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# European Account Preservation Order

Latvia

Latvia

## FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

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

The district or city court in which the claim to be secured is to be brought, or the district or city court or regional court under whose jurisdiction the case falls for the purpose of conducting proceedings on its substance.

Where a case in which the defendant is a consumer falls by its substance under the jurisdiction of a foreign court, an application for a European Account Preservation Order is submitted to the district or city court corresponding to the defendant's (consumer's) declared place of residence or place of residence.

In the case referred to in Article 6(4) of the Regulation, the claimant may submit an application for a European Account Preservation Order to any district or city court located within the area under the jurisdiction of the regional court to which the certified notary who drew up the notarial deed concerned is attached (Chapter 3 and Article 644<sup>23</sup> of the Law on Civil Procedure).

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

The district or city court or regional court to which the application for a European Account Preservation Order was submitted, or the district or city court if the application for a European Account Preservation Order was submitted to a foreign court.

The list of district and city courts is available here:

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

To obtain account information the court sends a request to the credit institution by electronic mail, signed using a secure electronic signature, asking for information on the defendant's funds (accounts) at the credit institution. The credit institution sends a reply (information) to the court without delay, at the latest by the third day following receipt of the court's request, by electronic mail, signed using a secure electronic signature, regarding the defendant's funds (accounts) at the credit institution concerned (Article 644<sup>25</sup> of the Law on civil procedure).

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

An appeal (ancillary complaint) against a court decision rejecting, wholly or in part, an application for a European

Account Preservation Order, is submitted to the court which adopted the decision, and is addressed to:

(1) in the case of a decision by a district or city court – the corresponding regional court;

(2) in the case of a decision by a regional court – the Supreme Court

(Articles 443 and 644<sup>30</sup> of the Law on civil procedure).

The addresses of the regional courts and the address of the Supreme Court can be found here:

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

In the cases referred to in Articles 10(2), 23(3), (5) and (6), 25(3), 27(2), the second subparagraph of Article 28(3) and the second subparagraph of Article 36(5) of the Regulation – an authorised bailiff responsible for enforcement in the case in question, brought under a European Account Preservation Order (Articles 549, 644<sup>32</sup> and 644<sup>33</sup> of the Law on civil procedure).

In the case referred to in the first subparagraph of Article 28(3) of the Regulation – the court whose area of jurisdiction covers the defendant's declared place of residence, place of residence, location or registered address (Article 644<sup>33</sup> of the Law on civil procedure).

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

An authorised bailiff (*zvērīnāts tiesu izpildītājs*) (Articles 549(2) and (2<sup>3</sup>) and 644<sup>32</sup> of the Law on civil procedure).

[Information on authorised bailiffs](#)

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

Not applicable.

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

The amount of the debtor's (natural person's) money exempted from seizure is equal to the monthly minimum wage (under paragraph 3, Annex 1 to the Law on civil procedure, the amount exempted from seizure is, for the debtor and for each of his or her family members or dependents, equal to the monthly minimum wage, whereas – in cases where maintenance is recovered for the support of children or for the administration of the Maintenance Guarantee Fund – the amount exempted from seizure is, for the debtor and each of his or her family members or dependents, 50% of the monthly minimum wage).

An authorised bailiff orders the credit institution to seize the debtor's funds (accounts) in the amount stated on the enforcement order, taking into account the limit relating to the debtor laid down in paragraph 3, Annex 1 to the Law on civil procedure).

The monthly minimum wage is set by [Cabinet Regulation No 656 of 24 November 2015](#) (*Ministru kabineta 2015. gada 24. novembra noteikumi Nr. 656*).

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

Under national legislation, banks are not entitled to impose fees or remuneration directly on the creditor or the debtor for expenditure incurred implementing equivalent national orders or for providing account information.

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

European Account Preservation Order enforcement expenditure comes under three headings in line with national legislative provisions on expenditure for the enforcement of court judgments: State fees, bailiff's professional remuneration, and required expenditure for conducting enforcement activities.

