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## INTRODUCTION

**This guide is the result of a study of European Law Firm member firms regarding the procedures that regulate debt collection in Europe, with particular focus on the recovery of foreign debts.**

**Although it should not be relied upon as being a complete source of information, the guide includes essential information on timescales, costs and remedies in each jurisdiction and focuses on:**

- a) Court proceedings;
- b) Online civil trial;
- c) EC Regulations on debt collection's effective application in EC countries (805/2004 - 'EEO' for uncontested claims; 1896/2006 - 'EOP' European order for payment; 861/2007 - European Small Claims Procedure & 1393/2007 - Service of documents), which were introduced to simplify the process.

European Law Firm is ready to respond to the massive request of the international market and to offer its members' firms' know-how and legal services. This guide should be an interesting and useful resource for anyone considering debt collection in a European country. As the law is constantly changing, we recommend that local legal advice is always sought before any action is taken. Contact details for all European Law Firm members are available throughout the booklet.



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## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years; in some cases 30 years. **Judicial order/arbitral award:** 30 years.  
**Commercial papers:** 1 year.

It is possible to apply legal interests to the credit: 4% (private) to 9.2% (8% if the signing of the contract was before 16.03.2013) plus base lending rate (commercial). It is possible to agree rates of interests that are higher than the legal rate.

It varies but 2 months without plea.

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, there are fast track procedures. **Small amounts:** Yes, there is no minimum amount. Debts up to €75,000 are considered small and require a summary notice to pay.

Yes, the creditor may personally claim up to €4,000. Legal assistance is required for claims above this amount.

The Hague Convention is applied (a long list of bilateral conventions as well). The written Power Of Attorney is not necessary versus the Court.

**a.** Commercial courts if the defendant is commercially active. If not, the Tribunal of First Instance. **b.** Only information about the facts of the case. **c.** Very different, without plea 2 months. **d.** Claim, default summons, legal force or plea; if plea, hearings, judgment.

Usually not before legal force.

Usually not.

Yes.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

a. Yes.  
b. Without plea 2 months.  
c. Costs depend on the volume of the claim.

13. Who is entitled to use the online civil trial?

Lawyers.

14. What kind of technical requirements are required?

The internet plus special software.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

**Timing:** 1 month.  
Costs depend on the volume of the claim.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

If the judicial order is not according to international contracts.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

Where the defendant does not raise any plea.

21. Please indicate timing and costs to obtain a first order.

**Timing:** Approx. 2 to 3 months.  
Costs depend on the volume of the claim.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

**Timing:** Approx. 2 to 3 months.  
Costs will depend on the volume of the claim.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

**Timing:** Approx. 2 to 3 months.  
Costs will depend on the volume of the claim.

**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 10 years.  
**Judicial order/arbitral award:** 10 years.  
**Commercial papers:** cheque 6 months;  
bills of exchange: 3 years.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

It is possible to apply legal interests to the credit.  
Two interest rates can be applied: **i)** The legal interest rate: 2.75%; **ii)** The interest rate based on the law combating late payments in business transactions: 8%.

It is possible to agree rates of interests that are higher than the legal rate.

3. How long will a Court action take?

Approx. 1 year.

4. Can the court fee, issue fee and any other further costs be claimed?

No.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes. In Belgium there is a 'summary order for payment procedure'. This simple procedure, described in Sections 1338 to 1344 of the Civil Code, serves to secure payment of an amount not exceeding €1,860.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

The creditor can always appear in person, without being represented by a lawyer, unless it is prohibited by law (proceedings in the Court of Cassation).

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

Yes, The Hague Convention is applied in the case of a foreign client.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** Commercial courts if the defendant is commercially active. If not, the Tribunal of First Instance. **b.** A formal notice will be sent before initiation a judicial procedure. **c.** 1 month to send a formal notice - 1 year to obtain a judicial order (except if there is no actual litigation) - 6 months to enforce the judgment.

9. Does the judicial order allow you to start enforcement proceedings?

Yes.

10. May the judicial order be enforced before it has been served?

Yes, by means of precautionary attachment.

11. May the debtor challenge/appeal the judicial order?

Yes.

**SECTION 3:**
**ONLINE CIVIL TRIAL**

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

No.

13. Who is entitled to use the online civil trial?

N/A.

14. What kind of technical requirements are required?

N/A.

**SECTION 4:**
**EC REGULATIONS ON DEBT COLLECTION**

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

The procedure as described in the (EC) No. 1393/2007 has to be followed. **Costs:** These depend on the instance that has to execute the notification.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

Due to the fact that there is no specific internal regulation, the procedure described in art. 7 of the EC Regulation has to be followed.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

A claim that has been acknowledged by the defendant, or a non-appearance in court.

21. Please indicate timing and costs to obtain a first order.

The request has to be filed at the court. Timing depends on the court where the procedure is introduced. **Costs:** A registry cost of €27 or €52 (depending on the instance) is due.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

Timing depends on the court where the procedure is introduced. **Costs:** A registry cost of €27 or €52 (depending the instance) is due.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

Due to the fact that the procedure is rarely used, it is very hard to give a timing of this procedure (between 2 and 6 months). **Costs:** There is a Registry cost of €35 but other costs (e.g. translation, execution...) depend on the case.



## SECTION 1:

## GENERAL INFORMATION &amp; FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation:** Normally 5 years unless otherwise stated. Labour remuneration claims; claims arising from damages and penalties from a non performed contract; claims for rent, interests and other periodic payments, have a statute of limitation of 3 years.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

It is possible to apply legal interests to the credit. There are contractual interests, delay interests and liquidated damages. Parties can negotiate the interest rates in line with the rules of good practice. It is possible to agree rates of interests that are higher than the legal rate.

3. How long will a Court action take?

There is a three-tier Court system. Court actions in each instance take about 1.5 years.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

The Code of Civil Procedure arranges two fast track procedures (also for small amounts): **i)** Writ of execution for claims for cash and for transfer of movables which the debtor has received with a commitment to return; **ii)** Writ of immediate execution based on a document. (i.e. act of an administrative body, document or statement of account books, notary deed etc.). The execution of both procedures is similar, although in the second, claims have no amount limitation. In the latter procedure, the court issues an execution order despite the defendant's objection.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, but a lawyer is recommended.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

Bulgaria is a member of The Hague Convention. Notarisation for a Power Of Attorney presented to court is not mandatory. A simple written form is sufficient.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** The claim shall be laid upon the court where the debtor's address is situated. **b.** Creditor shall prove his claim with written evidence, accountant expertise, evidences that the defendant has admitted the debt etc. **c.** Approx. 1.5 years per court instance. **d.** Companies shall be summoned at the company address; individuals at their permanent residence.

9. Does the judicial order allow you to start enforcement proceedings?

Once the judgment comes into force the enforcement procedure can be initiated. There are few exceptions to this regulation: enforcement can start before the final order i.e. in case of labour remuneration.

10. May the judicial order be enforced before it has been served?

Generally no. An exception is the writ of immediate execution. In this case, the debtor is notified for the judgment of the court after the execution procedure has started.

11. May the debtor challenge/appeal the judicial order?

Yes.



SECTION 3:	ONLINE CIVIL TRIAL	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	Permissible if the addressee is a citizen of an EU member state which issued the document. The documents shall be translated into Bulgarian. The foreign court sends the documents to the competent Bulgarian District Court who serves the documents according to the Bulgarian legislation and then issues a Certificate for service or non-service of documents - Annex 1 of Regulation (EC) No. 1393/2007.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	Refusal to accept is certified with a return receipt.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes, but rarely used.
		20. What is an uncontested claim in your country?	It is established by a judgment, court settlement or authentic document by authority of an EU member which does not pass through the procedure for recognition and admission of execution and directly receives a writ of execution according to the specific grounds.
		21. Please indicate timing and costs to obtain a first order.	Approx. 3 months.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes, but rarely used.
		23. Please indicate timing and costs to obtain an order.	Approx. 3 months.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes, but rarely used.
		25. Please indicate timing and costs to obtain an order.	There is no legal regalement for the taxes, however the court practice apply 2% of the claimed amount. <b>Timing:</b> 3 months.



**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** No time limit, although a statute of limitation is currently being drafted.  
**Judicial order/arbitral:** 10 years, renewable.  
**Commercial papers:** 3 months for cheques.

Yes, it is possible to apply legal interests to the credit. Minimum rate according to Cypriot law is 5.5%. It is possible to agree rates of interests that are higher than the legal rate but it depends on the agreement between the parties.

It usually takes from 3 months to 2 years.

Yes.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes there is a fast track procedure in order to collect debts. No, there are only standard procedures and no special procedures for small amounts.

Yes, the creditor may claim directly his credit irrespective of the value of the debt. In practice when the amount is large, most creditors ask for legal assistance.

Cyprus is a signatory party to The Hague Convention 1961. Therefore the procedure of certifying a Power Of Attorney is by Apostille.

**a.** District Court Judge: Up to €100,000; Senior District Court Judge: €100,000-€500,000; President of the District Court: More than €500,000. **b.** All the invoices that were sent, legal letters, agreements, cheques, written affidavit from the creditor explaining the facts in detail. **c.** Depends on the circumstances. Usually it takes from 1 month to 2 years. **d.** After we file the lawsuit, we give the relevant documents to the process-server. After the process-server serves the notice, it issues an affidavit where it states that the notice was served to the debtor.

Yes.

Yes, on special occasions such as the issue of Interim orders on its property.

Yes.

SECTION 3: ONLINE CIVIL TRIAL		SECTION 4: EC REGULATIONS ON DEBT COLLECTION	
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	Costs depend on the disputable amount and the time that was consumed on notification.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	The receiving agency should inform the addressee in writing using the standard form that he may refuse to accept the document to be served at the time of service or by returning the document to the receiving agency within 1 week if it is not either in a language which he understands or in the official language or one of the official languages of the place of service. This rule should also apply to the subsequent service once the addressee has exercised his right of refusal. These rules on refusal should also apply to service by diplomatic or consular agents, service by postal services and direct service. It should be established that the service of the refused document can be remedied through the service on the addressee of a translation of the document.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	It is defined through article 3 of the Regulation (EC) No. 805/2004.
		21. Please indicate timing and costs to obtain a first order.	It could take between 1-3 months.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	Timing depends on the court and if the Debtor has hired legal representation. It could take from 3 months to 5 years. Costs depend on the value of the claim including the court's fees.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	It depends on the amount and if the debtor hires legal representation.

**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).  
What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 4 years.  
**Judicial order/arbitral award:** Up to 10 years.  
**Commercial papers:** 3 years.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

It is possible to apply legal interests to the credit. The Czech National Bank REPO rate is plus 7% P.A. Yes, it is possible to agree rates of interests that are higher than the legal rate.

3. How long will a Court action take?

It takes from 6 months to 2 years.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes. Upon request, the Court will immediately issue a payment order instead of proceeding with the regular judgment. If not challenged by the debtor, the payment order becomes final and can be used as title for execution.  
**Small Amount:** No, appeals against a decision cannot be filed on very small amounts.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Legal representation is not formally required. In practice, the clients are represented either by external counsels or by in-house counsels.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

The Power Of Attorney for court proceedings does not need to be certified. Yes, the Czech Republic is party to The Hague Convention on Apostillation. Bilateral treaties have been concluded with many European countries.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** District court according to the registered office of the debtor. **b.** The court fee must be paid, brief information of the facts of the case must be provided and it must correspond to the evidence. **c.** 6 months to 2 years. **d.** In general the service of documents is conducted via registered mail. If the order has to be served to a physical person, it has to be notified in his usual or last known resident domicile, if the debtor is a company, the order has to be notified to the registered office address or to its registered data box (unique electronic address).

9. Does the judicial order allow you to start enforcement proceedings?

Yes, unless challenged by the debtor. Then regular proceedings finished by regular judgment.

10. May the judicial order be enforced before it has been served?

No.

11. May the debtor challenge/appeal the judicial order?

Yes.

**SECTION 3:**
**ONLINE CIVIL TRIAL**

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

Yes, there are telematic procedures in order to collect debts. Credits to be collected by telematic procedures: by means of a completed e-form presenting circumstances of the claim. There are standard court fees.

13. Who is entitled to use the online civil trial?

Anybody for a claim up to 1 million Czech Crowns (approx. €40,000).

14. What kind of technical requirements are required?

Official Electronic Signature.

**SECTION 4:**
**EC REGULATIONS ON DEBT COLLECTION**

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

The notification should be sent directly to the addressee by registered mail, in Czech or with a Czech translation. All other formal terms are standard according to (EC) No. 1393/2007. There is no extra cost except for postage. **Timing:** 2 to 3 months.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

Regulation is included in the Civil Procedure Code. The addressee has right to refuse to receive any notification (civil). In such case the notification is considered to be delivered on the day of refusal.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

If no defence is presented by the debtor in the proceedings or if the debtor acknowledges the debt before the court or public notary.

21. Please indicate timing and costs to obtain a first order.

**Timing:** 2 to 3 months. The costs of monetary claims are basically 4% of the claimed amount (minimal fee is €25).

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

**Timing:** 2 to 3 months. The costs of monetary claims are basically 4% of the claimed amount (minimal fee is €25).

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

**Timing:** 2 to 3 months. The costs of monetary claims are basically 4% of the claimed amount (minimal fee is €25).



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years (loan contracts 10 years). **Judicial order/arbitral award:** 10 years.  
**Commercial papers:** 3 years.

It is possible to apply legal interests to the credit. The Danish Central Bank lending rate is plus 7%. Yes, it is possible to agree rates of interests that are higher than the legal rate.

A simple debt collection takes 3 months. If the claim is contested: 9 to 12 months.

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

**Fast track procedures/Small amounts:** Yes, there are, for claims less than DKK 100,000 (approx. €13,412)

Yes, but the Court may require a lawyer.

No special procedure to certify the lawyer's Power Of Attorney. Yes, The Hague Convention of 5 October 1961 has been adopted.

**a.** The debtors local jurisdiction. **b.** Agreement, contract, order confirmation, invoice, receipt etc. **c.** 6 to 12 months. **d.** The court will serve the claim itself.

Yes. The debtor is given 14 days to pay before enforcement can begin.

No.

Yes, but only once.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

No.

13. Who is entitled to use the online civil trial?

N/A.

14. What kind of technical requirements are required?

N/A.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

To enforce foreign judgments in Denmark, you must first apply to the Court to register the foreign judgment. You need to submit, along with your application notice: **i)** An authenticated copy of judgment; **ii)** A certificate set out in the form of annex V of the Brussels Regulation, produced by the court or competent authority of the Member State where judgment was given; **iii)** A translation of the judgment in Danish, if necessary, certified by a notary or accompanied by written evidence confirming that the translation is accurate. If you want to recover interest under the foreign judgment, then you also need to submit a written statement confirming: **i)** The amount of interest that has accrued up to the date of the application; **ii)** The rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue. **Costs:** Court fees.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

Only if formal procedures are not allowed.

