

1 What does 'enforcement' mean in civil and commercial matters?

Enforcement is a stage in civil proceedings whereby court bailiffs enforce a ruling made by courts, other institutions or officials if a debtor (defendant) fails to comply voluntarily with such a ruling within the period of time laid down in legislation or by the court.

See "[Legal professions: Latvia](#)" on the enforcement measures a court bailiff is entitled to apply.

2 Which authority or authorities are competent for enforcement?

Court bailiffs enforce decisions by courts and other institutions as well as carry out other activities specified in legislation.

3 What are the conditions under which an enforceable title or decision may be issued?

Judicial decisions are enforceable following their entry into force, except where legislation or court rulings provide for their immediate enforcement. Court bailiffs are entitled to instigate enforcement procedures on the basis of an enforcement document.

Under the procedure for court ruling enforcement, the following decisions by courts, judges and other institutions must be enforced:

court rulings and court or judges' decisions in civil cases and administrative cases;

court decisions and public prosecutors' decisions or orders in criminal cases relating to the recovery of property;

judges' or court decisions in administrative infringement cases relating to the recovery of property;

court decisions on approval of settlements;

rulings by permanent courts of arbitration;

decisions by foreign courts or competent authorities and foreign courts of arbitration in cases specified in legislation;

a court decision on the imposition of procedural sanctions – fines;

industrial dispute commission decisions;

decisions by national public service regulation authorities (hereafter referred to as 'the regulator') on disputes or settlement of arguments.

Except where specified otherwise under legislation, the following are also subject to procedures for the enforcement of court rulings:

decisions by institutions and officials in administrative infringement and law infringement cases where specified under legislation;

administrative acts relating to payments issued by authorities and officials empowered by the State;

rulings by members of the legal professions (notaries, lawyers, bailiffs) on professional remuneration, remuneration for legal assistance provided and reimbursement of expenses related to services provided, and stamp duties;

acts adopted by the Council, the Commission or the European Central Bank under Article 299 of the Treaty on the Functioning of the European Union.

Notarial deeds made under the procedure laid down in Division D1 of the Law on Notaries.

An enforcement document is:

an enforcement order issued in civil or administrative cases on the basis of a court ruling or a decision by the court or judge, or in criminal cases on the basis of a court ruling approving a settlement, a ruling by a permanent court of arbitration, an industrial dispute commission decision, a decision by the regulator on disputes or settlement of arguments, a decision by a foreign court or a foreign court of arbitration, and acts adopted by the Council, the Commission or the European Central Bank under Article 299 of the Treaty on the Functioning of the European Union;

a decision by institutions and officials in administrative infringement and law infringement cases;

a decision by a court or judge in administrative infringement cases;

an extract from a public prosecutor's decision or order in criminal cases relating to the recovery of property;

an execution order issued on the basis of an administrative act (Section 539(2)2) of the Civil Procedure Law);

a decision by a judge on the uncontested enforcement of liabilities, the enforcement of liabilities under cautionary procedures, or the voluntary sale of immovable property under auction by judicial process;

a court decision on the imposition of procedural sanctions – fines;

a bill issued by a notary, lawyer or bailiff;

a European Enforcement Order issued by a foreign court or competent authority under Regulation (EC) No 805/2004 of the European Parliament and of the Council;

a certificate issued by a foreign court or competent authority under Article 41(1) of Council Regulation (EC) No 2201/2003;

a certificate issued by a foreign court or competent authority under Article 42(1) of Council Regulation (EC) No 2201/2003;

a certificate issued by a court including a foreign court under Article 20(2) of Regulation (EC) No 861/2007 of the European Parliament and of the Council;

an order of payment issued by a court including a foreign court under Article 18 of Regulation (EC) No 1896/2006 of the European Parliament and of the Council;

a court decision on the authorisation of the secured creditor to sell the pledged property of the debtor in legal protection proceedings (Section 37(2) of the Insolvency Law);

an extract from the decision issued by a foreign court or competent authority under Article 20(1)b) of Council Regulation (EC) No 4/2009;

an extract from the authentic instrument issued by a foreign competent authority under Article 48 of Council Regulation (EC) No 4/2009;

the uniform instrument permitting enforcement in the requested Member State established in accordance with the model set out in Annex II to Commission Implementing Regulation (EU) No 1189/2011 of 18 November 2011;

notarial enforcement deeds issued under the procedure laid down in Division D1 of the Law on Notaries;

a certificate issued by a foreign court or competent authority under Article 53 or Article 60 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

an extract from a decision by a competent authority of a European Union Member State or a European Economic Area State on imposition of an administrative fine that is related to infringements in the posting of employees and is received in the Internal Market Information System (IMI);

part A of a European Account Preservation Order issued by a court including a foreign court under Article 19(1)(a) of Regulation (EU) No 655/2014 of the European Parliament and of the Council.

