement agent offers the property for bidding again during the same auction. The previous highest bidder may no longer participate in the repeated bidding.

**Transfer.** A buyer must pay the purchase price and take possession of the property immediately after the auction is completed. An enforcement agent must provide the buyer with a document with information on the sale and information kept in a register, if a register of sold property is kept. On the basis of this document, the enforcement agent requests that all competent authorities keeping a register delete any encumbrances and/or prohibitions on the sale of the property, and register the new owner in cases where an ownership rights are recorded in the register. An enforcement agent may transfer the property to the buyer even before the purchase price was not paid if permitted to do so by the creditor, at its own risk, for the amount the creditor is entitled to of the purchase price. If the buyer does not pay the purchase price and the creditor does not consent to property being handed over, the enforcement agent may sell the property to the next best bidder. The buyer acquires property free of all encumbrances and becomes the owner of the property even when the debtor was not the owner of the property. The buyer does not have the right to a guarantee against defects of the property (Article 96 of ZIZ).

#### **Immovable property**

Enforcement against immovable property takes place by registering the enforcement decision in the Land Registry, determining the value of the immovable property, selling it, and paying the creditor from the proceeds of sale (Article 167 of ZIZ).

**Expert evaluation of seized assets.** The value of immovable property may be determined by a court even before the decision on enforcement becomes final. The value of immovable property is determined by a court on the basis of an evaluation of a court expert, in accordance with the market value applicable at the time of evaluation. When determining the value, any possible reduction of the value because of a particular right, e.g. easement (Article 178 of ZIZ), which may arise after the sale is taken into account. The value of immovable property is determined by a court decision against which an appeal is allowed (Article 179 of ZIZ).

**Publication of sale.** After a decision determining the value of immovable property becomes final, the court issues an order for the sale of the immovable property. In this order, it determines the manner and the conditions of the sale, as well as the time and the place of the sale if the immovable property is to be sold at an auction. The sale of immovable property takes place after the decision of enforcement and the decision on determining the value of the immovable property become final. The order for sale is announced by a court on the court's noticeboard and on its website as well as via other typical local means. An order for sale of agricultural land is announced by a court on the noticeboard of the administrative unit where the immovable property is situated and it can also be announced on the website of that administrative unit. The creditor may publish the order on sale of immovable property in the media. The costs of publication are charged to the creditor. At least 30 days must pass from the time the order for sale is announced on the noticeboard until the day of the sale. The court serves the order for sale on the parties, the lien creditor, other participants in the proceedings who have a registered pre-purchase or redemption right, and on the competent administrative authority (Article 181 of ZIZ).

As a general rule, immovable property is sold at a public auction conducted by a court on the court's premises, unless the judge decides otherwise.

Creditors, lien creditors and creditors of land debt may, throughout the enforcement proceedings until the order for sale is issued, agree that the immovable property be sold by collecting binding offers or under a direct offer (Article 183 of ZIZ).

An order for sale of immovable property includes:

- a detailed description of the immovable property, including fixtures and fittings;
- an easement building right and encumbrances in rem which the buyer must accept;
- the value of the immovable property as identified by the court in its decision;
- the price for which the immovable property may be sold;
- the deadline by which the buyer must pay the purchase price;
- the manner of sale; and
- the amount of the deposit to be paid by the bidder (Article 184 of ZIZ).



**Option to view assets being sold.** A court may allow a person interested in buying immovable property to view the property upon request and at own cost. The method and the manner of viewing and any presence of an enforcement agent is determined by the court in the order for the sale of the immovable property (Article 176 of ZIZ).

**Deposit.** Public auctions may be attended by those who paid a deposit in the amount of onetenth of the determined value of the immovable property at least three working days prior to the auction. The creditor, upon whose proposal the court had allowed the auction, is exempt from paying the deposit, as is a lien creditor or a creditor of land debt if their claims exceed the value of the deposit and if the deposit could be covered from the purchase price with regard to their payment priority order and the determined value of the immovable property. The deposits of bidders whose offers were not accepted are repaid to their bank accounts within 15 days after the public auction is completed or after the proceedings for opening offers are completed, unless otherwise provided by the law (Article 185 of ZIZ).

