



# Latvia

## Narrative National Report

**Author:** Iveta Kruka, Sworn bailiff of district No 36 of Zemgale Regional Court

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TABLE OF ABBREVIATIONS	
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REC	the Register of Executive Cases
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INTRODUCTORY INFORMATION ON ENFORCEMENT SYSTEM
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**Name of the judicial officer in Latvian:**

- Singular – Tiesu izpildītājs
- Plural – Tiesu izpildītāji

Judicial officers in Latvia have the status of liberal professionals. Judicial officers are independent in performing their official activities. They belong to the court system assigned to the regional courts. In respect of the official activities, they are comparable to State officials.

**Information on the national organization:**

- Council of Sworn Judicial Officers of Latvia.
- Lacplesa street 27-32, Riga, LV-1011, Latvia.
- +371 67290005.
- <http://www.lzti.lv/>
- [info@lzti.lv](mailto:info@lzti.lv); [documents@lzti.lv](mailto:documents@lzti.lv)

Activity	Judicial officer	Judge	Lawyer	Notary	Other namely:
Attachment of movable goods in the hands of the debtor	x				
Attachment of movable goods in the hands of a third party	x				
Attachment of immovable	x				
Attachment of earnings	x				
Attachment in the hands of a third party of funds owed to the debtor	x				
Attachment of intangible goods other than the fund owed to the debtor	x				
Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision	x				
Attachment of motor vehicles	x				
Attachment of ships and vessels	x				
Attachment of aeroplanes	x				
Attachment of crops	x				
Attachment of goods placed in a safe	x				
Evictions	x				
Arrest of persons according to a court decision					State police
Handing of children according to a court decision	x				
Bringing physically a party to a court hearing					State police

Provisional measures on tangible movable goods of the debtor	x				
Provisional measures on intangible movable goods of the debtor	x				
Setting up of a provisional judicial guarantee on an immovable of the debtor	x				
Setting up of a provisional judicial guarantee on a business of the debtor	-	-	-	-	-
Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor	x				
Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer	-	-	-	-	-
Internet forced auction sale of tangible movable goods attached by the judicial officer	x				
Physical (as opposed to Internet) forced auction sale of intangible movable goods attached by the judicial officer	-	-	-	-	-
Internet forced auction sale of intangible movable goods attached by the judicial officer	x				
Physical (as opposed to Internet) forced auction sale of businesses attached by the judicial office	-	-	-	-	-
Internet forced auction sale of businesses attached by the judicial officer	x				
Physical (as opposed to Internet) forced auction sale of immovable goods attached by the judicial officer	-	-	-	-	-
Internet forced auction sale of immovable goods attached by the judicial office	x	x	x	x	x
Distribution to creditors of monies collected during the forced auction sale of a movable good	x				
Distribution to creditors of monies collected during the forced auction sale of an immovable good	x				

Judicial officers ***have the monopoly*** of all the enforcement of court decisions and other enforceable titles in ***civil matters***.

However, judicial officers ***do not have the monopoly*** of all the enforcement of court decisions and other enforceable titles in ***criminal matters***. In these matters police authorities have competence.

## PART I: LEGAL FRAMEWORK

### I.1 Legislation affecting civil enforcement

The scope, limits and competence of the judicial officer's activities are strictly defined in regulatory enactments.

The execution of rulings of the court and other institutions, as well as other official activities performed by judicial officers are regulated by regulatory enactments of different levels. The procedure for enforcement is determined by law, regulations of the Cabinet of Ministers, as well as methodological regulations issued by the Latvian Council of Judicial Officers.

***The most important legal framework regulating activities of judicial officer is specified in the following regulatory enactments:***

- Regulations on the professional and corporate activities of judicial officers are regulated by the Law on Judicial Officers - <https://likumi.lv/ta/en/en/id/68295-law-on-Judicial-Officers>;
- The main legal act regulating the activities of the office, which regulates the enforcement of decisions of courts and other institutions, is the Civil Procedure Law, more specifically Part E, which concerns the enforcement of judgments of the court - <https://likumi.lv/ta/en/en/id/50500-civil-procedure-law>;
- Issues relating to other categories of cases, such as the enforcement of judgments in administrative offenses, criminal cases, enforcement of confiscation of criminal assets, are regulated by separate laws. The enforcement of administrative penalties is regulated by the Sentence Execution Code of Latvia (<https://likumi.lv/ta/en/en/id/90218-the-sentence-execution-code-of-latvia>), which will be replaced by the Administrative Liability Law as of 1 July 2020 - <https://likumi.lv/ta/id/303007-administrativas-atbildibas-likums>. Enforcement in criminal cases is regulated by the Criminal Procedure Law - <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law>, as well as by the Law on Execution of Confiscation of Criminally Acquired Property - <https://likumi.lv/ta/en/en/id/292019-law-on-execution-of-confiscation-of-criminally-acquired-property>;
- The remuneration of judicial officers is defined and strictly regulated in the Cabinet of Ministers Regulations No. 451 "Regulations on Remuneration Fees for Sworn Judicial Officers" - <https://likumi.lv/doc.php?id=250209>;
- For more official duties of the regulatory legislator has established Cabinet regulations. More information is available on the website of the Latvian Judicial Officers - <http://www.lzti.lv/tiesibu-akti/ministru-kabineta-noteikumi/>;
- Issues that are not included in external regulatory enactments, but require a common procedure to ensure unity and stable practice, are included in the methodological regulations issued by the Latvian Council of Judicial Officers. A more detailed list is available here: <http://www.lzti.lv/tiesibu-akti/lztip-metodiskie-noteikumi/>

## **I.2 Enforceable titles**



An enforcement document is the basis of any enforcement case and a precondition for initiating it. It is a court enforcement document issued in accordance with the procedures specified in the Civil Procedure Law or a decision issued by other institutions (State police, Municipal police, Municipality, Notaries, Foreign competent authorities, Prosecutor), as well as officials, which can be declared enforcing title.

Sworn judicial officers' task is to perform the execution of rulings of the court and other institutions, where they are not executed voluntarily. In order for a ruling to be enforced, it must have legal effect. Thus, an enforcement document becomes enforceable once it has entered into legal force. Exceptions include cases where the enforcement order is enforceable immediately in accordance with the law or a court judgment. An indication of the date of entry into force shall be included in the enforcement document itself.

However, upon giving a judgment on the recovery of amounts of money, the return of property in kind, the eviction of persons and property from premises, and the recovery of court expenses, a court shall determine a time period for voluntary enforcement of the judgment, except for the cases where the judgment is to be enforced without delay. Voluntary enforcement of a judgment may not be longer than ten days from the day of entering into effect of the judgment.

The Civil Procedure Law sets requirements for the content of the execution of writ. Information on the content of other types of enforcement documents is included in other regulatory enactments.

In accordance with Article 205 of the Civil Procedure Law - upon a request of a party to the case, the court may state in the judgment that the following judgments shall be enforced, fully or a specific part thereof, without delay. These particular cases should be singled out, because they are exemptions from the general principle that an enforcement document must come into legal effect in order to be executed:

- 1) On the recovery of child maintenance or parent support.
- 2) On the recovery of remuneration for work.
- 3) On reinstatement to employment.
- 4) On the compensation for mutilation or other injury to health.
- 5) On the recovery of maintenance as a result of the death of a person who had an obligation to support someone.
- 6) In cases where the defendant has recognized the claim.
- 7) In cases where the delayed enforcement of the judgment may, due to special circumstances, cause substantial losses for the creditor, or recovery itself may become impossible.
- 8) In cases arising from custody rights and access rights. The indication that the judgment is immediately enforceable must appear in the enforcement document itself.





***In accordance with Latvian legislation the following documents shall be recognized as enforcement documents:***

- 1) Writs of execution which are issued on the basis of court judgments and decisions of a court or a judge.
- 2) Decisions by institutions and officials in cases of administrative violations and breaches of law.
- 3) Rulings of the court or judge in administrative violations cases.
- 4) Extract from a decision or injunction of a public prosecutor in criminal cases in the part regarding financial recovery.
- 5) Enforcement orders issued on the basis of administrative acts.
- 6) Decisions of a judge on carrying out of undisputed enforcement of obligations, enforcement of obligations according to warning procedures or the voluntary sale at auction of immovable property through the court.
- 7) Court decisions on application of procedural sanctions - imposition of a fine.
- 8) Invoices issued by notaries, advocates and judicial officers.
- 9) European Enforcement Order issued by a foreign court or competent authority in accordance with Regulation No 805/2004 of the European Parliament and of the Council.
- 10) Certificates issued by foreign courts or competent authorities in accordance with Article 41(1) of Council Regulation No 2201/2003, Article 42(1) of Council Regulation No 2201/2003.
- 11) A certificate issued by a court, also a foreign court, in accordance with Article 20(2) of Regulation No 861/2007 of the European Parliament and of the Council.
- 12) A European order for payment issued by a court, also a foreign court, in accordance with Article 18 of Regulation No 1896/2006 of the European Parliament and of the Council.
- 13) A court decision on permission for a secured creditor to sell the pledged property of the debtor in the legal protection proceedings (Article 37, Paragraph two of the Insolvency Law).
- 14) An extract from the ruling issued by the court or competent authority of the foreign country in accordance with Article 20(1)(b) of Council Regulation No 4/2009.
- 15) An extract from the authentic instrument issued by the competent authority of the foreign country in accordance with Article 48 of Council Regulation No 4/2009.
- 16) The uniform instrument permitting enforcement in the requested Member State and laid down in Annex II to Commission Implementing Regulation (EU) No 1189/2011 of 18 November 2011.
- 17) The notarial deeds of enforcement issued in accordance with Division D1 of the Notariate Law.



18) A certificate issue of a foreign court or competent institution in accordance with Article 53 or 60 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (hereinafter - Regulation No 1215/2012 of the European Parliament and of the Council).

19) A true copy of the decision of a competent institution of a European Union Member State or European Economic Area State on imposition of an administrative fine related to infringements in the field of the posting of workers and received in the Internal Market Information System (IMI).

20) Part A of a European Account Preservation Order issued by a court, also a foreign court, in accordance with Article 19(1)(a) of Regulation No 655/2014 of the European Parliament and of the Council.

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

The procedures by which a sworn judicial officer delivers court summons and other documents upon the request of interested persons are specified in Cabinet Regulation No. 444 of 26 June 2012 “Regulations on the Delivery of Documents Performed by a Sworn Judicial Officer”.