19. Is Regulation (EC) No. 805/2004 applied in your country?

No.

20. What is an uncontested claim in your country?

An uncontested claim in Denmark can be one in which the Defendant admits the claim in written; or fails to file a defence.

21. Please indicate timing and costs to obtain a first order.

Timing depends on the court and if the debtor has hired legal representation. It will take about 3 months if the debtor fails to file a defence. It will take about 9 to 12 months, if the debtor files a defence. Costs depend on the value of the claim including the court's fees.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

No.

23. Please indicate timing and costs to obtain an order.

N/A.

24. Is Regulation (EC) No. 861/2007 applied in your country?

No.

25. Please indicate timing and costs to obtain an order.

N/A.



## SECTION 1:

## GENERAL INFORMATION &amp; FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 6 years from the date of the cause of action; 12 years if the agreement was made by way of deed. **Judicial order/arbitral award:** 6 years.  
**Commercial papers:** 6 years from the date of the cause of action; 12 years if made by way of deed.

It is possible to apply legal interests to the credit. They can be applied to commercial debts pursuant to the Late Payment of Commercial Debts Act at a rate of 8% above the Bank of England base rate (currently 0.5%); interest on damages claims may also be claimed at 8%. It is possible to agree rates of interest that are higher than the legal rate. A contractual rate will be binding over the statutory rate where the sum sufficiently compensates the individual and where it does not constitute a penalty rate.

Short and uncontested cases take no more than 2 months. If a claim is contested but is relatively straight forward then the claim will take between 6 to 12 months to get to trial. If the claim is contested and deals with complex issues it is more likely to take between 12 to 18 months to get to trial.

Yes, it is also possible to claim solicitors' costs, barristers costs and other disbursement but this depends on the value of the claim.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, there are designated tracks for the collection of debt. The track taken depends upon the amount owed and will determine the steps taken by the court to manage the claim, the time it takes for a trial to be heard and the recoverability of the claimant's costs. The court may also give summary (early) judgment against a debtor on the whole or part of the claim if the debtor's defence has no reasonable prospect of success and there are no other reasons as to why the case should be disposed of at trial. The court will only consider this remedy if it is able to consider the case on paper. If it needs to hear the witnesses then it will not be allowed. **Small amounts:** The usual track a debt claim would be allocated as follows: **i)** Small claims track for simple cases from £50 to £10,000 (£58 to €11,731); **ii)** Fast track for cases £10,000 to £25,000 (€11,731 to €29,329); and **iii)** Multi track for complex cases and all cases over £25,000 (€29,329). If a debt is for a fixed amount below £100,000 proceedings can be started online.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
**a.** Jurisdiction; **b.** Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; **c.** Duration of the proceedings; **d.** Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Although it is recommended that a creditor should seek legal advice before commencing a claim, it is not an official requirement and claims in the small claims court can be issued and run without the assistance of a lawyer.

A Power Of Attorney is not required to act for foreign clients. The UK has adopted The Hague Convention of 5 October 1961.

**a.** The Courts of England & Wales can deal with debt claims not only within England & Wales. If the court can be satisfied that England & Wales is the proper place to bring the claim, the client can attempt to enforce the judgment in England & Wales or it can apply to the court where judgment was entered for it to be certified as a European Enforcement Order (EEO). Once this is certified as an EEO it can be enforced using the enforcement procedures of other Member States. **b.** Letter before action (outlining the claim) providing 14 days to respond; under CPR 16 also a concise statement of the facts on which the claimant relies and a statement confirming whether the claimant is seeking interest on the debt. **c.** It depends on the amount of the debt (and therefore the track taken), the complexity surrounding the claim and whether or not the debt is disputed or undisputed. If a claim is on the fast track it will usually take at least 6 months before a trial is heard. **d.** If the debtor is based in England & Wales, the court will usually serve the claim itself by first class post. Other methods of service which are accepted include: **i)** Personal service; **ii)** First class post, DX or other service which provides for delivery on the next business day; **iii)** Delivery of the document to or leaving it at the relevant place; and **iv)** Fax.

Yes, a court judgment allows you to take steps to secure your payment.

The debtor needs to have been given notice that there is an order against them before enforcement proceedings are commenced.

Appeals are only usually permitted where the court has erred in law or has exercised its discretion in an unusual or unreasonable way.



<p><b>SECTION 3:</b></p> <p>12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.</p>	<p><b>ONLINE CIVIL TRIAL</b></p> <p>No.</p>	<p>19. Is Regulation (EC) No. 805/2004 applied in your country?</p>	<p>Yes.</p>
<p>13. Who is entitled to use the online civil trial?</p>	<p>N/A.</p>	<p>20. What is an uncontested claim in your country?</p>	<p>An uncontested claim in England can be one in which the Defendant admits the claim; fails to file a defence or where a consent order has been drawn up and signed by both parties whereby the debtor agrees to pay the creditor.</p>
<p>14. What kind of technical requirements are required?</p>	<p>N/A.</p>	<p>21. Please indicate timing and costs to obtain a first order.</p>	<p><b>Timing:</b> 1 to 4 months. The procedure for enforcing a European Enforcement Order involves making an application in the local country court in England &amp; Wales. If the claim is uncontested then a default judgment will be handed to the claimant by the English court. The claimant must then make an application to the County court for the default judgment to be certified as an EEO. Then the claimant needs to submit the judgment, the EEO certificate and an application form. Once the claimant has had his or her EEO certified, then he or she needs to contact a court in the relevant member state to find out how to enforce the EEO.</p>
<p><b>SECTION 4:</b></p> <p>15. Is Regulation (EC) No. 1393/2007 applied in your country?</p>	<p><b>EC REGULATIONS ON DEBT COLLECTION</b></p> <p>Yes.</p>	<p>22. Is Regulation (EC) No. 1896/2006 applied in your country?</p>	<p>Yes.</p>
<p>16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.</p>	<p>The procedure and costs for the enforcement of foreign judgments in England &amp; Wales is by first applying to the High Court of England &amp; Wales to register the foreign judgment in accordance with CPR 23. You need to submit, along with your application notice: <b>i)</b> An authenticated copy of judgment; <b>ii)</b> A certificate set out in the form of annex V to the Brussels Regulation, produced by the court or competent authority of the Member State where judgment was given; <b>iii)</b> A translation of the judgment in English, if necessary, certified by a notary or accompanied by written evidence confirming that the translation is accurate. If you want to recover interest under the foreign judgment, then you also need to submit a written statement confirming: <b>i)</b> The amount of interest that has accrued up to the date of the application; <b>ii)</b> The rate of interest, the date from which it is recoverable, and the date on which it ceases to accrue.</p>	<p>23. Please indicate timing and costs to obtain an order.</p>	<p><b>Timing:</b> Minimum 2 months. <b>Costs:</b> If the application is uncontested then TLT's fees are likely to be in the region of £500 (€580). If it is contested then the cost will depend on the complexity of the issued raised.</p>
<p>17. Does the right of refusal exist?</p>	<p>If the judgment debtor wants to appeal the registration order, then he must file an appeal with the Court within 1 month of being served with the registration order, or, if he does not live in England, within 2 months of being served with registration order.</p>	<p>24. Is Regulation (EC) No. 861/2007 applied in your country?</p>	<p>Yes.</p>
<p>18. How is it regulated?</p>	<p>CPR 74.6 governs the registration order process. An appeal by the judgment debtor is governed by CPR 52.</p>	<p>25. Please indicate timing and costs to obtain an order.</p>	<p>European Small Claims are claims for less than €2,000. Such applications will be treated in England &amp; Wales in the same way as claims that are being heard on the small claims track. Costs of starting the claim would be £95 (€110). If the Small Claim has to go all the way to trial, then TLT's fees are likely to be in the region of £5,000-7,000 (€5,795-8,112) and are generally not recoverable from the other side.</p>



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitations: Agreement:** 3 years; if the obligor has intentionally violated its obligations, the statute of limitation is 10 years. The 10 year period is however debatable and plain failure to perform will not result in application of the 10 year period.  
**Judicial order/arbitral award:** 10 years.  
**Commercial papers:** 3 years.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

It is possible to apply legal interests to the credit. If the interest rate is not specified in the agreement, it shall be applied on a half-year basis and shall be equal to the last interest rate applicable to the main refinancing operations of the European Central Bank before 1 January or 1 July of each year. If a contract prescribes payment of interest exceeding the rate provided by law, the interest rate prescribed by the contract shall be the rate of default interest. It is possible to agree rates that are higher than the legal rate. However, if the interest rate is unreasonably high, the court may reduce the rate to a reasonable amount.

3. How long will a Court action take?

It can take from several months up to 2 years in the first instance. On average it is not expected that the Court action in the first instance will take less than 1 year.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, fast track procedures are possible via a petition by way of expedited procedure. The claim cannot exceed €6,400 and the expedited procedure cannot be filed against a bankrupt undertaking. **Small amounts:** Yes, claims under €2,000 (or €4,000 including default interest or other kinds of collateral claims) may be heard as a simplified procedure. In this case, the court shall only observe the main principles of civil procedure. The petition by way of expedited procedure described hereinabove is the most reasonable and quickest procedure in case of small claims.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

The creditor may claim recovery for his amount directly from the debtor. In case of court proceedings however, it is strongly recommended that the creditor seek counsel from a lawyer.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

The Hague Convention of 5 October 1961 has been adopted by Estonia. However, usually Power Of Attorney is expected and Court does not require a special procedure. If the Power Of Attorney is required, a document in simple written form is sufficient.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** An action may be filed with the court of the place of business or with the court of the seat of the legal person.  
**b.** The plaintiff must issue a written claim that includes: **i)** The clearly expressed claim of the plaintiff; **ii)** The facts which constitute the basis of the action; **iii)** The evidence in proof of the facts which are the cause of the action, and a specific reference to the facts which the plaintiff wants to prove with each piece of evidence; **iv)** Whether or not the plaintiff agrees to the conduct of written proceedings in the matter or wishes the matter to be heard in a court session; **v)** The value of the action unless the action is directed at payment of a certain sum of money. **c.** There is no actual time limit, but the proceeding of action shall be effected in reasonable time. Usually proceeding in the first instance takes about 1 year.  
**d.** In general the service of documents is conducted via internet-based electronic system 'E-toimik' or via registered mail. When documents are delivered via E-toimik, a notification about making documents accessible in e-toimik will be sent by mail or some other way. Documents to an attorney should always be delivered via e-toimik. Court may arrange the service of documents also through a person providing postal services, a bailiff, court security guard or in another manner specified by law. However, if the defendant fails to receive the documents the documents will be served publicly.

9. Does the judicial order allow you to start enforcement proceedings?

Yes, a judicial order is considered to be an enforcement document, upon which enforcement proceedings may be initiated.

10. May the judicial order be enforced before it has been served?

A judicial order may be enforced only after the delivery of the enforcement notice, which is based on the relevant judicial order, to the debtor. Judgments by default are an exception and can be enforced immediately.

11. May the debtor challenge/appeal the judicial order?

Yes, the debtor may appeal the judicial order in the period of time provided in the judicial order.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

**a.** A monetary claim (except for claims of damages) up to €6,400 can be collected via a telematic procedure called Expedited Procedure in Matters of Payment Order. It is a simplified procedure which demands filing a claim via electronic means, however, the defendant is allowed to respond in writing. The claim cannot be filed against a debtor that has been declared bankrupt. **b.** After the plaintiff has filed the claim, the court shall decide within 10 days whether to make a proposal for payment to the defendant. With making the proposal of payment the court gives the defendant 15 days (30 days if abroad) to file an objection. If the debtor files an objection in time, the court continues the hearing of the matter in general proceedings. If the debtor does not pay the amount indicated in the proposal for payment or does not file an objection to the proposal for payment in time, the court renders, in the form of a ruling, a payment order for such amount. In general, the proceedings are fast, however if there is a problem with the service of the documents and the debtor cannot be reached, the time and length of the proceedings will depend on the time needed to serve the documents. This may take up to half a year. **c.** The state fee is 3% of the claim, but not less than €45.

13. Who is entitled to use the online civil trial?

There are no limitations in general, but the procedure cannot be initiated against a debtor that has been declared bankrupt.

14. What kind of technical requirements are required?

The internet-based electronic filing system 'E-toimik' ([www.e-toimik.ee](http://www.e-toimik.ee)) should be used. The system is compatible with all browsers, however there are common technical problems when using Firefox. Authentication with ID-card of Mobile-ID is mandatory. Therefore an Estonian ID-card and a card-reader or a Mobile-ID is required.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

The court shall arrange for the service of foreign procedural documents in accordance with Code of Civil Procedure with a difference that foreign procedural documents may not be served publicly. In general the service of documents should be conducted via internet-based electronic system 'E-toimik' or via registered mail. When documents are delivered via E-toimik, a notification about making documents accessible in e-toimik will be sent by mail or some other way. Documents to an attorney should always be delivered via e-toimik. Court may arrange

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

If the recipient refuses without any legal ground, it is regarded as delivered. The addressee may refuse to receive the notification on the grounds provided in Section 8 Paragraph 1 of Regulation (EC) No. 1393/2007. In addition, a procedural document which is served by sending a registered letter may sometimes be handed over to a person who is not the recipient (e.g. if a person to whom a procedural document is served cannot be reached in his or her dwelling, the document is deemed to be served on the recipient if the document is delivered to a person who resides in the dwelling of the recipient and is at least fourteen years old. This person may refuse to accept the document if he or she cannot hand it over to the recipient.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

The definition of the uncontested claims is to be taken from the EC regulation. Any claim that is recognised by a judgment that has come into force is considered an uncontested claim.

21. Please indicate timing and costs to obtain a first order.

The state fee for the request to issue a European Enforcement Order is €25 or €10 if the application is submitted via internet-based electronic system 'E-toimik'. The procedure should not take more than 1 month.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

Timeframes that are prescribed by the regulation are observed. State fee in Expedited Procedure in Matters of Payment Order is 3% from principal claim, but not less than €45.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

Timeframes that are prescribed by the regulation are observed. The state fee will range from €60 to €325 depending on the amount of the claim and whether an action is filed via internet-based electronic system 'E-toimik' or not.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years.  
**Judicial order/arbitral award:** 3 years for a judicial order  
**Commercial papers:** 3 years.

Yes, it is possible to apply legal interests to the credit. According to the Finnish Interest Act, in the case of delayed payment, the debtor shall pay annual interest which is 7% higher than the reference rate. Yes, it is possible to agree rates that higher than the legal rate.

The average Court action takes 6 months.

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, if a case is not disputed, it can be heard in a summary proceeding. There are no special procedures for the collection of small amounts.

The creditor does not necessarily need the assistance of a lawyer.