**Starting price** At the first sale, immovable property may not be sold for less than 70 % of its determined value. If the immovable property is not sold at the first sale, the court announces a second sale at the creditor's proposal where the immovable property may not be sold for less than half of its determined value. There must be at least 30 days from the first to the second sale. By giving a statement on the record at the court where enforcement proceedings are taking place or at any other court, the parties, the lien creditor or the creditors of land debt may agree that the immovable property be sold at the auction for less than 70 % of its determined value at the first sale or for less than half of its determined value at the second (Article 188 of ZIZ).

**Allocation.** When a court determines that the conditions for sale are met, it announces that the auction will commence. The auction lasts as long as bidders raise their bids. A bidder is bound by its bid until a higher bid is made (**counter offer**). Upon the request of one or more creditors, the court may allow a short break for the participants' consideration. The auction is completed when bidders do not offer a higher price after the judge has twice called on them to do so. When the auction is finished, the court identifies which bidder offered the highest price and declares that the immovable property be allocated to that bidder (**allocation** of the immovable property). The court issues a decision on the allocation of the immovable property which is served the parties served with the order for sale and all auction participants. There is no appeal against the decision on allocation. Irregularities at the auction may be addressed in an appeal against the decision on the allocation of the immovable property to the buyer (Article 189 of ZIZ).

**Paying the purchase price.** After allocation (assignment), the buyer must pay the purchase price within the deadline set in the order of sale (Article 191 of ZIZ). This deadline may be no later than six months after the date of the sale, irrespective of whether the purchase price is paid in one payment or in instalments (Article 184 of ZIZ).

**Transfer.** After the decision on allocation is issued, the purchase price is paid and the court issues a decision by which the immovable property is handed over to the buyer (transfer). After this decision is final, the buyer's ownership right is registered in the Land Register, and rights and encumbrances are deleted, according to the decision on the allocation. In the decision, the court also decides by when the debtor must move out of the family house or apartment or empty business premises. The decision on handing over the property is also an enforceable title for vacating and handing over the immovable property, and it becomes enforceable after it becomes final (Article 192 of ZIZ).

## **2. Third parties conducting the sale**

### **Movable property**

Movable property is sold at a public auction by an enforcement agent who may, upon own costs, authorise an auctioneer for bidding if necessary, based on the amount and quality of the movable property. The sale at the auction is public (Article 93 of ZIZ and Article 92 of the Rules on the performance of bailiff services).

Movable property may also be sold by direct agreement between a buyer and an enforcement agent or through an individual engaged in commission transactions. The manner and the date of the sale of the property is determined and noted by an enforcement agent in the seizure record immediately after the seizure, taking into account the principle that the most favourable redeeming value is to be obtained (Article 93 of ZIZ).

### **Immovable property**

Public auctions of immovable property are conducted by judges.

## **3. Types of auctions to which rules may not fully apply**

Slovenian law does not recognise any other types of auctions. There are different ways of selling movable and immovable property. Movable property may be sold under a direct contract between a buyer and an enforcement agent or an individual engaged in commission transactions instead of at a public auction (Article 93(1) of ZIZ). Immovable property is sold at a public auction if creditors, lien creditors and creditors of land debt do not agree by the time an order for sale is issued that:

the immovable property is to be sold by collecting binding offers; or

the immovable property is not sold under a direct contract within a certain period of time (Article 183 of ZIZ).

## **4. Information on national property registers**

In Slovenia, there are the following property registers:

Land Registry for ownership rights and other rights in rem on immovable property;

Register of motor vehicles;

Slovenian Register of Shipping;

Register of Aircraft;

Register of book-entry securities;

Register of liens on movable property;

Register of bank accounts;

Register of recipients of salaries and other personal income (for example, pensions).

These registers are kept electronically. A specific institution is responsible for each one.

Access to these registers is made available to anyone demonstrating a legal interest (Article 4(6) of ZIZ). A creditor may demonstrate a legal interest by presenting an enforceable title (for example, an enforceable judgment), by which the debtor was ordered to pay the creditor's claim. In such a case, the creditor may request information on the debtor's property from the operator of the register. Courts have electronic access to many of these registers.

To obtain information from these registers, it is not necessary to pay court fees, however some operators of these databases (registers) may request that creditors pay a small fee (for example, the Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje*), which maintains the register of payers of salaries and other personal income (such as pensions) requires a payment of EUR 4.00 to obtain information on a debtor's employment). The payment may also be made electronically.

