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European Account Preservation Order

Slovakia



Slovakia

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

Applications for a preservation order come under the jurisdiction of the general court of the person against whom the application for a preservation order is made. If the general territorial jurisdiction applicable to a person cannot be determined, the court with jurisdiction is Banská Bystrica District Court (*Okresný súd Banská Bystrica*).

Preservation order proceedings are governed by [Act No 54/2017 on the European Account Preservation Order](#) and amending Slovak National Council Act No [71/1992](#) on court fees and fees for extracts from the criminal register, as amended.

Territorial competence lies with the defendant's general court: for natural persons this is the court in whose jurisdiction the person is permanently resident, for legal persons it is the court in whose jurisdiction the person has its registered office, and for foreign legal persons it is the court in whose jurisdiction their branch is located. If a competent court cannot be designated based on a permanent address or registered office address, or the most recent permanent address or registered office address, competence lies with the court in whose jurisdiction the person has property.

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

The information authority is Banská Bystrica District Court.

Address: Skuteckého 28, 975 59 Banská Bystrica

https://obcan.justice.sk/infosud/-/infosud/reg-detail/sud/sud_139

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

The information authority obtains information by means of automated electronic communications from a special information system.

If information cannot be obtained in this way, for instance if the system malfunctions, the information authority may submit a request to banks for information as to whether a debtor has an account with them, or require a debtor to provide information about which bank or banks he has an account or accounts; when imposing this obligation the court must also issue an *in personam* order prohibiting the debtor from withdrawing or transferring funds held in his account or accounts, up to the amount covered by the preservation order.

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

Under Section 10 of [Act No 54/2017](#) applications for remedies are lodged with the court that issued the order.

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

As regards Article 10(2), if the court of origin and enforcement is a Slovak court, the competent authority for transmitting documents is the court that issued the preservation order. Service of documents is governed by Section 105 et. seq. of the Code of Civil Procedure. If an order has been revoked by a Slovak court and is to be enforced in another Member State, the court is to proceed in accordance with the Regulation; it must revoke the order using a form that it sends to the competent authority in the Member State of enforcement. For preservation orders issued in another Member State of the European Union, Banská Bystrica District Court is competent to receive the preservation order revocation form.

As regards Article 23(3), the court that issued a preservation order that is to be enforced in another Member State serves it on the claimant so that the claimant may make an application to enforce the preservation order. If an order is issued in another Member State, the competent authority for transmission is Banská Bystrica District Court.

As regards Article 23(5), the competent authority for enforcing orders is the Banská Bystrica District Court.

As regards Article 23(6), the competent authority for receiving forms, including forms for banks, is Banská Bystrica District Court.

As regards Article 25(3), the competent authority for enforcing an order is Banská Bystrica District Court, which has competence for tasks associated with enforcing preservation orders issued in another EU Member State.

As regards Article 27(2), the court enforcing the preservation order is competent.

As regards Article 28(3), Banská Bystrica District Court is competent to receive documents from another Member State for service in Slovakia. If an order issued by a Slovak court is to be served on a debtor resident in another Member State, the court which issued the order is competent to transmit documents.

As regards Article 36(5), the competent authority is Banská Bystrica District Court, which has competence for tasks associated with enforcing preservation orders issued in another EU Member State.

As regards Article 27(2), the court enforcing the preservation order is competent.

As regards the first subparagraph of Article 28(3), the documents are to be served by the court that issued the preservation order. As regards the second subparagraph, the court competent for serving documents on the debtor is the court that enforced the preservation order.

As regards Article 36(5), the competent authority is Banská Bystrica District Court.

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

The court competent to enforce a preservation order issued in another Member State is Banská Bystrica District Court. The competent court for enforcement of a preservation order issued in the Slovak Republic is the court that issued that preservation order.

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

The information authority has the right to require only that information serving to identify the debtor's bank and accounts, and not accounts of third parties held on behalf of the debtor. The information authority does not obtain such information on third parties and may not block their accounts, either in full or in part. The information authority may only obtain information on accounts held jointly with a debtor.

The competent authority for the preservation of joint accounts of a person against whom an application is made

is:

- (a) the court that issued the order, for an order issued in, and to be enforced in, the Slovak Republic;
- (b) Banská Bystrica District Court, for an order issued in another Member State and to be enforced in the Slovak Republic.

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

The following funds may not be blocked:

- (a) funds in accounts belonging to persons whose property may not be seized;
- (b) funds in accounts which may not be seized;
- (c) funds in accounts not subject to seizure.

Claims which are not subject to seizure are defined in Section 104 of Act No 233/1995.

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/233/20160701>

The following are not subject to seizure by account debiting:

- (a) account funds up to EUR 99.58. The debtor is not required to provide information on any funds up to this amount;
- (b) funds expressly declared by the debtor as set aside for the payment of staff salaries for the payment period closest to the date on which the bank was served with the order to begin seizure by garnishment. In this case the debtor must make an express declaration;
- (c) where the debtor's salary or other income is paid into a bank account, seizure by account debiting does not apply to these funds up to the amount that by law may not be withheld from the monthly salary or from other income; this applies from the moment at which the bank is notified. The debtor must notify the bank of that amount.

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

Until the free-to-use special information system is launched, banks are authorised under the Scale of Bank Fees to charge a fee for client handling, including account information, of between EUR 20 and EUR 30. Banks have the right to recover expenses from a person against whom a preservation order has been enforced.

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

In Slovakia only courts and banks are involved in processing and enforcing a preservation order. Banks charge fees under the Bank Fees Tariff. Court fees are governed by [Act No 71/1992](#).

The court fee for an application for enforcement of an urgent measure in another Member State is EUR 25.

The court fee for an application for an urgent measure to be enforced in another EU Member State is EUR 50.

The court fee for an application for an urgent measure to be enforced in Slovakia, in full or in part, is EUR 70.

The court fee for an application for a cancellation or amendment of an urgent measure is EUR 50.

The court fee for a request for information forming part of an application for an urgent measure is EUR 5 for each Member State of the European Union in which the information is to be obtained.

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

In Slovakia there is no separate legal institution of the preservation of accounts. The order of priority for European orders concerning the same bank account follows the dates on which the bank is served with the preservation orders. If more than one preservation order is served on the same day, these have equal priority. If there are insufficient funds in the debtor's account for the preservation of all amounts set out in the orders, the funds are preserved proportionately. The enforcement of a preservation order does not have suspensory effect on seizure, and does not entail a preferential right to secure the preserved funds.

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

The competent court for remedies is the court that issued or enforced the order.

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

Appeals are lodged at the court of first instance against whose decision the appeal was made. The competent court to hear appeals is the court of second instance (the regional court). The deadline for lodging an appeal is 15 days from the date of service of the court of first instance decision. The same deadline applies if the appeal is lodged directly at the court of second instance.

Article 50(1)(n) – Court fees

Court fees are governed by [Act No 71/1992](#). Fees associated with enforcing a preservation order are as follows: application for ordering an urgent measure: EUR 50 or EUR 75; application for a cancellation or amendment: EUR 50; request for information forming part of an application for an order: EUR 5; application for enforcement of an urgent measure in another Member State: EUR 25.

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

For the purposes of Article 49(2) the languages accepted are Slovak, Czech and English.

■ Last update: 26/07/2024

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