

Hem>Rättsliga åtgärder>Europeisk civilrättslig atlas>Europeiskt beslut om kvarstad på bankmedel

## European Account Preservation Order

National information and online forms concerning Regulation No. 655/2014

### What is it?

The European Account Preservation Order (EAPO) lets a court in one EU country **freeze funds** in the bank account of a debtor in **another EU country**. The procedure may be used in cross-border cases only, whereby the court carrying out the procedure or the country of domicile of the creditor must be in a different Member State than the one in which the debtor's account is maintained.

It makes EU **debt recovery** easier.

The procedure for getting an EAPO is set out in [Regulation \(EU\) No 655/2014](#).

It's an **alternative** to existing legal procedures in each EU country.

It applies from 18 January 2017.

### Advantages

The procedure is **quick** and happens **without informing the debtor** (*ex parte*).

This '**surprise effect**' stops debtors *moving, hiding or spending* the money.

### Does it apply in all EU countries?

No. The Regulation does not apply in Denmark. This means that:

creditors based in Denmark **can't apply** for an EAPO

you **can't get an EAPO** on a Danish bank account.

### How to apply

You'll find all the application forms and more information [here](#).

You can **fill in all the forms online**.

**Remember:** You *do not have to give precise details* about the account to be frozen (e.g. account number) **if you don't have them** – only the **name of the bank** where the account is held. If you don't know the name of the bank where the debtor's account is held, under the Regulation you can ask the court to find out.

The content of all the EAPO-related forms is laid down in [Commission Implementing Regulation \(EU\) 2016/1823](#).

### Related link

[Citizens' guide to cross-border civil litigation in the European Union](#)  (719 Kb) 

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## European Account Preservation Order - Belgium

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

The attachments judge (*juge des saisies/beslagrechter*) at the court of first instance (*tribunal de première instance/Rechtbank van eerste aanleg*, Article 1395/2 of the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*)).

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

The  [National Bailiffs' Association](#) of Belgium (*Chambre nationale des huissiers de justice/Nationale Kamer van Gerechtsdeurwaarders*, Article 555/1, §1, subparagraph 1, 25° of the Judicial Code).

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

Article 555/1, §2 of the Judicial Code, which entered into force on 1 January 2019 after a number of further implementing measures were taken, provides for a combination of options (a) and (b) in Article 14(5) of the EU Regulation.

Accordingly, in an initial stage after the judicial request, the National Bailiffs' Association can ask the contact point at the Belgian central bank (*Banque nationale de Belgique/Nationale Bank van België*) to provide the requisite information.

On the basis of the information obtained there, the National Bailiffs' Association can, if necessary, ask one or more banks to provide data.

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

The Court of Appeal (*Cour d'appell/Hof van Beroep*, Article 602, subparagraph 1, 6° of the Judicial Code).


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

A bailiff (*huissier de justice/gerechtsdeurwaarder*, Article 196 of the Act of 18 June 2018 laying down various provisions on civil law and provisions to promote alternative forms of dispute resolution).

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

A bailiff (Article 519, §1, 1° of the Judicial Code).

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

Account preservation is governed in Belgium by the Judicial Code (Part 5, Title II, Chapter IV ( <http://www.ejustice.just.fgov.be/eli/loi/1967/10/10/1967101056/justel>)).

Account preservation orders can be issued for joint accounts. If the garnishee bank is aware of the amounts attributable to individual holders of a joint account, the account preservation order will concern solely the amount owed by the attached debtor, failing which the full amount of the credit balance will be indicated in the statement to be provided by the garnishee. In that case, any account holder not subject to the attachment may apply for the attachment to be partially lifted if they can provide evidence of their share of the assets.

- This application can be lodged with the attachments judge at the court of first instance (Article 1395 of the Judicial Code).

- With regard to trust accounts (*comptes de qualité/kwaliteitsrekeningen* and *comptes de tiers/derdenrekeningen*), the following distinction should be made:

The debtor is the account holder

Notwithstanding Article 8/1 of the Mortgage Act (*loi hypothécaire/Hypotheekwet*), which explicitly acknowledges that some trust accounts which are mandatory under the law (i.e. accounts held by lawyers, bailiffs, notaries and estate agents) are separate from the assets of the account holder, and that this separation can be relied upon against third parties, the legislature has not in fact provided for the funds held on those trust accounts to be immune from seizure by the account holder's private creditors. Accordingly, in principle, it is possible to instruct a bank to preserve those funds. When a bank is instructed

to preserve funds, it must indicate the specific nature of the account (Article 1452 of the Judicial Code); however, objections may be raised with the attachments judge. The attached debtor may, therefore, apply for the account preservation order to be lifted.

The debtor is the beneficiary of the trust account

The beneficiary of the trust account has a claim against the account holder in respect of the funds managed on their behalf. The claim may be attached by the beneficiary's creditors: this is because any creditor may apply for the preservation of funds owed by a third party to the creditor's debtor (Article 1445 of the Judicial Code). The account preservation order must be issued to the account holder (= the trustee), not to the bank. This is because in this scenario, the bank has debts only vis-à-vis the account holder, not vis-à-vis the beneficiary.

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

Immunity from seizure of certain amounts is governed in Belgium by Articles 1409, 1409bis and 1410 of the Judicial Code (<http://www.ejustice.just.fgov.be/eli/loi/1967/10/10/1967101056/justel>). These provisions lay down restrictions on and immunity from seizure of certain items of revenue: wages, replacement income, social benefits and maintenance. Below a certain threshold, wages and replacement income are immune from seizure.

With a view to helping the enforcement authorities and, where appropriate, garnishees to determine whether the amounts on an account can be seized, Article 1411bis §3 of the Judicial Code provides for an obligation - enforced by criminal law - for employers and paying agencies to indicate a specific code when effecting payments. The code will vary according to the type of protected income paid into the account.

This requirement to indicate a code is without prejudice to a debtor's right to prove by all legal means that the amounts credited to their current account are immune from seizure (Article 1411bis §2, subparagraph 1 of the Judicial Code). In addition, Article 1411bis §2, subparagraph 2 of the Judicial Code provides for a rebuttable presumption that amounts paid by the debtor's employer into their current account are partially immune from seizure. The presumption applies exclusively to transactions between the debtor and their creditors.

#### **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**

Pursuant to Article 1454 of the Judicial Code, the costs of the statement that has to be provided by a garnishee are borne by the debtor. No provision is made for the recovery of other expenses incurred by the bank in connection with the enforcement or (partial) lifting of an account preservation order.

Pursuant to Article 555/1, §2 of the Judicial Code, which entered into force on 1 January 2019, an order signed by the King is to set the fees for processing account information requests and lay down the conditions and arrangements for collection. Where appropriate, part of these costs are to be borne by the bank which provided the information at the request of the authority designated by Belgium (see Article 50(1)(b) above), in so far as a written agreement on compensation arrangements has been concluded with the banks or a representative thereof, without prejudice to Article 43(3) of the Regulation (see Article 3, 2° of the Royal Order (*Arrêté Royal/Koninklijk besluit*) of 22 April 2019 setting the fees for processing information requests concerning the accounts referred to in Article 555/1, §2, subparagraph 6 of the Judicial Code and laying down the conditions and arrangements for collection (<http://www.ejustice.just.fgov.be/eli/arrete/2019/04/22/2019030412/justel>). As matters stand, no agreement on compensation arrangements has been concluded with the banks. These fees will apply to domestic information requests under the new Articles 1447/1 and 1447/2 of the Judicial Code (which will probably enter into force during 2020) and to information requests under Article 14 of the Regulation.

#### **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**

As regards enforcement by a bailiff, the rates are laid down by the Royal Order of 30 November 1976 setting the rates for measures taken by bailiffs in civil and commercial cases and the rates for certain benefits.

As regards provision of information, under Article 555/1, §2 of the Judicial Code, which entered into force on 1 January 2019, an order signed by the King is to set the fees for processing account information requests and lay down the conditions and arrangements for collection. The Royal Order of 22 April 2019 setting the fees for processing information requests concerning the accounts referred to in Article 555/1, §2, subparagraph 6 of the Judicial Code and laying down the conditions and arrangements for collection (<http://www.ejustice.just.fgov.be/eli/arrete/2019/04/22/2019030412/justel>) entered into force with retroactive effect from 1 January 2019.

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

Under Belgian law, the preservation of an account does not confer preferential status on a debt. Pursuant to Articles 17 and 19, 1° of the Mortgage Act, only those legal costs incurred as a direct result of account preservation receive preferential status.

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

Against an account preservation order: the attachments judge at the court of first instance (Article 1395/2, 2° of the Judicial Code).

Against enforcement of an account preservation order: the attachments judge '*juge des saisies*'/'*beslagrechter*' at the court of first instance (Article 1395/2, 2° of the Legal Code).

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

The Court of Appeal (*Cour d'appell/Hof van beroep*, Article 602, first paragraph, 7° of the Judicial Code).

Under Article 1051 of the Judicial Code, in principle appeals may be lodged within one month of the date of service or notification of the judgment.

#### **Article 50(1)(n) – Court fees**

The costs of civil proceedings are governed by Articles 1017-1022 of the Judicial Code.

Legal costs vary from one case to another and must be determined with reference to the specific circumstances of the case.

Article 1017 states by way of a general rule that even where no application is made, the final judgment will order the unsuccessful party to cover the costs, unless specific legislation provides for other arrangements and without prejudice to any agreement reached between the parties and incorporated into the judgment. However, any unnecessary costs, including the procedural fee referred to in Article 1022, will be borne by the party which generated them, even where no application is made.

Article 1018 of the Judicial Code sets out the costs concerned:

1° Miscellaneous court and registration fees and stamp duty paid before the Stamp Duty Code was repealed; court fees include listing fees, drafting fees and copy fees (Article 268 et seq. of the Code of Registration, Mortgage and Court Registry Fees (*Code des droits d'enregistrement, d'hypothèque et de greffe/Wetboek registratie-, hypotheek- en griffierechten*)).

In principle, a listing fee (*droit de mise au rôle/rolrecht*) ranging from €100 to €500 (attachments judge) or from €210 to €800 (Court of Appeal) is charged, depending on the value of the application (Article 269/1 of the Code). This fee is payable when the case is listed.

In principle, a drafting fee (*droit de rédaction/opstelrecht*) of €35 is charged on court registrars' documents or documents submitted to them without judicial intervention (Article 270/1 of the Code).

In principle, a copy fee (*droit d'expédition/expeditierecht*) ranging between €0.85 and €3 per page is charged on copies or excerpts issued by a court registry (Articles 271 and 272 of the Code).

Registration fees (3% of principal) are charged on decisions concerning a principal sum of more than €12 500 (excluding legal costs).

2° The cost of judicial documents and related emoluments and salaries.

3° The cost of providing a copy of a judgment: between €0.85 and €3 per page.

4° The costs of any measures of inquiry, particularly witness and expert fees.

5° Travel and subsistence expenses for judges, registrars and parties required to travel by order of the court, and costs of documents drawn up solely for the proceedings.

6° The procedural fee referred to in Article 1022; in principle, this is paid by the unsuccessful party and represents compensation for the lawyer's fees and expenses incurred by the successful party. The amount of this procedural fee is calculated in accordance with the value of the claim. The Royal Order of 26 October 2007 lays down a basic amount, a minimum amount and a maximum amount. The judge can reduce or increase the basic amount subject to the maximum and minimum amounts. These amounts are linked to the consumer price index.

7° The fees, emoluments and costs of a mediator appointed pursuant to Article 1734.

8° The contribution referred to in Article 4 §2 of the Act of 19 March 2017 setting up a budget fund for second-line legal assistance (*aide juridique de deuxième ligne/juridische tweedelijnsbijstand*).

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

No additional language.

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#### **European Account Preservation Order - Czechia**

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

The Prague 1 District Court (under Section 37 of [Act No 6/2002 on courts and judges](#)).

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

The Prague 1 District Court is competent to obtain account information (under Section 37 of [Act No 6/2002 on courts and judges](#)).

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

Section 128 of Act No 99/1963, the [Code of Civil Procedure](#) (občanský soudní řád), as amended, requires anyone, on request, to inform a court free of charge of any fact that is of significance for its proceedings and decision-making.

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

Appeals should be lodged via the court whose decision is being contested (Section 204(1) of Act No 99/1963, the [Code of Civil Procedure](#), as amended). Subject-matter jurisdiction lies with the **regional courts** (*krajské soudy*). Territorial jurisdiction lies with the regional court in whose region the district court that ruled at first instance is located. Territorial jurisdiction for the Prague 1 District Court at first instance lies with the Prague Municipal Court (*Městský soud v Praze*), under [Section 37 of Act No 6/2002 on courts and judges](#).

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

The Prague 1 District Court (under Section 37 of [Act No 6/2002 on courts and judges](#)).

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

The Prague 1 District Court (under Section 37 of [Act No 6/2002 on courts and judges](#)).

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

A joint account may be preserved only in respect of the debtor's share of the funds (Section 311a of Act No 99/1963, the [Code of Civil Procedure](#) (občanský soudní řád), as amended). In the case of an account set up for several persons, the rule is that all have equal shares in the funds (Section 2663 of Act No 89/2012, the [Civil Code](#) (občanský zákoník), as amended).

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

These rules are laid down in Sections 304a, 304b, 310 and 317 to 319 of Act No 99/1963, the [Code of Civil Procedure](#) (občanský soudní řád), as amended. Funds are exempt from seizure if, for instance, they are intended for the payment of wages, holiday pay and other benefits in lieu of remuneration for work. This also applies to funds up to an amount of twice the living wage, social welfare benefits and hardship benefits.

For funds intended for the payment of wages, holiday pay and other benefits in lieu of remuneration for work, the obliged person (i.e. the debtor) must submit to the financial institution (where the account is held) a written declaration stating the purpose of the payment, the total amount to be thus paid and, above all, the names of all employees stating the exact amount of the benefit to be paid to them. The obliged person's signature on the declaration must be certified. Since this is a procedural act by the obliged person, it must be signed at the premises of the obliged person (legal person) by somebody authorised to act on behalf of that legal person before a court, in accordance with Section 21 of the Code of Civil Procedure. The financial institution is not obliged or authorised to examine the declaration and it will not examine whether the benefits paid were actually used for a particular purpose; it will pay the obliged person's employees' claims according to the balance of funds in the account (including funds that arrive in the account afterwards, if the original amount is insufficient to make the payment). This also applies to funds up to an amount of twice the living wage. In this case, the financial institution must also make the payment, on the basis of a request by the obliged person, independently and without intervention from a court (if the obliged person sends the request to a court, the court does not make any kind of decision on it. It will only send it to the financial institution in order for it to meet the obligation in question on the basis thereof). There is no need to examine the purpose of the funds paid in cases such as this. The financial institution will simply notify the court that it has paid the amount in question to the obliged person. Steps must then be taken to inform the beneficiary of this fact, who might otherwise have had reasonable doubts as to whether the financial institution acted in accordance with the court order if an incomplete payment was made of the amount claimed. However, if this payment does not concern the beneficiary in any way, there is no need to inform them of it. In all other cases these amounts are excluded by operation of law (e.g. social benefits or claims made by authors and other originators).

##### **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**

Yes. Banks are entitled to charge fees for the implementation of equivalent national orders in accordance with their scale of fees. The scale of fees is determined by agreement between the debtor and the bank under the law, there being statutory limits on what a bank can agree with a debtor.

Banks are also entitled to charge fees for providing information, if they have come to an arrangement with the customer to do so. This will depend on the specific scale of fees, and the account holder will be responsible for the provisional and final payment of the fees.

##### **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**

Court fees are governed by Act No 549/1991 [on court fees](#), as amended. The fee rates for procedures are set in the form of a fixed sum or a percentage in the case of fees where the basis is expressed in the form of a financial sum. The fee percentage is calculated as the product of the fee base and the fee rate. Individual rates are established in a scale of fees annexed to the Act. The Act applies both to first-instance proceedings and to appeals.

Fees become due once the obligation to pay arises, namely, for example, when an application is lodged to initiate proceedings.

For bank fees, the scale of fees is determined by agreement between the debtor and the bank under the law, there being statutory limits on what a bank can agree with a debtor.

The scale of fees is determined by agreement between the debtor and the bank under the law, there being statutory limits on what a bank can agree with a debtor.

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

No ranking is conferred on equivalent national orders under national law.

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

The Prague 1 District Court is competent for decisions (under Section 37 of [Act No 6/2002 on courts and judges](#)).

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

Appeals should be lodged with the court whose decision is being contested no more than 15 days after the decision is served in writing (Section 204(1) of Act No 99/1963, the [Code of Civil Procedure](#)) (občanský soudní řád), as amended.

#### **Article 50(1)(n) – Court fees**

Court fees are governed by Act No 549/1991 [on court fees](#), as amended. The fee rates for procedures are set in the form of a fixed sum or a percentage in the case of fees where the basis is expressed in the form of a financial sum. The fee percentage is calculated as the product of the fee base and the fee rate. Individual rates are established in a scale of fees annexed to the Act. The Act applies both to first-instance proceedings and to appeals.

Fees become due once the obligation to pay arises, namely, for example, when an application is lodged to initiate proceedings.

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

The Czech Republic recognises **Slovak** as an acceptable foreign language.

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### **European Account Preservation Order - Germany**

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

The court with territorial competence to issue an Account Preservation Order in cases where the creditor has already obtained an authentic instrument is the court in whose district the instrument was drawn up.

The subject-matter competence of the courts follows the general provisions of German law on the organisation of courts and the applicable codes of judicial procedure. The court with jurisdiction in a particular case can be found using the search tool at the beginning of this website.

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

The authority designated as competent to obtain account information under Article 14 of Regulation (EU) No 655/2014 is the Federal Office of Justice (*Bundesamt für Justiz*).

The contact details of the Federal Office of Justice are as follows:

Bundesamt für Justiz

Adenauerallee 99-103

53113 Bonn

Germany

Tel.: +49-228 99 410-40

Email: [EU-Kontenpfaendung@bfj.bund.de](mailto:EU-Kontenpfaendung@bfj.bund.de)

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

To obtain account information pursuant to Article 14 of Regulation (EU) No 655/2014, the Federal Office of Justice can ask the Federal Central Tax Office (*Bundeszentralamt für Steuern*) to access the following data at credit institutions:

account number;

date on which the account was opened and closed;

name and date of birth of the account holder; and

names of the authorised users.

#### **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 refusal to issue an Account Preservation Order can be lodged with the court that rejected the application or, if the court that rejected the application is a court of first instance, with a higher court.

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

The Local Courts (*Amtsgerichte*) referred to in Article 50(1)(a) are competent to receive, transmit and serve the Order and other documents.

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

The Local Court competent for enforcement under the general provisions of the Code of Civil Procedure is competent to enforce an Account Preservation Order. However, if the Order was issued by a German court, that court is competent to enforce the Order.

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

With regard to the preservation of funds held in joint accounts, the following applies:

If, according to the records of the bank with which the account is held, the authorised users are allowed to dispose of the account credit balances only jointly ('and' accounts), the attachment order must be addressed to all account holders.

If the debtor is allowed to dispose of the account credit balance alone ('or' accounts), the funds in the account are subject to preservation like funds held in an individual account of the debtor.

Credit balances in nominee accounts that the debtor can dispose of on behalf of a third party are subject to seizure against the debtor under German national law. In such cases, the Account Preservation Order must be directed against the trustee (the debtor).

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

Protection from seizure in payment accounts is provided by means of a seizure-exempt account (*Pfändungsschutzkonto*) (Section 850k of the Code of Civil Procedure). The effects of the seizure-exempt account are governed by Sections 899 et seq. of the Code of Civil Procedure.

The amounts referred to in Section 850c(1) and (2) of the Code of Civil Procedure are to be found in the Notice on seizure-exempt thresholds (*Pfändungsfreigrenzenbekanntmachung*). The amounts are adjusted on 1 July of each year. The rules can be accessed or consulted on the website <http://www.gesetze-im-internet.de/>

**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 German law, banks may not charge fees for the implementation of 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**

The fees chargeable by the courts involved in the processing or enforcement of a Preservation Order under Regulation (EU) No 655/2014 are laid down in the Law on court costs (*Gerichtskostengesetz*) and in the Law on court costs in family cases (*Gesetz über Gerichtskosten in Familiensachen*). The above-mentioned laws can be accessed and consulted free of charge at [http://www.gesetze-im-internet.de/bundesrecht/gkg\\_2004/gesamt.pdf](http://www.gesetze-im-internet.de/bundesrecht/gkg_2004/gesamt.pdf) and <http://www.gesetze-im-internet.de/bundesrecht/famgkg/gesamt.pdf>.

For a summary of the fees chargeable under the above-mentioned laws, we refer you to the reply regarding Article 50(1)(n).

The fees chargeable by the enforcement agents involved in the processing or enforcement of a Preservation Order under Regulation (EU) No 655/2014 are laid down in the Law on enforcement agents' costs (*Gerichtsvollzieherkostengesetz, GvKostG*). The above-mentioned law can be accessed and consulted free of charge at <http://www.gesetze-im-internet.de/bundesrecht/gvkostg/gesamt.pdf>.

Fees are charged for serving a European Account Preservation Order issued in Germany on the bank if an enforcement agent has to serve it in Germany. If the enforcement agent serves a Preservation Order in person, a fee of EUR 11 is charged under Item 100 of the schedule of costs to the Law on enforcement agents' costs (*Kostenverzeichnis zum Gerichtsvollzieherkostengesetz, KV GvKostG*), as well as the travel costs based on the distance travelled by the enforcement agent: EUR 3.25 for up to 10 km, EUR 6.50 for between 10 km and 20 km, EUR 9.75 for between 20 km and 30 km, EUR 13 for between 30 km and 40 km and EUR 16.25 for over 40 km (Item 711 KV GvKostG). If the enforcement agent serves the Order by other means, a fee of EUR 3.30 is charged (Item 101 KV GvKostG). Postal costs will be charged in full for service with proof of service (*Zustellungsurkunde*) (Item 701 KV GvKostG). A lump sum amounting to 20% of the fees charged for each assignment will be charged to cover any other cash expenses but will not be less than EUR 3.00 and not more than EUR 10.00 (Item 716 KV GvKostG).

This applies in cases where the court that issued the European Preservation Order in Germany calls on the services of an enforcement agent in order to serve the Order on the debtor at the instigation of the creditor.

No fee will be charged for the activities of the information authority under Article 14 of Regulation (EU) No 655/2014, without prejudice to the reply regarding Article 50(1)(n) specifying the increase in court fees chargeable in procedures for obtaining a Preservation Order within the meaning of Article 5(1)(b) of Regulation (EU) No 655/2014.

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

The ranking of account seizures based on decisions under national law which are equivalent to decisions under Regulation (EU) No 655/2014 is determined by the date on which they are served on the bank, with earlier seizure orders taking precedence over those served later.

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

The court that issued the Preservation Order is competent to grant remedies under Article 33(1) of Regulation (EU) No 655/2014.

The court competent to grant the remedies of the debtor under Article 34(1) or (2) of Regulation (EU) No 655/2014 is the Local Court competent to enforce the Order under the general provisions.

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

The appeal against decisions on legal remedies provided for under Article 37 of Regulation (EU) No 655/2014 can be lodged with the court that issued the decision on a remedy or, if that court is a court of first instance, with a higher court.

The appeal must be lodged within a period of one month.

The time limit for lodging an appeal starts to run on the date when the decision to be appealed is served on the person concerned.

**Article 50(1)(n) – Court fees**

In procedures under Article 5(a) of Regulation (EU) No 655/2014:

The amount of the fee is determined each time on the basis of the amount in dispute and the relevant fee rate using the calculation method laid down in Section 34 of the Law on court costs (GKG) and/or Section 28 of the Law on court costs in family cases (FamGKG).