Judicial officers also carry out service of foreign documents.

The person requesting to deliver the document shall submit to the sworn judicial officer a submission. It is necessary to submit a written application with the following indications: the name, surname and personal identification number or the company name and registration number if the addressee is a legal entity; the address to which the document is to be delivered; information about the document: the type; issuer; registration number; date of issuing; a short outline of the contents of the document; the name, surname, personal identification number and address of correspondence of the submitter or the company name, registration number and registered address if the submitter is a legal entity; the document and one copy of the document.

Service of documents is one of the activities that can be performed not only by a sworn judicial officer, but also by their assistant.

For a legal entity, the document shall be delivered to its registered address. The document shall be serviced to the official or an employee of the legal entity. For a natural person, the document shall be delivered to the address indicated by the submitter in the submission. The document to be delivered to a natural person shall be served to the addressee personally. If the addressee cannot be met at the indicated address at the moment of the delivery of the document, it shall be handed over to a family member or kinsman met at the respective address who has attained the legal age and residing together with the addressee (if the delivery of the document has been made to the address of the residence of the addressee) or to the administration of the workplace (if the delivery of the document has been made to the address of the workplace of the addressee) for servicing it to the addressee. The aforementioned person shall have the duty to serve the document to the addressee. If in the process



of the delivery of the document a sworn judicial officer receives information that the addressee might be met in another address, a judicial officer shall inform the submitter about it by using the available means of communications (for example, telephone, electronic mail), and deliver the document to the respective address. The addressee or the person to whom the document has been handed over for serving it to the addressee shall confirm the receipt of the document by putting their signature on a copy of the document. As from this moment, the document shall be considered as delivered.

If the addressee refuses to accept the document, a sworn judicial officer shall inform the addressee about the type of the document and shall explain the consequences of the refusal that come into effect. As from this moment, the document shall be considered as delivered. If the addressee cannot be met at the address indicated in the submission of the submitter and the document cannot be handed over to any of persons indicated above, a sworn judicial officer shall leave a notice in a closed envelope in the post box of the addressee regarding the attempt to hand over the document to this person and invite the addressee to appear at the office of the judicial officer within seven days' time to receive the document.

Like other official and enforcement actions, service of documents can only take place in the territory of the assigned district court with which it exists.

#### **1.4 Legal remedies, appeal and objection**

In accordance with Article 632, Paragraph one of the Civil Procedure Law a creditor or a debtor, by submitting a reasoned complaint to the district (city) court according to the official appointment location of the judicial officer, may appeal the actions of a judicial officer upon executing a judgment or the judicial officer's refusal to perform such actions. The complaint must be submitted within ten days from the day when the appealed actions are taken or the day when a complainant who has not been notified of the time and place of actions to be taken becomes informed of such actions.

Evidence is not a necessary prerequisite for submitting a complaint. Their absence cannot deter a person from submitting a complaint. It also follows from the adversarial principle, which states that the parties shall exercise their procedural rights by way of adversarial proceedings and adversarial proceedings shall take place through the parties providing explanations, submitting evidence and applications addressed to the court, participating in the examination of witnesses and experts, in the examination and assessment of other evidence and in court argument, and performing other procedural actions in accordance with the procedures laid down in the Civil Procedure Law. Thus, the evidence serves as an argument before the court and not as a basis for filing a complaint.

Thereby complaints may be submitted against any action or inaction of a judicial officer. The complainant can only be the creditor or the debtor.

Filing a complaint does not in itself suspend the judicial officer's actions or inactions. In accordance with Article 632, Paragraph three of the Civil Procedure Law a judge



may take a decision on the staying of enforcement activities, prohibition to transfer money to a judicial officer or creditor or debtor or the suspension of the sale of property. In addition, the judicial officer retains the right to decide to stay enforcement proceedings in the case complained of. Such a right is specified in Article 561, Paragraph 2 of the Civil Procedure Law.

Third parties who are not parties to the case are also entitled to go to court to defend their violated rights. Such a right is specified in Article 633 of the Civil Procedure Law - A person who considers that he or she has any right to the inventoried movable property or immovable property against which the recovery is directed or a part thereof, shall bring an action before a court in accordance with general jurisdiction on cases. Unlike the debtor and the creditor, third parties cannot bring an action before a court for any action or inaction of a judicial officer.

In addition to the abovementioned, the right to bring an action before a court for the protection of violated rights/interests is also established in Article 617, Paragraph two of the Civil Procedure Law - the interested parties may submit to the district (city) court a complaint regarding the judicial officer's actions which provide a basis for requesting an auction to be declared as invalid within ten days from the day of the end of the auction. The decision of the court is challengeable.

### **1.5 Postponement, suspension and termination of enforcement**

**There are two types of cases that can occur during the enforcement process:**

- (1) The judicial officer is obliged to take a decision on the postponement, suspension and termination of enforcement (Article 560 of the Civil Procedure Law).
- (2) Judicial officer has the right to make a decision regarding the postponement, suspension and termination of enforcement (Article 561 of the Civil Procedure Law).

A judicial officer shall take the decision up to the activity to be stayed or enforced, but not later than three days from the day of receipt of the submission of request to postpone, suspend or terminate enforcement proceedings.

**A judicial officer shall postpone the enforcement activities :**

- (1) On the basis of an application by a creditor or of a decision by a court or a judge for the postponement of enforcement activities or stay of sale of property taken in accordance with the Civil Procedure Law or a court decision on the postponement of the enforcement of the judgment or the dividing thereof into time periods, which has been taken in accordance with the cases prescribed by law.
- (2) On the basis of a court decision on the enforcement replacement of a foreign court or a ruling of the competent authority with the measures provided for in the Civil Procedure Law to ensure the enforcement of such decision.
- (3) A judicial officer shall postpone the bringing of recovery proceedings against the property upon which an attachment has been imposed in accordance with the

procedures of criminal proceedings and for the marketing of which the person directing proceedings has not provided the consent until revocation of attachment of property in the criminal proceedings or receipt of consent from the person directing proceedings.

**Obligation of a judicial officer to stay enforcement proceedings in accordance with Article 560 of the Civil Procedure Law:**

- (1) A natural person who is a debtor or a creditor has died or the legal person who is a debtor or creditor has ceased to exist, and the legal relations established by the court allow for the assumption of rights.
- (2) The capacity to act of the debtor has been restricted by a court judgment to the extent in which enforcement proceedings are taking place.
- (3) The Supreme Court in the assignments hearing has taken a decision to stay enforcement of the judgment.
- (4) Enforcement of a decision of an institution or an official shall be stayed in accordance with the law or a court ruling.
- (5) A court or a judge has taken a decision to stay enforcement of obligations.
- (6) A court has taken a decision to stay the enforcement of a ruling of a foreign court or competent authority.
- (7) Legal protection proceedings have been initiated for a debtor or a ruling on the implementation of legal protection proceedings has been given in the case of extrajudicial legal protection proceedings.
- (8) Insolvency proceedings of a natural person have been declared for the debtor.
- (9) In a case regarding return of a child to the state, which is his or her place of residence, or in a case arising from custody rights, the Orphan's and Custody Court cannot ascertain the daily regimen of the child or it is not possible to meet the child.
- (10) An act on evasion from enforcement of the ruling in a case arising from access rights is sent to the Orphan's and Custody Court.

**Right of a judicial officer to stay enforcement proceedings in accordance with Article 561 of the Civil Procedure Law:**

- (1) The debtor is placed in a medical treatment institution and this impedes the carrying out of enforcement activities.
- (2) A complaint is submitted regarding the actions of the judicial officer.

**Enforcement proceedings, upon request of an interested party in accordance with Article 563 of the Civil Procedure Law, shall be terminated if:**

- (1) The creditor has waived recovery and the court has taken an appropriate decision on it.
- (2) A settlement between the creditor and the debtor confirmed by the court has



been submitted.

- (3) The claim or obligation is not capable of passing to a successor in interests after the death of such natural person or the cessation of such legal person as was a creditor or a debtor.
- (4) The limitation period laid down in law for this form of recovery has expired.
- (5) The court ruling or the decision of the relevant institution or official, on the basis of which the enforcement document has been issued, is revoked.
- (6) The time period for submission of a notice of appeal, cassation or ancillary complaint regarding a court ruling, on the basis of which the enforcement document has been issued, is renewed.
- (7) The enforcement of a ruling of a foreign court or a competent authority has been refused.
- (8) A foreign court or competent authority withdraws the issued European Enforcement Order in accordance with Regulation No 805/2004 of the European Parliament and of the Council.
- (9) A court ruling on the termination of legal protection proceedings due to the fulfilment of the plan for measures of legal protection proceedings has been given.
- (10) Enforcement of the decision on return of a child to the state, which is his or her place of residence, or the enforcement document issued by a foreign court or institution and indicated in Article 540, Clause 8 of this Law has been refused; enforcement of the ruling of a foreign court in the case arising from the access rights or the custody rights or of the enforcement document indicated in Article 540, Paragraph 7.1 of this Law has been refused.
- (11) A court ruling is given on the termination of procedure for extinguishing of obligations, by releasing a natural person from the debt obligations thereof, or a court ruling on the termination of bankruptcy procedure is given, if creditors' claims are not submitted in accordance with the procedures laid down in the Insolvency Law, by concurrently terminating insolvency proceedings of a natural person.
- (12) A foreign institution withdraws a request of assistance for the recovery of tax, fee, expenses related to recovery or other mandatory payments.
- (13) A notification of the State Labour Inspectorate has been received, that in accordance with the information provided by the receiving Member State the decision of a competent institution of the European Union Member State or European Economic Area State regarding imposition of an administrative fine related to infringements in the field of the posting of workers has been repealed.
- (14) A court or a foreign court withdraws the issued European Account Preservation Order or refuses enforcement thereof in accordance with Regulation No 655/2014 of the European Parliament and of the Council.

## **I.6 Counter enforcement**

Not applicable in Latvia.

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

***First, Annex 1 to the Civil Procedure Law defines property to which enforcement cannot be directed, as follows:***

1. Domestic equipment and household articles, and clothing required for the debtor, their family members and persons who are dependent on the debtor:

- a) Clothing, footwear and underwear necessary for everyday wear.
- b) Bedding accessories, nightwear and towels.
- c) Kitchen utensils and tableware which are required for everyday use.
- d) Furniture - one bed and chair per each person, as well as one table and one closet per family.
- e) All accessories for children.

