SK

Domovská stránka>Súdne konania>**Súdne dražby**

Súdne dražby

Súdna dražba je konanie, v rámci ktorého je usporiadaná verejná dražba dlžníkovho majetku s cieľom získať dostatočnú sumu na uspokojenie veriteľovej pohľadávky. Dražbu môže usporiadať sudca alebo osoba ním poverená, alebo príslušný orgán či iný verejnoprávny alebo súkromný subjekt (oprávnený v súlade s právnymi predpismi jednotlivých krajín).

Definícia

Súdnej dražbe zvyčajne predchádza obmedzenie dispozičného práva, prostredníctvom ktorého veriteľ alebo príslušný orgán určí a zabezpečí majetok vhodný na uspokojenie pohľadávky. Zaistiť je možné hmotný a nehmotný majetok, ako aj pohľadávky, ktoré si dlžník uplatňuje voči tretej strane. V prípade pohľadávok však vymáhacie konania nekončia predajom, ale prevedením dlžníkovej pohľadávky na jeho veriteľa.

V krajinách EÚ existuje niekoľko typov súdnych dražieb a príslušné právne rámce sú stanovené vo vnútroštátnych predpisoch. V niektorých krajinách EÚ môže súdna dražba prebiehať cez internet, a tak sa účastníci nemusia osobne dostaviť pred sudcu či súd alebo iné verejnoprávne či súkromné subjekty. Súdnu dražbu zvyčajne vedie sudca, ktorý môže predajom poveriť tretiu stranu (nezávislého odborníka alebo spoločnosť oprávnenú na výkon takejto činnosti), alebo ju môžu zabezpečovať v celom rozsahu iné subjekty (napr. súdny exekútor alebo iný orgán presadzovania práva). Obvykle jej predchádza náležité uverejnenie.

Na národné stránky sa začnú postupne pridávať údaje. Ak je vlajka určitej krajiny na pravej strane tejto stránky šedá, dané informácie ešte neboli pridané.

Glosár pojmov v oblasti súdnych dražieb

Dražobná zábezpeka – pred začatím súdnej dražby musí každý účastník zložiť určitú zálohu. Účastník dostane svoju zálohu na konci aukcie späť, ak draženú vec nekúpil.

Dražobník – osoba alebo spoločnosť zodpovedná za informovanie záujemcov o kúpu daného majetku, zverejnenie oznámenia o predaji, vedení samotnej dražby atď.

Licitácia zo strany účastníkov dražby v priebehu dražby – konkurenčné podávanie ponúk na určitú vec počas súdnej dražby.

Možnosť predchádzajúceho oboznámenia sa s predávaným majetkom – možnosť potenciálnych kupcov oboznámiť sa s danou vecou a s jej stavom (prostredníctvom fotografií alebo osobne).

Odhadca ceny zabaveného majetku – znalec (v príslušnej oblasti), ktorého služby sa zvyčajne využívajú na odhadovanie majetku. Tento znalec musí určiť reálnu trhovú cenu daného majetku vzhľadom na jeho stav a celkovú situáciu na danom trhu.

Oznámenie o predaji – pred predajom zabaveného majetku v rámci súdnej dražby musí sudca alebo ním poverená osoba alebo príslušný orgán zverejniť oznámenie o predaji (uvádzajúce, ako a kedy sa uskutoční predaj). Súdne dražby sa spravidla uverejňujú na internete, ale často aj v tlači.

Prevod – úkon, pri ktorom sa vlastníctvo predávaného majetku prevádza z dlžníka na kupujúceho.

Príklep – predávaný majetok pripadne osobe, ktorá pri ukončení súdnej dražby ponúkne najvyššiu cenu.

Protiponuka – nová ponuka ceny prevyšujúca predchádzajúcu ponuku, daná počas súdnej dražby fyzickou osobou či spoločnosťou v snahe zaistiť nákup.

Vyvolávacia cena – hodnota dlžníkovho zabaveného majetku (nehnuteľnosti alebo osobného majetku), ktorý bol zaistený veriteľom alebo príslušným orgánom.

Zabavený majetok – dlžníkov majetok (nehnuteľnosť alebo osobný majetok), ktorý veriteľ alebo príslušný orgán zaistí v prípade, že dlžník nemieni dobrovoľne splatiť svoj dlh. Na účely zaistenia majetku musí veriteľ alebo príslušný orgán zaslať dlžníkovi príkaz o zaistení. V tomto dokumente veriteľ alebo príslušný orgán určí majetok, ktorý sa môže použiť na splatenie dlhu.

Zoznam krajín EÚ, v ktorých už prebiehajú súdne dražby online

Estónsko
Fínsko
Holandsko (len vymáhacie konania týkajúce sa nehnuteľného majetku)
Chorvátsko
Lotyšsko (len vymáhacie konania týkajúce sa nehnuteľného majetku)
Maďarsko
Nemecko (v spolupráci s Rakúskom)
Portugalsko
Rakúsko (v spolupráci s Nemeckom)
Španielsko
Taliansko
Slovinsko (len vymáhacie konania týkajúce sa nehnuteľného majetku).

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Judicial auctions - Bulgaria

1. Publicising and pricing regarding the sale of seized assets

National law provides for different procedures that are applied in the framework of enforcement proceedings, depending on the subject of enforcement.

Sale of movable property:

The attachment of movable property requires the asset to be listed in an inventory compiled by a bailiff. The movable property of a debtor may also be attached upon receipt of an inventory or notice of attachment, if the latter specifies the asset subject to enforcement. The bailiff inventories an asset specified by the creditor only if it is in the debtor’s possession, unless it is obvious from the circumstances that the asset belongs to another person.

The sale of an attached asset is conducted by the bailiff who has listed the asset in the inventory. The sale of movable property, sets of assets or groups of assets is carried out via stores or exchanges, by means of a public auction with oral bidding or in accordance with the rules governing the judicial sale of property.

The debtor may accept the sale of the asset at the private bailiff's store at a price set by the bailiff, or at a store designated by the private bailiff, by granting their written consent for the asset to be handed over to the store for sale.
If the asset can be sold on an exchange, the creditor or debtor may designate the exchange on which they wish the asset to be sold by submitting a dedicated written consent for the sale. The store or exchange, as applicable, receives a commission of 15% of the sale price for the transaction, which is deducted at the time of receipt of the amount paid.
Items with a valuation of more than BGN 5 000, motor vehicles, ships and aircraft are sold by the bailiff in accordance with the procedure for the judicial sale of immovable property.
The bailiff announces the sale of the asset by posting a notice at appropriate places on the premises of the district court (*rayonen sad*), in their office and on the premises of the local municipality or town hall. The report attesting to the placing of a notice is registered by the district court. Where the transfer of an asset to the store creates an inconvenience for its sale, the bailiff also posts a notice at a conspicuous place on the premises of the store and makes arrangements for those wishing to view the asset to do so at the place where it is located.
The bailiff sets the price at which the asset is to be sold at the store. The starting bid at a public auction with oral bidding or a judicial sale is 85% of the value of the asset. At the request of the party, an expert is appointed to determine the value of the asset. The expert is appointed *ex officio* where special knowledge in the field of science, art, crafts, etc. is required to determine the value. An opinion on the value of an asset may be given orally. Oral opinions are also recorded in the report.
In the case of assets with a valuation of more than BGN 5 000, motor vehicles, ships and aircraft, the bailiff is required to appoint an expert to determine the value. The sale price of movable property may not be lower than its insurance value, where applicable. This rule does not apply to subsequent sales of the same asset.
In the first notice of sale, either party may challenge the price of the asset at the time of its determination by the bailiff and request the appointment of an expert for the purpose of a new valuation. The bailiff sets a deadline for the payment of costs. When the party has paid the relevant costs within the specified deadline, the bailiff is required to appoint one or more experts for the purpose of a new expert valuation of the asset. The new value thus determined may not be contested.
If an item fails to sell within 3 months from the date of its transfer to the store or from the date of publishing a notice of sale, the item is sold by public auction with oral bidding at a price equal to 50% of the initial price set. The public auction takes place at the time fixed by the bailiff in front of the building in which the inventoried assets are kept in storage or at another place mutually agreed between the parties. Where an agreement cannot be reached, the sale takes place at a venue determined by the bailiff and is scheduled no earlier than 1 week and no later than 3 weeks after the date of the inventory. Where the creditor fails to pay the sale costs within 1 week of the inventory, no sale is scheduled, and the inventoried assets are released. On the day of the sale, the bailiff draws up a report indicating the day and the manner in which information is to be disclosed and the parties are to be notified. The auction commences at the time set in advance and ends after the last inventoried asset has been offered for sale. There is no requirement for the payment of a deposit in order to participate in an auction.
The judicial sale of real estate:
Where the subject of enforcement is immovable property, the bailiff sends an invitation for voluntary payment, specifying the property concerned, at the same time as sending a letter to the Registry Agency for the purpose of registering the foreclosure of the property.
The bailiff inventories the property specified by the creditor after verifying that the property was owned by the debtor on the day when foreclosure was imposed. Ownership is verified by conducting a check in the tax or deed registers or by other means, including by interviewing neighbours. Where there is no reliable evidence of ownership, possession of the property on the day on which foreclosure was imposed is taken into account.
The inventory also indicates the day of submission of the property valuation, where the valuation is conducted after the inventory. In this case, the parties are deemed to have been notified that a valuation has been presented, regardless of whether they were present at the time when the inventory was taken. The inventory also indicates the place and time of the sale of the property, if so requested by the creditor. In this case, the debtor is deemed to have been notified of the sale, regardless of whether they were present at the time when the inventory was taken.
The bailiff appoints an expert to determine the value of the property. The expert must be entered in the register of independent valuers provided for in the Independent Valuers Act (*Zakon za nezavisimite otseniteli*) or in the list of professionals approved as experts under the Judiciary Act (*Zakon za sadebnata vlast*). The opinion of the expert is communicated to the parties, who may challenge it within 7 days. Where the expert opinion is challenged, the party designates an expert who satisfies the requirements set out above for the purpose of having a second valuation report drawn up, and pays the associated costs. A second valuation is not performed if no challenge is mounted against the original valuation. In the case of two or more valuations, the value of the property is determined as the arithmetic average of the values indicated in all valuation reports. The opening bid price of the property is 80% of its value. The opening bid at the first judicial sale may not be lower than the value indicated in the tax assessment, where one is available.
The bailiff is required to draw up a notice of sale within 1 week of the date of the inventory, including a description of the property, its owner, an indication of whether it is mortgaged, and any limited rights *in rem*, registered claims, attachments and leases established in respect of the property at the time of foreclosure, as well as the opening bid and the venue and date on which the sale will take place. The notice is posted at appropriate places on the premises of the office of the private bailiff, the district court, the municipality or town hall for the location in which the property is situated, and on the property itself. The notice is also published on the website of the provincial court (*okrazhen sad*) for the place of enforcement at least 1 day before the day on which the sale will commence as specified in the notice. The bailiff draws up a report indicating the date on which the notice is published. The report is registered with the district court. The bailiff sets the times when the immovable property may be viewed by prospective buyers.
The sale takes place on the premises of the district court. It lasts 1 month and ends on the day specified in the notice. The sale documentation is kept by the registry of the district court and is made available to all parties interested in the property. A deposit of 10% of the opening bid is paid into the bailiff's account in order to participate in the auction. The creditor does not pay a deposit if their claim exceeds the amount of the deposit. If there are no bidders or no valid bids are placed, or if the buyer fails to pay the price and the property is not awarded to the bidder declared buyer, the creditor has the right to request, within 1 week of the date of notification, that a new sale be scheduled.
The new sale is conducted according to the rules for the first sale. The earliest start date is at least 1 month after the end of the first sale and the starting bid is 90% of the starting bid in the first sale. If the property fails to sell at the second sale and no requests to determine a new starting bid are received within 1 week of the notice of sale, the property is excluded from the estate subject to enforcement and the foreclosure is lifted at the request of the bailiff.

2. Third parties that may conduct the sales operation

In the framework of the enforcement proceedings, the property seized and attached is sold by bailiffs by the methods described in points 1 and 6. The only exception to the rule is the sale of movable property at a store or on an exchange.
The debtor may accept the sale of the asset at the private bailiff's store at a price set by the bailiff, or at a store designated by the private bailiff, by granting their written consent for the asset to be handed over to the store for sale.

If the asset can be sold on an exchange, the creditor or debtor may designate the exchange on which they wish the asset to be sold by submitting a dedicated written consent for the sale.
The handover of the asset is certified by a report signed by the bailiff and the manager of the exchange or store. The store or exchange, as applicable, receives a commission of 15% of the sale price for the transaction, which is deducted at the time of receipt of the amount paid.
All sums received in the enforcement proceedings from the debtor, a third party subject to attachment, the bidders and purchasers at the sale, and from the stores or exchanges that conducted the sale of moveable assets, are paid into the bailiff's account.