In order to have the authenticity of a certified signature or an authenticated document, a foreign authority, company or private person may ask the Finnish authorities for an official certification for documents executed in Finland. Finland has adopted The Hague Convention of 5 October 1961.

**a.** The provisions regarding the recovery of debts are laid down in the Finnish Enforcement Code. **b.** A court judgment in a civil or criminal matter, a court order on precautionary measures and an arbitral award that has been handed down in arbitral proceedings under the Arbitration Act (967/1992) or some other Act, and a settlement certified by such an award. **c.** 6 months to 1 year. **d.** When the application has been received by the bailiff-in-charge, the respondent shall be notified of the filing without delay.

Yes.

An application is usually made for enforcement with a written application delivered to the bailiff in whose district the respondent resides or is domiciled or to another local enforcement authority or an electronic message delivered to a local enforcement authority equipped with a system for the reception of electronic messages.

It is possible to appeal the judicial order, which serves as grounds for enforcement. In addition, it is possible to appeal against the debt recovery procedure. If the interest is less than €10,000, a leave to appeal is needed. The complaint should be in writing.

SECTION 3:	ONLINE CIVIL TRIAL	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	The procedure is done in accordance with the Regulation's provisions. With most European countries these procedures are free of costs.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	No.
		18. How is it regulated?	(EC) No. 1393/2007 has implemented as a statute.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	Uncontested claims are listed in the Regulation (EC) No. 805/2004.
		21. Please indicate timing and costs to obtain a first order.	The timescale is approximately 6 months to 1 year. Costs depend on how proceedings develop.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	The timescale is approximately 6 months to 1 year. Costs depend on how proceedings develop.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	The timescale is approximately 6 months to 1 year. Costs depend on how proceedings develop.



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 5 years.  
**Judicial order/arbitral award:** 5 years.  
**Commercial papers:** 5 years.

There is no obligatory legal interest on the credit. It is possible to apply legal interests to the credit. According to the law of 1st July 2010 on consumer credit, there is a reference legal rate ('TEG' or 'effective global rate') whose calculation is quite complex (it corresponds to the real value of the credit which includes bank fees, insurance and commission). Conventional interests are also possible if they are not usurious. The usurious rate is regularly published.

It takes between 1 and 2 years in first instance and the same again before the Court of appeal.

Yes, however issue fees cannot be claimed if there were no other fees accepted by the client and paid before the result is obtained.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

There are two summary procedures: **i)** The summary proceeding for 100% payment ('référé-provision 100%'), which can take place if the creditor can show the existence of a non-contestable right; **ii)** The procedure of injunction payment ('Injonction de payer'), when the debt has a contractual nature for a determined amount or if the agreement comes from the acceptance or from the drawing of a bill of exchange. **Small Amounts:** Yes, the procedure of injunction payment is typically used in these cases. It is possible to obtain an injunction after one hearing without the presence of the debtor.

When the debt is more than €10,000, representation by a lawyer is obligatory.

The Hague Convention of 5 October 1961 was signed by France on 9 October 1961.

**a.** For litigations between shopkeepers or when there is a commercial relation between the parties, the commercial tribunal is competent. Physical persons who concluded an agreement with a company or a shopkeeper have the right to choose their privileged jurisdiction which is the high civil court, for debts of more than €10,000 and the civil court for debts below this amount. **b.** Agreements, invoices and all possible documents to prove the existence of an order and/or a delivery because in commercial law the proof is free. **c.** In the first instance it can take from 6 months to 1 year; and the same again before the appeal court. **d.** Before the high civil court there is a written procedure so, bailiff notifications of the pleadings must be accepted.

Yes.

It is quite rare in commercial matters; the principle is a necessary notification by a bailiff before enforcement.

Yes.

SECTION 3: ONLINE CIVIL TRIAL		SECTION 4: EC REGULATIONS ON DEBT COLLECTION	
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	Costs for the procedure of notification of foreign acts or of a judicial order can be assessed at €100 (excluding translation fees) and the Tribunal costs can be estimated at €120.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	No.
		18. How is it regulated?	N/A.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	According to French law, an uncontested claim is either one which was expressly accepted by the debtor, or one that was not refused during the proceedings. It is also when the debtor did not appear before the judge and was not represented at the hearing, and when he expressly recognised his debt in an authenticated deed.
		21. Please indicate timing and costs to obtain a first order.	<b>Costs:</b> Can be evaluated at €100 to obtain a first order. <b>Timing:</b> Approx. 1 month.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	<b>Costs:</b> Can be evaluated at €100 to obtain a first order. <b>Timing:</b> Approx. 1 month.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	<b>Costs:</b> Can be evaluated at €100 to obtain a first order. <b>Timing:</b> Approx. 2-3 months.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years.  
**Judicial order/arbitral award:** 30 years.  
**Commercial papers:** 3 years.

Yes, it is possible to apply legal interests to the credit. Applicable rate is 5%. Yes it is possible to agree rates that higher than the legal rate.

It takes about 10 months concerning the first instance.

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

No.

Yes, the creditor may claim directly for the recovery of his amount. The assistance of lawyer is needed, if the creditor claims at the regional court.

Yes, The Hague Convention is applied.

**a.** The debtors local jurisdiction is determinative. The District Court deals with debts up to €5,000. The Regional Court deals with debts greater than €5,000. **b.** Written evidence of the credit, i.e. contract, agreement, invoice, order confirmation. **c.** 10 months on average. **d.** By bailiff (writ of summons).

Yes.

No.

Yes.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; **a.** Credits to be collected by telematic procedures; **b.** Timescales; **c.** Costs.

**a.** Yes, there is an electronic service for order of payment procedure, but telematic procedures for court procedures do not exist. **b.** 2 months. **c.** Costs depend on the volume of claim.

13. Who is entitled to use the online civil trial?

Lawyers.

14. What kind of technical requirements are required?

Official Electronic Signature.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

Also according to The Hague Convention of 15 November 1965; Hague Convention 1 March 1951; **Costs:** €20 on average.

17. Does the right of refusal exist?

No.

18. How is it regulated?

N/A.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

A claim that has been acknowledged or admitted by the defendant, or one that the defendant fails to file a defence. Timing and costs depend on the volume of claim.

21. Please indicate timing and costs to obtain a first order.

**Costs:** These depend on volume of the claim.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

**Timing:** Approx. 1 to 3 months.  
**Costs:** These depend on volume of the claim.

23. Please indicate timing and costs to obtain an order.

**Timing:** Minimum 2 months.  
**Costs:** These depend on the amount in dispute.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

**Timing:** Between 2-6 months.  
**Costs:** These depend on the amount in dispute.



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes, but only if an agreement or commercial papers exist. **Commercial papers:** Yes.

**Statute of limitation: Agreement:** 5 years.  
**Judicial order/arbitral award:** 5 to 20 years, depending on the court action. **Commercial papers:** 6 months from issuing for cheques; 3 years for bills of exchange.

Yes, it is possible to apply legal interests to the credit. The rate varies from period to period and is currently 8.75%. No, it is not possible to agree rates of interests that are higher than the legal rate.

It takes 2 to 4 years in first instance for an ordinary court and 2 to 5 months for an injunction of payment.

Yes you may, but restrictions apply.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, there are fast procedures. **Small Amounts:** Yes, there is the so-called 'small claims procedure'. It includes claims of up to €5,000. The main difference from the classic procedure is that there is no possibility to appeal the court decision.

No, only by a lawyer.

Yes, The Hague Convention is applied.

**a.** Up to the amount of €20,000: Magistrate's Court. Up to the amount of €250,000: Single Judge Court of First Instance. Over the amount of €250,000: Multi member Court of First Instance. The Supreme Court is competent to judge the decisions of all the Courts. **b.** Checks, proofs of delivery, written agreement etc. **c.** 2 months if you proceed with a court order otherwise 2 to 5 years. **d.** The document of the lawsuit has to be served to the defendant by a bailiff.

Yes.

Only in the case of a mortgage on real estate can you secure your claim and then notify it.

Yes.

<p><b>SECTION 3:</b></p> <p>12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.</p>	<p><b>ONLINE CIVIL TRIAL</b></p> <p>Yes, there are but the system is not in operation.</p>	<p>20. What is an uncontested claim in your country?</p>	<p>The term of an uncontested claim refers only to the applying of the regulation 805/2004. It includes all the claims which are described in detail in the above mentioned regulation. Apart from that, enforceable decisions in Greece are the final decisions of the civil courts, the provisionally enforceable decisions and the decisions of safety measures. The above can be certified as an European enforceable deed.</p>
<p>13. Who is entitled to use the online civil trial?</p>	<p>N/A.</p>	<p>21. Please indicate timing and costs to obtain a first order.</p>	<p>Approx. 1 year and the cost amounts to €330 plus VAT 23% (legal fee is not included) which derives according to the agreement with the client if it is agreed on an hourly basis or on a percentage on the debt which will be recovered.</p>
<p>14. What kind of technical requirements are required?</p>	<p>N/A.</p>	<p>22. Is Regulation (EC) No. 1896/2006 applied in your country?</p>	<p>Yes.</p>
<p><b>SECTION 4:</b></p> <p>15. Is Regulation (EC) No. 1393/2007 applied in your country?</p>	<p><b>EC REGULATIONS ON DEBT COLLECTION</b></p> <p>Yes.</p>	<p>23. Please indicate timing and costs to obtain an order.</p>	<p>Approx. 5 months and the cost varies according to the amount of the claim from €268 to €663 plus VAT 23% (legal fee is not included).</p>
<p>16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.</p>	<p>The document is sent through the Ministry of Justice to the Public Prosecutor's office, where it is registered. After the public prosecutor's request (order) it is delivered to the competent court clerk in order to be served. The clerk is responsible for returning the proof of service to the legal assistance office where they complete the foreign proof of service or of the non-performance (when it is not served) and finally it is sent to the Ministry of Justice. There are no costs apart from postage.</p>	<p>24. Is Regulation (EC) No. 861/2007 applied in your country?</p>	<p>It is valid but in practise it is not applied.</p>
<p>17. Does the right of refusal exist?</p>	<p>Yes.</p>		
<p>18. How is it regulated?</p>	<p>According to the Greek Law, if the recipient of the performance refuses to receive the document, the clerk responsible for serving the document delivers it to the residence or the office of the recipient in front of a witness. Concerning the serving of a foreign document the particular terms and conditions of Regulation (EC) No. 1393/2007 are applied.</p>		
<p>19. Is Regulation (EC) No. 805/2004 applied in your country?</p>	<p>Yes.</p>	<p>25. Please indicate timing and costs to obtain an order.</p>	<p>No indication as it is not used.</p>

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**a. Agreement;** Yes.  
**b. Judicial order/arbitral award;** Yes.  
**c. Commercial papers (cheques, bills of exchange)** Yes.

The general statute of limitation is 5 years but the Parties may agree a shorter timeframe.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

It is possible to apply legal interests to the credit: the amount of the interest - if not decided by legislation or the parties - is equal to the central bank's base rate (currently 3%). It is possible to agree rates of interests that are higher than the legal rate. The interest rate may not exceed the central bank's base rate +24% between private persons. Any unreasonably excessive interest rate established by the parties may be reduced by the court.

3. How long will a Court action take?

Between 1-4 years.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, in the case of debts under HUF 1 million (approx. €3300-3400) a payment order must be requested in a procedure in front of a notary, the whole procedure can be done electronically. The notary procedure can also be initiated above this amount, however, in these cases the creditor may choose to go straight to court.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Legal representation is mandatory if the claim is above HUF 30 million (approx. €100,000) and such procedures belong to the Tribunal Courts.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

The Hague Convention is applied (a long list of bilateral conventions as well).

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** The fast track procedure can be initiated at any notary chosen by the creditor. The competent court is the district court at the domicile or seat of the debtor, but there are a number of special regulations for competency. Tribunal courts are competent in relation to cases with debts more than HUF 30 million (approx. €100,000). In some cases the parties can agree about the jurisdiction which may also include arbitration. **b.** In the fast track notarial procedure, only a statement on the debt may be presented without any evidence. If the debtor disputes the debt then a court procedure is started where all the invoices that were sent, legal letters, agreements, any written or other proof (including testimonies, experts' opinions) from the creditor evidencing the facts in detail will be needed. **c.** Depending on the debtor and the circumstances it can take from 1-2 months up to 3-4 years to recover the amount. **d.** Regarding payment orders issued by the notary: If the notary decides to issue the payment order, then he/she sends this directly to the Debtor always via registered mail. If the Debtor decides to dispute the payment order, he/she has to do it either electronically, via registered mail or in person at the notary's office. If the debtor is a legal entity or if the debtor has a legal representative, the dispute may only be sent electronically. Regarding court orders: Court orders are always serviced via registered mail.

9. Does the judicial order allow you to start enforcement proceedings?

Final and binding judicial orders allow you to start enforcement proceedings.

10. May the judicial order be enforced before it has been served?

No.

11. May the debtor challenge/appeal the judicial order?

Yes, but reference to a material misconduct or error by the court is required for a challenge/appeal in cases where the claim is under HUF 1,000,000.

<p><b>SECTION 3:</b></p> <p>12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.</p>	<p><b>ONLINE CIVIL TRIAL</b></p> <p>At the moment only the mentioned electronic notarial payment order system works.</p>	<p>20. What is an uncontested claim in your country?</p>	<p>Where the defendant admits the claim or does not raise any plea.</p>
<p>13. Who is entitled to use the online civil trial?</p>	<p>N/A.</p>	<p>21. Please indicate timing and costs to obtain a first order.</p>	<p>Obtaining a first (not yet binding and enforceable) order in a payment order procedure takes 3 days following the request if it was sent electronically and 15 days if it was submitted in writing or in person. The fee is 3% of the claim.</p>
<p>14. What kind of technical requirements are required?</p>	<p>N/A.</p>	<p>22. Is Regulation (EC) No. 1896/2006 applied in your country?</p>	<p>Yes.</p>
<p><b>SECTION 4:</b></p> <p>15. Is Regulation (EC) No. 1393/2007 applied in your country?</p>	<p><b>EC REGULATIONS ON DEBT COLLECTION</b></p> <p>Yes.</p>	<p>23. Please indicate timing and costs to obtain an order.</p>	<p>Obtaining a first (not yet binding and enforceable) order in a European Enforcement Order procedure usually takes 30 days after the request, the fee for the order is 3% of the original claim.</p>
<p>16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.</p>	<p>This provision does not concern Hungary, since in Hungary the decrees of another Member State are delivered by the courts and delivery fee can not be charged.</p>	<p>24. Is Regulation (EC) No. 861/2007 applied in your country?</p>	<p>Yes.</p>
<p>17. Does the right of refusal exist?</p>	<p>Yes.</p>	<p>25. Please indicate timing and costs to obtain an order.</p>	<p>The first court hearing must take place within 45 days, the fee of the procedure is 6% of the claim. The length of the procedure may vary based on the circumstances of each case.</p>
<p>18. How is it regulated?</p>	<p>The court should inform the addressee in writing using the standard form. The addressee may refuse to accept the document served at the time of service or by returning the document to the court within 1 week if it is not either in a language which he understands or in the official language or one of the official languages of the place of service.</p>		
<p>19. Is Regulation (EC) No. 805/2004 applied in your country?</p>	<p>Yes.</p>		

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years.  
**Judicial order/arbitral award:** Depends on the type of case.  
**Commercial papers:** Depends on the type of case.