## **5. Information on databases helping creditors find assets and claims of debtors**

An operator of a database must, under Article 4(6) of the ZIZ, convey information on debtors' assets to creditors upon their request, when the creditor has demonstrated a legal interest (for example, an enforceable title). These operators are:

The Health Insurance Institute of Slovenia conveys information on payers of salaries and other personal income (for example, pensions);

The Agency of the Republic of Slovenia for Public Legal Records and Related Services (*Agencija Republike Slovenije za javnopravne evidence in storitve*) (AJPES) provides information from the bank accounts register;

The Central Securities Clearing Corporation (*Centralna klirinško depotna družba d.d.*) (KDD) conveys information from the book-entry securities register; the court maintaining the Court Register conveys information on shares in undertakings and on other participation in legal entities. Access to the court register is also available electronically through its website;

the court maintaining the Land Register provides information on immovable property over or concerning which a debtor has a property right;

The Ministry of the Interior provides information from the records of registered motor and trailer vehicles;

The Slovenian Maritime Administration provides information from the Register of Boats (boats smaller than 24 m);

The Civil Aviation Agency provides information from the register of aircraft.

In most cases, a creditor can access a register by requesting information on the debtor's assets from the register's operator. A creditor may access certain registers (for example the Court Register) electronically (via website).

Representation by a lawyer is not necessary to obtain information on debtors' assets and taxes to the State are not payable. Certain operators of databases do request a small fee (for example, the Health Insurance Institute of Slovenia) of EUR 4.00 for information on debtors' employment. The fee may be paid electronically.

## 6. Information on on-line court auctions

Slovenian enforcement law does not yet recognise online court auctions.

Last update: 24/10/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

## Judicial auctions - Sweden

### 1. Publication and price setting for sales of seized assets

Seized property is sold through the Swedish Enforcement Authority (*Kronofogdemyndigheten*). The property is sold at public auction or by private treaty. The sale of movables can be put in the hands of external auctioneers. Real estate can be passed on to estate agents for selling.

The Enforcement Authority can authorise the debtor to sell the property himself. In that event, a deferment of the enforced sale is granted. The debtor can also make an agreement with the creditor to resolve the situation by some other means. The creditor can then halt the seizure (*utmätning*).

The seized property must always be valued by a bailiff. The Enforcement Authority will sometimes get an expert to value the property and draw up a comprehensive description. An expert valuer is regularly used when valuing real estate and tenant-owned housing. But an expert valuer is also often called in when more valuable property is involved.

The Enforcement Authority publicises (gives notice of) enforced sales on its own [website](#). A sale is often also promoted on other websites with a view to attracting prospective buyers. Notice of the sale is also given in [Post- och Inrikes Tidningar](#), which is a web-based news page containing notices from many authorities and municipalities. The purpose of placing notices there is to seek out unknown creditors and others who are affected by the sale.

Information about the sale is given on the Enforcement Authority's website. It includes the estimated value, while a description of the property, pictures and other documents are attached. The terms of sale are stated, as are points a purchaser should be aware of with regard to the sale. If the Enforcement Authority gets anyone else to handle the sale, the relevant information can be found on that person's website. The information is also often to be found on the Enforcement Authority's website.

The Enforcement Authority always arranges a viewing of the property to be sold. This is so that the purchaser can discharge its duty to obtain the information it needs.

An enforced sale is run in such a way as to seek the highest bid. If there are a number of bidders, the matter is decided by a process of bidding and counterbidding. If the authority decides instead to go for a sale by private treaty with submission of offers, the question of who has submitted the highest bid is determined when the bids are opened.

If the sale is conducted by electronic auction, whoever has won the bidding must make payment within 48 hours. Payment is then usually made by payment card or bank card. When the sale is made by traditional on-site auction, payment must be made directly at the auction, by payment card or bank card, postal order or cheque or in cash.

Where a property is sold for more than SEK 10 000, the Enforcement Authority allows a grace period of up to a month for payment to be made. A deposit of 10 % must always be paid straight away.

### 2. Third parties entitled to conduct a sale

Sales of seized property are generally carried out by public auction held by the Enforcement Authority. The Authority may hand sales over to external interests. In the case of movables, the Authority can commission someone else to hold an auction. As regards real estate, the Authority may engage an estate agent to carry out the sale.

### 3. Types of auctions to which the rules may not be applicable in full

Sales are divided into four different categories: movables, ships, aircraft and real estate. To some extent there are different rules for the different categories. Details of which rules apply are posted together with the notice of sale. Certain special provisions apply to sales at the request of a housing cooperative where the right of use is forfeited, i.e. compulsory sales.