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

There are no types of judicial auction in enforcement and bankruptcy proceedings under Bulgarian law to which the rules do not fully apply. However, certain differences in the terms and conditions for conducting judicial auctions may arise from specific acts of law.

4. Information on national registers of assets

The following registers of assets are kept in Bulgaria:

Property Register:

The register, which is kept by the Registry Agency (Agentsiya po vpisvaniyata), is a database of the real estate in Bulgaria and comprises individual properties in lots. It is a record of the title deeds and other acts by which ownership or other rights *in rem* in immovable property are recognised, transferred, modified or terminated. Foreclosures and mortgages on immovable property are entered in the Property Register. The register documents the latest entries relating to the above circumstances and enables the changes in those circumstances and in the deeds on record to be traced chronologically. The Property Register can be consulted to verify the ownership and owners of real estate, and the rights *in rem* and other restrictions established in respect of immovable properties. The register can be consulted on the premises of the offices of the Registry Agency in Bulgaria or online against user registration and a fee set out in a dedicated price list.

National Register of Road Vehicles:

The register is kept by the Ministry of the Interior (Ministerstvo na vatreshnite raboti). It contains data on the registration of road vehicles, changes in the ownership of registered road vehicles (including data on concluded contracts), as well as data on attachments or other restrictions imposed.
Official access to information from the register is provided to notaries, and private and state bailiffs.
Certificates for the registration or deregistration of vehicles are issued to the owners of vehicles upon payment of a fee collected by the Ministry of the Interior in accordance with the State Fees Act (*Zakon za darzhavnite taksi*).
No fee is charged when information about registered vehicles is provided to the Ministry of the Interior, judicial authorities, the bodies responsible for national security and public order, and the bodies of the National Revenue Agency (Natsionalna agentsiya za prihodite) upon receipt of an *ex officio* request.
Information about registered vehicles is provided to third parties on an order of the judicial authorities upon payment of a fee collected by the Ministry of the Interior in accordance with the State Fees Act.

Civil Aircraft Register of the Republic of Bulgaria:

The register is kept by the Directorate-General for Civil Aviation Administration (Glavna Direktsiya 'Grazhdanska vasduhoplavatelna administratsiya') of the Ministry of Transport and Communications (Ministerstvo na transporta i saobshteniyata).
All circumstances relating to the establishment of title to a civil aircraft and all changes relating to the transfer of title, the establishment and transfer of property or bond rights and the establishment of encumbrances are entered in the Civil Aircraft Register of the Republic of Bulgaria.
Transactions become effective against third parties following their entry in the register. The entries in the register constitute an act of disclosure vis-à-vis third parties acting in good faith.
The Civil Aircraft Register is publicly accessible on the website of the Directorate-General for Civil Aviation Administration, except for the details of the owner, possessor or holder of the registered civil aircraft. The Directorate-General for Civil Aviation Administration issues certificates of registration to the owners, holders or possessors of civil aircraft or their representatives against payment of a fee set by the Council of Ministers (Ministerski savet). Certificates verifying the identity of the owners, possessors or holders of civil aircraft are issued only to public or judicial authorities, court or public bailiffs exercising the powers vested in them by law or the owners of civil aircraft or their agents.

Ship Register of the Republic of Bulgaria:

The registers for the different categories of ships subject to registration constitute a single register of ships sailing under the Bulgarian flag. They are kept by the regional units of the Maritime Administration Executive Agency (Izpalnitelna agentsiya 'Morska administratsiya') under the jurisdiction of the Minister for Transport and Communications. Registers are kept in respect of:
small vessels up to and including 20 metres in length, for river vessels; and up to and including 40 gross tonnes in size, for seagoing vessels;
large vessels of more than 20 metres in length, for river vessels; and of more than 40 gross tonnes in size, for seagoing vessels;
vessels chartered under bareboat charters;
ships under construction of more than 12 metres in length.
The Ship Register of the Republic of Bulgaria enables the exercise of jurisdiction and control over the identification, ownership, property and financial encumbrances, restrictions on the right of disposal and the responsibilities of shipowners and bareboat charterers of ships sailing under the Bulgarian flag.
The registers are kept on paper and in electronic form.
Although the registers are public in principle, access to the information entered in them is effectively limited and regulated. Public access to the registers has been restricted with a view to ensuring proper protection of ownership. Interested parties may request certified extracts from the register against a fee. The competent directorates issue extracts from the register to persons with a legitimate interest in obtaining information about the vessels. General statistical information on the number and types of ships etc. may also be provided.
Access to the database has been granted to the Commission for Combating Corruption and Confiscation of Illegally Acquired Property (Komisiya za protivodeystvie na koruptsiyata i za otnemane na nezakonno pridobitoto imushtestvo), the National Revenue Agency, the State Agency for National Security (Darzhavna agentsiya 'Natsionalna sigurnost') and the Border Police (Granichna politsiya) under bilateral agreements concluded between the institutions concerned and the Maritime Administration Executive Agency. A possibility has been provided for granting access to other institutions as well as to court and public bailiffs. Access is granted with a unique password. Access is provided from an external IP address and through a firewall. For security reasons, a functionality exists to track each login to the system. External users may conduct searches in the database using the shipowner's unique ID number (if the shipowner is a Bulgarian national) or unique foreigner number (where the owner is a foreign national) and obtain redacted data from the register. In practice, the data concerned, i.e. whether the individual owns a vessel, the type of vessel and the port registration number, is the data relevant to the functions of the institutions to which access to the register has been granted.
Circumstances subject to entry in the register become effective vis-à-vis third parties only following their entry.

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

Most of the information in the national registers listed above is either wholly or partly public. In some cases, a fee may apply to certain searches.

Government and judicial authorities, and court and public bailiffs have full access to the data entered in the various registers.

6. Information on online judicial sales

Movable and immovable property, securities in paper form, distinct parts of undertakings, as well as industrial property rights subject to enforcement, may be sold under the rules of an electronic judicial auction. At the written request of a party to the enforcement proceedings, the bailiff conducts an electronic judicial auction.

The electronic judicial auction is conducted via the dedicated online platform of the Ministry of Justice (Ministerstvo na pravosadieto).

In order to participate in the auction, each bidder pays a deposit equal to 10% of the opening bid. The bidders are registered in the electronic environment with an electronic signature, or at the bailiff's office. The registration of bidders for the electronic auction lasts 1 month and ends at 17:00 on the day specified in the notice.

The electronic judicial auction is open for bidding for 7 days. The auction ends at 17:00 on the last day of this period, if no new bids are placed in the last 10 minutes of the auction. Where a new bid is placed in the last 10 minutes of the auction, the auction is automatically extended by a further 10 minutes, but for no more than 48 hours. The auction ends when no bid has been placed in the last 10 minutes.

Bids are made in single increments. The last bid placed by a bidder is published on the online platform for electronic judicial auctions.

After the electronic judicial auction has ended, the platform automatically sends a message to all authorised bidders about the last bid placed in respect of the property.

On the first working day after bidding has ended, the bailiff verifies all circumstances relating to the auction and draws up a report detailing all applications for participation received, including the authorised and unauthorised bidders, along with the reason, the bids received and a description of any technical problems encountered during the bidding, and declares the highest bidder as purchaser. The electronic auction is deemed to have ended once the bailiff signs the report. The report is published on the single online platform immediately to ensure that all bidders have access to it.

The Ministry of Justice establishes and maintains a single online platform for electronic judicial auctions, which incorporates a register of judicial auctions and a system for conducting judicial auctions, and issues a regulation on the organisation, rules and operation of the online platform for electronic judicial auctions.

The online platform for electronic judicial auctions and the single entry point for attachments will operate on the basis of a common information system. This approach ensures automated data flow from the single entry point for attachments to the sales module and vice versa.

The information system acting as single entry point for attachments is a centralised database of all attachments imposed on movable property that are subject to registration by law.

The Ministry of Justice, the Ministry of the Interior, the Ministry of Transport and Communications and the Ministry of Agriculture (Ministerstvo na zemedelieto) exchange data electronically on movable property subject to registration in the registers kept by each institution, using the information system acting as single entry point for attachments.

The information system acting as single entry point for attachments in Bulgaria will ensure that data on movable property subject to a requirement for registration, on which attachments have been imposed in enforcement proceedings, is kept in a single central database. Access to the system is available to all competent bodies and persons in and outside Bulgaria.

On the basis of the data contained in the information system acting as a single entry point for attachments, the Ministry of Justice sends notifications of imposed attachments by way of an electronic administrative service. The system also enables inquiries to be made about attachments imposed on any person, subject to the requirements stipulated in the Electronic Government Act (*Zakon za elektronnoto upravlenie*). The services are requested through the electronic portal of the Ministry of Justice.

The Ministry of Justice collects fees for its services in amounts determined by a tariff adopted by the Council of Ministers.

Central and local government bodies, local administrations and the officials performing public functions have official access to the information system free of charge.

Note:

The information system, including the information system acting as single entry point for attachments in the Republic of Bulgaria and the online platform for electronic judicial auctions, will be launched on 1 July 2023.

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Judicial auctions - Czechia

1. Advertising and pricing of sale of seized goods

Auction notices are published on the official notice board of the bailiff or by the municipal authority in the manner usually employed there. They are also published on the Auctions Portal (*Portál dražeb*) and in the Central Register of Enforcements (*Centrální evidence exekucí*).

In the case of real estate auctions, the bailiff appoints an expert to ascertain the normal value of the property, including any fixtures and fittings and individual rights and defects associated with the property. On the basis of the expert's report, the bailiff determines the value of the property. This value serves as the basis for the reserve price, which is two-thirds of the resulting price for the first auction.

For movable property the value is determined in accordance with the Prices Act No 526/1990 or on the basis of an estimate by the enforcement agent/bailiff. If that person's knowledge and experience are insufficient, an expert is appointed to draw up a valuation. The reserve price is one-third of the resulting price.

2. Third parties who may conduct sale proceedings

There are two forms of enforcement in the Czech Republic.

Enforcement

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

All judicial auctions are governed by the relevant provisions of Act No 99/1963 (the Code of Civil Procedure), Act No 120/2001 (the Enforcement Code) and Implementing Decree No 418/2001 on procedures for carrying out enforcement and other activities.

4. Information on the national property registry

Assets are recorded in the following public registers:

Immovable property: Land Register (*katastr nemovitostí*)

Movable property: Vehicle Register (*registr vozidel*), Register of Vessels (*plavební rejstřík*) and the Register of Aircraft (*letecký rejstřík*)

Securities: Central Securities Depositary (*Centrální depozitář cenných papírů*)

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

A list of debtors is kept in the Central Register of Debtors of the Czech Republic (*Centrální registr dlužníků České republiky*), which can be consulted by creditors and debtors. Consultation requires registration, which is free of charge.

6. Other information regarding online judicial sales

The place where the auction is to be held, which can also be online, must always be specified in the auction notice. However, the State does not operate any official domain for holding auctions. Unofficial portals include https://www.exdrazby.cz, http://www.okdrazby.cz and http://www.drazby-exekutori.cz. To take part in an auction, participants must authenticate themselves and pay a deposit.

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Judicial auctions - Estonia

1. Publicising and pricing regarding the sale of seized assets

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

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

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

Online auctions are held in the special online auction environment. An announcement of an auction is published at least 10 days prior to the auction in the official publication *Ametlikud Teadaanded* and on the internet A bailiff may also publish an announcement in a newspaper which is on sale in the area of the auction. At the request of the claimant or debtor, the bailiff will publish the announcement in other publications at the expense of the claimant or the debtor.

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

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

A bailiff may set a deposit for auction participants of up to 10% of the starting price. If a deposit has been set, a person who wishes to participate in the auction is required to pay the deposit. The deposit can be paid electronically, i.e. via internet banking, to the bank account specified by the bailiff, or in the auction environment via a payment service provider. At oral auctions, deposits not exceeding €640 may be paid in cash.

2. Third parties that may conduct the sales operation

Movable and immovable assets seized in enforcement proceedings are sold by bailiffs. Simplified auctions are conducted by persons authorised by the Chamber of Bailiffs and Trustees in Bankruptcy. A bankruptcy estate is sold at auction in accordance with the procedure set out in the Code of Enforcement Procedure, and these sales are conducted by bailiffs.

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

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

4. Information on national registers of assets

Estonia has the following registers:

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

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

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

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

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

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

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

The Aircraft Register is intended for collecting and processing data required for aircraft to be registered and identified.

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

Searches can be performed in the public e-registers of patents and trade marks free of charge.

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

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

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

6. Information on online judicial sales

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

An announcement of a public auction is published at least 10 days prior to the auction (at least 20 days in the case of immovable property) in the official publication *Ametlikud Teadaanded* and on the internet. A bailiff may also publish an announcement in a newspaper which is on sale in the area of the auction. At the request of the claimant or debtor, the bailiff will publish the announcement in other publications at the expense of the claimant or the debtor.