Yes, it is possible to apply legal interests to the credit. Currently courts act 8%. Yes it is possible to agree rates of interests that are higher than the legal rate but under the European Directive, dealing with unfair contract terms can come into play.

The value of the debt that is owed and the nature of the case itself will determine whether the matter is pursued in the District Court, Circuit Court or High Court. Each Court has its own monetary jurisdiction. Where the debt is less than €6,348.69, proceedings will issue in the District Court. Where the debt is between €6,348.69 and €38,092.14, proceedings will issue in the Circuit Court. Any debt that is greater than €38,092.14, proceedings will issue in the High Court. Depending on which court, it can range between 6 months and 2 years.

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, there is a procedure before the Commercial Court for disputes in excess of €1 million. **Small Amounts:** No special procedures.

No, the creditor needs to be assisted by a lawyer.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, The Hague Convention is applied.

**a.** District Court deals with debts up to €6,348; Circuit Court up to €38,000; High Court accounts in excess of €38,000. Note that there is no Small Claims Court for the recovery of debts. **b.** In the District Court we issue a Civil Summons, in the Circuit Court a Civil Bill, and in the High Court a High Court Summons. The proceedings are always issued in the area where the defendant resides. The defendant has approximately 4 weeks from the date of issue and service in the District Court in which to pay the account. Failing this you can then apply for Summary Judgment or Judgment in the office, when the hearing date has passed. When proceedings are issued and served in the Circuit Court you can apply for a Summary Judgment 14 days after the service of the Civil Bill. In the High Court when the Summons is issued and served you can apply for Judgment 10 days after service. **c.** Depends on whether it is District Court, Circuit Court, High Court and from cooperation of Debtor. It can take 6 months or longer. **d.** The Order is served on the court office of the chosen jurisdiction, stamped in that office and a copy of the stamped order sent to the defendant's solicitor/defendant. The defendant has approximately 4 weeks from the date of issue and service in the District Court in which to pay the account. Failing this you can then apply for Summary Judgment or Judgment in the office, when the hearing date has passed.

Yes.

No.

Yes.



SECTION 3:	ONLINE CIVIL TRIAL	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	<b>Costs:</b> Cases up to €6,348.69 must be referred to the District Court, the Circuit Court deals with cases from €6,348.69 to €38,092.14. Cases amounting to more than €38,092.14 must be referred to the High Court.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	If the debtor refuses to receive acts you have to make an application to court to vary the method of service, it must be proved the residing address and the service can be done by ordinary post.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	When the debtor does not respond to an official notice from the creditor and consequently no hearing takes place.
		21. Please indicate timing and costs to obtain a first order.	<b>Timing:</b> 6 months or more. <b>Costs:</b> Approx. €600.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	<b>Timing:</b> 6 months or more. <b>Costs:</b> Approx. €600.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	No, there is no Small Claims Court for Debt Recovery in Ireland.
		25. Please indicate timing and costs to obtain an order.	N/A.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 10 years.  
**Judicial order/arbitral award:** 10 years.  
**Commercial papers:** 3 years.

Yes, it is possible to apply legal interest to the credit. The rates in force are governed by D.M. 12/12/11 and are currently at 2.5% per year. Interests applicable to commercial debts are higher and they are currently applied pursuant to the Legislative Decree 231/2001 at a variable rate (between 8% and 11.20%) depending on the delay of payment. Yes, it is possible to agree rates of interests that are higher than the legal rate. According to Italian Civil Code the agreed rate cannot be higher than the usurious interests.

An ordinary Court action takes from 2 to 3 years in first instance. A special action or fast track proceeding is provided for obtaining an injunction of payment of a commercial debt and the relevant proceedings can be either online or offline. If the online procedure is available, the injunction of payment is issued within 30 days of the application being filed. Otherwise the injunction is issued up to 3 months or more depending on the competent court. If the injunction is challenged by the debtor, an ordinary trial commences.

Yes, you may claim court fees as well as issue fees and further costs. At present, the fees for the fast track injunction are predetermined by the Courts according to the Statutory Tariffs. At the outcome of the ordinary proceedings, the legal fees of the winning party are generally and discretely awarded by the Court. A reform on the level of legal fees is ongoing and a Regulation on that regard is to be issued shortly.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, there is a fast track procedure if the commercial credit is supported by written evidence. **Small Amounts:** Yes, the procedure is the same as above, but the jurisdiction is of the lower Court named 'Giudice di Pace' up to €5,000.

The creditor can claim directly for the recovery of his amount if the value of the credit is less than €1,000.

In the case of a foreign client, the signature of the POA is to be authenticated at the local Italian Consulate or before a local notary whose signature is to be legalised at the Italian Consulate. Italy has adopted The Hague Convention of 5 October 1961 and therefore Power Of Attorneys coming from other adopting states do not need legalisation and are valid deeds if duly followed by the Apostille.

**a.** Up to €5,000: the lower Court ('Giudice di Pace'); €5,000: the ordinary Court; with few exceptions, linked to certain specific kind of debts. The claim should be filed generally into the court located where the defendant resides or is registered, should the parties have not agreed otherwise and with few exceptions provided by law.  
**b.** Checks, invoices (with proof of delivery), written agreement. **c.** A minimum of 2 months to start the enforcement. The debtor has 40 days to file an opposition, after which an ordinary court action is commenced.  
**d.** If the order has to be served to a physical person, it has to be notified in his usual or last known resident domicile, if the debtor is a company, the order has to be notified to the principal office of the company or to its legal representative's residence.

Yes, it does if the Court has issued an immediately enforceable order.

No, in exceptional cases it can be enforced at the same time it is served.

Yes.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

There is the online civil trial, in the majority of the Courts. **a.** All types of credit can be collected by an online civil trial provided that the requirements to apply for an injunction of payment are met (i.e. written evidence). **b.** From 7 to 30 days. **c.** Costs depend on the value of the claim.

13. Who is entitled to use the online civil trial?

All lawyers can use the online civil trial, but must register on the 'Ordine degli avvocati' website.

14. What kind of technical requirements are required?

The lawyer must be Bar registered, have a digital signature/smart card, to register and download the appropriate software.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

If the defendant is domiciled in an EU Member State, the Regulation (EC) No. 44/2001 shall apply to recognition and enforcement of judgments in civil and commercial matters. Otherwise the relevant provisions of the Italian Civil Procedure Code shall apply. The application shall be submitted to the Court. The local jurisdiction shall be determined by reference to the place of domicile of the party against whom enforcement is sought or to the place of enforcement. **Costs:** Postal notification.

17. Does the right of refusal exist?

The right to refuse the notification should be limited to exceptional situations such as the lack of translation of the act in a language that the receiver understands or in one of the official languages of the place where the order is served.

18. How is it regulated?

The receiving agency should inform the addressee in writing using the standard form. The addressee may refuse to accept the document to be served at the time of service or by returning the document to the receiving agency within 1 week if it is not either in a language which he understands or in the official language or one of the official languages of the place of service. This rule should also apply to the subsequent service once the addressee has exercised his right of refusal. These rules on refusal should also apply to service by diplomatic or consular agents, services and direct service. It should be established that the service of the refused document can be remedied through the service on the addressee of a translation of the document.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

The concept of 'uncontested claims' should cover all situations in which a creditor, given the verified absence of any dispute by the debtor as to the nature or extent of a pecuniary claim, has obtained either a court decision against that debtor or an enforceable document that requires the debtor's express consent, be it a court settlement a deed with authenticated signature.

21. Please indicate timing and costs to obtain a first order.

Obtaining an European Enforcement Order certificate requires a stamp applied by the registrar for orders of the court which issued the act and is done contextually at the time of filing the request. There are no costs for the release of the EEO certificate. Costs only relate to postal notification.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

**Timing:** Within 30 days from the file of the claim the judge issues an European order of payment. The defendant can either pay or within 30 days from service, file a defence. If the defence is not filed, the order becomes enforceable. There is no need for recognition of the order in the debtor country; order is executed at the same conditions of an act issued in that country. Costs are the same to obtain an usual injunction of payment. Additional costs for certified translation need to be taken into consideration.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

Following the schedule set up by the Regulation, the order should be obtained approx. within 1 year. Costs depend on the development of the proceeding.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** No.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years for commercial debt. **Commercial papers:** 3 years for commercial debt.  
**Judicial order:** No limitation if submitted for execution, otherwise 10 years.

Yes, it is possible to apply legal interests to the credit. The general rate is 6% per year; legal interests on money due for delivery of goods, sales transactions or services is 7% on fixed rate as defined by law per year, except in legal transactions with consumers where the general rate applies. Yes it is possible to agree rates of interests that are higher than the legal rate.

The ordinary procedure takes 1 year for each instance.

Yes, but restrictions apply.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, according to the Civil Procedure law there is a warning procedure for payment obligations. **Small amounts:** There is a procedure for claims up to €2,135 for which a special form must be filled out; the procedure is written and a court hearing is held only if necessary.

Yes, the creditor can claim his amount directly but a lawyer can be used for legal advice and services if necessary.

If a document is issued in a country which has joined The Hague Convention its authenticity must be certified with an Apostille by the competent institution of the relevant country. If a document is issued in a foreign country which has not joined The Hague Convention, it must be first legalised by foreign services of the relevant country and afterwards by the Consular Department of the Ministry of Foreign Affairs or by diplomatic/consular mission of Latvia in the relevant country.

**a.** A claim has to be submitted within the jurisdiction of the court according to the legal office of a company or a place of residence of an individual. **b.** Verified evidence proving rights to claim - invoices, agreements, notifications, etc. **c.** Depending on the procedure initiated, approximately 2 months for small amount claims. **d.** Generally execution by bailiffs.

A judicial order shall be submitted to a bailiff, who shall proceed with enforcement. A prior registration of a mortgage on the real estate for the ordered amount is possible without addressing a bailiff.

A bailiff shall issue a 10 day notice of voluntary performance before proceeding with enforcement.

Yes, various options for challenge and appeal exist. A bailiff's actions can be challenged in the light of the enforcement proceedings.

SECTION 3:	ONLINE CIVIL TRIAL	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	The request of foreign notification is decided within 7 days. The general term for execution of such a request is 1 month. The court notifies the costs of notification.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	The addressee may refuse to receive the notification on the grounds provided in Section 8 Paragraph 1 of Regulation (EC) No. 1393/2007. This right may be exercised also within 1 week after receipt of the notification by sending the notification back to the court that issued it.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	Undisputed compulsory execution of obligations is referred to as an uncontested claim. However, it is still possible to challenge the claim 6 months after receiving a claim at the court.
		21. Please indicate timing and costs to obtain a first order.	<b>Timing:</b> Taking into account the submission of a claim at the court and further procedural activities by a judge, it can take up to 2 weeks to obtain the order. <b>Costs:</b> A state fee of 2%, but not more than €500 shall be payable from the amount claimed.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	<b>Timing:</b> It can take up to 1.5 months to obtain the order. <b>Costs:</b> A state fee of 2%, but not more than €500 shall be payable from the amount claimed.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	<b>Timing:</b> It can take up to 2 months to obtain the order. <b>Costs:</b> The state fees as for regular claims are applicable.



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 6 months for the judgment of forfeit; 3 years for the judgment of the material damage; 10 years for the judgment of any other commercial debt. **Judicial order/arbitral award:** 10 years.  
**Commercial papers:** 6 months for demands arising from cheques; 3 years for demands arising from bills of exchange.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The annual rate is the VILIBOR rate (Vilnius Interbank Offered Rate) for 1 month plus 7%. Yes, it is possible to agree rates of interests that are higher than the legal rate, however, interests should be reasonable. For example, the current 0.1% rate of interest per day is held to be reasonable. If the Court decides that rate of interest is unreasonably high, it is entitled to decrease it.

3. How long will a Court action take?

The time needed for a Court action varies from case to case. Sometimes it is possible to finish a Court action in 2 months, but in some cases it may take up to 3-4 years (if the procedure goes to cassation instance).

4. Can the court fee, issue fee and any other further costs be claimed?

Yes, you may claim all reasonable litigation costs from the debtor.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, the Court order procedure is used to collect debts. The court order comes into force if the debtor does not file an objection (it is sufficient to file an objection limited with 'I disagree with the claim') to the filed claim within the set terms (20 days from receipt of the court order), otherwise a normal court procedure should be started. **Small amounts:** There are no special procedures to collect small amounts, normally the Court order procedure is used.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, the creditor can always claim directly for the recovery of his debt, but the assistance of a lawyer is strongly recommended.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

Yes, The Hague Convention of 5 October 1961 has been adopted in the Lithuanian Republic. However, to begin Court proceedings it is usually sufficient to have the original Power Of Attorney and copies which may be approved by the attorney himself.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** Jurisdiction is usually determined under the place of residence or the place of registration of the defendant (debtor). However, the parties of the contract are free to determine the jurisdiction of the Court. **b.** To issue an order of payment it is usually enough to have the Power Of Attorney and to pay the stamp duty. No evidence of the credit is required. If the debtor objects to the issue of an order of payment, then all evidence of the credit (contract, invoices, payments, etc.) is necessary. **c.** The duration of the issue of the payment order is usually between 2 to 4 months, if the debtor objects to the issue of the payment order, the proceedings might last from 1 to 3 to 4 years.

9. Does the judicial order allow you to start enforcement proceedings?

Yes.

10. May the judicial order be enforced before it has been served?

No.

11. May the debtor challenge/appeal the judicial order?

Yes.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

No.

13. Who is entitled to use the online civil trial?

N/A.

14. What kind of technical requirements are required?

N/A.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

Litigation costs consist of hourly rates, which are €150-250 per hour (usually the fee is not greater than €800) plus all official fees. **Timing:** The duration of the procedure from filing request to court till receipt of court order takes between 2 months (if uncontested) and 6 months.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

If the foreign judicial order or foreign act contradicts the imperative legal norms of the Lithuanian Republic, such judicial order would be refused.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

If the debtor has not objected to the creditor's claim, such a claim would be uncontested.

21. Please indicate timing and costs to obtain a first order.

Litigation costs consist of hourly rates, between €150-250 per hour plus all official fees and translation costs.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

Litigation costs consist of hourly rates, between €150-250 per hour plus all official fees and translation costs.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

Litigation costs consist of hourly rates, between €150-250 per hour plus all official fees and translation costs.

