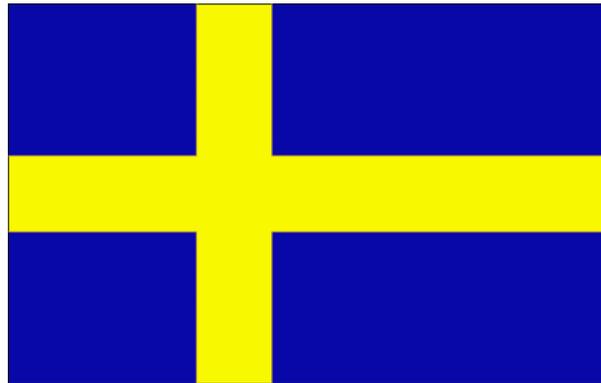


# NATIONAL REPORT

- SWEDEN -



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# GENERAL OVERVIEW

<b>National Legal system</b>	The Judicial Procedure Code, originally enacted in 1942, the Enforcement Code, originally enacted in 1981, the act on order to pay and decision of enforcement assistance, originally enacted in 1990, the act on European summary proceedings, enacted in 2008, and the act on European small claims proceedings, enacted in 2008.
<b>Court jurisdiction and different types of litigation for debt collection</b>	Litigations for debt collection falling under the Judicial Procedure Code are e.g. a court judgment, verdict or decision, and a settlement that is confirmed by a court. Jurisdiction on the territory is divided into three levels: local (District Court), regional (Court of Appeal), and highest (Supreme Court). The act on order to pay and decision of enforcement assistance is a simplified and accelerated procedure in summary proceedings for order of payment, i.e. for debt collection, under the responsibility of one single authority, the Enforcement Authority. Sweden is the only Member State which treats unopposed claims in summary proceedings outside the court system. Sweden has no counter part to the Notary system which in other Member States is able to create titles of execution. Bills of exchange require a judgment or a decision in Summary Procedure to be accepted as a legal basis for enforcement. Written and signed undertakings concerning maintenance allowances by the parties in front of two witness constitute an enforceable title of execution according to the Enforcement Code.

<p><b>National summary procedures for recovery of money claims</b></p>	<p>The purpose of Summary Proceedings is to deliver a verdict that is directly enforceable. The applicant need not supply any evidence nor is there any examination of the case. As long as the application does not have any obvious faults in its format and all obligatory information is included, papers are automatically sent to the respondent. It is then the responsibility of the respondent to react to the claim. If the respondent is not heard from a verdict will be rendered in accordance with the original application. If the respondent contests the claim however, the applicant has a choice of either having the case turned over to the District Court for a verdict or to terminate the process. On average the process takes just short of 2 months from application to a decision. A decision is rendered in 80% of incoming applications. A decision such as this is directly enforceable by the recoveries department.</p>
<p><b>State of IT operational options in judicial procedures for recovery of money claims</b></p>	<p>About 20 private collection companies have been granted permission by the Enforcement Authority to submit the applications of enforcement for private claims on behalf of their creditors by use of electronic means directly to the single national enforcement body in Sweden, the Enforcement Authority. In other Nordic States, such as Finland and Norway, a similar system applies for private creditors or their representatives. Also, applications in Swedish summary proceedings are frequently submitted by use of electronic means. It is possible in national legislation to apply for a European order for payment by electronic means according to the Act on European order for payment procedure and the Regulation on European order for payment procedure. Judgments and other documents may be sent by mail. Public creditors such as the Tax Agency, the Police and the Social Insurance Office, have also been granted permission by the Enforcement Authority to submit their applications for enforcement by use of electronic means directly to the Enforcement Authority.</p> <p>Provisions on the automated treatment of received information in the various activities of the Enforcement Authority in its register are found in the Act on the treatment of information in the activities of the Enforcement Authority. The use of electronic signatures is governed by the Act on qualified electronic signatures. Presently, the Enforcement Authority has not this possibility of communication.</p>

The public may contact or visit the Enforcement Authority and receive information about individuals and legal entities registered as debtors in the enforcement register. The enforcement register contains all registered debtors and is a central computer base used by the Enforcement Authority. This register contains public and private claims. All payments and actions taken in relation to the debtors are recorded in that register. With the help of the personal identity number or the organization organisation registration number of a company one can find out if the individual or the company is subject to enforcement, what kind of debt the individual or the company has and what action the Enforcement Authority has taken. However, the Enforcement Authority may not supply information to the public from the enforcement register if that would violate the personal integrity of the debtors according to the Act on information about individuals. Information regarding the debtor's assets is available to the following extent at the Enforcement Authority for enforcement purposes through search in public registers, to which the Enforcement Authorities has direct access by computer.