A person who wishes to participate in a particular auction has to register for the auction in accordance with the rules and by the due date specified in the auction announcement, and pay the deposit if this is a condition of participating in the auction and if the person is not exempt by law from paying the deposit.

Bids can be made by participants registered for the auction who have the necessary legal capacity and whose right to participate in the auction is not legally or otherwise restricted. An application to participate in a public auction has to be signed either digitally or by hand. The application to participate can be submitted by emailing it to the bailiff at the address specified in the auction announcement or by uploading it in the auction environment. The application to participate need not be encrypted, but the specific procedure for registration is determined by the bailiff. In the case of an oral auction, the envelope must be sealed. To make a bid in the online auction environment, a participant has to log in using an ID card, mobile ID, or a username and password.

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

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

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

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Judicial auctions - Greece

1. Publication and price setting for the sale of seized assets

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

The seizure report must contain:

a precise description of the movable property seized so that no doubts arise concerning its identity;

reference to the assessment of the seized property by the bailiff or the expert;

a starting bid price, which for immovable property must be equal to the market value of the seized property;

reference to the enforceable order on which enforcement is based, the order served on the debtor and the amount for which property has been seized;

reference to the auction date, which must be seven (7) months from the date of completion of the seizure but no later than eight (8) months from that date, the place of the auction and the name of the auctioneer.

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

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

2. Third parties entitled to conduct a sale

Seized movable property is auctioned publicly on an electronic platform in the presence of a notary of the district of the place where the seizure took place, appointed for the auction (Article 959 Code of Civil Procedure). Seized immovable property is also auctioned on an electronic platform in the presence of a notary of the district in which the immovable property is located, appointed for the auction (Article 998 Code of Civil Procedure).

The auction takes place by submitting electronic bids, once bidders have provided a bid security and have been certified in the electronic systems in accordance with Article 959 of the Code of Civil Procedure. The auctions are conducted on working days and specifically on Wednesdays, Thursdays and Fridays, at the district civil court of the district where the seizure has taken place.

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

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

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

If the sale by auction of the seized right has been ordered, the district civil court will appoint the auctioneer (Article 1026 of the Code of Civil Procedure) and the rules governing auctions of movable property will apply.

4. Information concerning national registers of assets

There are no national registers of assets.

5. Information about databases which enable creditors to identify debtors' tangible assets or claims.

There are no databases that can be used to identify debtors' tangible assets or claims. There is only a central system kept by the Independent Authority for Public Revenue (*Anexártiti Archí Dimosíon Esódon* - *AADE*). This system can only be accessed by certain authorities (Public Prosecution Service, Tax Office, Anti-Money Laundering Authority, etc.) and it shows bank accounts held with Greek banks.

6. Information on online judicial auctions

Since the start of 2018 all auctions are carried out electronically on the eauction.gr platform.

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Judicial auctions - Spain

1. Advertising of the sale of seized assets and valuation

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

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

2. Third parties who may carry out sales operations

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

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

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

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

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

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

4. Information on national registers of assets

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

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

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

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

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

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

6. Information on on-line judicial sales

Auctions portal

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Judicial auctions - France

1. Advertising and setting the price of seized assets

A. Acts preparatory to a compulsory auction

A compulsory auction of immovable property must be advertised by the creditor:

by means of notices displayed in a place easily accessible to the public on court premises; the notice should designate the immoveable property seized, provide a summary description (nature, any occupation, all the details known about its surface area) and mention the starting price.

by means of a simplified notice displayed by the entrance to the property for sale,

by placing a notice in a publication which carries legal notices with a local circulation.

The creditor may place further advertisements under his/her responsibility or with the court's permission.

The compulsory auction of movable property must be advertised by notices displayed at the town hall of the municipality in which the debtor resides, and at the place of auction.

Additional advertisements may be made by the professional who will perform the auction on their own website or, in the case of judicial auctioneers ('*commissaires-priseurs judiciaires*'), on the appropriate websites of the profession: https://www.interencheres.com/ or https://www.interencheres.com/, or by advertising in the press, a prospectus or a catalogue. The advertisement may include the description of the goods and their estimated value.

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

Immoveable property seized may be visited on the dates and at the times set by the judge (Article R. 322-26 of the Civil Enforcement Procedure Code [CPCE]) and visitors will be accompanied by a bailiff. The conditions of sale, which includes in particular an official report of the description of the goods sold

as established by a bailiff, and also the main terms of the sale may be freely consulted at the registry of the regional court (*greffe du tribunal judiciaire*) in charge of the sale or, under conditions, in the office of the petitioning lawyer.

B. Starting price and auction operation

In cases involving property seizures, the creditor concerned is responsible for drawing up the conditions of sale. He/she sets the starting price, which can however be contested by the debtor, with the judge then being required to issue a ruling after the directions hearing (*audience d'orientation*).

In cases involving seizure of moveable property, the professional in charge of the auction freely sets the starting price for the auction. The professional conducting the auction may call on the services of an expert to estimate the value of the property if required.

As regards auctions and in terms of moveable property, the highest and final bidder will be awarded the property. It should be noted that auctions are not limited in time, and a property can only be awarded after counting down the three calls to the end of the auction. Taking part in the auction does not require that any guarantee or security be lodged.

In cases involving seized immoveable assets, an ascending-bid system is used, where each bid must be higher than the one before; the auction is stopped when 90 seconds have elapsed since the last bid (this time is counted down by a visual and acoustic method that signals each passing second to the public).

Anyone interested in participating in the auction must issue their lawyer with a non-returnable bank security or a bank cheque payable to the receiver (*séquestre*) or the Deposits and Consignments Fund (*Caisse des Dépôts et Consignations*) representing 10% of the amount of the starting price (this amount may not be less than EUR 3 000). This sum is returned to the bidder at the end of the auction if they are not declared the successful bidder.

2. Third parties authorised to carry out the sale

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

Auctions of immovable property are sought only before the enforcement court of the civil court (*tribunal judiciaire*).

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

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

As regards immovable property, the sale may be ordered as a sale by auction of property held in common or by the insolvency judge as part of collective proceedings against the owner. In both cases, the terms of the sale are set in the judicial decision ordering the sale.

4. Information on the national property registers

In cases involving immoveable property, the land register, which is an administrative and fiscal document, can provide information for the creditor on the immoveable property held by the debtor within a municipality and what it comprises (immovable property developed or undeveloped, the surface area of parcels of land and the nature of each site). In addition, the land registration services (administrative services of the Directorate-General for Public Finance - *Direction Générale des Finances Publiques*) maintain a property file for each municipality, listing extracts of the documents published under the name of each owner and for each property, and thus presenting the legal situation of each property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Information about online judicial auctions

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

Live auctions, which are partially computerised: the sale physically takes place at a given location and is broadcast live online on the website of the professional person or body conducting the auction, or on one of the appropriate websites available to professional auctioneers (https://www.

interencheres.com/ or https://uk.drouot.com/). These judicial auctions are permitted as there is nothing to prevent them and they are becoming increasingly common.
Online auctions, which are entirely computerised: the auction takes place solely online, without a physical presence at a given location. Such auctions are not permitted in judicial cases under the current law (although they are in voluntary cases) owing to technical legal hurdles.
(Partially) computerised auctions are only possible for moveable property.
The professionals who conduct the auctions may advertise them outside France, and bids may be submitted from any bidder irrespective of their location or nationality and whether the sale is live or not (there are also remote auction procedures whereby bids are transmitted in writing or by telephone).
In order to take part in a computerised auction, the person (potential bidder) is not required to provide their signature, but the professional in charge of the auction may require a credit card imprint. The professional in charge of the auction receives registrations, which can in principle be conveyed by any means, the most common being through the website on which the auction will be broadcast. Written bids are possible on any medium.
The professional in charge of the auction determines the accepted means of payment.
Remote bidders are not required to attend in person (but they may do so if they wish). They can follow the auction live and bid in real time. They may also register one or more order to buy before the sale. In such cases the bids will increase progressively, taking the bid offered into account from the beginning. A telephone link is also generally available during the auction.
Translation possibilities depends on the professional in charge of the sale and their assistants as there are no specific provisions in this regard.
Given the configurations of auction websites, only people who have registered for the online auction may access the auction through the website in question. However, the auctions is open to the public at its physical location.

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Judicial auctions - Croatia

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

Judicial auctions are used for the sale of movable property and real estate in accordance with the provisions of the Enforcement Act (*Ovršni zakon*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 112/12, 25/13, 93/14, 55/16 and 73/17, hereinafter: the EA). A system of sales of movable property and real estate by online judicial auctions in Croatia entered into force on 1 January 2015 for proceedings initiated after that date.

Real estate

Enforcement against real estate is carried out by entering a record of enforcement in the land register, establishing the value of real estate, selling the property in question and settling the claim of enforcement creditor(s) from the proceeds of such sale.
The value of real estate is determined by discretionary court conclusion, based on a reasoned finding and opinion of an authorised expert witness or appraiser; in establishing the real estate value, certain rights and encumbrances on the property which do not cease even after the sale, diminishing its value, will also be taken into account.
On completion of the property valuation procedure, the court will issue a conclusion on its sale establishing the property value and the manner and conditions of its sale.
Article 92(2) and (3) of the EA provides that the parties may determine the property value by judicial or extra-judicial agreement, forming the basis for a lien or other relevant property right established to secure the claim for which settlement is sought.
Real estate is sold by online judicial auctions carried out by the Financial Agency (*Financijska agencija*; hereinafter: FINA) at the request of a competent authority. The request for sale and other documents in the procedure of real estate sale are submitted to the regional centres of FINA having territorial jurisdiction according to the location and jurisdiction of the enforcement court.
An online judicial auction begins with a call for participation in an online judicial auction.
At the first online judicial auction, the real estate must not be sold below four fifths of its established value. At the second online judicial auction, the real estate must not be sold below three fifths of its established value (Article 102(1) and (2) of the EA).
Bids are collected over a period of 10 working days. If no valid bids are collected at the first online judicial auction, the second auction will begin by publishing a call for participation on the first day following the completion of the first online judicial auction.
If no valid bids are collected at the second online judicial auction either, FINA will notify it to the court. In that case, the court will suspend enforcement.
The online judicial auction will close at the time specified in the call for participation (Article 103(1) of the EA).
After the sale of real estate is successfully completed by online judicial auction, on receiving notification by FINA the court will issue a decision adjudicating the real estate. In that decision it will determine that, once the decision has become final and after the buyer has submitted the purchase price, the right of ownership to the adjudicated property is to be entered in his or her favour in the land register, and that any rights and encumbrances on the property in question which cease by its sale are to be deleted.
After the decision adjudicating the real estate to the buyer becomes final, the court will set a date for the hearing to divide the purchase price.

Movable property

Enforcement against movable property is carried out by foreclosure, appraisal, seizure, dispatch of the property, entrusting it to the care of the court, enforcement creditor or a third party, its sale and settling the claim of the enforcement creditor from the proceeds of such sale.
Movable property is sold by oral judicial auction or by direct dealing. The manner of sale is determined by conclusion of the court, taking care to ensure that the movable property is sold to the most advantageous bidder.
The sale of movable property is announced in due time on the court bulletin board, but it may also be announced in the same manner provided for the sale of real estate.
The place, date and hour of sale is notified to the enforcement creditor and the enforcement debtor.
At the proposal of the enforcement creditor, the sale of movable property may also be done by an online judicial auction, to which the provisions of the EA relating to the online judicial auction of real estate (Article 149(7) of the EA) will be applied *mutatis mutandis*.
At the auction, the movable property must not be sold below one half of its estimated value. It must not be sold below that price even in the time period determined by the court for the sale by direct dealing.
If the movable property cannot be sold via the auction or by direct dealing, the enforcement will be stayed.
On successful completion of the movable property sale, the buyer is required to submit the purchase price and take charge of the movable property as soon as the auction or the sale by direct dealing is concluded. If the buyer fails to submit the purchase price, the auction will be deemed to have failed.

The sale of movable property seized in the enforcement proceedings may be entrusted to a certified commission agent. The activities of a certified commission agent are organised and implemented by the Croatian Chamber of Economy (*Hrvatska gospodarska komora*).
Movable property auctions at the commission agent's are conducted by the notary public.
After the movable property is sold, the commission agent will hand it over to the buyer against payment of the purchase price.

2. Third persons who can conduct the sale

Real estate

In Croatia, real estate sales are carried out by FINA. Along with a request for sale to be submitted on the prescribed form, the court is required to deliver to FINA the enforcement decision, the extract from the land register and the conclusion concerning the sale.
In the case of real estate sales by direct dealing, real estate is sold through a person authorised for real estate sales, an enforcement administrator, a notary public or in another manner.