### 4. Information concerning national registers of assets.

In its investigation into assets, the Enforcement Authority has the right to search various registers or put questions to them, e.g.:

The Land Register (*Fastighetsregistret*); includes all real estate in Sweden

The Road Traffic Register (*Vägfrafikregistret*); all registered civilian vehicles in Sweden

The Tax Register (*Skatterregistret*); information concerning disbursements

The Social Insurance Agency (*Försäkringskassan*); information concerning disbursements

The Pensions Agency (*Pensionsmyndigheten*); information concerning disbursements.

The Business Register (*Näringslivsregistret*); data on all Swedish limited liability companies, partnerships, cooperative societies, including housing cooperatives, and private companies

The Securities Register (*Värdepappersregistret*); managed by Euroclear and containing data on the holdings of all listed stocks

The Shipping Register (*Fartygsregistret*); information concerning all Swedish ships

The Aircraft Register (*Luftfartygsregistret*); information concerning all Swedish aircraft

The Arms Register (*Vapenregistret*); possession of firearms.

The Registers are kept electronically and the Enforcement Authority is able to submit queries to most of them in electronic form. If the data in a register is confidential, the Enforcement Authority can still demand to be given it so that it can investigate whether a debtor has any attachable assets. There is usually no charge when the authority asks such questions.

Some registers also record when the Enforcement Authority lays claim to a property, e.g. the Land Register, the Shipping Register and the Aircraft Register.

#### **5. Information about databases which enable creditors to identify debtors' assets or debts**

The Enforcement Authority cannot currently offer searchers any e-service with which to identify debtors' assets or debts.

#### **6. Information about public auctions on line**

The Enforcement Authority has since 2014 been able to conduct electronic auctions, known as on-line auctions. This can only be done for sales of movable property. The provision allowing for the conduct of electronic auctions is in Chapter 9 of the [Debt Enforcement Ordinance](#) laying down how bids are to be submitted.

In a report submitted to Government in November 2016, it is proposed that it should also be possible to sell real estate by electronic auction. The procedure in the event of a real estate sale is more complicated and requires more legislative amendments than in the case of movables to allow for electronic auction. At present there is nothing to prevent participation in an on-line auction from abroad.

Notice of all on-line auctions is published on the Enforcement Authority's [website](#).

If a sale is conducted through an external auctioneer, notice of the on-line auction is given on its website. In its brief, an external auctioneer must be instructed to follow the rules on sales in Chapter 9 of the [Debt Enforcement Code](#) and Chapter 9 of the [Debt Enforcement Ordinance](#). Contracts with external auctioneers are usually the result of a public procurement procedure. They include requirements relating to the service provider's financial position and professional qualifications.

Anyone wishing to take part in an on-line auction must register on the website to be able to submit a bid. All bidding, however, is public and can be followed without first registering. The information to be provided when registering includes personal identity number, e-mail address, postal address, telephone number and an alias which is used when bids are published. Bidders are not required to prove their identity. Bidders who do not have a Swedish personal identity number or who for some other reason do not wish or are not able to register on line may register manually.

The purchase price in an on-line auction is paid using a payment card or bank card.

It is not possible to take part in an on-line auction by participating on the spot in the authority's premises.

Bidding is by bid and counterbid up to a given time. If a bid is made when less than two minutes are left, the time is extended by a further two minutes.

The Enforcement Authority replies to questions by telephone or e-mail, but it may be difficult to get a reply when the auction has only a short time left to run.

The Authority replies in Swedish but must also be able to give basic information in the national minority languages and give information and guidance to certain minority groups in special management areas. Help can often be given with questions in other languages.

The Enforcement Authority translates documents relating to the sale only in exceptional circumstances, e.g. where it is obvious that there is a wide circle of clients abroad.

Under the public access principle a great deal of information held by Swedish authorities is public. However, information as to who is behind the bidding in an ongoing auction is not divulged. There may also be a confidentiality requirement with regard to certain sensitive pieces of information, but the question is examined individually in every case if someone requests the information.

Last update: 17/07/2018

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Judicial auctions - England and Wales**

The following section details the provisions in England & Wales relating to the seizure of property as a means of recovering money owed.

In England and Wales there is no longer a requirement for a District Judge to authorise and appoint the removal firms and auctioneers. [Section 41 of Schedule 12 of the Tribunals, Courts and Enforcement Act](#) provides for the sale of goods by public auction unless the court orders otherwise.

