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Europski nalog za blokadu računa

Informacije na nacionalnoj razini i internetski obrasci u vezi s Uredbom br. 655/2014

O čemu je riječ?

Europski nalog za blokadu računa omogućuje sudu u državi članici EU-a da **zamrzne sredstva** na bankovnom računu dužnika u **drugoj državi članici EU-a**. Postupak se primjenjuje samo na prekogranične predmete, pri čemu sud koji vodi postupak ili boravište vjerovnika moraju biti u državi članici različitoj od one u kojoj se nalazi račun dužnika.

Njime se olakšava **naplata duga**.

Postupak za izdavanje europskog naloga za blokadu računa utvrđen je u **Uredbi (EU) br. 655/2014**.

Alternativa je postojećim pravnim postupcima u državama članicama EU-a.

Primjenjuje se od 18. siječnja 2017.

Prednosti

Postupak je **brz** i odvija se **bez obavješćivanja dužnika** (*ex parte*).

Taj „**učinak iznenađenja**“ onemogućuje dužnika u pokušaju *premeštanja, skrivanja ili trošenja* novca.

Primjenjuje li se u svim državama članicama EU-a?

Ne. Uredba se ne primjenjuje u Danskoj. To znači da:

vjerovnici iz Danske **ne mogu podnijeti zahtjev** za europski nalog za blokadu računa

ne može vam se **izdati europski nalog za blokadu računa** za račune u bankama sa sjedištem u Danskoj.

Kako se prijaviti

Svi obrasci za zahtjeve i dodatne informacije dostupni su [ovdje](#).

Sve obrasce možete ispuniti na internetu.

Upamtite: *Ne morate upisati sve detalje* o računu koji treba zamrznuti (npr. broj računa) **ako ih ne znate** – dovoljno je **ime banke** u kojoj se nalazi račun. Ako ne znate ime banke u kojoj se nalazi račun dužnika, u skladu s Uredbom možete od suda zatražiti da pribavi taj podatak.

Sadržaj svih obrazaca povezanih s europskim nalogom za blokadu računa utvrđen je u [Provedbenoj uredbi Komisije \(EU\) 2016/1823](#).

Posljednji put ažurirano: 01/02/2020

Stranicu održava Europska komisija. Informacije na ovoj stranici ne odražavaju nužno službeno stajalište Europske komisije. Europska komisija ne preuzima nikakvu odgovornost za informacije ili podatke sadržane ili navedene u ovom dokumentu. Pogledajte pravnu obavijest koja se odnosi na propise za autorska prava za europske stranice.

S obzirom na povlačenje Ujedinjene Kraljevine iz Europske unije, Komisija ažurira dio sadržaja na ovim stranicama. Ako još uvijek ima sadržaja koji ne odražava povlačenje Ujedinjene Kraljevine, to je nenamjerno te će biti izmijenjeno.

European Account Preservation Order - Belgium

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The attachments judge (*juge des saisies/beslagrechter*) at the court of first instance (*tribunal de première instance/Rechtbank van eerste aanleg*, Article 1395 /2 of the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*)).

Article 50(1)(b) – Authority designated as competent to obtain account information

The [National Bailiffs' Association](#) of Belgium (*Chambre nationale des huissiers de justice/Nationale Kamer van Gerechtsdeurwaarders*, Article 555/1, §1, subparagraph 1, 25° of the Judicial Code).

Article 50(1)(c) – Methods of obtaining account information

Article 555/1, §2 of the Judicial Code, which entered into force on 1 January 2019 after a number of further implementing measures were taken, provides for a combination of options (a) and (b) in Article 14(5) of the EU Regulation.

Accordingly, in an initial stage after the judicial request, the National Bailiffs' Association can ask the contact point at the Belgian central bank (*Banque nationale de Belgique/Nationale Bank van België*) to provide the requisite information.

On the basis of the information obtained there, the National Bailiffs' Association can, if necessary, ask one or more banks to provide data.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The Court of Appeal (*Cour d'appel/Hof van Beroep*, Article 602, subparagraph 1, 6° of the Judicial Code).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

A bailiff (*huissier de justice/gerechtsdeurwaarder*, Article 196 of the Act of 18 June 2018 laying down various provisions on civil law and provisions to promote alternative forms of dispute resolution).

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

A bailiff (Article 519, §1, 1° of the Judicial Code).

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Account preservation is governed in Belgium by the Judicial Code (Part 5, Title II, Chapter IV (<http://www.ejustice.just.fgov.be/eli/loi/1967/10/10/1967101056/justel>)). Account preservation orders can be issued for joint accounts. If the garnishee bank is aware of the amounts attributable to individual holders of a joint account, the account preservation order will concern solely the amount owed by the attached debtor, failing which the full amount of the credit balance will be indicated in the statement to be provided by the garnishee. In that case, any account holder not subject to the attachment may apply for the attachment to be partially lifted if they can provide evidence of their share of the assets.

- This application can be lodged with the attachments judge at the court of first instance (Article 1395 of the Judicial Code).

- With regard to trust accounts (*comptes de qualité/kwaliteitsrekeningen* and *comptes de tiers/derdenrekeningen*), the following distinction should be made:

The debtor is the account holder

Notwithstanding Article 8/1 of the Mortgage Act (*loi hypothécaire/Hypotheekwet*), which explicitly acknowledges that some trust accounts which are mandatory under the law (i.e. accounts held by lawyers, bailiffs, notaries and estate agents) are separate from the assets of the account holder, and that this separation can be relied upon against third parties, the legislature has not in fact provided for the funds held on those trust accounts to be immune from seizure by the account holder's private creditors. Accordingly, in principle, it is possible to instruct a bank to preserve those funds. When a bank is instructed

to preserve funds, it must indicate the specific nature of the account (Article 1452 of the Judicial Code); however, objections may be raised with the attachments judge. The attached debtor may, therefore, apply for the account preservation order to be lifted.

The debtor is the beneficiary of the trust account

The beneficiary of the trust account has a claim against the account holder in respect of the funds managed on their behalf. The claim may be attached by the beneficiary's creditors: this is because any creditor may apply for the preservation of funds owed by a third party to the creditor's debtor (Article 1445 of the Judicial Code). The account preservation order must be issued to the account holder (= the trustee), not to the bank. This is because in this scenario, the bank has debts only vis-à-vis the account holder, not vis-à-vis the beneficiary.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Immunity from seizure of certain amounts is governed in Belgium by Articles 1409, 1409bis and 1410 of the Judicial Code (<http://www.ejustice.just.fgov.be/eli/loi/1967/10/10/1967101056/justel>). These provisions lay down restrictions on and immunity from seizure of certain items of revenue: wages, replacement income, social benefits and maintenance. Below a certain threshold, wages and replacement income are immune from seizure.

With a view to helping the enforcement authorities and, where appropriate, garnishees to determine whether the amounts on an account can be seized, Article 1411bis §3 of the Judicial Code provides for an obligation - enforced by criminal law - for employers and paying agencies to indicate a specific code when effecting payments. The code will vary according to the type of protected income paid into the account.

This requirement to indicate a code is without prejudice to a debtor's right to prove by all legal means that the amounts credited to their current account are immune from seizure (Article 1411bis §2, subparagraph 1 of the Judicial Code). In addition, Article 1411bis §2, subparagraph 2 of the Judicial Code provides for a rebuttable presumption that amounts paid by the debtor's employer into their current account are partially immune from seizure. The presumption applies exclusively to transactions between the debtor and their creditors.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Pursuant to Article 1454 of the Judicial Code, the costs of the statement that has to be provided by a garnishee are borne by the debtor. No provision is made for the recovery of other expenses incurred by the bank in connection with the enforcement or (partial) lifting of an account preservation order.

Pursuant to Article 555/1, §2 of the Judicial Code, which entered into force on 1 January 2019, an order signed by the King is to set the fees for processing account information requests and lay down the conditions and arrangements for collection. Where appropriate, part of these costs are to be borne by the bank which provided the information at the request of the authority designated by Belgium (see Article 50(1)(b) above), in so far as a written agreement on compensation arrangements has been concluded with the banks or a representative thereof, without prejudice to Article 43(3) of the Regulation (see Article 3, 2° of the Royal Order (*Arrêté Royal/Koninklijk besluit*) of 22 April 2019 setting the fees for processing information requests concerning the accounts referred to in Article 555/1, §2, subparagraph 6 of the Judicial Code and laying down the conditions and arrangements for collection (<http://www.ejustice.just.fgov.be/eli/arrete/2019/04/22/2019030412/justel>). As matters stand, no agreement on compensation arrangements has been concluded with the banks. These fees will apply to domestic information requests under the new Articles 1447/1 and 1447/2 of the Judicial Code (which will probably enter into force during 2020) and to information requests under Article 14 of the Regulation.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

As regards enforcement by a bailiff, the rates are laid down by the Royal Order of 30 November 1976 setting the rates for measures taken by bailiffs in civil and commercial cases and the rates for certain benefits.

As regards provision of information, under Article 555/1, §2 of the Judicial Code, which entered into force on 1 January 2019, an order signed by the King is to set the fees for processing account information requests and lay down the conditions and arrangements for collection. The Royal Order of 22 April 2019 setting the fees for processing information requests concerning the accounts referred to in Article 555/1, §2, subparagraph 6 of the Judicial Code and laying down the conditions and arrangements for collection (<http://www.ejustice.just.fgov.be/eli/arrete/2019/04/22/2019030412/justel>) entered into force with retroactive effect from 1 January 2019.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Under Belgian law, the preservation of an account does not confer preferential status on a debt. Pursuant to Articles 17 and 19, 1° of the Mortgage Act, only those legal costs incurred as a direct result of account preservation receive preferential status.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Against an account preservation order: the attachments judge at the court of first instance (Article 1395/2, 2° of the Judicial Code).

Against enforcement of an account preservation order: the attachments judge '*juge des saisies*'/'*beslagrechter*' at the court of first instance (Article 1395/2, 2° of the Legal Code).

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The Court of Appeal (*Cour d'appell/Hof van beroep*, Article 602, first paragraph, 7° of the Judicial Code).

Under Article 1051 of the Judicial Code, in principle appeals may be lodged within one month of the date of service or notification of the judgment.

Article 50(1)(n) – Court fees

The costs of civil proceedings are governed by Articles 1017-1022 of the Judicial Code.

Legal costs vary from one case to another and must be determined with reference to the specific circumstances of the case.

Article 1017 states by way of a general rule that even where no application is made, the final judgment will order the unsuccessful party to cover the costs, unless specific legislation provides for other arrangements and without prejudice to any agreement reached between the parties and incorporated into the judgment. However, any unnecessary costs, including the procedural fee referred to in Article 1022, will be borne by the party which generated them, even where no application is made.

Article 1018 of the Judicial Code sets out the costs concerned:

1° Miscellaneous court and registration fees and stamp duty paid before the Stamp Duty Code was repealed; court fees include listing fees, drafting fees and copy fees (Article 268 et seq. of the Code of Registration, Mortgage and Court Registry Fees (*Code des droits d'enregistrement, d'hypothèque et de greffe/Wetboek registratie-, hypotheek- en griffierechten*)).

In principle, a listing fee (*droit de mise au rôle/rolrecht*) ranging from €100 to €500 (attachments judge) or from €210 to €800 (Court of Appeal) is charged, depending on the value of the application (Article 269/1 of the Code). This fee is payable when the case is listed.

In principle, a drafting fee (*droit de rédaction/opstelrecht*) of €35 is charged on court registrars' documents or documents submitted to them without judicial intervention (Article 270/1 of the Code).

In principle, a copy fee (*droit d'expédition/expeditierecht*) ranging between €0.85 and €3 per page is charged on copies or excerpts issued by a court registry (Articles 271 and 272 of the Code).

Registration fees (3% of principal) are charged on decisions concerning a principal sum of more than €12 500 (excluding legal costs).

2° The cost of judicial documents and related emoluments and salaries.

3° The cost of providing a copy of a judgment: between €0.85 and €3 per page.

4° The costs of any measures of inquiry, particularly witness and expert fees.

5° Travel and subsistence expenses for judges, registrars and parties required to travel by order of the court, and costs of documents drawn up solely for the proceedings.

6° The procedural fee referred to in Article 1022; in principle, this is paid by the unsuccessful party and represents compensation for the lawyer's fees and expenses incurred by the successful party. The amount of this procedural fee is calculated in accordance with the value of the claim. The Royal Order of 26 October 2007 lays down a basic amount, a minimum amount and a maximum amount. The judge can reduce or increase the basic amount subject to the maximum and minimum amounts. These amounts are linked to the consumer price index.

7° The fees, emoluments and costs of a mediator appointed pursuant to Article 1734.

8° The contribution referred to in Article 4 §2 of the Act of 19 March 2017 setting up a budget fund for second-line legal assistance (*aide juridique de deuxième ligne/juridische tweedelijnsbijstand*).

Article 50(1)(o) – Languages accepted for translations of the documents

No additional language.

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European Account Preservation Order - Germany

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The designated **courts** (211 Kb) [de](#) are *Amtsgerichte* (Local Courts) and *Landgerichte* (Regional Courts).

The body competent to issue an Account Preservation Order at local level in cases where the creditor has already obtained an authentic instrument is the court in whose district the instrument was drawn up.

The determination of competence with regard to jurisdiction of the courts in relation to subject matter follows the general provisions of German law on the constitution of courts and the applicable codes of judicial procedure.

Article 50(1)(b) – Authority designated as competent to obtain account information

The authority designated as competent to obtain account information pursuant to Article 14 of Regulation (EU) No 655/2014 is the *Bundesamt für Justiz* (Federal Office of Justice).

The contact details of the *Bundesamt für Justiz* are as follows:

Bundesamt für Justiz

Adenauerallee 99-103

53113 Bonn

Germany

Tel.: +49-228 99 410-40

Email: EU-Kontenpfaendung@bfj.bund.de

Article 50(1)(c) – Methods of obtaining account information

To obtain account information pursuant to Article 14 of Regulation (EU) No 655/2014, the *Bundesamt für Justiz* can request the *Bundesamt für Steuern* (Federal Central Tax Office) to access the following data at credit institutions:

the date on which an account is opened and closed and the name of the account holder as well as the date of birth in the case of individuals.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The designated **courts** (233 Kb) [de](#) are *Amtsgerichte* (Local Courts), *Landgerichte* (Regional Courts), *Oberlandesgerichte* (Higher Regional Courts) *Arbeitsgerichte* (Labour Courts) and *Landesarbeitsgerichte* (Higher Labour Courts).

An appeal against a refusal to issue the Preservation Order can be lodged with the court that rejected the application or, if the court that rejected the application is a court of first instance, with a court of higher instance.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The designated **courts** (194 Kb) [de](#) are *Amtsgerichte* (Local Courts).

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The designated **courts** (194 Kb) [de](#) are *Amtsgerichte* (Local Courts).

The court that is competent to enforce a Preservation Order is the competent local court under the general provisions. However, if the Order was issued by a German court, that court is competent to enforce the Order.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Money on accounts which, according to the documents of the bank at which the account is held, are not controlled solely by the debtor is subject to German national law on seizure, without prejudice to any rights of the other parties with a power of control.

Money on accounts of the debtor that can be controlled by a third party on behalf of the debtor is subject to seizure against the debtor under German national law.

Money on accounts of a third party that can be controlled by the debtor on behalf of that third party is not subject to seizure against the debtor under German national law.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Germany's national rules on amounts exempt from seizure are found in Sections 850k and 850l of the Code of Civil Procedure (*Zivilprozessordnung*, ZPO):

These are as follows:

'Section 850k Account exempted from attachment

(1) Where the balance credited to the debtor's account with a credit institution, such account being exempted from attachment, is attached, the debtor may dispose of the balance up to the amount of the monthly allowance pursuant to Section 850c(1), 1st sentence, in conjunction with Section 850c(2a), up to the end of the respective calendar month; in this regard, the balance is not subject to attachment. The balance in the sense of the 1st sentence includes any

balance that may not be paid to the creditor or lodged until the expiry of the period provided for by Section 835(4). Insofar as, within the respective calendar month, the debtor has not disposed of the balance in the amount that is exempt from attachment pursuant to the 1st sentence, this balance shall not be subject to attachment in the next calendar month, in addition to the balance exempted from attachment under the 1st sentence. The 1st to 3rd sentences shall apply mutatis mutandis where the balance credited to a current account of the debtor has been attached, and such current account is converted to an account exempted from attachment prior to expiry of 4 weeks following service of the court order to transfer.

(2) In all other regards, the attachment of the credit balance is deemed to have been ordered subject to the proviso that the following amounts are not subject to attachment, thus increasing the allowance pursuant to subsection (1):

1. The amounts exempted from attachment pursuant to Section 850c(1), 2nd sentence, in conjunction with Section 850c(2a), 1st sentence, where

a) the debtor is paying maintenance to one or several persons as per statutory obligations, or

b) the debtor is receiving monetary benefits pursuant to the 2nd or 12th Book of the Social Code for persons living with him in a household as defined by Section 7(3) of the 2nd Book of the Social Code or Sections 19, 20, 36, 1st sentence, or Section 43 of the 12th Book of the Social Code, vis-à-vis whom the debtor is not obligated to pay maintenance in accordance with statutory provisions;

2. Non recurrent monetary benefits as defined by Section 54(2) of the 1st Book of the Social Code and monetary benefits serving to compensate the additional expenditures resulting from a physical disability or ill health, as defined by Section 54(3) number 3 of the 1st Book of the Social Code;

3. Child benefits or any other monetary benefits received with regard to children, unless these are attached due to a child's claim to maintenance payments regarding whom the benefits are being granted, or regarding whom the benefits are taken into account.

For the amounts governed by the 1st sentence, subsection (1), 3rd sentence, shall apply mutatis mutandis.

(3) The amount that the execution court has left unattached in the attachment order shall take the stead of the amounts exempted from attachment under subsection (1) and subsection (2), 1st sentence, number 1 if the balance is attached due to the claims designated in Section 850d.

(4) The execution court may determine an amount to be exempted from attachment, upon the corresponding petition being filed, that deviates from the amounts set out in subsection (1), subsection (2), 1st sentence, number 1 and subsection (3). Sections 850a, 850b, 850c, 850d(1) and (2), Sections 850e, 850f, 850g and 850i as well as Sections 851c and 851d of the Code as well as Section 54 subsection (2), subsection (3) numbers 1, 2 and 3, subsections (4) and (5) of the 1st Book of the Social Code, Section 17 (1), 2nd sentence, of the 12th Book of the Social Code and Section 76 of the Income Tax Act (Einkommensteuergesetz) are to be applied mutatis mutandis. In all other regards, the execution court has the authority to deliver the orders designated in Section 732(2).

(5) The credit institution is under obligation vis-à-vis the debtor to perform under the contractual arrangements in place as concerns the credit balance that is not subject to attachment in accordance with subsections (1) and (3). This shall apply to the amounts not subject to attachment pursuant to subsection (2) only insofar as the debtor proves – by submitting a certificate of his employer, the institution making payment of the child benefits (Familienkasse), the authority making subsistence payments or any suitable person or authority in the sense of Section 305(1) number 1 of the Insolvency Statute (Insolvenzordnung, InsO) – that the credit balance is not subject to attachment. The performance by the credit institution to the debtor has redemptive effect if it is not aware, also not due to gross negligence on its part, that the certificate is incorrect. Where the debtor is unable to submit proof as stipulated by the 2nd sentence, the execution court is to determine the amounts in accordance with subsection (2) upon the corresponding petition being filed. The 1st to 4th sentences also apply with a view to any lodged amounts.

(6) Where a monetary benefit pursuant to the Social Code or child benefits are credited to an account exempted from attachment, the credit institution may set off the claim arising by the credit only from those claims, or offset only those claims from such credit, for a period of fourteen (14) days from the date on which such amount was credited, to which it is entitled as remuneration for managing the account or based on dispositions over the account by the beneficiary within that period of time. Up to the amount of the credit balance remaining thereafter, the credit institution is not authorised, for a period of 14 days from the date on which the amount was credited, to refuse to implement payment instructions for lack of funds if the beneficiary proves, or if it is otherwise known to the credit institution, that the amount credited is a monetary benefit granted pursuant to the Social Code, or that it consists of child benefits. The remuneration of the credit institution for its management of the account may also be set off against amounts pursuant to subsections (1) to (4).

(7) In the agreement on which the management of a current account is based, the customer, this being an individual, or his legal representative may agree with the credit institution that the current account is to be managed as an account exempted from attachment. The customer may demand at any time that the credit institution manage his current account as an account exempted from attachment. Where the balance credited to the current account has already been attached, the debtor may demand that the current account be kept as an account exempted from attachment as per the beginning of the 4th bank working day following the date on which he made the corresponding declaration.

(8) Every person may maintain only one account exempted from attachment. In the contractual arrangements, the customer is to assure the credit institution that he is not maintaining any other account exempted from attachment. The credit institution may notify information services that it is managing an account exempted from attachment for the customer. The information services may use this information only to provide information to credit institutions making the corresponding inquiries in order to check the veracity of the assurance made in accordance with the 2nd sentence hereof, as to whether or not the person concerned is maintaining an account exempted from attachment. Even if the data subject grants his consent, it is not admissible to collect, process, and use the data for any other purpose than that set out in the 4th sentence.

(9) Where, contrary to the stipulations of subsection (8), 1st sentence, a debtor maintains several current accounts as accounts exempted from attachment, the execution court will order, upon a creditor filing the corresponding petition, that only the current account the creditor has designated in the petition will remain an account exempted from attachment. The creditor is to demonstrate to the satisfaction of the court that the pre-requisites set out in the 1st sentence have been met by submitting the corresponding declarations by the 3rd-party debtors. The debtor will not be heard. The decision is to be served on all 3rd-party debtors. Upon the decision being served on those credit institutions managing current accounts that have not been determined as accounts exempted from attachment, the effects set out in subsections (1) to (6) shall cease.

