

 **EU  
ENFORCEMENT  
ATLAS**

**Updates of national information  
Phase II**

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## 1. Introduction

The Enforcement Atlas project aims to address the information gap on enforcement procedures, requirements, competence, costs and timing in the EU-28 member states, numbering 30 enforcement systems. Research was conducted by national judicial officers or enforcement experts, and was compiled in 30 national reports.

To ensure reliability and credibility of the information, the national correspondents have provided updates twice in the course of the project, to highlight any important changes in the national legislation or procedure. Thus, the information contained in the national reports covers the period up to the end of 2020 and examines enforcement legislation, procedures, expenses and professionals in each enforcement system. The information has been updated with “Updates of National Information-Phase I” which covers changes up to 30 March 2021.

This publication presents changes in the enforcement legislation and/or procedure, which occurred between 1<sup>st</sup> April 2021 and 30<sup>th</sup> June 2021. It is addressed primarily to judicial officers, national chambers of judicial officers, lawyers, notaries and stakeholders across the European Union. To ensure efficient presentation of changes, the updates have been grouped per enforcement system, and clearly indicate any changes in relation to the national report, specifying the relevant section where the change is applicable.



## 2. Overview of enforcement systems where no changes have been reported

- Cyprus
- Czech Republic
- Denmark
- England and Wales
- Estonia
- Finland
- Germany
- Hungary
- Ireland
- Latvia
- Lithuania
- Luxemburg
- Malta
- Portugal
- Romania
- Scotland
- Spain
- Sweden

### 3. Overview of changes in the enforcement system

#### 3.1. Austria

*Footnote 1:* 87 is replaced by 88

*Footnote 10:* added “§ 250 (1)Z4 EO”

##### 1.7.1. Guaranteeing a fair standard of living

In the paragraph “In the case of enforcement ...exempted” the following is deleted:  
“up to EUR 750”

*Footnote 14:* 54g EO is replaced by 63b EO

##### II.1.2.2. Administrator (Enforcement Administrator) - new paragraph added:

An administrator is provided for certain enforcement proceedings (extended enforcement package). The creditor requests, without specifying certain means of enforcement. In this case an administrator is appointed by the court, to enforce on all means of enforcement on movable properties. The administrator has powers similar to a bailiff, except forced opening of locked houses/apartment doors (par. 20 EO)

##### II.2 Supervision over enforcement

Point d is added:

d. Supervision of Administrator

By the court (Judge/jurisdiction officer) (par 26A EO)

##### III.1.4 Choice of enforcement method

At the end of the paragraph, the following text is added:

However, the creditor also has the option of filing applications for enforcement without mentioning certain means of enforcement in his application.

1. Enforcement package (par 19 EO): This package includes the enforcement of movables and the enforcement of claims on recurring benefits and the protocol of disclosing all assets.

2. Extended enforcement package (par 20 EO): This package includes all types of enforcement on movable properties and the protocol of disclosing all assets.

Additionally: enforcement on property rights. An administrator must be appointed in this enforcement package.



### **III.2.5 Possibilities for recovery**

*Footnote 33:* 277 is deleted.

At the end of the paragraph the following is added:

If an administrator has been appointed, a bailiff may be commissioned with the auction at his request

### **III.2.7 Request for transfer**

Paragraph 1 changes as follows:

Immediate purchase before the auction: If an administrator has been appointed, a bailiff may be commissioned with the auction at his request. With the amendment of the Law on Enforcement from July 1st, 2021: As long as the auction has not yet begun, a seized item can be purchased. The price must be 25% above the estimated value. If the purchase price is not paid before the auction, this item becomes subject to the enforcement auction.

### **III.2.8 Free-hand sales**

The text of this paragraph is replaced as follows:

With the amendment on the Law on Enforcement 2021, this provision is omitted as of July 1<sup>st</sup>, 2021.