(a) A fee rate of 1.5 is normally applied for the procedure for obtaining a European Preservation Order under Article 5(a) of Regulation (EU) No 655/2014, in accordance with Item 1410 of the schedule of fees to the Law on court fees (*Kostenverzeichnis zum Gerichtskostengesetz, KV GKG*). In certain cases in which the processing workload for the court is lower, a reduced fee rate of 1.0 is applied (Item 1411 KV GKG). If an order is issued under Sections 91a or 269(3), third sentence of the Code of Civil Procedure, a higher fee rate of 3.0 is normally applied (Item 1412 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. For service with proof of service, a registered letter with acknowledgement of receipt or processing by judicial staff, a flat-rate fee of EUR 3.50 is charged for each service if the same level of jurisdiction involves more than 10 cases of service or service is instigated by the creditor (Item 9002 KV GvKostG).

In a procedure on appeal, a fee rate of 1.5 is applied (Item 1430 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal, the fee rate is reduced to 1.0 (Item 1431 KV GKG).

The value of the claim is determined in each case at the discretion of the Court (Section 53 GKG in conjunction with Section 3 of the Code of Civil Procedure). The fee applies as soon as the application for a European Preservation Order or the appeal is brought before the Court (Section 6 GKG).

(b) Where at first instance a Local Court gives a ruling as a family court, a fee rate of 1.5 is generally applied, in accordance with Item 1420 KV FamGKG. Where the entire procedure is terminated without a final decision, the fee rate is reduced to 0.5 (Item 1421 KV FamGKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. For service with proof of service, a registered letter with acknowledgement of receipt or processing by a court official, a fee of EUR 3.50 is charged for each service if the same level of jurisdiction involves more than 10 cases of service or service is instigated by the creditor (Item 2002 KV FamGKG).

In a procedure on appeal, a fee rate of 2.0 is applied (Item 1422 KV FamGKG). Where the entire procedure is terminated by withdrawal of the appeal before the statement of grounds of the appeal is received by the court, the fee rate is reduced to 0.5 (Item 1423 KV FamGKG). In other cases where the procedure is terminated without decision, the fee rate is 1.0 (Item 1424 KV FamGKG).

The value of the claim is determined in each case on an equitable basis (Section 42(1) FamGKG).

The fee applies as soon as an unconditional decision as to costs is made or the procedure is terminated in another way (Section 11 FamGKG).

(c) Where at first instance a Labour Court (*Arbeitsgericht*) gives a ruling, a fee rate of 0.4 is generally applied for the procedure (Item 8310 KV GKG). If an order is issued under Sections 91a or 269(3), third sentence of the Code of Civil Procedure, the fee rate is normally increased to 2.0 (Item 8311 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. For service with proof of service, a registered letter with acknowledgement of receipt or processing by a court official, a fee of EUR 3.50 is charged for each service if the same level of jurisdiction involves more than 10 cases of service or service is instigated by the creditor (Item 9002 KV GKG).

In a procedure on appeal, a fee rate of 1.2 is applied (Item 8330 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal, the fee rate is reduced to 0.8 (Item 8331 KV GKG).

The value of the claim is determined each time at the discretion of the Court (Section 53 GKG in conjunction with Section 3 of the Code of Civil Procedure).

The fee falls due as soon as an unconditional decision as to costs is made or the procedure is terminated in another way (Section 9 GKG).

In procedures under Article 5(b) of Regulation (EU) No 655/2014 and in all procedures concerning applications to limit or terminate the enforcement of a Preservation Order:

A fee of EUR 22 is charged in a procedure for obtaining a Preservation Order within the meaning of Article 5(b) of Regulation (EU) No 655/2014 (Item 2111 KV GKG). If, during the procedure, an application is made to obtain account information, the fee is increased to EUR 37 (Item 2112 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified.

A fee of EUR 33 is charged for applications to terminate or limit enforcement (Item 2119 KV GKG).

A fee of EUR 33 is charged for appeals that are rejected or dismissed (Item 2121 KV GKG). If an appeal is only partially rejected or dismissed, the court may, on the basis of equitable considerations, reduce the fee by half or decide not to impose the fee.

The fee falls due as soon as the application for a European Preservation Order, or for termination or limitation of enforcement, or an appeal is lodged before the Court (Section 6 GKG).

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

No language other than German is permitted for documents addressed to a court or competent authority in accordance with Regulation (EU) No 655/2014.

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#### **European Account Preservation Order - Estonia**

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

County courts

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

Chamber of Bailiffs and Trustees in Bankruptcy

Tartu mnt 16, 10117 Tallinn

Telephone: +372 64 63 773

E-mail: [info@kpkoda.ee](mailto:info@kpkoda.ee)

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

Article 14(5)(a) - an obligation on all banks in its territory to disclose, upon request by the information authority, whether the debtor holds an account with them.

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

Appeals to district courts are filed through the county court whose ruling is contested in the appeal.

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

Article 10(2) - the county court that issued the European Account Preservation Order

Article 10(2), third subparagraph - bailiff

Article 23(3) - bailiff

Article 23(5) - bailiff

Article 23(6) - bailiff

Article 25(3) - bailiff

Article 27(2) - bailiff

Article 28(3) - bailiff

Article 36(5), second subparagraph - bailiff

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

Bailiffs

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

Making a claim for payment on an account that is the joint property of spouses is permitted with the consent of the spouse who is not a debtor if an enforcement instrument which requires both spouses to perform the obligation exists.

Under Section 626(3) of the Law of Obligations Act, 'claims and movables which a mandatary acquires when performing a mandate in the mandatary's name but on account of the mandator, and claims and movables which the mandator transfers to the mandatary for performance of the mandate are not included in the bankruptcy estate of the mandatary and they cannot be subject to a claim against the mandatary in an enforcement procedure'.

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

A claim for payment cannot be made on the following income:

- 1) state family benefits;
- 2) social benefits for disabled persons;
- 3) social benefits within the meaning of the Social Welfare Act;
- 4) unemployment allowances, grants, transport and accommodation benefits and business start-up subsidies paid through the Estonian Unemployment Insurance Fund;
- 5) compensation paid for causing bodily harm or a health disorder, except compensation for lost income and compensation for non-patrimonial damage;
- 6) work ability allowance;
- 7) statutory maintenance allowance;
- 8) health insurance benefits within the meaning of the Health Insurance Act, except benefits for temporary incapacity for work;
- 9) state pensions to the extent provided by law;

10) support on release from prison.

11) repressed person's allowance paid on the basis of the Persons Repressed by Occupying Powers Act.

Income is not seized if it does not exceed the minimum monthly wage or the corresponding proportion of income for a week or day. As of 1 January 2020, the minimum monthly wage when working full-time is €584.

If making a claim for payment on other assets of a debtor has not led or is not expected to lead to complete satisfaction of a claimant's claim, and if seizure is justified in view of the type of claim and the level of income, a claim for payment on the income referred to in points 5-7 above may be made on application by the claimant.

If making a claim for payment on other assets of a debtor has not led or is not expected to lead to complete satisfaction of a claim for maintenance for a child, up to half of the income referred to in Section 132(1) of the Code of Enforcement Procedure may be seized. If the amount seized from the debtor's income to fulfil a claim for maintenance for a child is less than half of the minimum wage, up to one third of the debtor's income may be seized.

If, pursuant to law, a debtor supports another person or pays maintenance to that person, the amount not subject to seizure increases by one third of the minimum monthly wage per dependant unless a claim for maintenance for a child is subject to compulsory execution.

Up to two thirds of an amount equivalent to five times the minimum wage may be seized, and all the income which exceeds an amount equivalent to five times the minimum wage may be seized out of the proportion of income exceeding the amount not subject to seizure, provided that the amount subject to seizure does not exceed two thirds of the total income. This provision does not apply if a claim for support is subject to compulsory execution.

On the basis of an application submitted by the debtor, a bailiff will annul the seizure of an account within three working days to the extent which guarantees for the debtor the income not subject to seizure.

If more than once month's income is transferred to a debtor's account, the bailiff will, on the basis of an application submitted by the debtor, annul the seizure of the account within three working days to the extent which guarantees for the debtor the income not subject to seizure for each month paid in advance. If the period for use of the income transferred to the debtor's account cannot be determined, the bailiff will transfer to the debtor the non-seizable income for one month.

**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**

None

**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**

Under Section 781(4) of the [Bailiffs Act](#), a person filing a request to obtain account information under Article 14 pays EUR 20.

Under Section 38(6) of the Bailiffs Act, the basic fee payable to a bailiff for the execution of a Preservation Order is EUR 92.

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

A right of security on seized assets that arose during an earlier seizure takes precedence over a right created during a later seizure.

A right of security on seized assets that arose on the basis of a claim for child maintenance takes precedence over other rights of security on seized assets regardless of the time of seizure. Rights of security on seized assets that arose on the basis of a claim for child maintenance are of equal ranking.

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

Article 33(1) - county courts

Article 34(1)(a) – the bailiff that initiated enforcement proceedings and seized the account on the basis of a European Account Preservation Order. A list of bailiffs can be found on the website of the Chamber of Bailiffs and Trustees in Bankruptcy: <https://kpkoda.ee/en/kohtutaiturid/kohtutaiturid-kontakt/>.

Article 34(1)(b)

i) bailiff

ii) bailiff

iii) bailiff

iv) bailiff

Article 34(2) - county courts

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

Article 33

Appeals to district courts are filed through the county court whose ruling is contested in the appeal within 15 days from the date on which the ruling was served.

Article 34

- If the ruling was made by a county court, appeals to district courts are filed through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days from the date on which the ruling was served.

- A participant in enforcement proceedings may file a complaint with a bailiff regarding a decision made by or the action taken by the bailiff when executing an enforcement instrument or refusing to perform an enforcement action, within ten days as of the day on which the complainant became or should have become aware of the decision or action, unless otherwise provided by law. A participant in proceedings may file an appeal against a decision made by a bailiff regarding a complaint with the county court of the jurisdiction in which the bailiff's office is located within ten days from the date on which the decision was served. An appeal against a decision made or action taken by a bailiff cannot be filed with a court without first filing a complaint with the bailiff.

Participants in proceedings and bailiffs may file an appeal against a county court ruling made regarding a decision made by a bailiff. Appeals are to be submitted within 15 days from the date on which the ruling was served.

Article 35

- If the ruling was made by a county court, appeals to district courts are filed through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days from the date on which the ruling was served (Article 35(1)).

- A participant in enforcement proceedings may file a complaint with a bailiff regarding a decision made by or the action taken by the bailiff when executing an enforcement instrument or refusing to perform an enforcement action, within ten days as of the day on which the complainant became or should have become aware of the decision or action, unless otherwise provided by law. A participant in proceedings may file an appeal against a decision made by a bailiff regarding a complaint with the county court of the jurisdiction in which the bailiff's office is located within ten days from the date on which the decision was served. An appeal against a decision made or action taken by a bailiff cannot be filed with a court without first filing a complaint with the bailiff (Article 35 (3)-(4)). Participants in proceedings and bailiffs may file an appeal against a county court ruling made regarding a decision made by a bailiff. Appeals are to be submitted within 15 days from the date on which the ruling was served.

**Article 50(1)(n) – Court fees**

The state fee for either receiving or contesting a ruling is EUR 50, and this is to be paid when submitting the application.

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

Estonian, English.

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## European Account Preservation Order - Ireland

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

Authentic instruments are not known in Irish law therefore this provision does not apply in Ireland.

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

In Ireland

Minister for Justice,  
51 St. Stephen's Green,  
Dublin 2, D02 HK52,  
Ireland.

✉ [EAPDIA@justice.ie](mailto:EAPDIA@justice.ie)

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

In Ireland Article 14(5)(a) applies, i.e., an obligation on all banks in Ireland to disclose, upon request by the information authority, whether the debtor holds an account with them

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

In Ireland

where jurisdiction to issue a Preservation Order lies with the District Court, to the Judge of the Circuit Court within whose Circuit the Preservation Order was issued.

where jurisdiction to issue a Preservation Order lies with the Circuit Court, the High Court

where jurisdiction to issue a Preservation Order lies with the High Court, the Court of Appeal (it should be noted, however, that in accordance with the provisions of the Irish Constitution, the Supreme Court shall have appellate jurisdiction from a decision of the High Court if it is satisfied that there are exceptional circumstances warranting a direct appeal to it. A precondition for the Supreme Court being so satisfied is that the decision concerned involves a matter of general public importance and/or the interests of justice so require.)

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

In Ireland

Minister for Justice,  
51 St. Stephen's Green,  
Dublin 2, D02 HK52,  
Ireland.

✉ [EAPDCA@justice.ie](mailto:EAPDCA@justice.ie)

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

In Ireland

Minister for Justice,  
51 St. Stephen's Green,  
Dublin 2, D02 HK52,  
Ireland.

✉ [EAPDCA@justice.ie](mailto:EAPDCA@justice.ie)

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

The extent to which joint and nominee accounts can be preserved under Irish law depends on the circumstances of the case in question. As regards joint accounts, the general rule is that a Mareva type injunction granted against a defendant alone ought not to prevent a joint account holder from drawing on the bank account, unless such is specifically provided for in the order.

As regards nominee accounts, where a third party holds assets on behalf of a defendant in a nominee account, those assets are liable to be affected by a Mareva injunction directed at the defendant because the defendant is the equitable or beneficial owner of those assets.

A joint or nominee account holder whose account is subject to such an injunction can bring an application before the relevant court with a view to amending the terms of the injunction.

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

In the case of equivalent national proceedings the Court determines the amount available to the debtor on a case by case basis having regard to the circumstances of the party concerned. The relevant application is made by the debtor and there are no rules on the amount which may be made available.

### 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

Banks do not charge for the implementation of court orders in the case of equivalent national proceedings. In the event that account information were to be sought, there is no rule in place which would prevent banks from charging a fee for the provision of such information. As a general principle the creditor would be liable to pay the costs incurred by the bank, although such costs might eventually be awarded against the debtor.

### 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

It is not envisaged that an administration fee will be charged by the information and competent authorities. However, personal service of documents will incur a charge of approximately €100 to €200, depending on the degree of difficulty which arises in effecting service.

Note: personal service of documents will be undertaken by a private sector company in this instance and a scale of fees is not available.

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



A ranking is not conferred on similar procedures such as Mareva injunctions under Irish law as the creditor does not obtain a proprietary interest in the asset in question.

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

In Ireland,

Insofar as Article 33(1) is concerned, the court competent to grant a remedy is the court which issued the Preservation Order which, depending on the circumstances, could be a District Court, a Circuit Court or the High Court\*.

Insofar as Article 34(1) and 34(2) are concerned, the court competent to grant a remedy is,

where the European Account Preservation Order was issued by a court in the State, the court which issued the preservation order;

where the European Account Preservation Order was issued in a Member State other than the State, the High Court\*.

\*The High Court,

Four Courts,

Dublin 7.

[HighCourtCentralOffice@courts.ie](mailto:HighCourtCentralOffice@courts.ie)

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

In Ireland an appeal against a decision issued pursuant to Articles 33, 34 or 35 can be made as follows –

where the decision was made by the District Court, an appeal can be made to the Judge of the Circuit Court within whose Circuit the Preservation Order was issued within fourteen days from the date on which the decision appealed from was given (Articles 35.1 and 35.3 only). <http://www.courts.ie/rules.nsf/0/e7bc3303e9b0464a80256d2b0046a095?OpenDocument>

where the decision was made by the Circuit Court, an appeal can be made to the High Court within ten days from the date on which the judgement or order appealed from was pronounced in open court (Articles 35.1 and 35.3 only). <http://www.courts.ie/rules.nsf/d7ed4ce54d2bd0c680256e5400502ec7/d5629e64d4c7cae680256d2b0046b3ae?OpenDocument>

where the decision was made by the High Court, an appeal can be made to the Court of Appeal within 28 days of perfection of the Order. (It should be noted, however, that in accordance with the provisions of the Irish Constitution, the Supreme Court shall have appellate jurisdiction from a decision of the High Court if it is satisfied that there are exceptional circumstances warranting a direct appeal to it. A precondition for the Supreme Court being so satisfied is that the decision concerned involves a matter of general public importance and/or the interests of justice so require.) <http://www.courts.ie/rules.nsf/8652fb610b0b37a980256db700399507/6805f0acd71dd40f80256f900064bdeb?OpenDocument>

#### **Article 50(1)(n) – Court fees**

Depending on the circumstances of the case, the court fees in proceedings to obtain a Preservation Order or a remedy against an Order could range from €80 to €200 approx. Relevant information can be found at:

<http://www.irishstatutebook.ie/eli/2014/si/491/> (SI 491/2014)

<http://www.irishstatutebook.ie/eli/2014/si/492/> (SI 492/2014)

<http://www.irishstatutebook.ie/eli/2014/si/22/> (SI 22/2014)

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

None (Ireland accepts Irish and English only)

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#### **European Account Preservation Order - Greece**

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

District Civil Courts (*Eirinodikeia*) and Courts of First Instance (*Protodikeia*).

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

Directorate for Audit Business Planning (Diéthynsi Epicheirisiakou Schediasmuó Eléngchon - DIESEL) of the Directorate-General for Tax Operations (Genikí Diéthynsi Forologikón Leitourgión) of the Independent Authority for Public Revenue (Anexártiti Archí Dimosión Esódon – AADE) Email: [diesel@aade.gr](mailto:diesel@aade.gr) / tel.: +30 2104802000, +30 2104802530.

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

The System of Registers of Bank Accounts and Payment Accounts of the Ministry of Finance was created for the purpose of transmitting requests for information from authorities, services, public sector bodies and other bodies to credit institutions. These requests are sent electronically via a secure third entity (Tiresias) to the credit institutions, which send their replies with the account details through the same channel (Article 14(5)(a)).

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

A refusal on the part of the District Civil Court judge can be appealed to the Single-Member Court of First Instance (*Monomelés Protodikeio*), and a refusal on the part of the Single-Member Court of First Instance can be appealed to the Court of Appeal (*Efeteio*).

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

The competent authority for transmission is the Court of First Instance. Bailiffs (*dikastikoí epimelités*) are responsible for receiving and serving the preservation order and other documents.

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

Bailiffs.

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

Only joint accounts can be preserved, not nominee accounts. No other conditions apply to the preservation of joint accounts.

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

Article 982(2) of the Code of Civil Procedure (*Kódikas Politikís Dikonómias*) provides that claims for maintenance, salaries, pensions, insurance benefits, etc. are exempt from seizure. There is no link to the Code of Civil Procedure on the internet. The above amounts are exempt from seizure without any application being submitted by the debtor.

##### **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**

There are no specific provisions regulating the matter of the charging of costs and fees for the preservation or seizure of a bank account or the provision of account details. However, the Hellenic Bank Association (*Ellinikí Énosi Trapezón*) considers that credit institutions are entitled to demand the payment of costs as explicitly provided for, *mutatis mutandis*, in Articles 30A and 30B of the Public Revenue Collection Code (*Kódikas Eispráxeos Dimosion Esódon (KEDE)*) - Legislative Decree No 356/1974, as amended and in force).

#### **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**

No fees are charged by the Independent Authority for Public Revenue (*Anexárthiti Archí Dimosion Esódon*) for its involvement in the processing of the Preservation Order. Since the enforcement of the Order is carried out by bailiffs, they charge each of their principals directly. There is no link to a site on the internet concerning bailiffs' fees. Fees are not charged by the Ministry of Finance to provide information on accounts in accordance with Article 14.

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

The European Account Preservation Order is treated as equivalent to a preservation measure (*asfalistikó métro*) under national law. No ranking has been applied to equivalent national orders.

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

The competent court to grant a remedy is the court that issued the European Account Preservation Order; i.e. the District Civil Court judge for claims falling within the remit of the District Civil Court and the judge of the Single-Member Court of First Instance for any other claims. With regard to the legal remedies referred to in Article 34(1) and (2), the competent court for amounts up to EUR 20 000 is the District Civil Court. The competent court for amounts over EUR 20 000 is the Court of First Instance.

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

A refusal on the part of the District Civil Court judge can be appealed to the Single-Member Court of First Instance, and a refusal on the part of the Single-Member Court of First Instance can be appealed to the Court of Appeal. Appeals must be lodged within 30 days of service of the decision on the debtor.

#### **Article 50(1)(n) – Court fees**

Court fees are calculated as approximately four thousandths of the amount claimed. This calculation applies both to actions to obtain an order and to actions for any legal remedy against an order.

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

Documents are accepted in Greek only.

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### **European Account Preservation Order - Spain**

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

The Courts of First Instance (*Juzgados de Primera Instancia*).

The court with jurisdiction in the given territory is determined by the criteria set out in Article 545(3) of the Law on Civil Procedure (*Ley de Enjuiciamiento Civil*) relating to enforcement based on non-judicial instruments.

This means that as a rule the competent court will be the Court of First Instance in the place determined in accordance with Articles 50 and 51 of the Law on Civil Procedure. Enforcement may also be applied for by the party seeking enforcement before the Court of First Instance in the place of performance of the obligation, as specified in the order, or in any place where there are attachable assets of the party against whom enforcement is sought. The rules on express or tacit submission to jurisdiction are never applicable here. If there are several parties against whom enforcement is sought, the competent court is the court with jurisdiction for any one of those parties, at the choice of the party seeking enforcement.

If the enforcement order concerns assets specifically mortgaged or pledged, the competent court is determined in accordance with Article 684 of the Law on Civil Procedure.

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

Subdirectorate General for International Judicial Cooperation (*Subdirección General de Cooperación Jurídica Internacional*). Ministry of Justice.

Contact details:

✉ [sgcji@mjusticia.es](mailto:sgcji@mjusticia.es)

telephone: +34 91 390 4411

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

Access for the information authority to the relevant information where that information is held by public authorities or administrations in registers or otherwise.

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

An appeal must be **lodged** with the court that rejected the application for the order. If the decision was handed down by a Court of First Instance or a Commercial Court (*Juzgado de lo Mercantil*), the appeal will be **heard** by the Provincial Court (*Audiencia Provincial*). If the decision was handed down by a second instance court, the same court will hear the appeal.

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

The court that is competent to enforce the order under Article 50(f).

For the purposes of Article 28(3), the competent court is the Court of First Instance of the debtor's domicile.

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

The Court of First Instance in the place where the bank account is held and, if accounts are held in several locations, the Court of First Instance with jurisdiction in any one of those places.

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

A preservation order may be issued against joint accounts of which the debtor is a co-holder and accounts for which the debtor is a nominee on behalf of a third party. However, a preservation order may not be issued against accounts that are held by a third-party nominee on the debtor's behalf.

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

The rules regarding salaries and pensions are set out in Article 607 of the Law on Civil Procedure.

<https://www.boe.es/buscar/act.php?id=BOE-A-2000-323&tn=1&p=20151028&vd=#a607>

If public authorities are involved in civil or commercial proceedings for reasons unrelated to the exercise of their authority, funds deposited in bank accounts by them are exempt from seizure when these funds have actually been allocated to a public service or purpose.

Such amounts are exempt from seizure without any need for an application to that effect.

#### **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**

There is no provision for fees to be charged for these purposes.

#### **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**

No fees are charged.

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

Orders are ranked chronologically, from the time when the bank receives the order.

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

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**

The appeal is **lodged** with the court that issued the decision.

If the decision was handed down by a Court of First Instance or a Commercial Court, the **time limit** for lodging an appeal is 20 days and the appeal will be heard by the Provincial Court. If the decision was handed down by another court, the appeal must be lodged within five days and will be heard by the same court.

The **time limit** for lodging an appeal **begins** when the decision is notified.

#### **Article 50(1)(n) – Court fees**

There are no court fees, except at the time of lodging an appeal where a deposit is required in the cases and in the manner provided for in Additional Provision 15 of the Organic Law on the Judiciary (*Ley Orgánica del Poder Judicial*, 'LOPJ').

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

Not applicable.

