



# **Austria**

**enforcement system e-manual**





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# WHAT IS ENFORCED

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## Monetary Claims

- Immovable property
- Administration of immovable property
- Foreclosure
- Movable property
- Monetary claims
- Restitution of movable property and performance of movable assets
- Other property rights, such as rental rights, company rights, patent rights.



## Non-Monetary Claims

- Handing over movable assets
- Eviction
- Obligation to act or to refrain from acting or suffer action

# WHO ENFORCES

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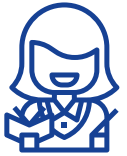
## District Court



### Judge

**The judge is responsible for:**

- Foreclosure
- Enforced administration of immovable property
- Enforcement for the purpose of obtaining acts and omissions
- Non-monetary claims – detention, declaration of enforceability of foreign enforcement titles, freezing, injunctions



### Judicial Officer

**Public officer serving at court.**

- Administrative duties, such as support to judges, prosecutors and jurisdiction officers
- Keeping case-registers
- Book keeping
- Court fee collection
- Authentication of signatures, bailiffs, ushers etc



### Jurisdiction Officer

**The Jurisdiction Officer is responsible for:**

- Enforcement on movable property
- Enforced mortgage
- Freezing enforcement (partly responsible)



### Bailiff

**Carries out the enforcement instructions of the judge or the jurisdiction officer. Responsible for:**

- Practical enforcement on movable assets
- The attachment, seizure and sale of movable objects
- Eviction
- Participation in foreclosure
- Compilation of statement disclosing all assets of the debtor
- Presenting the debtor to the judge in case the debtor refuses a statement

# ENFORCEMENT PROCEDURE

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## Application to the court

- Names of the parties
- Claim
- Enforcement method
- Enforcement title
- Additional information



## Enforcement decision



## Judicial Officer

# HOW LONG DOES THE PROCESS LAST

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**Electronic filing  
of applications**



**First court decision  
available the day after  
the application**



**Notification to debtor  
by postal letter**



**Overall duration variable,  
depends on the type of  
enforcement measures**

# HOW MUCH DOES THE PROCESS COST

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## Main enforcement procedure

- EUR 18 application fee for claims from EUR 0 - 150
- EUR 187 applicant fee for claims of EUR 35000
- Court fee based on the claim



## Supreme court [revision]

- 200% of the fees charged in the 1<sup>st</sup> instance



## Appeal

- 150% of the fees charged in the 1<sup>st</sup> instance



## Bailiff Fees

- Basic fee
- Performance fee - % on payment
- EUR 6,00 for attachment acts
- EUR 2,00 for acceptance of a statement of disclosing all assets
- Travel expenses