*Footnote 36* is deleted

### **Attachment of claims out of security papers:**

The paragraph under this heading changes as follows:

A special procedure may be applied in case of recovery of savings books, shares, (live) insurance titles, bills of exchange, cheques and others. In the case of such documents, where the right to recovery is subject to possession of the particular document, the bailiff/administrator is obliged to seize the assets. The bailiff/ administrator enters the seized assets (documents) in an attachment record. For the realization of the claim, based on the seized documents, the legal transfer for recovery is necessary. The bailiff/ /administrator shall be ordered by the judge or the jurisdiction officer to effect the transfer.

*Footnote 47:* 152 becomes 201

*Footnote 49:* the text becomes: §§ 290 – 295, 299 – 303 EO

*Footnote 55:* the text becomes: §§ 321 EO

*Footnote 56:* the text becomes: §§ 323, 324, 319 EO



*Footnote 57:* the text becomes: §§ 338 EO

*Footnote 67:* the text becomes: §§ 406 - 416 EO

*Footnote 70:* the text becomes: §§ 454 - 483 EO

*Footnote 73:* the text becomes: §§ 454 - 483 EO

#### **IV.1.8 Other costs**

A second paragraph is added:

The minimum salary of the enforcement administrator is EUR 500-. The remuneration depends on the extent, difficulty and diligence of his activity, so his remuneration is e.g. 15 % of the first EUR 22,000,- and 5 % of the additional amount up to EUR 1,000,000,-.



### 3.2. Belgium

There are changes in the fee system, depicted in the table below which substitutes the table under IV.1.4 Fees 2020

#### Fees of acts performed by judicial officers in civil and commercial matters

(A.R. 30.11.1976)

#### Fees applicable from 1 January 2021

Not applicable with regard to service within the framework of EC Regulation 1393/2007 (see below)

#### Article 6

| CLASSE |                             | BASE |         | DROIT  | 3/4    | 1/4   | COPIE | 3/4   | 1/4  |
|--------|-----------------------------|------|---------|--------|--------|-------|-------|-------|------|
|        |                             | BEF  | EUR     |        |        |       |       |       |      |
| A.     | 0 124,99                    | 408  | 10,1141 | 23,18  | 17,39  | 5,79  | 4,64  | 3,48  | 1,16 |
| B.     | 125 369,99                  | 678  | 16,8072 | 38,52  | 28,89  | 9,63  | 7,70  | 5,78  | 1,92 |
| C.     | 370 619,99                  | 949  | 23,5251 | 53,92  | 40,44  | 13,48 | 10,78 | 8,09  | 2,69 |
| D.     | 620 1859,99                 | 1085 | 26,8964 | 61,64  | 46,23  | 15,41 | 12,33 | 9,25  | 3,08 |
| E.     | 1860 3719,99                | 1356 | 33,6144 | 77,04  | 57,78  | 19,26 | 15,41 | 11,56 | 3,85 |
| F.     | 3720 12399,99               | 1626 | 40,3075 | 92,38  | 69,29  | 23,09 | 18,48 | 13,86 | 4,62 |
| G.     | 12400 37199,99              | 1898 | 47,0502 | 107,83 | 80,87  | 26,96 | 21,57 | 16,18 | 5,39 |
| H.     | 37200 ...                   | 2440 | 60,4860 | 138,63 | 103,97 | 34,66 | 27,73 | 20,80 | 6,93 |
| I.     | Indéterminé Justice de Paix | 814  | 20,1785 | 46,25  | 34,69  | 11,56 | 9,25  | 6,94  | 2,31 |
| J.     | Indéterminé autre           | 1085 | 26,8964 | 61,64  | 46,23  | 15,41 | 12,33 | 9,25  | 3,08 |

Si à charge du Trésor :

impôts directs et taxes assimilées

Classe E

autres matières

Classe D

#### Article 7

|                         |                 | BASE |        | DROIT |
|-------------------------|-----------------|------|--------|-------|
|                         |                 | BEF  | EUR    |       |
| Sommatation avec menace | jusqu'à 124,99  | 279  | 6,9162 | 15,85 |
|                         | à partir de 125 | 330  | 8,1805 | 18,75 |