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### **European Account Preservation Order - France**

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

An enforcement judge (*juge de l'exécution*) at a Regional Court (*tribunal de grande instance*). When a creditor has obtained an authentic instrument, it is the enforcement judge at the Regional Court that has jurisdiction to issue a European Account Preservation Order.

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

A bailiff (*huissier de justice*).

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

A bailiff is authorised to consult a register, known as Ficoba, which centralises all the bank accounts held by an individual in France.

Article 14(5)(a) and (b) apply: upon request by the designated information authority, banks are under an obligation to disclose whether the debtor holds an account with them; the authority is entitled to access the relevant information where that information is held by public authorities or administrations in registers or otherwise.

French law allows such access to the debtor's account information once the creditor holds an enforceable title (Articles L. 152-1 and L. 152-2 of the Code of Civil Enforcement Procedures (*code des procédures civiles d'exécution* — CPCE).

The Ficoba register (the national register of bank and similar accounts, *Fichier national des comptes bancaires et assimilés*) was established in 1971 and is managed by the Directorate-General for Public Finance (*Direction Générale des Finances Publiques*). It lists accounts of all kinds (accounts held with banks, the post office, savings banks, etc.) and provides authorised persons with information on the accounts held by an individual or company.

An entry is made in the register when an account is opened. The account holder is informed by the financial institution that the new account will be registered in Ficoba. Declarations that an account has been opened, closed or modified include the following information:

the name and address of the institution with which the account is held;

the number, type and characteristics of the account;

the date and nature of the reported transaction (account opened, closed or modification);

the name, date and place of birth and address of the account holder, and in the case of sole traders their Siret number (register of business premises identification system, *système d'identification du répertoire des établissements*);

in the case of a legal person, the name, legal form, Siret number and address.

The register does not provide any information on transactions effected on the account, or of the account balance.

On receipt of the report from the bank which opened, modified or closed the account, the entry in the register is made by the Directorate-General for Public Finance. Details of the civil status of individuals are certified by INSEE (the National Institute of statistics and Economic Studies, *Institut national de la statistique et des études économiques*); the details of legal persons are certified and updated by the Directorate-General for Public Finance, using the Sirene system (national system for the identification and registration of enterprises and their premises, *Système national d'identification et du répertoire des entreprises et de leurs établissements*).

[Find a bailiff](#)

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

The Court of Appeal (*Cour d'appel*)

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

The bailiff

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

The bailiff

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

Where the account preserved is a joint account, each account holder must be informed. If the bailiff is unaware of the identity and address of the joint account holders, he/she asks the bank to inform them of the preservation of the account and of the amounts claimed, so that where appropriate they can enforce their rights to the account and, in particular, obtain the release of their share of the joint estate.

Until such time as a holder of the joint account has been informed that the account is preserved, the period in which he/she may challenge the measure will not start to run.

Article R. 162-9 of the Code of Civil Enforcement Procedures states that where the income and salary of a spouse in a marriage where the property is held jointly (in *communauté des biens*) are paid into an account, which may be a joint account, and that account is preserved in order to secure a debt generated by the other spouse, an amount will immediately be made available to the spouse which is equal to the income and salary paid in the month prior to preservation or to the average monthly income and salary paid in the course of the twelve months prior to preservation, as he/she wishes.

It is for the distraining creditor to identify the income of the debtor on the account which he/she seeks to preserve. The account can, of course, be preserved in full if the income of the debtor accounts for all the funds paid into it, even if it is a joint account.

French law does not recognise the notion of nominee accounts as such.

The general principle of pledge (*principe du droit de gage général*) prohibits the preservation of funds which are held by the debtor on behalf of third parties and which do not belong to the debtor personally or which have been entrusted to him/her.

If funds have been entered in a special account held by an intermediary acting in a professional capacity, and it can be shown beyond doubt that they are the property of third parties, these funds may not be preserved by creditors, in spite of the fact that the intermediary is the account holder and the only person who can demand repayment of the funds. This applies to amounts deposited by a notary (*notaire*) on a special account with the Deposit and Consignments Office (*Caisse des dépôts et consignations*), or by an estate agent or building manager.

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

Two mechanisms which serve the same purpose but operate in a different way co-exist in French law: the bank balance immune from seizure (*solde bancaire insaisissable*), which is exempt from preservation automatically, and the transfer of immunity (*report d'insaisissabilité*), which requires an application by the debtor and proof that the account is funded by sums immune from seizure.

##### 1) Bank balance immune from seizure

Under Article L.162-2 of the Code of Civil Enforcement Procedures, where the debtor is a natural person the bank must make available to him or her, up to the limit of the credit balance of the account or accounts on the day of preservation, a sum in maintenance equal to the amount of the basic minimum income allowance (*RSA socle*), which is the flat-rate sum for a single beneficiary referred to in Article L. 262-2 of the Family and Social Action Code (*Code de l'action sociale et des familles*), set at €524.68 by Decree 2016-538 of 27 April 2016.

Pursuant to Article R. 162-2 of the Code, the debtor does not have to request implementation of this mechanism: the bank immediately informs the debtor that the amount exempt from seizure is being made available to him/her. Where there are several accounts, funds can be made available to the debtor from all credit balances, the amount being taken in the first place from current accounts. The bank also notifies the bailiff without delay of the funds made available to the debtor and of the account or accounts on which those funds are held. In the case of preservation of accounts opened with different banks, the bailiff identifies the third party/parties which must make the 'bank minimum income allowance' (*RSA bancaire*) available to the debtor, and determines the arrangements for doing so.

Pursuant to Article R. 162-3 of the Code, that amount is set aside for the debtor for a period of one month following preservation.

##### 2) Transfer of immunity

A request by the debtor seeking transfer of immunity makes sense only if the sums otherwise immune from seizure exceed the amount of the bank balance immune from seizure.

Under Article L.112-4 of the Code of Civil Enforcement Procedures, sums immune from seizure the amount of which is credited to a bank account remain immune from seizure. Article R. 112-5 of the Code specifies that where an account is credited with an amount wholly or partially immune from seizure, immunity is transferred to the balance of the account up to that amount.

Article R. 162-4 of that Code states that 'where amounts immune from seizure are sums credited at regular intervals, such as wages, retirement pensions or amounts paid by way of family allowances or unemployment benefit, the account holder may, on proof of the origin of the funds, ask for them to be made available immediately, minus any amounts debited to the account after the last payment of an amount immune from seizure'. This concerns sums of two kinds: income fully immune from seizure, such as the basic minimum income allowance; and income that may be seized only within the limits and subject to the rules governing seizure of earnings laid down in the Labour Code (*Code du travail*). The Court of Cassation (*Cour de cassation*) has held that immunity covers all such sums accrued on the bank account, and not just the last payment made (Court of Cassation (Second Civil Division), 11 May 2000, No 98.11-696). From a practical viewpoint, this rule is difficult to implement when the account is also funded by payments that are wholly or partially open to seizure. When determining the amount covered by the transfer of immunity, pending transactions settled within 15 days after preservation are not taken into account (second paragraph of Article R. 162-4 of the Code of Civil Enforcement Procedures).

The debtor may at any time request that amounts immune from seizure be made available, even before the 15-day deadline for the settlement of pending transactions has expired; the amounts are transferred to him/her immediately. The creditor will not be informed that the funds have been made available unless and until he/she submits a payment demand: he/she will then have 15 days to challenge the amount made available to the debtor and the entry in the accounts (last sentence of Article R. 162-4 of the Code of Civil Enforcement Procedures).

With regard to amounts immune from seizure generated by sums credited on a one-off basis (*créances instantanées*), Article R. 162-5 of the Code of Civil Enforcement Procedures states that the debtor may, on proof of the origin of the funds, ask for them to be made available to him/her immediately, minus any amounts debited to the account since the day on which the credit was entered. Examples of the type of funds concerned are back-pay (*rappel de salaires*) or a death grant (*capital-décès*) (immune from seizure under Article L.361-5 of the Code of Social Security (*Code de la sécurité sociale*)). These amounts are not made available until the expiry of the 15-day deadline for the settlement of pending transactions laid down by Article L. 162-1 of the Code of Civil Enforcement Procedures. The debtor can always ask the enforcement judge to make the amounts withheld available early, subject to proof that they are immune from seizure. In such cases the creditor must be heard or summoned.

#### **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**

French law does not have specific provisions on charges for the enforcement of preservation orders. However, the Monetary and Financial Code (*Code monétaire et financier*) states that garnishee fees (*frais par saisie-attribution*) charged to a debtor account holder must be indicated in the list of charges that banks have to must provide to their customers ([📄 article D. 312-1-1](#)).

In addition, customers must be given prior information on these fees free of charge ([📄 article R. 312-1-2](#)), in accordance with Article [📄 L. 312-1-5](#), which provides that the information is to be given in the account holder's bank statements and that a period of 14 days following the date of the statement must elapse before the amounts are debited. The fees that the banks charge to account holders under this heading appear to be set freely by each bank, and range from €80 to €150 approx.

Any fees for providing account information charged by the bank to the bailiff responsible for enforcing the measure will be included in the costs payable in principle by the debtor (see above).

The amount of the fees charged by French banks seems to vary between €78 and €111.

#### **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**

Bailiffs charge fees for enforcing Preservation Orders based on the existing national scale. It can be summarised as follows: The total cost of the procedure (including converting the Preservation Order into a final garnishment order (*saisie-attribution*) varies between €166.19 and €397.88 depending on the amount of the claim in question.

In addition, preservation of claims is one of the steps mentioned in Article A 444-16 of the Commercial Code (*Code de commerce*) and it therefore entails an administrative fee (*droit d'engagement de poursuites*). The tariff for this fee is set out in Part A 444-15 of the Code. If the amount of the claim is less than or equal to €76, the fee is set at €4.29; above the €76 threshold, the fee is proportionate to the amount of the claim (subject to a ceiling of €268.13), in accordance with the following scale:

AMOUNT OF CLAIM	APPLICABLE RATE
From €0 to €304	5.64%
From €305 to €912	2.82%
From €913 to €3 040	1.41%
Above €3 040	0.28%

The administrative fee may be levied only once for recovery of the same claim.

It is to be paid by the debtor if the debtor is liable for the cost of the measure in connection with which it is charged, and by the creditor in all other cases.

It is due to the bailiff irrespective of the success or otherwise of the recovery proceedings.

Depending on whether the cost of the measure is borne by the debtor or the creditor, it is offset against the consideration laid down in Article A. 444-31 or Article A. 444-32 respectively.

All requests lodged under Articles L. 152-1 and L. 152-2 of the Code of Civil Enforcement Procedures are charged at €21.45 excluding tax (see Article A.444-43 of the Commercial Code (*Code de commerce*), measure No 151). These are requests for searches to be carried out by national, regional, departmental and municipal authorities, businesses licensed by or operating under the aegis of national, regional, departmental and municipal authorities, public bodies or bodies operating under the aegis of the administrative authority, or bodies authorised by law to hold deposit accounts. The same charge applies for consulting the Ficoba register.

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

Preservation does not bar competing claims, but the first distraining creditor acquires a preemptive right. The fact that the claim has been preserved does not prevent another creditor from initiating another enforcement measure, but that measure will take effect only if the first measure is not converted into a final enforcement measure.

Pursuant to Article L. 523-1 of the Code of Civil Enforcement Procedures, where the claim preserved is for a sum of money, the effect is that of a deposit of security as provided for in Article 2350 of the Civil Code, i.e. the money is earmarked and carries a pre-emptive right within the meaning of Article 2333 of the Civil Code, on pledges (*gages*). Preservation thus gives the distraining creditor the 'privilege' of a pledgee, i.e. the right to be paid in preference to other creditors. The distraining creditor need not fear the competing claims of unsecured creditors or junior creditors. But the distraining creditor can be overridden by creditors with a senior pre-emptive right, e.g. the 'super-privilege' of employees, the privilege for legal costs, or the general privileges of the Treasury. If multiple preservations are ordered on the same day, the amounts preserved are distributed proportionately, and there is no need to take account of any privileges (Opinion of the Court of Cassation of 24 May 1996, No 09-60.004).

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

The authority with power to revoke a Preservation Order, to limit or terminate the enforcement of a Preservation Order, or to decide that the enforcement of a Preservation Order would be contrary to public policy and must be terminated on those grounds, is the enforcement judge at the Regional Court.

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

The court with jurisdiction to hear appeals against decisions taken pursuant to Articles 33, 34 or 35 is the Court of Appeal. The time limit for appeals is 15 days. Time begins to run on the day when the recipient signs the acknowledgement of receipt of the registered letter containing the decision of the enforcement judge, which is sent by the clerk of the court to the parties.

If the acknowledgement of receipt is unsigned, the decision of the enforcement judge must be served by a bailiff, at the request of a party, and time then begins to run on the date on which the decision is served.

#### **Article 50(1)(n) – Court fees**

There are no charges for submitting an application for a Preservation Order, or for lodging an appeal.

Article L. 512-2 of the Code of Civil Enforcement Procedures states that costs occasioned by the preservation order are to be borne by the debtor, unless the court decides otherwise at the close of proceedings. The court must approve a list of items to be included in the costs owed and determine liability for them.

The Article also stipulates that where the court orders release from the Preservation Order the creditor may be ordered to pay compensation for the damage caused by it. According to the case-law, this obligation to pay compensation can be enforced without any proof of fault (Court of Cassation (Second Civil Division), 29 January 2004, No 01-17.161 and 7 June 2006, No 05-18.038).

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

Only documents in French will be accepted.

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#### **European Account Preservation Order - Croatia**

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

The courts designated as competent to issue a Preservation Order, as referred to in Article 6(4) of the Regulation, are the Croatian courts which are competent to rule on the merits of a case in accordance with the Courts Act (*Zakon o sudovima*) (*Narodne Novine* (NN; Official Gazette of the Republic of

Croatia) Nos 28/13, 33/15, 82/15, 82/16, 67/18, 126/19, 130/20, 21/22, 60/22 and 16/23), the Civil Procedure Act (*Zakon o parničnom postupku*) (NN Nos 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 96/08, 84/08, 123/08, 57/11, 25/13, 89/14, 70/19, 80/22 and 114/22; hereinafter 'ZPP') and other specific regulations. In the Republic of Croatia those courts are the municipal courts (*općinski sudovi*; sing. *općinski sud*) and commercial courts (*trgovački sudovi*; sing. *trgovački sud*) where proceedings are conducted at first-instance level.

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

The authority competent to obtain information on a debtor's account or accounts, as referred to in Article 14 of the Regulation, is:

Financial Agency (*Financijska agencija*)

Ulica grada Vukovara 70, 10000 Zagreb, Croatia

toll free telephone number: +385 0 800 0080

e-mail address: [info@fina.hr](mailto:info@fina.hr)

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

The account information referred to in Article 14(5) of the Regulation is obtained by access for the information authority to the relevant information where that information is held by public authorities or administrations in registers or otherwise (Article 14(5)(b) of the Regulation).

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

The competent court for ruling on an appeal under Article 21 of the Regulation which a creditor has lodged with a court of first instance against a decision rejecting, wholly or in part, the creditor's application for a Preservation Order is the higher court which was competent for ruling on an appeal against a decision rejecting a proposal for security (a county court (*županijski sud*) or the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*) — Articles 34a and 34c ZPP, NN Nos 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19, 80/22 and 114/22 in connection with Article 21(1) of the Enforcement Act (*Ovršni zakon — OZ*)) — links:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2011\\_12\\_148\\_2993.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2011_12_148_2993.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_02\\_25\\_405.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_405.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2019\\_07\\_70\\_1447.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2019_07_70_1447.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_07\\_80\\_1170.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_07_80_1170.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_10\\_114\\_1713.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_10_114_1713.html)

Consequently, if the application for a Preservation Order is rejected, wholly or in part, by a decision of a municipal court, the creditor will lodge an appeal with the county court through the municipal court, whereas if such a decision is adopted by a commercial court, the creditor will lodge an appeal against the decision with the High Commercial Court through the commercial court concerned.

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

The authority designated as competent to receive, transmit and serve the Preservation Order and other documents under Article 14(4) of the Regulation is:

Zagreb Municipal Civil Court (*Općinski građanski sud u Zagrebu*)

Ulica grada Vukovara 84

10000 Zagreb.

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

The authority competent to enforce the Preservation Order in accordance with Chapter 3 of the Regulation is:

Financial Agency (FINA)

Ulica grada Vukovara 70, 10000 Zagreb, Croatia

toll free telephone number: +385 0 800 0080

e-mail address: [info@fina.hr](mailto:info@fina.hr)

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

A payment account which is managed by a payment services provider on behalf of one or more users of payment services, and which is used to carry out payment transactions, may be completely preserved.

Funds held in a nominee account may not be preserved where that is prohibited by law.

Article 42 of the Consumer Bankruptcy Act (*Zakon o stečaju potrošača*) (NN Nos 100/15, 67/18 and 36/22; hereinafter 'ZSP') states that the bankruptcy commissioner has a duty to open a separate current account with a financial institution for each individual consumer in relation to whom bankruptcy proceedings have been opened under a court order – links:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2015\\_09\\_100\\_1936.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2015_09_100_1936.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2018\\_07\\_67\\_1364.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_67_1364.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_03\\_36\\_432.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_03_36_432.html)

This is a current account which the commissioner in the consumer's bankruptcy proceedings opens with a financial institution in his/her own name on behalf of the consumer concerned. The commissioner may use that separate account only for the purposes of receiving and making payments relating to the management and disposal of the bankruptcy estate of the consumer who is the subject of bankruptcy proceedings, and the commissioner is obliged to keep separate from his/her own assets any payments made into the account relating to the management and disposal of the bankruptcy estate.

Article 42(4) ZSP provides that funds in the separate account may not be the subject of enforcement in relation to the commissioner, and in the event of the bankruptcy or death of the commissioner, such funds do not form part of his/her bankruptcy estate or estate.

Given that, in the event of the bankruptcy of a consumer, the commissioner acts as his/her representative, this account can be said to be a nominee account, containing both the funds of the commissioner and the funds of one or more consumers in relation to whom bankruptcy proceedings have been opened, but the funds of the consumer represented by the commissioner may not be the subject of enforcement or preservation of an account if proceedings are conducted in relation to the commissioner.

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

The amounts exempt from seizure, as referred to in Article 31 of the Regulation, are set out in Article 172 OZ (Exemption from enforcement) and Article 173 OZ (Limitation of enforcement).

If a debtor receives remuneration and allowances as referred to in Article 172 OZ which are exempt from enforcement, or amounts referred to in Article 173 OZ (Limitation of enforcement), he/she is obliged to inform FINA thereof, in accordance with Article 212 OZ.

The links to the Enforcement Act (NN Nos 112/12, 93/14, 73/17, 131/20 and 114/22) are:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2012\\_10\\_112\\_2421.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2012_10_112_2421.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2014\\_07\\_93\\_1877.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2014_07_93_1877.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2017\\_07\\_73\\_1770.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_73_1770.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2020\\_11\\_131\\_2487.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2020_11_131_2487.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_10\\_114\\_1716.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_10_114_1716.html)

In accordance with Article 173 OZ amounts are excluded from enforcement as follows:

- (1) If the salary of the enforcement debtor is subject to enforcement, the amount equal to two thirds of the average net salary for Croatia shall be exempt from distraint. If enforcement is carried out to collect on a statutory maintenance claim, or a claim to compensate for the damage caused by impaired health or a reduction or loss of work capacity and to compensate for the loss of maintenance due to the death of the person who has provided maintenance, the amount shall be set as one half of the average net salary in Croatia, except when enforcement is carried out in order to forcibly collect the money due as child maintenance. In such cases, the amount exempt from distraint shall be one quarter of the average net salary per person employed by legal persons in Croatia in the previous year.
- (2) If the enforcement debtor has a salary that is lower than the average net salary for Croatia, the amount equal to three quarters of the enforcement debtor's salary, but not more than two thirds of the average net salary in Croatia shall be exempt from distraint. If enforcement is carried out to collect on a statutory maintenance claim, or a claim to compensate for the damage caused by impaired health or a reduction or loss of work capacity and to compensate for the loss of maintenance due to the death of the person who has provided maintenance, the amount shall be set as one half of the enforcement debtor's net salary, except when enforcement is carried out in order to forcibly collect the money due as child maintenance. In such cases, the amount exempt from distraint shall be one quarter of the enforcement debtor's net salary.
- (3) The term 'average net salary' within the meaning of paragraph 1 of this article shall be the average amount paid as a monthly net salary per person employed by legal persons in Croatia in the period between January and August of the current year, which shall be determined by the Croatian Bureau of Statistics (*Državni zavod za statistiku*) and published in NN not later than on 31 December of the current year. The amount set in this manner shall be applicable in the following year.
- (4) The provisions of paragraphs 1 and 2 of this article shall also apply to enforcement when any compensation paid in lieu of a salary, compensation for reduced working time, compensation for reduced salary, pension, military service personnel pay and pay received by persons in the reserve force while they are in military service and any other regular pecuniary income paid to civilian and military personnel are subject to attachment, with the exception of the income referred to in paragraphs 5 and 6 of this article.
- (5) Enforcement by attachment of income received by disabled persons as a pecuniary benefit for physical disability and as care allowance may be carried out only to collect on a statutory maintenance claim, or a claim to compensate for the damage caused by impaired health or a reduction or loss of work capacity and to compensate for the loss of maintenance due to the death of the person who has provided maintenance, in which case the amount shall be set as one half of such income.
- (6) Enforcement by attachment of income received under a lifelong support contract and a lifelong annuity payment contract, as well as income received under a life insurance contract may only be carried out on the portion of income which exceeds the principal amount used to calculate the amount of the support for maintenance.
- (7) The provisions of paragraphs 1 and 2 of this article shall also apply when enforcement is carried out on income which does not come from a salary, pension or revenue from self-employed trade and craft activities, liberal professions, agriculture and forestry, property and property rights, capital or insurance ('other income' in accordance with separate rules) if the enforcement debtor can prove by a public document that this income is his/her only regular cash income.

The average net monthly salary paid to employees of legal persons in Croatia in 2022 was HRK 7 653. ([https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_10\\_125\\_1909.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_10_125_1909.html))

**Article 50(1)(l) – 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**

FINA and banks are entitled to charge a fee for the implementation of Preservation Orders and for implementation of enforcement and security with respect to funds in accounts, in accordance with the Rules on the types and amount of fees for the performance of the tasks laid down in the Implementation of Enforcement with respect to Funds Act (NN, Nos 105/10, 124/11, 52/12 and 6/13; hereinafter 'the Rules') - links:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2010\\_09\\_105\\_2831.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2010_09_105_2831.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2011\\_11\\_124\\_2491.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_124_2491.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2012\\_05\\_52\\_1278.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2012_05_52_1278.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_01\\_6\\_90.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2013_01_6_90.html)

Article 6 of the Rules states that the fee is to be paid by the debtor.

The Rules lay down the fee for the performance of the tasks specified in the Implementation of Enforcement with respect to Funds Act (NN Nos 91/10 and 112/12).

The Rules lay down two types of fee:

1. for enforcement with respect to funds of the enforcement debtor, and
2. for consultation and provision of data from the Single Register of Accounts.

The fees for enforcement with respect to funds of the enforcement debtor fall into four groups:

examination of the possibility of enforcing an enforcement instrument

calculation of interest

enforcing an enforcement instrument

provision of data, copies and certificates from the Record of the order of enforcement instruments.

The fee for examination of the possibility of enforcing an enforcement instrument and the fee for the calculation of interest are levied by FINA for receiving enforcement instruments (the sum of claims which the debtor has to pay to the creditor in accordance with the court decision) and entering them in the Record. A fee is also levied for checking whether an enforcement instrument contains the necessary data for enforcement, and for the calculation of interest. Those two fees, plus the fee for enforcing an enforcement instrument, are payable in full by the debtor.