Movable property

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

3. Types of auction which may not be fully subject to the rules

Real estate

Real estate is sold by online judicial auctions. An online judicial auction begins with a call for participation in an online judicial auction (Article 97(1) of the EA).
Parties, lien creditors and the holders of personal servitudes and proprietary charges that are to cease once the real estate is sold may come to an agreement, by the time of the real estate sale at the online judicial auction at the latest, for the sale of the property in question to be carried out by direct dealing through a person authorised for trading in real estate, an enforcement administrator, a notary public or in another manner within a specific period of time (Article 97(6) of the EA).
In the case of a sale by direct dealing, the court will issue a decision adjudicating the real estate sold by direct dealing, having established that the conditions for legal validity of the sale have been met (Article 104(1) of the EA).
The adjudication decision will be displayed on the court bulletin board and sent to all persons to whom the conclusion on sale of the real estate to the buyer is delivered (Article 104(2) of the EA).

Movable property

Movable property is sold by oral judicial auction or by direct dealing. The manner of sale is determined by conclusion of the court, taking care to ensure that the movable property is sold to the most advantageous bidder (Article 149(1) of the EA).
The sale by direct dealing is concluded by and between the buyer as one party and the enforcement administrator or a person performing commission activities as the other party. The enforcement administrator sells the movable property on behalf and for the account of the enforcement debtor, while the person performing commission activities sells the movable property on his or her own behalf and for the account of the enforcement debtor (Article 149(3) of the EA).
At the proposal of the enforcement creditor, the sale of movable property may also be done by online judicial auction, to which the provisions of this Act relating to the online judicial auction of movable property (Article 149(7) of the EA) will be applied *mutatis mutandis*.
The sale of real estate and movable property that is the subject of judicial and notarial security by the transfer of ownership and the transfer of rights may be carried out in accordance with the relevant provisions relating to the sale of real estate and movable property for the purpose of enforcement.

4. Information on national property registers

The following property registers are kept in Croatia:
land registry books relating to the legal status of real estate in the territory of Croatia,
register of motor vehicles,
register of ships,
register of aircraft,
register of shares and dematerialised securities,
register of judicial and notarial security instruments (register of liens),
single register of accounts,
other registry books and registers.
Registers are kept in electronic form by various state authorities and can be accessed electronically (for example, by accessing a register of legal persons kept by commercial courts).
In order to obtain data from state authorities, it is typically necessary to pay an appropriate fee, where the amount of the fee depends on each individual state authority and is determined in accordance with the Administrative Fees Act (*Zakon o upravnim pristojbama*) (NN No 115/16) and the Decree on the Administrative Fee Tariff (*Uredba o tarifi upravnih pristojbi*) (NN No 8/17). Administrative fees of up to HRK 100.00 are payable in revenue stamps, and those exceeding HRK 100.00 can be paid by internet banking.
The list of real estate and movable property sold in enforcement proceedings is regulated by the Rules on the content and manner of keeping a register of the real estate and movable property sold in enforcement proceedings (*Pravilnik o sadržaju i načinu vođenja očevidnika nekretnina i pokretnina koje se prodaju u ovršnom postupku*) (NN Nos 115/12 and 156/14).

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

Article 18 of the EA requires state authorities to provide information on the debtor at the request of a person who claims that he or she intends to initiate enforcement proceedings or security proceedings, within 8 days from the day on which the request is filed.
The Ministry of the Interior is required to provide information on whether a person is entered in the record of registered and marked vehicles as the vehicle owner and on the kind, make, type, model, year of production and registration number of the vehicle, as well as on any encumbrances on that vehicle. The Ministry of the Interior is also required to indicate the person's identity card number in addition to their name and date of birth.
The Central Depository and Clearing Company (*Središnje klirinško depozitarno društvo*) or other authorised persons keeping the accounts of registered securities or dematerialised securities, shares, bonds, treasury bills, central bank bills, commercial paper, depositary receipts and other securities issued in a series are required to furnish data on whether a person in the registry book kept by it has securities registered in the accounts.
The Harbourmaster's Office is required to furnish data on whether a person in the registry book or register kept by it is entered as the owner of a ship, yacht, floating facility, fixed off-shore facility or boat, or such facilities under construction.
The authority responsible for cadastral records is required to provide a printout of any property sheets kept on a natural or legal person.

The employer or the payee of permanent cash income is required to furnish data on the method of payment of salary or other permanent cash income to a person against whom the claimant intends to initiate the proceedings.
Another authority or person keeping a relevant registry book or register of any rights constituting property is required to furnish data on whether a person entered in the registry book or in the register kept by it is entered as a holder of a particular right.
At the request of the court, the person claimed by the enforcement creditor to be a debtor of the enforcement debtor or to hold some of the enforcement creditor's property in his or her possession is required, within 8 days, to issue a statement on whether the enforcement debtor has a claim against him or her, and whether the person concerned holds any of the enforcement debtor's property in his or her possession.
The Ministry of Finance's Tax Administration is required to provide the data under Article 217 of the EA within 8 days, at the request of the person who claims that he or she intends to initiate enforcement proceedings in order to recover the amount, stated in gross terms, of a pecuniary claim arising from an employment relationship.
The authorities and persons listed above are not required to act upon the request of the person requesting the data until the costs for undertaking such actions have been paid to them.
The person submitting a request for data is required to identify in the request the claim in respect of the enforcement or security of which that person intends to initiate the enforcement or the security proceedings, and enclose a document forming the basis of that claim.
It is not necessary to hire an attorney to submit the above request for data, and the costs depend on the state authority to which the request is submitted.

6. Information on online judicial auctions

The procedure for real estate and movable property sales by online judicial auction is regulated by the provisions of the EA, as well as by implementing regulations, specifically:
the Rules on the manner and procedure for the sale of real estate and movable property in enforcement proceedings (*Pravilnik o načinu i postupku provedbe prodaje nekretnina i pokretnina u ovršnom postupku*) (NN Nos 156/14, 1/19 and 28/21; hereinafter: the Rules of sale),
the Rules on the types and amount of fees for conducting the sale of real estate and movable property in enforcement proceedings (*Pravilnik o vrstama i visini naknada za obavljanje poslova provedbe prodaje nekretnina i pokretnina u ovršnom postupku*) (NN No 156/14),
the Rules on the content and manner of keeping a register of the real estate and movable property sold in enforcement proceedings (*Pravilnik o sadržaju i načinu vođenja očevidnika nekretnina i pokretnina koje se prodaju u ovršnom postupku*)(NN Nos 115/12 and 156/14).
An online judicial auction begins with a call for participation in an online judicial auction.
The call for participation in an online judicial auction must contain the manner and the conditions of sale, the date and time of the start and end of the online judicial auction, the time when the persons interested in real estate can view the property in question, as well as other necessary data.
FINA will publish a call for participation in an online judicial auction in public media if the party submits a written request to FINA and advances the costs of such procedure.
At least 60 days must elapse between the announcement of the call for participation in an online auction on the FINA website and the start of the bidding process.
Only the persons who have submitted a security deposit may participate as buyers in the online judicial auction (Article 99(1) of the EA).
The prerequisite for accessing the online judicial auction system is a valid digital certificate confirming the identity of the bidder and a certificate enabling the use of an advanced electronic signature on the bid of the respective person (Article 14(2) of the Rules of sale).
At the time of the first log-on to a particular online judicial auction, the bidder is required to fill in a registration form for participation in the online judicial auction.
The bidder signs this form with an advanced electronic signature.
On completion of the electronic form referred to in Article 15 of the Rules of sale, the online judicial auction system will assign a unique identifier to the bidder for a particular online judicial auction.
Forms form an integral part of the Rules of sale.
The collection of bids in an online judicial auction lasts 10 working days, and bids are collected electronically between 0 and 24 hours on working and non-working days.
The time limit for the collection of bids will be set at between 9 and 15 hours on working days. By way of exception, if the most advantageous valid bid is given in the last 10 minutes before the expiry of the time limit specified in the call for participation in the online judicial auction as the closing time for the collection of bids, the bidding will be extended by 10 minutes from each last most advantageous valid bid until 10 minutes have elapsed since the last most advantageous valid bid.
The guide price of the item on sale, which is the price at which bidding commences, is determined by the court. On completion of the online judicial auction, FINA will submit a report to the court containing the information laid down in Article 25 of the Rules of sale.
The online judicial auction procedure takes place before FINA, and payments are made through a bank transfer. The bidder does not have to be present at the auction in person, but may participate in that procedure remotely.
The court will issue a written decision (adjudication decision) to be displayed on the court bulletin board and on the FINA website.
In the case of movable property sales, at the proposal of the enforcement creditor, the sale of movable property may also be done by online judicial auction, to which the provisions of the EA relating to the online judicial auction of real estate (Article 149(7) of the EA) will be applied *mutatis mutandis*.

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Judicial auctions - Cyprus

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

The price of seized assets is determined on the basis of current prices on the Cypriot market. In the case of seized immovable property, after researching its value, the auctioneer determines a reserve selling price. If the reserve price is not met, the property is not sold.
As regards movable assets, after the bailiffs have seized such assets by enforcing an order to seize movable property in favour of the creditor, they will determine the minimum price on the basis of current market prices and will then proceed to sell the movable assets. If the minimum price is not met, the bailiffs may repeat the auction.
Auction notices are published in daily newspapers. If the auction pertains to immovable property, notices are posted in the municipality or parish in which the property is located as well as on the website of the Ministry of Interior.

2. Third parties who may carry out the sale

The sale of assets by auction may be carried out by qualified private auctioneers. An auctioneer is the appropriate person appointed by the Department of Lands and Surveys of the Ministry of Interior of the Republic of Cyprus and with the qualifications to carry out forced sales of property by public auction.
As regards movable assets, any sale of movable property to enforce a judgment takes place by public auction conducted by bailiffs who are employees of the Court Service of the State and who have been granted powers to sell seized movable goods in connection with the enforcement of an order for the seizure of movable property in favour of creditors.

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

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

4. Information on the national registers of assets

The following registers of assets are kept in Cyprus:
The Department of Lands and Surveys of Cyprus keeps a register in which all title deeds for the immovable properties of citizens are recorded.
The Road Transport Department keeps a register of all vehicles registered in the Republic of Cyprus.
The Department of Merchant Marine of Cyprus keeps the Cypriot register of ships, in which all ships and/or vessels are registered.
The Companies Section of the Department of Registrar of Companies and Official Receiver keeps a register of companies, cooperatives and trade names registered in Cyprus.
The Department of Civil Aviation keeps the Cypriot Register of Aircraft and is responsible for aircraft registrations, transfers and removals from the register.
At the Companies Section, the Intellectual and Industrial Property Section keeps a register of trade marks.

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

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

6. Information on online judicial auctions

There are no online judicial auctions carried out in Cyprus.

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Judicial auctions - Latvia

1. Notification and pricing of sales of seized assets

Tangible and intangible assets subject to recovery are sold by a judicial officer. Both tangible and intangible assets are valued by a judicial officer to determine the forced sale value of the assets. The party seeking enforcement or the debtor may ask the court official to hire an expert to re-value the assets.
The Law on civil procedure regulates the announcement of an auction of immovable property, providing for a procedure whereby an auction must be announced at least one month prior to the auction. At the request of the party seeking enforcement the auction may be announced at least two months prior to the auction, but no later than one month prior to the auction. The information to be included in the notice of auction of immovable property is listed in Article 606(3) of the Law on civil procedure. The notice of auction is published by the judicial officer in Latvijas Vēstnesis (the Official Gazette) and posted on the electronic auctions website.
The auction begins at the forced sale price indicated in the assessment of the immovable property. Where two evaluations have been made, the auction begins at the higher valuation of the immovable property. The judicial officer determines the auction increment, which is not less than one percent and no more than 10 percent of the starting price for the property auction.

2. Third parties that may make a sale

Movable and immovable assets subject to recovery proceedings are sold by judicial officers. The property of an insolvent debtor is sold at auction in accordance with Chapter XX of the Law on insolvency, the sale being carried out by the insolvency administrator.

3. Types of auction to which the provisions might not fully apply

In Latvian enforcement proceedings there are no types of auctions to which the aforementioned provisions apply in part only. However, there may be some differences in the conditions governing the organisation of auctions that arise from items of special legislation.