3.1 The procedure

Judicial and out-of-court decisions are enforceable following their entry into force, except where legislation or court rulings provide for their immediate enforcement. If a voluntary enforcement period is laid down regarding execution of a court ruling and the ruling is not enforced, the court draws up an enforcement order when the voluntary enforcement period has expired. Court bailiffs are entitled to instigate enforcement procedures on the basis of an enforcement document.

An enforcement order is issued on request to the enforcement officer by the court adjudicating the case at the time. One enforcement order must be issued for each ruling. If the ruling is to be enforced at different places, the ruling is to be enforced immediately in any part of it or if the ruling is made in favour of several claimants or against several defendants, the court must issue several enforcement orders upon the request of the enforcement officer. When issuing several enforcement orders, the exact place of enforcement or the part of the ruling which has to be enforced according to the enforcement order must be specified in each of such enforcement orders; and, in case of solidary obligations, the defendant against whom the enforcement is to be implemented according to the enforcement order concerned must be indicated.

To initiate enforcement of a ruling, the enforcement order granted to the enforcement officer or their authorised representative must be submitted to a court bailiff together with a letter of application.

3.2 The main conditions

The Law on Bailiffs and Regulation No 202 "Regulation regarding the record-keeping of sworn bailiffs" adopted by the Cabinet of Ministers on 14 March 2006 govern the general issues related to the activity and record-keeping of sworn bailiffs.

4 Object and nature of enforcement measures

Application of enforcement measures laid down in the Civil Procedure Law in the procedure of enforcement of decisions by the court and decisions by other institutions is aimed at restricting the debtor's rights with the intention to restore the balance between the rights of the person, whose civil rights or interests protected by the law were involved, and the debtor's obligation to comply with the decision of the court (other institution).

4.1 What types of assets can be subject to enforcement?

Court bailiffs are entitled to take enforcement action against a debtor's movable property – including any property deposited with other persons – and intangible assets, against money owed to the debtor by other persons (remuneration for work, equivalent payments, the debtor's other income, investments in credit institutions), and against immovable property.

Certain assets specified in legislation and objects belonging wholly or partially to the debtor are not subjected to enforcement action under enforcement orders (for instance household fittings and equipment, clothing, food, books, instruments and tools required by the debtor for their day-to-day work providing the means needed for subsistence etc.).

The following objects belonging wholly or partially to the debtor are not subject to enforcement action under enforcement orders:

household fittings and equipment, clothing required by the debtor, his or her family members and persons dependent on him or her:

clothing, footwear and underwear necessary for everyday wear;

bedding accessories, nightwear and towels;

kitchen utensils and tableware required for everyday use;

furniture – one bed and chair per person, as well as one table and one closet per family;

all accessories for children.

Foodstuffs in home in the amount required for the maintenance of the debtor and his or her family members for a period of three months;

money in the amount of the minimum monthly wage for the debtor, each member of his or her family and persons dependent on the debtor, but in cases regarding the recovery of maintenance for the support of minor children or for the benefit of the Administration of Maintenance Guarantee Fund - money in the amount of 50 per cent of the minimum monthly wage for the debtor, each member of his or her family and persons dependent on the debtor;

one cow or goat and one pig per family, and feed in the amount required until new feed is gathered or until the livestock are taken to pasture;

fuel required for preparing food for the family and for heating of the living premises during the heating season;

books, instruments and tools required for the debtor in his or her day-to-day work providing the means needed for subsistence;

agricultural stock, that is, agricultural tools, machinery, livestock and seed required for the farm, together with the amount of feed required for the maintenance of livestock of the relevant farm until a new harvest. Instructions from the Minister for Agriculture determine the agricultural tools, how much livestock and the amount of feed to be regarded as necessary;

movable property which in accordance with the Civil Law is recognised to be an accessory to immovable property - separately from such immovable property;

houses of worship and ritual articles.