The revenue from the fee for enforcing an enforcement instrument is split between FINA (55%) and the banks (45%). The revenue is distributed to the banks in proportion to the total number of accounts held by the debtor in a particular bank on the day on which the fee is levied, in accordance with the data in the Single Register of Accounts.

The fee for the provision of data, copies and certificates from the Record of the order of enforcement instruments is paid by the applicant in advance on the basis of a payment request. The person who submits an application to FINA must provide evidence of payment, after which that person receives the requested data and copies, and an invoice is issued for the service provided.

FINA charges for consultation and provision of data from the Single Register of Accounts by levying a fee for the consultation of data using a web or online service, or a fee for the provision (or downloading) of data from the Single Register of Accounts in electronic form or on paper.

FINA adopts the price list, containing the amounts of fees, on the basis of a decision of its Board of Management, and the Ministry of Finance approves the proposed price list. The price list is published on FINA's official website. VAT is charged on all fees in the price list.

Link to [extract from FINA's price list](#) – fees for the performance of tasks specified in the Implementation of Enforcement with respect to Funds Act.

**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**

For the enforcement of a Preservation Order, FINA and the banks charge the fees set out in Article 43 of the Regulation on the basis of the Rules. FINA charges a fee for the provision of data, copies and certificates from the Record or data on the account. The amounts of the fees are laid down in Article 8 of the Rules.

The amounts of the fees indicated in Article 3 of the Rules have been set as follows:

Ser. No	Description of service	Basis for calculation	Amount in HRK
	<i>Enforcement with respect to funds</i>		
1.	Examination of the possibility of enforcing an enforcement instrument	enforcement instrument	65.00
2.	Calculation of interest	principal	7.00
3.	Enforcing an enforcement instrument		
3.1.	One-time recovery of the whole amount from funds deposited in a single bank	enforcement instrument	17.00
3.2.	One-time recovery of the whole amount from funds deposited in several banks	enforcement instrument	39.00
3.3.	Enforcement in the event of preservation of an account and a ban on access to funds	enforcement instrument	110.00
4.	Provision of data, copies and certificates from the Record.		
4.1.	– on paper	page	43.00
4.2.	– in file form	syllable	0.20 min. 21.00

Value-added tax is charged on fees under point 4 of this paragraph.

The amounts of the fees indicated in Article 7 of the Rules have been set as follows:

Ser. No	Description of service	Basis for calculation	Amount in HRK
	<i>Consultation and provision of data from the Single Register of Accounts</i>		
1.	Consultation of data through the Agency's <i>website</i> and <i>online</i> services		
1.1.	– consultation	enquiry	0.80
1.2.	– consultation of subsections	syllable	0.20
2.	Consultation of data through the Agency's <i>website</i>		
2.1.	– half-yearly subscription	user	298.37
2.2.	– annual subscription	user	498.37
3.	Downloading		
3.1.	– from the Agency's <i>website</i>	syllable	0.10
3.2.	– through the Agency's <i>online</i> services	syllable	0.10
3.3.	– through CD-based service	syllable	0.10
4.	Consultation of data		
4.1.	– on paper	each new page	19.51
4.2.	– in file form	syllable	0.20 min. 19.51

Value-added tax is charged on fees under this paragraph.

Article 5(1) of these Rules states that fees for enforcement are to be divided between FINA and the banks which FINA, in a procedure pursuant to an enforcement instrument, ordered to carry out the recovery of amounts due, with FINA to receive 55% of each fee, and the banks 45%.

In proceedings for obtaining a Preservation Order or a remedy against a Preservation Order, a court fee based on the value of the application is to be paid, in accordance with the Court Fees Act (NN, Nos 74/95, 57/96, 137/02, 125/11, 112/12, 157/13 and 110/15; hereinafter 'ZSP') - cf. the notification in connection with Article 50(1)(n) of the Regulation.

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

The ranking under Article 32 of the Regulation is governed by Article 78 OZ, which provides that, where several creditors bring monetary claims against the same debtor and for the same object of enforcement, those claims are to be settled in the order in which the creditors acquired the right to settlement from that object, unless the law provides otherwise.

The order of priority of the security interests of several creditors is determined on the basis of the date of receipt of the Preservation Order (Article 180 OZ) – link: <https://narodne-novine.nn.hr/>

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

The body competent for ruling on an application from a debtor for revocation or modification of a Preservation Order, as referred to in Article 33 of the Regulation, is the Croatian court which issued the Preservation Order.

The body competent for ruling on an application by a debtor for the enforcement of a Preservation Order in the Republic of Croatia to be limited or terminated, as referred to in Article 34(1) and (2) of the Regulation, is:

Zagreb Municipal Civil Court  
Ulica grada Vukovara 84  
10000 Zagreb.

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

The court with competence for ruling on an appeal against a decision of the court of first instance, as referred to in Article 37 of the Regulation, in connection with Articles 33, 34 and 35 of the Regulation, is the higher court which was competent for ruling on the appeal against the decision on security (county courts or the High Commercial Court of the Republic of Croatia — Articles 34a and 34c of the Civil Procedure Act (ZPP), in connection with Article 21(1) OZ).

An appeal is to be brought within eight days of the date of service of the decision (Article 11 OZ) and is to be submitted through the court which adopted the decision (Article 357 ZPP).



Article 2(1)(9) OZ states that the expression 'decision on security' means a decision granting, wholly or in part, a proposal for security or ordering security *ex officio*.

#### **Article 50(1)(n) – Court fees**

In proceedings to obtain a Preservation Order or a remedy against an Order, as referred to in Article 42 of the Regulation, court fees are payable on the basis of the value of the application, as follows:

on an application for a Preservation Order as a proposal for security

on a decision on an application for a Preservation Order as a decision on security

on submissions as referred to in Article 364b(2) to (5) OZ as appeals against a decision on security.

Unless stipulated otherwise, the obligation to pay a fee is incurred at the time when a proposal for enforcement of a Preservation Order or an appeal is presented, as laid down by Article 4 ZSP.

Court fees may be calculated for each individual operation, depending on the value of the subject of the dispute, in accordance with the following table:

Over	Up to HRK	HRK
0.00	3 000.00	100.00
3 000.00	6 000.00	200.00
6 000.00	9 000.00	300.00
9 000.00	12 000.00	400.00
12 000.00	15 000.00	500.00
Over HRK 15 000.00 a fee of HRK 500.00 is to be paid, plus 1% of the amount over HRK 15 000.00, up to a maximum of HRK 5 000.00.		

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

Not applicable.

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Obs. Nyligen ändrades ursprungsversionen på [it](#) av den här sidan. Våra översättare håller på att översätta den nya sidan till svenska.

#### **European Account Preservation Order - Italy**

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

The court of the district in which the authentic act was drawn up, presided over by a single judge.

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

The president of the court of the district in which the domicile or place of abode of the debtor is located, or the registered office of the debtor in the case of a legal person. If the debtor has no residence, domicile or place of abode in Italy or, if a legal person, is not established in Italy, the competent authority is the president of the court of Rome.

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

Italian law provides that the information authority may have access to information held in public archives in order to obtain information on bank accounts.

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

The court, sitting as a bench, where the judge who issued the preservation order presides.

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

The receipt, transmission and notification or serving of documents is the responsibility of:

(a) the officer of the court in the circumstances described in Article 23(5) of the Regulation;

(b) the registry of the court that issued the preservation order in the circumstances covered by Articles 10(2), 23(3) and (6), 25(3) and 36(5) of the Regulation;

(c) the registry of the court responsible for enforcement in the case provided for in Article 27(2) of the Regulation;

(d) the registry of the court of the place where the debtor is domiciled in the circumstances provided for in Article 28(3) of the Regulation.

If the preservation order was issued in another Member State in the circumstances referred to in Articles 10(2), 23(3), 23(6) or 25(3), the competent court is the ordinary court responsible for enforcing the preservation order (see Article 50(f)).

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

The ordinary court of the third party's place of residence (Article 678 of the Code of Civil Procedure) which acts in accordance with the rules on expropriation from third parties.

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

Joint accounts and nominee accounts with more than one account-holder may be subject to a preservation order only in proportion to the share of the debtor.

The shares of the account-holders are presumed to be equal, unless there is proof to the contrary.

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

Exempt from seizure, pursuant to the combined provisions of Articles 545 and 671 of the Code of Civil Procedure, are:

(a) maintenance payments, unless for purposes of maintenance, but only with the authorisation of the president of the court or a judge delegated by them and only for a share to be determined by court order;

(b) charitable or subsistence allowances to persons classed as poor and payments for maternity, sickness or funeral costs owed by insurance funds, social security bodies and charitable institutions;

(c) the sums owed by private persons by way of wages, salaries or other payments related to the employment relationship, including those owed for redundancy, may be attached for maintenance payments to the extent authorised by the president of the court or by a judge delegated by them; up to a fifth of these sums may be attached; simultaneous seizures resulting from a combination of the grounds cited previously may not account for more than half of these sums;

(d) an annuity, if constituted free of charge, where there is provision that it should not be subject to attachment or seizure beyond the limit of the essential needs of the creditor;

(e) the sums payable by an insurer to the policyholder or beneficiary of an insurance, subject, with respect to the premiums paid, to the provisions on the revision of acts detrimental to creditors and to the collation, charging and reduction of gifts;

(f) sums owed for pensions, allowances that serve as pensions or other retirement benefits, with the stipulation that of these sums no more than an amount corresponding to the maximum amount of the monthly social allowance, plus one half, may be attached and that the share in excess of that amount may be attached within the limits laid down in points (c) and (d);

(g) special funds for welfare and assistance set up by the entrepreneur, including without employee contributions, where these concern payments made by the entrepreneur's creditors or workers.

There is also provision that sums due by way of wages, salaries and other payments related to employment or work, including those for redundancy and for pensions, and allowances that serve as pensions or other retirement benefits, may, when credited to a bank or post office account in the name of the debtor, be subject to attachment for an amount in excess of three times the social allowance, where the crediting of the account takes place before the attachment; where the crediting takes place on or after the date of attachment, these sums may be subject to attachment within the limits laid down in paragraphs (3), (4), (5) and (7) and in the special provisions of the Law.

It is up to the debtor to show that the claim is exempt from preservation.

#### **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**

As a general rule, the custodian of assets subject to a preservation order, i.e. a bank in the case of a bank account, is authorised to ask for compensation for safekeeping and conserving the assets; the compensation is established according to the rates in force or those usually applied, together with reimbursement of documented costs essential to the conservation of the assets. These costs include the costs incurred in notifying the declaration referred to in Article 25 of the Regulation.

The party responsible for payment (provisionally) is the applicant. It is for the court to identify the party ultimately responsible for payment.

The provision of information on accounts pursuant to Article 14 does not justify the charging of fees by banks. Banks are required by law to update the archives which, in Italy, are consulted to obtain information on bank accounts pursuant to Article 14 of the Regulation.

#### **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**

Without prejudice to the court fees due pursuant to Article 42 of Regulation (EU) No 655/2014, the processing and enforcement of a preservation order applied for in Italy entails the payment of charges for the extraction of copies of judicial proceedings and of fees payable to officers of the court for the serving of documents.

The charges for copies are established on the basis of the table in Annex 7 to Presidential Decree No 115 of 30 May 2012 – 'Consolidated legal provisions and regulations on legal costs'.

With regard to fees payable for the serving of documents, a distinction should be drawn according to whether the documents are served by the officer of the court directly to the recipient or whether they are served by post. In the first case, a travel allowance must be paid to the officer of the court pursuant to Article 27 of the abovementioned consolidated provisions, calculated in accordance with Article 35 thereof and taking into account the benchmarks updated annually by decree of the Ministry of Justice. In the second case, instead of an allowance, delivery costs must be reimbursed. In both cases — i.e. personal notification of the recipient and postal notification — a fee provided for in Article 27 of the consolidated provisions, and calculated on the basis of Article 34, is also due. Where the notification is urgent, both the fee and the allowance are increased in accordance with Article 36 of the consolidated provisions.

See Articles mentioned above and Annex 7 to Presidential Decree No 115/2014 under the following [link](#)

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

There is no ranking of national orders.

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

The court presided over by a single judge.

#### **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 to the ordinary court, sitting as a bench, is authorised against a judgment under Articles 33, 34 and 35 of the Regulation. The time limit for appeal is fifteen days and starts with the court's issuing of the order, or the communication or serving thereof, if earlier.

#### **Article 50(1)(n) – Court fees**

(A) The court fees for obtaining a preservation order vary depending on the value of the claim and the instance of the court proceedings according to when the preservation order was requested:

(a) for claims up to EUR 1 100 the costs are as follows: EUR 21.50 if the court proceedings are at first instance; EUR 32.25 if the court proceedings go to appeal; EUR 43 in the case of appeal in cassation;

(b) for claims between EUR 1 100 and EUR 5 200 the costs are as follows: EUR 49 if the court proceedings are at first instance; EUR 73.50 if the court proceedings go to appeal; EUR 98 in the case of appeal in cassation;

(c) for claims between EUR 5 200 and EUR 26 000 the costs are as follows: EUR 118.50 if the court proceedings are at first instance; EUR 177.75 if the court proceedings go to appeal; EUR 237 in the case of appeal in cassation;

(d) for claims between EUR 26 000 and EUR 52 000 the costs are as follows: EUR 259 if the court proceedings are at first instance; EUR 388.50 if the court proceedings go to appeal; EUR 518 in the case of appeal in cassation;

(e) for claims between EUR 52 000 and EUR 260 000 the costs are as follows: EUR 379.50 if the court proceedings are at first instance; EUR 569.25 if the court proceedings go to appeal; EUR 759 in the case of appeal in cassation;

(f) for claims between EUR 260 000 and EUR 520 000 the costs are as follows: EUR 607 if the court proceedings are at first instance; EUR 910.50 if the court proceedings go to appeal; EUR 1 214 in the case of appeal in cassation;

(g) for claims over EUR 520 000 the costs are as follows: EUR 843 if the court proceedings are at first instance; EUR 1 264.50 if the court proceedings go to appeal; EUR 1 686 in the case of appeal in cassation.

(h) for claims of undetermined value the costs are as follows: EUR 259 if the court proceedings are at first instance; EUR 388.50 if the court proceedings go to appeal; EUR 518 in the case of appeal in cassation; However, for cases within the exclusive jurisdiction of the justice of the peace under Article 7 of the Code of Civil Procedure the costs shall be: EUR 118.50 if the court proceedings are at first instance; EUR 177.75 if the court proceedings go to appeal; EUR 237 in the case of appeal in cassation.

In addition to the costs referred to above, if the order is requested before the start of court proceedings on the merits of the case, a flat-rate advance of EURO 27 for the costs of notification is payable for each procedure.

(B) The court fees for an appeal against a preservation order are EUR 147 in all cases.

In addition to these costs, if the order is requested before the start of the main court proceedings, a flat-rate advance of EURO 27 for the costs of notification is payable for each procedure.

The costs are to be paid at the start of proceedings, when the appeal is lodged.

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

Only translations into Italian will be accepted.

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#### **European Account Preservation Order - Cyprus**

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

The courts competent to issue the preservation order are the district courts (*eparchiaká dikastíria*).

###### **District Court of Nicosia**

Address: Charalambou Mouskou, 1405 Nicosia, Cyprus

Tel.: +357 22865518

Fax: +357 22304212/22805330

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

###### **District Court of Limassol**

Address: Leoforos Lordou Byronos 8, P.O. Box 54619, 3726 Limassol, Cyprus

Tel.: +357 25806100/25806128

Fax: +357 25305311

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

###### **District Court of Lamaca**

Address: Leoforos Artemidos, 6301 Larnaca P.O. Box 40107, Cyprus

Tel.: +357 24802721

Fax: +357 24802800

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

###### **District Court of Paphos**

Address: Corner of Odos Neophytou and Odos Nikou Nikolaidi, 8100 Paphos, P.O. Box 60007, Cyprus

Tel.: +357 26802601

Fax: +357 26306395

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

###### **District Court of Famagusta**

Address: Sotiras 2, Megaro Tzivani, 5286 Paralimni, Cyprus

Tel.: +357 23730950/23742075

Fax: +357 23741904

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

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

The authority designated as competent to obtain account information is the Central Bank.

Contact details:

Postal address:

Central Bank

John Kennedy Avenue 80

1076 Nicosia

Cyprus

or P.O. Box 25529, 1395 Nicosia

Tel.: +357 22714100

Fax: +357 22714959

Email: [cbcinfo@centralbank.gov.cy](mailto:cbcinfo@centralbank.gov.cy)

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

The information is provided by the banks or credit institutions to the information authority defined in Article 6(2A) of the Central Bank of Cyprus Laws of 2002 to 2017, namely the Central Bank of Cyprus (Article 14(5)(a) of Regulation (EU) No 655/2014).

##### **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 of a district court may be lodged with the Supreme Court.

###### **Supreme Court**

Address: Charalambou Mouskou, 1404 Nicosia, Cyprus

Tel.: +357 22865741

Fax: +357 22304500

Email: [chief.reg@sc.judicial.gov.cy](mailto:chief.reg@sc.judicial.gov.cy)

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

The authority competent for carrying out the above is the Ministry of Justice and Public Order.

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

The authority competent to enforce the order pursuant to Article 23(2) of Regulation (EC) No 655/2014 is the bailiff (*dikastikós epidótis*).

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

There is no national legislation governing the question of the preservation of joint and nominee accounts in civil and commercial cases. A party wishing to preserve such an account makes the appropriate application to the court, and it is the court, under its more general powers, that orders - or does not order - the preservation of part or all of the amount, having regard to all the circumstances of the case.

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

There are no specific rules regulating and exempting such amounts in civil and commercial cases, except for amounts that are preserved on the basis of criminal proceedings, which are exempted from preservation and attachment for the purpose of collecting tax due under Article 9(B) of the Tax Collection Laws of 1962 and 2014 and paragraph 13 of Annex X to the Value Added Tax Laws of 2000 to 2014 .

#### **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**

There is no specific provision based on national law prohibiting the charging of such fees by banks that impose them on account holders.

#### **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**

There are no costs.

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

There is no provision.

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

District courts, as with Article 50(1)(a)

#### **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 of a district court can be brought before the Supreme Court (Article 21) within 42 days, as provided for in Order 35(2) of the Rules of Civil Procedure. An appeal against an interim decision has to be made within 14 days from the date of issue of the interim decision

#### **Article 50(1)(n) – Court fees**

The detailed costs can be found by clicking on the [following link](#), at pages 19-30.

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

In addition to Greek, translation of the documents into English is accepted.

Last update: 04/03/2024

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### **European Account Preservation Order - Latvia**

#### **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 64423 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 64425 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 64430 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, 64432 and 64433 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 64433 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 (23) and 64432 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 64434 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 64435 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, 64434 and 64435 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)(71) 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.

Last update: 19/02/2024

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### **European Account Preservation Order - Lithuania**

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

Under Article 3118(5) of the Law, an application under Article 6(4) of the Regulation to obtain a European Account Preservation Order should be submitted to the local district court of the authority that issued the authentic instrument.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

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

Under point 1 of Lithuanian Government Resolution No 964 of 28 September 2016, the information referred to in Article 14 of the Regulation is provided to the court considering the application for a European Account Preservation Order by the State Tax Inspectorate under the Ministry of Finance (Vasario 16-osios g. 14, Vilnius; tel.: +370 5 266 8200; email: [vmi@vmi.lt](mailto:vmi@vmi.lt)). This Resolution will enter into force on 18 January 2017.

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

The State Tax Inspectorate under the Ministry of Finance will use the method of obtaining account information provided for in Article 14(5)(b) of the Regulation, i.e. obtaining information on the bank accounts held by the debtor in banks operating in Lithuania from the Tax Accounting Information System.

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

Under Article 3122(1), in the case referred to in Article 21(1) a separate appeal may be lodged with the appeal court. Articles 334-339 of the Lithuanian Code of Civil Procedure set out the procedure for the submission and examination of a separate appeal. There is no right of appeal in cassation against rulings handed down by the appeal court after examination of the separate appeal.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

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

Under Article 3121(3) of the Law, the receipt, transmission and service of procedural documents as referred to in Article 4(14) of the Regulation is performed by a bailiff.

The list of bailiffs in Lithuania can be found via the following link: <https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

Under Article 3123 of the Law, in the case described in Article 28(3) of the Regulation where the debtor is domiciled in Lithuania and Lithuania is not the Member State of enforcement, procedural documents are to be served on the debtor according to the procedure laid down in Article 3 and Article 33(2) and (4) of the Law. In this case, the competent institution for receiving requests from other Member States for service of documents is the Lithuanian Chamber of Bailiffs (Konstitucijos pr. 15, LT-09319 Vilnius; tel. +370 5 275 0067, +370 5 275 0068; email [info@antstoliurumai.lt](mailto:info@antstoliurumai.lt)). The Lithuanian Chamber of Bailiffs organises and coordinates the service of documents and their transmission for enforcement by bailiffs.

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

Under Article 3121(3) of the Law, the European Account Preservation Order is enforced by the bailiff. The bailiff also performs the activities laid down in Article 24(4) and Article 25(1), (2) and (4).

The list of bailiffs in Lithuania can be found via the following link: <https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

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

Main rules under national law:

1. Under Article 667 of the Lithuanian Code of Civil Procedure, if the share of property belonging to the debtor that is commonly owned with other persons has not been established, a bailiff shall distrain and attach the common property and suggest to the party seeking enforcement, and where necessary also the participants in the common ownership, that a court be petitioned to establish the debtor's share of the property held in common ownership with other persons. If said petition is not filed within the deadline set by the bailiff, the bailiff shall terminate recovery from this property. A new attempt at recovery from this property under the same enforceable instruments may take place no earlier than one year after the day the recovery from this property was terminated. The debtor's share held in common ownership shall be determined by a court ruling. After the court ruling establishing the debtor's share of the property held in common ownership becomes *res judicata*, recovery shall take place from the debtor's share of the property. A party seeking enforcement shall be entitled to demand that the debtor's share be established so that it is possible to recover from it.

2. Each time an account is preserved, an attempt is made to identify the owner of the funds in the account. The account may be preserved if the funds in the account belong to the debtor.

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

Main rules under national law:

1. Under Article 668 of the Lithuanian Code of Civil Procedure, recovery may not take place from an amount of money not exceeding the minimum wage for one month as established by the Lithuanian Government<sup>[1]</sup>. Furthermore, recovery may not take place from funds received in the form of EU or other international financial aid or co-financing for the implementation of a supported project during the implementation of the project and the project's mandatory period of operation, as laid down in EU legislation or international agreements entered into by Lithuania. This prohibition does not apply if the funds are recovered at the request of the institution monitoring the implementation of the supported project because the funds were spent in violation of EU law, Lithuanian law, international agreements or the agreements granting the funds.

2. Under Article 738 of the Lithuanian Code of Civil Procedure, recovery may take place from social security benefits for sickness or unemployment only in accordance with a court decision on the recovery of maintenance payments or a court decision on compensation for damage to health by mutilation or other injury, or for the loss of a breadwinner.

3. Under Article 739 of the Lithuanian Code of Civil Procedure, recovery may not take place from amounts belonging to the debtor in the form of: (1) compensatory payments for wear and tear to a worker's tools and other forms of compensation for deviations from normal working conditions; (2) sums paid to a worker travelling on official business, or transferred, employed or seconded to another location; (3) State social security maternity or paternity benefits; (4) child benefits paid under the Lithuanian [Law on Child Benefits](#); (5) a funeral allowance; (6) benefits paid under the Lithuanian Law on State Social Assistance Benefits, and other targeted social benefits, allowances or payments from State or municipal budgets for low-income families and social support for individuals; (7) redundancy benefits.

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[1] As of 1 January 2016, the minimum monthly wage is EUR 350.

#### **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**

Banks are not entitled to charge fees – enforcement actions are carried out by bailiffs.