4. Information on State registers of assets

The Land register - the State Unified Computerised Land Register records immovable property and related rights. Searches may be carried out in the computerised land register using the property’s cadastral number, the land registry number, title or address.
The Cadastre - the Cadastre Information System of the State Land Service is a unified recording system that provides access to the latest information on immovable property located in the Republic of Latvia and the land units, structures, groups of premises and sections of land that make up the immovable property in question, plus the cadastral value. The Cadastre can also be used to obtain information on the ownership of immovable property, where the owner, legal holder or user is a legal person (title, registration number, address).
The commercial register records the information required by law on commercial operators and commercial activities. A commercial operator is a natural person (individual trader) or commercial company (partnership or limited liability company) as registered in the commercial register. Commercial activity is open economic activity conducted in one’s own name for profit.
Commercial pledge agreements are registered in the register of commercial pledges. In accordance with the Law on commercial pledges, a commercial pledge is a right of pledge registered in the register of commercial pledges in accordance with the procedure set out in that law. The subject of a commercial pledge may be movable tangible or intangible assets belonging to a commercial operator, or all of their assets, i.e. a commercial operator’s entire possessions.
The register of matrimonial property - the register of matrimonial property records contracts of marriage entered into between a man and a woman. A contract of marriage is a legal transaction, or a special type of contract, in which the parties (spouses) establish, amend or terminate their matrimonial property regime by exercising their rights and the possibilities conferred upon them by law to determine their property regime themselves.
Database of the Road Traffic Safety Directorate: information on vehicles registered in Latvia, general information on vehicles registered abroad (Denmark, France, Estonia, Lithuania, the Netherlands, Poland, Sweden, Belgium, Slovenia and Norway), as well as vehicle mileage information in the Netherlands, Estonia or Slovakia if the vehicle was previously registered in one of these countries.

5. Information on databases to allow creditors to identify debtor assets or claims

Most of the information was previously available in national registers and is fully or partly public. To conduct a search, individuals may need to identify themselves using eID or via the intermediary of a bank. A fee may be payable for certain searches.

6. Online information on judicial auctions

The electronic auction site is a module in the Register of enforcement cases that allows auction notices to be posted, auction participants to be registered, information on registered auction participants to be stored and registered auction participants to participate in the announced auction, and also provides a technological toolkit for making and registering bids.

The rules of the electronic auction site lay down the procedure for working with the electronic auction site and the procedure for the inclusion of personal data in the register of auction participants, the amount of data that may be included, and the procedure for updating and deleting such data.

A certified judicial officer or administrator of insolvency proceedings uses the electronic auction site to post auction notices in accordance with the requirements laid down in the Law on civil procedure regarding the contents of auction notices. Once an announcement has been sent for publication, no announcement may be published for the auction of the same immovable or movable assets in another set of recovery or insolvency proceedings until the announced auction has been completed.

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Judicial auctions - Lithuania

1. Advertising and setting the price of seized assets

The debtor’s assets are seized and judicial sale is carried out by a judicial officer.

After seizing the debtor’s assets, the judicial officer values them at the market price, taking into account depreciation and the views of the claimant and the debtor present at the time of the seizure. If the debtor or the claimant objects to the valuation by the judicial officer or if the judicial officer has doubts about the value of the assets, the judicial officer obtains an expert opinion to determine the value of the assets.

The debtor’s immovable assets and other assets registered in accordance with the procedure laid down by law with a value greater than EUR 2 000, as well as other movable assets with a unit value greater than EUR 30 000, are liquidated by sale at judicial auction. Other types of assets may also be sold at judicial auction or by trading companies. Securities listed on the stock exchange are sold in accordance with the procedure laid down in the stock exchange rules in respect of the sale of shareholdings.

Until such time as the judicial auction has been advertised, the debtor may themselves find a buyer for the seized assets, in which case the judicial auction will not take place.

If the debtor does not propose a buyer, the judicial officer advertises the judicial auction of the assets belonging to the debtor. Judicial auctions are advertised and take place on a dedicated website managed by the Judicial Officers’ Information System (*Antstolių informacinė sistema*) administrator. The auction notice gives the details of the owner of the assets and the judicial officer organising the auction, the location of the assets, with a brief description and photographs (except in the case of the sale of intangible assets), the starting price, the bidder’s fee, any restrictions on ownership of the assets being sold and the time at which the auction ends. If immovable assets are being sold, a notice is also displayed on the immovable assets themselves, where possible.

The starting price of an asset being sold at auction corresponds to 80% of its value. Persons wishing to take part in a judicial auction must register on the website on which the auction is to take place and pay the bidder’s fee, which is equal to 10% of the starting price of the asset being sold. The asset is sold to the bidder who submits the highest bid by the end of the auction. Unsuccessful bidders are refunded the bidder’s fee they have paid.

Once the successful bidder has paid the full price for the asset purchased, the judicial officer draws up a deed of sale at auction, which constitutes proof of ownership. When immovable assets are sold at auction, the deed of sale at auction is sent by electronic means to the body responsible for keeping the Register of Immovable Property (*Nekilnojamojo turto registras*).

2. Third parties authorised to carry out the sale

Judicial sale of a debtor’s assets is organised and carried out by a judicial officer.

The debtor’s immovable assets and other assets registered in accordance with the procedure laid down by law with a value greater than EUR 2 000, as well as other movable assets with a unit value greater than EUR 30 000, are liquidated by sale at judicial auction. Other types of assets may also be sold at judicial auction or by trading companies. The judicial auction takes place on a dedicated website.

Securities listed on the stock exchange are liquidated in accordance with the procedure laid down in the stock exchange rules in respect of the sale of shareholdings.

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

In the case of judicial auctions of agricultural or forest land, or of shares (or rights) in a legal entity that owns more than 10 ha of agricultural land or more than 20% of the shares (or rights) in a legal entity that owns more than 400 ha of forest land, or of a plot of land and/or a structure in a protected area, or of another asset that can be acquired only by persons who meet the requirements laid down by law or hold the required licence to acquire that asset, the judicial officer must state in the auction notice that only persons who meet the requirements laid down by law or hold the required licence to acquire that asset may take part in the auction. In such cases, the successful bidder must provide the judicial officer with the details and documents confirming that they have the right to acquire the asset.

If a plot of land and/or a structure in a protected area is being sold at judicial auction, the successful bidder must provide the judicial officer with approval for the purchase of the plot of land and/or structure, issued in accordance with the procedure laid down by the Lithuanian Law on the protection of dignitaries (*Lietuvos Respublikos vadovybės apsaugos įstatymas*).

If the successful bidder does not provide the judicial officer with the documents or the judicial officer establishes that the successful bidder did not have the right to buy the asset, the successful bidder loses the right to purchase the asset and will not be refunded the bidder’s fee they have paid.

4. Information on the national property registers

When executing an enforcement order, the judicial officer has the right to obtain, free of charge, from State registers and information systems, banks and other financial institutions, and other natural and legal persons, the necessary information on the debtor’s assets, funds, income, expenditure and activities and other information needed to perform the judicial officer’s functions.

The judicial officer may obtain information on the assets belonging to the debtor online from:

the Register of Immovable Property (*Nekilnojamojo turto registras*), with regard to immovable property in Lithuania;

the Register of Road Vehicles (*Kelių transporto priemonių registras*), with regard to light-duty vehicles, commercial vehicles and other vehicles registered in Lithuania;

the Farming Register (*Ūkininkų ūkių registras*), the Agricultural and Rural Business Register (*Žemės ūkio ir kaimo verslo registras*), the Register of tractors, self-propelled and agricultural machinery and trailers (*Traktorių, savaeigių ir žemės ūkio mašinų ir jų priekabų registras*) and the Livestock Register (*Ūkinių gyvūnų registras*), with regard to farms, agricultural machinery and livestock registered in Lithuania;
the Civil Aircraft Register (*Civilinių orlaivių registras*), with regard to civil aircraft registered in Lithuania;
the Railway Rolling Stock Register (*Geležinkelių riedmenų registras*), with regard to railway rolling stock registered in Lithuania;
the Register of Seagoing Vessels (*Jūrų laivų registras*) and the Register of Inland Waterway Vessels (*Vidaus vandenų laivų registras*), with regard to seagoing and inland waterway vessels registered in Lithuania;
the Firearms Register (*Ginklų registras*), with regard to firearms registered in Lithuania;
the Register of Patents (*Patentų registras*), the Register of Trademarks (*Prekių ženklų registras*) and the Register of Designs (*Dizaino registras*), for patents, trademarks and designs registered in Lithuania.
The judicial officer also has the right to obtain information from the Information System on Members of Legal Persons (*Juridinių asmenų dalyvių informacinė sistema*) on members of private limited companies, small partnerships, public bodies, agricultural companies, cooperative societies (cooperatives), general partnerships, limited partnerships and non-governmental charitable and support foundations.

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

Information on the assets belonging to a debtor is gathered by the judicial officer, who has the right to obtain information from information systems, registers, and natural and legal persons regarding a debtor's assets, income, etc.
The creditor has the right to consult the entire enforcement file (including information on the debtor's assets).

6. Information about online judicial auctions

Under the Code of Civil Procedure (*Civilinio proceso kodeksas*), judicial auctions of debtors' assets take place online on a dedicated website. Judicial auctions are organised and all decisions relating to their execution taken by a judicial officer. The court is involved in the process only if there is a complaint against the actions of the judicial officer that is rejected by the judicial officer.
Judicial auctions start as soon as they have been advertised and end after 30 days, for the sale of immovable assets and other assets registered in accordance with the procedure laid down by law, and other movable assets with a unit value greater than EUR 30 000. For the sale of all other assets, the auction ends after 20 days.
The debtor's immovable assets and other assets registered in accordance with the procedure laid down by law with a value greater than EUR 2 000, and other movable assets with a unit value greater than EUR 30 000, are sold by judicial auction. Other types of assets may also be sold by judicial auction, with the exception of securities listed on the stock exchange.
Lithuanian citizens and foreign nationals who have been issued with identity documents in accordance with Lithuanian law may take part in a judicial auction (participation in the auction requires confirmation of identity by means of an electronic signature or mobile electronic signature or via online banking).
Judicial auctions take place on a dedicated website managed by the state enterprise *Registrų Centras*, which is the administrator of the Judicial Officers' Information System.
People wishing to take part in a judicial auction do not need to complete or submit any applications or documents. People can register for a judicial auction electronically via the website on which the auction is taking place, by confirming their identity by one of the above-mentioned means, selecting the specific auction in which they wish to take part and paying the bidder's fee using an online banking system. When registering for a judicial auction, people must confirm electronically that they are aware of the judicial auction procedure, the procedure for lodging a complaint against the actions of a judicial officer and the potential consequences of the sale of an asset at a judicial auction. The personal data provided by a bidder in a judicial auction may not be disclosed to the judicial officer, the other participants in the auction or third parties, except in the cases provided for by law.
People may participate in a judicial auction themselves or through a representative. Where participation in a judicial auction takes place through a representative, all actions relating to participation in the auction are carried out by the representative, but the person being represented must also be indicated.
Judicial auctions take place online. Bids may be increased manually, by entering a bid, or automatically, by entering the starting bid, the maximum bid and the bidding increment. If at least one bid has been received by the end of the judicial auction, the closing time of the auction is extended by a further 5 minutes to allow participants to place a bid. For each new bid received during the extended period, the auction will be extended by an additional 5 minutes. The auction ends when no new bids are received within the additional 5-minute period.
Information about the asset being sold at a judicial auction and the price bid for it is public, but it is possible to take part in the auction and place a bid only after registering in accordance with the prescribed procedure.
At the end of the auction, the judicial officer who organised it is provided with the details of the successful bidder and the price bid for the asset. The bidder's fee paid by the successful bidder is also transferred to the judicial officer.

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Judicial auctions - Malta

1. Advertising and pricing of sale of seized goods

The procedure of enforcement of seized goods does not necessarily lead to the sale of the seized goods. Instead, the creditor and the debtor may reach an agreement. If there are several creditors, it is necessary to reach an agreement with all of them if the sale is to be avoided. If no agreement is reached, the court will order the sale.
The basic value of the seized goods is determined by an expert who assesses the value (in the case of immovables). In the case of movables, the value is determined by the person making the highest bid during the sale since bids start from 0. If a valuation of movables is requested, bids do not start from 0 but from 60 % of the estimated price.
As regards the advertising of seized goods, this is done via the government website which provides court services, the website of the auctioneer carrying out the sale, daily newspapers (normally the sale notice is published once a month in two daily newspapers) and notices in the court building where the sale will take place.
The characteristics of the seized object offered for sale as well as the documents relating to it are available on the government website providing court services and on the website of the auctioneer carrying out the sale. All interested persons may request access to this information.

If anyone is interested in viewing the seized object offered for sale, he or she may file an application in court requesting a viewing of the object, if the object in question is an immovable. Before any sale of an immovable, a court expert prepares a report on the state of the immovable and this report is public. In the case of movables, interested persons may view them two hours before the commencement of the sale.
On the day of the sale, bids are made *viva voce* to the auctioneer nominated by the court to conduct the sale of the goods.
The person acquiring the goods after the auction does not deposit a part of the price but must pay the whole price. Regarding immovables, the whole amount must be deposited in court within seven days from the date of sale, while in the case of movables, the whole price shall be deposited within 24 hours from the sale. Payment cannot be effected electronically but is made in the court registry.