2. Foodstuffs in home in the amount required for the maintenance of the debtor and their family members for a period of three months.

3. Money in the amount of the minimum monthly wage for the debtor, each member of their family and persons dependent on the debtor, but in cases regarding the recovery of maintenance for the support of minor children or for the benefit of the Administration of Maintenance Guarantee Fund administration - money in the amount of 50% of the minimum monthly wage for the debtor, each member of his or her family and persons dependent on the debtor.

4. One cow or goat and one pig per family, and feed in the amount required until new feed is gathered or until the livestock are taken to pasture.

5. Fuel required for preparing food for the family and for heating of the living premises during the heating season.

6. Books, instruments and tools required for the debtor in his or her daily work, providing the means needed for the subsistence.

7. Agricultural stock, that is, agricultural tools, machinery, livestock and seed required for the farm, together with the amount of feed required for the maintenance of livestock of the relevant farm until a new harvest. What agricultural tools, how much livestock and what amount of feed is to be regarded as necessary shall be determined by instructions of the Minister for Agriculture.

8. Movable property which in accordance with the Civil Law is recognised to be an accessory to immovable property - separately from such immovable property.

9. Houses of worship and ritual articles.

***Secondly, there are amounts against which recovery may not be directed:***

1. Severance pay, funeral benefit, lump sum benefit to the surviving spouse, State



social benefits, State support to a child having celiac disease, survivor's pension and allowance for the loss of provider.

2. Compensation for wear and tear of tools belonging to an employee and other compensation in accordance with laws and regulations governing lawful employment relations.

3. Amounts to be paid to an employee in connection with official travel, transfer, and assignment to work in another populated area.

4. Social assistance benefits.

5. Child maintenance in the amount of minimum child maintenance stipulated by the Cabinet which on the basis of a court ruling or a decision taken by the Administration of Maintenance Guarantee Fund shall be paid by one of the parents, as well as child maintenance to be disbursed by the Maintenance Guarantee Fund.

### **1.8 (Court) penalties and fines**

Requirements and orders of a judicial officer, when executing court judgments and other rulings, are mandatory for all natural or legal persons throughout the territory of the State. Requirements and orders made by a judicial officer are all documents drawn up by a judicial officer "which contain a claim, order, summons or assignment addressed to its addressees and which are not merely informative or advisory in nature".

The normative regulation regarding liability for non-compliance with the order of a judicial officer is included in Article 551 of the Civil Procedure Law, which stipulates that if a judicial officer's requirements or orders are not enforced, the judicial officer shall draw up a statement and submit it to a court to decide on the issue regarding liability. The court may impose a fine on the persons at fault. If, when a judgment is being enforced, resistance is shown, a judicial officer shall, in the presence of invited persons, but if it is not possible to invite persons - singly, draw up a statement thereon, and in order to eliminate hindrances apply for assistance to the police. The statement shall be submitted to the court for it to decide the issue regarding the liability of those persons who have resisted the enforcement of the judgment.

Article 40 of the Judicial Officers Law provides that the requirements set forth and orders issued by a sworn judicial officer while performing the official activities shall be binding on all persons in the territory of the State. When enforcement of judgments or other official activities is carried out at the request of the interested parties and if the requirements or orders of a sworn judicial officer are not fulfilled, he or she shall draw up a statement thereof and submit to the district (city) court according to his or her office, in order to decide on the matter regarding the responsibility of the person concerned and on imposing of a fine.

Consequently, if the judicial officer's requirements or orders are not complied with, the judicial officer draws up a statement and submits an application to the court, which has the competence to assess the person's liability and determine the appropriate penalty.



Article 44 of the Judicial Officers Law provides that in order to ensure the fulfilment of official duties, a sworn judicial officer may request police assistance and the police have a duty to provide such assistance. Such a right is provided for the performance of any official duties.

There are no limits on liability for non-compliance with judicial officer's orders. This means that in any case where the requirements and orders are not complied with, the judicial officer has the right to submit an application to the court. And if a debtor does not appear before a judicial officer according to a summons, refuses to furnish explanations or does not provide the information specified in law, the judicial officer may apply to a court for it to decide on the issue of the liability of such person. The court may take a decision on the forced conveyance of the debtor or impose a fine. An ancillary complaint may be submitted regarding the decision of the court.

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

Since 2011, a unified record keeping procedure has been established in the enforcement process and the Register of Executive Cases (REC) is used in the performance of official activities. The REC system primarily ensures the registration and storage of enforcement cases; document generation; connection with the registers of external information systems, performing the retrieval, updating and monitoring of the necessary data; e-signing of documents. At the moment, it is also possible to register and remove vehicle bans. The REC also provides a connection with the official gazette "Latvijas Vēstnesis" ("Latvian Journal"), which provides an opportunity to prepare and send auction announcements for publication.

***Currently, REC provides data exchange with the following external information systems:***

- The Office of Citizenship and Migration Affairs Population Register.
- The Register of Enterprises of the Republic of Latvia.
- State Register of Vehicles and their Drivers of the Road Traffic Safety Directorate (CSDD).
- State Revenue Service information system.
- Information system of the State Social Insurance Agency.
- The Treasury.
- Court information system.
- Criminal record.
- State Unified Computerized Land Register (VVDZ).
- Cadastre information system of the State Land Service.
- Account register.

Most external systems also provide data monitoring, that is, reporting the latest and most up-to-date information. For example, thanks to the Register of Accounts, a



judicial officer has the opportunity to obtain information from said Register about the debtor's accounts through the REC, as well as to electronically seize the debtor's funds at a credit institution.

Data on the debtor's property are also obtained after the declaration of property status has been filled in by coming to a judicial officer or sending it. The declaration of property status is submitted at the request of the judicial officer and the provision of false information can be punished even with criminal liability.

In Article 551, Paragraph one of the Civil Procedure Law it is provided that information necessary to ensure enforcement of judgments and other rulings shall be provided free of charge to a sworn judicial officer of a State institution.

In their official activities, judicial officers must observe confidentiality. For example, the Code of Ethics for Sworn Judicial Officers stipulates that a sworn judicial officer must ensure that conversations between the client and judicial officers are not heard by other visitors when accepting them. The Law on Judicial Officers imposes an obligation that a judicial officer, their assistant and employees may not disclose information to third persons regarding statements drawn up and official activities performed, as well as the information obtained in performing the professional activities of a sworn judicial officer. This provision shall also be in force when they have left their office.

## **PART II: ORGANIZATION OF ENFORCEMENT**

### **II.1 The status of the judicial officer**

Sworn judicial officers are persons belonging to the court system assigned to regional courts and perform the duties prescribed by laws thereto. In respect of the official activities sworn judicial officers are comparable to State officials.

The activities of judicial officers are divided into units under the supervision of a specific regional court and this is an important aspect when submitting an enforcement document. A judicial officer cannot refuse to accept a case for enforcement in which the debtor's place of residence or, for a legal person, the legal address, location of property or place of work is within the judicial officer's unit. In accordance with the *numerus clausus* and competition principle, as well as regulation in Article 7 of the Law on Judicial Officers, the Cabinet shall determine the number of sworn judicial officers and locations of offices thereof, districts and borders thereof by a special list. Thus, both the number of representatives of the judicial officer's profession and their territorial location by places of work are regulated. At the moment of compiling of this report, the number of judicial officers is considered to be optimal in Latvia. There is intention to reduce the number of units in the future.

Judicial officers can be characterized by institutional independence - thus, in their official activities, sworn judicial officers shall be independent in performing their official activities and subject only to law. Judicial officers do not have the same relationship of subordination as in the public administration. Within the framework of an executive case, the judicial officer is the facilitator of the proceedings, thus the



aspect of independence is important for the objective conduct of the case. Direct supervision of the judicial officer's activities falls within the competence of the regional court in whose territory his or her office is located. Also, judicial officers can be described from the perspective of financial independence, thus the activities of judicial officers are not financed from the state budget. Consequently, the responsibility for expenses and income, thus ensuring the enforcement process, lies with the judicial officer. Remuneration fees are determined by Cabinet Regulation No. 451 of 26 June 2012 "Regulations on Remuneration Fees for Sworn Judicial Officers".

In accordance with Article 49, Paragraph one of the Law on Judicial Officers, sworn judicial officers are prohibited from performing execution actions in cases where they, their spouse, a former spouse, their relatives or a relative of their spouse in a direct line in all degrees, in a collateral line - by the fourth degree and in affinity - by the third degree, as well as persons under the guardianship or trusteeship of the sworn judicial officers or their spouse or adopter or adoptee of judicial officers or their spouse are one of the parties.

Judicial officers are obliged to take all measures prescribed by law on their own initiative and use all means and methods provided by law to promptly and qualitatively comply with the decisions of the court and other institutions, as well as to perform other activities of their office. A judicial officer does not have the right to unreasonably refuse to perform the duties specified by law. In performing his or her official duties, it is not permitted to perform activities that violate the honor and dignity of a person.

The professional activities of judicial officers must comply not only with regulatory enactments, but also with the Code of Ethics for Sworn Judicial Officers. The Code stipulates that a judicial officer, as a professional, must be an independent representative of the law and representative of the judiciary, who must not even allow a seeming opportunity to side. With his or her official activities the judicial officer should promote public confidence in the institute of judicial officers. In both professional and private life, a judicial officer should abstain from actions that may shame the profession, call into question his or her dignity, honesty and fairness. A judicial officer must be particularly precise when performing official activities that are related to financial activities. The funds recovered from a debtor and to be transferred to a judgment creditor shall be transferred to a judgment creditor within ten days from the day when they were paid in the deposit account of a judicial officer, if there are no objective reasons because of which the transfer of funds is to be deferred.

For violations of the articles of association of the Collegium of Latvian Sworn Judicial Officers, of the norms of the professional ethics, non-observance of the methodology approved by the Council of Latvian Sworn Judicial Officers, violation of other internal laws and regulations related with the activities of sworn judicial officers, the judicial officer can be punished disciplinary. The Minister for Justice may initiate a disciplinary matter against a sworn judicial officer upon a proposal of a judge or a prosecutor, as well as pursuant to a complaint of a person or on its own initiative regarding significant violation of laws and other laws and regulations, which has caused damage to the



interests of the State or private individuals. At the same time with the initiation of the disciplinary matter the Minister for Justice has a right to remove a sworn judicial officer from performance of official activities until deciding on a disciplinary matter. The penalty for the violation can be determined- issuance of a reproof or a reprimand; imposition of a fine in the amount from EUR 150 up to EUR 5000.