#### **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**


Main rules under national law:

1. Under Article 609 of the Lithuanian Code of Civil Procedure, the enforcement costs incurred by bailiffs consist of: (1) administrative costs associated with enforcement proceedings that are necessary to perform the activities essential to any enforcement proceedings; (2) additional administrative costs associated with enforcement proceedings incurred in carrying out other activities in a specific enforcement case; (3) the bailiff's fee for enforcing statutory enforcement documents. The amount of enforcement costs and the procedure for their calculation and payment are set out in the Instructions on the enforcement of decisions adopted by Order No 1R-352 of the Minister for Justice of 27 October 2005 (hereinafter 'the Instructions') (version introduced by Order No 1R-265 of 14 November 2011).

Point 123 of the Instructions lays down that enforcement of the European Account Preservation Order is to include the costs of enforcement referred to in point 7 of table 2 of the Instructions, as well as the additional costs incurred in carrying out the individual actions in the enforcement proceedings.

[Instructions](#) on the enforcement of decisions.

2. Under point 5 of the procedure for the taxation of service of judicial and extrajudicial documents in civil or commercial matters adopted by Order No 1R-16 of the Minister for Justice of 20 January 2016 (version introduced by Order No 1R-312 of 9 December 2016), the fee for the service of documents in Lithuania is EUR 110 if the service of the documents and their transmission for enforcement by bailiffs is organised and coordinated by the Lithuanian Chamber of Bailiffs.

 **Description** of the procedure for the service of judicial and extrajudicial documents received from abroad in civil or commercial matters and for the taxation of this service.

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

Main rules under national law:


1. Under Article 626(3) of the Lithuanian Code of Civil Procedure, recovery from property is not stayed if the property is attached or ownership rights to the property are temporarily restricted to secure the claims of creditors of equal or higher priority. In this case, recovery from the attached property or funds takes place according to the procedure set out in the Instructions on the enforcement of decisions.
2. Under Article 754 of the Lithuanian Code of Civil Procedure, there is no specific priority for the satisfaction of claims of mortgage providers and pledge holders from the pledged property. First priority is given to the satisfaction of claims for the recovery of maintenance and claims for compensation for damages resulting from mutilation or other injury and for damages arising from the loss of a breadwinner. Second priority is given to the satisfaction of employees' claims arising under employment relationships. The satisfaction of all other claims takes third priority. If the recovered amount is not sufficient to satisfy in full all claims of a given priority, the claims are satisfied proportionately to the amount owed to each party seeking recovery.

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

Under Article 3122 of the Law, an application for the legal remedies referred to in Article 33 of the Regulation that apply in the Member State of origin should be submitted to the court that issued the European Account Preservation Order.


An application for the legal remedies referred to in Article 34 of the Regulation (except for Article 34(1)(a)) that apply in the Member State of enforcement should be submitted to the local district court of the bailiff's office that is enforcing or has enforced the European Account Preservation Order.

An application for the legal remedy referred to in Article 34(1)(a) of the Regulation that applies in the Member State of enforcement should be submitted to the bailiff that is enforcing or has enforced the European Account Preservation Order.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters. The list of bailiffs in Lithuania can be found via the following link:  <https://www.antstoliurumai.lt/lt/antstoliu-paieska>.

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

Under Article 3122 of the Law, a separate appeal may be lodged against a court ruling on the legal remedies referred to in Articles 33 and 35 of the Regulation that apply in the Member State of origin and the legal remedies referred to in Article 34 and 35 of the Regulation (except for Article 34(1)(a) and Article 35(3)) that apply in the Member State of enforcement. Under Article 335(1) of the Lithuanian Code of Civil Procedure, separate appeals must be lodged with the appeal court through the court whose ruling is being appealed within seven days of the day the ruling was handed down. If the court ruling being appealed was handed down by written procedure, a separate appeal may be lodged within seven days of the day the copy of the ruling was served. There is no right of appeal in cassation against rulings handed down by the appeal court after examination of the separate appeal.

An appeal against the actions of the bailiff concerning the legal remedies referred to in Article 34(1)(a) and Article 35(3) that apply in the Member State of enforcement may be lodged with the local district court of the bailiff's office. The rules set out in Article 593(1) to (4) of the Lithuanian  [Code of Civil Procedure](#) apply *mutatis mutandis* to the submission and examination of this appeal. There is no deadline for submission of an appeal and there is no right of appeal against the court ruling on the bailiff's actions.

Up-to-date information on the Lithuanian courts and their contact details can be found in the European Judicial Atlas in Civil Matters.

#### **Article 50(1)(n) – Court fees**

Under Article 3119 of the Law, a court fee is payable when an application is made to the court to obtain a European Account Preservation Order or the legal remedies set out in Chapter 4 of the Regulation. The fee corresponds to the court fee for an application for interim measures or for a separate appeal against a ruling on interim measures, if any.

Current Lithuanian law does not specify a court fee payable for an application for interim measures. Under Article 80(2) of the Lithuanian Code of Civil Procedure, a court fee of EUR 28 is payable for a separate appeal against a ruling on interim measures.

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

The language accepted for translations of the documents is Lithuanian.

Last update: 07/04/2023

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### **European Account Preservation Order - Luxembourg**

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

(1) For claims of less than or equal to EUR 15 000, the justice of the peace (*judge de paix*) has jurisdiction:

Justice de paix de Luxembourg

Cité Judiciaire, Bâtiment JP, Plateau du Saint-Esprit

L-2080 Luxembourg

Justice de paix d'Esch-sur-Alzette

Place Norbert Metz

L-4006 Esch-sur-Alzette

Justice de paix de Diekirch

Bei der Aaler Kiirch,

L-9201 Diekirch

(2) For claims of more than EUR 15 000, the President of the district court (*Président du tribunal d'arrondissement*) has jurisdiction:

Tribunal d'arrondissement du Luxembourg

Cité Judiciaire, Bâtiment TL, CO, JT;

Plateau du Saint-Esprit;

L-2080 Luxembourg

Tribunal d'arrondissement de Diekirch

Palais de Justice

Place Guillaume

L-9237 Diekirch

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

The authority competent to obtain account information is the Financial Sector Supervisory Commission (*Commission de Surveillance du Secteur Financier*).

Commission de Surveillance du Secteur Financier  
283, route d'Arlon  
L-1150 Luxembourg  
Tel. +352 26251-1  
Fax: +352 26251-2601  
Email: [direction@cssf.lu](mailto:direction@cssf.lu)

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

The method of obtaining account information is set out in Article 14(5)(a), i.e.:

'an obligation on all banks in its territory to disclose, upon request by the information authority, whether the debtor holds an account with them;'

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

- The President of the district court or the judge replacing them, sitting as in urgent proceedings (*siégeant comme en matière de référé*), has jurisdiction to hear appeals against decisions of the justice of the peace:

Tribunal d'arrondissement du Luxembourg

Cité Judiciaire, Bâtiment TL, CO, JT;

Plateau du Saint-Esprit;

L-2080 Luxembourg

Tribunal d'arrondissement de Diekirch

Palais de Justice

Place Guillaume

L-9237 Diekirch

- The court of appeal (*Cour d'appel*), sitting as in urgent proceedings, has jurisdiction to hear appeals against decisions of the President of the district court:  
Cour d'appel

Cité Judiciaire, Bâtiment CR,

Plateau du Saint-Esprit

L-2080 Luxembourg

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

Bailiffs (*huissiers de justice*) are the competent authority.

You can search for a bailiff on this site: [Bailiffs Association of Luxembourg](#) (*Chambre des huissiers de justice de Luxembourg*)

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

Bailiffs (*huissiers de justice*) are the competent authority.

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

A joint account (*compte joint*) may, in principle, be subject to preservation (*saisie conservatoire*) under Luxembourg law.

Joint accounts operate according to the principle governing joint and several creditors (*solidarité active*).

Article 693 of the New Code of Civil Procedure (*Nouveau Code de Procédure Civile*) and Article 1197 of the Civil Code (*Code Civil*) apply.

The provisions of the New Code of Civil Procedure and the Civil Code are available on the [LEGILUX](#) website.

A nominee account (*compte de mandataire*) is, in principle, ineligible for preservation under Luxembourg law. There are no specific rules in this area.

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

Article 717 of the New Code of Civil Procedure states that:

'The following shall be ineligible for seizure:

(1) items declared by law to be ineligible for seizure;

(2) maintenance payments (*provisions alimentaires*) awarded by a court;

(3) available sums and items declared ineligible for seizure by a testator (*testateur*) or donor (*donateur*);

(4) sums and allowances for maintenance (*sommes et pensions pour aliments*), even where a will (*testament*) or deed of gift (*acte de donation*) does not declare them ineligible for seizure.'

As regards '(1) items declared by law to be ineligible for seizure', Article 33 of the amended Law of 28 July 2018 on social inclusion income (*loi modifiée du 28 juillet 2018 relative au revenu d'inclusion sociale*) and the grand-ducal regulation of 27 September 2016 setting the rates for assignment and attachment of salaries, pensions and annuities (*règlement grand-ducal du 27 septembre 2016 fixant les taux de cessibilité et de saisissabilité des rémunérations de travail, pensions et rentes*) apply.

These amounts are exempted without any request from the debtor.

#### **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**

In principle, a banker may deduct from the amount preserved the costs they had to incur in order to meet the legal obligations relating to preservation.

#### **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**

Bailiffs' rates are set out in the amended Law of 4 December 1990 on the organisation of bailiffs (*loi modifiée du 4 décembre 1990 portant organisation du service des huissiers de justice*) and by the amended grand-ducal regulation of 24 January 1991 setting rates for bailiffs (*règlement grand-ducal modifié du 24 janvier 1991 portant fixation du tarif des huissiers de justice*).

The relevant provisions are available on the LEGILUX website:

- Amended Law of 4 December 1990 on the organisation of bailiffs:

<https://legilux.public.lu/eli/etat/leg/loi/1990/12/04/n3/jo>

- Grand-ducal regulation of 24 January 1991 setting rates for bailiffs:

<https://legilux.public.lu/eli/etat/leg/rgd/1991/01/24/n2/consolide/20211002>

The consolidated version was updated on 2 October 2021. Article 16 of the amended grand-ducal regulation of 24 January 1991 was amended by the grand-ducal regulation of 21 June 2023. <https://legilux.public.lu/eli/etat/leg/rgd/2023/06/21/a356/jo>.

A single fixed fee of EUR 165 is charged for the service of judicial and extrajudicial documents in civil or commercial matters, on the basis of Regulation (EU) No 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast).

Fees and remuneration:



The provisions of the amended grand-ducal regulation of 21 March 1974 on the fees and remuneration payable to solicitors and lawyers (*règlement grand-ducal modifié du 21 mars 1974 concernant les droits et émoluments alloués aux avoués et aux avocats*) apply.

The relevant provisions are available on the LEGILUX website:

[Grand-ducal regulation of 21 March 1974 on the fees and remuneration payable to solicitors and lawyers](#) - Legilux (public.lu)

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

Not applicable.

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

- Article 33 (appeal against the order itself):

The court with jurisdiction to grant an appeal is:

- either the justice of the peace, sitting as in urgent proceedings
- or the President of the district court or the judge replacing them, sitting as in urgent proceedings (see Article 50(1)(a))
- Article 34 (appeal against enforcement of the order):
- either the justice of the peace, sitting as in urgent proceedings
- or the President of the district court or the judge replacing them, sitting as in urgent proceedings

The rules of jurisdiction *ratione valoris* contained in the New Code of Civil Procedure apply. They correspond to the rules of jurisdiction *ratione valoris* set out under the heading on Article 50(1)(a), above.

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

- The President of the district court or the judge replacing them, sitting as in urgent proceedings, has jurisdiction to hear appeals against decisions of the justice of the peace.
- The court of appeal, sitting as in urgent proceedings, has jurisdiction to hear appeals against decisions of the President of the district court.
- Time limit: 15 days.
- Beginning of the time limit: the date on which service is effected.

#### **Article 50(1)(n) – Court fees**

In Luxembourg, court fees are called 'fees and expenses' (*frais et dépens*).

According to case law, the 'expenses' referred to in Article 238 of the New Code of Civil Procedure in principle cover lawyers' expenses, bailiffs' fees, experts' fees, any allowances paid to witnesses, translation costs, etc., but not lawyers' fees. The New Code of Civil Procedure is available on the LEGILUX website.

[http://legilux.public.lu/eli/etat/leg/code/procedure\\_civile](http://legilux.public.lu/eli/etat/leg/code/procedure_civile)

#### Bailiffs' fees:

Bailiffs' rates are set out in the amended Law of 4 December 1990 on the organisation of bailiffs and the amended grand-ducal regulation of 24 January 1991 setting rates for bailiffs.

The relevant provisions are available on the LEGILUX website:

- Amended Law of 4 December 1990 on the organisation of bailiffs:

<http://legilux.public.lu/eli/etat/leg/loi/1990/12/04/n3/jo>

- Amended grand-ducal regulation of 24 January 1991 setting rates for bailiffs:

<https://legilux.public.lu/eli/etat/leg/rgd/1991/01/24/n2/consolide/20211002>

The consolidated version was updated on 2 October 2021. Article 16 of the amended grand-ducal regulation of 24 January 1991 was amended by the grand-ducal regulation of 21 June 2023: <https://legilux.public.lu/eli/etat/leg/rgd/2023/06/21/a356/jo>.

Article 16 of the amended Law of 4 December 1990 on the organisation of bailiffs provides the method of remuneration and states that the relevant details are to be determined by grand-ducal regulation:

*'Bailiffs' services shall be remunerated at either a fixed or an hourly rate.*

*A grand-ducal regulation lays down the rate for services and the duration and hourly rate payable.*

*The district court, civil chamber, shall decide on the taxation of fees and expenses in the event of a dispute.'*

The grand-ducal regulation of 24 January 1991 setting rates for bailiffs has been amended several times.

The consolidated version of the grand-ducal regulation can be consulted on the LEGILUX website:

<https://legilux.public.lu/eli/etat/leg/rgd/1991/01/24/n2/consolide/20211002>

The consolidated version was updated on 2 October 2021. Article 16 of the amended grand-ducal regulation of 24 January 1991 was amended by the grand-ducal regulation of 21 June 2023. <https://legilux.public.lu/eli/etat/leg/rgd/2023/06/21/a356/jo>

The consolidated version was updated on 2 October 2021.

The aforementioned grand-ducal regulation sets out the fees charged by bailiffs. These include the basic rate (Articles 2-5), travel expenses (Articles 6 and 7), other duties such as the collection charge or advance charge (Articles 8 to 11), expenses actually incurred (Articles 12 and 13) and increases in fixed and hourly rates (Article 15).

The average cost of serving a document is EUR 120-180 per addressee, including all taxes, unless service involves serious difficulties or the document is very large.

A single fixed fee of EUR 165 is charged for the service of judicial and extrajudicial documents in civil or commercial matters, on the basis of Regulation (EU) No 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) (Article 16 of the grand-ducal regulation of 24 January 1991).

#### Lawyers' expenses:

The provisions of the amended grand-ducal regulation of 21 March 1974 on the fees and remuneration payable to solicitors and lawyers apply.

The relevant provisions are available on the LEGILUX website:

[Grand-ducal regulation of 21 March 1974 on the fees and remuneration payable to solicitors and lawyers](#) - Legilux (public.lu)

As regards the allowances to be paid to experts, witnesses, interpreters and specialists:

the provisions of the grand-ducal regulation on court fees of 28 November 2009 (*règlement grand-ducal du 28 novembre 2009 portant fixation des indemnités et tarifs en cas de réquisition de justice*) are applicable and can be consulted on the LEGILUX website:

- [Grand-ducal regulation on court fees of 28 November 2009](#) - Legilux (public.lu)

This regulation was amended by the grand-ducal regulation of 30 December 2011:

- [Grand-ducal regulation of 30 December 2011 amending: \(1\) the grand-ducal regulation on court fees of 28 November 2009; and \(2\) the amended grand-ducal regulation of 18 September 1995 on legal aid](#) (*Règlement grand-ducal du 30 décembre 2011 modifiant : 1) le règlement grand-ducal du 28*

novembre 2009 portant fixation des indemnités et tarifs en cas de réquisition de justice; 2) le règlement grand-ducal modifié du 18 septembre 1995 concernant l'assistance judiciaire) – Legilux (public.lu)

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

The languages accepted are French and German.

Last update: 01/08/2023

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#### **European Account Preservation Order - Malta**

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

The Court competent to issue the European Account Preservation Order is the First Hall of the Civil Court.

Telephone: +356 2590 2256; Email [courts.csa@courtservices.mt](mailto:courts.csa@courtservices.mt)

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

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

The authority designated as competent to obtain account information is the Registrar, Civil Courts and Tribunals.

Telephone: +356 2590 2346/260; E-mail: [courts.csa@courtservices.mt](mailto:courts.csa@courtservices.mt)

Address: Courts of Justice, Republic Street, Valletta VLT2000, Malta

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

Under national law the method indicated in Article 14(5)(c) is available, namely the possibility for the courts to oblige the debtor to disclose with which bank or banks in its territory (s)he holds one or more accounts where such an obligation is accompanied by an in personam order by the court prohibiting the use, withdrawal or transfer by him/her of funds held in his/her account or accounts up to the amount to be preserved 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**

The Court with which an appeal against refusal to issue the European Account Preservation Order may be lodged is the Court of Appeal in its superior jurisdiction.

Telephone: +356 2590 2256/283

E-mail: [courts.csa@courtservices.mt](mailto:courts.csa@courtservices.mt)

Address: Courts of Justice, Republic Street, Valletta VLT2000, Malta

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

The authority designated as competent to receive, transmit and serve the European Account Preservation Order and other documents is the Office of the State Advocate.

Telephone: +356 22265000; E-mail: [info@stateadvocate.mt](mailto:info@stateadvocate.mt)

Address: Office of the State Advocate, Casa Scaglia, 16, Triq M.A. Vassalli, Valletta, VLT1311, Malta

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

The authority competent to issue the European Account Preservation Order is the First Hall of the Civil Court.

Telephone: +356 2590 2256; Email [courts.csa@courtservices.mt](mailto:courts.csa@courtservices.mt)

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

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

Under national law, joint or nominee accounts cannot be preserved.

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

As a general rule, under Article 381(1) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), a specific request from the debtor is required for a garnishee order to be issued on any of the following:

- (a) any salary, or wages (including bonus, allowances, overtime and other emoluments);
- (b) any benefit, pension, allowance or assistance mentioned in the Social Security Act or other allowance of any person receiving a Government pension;
- (c) any charitable grant or donation made by the Government;
- (d) any bequest expressly made for the purpose of maintenance, if the debtor has no other means of subsistence and the debt itself is not due in respect of maintenance;
- (e) any sum due for maintenance whether awarded *officio judicis*, or by public deed if the debt itself is not due in respect of maintenance;
- (f) monies which have been made available to the debtor by deed of loan for the building, construction and maintenance of houses intended as a main dwelling place for the debtor;
- (g) overdraft banking facilities excluding credit cards by means of which commercial going concerns run by the debtor are being operated;
- (h) bank guarantees and letters of credit.

##### **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 law, banks are not entitled to charge fees. There is a legal fee for the deposit of monies in the court, but this legal fee is charged to anyone asked to deposit in court monies belonging to the debtor and to the person who actually deposits the monies. This amount is deducted from the total amount of money deposited in the court, which is to be paid by the creditor.

##### **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**

Pursuant to the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), the fee for processing garnishee orders is EUR 50. Concerning enforcement, the fee is EUR 7 for each notification issued and EUR 0.35 for each copy, where necessary.

The fees must be paid at the time of filing of the application.

These are the fees to be paid to the Court for the filing and processing of the act in question. It must be noted that these fees do not include costs due to the lawyers and procurators.

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

Garnishee orders are ranked in the order in which they were filed. Once the banks are notified of the garnishee order, they deposit the amount (if money is available) indicated in that specific order in the court before proceeding to deposit subsequent amounts indicated in garnishee orders that are notified to them

at a later stage. Concerning any possible withdrawal of the amount deposited in the Court by the creditor, in the event of competition of creditors, before the money can be withdrawn competition proceedings must take place in the court at the request of the creditors themselves. This is in accordance with Articles 416 *et seq.* of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

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

The enforcement court competent to grant a remedy is the First Hall of the Civil Court

Telephone: ex +356 2590 2256

E-mail: [courts.csa@courtservices.mt](mailto:courts.csa@courtservices.mt)

Address: Courts of Justice, Republic Street, Valletta, VLT2000, Malta

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

For Preservation Orders that follow an enforceable act, the Court with which appeals are to be lodged is the Court of Appeal in its superior jurisdiction. The time limit for the submission of such appeals is six days from the date on which the decree is read out in open court, pursuant to Article 281(4) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta).

Details of the Court of Appeal:

Telephone: +356 2590 2256/283

E-mail: [courts.csa@courtservices.mt](mailto:courts.csa@courtservices.mt)

Address: Courts of Justice, Republic Street, Valletta VLT 2000, Malta

#### **Article 50(1)(n) – Court fees**

(a) The fee for issue of a garnishee order: EUR 50 + EUR 7 for each notification + EUR 0.35 for each copy, where necessary.

(b) Application pursuant to Article 836 of the Code of Organisation and Civil Procedure for issue of a counter-warrant: EUR 40 + EUR 7.20 for each notification.

(c) Counter-warrant: EUR 20 + EUR 7 for each notification + EUR 0.35 for each copy, where necessary.

Concerning applications for a remedy following the issue of a Preservation Order, the fee is EUR 20 for the application and EUR 7.20 for each notification. The fees must be paid at the time of filing of the application.

These are the fees to be paid to the Court for filing of the legal act in question. It must be noted that these fees do not include costs due to the lawyers and procurators.

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

Malta accepts Maltese and English only.

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#### **European Account Preservation Order - Austria**

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

The Vienna Inner City District Court (*Bezirksgericht Innere Stadt Wien*) is competent to issue European Account Preservation Orders, applied for before enforcement proceedings commence, for claims specified in an authentic instrument within the meaning of Article 6(4) of the European Account Preservation Regulation.

In other cases, competence lies with the court before which the enforcement proceedings in connection with which a European Account Preservation Order is to be issued are pending at the time of the first application.

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

Where proceedings for a European Account Preservation Order are pending outside Austria, the authority competent to obtain account information in Austria is the District Court with jurisdiction for the district where the debtor has his or her residence (*Wohnsitz*) or habitual residence (*gewöhnlicher Aufenthalt*).

If the debtor has no residence or habitual residence in Austria, the competent authority is the Vienna Inner City District Court (see above under Article 50(1)(a)). Contact details for Vienna Inner City District Court can be found here:

If the proceedings for the issue of a European Account Preservation Order are pending before a court inside Austria, that court is also competent to obtain account information.

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

The obligation is accompanied by an in personam order by the court. The court order must oblige the debtor to declare all domestic bank accounts. It must prohibit disposal by the debtor of funds held in the domestic bank accounts covered by the European Account Preservation Order, up to the amount to be preserved under the Order. The court order must also instruct the debtor to cancel all direct debits and standing orders on the basis of which funds are debited from the account to be preserved, in so far as they jeopardise the recoverability of the amount which is to be preserved by the European Account Preservation Order and cannot be met out of amounts not subject to preservation.

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

Decisions on any legal challenges have to be taken by the court which issued the European Account Preservation Order. Applications for such remedies must be lodged with that court (see above under Article 50(1)(a)).

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

Article 10(2), third subparagraph: The competent authority of the Member State of enforcement is the Vienna Inner City District Court.

Article 23(3): If Austria is merely the Member State of enforcement, the Vienna Inner City District Court is the competent authority to which the documents are to be transmitted.