Removal and auctioneers firms can apply to each individual court supplying details of their charges and current insurance so that a decision can be made locally as to who will be appointed. The decision on which firm to use should be formally made by a panel of managers based upon the details and charges provided.

Following appointment, a list will be displayed in the court office detailing the names and addresses of appointed firms. The list will be reviewed annually and certainly prior to expiry of any insurance certificates. Where possible the selected providers should be rotated on a regular basis. Ground rules apply where it is only possible to use one firm regularly.

At least 7 days before the sale takes place the bailiff must send the debtor and any co-owners notice of sale.

When a sale takes place and the proceeds are received from the auctioneers the Bailiff/Delivery Manager is responsible for confirming that all of the goods that have been taken control of and seized are accounted for. The warrant should be suitably endorsed.

See Regulations 34 to 43 of the [Taking Control of Goods Regulations](#) for further detail regarding the removal, storage and sale of controlled goods.

Last update: 24/04/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

#### **Judicial auctions - Northern Ireland**

The Enforcement of Judgments Office (EJO) is a branch within the Northern Ireland Courts and Tribunal Service (an agency of the Department of Justice) and is responsible for the enforcement of civil court orders in Northern Ireland relating to money, goods and property. The Judgments Enforcement (Northern Ireland) Order 1981 allows for the seizure and sale of goods to satisfy an amount of money recoverable on foot of a judgement.

The EJO has a number of powers to enforce the payment of a debt under a money judgement made by a court order. These powers include an order of seizure made under Article 31 of the Judgments Enforcement (Northern Ireland) Order 1981.

Under the 1981 Order, the EJO has the right to seize property and sell it off at auction using the net proceeds of sale (after payment of the costs and expenses of seizure) to pay the unpaid debts (see Articles 31, 34 and 40 of the 1981 Order). In the execution of an Order of Seizure, the EJO has the right, under Article 38 of the 1981 Order, to enter any land occupied or used by a debtor, their spouse or any of his defendant or, in some circumstances, land occupied or used by any other person.

The EJO may issue this type of Order (upon application to the Master under Rule 30 (1) of the Judgments Enforcement Rules (Northern Ireland) 1981) when it appears that there are sufficient sizeable goods to satisfy the debt. In practice, it will look for other relevant means of enforcement such as an

Attachment of Earnings Order (whereby a sum of money is deducted from the debtors salary) before deciding to make an application to the Master for an Order of Seizure.

There are limitations on the types of goods that can be seized (for example, the debtors clothes and essential household furniture cannot be seized (see Article 33 of the 1981 Order).

Rule 30 - 33 of The Judgment Enforcement (Northern Ireland) Rules 1981 sets out the procedure followed by the EJO in respect of the making of an order of seizure.

Last update: 03/07/2018

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

### Judicial auctions - Scotland

The following section details the provisions in Scotland relating to the seizure of property as a means of recovering money owed.

In Scotland, property may be seized as a means of recovering money owed where that debt has been recognised by the courts, and in some other circumstances, including where authorised in certain formal "documents of debt". The processes used to seize property are known as **arrestment** (used to freeze property which belongs to the debtor but held by a third party); **attachment** (used to seize property owned by the debtor and which is in their possession); and **exceptional attachment** (used to seize non-essential property kept within a dwelling house). In some cases the relevant procedures allow the debtor's property to be auctioned under judicial oversight.

Part 2 of the **Debt Arrangement and Attachment (Scotland) Act 2002** (the 2002 Act) sets out the process to be followed when attaching goods. Within 14 days of carrying out the attachment, the sheriff officer must make a report to the Sheriff Court. Once the report has been received, the sheriff officer can arrange to remove the attached items and sell them at a public auction, which the sheriff officer must attend to record, which, if any, items are sold and the price they are sold for. Money obtained at auction may be used to pay the sheriff officer's fees and expenses, then pay the creditor. Any surplus is returned to the debtor. If the items do not sell, ownership of the goods passes to the creditor. Whilst the auction of any attached goods is usually held in an auction room, if it is impractical to do so there is provision in the 2002 Act for the auction to be held elsewhere, other than the debtor's dwelling house.

Where goods have been arrested, and the debtor has not signed a mandate allowing the goods to be released to the creditor, to obtain the property, the creditor must raise an **action of furthcoming** with the court. An action of furthcoming is an application to the court to authorise the release of goods to the creditor who can then sell them to recover all or part of what they are owed.

Last update: 30/04/2019

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.