Европейска заповед за запор на банкови сметки
European Account Preservation Order

Швеция

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

An application for an account attachment order must be made to the district court.

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

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

The information authority is the Swedish Enforcement Authority.

Swedish Enforcement Authority
Box 1050
SE-172 72 Sundbyberg
Telephone: +46 771-73 73 00
Tel. for calls from abroad: +46 8 564 851 50
Fax: +46 8 29 2614
Email: kontakt@kronofogden.se

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

At the information authority's request, banks are required to state whether the debtor has a bank account with them, i.e. the method set out in Article 14(5)(a). This is in accordance with Section 4 of the Act on account attachment orders within the EU (2016:757).

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

An appeal against a decision issued by a district court is considered by the court of appeal. The decision by the court of appeal is considered by the Supreme Court. However, the appeal must be lodged with the court that issued the decision being appealed.

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

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

The competent authority is the Swedish Enforcement Authority.

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

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

The executive authority is the Swedish Enforcement Authority.

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

Moveable assets may be attached if the assets clearly belong to the debtor (Chapter 4, Section 17 of the Debt Enforcement Code (1981:774); see Chapter 16, Section 13). This also applies to funds in joint accounts and nominee accounts. Where bank accounts held jointly by two individuals are concerned, the two are normally assumed each to own half the content of the accounts if nothing to the contrary is stated. The issue of whether the assets belong to the debtor is considered case by case based on the relevant circumstances.

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

Rules on what may be exempted from attachment are set out in Chapter 5 of the Debt Enforcement Code (1981:774). What is exempt may include cash, bank deposits, other claims and goods if those assets are needed to support the debtor until his or her income is sufficient to cover the relevant expenses, but the exemption shall not, other than for exceptional reasons, be for a period of more than one month. The rules concerning retainable property are to be applied by the enforcement authority *ex officio*, i.e. the debtor does not need to specifically invoke them.

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

Under Swedish law, banks may not charge a fee to guarantee attachment or a similar security measure; nor may they charge a fee for providing bank account information to the information authority.

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

Rules on enforcement fees are set out in the Ordinance on Swedish Enforcement Authority fees (1992:1094). In enforcement proceedings, reimbursement of the handling costs is obtained in the form of a basic fee, preparation fee, sales fee and special fee. The basic fee amounts to SEK 600. Where an attachment order decision issued on the basis of the EU's Regulation on the attachment of bank accounts is enforced, only the basic fee of SEK 600 will be charged.
In the case of data collection, a fee of SEK 300 may be charged by the data collection authority (Swedish Enforcement Authority).

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

There is no ranking of Swedish attachment order decisions.

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

The court competent to examine an application for a remedy under Article 33(1) is the court that issued the attachment order decision (under Section 9, first subparagraph of the Act on account attachment orders within the EU (2016:757)).

The Swedish Enforcement Authority is competent to examine an application for a remedy under Article 34(1) (Section 10 of the Act on account attachment orders within the EU (2016:757)).

The court competent to examine an application for a remedy under Article 34(2) is the district court that, under Chapter 18, Section 1 of the Debt Enforcement Code, examines appeals against decisions by the Swedish Enforcement Authority (under Section 10, second subparagraph of the Act on account attachment orders within the EU (2016:757)). Chapter 18, Section 1 of the Debt Enforcement Code refers to Chapter 17, Section 1 of the Debt

Enforcement Ordinance (1981:981). In accordance with Chapter 17, Section 1 of the Debt Enforcement Ordinance, the competent district courts are as shown below. The word ‘defendant’ means the debtor.

If the debtor is not habitually resident in Sweden, Nacka district court is competent to examine an application for a remedy under Article 34(2).

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

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

An appeal against a decision issued by a court under Article 33 and Article 35(1) and (3) is lodged with the court of appeal and with the Supreme Court. The appeal must be lodged with the court that issued the decision being appealed. The appeal must be lodged within three weeks of the date on which the decision being appealed was issued. Rules on appeals are set out in Chapters 49 and 52 of the Code of Judicial Procedure.

An appeal against a decision issued by the Swedish Enforcement Authority under Article 34(1) or Article 35(3) and (4) is lodged with the following district courts. The word ‘defendant’ means the debtor.

If the debtor is not habitually resident in Sweden, Nacka district court is competent to examine the Swedish Enforcement Authority's decision. However, the appeal must be lodged with the Swedish Enforcement Authority. An appeal against the decision must be lodged within three weeks of the date on which the decision was notified to the appellant. Rules on appeals against the Swedish Enforcement Authority's decisions are set out in Chapter 18 of the Debt Enforcement Code (1981:774) and Chapter 17 of the Debt Enforcement Ordinance (1981:981).

An appeal against a decision issued by a district court under Article 34(2) is lodged with the court of appeal. If the decision was issued by a court of appeal, the appeal is lodged with the Supreme Court. However, the appeal must be lodged with the court that issued the decision being appealed. The appeal must be lodged within three weeks of the date of the decision if the decision means that the matter has been settled, if the decision has been issued at a meeting or if a statement has been made at a meeting as to when the decision will be notified. Otherwise, the deadline for appeals is three weeks from the date on which the appellant was notified of the decision. Rules on appeals are set out in Sections 38-41 of the Act on Court Matters (1996:242).

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

Article 50(1)(n) – Court fees

Rules on court fees are set out in the Ordinance on the general courts' fees (1987:452). The fee for an application for an account attachment order is SEK 2 800.

The fee must be paid when the application is submitted to the court.

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

English

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