If the order is issued in Austria, competence for transmission lies with the issuing court. The Vienna Inner City District Court is competent to issue European Account Preservation Orders applied for either before proceedings on the substance are instituted or after they are concluded with a final judgment but before enforcement commences. In other cases, competence lies with the district court (*Bezirksgericht*) or regional court (*Landesgericht*) before which the proceedings on the substance or enforcement proceedings in connection with which a European Account Preservation Order is to be issued are pending at the time of the first application.

Article 23(5) and (6) and Article 27(2): If the Account Preservation Order was issued in Austria, the authority competent for enforcement is the issuing court. (Issuing court: see answer to Article 23(3))

If the Account Preservation Order was not issued in Austria, competence for enforcement lies with the Vienna Inner City District Court.

Article 25(3): In this case, the declaration must be transmitted to the Vienna Inner City District Court.

Article 28(3): In this case, the documents must be transmitted to the Vienna Inner City District Court.

Article 36(5): In this case, the decision must be transmitted to the Vienna Inner City District Court.

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

If the Account Preservation Order is issued in Austria itself, the issuing court is also responsible for enforcement.

If the Account Preservation Order is issued in another Member State, competence for enforcement lies with the Vienna Inner City District Court.

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

If there is more than one account holder and each of them has the right to use the account individually, as in the case of an 'either to sign' account (an '*Oder-Konto*'), the claim can still be effectively preserved even if the European Account Preservation Order has been issued against only one of the account holders, because the debtor is entitled to satisfy the debt acting alone.

If the consent of all account holders is required to perform any transaction, however, as in the case of a 'both or all to sign' account (an '*Und-Konto*'), preservation is a possibility only if the European Account Preservation Order was issued against all the account holders (e.g. where there is joint liability of all account holders).

If proceedings for the issue of a European Account Preservation Order are brought against the trustee of a trust account (*Treuhandkonto*) as debtor, the settlor of the trust may enter an objection under Section 37 of the Enforcement Code (*Exekutionsordnung*). The settlor's objection will assert that while the account, being a trust, is in the ownership of the debtor, it is not to be considered part of the trustee's assets, and therefore is not part of the funds available to satisfy the creditor's claim.

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

The rules applicable to protection against seizure in furtherance of a claim are set out in Sections 290 et seq. of the Enforcement Code, and those on the associated protection of accounts in Section 292i of the same Code; they can be found at <http://www.ris.bka.gv.at/>. They are binding law.

Ongoing remuneration and pension payments are subject to preservation only to a limited extent; the size of the part of the claim that cannot be preserved ('minimum means of subsistence' (Existenzminimum)) depends on the size of the payments and the number of the debtor's maintenance obligations. These amounts, which are increased annually, are set out in tables published on the website of the Federal Ministry of Justice (<https://www.bmj.gv.at/service/publikationen/Drittschuldnererkl%C3%A4rung.html>)

The rule in Section 292i of the Enforcement Code on 'account protection' is intended to avoid the risk that after the amounts available for seizure have been deducted, the minimum means of subsistence transferred to the account might then be seized afresh. If payments are made to the debtor's account that are subject to seizure only to a limited extent, the seizure is to be suspended upon application in so far as the credit balance on the account corresponds to the part of the income not subject to seizure for the period from the seizure up to the next payment date.

There are also amounts completely exempt from seizure under Section 290 of the Enforcement Code. These include the following categories of payment:

payments of expenses where these compensate for additional expenditure actually incurred in the exercise of professional duties;

allowances and grants payable by law to cover additional expenditure arising from physical or mental disability, vulnerability or dependency on care;

amounts recovered and costs paid in respect of rights to benefits in kind, reimbursements of costs under statutory social security and compensation for expenditure on treatment costs;

statutory family allowances.

The exemption from seizure does not apply if the enforcement relates to a claim of the kind that the particular category of payment is intended to settle. The debtor must submit an application in order to obtain an exemption from the Preservation Order.

#### **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**

Banks are entitled to payment of fixed expenses of EUR 25 for implementing a European Account Preservation Order, just as they are for implementing an interim order (*einstweilige Verfügung*), which is an equivalent instrument under Austrian law.

Upon application from the bank, the court will order the creditor to refund the costs to the bank.

#### **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**

No separate fees are charged for the processing or enforcement of the Preservation Order or the provision of account information.

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

The instruments for securing claims provided for in Austrian enforcement law are basically enforcement for security (*Exekution zur Sicherstellung*) and interim orders (*einstweilige Verfügungen*).

Enforcement for security (Sections 370 et seq. of the Enforcement Code) serves to safeguard a creditor's claim before the claim becomes res judicata and is subsequently enforced. For an enforcement for security - as opposed to an interim order - there must be a document which confers title but which is not yet enforceable. Enforcement for security is permissible only to satisfy a pecuniary claim. One of the forms of enforcement for security listed in Section 374(1) of the Enforcement Code is the attachment of receivables (*Pfändung von Forderungen*), where the creditor receives a right of lien (*Pfandrecht*).

In enforcement for security the creditor obtains a lien. Under Article 32 of the EU Account Preservation Regulation, the Preservation Order has the same rank, if any, as an equivalent national order in the Member State of enforcement. Therefore, in order to maintain parallelism with the Austrian instruments, Austrian law provides that the European Account Preservation Order creates a lien if the creditor has already obtained a judgment, a court settlement or an authentic instrument. The fact that a lien is in place must be notified to the bank and the debtor. This ensures consistency with the enforcement for security.

In the case of interim orders to secure pecuniary claims (Sections 378 et seq. of the Enforcement Code), no right of lien or specific ranking is obtained. The party at risk does not need a document conferring title in order to obtain an interim order.

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

Decisions on any legal challenges have to be taken by the court which issued the European Account Preservation Order. Applications for such remedies must be lodged with that court (see above under Article 50(1)(a)).

Article 34(1) and (2): If the Account Preservation Order is issued in another Member State, competence for the legal remedy lies with the Vienna Inner City District Court. Applications for such remedies must be lodged with that court.

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

The form of appeal available against decisions under Articles 33, 34 or 35 of the Regulation is known as the *Rekurs*. Such appeals must be lodged within 14 days with the court that issued the disputed order and must be addressed to the Regional or Higher Regional Court within whose jurisdiction the District or Regional Court concerned falls. Appeals must be signed by a lawyer.

The appeal deadline starts running from the date of service of the written version of the disputed decision.

#### **Article 50(1)(n) – Court fees**

Fees are payable for the issue of a European Account Preservation Order only if the application for the order is made in a context other than a trial in a civil court. In addition, a flat-rate fee is payable for appeals against an Account Preservation Order. The provisions on fees are to be found in the Court Fees Act (Gerichtsgebührengesetz) under Fee Item 1, Note 2, Fee Item 2, Note 1a and Fee Item 3, Note 1a. The amount of fees to be paid depends on the amount of the claim and is half the flat-rate fee in civil court proceedings. The legal provisions and tables can be found at <http://www.ris.bka.gv.at/>.

The court fees in question are flat rates.

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

None

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#### **European Account Preservation Order - Poland**

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

In proceedings for a European Account Preservation Order, the competent courts are the district court (*sąd rejonowy*) or regional court (*sąd okręgowy*) which would have jurisdiction to hear the case at first instance. If the competent court cannot be established, jurisdiction lies with the court in whose district the European Account Preservation Order is to be enforced or, where the competent court cannot be established on that basis or where the European Account Preservation Order is to be enforced in the districts of different courts, the competent court is the district court in Warsaw.

Names and contact details of the courts:

<https://www.gov.pl/web/sprawiedliwosc/znajdz-wybrany-sad-powszechny>

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

Minister for Justice, Department of International Cooperation and Human Rights

Al. Ujazdowskie 11, 00-950 Warsaw, Poland

Tel.: +48 22 2390870; Fax: + 48 22 6280949; Email: [dwmipc@ms.gov.pl](mailto:dwmipc@ms.gov.pl)

**Note:** A request for the obtaining of account information must be made in writing and sent by post to the above address. Proof of payment of the fee must be enclosed with the request for the obtaining of account information. A request for the obtaining of account information sent to the Minister for Justice under Article 14 of the Regulation must specify the following information concerning the debtor:

a) where the debtor is a natural person:

– first name(s) and surname (obligatory).

Optional elements to be provided include:

– the national personal identification number (PESEL) or, in the absence of a PESEL number, passport or identity card number and/or

– date of birth and address,

depending on which of the above optional item of information is available.

b) where the debtor is a legal person or other organisational entity (not a legal person but with legal capacity): the full name (obligatory), the National Court Register (KRS) number or Tax Identification Number (NIP) or National Economic Register (REGON) number or, failing that, a number from another relevant register in which the body is entered and its registered office.

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

The Minister for Justice, as the competent authority, obtains information on bank accounts from a central register of accounts which, at the Minister's request, gathers such information from all banks operating in Poland and aggregates it for the Minister.

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

Regional courts (*sądy okręgowe*) (through district courts (*sądy rejonowe*)) – in cases of European Account Preservation Orders issued by district courts, and courts of appeal (through regional courts) – in cases of European Account Preservation Orders issued by regional courts.

Names and contact details of the courts:

<https://www.gov.pl/web/sprawiedliwosc/znajdz-wybrany-sad-powszechny>

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

Bailiffs (*Komornicy sądowi*)<sup>1</sup>.

List and contact details of bailiffs:

<https://www.gov.pl/web/sprawiedliwosc/znajdz-komornika-sadowego>

N.B.:

In principle, a European Account Preservation Order is enforced by the bailiff (*komornik sądowy*) with general jurisdiction over the debtor, which is generally the bailiff in whose jurisdiction the debtor's residence or registered office lies.

Creditors do, however, have the right to choose a bailiff themselves (creditors opting to do so must enclose with their application a written declaration that they are availing themselves of this right); in certain cases specifically provided for in the rules, a bailiff chosen by a creditor in this way may refuse to accept the request.

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

Bailiffs (*Komornicy sądowi*)<sup>[1]</sup>.

List and contact details of bailiffs:

<https://www.gov.pl/web/sprawiedliwosc/znajdz-komornika-sadowego>

[1] In principle, a European Account Preservation Order is enforced by the bailiff (*komornik sądowy*) with general jurisdiction over the debtor, which is generally the bailiff in whose jurisdiction the debtor's residence or registered office lies.

Creditors do, however, have the right to choose a bailiff themselves (creditors opting to do so must enclose with their application a written declaration that they are availing themselves of this right); in certain cases specifically provided for in the rules, a bailiff chosen by a creditor in this way may refuse to accept the request.

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

a) joint accounts

On the basis of a preservation order issued against the debtor it is possible to seize a debt from a joint account held for the debtor and third parties. As a rule, the scope of such seizure is determined by the agreement governing the operation of the account concluded by the account holders (including the debtor) with the bank. If the agreement does not specify the share of each holder of a joint account or where the debtor does not submit the agreement to the bailiff within one week, it is assumed that the shares of the account holders are equal. After the debtor's share in a joint account has been determined, the remaining share is exempt from seizure.

b) nominee accounts

Funds in a nominee account (in which only funds entrusted to the account holder by a third party may be held – on the basis of a separate agreement) may not be seized on the basis of an order issued against a debtor who is the holder of the nominee account (as fiduciary). The seizure of a nominee account is not, however, precluded if the debtor is the person who has entrusted those funds to the nominee (as entrustor).

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

– funds of the debtor held in a bank account of up to 75% of the minimum wage in each calendar month in which the seizure is in effect are exempt from seizure, regardless of the source of those funds [1]

– all amounts held in the debtor's bank account coming from: maintenance; cash benefits paid in the event of ineffective enforcement of maintenance orders; family benefits; family allowances, care allowances, maternity allowances, allowances for children who have lost both their parents; carers' allowances; social assistance benefits; rehabilitation benefits; education benefits; benefits, allowances, funds for the maintenance of premises and other amounts granted under legislation on family support and the foster-care system [2], are exempt from seizure.

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[1] The minimum wage is determined annually for the next year by regulation of the Council of Ministers. The average monthly wage in June 2023 was PLN 7 333.73.

[2] [Ustawa z dnia 9 czerwca 2011 r. o wspieraniu rodziny i systemie pieczy zastępczej](#)

**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**

A bank may charge fees for the preparation, drawing up and transmission of information covered by banking secrecy authorised by law to persons, bodies and institutions, and for performing other operations (not expressly referred to in the Act).

Such fees may therefore constitute part of the costs of the preservation procedure carried out on the basis of the national preservation order (costs of the procedure are all costs arising in connection with that procedure, including the costs of the debt collector involved in enforcing the preservation order).

Accordingly, a bailiff may request an advance on the above fee from the party who requested enforcement – in this case, the creditor, making enforcement conditional on its payment.

The bailiff issues an order only in respect of the amount of the costs of the preservation procedure and submits them to the court.

The court decides of its own motion which party is ultimately to bear the costs of the preservation procedure in the decision which closes the proceedings in the main action. However, the costs of the preservation procedure arising later are decided, at the request of the party, by the court which granted the preservation order. If the decision granting the preservation order was issued before the commencement of the proceedings in the main action, and the creditor has not complied with the time-limit fixed for their commencement, the debtor may, within two weeks of the expiry of that time-limit, apply for costs. In that period, the creditor may lodge such an application if he or she did not pursue the action because the debtor satisfied the claim.

**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**

a) a PLN 50 fee for the request for the obtaining of account information sent to the Minister for Justice under Article 14 of the Regulation.

Note: The fee is payable by transfer to the current account of the Ministry of Justice.

Account No (NRB): Narodowy Bank Polski O/O Warsaw 77 1010 1010 0400 1922 3100 0000.

Details of the above account necessary for transfers from abroad:

IBAN: PL 77 1010 1010 0400 1922 3100 0000.

BIC: NBPL PLPW.

Proof of payment of the fee must be enclosed with the request for the obtaining of account information. The Minister for Justice will take action to obtain the information only after this fee has been paid.

b) an execution fee (for the bailiff) for enforcing a European Account Preservation Order of 2% of the value of the claim to be preserved. This fee may not be less than 3% of the average monthly wage [1] or more than five times that wage.

N.B.: The fee is paid when submitting an application for enforcement of a European Account Preservation Order; if the creditor does not pay it at the time of the request, the bailiff summons the creditor to pay it within seven days. The bailiff will not enforce the European Account Preservation Order until the fee has been paid. Failure by a creditor to pay the fee within seven days of being served with the bailiff's summons to do so will cause the application to be returned without enforcement.

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[1] The average monthly wage (in the corporate sector) for a given month is published by the Chairman of Statistics Poland in a notice the following month. The average monthly wage in June 2023 was PLN 7 333.73. <https://stat.gov.pl/sygnalne/komunikaty-i-obwieszczenia/lista-komunikatow-i-obwieszczen/obwieszczenie-w-sprawie-przecietnego-miesiecznego-wynagrodzenia-w-sektorze-przedsiębiorstw-bez-wyplat-nagrod-z-zysku-w-pierwszym-kwartale-2023-roku,59,38.html>

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

The seizure of a bank account on the basis of a national preservation order does not preclude another seizure of the same account on the basis of a subsequent national preservation order. The order of seizure on the basis of national preservation orders has no bearing on future enforcement.

Nor does the seizure of a bank account on the basis of a national preservation order preclude subsequent seizure of the same account on the basis of an enforceable title or enforcement from that account on the basis of that title. In the event that such enforcement commences and the amount held in the account does not fully satisfy the claims covered by the enforceable title and the national preservation order, the creditor who has the national preservation order may participate in the distribution of the amount obtained from the enforcement. The amount attributable to such creditor from the distribution is placed in a special deposit account, from which they can be paid upon presentation of the relevant enforceable title.

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

Jurisdiction lies with the district court (*sąd rejonowy*) or regional court (*sąd okręgowy*) which would have jurisdiction to hear the case at first instance. If the competent court cannot be established, jurisdiction lies with the court in whose district the European Account Preservation Order is to be enforced or, where the competent court cannot be established on that basis or where the European Account Preservation Order is to be enforced in the districts of different courts, the competent court is the district court in Warsaw.

Names and contact details of the courts:

<https://www.gov.pl/web/sprawiedliwosc/znajdz-wybrany-sad-powszechny>

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

Regional courts (*sądy okręgowe*) (through district courts (*sądy rejonowe*) against whose decision an appeal under Article 34 has been lodged and which are competent to issue a preservation order). Courts of appeal (through regional courts against whose decision an appeal under Article 34 has been lodged and which are competent to issue a preservation order).

Names and contact details of the courts:

<https://www.gov.pl/web/sprawiedliwosc/znajdz-wybrany-sad-powszechny>

An appeal (*zażalenie*) may be brought within seven days of service of an order issued as a result of the examination of an application submitted under Article 33, Article 34 or Article 35 of the Regulation [1].

[1] If – although this very rarely happens – an order was issued at a hearing and a party failed to request service of the order within the prescribed time-limit (seven days after the order is issued), the seven-day time-limit for lodging an appeal is counted from the day on which the order is issued.

#### **Article 50(1)(n) – Court fees**

A court fee of PLN 100 is payable for submitting, amending or withdrawing a European Account Preservation Order.

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

No language other than Polish is provided for.

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### **European Account Preservation Order - Portugal**

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

In accordance with the courts' jurisdiction based on the subject matter and value, as determined by the Law on the Organisation of the Judicial System ([L<sup>1</sup> Law No 62/2013 of 26 August 2013](#)), the courts with competence in European Account Preservation Order procedures are as follows in cases that relate to the courts' respective area of jurisdiction:

- Central civil divisions (*Juízos Centrais Cíveis*);
- Local civil divisions (*Juízos Locais Cíveis*) and divisions with general jurisdiction (*Juízos de competência genérica*);
- Family and minors divisions (*Juízos de família e menores*);
- Labour divisions (*Juízos do Trabalho*);
- Commercial divisions (*Juízos de Comércio*);
- Enforcement divisions (*Juízos de Execução*);
- Intellectual Property Court (*Tribunal da Propriedade Intelectual*);
- Court of Competition, Regulation and Supervision (*Tribunal da Concorrência, Regulação e Supervisão*);
- Maritime Court (*Tribunal Marítimo*).

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

The Order of Solicitors and Enforcement Agents (*A Ordem dos Solicitadores e Agentes de Execução (OSAE)*).

Rua Artilharia 1, no 63

1250-038 Lisbon

Tel.: (+351) 213894200

Fax: (+351) 213534870

E-mail: [geral@osae.pt](mailto:geral@osae.pt)

<http://osae.pt/pt/pag/osae/osae/1/1/1/1>

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

The following methods are provided for under national law:

All banks in Portugal are obliged to disclose if the debtor holds an account with them (Article 14(5)(a));

The information authority may access any relevant information held by public authorities or administrations in registers or otherwise (Article 14(5)(b)).

These methods are enshrined in Article 749 of the Code of Civil Procedure and regulated by Article 17 of Ministerial Implementing Order No 282/2013 of 29 August 2013, as last amended.

In order for the competent authority (the Order of Solicitors and Enforcement Agents, OSAE) to access information on the existence of accounts in Portugal, a request is sent to the Bank of Portugal. In Portugal, these information requests can only be made using the debtor's tax identification number (NIF) or legal person identification number (NIPC). So for requests to be processed quickly, it is recommended that they include the following information:

- the debtor's tax identification number (NIF) or,
- the legal person identification number (NIPC) if the debtor is an undertaking,
- the debtor's address.

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

The appeal courts have jurisdiction to hear appeals.

However, in accordance with national law, the appeal must be lodged with the court that issued the contested decision.

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

- The Courts, specifically court officials;
- The Order of Solicitors and Enforcement Agents (OSAE), specifically enforcement agents.

Generally speaking, enforcement agents are empowered to carry out the necessary notifications.

In accordance with Portuguese procedural law, court officials intervene only in the following situations:

- Enforcements where the State is the creditor.
- Enforcements where the Public Prosecutor's Office (*Ministério Público*) is representing the creditor.
- Where there is no 'enforcement agent' in the district in which the enforcement proceedings are pending and the use of an 'enforcement agent' from another district would entail disproportionate costs. This intervention is decided by a judge, at the request of the creditor.
- If the necessary procedural steps would entail disproportionate travel costs and there is no 'enforcement agent' in the area where these procedural steps are considered to take place. This intervention is decided by a judge, at the request of the 'enforcement agent'.
- Enforcements with a value of €10 000 or less, if the creditors are individuals and the request does not relate to a commercial or industrial activity, provided that the intervention is requested in the enforcement application and the relevant procedural costs are paid.
- Enforcements with a value of €30 000 or less, if the request is employment-related and the party seeking enforcement requests the intervention in the enforcement application and pays the relevant procedural costs.

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

The Order of Solicitors and Enforcement Agents (OSAE).

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

Under Portuguese law, it is presumed that the parties have an equal share in the credit, such that, unless there is evidence to the contrary, it is assumed that each depositor owns half of the funds deposited in the account (Articles 513 and 516 of the Civil Code). Therefore, the preservation order relates to the debtor's share in the joint account, it being presumed that the shares are equal (Article 780(5) of the Code of Civil Procedure - CPC).

This presumption can be overridden by producing evidence to the contrary; it must be proven that the funds deposited in the bank account belong to only one account holder or to one of the account holders, or that they hold different shares in the account, or even that the funds belong to a third party.

If the preservation order is brought against only one of the spouses, but an account held jointly by the spouses is seized, as the debtor is not thought to have sufficient assets, the spouse of the person against whom the preservation order is brought must be summoned to request the separation of property or to declare that they accept that the debt is shared; this will be done at the request of the spouse against whom the preservation order is brought. If the preservation order was brought against only one of the spouses and against an account that is held in their name only, that spouse can claim that the debt is shared, in which case a preservation order may then be issued against the spouses' joint account, if they have one (Article 740(1), Article 741(1) and Article 742(1) of the CPC).

If the account holder is also the debtor, but the funds in the account supposedly belong to a third party, the third party may raise objections (Article 342(1) CPC). If it appears that the debtor is the owner of funds deposited in an account held by a third party, the third party may appeal against the preservation order or raise objections, putting forward factual evidence or furnishing proof that was not taken into account by the court and which could undermine the grounds for the preservation order (Article 372(1) CPC). In the first instance, the third party will attempt to prevent the funds from being seized, while in the second instance, it will be the debtor.

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

In accordance with Article 391(2) of the Code of Civil Procedure (CPC), the provisions applicable to seizure, adapted as necessary, apply to preservation orders.

Seizure must be limited to the assets needed to pay the enforceable debt and the expected costs of enforcement (Article 735(3) CPC).

In accordance with Article 738 CPC, the following are exempt from seizure: two thirds of the net income, salaries, periodic amounts received as retirement pension or any other social benefit, insurance, accident indemnity or annuity, or any other payments of a similar nature which ensure the livelihood of the debtor. For the purposes of calculating the liquid part of the abovementioned payments, only contributions which are legally required are considered. The maximum amount that is exempt from seizure is equivalent to three national minimum wages at the time of each seizure; if the debtor has no other income, the minimum amount exempt is the equivalent of one national minimum wage.

In the specific case of the attachment of bank accounts, the total amount corresponding to the national minimum wage is exempt from seizure.

In view of the amount, the type of outstanding debt, the needs of the person against whom enforcement is sought and their family circumstances, at the request of the person against whom enforcement is sought, the judge may exceptionally reduce the seizable amount of income, for as long as he considers reasonable (but for no longer than one year) and may even exempt it from seizure.

Lastly, bank deposits are exempt from seizure if they result from the payment of a loan that is itself exempt from seizure, in accordance with Article 739 CPC.

#### **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**

Banks only have the right to be remunerated for the services they provide **in cases where the creditor is a commercial undertaking that, in the previous year, has lodged 200 or more applications for interim relief at a court, registry or contact point** (Articles 780(12) of the CPC).

Implementing Order No 202/2011 of 20 May 2011, as last amended, lays down the level, the methods of payment and recovery, and the distribution of amounts relating to this remuneration.