2. Third parties who may conduct sale proceedings

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

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

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

4. Information on the national property Registry

The following National Property Registries exist:
Immovables - the Public Registry and the Lands Registry
Movables - regarding vehicles, sea craft and aircraft - Transport Malta
Company stocks and shares - the Malta Financial Services Authority and the Malta Stock Exchange
Other financial instruments - the Malta Stock Exchange
Trademarks and patents - Department of Commerce
These Registries are kept electronically by the public offices in question. Some of these registries are accessible electronically by the public. As regards the Public Registry and the Malta Financial Services Authority, access by the public against payment is possible. The Transport Malta Registries are not accessible to the public. Regarding the Malta Financial Services Authority, payment for this access may be made online. With regard to the Public Registry, payment must be made in the Public Registry office.

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

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

6. Other information regarding online judicial sales

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

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Judicial auctions - Netherlands

1. Advertising and setting the price of seized assets

The day and time of the sale of the seized assets must be notified to the debtor either together with the record of seizure or within 3 days of its being served. For an online sale pursuant to Article 463(2) of the Code of Civil Procedure the debtor must be notified as to via which website and during which period the assets may be offered for sale. These requirements are laid down in Article 449 of the Code of Civil Procedure.
In addition, the sale must be advertised by publishing on one or more generally accessible websites the place, day and time of the sale or via which website and during which period the assets may be offered for sale. The advertisement must indicate the nature of the assets without going into more specific details. See Article 464 of the Code of Civil Procedure.
Advertisement of the sale must take place after notification of the debtor pursuant to Article 449 and at least 4 days before the start of the sale, unless the deadline is shortened by the judge hearing applications for interim relief at the request of any of the parties. See Article 464 of the Code of Civil Procedure. See Article 465(1) of the Code of Civil Procedure.
The bailiff values the assets at the time of their seizure.

2. Third parties authorised to carry out the sale

Where more than one attachment has been imposed on an asset, it is sold by the attaching party that imposed the oldest executory attachment. See Article 458(1) of the Code of Civil Procedure.
If the creditor seeking enforcement fails to complete the sale within 4 weeks of the expiry of the deadline pursuant to Article 462, any attaching party with an enforcement order can take over enforcement of the assets on which they have imposed attachment by serving notice to that effect on the creditor seeking enforcement and on the debtor. If more than one attaching party seeks to take over enforcement, only the person that imposed the oldest executory attachment is entitled to do so, unless the judge hearing applications for interim relief decides otherwise at the request of any of the parties. See Article 459 (1) and (3) of the Code of Civil Procedure.
If the seized asset is pledged and the secured creditor is entitled to seek enforcement, they can take over enforcement and carry it out themselves subject to the rules on enforcement by virtue of a right of pledge. See Article 461a(1) of the Code of Civil Procedure.
A creditor who, before the seizure, has, in respect of the attached assets, made the stipulation referred to in Article 254 of Book 3 of the Civil Code and who wishes to make use of the power of joint enforcement laid down in the second paragraph of that article, may take over enforcement in accordance with Article 461a. See Article 461c of the Code of Civil Procedure.

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

The compulsory sale of immovable assets must take place in the presence of an authorised notary. See Article 514(1) of the Code of Civil Procedure.
Assets in a bankruptcy estate are sold publicly, or, with the agreement of the examining magistrate, privately, by the receiver. See Article 176(1) of the Code of Civil Procedure.
Assets in a debt restructuring arrangement are sold privately by the administrator, unless the examining magistrate specifies that the sale should be held in public. See Article 347(2) of the Code of Civil Procedure.

4. Information on the national property registers

The land register records immovable assets, rights on immovable assets, various boats and ships, and aircraft. Attachments on these assets are recorded in the land register and block any transfer.
The trade register records all companies, legal persons and other organisations with an economic activity.

The vehicle registration register records vehicles and the person responsible for them. It is not a register of ownership, but does give an indication of ownership. Attachments on these assets are recorded in the vehicle registration register and block any transfer.
The patent register of the European Patent Office records patents.
The matrimonial property register records whether spouses have been married under the community of property regime.
In its benefit entitlement database (Polisadministratie), the employee insurance agency collects data on wages, allowances and employment contracts.

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

See above at 4.

6. Information about online judicial auctions

Sales must be held in public and in the presence of the bailiff at a place designated for the purpose by the latter. They can also take place exclusively or simultaneously online via a generally accessible website. The website used for the sale must be equipped with appropriate technical features so as to guarantee reliability and security. Specific rules may be laid down for this purpose in a general administrative order. See Article 463(1) to (3) of the Code of Civil Procedure.
For an online sale pursuant to Article 463(2) the debtor must be notified as to via which website and during which period the assets may be offered for sale. See Article 449(2) of the Code of Civil Procedure.

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Judicial auctions - Austria

1. Advertising and setting the price of seized assets

At the request of a petitioning creditor, the judicial auction of real estate, a building constructed temporarily on another person's land (*Superädifikat*) or building rights may be authorised by the enforcement court that has jurisdiction. Once the application has been examined, authorisation is granted by order of the court. The court usually appoints an expert to estimate the value of immovable property. In certain cases, the value need not be estimated (§ 142 of the *Exekutionsordnung* (EO – Enforcement Code)). The lowest bid generally amounts to half of the estimated value. The enforcement court with jurisdiction sets an auction date, which it makes public by entering it in the database of court decisions known as the *Ediktsdatei* (justiz.gv.at). As well as a summary of the valuation report and details of the property to be auctioned (address, registration number and cadastral municipality), the *Ediktsdatei* also indicates, among other things, the place and time of the auction and the minimum bid for the property.
Before the object of the sale is awarded, the highest bidder must provide a deposit (10% of the estimated value, but no less than EUR 1 000.00). The award is noted in the land register (*Grundbuch*) and published in the *Ediktsdatei*. The buyer thereby becomes the owner of the property without there being a formal entry in the land register.
The auctioning of movable property is usually carried out by the enforcement body or, in the case of an auction in an auction house, by an official of the auction house. Online auctioning via an auction platform is also possible (see point 6). The value of the items is estimated in most cases by an expert and in some cases also by the enforcement body or a second expert.

2. Third parties authorised to carry out the sale

Judicial auctions of immovable property are carried out exclusively by the enforcement court. Movable property may also be auctioned by an auctioneer or an auction house.

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

Special provisions apply to online auctions carried out as part of an enforcement procedure (§ 277 EO).

4. Information on the national property registers

The *Grundbuch* (land register) is a public register in which land and the associated rights *in rem* – such as ownership status, liens and building rights – are recorded. The district courts are responsible for keeping the land register. Anyone can consult the land register. However, a search for persons in the *Personenverzeichnis* (list of persons) is possible only if there is a legal interest.
Certain district courts (in particular the Inner City of Vienna District Court (*Bezirksgericht Innere Stadt Wien*)) keep a public shipping register, which also contains information on ownership status. However, the obligation to register applies only to certain ships.
The business register (*Firmenbuch*) is a public register kept by the regional courts (*Landesgerichte*). In Vienna it is kept by the *Handelsgericht Wien* (Vienna Commercial Court) and in Graz it is kept by the *Landesgericht für Zivilrechtssachen Graz* (Graz Regional Court for Civil Law Matters). It consists of the *Hauptbuch*, or main register, which contains the business register entries, and a collection of documents comprising the individual deeds that form the basis of each business register entry, such as articles of association. The business register can be accessed online (see Firmenbuch (justiz.gv.at)).

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

If there is a legal interest, a search can be carried out in the list of persons in the land register (see above).
The following information is published in the publicly accessible online database, *Ediktsdatei* (justiz.gv.at):
Auctions ordered by the court
Judicial receivership
Edicts and announcements in criminal proceedings
The manifest insolvency of a person: if, in enforcement proceedings, it becomes apparent that the obligated party is manifestly insolvent, the enforcement court establishes this fact by order, after hearing the parties. An enforcement application relating to movable property can then be granted only with restrictions.
The insolvency database (*Insolvenzdatei*) can also be accessed from this webpage.

6. Information about online judicial auctions

Online judicial auctions of immovable property are not allowed. Online auctions of movable property are carried out on the platform http://www.justiz-auktion.at/.

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Judicial auctions - Poland

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

Property valuations are carried out by an appraiser (appointed by a bailiff) who is authorised to value property pursuant to separate regulations. If, however, the property has been valued for the purpose of selling it on the market not more than six months prior to its seizure and that valuation meets the requirements relating to property valuation carried out for enforcement purposes, no new valuation is carried out. On the other hand, if significant changes in the condition of the property have occurred between the time when the description and valuation were carried out and the auction date, an additional description and valuation may be carried out at the creditor's or debtor's request.
Property that has been seized is sold by public auction. The auction may not be scheduled earlier than two weeks after the description and valuation have become final or before the judgment under which enforcement is initiated has become final.
The bailiff announces the date and object of the auction by way of a public notice, which is delivered to the parties to the proceedings, the municipal authority, the tax office in whose jurisdiction the property is located and the social security authorities.
The auction notice is also published at least two weeks before the auction date in the court building and on the premises of the municipal authority, in a daily newspaper that is widely read in the city/town/village in question and on the website of the National Bailiffs' Council ('*Krajowa Rada Komornicza*'). In addition, at the party's request and expense, the bailiff may order the notice to be published in another manner indicated by the party.

2. Third parties who may effect the sale

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

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

enforcement against a fraction of a property;
enforcement against the right of perpetual usufruct;
enforcement against undeveloped land and property developed with a residential or commercial building if, at the time when the application for enforcement proceedings was filed, no notice was given of completion of the construction work or no application for an occupancy permit was submitted within the meaning of the Construction Act (*prawo budowlane*);
enforcement against seagoing vessels entered in the shipping register;
enforcement through the sale of an enterprise or farm;
enforcement carried out in order to terminate co-ownership by way of a public sale.

4. National asset registers

Land and mortgage registers (*księga wieczysta*) are maintained by district courts (*sąd rejonowy*) in order to determine the legal status of property. These are established and maintained in an ICT system. Land and mortgage registers are public and comprise four sections:
1) the first section comprises a designation of the property and entries concerning the rights associated with ownership;
2) the second section comprises entries concerning ownership and perpetual usufruct;
3) the third section comprises entries concerning limited property rights, except for mortgages, restrictions on disposing of the property or perpetual usufruct, and entries concerning other rights and claims, except for claims relating to mortgages;
4) the fourth section comprises entries relating to mortgages.
In addition to land and mortgage registers, the second property register is the land and building register ('*ewidencja gruntów i budynków*') governed by the Land Survey and Cartographic Act of 17 May 1989 ('*Prawo geodezyjne i kartograficzne*') (consolidated text: Journal of Laws 2010/193, item 1287, as amended). Maintaining the land and building register is the responsibility of the district governor ('*starosta*').

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

The databases described in point 4, i.e. land and mortgage registers and the land and building register, are available to creditors and serve to identify debtors' assets. In addition, land and mortgage registers allow creditors' receivables that are secured by mortgages to be identified.

6. On-line judicial auctions

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

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Judicial auctions - Portugal

1. Advertising the sale and pricing of seized goods

The current situation is that assets should preferably be sold via https://www.e-leiloes.pt/, as provided for by Article 837 of the Portuguese Code of Civil Procedure (CPC) and Articles 20 et seq. of ministerial implementing order (*Portaria*) No 282/2013 of 29 August 2013.
The rules governing the operation of the platform https://www.e-leiloes.pt/ were adopted by Order of the Minister of Justice No 12624/2015, published in the Portuguese Official Gazette (*Diário da República*), second series, No 219, of 9 November 2015.
Notice: Given the many recent cyber-attacks on various national institutions, persons consulting the e-leilões site from outside Portugal are subject to restricted access.
Such persons are required to provide their IP (internet protocol) to suporte@solicitador.net. One way to find your IP is via the following link: https://www.whatismyip.com/.
Advertisements of sale are regulated by Article 6 of Order 12624/2015:
Article 6
Advertising auctions
Auctions are advertised on www.e-leiloes.pt. In addition, by decision of the Chamber of Legal Agents (*Câmara dos Solicitadores*), information can be disseminated in full or in part through other websites, in the press and by email. This does not affect the right of the enforcement agent legally responsible for the procedure to publicise the auction by any other means they may consider appropriate.
Information published on www.e-leiloes.pt must include, as a minimum:
the reference number of the legal proceedings, the court and the organisational unit concerned;
the date on which the auction starts;
the date and time by which the auction must be concluded;
the basic price of the asset (or collection of assets) to be sold;
the value of the last bid;
if the item for sale is a movable asset, a photograph of the item or collection of items comprising the lot to be auctioned off;

a brief description of the item;
the nature of the item;
if the item is an immovable asset, its location and composition, property register number and land register entry, district, municipality, parish and approximate geographic position, a photograph of the exterior of the immovable asset and, where possible, of its interior if it is an urban building or a building unit;
identification of the custodian or the place of storage;
the place and time for viewing the assets, and the contact details of the custodian;
details of the enforcement agent with legal responsibility for the procedure, including the agent's name, professional registration number, land line and mobile telephone numbers, fax number and email address, and the times when they can be contacted;
any matters of which any interested parties must legally be informed, notably whether a challenge against enforcement or seizure is pending, whether an appeal is pending, and whether there are any liens that must not expire with the sale or any preferential rights holders that have made themselves known during proceedings;
the name of the debtor or debtors to whom the assets to be sold belong.