## II.2 Supervision over enforcement

Sworn judicial officers shall be independent in performing their official activities and subject only to law, but they are and may be subject to disciplinary, civil and criminal liability for their activities.

In accordance with Article 83, Paragraph one of the Judicial Officers Law - direct supervision of sworn judicial officers shall be in the jurisdiction of such regional court in the territory of operation of which their office is located. It could be pointed out here that indirect supervision over the activities of the judicial officer's office is also assumed by the parties to the case. This follows from Article 632 of the Civil Procedure, which provides for appealing against the activities of the judicial officer.

In addition, the Latvian Council of Judicial Officers supervises the activities of judicial officers. The Council of Latvian Judicial officers shall, at least once a year, ensure examination of books and execution files of each sworn judicial officer.

**Consequently, supervision over enforcement can be of two types** - (1) mandatory – that is performed once a year by the Latvian Council of Sworn Judicial officers; (2) upon request – it shall be performed on the initiative of the person by the institution which has been requested to do so.

## II.3 Access to the premises

For the purposes of enforcement, the judicial officer may inspect and have access to the premises. Firstly, the debtor must be informed, but if he/she does not comply with the judicial officer's requirements, forced entry is provided.

A judicial officer is entitled, where it is necessary to carry out enforcement, to carry out inspection of the premises or storage-places of a debtor. If the debtor does not participate in the inspection of such premises or storage-places, it shall be carried out in the presence of invited persons.

The Law on Judicial Officers provides for the right of a sworn judicial officer, when performing official activities in relation to the fulfilment of rulings of courts and other institutions, to open and without the consent of the possessor to enter the premises belonging to the debtor, as well as premises in which there is information that there is property belonging to the debtor, and other storage facilities in accordance with the provisions of the Civil Procedure Law.

If there is evidence that the property of a debtor is located at the premises of another person, a judicial officer shall seize such property in accordance with the general procedures. If a person refuses to allow access for a judicial officer at the place of location of the movable property, the judicial officer shall invite a representative of the police for ensuring public order at the presence of whom the room or storage



facility shall be opened and seizing shall be carried out. Locked premises or storage facilities in respect of which there is evidence that the property of the debtor is located therein, and which no person is opening, may be opened by force in the presence of the representative of the police, or the judicial officer, having assessed the particular circumstances, shall take the decision to postpone the seizure.

#### **II.4 Obstructing the judicial officer from carrying out enforcement**

Requirements and orders of a judicial officer, when executing court judgments and other rulings, are mandatory for all natural or legal persons throughout the territory of the State.

If a judicial officer's requirements or orders are not enforced, the judicial officer shall draw up a statement and submit it to a court to decide on the issue regarding liability.

If, when a judgment is being enforced, resistance is shown, a judicial officer shall, in the presence of invited persons, but if it is not possible to invite persons - singly, draw up a statement thereon, and in order to eliminate hindrances apply for assistance to the police. The statement shall be submitted to the court for it to decide on the issue regarding the liability of those persons who have resisted the enforcement of the judgment.

#### **II.5 Time of enforcement**

Enforcement activities are limited in time. The general principle provided in the Civil Procedure Law states that:

- (1) The enforcement of a judgment is not allowed on Sundays and holidays. Exception is provided in cases of emergency.
- (2) The enforcement of a judgment is not allowed between 00:00 and 6:00.

#### **II.6 Mediation**

Mediation is an official activity performed by a judicial officer at the request of an interested party. According to Latvian regulatory enactments, a judicial officer has the right to conduct mediation as a certified mediator in accordance with the procedures specified in the Mediation Law.

It should be noted that mediation is not part of the enforcement process and or as an additional means of enforcement, but a separate act performed by a judicial officer at the request of an interested party.

***When conducting mediation, the judicial officer must follow all the essential basic principles of mediation, namely:***

1. Voluntary Participation – only the parties have the right to decide freely on their participation in mediation, commencement of mediation, selection of a mediator, the course of mediation within limits determined by the mediator, discontinuation and termination of mediation with or without entering into an agreement.
2. Confidentiality - in the same way as for any other office activities, including

acting as a mediator, information that has become known to be confidential and shall not be disclosed. The judicial officer is not entitled to disclose to the party the information provided by the other party if the latter has not agreed to it.

3. Equality and Co-operation of Parties - the parties have equal opportunities and rights in mediation. The Parties shall take their decisions in a cooperative manner
4. Neutrality and Disinterest of a Mediator - the judicial officer's attitude as mediator must be neutral towards the parties. This goes along with the judicial officer's operating principle; namely the judicial officer's office operation is independent and subject only to the law.

### **PART III: ENFORCEMENT PROCEDURES**

#### **III.1 Initiation and end of the enforcement procedure**

The enforcement procedure is initiated upon submission of an application in writing by a creditor and in the cases specified in law upon initiative of the Latvian Council of Sworn Judicial Officers, competent authorities, or a court, commence enforcement activities on the basis of an enforcement document.

The creditor does not need to know and inform the judicial officer about the debtor's income. However, it is necessary to indicate which enforcement measures are to be applied.

Thus, the legal basis for initiating proceedings is a written application of the creditor requesting the initiation of proceedings, the actual amount of the debt if the case is for the recovery of a sum of money, as well as the applicable enforcement measures and an enforcement document. If the judgment is enforceable, the claimant must remove the writ of execution issued by the court of first instance or appellate instance after the judgment or decision has entered into force, or in cases where the judgment or decision is immediately enforceable, immediately after the judgment or decision is issued at the written request of the claimant to the court hearing the case. However, if, by a court judgment, the sums of money are to be recovered in the State income, the court shall, after the expiry of the voluntary term of payment, send a writ of execution to the judicial officer according to the jurisdiction of the office.

The activities of judicial officers are divided into job units under the supervision of a specific regional court and this is an important aspect when submitting an enforcement order. A judicial officer may not refuse to accept for enforcement a case in which the debtor's place of residence or, for a legal person, the legal address, location of property or place of work is within the judicial officer's position. However, cases may also be accepted for enforcement in which the debtor's place of residence or, for a legal person, the registered office is not within the limits of the office but is in the territory of the district court to which the judicial officer belongs.

If it is established that the debtor has been declared insolvent, then the proceedings are not initiated and the enforcement document is sent to the claimant. This provision



shall not apply in cases where an enforcement order which does not involve recovery against the debtor's property or funds is enforceable.

A judicial officer shall initiate a separate enforcement case for each enforcement document received.

A judicial officer, when about to commence enforcement, shall notify the debtor by sending or issuing a notification regarding an obligation to enforce the ruling within ten days. If the ruling is to be enforced without delay, the time period for voluntary enforcement of not less than three days shall be set. In the cases regarding the recovery of remuneration for work, reinstatement to employment (position), compensation for mutilation or other injury to health, execution of confiscation of property, as well as regarding the recovery of the maintenance as a result of the death of a person who had an obligation to support someone, a notification on the obligation to enforce the judgment shall not be sent.

If the debtor or a representative of the executive body of the debtor refuses to accept or sign the notification, the judicial officer or the server of the proposal shall draw up a statement in respect of that in the presence of two invited persons. Refusal to accept or sign the notification shall not constitute a bar for the enforcement of the ruling.

The executive case shall be terminated, if the particular enforcement document has been executed; if an application from the creditor has been received or if any of the other cases referred to in Article 563 of the Civil Procedure Law occurs (*see 1.5 Postponement, suspension and termination of enforcement*). Or, as stated in Article 565 of the Civil Procedure Law - an enforcement document according to which recovery has not been carried out or has been incompletely carried out shall be returned to the creditor based on the creditor's application.

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

Enforcement against movable assets begins with seizing of the movable property of a debtor.

Seizing of the movable property of a debtor shall be inventorying, photo-fixating and guarding of such property. A separate procedure is provided for the seizure of intangibles and shares in the share capital of a capital company or shares and shares of a cooperative society, which shall be performed by making a decision on seizure.

When seizing property, the judicial officer is obliged to assess whether it will be possible to sell the seized property and the funds obtained from the sale of the property will exceed the costs of enforcement of the judgment.

Unlike the valuation of real estate, when determining the value of movable property, the judicial officer evaluates it and determines the value of the forced sale himself or herself. **Exceptions are cases where:**

(1) If special knowledge in science or art is required for the performance of the appraisal due to the property or features thereof, or jewels, precious metals and

products thereof are to be appraised, the judicial officer shall invite an expert for the determination of the forced sale value of the properties.

(2) A creditor or debtor may ask a judicial officer to invite an expert for a re-appraisal of properties within ten days after the inventorying of the property has been completed or a written property inventory statement has been sent, but if the expert is initially invited for the determination of the value - after the judicial officer's notification of appraisal is sent.

Once the movable property has been mortgaged and valued, it is possible to sell it forcibly. **A judicial officer may sell movable property:**

1. in auction;
2. without auction in the cases specified in the Civil Procedure Law.

Movable property may be sold without an auction if it would be impossible to sell it at auction or if it has not been possible to sell at auction.

Article 583<sup>1</sup>, Paragraph one of the Civil Procedure Law states that a judicial officer shall decide on the sale of the seized property without an auction by specifying the circumstances which admit the sale of the property without an auction. The decision shall be sent to the debtor and the creditor in a registered postal item. The decision may be appealed.

The auction of movable property follows the same rules as the auction of real estate and also takes place electronically. The difference from a real estate auction is visible in the duration of it - an auction lasts for twenty days, if the value of the property is up to 10,000 EUR. If the value of the property is over 10,000 EUR, then the auction closes on the thirtieth day from the day of its start.

At first concurrently with posting a notice of auction on the website of electronic auctions the judicial officer shall notify the creditor and the debtor in a registered postal item of the auction.

A person who wishes to participate in the auction of the movable property by using the site of electronic auctions shall, within ten days from the start date of the auction indicated in the notice of auction of the movable property, send a request to the judicial officer to authorize him or her for the participation in the auction and transfer a security in the amount of 10% of the appraisal of the item to be sold to the deposit account of the judicial officer indicated in the notice of auction.