This remuneration relates to costs incurred in the case which are the creditor's sole responsibility and does not include the fees and expenses of the enforcement agent or the costs of enforcement; nor can it be claimed as costs of the parties (Article 1(2) of Implementing Order No 202/2011 of 20 May 2011).

In the event of the attachment of funds in a bank account in the name of the person against whom enforcement is sought, one fifth (1/5) of a unit of account is due, which amounts to €20.40.

If attachment is not possible (when there are no bank accounts or bank funds in the name of the person against whom enforcement is sought), one tenth (1/10) of a unit of account is due, which amounts to €10.20.

#### **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 Portugal, information on bank accounts is provided by the banks in accordance with the conditions, and in the amounts, referred to in Article 50(1)(i).

The following charges are payable for processing or enforcing the Preservation Order:

- €25 if the debtor is domiciled in the Member State of origin;
- €51 if the debtor is domiciled in a Member State that is not the Member State of origin.

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

Not applicable.

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

Appeals **against a preservation order** under Article 33(1):

- The court with jurisdiction to hear and rule on an appeal is the court of first instance that handed down the preservation order.

Appeals **against the enforcement of a preservation order** under Article 34:

- Central civil divisions in enforcements with a value of more than €50 000\*



- Local civil divisions or, if they do not exist, divisions with general jurisdiction in enforcements with a value of €50 000 or less.

\* This amount includes capital and interest/penalties calculated up to the date when the preservation order was presented.

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

Appeals must be lodged with the court which issued the order being appealed against (Article 637(1) of the Code of Civil Procedure). After being lodged, appeals are referred for consideration by the Court of Appeal (*Tribunal da Relação*).

The time limit for lodging an appeal is 15 days from notification of the order (Articles 638(1) and 363(1) CPC).

#### **Article 50(1)(n) – Court fees**

- In the context of an interim measure, the requesting party must pay procedural costs of €306.

- In the case of an appeal against an order, the requesting party may pay between €306 and €612 in procedural costs.

In accordance with Article 145(1) CPC, the procedural costs must be paid at the beginning of the respective proceedings.

Tables II and III, referred to in Article 7(1), (4), (5) and (7) of the Regulation on Procedural Costs (Decree-Law No 34/2008 of 26 February 2008), can be found here: <http://data.dre.pt/eli/dec-lei/34/2008/p/cons/20161228/pt/html>

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

Not applicable.

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### **European Account Preservation Order - Romania**

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

Under Article 1 of Article I<sup>8</sup> of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, in the case of authentic instruments an application for precautionary attachment must be made to the court having jurisdiction in the proceedings of first instance (Article 945(1) of the Code of Civil Procedure).

The decision on the application, the enforcement of the measure and the annulment or lifting of the attachment are carried out in accordance with the provisions set out in Articles 954 – 959. These provisions (Article 971(1) of the Code of Civil Procedure apply accordingly to authentic instruments.

Pursuant to Articles 94 and 95 of the Code of Civil Procedure, the courts with jurisdiction for proceedings of first instance are:

District Courts for claims which can be expressed in terms of money, up to and including RON 200 000 and

Tribunals.

The list of District Courts is published on the Atlas site in the section '[Serving documents](#)'.

The list of Tribunals is published on the Atlas site in the section '[Judgments in civil and commercial matters -Brussels I Regulation](#)'.

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

Under Article 2 of Article I<sup>8</sup> of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, the Romanian National Union of Judicial Enforcement Officers (UNEJ) is the authority competent to obtain account information under Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council.

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

The method is that provided for in Article 14(5)(b) of the Regulation.

The Romanian National Union of Judicial Enforcement Officers has access to an IT system made available, in accordance with the law, free of charge by the Ministry of Public Finance.

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

Under Article 1(2) of Article I<sup>8</sup> of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, in application of Article 21 of Regulation (EU) No 655/2014, in the event of a refusal to issue a Preservation Order, the decision rejecting the application for a European Account Preservation Order may be appealed against before the court above the court which handed down the decision.

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

Under Article 623 of the Code of Civil Procedure, compulsory enforcement of any enforcement order, with the exception of those concerning revenue owed to the consolidated general budget or the budget of the European Union or of the European Atomic Energy Community, is carried out **only by judicial enforcement officers**, even if specific laws stipulate otherwise.

The decision on the application, the enforcement of the measure and the annulment or lifting of the attachment will be carried out in accordance with the provisions set out in Articles 954 – 959, which apply correspondingly (Article 971(1) of the Code of Civil Procedure).

The precautionary attachment measure is carried out by a judicial enforcement officer, in accordance with this Code's rules on enforcement, which apply correspondingly, without any authorisation or permission to this effect being required (Article 955(1) of the Code of Civil Procedure).

Under Article 652(1)(b) of the Code of Civil Procedure, unless otherwise provided for by law, court judgments and other enforceable titles are enforced by the enforcement officer serving the area of jurisdiction of the court of appeal, in the case of the seizure of movable assets and direct enforcement against movable property, the enforcement officer serving the area of jurisdiction of the court of appeal covering the location of the domicile or registered office of the debtor, or serving the area of jurisdiction of the court of appeal covering the location of the assets; if the debtor's domicile or registered office is located abroad, any judicial enforcement officer is competent.

Under Article 652(2) and (4) of the Code of Civil Procedure, if seizable movable assets are located within the areas of jurisdiction of several courts of appeal, any of the judicial enforcement officers attached to one of those courts has enforcement competence, including in relation to the seizable assets in the areas of jurisdiction of the other courts of appeal.

If the judicial enforcement officer initially empowered by the creditor finds that there are no seizable assets and income within his/her territorial jurisdiction, the creditor may request the court of enforcement to continue enforcement using another judicial enforcement officer, with the provisions of Article 653(4) applying accordingly.

Under Article 7(b), (c) and (e) of Law No 188/2000 on judicial enforcement officers, the officer: serves judicial and extrajudicial documents; serves procedural documents; carries out precautionary measures ordered by the court.

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

Under Article 623 of the Code of Civil Procedure, enforcement of any enforcement order, with the exception of those relating to revenue owed to the consolidated general budget or the budget of the European Union or of the European Atomic Energy Community, is carried out **only by a judicial enforcement officer**, even if specific laws stipulate otherwise. The decision on the application, the enforcement of the measure and the annulment or lifting of the attachment will be carried out in accordance with the provisions set out in Articles 954 – 959, which apply correspondingly (Article 971(1) of the Code of Civil Procedure). The precautionary attachment measure is carried out by the judicial enforcement officer, in accordance with this Code's rules on enforcement, which apply correspondingly, without any authorisation or permission to this effect being required (Article 955(1) of the Code of Civil Procedure).

As soon as he or she receives the application for enforcement, the enforcement officer, by issuing a decision, arranges for the registration of the application and the opening of the enforcement file or, as the case may be, issues a reasoned refusal to initiate enforcement proceedings. The decision is notified immediately to the creditor. If the enforcement officer refuses to open enforcement proceedings, the creditor can lodge a complaint, within 15 days from the date of service of the decision, with the court of enforcement (Article 665 of the Code of Civil Procedure).

Pursuant to Article 7(e) of Law No 188/2000 on judicial enforcement officers, the judicial enforcement officer will carry out precautionary measures ordered by the court.

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

Judgments that are provisionally enforced with a security being deposited will not be enforced before the security deposit is lodged (Article 678 of the Code of Civil Procedure).

Anyone who is held personally liable shall bear such liability with all his or her movable or immovable assets, present and future. They shall serve as a joint security for his or her creditors. Non-seizable assets shall not serve as such a security. Creditors whose claims arose in connection with a certain division of property authorised by law must first seek enforcement against the assets making up that estate. If these are not sufficient to satisfy the claims, enforcement can also be sought against other assets of the debtor. Assets that are the subject of a legally authorised division of property assigned to the exercise of a profession may be pursued only by creditors whose claims arose in connection with the profession concerned. These creditors will not be able to pursue other assets of the debtor. (Article 2324 of the Code of Civil Procedure)

If he or she considers that it is in the interest of enforcement, the judicial enforcement officer will request the debtor, in accordance with the law, to provide written explanations regarding the latter's income and assets, including common property held in shared or joint ownership against which enforcement can be carried out, and to indicate the location thereof, and may also, with a view to persuading the debtor to fulfil the obligation voluntarily, point out the consequences in the event of continuation of enforcement proceedings. At all events, the debtor will be informed of the estimated cost of enforcement. (Article 627(2) of the Code of Civil Procedure)

The debtor is obliged, subject to the sanctions provided for in Article 188(2) to declare, at the request of the judicial enforcement officer, all movable and immovable assets, including common property held in shared or joint ownership, indicating the location thereof, as well all current or regular income. (Article 647(2) of the Code of Civil Procedure)

The division of common property assets held in shared or joint ownership may also be ruled on, at the request of the party concerned, within the framework of the objection-to-enforcement proceedings. (Article 712(4) of the Code of Civil Procedure)

If, through an objection to enforcement, the party concerned has applied for the division of assets held as common property, the court will rule on their division in accordance with the law. (Article 720(2) of the Code of Civil Procedure)

Movable assets that are the subject of an authorised division of assets assigned to the exercise of a profession may be pursued only by creditors whose claims have arisen in connection with the exercise of the profession concerned. If assets are not assigned to an individual pool of business assets but nevertheless serve the exercise of an occupation or profession of a debtor who is a natural person, they may be subject to enforcement only if there are no other seizable assets, and then only for maintenance obligations or other privileged claims on movable assets. If the debtor is engaged in agriculture such business assets shall not be subject to enforcement to the extent they are required for the continuation of agricultural activity: agricultural inventories, including working animals, feed for those animals and seed for cultivation, except where such assets are pledged as security or they are the subject of a privileged claim. (Article 728 of the Code of Civil Procedure)

For enforcement against nominee accounts (held by a third party on behalf of the debtor or by a debtor on behalf of a third party), certain rules of principle exist as regards representation and nomination with representation, as specified below.

Article 1295 of the Code of Civil Procedure stipulates that the power of representation may derive from the law, from a legal act or from a court judgment, as the case may be.

Under Article 1296 of the Code of Civil Procedure, a contract concluded by a representative, within the limits of power of attorney, on behalf of the party represented produces effects directly between the represented party and the other contractual party.

Under Article 2021 of the Code of Civil Procedure, in the absence of any agreement to the contrary, a nominee who has fulfilled the mandate bears no liability vis-a-vis the nominator with regard to the discharge of the obligations entered into by the persons/entities with whom/which a contract has been concluded, except if their insolvency was or should have been known to the nominee on the date of the conclusion of the contract with those persons/entities.

Under Article 1309(1) of the Code of Civil Procedure, a contract concluded by a person/entity who is acting as a representative but who does not have power of attorney or exceeds the powers conferred shall not produce effects between the represented party and third parties.

Under Article 1311 of the Code of Civil Procedure, in the cases provided for in Article 1309, the party on whose behalf the contract was concluded may ratify it observing legal formalities for its valid conclusion; the contracting third party may, by notification, grant a reasonable period of time for ratification, after which the contract can no longer be ratified.

Under Article 1309(2) of the Code of Civil Procedure, however, if through their behaviour the representative has caused the contracting third party to reasonably believe that the representative has the power to represent and is acting within the powers conferred, the representative can no longer invoke vis-a-vis the contracting third party a lack of power to represent.

Under Article 1310 of the Code of Civil Procedure, any person or entity concluding a contract as a representative without being empowered to do so, or in so doing exceeds the limits of the powers conferred, bears liability for any damage caused to a contracting third party who believed in good faith that the conclusion of the contract had been valid.

Under Article 1297 of the Code of Civil Procedure, a contract concluded by a representative acting within the powers conferred but where the contracting third party is not and could not have been aware that the representative was acting in such capacity is binding only upon the representative and the third party, unless otherwise provided for by law; however, if a representative, when entering into a contract with a third party on behalf of an enterprise and within the limits of the powers conferred, claims to be the owner of that enterprise and the third party subsequently discovers the identity of the real owner, then the third party may also exercise vis-a-vis the real owner the rights acquired vis-a-vis the representative.

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

Article 729 Limits on enforcement against monetary income under the Code of Civil Procedure.

(1) Enforcement can be carried out against wages or salaries and other regular income, pensions granted under social security schemes, and other amounts paid regularly to the debtor as a means of subsistence: a) up to half of net monthly income in the case of amounts owed by way of maintenance obligation or child allowance; b) up to a third of net monthly income in the case of any other debts.

(2) If several enforcement orders apply to the same amounts, total enforcement cannot exceed half of the debtor's net monthly income, irrespective of the nature of the claims, unless otherwise provided for by law.

(3) Where wages or any other amounts regularly paid to the debtor as a means of subsistence are lower than the minimum wage paid in the economy, enforcement can be carried out against them only in respect of the amount by which they exceed half of that minimum wage.

(4) Benefits for temporary incapacity to work, compensation granted on the basis of any legal provisions to employees for termination of an individual contract of employment, and amounts due to the unemployed, in accordance with the law, can be subject to enforcement only for amounts owed by way of maintenance obligation and compensation for damages caused by death or personal injury, unless otherwise provided for by law.

(5) Enforcement against the benefit entitlements referred to in paragraph (4) is permissible up to half their amount.

(6) Amounts withheld in accordance with the provisions set out in paragraphs (1) - (4) shall be released or distributed in accordance with Article 864 et seq.

(7) State allowances, child benefit, support for looking after sick children, maternity allowance, death benefit, State study grants, daily subsistence allowances, and any other such specialpurpose allowances established by law cannot be the subject of enforcement for any kind of debt.

Article 970 Subjects of attachment orders under the Code of Civil Procedure

Attachment orders may be placed on amounts of money, securities or other seizable intangible movable assets owed to the debtor by a third party or which the latter will owe to the debtor in the future on the basis of existing legal relationships, subject to the conditions laid down in Article 953.

Article 631(1) of the Code of Civil Procedure.

Enforcement can be initiated against any natural person or legal person under public or private law, except for those who, in accordance with the law, enjoy immunity from enforcement.

Article 781(2) and (5) of the Code of Civil Procedure.

In the case of attachment of sums of money in bank accounts, both the credit balance of those accounts and future payments into them can be subject to attachment, within the limits set out in Article 729, if applicable.

Not subject to enforcement are:

a) amounts intended for special purposes provided for by the law, and over which the debtor has no right of disposal;

b) amounts representing non-reimbursable funding or financing from national or international institutions or organisations for certain programmes or projects;

c) amounts relating to future salary entitlements, over a period of three months from the date of the establishment of the attachment. Where several attachment orders have been placed on the same account, the three-month period during which payments relating to future salary entitlements can be made is calculated only once, from the date on which the first attachment is established.

**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**

Not applicable (is not the case).

On the basis both of contractual relations between banks and clients and of specific banking legislation, the implementation of preservation measures affecting clients' accounts is a transaction for which banks charge an attachment fee (both for precautionary measures and enforcement measures against the accounts of clients). The fee is set when the attachment is established, but, in the case of account preservation transactions (the subject of the Regulation) **the fee is in practice not collected from the client.**

The reason for this is that the fee is actually collected when amounts of money are released to the courts/tax authorities, i.e. at the time of transfer of seized amounts. However, the purpose of the Regulation is to preserve the amount and not to effect its payment. The purpose of the Regulation is not enforceable attachment.

As a result, in the case of precautionary measures (such as a European Account Preservation Order) where no 'final step' (of release) actually takes place, but only the preservation operation carried out by the bank following receipt of documentation from a body that has ordered that the measure in question be taken, **the fee is not, in practice, collected from the client.**

**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**

For notification and service of procedural documents, judicial enforcement officers charge minimum fees of RON 20 and maximum fees of RON 400 (see point 1 of Annex I to Order No 2550/C/14.11.2006 of the Minister for Justice approving the minimum and maximum fees for services provided by judicial enforcement officers).

For enforcement of preservation orders, judicial enforcement officers charge minimum fees of RON 100 and maximum fees of RON 1 200 for debtors who are natural persons and RON 2 200 for debtors who are legal entities (see point 10 of Annex I to Order No 2550/C/14.11.2006 of the Minister for Justice approving the minimum and maximum fees for services provided by judicial enforcement officers).

The fees charged by judicial enforcement officers are published on the website of the Union of Judicial Enforcement Officers in the section 'Legislative Framework', Orders, Order No 2550 of 14 November 2006 approving minimum and maximum fees for services provided by judicial enforcement officers. <https://www.executori.ro/CadruLegislativ.aspx> .

The fees are charged for services provided by judicial enforcement officers in Romania.

For judicial stamp duties, see the information provided at (n).

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

Under ordinary law, no ranking exists between precautionary attachments, but between claims whose preservation is sought, depending on their type.

Article 865 General preference ranking of claims under the Code of Civil Procedure

(1) Where enforcement has been initiated by several creditors or where, before the release or distribution of the amount resulting from enforcement, other creditors have also filed their enforceable titles, the judicial enforcement officer will proceed with distribution according to the following order of preference, unless otherwise provided for by law:

a) claims representing legal costs, for preservation measures or enforcement, for the conservation of assets whose price is being distributed, any other costs incurred in the common interest of the creditors, as well as claims arising against the debtor in respect of expenditure incurred in fulfilling the conditions or formalities provided for by law for acquisition of title to the asset awarded and its entry in the public register;

b) funeral expenses of the debtor, depending on particular circumstances;

c) claims representing salaries and other equivalent debts, pensions, amounts due to unemployed persons, in accordance with the law, support for maintenance and care of children, maternity, temporary incapacity to work, prevention of disease, restoration or strengthening of health, death benefit, granted under social security schemes, as well as claims representing the obligation to pay damages for death, injury to bodily integrity or health;

- d) claims resulting from the legal obligation to provide for maintenance, child allowances or the obligation to pay other regular amounts intended as a means of subsistence;
- e) tax claims arising from taxes, fees, contributions and other amounts established by law, owed to the State budget, the budget of State social security schemes, local budgets or budgets of special funds;
- f) claims deriving from loans granted by the State;
- g) compensation claimed for the repair of damage inflicted on public property by illegal acts;
- h) claims arising from bank loans, deliveries of products, provision of services or performance of works, as well as from rents or leases;
- i) claims in the form of fines payable to the State budget or to local budgets;
- j) other claims.

(2) The provisions concerning legal subrogation remain applicable to the benefit of any party paying any of the claims referred to in paragraph (1).

(3) Where claims are in the same preference category, unless the law provides otherwise, the amount obtained will be shared out among the claimants in proportion to each claim.

#### Article 866 Declaration of claims of the State

(1) Within 15 days of the commencement of enforcement proceedings, in accordance with the law, any creditor may request the State or local administrative bodies to declare any privileged claims they may have. Such a request will be recorded in the public registers only if proof is provided of notification having been made to the local tax authorities.

(2) Within 30 days of the notification, the State or the local administrative body concerned must declare and register the amount of its claim.

(3) Failure to comply with the obligation referred to in paragraph (1) will result in the loss of preference over creditors who requested the declaration.

#### Article 867 Ranking of secured claims

If there are creditors who hold rights of pledge, mortgage rights or other preserved preference rights in respect of the asset sold, under the conditions provided for by law, when the amount resulting from the sale of the asset is distributed their claims will be paid before those referred to in Article 865(1)(c).

#### Article 868 Ranking of ancillary claims

Interest and penalties or other claims ancillary to the principal claim will follow the ranking of the latter.

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

Under Article 1(3) and (4) of Article I<sup>8</sup> of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved as amended by Law No 191/2007, as amended, *the remedy provided for in Article 33(1) of Regulation (EU) No 655/2014 falls within the jurisdiction of the court above the court that handed down the decision granting the application for a European Account Preservation Order.*

*The remedies against enforcement of the account preservation order provided for in Article 34 of Regulation No 655/2014 fall within the jurisdiction of the court of enforcement.*

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

Under Article 1(5) of Article I<sup>8</sup> of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved with amendments by Law No 191/2007, as amended, *the appeals provided for in Article 37 of Regulation (EU) No 655/2014 fall within the jurisdiction of the court above the court referred to in paragraphs (3) or (4) of this Article, i.e. of the court above the court referred to in Article 35 of that Regulation; appeals must be filed within 30 days of delivery of the judgment, except where the law provides otherwise.*

#### Article 50(1)(n) – Court fees

Under Article 11(1)(b) of Government Emergency Order No 80/2013 on judicial stamp duties, as amended, the fees charged for the various applications are as follows:

for applications relating to precautionary measures - RON 100;

for applications concerning the imposition of precautionary measures in respect of ships or aircraft – RON 1 000;

for applications for a European Account Preservation Order, formulated in accordance with Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters - RON 100.

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

Romania does not accept any language other than Romanian (Article 128(1) of the Constitution and Article 16(1) of Law No 304/2022 on judicial organisation).

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#### European Account Preservation Order - Slovenia

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

The courts designated as competent to issue a Preservation Order where a creditor has obtained an authentic instrument (Article 6(4)) are the local courts (*okrajna sodišča*) (first paragraph of Article 279b of the Enforcement and Securing of Civil Claims Act (*Zakon o izvršbi in zavarovanju*); *Uradni list RS* (UL RS; Official Gazette of the Republic of Slovenia) Nos 3/07 – official consolidated text, 93/07, 37/08 – ZST-1, 45/08 – ZArbit, 28/09, 51/10, 26/11, 17/13 – Constitutional Court Decision, 45/14 – Const. Court Decision, 53/14, 58/14 – Const. Court Decision, 54/15, 76/15 – Const. Court Decision, and 11/18; hereinafter 'ZIZ').

A list of the local courts can be found [here](#).

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

The authority designated as competent to obtain account information (Article 14) is the Agency of the Republic of Slovenia for Public Legal Records and Related Services (*Agencija Republike Slovenije za javnopравne evidence in storitve* – AJPES) (Article 279c ZIZ).

Contact details: Tržaška cesta 16, 1000 Ljubljana

[gp@ajpes.si](mailto:gp@ajpes.si) - main office

[info@ajpes.si](mailto:info@ajpes.si) - information for users

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

Methods of obtaining account information (Article 14(5)):

a) AJPES, which has been designated as the information authority, keeps the Register of Transaction Accounts, which is a single database on the transaction accounts of natural and legal persons (Article 191 ff. of the Payment Services, Services for Issuing Electronic Money and Payment Systems Act (*Zakon o plačilnih storitvah, storitvah izdajanja elektronskega denarja in plačilnih sistemih*); UL RS Nos 7/18 and [E 9/18 – corr.](#); hereinafter 'ZPlaSSIED'). This makes the process of obtaining information very effective, as there is no need for the information authority to ask the bank whether the debtor holds an account with it (Article 14(5)(a)).

Although it is possible under Slovenian law to obtain information on a debtor's account in the manner set out in Article 14(5)(c) (cf. Article 31 ZIZ), courts hardly ever use that option, as they can obtain information on the debtor's bank account by electronically consulting the register of transaction accounts (Article 4 ZIZ; Article 13 of the Courts Act (*Zakon o sodiščih*); UL RS Nos 94/07 – official consolidated text, 45/08, 96/09, 86/10 – ZJNepS, 33/11, 75/12 – ZSPDLS-A, 63/13, 17/15 and 23/17 – ZSSve; hereinafter 'ZS').

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

Appeals are lodged (Article 21) with:

- the court that rejected the creditor's application for a Preservation Order (**local court or district court (*okrožno sodišče*)**).

[E List of local courts](#), [E list of district courts](#).

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

The authority designated as competent to receive, transmit and serve the Preservation Order and other documents (Article 4(14)) is:

- under Articles 10(2), 23(3), (5) and (6), 25(3), 27(2), 28(3) and the second subparagraph of Article 36(5) of Regulation (EU) No 655/2014, the Local Court in Maribor.

