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European enforcement order

Sweden



Sweden

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.

1. Procedures for rectification and withdrawal (Art. 10(2))

Certificates may be rectified in accordance with Section 14 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments (Article 10(1)(a) of the European Enforcement Order Regulation).

'Section 14 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments

If, due to a material error, a European enforcement order certificate does not correspond to the underlying judgment, authentic instrument or decision, the certificate shall be rectified by the court or authority that issued it. No appeal shall lie against a rectification decision.'

Certificates may be withdrawn in accordance with Section 15 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments (Article 10(1)(b) of the European Enforcement Order Regulation).

'Section 15 of the Act (2014:912) laying down supplementary provisions on the jurisdiction of courts and the recognition and international enforcement of certain judgments

If a European enforcement order certificate has been issued contrary to the requirements laid down in the European Enforcement Order Regulation, the certificate shall be withdrawn by the court or authority that issued it.

Before the certificate is withdrawn, the parties shall be given the opportunity to state their views, unless this is unnecessary.

No appeal shall lie against a decisions on withdrawal.'

2. Procedures for review (Art.19 (1))

Application for review may be made by means of an appeal (*överklagande*) in accordance with Chapter 50, Section 1 of the Code of Judicial Procedure (*rättegångsbalken*), an application for reopening (*återvinning*) under Chapter 44, Section 9 of the Code of Judicial Procedure, an application for reopening (*återvinning*) under Section 52 of the Act (1990:746) on orders to pay and assistance, an application for renewal of a missed deadline (*återställande av försutten tid*) under Chapter 58, Section 11 of the Code of Judicial Procedure, or a

complaint of grave procedural error (*klagan över domvilla*) under Chapter 59, Section 1 of the Code of Judicial Procedure (Article 19 of the European Enforcement Order Regulation).

Chapter 50 Section 1 of the Code of Judicial Procedure

A party desiring to appeal against a judgment of a district court (*tingsrätt*) in a civil case shall do so in writing. The appeal shall be lodged at the district court. It must have been received by the court within three weeks from the delivery of the judgment.

Chapter 44 Section 9 of the Code of Judicial Procedure

A party against whom a judgment by default has been entered may apply for a reopening of the case at the court in which the action was instituted within one month from the date on which the judgment was served upon him. If reopening is not applied for, the judgment is no longer open to challenge to the extent that it is against the party in default.

An application for reopening shall be submitted in writing. If the default judgment was entered without a hearing on the substance, the application must contain everything required of the applicant with a view to such a hearing.

Chapter 58 Section 11 of the Code of Judicial Procedure

If a person has missed the time-limit for appeal against a judgment or decision, or for reopening or reinstatement, and if he had legal excuse, on application by him the expired time may be renewed.

Chapter 59 Section 1 of the Code of Judicial Procedure

A judgment that has acquired the force of *res judicata* shall be set aside for grave procedural error on application by a person whose legal rights the judgment affects:

1. if the case was entertained although a procedural impediment existed that a superior court hearing a case on appeal is obliged to consider of its own motion,
2. if the judgment was given against someone who was not properly summoned and did not appear in the case, or if the rights of a person who was not a party to the action are adversely affected by the judgment,
3. if the judgment is so vague or incomplete that the court's adjudication on the merits cannot be ascertained therefrom, or
4. if another grave procedural error occurred in the course of the proceedings that can be assumed to have affected the outcome of the case.

A complaint concerning a grave procedural error as referred to in the foregoing subparagraph 4 which is based on a circumstance not previously adduced in the case shall be dismissed unless the complainant can show that he was prevented from adducing the circumstance in the course of the proceedings or had another valid reason not to do so.

Section 52 of the Act (1990:746) on orders to pay and assistance

If the respondent is dissatisfied with the judgment of a case concerning an order to pay or ordinary assistance, he may request a reopening of the proceedings.'

3. Accepted languages (Article 20(2)(c))

We accept the following languages for the completion of the certificate: Swedish and English.

4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

If a Swedish Social Welfare Board (*Socialnämnd*) has issued an authentic instrument, it can also certify the instrument as a European enforcement order.

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