#### Article 8

|   |                 |      |         |        |
|---|-----------------|------|---------|--------|
| Droit de recette : 1 % du montant principal et intérêts | minimum         | 223  | 5,5280  | 12,67  |
|   | maximum         | 2212 | 54,8340 | 125,67 |
| Droit de recette sur acompte                            | 0 jusqu'à 24,99 | 46   | 1,1403  | 2,61   |



|  |   |         |      |         |       |
|--|---|---------|------|---------|-------|
| 25   | à | 124,99  | 77   | 1,9088  | 4,37  |
| 125  | à | 249,99  | 127  | 3,1482  | 7,22  |
| 250  | à | 494,99  | 223  | 5,5280  | 12,67 |
| 495  | à | 744,99  | 477  | 11,8245 | 27,10 |
| 745  | à | .....   | 632  | 15,6669 | 35,91 |
| <b>Article 9</b>                             |   |         |      |         |       |
| Acte de protêt : 1 % sur le montant du titre |   |         |      |         |       |
|  |   | minimum | 223  | 5,5280  | 12,67 |
|  |   | maximum | 1106 | 27,4170 | 62,84 |

### 3.3. Bulgaria

#### 1.3 Service of documents to parties and third parties

The last paragraph is replaced as follows:

In terms of legislative solutions for efficient automated service of documents, the legislation and all relevant statute provide extremely limited means for electronic service. The law (CPC art. 38 sec. 3, art. 44 sec. 3) provides an option for service via e-mail, only if an addressee (a party involved in a civil action) provides the e-mail address by one's own will on a case-by-case basis. As of 30.06.2021 (SG № 110/2020) the addressee has the prerogative to withdraw given consent for electronic service at any time. The withdrawal does not affect the regularity of the actions already taken.

Where a party had initiated court proceedings in an electronic form and had provided an e-mail address, service can be effected through the unified e-Justice portal or through a qualified registered e-mail service. The electronic message, containing information for the download of the notice, is deemed to have been served on the day of the download by the addressee. In case the message is not downloaded within 7 days of sending, it is considered delivered on the first day after the download deadline.

In all cases outside of the scope of proceedings in an electronic form, however, an electronic notice is considered served only if confirmed by the addressee. In case the receipt of the e-mail service is not confirmed within 7 days from the date it has been sent, the message must be served on paper.

#### 1.9 Access to information on the domicile and assets of the debtor

The following text is added at the end of the paragraph:

Important developments (SG № 15/2021) in terms of cost effectiveness have been introduced (in force 30.06.2021) in regard to the fees due for obtaining information via electronic platform. Traditionally, the request for information has been filed on paper with the respective register or the record keeping authority. An administrative fee was applicable, either in accordance with a tariff, or determined ad hoc, depending on the requested service and the corresponding workload for its accomplishment. While that arrangement is still valid, the new amendment rendered free of charge all requests for information filed electronically under the e-Government Act.

## 3.4. Croatia

### I.1 Legislation affecting civil enforcement

Point 3 of the listing reads as follows:

Regulating remuneration rules for certain type of costs, which might arise in certain types of enforcement proceedings [*e.g. Regulation setting forth the official tariff for public commission activities; Regulation on the remuneration for foreclosure activities; Regulation on the remuneration of Financial Agency in enforcement proceedings; Regulation on fees and awards of notaries in enforcement proceedings (the new one entered into force on 11 February 2021) etc.*]

### I.3 Service of documents to parties and third parties

If service to given addresses fails, or no one picks up the document in the nearest postal office, there should be **another attempt** within a period ranging from 30 to 60 days. Unsuccessful second attempt leads to the document being published on the court's e-bulletin board website. As a **fictional type of service**, it is deemed concluded after 8 days from its publication. Although this type of service was heavily criticized, it survived the constitutional review of Constitutional court, which gave its support. Nevertheless, the 2020 amendments introduced an additional obligation to deliver a note on publication of the served document on the e-bulletin board website to recipient's mailbox.