In accordance with Article 34(6) of the Law on civil procedure, the State fee for submitting an enforcement order or an enforcement document for enforcement is EUR 3.

Rates for the remuneration of authorised bailiffs are laid down in Cabinet Regulation No 451 of 26 June 2012 [on remuneration rates for authorised bailiffs](#) (*Ministru kabineta 2012.gada 26.jūnija noteikumi Nr.451 „Noteikumi par zvērinātu tiesu izpildītāju amata atlīdzības taksēm”*).

Under subparagraph 7.3 of this Regulation, the remuneration for securing a claim by seizure of funds from credit institutions or third parties or for substituting the means for securing a claim is EUR 86.

The amount of expenditure necessary for conducting enforcement activities is laid down in Cabinet Regulation No 9 of 7 January 2014 [on expenditure for conducting enforcement activities](#) (*Ministru kabineta 2014.gada 7.janvāra noteikumi Nr.9 „Noteikumi par izpildu darbību veikšanai nepieciešamajiem izdevumiem”*).

This expenditure includes, for example, costs relating to postal services, document delivery, receipt of information, and services by banks and other institutions. The corresponding amount of this expenditure is therefore established accordingly for each individual enforcement case.

The fees for an applicant's request for information on the funds (accounts) held by the defendant with a credit institution are laid down in paragraph 25 of Cabinet Regulation No 20 of 11 January 2022 [on the procedure for calculating expenditure relating to examination of a case](#) (*Ministru kabineta 2022.gada 11.janvāra noteikumi Nr.20 “Ar lietas izskatīšanu saistīto izdevumu aprēķināšanas kārtība”*). The Regulation provides that the costs associated with obtaining information on the defendant's funds (accounts) with credit institutions consist of the costs of drawing up the request and sending it to the credit institutions or, where appropriate, to a foreign information authority. Of the costs associated with each request for information on the funds (accounts) held by the defendant with credit institutions in the country concerned, a total of EUR 15 is covered.

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

No ranking is conferred on equivalent national orders.

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

Where Latvia is the Member State of origin, the competent body is the district or city court or the regional court which issued the European Account Preservation Order, or the district or city court or the regional court under whose jurisdiction the case falls for the purpose of conducting proceedings on its substance (Article 644<sup>34</sup> of the Law on civil procedure);

Where Latvia is the Member State of enforcement, the competent body is the district or city court within whose area of jurisdiction the European Account Preservation Order is being enforced (Article 644<sup>35</sup> of the Law on civil procedure).

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

An appeal (ancillary complaint) against a court decision under Articles 33, 34 and 35 of the Regulation is submitted to the court which adopted the decision, and is addressed to:

(1) in the case of a decision by a district or city court – the corresponding regional court;

(2) in the case of a decision by a regional court – the Supreme Court

(Articles 443, 644<sup>34</sup> and 644<sup>35</sup> of the Law on civil procedure).

An ancillary complaint may be lodged within 10 days of the day on which the decision is delivered. The deadline by which an ancillary complaint must be lodged regarding a decision adopted by written procedure is counted

from the day the decision was issued. A party to a case to whom a court decision has been sent under Article 562 of the Law on civil procedure (i.e. a person whose place of residence or location is not in Latvia) may lodge an ancillary complaint within 15 days of the date on which the transcript of the decision was issued (Article 442 of the Law on civil procedure).

The list of courts can be found here:

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### Article 50(1)(n) – Court fees

For an application for a European Account Preservation Order, the State fee payable is equal to 0.5% of the amount of the claim, but no less than EUR 70 (Article 34(1)(7<sup>1</sup>) of the Law on civil procedure).

An application for a European Account Preservation Order must be accompanied by a document attesting to payment of the State fee in accordance with the procedure and in the amount laid down in the Law on civil procedure.

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

In Latvia, only documents in Latvian are accepted.

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