Section 850l Order as to amounts being non-attachable that have been credited to accounts exempted from attachment

Upon the debtor filing a corresponding petition, the execution court may order that the credit balance on the account exempted from attachment not be subject to attachment for a term of up to 12 months if the debtor proves that, in the 6 months preceding the date on which he filed the petition, the vast majority of the amounts credited to the said account were non-attachable amounts, and if the debtor demonstrates to the satisfaction of the court that it can be expected that the vast majority of the amounts to be credited to the account in the coming 12 months likewise will be non-attachable amounts. The court may refuse to issue this order if this is contravened by overriding interests of the creditor. The order is to be reversed, upon a creditor filing the corresponding petition, if the pre-requisites therefor are no longer given, or if the order is contravened by the creditor's overriding interests.'

The amounts taken into account in Section 850k(1), 1st sentence, pursuant to Section 850c(1), 1st sentence, in conjunction with Section 850c(2a) ZPO currently result from the Notice on attachment-exempt thresholds of 27 April 2015, which is attached as [Annex \(114 Kb\)](#) [de](#) to this information note; reference is made to the Notice in this regard.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Under German national law, banks may not charge fees for the implementation of equivalent national orders or for providing account information.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

The fees chargeable by the courts involved in the processing or enforcement of a Preservation Order under Regulation (EU) No 655/2014 are laid down in the Law on court fees (*Gerichtskostengesetz*) and in the Law on court fees in family matters (*Gesetz über Gerichtskosten in Familiensachen*, FamGKG). The above law can be found and consulted free of charge at http://www.gesetze-im-internet.de/bundesrecht/gkg_2004/gesamt.pdf and <http://www.gesetze-im-internet.de/bundesrecht/famgkg/gesamt.pdf>.

For a summary of the fees chargeable under the laws mentioned above, we refer you to our reply to Article 50(1)(n).

The fees chargeable by the enforcement agents involved in the processing or enforcement of a Preservation Order under Regulation (EU) No 655/2014 are laid down in the Law on enforcement agents (*Gerichtsvollzieherkostengesetz*, GvKostG). The above law can be found and consulted free of charge at <http://www.gesetze-im-internet.de/bundesrecht/gvkostg/gesamt.pdf>.

Fees are charged for serving a European Account Preservation Order issued in Germany to the bank if an enforcement agent has to serve it in Germany. If the enforcement agent serves a Preservation Order in person, a fee of EUR 10 is charged under Item 100 of the list of fees in the Law on enforcement agents (*Kostenverzeichnis zum Gerichtsvollzieherkostengesetz*, KV GvKostG), as well as the travel costs based on the distance travelled by the enforcement agent: EUR 3.25 for up to 10 km, EUR 6.50 for between 10 km and 20 km, EUR 9.75 for between 20 km and 30 km, EUR 13 for between 30 km and 40 km and EUR 16.25 for over 40 km (under Item 711 KV GvKostG). If the enforcement agent serves it by other means, a fee of EUR 3.00 is charged (under Item 101 KV GvKostG). Postal costs will be charged in full for service with proof of service (under Item 701 KV GvKostG). A lump sum will be charged to cover any cash expenses in the amount of 20% of the fees charged for each Order, but not less than EUR 3.00 and not more than EUR 10.00 (under Item 716 KV GvKostG).

This applies in cases where the court that issued the Preservation Order in Germany calls on the services of an enforcement agent in order to serve the Order to the debtor at the instigation of the creditor.

No fee will be charged for consulting the information authority under Article 14 of Regulation (EU) No 655/2014, without prejudice to our reply to Article 50(1)(n) specifying the increase in court fees chargeable in procedures for obtaining a Preservation Order within the meaning of Article 5(b) of Regulation (EU) No 655/2014.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

The ranking of account seizures based on decisions under national law which are equivalent to decisions under Regulation (EU) No 655/2014 is determined by the date on which they are served on the bank, with earlier seizure orders taking precedence over those served later.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The following courts (233 Kb) [de](#) are competent in the case of remedies under Article 33(1) of Regulation (EU) No 655/2014.

The designated courts are *Amtsgerichte* (Local Courts), *Landgerichte* (Regional Courts), *Oberlandesgerichte* (Higher Regional Courts) *Arbeitsgerichte* (Labour Courts) and *Landesarbeitsgerichte* (Higher Labour Courts).

The following courts (194 Kb) [de](#) are competent in the case of remedies under Article 34(1) or (2) of Regulation (EU) No 655/2014.

The designated courts are *Amtsgerichte*.

The court that issued the Preservation Order is competent in respect of the remedies under Article 33(1) of Regulation (EU) No 655/2014.

In the case of remedies of the debtor under Article 34(1) or (2) of Regulation (EU) No 655/2014, the court competent to enforce the order is the competent local court under the terms of the general provisions.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The following courts (233 Kb) [de](#) are competent in the case of appeals within the meaning of Article 37 of Regulation (EU) No 655/2014.

The designated courts are *Amtsgerichte* (Local Courts), *Landgerichte* (Regional Courts), *Arbeitsgerichte* (Labour Courts) and *Landesarbeitsgerichte* (Higher Labour Courts).

The right to appeal against decisions on legal remedies as provided for under Article 37 of Regulation (EU) No 655/2014 can be exercised with the court that issued the decision on a remedy or, if the court that issued the decision on the remedy is a court of first instance, with a court of higher instance.

The appeal must be lodged within a period of one month.

The period for lodging an appeal starts to run on the date that the person concerned is notified of the decision against which the appeal is to be made.

Article 50(1)(n) – Court fees

In procedures under Article 5(a) of Regulation (EU) No 655/2014:

The amount of the fee is determined each time on the basis of the amount in dispute and the relevant fee rate using the calculation method laid down in Section 34 of the Law on court fees (GKG) and/or Section 28 of the Law on court fees in family matters (FamGKG).

For the procedure for obtaining a European Preservation Order under Article 5(a) of Regulation (EU) No 655/2014, in accordance with Item 1410 of the list of fees for the Law on court fees (*Kostenverzeichnis Gerichtskostengesetz*, KV GKG), a fee rate of 1.5 is normally applied. In certain cases in which the processing workload for the court is lower, a reduced fee rate of 1.0 is applied (Item 1411 KV GKG). If an order is issued under Sections 91a or 269(3), third sentence ZPO, a higher fee rate of 3.0 is normally applied (Item 1412 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. For service with proof of service, a registered letter with acknowledgement of receipt or processing by a court official, a fee of EUR 3.50 is charged if the same instance involves more than 10 cases of service or service is instigated by the creditor (Item 9002 KV GvKostG - Law on enforcement agents, *Gerichtsvollzieherkostengesetz*).

In the procedure on appeal, a fee rate of 1.5 is applied (Item 1430 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal, the fee rate is reduced to 1.0 (Item 1431 KV GKG).

The value of the claim is determined each time at the discretion of the Court (Section 53 GKG in conjunction with Section 3 ZPO).

The fee applies as soon as the application for a European Preservation Order or a claim is brought before the Court (Section 6 GKG).

Where at first instance a Local Court (*Amtsgericht*) gives a ruling as a family court, a fee rate of 1.5 is generally applied, in accordance with Item 1420 of the list of fees of the Law on court fees in family matters (KV FamGKG). Where the entire procedure is terminated without final judgment, the fee rate is reduced to 0.5 (Item 1421 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. For service with proof of service, a registered letter with acknowledgement of receipt or

processing by a court official, a fee of EUR 3.50 is charged if the same instance involves more than 10 cases of service or service is instigated by the creditor (Item 2002 KV FamGKG).

In the procedure on appeal, a fee rate of 2.0 is applied (Item 1422 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal before the Grounds of Appeal is received by the court, the fee rate is reduced to 0.5 (Item 1423 KV FamGKG). In other cases where the procedure is terminated without judgment, the fee rate is 1.0 (Item 1424 KV FamGKG).

The value of the claim is determined in each case *ex aequo et bono* (Section 42(1) FamGKG).

The fee applies as soon as an unconditional ruling is given on the fees or the procedure is terminated in any other way (Section 11 FamGKG).

Where an Labour Court (*Arbeitsgericht*) gives a ruling at first instance, a fee rate of 0.4 is applied for the procedure (Item 8310 KV GKG). If an order is issued under Sections 91a or 269(3), third sentence ZPO, the fee rate is in principle increased to 2.0 (Item 8311 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. For service with proof of service, a registered letter with acknowledgement of receipt or processing by a court official, a fee of EUR 3.50 is charged if the same instance involves more than 10 cases of service or service is instigated by the creditor (Item 9002 KV GKG).

In the procedure on appeal, a fee rate of 1.2 is applied (Item 8330 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal, the fee rate is reduced to 0.8 (Item 8331 KV GKG).

The value of the claim is determined each time at the discretion of the Court (Section 53 GKG in conjunction with Section 3 ZPO).

The fee applies as soon as an unconditional ruling is given on the fees or the procedure is terminated in any other way (Section 9 GKG).

In the procedure under Article 5(b) of Regulation (EU) No 655/2014 and in all procedures concerning applications to limit or terminate enforcement of a Preservation Order:

In the procedure for obtaining a Preservation Order under Article 5(a) of Regulation (EU) No 655/2014, a fee of EUR 20 is charged (Item 2111 KV GKG). If, during the procedure, an application is made to obtain account information, the fee is increased to EUR 33 (Item 2122 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified.

For applications to terminate or limit enforcement, a fee of EUR 30 is charged (Item 2119 KV GKG).

For appeals that are rejected or dismissed, a fee of EUR 30 is charged (Item 2121 KV GKG). If the appeal is only partially rejected or dismissed, the court may *ex aequo et bono* reduce the fee by half or decide not to charge it.

The fee applies as soon as the application for a European Preservation Order, or for termination or limitation of enforcement, or a claim is brought before the Court (Section 6 GKG).

Article 50(1)(o) – Languages accepted for translations of the documents

For documents addressed to a court or competent authority in accordance with Regulation (EU) No 655/2014, no language other than German is permitted.

Last update: 22/06/2020

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European Account Preservation Order - Estonia

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

County courts

Article 50(1)(b) – Authority designated as competent to obtain account information

Chamber of Bailiffs and Trustees in Bankruptcy

Tartu mnt 16, 10117 Tallinn

Telephone: +372 64 63 773

E-mail: info@kpkoda.ee

Article 50(1)(c) – Methods of obtaining account information

Article 14(5)(a) - an obligation on all banks in its territory to disclose, upon request by the information authority, whether the debtor holds an account with them.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Appeals to district courts are filed through the county court whose ruling is contested in the appeal.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

Article 10(2) - the county court that issued the European Account Preservation Order

Article 10(2), third subparagraph - bailiff

Article 23(3) - bailiff

Article 23(5) - bailiff

Article 23(6) - bailiff

Article 25(3) - bailiff

Article 27(2) - bailiff

Article 28(3) - bailiff

Article 36(5), second subparagraph - bailiff

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

Bailiffs

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Making a claim for payment on an account that is the joint property of spouses is permitted with the consent of the spouse who is not a debtor if an enforcement instrument which requires both spouses to perform the obligation exists.

Under Section 626(3) of the Law of Obligations Act, 'claims and movables which a mandatary acquires when performing a mandate in the mandatary's name but on account of the mandator, and claims and movables which the mandator transfers to the mandatary for performance of the mandate are not included in the bankruptcy estate of the mandatary and they cannot be subject to a claim against the mandatary in an enforcement procedure'.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

A claim for payment cannot be made on the following income:

- 1) state family benefits;
- 2) social benefits for disabled persons;
- 3) social benefits within the meaning of the Social Welfare Act;
- 4) unemployment allowances, grants, transport and accommodation benefits and business start-up subsidies paid through the Estonian Unemployment Insurance Fund;
- 5) compensation paid for causing bodily harm or a health disorder, except compensation for lost income and compensation for non-patrimonial damage;
- 6) work ability allowance;
- 7) statutory maintenance allowance;
- 8) health insurance benefits within the meaning of the Health Insurance Act, except benefits for temporary incapacity for work;
- 9) state pensions to the extent provided by law;
- 10) support on release from prison.
- 11) repressed person's allowance paid on the basis of the Persons Repressed by Occupying Powers Act.

Income is not seized if it does not exceed the minimum monthly wage or the corresponding proportion of income for a week or day. As of 1 January 2020, the minimum monthly wage when working full-time is €584.

If making a claim for payment on other assets of a debtor has not led or is not expected to lead to complete satisfaction of a claimant's claim, and if seizure is justified in view of the type of claim and the level of income, a claim for payment on the income referred to in points 5-7 above may be made on application by the claimant.

If making a claim for payment on other assets of a debtor has not led or is not expected to lead to complete satisfaction of a claim for maintenance for a child, up to half of the income referred to in Section 132(1) of the Code of Enforcement Procedure may be seized. If the amount seized from the debtor's income to fulfil a claim for maintenance for a child is less than half of the minimum wage, up to one third of the debtor's income may be seized.

If, pursuant to law, a debtor supports another person or pays maintenance to that person, the amount not subject to seizure increases by one third of the minimum monthly wage per dependant unless a claim for maintenance for a child is subject to compulsory execution.

Up to two thirds of an amount equivalent to five times the minimum wage may be seized, and all the income which exceeds an amount equivalent to five times the minimum wage may be seized out of the proportion of income exceeding the amount not subject to seizure, provided that the amount subject to seizure does not exceed two thirds of the total income. This provision does not apply if a claim for support is subject to compulsory execution.

On the basis of an application submitted by the debtor, a bailiff will annul the seizure of an account within three working days to the extent which guarantees for the debtor the income not subject to seizure.

If more than once month's income is transferred to a debtor's account, the bailiff will, on the basis of an application submitted by the debtor, annul the seizure of the account within three working days to the extent which guarantees for the debtor the income not subject to seizure for each month paid in advance. If the period for use of the income transferred to the debtor's account cannot be determined, the bailiff will transfer to the debtor the non-seizable income for one month.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

None

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Under Section 781(4) of the [Bailiffs Act](#), a person filing a request to obtain account information under Article 14 pays EUR 20.

Under Section 38(6) of the Bailiffs Act, the basic fee payable to a bailiff for the execution of a Preservation Order is EUR 92.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

A right of security on seized assets that arose during an earlier seizure takes precedence over a right created during a later seizure.

A right of security on seized assets that arose on the basis of a claim for child maintenance takes precedence over other rights of security on seized assets regardless of the time of seizure. Rights of security on seized assets that arose on the basis of a claim for child maintenance are of equal ranking.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Article 33(1) - county courts

Article 34(1)(a) – the bailiff that initiated enforcement proceedings and seized the account on the basis of a European Account Preservation Order. A list of bailiffs can be found on the website of the Chamber of Bailiffs and Trustees in Bankruptcy: <http://www.kpkoda.ee/content/avaliku-poolle-lingid/kontaktinfo-0>.

Article 34(1)(b)

i) bailiff

ii) bailiff

iii) bailiff

iv) bailiff

Article 34(2) - county courts

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Article 33

Appeals to district courts are filed through the county court whose ruling is contested in the appeal within 15 days from the date on which the ruling was served.

Article 34

- If the ruling was made by a county court, appeals to district courts are filed through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days from the date on which the ruling was served.

- A participant in enforcement proceedings may file a complaint with a bailiff regarding a decision made by or the action taken by the bailiff when executing an enforcement instrument or refusing to perform an enforcement action, within ten days as of the day on which the complainant became or should have become aware of the decision or action, unless otherwise provided by law. A participant in proceedings may file an appeal against a decision made by a bailiff regarding a complaint with the county court of the jurisdiction in which the bailiff's office is located within ten days from the date on which the decision was served. An appeal against a decision made or action taken by a bailiff cannot be filed with a court without first filing a complaint with the bailiff.

Participants in proceedings and bailiffs may file an appeal against a county court ruling made regarding a decision made by a bailiff. Appeals are to be submitted within 15 days from the date on which the ruling was served.

Article 35

- If the ruling was made by a county court, appeals to district courts are filed through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days from the date on which the ruling was served (Article 35(1)).

- A participant in enforcement proceedings may file a complaint with a bailiff regarding a decision made by or the action taken by the bailiff when executing an enforcement instrument or refusing to perform an enforcement action, within ten days as of the day on which the complainant became or should have become aware of the decision or action, unless otherwise provided by law. A participant in proceedings may file an appeal against a decision made by a bailiff regarding a complaint with the county court of the jurisdiction in which the bailiff's office is located within ten days from the date on which the decision was served. An appeal against a decision made or action taken by a bailiff cannot be filed with a court without first filing a complaint with the bailiff (Article 35 (3)-(4)). Participants in proceedings and bailiffs may file an appeal against a county court ruling made regarding a decision made by a bailiff. Appeals are to be submitted within 15 days from the date on which the ruling was served.

Article 50(1)(n) – Court fees

The state fee for either receiving or contesting a ruling is EUR 50, and this is to be paid when submitting the application.

Article 50(1)(o) – Languages accepted for translations of the documents

Estonian, English.

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European Account Preservation Order - Ireland

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

Article 50(1)(a) - Names and contact details of the courts designated as competent to issue the European Account Preservation Order (Article 6(4));

Authentic instruments are not known in Irish law therefore this provision does not apply in Ireland.

Article 50(1)(b) – Authority designated as competent to obtain account information

In Ireland

Minister for Justice and Equality,

Bishop's Square,

Redmond's Hill,

Dublin 2,

Ireland

[✉ EAPOIA@justice.ie](mailto:EAPOIA@justice.ie)

Article 50(1)(c) – Methods of obtaining account information

In Ireland Article 14(5)(a) applies, i.e., an obligation on all banks in Ireland to disclose, upon request by the information authority, whether the debtor holds an account with them

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

In Ireland

where jurisdiction to issue a Preservation Order lies with the District Court, to the Judge of the Circuit Court within whose Circuit the Preservation Order was issued.

where jurisdiction to issue a Preservation Order lies with the Circuit Court, the High Court

where jurisdiction to issue a Preservation Order lies with the High Court, the Court of Appeal (it should be noted, however, that in accordance with the provisions of the Irish Constitution, the Supreme Court shall have appellate jurisdiction from a decision of the High Court if it is satisfied that there are exceptional circumstances warranting a direct appeal to it. A precondition for the Supreme Court being so satisfied is that the decision concerned involves a matter of general public importance and/or the interests of justice so require.)

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

In Ireland

Minister for Justice and Equality,

Bishop's Square,

Redmond's Hill,

Dublin 2,

Ireland

[✉ EAPOCA@justice.ie](mailto:EAPOCA@justice.ie)

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

In Ireland

Minister for Justice and Equality,

Bishop's Square,

Redmond's Hill,

Dublin 2,

Ireland

[✉ EAPOCA@justice.ie](mailto:EAPOCA@justice.ie)

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

The extent to which joint and nominee accounts can be preserved under Irish law depends on the circumstances of the case in question. As regards joint accounts, the general rule is that a Mareva type injunction granted against a defendant alone ought not to prevent a joint account holder from drawing on the bank account, unless such is specifically provided for in the order.

As regards nominee accounts, where a third party holds assets on behalf of a defendant in a nominee account, those assets are liable to be affected by a Mareva injunction directed at the defendant because the defendant is the equitable or beneficial owner of those assets.

A joint or nominee account holder whose account is subject to such an injunction can bring an application before the relevant court with a view to amending the terms of the injunction.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

In the case of equivalent national proceedings the Court determines the amount available to the debtor on a case by case basis having regard to the circumstances of the party concerned. The relevant application is made by the debtor and there are no rules on the amount which may be made available.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Banks do not charge for the implementation of court orders in the case of equivalent national proceedings. In the event that account information were to be sought, there is no rule in place which would prevent banks from charging a fee for the provision of such information. As a general principle the creditor would be liable to pay the costs incurred by the bank, although such costs might eventually be awarded against the debtor.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

It is not envisaged that an administration fee will be charged by the information and competent authorities. However, personal service of documents will incur a charge of approximately €100 to €200, depending on the degree of difficulty which arises in effecting service.

Note: personal service of documents will be undertaken by a private sector company in this instance and a scale of fees is not available.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

A ranking is not conferred on similar procedures such as Mareva injunctions under Irish law as the creditor does not obtain a proprietary interest in the asset in question.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

In Ireland,

Insofar as Article 33(1) is concerned, the court competent to grant a remedy is the court which issued the Preservation Order which, depending on the circumstances, could be a District Court, a Circuit Court or the High Court*.

Insofar as Article 34(1) and 34(2) are concerned, the court competent to grant a remedy is, where the European Account Preservation Order was issued by a court in the State, the court which issued the preservation order; where the European Account Preservation Order was issued in a Member State other than the State, the High Court*.

*The High Court,

Four Courts,

Dublin 7.

