



# Sweden

e-manual appendix





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## **What is enforced**

The Enforcement Authority conducts summary and enforcement procedures.

### Summary Proceedings

Summary Proceedings is a simplified and accelerated procedure for order of payment. The purpose of Summary Proceedings is to deliver a verdict that is directly enforceable.

The procedure is for private individuals and enterprises alike and both can stand as either applicant or respondent. Normally claims are uncontested money orders but they can just as well be non-money orders. Non-money orders include requests for verdicts regarding for example eviction, to shut off electricity or move a fence.

In order for a claim to be handled by the process it needs to fulfil some basic requirements. The claim must be overdue and mediation has to be allowable. The application must be in writing and signed by the applicant. The claim itself, as well as the grounds for the claim, should be complete. One cannot add to the application during the process, only subtract from it. There is neither an upper nor lower limit to the size a financial claim can be. A money order can also be combined with a non-money order if, for example, an applicant landlord not only wants a respondent evicted but also wants to collect the rent owed.

Summary truly means summary in Sweden as we do not question the validity of a claim. The applicant need not supply any evidence nor is there any examination of the case. As long as the application does not have any obvious faults in its format and all obligatory information is included, papers are automatically sent to the respondent. It is then the responsibility of the respondent to react to the claim.

After having been served with the claim the respondent has a certain time frame within which he/she has to object to the claim. If the respondent is not heard from a verdict will be rendered in accordance with the original application. If the respondent contests the claim however, the applicant has a choice of either having the case turned over to the District Court for a verdict or to terminate the process.

Neither the applicant nor the respondent need representation during the process, all parties may represent themselves. Forms and written instructions are designed for this purpose, they are to be easily understood by non-professionals. The process is not obligatory and an applicant may take his claim directly to the District Court instead.

On average the process takes just short of 2 months from application to verdict. A verdict is rendered in 80% of incoming applications. A decision such as this is directly enforceable by the recoveries department. It is

noteworthy that any and all decisions from the Summary Proceedings are appealable, meaning a final verdict may be contested by either party.

### Enforcement

#### 1. Public and private claims

The Enforcement Authority is responsible for the enforcement of both public and private claims. Public matters are debts to central and local authorities (taxes, VAT, excise duties, social security contributions, but also e.g.: television licenses and parking fines). Private matters are based on titles of execution, judgments of general and administrative courts. Other titles may emanate from the summary procedure of the Enforcement Authority, such as repossessions and evictions, normally based on summary decisions. The enforcement matters which are based on public claims are e.g.: taxes, fines, custom duties and other duties. The treatment of such enforcement matters differs. Those matters are accounted for to the applicant authority when the enforcement is completed. The period of limitation in the enforcement matters related to tax claims is generally five years accounted from the end of the year the tax originally had to be paid.

#### 2. Enforceable judgments, decisions and orders

Private enforcement matters are, as mentioned above, mainly based on court judgments, but also some other titles of execution. Examples of enforceable titles of execution are: judgments of the general courts, the District Court the Court of Appeal the Supreme Court the Administrative Court the Administrative Court of Appeal and the Administrative Supreme Court. In addition, some private documents can be enforced, such as contracts for child and spousal support. The general provisions about enforceable titles can be found in chapter 4 of the Enforcement Code. For more information, about codes, acts and statutes, see further section 4.3. Titles of execution, such as judgments, must in principle be legally binding. An important exception is that all titles and judgments involving an obligation to pay can be enforced without being legally binding. Default judgments can also be enforced in the same way as injunctions to pay. Chapter 4, section 1, of the Enforcement Code contains a more detailed account of rules on the enforcement of various judgments and other titles of execution.

#### 3. Code, acts and statutes

The main legal source for the enforcement of claims is the Enforcement Code, effective from 1 January 1982. The Enforcement Code includes 18 chapters. In addition, an Enforcement statute exists, including 19 chapters, which contains detailed provisions for procedures, as a supplement to the Enforcement Code. The Consumer credit act contains

special provisions that allow the seller to apply to the Enforcement Authority for the repossession of goods sold on credit. The Act of hire-purchase transactions between tradesmen contains similar provisions. The sales' company has the right, under the conditions of the act, to request that the Enforcement Authority repossesses the item sold based on instalments. Also see section 4.9 for more information on repossessions.

#### 4. Use of computer technology

The enforcement register contains all registered debtors and is a central computer base used by the Enforcement Authority. This register contains public and private sections. This register contains public and private claims. All payments and actions taken in relation to the debtors are recorded in the register. With the help of the personal identity number or the organization registration number of a company one can find out if the individual or the company is subject to enforcement, what kind of debt the individual or the company has and what action the Enforcement Authority has taken. For applicants handling large numbers of matters, applications can be transferred directly via computer from the applicant to the Enforcement Authority. Judgment and other material is sent by mail. Provisions for the handling of the register can be found in the Enforcement Register Act. An Authority must act swiftly to investigate cases when the debtor complains about errors in the register concerning his debts. Information regarding the debtor's assets is available to the following extent at the Enforcement Authorities for enforcement purposes through search in public registers, to which the Enforcement Authorities has direct access by computer. The tax register is kept and administered by the Tax Agency for taxation purposes. The Enforcement Authority has direct access by computer concerning tax debtors. All taxpayers, both individuals and legal entities, are recorded in the register. Information which could be found in this register is for instance the debtor's sources of income, name of employer, bank accounts and real estate holdings.