### I.4 Legal remedies, appeal and objection

Since the last three groups of mentioned reasons require determination in court proceedings, the debtor is – upon court's request – supposed to file a **special declaratory action** to determine the enforcement inadmissible. If accepted, after such declaratory judgment has become final the enforcement proceedings are terminated.

### I.5 Postponement, suspension and termination of enforcement

**The third party**, who requested that the enforcement on a specific object be declared inadmissible, may also request suspension with respect to such object if the person proves, on the level of probability, the existence of his or her right and that he or she is also facing irreparable or nearly irreparable damages, provided that he or she has initiated litigation as instructed by court after filing his or her objection. The suspension can also, upon creditor's request, be conditioned with the payment of a guarantee deposit.

## 3.5. France

### III.3.1 Conditions of implementation:

At the end of this paragraph the following sentence is added:

As of April 1<sup>st</sup>, 2021, the document served to the bank must be served by electronic means (article L 211.1 CPCE)

## 3.6. Greece

### Introduction

Additional activity of enforcement agents:

Judicial Officers are entitled by Law 4745/20 (article 27), to perform Statements of Acts.

### I.9 Access to information on the domicile and assets of the debtor

Text added to the bullet points “Mortgage offices” and “cadaster offices”:

Access to information provided by Mortgage and Cadaster offices can be conducted by electronic means. It affects about 35% of real estate property in Greece, that is already included in the digital register of the Hellenic Cadaster.

Text added to the bullet point “Transportation directorates”:

Access to information on transportation directories will be conducted by electronic means. We are in the final phase of implementation.

### III.5 Enforcement on immovable property

Added text after the paragraph “Under the condition...a third party”:

Article 955 par. 4 of C.C.P. (attachment on immovables) has been amended. A Judicial Officer is obliged to take, and provide in his/her report, photos of the confiscated property. The same amendment also includes a provision that obliges the assessor to provide his/her estimation report, both in written and in electronic form (Law 4745/2020 - article 29).

## 3.7. Netherlands

### III.2 Enforcement against movable assets to settle pecuniary claims

Point 2 ‘Attachment of movables’ added, first paragraph shall read as follows:

The enforcement agent is only allowed to attach those goods that he/she was able to visually identify. A possible exception is the attachment on motor car vehicles. A recent amendment to article 442 CPC now enables the enforcement agent to attach such vehicles by registration of the attachment in the Motor Car Vehicles Register (as per 1 April 2021). This means that the registration is blocked and cars cannot be registered on another name anymore.

### III.3 Attachment on the bank account of the debtor

Text added:

The attachment order can be sent electronically to the bank, provided that the bank has agreed on electronic attachment. In accordance with article 475 par.3 CCP, an electronic attachment is obligatory in case the third party has informed the Dutch professional organization of judicial officers (KBvG) on the acceptance of such e-attachment. This means that both the judicial officer and the third party are connected to the platform, as it is developed through the KBvG’s IT organization (SNG).

### III.12 Eviction

The text on Informing the tenant and municipality of the date and time of the eviction, shall read:

Prior to the eviction, the enforcement agent is obliged to inform the local authorities (article 14 LPEA). From 1<sup>st</sup> April, 2021, the municipality is responsible for the transportation and storage of the movables that are found within the premises to be evicted (article 556 par. 3 CCP)

## PART IV Enforcement costs

Enforcement costs, The table shall be replaced by following table:

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

| Article | Enforcement action   | 2020   | 2021   |
|---------|--|--------|--------|
| 2A      | service writ of summons or inventory   | 83,38  | 100,89 |
| 2B      | service of judgment  | 80,24  | 97,09  |
| 2C      | service of request to appear in court  | 65,96  | 79,81  |
| 2D      | service of other documents   | 70,59  | 85,41  |
| 2E      | attachment on movables   | 109,66 | 132,69 |
| 2F      | attachment on movables in use by a third party   | 147,27 | 178,20 |
| 2G      | attachment on shares or other  | 217,04 | 262,62 |
| 2H      | attachment shares in limited company or public company   | 238,23 | 288,26 |
| 2I      | attachment on bearer shares or attachment under third party not being an attachment on periodic payments | 174,76 | 211,46 |
| 2J      | attachment under third party relating to periodic payments e.g. income, salary, unless under 2K          | 124,39 | 150,51 |
| 2K      | attachment alimony or maintenance case   | 106,23 | 128,54 |
| 2L      | attachment under the creditor  | 145,51 | 176,07 |
| 2M      | attachment non-monetary claim handing over certain goods   | 253,15 | 306,31 |
| 2N      | attachment non-monetary claim, debtor has to deliver certain goods                                       | 108,86 | 131,72 |
| 2O      | attachment immovables and planes registered in the Netherlands   | 150,70 | 182,35 |
| 2P      | termination attachment on immovables   | 53,76  | 65,05  |
| 2Q      | attachment on ships or planes not registered in the Netherlands  | 332,14 | 401,89 |
| 2R      | legal custody  | 226,01 | 273,47 |
| 2S      | announcement public sale   | 82,50  | 99,83  |
| 2T      | public sale movables   | 288,72 | 349,35 |
| 2U      | service of document priority creditor taking over enforcement  | 77,54  | 93,82  |

|    |  |                |            |
|----|--|----------------|------------|
| 2V | eviction   | 215,70         | 261        |
| 2W | arrest   | 250,72         | 303,37     |
| 2X | Information request European Arrest Preservation Order   | 82,94          | 82,94      |
| 3A | administrative fee in case only one attachment on income (per payment)   | 10,63          | 12,86      |
| 3B | in case two attachments on income (per payment)  | 16,90          | 20,45      |
| 3C | from the third attachment, per attachment 9per payment)  | 6,28           | 7,60       |
| 5  | Reduction concurrence enforcement measures   | 20,35          | 24,62      |
| 6A | witness in actions under 2 e/f/g/n   | 20,73          | 25,08      |
| 6B | witness in act ion under 2 m/o/q/v/w   | 72,61          | 87,86      |
| 7  | in case the action:<br>a. as meant in 2, under e, f, g, h en n, lasts longer than<br>or<br>b. as meant in 2, under m, q, r, t, v en w, lasts longer<br>the fee is raised with<br>for every 15 minutes the action took longer than 1,5<br>3 hours and<br>For every 15 minutes the witness has been present l<br>1,5 resp. 3 hours | 20,35<br>12,07 | Cum<br>Cum |
| 8  | Service of documents to a next address   | 25,67          | 31,06      |
|    | attempt attachment movable, nobody at home   | 51,67          | 62,52      |
|    | unsuccessful arrest  | 101,05         | 122,27     |



### 3.8. Northern Ireland

#### III.11 Enforcement of foreign enforceable documents (NOT European enforceable titles):

The title of the sub-chapter changes to:

#### III.11 Enforcement of foreign enforceable documents

At the end of the sub-chapter the following text is added:

*Brexit:* In accordance with article 127 of the Withdrawal Agreement, the Lugano Convention 2007 (the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters of 2007) continued to apply “to and in” the United Kingdom until 31 December 2020 (the end of the transition period). However, from this date, UK was no longer a party to this Convention.

On 2 April 2020, the United Kingdom made an application for re-admittance to the Lugano Convention. Switzerland, Norway and Iceland, all parties to the Lugano Convention, all gave their approval. Yet, based on article 70 and 72.3 of the Convention, a unanimous acceptance by the Contracting States is required. The European Court of Justice decided (see the Lugano Opinion, 1/03 of 2006) that such accession relates to external competence of the European Union and that therefore the European Union should decide on the UK’s request for accession.

On 1 July 2021, the depository of the Lugano Convention 2007, Switzerland, issued a notification to the Parties to the Convention, of the EU’s refusal to give its consent to the UK’s accession to the Convention, stating that the EU is not “in a position to give its consent to invite the United Kingdom to accede to the Lugano Convention” (see the note verbale of the EU as received by the depository on 28 June 2021).