An auction shall end at 13.00 on the twentieth day from its start date indicated in the notice of the auction of the movable property, but if the twentieth day is on a non-working day or official holiday - on the next working day at 13.00. If the appraisal of the article to be sold is EUR 10 000 or more, an auction shall end at 13.00 on the thirtieth day from its start date indicated in the notice of the auction of the movable property, but if the thirtieth day is on a non-working day or official holiday - on the next working day at 13.00. If during the last five minutes before the time laid down for ending of the auction a bid is registered, the duration of the auction shall be automatically extended for five minutes. If during the last hour before the end of the



auction significant technical disorders are found which may affect the result of the auction and they are not related to the system security infringements, the duration of the auction shall be automatically extended until 13.00 on the next working day. After the end of the auction, a notification shall be sent electronically to the highest bidder (to the user account of the site of electronic auctions registered in the Register of Participants of Auctions) that this person has bidden the highest price and that the obligation to pay all the amount due from them has set in.

The person who has bid the highest price for an item to be sold shall pay the full amount bid and the value added tax, if the auction price is taxable with value added tax, not later than within two working days after the end of the auction. If the amount bid exceeds EUR 1420, the judicial officer, upon a request of the highest bidder, may postpone the payment of the full price of the purchase and the value added tax for a period up to seven days. If the amount bid exceeds EUR 142,280, the judicial officer, upon a request of the highest bidder, may postpone the payment of the full price of the purchase and the value added tax for a period up to 14 days. When the amount of the bid and the value added tax is fully paid, the judicial officer shall draw up the deed by indicating to whom and for what price the auctioned items have been sold, and also inform the State Revenue Service regarding the fact and price of the sale of the property. The statement and items purchased shall be transferred to the highest bidder.

The money obtained from the sale of the movable property is distributed among the creditors in accordance with the procedures specified in the Civil Procedure Law. Enforcement of judgment expenses shall firstly be covered from the amount recovered from the debtor by the judicial officer; and thereafter the claims of creditors, which are justified by enforcement documents present in the record-keeping of the judicial officer, shall be satisfied from the remaining amount. If the amount recovered from a debtor does not suffice to satisfy all the claims according to the enforcement documents, such amount shall be apportioned between the creditors in the order specified in the Civil Procedure Law unless a specific law specifies priority for certain creditors. From the money received for the sale of the movable property encumbered by a pledge and thereafter, ***firstly, enforcement of judgment expenses shall be covered and thereafter claims shall be satisfied in the following order:***

- 1) claims secured by a pledge;
- 2) other claims in accordance with the order laid down in this Law. ***If a ship is sold, then in this case the second part of Article 56 of the Maritime Code must be considered when allocating money and that means:***
  - 1) Claims regarding expenditures that are associated with the arrest of the ship and the forced sale (auction), including costs for the maintenance of the ship and the ship's crew, remunerations and other costs referred to in Article 33, Paragraph one, Clause 1 of this Code.
  - 2) Claims regarding expenditures that have arisen for a competent institution in the

raising of a sunk ship or relocating of a ship damaged due to an accident, in order to ensure safety of navigation or to protect the sea environment.

- 3) Claims associated with payments of taxes and fees debts.
- 4) Claims associated with ship salvage, observing the provisions of Article 34, Paragraphs two and three of this Code.
- 5) Claims secured by maritime liens, except for claims associated with ship salvage.
- 6) Claims of shipbuilders and ship repairers if they have used their rights of retention prior to the forced sale (auction) of the ship.
- 7) Claims associated with pledges, mortgages and other registered encumbrances.
- 8) Other maritime claims.
- 9) Other claims.

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

Since the beginning of 2020, the recovery of Proceedings against Monetary Funds in Credit Institutions or with Other Payment Service Providers is happening in a completely electronic process. The Register of Executive Cases is connected to the Register of Accounts, which presents information on the debtor's current bank accounts, as well as the data distribution network, where the order for seizure of funds is sent, as well as revocations of orders.

The account according to the Account Register Law is a demand deposit, payment account or investment account opened in a credit institution, savings and loan association or a provider of payment services.

It is not necessary for the judicial officer to send separate orders or requests for information to banks, as the information is obtained online.

In order to bring Recovery of Proceedings against Monetary Funds in Credit Institutions or with Other Payment Service Providers judicial officers do not need information about the account number.

By bringing recovery proceedings against monetary funds of a debtor in a credit institution or with another payment service provider, the judicial officer shall prepare and send to the credit institution or other payment service provider an order for seizing of monetary funds in the amount indicated in the order. The order shall be sent to the relevant credit institution or payment service provider, in accordance with the information from the account register regarding opened accounts of the debtor. The judicial officer shall indicate an obligation to maintain the funds of the minimum monthly salary regarding the debtor - natural person - to one of the credit institutions or payment service providers, if person has more than one bank account. A credit institution or other payment service provider does not have the right to pay out the monetary funds seized for recovery to another person or allow the debtor to manage them. When receiving several orders for seizing of monetary funds of a debtor a credit institution or other payment service provider shall enforce them in such order as they



were received.

There is no time limit for the execution of the order or the transfer of money, that is, the order is valid until it is revoked and the money must be transferred to the judicial officer's deposit account immediately after it has been received.

A credit institution or other payment service provider that does not comply with a judicial officer's order may also be held accountable in accordance with the general procedure described in I.8.

#### **III.4 Enforcement against savings deposits and current accounts**

The law does not provide a different procedure for enforcement actions against bank accounts of the debtor and savings deposits or debtor's current accounts.

See III.3.

#### **III.5 Enforcement on immovable property**

Recovery on immovable property is applicable in cases where the debt cannot be recovered by other means of enforcement within a reasonable time, as well as if the debtor has indicated this when submitting the enforcement order. The judicial officer must assess the proportionality, usefulness and necessity of enforcement measures in the performance of his or her duties, because in cases where the debtor's income is sufficient to cover both the principal amount of the debt and the enforcement costs, the auction of the debtor's real estate is disproportionate. Such procedures shall not apply to the recovery of debts secured by the mortgage of the relevant immovable property.

When applying for recovery on the debtor's real estate, the judicial officer shall submit to the district (city) court a request for corroboration regarding making of a recovery notation. Such a notation in the Land Registry ensures that this information will be known to third parties, as well as prevents the debtor from selling the property. The entry of a mark in the Land Register is not an obstacle to the registration of a recovery mark in another enforcement case.

Data on real estate owned by the debtor is obtained from the information available in the Land Registry or the State Land Service Register (available to the judicial officer in the Registry of Enforcement Cases), but if the specific property is not registered in this register, the State Land Service information is used.

When recovering real estate, the judicial officer sends a notice to the debtor in accordance with Article 600 of the Civil Procedure Law, inviting him or her to settle the debt and provide information on whether the debtor is a registered value added tax payer. A notice of recovery to the debtor's real estate is also sent to the co-owners of the real estate, mortgage creditors, as well as persons in whose favor a right of pledge or prohibition mark has been entered. In that notice, the judicial officer requires the mortgage creditors to provide information on the amount of the remaining mortgage debt. The judicial officer also requests information from the municipality about the real estate tax debt.

If the debtor has fully paid the debt and the enforcement of the judgment expenses to the judicial officer not later than seven days before the final date of the auction indicated in the advertisement regarding the auction, sale of the immovable property shall be cancelled, but the auction already commenced - terminated.

At the request of a judicial officer, the real estate is valued by a certified real estate appraiser, determining the sale value of the real estate. A judicial officer shall notify the debtor, creditor and mortgage creditor regarding appraisal by a registered mail, concurrently explaining their rights to request re-appraisal of the immovable property within ten days from the day of sending the notification. If one of these persons has requested a reassessment, they must cover the costs of the reassessment within the time limit set by the judicial officer by paying the necessary amount to the judicial officer's account. If the amount of money necessary for the assessment has not been paid within this term, the judicial officer shall reject the request for re-assessment of the real estate.

The real estate auction takes place on the electronic auction site, where the judicial officer places auction advertisements, registers the auction participants, authorizes them to participate in the announced auction, as well as performs other activities related to the organization of the auction. The auction announcement is published both on the electronic auction website and in the official publication "Latvijas Vēstnesis". The auction start date indicated in the announcement may not be later than ten working days from the date on which the announcement was sent for publication in the official publication "Latvijas Vēstnesis".

The following information shall be set out in a notice regarding an auction of immovable property:

- 1) The given name and surname of the owner and of the creditor of the immovable property, and for legal persons, their name and legal address.
- 2) The given name, surname, official appointment location and location of practice of the judicial officer.
- 3) A short description, location and cadastre number of the immovable property.
- 4) An appraisal of the immovable property.
- 5) Which auction, in order, it is.
- 6) The initial auction price and the bid increment.
- 7) The starting date and final date and time of the auction.
- 8) Whether the auction price is taxable with value added tax and what is the applicable value of such price.
- 9) The amount of security as is to be paid into the judicial officer's deposit account.
- 10) The date until which a person, who wishes to participate in the auction, may pay the amount of security and ask the judicial officer to authorize them for participation in the account.

11) Indication of a website, where information regarding procedures and provisions for registration of persons for participation in the auction and participating in bidding is available.

The judicial officer announces the real estate auction if a request for a new valuation of the real estate has not been submitted within the specified term or it has been rejected. Simultaneously with sending the real estate auction announcement for publication in the official publication "Latvijas Vēstnesis", the judicial officer notifies the debtor and the creditor, the real estate owner, co-owner, except the co-owners of a residential house not divided into apartment properties, the mortgage creditor and the person with an affixed security mark or prohibition mark. The notice shall also indicate whether the auction price is subject to value added tax and what is the taxable value of that price. The judicial officer determines the auction step, not less than 1% and not more than 10% of the starting price of the real estate auction.

A person who wishes to participate in an auction of immovable property shall pay a security in the amount of 10% of the assessment of the immovable property in the deposit account of the judicial officer indicated in the notice of the auction within 20 days from the initial date of the auction indicated in the notice of the auction, and shall send a request to the judicial officer, by using a site of electronic auction, to authorize them for participation in the auction.

The judicial officer shall authorize the person to participate in the auction within five working days from the date of receipt of the security and the person's request. If no security or request for authorization has been received or the person is not permitted to participate in the auction, the judicial officer shall refuse the person's authorization to participate in the auction. The debtor, his or her guardian or custodian, the person who has performed the valuation of the real estate, as well as the judicial officer who organizes the auction do not have the right to participate in the auction.

Security which has been paid by a person who has bought immovable property at auction shall be included in the purchase price. When the auction is ended, security paid by other participants in the auction shall be returned, without delay, thereto. The security paid by the last bidder outbid shall be returned to him or her within two working days after the full bidden amount is paid by the highest bidder. If the last bidder outbid keeps the immovable property for himself or herself after an auction that has not taken place, the security paid by him or her shall be included in the purchase price.