#### 5. Enforcing enforceable titles:

If the debtor fails to pay the debt, he/ she is contacted by the Enforcement Authority. He/ she is obliged to give information about their assets and where they are located. Third parties are also required to provide information about persons who have financial dealings with the debtor but who is himself/ herself not a creditor. A debtor, or a third party, who refuses to disclose information may be ordered to do so under the threat of fines. Such fines, which are imposed by the District Court, are not subject to any particular limit.

The debtor can be instructed to submit a list of his/ her assets and sign an affirmation on his/ her faith and honour that the information given in

the list is correct. Another possibility is to hold a hearing with the debtor, and third parties, at the office of the Enforcement Authority.

Such a hearing is reserved for matters when the debtor refuses to cooperate with the Authority and when other, less far-reaching procedures, are deemed to be insufficient. In some public matters the Enforcement Authority represents the creditor, the Swedish State, and can make agreements, for instance payment plans, with the debtor.

In private matters all agreements have to be made with the creditor. Postponement of payment can be granted if the debtor is unable to pay directly and it is judged probable that he/ she will pay in the future. Payments by instalments can also be granted. The Enforcement Authority then decides on an instalment schedule. If it is a large debt, some form of security will generally be required according to the recovery act.

The Enforcement Authority acts, in some, but not all public matters, as creditor on behalf of the State and some other public entities. This role of the Authority is regulated in the recovery act.

## **Who enforces**

The Enforcement Procedure in Sweden is in principle entrusted to one governmental authority, the Enforcement Authority (Kronofogdemyndigheten).

The Enforcement Authority has an overall mission given by the Government in the area of Preventive Operations concerning the work for high ethics in society for the payment of debts, the constant improvement of its knowledge about phenomena leading to that people who are living beyond their means are unable to pay their debts, and giving recommendations of improvements in law provisions which make it easier for people to pay their debts.

## **Enforcement procedure**

The enforcement normally begins with a demand of payment that is sent to the debtor where he/ she is urged to pay their debt within a certain period of time. If there is no payment the Authority is obliged to initiate an investigation to find out if the debtor has any property that can be subject to enforcement. The Authority can give the debtor a respite to pay. Enforcement can only apply to the property owned by the debtor, an individual or a legal entity, and that property must, when enforcement takes place, be in the possession of the debtor. It must also be possible to transfer the property and it must also have a value.

Some assets are exempted from enforcement: furniture, household machines, clothes and other personal belongings, such as watches, rings and jewelry, at a reasonable value. Also, tools and equipment necessary for

a person to perform his/ her work are exempted from enforcement. Memorabilia are also protected from enforcement, such as for instance honorary medals, family bibles, etc. Tenancy rights to apartments are excluded as well as tenant owner's apartments under a certain value, as opposed to real estate which is not. Other examples of exceptions are: cash, if it is necessary for the debtor's support up to a month, as well as the right to pension, but not the monthly pension payments as such, which can be attached. There also exist other exceptions but these just mentioned are the most important ones.

### **Duration of enforcement procedure**

The time it takes from application to enforcement varies depending on various factors such as:

- How many applications are handed in
- If the applicant needs to complete the application
- How fast the authority reaches the other party

Below you can see the time needed in the different stages of enforcement as it stands on 3<sup>rd</sup> of December 2020. However, it is important to note that times can vary considerably, the most important aspect in this regard being whether the application is complete when handed in, as well as how easy it is to communicate with the party against which enforcement is required.

#### Enforcement proceedings

From the day the application was handed in to the day it has been sent to the other party	1–5 working days
From the day the demand for payment is sent to the day execution is decided	3.5 months
From the day the application for eviction is handed in to the decision	3.5 months

## Enforcement proceedings requiring investigation

From complete application to the time the authority starts the investigation	5 weeks
Official report when a debt has been paid or an application has been recalled	4 weeks

## **Cost of enforcement procedure**

In order to initiate procedures at the Enforcement Authority, the applicant must pay the application fees (varying from 300 to 600 SEK). This is the general rule with the exception of procedures concerning claims based on child support or damages for victims of crimes.

The fees will be in the end recuperated by the debtor. There is possibility to apply for legal aid in order to cover the expenses related to enforcement.

Other costs in relation to enforcement, such as attorney's fees, may be recuperated by the debtor if the debt amounts to a sum exceeding 23.650. For conflicts concerning sums under this sum, each party will bare its own costs.

<b>Fees</b>	<b>Type of application</b>	<b>Amount</b>
<b>Order of payment and Sequestration</b>	Order of payment	300 kr
	Sequestration	300 kr
	European order for payment	300 kr
<b>Enforcement</b>	Enforcement	600 kr/ year
<b>Eviction</b>	Enforcement	300 kr for every identified person but maximum 3000
<b>Infringement investigation</b>		5 000 kr
<b>Sale of immovable property</b>		Preparation costs 1 % of the tax value alternatively 0,75% of the market value
		Sale cost 2 % of the tax value, alternatively 1,5 % of the market value
<b>Sale of movable property</b>		4% of the price for which the good has been sold in the auction