The European Commission’s refusal of the UK’s request is based on its assessment of the Lugano Convention’s nature as meant for States with a close regulatory integration with the EU, and its view that the Hague Conventions should be used for relations between the EU and third States. Hopefully this means signature and ratification by the EU of the 2019 Hague Judgments Convention soon. Currently the Convention has only been signed by Israel, Ukraine and Uruguay and has not yet entered into force (see status).

The 2005 Hague Choice-of-Court Convention is already in force in the EU and in the UK, along with Mexico, Montenegro and Singapore. Besides these states, China, Israel, North Macedonia, Ukraine and the United States have signed, but not yet ratified, the convention (see status).

In the opinion of EU (see the Commission’s communication), the Lugano Convention supports the EU’s relationship with third countries which have a particularly close regulatory



integration with the EU, including by aligning with (parts of) the EU acquis. In the opinion of the EU, “the appropriate framework for cooperation with third countries in the field of civil judicial cooperation is provided by the multilateral Hague Conventions, i.e. the 2005 Hague Choice of Court Convention and the 2019 Hague Judgments Convention.

### 3.9. Poland

#### I.1 Legislation affecting civil enforcement

Enforcement limitation, to be added:

##### **Code of Civil Procedure (Law of 17 November 1964, CCP,)<sup>1</sup>**

This legal act in art. 829 – 839 (recently added art. 829<sup>1</sup>-829<sup>5</sup> strictly concerning farmers) defines basic material scope of enforcement limitation.

#### I.3 Service of documents to parties and third parties

*footnote 48 replaced by following:*

E-delivery will enter into force on 1 July 1 2021 under the Electronic Delivery Act of 18 November 2020. From 1 October 2021, entrepreneurs entered into the National Court Register will be required to have an electronic delivery address and assign a delivery box to it. The e-delivery address will be entered in the new public register - database of electronic addresses. The Act on electronic delivery introduces an e-delivery system for communication in official matters. This means that in communication between public entities and public entities with non-public entities (e.g. in communication between a court, office and a commercial law company), electronic delivery of correspondence will become the rule, and not traditionally in the form of registered mail or personal delivery.

*Paragraph “The system will keep...”:* at the end of the paragraph the following text is added:

Currently there are works in progress led by National Council and Ministry of Finance concerning the creation of the automatic communication process between enforcement agents and public tax offices. <sup>2</sup>

#### I.7 Objects and exemptions on enforcement

*Footnote 65:* replaced as follows:

<sup>1</sup> <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU19640430296/U/D19640296Lj.pdf>

<sup>2</sup> The conference on-line "Electronization of enforcement proceedings as a challenge for the judiciary. Current state and prospects " organised by National Council of Judicial Officers of Poland on 25.05.2021.



Among them are: basic livestock herd, some farm animals, basic agricultural machinery, necessary farm buildings and agricultural land, tools and equipment, fuel supplies for a period of six months, fertilizers, plant protection products and plant conditioners necessary in a given marketing year for the debtor's farm, basic technical equipment, advance payments for the supply of agricultural products, see: **recently** added art. 829<sup>1</sup>-829<sup>5</sup> CCP which replaced Regulation of the Minister of Justice of 5 July 2017 on determining the items belonging to a farmer who runs a farm that are not subject to enforcement, <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001385/O/D20171385.pdf>

### **I.9 Access to information on the domicile and assets of the debtor**

The second paragraph is replaced as follows:

To the extent necessary for conducting enforcement proceedings, the enforcement agents, thanks to the electronic record of enforcement agents (KomornikID), as created by the National Council, which enables their identification, have direct access to nationwide databases such as Tax Administration, Social Security, Land Registry, Commercial and Vehicle Registry and other similar databases or files, that will provide all information about the identification of the debtor and the identification and location of their assets.