**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 10 years.  
**Judicial order/arbitral award:** 10 years.  
**Commercial papers:** 10 years.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. For B2B transactions interests are due automatically from the expiry date agreed for the payment. The rate is BCE rate increased by 7%. For B2C transactions interests are due 3 months after the services or the delivery of goods. The interest rate is fixed annually by a Grand Duke regulation (3.50% for 2012). Yes, it is possible to agree rates of interests that are higher than the legal rate.

3. How long will a Court action take?

An action before the Justice of Peace (if the claim is within €10,000) may take 3 weeks for a provisional order, plus another 4 weeks for the issuance of an executive title. The same amount of time is needed for an action before the District Court (if the claim is over €10,000). If the claim is contested, the action can take up to 2 to 3 months in front of Justice of Peace or 12 to 18 months before the District Court.

4. Can the court fee, issue fee and any other further costs be claimed?

No, you may not. However the judge may grant the winning party a special indemnity to cover part of the legal fees.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, there is an urgent summons (by bailiff) before the President of the District Court, where the first audience can take place within 3 or 4 days, and a court order issued within 14 days. This will be a provisional, but binding order, which allows to proceed by force against the debtor. The payment order proceedings allow the creditor to obtain, without the debtor's presence in the court, a provisional court order within 2 weeks. This provisional court order is then notified to the debtor who may contest it (in which case, the case is scheduled for a public audience). If there is no contestation, the creditor may request the enforceable executive title 3 weeks after the date of the provisional order (and obtain it within 1 week). Jurisdiction lies with the Justice of the Peace (for up to €10,000) and the President of the District Court (for more than €10,000).

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

**Small Amounts:** Yes, a procedure for cross border litigations (related to regulation CE 1896/2006) has been introduced under Luxembourg law on 13 March 2009. The Justice of the Peace is competent for all amounts up to €2,000. This is a written procedure where the assistance of a lawyer is not mandatory.

Before the Justice of Peace (for disputes up to €10,000) the assistance of a lawyer is not required. Before the District Court (for disputes above €10,000) and if it is proceeded by way of a writ of summons, the creditor and the debtor have to be represented by a lawyer.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

There is no particular procedure to follow in order to certify a Power Of Attorney given by a foreign client. Luxembourg adopted The Hague Convention of 5 October 1961 by law on 14 March 1978.

8. Indicate the main steps for judiciary recovery of debts:-  
**a. Jurisdiction;** **b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other;** **c. Duration of the proceedings;** **d. Procedure of service, if any.**

**a.** For disputes up to €10,000, court procedures have to be introduced before the Justice of the Peace. For disputes above €10,000, court procedures may apply before the District Court. Territorial jurisdiction depends on the debtor's domicile or the place of performance of the contractual obligation. There are three Justices of the Peace (in Luxembourg, Diekirch and Esch/Alzette) and two District Courts (Luxembourg and Diekirch). **b.** In support of the application, any documents such as contracts and bills must be provided in order to justify the existence, the amount and the merits of the claim. **c.** Before the Justice of the Peace: a judgment will be issued normally 8 to 21 days after the pleadings (which can take place 3 to 4 weeks after the first appeal). Before the district court: this procedure is a little bit longer (up to 12 to 18 months). **d.** By bailiff (writ of summons).

9. Does the judicial order allow you to start enforcement proceedings?

Judgments may only be enforced if they are definitive. This means, that no enforcement is possible in the appeal period. By exception, a provisional binding title may be requested and obtained by the creditor, for example in the urgent summons procedures before the President of the District Court. This binding title, after the appeal, may be enforced directly. If no appeal has been made against the judgment, this judgment will constitute a binding title which may be enforced against the debtor.

10. May the judicial order be enforced before it has been served?	No.	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION	
11. May the debtor challenge/appeal the judicial order?	Yes, appeals against first instance decisions may be introduced before the District Court (for appeals against Justice of the Peace judgments) or the Appeal Court (for appeals against District Court judgments). The appeal has to be issued at least 40 days after the notification of the judgment (by a bailiff, costs approx. €180) to the debtor.		15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
SECTION 3:	ONLINE CIVIL TRIAL		16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	Timing: A few weeks. Costs: Flat rate of €138.
			17. Does the right of refusal exist?	No.
			18. How is it regulated?	N/A.
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.		20. What is an uncontested claim in your country?	A claim is deemed to be uncontested if the debtor: i) Expressly accepted it or also by the way of a settlement before de the court; ii) Never opposed to the claim during the proceedings (under the proceeding rules of the home member state); iii) Appeared to the hearing after having opposed to it and this conduct can be seen as a tacit acknowledgment of the claim; or iv) Recognised the claim in an authentic deed.
14. What kind of technical requirements are required?	N/A.		21. Please indicate timing and costs to obtain a first order.	Timing: 1-2 weeks. Costs: There are no court filing fees in Luxembourg other than the bailiffs intervention costs.
			22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
			23. Please indicate timing and costs to obtain an order.	Timing: 1-2 weeks. Costs: There are no court filing fees in Luxembourg other than the bailiff intervention costs.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes, for litigations under €2,000.	
		25. Please indicate timing and costs to obtain an order.	Timing: 1-2 weeks. Costs: There are no court filing fees in Luxembourg other than the bailiff intervention costs.	

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes. **Judicial order/arbitral awards:** Yes. **Commercial papers:** Yes.

**Statute of limitation: Agreement:** Varies. 5 years for actions for the payment of debts arising from commercial transactions, unless public (notarial) deed or a shorter period applies in terms of law. **Judicial order/arbitral award:** No prescription applies. However after the 10 years from a Superior Court judgment and 5 years from an Inferior Court judgment (or arbitral award), the enforcement may only be proceeded upon demand made by an application filed in Court and confirmed on oath by the creditor. **Commercial papers:** 5 years; however, once a bill of exchange or a promissory note has been registered as executive title, no prescription applies.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The general rate, unless otherwise agreed between the parties, is the maximum legal rate of 8%. The maximum legal rate is higher in case of commercial transactions in line with the Late Payments Directive. No, it is not possible to agree rates of interests that are higher than the legal rate. This would be usury which is deemed a criminal offence under Maltese law.

3. How long will a Court action take?

It depends on various factors: difficulty to serve judicial acts, contestation of a claim, filing of a counterclaim, a lengthy list of witnesses etc., which inevitably prolong the duration of proceedings.

4. Can the court fee, issue fee and any other further costs be claimed?

Court fees and legal fees are taxed by the Court Registrar. Such fees are usually borne by the party who loses the lawsuit but the Court may in certain cases decide to apportion such fees between the parties.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

The law provides for a number of fast track or summary procedures/small amount procedures to collect certain, liquid and due debts: **i)** If the debt does not exceed €23,293.73 one may file and serve a special judicial letter on the debtor who would then have thirty days to contest such letter by filing a note rebutting the claim. If such note is not filed within the prescribed period, the creditor may proceed to register the letter as an executive title having the same force and effect as a court judgment; **ii)** In actions within the jurisdiction of the Superior Courts (i.e. generally when the amount exceeds €11,646.87), one may request the Court to give judgment without proceeding to trial provided that the plaintiff declares in his application that in his belief

there is no defence to the action. The Court would then issue an order to the defendant to appear before the court on an appointed day and at a stated time. If the defendant fails to appear, or if he appears and does not contest the amount claimed by the creditor, the court would then proceed to give judgment, allowing the plaintiff's claim; **iii)** A bill of exchange (or promissory note) may be registered as an executive title if a judicial letter is served on the debtor and is not contested within 20 days.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, the creditor may claim directly for the recovery of his amount, because legal representation is not compulsory at all stages of the lawsuit.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

Malta is a signatory party to the Apostille Convention of 5 October 1961.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** The amount of the debt generally determines the jurisdiction of the Court. If the amount is not more than €3,494.06 the competent tribunal is the Small Claims Tribunal, if the amount is between €3,494.06 and €11,646.87 the competent court is the Court of Magistrates while if the amount exceeds €11,646.87 the competent court is the First Hall Civil Court. **b.** The creditor has to prove his case on a mere balance of probabilities. Therefore certified copies of invoices, statements, delivery orders, agreements and correspondence may all be submitted as evidence. **c.** If the claim is served on the debtor and is uncontested, judgment would be expected in a very short time. Difficulty to serve judicial acts, contestation of a claim, filing of counterclaims, lengthy lists of witnesses, etc. are factors which invariably prolong the duration of the proceedings. **d.** Service of judicial proceedings in the Inferior Courts is usually first attempted through registered mail. If this is unsuccessful, or in case of judicial proceedings in the Superior Courts, service is effected by personal delivery by an Executive Officer of the Court. The written pleading may be served personally to the debtor or by leaving it at the place of residence or business or place of work or postal address of such person with some member of his family or household or with some person in his service or his attorney or person authorised to receive his mail. If this is unsuccessful, one may request the Executive Officer to make another attempt after normal working hours. If this is again unsuccessful, one may ask the Court to authorise service of the judicial



	proceedings by publication in the Government Gazette as well as one or more local daily newspapers, by affixation of the written pleading to the door leading to the place of residence of the debtor (if known) and by posting a copy of the pleading on the notice board in the Local Council and Police Station of the village or city of abode of the debtor.		
9. Does the judicial order allow you to start enforcement proceedings?	Definitive tribunal awards and court judgments are generally enforceable after 2 days from the day of their delivery. Definitive arbitral awards are enforceable after 24 hours from their delivery. The court may, on grounds of urgency, order the enforcement of any judgment even before the expiration of such time limits.		
10. May the judicial order be enforced before it has been served?	Definitive arbitral/tribunal awards and court judgments are enforceable without the need to notify the debtor.		
11. May the debtor challenge/appeal the judicial order?	Judgments of a court of first instance (including tribunal awards) are subject to appeal within 20 days of their delivery. Arbitral awards may also be subject to appeal on specific grounds.		
SECTION 3: ONLINE CIVIL TRIAL			
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.		
13. Who is entitled to use the online civil trial?	N/A.		
14. What kind of technical requirements are required?	N/A.		
		SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
		15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
		16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	Service of judicial documents coming from a Member State to the Maltese receiving agency (Attorney General's office) in terms of Regulation (EC) No. 1393/2007 does not give rise to any payment or reimbursement of taxes or costs for services rendered by the Maltese authorities.
		17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	In terms of the Regulation, the addressee is informed (using the standard form set out in Annex II of the Regulation) that he may refuse to accept the document to be served at the time of service or by returning the document to the receiving agency (Attorney General's office) within 1 week if it is not written in Maltese or English, or accompanied by a translation into a language which the addressee understands.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	A claim is deemed to be uncontested if: <b>i)</b> Although having been notified in terms of law, the debtor does not file his reply within the prescribed time limit (and in case of court proceedings, fails to appear or be represented personally at a court hearing); <b>ii)</b> The debtor files a note of admission.
		21. Please indicate timing and costs to obtain a first order.	<b>Timing:</b> 3 to 6 months on average. <b>Costs:</b> €23.29.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	<b>Timing:</b> 3 to 6 months on average. <b>Costs:</b> €30.27.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	<b>Timing:</b> 3 to 6 months on average. <b>Costs:</b> €23.29 (Registry fees) and €6.99 for each service.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreements:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 5 years.  
**Judicial order/arbitral award:** Usually 20 years. However, the prescription period is 5 years with regard to actions, which, pursuant to the judicial or arbitral decision, have to be performed within 1 year or less.  
**Commercial papers:** 6 months for cheques.  
**Bills of exchange:**

- Legal claims against the acceptor: 3 years
- Legal claims of the holder against the drawer or endorser: 1 year
- Legal claims between drawers or endorsers: 6 months.

The prescription period depends on the type of commercial paper and the party to invoke a claim.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interest to the credit once the debtor is in default. The statutory interest rate is currently approximately 4% and it applies to non-commercial cases. For commercial contracts the statutory interest rate to apply is approximately 8%. Yes, it is possible to agree rates of interest that are higher than the legal rate.

3. How long will a Court action take?

A Court action will take at least 6 months if the debtor sets up a defence against the claim of the creditor. If the debtor does not set up a defence, a default judgment can be given within a few weeks.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes, you may claim extrajudicial collection costs, interests and costs of the proceedings.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

No, there is no real fast track/summary proceeding to collect debts. No, there are no special proceedings to collect small amounts.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, in cases up to €25,000 and other cases before the District Court, Sub District Sector (county court), parties can conduct legal proceedings in person, or appoint an authorised representative that does not have to be an attorney-at-law. In cases exceeding €25,000, representation by a lawyer is compulsory.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

When a lawyer takes on proceedings on behalf of a foreign client, the judge will not assess whether he is authorised; the judge will accept his representation of the client. The Netherlands have adopted The Hague Convention of 5 October 1961.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a. Subject matter:** In cases up to €25,000 and types of cases that must be brought before the Sub District Sector of the District Court (county court) due to their nature, the District Court, Sub District Sector is competent. **b.** Certified copies of invoices, statements, delivery orders, agreements and correspondence. **c.** If the debtor sets up a defence, a court action can easily take at least 6 months. If the debtor does not set up a defence, a default judgment can be given within a few weeks. **d.** The notice of a judgment has to be served to the debtor by a bailiff. The service can take place in person, at the debtor's place of residence, or to a household member of the debtor or another person who is present at the debtor's place of residence, provided that it is likely that this person will inform the debtor of the service.

9. Does the judicial order allow you to start enforcement proceedings?

The judicial order allows a party to start enforcement proceedings after a notice has been served to the debtor and the debtor has not complied with the judicial order voluntarily, provided that the judicial order is provisionally enforceable.

10. May the judicial order be enforced before it has been served?

No, the judicial order may not be enforced before it has been noticed.

11. May the debtor challenge/appeal the judicial order?

The debtor may in general challenge the judicial order within 3 months after the final judgment if he has been ordered to pay an amount exceeding €1,750. If the judicial order is not provisionally enforceable, appeal will have a suspensive effect.