The prices/values of the seized assets

Basic value: this is the value of the asset or the set of assets making up a lot, as established in the course of the proceedings with which the sale is associated: specifically, enforcement governed by the Code of Civil Procedure (CPC) or, in the case of an insolvency procedure, by the Insolvency and Business Recovery Code (*Código da Insolvência e da Recuperação de Empresas*).

Minimum value: the 'minimum value' is the value starting from which the asset can be sold, corresponding, as set out in Article 816 of the CPC, to 85% of the basic value. In some cases the minimum value may be equal to the basic value.

2. Third parties that may conduct the sales operation

The rules governing the operation of the https://www.e-leiloes.pt/ platform were adopted by Order of the Minister of Justice No 12624/2015, published in the Portuguese Official Gazette (*Diário da República*), second series, No 219, of 9 November 2015, according to which the platform would be developed and operated by the Chamber of Legal Agents (*Câmara dos Solicitadores*), now the Order of Legal Agents and Enforcement Agents (*Ordem dos Solicitadores e Agentes de Execução*).

In civil enforcement proceedings conducted by enforcement agents, the sale procedure is the exclusive prerogative of the enforcement agents.

Notice: Given the many recent cyber-attacks on various national institutions, persons consulting the e-leilões site from outside Portugal are subject to restricted access.

Such persons are required to provide their IP (internet protocol) to suporte@solicitador.net. One way to find your IP is via the following link: https://www.whatismyip.com/.

3. Types of auction to which the rules might not be fully applicable

Assets that have to be sold on regulated markets or sold directly are one instance.

Article 837 of the Portuguese Code of Civil Procedure (CPC) - Sale by online auction

Save in the cases referred to in Articles 830 and 831, the sale of seized immovable assets should preferably be carried out by online auction, in accordance with provisions to be defined by a ministerial implementing order issued by the member of the government responsible for justice.

Article 830 of the Portuguese Code of Civil Procedure - Assets sold on regulated markets

Financial instruments and traded commodities are sold on regulated markets.

Article 831 of the Portuguese Code of Civil Procedure - Direct sale

In cases where it is a legal requirement for assets to be surrendered to a given body, or in the event of a promissory contract of sale with erga omnes effects with a party wishing to exercise the right of compulsory enforcement, the sale is made directly.

Although online auctions are the primary means of enforced sale in Portugal, the Code of Civil Procedure also provides for other types of sale:
sale by means of sealed offers;
sale on regulated markets;
direct sale to persons or bodies entitled to purchase the assets;
sale by means of private negotiation;
sale by an auctioneering establishment;
sale by a government warehouse or equivalent;
sale by online auction.

4. Information from national registers of assets

Regulatory and registration bodies include the following:

the Institute of Registry Offices and Notaries (*Instituto dos Registos e do Notariado*, I.P. (IRN)): the public institute charged with implementing and monitoring policy on registration services, with a view to guaranteeing service provision to members of the public and businesses in the field of civil identification and registration of nationality, land, businesses, movable assets and legal persons, in addition to ensuring the regulation, control and inspection of the activities of notaries with respect to real estate, boats, aircraft, and so on;

the Portuguese Securities Market Commission (*Comissão do Mercado de Valores Mobiliários* (CMVM)): entrusted with ensuring, supervising and regulating markets in financial instruments and the agents active on these markets, to help protect investors with regard to shares and financial instruments, etc.;

the National Intellectual Property Institute (*Instituto Nacional de Propriedade Industrial* (INPI)): whose main activities are assigning and protecting intellectual property rights both within and outside Portugal, in cooperation with the international organisations of which Portugal is a member.

5. Information on databases that enable creditors to identify debtors' assets or claims

First and foremost, please note that it is the enforcement agent who consults the database, on a confidential basis. The creditor does not have direct access.

Access to public databases is governed by ministerial implementing order No 331-A/2009 of 30 March 2009, as amended by ministerial implementing order No 350/2013 of 3 December 2013 and ministerial implementing order No 288/2015 of 17 September 2015.

Access to the Bank of Portugal's databases is governed by ministerial implementing order No 282/2013 of 29 August 2013.

The databases to which the enforcement agent currently has direct access online include:
the Portuguese Tax and Customs Authority;
the Social Security database (*Segurança Social*);
the General Pension Fund (*Caixa Geral de Aposentações*);
the land register (*Registo Predial*);
the business register (*Registo Comercial)*;
the National Register of Legal Persons (*Registo Nacional de Pessoas Coletivas*);

the vehicle register (*Registo Automóvel*);
the Bank of Portugal;
the Institute for Public Credit Management (*Instituto de Gestão de Crédito Público*);
CITIUS (IT platform supporting the activities of the courts).

6. Information on online judicial auctions

The rules governing the operation of the platform https://www.e-leiloes.pt/ were adopted by Order of the Minister of Justice No 12624/2015, published in the Portuguese Official Gazette (*Diário da República*), second series, No 219, of 9 November 2015.
The information can be checked on the following websites:
Rules governing the operation of the online auctions platform
Replies to frequently asked questions (FAQ)
Notice: Given the many recent cyber-attacks on various national institutions, persons consulting the e-leilões website from outside Portugal are subject to restricted access.
Such persons are required to provide their IP (internet protocol) to suporte@solicitador.net. One way to find your IP is via the following link: https://www.whatismyip.com/.
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Judicial auctions - Romania

1. Publicising and pricing regarding the sale of seized assets

The enforcement procedure is governed by the Romanian Code of Civil Procedure, which contains general rules regarding the enforcement of obligations established by warrants of execution. In addition to the rules of civil procedure which govern enforcement, there are two other separate categories of rules which apply to the specific situations of debtors of obligations: enforcement of fiscal debts and enforcement of debts arising out of offences.
The general category of debts arising out of warrants of execution, other than those of a fiscal nature or those arising out of offences, are enforced in Romania by bailiffs, enforcement authorities authorised by order of the Minister of Justice to enforce warrants of execution.
Once enforcement has been approved, for the category of debts which are liable to be enforced, in accordance with what has been stated above, the debtor' s assets are sold by public auction in accordance with the rules of civil procedure according to their category, i.e. sale of movable and/or immovable assets by public auction.
Seized movable assets can be valued by a bailiff (based on the criterion of the circulation value as compared with the average market prices in the locality concerned) or, where valuation is not possible or if the parties so request, for a fee, by appointing an expert.
The value of the asset subject to enforcement shall be determined by the bailiff in accordance with similar rules (circulation value, average market price, etc.) or, for a fee, at the request of the parties or where valuation is not possible, by appointing an expert.
With regard to the advertising of sales of movable assets, the announcement or advertisement regarding the sale shall be drawn up by the bailiff, who shall arrange for it to be displayed at the place of the auction, at his office, in the office of the town hall within whose catchment area the asset is being sold, in the office of the enforcement authority, and in other public places. The Romanian Code of Civil Procedure also lays down an obligation to place advertisements in local and national newspapers or on Internet pages intended for the sale of the assets concerned.
In addition to the aforementioned advertising methods, with regard to advertising of sales of immovable assets, there are procedural nuances in that on the one hand, the value of the asset dictates the method of advertising (a national newspaper if the value of the asset exceeds RON 250,000), and on the other hand, there is an obligation to place an advertisement in the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement.
The characteristics of the assets subject to enforcement shall be specified in the announcement/advertisement regarding the sale.
The procedure for viewing assets is not regulated.
Auction guarantees, which are recorded by order of the bailiff and must be paid no later than the time when the auction begins, are regulated. Auction guarantees can be paid electronically, and the bailiff must attach proof of payment to the offer to buy.
Assets are assigned to the person who offers the highest price and, if there is only one bidder, to the latter, provided that he has offered the starting price for the auction.

2. Third parties that may conduct the sales operation

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

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

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

4. Information on National registers of assets

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

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

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

6. Information on online judicial sales

The Electronic Register for the Advertisement of Sales of Assets subject to Enforcement is a computer system through which all bailiffs advertise, at national level, sales of movable assets with a value in excess of RON 2,000 and immovable assets which are subject to an enforcement procedure. The Electronic Register for the Advertisement of Sales of Assets subject to Enforcement was created on the basis of the provisions of article 35(2) of Law no. 188/2000 on

bailiffs and has been operational since 2012. Placing advertisements in the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement is a legal obligation for bailiffs, and failure to do is a disciplinary offence pursuant to the provisions of article 47 of Law no. 188/2000 on bailiffs. The new platform of the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement **was approved by way of Decision no. 67/05. 12.2014 of the Council of the National Union of Bailiffs.**

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Judicial auctions - Slovenia

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

Movable property, immovable property and rights are sold at public auctions in enforcement and other judicial proceedings, with the rules of enforcement proceedings being applied to the sale of assets. In Slovenia, judicial auctions are held in the traditional format and online as well.

While it is not yet possible to sell assets in bankruptcy proceedings in Slovenia via a single online portal, as is the case with the sale (with the exception of the sale of movable property) and announcement of sale in enforcement proceedings, online public auctions of a bankruptcy debtor's assets may be held by external providers that operate on the market. This method of sale (online public auction) is already in place for insolvency proceedings and is being made use of by administrators.

Movable property

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

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

Upon seizure, a creditor obtains a lien on the seized property (Article 87 of ZIZ). In cases involving the seizure of movable property entered in the register of non-possessory liens and seized movable property, the lien is obtained upon entry of the seizure in the register (Article 87 of ZIZ).

Expert valuation of seized assets.

The property seized is valued on seizure, unless this valuation cannot take place straight away due to the special value of the property or if the seizure of movable property entered in the register of non-possessory liens and seized movable property is involved. The valuation is made by the enforcement agent who executed the seizure. On request and with the cost paid by a party, the valuation can be made by a court expert selected by the party (Article 89 of ZIZ).

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

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

Publication of sale. If an enforcement agent decides that property is to be sold at a public auction, they send the court an announcement of the public auction at least eight days prior to the start of the public auction and the court publishes it on the court noticeboard. The enforcement agent must publish the announcement and a photograph of the property in the search engine for movable property sales, and enter information on the movable property in that search engine (Article 93 of ZIZ). The enforcement agent announces the public auction on the court noticeboard and on the website of the competent authority that issued the decision on seizure. The enforcement agent must request that the announcement of public auction also be published in an official register if such a register exists. If proposed by a creditor or debtor, an enforcement agent may also announce a public auction in the media upon payment of costs by the party seeking the public auction (Article 89 of the Rules).

Option to view assets being sold. An announcement of a public auction must specify the place, date and time of the auction, state and describe the property to be sold and state where the property can be viewed before the auction (Article 89 of the Rules on the performance of bailiff services). Interested buyers may also search for subjects of sale in enforcement proceedings and view photographs of the property in the search engine for sales on the e-dražbe (online auctions) portal at SodneDrazbe.si. Assets being sold may be searched for and viewed under the following criteria: court, case number, form of sale, method of sale, type of sale, start date of sale, publication status, subject of sale, subject type, town, region and starting price. The search may also be performed by entering text in the relevant text entry box.

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

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

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

Making offers and allocation. At least 15 minutes after an auction starts, an enforcement agent invites the auction participants to make offers (bidding). The auction continues until all interested participants have made their bids. An enforcement agent gives the property to the highest bidder if no higher bid is made after making two calls to participants for a higher offer. If the buyer does not pay the purchase price by the end of the auction, the enforcement agent may sell the property to the next highest bidder if the creditor agrees by signing the Record of Auction. If the creditor is not present at the auction, the enforcement agent may sell the property immediately to the next highest bidder if their bid is at least 50 % of the best offer but higher than the starting price; otherwise, the enforcement agent offers the property for bidding again during the same auction. The previous highest bidder may no longer participate in the repeated bidding (Article 94 of the Rules on the performance of bailiff services).