An auction shall commence from the forced sale value indicated in the appraisal of the immovable property. If there have been two appraisals, the auction shall start from the highest amount of appraisal of the immovable property.

Participants in an auction may electronically perform bids from the time when they are authorized for participation in the auction until the time when the auction is ended. On the electronic auction site, bids are registered in chronological order, recording the amount of the bid and the time of bid registration.

Bidding shall start from the initial auction price. A bidder may not register a bid which



is less than the initial auction price or equal thereto, differs from the bid increment laid down in the notice of the auction or is less than previously registered bids or equal thereto. Registered bids may not be revoked or changed.

An auction shall end at 13.00 on the thirtieth day from the start date of the auction indicated in the notice of the auction of the immovable property, but if the thirtieth day is on a non-working day or official holiday - on the next working day at 13.00. If during the last five minutes before the time laid down for ending of the auction a bid is registered, the duration of the auction shall be automatically extended for five minutes. If during the last hour before the time laid down for ending of the auction significant technical disorders are found, which may affect the result of the auction, and they are not related to system security infringements, the duration of the auction shall be automatically extended until 13.00 on the next working day. After the end of the auction bids shall not be registered and the end date and time of the auction and the last bid made shall be indicated in the site of electronic auctions.

After the end of the auction, the notification shall be sent electronically to the highest bidder (to the user account of the site of electronic auctions registered in the Register of Participants of Auctions) that they have bidden a higher price than others and the obligation to pay all the amount due from them has set in.

At the end of the auction, an auction report is prepared electronically on the electronic auction site. Real estate remains the one that promised the highest price. Within one month after the closing date of the auction, the auctioneer must pay the entire amount they have promised, value added tax, the statutory state fee for the application for consolidation of real estate in the acquirer's name, as well as the state and registry fee for consolidating property rights in the Land Register.

After the highest bidder of immovable property has paid the whole amount due from him or her, the judicial officer shall electronically submit the application for the corroboration of the immovable property in the name of the acquirer to the district (city) court through the Judicial Informative System, and request to corroborate the property rights in the Land Register in the name of the acquirer. By making a positive decision, the court confirms the rights of the new owner and deletes the obligations in the land register.

If an auction has been recognized as not having taken place, the judicial officer holds a second real estate auction. The second auction shall be announced and held in accordance with the rules of the first auction. However, real estate bidding starts with an amount equal to 75% of the starting price in the first auction. If the second auction has been recognized as not having taken place and no one wanted to keep the real estate for themselves, the real estate remains the property of the previous owner and the recovery mark in the land register can be deleted.

If the court declares the real estate auction invalid, a repeated auction shall be held in accordance with the rules of the auction which has been declared invalid.

From the money received for the sale of immovable property encumbered by a pledge, firstly, the enforcement of judgment expenses connected with the sale of



immovable property shall be covered, and thereafter claims shall be satisfied in the following order:

- 1) Those claims of employees regarding payment of salaries which are related to the maintenance of the immovable property and social insurance payments related to their salaries.
- 2) Claims for tax payments which are payable regarding such immovable property.
- 3) Teal charges entered in the Land Register which have come due.
- 4) Claims secured by a pledge on such immovable property according to the rights of priority thereof.
- 5) Other claims.

The amount remaining after all claims have been satisfied is returned to the debtor.

### **III.6 Enforcement against wages and other permanent pecuniary income**

According to the Article 592 of the Civil Procedure law recovery shall be directed against remuneration for work of a debtor, also against payment received by the debtor for fulfilling a position in the civil service or military service if:

- 1) The ruling on the recovery of periodic payments is being enforced.
- 2) The amount to be recovered does not exceed such part of the monthly payments for work or payments equivalent thereto against which recovery may be directed in accordance with the law.
- 3) A creditor has requested direct recovery against remuneration for work or payments equivalent thereto.

Recovery shall also be directed against remuneration for work of a debtor in instances where the debtor does not have property or it does not suffice for the recovery of the debt.

The judicial officer obtains information on the debtor's place of work from the information available to him or her in the Registry of Enforcement Cases of the State Revenue Service and in the register of the State Social Insurance Agency.

Recovery of the debtor's salary is carried out by the judicial officer sending an order to the debtor's employer to withhold the salary and similar payments. The order contains an instruction to make deductions from the debtor's salary or other remuneration, pension, scholarship or benefit and to transfer the deducted amounts to the judicial officer's deposit account at the debtor's expense.

An employer, upon request of a judicial officer and within his or her specified time period, shall provide information as to whether a debtor works for him or her and what the remuneration for work and payments equivalent thereto of the debtor within the time period specified by the judicial officer are.

Until the debt to be recovered is discharged, deductions shall be made, in accordance with the enforcement documents, from remuneration for work and payments

equivalent thereto paid to a debtor:

1) In cases regarding the recovery of maintenance for the support of minor children or for the benefit of the Administration of Maintenance Guarantee Fund - preserving the remuneration for work of the debtor and payments equivalent thereto in the amount of 50% of the minimum monthly wage and preserving the funds for each dependent minor child in the amount of the State social insurance benefit.

2) When recovering maintenance, losses or compensation for losses arising from personal injuries which have resulted in mutilation or other injury to health or in the death of a person, or compensation for damage which has been occasioned through commission of a criminal offence, and also in enforcing rulings taken in administrative violations cases - 50%, preserving the remuneration for work of the debtor and payments equivalent thereto in the amount of 50% of the minimum monthly wage and preserving the funds for each dependent minor child in the amount of the State social insurance benefit.

3) In other types of recovery, unless it is otherwise provided for in law - 30%, preserving the remuneration for work of the debtor and payments equivalent thereto in the amount of the minimum monthly wage and preserving the funds for each dependent minor child in the amount of the State social insurance benefit.

If recovery is directed against remuneration for work according to several enforcement documents, the employee shall in any event retain 50% of the remuneration for work and payments equivalent thereto, however, not less than in the amount of the minimum monthly wage, and funds for each dependent minor child in the amount of the State social insurance benefit.

The amount to be deducted from remuneration for work and payments equivalent thereto shall be calculated from the amount to be received by a debtor after payment of taxes. Funds in the amount of the state social security benefit for each minor child dependent on the debtor are retained if the debtor has a minor child dependent at the time when deductions are made from the debtor's salary or similar payments. The employer is obliged to calculate the amount of funds to be retained, taking into account the number of dependents of the debtor at the time of the withholding.

In addition to wages, recovery is also made for other periodic payments to the debtor, for example student scholarships and compensation for personal injury resulting in mutilation or other damage to health or death. The rules on recovery to salary also apply if recovery is directed at state pensions, state social insurance benefits and compensation.

Recovery may not be directed against:

1) Severance pay, funeral benefit, lump sum benefit to the surviving spouse, State social benefits, State support to a child having celiac disease, survivor's pension and allowance for the loss of provider.

2) Compensation for wear and tear of tools belonging to an employee and other compensation in accordance with laws and regulations governing lawful employment





relations.

3) Amounts to be paid to an employee in connection with official travel, transfer, and assignment to work in another populated area.

4) Social assistance benefits.

5) Child maintenance in the amount of minimum child maintenance stipulated by the Cabinet of Ministers which on the basis of a court ruling or a decision taken by the Administration of Maintenance Guarantee Fund shall be paid by one of the parents, as well as child maintenance to be disbursed by the Maintenance Guarantee Fund.

Upon termination of the employment relationship with the debtor, the employer must inform the judicial officer thereof. Such information must also be provided to legal persons who have made deductions from the pension, scholarships or allowances if these payments are suspended.

The judicial officer may verify the correctness and timeliness of the deductions made by sending a request to the employer or to the legal person concerned.

### **III.7 Attachment under the debtor's debtor**

Attachment under the debtor's debtor is regulated by Article 599 of the Civil Procedure Law. It states that if recovery is directed against monetary funds, which are due from other persons, including from another judicial officer, a judicial officer shall forward a request to such persons to inform whether they have an obligation to pay any amounts to a debtor, on what basis and within what time period. Simultaneously with the request, the judicial officer shall give notice that such monetary funds shall be seized in the amount to be recovered and the amount of enforcement of judgment expenses, and that until the amount to be recovered and the amount of enforcement of the judgment expenses is fully discharged, these persons shall pay the monetary funds to the judicial officer's deposit account.

Funds due to the debtor from other persons are any funds due to the debtor on the basis of law or contract, except for salaries and similar payments, as well as amounts that cannot be recovered. The judicial officer is also entitled to send the relevant order to the debtor's creditor in cases where such an obligation will arise in the future until the moment of enforcement of the decision.

A person may have a reason to pay a certain amount of money to the debtor on the basis of a contract, such as a rent, lease, loan, delivery or maintenance contract, copyright agreement, etc. The main condition is that the debtor is entitled to a certain amount of money on the basis of the transaction concluded by the parties.

Funds may also be due to a person by law, for example in the case of overpayment of taxes provided for in Article 16 Article 10 of the Law on Taxes and Duties, as well as compensations, awards and other payments that a person should pay on the basis of legislation.

The payment of this amount may also be based on a court decision ordering the debtor to receive money from a third party, unless the court has decided on the amount of



compensation for personal injury resulting in mutilation or other damage to health or personal injury or death.

The judicial officer can obtain information about the persons who are obliged to pay an amount to the debtor from public registers, as well as by requesting it from public authorities. In accordance with Article 551 Paragraph 1 of the Civil Procedure Law, state institutions shall provide judicial officers with the information necessary to ensure the enforcement of judgments and other rulings free of charge.

This information may also be submitted by the creditor when filling in the declaration of property status, as well as by a third party. Criminal liability is provided for the provision of knowingly false information in accordance with Article 299 of the Criminal Law.

The judicial officer's order includes:

1. A request to the third party to state whether he or she is obliged to pay any amount to the debtor.
2. On what basis and within what time limit the money has to be paid.
3. A statement that the money is seized in the amount of recovery and enforcement costs.
4. An order to transfer the said funds to the judicial officer's deposit account.

Requirements and orders of a judicial officer, when executing court judgments and other rulings, are mandatory for all natural or legal persons throughout the territory of the State.