HighCourtCentralOffice@courts.ie

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

In Ireland an appeal against a decision issued pursuant to Articles 33, 34 or 35 can be made as follows –

where the decision was made by the District Court, an appeal can be made to the Judge of the Circuit Court within whose Circuit the Preservation Order was issued within fourteen days from the date on which the decision appealed from was given (Articles 35.1 and 35.3 only). <http://www.courts.ie/rules.nsf/0/e7bc3303e9b0464a80256d2b0046a095?OpenDocument>

where the decision was made by the Circuit Court, an appeal can be made to the High Court within ten days from the date on which the judgement or order appealed from was pronounced in open court (Articles 35.1 and 35.3 only). <http://www.courts.ie/rules.nsf/d7ed4ce54d2bd0c680256e5400502ec7/d5629e64d4c7cae680256d2b0046b3ae?OpenDocument>

where the decision was made by the High Court, an appeal can be made to the Court of Appeal within 28 days of perfection of the Order. (It should be noted, however, that in accordance with the provisions of the Irish Constitution, the Supreme Court shall have appellate jurisdiction from a decision of the High Court if it is satisfied that there are exceptional circumstances warranting a direct appeal to it. A precondition for the Supreme Court being so satisfied is that the decision concerned involves a matter of general public importance and/or the interests of justice so require.) <http://www.courts.ie/rules.nsf/8652fb610b0b37a980256db700399507/6805f0acd71dd40f80256f900064bdeb?OpenDocument>

Article 50(1)(n) – Court fees

Depending on the circumstances of the case, the court fees in proceedings to obtain a Preservation Order or a remedy against an Order could range from €80 to €200 approx. Relevant information can be found at:

<http://www.irishstatutebook.ie/eli/2014/si/491/> (SI 491/2014)

<http://www.irishstatutebook.ie/eli/2014/si/492/> (SI 492/2014)

<http://www.irishstatutebook.ie/eli/2014/si/22/> (SI 22/2014)

Article 50(1)(o) – Languages accepted for translations of the documents

None (Ireland accepts Irish and English only)

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European Account Preservation Order - Greece

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

District Civil Courts (*Eirinodikeia*) and Courts of First Instance (*Protodikeia*).

Article 50(1)(b) – Authority designated as competent to obtain account information

The System of Registers of Bank Accounts and Payment Accounts (*Sýstima Mitróon Trapezikón Logariasmón kai Logariasmón Pliromón*) of the Ministry of Finance.

Secretariat-General for IT Systems (*Genikí Grammateía Pliroforiakón Systimáton*), Ministry of Finance, email: gen-gramm@gsis.gr, tel. 0030-210 4802000, 0030-210 4803284, 0030-210 4803267.

Article 50(1)(c) – Methods of obtaining account information

The System of Registers of Bank Accounts and Payment Accounts of the Ministry of Finance was created for the purpose of transmitting requests for information from authorities, services, public sector bodies and other bodies to credit institutions. These requests are sent electronically via a secure third entity (Tiresias) to the credit institutions, which send their replies with the account details through the same channel (Article 14(5)(a)).

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

A refusal on the part of the District Civil Court judge can be appealed to the Single-Member Court of First Instance (*Monomélés Protodikeío*), and a refusal on the part of the Single-Member Court of First Instance can be appealed to the Court of Appeal (*Efeteío*).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The competent authority for transmission is the Court of First Instance. Bailiffs (*dikastikoí epimelités*) are responsible for receiving and serving the preservation order and other documents.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

Bailiffs.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Only joint accounts can be preserved, not nominee accounts. No other conditions apply to the preservation of joint accounts.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Article 982(2) of the Code of Civil Procedure (*Kódikas Politikis Dikonomias*) provides that claims for maintenance, salaries, pensions, insurance benefits, etc. are exempt from seizure. There is no link to the Code of Civil Procedure on the internet. The above amounts are exempt from seizure without any application being submitted by the debtor.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

There are no specific provisions regulating the matter of the charging of costs and fees for the preservation or seizure of a bank account or the provision of account details. However, the Hellenic Bank Association (*Ellinikí Énosi Trapezón*) considers that credit institutions are entitled to demand the payment of costs as explicitly provided for, *mutatis mutandis*, in Articles 30A and 30B of the Public Revenue Collection Code (*Kódikas Eispráxeos Dimosion Esódon* (KEDE) - Legislative Decree No 356/1974, as amended and in force).

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

No fees are charged by the Independent Authority for Public Revenue (*Anexártiti Archi Dimosion Esódon*) for its involvement in the processing of the Preservation Order. Since the enforcement of the Order is carried out by bailiffs, they charge each of their principals directly. There is no link to a site on the internet concerning bailiffs' fees. Fees are not charged by the Ministry of Finance to provide information on accounts in accordance with Article 14.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

The European Account Preservation Order is treated as equivalent to a preservation measure (*asfaltikó métro*) under national law. No ranking has been applied to equivalent national orders.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The competent court to grant a remedy is the court that issued the European Account Preservation Order; i.e. the District Civil Court judge for claims falling within the remit of the District Civil Court and the judge of the Single-Member Court of First Instance for any other claims. With regard to the legal remedies referred to in Article 34(1) and (2), the competent court for amounts up to EUR 20 000 is the District Civil Court. The competent court for amounts over EUR 20 000 is the Court of First Instance.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

A refusal on the part of the District Civil Court judge can be appealed to the Single-Member Court of First Instance, and a refusal on the part of the Single-Member Court of First Instance can be appealed to the Court of Appeal. Appeals must be lodged within 30 days of service of the decision on the debtor.

Article 50(1)(n) – Court fees

Court fees are calculated as approximately four thousandths of the amount claimed. This calculation applies both to actions to obtain an order and to actions for any legal remedy against an order.

Article 50(1)(o) – Languages accepted for translations of the documents

Documents are accepted in Greek only.

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European Account Preservation Order - Spain

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The Courts of First Instance (*Juzgados de Primera Instancia*).

The court with jurisdiction in the given territory is determined by the criteria set out in Article 545(3) of the Law on Civil Procedure (*Ley de Enjuiciamiento Civil*) relating to enforcement based on non-judicial instruments.

This means that as a rule the competent court will be the Court of First Instance in the place determined in accordance with Articles 50 and 51 of the Law on Civil Procedure. Enforcement may also be applied for by the party seeking enforcement before the Court of First Instance in the place of performance of the obligation, as specified in the order, or in any place where there are attachable assets of the party against whom enforcement is sought. The rules on express or tacit submission to jurisdiction are never applicable here. If there are several parties against whom enforcement is sought, the competent court is the court with jurisdiction for any one of those parties, at the choice of the party seeking enforcement.

If the enforcement order concerns assets specifically mortgaged or pledged, the competent court is determined in accordance with Article 684 of the Law on Civil Procedure.

Article 50(1)(b) – Authority designated as competent to obtain account information

Subdirectorato General for International Judicial Cooperation (*Subdirección General de Cooperación Jurídica Internacional*). Ministry of Justice.

Contact details:

paula.monge@mjusticia.es

telephone: +34 91 390 4411

Article 50(1)(c) – Methods of obtaining account information

Access for the information authority to the relevant information where that information is held by public authorities or administrations in registers or otherwise.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

An appeal must be **lodged** with the court that rejected the application for the order. If the decision was handed down by a Court of First Instance or a Commercial Court (*Juzgado de lo Mercantil*), the appeal will be **heard** by the Provincial Court (*Audiencia Provincial*). If the decision was handed down by a second instance court, the same court will hear the appeal.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The court that is competent to enforce the order under Article 50(f).

For the purposes of Article 28(3), the competent court is the Court of First Instance of the debtor's domicile.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The Court of First Instance in the place where the bank account is held and, if accounts are held in several locations, the Court of First Instance with jurisdiction in any one of those places.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

A preservation order may be issued against joint accounts of which the debtor is a co-holder and accounts for which the debtor is a nominee on behalf of a third party. However, a preservation order may not be issued against accounts that are held by a third-party nominee on the debtor's behalf.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

The rules regarding salaries and pensions are set out in Article 607 of the Law on Civil Procedure.

<https://www.boe.es/buscar/act.php?id=BOE-A-2000-323&tn=1&p=20151028&vd=#a607>

If public authorities are involved in civil or commercial proceedings for reasons unrelated to the exercise of their authority, funds deposited in bank accounts by them are exempt from seizure when these funds have actually been allocated to a public service or purpose.

Such amounts are exempt from seizure without any need for an application to that effect.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

There is no provision for fees to be charged for these purposes.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

No fees are charged.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Orders are ranked chronologically, from the time when the bank receives the order.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The court that issued or enforced the order.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The appeal is **lodged** with the court that issued the decision.

If the decision was handed down by a Court of First Instance or a Commercial Court, the **time limit** for lodging an appeal is 20 days and the appeal will be heard by the Provincial Court. If the decision was handed down by another court, the appeal must be lodged within five days and will be heard by the same court.

The **time limit** for lodging an appeal **begins** when the decision is notified.

Article 50(1)(n) – Court fees

There are no court fees, except at the time of lodging an appeal where a deposit is required in the cases and in the manner provided for in Additional Provision 15 of the Organic Law on the Judiciary (*Ley Orgánica del Poder Judicial*, 'LOPJ').

Article 50(1)(o) – Languages accepted for translations of the documents

Not applicable.

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European Account Preservation Order - France

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

An enforcement judge (*juge de l'exécution*) at a Regional Court (*tribunal de grande instance*). When a creditor has obtained an authentic instrument, it is the enforcement judge at the Regional Court that has jurisdiction to issue a European Account Preservation Order.

Article 50(1)(b) – Authority designated as competent to obtain account information

A bailiff (*huissier de justice*).

Article 50(1)(c) – Methods of obtaining account information

A bailiff is authorised to consult a register, known as Ficoba, which centralises all the bank accounts held by an individual in France.

Article 14(5)(a) and (b) apply: upon request by the designated information authority, banks are under an obligation to disclose whether the debtor holds an account with them; the authority is entitled to access the relevant information where that information is held by public authorities or administrations in registers or otherwise.

French law allows such access to the debtor's account information once the creditor holds an enforceable title (Articles L. 152-1 and L. 152-2 of the Code of Civil Enforcement Procedures (*code des procédures civiles d'exécution* — CPCE).

The Ficoba register (the national register of bank and similar accounts, *Fichier national des comptes bancaires et assimilés*) was established in 1971 and is managed by the Directorate General for Public Finance (*Direction Générale des Finances Publiques*). It lists accounts of all kinds (accounts held with banks, the post office, savings banks, etc.) and provides authorised persons with information on the accounts held by an individual or company.

An entry is made in the register when an account is opened. The account holder is informed by the financial institution that the new account will be registered in Ficoba. Declarations that an account has been opened, closed or modified include the following information:

the name and address of the institution with which the account is held;

the number, type and characteristics of the account;

the date and nature of the reported transaction (account opened, closed or modification);

the name, date and place of birth and address of the account holder, and in the case of sole traders their Siret number (register of business premises identification system, *système d'identification du répertoire des établissements*);

in the case of a legal person, the name, legal form, Siret number and address.

The register does not provide any information on transactions effected on the account, or of the account balance.

On receipt of the report from the bank which opened, modified or closed the account, the entry in the register is made by the Directorate-General for Public Finance. Details of the civil status of individuals are certified by INSEE (the National Institute of statistics and Economic Studies, *Institut national de la statistique et des études économiques*); the details of legal persons are certified and updated by the Directorate-General for Public Finance, using the Sirene system (national system for the identification and registration of enterprises and their premises, *Système national d'identification et du répertoire des entreprises et de leurs établissements*).

 [Find a bailiff](#)

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The Court of Appeal (*Cour d'appel*)

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The bailiff

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The bailiff

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Where the account preserved is a joint account, each account holder must be informed. If the bailiff is unaware of the identity and address of the joint account holders, he/she asks the bank to inform them of the preservation of the account and of the amounts claimed, so that where appropriate they can enforce their rights to the account and, in particular, obtain the release of their share of the joint estate.

Until such time as a holder of the joint account has been informed that the account is preserved, the period in which he/she may challenge the measure will not start to run.

Article R. 162-9 of the Code of Civil Enforcement Procedures states that where the income and salary of a spouse in a marriage where the property is held jointly (in *communauté des biens*) are paid into an account, which may be a joint account, and that account is preserved in order to secure a debt generated by the other spouse, an amount will immediately be made available to the spouse which is equal to the income and salary paid in the month prior to preservation or to the average monthly income and salary paid in the course of the twelve months prior to preservation, as he/she wishes.

It is for the distraining creditor to identify the income of the debtor on the account which he/she seeks to preserve. The account can, of course, be preserved in full if the income of the debtor accounts for all the funds paid into it, even if it is a joint account.

French law does not recognise the notion of nominee accounts as such.

The general principle of pledge (*principe du droit de gage général*) prohibits the preservation of funds which are held by the debtor on behalf of third parties and which do not belong to the debtor personally or which have been entrusted to him/her.

If funds have been entered in a special account held by an intermediary acting in a professional capacity, and it can be shown beyond doubt that they are the property of third parties, these funds may not be preserved by creditors, in spite of the fact that the intermediary is the account holder and the only person who can demand repayment of the funds. This applies to amounts deposited by a notary (*notaire*) on a special account with the Deposit and Consignments Office (*Caisse des dépôts et consignations*), or by an estate agent or building manager.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Two mechanisms which serve the same purpose but operate in a different way co-exist in French law: the bank balance immune from seizure (*solde bancaire insaisissable*), which is exempt from preservation automatically, and the transfer of immunity (*report d'insaisissabilité*), which requires an application by the debtor and proof that the account is funded by sums immune from seizure.

1) Bank balance immune from seizure

Under Article L.162-2 of the Code of Civil Enforcement Procedures, where the debtor is a natural person the bank must make available to him or her, up to the limit of the credit balance of the account or accounts on the day of preservation, a sum in maintenance equal to the amount of the basic minimum income allowance (*RSA socle*), which is the flat-rate sum for a single beneficiary referred to in Article L. 262-2 of the Family and Social Action Code (*Code de l'action sociale et des familles*), set at €524.68 by Decree 2016-538 of 27 April 2016.

Pursuant to Article R. 162-2 of the Code, the debtor does not have to request implementation of this mechanism: the bank immediately informs the debtor that the amount exempt from seizure is being made available to him/her. Where there are several accounts, funds can be made available to the debtor from all credit balances, the amount being taken in the first place from current accounts. The bank also notifies the bailiff without delay of the funds made available to the debtor and of the account or accounts on which those funds are held. In the case of preservation of accounts opened with different banks, the bailiff identifies the third party/parties which must make the 'bank minimum income allowance' (*RSA bancaire*) available to the debtor, and determines the arrangements for doing so.

Pursuant to Article R. 162-3 of the Code, that amount is set aside for the debtor for a period of one month following preservation.

2) Transfer of immunity

A request by the debtor seeking transfer of immunity makes sense only if the sums otherwise immune from seizure exceed the amount of the bank balance immune from seizure.

Under Article L.112-4 of the Code of Civil Enforcement Procedures, sums immune from seizure the amount of which is credited to a bank account remain immune from seizure. Article R. 112-5 of the Code specifies that where an account is credited with an amount wholly or partially immune from seizure, immunity is transferred to the balance of the account up to that amount.

Article R. 162-4 of that Code states that 'where amounts immune from seizure are sums credited at regular intervals, such as wages, retirement pensions or amounts paid by way of family allowances or unemployment benefit, the account holder may, on proof of the origin of the funds, ask for them to be made available immediately, minus any amounts debited to the account after the last payment of an amount immune from seizure'. This concerns sums of two kinds: income fully immune from seizure, such as the basic minimum income allowance; and income that may be seized only within the limits and subject to the rules governing seizure of earnings laid down in the Labour Code (*Code du travail*). The Court of Cassation (*Cour de cassation*) has held that immunity covers all such sums accrued on the bank account, and not just the last payment made (Court of Cassation (Second Civil Division), 11 May 2000, No 98.11-696). From a practical viewpoint, this rule is difficult to implement when the account is also funded by payments that are wholly or partially open to seizure. When determining the amount covered by the transfer of immunity, pending transactions settled within 15 days after preservation are not taken into account (second paragraph of Article R. 162-4 of the Code of Civil Enforcement Procedures).

The debtor may at any time request that amounts immune from seizure be made available, even before the 15-day deadline for the settlement of pending transactions has expired; the amounts are transferred to him/her immediately. The creditor will not be informed that the funds have been made available unless and until he/she submits a payment demand: he/she will then have 15 days to challenge the amount made available to the debtor and the entry in the accounts (last sentence of Article R. 162-4 of the Code of Civil Enforcement Procedures).

With regard to amounts immune from seizure generated by sums credited on a one-off basis (*créances instantanées*), Article R. 162-5 of the Code of Civil Enforcement Procedures states that the debtor may, on proof of the origin of the funds, ask for them to be made available to him/her immediately, minus any amounts debited to the account since the day on which the credit was entered. Examples of the type of funds concerned are back-pay (*rappel de salaires*) or a death grant (*capital-décès*) (immune from seizure under Article L.361-5 of the Code of Social Security (*Code de la sécurité sociale*)). These amounts are not made available until the expiry of the 15-day deadline for the settlement of pending transactions laid down by Article L. 162-1 of the Code of Civil Enforcement Procedures. The debtor can always ask the enforcement judge to make the amounts withheld available early, subject to proof that they are immune from seizure. In such cases the creditor must be heard or summoned.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

French law does not have specific provisions on charges for the enforcement of preservation orders. However, the Monetary and Financial Code (*Code monétaire et financier*) states that garnishee fees (*frais par saisie-attribution*) charged to a debtor account holder must be indicated in the list of charges that banks have to provide to their customers (☞ article D. 312-1-1).

In addition, customers must be given prior information on these fees free of charge (☞ article R. 312-1-2), in accordance with Article ☞ L. 312-1-5, which provides that the information is to be given in the account holder's bank statements and that a period of 14 days following the date of the statement must elapse before the amounts are debited. The fees that the banks charge to account holders under this heading appear to be set freely by each bank, and range from €80 to €150 approx.

Any fees for providing account information charged by the bank to the bailiff responsible for enforcing the measure will be included in the costs payable in principle by the debtor (see above).

The amount of the fees charged by French banks seems to vary between €78 and €111.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Bailiffs charge fees for enforcing Preservation Orders based on the existing national scale. It can be summarised as follows: The total cost of the procedure (including converting the Preservation Order into a final garnishment order (*saisie-attribution*)) varies between €166.19 and €397.88 depending on the amount of the claim in question.

In addition, preservation of claims is one of the steps mentioned in Article A 444-16 of the Commercial Code (*Code de commerce*) and it therefore entails an administrative fee (*droit d'engagement de poursuites*). The tariff for this fee is set out in Part A 444-15 of the Code. If the amount of the claim is less than or equal to €76, the fee is set at €4.29; above the €76 threshold, the fee is proportionate to the amount of the claim (subject to a ceiling of €268.13), in accordance with the following scale:

AMOUNT OF CLAIM	APPLICABLE RATE
From €0 to €304	5.64%
From €305 to €912	2.82%
From €913 to €3 040	1.41%
Above €3 040	0.28%

The administrative fee may be levied only once for recovery of the same claim.

It is to be paid by the debtor if the debtor is liable for the cost of the measure in connection with which it is charged, and by the creditor in all other cases.

It is due to the bailiff irrespective of the success or otherwise of the recovery proceedings.

Depending on whether the cost of the measure is borne by the debtor or the creditor, it is offset against the consideration laid down in Article A. 444-31 or Article A. 444-32 respectively.

All requests lodged under Articles L. 152-1 and L. 152-2 of the Code of Civil Enforcement Procedures are charged at €21.45 excluding tax (see Article A.444-43 of the Commercial Code (*Code de commerce*), measure No 151). These are requests for searches to be carried out by national, regional, departmental and municipal authorities, businesses licensed by or operating under the aegis of national, regional, departmental and municipal authorities, public bodies or bodies operating under the aegis of the administrative authority, or bodies authorised by law to hold deposit accounts. The same charge applies for consulting the Ficoba register.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Preservation does not bar competing claims, but the first distraining creditor acquires a preemptive right. The fact that the claim has been preserved does not prevent another creditor from initiating another enforcement measure, but that measure will take effect only if the first measure is not converted into a final enforcement measure.

Pursuant to Article L. 523-1 of the Code of Civil Enforcement Procedures, where the claim preserved is for a sum of money, the effect is that of a deposit of security as provided for in Article 2350 of the Civil Code, i.e. the money is earmarked and carries a pre-emptive right within the meaning of Article 2333 of the Civil Code, on pledges (*gages*). Preservation thus gives the distraining creditor the 'privilege' of a pledgee, i.e. the right to be paid in preference to other creditors. The distraining creditor need not fear the competing claims of unsecured creditors or junior creditors. But the distraining creditor can be overridden by creditors with a senior pre-emptive right, e.g. the 'super-privilege' of employees, the privilege for legal costs, or the general privileges of the Treasury. If multiple preservations are ordered on the same day, the amounts preserved are distributed proportionately, and there is no need to take account of any privileges (Opinion of the Court of Cassation of 24 May 1996, No 09-60.004).

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The authority with power to revoke a Preservation Order, to limit or terminate the enforcement of a Preservation Order, or to decide that the enforcement of a Preservation Order would be contrary to public policy and must be terminated on those grounds, is the enforcement judge at the Regional Court.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The court with jurisdiction to hear appeals against decisions taken pursuant to Articles 33, 34 or 35 is the Court of Appeal. The time limit for appeals is 15 days. Time begins to run on the day when the recipient signs the acknowledgement of receipt of the registered letter containing the decision of the enforcement judge, which is sent by the clerk of the court to the parties.

If the acknowledgement of receipt is unsigned, the decision of the enforcement judge must be served by a bailiff, at the request of a party, and time then begins to run on the date on which the decision is served.

Article 50(1)(n) – Court fees

There are no charges for submitting an application for a Preservation Order, or for lodging an appeal.

Article L. 512-2 of the Code of Civil Enforcement Procedures states that costs occasioned by the preservation order are to be borne by the debtor, unless the court decides otherwise at the close of proceedings. The court must approve a list of items to be included in the costs owed and determine liability for them.

The Article also stipulates that where the court orders release from the Preservation Order the creditor may be ordered to pay compensation for the damage caused by it. According to the case-law, this obligation to pay compensation can be enforced without any proof of fault (Court of Cassation (Second Civil Division), 29 January 2004, No 01-17.161 and 7 June 2006, No 05-18.038).

Article 50(1)(o) – Languages accepted for translations of the documents

Only documents in French will be accepted.