<p><b>SECTION 3:</b></p> <p>12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.</p>	<p><b>ONLINE CIVIL TRIAL</b></p> <p>No.</p>	<p>19. Is Regulation (EC) No. 805/2004 applied in your country?</p>	<p>Yes.</p>
<p>13. Who is entitled to use the online civil trial?</p>	<p>N/A.</p>	<p>20. What is an uncontested claim in your country?</p>	<p>A claim shall be regarded as uncontested if the debtor: <b>i)</b> Has expressly agreed to it by admission or by means of a settlement which has been approved by a court or concluded before a court in the course of proceedings; <b>ii)</b> Has never objected to it in the course of the court proceedings; or <b>iii)</b> Has expressly agreed to it in an authentic instrument.</p>
<p>14. What kind of technical requirements are required?</p>	<p>N/A.</p>	<p>21. Please indicate timing and costs to obtain a first order.</p>	<p><b>Timing:</b> If all necessary documents are added to the petition, the Enforcement Order can be available within a few days. <b>Costs:</b> The amount of the court fees to be paid depends on the stake of the case and quality of the applicant.</p>
<p><b>SECTION 4:</b></p> <p>15. Is Regulation (EC) No. 1393/2007 applied in your country?</p>	<p><b>EC REGULATIONS ON DEBT COLLECTION</b></p> <p>Yes.</p>	<p>22. Is Regulation (EC) No. 1896/2006 applied in your country?</p>	<p>Yes.</p>
<p>16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.</p>	<p>According to article 11 of Regulation (EC) No. 1393/2007, the service of judicial documents coming from a Member State does not give rise to any payment or reimbursement of taxes or costs for services rendered by the Netherlands, as the addressed Member State (sub 1). The applicant does, however, have to pay or reimburse the costs occasioned by services of a bailiff (approx. €75) or the use of a particular method of service (sub 2).</p>	<p>23. Please indicate timing and costs to obtain an order.</p>	<p><b>Timing:</b> If the conditions for applying for a European order for payment are met, the court normally issues the order within 30 days from the lodging of the application. This period does not include the time taken by the applicant to complete, rectify or amend the application. <b>Costs:</b> The amount of the court fees to be paid depends on the stake of the case and quality of the applicant.</p>
<p>17. Does the right of refusal exist?</p>	<p>In accordance with article 8 of Regulation (EC) No. 1393/2007, the right of refusal to accept a document exists within 1 week by returning the document to the receiving agency if it is not written in, or accompanied by a translation into, either a language which the addressee understands or the official language of the Member State addressed.</p>	<p>24. Is Regulation (EC) No. 861/2007 applied in your country?</p>	<p>Yes.</p>
<p>18. How is it regulated?</p>	<p>When the receiving agency (in the Netherlands any bailiff) is informed that the addressee refuses to accept the document immediately it informs the transmitting agency and returns the request and the documents of which a translation is requested. The service of the document can subsequently be remedied through the service on the addressee in accordance with the provisions of the Regulation of the document accompanied by a translation in a language provided for in sub 1.</p>	<p>25. Please indicate timing and costs to obtain an order.</p>	<p><b>Timing:</b> The duration of the proceedings is arranged for in article 5 of Regulation (EC) No. 861/2007. The debtor may not lodge an appeal against the court's decision in the Netherlands. <b>Costs:</b> The amount of the court fees to be paid depends on the stake of the case and quality of the applicant.</p>

**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years.  
**Judicial order/arbitral award:** 3 years.  
**Commercial papers:** 3 years.

Yes, it is possible to apply legal interests to the credit. The applicable rate is 8.75%. Yes, it is possible to agree rates of interest that are higher than the legal rate.

It is impossible to estimate.

Yes.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

No, there is no a real fast track/summary proceeding to collect debts. No, there are no special proceedings to collect small amounts.

No, the creditor may not claim directly for the recovery of his amount, a lawyer is needed.

No, written Power Of Attorney must be presented if a lawyer files the matter to the court. The Hague Convention is applied in Norway.

**a.** Debtor domicile or where his assets are located.  
**b.** Certified copies of invoices, statements, delivery orders, agreements and correspondence. **c.** The time will of course depend on how many court levels the case is brought through. If it is solved in the first and lowest court instance it could take from 3 to 12 months. If there is an appeal it may take another 12 to 24 months and a new appeal to the Supreme Court could take another 6 to 12 months. **d.** No.

Yes.

No.

Yes.

SECTION 3: ONLINE CIVIL TRIAL		SECTION 4: EC REGULATIONS ON DEBT COLLECTION	
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	No.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	N/A.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	N/A.
		18. How is it regulated?	N/A.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	No.
		20. What is an uncontested claim in your country?	N/A.
		21. Please indicate timing and costs to obtain a first order.	N/A.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	No.
		23. Please indicate timing and costs to obtain an order.	N/A.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	No.
		25. Please indicate timing and costs to obtain an order.	N/A.



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years or less for specific cases. **Judicial order/arbitral award:** 10 years or less for specific cases. **Commercial papers:** 6 months for claims arising from cheques; 3 years for the claims against the acceptor from the date of the payment of the bill of exchange; 1 year for the claims of possessor of bill of exchange against the endorsers and the drawer from the day of the protest or the day of the payment.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The statutory rate, if the parties do not agree otherwise, is 13% per year. Since 9 June 2011, the maximum interest rate is 24% per year. No, it is not possible to agree rates of interest that are higher than the legal rate.

3. How long will a Court action take?

It is hard to predict how long a Court action will take. Generally, Polish law provides that commercial disputes shall be resolved within 3 months from the day of filing.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

There is a summary procedure in Poland provided in order to collect debts but it is limited only to pecuniary debts and only to the cases where the value of the dispute does not exceed 10,000 PLN (€2,000). The amount's limitation does not apply to the claims related to the lease agreements of the residential premises. The plaintiff may also demand in the lawsuit the issuance of the judicial order of payment which, in case the other party to the dispute does not appeal against it, may constitute the basis of the execution. There are no special procedures in order to collect small amounts except the above mentioned procedure.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, the creditor can claim directly for the recovery of his amount.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

Poland has adopted The Hague Convention of 5 October 1961 and the provisions of that Convention shall apply in order to certify the POA unless the bilateral Conventions have abolished or simplified legalisation, or exempt the document itself from legalisation.

**a.** Generally unless otherwise provided for by law or the agreement, the creditor should bring the case before the court competent for the domicile or seat of the debtor.  
**b.** Documents attached to the claim form: official documents, receipts or invoices accepted by the debtor, request of the payment and the written statement of the debtor acknowledging the debt, payment demand accepted by the debtor, returned by the bank and unpaid due to the lack of the funds under the bank account; bill of exchange, the cheques, agreement, the proof of performance of the non-pecuniary obligation and the proof of delivery.  
**c.** An order as such can be issued within a few days or weeks. It depends on many factors, for example, the complexity of the case or the submitted evidence by the parties to the dispute as well as given court's cases workload.  
**d.** The lawsuit should be filed directly with the court by the creditor along with a counterpart for the debtor. If the party to the dispute is not represented by the professional proxy any procedural brief shall be sent to the court a the counterpart thereof and with the attachments thereto for the other party to the dispute. If the case is pending and the parties to the dispute are represented by the professional proxies the professional proxies shall deliver directly to each other the counterparts of the procedural briefs with the attachments thereto.

9. Does the judicial order allow you to start enforcement proceedings?

If the judicial order is not valid and binding, it does not allow the plaintiff to start the enforcement proceedings.

10. May the judicial order be enforced before it has been served?

The judicial order cannot be enforced before it has been notified.

11. May the debtor challenge/appeal the judicial order?

Yes, the debtor may challenge/appeal the judicial order.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

**a.** The e-court is competent to examine the civil pecuniary claims (including commercial) regardless the total value of the dispute, which means that some of them would otherwise fall within the competence of District Courts. The e-court lack competence over non-pecuniary claims. **b.** Up to 3 months to the payment order (writ of payment) is served on the plaintiff by electronic system whereas the service of the lawsuit and the order on the respondent takes place in the traditional way (by post). **c.** The plaintiff shall make a bank wire transfer of the court fee for submitting the claim before the e-court. The fee amounts to a quarter of the 5%, of the value of the dispute plus the operator's fee for making a wire transfer.

13. Who is entitled to use the online civil trial?

It needs to be stressed that bringing a case before the e-court is just an alternative to the traditional proceedings. All entities may submit the claim before the e-court.

14. What kind of technical requirements are required?

First of all the lawsuit shall be signed with the safe digital signature verified by the valid, qualified certificate. The plaintiff shall obtain such a signature in order to initiate the electronic order for payment proceedings. Considering that the plaintiff can only communicate with the e-court electronically, it should be noted that the plaintiff shall first register on the platform [www.e-sad.gov.pl](http://www.e-sad.gov.pl)

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

If the defendant is domiciled in an EU Member State, the Regulation (EC) No. 44/2001 shall apply to recognition and enforcement of judgments in civil and commercial matters. Otherwise the relevant provisions of the Polish Civil Proceedings Code shall apply. The application in Poland shall be submitted to the court. The local jurisdiction shall be determined by reference to the place of domicile of the party against whom enforcement is sought or to the place of enforcement. The official documents should have the apostille clause. The court fee for the enforceability or recognition motion amounts to €75.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

If the defendant is domiciled in an EU Member State, the right of refusal of the recognition is regulated by the Article 34 & 35 of the Regulation (EC) No. 44/2001 while the right of refusal of the enforcement is determined by the Article 45 of the Regulation (EC) No. 44/2001. Otherwise the right of refusal of the recognition is regulated by the Article 1146 & 1150 of the Polish Civil Proceedings Code.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

In Poland uncontested claims are as follows: **i)** Judgments concerning recognised claims; **ii)** Judgments by default; **iii)** Settlements concluded in the course of the judicial settlement proceedings; **iv)** Settlements concluded within the settlement proceedings conducted prior to the institution of the disputable proceedings; **v)** Settlements concluded through mediation and subsequently approved by the court; **vi)** Writs of payment (orders of payment) issued in the 'payment order proceedings' and the 'reminding proceedings'; **vii)** Notarial deeds, in which the debtor submitted himself to enforcement; **viii)** Banking execution titles.

21. Please indicate timing and costs to obtain a first order.

**Timing:** Polish law does not specify any time limit for issuing the first order. **Costs:** The creditor shall pay the court fee that amounts to €12 for issuing a first order.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

**Timing:** Polish law does not specify any time limit for issuing an order. **Costs:** The court fee for filing the lawsuit amounts 5% of the value of the dispute. If the order is valid and binding the court returns the plaintiff ¾ of the court fee for filing the lawsuit.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

**Timing:** Polish law does not specify any time limit for issuing an order. **Costs:** The court fee for filing the lawsuit in this procedure amounts 100 PLN (approx. €25) regardless the value of the dispute.

**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes. **Judicial order/arbitral award:** Yes. **Commercial papers:** Yes. (Commercial debts are debts that originate from a contract/agreement/deal where both parties are traders/merchants.)

**Statute of limitation:** The ordinary statute of limitation is 20 years. There are special rules, that establish shorter limitation statute (e.g. 5 years for leases, interests, companies' dividends, other periodically renewed payments). If a Court Sentence or another enforceable document recognises a debt, even if, according to its nature, the said debt had an inferior statute of limitation, the ordinary statute of limitation applies (20 years).

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The applicable commercial interests' rate changes every 6 months (on January 1st and July 1st). It is currently 7.75% per year (first semester 2013). Some commercial papers (i.e. cheques) resulting or not from commercial relations have different rates fixed by law. Yes, it is possible to agree rates of interest that are higher than the legal rate, within legal limits.

3. How long will a Court action take?

It is not foreseeable. If the defendant presents an opposition, it will most certainly take at least 1 year and then it will depend on the number of papers produced by each party, hearings, means of proof, etc., as well as the number of pending proceedings in the court.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes, you can claim court fees and other court costs, executions' agent fees and expenses, lawyer's fees (within certain limits established by law)

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes there is an extra judiciary proceeding called 'Injunção', that results in a order of payment that can be used to start the executive process. The 'Injunção' is issued online and, if the debtor, duly notified, does not present an opposition, it becomes enforceable. Should the debtor present an opposition it will proceed as a lawsuit. This is also valid for the recovery of small amounts. The use of the 'Injunção' proceeding is limited to the collection of pecuniary debts originating from contracts. Where it is not a commercial transaction, it is limited to €15,000.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, for debt collection lawsuits up to €5,000 a lawyer is not required.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Power Of Attorney for court purposes does not require authentication, but it must be written in Portuguese or have an authenticated translation. Portugal has adopted The Hague Convention of 5 October 1961.

**a.** For commercial debt collection lawsuits, as a general rule, the competent court is that of the defendant's domicile. Should the defendant be a juristic person, the creditor may choose between the court of the defendant's domicile or the court of the place where the obligation should have been fulfilled. **b.** Written evidence of the credit, witnesses or any other admissible means of proof. **c.** It is not foreseeable. An 'Injunção' proceeding where the debtor, having been duly notified, does not present an opposition may take 2 months. Afterwards, an executive lawsuit must be issued to enforce that 'Injunção'. The duration of this process depends on the assets that the Execution Agent is able to find and seize. A lawsuit for the recognition or declaration of the debt in court, where there is opposition by the defendant, will probably take at least a year, possibly several. **d.** When a lawsuit is issued the defendant must be served. A copy of the claim and respective documents is sent to the defendant by registered mail with proof of receipt. Should this notification fail, other means of notification will be used, including personal notification by an Execution Agent. After said notification, the defendant has a deadline to oppose.

Yes, by means of an executive lawsuit (to enforce the court sentence, in case it is not voluntarily fulfilled).

The judicial order of payment (the court sentence) must be notified to the defendant. But, afterwards, you may commence the executive lawsuit (to enforce the court sentence) and the enforcement proceedings (such as seizure of assets and rights, etc.) before the other party has been notified of the executive lawsuit itself.

As a general rule, so long as the lawsuit has a value over €5,000, the losing party can present an appeal after being notified of the court sentence. The debtor can also challenge the judicial order in the executive lawsuit (enforcement) based, namely, on statute of limitation and formal problems related to the court sentence that may affect its validity.



## SECTION 3:

## ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

**a.** All civil lawsuits are nowadays processed online (in the online courts' platform named citius), documents being presented and notifications to the lawyers being made online (you can still choose to present documents in paper but court costs are slightly higher in such case). The execution processes (enforcement) are mandatorily run online (citius). **b.** Not foreseeable. **c.** Civil lawsuit for the declaration or recognition of the debt: Usual court costs (with a 10% discount); Executive Lawsuit: Usual court costs.

13. Who is entitled to use the online civil trial?

Any party duly represented by a lawyer.

14. What kind of technical requirements are required?

Computer, internet, a digital certificate and an access password to the citius platform (all lawyers have them).

## SECTION 4:

## EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

Procedure is done in accordance with the Regulation's provisions. With most European countries these procedures are free of costs (so long as the requesting foreign court is in a country that signed the convention regarding these procedures).

17. Does the right of refusal exist?

Yes, as per the Regulation's provisions.

18. How is it regulated?

In accordance with the Regulation's provisions - based on the fact that the document to be served is not in the official language of the place where the notification takes place or in a language the person who is being notified understands.

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

All claims that the debtor does not oppose to; those proceedings in which, after the opposition, the defendant does not present himself (or his lawyer) in court having been duly summoned; or those that the debtor confesses or recognises in a public document.

21. Please indicate timing and costs to obtain a first order.

Should the court apply the Portuguese general civil procedure and court costs rules for the issuing of certificates: **Timing:** 5 days. **Costs:** €20.40 if the certificate has up to 50 pages. (An additional €10.20 will be charged for up to 25 additional pages).