Regarding the National Debtors Register, 1 July 2021 is replaced by 1 December 2021

### **III.2 Enforcement against movable assets to settle pecuniary claims**

Text added regarding Sale by electronic auction:

The electronic bidding notice will be placed not only in the building of the competent district court, but also in the IT system created and supervised by the National Council of Judicial Officers. The system is free for the customers. A tender by electronic means begins at the time specified in the notice on electronic auction and ends at the time specified by the bailiff. The bailiff shall appoint an electronic auction in such a way that both the start and end dates of the tender fall between 9.00 am and 2.00 pm on business days. The duration of the tender is 7 days. In the case of easily damaged movables<sup>3</sup> the duration of the tender may be shortened to at least two days.<sup>4</sup> Admission, notification of participants, as well as any waiver by the buyer of the item obtained will be made electronically.

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<sup>3</sup> Listed in art. 864 sec. 2 CCP.

<sup>4</sup> art. 879<sup>6</sup> sec. 1 and 2 CCP.



### III.5 Enforcement on immovable property

Information added:

#### Real estate e-auctions<sup>5</sup>

Newly introduced CCP regulation on the sale of real estate by electronic auction has been correlated with the applicable regulations on movable property e-auctions.

The act stipulates that the sale of real estate by electronic means takes place only at the request of the creditor<sup>6</sup>. If this form is not requested, the auction of the real estate will be conducted on the basis of regular procedure. In the event of enforcement by several creditors, it was assumed that to conduct an auction by electronic means, the application of one creditor is sufficient. Law provides that the application for a tender by electronic means may be submitted at each auction date. In a situation where the auction was directed to several debtor's properties, the act introduces mechanisms preventing the sale of the property which value is inadequate to the amount of the claimed claim.<sup>7</sup>

The sale of real estate by electronic auction will be carried out via the tele-information system (ICT), so the condition for participation of the tender will be creating an individual account in the ICT system<sup>8</sup>. Both the announcement for the sale of the property containing the necessary data about the property itself, such as terms and conditions for entering the tender, as well as the description and estimation real estate protocol will be posted on the website of the National Council of Judicial Officers of Poland. The bidder joining the tender is obliged to submit a warranty and provide in the IT system, the data necessary for the issuance of the ordering decision, in particular, the ID number, statements whether he is married, and if so, whether the property intends to acquire using common or personal property, and to indicate whether he is bidding on his own behalf or as a representative of another person. Confirmation by the enforcement agent of compliance by the bidder with the requirements described above is a prerequisite for admitting the bidder to tender. The act provides that the tender begins and ends with the date specified in real estate auction notice. Tender start and end date should fall between 9.00 a.m. and 2.00 p.m., and the duration of the tender is 7 days. The tender is won by the bidder whose offer was the highest at the end of the tender, of which enforcement agent informs the other bidders via ICT system once the end of the tender.<sup>9</sup> A complaint against the refusal to admit to the tender may be submitted within 3 days from the date of refusal to admit to the tender, and against the course of the tender -

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<sup>5</sup> The basic legal act subject to the amendment is Code of Civil Procedure in which was added in Part Three, Title II, Chapter VI, Chapter 6a, entitled "sale of real estate by electronic auction".

<sup>6</sup> Art. 986<sup>2</sup> CCP.

<sup>7</sup> Art. 986<sup>3</sup> sec. 3 and art. 986<sup>7</sup> sec. 4 CCP.

<sup>8</sup> Art. 986<sup>4</sup> sec. 2 CCP.

<sup>9</sup> Art. 986<sup>7</sup> sec. 5 and 6 CCP.



within 3 days from the date of its completion. Bidders and persons who have not been admitted to the tender may submit a complaint only through the ICT system.<sup>10</sup> Within one week of the closing of the tender enforcement agent sends to the court a protocol from the course of the tender, all undealt complaints (against admission to the tender, concerning the course of the tender) and the documents necessary to be awarded adjudication, and the court, within one week of the reception, issues a nailing decision.