Last update: 27/09/2019

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European Account Preservation Order - Croatia

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The courts designated as competent to issue a Preservation Order, as referred to in Article 6(4) of the Regulation, are the Croatian courts which are competent to rule on the merits of a case in accordance with the Courts Act (*Zakon o sudovima*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 28/13, 33/15, 82/15 and 82/16), the Civil Procedure Act (*Zakon o parničnom postupku*) (NN Nos 53/1991, 91/1992, 112/1999, 129/2000, 88/2001, 117/2003, 88/2005, 2/2007, 96/2008, 84/2008, 123/2008, 57/2011, 25/2013 and 89/2014; hereinafter 'ZPP') and other specific regulations. In the Republic of Croatia those courts are the municipal courts (*općinski sudovi*; sing. *općinski sud*) and commercial courts (*trgovački sudovi*; sing. *trgovački sud*) where proceedings are conducted at first-instance level.

Article 50(1)(b) – Authority designated as competent to obtain account information

The authority competent to obtain information on a debtor's account or accounts, as referred to in Article 14 of the Regulation, is:

Financial Agency (*Financijska agencija*)

Ulica grada Vukovara 70, 10000 Zagreb, Croatia

toll free telephone number: +385 0 800 0080

e-mail address: info@fina.hr

Article 50(1)(c) – Methods of obtaining account information

The account information referred to in Article 14(5) of the Regulation is obtained by access for the information authority to the relevant information where that information is held by public authorities or administrations in registers or otherwise (Article 14(5)(b) of the Regulation).

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The competent court for ruling on an appeal under Article 21 of the Regulation which a creditor has lodged with a court of first instance against a decision rejecting, wholly or in part, the creditor's application for a Preservation Order is the higher court which was competent for ruling on an appeal against a decision rejecting a proposal for security (a county court (*županijski sud*) or the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*) — Articles 34a and 34c ZPP, in connection with Article 21(1) of the Enforcement Act (*Ovršni zakon — OZ*) — link: <http://narodne-novine.nn.hr/>

Consequently, if the application for a Preservation Order is rejected, wholly or in part, by a decision of a municipal court, the creditor will lodge an appeal with the county court through the municipal court, whereas if such a decision is adopted by a commercial court, the creditor will lodge an appeal against the decision with the High Commercial Court through the commercial court concerned.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The authority designated as competent to receive, transmit and serve the Preservation Order and other documents under Article 14(4) of the Regulation is:

Zagreb Municipal Civil Court (*Općinski građanski sud u Zagrebu*)

Ulica grada Vukovara 84

10000 Zagreb.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The authority competent to enforce the Preservation Order in accordance with Chapter 3 of the Regulation is:

Financial Agency (FINA)

Ulica grada Vukovara 70, 10000 Zagreb, Croatia

toll free telephone number: +385 0 800 0080

e-mail address: info@fina.hr

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

A payment account which is managed by a payment services provider on behalf of one or more users of payment services, and which is used to carry out payment transactions, may be completely preserved.

Funds held in a nominee account may not be preserved where that is prohibited by law.

Article 42 of the Consumer Bankruptcy Act (*Zakon o stečaju potrošača*) ([LN NN No 100/15](#); hereinafter 'ZSP') states that the bankruptcy commissioner has a duty to open a separate current account with a financial institution for each individual consumer in relation to whom bankruptcy proceedings have been opened under a court order.

This is a current account which the commissioner in the consumer's bankruptcy proceedings opens with a financial institution in his/her own name on behalf of the consumer concerned. The commissioner may use that separate account only for the purposes of receiving and making payments relating to the management and disposal of the bankruptcy estate of the consumer who is the subject of bankruptcy proceedings, and the commissioner is obliged to keep separate from his/her own assets any payments made into the account relating to the management and disposal of the bankruptcy estate.

Article 42(4) ZSP provides that funds in the separate account may not be the subject of enforcement in relation to the commissioner, and in the event of the bankruptcy or death of the commissioner, such funds do not form part of his/her bankruptcy estate or estate.

Given that, in the event of the bankruptcy of a consumer, the commissioner acts as his/her representative, this account can be said to be a nominee account, containing both the funds of the commissioner and the funds of one or more consumers in relation to whom bankruptcy proceedings have been opened, but the funds of the consumer represented by the commissioner may not be the subject of enforcement or preservation of an account if proceedings are conducted in relation to the commissioner.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

The amounts exempt from seizure, as referred to in Article 31 of the Regulation, are set out in Article 172 OZ (Exemption from enforcement) and Article 173 OZ (Limitation of enforcement).

If a debtor receives remuneration and allowances as referred to in Article 172 OZ which are exempt from enforcement, or amounts referred to in Article 173 OZ (Limitation of enforcement), he/she is obliged to inform FINA thereof, in accordance with Article 212 OZ.

The links to the Enforcement Act (NN Nos 112/12, 25/13, 93/14 and 55/16) are:

https://narodne-novine.nn.hr/clanci/sluzbeni/2012_10_112_2421.html

https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_405.html

https://narodne-novine.nn.hr/clanci/sluzbeni/2014_07_93_1877.html

https://narodne-novine.nn.hr/clanci/sluzbeni/2016_06_55_1440.html

In accordance with Article 173 OZ amounts are excluded from enforcement as follows:

(1) If the salary of the enforcement debtor is subject to enforcement, the amount equal to two thirds of the average net salary in the Republic of Croatia shall be exempt from distraint. If enforcement is carried out to collect on a statutory maintenance claim, or a claim to compensate for the damage caused by impaired health or a reduction or loss of work capacity and to compensate for the loss of maintenance due to the death of the person who has provided maintenance, the amount shall be set as one half of the average net salary in the Republic of Croatia, except when enforcement is carried out in order to forcibly collect the money due as child maintenance. In such cases, the amount exempt from distraint shall be one quarter of the average net salary per person employed by legal persons in the Republic of Croatia in the previous year.

(2) If the enforcement debtor receives a salary that is lower than the average net salary in the Republic of Croatia, the amount of two thirds of the salary paid to the enforcement debtor shall be exempt from distraint. If enforcement is carried out in order to collect on a statutory maintenance claim, or a claim to compensate for the damage caused by impaired health or a reduction or loss of work capacity and to compensate for the loss of maintenance due to the death of the person who provided maintenance, the amount shall be set as one half of the net salary paid to the enforcement debtor.

(3) The term 'average net salary' within the meaning of paragraph 1 of this article shall be the average amount paid as a monthly net salary per person employed by legal persons in the Republic of Croatia in the period between January and August of the current year, which shall be determined by the Croatian Bureau of Statistics (*Državni zavod za statistiku*) and published in NN not later than on 31 December of the current year. The amount set in this manner shall be applicable in the following year.

(4) The provisions of paragraphs 1 and 2 of this article shall also apply to enforcement when any compensation paid in lieu of a salary, compensation for reduced working time, compensation for reduced salary, pension, military service personnel pay and pay received by persons in the reserve force while they are in military service and any other regular pecuniary income paid to civilian and military personnel are subject to attachment, with the exception of the income referred to in paragraphs 5 and 6 of this article.

(5) Enforcement by attachment of income received by disabled persons as a pecuniary benefit for physical disability and as care allowance may be carried out only to collect on a statutory maintenance claim, or a claim to compensate for the damage caused by impaired health or a reduction or loss of work capacity and to compensate for the loss of maintenance due to the death of the person who has provided maintenance, in which case the amount shall be set as one half of such income.

(6) Enforcement by attachment of income received under a lifelong support contract and a lifelong annuity payment contract, as well as income received under a life insurance contract may only be carried out on the portion of income which exceeds the principal amount used to calculate the amount of the support for maintenance.

(7) The provisions of paragraphs 1 and 2 of this article shall also apply when enforcement is carried out on income which does not come from a salary, pension or revenue from self-employed trade and craft activities, liberal professions, agriculture and forestry, property and property rights, capital or insurance ('other income' in accordance with separate rules) if the enforcement debtor can prove by a public document that this income is his/her only regular cash income.

The average net monthly salary paid to employees of legal persons in the Republic of Croatia in the period January-August 2016 was HRK 5 664 (https://narodne-novine.nn.hr/clanci/sluzbeni/2016_11_102_2187.html).

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

FINA and banks are entitled to charge a fee for the implementation of Preservation Orders and for implementation of enforcement and security with respect to funds in accounts, in accordance with the Rules on the types and amount of fees for the performance of the tasks laid down in the Implementation of Enforcement with respect to Funds Act (NN, Nos 105/10, 124/11, 52/12 and 6/13; hereinafter 'the Rules') - links:

https://narodne-novine.nn.hr/clanci/sluzbeni/2010_09_105_2831.html

https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_124_2491.html

https://narodne-novine.nn.hr/clanci/sluzbeni/2012_05_52_1278.html

https://narodne-novine.nn.hr/clanci/sluzbeni/2013_01_6_90.html

Article 6 of the Rules states that the fee is to be paid by the debtor.

The Rules lay down the fee for the performance of the tasks specified in the Implementation of Enforcement with respect to Funds Act (NN Nos 91/10 and 112/12).

The Rules lay down two types of fee:

1. for enforcement with respect to funds of the enforcement debtor, and
2. for consultation and provision of data from the Single Register of Accounts.

The fees for enforcement with respect to funds of the enforcement debtor fall into four groups:

examination of the possibility of enforcing an enforcement instrument

calculation of interest

enforcing an enforcement instrument

provision of data, copies and certificates from the Record of the order of enforcement instruments.

The fee for examination of the possibility of enforcing an enforcement instrument and the fee for the calculation of interest are levied by FINA for receiving enforcement instruments (the sum of claims which the debtor has to pay to the creditor in accordance with the court decision) and entering them in the Record. A fee is also levied for checking whether an enforcement instrument contains the necessary data for enforcement, and for the calculation of interest. Those two fees, plus the fee for enforcing an enforcement instrument, are payable in full by the debtor.

The revenue from the fee for enforcing an enforcement instrument is split between FINA (55%) and the banks (45%). The revenue is distributed to the banks in proportion to the total number of accounts held by the debtor in a particular bank on the day on which the fee is levied, in accordance with the data in the Single Register of Accounts.

The fee for the provision of data, copies and certificates from the Record of the order of enforcement instruments is paid by the applicant in advance on the basis of a payment request. The person who submits an application to FINA must provide evidence of payment, after which that person receives the requested data and copies, and an invoice is issued for the service provided.

FINA charges for consultation and provision of data from the Single Register of Accounts by levying a fee for the consultation of data using a web or online service, or a fee for the provision (or downloading) of data from the Single Register of Accounts in electronic form or on paper.

FINA adopts the price list, containing the amounts of fees, on the basis of a decision of its Board of Management, and the Ministry of Finance approves the proposed price list. The price list is published on FINA's official website. VAT is charged on all fees in the price list.

Link to [extract from FINA's price list](#) – fees for the performance of tasks specified in the Implementation of Enforcement with respect to Funds Act.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

For the enforcement of a Preservation Order, FINA and the banks charge the fees set out in Article 43 of the Regulation on the basis of the Rules. FINA charges a fee for the provision of data, copies and certificates from the Record or data on the account. The amounts of the fees are laid down in Article 8 of the Rules.

The amounts of the fees indicated in Article 3 of the Rules have been set as follows:

Ser. No	Description of service	Basis for calculation	Amount in HRK
	<i>Enforcement with respect to funds</i>		
1.	Examination of the possibility of enforcing an enforcement instrument	enforcement instrument	65.00
2.	Calculation of interest	principal	7.00
3.	Enforcing an enforcement instrument		
3.1.	One-time recovery of the whole amount from funds deposited in a single bank	enforcement instrument	17.00
3.2.	One-time recovery of the whole amount from funds deposited in several banks	enforcement instrument	39.00
3.3.	Enforcement in the event of preservation of an account and a ban on access to funds	enforcement instrument	110.00
4.	Provision of data, copies and certificates from the Record.		
4.1.	– on paper	page	43.00
4.2.	– in file form	syllable	0.20 min. 21.00

Value-added tax is charged on fees under point 4 of this paragraph.

The amounts of the fees indicated in Article 7 of the Rules have been set as follows:

Ser. No	Description of service	Basis for calculation	Amount in HRK
	<i>Consultation and provision of data from the Single Register of Accounts</i>		
1.	Consultation of data through the Agency's <i>website</i> and <i>online</i> services		
1.1.	– consultation	enquiry	0.80
1.2.	– consultation of subsections	syllable	0.20
2.	Consultation of data through the Agency's <i>website</i>		
2.1.	– half-yearly subscription	user	298.37
2.2.	– annual subscription	user	498.37
3.	Downloading		
3.1.	– from the Agency's <i>website</i>	syllable	0.10
3.2.	– through the Agency's <i>online</i> services	syllable	0.10
3.3.	– through CD-based service	syllable	0.10
4.	Consultation of data		
4.1.	– on paper	each new page	19.51
4.2.	– in file form	syllable	0.20 min. 19.51

Value-added tax is charged on fees under this paragraph.

Article 5(1) of these Rules states that fees for enforcement are to be divided between FINA and the banks which FINA, in a procedure pursuant to an enforcement instrument, ordered to carry out the recovery of amounts due, with FINA to receive 55% of each fee, and the banks 45%.

In proceedings for obtaining a Preservation Order or a remedy against a Preservation Order, a court fee based on the value of the application is to be paid, in accordance with the Court Fees Act (NN, Nos 74/95, 57/96, 137/02, 125/11, 112/12, 157/13 and 110/15; hereinafter 'ZSP') - cf. the notification in connection with Article 50(1)(n) of the Regulation.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

The ranking under Article 32 of the Regulation is governed by Article 78 OZ, which provides that, where several creditors bring monetary claims against the same debtor and for the same object of enforcement, those claims are to be settled in the order in which the creditors acquired the right to settlement from that object, unless the law provides otherwise.

The order of priority of the security interests of several creditors is determined on the basis of the date of receipt of the Preservation Order (Article 180 OZ) – link: <https://narodne-novine.nn.hr/>

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The body competent for ruling on an application from a debtor for revocation or modification of a Preservation Order, as referred to in Article 33 of the Regulation, is the Croatian court which issued the Preservation Order.

The body competent for ruling on an application by a debtor for the enforcement of a Preservation Order in the Republic of Croatia to be limited or terminated, as referred to in Article 34(1) and (2) of the Regulation, is:

Zagreb Municipal Civil Court

Ulica grada Vukovara 84

10000 Zagreb.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The court with competence for ruling on an appeal against a decision of the court of first instance, as referred to in Article 37 of the Regulation, in connection with Articles 33, 34 and 35 of the Regulation, is the higher court which was competent for ruling on the appeal against the decision on security (county courts or the High Commercial Court of the Republic of Croatia — Articles 34a and 34c of the Civil Procedure Act (ZPP), in connection with Article 21(1) OZ).

An appeal is to be brought within eight days of the date of service of the decision (Article 11 OZ) and is to be submitted through the court which adopted the decision (Article 357 ZPP).

Article 2(1)(9) OZ states that the expression 'decision on security' means a decision granting, wholly or in part, a proposal for security or ordering security *ex officio*.

Article 50(1)(n) – Court fees

In proceedings to obtain a Preservation Order or a remedy against an Order, as referred to in Article 42 of the Regulation, court fees are payable on the basis of the value of the application, as follows:

on an application for a Preservation Order as a proposal for security

on a decision on an application for a Preservation Order as a decision on security

on submissions as referred to in Article 364b(2) to (5) OZ as appeals against a decision on security.

Unless stipulated otherwise, the obligation to pay a fee is incurred at the time when a proposal for enforcement of a Preservation Order or an appeal is presented, as laid down by Article 4 ZSP.

Court fees may be calculated for each individual operation, depending on the value of the subject of the dispute, in accordance with the following table:

Over	Up to HRK	HRK
0.00	3 000.00	100.00
3 000.00	6 000.00	200.00
6 000.00	9 000.00	300.00
9 000.00	12 000.00	400.00
12 000.00	15 000.00	500.00
Over HRK 15 000.00 a fee of HRK 500.00 is to be paid, plus 1% of the amount over HRK 15 000.00, up to a maximum of HRK 5 000.00.		

Article 50(1)(o) – Languages accepted for translations of the documents

Not applicable.

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European Account Preservation Order - Italy

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The court of the district in which the authentic act was drawn up, presided over by a single judge.

Article 50(1)(b) – Authority designated as competent to obtain account information

The president of the court of the district in which the domicile or place of abode of the debtor is located, or the registered office of the debtor in the case of a legal person. If the debtor has no residence, domicile or place of abode in Italy or, if a legal person, is not established in Italy, the competent authority is the president of the court of Rome.

Article 50(1)(c) – Methods of obtaining account information

Italian law provides that the information authority may have access to information held in public archives in order to obtain information on bank accounts.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The court, sitting as a bench, where the judge who issued the preservation order presides.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The receipt, transmission and notification or serving of documents is the responsibility of:

(a) the officer of the court in the circumstances described in Article 23(5) of the Regulation;

(b) the registry of the court that issued the preservation order in the circumstances covered by Articles 10(2), 23(3) and (6), 25(3) and 36(5) of the Regulation;

(c) the registry of the court responsible for enforcement in the case provided for in Article 27(2) of the Regulation;

(d) the registry of the court of the place where the debtor is domiciled in the circumstances provided for in Article 28(3) of the Regulation.

If the preservation order was issued in another Member State in the circumstances referred to in Articles 10(2), 23(3), 23(6) or 25(3), the competent court is the ordinary court responsible for enforcing the preservation order (see Article 50(f)).

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The ordinary court of the third party's place of residence (Article 678 of the Code of Civil Procedure) which acts in accordance with the rules on expropriation from third parties.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Joint accounts and nominee accounts with more than one account-holder may be subject to a preservation order only in proportion to the share of the debtor. The shares of the account-holders are presumed to be equal, unless there is proof to the contrary.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Exempt from seizure, pursuant to the combined provisions of Articles 545 and 671 of the Code of Civil Procedure, are:

- (a) maintenance payments, unless for purposes of maintenance, but only with the authorisation of the president of the court or a judge delegated by them and only for a share to be determined by court order;
- (b) charitable or subsistence allowances to persons classed as poor and payments for maternity, sickness or funeral costs owed by insurance funds, social security bodies and charitable institutions;
- (c) the sums owed by private persons by way of wages, salaries or other payments related to the employment relationship, including those owed for redundancy, may be attached for maintenance payments to the extent authorised by the president of the court or by a judge delegated by them; up to a fifth of these sums may be attached; simultaneous seizures resulting from a combination of the grounds cited previously may not account for more than half of these sums;
- (d) an annuity, if constituted free of charge, where there is provision that it should not be subject to attachment or seizure beyond the limit of the essential needs of the creditor;
- (e) the sums payable by an insurer to the policyholder or beneficiary of an insurance, subject, with respect to the premiums paid, to the provisions on the revision of acts detrimental to creditors and to the collation, charging and reduction of gifts;
- (f) sums owed for pensions, allowances that serve as pensions or other retirement benefits, with the stipulation that of these sums no more than an amount corresponding to the maximum amount of the monthly social allowance, plus one half, may be attached and that the share in excess of that amount may be attached within the limits laid down in points (c) and (d);
- (g) special funds for welfare and assistance set up by the entrepreneur, including without employee contributions, where these concern payments made by the entrepreneur's creditors or workers.

There is also provision that sums due by way of wages, salaries and other payments related to employment or work, including those for redundancy and for pensions, and allowances that serve as pensions or other retirement benefits, may, when credited to a bank or post office account in the name of the debtor, be subject to attachment for an amount in excess of three times the social allowance, where the crediting of the account takes place before the attachment; where the crediting takes place on or after the date of attachment, these sums may be subject to attachment within the limits laid down in paragraphs (3), (4), (5) and (7) and in the special provisions of the Law.

It is up to the debtor to show that the claim is exempt from preservation.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

As a general rule, the custodian of assets subject to a preservation order, i.e. a bank in the case of a bank account, is authorised to ask for compensation for safekeeping and conserving the assets; the compensation is established according to the rates in force or those usually applied, together with reimbursement of documented costs essential to the conservation of the assets. These costs include the costs incurred in notifying the declaration referred to in Article 25 of the Regulation.

The party responsible for payment (provisionally) is the applicant. It is for the court to identify the party ultimately responsible for payment.

The provision of information on accounts pursuant to Article 14 does not justify the charging of fees by banks. Banks are required by law to update the archives which, in Italy, are consulted to obtain information on bank accounts pursuant to Article 14 of the Regulation.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Without prejudice to the court fees due pursuant to Article 42 of Regulation (EU) No 655/2014, the processing and enforcement of a preservation order applied for in Italy entails the payment of charges for the extraction of copies of judicial proceedings and of fees payable to officers of the court for the serving of documents.

The charges for copies are established on the basis of the table in Annex 7 to Presidential Decree No 115 of 30 May 2012 – 'Consolidated legal provisions and regulations on legal costs'.

With regard to fees payable for the serving of documents, a distinction should be drawn according to whether the documents are served by the officer of the court directly to the recipient or whether they are served by post. In the first case, a travel allowance must be paid to the officer of the court pursuant to Article 27 of the abovementioned consolidated provisions, calculated in accordance with Article 35 thereof and taking into account the benchmarks updated annually by decree of the Ministry of Justice. In the second case, instead of an allowance, delivery costs must be reimbursed. In both cases — i.e. personal notification of the recipient and postal notification — a fee provided for in Article 27 of the consolidated provisions, and calculated on the basis of Article 34, is also due. Where the notification is urgent, both the fee and the allowance are increased in accordance with Article 36 of the consolidated provisions.

See Articles mentioned above and Annex 7 to Presidential Decree No 115/2014 under the following [link](#)

Article 50(1)(k) – Ranking, if any, of equivalent national orders

There is no ranking of national orders.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The court presided over by a single judge.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

An appeal to the ordinary court, sitting as a bench, is authorised against a judgment under Articles 33, 34 and 35 of the Regulation. The time limit for appeal is fifteen days and starts with the court's issuing of the order, or the communication or serving thereof, if earlier.