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

**Timing:** Not foreseeable. Although it is intended as a rapid proceeding, the deadlines established in the Regulation are not always fulfilled. **Costs:** In general €102 (for a claim up to €5,000); €204 (for a claim between €5,000.01 up to €15,000); €306 (for a claim of €15,000.01 or more).

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

**Timing:** Not foreseeable. Although short deadlines for each stage are established in the Regulation, said deadlines are not always fulfilled by the court. As a general rule, costs for a regular lawsuit under €2,000 are €102.



## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** 3 years.  
**Judicial order/arbitral award:** 10 years.  
**Commercial papers:** 3 years.

Yes, it is possible to apply legal interests to the credit. The applicable rates are settled according with the National Bank reference rate. Yes, it is possible to agree rates of interest that are higher than the legal rate.

The ordinary procedure, disciplined by the general provisions of the Civil Procedural Code, will take longer than the expedited recovery procedure which takes approx. 2 Court terms.

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, there is the procedure of Summons and the payment ordinance procedure. Both the summons and the payment ordinance procedures refer to claims that are determined, liquid and matured. A claim is determined when its existence is under no doubt, it is liquid when its amount can be perceptibly determined, and it is matured when it has become due. The summons procedure is a special and immediate court proceeding that may only be used for the collection of pecuniary debts resulting from a contract or other written instrument, signed by both parties. The payment ordinance has a narrower area of application, in the sense that it regulates the collection of pecuniary debts deriving only from commercial agreements, defined as agreements concluded between traders or between traders and contracting authorities. The limits are referring to the amount as follows: Claims up to €30,000 are applied at the First Court. Amounts exceeding €30,000 must be applied at the Appeal Court.  
**Small Amounts:** There is no special procedure.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, the creditor has the possibility to claim directly.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

The Power Of Attorney must be translated by a certified translator and legalised by a Public Notary. The Hague Convention of 5 October 1961 and other bilateral Conventions are applied.

**a.** Romanian courts observe the choice of jurisdiction in a contract. Romanian courts must set aside a choice of jurisdiction clause if the law provides for the exclusive jurisdiction of the Romanian courts, e.g. in cases concerning land and other immovable assets in Romania, or insolvency or other corporate disputes involving Romanian corporations. **b.** Simple form of the contract or notarised in some cases (real estate). **c.** Of the expedited procedures is the speed by which a determination can be made allowing a judgment to be delivered in approximately 2-3 months - the text of GEO 119 requires the court to render a decision within 90 days. Significantly, the expedited procedures do not contain the requirement that the parties first attempt to settle the matter amicably, and this also shortens the entire process. Succinctly stated, the disadvantages of the common procedure lie in the amount of the court fees and the duration of the procedure (lower court, appeal and second appeal), which can sometimes take 2-3 years before a final and binding judgment is delivered. But the common procedures must be used instead of the expedited summons or payment ordinance procedures, when the creditors need more than documents to prove their claims (e.g. witness depositions or expert testimony). **d.** A copy of the law suit must be served to the defendant.

After obtaining the final court decision, the step of enforcement is voluntary or forced execution of the obligation.

No.

Yes.



<p><b>SECTION 3:</b></p> <p>12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.</p>	<p><b>ONLINE CIVIL TRIAL</b></p> <p>No.</p>	<p>20. What is an uncontested claim in your country?</p>	<p>A claim that has been acknowledged by the defendant, or a non-appearance in court.</p>
<p>13. Who is entitled to use the online civil trial?</p>	<p>N/A.</p>	<p>21. Please indicate timing and costs to obtain a first order.</p>	<p>The notification should be sent directly to the addressee by registered mail, in Romanian or with a translation. All other formal terms are standard according to (EC) No. 1393/2007. There is a cost for postage or by executor of €20. <b>Timing:</b> 2 to 3 months.</p>
<p>14. What kind of technical requirements are required?</p>	<p>N/A.</p>	<p>22. Is Regulation (EC) No. 1896/2006 applied in your country?</p>	<p>Yes.</p>
<p><b>SECTION 4:</b></p> <p>15. Is Regulation (EC) No. 1393/2007 applied in your country?</p>	<p><b>EC REGULATIONS ON DEBT COLLECTION</b></p> <p>Yes.</p>	<p>23. Please indicate timing and costs to obtain an order.</p>	<p>Costs depend on the value of the claim including the court's fees. <b>Timing:</b> 1 year.</p>
<p>16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.</p>	<p>The person seeking the recognition or enforcement of a foreign judgment must submit a copy to the Romanian competent court or authority, together with a certificate, which must be completed by the competent court or authority that has issued the judgment, authentic act or settlement. In order to provide a unitary procedure in all EU Member States, the Regulation settles in its annexes the model for such certificate. However, the Romanian courts have the power to decide on more flexible rules regarding the provision of such certificate, and to either postpone the date of its submission, or to not require it at all, as the case may be. They also have the power to decide on whether or not to request legalised translations for such documents. <b>Costs:</b> There are no fees or taxes charged based upon the amount of the judgment.</p>	<p>24. Is Regulation (EC) No. 861/2007 applied in your country?</p>	<p>Yes.</p>
<p>17. Does the right of refusal exist?</p>	<p>Yes.</p>	<p>25. Please indicate timing and costs to obtain an order.</p>	<p>Costs depend on the value of the claim including the court's fees.</p>
<p>18. How is it regulated?</p>	<p>Refusal to accept is certified with a return receipt.</p>		
<p>19. Is Regulation (EC) No. 805/2004 applied in your country?</p>	<p>Yes.</p>		

**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** It should be a written agreement, Notary authorisation is not necessary excluding some particular cases, prescribed by Law.  
**Judicial order/arbitral award:** to be joined into force (after appeal instance).  
**Commercial papers:** Only reason for the pre-court demand.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The applicable rate is settled in accordance with the rates of the Central Bank. Yes it is possible to agree rates of interests that are higher than the legal rate.

3. How long will a Court action take?

A Court action may take between 9 and 12 months (2 stages), depending on the number of hearings, parties actions etc.

4. Can the court fee, issue fee and any other further costs be claimed?

You may only claim Court's duties and lawyer's fees, but it may be restricted by the Judge.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, there is a fast procedure for the case of non-commercial debt based on a simple written deal or in notarised form where there is no dispute. The judge can take a summary decision within 5 days and the debtor has 10 days to appeal, otherwise the summary decision can be enforced. **Small amounts:** There is a procedure regarding non-commercial debts not exceeding 50,000 RUR (approx. €1,250) where the judge may take a decision within 1 month.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

The creditor can apply directly to the debtor or to the court, using his legal team, or not using any lawyer or using any person (even if they are not a member of the Bar) as his legal representative.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

Power Of Attorney should be authorised by a Notary and apostilled. The Hague Convention is applied.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a.** The general rule is that the claim must be filed before the court of the territory where the defendant is located/registered. The parties can agree otherwise. There are some exceptions, i.e. the claimant is free to choose the court of the territory where the defendant is located or where the contract should be enforced. **b.** Usually simple written form of the contract is enough but some contracts need notarisation or state registration (mostly those regarding real property). If the parties entered into an oral contract where the law requires a written form, the existence of a contract can still be proved by any means excluding witness statements. **c.** For commercial debts, allow 3 months for a decision in the first instance, for non-commercial debts allow 2 months. The duration can be prolonged depending upon the complexity of the case. (An amendment to the law recently approved entitles the parties to appeal to the chairman of the court if the judge unreasonably exceeds the terms). **d.** As a rule the Court takes the necessary actions in order to serve the parties. Also the other party can undertake the responsibility of service by telegram or other appropriate means.

9. Does the judicial order allow you to start enforcement proceedings?

Yes, the Court award has legal force, i.e. judicial order of the appeal instance plus an Executive Order issued by the Court on the basis of the Judicial Order.

10. May the judicial order be enforced before it has been served?

Only the interlocutory injunction can be enforced before it is notified, not the final order.

11. May the debtor challenge/appeal the judicial order?

Yes.

**SECTION 3:**
**ONLINE CIVIL TRIAL**

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

In the arbitral courts (state courts dealing with commercial litigation), it is possible to deliver the documents to the court online, not in person. Also if the hearing is being held at the other district it is possible to take part in it via video conference at the court of your own district instead of travelling. For the time being, these are the only elements of telematic procedures.

13. Who is entitled to use the online civil trial?

N/A.

14. What kind of technical requirements are required?

N/A.

**SECTION 4:**
**EC REGULATIONS ON DEBT COLLECTION**

15. Is Regulation (EC) No. 1393/2007 applied in your country?

No, The New York Convention 1958 is applied.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

**Timing:** 3 years. **Costs:** Agreed by the parties.

17. Does the right of refusal exist?

According to The New York Convention.

18. How is it regulated?

N/A.

19. Is Regulation (EC) No. 805/2004 applied in your country?

No.

20. What is an uncontested claim in your country?

The uncontested claim in the Russian legislation system is applied to non-commercial disputes. If there is no legal dispute between the parties, the judge can take a summary decision within 5 days and the debtor has 10 days to appeal, otherwise the summary decision can be enforced.

21. Please indicate timing and costs to obtain a first order.

N/A.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

No.

23. Please indicate timing and costs to obtain an order.

N/A.

24. Is Regulation (EC) No. 861/2007 applied in your country?

No.

25. Please indicate timing and costs to obtain an order.

N/A.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes. **Judicial order/arbitral award:** Yes. **Commercial papers:** Yes.

**Statute of limitation: Agreement:** Normally 5 years; 3 years for claims arising from commercial contracts. **Judicial order/arbitral award:** 10 years. **Commercial papers:** From 6 months for cheques to 3 years for bills of exchange, depending on the type of commercial paper.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The interest rate on late payment, set forth by the Statutory Default Interest Rate Act, is determined every 6 months as the ECB interest rate for main refinancing operations plus 8 percentage points. As of 31 December 2012, the aforementioned interest rate is 8.75% per year. If the contracting parties agree that the debtor must also pay contractual interests without specifying the rate, such rate shall be 6% per year. Yes, it is possible to agree rates of interests that are higher than the legal rate. The creditor and the debtor may agree that the interest on late payment is lower or higher than the statutory interest rate. However, if the agreed rate is 50% higher than the statutory interest rate, such interest rate is presumed to be usury, unless proven otherwise (such presumption does not apply in regard to commercial contracts).

3. How long will a Court action take?

The ordinary procedure may take up to 2 years or longer. In case of fast track action, the Court may issue its final decision within 3 months.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes, the Court may issue a payment order, if certain requirements are met (e.g. the pecuniary obligations must be due, the claim is substantiated with an authentic document etc.). Such payment order is issued ex officio in ex parte proceedings. If the claims result from cheques, invoices, extracts from record books etc., enforcement proceedings may be initiated by electronic means. **Small amounts:** A special procedure may be initiated if the amount of the dispute does not exceed €2,000.

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, any party (individual or legal entity) may file a claim, either in person or by representation. Such representation does not need legal training, unless the matter falls under jurisdiction of the District, Higher or Supreme Court (in this

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

case the party must be represented by an attorney or a lawyer with a bar exam). If the procedure involves extraordinary remedies, a party has to be represented by an attorney.

Power Of Attorney has to be authenticated via Apostille to have a cross-border validity. If a foreign client originates from a country which is not a member of the Apostille Section of The Hague Convention, the Power Of Attorney shall first be authenticated by the Slovenian Ministry of Justice, the Slovenian Ministry of Foreign Affairs and finally by the Embassy. Yes, Slovenia has adopted The Hague Convention, as well as several bilateral conventions.

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

**a. Subject matter:** If the value of the claim does not exceed €20,000, jurisdiction lies with Local Courts. If the value of the dispute exceeds €20,000, jurisdiction lies with the District Courts. **Territorial:** Is determined by the defendant's place of residence, unless special regulations provide otherwise. **b.** The claimant has to substantiate the claim by providing relevant documentation (which varies from case to case). If the creditor is already in possession of an instrument permitting enforcement (final judgment, judicial settlement, notarial record etc.) or an authentic document (such as a promissory note, invoice, cheque etc.), enforcement proceedings may be initiated directly. **c.** It depends mainly on the complexity of each case. If a fast track procedure is initiated, a shorter time period may be expected. **d.** Service has to be made personally to the recipient. Service shall be made: **i)** At the recipient's place of residence or workplace; **ii)** At the court, if the recipient is there, or; **iii)** By electronic means. If the recipient could not be found at any of the aforementioned locations, the service shall be left with: **i)** An adult member of recipient's household who is obligated to accept it, or; **ii)** An authorised person or employee at the recipient's workplace who is willing to accept it. If none of the above is possible, the legal documents shall be left in the mailbox at the recipient's place of residence (if there is no mailbox, a note is left on the door of the recipient's place of residence stating where the documents can be obtained - either at a post office or at the Court).

9. Does the judicial order allow you to start enforcement proceedings?

Yes. According to the Slovene Enforcement and Securing of Civil Claims Act, the judicial order is one of the instruments permitting enforcement.

10. May the judicial order be enforced before it has been served?

Yes, in the enforcement proceedings the Court may issue an interim decision to secure the claim.

11. May the debtor challenge/appeal the judicial order?

Yes, both parties may challenge the judicial order within 15 days from the date of service. After the judgment has become final, it can only be challenged by extraordinary remedies.

### SECTION 3:

### ONLINE CIVIL TRIAL

12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.

**a.** Only creditors with claims based on an authentic document (e.g. cheques, invoices, extracts from record books etc.) may initiate a so-called telematic enforcement procedure (i.e. enforcement procedure initiated and run by electronic means). **b.** It is a fast track procedure in which the Court issues a decision in 2 to 5 days. If the debtor challenges the Court's decision the duration of the procedure may take up to 3 months. **c.** The costs usually consist of: **i)** Court fees which are prescribed by the Slovene Court Fees Act (Zakon o sodnih taksah); **ii)** Attorney fees, the amount of which depends on the value of the claim; **iii)** Potential seizure costs, the amount of which also depends on the value of the claim.

13. Who is entitled to use the online civil trial?

Only creditors with claims based on an authentic document (e.g. cheques, invoices, extracts from record books etc.) are entitled to initiate the enforcement procedure by electronic means.

14. What kind of technical requirements are required?

In order to file a motion to initiate an enforcement procedure by electronic means, registration is required on the Court's website (<https://evlozisce.sodisce.si/esodstvo/index.html>). The user will also require a digital certificate as proof of identity.

### SECTION 4:

### EC REGULATIONS ON DEBT COLLECTION

15. Is Regulation (EC) No. 1393/2007 applied in your country?

Yes.

16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.

Foreign judicial acts and judicial orders become valid subsequent to the Court's notification. A person requesting the notification of such order, must provide the Court with the actual order (or its transcript) accompanied by a certificate issued by the competent foreign Court, confirming the act in question is final (translations of relevant foreign documents should also be provided). The Court fee for notification of a foreign judicial order is €16.