### 3.10. Slovenia

#### I.1 Legislation affecting civil enforcement

The following paragraph is added at the end of the sub-chapter:

On 27<sup>th</sup> March 2021 the Act Amending the Enforcement and Security Act<sup>1</sup> (ESSCA-M) entered into force. It brought changes in regard to access to the Supreme court in enforcement matters, the postponement of enforcement, enforcement agents, enforcement against movable assets, exemptions from enforcement and in regard to enforcement of personal contact with children.

#### I.4. Legal remedies, appeal and objection

The paragraph “The enforcement court (i.e., court of first instance) ...within 8 days” will be replaced by the following paragraph:

The enforcement court (i.e., court of first instance) decides on debtor`s objection against enforcement decree in form of a decree. Any party can file an appeal against a decree rendered by enforcement court within 8 days (Art. 9 ESCCA). The court of appeals decides on appeal in form of decree. Till ESCCA-M only the creditor could file a revision (extraordinary appeal) to the Supreme court against the decree of the court of appeals. From entering of ESCCA-M on 27<sup>th</sup> March 2021 both parties can file a revision (extraordinary appeal) to the Supreme court against the decree of the court of appeals (see new Art. 10/1 ESCCA).

#### I.5. Postponement, suspension and termination of enforcement

The following is added at the end of this sub-chapter:

From ECSSA-M the enforcement court can in some cases ex officio (on its own motion) or at the request of the debtor postpone the enforcement measures, if there exist following specifically justified reasons for this (Art. 71/2 and 74 ESCCA):

<sup>10</sup> Art. 986<sup>8</sup> sec. 1 and 2 CCP.



1. in cases of enforcement against real estate, where the debtor resides (debtor`s home), if the value of creditor`s monetary claim is disproportionate to the value of the real estate (in such case a debtor can refer to that reason prior to the issue of the sale order and the court can postpone the enforcement for at most 6 months),  
or
2. in the case of eviction and hand over of a real estate, which is the debtor's home, if the debtor proves that he could not solve the housing problem differently and the continuation of enforcement would endanger the position and interests of the debtor more than postponement of enforcement would affect the interests of the creditor (in such case the court can postpone the enforcement for at most 6 months),  
or
3. if the debtor, who is a consumer in accordance with the law governing consumer protection, claims the invalidity of a legal transaction, which was concluded in form of a directly enforceable notarial deed (in such a case the enforcement is postponed until the end of litigation for declaration of the invalidity of the legal transaction), or
4. if other specially justified reasons for postponement, presented by the debtor, exist (in such case the court can postpone the enforcement for at most 3 months).

There is also additional reason for postponement of enforcement measures on debtor's proposal, i.e. if the Supreme court has accepted debtor's revision (extraordinary appeal) against the decision of the court of appeals, with which it was decided to grant the motion for enforcement (Art. 71/1 ESCCA).

### **I.7. Objects and exemptions on enforcement**

In the list with additional exemptions, the following is added:

- pets, if they are not kept for profit (Art 79/1 ESCCA) and
- funds received from the social welfare activities (Art. 101/1/14 ESCCA).

### **II.1.5 Disciplinary proceedings against judicial officers**

The following is added to paragraph 1 (end):

The ESCCA-M has introduced 3 new reasons for disciplinary sanctions against judicial officer:

- if the judicial officer requests a higher security than determined by the tariff, he does not keep the security in the custody account or does not handle it duly;
- if the judicial officer in the name of the creditor or for the creditor commits an act which is not a prescribed enforcement measure;- - if the judicial officer unlawfully enables insight in



the data on the creditor, debtor or other data and documents of enforcement procedure or provides access to such data and documents to a person, who is not entitled to such data (Art. 298.č/7-9 ESCCA).

### III.12 Eviction

The following text is added at the end of the first paragraph:

Since ESCCA-M, which entered into force in March 2021, in the case of eviction and hand over of a real estate, which is the debtor's home, the enforcement court sends the enforcement decree to the competent social work centre (Art. 221/3 ESCCA) to inform it that eviction process has begun, and the debtor needs its assistance and support.