Article 50(1)(n) – Court fees

(A) The court fees for obtaining a preservation order vary depending on the value of the claim and the instance of the court proceedings according to when the preservation order was requested:

- (a) for claims up to EUR 1 100 the costs are as follows: EUR 21.50 if the court proceedings are at first instance; EUR 32.25 if the court proceedings go to appeal; EUR 43 in the case of appeal in cassation;
- (b) for claims between EUR 1 100 and EUR 5 200 the costs are as follows: EUR 49 if the court proceedings are at first instance; EUR 73.50 if the court proceedings go to appeal; EUR 98 in the case of appeal in cassation;
- (c) for claims between EUR 5 200 and EUR 26 000 the costs are as follows: EUR 118.50 if the court proceedings are at first instance; EUR 177.75 if the court proceedings go to appeal; EUR 237 in the case of appeal in cassation;

(d) for claims between EUR 26 000 and EUR 52 000 the costs are as follows: EUR 259 if the court proceedings are at first instance; EUR 388.50 if the court proceedings go to appeal; EUR 518 in the case of appeal in cassation;

(e) for claims between EUR 52 000 and EUR 260 000 the costs are as follows: EUR 379.50 if the court proceedings are at first instance; EUR 569.25 if the court proceedings go to appeal; EUR 759 in the case of appeal in cassation;

(f) for claims between EUR 260 000 and EUR 520 000 the costs are as follows: EUR 607 if the court proceedings are at first instance; EUR 910.50 if the court proceedings go to appeal; EUR 1 214 in the case of appeal in cassation;

(g) for claims over EUR 520 000 the costs are as follows: EUR 843 if the court proceedings are at first instance; EUR 1 264.50 if the court proceedings go to appeal; EUR 1 686 in the case of appeal in cassation.

(h) for claims of undetermined value the costs are as follows: EUR 259 if the court proceedings are at first instance; EUR 388.50 if the court proceedings go to appeal; EUR 518 in the case of appeal in cassation; However, for cases within the exclusive jurisdiction of the justice of the peace under Article 7 of the Code of Civil Procedure the costs shall be: EUR 118.50 if the court proceedings are at first instance; EUR 177.75 if the court proceedings go to appeal; EUR 237 in the case of appeal in cassation.

In addition to the costs referred to above, if the order is requested before the start of court proceedings on the merits of the case, a flat-rate advance of EURO 27 for the costs of notification is payable for each procedure.

(B) The court fees for an appeal against a preservation order are EUR 147 in all cases.

In addition to these costs, if the order is requested before the start of the main court proceedings, a flat-rate advance of EURO 27 for the costs of notification is payable for each procedure.

The costs are to be paid at the start of proceedings, when the appeal is lodged.

Article 50(1)(o) – Languages accepted for translations of the documents

Only translations into Italian will be accepted.

Last update: 08/01/2020

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European Account Preservation Order - Cyprus

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The courts competent to issue the preservation order are the district courts (*eparchiaká dikastíria*).

District Court of Nicosia

Address: Charalambou Mouskou, 1405 Nicosia, Cyprus

Tel.: +357 22865518

Fax: +357 22304212/22805330

Email: chief.reg@sc.judicial.gov.cy

District Court of Limassol

Address: Leoforos Lordou Byronos 8, P.O. Box 54619, 3726 Limassol, Cyprus

Tel.: +357 25806100/25806128

Fax: +357 25305311

Email: chief.reg@sc.judicial.gov.cy

District Court of Lamaca

Address: Leoforos Artemidos, 6301 Larnaca P.O. Box 40107, Cyprus

Tel.: +357 24802721

Fax: +357 24802800

Email: chief.reg@sc.judicial.gov.cy

District Court of Paphos

Address: Corner of Odos Neophytou and Odos Nikou Nikolaidi, 8100 Paphos, P.O. Box 60007, Cyprus

Tel.: +357 26802601

Fax: +357 26306395

Email: chief.reg@sc.judicial.gov.cy

District Court of Famagusta

Address: Sotiras 2, Megaro Tzivani, 5286 Paralimni, Cyprus

Tel.: +357 23730950/23742075

Fax: +357 23741904

Email: chief.reg@sc.judicial.gov.cy

Article 50(1)(b) – Authority designated as competent to obtain account information

The authority designated as competent to obtain account information is the Central Bank.

Contact details:

Postal address:

Central Bank

John Kennedy Avenue 80

1076 Nicosia

Cyprus

or P.O. Box 25529, 1395 Nicosia

Tel.: +357 22714100

Fax: +357 22714959

Email: cbcinfo@centralbank.gov.cy

Article 50(1)(c) – Methods of obtaining account information

The information is provided by the banks or credit institutions to the information authority defined in Article 6(2A) of the Central Bank of Cyprus Laws of 2002 to 2017, namely the Central Bank of Cyprus (Article 14(5)(a) of Regulation (EU) No 655/2014).

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

An appeal against a decision of a district court may be lodged with the Supreme Court.

Supreme Court

Address: Charalambou Mouskou, 1404 Nicosia, Cyprus

Tel.: +357 22865741

Fax: +357 22304500

Email: [✉ chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The authority competent for carrying out the above is the Ministry of Justice and Public Order.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The authority competent to enforce the order pursuant to Article 23(2) of Regulation (EC) No 655/2014 is the bailiff (*dikastikós epidótis*).

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

There is no national legislation governing the question of the preservation of joint and nominee accounts in civil and commercial cases. A party wishing to preserve such an account makes the appropriate application to the court, and it is the court, under its more general powers, that orders - or does not order - the preservation of part or all of the amount, having regard to all the circumstances of the case.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

There are no specific rules regulating and exempting such amounts in civil and commercial cases, except for amounts that are preserved on the basis of criminal proceedings, which are exempted from preservation and attachment for the purpose of collecting tax due under Article 9(B) of the Tax Collection Laws of 1962 and 2014 and paragraph 13 of Annex X to the Value Added Tax Laws of 2000 to 2014 .

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

There is no specific provision based on national law prohibiting the charging of such fees by banks that impose them on account holders.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

There are no costs.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

There is no provision.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

District courts, as with Article 50(1)(a)

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

An appeal against a decision of a district court can be brought before the Supreme Court (Article 21) within 42 days, as provided for in Order 35(2) of the Rules of Civil Procedure. An appeal against an interim decision has to be made within 14 days from the date of issue of the interim decision

Article 50(1)(n) – Court fees

The detailed costs can be found by clicking on the [✉ following link](#), at pages 19-30.

Article 50(1)(o) – Languages accepted for translations of the documents

In addition to Greek, translation of the documents into English is accepted.

Last update: 08/09/2020

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European Account Preservation Order - Malta

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The Court competent to issue the European Account Preservation Order is the First Hall of the Civil Court.

Telephone: +356 2590 2256; Email courts.justice@gov.mt

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

Article 50(1)(b) – Authority designated as competent to obtain account information

The authority designated as competent to obtain account information is the Registrar, Civil Courts and Tribunals.

Telephone: +356 2590 2346/260; Email: [✉ courts.justice@gov.mt](mailto:courts.justice@gov.mt)

Address: Courts of Justice, Republic Street, Valletta VLT2000, Malta

Article 50(1)(c) – Methods of obtaining account information

Under national law the method indicated in Article 14(5)(c) is available, namely the possibility for the courts to oblige the debtor to disclose with which bank or banks in its territory (s)he holds one or more accounts where such an obligation is accompanied by an in personam order by the court prohibiting the use, withdrawal or transfer by him/her of funds held in his/her account or accounts up to the amount to be preserved by the Preservation Order.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The Court with which an appeal against refusal to issue the European Account Preservation Order may be lodged is the Court of Appeal in its superior jurisdiction.

Telephone: +356 2590 2256/283

Email: [✉ courts.justice@gov.mt](mailto:courts.justice@gov.mt)

Address: Courts of Justice, Republic Street, Valletta VLT2000, Malta

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The authority designated as competent to receive, transmit and serve the European Account Preservation Order and other documents is the Office of the Attorney General.

Telephone: +356 2122 5401; Email: [✉ ag@gov.mt](mailto:ag@gov.mt)

Address: Office of the Attorney General, The Palace, Republic Street, Valletta VLT2000, Malta

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The authority competent to issue the European Account Preservation Order is the First Hall of the Civil Court.

Telephone: +356 2590 2256; Email [✉ courts.justice@gov.mt](mailto:courts.justice@gov.mt)

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Under national law, joint or nominee accounts cannot be preserved.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

As a general rule, under Article 381(1) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), a specific request from the debtor is required for a garnishee order to be issued on any of the following:

- (a) any salary, or wages (including bonus, allowances, overtime and other emoluments);
- (b) any benefit, pension, allowance or assistance mentioned in the Social Security Act or other allowance of any person receiving a Government pension;
- (c) any charitable grant or donation made by the Government;
- (d) any bequest expressly made for the purpose of maintenance, if the debtor has no other means of subsistence and the debt itself is not due in respect of maintenance;
- (e) any sum due for maintenance whether awarded *officio judicis*, or by public deed if the debt itself is not due in respect of maintenance;
- (f) monies which have been made available to the debtor by deed of loan for the building, construction and maintenance of houses intended as a main dwelling place for the debtor;
- (g) overdraft banking facilities excluding credit cards by means of which commercial going concerns run by the debtor are being operated;
- (h) bank guarantees and letters of credit.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Under national law, banks are not entitled to charge fees. There is a legal fee for the deposit of monies in the court, but this legal fee is charged to anyone asked to deposit in court monies belonging to the debtor and to the person who actually deposits the monies. This amount is deducted from the total amount of money deposited in the court, which is to be paid by the creditor.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Pursuant to the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), the fee for processing garnishee orders is EUR 50. Concerning enforcement, the fee is EUR 7 for each notification issued and EUR 0.35 for each copy, where necessary.

The fees must be paid at the time of filing of the application.

These are the fees to be paid to the Court for the filing and processing of the act in question. It must be noted that these fees do not include costs due to the lawyers and procurators.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Garnishee orders are ranked in the order in which they were filed. Once the banks are notified of the garnishee order, they deposit the amount (if money is available) indicated in that specific order in the court before proceeding to deposit subsequent amounts indicated in garnishee orders that are notified to them at a later stage. Concerning any possible withdrawal of the amount deposited in the Court by the creditor, in the event of competition of creditors, before the money can be withdrawn competition proceedings must take place in the court at the request of the creditors themselves. This is in accordance with Articles 416 *et seq.* of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The enforcement court competent to grant a remedy is the First Hall of the Civil Court

Telephone: +356 2590 2256

Email: [✉ courts.justice@gov.mt](mailto:courts.justice@gov.mt)

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

For Preservation Orders that follow an enforceable act, the Court with which appeals are to be lodged is the Court of Appeal in its superior jurisdiction. The time limit for the submission of such appeals is six days from the date on which the decree is read out in open court, pursuant to Article 281(4) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

Details of the Court of Appeal:

Telephone: +356 2590 2256/283

Email: courts.justice@gov.mt

Address: Courts of Justice, Republic Street, Valletta VLT 2000, Malta

Article 50(1)(n) – Court fees

- (a) The fee for issue of a garnishee order: EUR 50 + EUR 7 for each notification + EUR 0.35 for each copy, where necessary.
- (b) Application pursuant to Article 836 of the Code of Organisation and Civil Procedure for issue of a counter-warrant: EUR 40 + EUR 7.20 for each notification.
- (c) Counter-warrant: EUR 20 + EUR 7 for each notification + EUR 0.35 for each copy, where necessary.

Concerning applications for a remedy following the issue of a Preservation Order, the fee is EUR 20 for the application and EUR 7.20 for each notification. The fees must be paid at the time of filing of the application.

These are the fees to be paid to the Court for filing of the legal act in question. It must be noted that these fees do not include costs due to the lawyers and procurators.

Article 50(1)(o) – Languages accepted for translations of the documents

Malta accepts Maltese and English only.

Last update: 06/10/2020

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European Account Preservation Order - Austria

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The Vienna Inner City District Court (*Bezirksgericht Innere Stadt Wien*) is competent to issue European Account Preservation Orders, applied for before enforcement proceedings commence, for claims specified in an authentic instrument within the meaning of Article 6(4) of the European Account Preservation Regulation.

In other cases, competence lies with the court before which the enforcement proceedings in connection with which a European Account Preservation Order is to be issued are pending at the time of the first application.

Article 50(1)(b) – Authority designated as competent to obtain account information

Where proceedings for a European Account Preservation Order are pending outside Austria, the authority competent to obtain account information in Austria is the District Court with jurisdiction for the district where the debtor has his or her residence (*Wohnsitz*) or habitual residence (*gewöhnlicher Aufenthalt*). If the debtor has no residence or habitual residence in Austria, the competent authority is the Vienna Inner City District Court (see above under Article 50(1)(a)). Contact details for Vienna Inner City District Court can be found here:

If the proceedings for the issue of a European Account Preservation Order are pending before a court inside Austria, that court is also competent to obtain account information.

Article 50(1)(c) – Methods of obtaining account information

The obligation is accompanied by an in personam order by the court. The court order must oblige the debtor to declare all domestic bank accounts. It must prohibit disposal by the debtor of funds held in the domestic bank accounts covered by the European Account Preservation Order, up to the amount to be preserved under the Order. The court order must also instruct the debtor to cancel all direct debits and standing orders on the basis of which funds are debited from the account to be preserved, in so far as they jeopardise the recoverability of the amount which is to be preserved by the European Account Preservation Order and cannot be met out of amounts not subject to preservation.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Decisions on any legal challenges have to be taken by the court which issued the European Account Preservation Order. Applications for such remedies must be lodged with that court (see above under Article 50(1)(a)).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

Article 10(2), third subparagraph: The competent authority of the Member State of enforcement is the Vienna Inner City District Court.

Article 23(3): If Austria is merely the Member State of enforcement, the Vienna Inner City District Court is the competent authority to which the documents are to be transmitted.

If the order is issued in Austria, competence for transmission lies with the issuing court. The Vienna Inner City District Court is competent to issue European Account Preservation Orders applied for either before proceedings on the substance are instituted or after they are concluded with a final judgment but before enforcement commences. In other cases, competence lies with the district court (*Bezirksgericht*) or regional court (*Landesgericht*) before which the proceedings on the substance or enforcement proceedings in connection with which a European Account Preservation Order is to be issued are pending at the time of the first application.

Article 23(5) and (6) and Article 27(2): If the Account Preservation Order was issued in Austria, the authority competent for enforcement is the issuing court. (Issuing court: see answer to Article 23(3))

If the Account Preservation Order was not issued in Austria, competence for enforcement lies with the Vienna Inner City District Court.

Article 25(3): In this case, the declaration must be transmitted to the Vienna Inner City District Court.

Article 28(3): In this case, the documents must be transmitted to the Vienna Inner City District Court.

Article 36(5): In this case, the decision must be transmitted to the Vienna Inner City District Court.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

If the Account Preservation Order is issued in Austria itself, the issuing court is also responsible for enforcement.

If the Account Preservation Order is issued in another Member State, competence for enforcement lies with the Vienna Inner City District Court.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

If there is more than one account holder and each of them has the right to use the account individually, as in the case of an 'either to sign' account (an '*Oder-Konto*'), the claim can still be effectively preserved even if the European Account Preservation Order has been issued against only one of the account holders, because the debtor is entitled to satisfy the debt acting alone.

If the consent of all account holders is required to perform any transaction, however, as in the case of a 'both or all to sign' account (an '*Und-Konto*'), preservation is a possibility only if the European Account Preservation Order was issued against all the account holders (e.g. where there is joint liability of all account holders).

If proceedings for the issue of a European Account Preservation Order are brought against the trustee of a trust account (*Treuhandkonto*) as debtor, the settlor of the trust may enter an objection under Section 37 of the Enforcement Code (*Exekutionsordnung*). The settlor's objection will assert that while the account, being a trust, is in the ownership of the debtor, it is not to be considered part of the trustee's assets, and therefore is not part of the funds available to satisfy the creditor's claim.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

The rules applicable to protection against seizure in furtherance of a claim are set out in Sections 290 et seq. of the Enforcement Code, and those on the associated protection of accounts in Section 292i of the same Code; they can be found at <http://www.ris.bka.gv.at>. They are binding law.

Ongoing remuneration and pension payments are subject to preservation only to a limited extent; the size of the part of the claim that cannot be preserved ('minimum means of subsistence' (*Existenzminimum*)) depends on the size of the payments and the number of the debtor's maintenance obligations. These amounts, which are increased annually, are set out in tables published on the website of the Federal Ministry of Justice (https://www.justiz.gv.at/web2013/home/buergerservice/publikationen/arbeitgeber_als_drittschuldner_-_informationsbroschuere_und_existenzminimumtabellen~2c9484852308c2a60123ec387738064b.de.html?highlight=true).

The rule in Section 292i of the Enforcement Code on 'account protection' is intended to avoid the risk that after the amounts available for seizure have been deducted, the minimum means of subsistence transferred to the account might then be seized afresh. If payments are made to the debtor's account that are subject to seizure only to a limited extent, the seizure is to be suspended in so far as the credit balance on the account corresponds to the part of the income not subject to seizure for the period from the seizure up to the next payment date.

There are also amounts completely exempt from seizure under Section 290 of the Enforcement Code. These include the following categories of payment:

1. payments of expenses where these compensate for additional expenditure actually incurred in the exercise of professional duties;
2. allowances and grants payable by law to cover additional expenditure arising from physical or mental disability, vulnerability or dependency on care;

3. amounts recovered and costs paid in respect of rights to benefits in kind, reimbursements of costs under statutory social security and compensation for expenditure on treatment costs;
4. statutory family allowances.

The exemption from seizure does not apply if the enforcement relates to a claim of the kind that the particular category of payment is intended to settle.

The debtor must submit an application in order to obtain an exemption from the Preservation Order.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Banks are entitled to payment of fixed expenses of EUR 25 for implementing a European Account Preservation Order, just as they are for implementing an interim order (*einstweilige Verfügung*), which is an equivalent instrument under Austrian law.

Upon application from the bank, the court will order the creditor to refund the costs to the bank.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

No separate fees are charged for the processing or enforcement of the Preservation Order or the provision of account information.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

The instruments for securing claims provided for in Austrian enforcement law are basically enforcement for security (*Exekution zur Sicherstellung*) and interim orders (*einstweilige Verfügungen*).

Enforcement for security (Sections 370 et seq. of the Enforcement Code) serves to safeguard a creditor's claim before the claim becomes *res judicata* and is subsequently enforced. For an enforcement for security - as opposed to an interim order - there must be a document which confers title but which is not yet enforceable. Enforcement for security is permissible only to satisfy a pecuniary claim. One of the forms of enforcement for security listed in Section 374(1) of the Enforcement Code is the attachment of receivables (*Pfändung von Forderungen*), where the creditor receives a right of lien (*Pfandrecht*).

In enforcement for security the creditor obtains a lien. Under Article 32 of the EU Account Preservation Regulation, the Preservation Order has the same rank, if any, as an equivalent national order in the Member State of enforcement. Therefore, in order to maintain parallelism with the Austrian instruments, Austrian law provides that the European Account Preservation Order creates a lien if the creditor has already obtained a judgment, a court settlement or an authentic instrument. The fact that a lien is in place must be notified to the bank and the debtor. This ensures consistency with the enforcement for security. In the case of interim orders to secure pecuniary claims (Sections 378 et seq. of the Enforcement Code), no right of lien or specific ranking is obtained. The party at risk does not need a document conferring title in order to obtain an interim order.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Decisions on any legal challenges have to be taken by the court which issued the European Account Preservation Order. Applications for such remedies must be lodged with that court (see above under Article 50(1)(a)).

Article 34(1) and (2): If the Account Preservation Order is issued in another Member State, competence for the legal remedy lies with the Vienna Inner City District Court. Applications for such remedies must be lodged with that court.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The form of appeal available against decisions under Articles 33, 34 or 35 of the Regulation is known as the *Rekurs*. Such appeals must be lodged within 14 days with the court that issued the disputed order and must be addressed to the Regional or Higher Regional Court within whose jurisdiction the District or Regional Court concerned falls. Appeals must be signed by a lawyer.

The appeal deadline starts running from the date of service of the written version of the disputed decision.

Article 50(1)(n) – Court fees

Fees are payable for the issue of a European Account Preservation Order only if the application for the order is made in a context other than a trial in a civil court. The provisions on fees are to be found in the Court Fees Act (*Gerichtsgesetz*) under Fee Item 1, Note 2, Fee Item 2, Note 1a and Fee Item 3, Note 1a. The amount of fees to be paid depends on the amount of the claim and is half the flat-rate fee in civil court proceedings. The legal provisions and tables can be found at <http://www.ris.bka.gv.at>.

The court fees in question are flat rates. There are no separate schedules of fees for legal challenges.

Article 50(1)(o) – Languages accepted for translations of the documents

None

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European Account Preservation Order - Portugal

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

In accordance with the courts' jurisdiction based on the subject matter and value, as determined by the Law on the Organisation of the Judicial System ([L^o 62/2013 of 26 August 2013](#)), the courts with competence in European Account Preservation Order procedures are as follows in cases that relate to the courts' respective area of jurisdiction:

- Central civil divisions (*Juízos Centrais Cíveis*);
- Local civil divisions (*Juízos Locais Cíveis*) and divisions with general jurisdiction (*Juízos de competência genérica*);
- Family and minors divisions (*Juízos de família e menores*);
- Labour divisions (*Juízos do Trabalho*);
- Commercial divisions (*Juízos de Comércio*);
- Enforcement divisions (*Juízos de Execução*);
- Intellectual Property Court (*Tribunal da Propriedade Intelectual*);
- Court of Competition, Regulation and Supervision (*Tribunal da Concorrência, Regulação e Supervisão*);
- Maritime Court (*Tribunal Marítimo*).