If a judicial officer's requirements or orders are not enforced, the judicial officer shall draw up a statement and submit it to a court to decide on the issue regarding liability. The court may impose a fine on the persons at fault - for a natural person up to EUR 360, but for an official up to EUR 750. An ancillary complaint may be submitted regarding the decision of the court.

### **III.8 Enforcement against shares**

Enforcement against shares is regulated in Article 580<sup>4</sup> of the Civil Procedure Law. It states that the judicial officer shall take the decision to seize the share or stocks of equity of a capital company or debentures of a cooperative society in which he or she shall indicate the seized items and their appraisal. The forced sale value of shares or stocks of equity, or debentures shall be determined by the judicial officer, however not lower than denomination of the share or stock of equity, or debenture. Where necessary, on his or her own initiative, the judicial officer may invite an expert for determining the forced sale value.

The judicial officer shall, within three days, send the decision to the creditor and the debtor by concurrently explaining their rights to request the judicial officer to invite an expert for re-appraisal of items within ten days from the day of sending the decision. The person who has requested re-appraisal shall cover the appraisal



expenses within the time period laid down by the judicial officer, which is not shorter than five days, by paying the required sum of money into the judicial officer's account. If the amount of money required for appraisal has not been paid, the judicial officer shall dismiss the request to invite an expert.

A debtor is prohibited to alienate the seized shares or stocks of equity, or debentures, encumber them with other property or obligation rights, to change their denomination, and also to carry out other actions which reduce the value of shares or stocks of equity, or debentures from the day of receipt of the decision.

Concurrently with taking the decision to seize the shares of equity, the judicial officer shall issue an order to the board of directors of the limited liability company and Commercial Register institution to comply with the prohibition to alienate or pledge the shares of equity owned by the debtor, encumber them with other property or obligation rights and, where necessary for ensuring the sale of the seized shares of equity, also the prohibition to change the denomination of the shares of equity and carry out other actions which reduce the value of the shares of equity owned by debtor.

Concurrently with taking the decision to seize stocks or debentures, the judicial officer shall issue an order to the board of directors of the stock company or cooperative society accordingly to comply with the prohibition to alienate or pledge the stocks or debentures owned by the debtor, encumber them with other property or obligation rights and, where necessary for ensuring the sale of the seized stocks or debentures, also the prohibition to change the denomination thereof and carry out other actions which reduce the value of the stocks or debentures owned by debtor.

A judicial officer shall sell the shares or stocks of equity or debentures in an auction, but if it has failed and none has applied to hold the shares or stocks of equity or debentures after an auction, the judicial officer shall notify the board of directors of the capital company or the cooperative society and the Commercial Register of the revocation of the seizure.

Concurrently with posting the notice of auction of the shares of equity in the site of electronic auctions, the judicial officer shall notify the board of directors of the limited liability company of the auction.

A judicial officer shall immediately notify the board of directors of a limited liability company that other shareholders of the company may exercise the right of first refusal of the seized shares of equity provided that:

- 1) The auction of the shares of equity has been recognised as not having taken place and the creditor has paid to the deposit account of the judicial officer the necessary amount for holding the shares of equity himself in accordance with the procedures laid down in Article 590 of the Civil Procedure Law.
- 2) The highest bidder or the last bidder outbid has transferred all the amount due from him or her to the deposit account of the judicial officer.
- 3) The judicial officer sells the seized shares of equity without an auction in accordance

with the procedures laid down in Article 583<sup>1</sup> of the Civil Procedure Law, and the buyer has transferred the purchase price in the deposit account of the judicial officer.

In a notification to the board of directors of the limited liability company the judicial officer shall indicate the amount which is to be transferred to his or her deposit account within the time period laid down by him or her - that may not be shorter than ten days from the day of sending the notification - and also that if the board of directors organises a closed auction among shareholders, the board has the obligation to transfer the part of the purchase payment acquired additionally in auction which exceeds the transferred amount indicated in the notification of the judicial officer to his or her deposit account within ten days from the day of payment of the purchase payment bidden in the closed auction.

If the indicated amount is not transferred to the deposit account of the judicial officer within the time period laid down in the notification, the judicial officer shall notify the buyer, highest bidder, creditor or last bidder outbid accordingly that the shareholders of the company have not used their right of first refusal.

If the entire indicated amount is transferred to the deposit account of the judicial officer within the time period laid down in the notification, the judicial officer shall draw up the deed on the transfer of the seized shares of equity to the limited liability company and send it to the board of directors of the company. After sending the deed, the judicial officer shall notify the creditor, debtor and person who has bidden or expressed his or her wish to keep the shares of equity or has been the last bidder outbid of exercising the right of first refusal by immediately repaying the amount to the person which he or she has transmitted.

### **III.9 Other attachment procedures**

#### **III.9.1 Recovery of funds due to the debtor from another judicial officer**

Debt recovery can also take place by seizing funds that another judicial officer owes the debtor. These may be cases where the debtor is entitled to receive money from another judicial officer, both as a debtor if the amount of the debt and the costs of enforcing the judgment have been overpaid, and as a claimant if he or she is entitled to the amount on the basis of an enforcement order. However, it should be noted that this type of enforcement is not possible if the debtor has the status of a claimant in cases of recovery of maintenance for the support of minor children.

#### **III.9.2 Bringing of recovery proceedings against the right of superficies of the debtor by selling them**

Right of superficies is an institute of law on the basis of which a person may build and use a non-residential building or engineering structure on a foreign plot of land as the owner during the validity of the building right.

Information about the right of superficies can be found in the Land Registry. If the information necessary for the assessment of the right of superficies for the construction process initiated on the basis of right of superficies is not available in the Land Registry database, the judicial officer shall request them from the building board

or institution performing the functions of the building board, unless the required information or the original document is available in another state or municipal authority.

The appraisal of the right of superficies shall be made upon request of a judicial officer using the resources of a debtor by a certified immovable property appraiser determining the forced sale value of the right of superficies.

If a creditor has requested that recovery be directed against the right of superficies, a judicial officer shall send a notice in a registered postal item to the debtor and invite them to settle the debt, and also to provide the information on whether the debtor is registered as a payer of the value added tax and whether upon selling by auction his or her right of superficies the auction price shall be taxable with value added tax and what is the taxable value of such price.

From the date of receipt of a notice by the judicial officer, the debtor is prohibited from:

- 1) Alienating the right of superficies or placing a lien thereon.
- 2) Alienating or damaging the non-residential building (engineering structure) built on the basis of the right of superficies or accessories thereof.
- 3) Entering into lease and other agreements which reduce or may reduce the value of the right of superficies or non-residential building (engineering structure) built on the basis of it.

The debtor has the obligation to notify of the actual possessor or manager of the non-residential building (engineering structure) built on the basis of the right of superficies, if any, and also of all lease and other agreements entered into which apply to the right of superficies or the non-residential building (engineering structure) built on the basis of it, submit the copies of such agreements and present originals thereof within the time limit laid down by the judicial officer.

The judicial officer shall inventory the non-residential building (engineering structure) built on the basis of the right of superficies upon the request of the creditor. The management of the inventoried non-residential building (engineering structure) shall be ensured in accordance with Article 605 of the Civil Procedure Law.

An auction of the right of superficies, approval of the statement of auction and corroboration of the right of superficies on the name of the acquirer shall be carried out according to the provisions provided for the auction of immovable property. The judicial officer shall send the notice of the auction also to the owner of the land parcel in a registered postal item.

### **III.10 Handing over movable assets**

If specific articles set out in a court judgment are adjudged to a creditor, the judicial officer shall notify the debtor of the obligation to enforce the judgment, in accordance with the procedures laid down in Article 555 of the Civil Procedure Law. The judicial officer shall also set out in the notification the date when enforcement of the court



judgment shall be performed if it is not enforced voluntarily. If the court judgment is to be enforced without delay, the judicial officer shall not provide the debtor with a time period for voluntary enforcement of the court judgment but notify in writing the date and time when enforcement of the court judgment shall be performed, for which notice the recipient shall sign or it shall be sent by registered mail.

Upon a request of the judicial officer during the time set by him or her for enforcement of the judgment the debtor has an obligation to present the articles specified in the writ of execution which are to be handed over to the creditor. The debtor and the creditor have the right to invite not more than two witnesses to the handing over of the articles. The failure of witnesses to attend shall not stay the enforcement of the judgment.

If during the enforcement of a court judgment the debtor fails to present the articles specified in the judgment which are to be handed over to the creditor, refuses to disclose the location thereof and subsequent to inspection of the premises the articles are not found, the judicial officer shall draw up a statement to this effect which shall be signed by the judicial officer, the creditor and the witnesses if such have participated. When a statement regarding non-existence of the property to be handed over to the creditor has been drawn up, the judicial officer in conformity with the provisions of this Law shall carry out enforcement activities to recover the amount specified in the court judgment.

If the enforcement document issued on the basis of a court judgment indicates that a certain amount of money is to be recovered by the debtor in the event of absence of property, the act drawn up by the judicial officer is the basis for initiating the recovery of this amount.

### **III.11 Enforcement in reinstatement of employee to work**

If the employer does not comply with the judgment, for example, does not allow a person to enter the company's territory, does not allow to perform enforcement agent's duties, the employee has the right to go to court and request an enforcement document to be submitted to the judicial officer.

When registering a case for reinstatement of an employee, the judicial officer sends a notice to the debtor (employer). In the notification, the judicial officer shall also indicate the date on which the enforcement of the judgment will take place if it is not enforced.

If the employer does not enforce a court judgment on the reinstatement of a dismissed or transferred employee, the court, upon a request of the employee, shall take a decision on remuneration for work for the entire period from the day the judgment is given until the day it is enforced.

If the judgment on reinstatement of the employee is not complied with, the judicial officer shall draw up an act stating that the debtor does not comply with the judgment. The act is then sent to the district (city) court for a decision on the application of the



consequences specified in the judgment due to the fact that the debtor does not perform certain actions.

### **III.12 Eviction**

The judicial officer carries out eviction in cases where the court has settled a dispute over the right to use residential or non-residential premises and according to the judgment the relevant premises must be vacated with the help of a judicial officer, because the defendant does not voluntarily vacate them.

When initiating proceedings regarding the eviction of persons and property from the premises, the judicial officer shall send a notice regarding the obligation to comply with the court judgment and vacate the premises to each adult person who is to be evicted in accordance with the court judgment. Such notification shall not be sent to minors on the assumption that they live with their legal representative. That notice shall state the date on which enforcement of the judgment will take place if the debtor fails to do so. The debtor may enforce the judgment voluntarily by notifying the judicial officer, who must ascertain this on arrival at the place and time specified for eviction. This shall be indicated in the act of eviction.