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

The authority competent for enforcing the Preservation Order (Chapter 3) is:

the Local Court in Maribor, which has the territorial competence for enforcing a Preservation Order issued by a court of another Member State of the European Union (Article 279d ZIZ).

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

The extent to which joint and nominee accounts can be preserved (Article 30) is as follows:

A joint payment account is a payment account opened by a payment service provider on behalf of two or more natural persons or two or more legal persons (Article 14(1) of the Payment Services and Systems Act (*Zakon o plačilnih storitvah in sistemih*; ZPlaSS).

Each individual holder of a joint payment account may dispose of all the cash funds in that account, unless the agreement on management of the joint payment account lays down other authorisations for disposing of the cash funds in that account (Article 14(2) ZPlaSS).

The total cash funds in a joint payment account may be used to repay the liabilities of an individual account holder vis-à-vis third parties. An agreement between the holders of a joint payment account on the amount of the shares of individual holders and on the liability of individual holders does not restrict the rights of third parties to have their claims in an enforcement or bankruptcy procedure against an individual holder repaid from the total cash funds in the joint payment account (Article 14(3) ZPlaSS). The cash funds in a joint payment account may therefore be used to repay the liabilities of an individual account holder vis-à-vis third parties.

If enforcement is restricted to specified assets of the debtor under a specific act, those restrictions are considered with regard to each individual holder of the joint payment account in the enforcement procedure against an individual holder of a joint payment account (Article 14(4) ZPlaSS).

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

Amounts exempt from seizure and amounts for which enforcement is limited are governed by the following rules (Article 31):

Income is exempt from enforcement where its common characteristic is to constitute not basic income, such as wages, but, as a rule, lower, supplementary income which in most cases has the function of a social corrective (Article 101 of the [E Enforcement and Securing of Civil Claims Act \(ZIZ\)](#)).

Under Article 102 ZIZ, enforcement is limited in respect of income, which generally takes the form of basic income, such as wages, i.e. income regarded as stemming from an employment relationship. It is generally permitted to take up to two thirds of such income, but the debtor must be left with an amount equal to 76% of the minimum wage. Each debtor must be left with the same residual amount. In the case of certain privileged claims, the amount that must be left to the debtor is lower – 50% of the minimum wage. In both cases the amount that must be left to the debtor is higher if the debtor is responsible for maintaining family members.

The exemptions from and limitations on enforcement must be taken into account by those responsible for executing enforcement decisions (the bank) without an application from the debtor, unless there is an entitlement to a higher limit for reasons of maintenance. The debtor must demonstrate such entitlement to the executor by producing an authentic instrument (Article 102(5) ZIZ).

The exact list of exemptions from seizure or limitations on amounts is laid down in Articles 101, 102 and 103 ZIZ.

#### **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**

Charging of fees (Article 43): banks may, in accordance with their commercial policy and the respective rates of remuneration for services, charge a fee for taking action on the basis of equivalent national orders (receiving the order and transferring funds).

Providers of payment services must publish on their websites full and accurate information on the charges that they levy for taking action based on an enforcement decision or securing order (Article 190 ZPlaSSIED).

Account information is provided by AJPES. The information in the register of transaction accounts of legal persons and natural persons engaged in business is publicly available free of charge on AJPES's website (Article 194 ZPlaSSIED). For the supply of information from the register of transaction accounts concerning the account of a natural person, AJPES charges the requester a fee according to a rate set in agreement with the Minister responsible for finance (Article 195 ZPlaSSIED). The rate of compensation for the costs of supplying information about the transaction accounts of natural persons from the register of transaction accounts (UL RS No 49/10) is published on AJPES's website. In accordance with that rate, the amount of compensation for costs depends on how the request for account information is submitted (the rate is lower for the electronic transfer of data than for data transmission based on a request in writing) and on the number of units of data transmitted.

The fee for implementing equivalent national orders is paid by the debtor, while the fee for providing account information is paid by the person who made the enquiry (generally the creditor).

The court accesses information on accounts free of charge by consulting the register kept by AJPES or asks the payment transaction organisation (bank) to disclose whether the debtor has opened an account with it (first paragraph of Article 4 ZIZ, Article 13 ZS).

AJPES provides the courts, the tax authority and other authorities responsible for enforcement with direct electronic access to information in the register of transaction accounts.

#### **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**

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 (Article 44):

A court fee must be paid upon submission of an application for securing a claim through a Preservation Order (Article 29b in conjunction with Articles 239 and 279a ZIZ). An application for a Preservation Order incurs a court fee of EUR 30 (tariff No 4012 of the Court Fees Act (*Zakon o sodnih taksah* – ZST-1; UL RS Nos [37/08](#), [97/10](#), [63/13](#), [58/14](#) – Const. Court Decision, [19/15](#) – Const. Court Decision, [30/16](#), [10/17](#) – ZPP-E and [11/18](#) – ZIZ-L; hereinafter ZST-1), or EUR 24 (tariff Nos 4041 and 4012 ZST-1) if the application is submitted in electronic form;

When the Preservation Order has been issued by a Slovenian court, the bank is in Slovenia and the court has also issued a decision ordering the bank to take the action set out in point 4 of the first paragraph of Article 260 or point 4 of the first paragraph of Article 271 ZIZ (first paragraph of Article 279e), the court fee also covers the issuing of that decision, as it is actually issued by the court in the procedure for issuing a Preservation Order (i.e. the procedure for deciding on an application for securing a claim).

When the Preservation Order has been issued by a foreign court and a Slovenian court receives it for enforcement because the bank is in Slovenia, the decision by which the court orders the bank to take the action set out in point 4 of the first paragraph of Article 260 or point 4 of the first paragraph of Article 271 ZIZ (first paragraph of Article 279e) is issued in the procedure launched on the basis of the reception of the Preservation Order. On the basis of Article 24 of the Regulation, the court fee is not paid in this case, as the decision cannot be considered to be a decision on an interim measure or a preliminary measure, and the procedure in which that decision is issued cannot be considered to be the procedure for securing a claim; rather, it generates the decision by which the court gives the bank instructions on how to enforce a Preservation Order issued abroad.

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

Ranking of equivalent national orders under national law (Article 32):

Where a number of creditors assert monetary claims against the same debtor and concerning the same subject of enforcement, the claims are to be repaid in the order in which the creditors obtained the right to repayment in respect of that subject, save where the law provides otherwise (Article 12 ZIZ).

The way in which a preservation order issued by a court of another Member State of the European Union is enforced is for a court to issue a decision ordering the action referred to in point 4 of the first paragraph of Article 271 ZIZ to be taken, in other words by issuing an interim measure (third paragraph of Article 279e ZIZ). Courts issue a decision on an interim measure, ordering the payment transaction organisation to refuse to pay the debtor, or anyone acting at the debtor's behest, the amount of cash from the debtor's account for which it has issued an interim measure (point 4 of the first paragraph of Article 271 ZIZ). Such interim measures issued by a Slovenian court on the basis of a European Preservation Order of another Member State do not grant a lien over the security (second paragraph of Article 271 ZIZ). They are issued by the court if it has not yet issued a judgment on the merits of the case. If the creditor encloses an existing judgment, court settlement or authentic instrument with the application for a preservation order, the enforcement measure set out in point 4 of the first paragraph of Article 260 ZIZ is ordered, i.e. a decision is issued on a preliminary measure ordering the seizure of the cash amount in the debtor's account at the payment transaction organisation (third paragraph of Article 279e and point 4 of the first paragraph of Article 260 ZIZ). Seizure grants the creditor a lien over the debtor's cash assets in bank accounts (third paragraph of Article 107 in conjunction with the fifth paragraph of Article 138 and Article 239 ZIZ).

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

The courts or, where applicable, the enforcement authority competent to grant a remedy (Article 33(1), Article 34(1) or (2)):

- a remedy (objection) under Article 33(1) is lodged with the court that issued the Preservation Order. That court is a local court or a district court. It rules on the remedy (Article 54 in conjunction with Article 239 ZIZ);

- a remedy under Article 34(1) is lodged with the Local Court in Maribor, which issued the securing order (by means of a preliminary measure or interim measure) on the basis of a Preservation Order of another Member State and served it on the payment transaction organisation. It rules on the remedy (Article 279f ZIZ);

- a remedy under Article 34(2) of the Regulation (public policy exception) is lodged with the Local Court in Maribor.

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

The courts with which an appeal is to be lodged, the period of time within which such an appeal must be lodged under national law and the event marking the start of that period (Article 37):

An appeal may be lodged against the decision on the objection (first paragraph of Article 9 in conjunction with Article 239 ZIZ). The appeal is lodged at the court that issued the Preservation Order (local or district court) or at the local court responsible for enforcement of the Preservation Order under Article 23 of the Regulation.

The appeal must be lodged **within eight days** of the decision handed down by the court of first instance on the objection (third paragraph of Article 9 ZIZ).

A higher court rules on the appeal.

Contact details of the higher courts:

##### **1 Celje Higher Court**

Prešernova ulica 22  
3102 Celje - p.p. 1034

tel.: (03) 427 51 00

fax.: (03) 427 52 70

e-mail: [urad.visce@sodisce.si](mailto:urad.visce@sodisce.si)

##### **2 Koper Higher Court**

Ferrarska 9  
6000 Koper

tel.: (05) 668 30 00

fax.: (05) 639 52 45

e-mail: [urad.viskp@sodisce.si](mailto:urad.viskp@sodisce.si)

##### **3 Ljubljana Higher Court**

Tavčarjeva 9  
1000 Ljubljana

tel.: (01) 366 44 44  
fax.: (01) 366 40 70  
e-mail: [urad.vislj@sodisce.si](mailto:urad.vislj@sodisce.si)

#### **4 Maribor Higher Court**

Sodna ulica 14  
2000 Maribor

tel.: (02) 234 71 00  
fax.: (02) 234 73 18  
e-mail: [urad.vismb@sodisce.si](mailto:urad.vismb@sodisce.si)

#### **Article 50(1)(n) – Court fees**

Indication of court fees (Article 42):

The court fees in proceedings to obtain a Preservation Order or a remedy against such an Order are the same as those for obtaining an equivalent national order or a remedy against such a national order.

The payment of court fees is governed by Article 29b ZIZ. The court fees must be paid on submission of the application for enforcement, the objection or the appeal or at the latest within eight days of service of the order for payment of the court fees.

If the court fees can be calculated automatically, a payment order is issued when the application is submitted electronically, instructing the applicant to pay the fees by transfer to a given account and to quote the reference number indicated in the order for payment. The order for payment of the court fees is deemed to have been served when the applicant himself or his representative submits the application electronically.

If the court fees are not paid in time, the application is deemed to have been withdrawn.

In the payment order, the court must warn the party concerned of the consequences of nonpayment of the court fees.

The amount of court fees is laid down by the Court Fees Act (ZST-1) (UL RS Nos 37/08, 97/10, 63/13, 58/14 – Const. Court decision, 19/15 – Const. Court decision and 30/16). The court fees charged are the same as in procedures relating to the equivalent national order, which is the securing order.

The following fixed amounts are charged for these fees:

	If an application is submitted on paper	If an application is submitted in electronic form
Procedure concerning an application for a Preservation Order	EUR 30 (tariff No 4012 ZST-1)	EUR 24 (tariff Nos 4041 and 4012 ZST-1)
Procedure concerning an objection	EUR 30 (tariff No 4022 ZST-1)	EUR 24 (tariff Nos 4041 and 4022 ZST-1)
Procedure concerning an appeal	EUR 33 (tariff No 4033 ZST-1)	EUR 26.4 (tariff Nos 4041 and 4033 ZST-1)

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

Languages accepted for translations of the documents (Article 49(2)):

The official languages are Slovenian plus the two national minority languages, which are in official use at the courts in the areas where these national minorities live (Articles 6 and 104 ZPP). The national minority languages are Italian and Hungarian. Piran Local Court, Koper Local Court and Koper District Court operate in Italian, whereas Lendava Local Court operates in Hungarian.

Mixed-nationality municipalities are covered by the Establishment of Municipalities and Municipal Boundaries Act (UL RS No 108/06 - official consolidated text and 9/11; hereinafter ZUODNO), Under Article 5 ZUODNO: 'Mixed-nationality municipalities shall, in accordance with this Act, be those identified as such by the current statutes of Lendava, Hodoš - Šalovci, Moravske Toplice, Koper, Izola and Piran municipalities.'

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#### **European Account Preservation Order - Slovakia**

##### **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](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 16.50.

The court fee for an application for an urgent measure to be enforced in another EU Member State is EUR 33.

The court fee for an application for an urgent measure to be enforced in Slovakia, in full or in part, is EUR 49.50.

#### **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 33 or EUR 49.50; application for a cancellation or amendment: EUR 33; request for information forming part of an application for an order: EUR 3; application for enforcement of an urgent measure in another Member State: EUR 16.50.

#### **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: 26/03/2024

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#### **European Account Preservation Order - Finland**

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

Helsinki District Court

Porkkalankatu 13

FI – 00180 Helsinki

Postal address:

Box 650

FI – 00181 Helsinki

Tel.: +358 2956 44200 (switchboard)

Fax: +358 29 2956 44218

Email: [helsinki.ko@oikeus.fi](mailto:helsinki.ko@oikeus.fi)

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

The competent authority to obtain account information is the bailiff. The request to obtain account information may be sent either directly to the bailiff or to the National Enforcement Authority's Central Administration (Ulosottolaitoksen keskushallinto), which will forward it to the bailiff.

##### Contact details of the National Enforcement Authority's Central Administration:

National Enforcement Authority's Central Administration

European account preservation

PO Box 2

00067 Ulosottolaitos

Finland

tel. +358 2956 58801

Fax: +358 29 562 2611

Email: [hallinto.uo@oikeus.fi](mailto:hallinto.uo@oikeus.fi)

##### Contact details of bailiffs

The contact details of bailiffs are available in Finnish, Swedish and English online at <https://ulosottolaitos.fi/fi/>, a website maintained by the Ministry of Justice.

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

The method of obtaining account information available under Finnish law is the one set out in Article 14(5)(a) of the Regulation (all banks in Finnish territory are under an obligation to disclose, upon request by the information authority (i.e. the bailiff), whether the debtor holds an account with them).

##### **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 by the Helsinki District Court may be lodged with the Helsinki Court of Appeal. The notice of appeal must be addressed to the Helsinki Court of Appeal and must be sent to the registry of the district court that issued the decision, i.e. the Helsinki District Court. For the contact details of the Helsinki District Court see Article 50(1)(a).

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

*Article 10(2):* The authority competent to revoke or terminate the Preservation Order is the bailiff. The revocation form may be sent either directly to the bailiff or to the National Enforcement Authority's Central Administration, which will forward it to the bailiff (see Article 50(1)(b)).

*Article 23(3):* If the Preservation Order was issued in Finland (Finland is the state of origin), the issuing court (i.e. Helsinki District Court) is responsible for transmitting the documents referred to in Article 23(3) of the Regulation (see Article 50(1)(a)).

If the Preservation Order is to be enforced in Finland (Finland is the state of enforcement), the bailiff is the competent authority of the state of enforcement.

The documents required for enforcement may be sent either directly to the bailiff or to the National Enforcement Authority's Central Administration, which will forward the documents to the bailiff (see Article 50(1)(f)).

*Article 23(5):* See the reply to Article 50(1)(f).

*Article 23(6):* See the reply to Article 50(1)(f).

*Article 23(3):* The bailiff responsible for enforcing the Preservation Order will issue the declaration concerning the preservation of funds, referred to in Article 25, and transmit it to the court that issued the Preservation Order and to the creditor.

*Article 27(2):* The competent authority for the release of over-preserved amounts is the bailiff responsible for enforcing the Preservation Order. The request to release over-preserved amounts may be sent directly to the bailiff who issued the declaration referred to in Article 25, or to the National Enforcement Authority's Central Administration, which will forward it to the bailiff (see Article 50(1)(b)).

*Article 28(3):* If Finland is the state of origin, responsibility for initiating service and for transmitting the documents referred to in Article 28(1) to the competent authority in the Member State in which the debtor is domiciled rests with the court that issued the Preservation Order, i.e. Helsinki District Court.

If the debtor is domiciled in Finland, the competent authority for service will depend on whether any bank accounts that are to be preserved are located in Finland. If any bank accounts that are to be preserved are located in Finland, the competent authority for service is the bailiff. In that case, the documents to be served may be sent either directly to the bailiff, or to the National Enforcement Authority's Central Administration, which will forward them to the bailiff. If any of the accounts that are to be preserved are not located in Finland, the competent authority for service is the Helsinki District Court.

*Article 36(5), second subparagraph:* The competent authority for enforcing a decision on a remedy is the bailiff. The decision on a remedy may be sent either directly to the bailiff or to the National Enforcement Authority's Central Administration, which will forward it to the bailiff.

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

The authority competent to enforce precautionary measures in Finland is the bailiff. If Finland is the state of enforcement, the documents required for enforcement, referred to in Article 23(3) of the Regulation, may be sent either directly to the bailiff or to the National Enforcement Authority's Central Administration, which will forward them to the bailiff (see Article 50(1)(b))

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

The seizure of movable property, such as money held in bank accounts, is carried out under Chapter 8, Section 7 of the Enforcement Code (705/2007), taking into account, where applicable, the provisions of Chapter 4 on attachment.

According to Chapter 4, Section 11 of the Enforcement Code, movable property held jointly by the debtor and a third party is deemed to belong to them in equal parts, unless the third party demonstrates, or it is otherwise apparent, that it is the sole owner of the property or owns the larger share of the property. On the basis of this assumption regarding the right of ownership, half of the funds in an account held jointly by a debtor and a third party will be regarded as belonging to the debtor, meaning that this half can be subject to a preservation measure (minus amounts exempt from preservation under Article 31).

The assumption of joint ownership will cease to apply, however, if it transpires that the assets are in fact entirely owned by the debtor or the third party, or that they do not own equal shares. Third parties who claim that they are the sole owners or own more than half of the assets will have to substantiate their claim.

Enforcement Code: <http://www.finlex.fi/fi/laki/ajantasa/2007/20070705>

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

Under Chapter 4, Section 21(1) point 6 of the Enforcement Code, in the case of a debtor who is a natural person, an amount will be separated from the attachment equivalent to one and a half times the protected portion of the debtor's cash assets or other property referred to in Section 48, for a period of one month, unless the debtor has other, corresponding income.

In accordance with Chapter 4, Section 48(3), the amount of the protected portion is reviewed annually by Decree of the Ministry of Justice, as provided for in the National Pensions Index Act (456/2001). The current amount of the protected portion can be found at: <https://ulosottolaitos.fi/fi/index/tietoaulosotosta/tietoavelalliselle/mitenulosmitattavamaaralasketaan.html>

A spouse means a married partner or an unmarried partner living in a relationship equivalent to marriage. Those dependent on the debtor for maintenance will be a person whose income is less than the protected portion calculated for the debtor himself/herself and a child in a similar position, regardless of whether the other partner shares in the child's maintenance. Maintenance paid by the debtor may be taken into account as provided for in Chapter 4, Sections 51-53 of the Enforcement Code.

The above amount will be exempted from seizure without any request from the debtor; the bailiff responsible for the Preservation Order and for exempting such amounts is therefore required under Article 31(2) of the Regulation to exempt the relevant amount from preservation on his/her own initiative.

#### **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**

Banks are not entitled under Finnish law to charge fees for 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**

Bailiffs charge a fee of EUR 225 for enforcing a Preservation Order. The fee is regulated by Section 2(5) the Enforcement Fees Act (34/1995) and Section 5 (1) point 3 of the Enforcement Fees Decree (35/1995). In accordance with Section 4(3) of the Enforcement Fees Act, the fee may be charged only to the applicant, not the debtor.

No fee is charged for measures taken by the bailiff during the procedure for obtaining account information under Article 14 of the Regulation.

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

Precautionary measures under Finnish law do not provide any ranking for attachment. The legal basis is Chapter 4, Section 43 of the Enforcement Code which states that a seizure or other precautionary measure does not prevent attachment.

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

*Article 33(1):* Helsinki District Court. For contact details see Article 50(1)(a).

*Article 34(1):* The bailiff. The application for a remedy may be sent either directly to the bailiff or to the National Enforcement Authority's Central Administration, which will forward it to the bailiff. For contact details see Article 50(1)(b).

*Article 34(2):* Helsinki District Court. For contact details see Article 50(1)(a).

#### **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 on a remedy, taken by the Helsinki District Court, may be lodged with the Helsinki Court of Appeal. The notice of appeal addressed to the Helsinki Court of Appeal must be sent to the registry of the district court that issued the decision, i.e. the Helsinki District Court.

The deadline for lodging an appeal is 30 days from the day on which the decision of the district court was handed down or made available to the parties. The notice of appeal must be sent to the registry of the district court by close of business on the day the deadline expires. Close of business is 16.15.

An appeal against a decision taken by a bailiff on a remedy may be lodged with the district court that handles enforcement appeals under Chapter 11, Section 2 of the Enforcement Code. The notice of appeal addressed to the district court must be sent to the bailiff who took the decision by email to [ulosotto.uo@oikeus.fi](mailto:ulosotto.uo@oikeus.fi) or by post to: PO Box 1, 00067 Ulosottolaitos. For contact details of the bailiff see Article 50(1)(b).

Enforcement appeals are heard in the district courts of the Åland Islands, Helsinki, Länsi-Uusimaa, Oulu, Pirkanmaa, Pohjanmaa, Pohjois-Savo, Päijät-Häme and Varsinais-Suomi. The appeal is heard by the district court in whose jurisdiction the enforcement measure was carried out. Contact details can be found on the website <https://oikeus.fi>.

There is a three-week time limit for lodging appeals. This three-week period is calculated from the day on which the decision was taken, if the person concerned was notified in advance or was present when it was handed down. Otherwise, the period for lodging an appeal is calculated from the date on which the person concerned was informed of the decision. Chapter 3, Section 39(2) of the Enforcement Code sets out when the recipient is deemed to have been informed of a decision sent by post or e-mail. Unless proven otherwise, service is deemed to have been effected three days after an electronic message was sent or seven days after the document was posted or deposited at a place reserved for postal consignments. The date of posting or deposit must be shown on the document.

The notice of appeal must be sent to the bailiff who took the decision by email to [ulosotto.uo@oikeus.fi](mailto:ulosotto.uo@oikeus.fi) or by post to: PO Box 1, 00067 Ulosottolaitos, by close of business on the day the deadline expires. Close of business is 16.15.

#### **Article 50(1)(n) – Court fees**

Court fees and fees for appeals are regulated by the Act on Court Fees (1455/2015). The fee for applying to a court for a Preservation Order is the same as for the processing of precautionary measures under national law. The fees charged for processing such precautionary measures under the Act on Court Fees are currently based on the fee for hearing the main proceedings relating to the applicant's application or entitlement.

The size of the fee therefore depends on the main proceedings at the origin of the Preservation Order case. If the main proceedings involved a dispute, the fee for proceedings in the district court for the application for a Preservation Order will be a maximum of EUR 500, in accordance with Section 2 of the Act on

Court Fees. The court fees may be lower if, for example, the main proceedings involve a summary dispute, as referred to in Chapter 5, Section 3 of the Code of Judicial Procedure: the court fee may be EUR 65.86 or 250, depending on how the main proceedings were decided and whether the respondent contested the case.

The court fees for the court of appeal are a maximum of EUR 500.

The court fee is collected on completion of the procedure, i.e. when the case has been concluded in the court.

No court fee is charged for invoking a remedy against a Preservation Order.

Act on Court Fees: <http://www.finlex.fi/fi/laki/ajantasa/2015/20151455>

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

Finnish, Swedish and English.

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### **European Account Preservation Order - Sweden**

#### **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.

#### **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](mailto: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.

#### **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.

#### **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).

#### **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 \(1996:242\)](#).

#### **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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