Article 50(1)(b) – Authority designated as competent to obtain account information

The Order of Solicitors and Enforcement Agents (*A Ordem dos Solicitadores e Agentes de Execução (OSAE)*).

Rua Artilharia 1, no 63

1250-038 Lisbon

Tel.: (+351) 213894200

Fax: (+351) 213534870

E-mail: geral@osae.pt

<http://osae.pt/pag/osae/osae/1/1/1/1>

Article 50(1)(c) – Methods of obtaining account information

The following methods are provided for under national law:

All banks in Portugal are obliged to disclose if the debtor holds an account with them (Article 14(5)(a));

The information authority may access any relevant information held by public authorities or administrations in registers or otherwise (Article 14(5)(b)).

These methods are enshrined in Article 749 of the Code of Civil Procedure and regulated by Article 17 of Ministerial Implementing Order No 282/2013 of 29 August 2013, as last amended.

In order for the competent authority (the Order of Solicitors and Enforcement Agents, OSAE) to access information on the existence of accounts in Portugal, a request is sent to the Bank of Portugal. In Portugal, these information requests can only be made using the debtor's tax identification number (NIF) or legal person identification number (NIPC). So for requests to be processed quickly, it is recommended that they include the following information:

- the debtor's tax identification number (NIF) or,
- the legal person identification number (NIPC) if the debtor is an undertaking,
- the debtor's address.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

The appeal courts have jurisdiction to hear appeals.

However, in accordance with national law, the appeal must be lodged with the court that issued the contested decision.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

- The Courts, specifically court officials;

- The Order of Solicitors and Enforcement Agents (OSAE), specifically enforcement agents.

Generally speaking, enforcement agents are empowered to carry out the necessary notifications.

In accordance with Portuguese procedural law, court officials intervene only in the following situations:

- Enforcements where the State is the creditor.
- Enforcements where the Public Prosecutor's Office (*Ministério Público*) is representing the creditor.
- Where there is no 'enforcement agent' in the district in which the enforcement proceedings are pending and the use of an 'enforcement agent' from another district would entail disproportionate costs. This intervention is decided by a judge, at the request of the creditor.
- If the necessary procedural steps would entail disproportionate travel costs and there is no 'enforcement agent' in the area where these procedural steps are considered to take place. This intervention is decided by a judge, at the request of the 'enforcement agent'.
- Enforcements with a value of €10 000 or less, if the creditors are individuals and the request does not relate to a commercial or industrial activity, provided that the intervention is requested in the enforcement application and the relevant procedural costs are paid.
- Enforcements with a value of €30 000 or less, if the request is employment-related and the party seeking enforcement requests the intervention in the enforcement application and pays the relevant procedural costs.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The Order of Solicitors and Enforcement Agents (OSAE).

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Under Portuguese law, it is presumed that the parties have an equal share in the credit, such that, unless there is evidence to the contrary, it is assumed that each depositor owns half of the funds deposited in the account (Articles 513 and 516 of the Civil Code). Therefore, the preservation order relates to the debtor's share in the joint account, it being presumed that the shares are equal (Article 780(5) of the Code of Civil Procedure - CPC).

This presumption can be overridden by producing evidence to the contrary; it must be proven that the funds deposited in the bank account belong to only one account holder or to one of the account holders, or that they hold different shares in the account, or even that the funds belong to a third party.

If the preservation order is brought against only one of the spouses, but an account held jointly by the spouses is seized, as the debtor is not thought to have sufficient assets, the spouse of the person against whom the preservation order is brought must be summoned to request the separation of property or to declare that they accept that the debt is shared; this will be done at the request of the spouse against whom the preservation order is brought. If the preservation order was brought against only one of the spouses and against an account that is held in their name only, that spouse can claim that the debt is shared, in which case a preservation order may then be issued against the spouses' joint account, if they have one (Article 740(1), Article 741(1) and Article 742(1) of the CPC).

If the account holder is also the debtor, but the funds in the account supposedly belong to a third party, the third party may raise objections (Article 342(1) CPC). If it appears that the debtor is the owner of funds deposited in an account held by a third party, the third party may appeal against the preservation order or raise objections, putting forward factual evidence or furnishing proof that was not taken into account by the court and which could undermine the grounds for the preservation order (Article 372(1) CPC). In the first instance, the third party will attempt to prevent the funds from being seized, while in the second instance, it will be the debtor.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

In accordance with Article 391(2) of the Code of Civil Procedure (CPC), the provisions applicable to seizure, adapted as necessary, apply to preservation orders.

Seizure must be limited to the assets needed to pay the enforceable debt and the expected costs of enforcement (Article 735(3) CPC).

In accordance with Article 738 CPC, the following are exempt from seizure: two thirds of the net income, salaries, periodic amounts received as retirement pension or any other social benefit, insurance, accident indemnity or annuity, or any other payments of a similar nature which ensure the livelihood of the debtor. For the purposes of calculating the liquid part of the abovementioned payments, only contributions which are legally required are considered. The maximum amount that is exempt from seizure is equivalent to three national minimum wages at the time of each seizure; if the debtor has no other income, the minimum amount exempt is the equivalent of one national minimum wage.

In the specific case of the attachment of bank accounts, the total amount corresponding to the national minimum wage is exempt from seizure.

In view of the amount, the type of outstanding debt, the needs of the person against whom enforcement is sought and their family circumstances, at the request of the person against whom enforcement is sought, the judge may exceptionally reduce the seizable amount of income, for as long as he considers reasonable (but for no longer than one year) and may even exempt it from seizure.

Lastly, bank deposits are exempt from seizure if they result from the payment of a loan that is itself exempt from seizure, in accordance with Article 739 CPC.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Banks only have the right to be remunerated for the services they provide in cases where the creditor is a commercial undertaking that, in the previous year, has lodged 200 or more applications for interim relief at a court, registry or contact point (Articles 780(12) of the CPC).

Implementing Order No 202/2011 of 20 May 2011, as last amended, lays down the level, the methods of payment and recovery, and the distribution of amounts relating to this remuneration.

This remuneration relates to costs incurred in the case which are the creditor's sole responsibility and does not include the fees and expenses of the enforcement agent or the costs of enforcement; nor can it be claimed as costs of the parties (Article 1(2) of Implementing Order No 202/2011 of 20 May 2011).

In the event of the attachment of funds in a bank account in the name of the person against whom enforcement is sought, one fifth (1/5) of a unit of account is due, which amounts to €20.40.

If attachment is not possible (when there are no bank accounts or bank funds in the name of the person against whom enforcement is sought), one tenth (1/10) of a unit of account is due, which amounts to €10.20.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

In Portugal, information on bank accounts is provided by the banks in accordance with the conditions, and in the amounts, referred to in Article 50(1)(i).

The following charges are payable for processing or enforcing the Preservation Order:

- €25 if the debtor is domiciled in the Member State of origin;
- €51 if the debtor is domiciled in a Member State that is not the Member State of origin.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Not applicable.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Appeals against a preservation order under Article 33(1):

- The court with jurisdiction to hear and rule on an appeal is the court of first instance that handed down the preservation order.

Appeals against the enforcement of a preservation order under Article 34:

- Central civil divisions in enforcements with a value of more than €50 000*
- Local civil divisions or, if they do not exist, divisions with general jurisdiction in enforcements with a value of €50 000 or less.

* This amount includes capital and interest/penalties calculated up to the date when the preservation order was presented.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Appeals must be lodged with the court which issued the order being appealed against (Article 637(1) of the Code of Civil Procedure). After being lodged, appeals are referred for consideration by the Court of Appeal (*Tribunal da Relação*).

The time limit for lodging an appeal is 15 days from notification of the order (Articles 638(1) and 363(1) CPC).

Article 50(1)(n) – Court fees

- In the context of an interim measure, the requesting party must pay procedural costs of €306.
- In the case of an appeal against an order, the requesting party may pay between €306 and €612 in procedural costs.

In accordance with Article 145(1) CPC, the procedural costs must be paid at the beginning of the respective proceedings.

Tables II and III, referred to in Article 7(1), (4), (5) and (7) of the Regulation on Procedural Costs (Decree-Law No 34/2008 of 26 February 2008), can be found here: <http://data.dre.pt/eli/dec-lei/34/2008/p/cons/20161228/pt/html>

Article 50(1)(o) – Languages accepted for translations of the documents

Not applicable.

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European Account Preservation Order - Romania

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

Under Article 1 of Article I^o8 of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, in the case of authentic instruments an application for precautionary attachment must be made to the court having jurisdiction in the proceedings of first instance (Article 945(1) of the Code of Civil Procedure).

The decision on the application, the enforcement of the measure and the annulment or lifting of the attachment are carried out in accordance with the provisions set out in Articles 954 – 959. These provisions (Article 971(1) of the Code of Civil Procedure apply accordingly to authentic instruments.

Pursuant to Articles 94 and 95 of the Code of Civil Procedure, the courts with jurisdiction for proceedings of first instance are:

District Courts for claims which can be expressed in terms of money, up to and including RON 200 000 and Tribunals.

The list of District Courts is published on the Atlas site in the section 'Serving documents'.

The list of Tribunals is published on the Atlas site in the section 'Judgments in civil and commercial matters -Brussels I Regulation'.

Article 50(1)(b) – Authority designated as competent to obtain account information

Under Article 2 of Article I^o8 of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, the Romanian National Union of Judicial Enforcement Officers (UNEJ) is the authority competent to obtain account information under Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council.

Article 50(1)(c) – Methods of obtaining account information

The method is that provided for in Article 14(5)(b) of the Regulation.

The Romanian National Union of Judicial Enforcement Officers has access to an IT system made available, in accordance with the law, free of charge by the Ministry of Public Finance.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Under Article 1(2) of Article 1st of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, in application of Article 21 of Regulation (EU) No 655/2014, in the event of a refusal to issue a Preservation Order, the decision rejecting the application for a European Account Preservation Order may be appealed against before the court above the court which handed down the decision.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

Under Article 623 of the Code of Civil Procedure, compulsory enforcement of any enforcement order, with the exception of those concerning revenue owed to the consolidated general budget or the budget of the European Union or of the European Atomic Energy Community, is carried out **only by judicial enforcement officers**, even if specific laws stipulate otherwise.

The decision on the application, the enforcement of the measure and the annulment or lifting of the attachment will be carried out in accordance with the provisions set out in Articles 954 – 959, which apply correspondingly (Article 971(1) of the Code of Civil Procedure).

The precautionary attachment measure is carried out by a judicial enforcement officer, in accordance with this Code's rules on enforcement, which apply correspondingly, without any authorisation or permission to this effect being required (Article 955(1) of the Code of Civil Procedure).

Under Article 652(1)(b) of the Code of Civil Procedure, unless otherwise provided for by law, court judgments and other enforceable titles are enforced by the enforcement officer serving the area of jurisdiction of the court of appeal, in the case of the seizure of movable assets and direct enforcement against movable property, the enforcement officer serving the area of jurisdiction of the court of appeal covering the location of the domicile or registered office of the debtor, or serving the area of jurisdiction of the court of appeal covering the location of the assets; if the debtor's domicile or registered office is located abroad, any judicial enforcement officer is competent.

Under Article 652(2) and (4) of the Code of Civil Procedure, if seizable movable assets are located within the areas of jurisdiction of several courts of appeal, any of the judicial enforcement officers attached to one of those courts has enforcement competence, including in relation to the seizable assets in the areas of jurisdiction of the other courts of appeal.

If the judicial enforcement officer initially empowered by the creditor finds that there are no seizable assets and income within his/her territorial jurisdiction, the creditor may request the court of enforcement to continue enforcement using another judicial enforcement officer, with the provisions of Article 653(4) applying accordingly.

Under Article 7(b), (c) and (e) of Law No 188/2000 on judicial enforcement officers, the officer: serves judicial and extrajudicial documents; serves procedural documents; carries out precautionary measures ordered by the court.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

Under Article 623 of the Code of Civil Procedure, enforcement of any enforcement order, with the exception of those relating to revenue owed to the consolidated general budget or the budget of the European Union or of the European Atomic Energy Community, is carried out **only by a judicial enforcement officer**, even if specific laws stipulate otherwise. The decision on the application, the enforcement of the measure and the annulment or lifting of the attachment will be carried out in accordance with the provisions set out in Articles 954 – 959, which apply correspondingly (Article 971(1) of the Code of Civil Procedure). The precautionary attachment measure is carried out by the judicial enforcement officer, in accordance with this Code's rules on enforcement, which apply correspondingly, without any authorisation or permission to this effect being required (Article 955(1) of the Code of Civil Procedure).

As soon as he or she receives the application for enforcement, the enforcement officer, by issuing a decision, arranges for the registration of the application and the opening of the enforcement file or, as the case may be, issues a reasoned refusal to initiate enforcement proceedings. The decision is notified immediately to the creditor. If the enforcement officer refuses to open enforcement proceedings, the creditor can lodge a complaint, within 15 days from the date of service of the decision, with the court of enforcement (Article 665 of the Code of Civil Procedure).

Pursuant to Article 7(e) of Law No 188/2000 on judicial enforcement officers, the judicial enforcement officer will carry out precautionary measures ordered by the court.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Judgments that are provisionally enforced with a security being deposited will not be enforced before the security deposit is lodged (Article 678 of the Code of Civil Procedure).

Anyone who is held personally liable shall bear such liability with all his or her movable or immovable assets, present and future. They shall serve as a joint security for his or her creditors. Non-seizable assets shall not serve as such a security. Creditors whose claims arose in connection with a certain division of property authorised by law must first seek enforcement against the assets making up that estate. If these are not sufficient to satisfy the claims, enforcement can also be sought against other assets of the debtor. Assets that are the subject of a legally authorised division of property assigned to the exercise of a profession may be pursued only by creditors whose claims arose in connection with the profession concerned. These creditors will not be able to pursue other assets of the debtor. (Article 2324 of the Code of Civil Procedure)

If he or she considers that it is in the interest of enforcement, the judicial enforcement officer will request the debtor, in accordance with the law, to provide written explanations regarding the latter's income and assets, including common property held in shared or joint ownership against which enforcement can be carried out, and to indicate the location thereof, and may also, with a view to persuading the debtor to fulfil the obligation voluntarily, point out the consequences in the event of continuation of enforcement proceedings. At all events, the debtor will be informed of the estimated cost of enforcement. (Article 627(2) of the Code of Civil Procedure)

The debtor is obliged, subject to the sanctions provided for in Article 188(2) to declare, at the request of the judicial enforcement officer, all movable and immovable assets, including common property held in shared or joint ownership, indicating the location thereof, as well all current or regular income. (Article 647(2) of the Code of Civil Procedure)

The division of common property assets held in shared or joint ownership may also be ruled on, at the request of the party concerned, within the framework of the objection-to-enforcement proceedings. (Article 712(4) of the Code of Civil Procedure)

If, through an objection to enforcement, the party concerned has applied for the division of assets held as common property, the court will rule on their division in accordance with the law. (Article 720(2) of the Code of Civil Procedure)

Movable assets that are the subject of an authorised division of assets assigned to the exercise of a profession may be pursued only by creditors whose claims have arisen in connection with the exercise of the profession concerned. If assets are not assigned to an individual pool of business assets but nevertheless serve the exercise of an occupation or profession of a debtor who is a natural person, they may be subject to enforcement only if there are no other seizable assets, and then only for maintenance obligations or other privileged claims on movable assets. If the debtor is engaged in agriculture such

business assets shall not be subject to enforcement to the extent they are required for the continuation of agricultural activity: agricultural inventories, including working animals, feed for those animals and seed for cultivation, except where such assets are pledged as security or they are the subject of a privileged claim. (Article 728 of the Code of Civil Procedure)

For enforcement against nominee accounts (held by a third party on behalf of the debtor or by a debtor on behalf of a third party), certain rules of principle exist as regards representation and nomination with representation, as specified below.

Article 1295 of the Code of Civil Procedure stipulates that the power of representation may derive from the law, from a legal act or from a court judgment, as the case may be.

Under Article 1296 of the Code of Civil Procedure, a contract concluded by a representative, within the limits of power of attorney, on behalf of the party represented produces effects directly between the represented party and the other contractual party.

Under Article 2021 of the Code of Civil Procedure, in the absence of any agreement to the contrary, a nominee who has fulfilled the mandate bears no liability vis-a-vis the nominator with regard to the discharge of the obligations entered into by the persons/entities with whom/which a contract has been concluded, except if their insolvency was or should have been known to the nominee on the date of the conclusion of the contract with those persons/entities.

Under Article 1309(1) of the Code of Civil Procedure, a contract concluded by a person/entity who is acting as a representative but who does not have power of attorney or exceeds the powers conferred shall not produce effects between the represented party and third parties.

Under Article 1311 of the Code of Civil Procedure, in the cases provided for in Article 1309, the party on whose behalf the contract was concluded may ratify it observing legal formalities for its valid conclusion; the contracting third party may, by notification, grant a reasonable period of time for ratification, after which the contract can no longer be ratified.

Under Article 1309(2) of the Code of Civil Procedure, however, if through their behaviour the representative has caused the contracting third party to reasonably believe that the representative has the power to represent and is acting within the powers conferred, the representative can no longer invoke vis-a-vis the contracting third party a lack of power to represent.

Under Article 1310 of the Code of Civil Procedure, any person or entity concluding a contract as a representative without being empowered to do so, or in so doing exceeds the limits of the powers conferred, bears liability for any damage caused to a contracting third party who believed in good faith that the conclusion of the contract had been valid.

Under Article 1297 of the Code of Civil Procedure, a contract concluded by a representative acting within the powers conferred but where the contracting third party is not and could not have been aware that the representative was acting in such capacity is binding only upon the representative and the third party, unless otherwise provided for by law; however, if a representative, when entering into a contract with a third party on behalf of an enterprise and within the limits of the powers conferred, claims to be the owner of that enterprise and the third party subsequently discovers the identity of the real owner, then the third party may also exercise vis-a-vis the real owner the rights acquired vis-a-vis the representative.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Article 729 Limits on enforcement against monetary income under the Code of Civil Procedure.

(1) Enforcement can be carried out against wages or salaries and other regular income, pensions granted under social security schemes, and other amounts paid regularly to the debtor as a means of subsistence: a) up to half of net monthly income in the case of amounts owed by way of maintenance obligation or child allowance; b) up to a third of net monthly income in the case of any other debts.

(2) If several enforcement orders apply to the same amounts, total enforcement cannot exceed half of the debtor's net monthly income, irrespective of the nature of the claims, unless otherwise provided for by law.

(3) Where wages or any other amounts regularly paid to the debtor as a means of subsistence are lower than the minimum wage paid in the economy, enforcement can be carried out against them only in respect of the amount by which they exceed half of that minimum wage.

(4) Benefits for temporary incapacity to work, compensation granted on the basis of any legal provisions to employees for termination of an individual contract of employment, and amounts due to the unemployed, in accordance with the law, can be subject to enforcement only for amounts owed by way of maintenance obligation and compensation for damages caused by death or personal injury, unless otherwise provided for by law.

(5) Enforcement against the benefit entitlements referred to in paragraph (4) is permissible up to half their amount.

(6) Amounts withheld in accordance with the provisions set out in paragraphs (1) - (4) shall be released or distributed in accordance with Article 864 et seq.

(7) State allowances, child benefit, support for looking after sick children, maternity allowance, death benefit, State study grants, daily subsistence allowances, and any other such specialpurpose allowances established by law cannot be the subject of enforcement for any kind of debt.

Article 970 Subjects of attachment orders under the Code of Civil Procedure

Attachment orders may be placed on amounts of money, securities or other seizable intangible movable assets owed to the debtor by a third party or which the latter will owe to the debtor in the future on the basis of existing legal relationships, subject to the conditions laid down in Article 953.

Article 631(1) of the Code of Civil Procedure.

Enforcement can be initiated against any natural person or legal person under public or private law, except for those who, in accordance with the law, enjoy immunity from enforcement.

Article 781(2) and (5) of the Code of Civil Procedure.

In the case of attachment of sums of money in bank accounts, both the credit balance of those accounts and future payments into them can be subject to attachment, within the limits set out in Article 729, if applicable.

Not subject to enforcement are:

a) amounts intended for special purposes provided for by the law, and over which the debtor has no right of disposal;

b) amounts representing non-reimbursable funding or financing from national or international institutions or organisations for certain programmes or projects;

c) amounts relating to future salary entitlements, over a period of three months from the date of the establishment of the attachment. Where several attachment orders have been placed on the same account, the three-month period during which payments relating to future salary entitlements can be made is calculated only once, from the date on which the first attachment is established.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Not applicable (is not the case).

On the basis both of contractual relations between banks and clients and of specific banking legislation, the implementation of preservation measures affecting clients' accounts is a transaction for which banks charge an attachment fee (both for precautionary measures and enforcement measures against the accounts of clients). The fee is set when the attachment is established, but in the case of account preservation transactions (the subject of the Regulation) **the fee is in practice not collected from the client.**

The reason for this is that actual collection of the fee takes place when amounts of money are released to the courts/tax authorities, i.e. at the time of transfer of seized amounts. However, the purpose of the Regulation is to preserve the amount and not to effect its payment. The purpose of the Regulation is not enforceable attachment.

As a result, in the case of precautionary measures (such as a European Account Preservation Order) where no "final step" (of release) actually takes place, just the preservation operation carried out by the bank following receipt of documentation from a body that has ordered that the measure in question be taken, **the fee is not, in practice, collected from the client.**

Not applicable.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

For notification and service of procedural documents, judicial enforcement officers charge minimum fees of RON 20 and maximum fees of RON 400 (see point 1 of Annex I to Order No 2550/C/14.11.2006 of the Minister for Justice approving the minimum and maximum fees for services provided by judicial enforcement officers).