The debtor is obliged to provide a locksmith in order to open the premises, transport for the removal of property, as well as storage of the property.

The creditor and the debtor have the right to invite to compulsory eviction not more than two witnesses each. The judicial officer shall verify the identity of the witnesses and specify these persons in the statement. Failure of the witnesses to attend shall not stay the enforcement.

The judicial officer shall invite the debtor to clear the premises specified in the court judgment from property and to vacate such premises together with the minor members of the family.

If the debtor fails to fulfil the invitation of the judicial officer, the judicial officer shall inventory and make appraisal of the property in conformity with the provisions of Articles 577 and 578 of the Civil Procedure Law, as well as appoint a storer of the property, remove the property, and transfer it for storage to the storer according to the statement.

If things which are subject to rapid deterioration have been inventoried, the judicial officer shall sell them in accordance with the provisions of Article 581, Paragraph two of this Law. The received money shall be transferred for covering the enforcement of judgment expenses, but probable money surplus shall be paid to the debtor.

If the debtor fails to appear at the time specified for eviction and there is no information regarding the reason for his or her absence or he or she has not appeared due to a justified reason, the judicial officer shall postpone the eviction.

If the debtor has repeatedly failed to appear for eviction at the time specified and has not notified the reason for his or her absence or has not appeared due to a reason which is not recognized as justified by the judicial officer, the premises shall be opened by force, in the presence of a police representative. The judicial officer shall make a



notation in the statement regarding the opening of the premises by force. After the forced opening of the premises, the eviction process continues in the same order as in the presence of the debtor. The debtor is entitled to receive one copy of the property inventory statement.

The debtor has the right to receive the property transferred for storage within a month by paying the enforcement of judgment expenses. If the debtor refuses to pay the enforcement of judgment expenses, the judicial officer shall detain the debtor's property in the value required for covering the enforcement of judgment expenses but transfer the remaining property to the debtor. The judicial officer sells the seized property in accordance with the rules for the auction of movable property.

The money received by the sale of the property shall be transferred for covering the enforcement of judgment expenses, but probable surplus of money shall be disbursed to the debtor. The judicial officer shall notify the debtor regarding the sale of the property if he or she has information regarding the place of residence of the debtor. If within a month the debtor fails to receive the property transferred for storage, the judicial officer shall sell it in accordance with the provisions for the auction of movable property.

The judicial officer shall destroy property that has no market value or that cannot be sold, and that the debtor has not arrived to receive in the presence of witnesses by drawing up a statement thereof.

### **III.13 Enforcement of obligations to act, refrain from acting or suffer action**

In a judgment imposing an obligation to perform certain actions, the court determines, in particular, to whom and what actions are to be performed and within what period. The judicial officer notifies the debtor of the obligation to enforce the decision, indicating the period within which the said action is enforceable. If the debtor himself or herself enforces the judgment within that period, he or she must notify the judicial officer. Voluntary enforcement of a judgment by a debtor does not release him or her from the costs of enforcement. If the judgment stipulates that it is to be enforced immediately, the judicial officer does not set a time limit, but only the date and time when the enforcement of the judgment will take place.

Upon a request of the judicial officer during the time set by him or her for the enforcement of the judgment the debtor has an obligation to present the articles specified in the writ of execution which are to be handed over to the creditor. The debtor and the creditor have the right to invite not more than two witnesses to the handing over of the articles. Failure of the witnesses to attend shall not stay the enforcement of the judgment.

If there is a failure to enforce a judgment which imposes on a debtor an obligation to perform stipulated actions which are not connected with the provision of property or of an amount of money, a judicial officer shall draw up a statement regarding failure to enforce the judgment.

In a judgment ordering the defendant to perform certain acts which do not involve



the transfer of property or sums of money, the court may state in the judgment that if the defendant fails to comply within a specified period, the claimant is entitled to perform those acts at the defendant's expense, recovering the necessary expenses. If such consequences of non-execution of the judgment are indicated in the judgment, the act that is drawn up shall be sent to the district (city) court of the place of enforcement for a decision on the application of the consequences specified in the judgment.

If the consequences of failure to enforce the judgment are not set out therein, the statement that is drawn up shall be sent to the court which issued the judgment in the case. This court shall decide on the issue regarding the procedures of enforcement of the judgment.

If the debtor continues not to enforce the judgment after the imposition of a fine, the judicial officer shall send an application to the public prosecutor for the commencement of criminal proceedings.

### **III.14 Sequestration of goods**

In accordance with legal regulations in Latvia, this procedure is not performed by a judicial officer.

### **III.15 Enforcement of foreign enforceable documents from non-EU States**

A judgment of any State shall not, in accordance with the principle of national sovereignty, be automatically binding on another State or on a person outside its territory. In order for a foreign court ruling to become enforceable in the state of its adoption, it must be recognized in accordance with the procedures specified in the Civil Procedure Law.

With regard to other countries, Latvia has legal aid agreements in force, which include provisions on jurisdiction and the recognition and enforcement of judgments in relation to a particular country. Latvia has concluded legal aid agreements with the Russian Federation, Ukraine, the Republic of Belarus, the Republic of Uzbekistan, the Kyrgyz Republic and the Republic of Moldova on legal assistance and legal relations in civil, family and criminal matters.

In order to enforce a foreign judgment in the Republic of Latvia, the preconditions specified in the relevant legal aid agreements, as well as the procedural procedures specified in the Civil Procedure Law must be complied with. An application for the adjustment of the rights and obligations laid down in a ruling of a foreign court for enforcement thereof in Latvia shall be submitted for examination to a district (city) court based on the place of enforcement of the ruling or also based on the declared place of residence of the defendant, but if none, on the place of residence or legal address of the defendant.

Recognition and enforcement of a foreign judgment may take place if the following preconditions are met:

1) The defendant (who has not participated in the court proceedings) has been notified of the proceedings and the court judgment in a timely and appropriate

manner.

2) The court judgment to be recognized and enforced has entered into legal force and has not been appealed.

3) The judgment has not been enforced in the issuing State.

Recognition of a judgment means that a judgment issued by a court of one State, in accordance with the law of the country in question, acquires the same legal force in another State and has the same legal effects as in the State where the judgment was issued. Enforcement of a judgment in such a case presupposes that a judgment issued by a court of one State has been recognized in another State and it is possible to commence enforcement of the judgment. After a Latvian court has recognized a decision of a foreign institution, this decision shall be enforced in Latvia in accordance with the general procedure.

#### **PART IV: ENFORCEMENT COSTS**

##### **IV.1 The costs of enforcement**

The costs of enforcement, in accordance with Article 566 of the Civil Procedure Law, consist of the state fee and expenses related to the enforcement of a court judgment, for example judicial officer's fees and expenses necessary for the performance of enforcement actions.

The amount of the state fee is determined by the Civil Procedure Law, the amount of remuneration is regulated by the regulations of the Cabinet of Ministers, but the expenses necessary for the performance of enforcement activities shall be paid in accordance with the pricing of the relevant service provider. The amount of expenses for the enforcement of a judgment is regulated by the Cabinet of Ministers Regulations of 7 January 2014 No. 9 "Regulations on Expenses Necessary for the Performance of Enforcement Activities" and Cabinet Regulation No. 451 of 26 June 2012 "Regulations on Remuneration Fees for the Position of Sworn Judicial Officers".

As a general principle, these costs are paid at the expense of the debtor. In practice, however, there are cases where the costs of enforcing a judgment are borne by the claimant himself or herself, given that the judicial officer may incur various costs necessary to enforce the judgment when initiating recovery proceedings. Therefore, the judicial officer may impose a prepayment of enforcement costs on the claimant.

The claimant does not bear such an obligation only at the initial stage of the recovery process; as such, the judicial officer has the right to demand payment of the costs of enforcement of the judgment from the claimant at any stage of the enforcement proceedings. If the claimant pays the costs of enforcing the judgment when submitting the enforcement document, this amount is recovered from the debtor and then reimbursed to the claimant, so forcible recovery does not cause additional losses to the claimant or the financial burden would prevent the exercise of statutory rights.

Creditors shall be exempt from payment of enforcement of judgment expenses to the judicial officer:

- 1) With regards to claims on the recovery of remuneration for work and other claims of employees and persons in service arising from legal employment or service relations or being related to such.
- 2) With regard to claims arising from personal injuries that result in mutilation or other damage to health, or the death of a person.
- 3) In cases when the recovery must be carried out for the benefit of a victim - natural person - in relation to a satisfied application for compensation of harm in a criminal case.
- 4) With regards to claims on the recovery of child maintenance or parent support.
- 5) In cases where enforcement in State revenue is to be performed.
- 6) In cases where the person is released from the payment of court expenses by a court decision - fully or partially in conformity with the court decision.
- 7) In cases where the recovery must be carried out according to the uniform instrument permitting enforcement in the receiving Member State, except for the cases when the State Revenue Service has reached an agreement with the institution of the Member State which has requested mutual assistance for the recovery of claims, regarding special procedures for the reimbursement of enforcement costs.

If the enforcement proceedings are terminated, subsequent to covering of enforcement of judgment expenses, all enforcement measures taken by the judicial officer shall be cancelled. Upon termination of the enforcement proceedings, the costs of enforcement of the judgment must be paid. In such a case, the claimant may also be liable for the costs of enforcing the judgment.

If it is not possible to recover the costs of enforcement of the judgment from the debtor and the claimant is exempted from paying these costs, the costs incurred in the enforcement case are covered by the judicial officer himself or herself, without receiving compensation from the state.

If the debtor has paid the amount of the debt and the costs of enforcement of the judgment within the term specified in the judicial officer's notice, the costs of enforcement of the judgment shall be reduced by applying a coefficient of 0,5 to the fee for the post. On the other hand, if the debt in the enforcement case is not covered within one year from the date of entry of the enforcement case, a coefficient of 1,5 is applied to the remuneration.

A sworn judicial officer has the right to reduce the remuneration tax by applying a coefficient of 0,5, if a person has been recognized as destitute in accordance with the procedures specified in regulatory enactments, but if a person has been granted the status of a politically repressed person, reducing the remuneration by applying a coefficient of 0,5 is the judicial officer's duty.

#### **PART V: LINKS, LITERATURE AND SOURCES**

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