17. Does the right of refusal exist?

Yes.

18. How is it regulated?

Under Slovenian law, notification of a foreign judicial order is denied, if: **i)** Following a challenge made by the person against which the foreign judicial order was issued, the Court discovers that such person was denied the right to take part in the proceedings (i.e. if the judicial documents were not properly served (personal service)); **ii)** Exclusive

19. Is Regulation (EC) No. 805/2004 applied in your country?

Yes.

20. What is an uncontested claim in your country?

A claim is regarded as uncontested if: **i)** It has been expressly acknowledged by admission or by means of a settlement which had been approved by the Court or concluded before the Court in the course of proceedings; or **ii)** The debtor did not file an appeal against such claim (in accordance with relevant procedural requirements under the law of the State of origin).

21. Please indicate timing and costs to obtain a first order.

**Costs:** Court fee of €25 for the request to issue an order and Court fee of €16 when the Court issues an order are necessary to obtain an Order. **Timing:** The anticipated time for a Court to issue a European Enforcement Order is 2 months from the date the procedure was initiated.

22. Is Regulation (EC) No. 1896/2006 applied in your country?

Yes.

23. Please indicate timing and costs to obtain an order.

**Timing:** The Court issues a European Order for Payment within 1 month from the date the procedure was initiated. Costs depend on the value of the outstanding claim.

24. Is Regulation (EC) No. 861/2007 applied in your country?

Yes.

25. Please indicate timing and costs to obtain an order.

**Timing:** In small claims proceedings the Court issues an order within 2 months from the date the procedure was initiated. Costs depend on the value of the outstanding claim.



**SECTION 1:**
**GENERAL INFORMATION & FAQ**

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation:** General rule of 15 years as a maximum, but the specific commercial rules and specific rules of the Spanish regions must be taken into account.  
**Judicial order/arbitral award:** 5 years since the sentence is final.  
**Commercial papers:** Depends on the kind of document.

Yes, it is possible to apply legal interests to the credit. Yes, it is possible to agree rates of interests that are higher than the legal rate, but these interests cannot be too high as they are controlled by Spanish Law.

An ordinary action may take between 6 and 8 months.

Yes, if the sentence accepts all the petitions of the creditor, the debtor will have to pay the principal amount plus interests and legal costs.

**SECTION 2:**
**COURT PROCEEDINGS**

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

Yes, fast tracks/summary proceedings exist, also for small amounts. These are the same as EC Regulations, but adapted for the Spanish system.

If the claim does not exceed €2,000, the creditor can directly claim for the recovery of the amount.

Yes, The Hague Convention is applied and other bilateral treaties with countries that are not part of the 'Apostille' convention.

**a.** The competent court is the one of first instance the domicile of the debtor. **b.** It is required a written evidence of the credit, with all available documents, e.g. a final judgment, judicial settlement, notarial deed or an authentic document (i.e. as a promissory note, cheque etc.). **c.** It should take less than 6 months in theory, but will depend on the workload of the court and the time it takes to notify the case to the defendant. **d.** The service has to be personal to defendant, by an officer's court.

Yes, in cases based on executive documents like commercial papers.

Yes, in executive proceedings it can take place simultaneously.

Yes.

SECTION 3:	ONLINE CIVIL TRIAL	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	Notification is made by the court of the domicile of the debtor. <b>Timing:</b> It depends on the workload of the local court. Costs would depend upon the amount of the claim.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	In the same terms of the Directive. The Court has to first check the documents.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	Any case where the creditor has claimed to the court, the defendant has been duly notified but has not reacted, and the court has given a sentence in favour of the creditor.
		21. Please indicate timing and costs to obtain a first order.	<b>Timing:</b> Varies depending on the workload of the local court. <b>Costs:</b> Will depend upon the amount of the claim.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	<b>Timing:</b> Varies depending on the workload of the local court. <b>Costs:</b> Will depend upon the amount of the claim.
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	<b>Timing:</b> Varies depending on the workload of the local court. <b>Costs:</b> Will depend upon the amount of the claim.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

3. How long will a Court action take?

4. Can the court fee, issue fee and any other further costs be claimed?

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

**Agreement:** Yes. **Judicial order/arbitral award:** Yes. **Commercial papers:** Yes.

**Statute of limitation: Agreement:** 10 years. **Judicial order/arbitral award:** 10 years. **Commercial papers:** 10 years. For a consumer the statute of limitation is usually 3 years.

Yes, it is possible for the parties to agree upon an interest rate, but this excludes the possibility to claim interest in accordance with the Swedish Interest Act ('legal interest rate'). In absence of an agreed interest rate, the creditor has a right to claim an interest of 8% plus a reference rate on an overdue loan. The reference rate is decided periodically by the Swedish Central Bank (e.g. 8% + a reference rate of 2% for 2012). Yes, it is possible to agree upon an interest rate which is higher than the legal interest rate. However, if the interest rate is too high, it may be adjusted by the Court.

The average time for an ordinary Court action is 9 to 12 months. If it is an uncontested, credit time will be shorter.

Yes.

Fast tracks also for **small amounts:** Yes. Kronofogden is the Swedish autonomous public authority who provides simplified and accelerated summary proceedings for monetary and non-monetary claims. All claims must be overdue and negotiable. The application must be in writing. The applicant has to describe the claim but does not need to supply any evidence. There is no examination of the merits of the case. As long as the application is complete and without any formal errors, the documents are sent to the respondent. After having been served the claim, the respondent has a certain time within which he/she has to object. If the respondent does not object, a verdict will be rendered in accordance with the claim as stated in the application. The verdict is directly enforceable. If the respondent contests the claim the applicant may request either that the case is turned over to the District Court for trial or that the claim is withdrawn from the summary proceeding. A withdrawal from the summary proceedings does not imply that the claim may not be tried in ordinary proceedings. Neither party needs representation during

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

9. Does the judicial order allow you to start enforcement proceedings?

10. May the judicial order be enforced before it has been served?

11. May the debtor challenge/appeal the judicial order?

the summary process. There is no limit to the size of a monetary claim. A monetary claim can be combined with a non-monetary claim, i.e. a landlord may claim both rent and that the respondent shall be evicted from the property. The procedure normally takes 2 months from the application is sent to Kronofogden.

Yes, a creditor does not have to be assisted by a lawyer.

The Hague Convention is applied. If the client is a legal entity, its legal representative has to prove his authority by official documents.

**a.** The various courts have jurisdiction following the Code of Judicial Procedure. Kronofogden has jurisdiction for the entire territory of Sweden. **b.** No formal requirement to provide written evidence. A description of the claim has to be provided. **c.** Approx. 2 months in summary proceedings. Ordinary proceedings 6 months to 2 years. **d.** Service of a law suit is required. Service is usually done by the court or Kronofogden. Service can under certain conditions be made by a party. Service can be acquired by publication in certain newspapers.

Yes, enforcement may take place directly after a judicial order.

Yes, generally a judgment may be enforced before the losing party is notified. A judgment that is still open for appeal may also be enforced in certain cases. Enforcement may take place immediately in a judgment for bills of exchange or cheques.

Yes, the debtor can have the summary proceeding case turned to the District Court for a verdict or to terminate the process. The debtor may also appeal the District Court's verdict.

SECTION 3:	ONLINE CIVIL TRIAL	SECTION 4:	EC REGULATIONS ON DEBT COLLECTION
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	No.	15. Is Regulation (EC) No. 1393/2007 applied in your country?	Yes.
13. Who is entitled to use the online civil trial?	N/A.	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	The terms and costs are set out in the regulation at hand.
14. What kind of technical requirements are required?	N/A.	17. Does the right of refusal exist?	Yes.
		18. How is it regulated?	The addressee may refuse to receive the notification on the grounds provided in Section 8 Paragraph 1 of Regulation (EC) No. 1393/2007. This right may be exercised also within 1 week after receipt of the notification by sending the notification back to the court that issued it.
		19. Is Regulation (EC) No. 805/2004 applied in your country?	Yes.
		20. What is an uncontested claim in your country?	An uncontested claim is when the debtor has: <b>i)</b> Not objected to the claim in the course of court proceedings; <b>ii)</b> Not appeared in court; or <b>iii)</b> Has expressly agreed that the claim exists and is justified in the course of court proceedings (including settlement) or an authentic instrument.
		21. Please indicate timing and costs to obtain a first order.	The time to obtain an order is hard to define and differs depending on the matter at hand.
		22. Is Regulation (EC) No. 1896/2006 applied in your country?	Yes.
		23. Please indicate timing and costs to obtain an order.	It is not possible to state how long it takes to issue an European Order for Payment. The combined court fees shall not exceed SEK 450 (approx. €55).
		24. Is Regulation (EC) No. 861/2007 applied in your country?	Yes.
		25. Please indicate timing and costs to obtain an order.	The time to obtain an order is hard to define. It may vary depending on the case at hand. The unsuccessful party shall bear the costs of the proceedings. However, the court or tribunal shall not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.

## SECTION 1:

## GENERAL INFORMATION & FAQ

1. What are the sources of a commercial debt in your country?  
a) Agreement; b) Judicial order/arbitral award; c) Commercial papers (cheques, bills of exchange).

What is the statute of limitation?

**Agreement:** Yes.  
**Judicial order/arbitral award:** Yes.  
**Commercial papers:** Yes.

**Statute of limitation: Agreement:** Normally 10 years; 5 years for claims for rent, periodical claims, etc.  
**Judicial order/arbitral award:** 10 years.  
**Commercial papers:** Depends on terms.

2. Is it possible to apply legal interest to the credit? Is it possible to agree rates of interests that are higher than the legal rate?

Yes, it is possible to apply legal interests to the credit. The applicable rate is 5%. Yes, it is possible to apply rates of interests that are higher than the legal rate.

3. How long will a Court action take?

The ordinary Court procedure takes approximately 1 year. Enforcement proceedings (including summary Court proceeding) take approximately 3 to 6 months.

4. Can the court fee, issue fee and any other further costs be claimed?

Yes.

## SECTION 2:

## COURT PROCEEDINGS

5. Are there fast track/summary procedures in order to collect debts? Are there special procedures in order to collect small amounts?

Yes. If the debtor contests the creditor's claim in the debt enforcement proceeding (within 10 days of the receipt of the summons for payment issued by the debt collection office), the creditor must procure a court order dismissing the objection in order to proceed with the enforcement of his claim. This is usually a summary procedure (regardless to the amount) and is part of the debt enforcement proceeding (to succeed the creditor needs to be in possession of valid court verdict confirming the contested debt or a signed or notarised promise by the debtor to pay the sum at issue).  
**Small amounts:** There are two types of ordinary court proceedings (necessary if the creditor is not in possession of valid court verdict confirming the contested debt or a signed or notarised promise by the debtor to pay the sum at issue): Simplified procedure if the value in dispute is less than CHF 30'000 (€24,606). Ordinary procedure if the value in dispute is more than CHF 30'000 (€24,606).

6. May the creditor claim directly for the recovery of his amount (within limits of value) or does he need the assistance of a lawyer?

Yes, the creditor may claim directly for the recovery of his amount.

7. In the case of a foreign client, which procedures should be followed in order to certify the Power Of Attorney (POA)? Does your Country adopt The Hague Convention of 5 October 1961 or other bilateral Conventions?

8. Indicate the main steps for judiciary recovery of debts:-  
a. Jurisdiction; b. Conditions of an order of payment to be issued, i.e. written evidence of the credit, other; c. Duration of the proceedings; d. Procedure of service, if any.

Yes The Hague Convention is applied.

**a.** The competent court is the district court at the domicile or seat of the debtor, unless a special regulation is applied. In some cases the parties can agree about the jurisdiction (jurisdiction clause). **b.** The debt collection office serves a summons for payment (order of payment) without proving the validity of the claim. Information which has to be provided by the creditor: name and address of the parties, amount of the claim, interest, if available: documents proving the claim (court verdict, signed or notarised contract), if not available: brief description of the claim. If the order of payment is objected by the debtor, only written evidence (court verdict, signed or notarised contract, other documents like invoices, statements, delivery orders, agreements and correspondence) is permitted in the following court proceeding. In a ordinary court proceeding claims can be proved by any means of evidence (including witness statements), unless the law requires the written form or notarisation for a contract. **c.** The duration depends on type of proceeding and other factors such as the complexity of the case as well as given court's cases workload. Only the enforcement proceeding (if the creditor is already in possession of valid court verdict or a signed or notarised promise by the debtor to pay the sum at issue): approx. 3 to 6 months. If the creditor has to file an ordinary court procedure to proof his claim: approx. 1 year.  
**d.** The summons of payment (debt enforcement proceeding) has to be delivered personally to the debtor at his place of residence or place of work by the postman (substitute for the Debt Enforcement Execution Officer). If the debtor is not at home, the summons can be delivered to a member of his family or household. If the summons cannot be delivered by the post office, it will be delivered by the police or a local Execution Officer. In claims against companies they have to be delivered to a representative. In court proceedings the summons can be delivered by registered mail or otherwise against receipt confirmation. They may be served personally to the defendant or his attorney or a person authorised to receive his mail (i.e. foreign defendants). If the residence of a defendant is unknown, or a foreign defendant does not name a person authorised to receive his mail in Switzerland the court will 'deliver' the summon by publication in the Government Gazette.



9. Does the judicial order allow you to start enforcement proceedings?	Yes.	SECTION 4: EC REGULATIONS ON DEBT COLLECTION	15. Is Regulation (EC) No. 1393/2007 applied in your country?	No.
10. May the judicial order be enforced before it has been served?	No.			
11. May the debtor challenge/appeal the judicial order?	Yes.			
SECTION 3: ONLINE CIVIL TRIAL				
12. Are online civil trials available to collect debts? If so, please indicate; a. Credits to be collected by telematic procedures; b. Timescales; c. Costs.	Yes, petitions can be placed electronically, but the procedure remains the same.			
13. Who is entitled to use the online civil trial?	Everybody, but only using officially approved services.	SECTION 4: EC REGULATIONS ON DEBT COLLECTION	16. Please indicate terms and costs for the notification of foreign acts or of judicial order in your country.	N/A.
14. What kind of technical requirements are required?	PC, internet. The user needs a certified electronic signature.		17. Does the right of refusal exist?	N/A.
			18. How is it regulated?	N/A.
			19. Is Regulation (EC) No. 805/2004 applied in your country?	No, The Lugano Convention which correlates to (EC) No. 44/2001 is applied.
			20. What is an uncontested claim in your country?	N/A.
			21. Please indicate timing and costs to obtain a first order.	N/A.
			22. Is Regulation (EC) No. 1896/2006 applied in your country?	No.
			23. Please indicate timing and costs to obtain an order.	N/A.
			24. Is Regulation (EC) No. 861/2007 applied in your country?	No.
			25. Please indicate timing and costs to obtain an order.	N/A.