For enforcement of preservation orders, judicial enforcement officers charge minimum fees of RON 100 and maximum fees of RON 1 200 for debtors who are natural persons and RON 2 200 for debtors who are legal entities (see point 10 of Annex I to Order No 2550/C/14.11.2006 of the Minister for Justice approving the minimum and maximum fees for services provided by judicial enforcement officers).

The fees charged by judicial enforcement officers are published on the website of the Union of Judicial Enforcement Officers in the section 'Legislative Framework', Orders, Order No 2550 of 14 November 2006 approving minimum and maximum fees for services provided by judicial enforcement officers. <https://www.executori.ro/CadruLegislativ.aspx> .

The fees are charged for services provided by judicial enforcement officers in Romania.

For judicial stamp duties, see the information provided at (n).

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Under ordinary law, no ranking exists between precautionary attachments, but between claims whose preservation is sought, depending on their type.

Article 865 General preference ranking of claims under the Code of Civil Procedure

(1) Where enforcement has been initiated by several creditors or where, before the release or distribution of the amount resulting from enforcement, other creditors have also filed their enforceable titles, the judicial enforcement officer will proceed with distribution according to the following order of preference, unless otherwise provided for by law:

- a) claims representing legal costs, for preservation measures or enforcement, for the conservation of assets whose price is being distributed, any other costs incurred in the common interest of the creditors, as well as claims arising against the debtor in respect of expenditure incurred in fulfilling the conditions or formalities provided for by law for acquisition of title to the asset awarded and its entry in the public register;
- b) funeral expenses of the debtor, depending on particular circumstances;
- c) claims representing salaries and other equivalent debts, pensions, amounts due to unemployed persons, in accordance with the law, support for maintenance and care of children, maternity, temporary incapacity to work, prevention of disease, restoration or strengthening of health, death benefit, granted under social security schemes, as well as claims representing the obligation to pay damages for death, injury to bodily integrity or health;
- d) claims resulting from the legal obligation to provide for maintenance, child allowances or the obligation to pay other regular amounts intended as a means of subsistence;
- e) tax claims arising from taxes, fees, contributions and other amounts established by law, owed to the State budget, the budget of State social security schemes, local budgets or budgets of special funds;
- f) claims deriving from loans granted by the State;
- g) compensation claimed for the repair of damage inflicted on public property by illegal acts;
- h) claims arising from bank loans, deliveries of products, provision of services or performance of works, as well as from rents or leases;
- i) claims in the form of fines payable to the State budget or to local budgets;
- j) other claims.

(2) The provisions concerning legal subrogation remain applicable to the benefit of any party paying any of the claims referred to in paragraph (1).

(3) Where claims are in the same preference category, unless the law provides otherwise, the amount obtained will be shared out among the claimants in proportion to each claim.

Article 866 Declaration of claims of the State

(1) Within 15 days of the commencement of enforcement proceedings, in accordance with the law, any creditor may request the State or local administrative bodies to declare any privileged claims they may have. Such a request will be recorded in the public registers only if proof is provided of notification having been made to the local tax authorities.

(2) Within 30 days of the notification, the State or the local administrative body concerned must declare and register the amount of its claim.

(3) Failure to comply with the obligation referred to in paragraph (1) will result in the loss of preference over creditors who requested the declaration.

Article 867 Ranking of secured claims

If there are creditors who hold rights of pledge, mortgage rights or other preserved preference rights in respect of the asset sold, under the conditions provided for by law, when the amount resulting from the sale of the asset is distributed their claims will be paid before those referred to in Article 865(1)(c).

Article 868 Ranking of ancillary claims

Interest and penalties or other claims ancillary to the principal claim will follow the ranking of the latter.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Under Article 1(3) and (4) of Article 1st8 of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, *the remedy provided for in Article 33(1) of Regulation (EU) No 655/2014 falls within the jurisdiction of the court above the court that handed down the decision granting the application for a European Account Preservation Order.*

The remedies against enforcement of the account preservation order provided for in Article 34 of Regulation No 655/2014 fall within the jurisdiction of the court of enforcement.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Under Article 1() of Article 128 of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, *the appeals provided for in Article*

37 of Regulation (EU) No 655/2014 fall within the jurisdiction of the court above the court referred to in paragraphs (3) or (4) of this Article, i.e. of the court above the court referred to in Article 35 of the same Regulation; appeals must be filed within 30 days of delivery of the judgment, except where the law provides otherwise.

Article 50(1)(n) – Court fees

Under Article 11(1)(b) of Government Emergency Order No 80/2013 on judicial stamp duties, as amended, the fees charged for the various applications are as follows:

for applications relating to precautionary measures - RON 100;

for applications concerning the imposition of precautionary measures in respect of ships or aircraft – RON 1 000;

for applications for a European Account Preservation Order, formulated in accordance with Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters - RON 100.

Article 50(1)(o) – Languages accepted for translations of the documents

Romania does not accept any language other than Romanian (Article 128(1) of the Constitution and Article 14(1) of Law No 304/2004 on judicial organisation, republished, as amended).

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European Account Preservation Order - Slovenia

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

The courts designated as competent to issue a Preservation Order where a creditor has obtained an authentic instrument (Article 6(4)) are the local courts (*okrajna sodišča*) (first paragraph of Article 279b of the Enforcement and Securing of Civil Claims Act (*Zakon o izvršbi in zavarovanju*); *Uradni list RS* (UL RS; Official Gazette of the Republic of Slovenia) Nos 3/07 – official consolidated text, 93/07, 37/08 – ZST-1, 45/08 – ZArbit, 28/09, 51/10, 26/11, 17/13 – Constitutional Court Decision, 45/14 – Const. Court Decision, 53/14, 58/14 – Const. Court Decision, 54/15, 76/15 – Const. Court Decision, and 11/18; hereinafter 'ZIZ').

A list of the local courts can be found [here](#).

Article 50(1)(b) – Authority designated as competent to obtain account information

The authority designated as competent to obtain account information (Article 14) is the Agency of the Republic of Slovenia for Public Legal Records and Related Services (*Agencija Republike Slovenije za javnopravne evidence in storitve* – AJPES) (Article 279c ZIZ).

Contact details: Tržaška cesta 16, 1000 Ljubljana

gp@ajpes.si - main office

info@ajpes.si - information for users

Article 50(1)(c) – Methods of obtaining account information

Methods of obtaining account information (Article 14(5)):

a) AJPES, which has been designated as the information authority, keeps the Register of Transaction Accounts, which is a single database on the transaction accounts of natural and legal persons (Article 191 ff. of the Payment Services, Services for Issuing Electronic Money and Payment Systems Act (*Zakon o plačilnih storitvah, storitvah izdajanja elektronskega denarja in plačilnih sistemih*); UL RS Nos 7/18 and [9/18 – corr.](#); hereinafter 'ZPlaSSIED').

This makes the process of obtaining information very effective, as there is no need for the information authority to ask the bank whether the debtor holds an account with it (Article 14(5)(a)).

Although it is possible under Slovenian law to obtain information on a debtor's account in the manner set out in Article 14(5)(c) (cf. Article 31 ZIZ), courts hardly ever use that option, as they can obtain information on the debtor's bank account by electronically consulting the register of transaction accounts (Article 4 ZIZ; Article 13 of the Courts Act (*Zakon o sodiščih*); UL RS Nos 94/07 – official consolidated text, 45/08, 96/09, 86/10 – ZJNepS, 33/11, 75/12 – ZSPDLS-A, 63/13, 17/15 and 23/17 – ZSSve; hereinafter 'ZS').

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Appeals are lodged (Article 21) with:

- the court that rejected the creditor's application for a Preservation Order (**local court or district court (*okrajno sodišče*)**).

[List of local courts](#), [list of district courts](#).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The authority designated as competent to receive, transmit and serve the Preservation Order and other documents (Article 4(14)) is:

- under Articles 10(2), 23(3), (5) and (6), 25(3), 27(2), 28(3) and the second subparagraph of Article 36(5) of Regulation (EU) No 655/2014, the Local Court in Maribor.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The authority competent for enforcing the Preservation Order (Chapter 3) is:

the Local Court in Maribor, which has the territorial competence for enforcing a Preservation Order issued by a court of another Member State of the European Union (Article 279d ZIZ).

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

The extent to which joint and nominee accounts can be preserved (Article 30) is as follows:

A joint payment account is a payment account opened by a payment service provider on behalf of two or more natural persons or two or more legal persons (Article 14(1) of the Payment Services and Systems Act (*Zakon o plačilnih storitvah in sistemih*; ZPlaSS).

Each individual holder of a joint payment account may dispose of all the cash funds in that account, unless the agreement on management of the joint payment account lays down other authorisations for disposing of the cash funds in that account (Article 14(2) ZPlaSS).

The total cash funds in a joint payment account may be used to repay the liabilities of an individual account holder vis-à-vis third parties. An agreement between the holders of a joint payment account on the amount of the shares of individual holders and on the liability of individual holders does not restrict the

rights of third parties to have their claims in an enforcement or bankruptcy procedure against an individual holder repaid from the total cash funds in the joint payment account (Article 14(3) ZPlaSS). The cash funds in a joint payment account may therefore be used to repay the liabilities of an individual account holder vis-à-vis third parties.

If enforcement is restricted to specified assets of the debtor under a specific act, those restrictions are considered with regard to each individual holder of the joint payment account in the enforcement procedure against an individual holder of a joint payment account (Article 14(4) ZPlaSS).

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Amounts exempt from seizure and amounts for which enforcement is limited are governed by the following rules (Article 31):

Income is exempt from enforcement where its common characteristic is to constitute not basic income, such as wages, but, as a rule, lower, supplementary income which in most cases has the function of a social corrective (Article 101 of the [Enforcement and Securing of Civil Claims Act \(ZIZ\)](#)).

Under Article 102 ZIZ, enforcement is limited in respect of income, which generally takes the form of basic income, such as wages, i.e. income regarded as stemming from an employment relationship. It is generally permitted to take up to two thirds of such income, but the debtor must be left with an amount equal to 76% of the minimum wage. Each debtor must be left with the same residual amount. In the case of certain privileged claims, the amount that must be left to the debtor is lower – 50% of the minimum wage. In both cases the amount that must be left to the debtor is higher if the debtor is responsible for maintaining family members.

The exemptions from and limitations on enforcement must be taken into account by those responsible for executing enforcement decisions (the bank) without an application from the debtor, unless there is an entitlement to a higher limit for reasons of maintenance. The debtor must demonstrate such entitlement to the executor by producing an authentic instrument (Article 102(5) ZIZ).

The exact list of exemptions from seizure or limitations on amounts is laid down in Articles 101, 102 and 103 ZIZ.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Charging of fees (Article 43): banks may, in accordance with their commercial policy and the respective rates of remuneration for services, charge a fee for taking action on the basis of equivalent national orders (receiving the order and transferring funds).

Providers of payment services must publish on their websites full and accurate information on the charges that they levy for taking action based on an enforcement decision or securing order (Article 190 ZPlaSSIED).

Account information is provided by AJPES. The information in the register of transaction accounts of legal persons and natural persons engaged in business is publicly available free of charge on AJPES's website (Article 194 ZPlaSSIED). For the supply of information from the register of transaction accounts concerning the account of a natural person, AJPES charges the requester a fee according to a rate set in agreement with the Minister responsible for finance (Article 195 ZPlaSSIED). The rate of compensation for the costs of supplying information about the transaction accounts of natural persons from the register of transaction accounts (UL RS No 49/10) is published on AJPES's website. In accordance with that rate, the amount of compensation for costs depends on how the request for account information is submitted (the rate is lower for the electronic transfer of data than for data transmission based on a request in writing) and on the number of units of data transmitted.

The fee for implementing equivalent national orders is paid by the debtor, while the fee for providing account information is paid by the person who made the enquiry (generally the creditor).

The court accesses information on accounts free of charge by consulting the register kept by AJPES or asks the payment transaction organisation (bank) to disclose whether the debtor has opened an account with it (first paragraph of Article 4 ZIZ, Article 13 ZS).

AJPES provides the courts, the tax authority and other authorities responsible for enforcement with direct electronic access to information in the register of transaction accounts.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order (Article 44):

A court fee must be paid upon submission of an application for securing a claim through a Preservation Order (Article 29b in conjunction with Articles 239 and 279a ZIZ). An application for a Preservation Order incurs a court fee of EUR 30 (tariff No 4012 of the Court Fees Act (*Zakon o sodnih taksah* – ZST-1; UL RS Nos [37/08](#), [97/10](#), [63/13](#), [58/14](#) – Const. Court Decision, [19/15](#) – Const. Court Decision, [30/16](#), [10/17](#) – ZPP-E and [11/18](#) – ZIZ-L; hereinafter ZST-1), or EUR 24 (tariff Nos 4041 and 4012 ZST-1) if the application is submitted in electronic form;

When the Preservation Order has been issued by a Slovenian court, the bank is in Slovenia and the court has also issued a decision ordering the bank to take the action set out in point 4 of the first paragraph of Article 260 or point 4 of the first paragraph of Article 271 ZIZ (first paragraph of Article 279e), the court fee also covers the issuing of that decision, as it is actually issued by the court in the procedure for issuing a Preservation Order (i.e. the procedure for deciding on an application for securing a claim).

When the Preservation Order has been issued by a foreign court and a Slovenian court receives it for enforcement because the bank is in Slovenia, the decision by which the court orders the bank to take the action set out in point 4 of the first paragraph of Article 260 or point 4 of the first paragraph of Article 271 ZIZ (first paragraph of Article 279e) is issued in the procedure launched on the basis of the reception of the Preservation Order. On the basis of Article 24 of the Regulation, the court fee is not paid in this case, as the decision cannot be considered to be a decision on an interim measure or a preliminary measure, and the procedure in which that decision is issued cannot be considered to be the procedure for securing a claim; rather, it generates the decision by which the court gives the bank instructions on how to enforce a Preservation Order issued abroad.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Ranking of equivalent national orders under national law (Article 32):

Where a number of creditors assert monetary claims against the same debtor and concerning the same subject of enforcement, the claims are to be repaid in the order in which the creditors obtained the right to repayment in respect of that subject, save where the law provides otherwise (Article 12 ZIZ).

The way in which a preservation order issued by a court of another Member State of the European Union is enforced is for a court to issue a decision ordering the action referred to in point 4 of the first paragraph of Article 271 ZIZ to be taken, in other words by issuing an interim measure (third paragraph of Article 279e ZIZ). Courts issue a decision on an interim measure, ordering the payment transaction organisation to refuse to pay the debtor, or anyone acting at the debtor's behest, the amount of cash from the debtor's account for which it has issued an interim measure (point 4 of the first paragraph of Article 271 ZIZ). Such interim measures issued by a Slovenian court on the basis of a European Preservation Order of another Member State do not grant a lien over the security (second paragraph of Article 271 ZIZ). They are issued by the court if it has not yet issued a judgment on the merits of the case. If the creditor encloses an existing judgment, court settlement or authentic instrument with the application for a preservation order, the enforcement measure set out in point 4 of the first paragraph of Article 260 ZIZ is ordered, i.e. a decision is issued on a preliminary measure ordering the seizure of the cash amount in the debtor's account at the payment transaction organisation (third paragraph of Article 279e and point 4 of the first paragraph of Article 260 ZIZ). Seizure grants

the creditor a lien over the debtor's cash assets in bank accounts (third paragraph of Article 107 in conjunction with the fifth paragraph of Article 138 and Article 239 ZIZ).

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The courts or, where applicable, the enforcement authority competent to grant a remedy (Article 33(1), Article 34(1) or (2)):

- a remedy (objection) under Article 33(1) is lodged with the court that issued the Preservation Order. That court is a local court or a district court. It rules on the remedy (Article 54 in conjunction with Article 239 ZIZ);

- a remedy under Article 34(1) is lodged with the Local Court in Maribor, which issued the securing order (by means of a preliminary measure or interim measure) on the basis of a Preservation Order of another Member State and served it on the payment transaction organisation. It rules on the remedy (Article 279f ZIZ);

- a remedy under Article 34(2) of the Regulation (public policy exception) is lodged with the Local Court in Maribor.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

The courts with which an appeal is to be lodged, the period of time within which such an appeal must be lodged under national law and the event marking the start of that period (Article 37):

An appeal may be lodged against the decision on the objection (first paragraph of Article 9 in conjunction with Article 239 ZIZ). The appeal is lodged at the court that issued the Preservation Order (local or district court) or at the local court responsible for enforcement of the Preservation Order under Article 23 of the Regulation.

The appeal must be lodged **within eight days** of the decision handed down by the court of first instance on the objection (third paragraph of Article 9 ZIZ).

A higher court rules on the appeal.

Contact details of the higher courts:

1 Celje Higher Court

Prešernova ulica 22
3102 Celje - p.p. 1034

tel.: (03) 427 51 00

fax.: (03) 427 52 70

e-mail: urad.visce@sodisce.si

2 Koper Higher Court

Ferrarska 9
6000 Koper

tel.: (05) 668 30 00

fax.: (05) 639 52 45

e-mail: urad.viskp@sodisce.si

3 Ljubljana Higher Court

Tavčarjeva 9
1000 Ljubljana

tel.: (01) 366 44 44

fax.: (01) 366 40 70

e-mail: urad.vislj@sodisce.si

4 Maribor Higher Court

Sodna ulica 14
2000 Maribor

tel.: (02) 234 71 00

fax.: (02) 234 73 18

e-mail: urad.vismb@sodisce.si

Article 50(1)(n) – Court fees

Indication of court fees (Article 42):

The court fees in proceedings to obtain a Preservation Order or a remedy against such an Order are the same as those for obtaining an equivalent national order or a remedy against such a national order.

The payment of court fees is governed by Article 29b ZIZ. The court fees must be paid on submission of the application for enforcement, the objection or the appeal or at the latest within eight days of service of the order for payment of the court fees.

If the court fees can be calculated automatically, a payment order is issued when the application is submitted electronically, instructing the applicant to pay the fees by transfer to a given account and to quote the reference number indicated in the order for payment. The order for payment of the court fees is deemed to have been served when the applicant himself or his representative submits the application electronically.

If the court fees are not paid in time, the application is deemed to have been withdrawn.

In the payment order, the court must warn the party concerned of the consequences of nonpayment of the court fees.

The amount of court fees is laid down by the Court Fees Act (ZST-1) (UL RS Nos 37/08, 97/10, 63/13, 58/14 – Const. Court decision, 19/15 – Const. Court decision and 30/16). The court fees charged are the same as in procedures relating to the equivalent national order, which is the securing order.

The following fixed amounts are charged for these fees:

	If an application is submitted on paper	If an application is submitted in electronic form
Procedure concerning an application for a Preservation Order	EUR 30 (tariff No 4012 ZST-1)	EUR 24 (tariff Nos 4041 and 4012 ZST-1)
Procedure concerning an objection	EUR 30 (tariff No 4022 ZST-1)	EUR 24 (tariff Nos 4041 and 4022 ZST-1)
Procedure concerning an appeal	EUR 33 (tariff No 4033 ZST-1)	EUR 26.4 (tariff Nos 4041 and 4033 ZST-1)

Article 50(1)(o) – Languages accepted for translations of the documents

Languages accepted for translations of the documents (Article 49(2)):

The official languages are Slovenian plus the two national minority languages, which are in official use at the courts in the areas where these national minorities live (Articles 6 and 104 ZPP). The national minority languages are Italian and Hungarian. Piran Local Court, Koper Local Court and Koper District Court operate in Italian, whereas Lendava Local Court operates in Hungarian.

Mixed-nationality municipalities are covered by the Establishment of Municipalities and Municipal Boundaries Act (UL RS No 108/06 - official consolidated text and 9/11; hereinafter ZUODNO), Under Article 5 ZUODNO: 'Mixed-nationality municipalities shall, in accordance with this Act, be those identified as such by the current statutes of Lendava, Hodoš - Šalovci, Moravske Toplice, Koper, Izola and Piran municipalities.'

Last update: 26/03/2020

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European Account Preservation Order - Slovakia

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

Applications for a preservation order come under the jurisdiction of the general court of the person against whom an application for a preservation order is being made. The general court of that person is determined in accordance with Articles 12-17 of Act No 160/2015 (Code of Civil Dispute Procedure).

According to Articles 12-17 the general court is the district court.

If a person's general territorial affiliation cannot be determined, Banská Bystrica District Court is the competent court.

Territorial competence lies with the defendant's general court: for natural persons this is the court within whose district the person is permanently resident; for legal persons it is the court within whose district the person has its registered office; for foreign legal persons, it is a court within whose district they have a branch. If a competent court cannot be determined based on a permanent address or registered office address, or the most recent permanent address or registered office address, the competent court is one within whose district the person has property.

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/160/20160701>

Article 50(1)(b) – Authority designated as competent to obtain account information

The information authority is Banská Bystrica District Court.

Address: Skuteckého 28, 975 59 Banská Bystrica

https://obcan.justice.sk/infosud/-/infosud/reg-detail/sud/sud_139

Article 50(1)(c) – Methods of obtaining account information

The information authority obtains information by means of automated electronic communications from a special information system.

If information cannot be obtained in this way, for instance if the system malfunctions, the information authority may submit a request to banks for information as to whether a debtor has an account with them, or require a debtor to provide information about which bank or banks he has an account or accounts; when imposing this obligation the court must also issue an *in personam* order prohibiting the debtor from withdrawing or transferring funds held in his account or accounts, up to the amount covered by the preservation order.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Appeals are to be lodged in accordance with Act No 160/2015 (the Code of Civil Dispute Procedure) with the court of first instance against whose decision the appeal is being made. The court competent to rule on appeals is the court of second instance, i.e. the regional court.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

As regards Article 10(2), if the court of origin and enforcement is a Slovak court, the competent authority for transmitting documents is the court that issued the preservation order. Service of documents is governed by Section 105 et. seq. of the Code of Civil Procedure. If an order has been revoked by a Slovak court and is to be enforced in another Member State, the court is to proceed in accordance with the Regulation; it must revoke the order using a form that it sends to the competent authority in the Member State of enforcement. For preservation orders issued in another Member State of the European Union, Banská Bystrica District Court is competent to receive the preservation order revocation form.