Payment of the purchase price and the taking possession of the property. A buyer must pay the purchase price and take possession of the property immediately after the auction is completed. An enforcement agent must provide the buyer with a document with information on the sale and information kept in a register, if a register of sold property is kept. On the basis of this document, the enforcement agent deletes any encumbrances and/or prohibitions on the sale of the property, and registers the new owner in cases where an ownership rights are recorded in the register. An enforcement agent may transfer the

property to the buyer even before the purchase price was not paid if permitted to do so by the creditor, at its own risk, for the amount the creditor is entitled to of the purchase price. If the buyer does not pay the purchase price and the creditor does not consent to property being handed over, the enforcement agent may sell the property to the next best bidder. The buyer acquires property free of all encumbrances and becomes the owner of the property even when the debtor was not the owner of the property. The buyer does not have the right to a guarantee against defects of the property (Article 96 of ZIZ).

Property and other material rights.

The sale of property and other material rights is conducted by an enforcement agent in accordance with the provisions of the Rules on the performance of bailiff services that govern the valuation and sale of movable property. The enforcement agent draws up an inventory of the seized rights in accordance with the provisions of these Rules governing the seizure of movable property. The inventory describes the rights precisely by substance and extent, with due regard to the documents that exist in relation to this right, and sets out what the debtor is obliged to give or do as a consideration or service for the exercise of these rights (Article 108 of the Rules on the performance of bailiff services).

Immovable property

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

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

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

As a general rule, immovable property is sold at public auction. A public auction is conducted as an online public auction, unless the judge considers it more appropriate for the immovable property to be sold at public auction. The judge may also decide that a public auction for the sale of immovable property should be conducted even if no bidder has registered for the first online public auction. Unless the court decides otherwise, a public auction for the sale of immovable property is conducted at the court's premises. Creditors, lien creditors and creditors of land debt may, throughout the enforcement proceedings until the order for sale is issued, agree that the immovable property be sold by collecting binding offers or under a direct offer (Article 183 of ZIZ).

An order for sale of immovable property includes:

a detailed description of the immovable property, including fixtures and fittings;

an easement building right and encumbrances in rem which the buyer must accept;

the value of the immovable property as identified by the court in its decision;

the price for which the immovable property may be sold;

the deadline by which the buyer must pay the purchase price;

the manner of sale; and

the amount of the deposit to be paid by the bidder (Article 184 of ZIZ).

Option to view assets being sold. A court may allow a person interested in buying immovable property to view the property upon request and at own cost. The method and the manner of viewing and any presence of an enforcement agent is determined by the court in the order for the sale of the immovable property (Article 176 of ZIZ). Interested buyers may also search for subjects of sale in enforcement proceedings and view photographs in the search engine for sales on the e-dražbe (online auctions) portal at SodneDrazbe.si. Assets being sold may be searched for and viewed under the following criteria: court, case number, form of sale, method of sale, type of sale, start date of sale, publication status, subject of sale, subject type, town, region, floor, surface area, number of rooms, year of construction, company in which the shareholder has a stake, and starting price. The search may also be performed by entering text in the relevant text entry box.

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

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

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

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

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

Online public auction of immovable property. The amended ZIZ-L (UL RS, No 11/18) has introduced a number of changes to the way online public auctions are conducted. This area is regulated in detail by the Rules on announcements of sales in the online search engine and online public auctions in enforcement proceedings (Pravilnik o objavah prodaj v spletnem iskalniku in spletnih javnih dražbah v izvršilnih postopkih, UL RS, No 195/20). Online judicial auctions may be accessed at: SodneDrazbe.si.

Registration for an online public auction and approval of registration. An interested buyer registers for an online public auction via the e-dražbe portal using an SI-PASS account, chooses the role in which they will appear as a bidder (e.g. as a bidder or as a bidder who is at the same time a creditor, lien creditor or creditor of land debt, or as the holder of a pre-emptive or redemption right), provides details of the account to which a returned deposit is to be repaid (if this is different from the account from which the deposit was paid), and indicates whether they are claiming exemption from the payment of a deposit (if so, they enclose a proposal for exemption). For property to which special conditions for purchase apply, they must also submit documents that show that they meet these special conditions. If a deposit has to be paid for participation in an online public auction, the amount of the deposit, the reference number that is to be attached to the payment and the account to which the deposit is to be paid is sent to the interested buyer when they register for the online public auction within the e-dražbe portal system. If several interested buyers together wish to purchase a subject of sale at an online public auction, only one of the buyers registers for the online public auction and encloses with the registration those documents that show the shares by which the interested buyers will take possession of the subject of sale, and an authorisation to take part in the online public auction on behalf of the other interested buyers. After examining the registration for the online public auction and checking whether the interested buyer has paid the deposit, the author of the announcement approves or rejects the registration and informs the interested buyer of their decision within the e-dražbe portal system. If registration is rejected, a reason for rejection must be provided.

If registration is approved, the bidder is assigned a unique code number within the e-dražbe portal system under which they participate anonymously in the online public auction.

Course of an online public auction. An online public auction is commenced automatically at the time determined in the order for sale or in the online public auction announcement as the time of its commencement, and lasts for as long as is determined in the order for sale or in the online public auction announcement. The bidder raises the starting price or currently most favourable bid by at least the bid increment determined in the order for sale or in the online public auction announcement. If the bid increment is not determined, the bidder may raise the bid by an amount determined by them. During the online public auction, the bidder is notified of the current best bid in the e-dražbe portal system and informed of whether their bid is currently the best bid. If a bid is made two minutes prior to the end of the online public auction, the duration of the auction is extended (on each occasion) by an additional two minutes.

Report on the course of the online public auction. After an online public auction is completed, a report on the course of the auction is automatically generated. It is available to bidders within the e-dražbe portal system in anonymised form and to the authors of the announcement in non-anonymised form.

Sale of a right/shareholder's participating interest

Enforcement against a shareholder's participating interest takes place by registering the enforcement decision, selling the participating interest and paying the creditor from the proceeds of sale. With the enforcement decision, the court prohibits the shareholder from disposing of their participating interest. The court serves the enforcement decision on the company and registers it in the Court Register of Companies. With this registration, the creditor acquires a lien on the shareholder's participating interest. The lien shall also apply against any person that subsequently acquires the participating interest. The provisions of this act regarding enforcement on immovable property (Article 164 of ZIZ) are applied mutatis mutandis to enforcement on a shareholder's participating interest. As with immovable property, the participating interest of a shareholder may be sold at an online public auction.

2. Third parties conducting the sale

Movable property

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

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

Immovable property

Public auctions of immovable property are conducted by judges. Online public auctions of immovable property are conducted in an automated manner on the SodneDrazbe.si online portal.

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

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

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

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

4. Information on national property registers

In Slovenia, there are the following property registers:

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

Register of motor vehicles;

Slovenian Register of Shipping;

Register of Aircraft;

Register of book-entry securities;

Register of non-possessory liens and seized movable property, register of bank accounts;
Register of recipients of salaries and other personal income (for example, pensions).
These registers are kept electronically. A specific institution is responsible for each one.
Access to these registers is made available to anyone demonstrating a legal interest (Article 4(6) of ZIZ). A creditor may demonstrate a legal interest by presenting an enforceable title (for example, an enforceable judgment), by which the debtor was ordered to pay the creditor's claim. In such a case, the creditor may request information on the debtor's property from the operator of the register. Courts have electronic access to many of these registers.
To obtain information from these registers, it is not necessary to pay court fees, however some operators of these databases (registers) may request that creditors pay a small fee (for example, the Health Insurance Institute of Slovenia (Zavod za zdravstveno zavarovanje), which maintains the register of payers of salaries and other personal income (such as pensions) requires a payment of EUR 4.00 to obtain information on a debtor's employment). The payment may also be made electronically.

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

An operator of a database must, under Article 4(6) of the ZIZ, convey information on debtors' assets to creditors upon their request, when the creditor has demonstrated a legal interest (for example, an enforceable title). These operators are:
The Health Insurance Institute of Slovenia conveys information on payers of salaries and other personal income (for example, pensions);
The Agency of the Republic of Slovenia for Public Legal Records and Related Services (Agencija Republike Slovenije za javnopravne evidence in storitve) (AJPES) provides information from the bank accounts register;
The Central Securities Clearing Corporation (Centralna klirinško depotna družba d.d.) (KDD) conveys information from the book-entry securities register;
the court maintaining the Court Register conveys information on shares in undertakings and on other participation in legal entities. Access to the Court Register is also available electronically through its website;
the court maintaining the Land Register provides information on immovable property over or concerning which a debtor has a property right;
The Ministry of the Interior provides information from the records of registered motor and trailer vehicles;
The Slovenian Maritime Administration provides information from the Register of Boats (boats smaller than 24 m);
The Civil Aviation Agency provides information from the register of aircraft.
In most cases, a creditor can access a register by requesting information on the debtor's assets from the register's operator. A creditor may access certain registers (for example the Court Register) electronically (via website).
Representation by a lawyer is not necessary to obtain information on debtors' assets and taxes to the State are not payable. Certain operators of databases do request a small fee (for example, the Health Insurance Institute of Slovenia) of EUR 4.00 for information on debtors' employment. The fee may be paid electronically.

6. Information on on-line court auctions

Since 1 February 2021, judicial auctions of immovable property and rights in enforcement proceedings have, as a general rule and pursuant to the Order on fulfilment of the technical conditions for the use of the online search engine for sales and for the implementation of online public immovable property auctions in enforcement proceedings (Odredba o izpolnitvi tehničnih pogojev za uporabo spletnega iskalnika prodaj in izvajanje spletnih javnih dražb nepremičnin v izvršilnih postopkih, UL RS, No 3/2021), been conducted online under the rules set out in the Rules on announcements of sales in the online search engine and online public auctions in enforcement proceedings (UL RS, No 195/2020).
Access to information on subjects of sale is free of charge. Registration via the SI-PASS system makes participation in an auction possible regardless of the participant's current location. It also guarantees the participant's anonymity.
Access to the website is available at https://sodnedrazbe.si/.

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Judicial auctions - Sweden

1. Publication and price setting for sales of seized assets

Seized property is sold through the Swedish Enforcement Authority (*Kronofogdemyndigheten*). The property is sold at public auction or by private treaty. The sale of movables can be put in the hands of external auctioneers. Real estate can be passed on to estate agents for selling.
The Enforcement Authority can authorise the debtor to sell the property himself. In that event, a deferment of the enforced sale is granted. The debtor can also make an agreement with the creditor to resolve the situation by some other means. The creditor can then halt the seizure (utmätning).
The seized property must always be valued by a bailiff. The Enforcement Authority will sometimes get an expert to value the property and draw up a comprehensive description. An expert valuer is regularly used when valuing real estate and tenant-owned housing. But an expert valuer is also often called in when more valuable property is involved.
The Enforcement Authority publicises (gives notice of) enforced sales on its own website. A sale is often also promoted on other websites with a view to attracting prospective buyers. Notice of the sale is also given in Post- och Inrikes Tidningar, which is a web-based news page containing notices from many authorities and municipalities. The purpose of placing notices there is to seek out unknown creditors and others who are affected by the sale.
Information about the sale is given on the Enforcement Authority's website. It includes the estimated value, while a description of the property, pictures and other documents are attached. The terms of sale are stated, as are points a purchaser should be aware of with regard to the sale. If the Enforcement Authority gets anyone else to handle the sale, the relevant information can be found on that person's website. The information is also often to be found on the Enforcement Authority's website.
The Enforcement Authority always arranges a viewing of the property to be sold. This is so that the purchaser can discharge its duty to obtain the information it needs.
An enforced sale is run in such a way as to seek the highest bid. If there are a number of bidders, the matter is decided by a process of bidding and counterbidding. If the authority decides instead to go for a sale by private treaty with submission of offers, the question of who has submitted the highest bid is determined when the bids are opened.
If the sale is conducted by electronic auction, whoever has won the bidding must make payment within 48 hours. Payment is then usually made by payment card or bank card. When the sale is made by traditional on-site auction, payment must be made directly at the auction, by payment card or bank card, postal order or cheque or in cash.
Where a property is sold for more than SEK 10 000, the Enforcement Authority allows a grace period of up to a month for payment to be made. A deposit of 10 % must always be paid straight away.

2. Third parties entitled to conduct a sale

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

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

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

4. Information concerning national registers of assets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Information about public auctions on line

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

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

Notice of all on-line auctions is published on the Enforcement Authority's website.

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

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

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

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

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

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

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

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

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

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Judicial auctions - England and Wales

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

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

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

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

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

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

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

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Judicial auctions - Northern Ireland

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

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

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

The EJO may issue this type of Order (upon application to the Master under Rule 30 (1) of the Judgements Enforcement Rules (Northern Ireland) 1981) when it appears that there are sufficient sizeable goods to satisfy the debt. In practice, it will look for other relevant means of enforcement such as an Attachment of Earnings Order (whereby a sum of money is deducted from the debtors salary) before deciding to make an application to the Master for an Order of Seizure.

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

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

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Judicial auctions - Scotland

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

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

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

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

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