Similarly, the enforcement action cannot be taken on:

severance pay, funeral benefit, lump sum benefit to the surviving spouse, State social benefits, State support to a child having Coeliac disease, survivor's pension and survivor's allowance;

compensation for wear and tear of tools belonging to an employee and other compensation in accordance with laws and regulations governing lawful employment relations;

amounts to be paid to an employee in connection with official travel, transfer, and assignment to work in another populated area;

social assistance benefits;

child maintenance in the amount of minimum child maintenance stipulated by the Cabinet which on the basis of a court ruling or a decision taken by the Administration of Maintenance Guarantee Fund must be paid by one of the parents, as well as child maintenance to be disbursed by the Administration of Maintenance Guarantee Fund.

4.2 What are the effects of enforcement measures?

When enforcement action is taken against a debtor's movable assets, immovable property or income, the debtor is no longer entitled to dispose of them freely.

Where a bailiff's requirements or orders are not complied with, the bailiff draws up a deed and submits it to the court for a decision on liability. The court can impose a fine on the guilty parties – up to 360 *euro* in the case of a natural person, or up to 750 *euro* in the case of an official. An ancillary complaint on the court decision can be submitted.

In certain case categories, specific sanctions can be laid down for the non-compliance with the bailiff's requirements.

If the bailiff encounters any resistance when taking enforcement action, the police may be called to assist.

If a debtor fails to appear before a bailiff in compliance with a summons, or refuses to offer explanations or legally required information, the bailiff is entitled to take the matter to court for a decision on this person's liability. The court may adopt a decision to force the debtor to appear, and to impose a fine: up to 80 *euro* in the case of a natural person, or up to 360 *euro* in the case of an official. An ancillary complaint on the court decision can be submitted.

If it emerges that a debtor has intentionally provided false information, the bailiff must send an application to the public prosecutor.

4.3 What is the validity of such measures?

An enforcement document can be submitted for enforcement within 10 years of the entry into force of a court or judge's ruling unless other periods are specified in the regulatory acts. If a court ruling imposes payment by instalments, the enforcement document remains in force for the whole period during which payments are due and the 10 year period begins from final date of each payment.

5 Is there a possibility of appeal against the decision granting such a measure?

The enforcement procedure is initiated on the basis of a valid enforcement order issued by the court or other institution. The person obliged with a duty upon a decision by the court or other institution may appeal (contest) it under the general procedure laid down in the regulatory acts for appealing (contesting) decisions by the courts or other institutions.

Upon application by a party to the case and in view of the proprietary status or other circumstances of the parties involved, the court responsible for adjudicating a given case is entitled to adopt a decision to postpone enforcement of the ruling, to divide enforcement into instalments, or to amend the form or procedure by which the ruling is enforced. An ancillary complaint relating to a court decision to postpone enforcement of a ruling, to divide enforcement of the ruling into instalments or to amend the form or procedure by which it is enforced may be brought before a higher court within 10 days. Where circumstances hinder or prevent the enforcement of a court ruling, the bailiff is also entitled to submit to the court responsible for the ruling a proposal to postpone enforcement of a ruling, to divide enforcement of the ruling into instalments or to amend the form or procedure by which it is enforced.

A bailiff can postpone enforcement on the basis of an application by an enforcement officer or a decision by the court or a judge to postpone enforcement action or suspend sale of property, or a court decision to postpone enforcement or divide enforcement of the ruling into instalments.

6 Are there any limitations on enforcement, in particular related to debtor protection or time limits?

A **creditor** or a **debtor**, by submitting a reasoned complaint, may appeal the actions of a bailiff in executing a judgment or the bailiff's refusal to perform such actions, except regarding an invalid auction, to the district (city) court according to the official appointment location of the bailiff within 10 days from the day when the appealed actions are taken or the day when a complainant, who has not been notified of the time and place of actions to be taken, becomes informed of such actions.

A complaint must be examined at a court hearing within 15 days. The debtor and the creditor, as well as the bailiff, must be notified of the court hearing.

Failure of such persons to attend must not constitute a bar for the examination of the issue.

On the basis of a reasoned request from the person submitting a complaint, a judge may take a decision on the staying of enforcement activities, prohibition to transfer money to a bailiff or creditor or debtor or the suspension of the sale of property. The decision must be implemented as soon as it has been taken.

An ancillary complaint on the court decision can be submitted.

Links

<http://www.tm.gov.lv/> – website of the Ministry of Justice

<http://www.lzti.lv/> – Council of Latvian Sworn Bailiffs

<http://www.tiesas.lv/> – portal of Latvian courts

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Last update: 07/04/2022

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