As regards Article 23(3), the court that issued a preservation order that is to be enforced in another Member State serves it on the claimant so that the claimant may make an application to enforce the preservation order. If an order is issued in another Member State, the competent authority for transmission is Banská Bystrica District Court.

As regards Article 23(5), the competent authority for enforcing orders is the Banská Bystrica District Court.

As regards Article 23(6), the competent authority for receiving forms, including forms for banks, is Banská Bystrica District Court.

As regards Article 25(3), the competent authority for enforcing an order is Banská Bystrica District Court, which has competence for tasks associated with enforcing preservation orders issued in another EU Member State.

As regards Article 27(2), the court enforcing the preservation order is competent.

As regards Article 28(3), Banská Bystrica District Court is competent to receive documents from another Member State for service in Slovakia. If an order issued by a Slovak court is to be served on a debtor resident in another Member State, the court which issued the order is competent to transmit documents.

As regards Article 36(5), the competent authority is Banská Bystrica District Court, which has competence for tasks associated with enforcing preservation orders issued in another EU Member State.

As regards Article 27(2), the court enforcing the preservation order is competent.

As regards the first subparagraph of Article 28(3), the documents are to be served by the court that issued the preservation order. As regards the second subparagraph, the court competent for serving documents on the debtor is the court that enforced the preservation order.

As regards Article 36(5), the competent authority is Banská Bystrica District Court.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The court competent to enforce a preservation order issued in another Member State is Banská Bystrica District Court. The competent court for enforcement of a preservation order issued in the Slovak Republic is the court that issued that preservation order.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

The information authority has the right to require only that information serving to identify the debtor's bank and accounts, and not accounts of third parties held on behalf of the debtor. The information authority does not obtain such information on third parties and may not block their accounts, either in full or in part. The information authority may only obtain information on accounts held jointly with a debtor.

The competent authority for the preservation of joint accounts of a person against whom an application is made is:

(a) the court that issued the order, for an order issued in, and to be enforced in, the Slovak Republic;

(b) Banská Bystrica District Court, for an order issued in another Member State and to be enforced in the Slovak Republic.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

The following funds may not be blocked:

- (a) funds in accounts belonging to persons whose property may not be seized;
- (b) funds in accounts which may not be seized;
- (c) funds in accounts not subject to seizure.

Claims which are not subject to seizure are defined in Section 104 of Act No 233/1995.

🔗 <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/233/20160701>

The following are not subject to seizure by account debiting:

- (a) account funds up to EUR 99.58. The debtor is not required to provide information on any funds up to this amount;
- (b) funds expressly declared by the debtor as set aside for the payment of staff salaries for the payment period closest to the date on which the bank was served with the order to begin seizure by garnishment. In this case the debtor must make an express declaration;
- (c) where the debtor's salary or other income is paid into a bank account, seizure by account debiting does not apply to these funds up to the amount that by law may not be withheld from the monthly salary or from other income; this applies from the moment at which the bank is notified. The debtor must notify the bank of that amount.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Until the free-to-use special information system is launched, banks are authorised under the Scale of Bank Fees to charge a fee for client handling, including account information, of between EUR 20 and EUR 30. Banks have the right to recover expenses from a person against whom a preservation order has been enforced.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

In Slovakia only courts and banks are involved in processing and enforcing a preservation order. Banks charge fees under the Bank Fees Tariff. Court fees are governed by 🔗 [Act No 71/1992](#).

The court fee for an application for enforcement of an urgent measure in another Member State is EUR 16.50.

The court fee for an application for an urgent measure to be enforced in another EU Member State is EUR 33.

The court fee for an application for an urgent measure to be enforced in Slovakia, in full or in part, is EUR 49.50.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

In Slovakia there is no separate legal institution of the preservation of accounts. The order of priority for European orders concerning the same bank account follows the dates on which the bank is served with the preservation orders. If more than one preservation order is served on the same day, these have equal priority. If there are insufficient funds in the debtor's account for the preservation of all amounts set out in the orders, the funds are preserved proportionately. The enforcement of a preservation order does not have suspensory effect on seizure, and does not entail a preferential right to secure the preserved funds.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The court of first instance that issued or the order is competent as regards granting remedies.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Appeals are lodged at the court of first instance against whose decision the appeal was made. The court of second instance (the regional court) is competent to hear appeals. The deadline for lodging an appeal is 15 days from the date on which the court of first instance issued its decision. The deadline is deemed to have been met if the appeal is lodged directly with the court of second instance.

Article 50(1)(n) – Court fees

Court fees are governed by 🔗 [Act No 71/1992](#). Fees associated with enforcing a preservation order are as follows: application for ordering an urgent measure: EUR 33 or EUR 49.50; application for a cancellation or amendment: EUR 33; request for information forming part of an application for an order: EUR 3; application for enforcement of an urgent measure in another Member State: EUR 16.50.

Article 50(1)(o) – Languages accepted for translations of the documents

For the purposes of Article 49(2) the languages accepted are Slovak, Czech and English.

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European Account Preservation Order - Finland

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

Helsinki District Court

Porkkalankatu 13

FI – 00180 Helsinki

Postal address:

Box 650

FI – 00181 Helsinki

Tel.: +358 2956 44200 (switchboard)

Fax: +358 29 2956 44218

Email: 🔗 helsinki.ko@oikeus.fi

Article 50(1)(b) – Authority designated as competent to obtain account information

The competent authority to obtain account information is the bailiff. The request to obtain account information may be sent either directly to the bailiff or to the National Administrative Office for Enforcement (*Valtakunnanvoudinvirasto*), which will forward it to the bailiff.

Contact details of the National Administrative Office for Enforcement:

National Administrative Office for Enforcement

European account preservation

Box 330
FI-20101 Turku
Finland
Tel.: +358 29 2956 65150
Fax: +358 29 2956 65159
Email: vvv@oikeus.fi

Contact details of bailiffs

Bailiffs work in enforcement offices. The names and contact details of these offices are available, in Finnish, Swedish and in some cases English, online at a website maintained by the Ministry of Justice <https://oikeus.fi/fi/>.

Article 50(1)(c) – Methods of obtaining account information

The method of obtaining account information available under Finnish law is the one set out in Article 14(5)(a) of the Regulation (all banks in Finnish territory are under an obligation to disclose, upon request by the information authority (i.e. the bailiff), whether the debtor holds an account with them).

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

An appeal against a decision by the Helsinki District Court may be lodged with the Helsinki Court of Appeal. The notice of appeal must be addressed to the Helsinki Court of Appeal and must be sent to the registry of the district court that issued the decision, i.e. the Helsinki District Court. For the contact details of the Helsinki District Court see Article 50(1)(a).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

Article 10(2): The authority competent to revoke or terminate the Preservation Order is the bailiff. The revocation form may be sent either directly to the bailiff or to the National Administrative Office for Enforcement (*Valtakunnantoukivirasto*), which will forward it to the bailiff (see Article 50(1)(b)).

Article 23(3): If the Preservation Order was issued in Finland (Finland is the state of origin), the issuing court (i.e. Helsinki District Court) is responsible for transmitting the documents referred to in Article 23(3) of the Regulation (see Article 50(1)(a)).

If the Preservation Order is to be enforced in Finland (Finland is the state of enforcement), the bailiff is the competent authority of the state of enforcement.

The documents required for enforcement may be sent either directly to the bailiff or to the National Administrative Office for Enforcement (*Valtakunnantoukivirasto*), which will forward the documents to the bailiff (see Article 50(1)(f)).

Article 23(5): See the reply to Article 50(1)(f).

Article 23(6): See the reply to Article 50(1)(f).

Article 23(3): The bailiff responsible for enforcing the Preservation Order will issue the declaration concerning the preservation of funds, referred to in Article 25, and transmit it to the court that issued the Preservation Order and to the creditor.

Article 27(2): The competent authority for the release of over-preserved amounts is the bailiff responsible for enforcing the Preservation Order. The request to release over-preserved amounts may be sent directly to the bailiff who issued the declaration referred to in Article 25, or to the National Administrative Office for Enforcement (*Valtakunnantoukivirasto*), which will forward it to the bailiff (see Article 50(1)(b)).

Article 28(3): If Finland is the state of origin, responsibility for initiating service and for transmitting the documents referred to in Article 28(1) to the competent authority in the Member State in which the debtor is domiciled rests with the court that issued the Preservation Order, i.e. Helsinki District Court.

If the debtor is domiciled in Finland, the competent authority for service will depend on whether any bank accounts that are to be preserved are located in Finland. If any bank accounts that are to be preserved are located in Finland, the competent authority for service is the bailiff. In that case, the documents to be served may be sent either directly to the bailiff, or to the National Administrative Office for Enforcement (*Valtakunnantoukivirasto*), which will forward them to the bailiff. If any of the accounts that are to be preserved are not located in Finland, the competent authority for service is the Helsinki District Court.

Article 36(5), second subparagraph: The competent authority for enforcing a decision on a remedy is the bailiff. The decision on a remedy may be sent either directly to the bailiff or to the National Administrative Office for Enforcement (*Valtakunnantoukivirasto*), which will forward it to the bailiff.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The authority competent to enforce precautionary measures in Finland is the bailiff. If Finland is the state of enforcement, the documents required for enforcement, referred to in Article 23(3) of the Regulation, may be sent either directly to the bailiff or to the National Administrative Office for Enforcement (*Valtakunnantoukivirasto*), which will forward them to the bailiff. (see Article 50(1)(b))

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

The seizure of movable property, such as money held in bank accounts, is carried out under Chapter 8, Section 7 of the Enforcement Code (705/2007), taking into account, where applicable, the provisions of Chapter 4 on attachment.

According to Chapter 4, Section 11 of the Enforcement Code, movable property held jointly by the debtor and a third party is deemed to belong to them in equal parts, unless the third party demonstrates, or it is otherwise apparent, that it is the sole owner of the property or owns the larger share of the property. On the basis of this assumption regarding the right of ownership, half of the funds in an account held jointly by a debtor and a third party will be regarded as belonging to the debtor, meaning that this half can be subject to a preservation measure (minus amounts exempt from preservation under Article 31).

The assumption of joint ownership will cease to apply, however, if it transpires that the assets are in fact entirely owned by the debtor or the third party, or that they do not own equal shares. Third parties who claim that they are the sole owners or own more than half of the assets will have to substantiate their claim.

Enforcement Code: <http://www.finlex.fi/fi/laki/ajantasa/2007/20070705>

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Under Chapter 4, Section 21(1) point 6 of the Enforcement Code, in the case of a debtor who is a natural person, an amount will be separated from the attachment equivalent to one and a half times the protected portion of the debtor's cash assets or other property referred to in Section 48, for a period of one month, unless the debtor has other, corresponding income.

In accordance with Chapter 4, Section 48(3), the amount of the protected portion is reviewed annually by Decree of the Ministry of Justice, as provided for in the National Pensions Index Act (456/2001). Under Section 1 of Decree 1123/2019 of the Ministry of Justice determining the protected portion in the garnishment of periodically paid wages or salary, the debtor's protected portion in 2020 is EUR 22.63 for the debtor himself/herself per day and EUR 8.12 per day for a dependent spouse, child or spouse's child until the date of payment of the next wages or salary. For the purpose of calculating the protected portion, a month corresponds to 30 days.

A spouse means a married partner or an unmarried partner living in a relationship equivalent to marriage. Those regarded as dependent on the debtor for maintenance will be a person whose income is less than the protected portion calculated for the debtor himself/herself and a child in a similar position, regardless of whether the other partner shares in the child's maintenance. Maintenance paid by the debtor may be taken into account as provided for in Chapter 4, Sections 51-53 of the Enforcement Code.

The above amount will be exempted from seizure without any request from the debtor; the bailiff responsible for the Preservation Order and for exempting such amounts is therefore required under Article 31(2) of the Regulation to exempt the relevant amount from preservation on his/her own initiative.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Banks are not entitled under Finnish law to charge fees for implementing equivalent national orders or for providing account information.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Bailiffs charge a fee of EUR 225 for enforcing a Preservation Order. The fee is regulated by Section 2(5) the Enforcement Fees Act (34/1995) and Section 5 (1) point 3 of the Enforcement Fees Decree (35/1995). In accordance with Section 4(3) of the Enforcement Fees Act, the fee may be charged only to the applicant, not the debtor.

No fee is charged for measures taken by the bailiff during the procedure for obtaining account information under Article 14 of the Regulation.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

Precautionary measures under Finnish law do not provide any ranking for attachment. The legal basis is Chapter 4, Section 43 of the Enforcement Code which states that a seizure or other precautionary measure does not prevent attachment.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Article 33(1): Helsinki District Court. For contact details see Article 50(1)(a).

Article 34(1): The bailiff. The application for a remedy may be sent either directly to the bailiff or to the National Administrative Office for Enforcement (*Valtakunnanvoudinvirasto*), which will forward it to the bailiff. For contact details see Article 50(1)(b).

Article 34(2): Helsinki District Court. For contact details see Article 50(1)(a).

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

An appeal against a decision on a remedy, taken by the Helsinki District Court, may be lodged with the Helsinki Court of Appeal. The notice of appeal addressed to the Helsinki Court of Appeal must be sent to the registry of the district court that issued the decision, i.e. the Helsinki District Court.

The deadline for lodging an appeal is 30 days from the day on which the decision of the district court was handed down or made available to the parties. The notice of appeal must be sent to the registry of the district court by close of business on the day the deadline expires. Close of business is 16.15.

An appeal against a decision taken by a bailiff on a remedy may be lodged with the district court that handles enforcement appeals under Chapter 11, Section 2 of the Enforcement Code. The notice of appeal addressed to the district court must be sent to the office of the bailiff that took the decision. For contact details of the bailiff see Article 50(1)(b).

Enforcement appeals are heard in the district courts of the Åland Islands, Helsinki, Länsi-Uusimaa, Oulu, Pirkanmaa, Pohjanmaa, Pohjois-Savo, Päijät-Häme and Varsinais-Suomi. The appeal is heard by the district court in whose jurisdiction the enforcement measure was carried out. Contact details can be found on the website <https://oikeus.fi/fi/>.

There is a three-week time limit for lodging appeals. This three-week period is calculated from the day on which the decision was taken, if the person concerned was notified in advance or was present when it was handed down. Otherwise, the period for lodging an appeal is calculated from the date on which the person concerned was informed of the decision. Chapter 3, Section 39(2) of the Enforcement Code sets out when the recipient is deemed to have been informed of a decision sent by post or e-mail. Unless proven otherwise, service is deemed to have been effected three days after an electronic message was sent or seven days after the document was posted or deposited at a place reserved for postal consignments. The date of posting or deposit must be shown on the document.

The notice of appeal must be sent to the office of the bailiff that took the decision by close of business on the day the deadline expires. Close of business is 16.15.

Article 50(1)(n) – Court fees

Court fees and fees for appeals are regulated by the Act on Court Fees (1455/2015). The fee for applying to a court for a Preservation Order is the same as for the processing of precautionary measures under national law. The fees charged for processing such precautionary measures under the Act on Court Fees are currently based on the fee for hearing the main proceedings relating to the applicant's application or entitlement.

The size of the fee therefore depends on the main proceedings at the origin of the Preservation Order case. If the main proceedings involved a dispute, the fee for proceedings in the district court for the application for a Preservation Order will be a maximum of EUR 500, in accordance with Section 2 of the Act on Court Fees. The court fees may be lower if, for example, the main proceedings involve a summary dispute, as referred to in Chapter 5, Section 3 of the Code of Judicial Procedure: the court fee may be EUR 65.86 or 250, depending on how the main proceedings were decided and whether the respondent contested the case.

The court fees for the court of appeal are a maximum of EUR 500.

The court fee is collected on completion of the procedure, i.e. when the case has been concluded in the court.

No court fee is charged for invoking a remedy against a Preservation Order.

Act on Court Fees: <http://www.finlex.fi/fi/laki/ajantasa/2015/20151455>

Article 50(1)(o) – Languages accepted for translations of the documents

Finnish, Swedish and English.

Last update: 03/09/2020

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European Account Preservation Order - Sweden

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

An application for an account attachment order must be made to the district court.

Article 50(1)(b) – Authority designated as competent to obtain account information

The information authority is the Swedish Enforcement Authority.

Swedish Enforcement Authority

Box 1050

SE-172 72 Sundbyberg

Telephone: +46 771-73 73 00

Tel. for calls from abroad: +46 8 564 851 50

Fax: +46 8 29 2614

Email: kronofogdemyndigeten@kronofogden.se

Article 50(1)(c) – Methods of obtaining account information

At the information authority's request, banks are required to state whether the debtor has a bank account with them, i.e. the method set out in Article 14(5) (a). This is in accordance with Section 4 of the [Act on account attachment orders within the EU \(2016:757\)](#).

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

An appeal against a decision issued by a district court is considered by the court of appeal. The decision by the court of appeal is considered by the Supreme Court. However, the appeal must be lodged with the court that issued the decision being appealed.

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The competent authority is the Swedish Enforcement Authority.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The executive authority is the Swedish Enforcement Authority.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Moveable assets may be attached if the assets clearly belong to the debtor (Chapter 4, Section 17 of the [Debt Enforcement Code \(1981:774\)](#); see Chapter 16, Section 13). This also applies to funds in joint accounts and nominee accounts. Where bank accounts held jointly by two individuals are concerned, the two are normally assumed each to own half the content of the accounts if nothing to the contrary is stated. The issue of whether the assets belong to the debtor is considered case by case based on the relevant circumstances.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Rules on what may be exempted from attachment are set out in Chapter 5 of the [Debt Enforcement Code \(1981:774\)](#). What is exempt may include cash, bank deposits, other claims and goods if those assets are needed to support the debtor until his or her income is sufficient to cover the relevant expenses, but the exemption shall not, other than for exceptional reasons, be for a period of more than one month. The rules concerning retainable property are to be applied by the enforcement authority *ex officio*, i.e. the debtor does not need to specifically invoke them.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Under Swedish law, banks may not charge a fee to guarantee attachment or a similar security measure; nor may they charge a fee for providing bank account information to the information authority.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Rules on enforcement fees are set out in the [Ordinance on Swedish Enforcement Authority fees \(1992:1094\)](#). In enforcement proceedings, reimbursement of the handling costs is obtained in the form of a basic fee, preparation fee, sales fee and special fee. The basic fee amounts to SEK 600. Where an attachment order decision issued on the basis of the EU's Regulation on the attachment of bank accounts is enforced, only the basic fee of SEK 600 will be charged. In the case of data collection, a fee of SEK 300 may be charged by the data collection authority (Swedish Enforcement Authority).

Article 50(1)(k) – Ranking, if any, of equivalent national orders

There is no ranking of Swedish attachment order decisions.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The court competent to examine an application for a remedy under Article 33(1) is the court that issued the attachment order decision (under Section 9, first subparagraph of the [Act on account attachment orders within the EU \(2016:757\)](#)).

The Swedish Enforcement Authority is competent to examine an application for a remedy under Article 34(1) (Section 10 of the [Act on account attachment orders within the EU \(2016:757\)](#)).

The court competent to examine an application for a remedy under Article 34(2) is the district court that, under Chapter 18, Section 1 of the [Debt Enforcement Code](#), examines appeals against decisions by the Swedish Enforcement Authority (under Section 10, second subparagraph of the [Act on account attachment orders within the EU \(2016:757\)](#)). Chapter 18, Section 1 of the [Debt Enforcement Code](#) refers to Chapter 17, Section 1 of the [Debt Enforcement Ordinance \(1981:981\)](#). In accordance with Chapter 17, Section 1 of the [Debt Enforcement Ordinance](#), the competent district courts are as shown below. The word 'defendant' means the debtor.

If the debtor is not habitually resident in Sweden, Nacka district court is competent to examine an application for a remedy under Article 34(2).

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

An appeal against a decision issued by a court under Article 33 and Article 35(1) and (3) is lodged with the court of appeal and with the Supreme Court. The appeal must be lodged with the court that issued the decision being appealed. The appeal must be lodged within three weeks of the date on which the decision being appealed was issued. Rules on appeals are set out in Chapters 49 and 52 of the [Code of Judicial Procedure](#).

An appeal against a decision issued by the Swedish Enforcement Authority under Article 34(1) or Article 35(3) and (4) is lodged with the following district courts. The word 'defendant' means the debtor.

If the debtor is not habitually resident in Sweden, Nacka district court is competent to examine the Swedish Enforcement Authority's decision. However, the appeal must be lodged with the Swedish Enforcement Authority. An appeal against the decision must be lodged within three weeks of the date on which the decision was notified to the appellant. Rules on appeals against the Swedish Enforcement Authority's decisions are set out in Chapter 18 of the [Debt Enforcement Code \(1981:774\)](#) and Chapter 17 of the [Debt Enforcement Ordinance \(1981:981\)](#).

An appeal against a decision issued by a district court under Article 34(2) is lodged with the court of appeal. If the decision was issued by a court of appeal, the appeal is lodged with the Supreme Court. However, the appeal must be lodged with the court that issued the decision being appealed. The appeal must be lodged within three weeks of the date of the decision if the decision means that the matter has been settled, if the decision has been issued at a meeting or if a statement has been made at a meeting as to when the decision will be notified. Otherwise, the deadline for appeals is three weeks from the date on which the appellant was notified of the decision. Rules on appeals are set out in Sections 38-41 of the [Act on Court Matters \(1996:242\)](#).

Article 50(1)(n) – Court fees

Rules on court fees are set out in the [Ordinance on the general courts' fees \(1987:452\)](#). The fee for an application for an account attachment order is SEK 2 800.

The fee must be paid when the application is submitted to the court.

Article 50(1)(o) – Languages accepted for translations of the documents

English

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