## SCOPE OF THE PROCEDURE

<b>Eligible claims</b>	The scope of the procedure includes monetary claims of all kind without any upper or lower limits. In this two-step procedure private individuals and enterprises, without having to be represented by a lawyer, can both appear as applicants or respondents. Any person may appear as a legal representative for the creditor, subject to that he is authorized by a power of attorney. Also, applications may be submitted directly for a national order for payment by private creditors from other Member States, instead of using EU regulations, or from States outside the EU, related to a respondent resident and holding assets in Sweden, e.g. real estate.
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<b>Limit regarding value of claim</b>	There is no upper limit.
<b>Rules on using the procedure</b>	<p>As long as it is about uncontested claims the procedure is mandatory but at the same time there is no ruling that prevents the claimant to address the court instead.</p> <p>Order for Payment and Enforcement on Basis of Produced Bills of Exchange or Promissory Notes – this procedure is optional and creditors with bills of exchange or promissory notes can always opt for a procedure with Order for Payment and Enforcement on Basis of a Credible Instrument. However, a creditor would have a huge benefit in this procedure as enforcement on monetary assets in banks is possible even prior the finality of the decision.</p>
<b>Possibility of using national procedure in cross border cases</b>	In rare cases it is possible, for example when the defendant has property in Sweden.
<b>Number of steps</b>	It is a two-step procedure.
<b>Rules on representation by a lawyer</b>	Not mandatory.

## COMPETENT COURTS

### According to matter

The responsibility for summary proceedings, according to the Act on order to pay and enforcement assistance, for a simplified and accelerated procedure in summary proceedings for order of payment and enforcement assistance, was on 1 January 1992 transferred to the 24 Enforcement Authorities from the District Courts. In contrast to all other Member States, Sweden is the only Member State that has entrusted the treatment of unopposed claims in summary proceedings to a State body outside the court system. Following a reorganization reorganisation of the 10 regional Enforcement Authorities in 2006, this task remained under the jurisdiction of the single national Enforcement Authority (Kronofogdemyndigheten). This has the advantage that private creditors can file their applications to one specialized specialised office of this authority.

The reason for transferring unopposed claims in summary proceedings from courts to the Enforcement Authority was that courts should be able to concentrate on disputed civil law cases instead of cases on unopposed claims. An alternative to summary proceedings is, especially when objections to the claim are expected, that an applicant takes his claim directly to the District Court (Tingsrätten).

# APPLICATION FOR AN ORDER FOR PAYMENT - FORMAL REQUIREMENTS

<b>Availability of standardized form and form description</b>	<p>For practical reasons there exist standardised forms and written instructions designed to be easily used and understood by non-professionals, for applications available to the creditors at the Enforcement authority, but their use are not mandatory. The contents of the standard forms concern information about the: date for application, applicant, possible representative, respondent, interest, claim, compensation for costs of the case and for collection costs and signature.</p>
<b>Rules on representation by a lawyer</b>	<p>No, any person may in principle appear as a representative for the creditor, subject to that he is authorized by a proxy. There exist no specific conditions.</p>
<b>Description of the reasons for the claim</b>	<p>All reasons for the claim do not to have to be described in detail, but the motion and the grounds for the claim must be clear to the Enforcement Authority and the respondent. This is of importance because it determines the scope of the legal force of the final legally binding verdict of the Enforcement Authority and its corresponding res judicata effect in relation to any possible new proceedings</p>
<b>Need for written evidence and documents admissible as proof</b>	<p>No written evidence is necessary.</p>

<b>Option of electronically filing the form</b>	It is possible to apply electronically. In order to do that you have to have a permit in advance from the Enforcement authority. A permit includes that you applies for a large number of cases each year.
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## ISSUE OF THE ORDER OF PAYMENT

<b>Specific rules for dealing with submitted apps for order of payment and court decision</b>	After the reception of the application, the Enforcement Authority makes a control that all relevant facts are available in the standard forms, otherwise the applicant is asked to complete his application to the extent needed. An application is rejected if it concerns a measure that is not possible under the Act on order to pay and enforcement assistance or a non-negotiable matter. The validity of the monetary claim in the received application is not questioned by the Enforcement Authority subject to that the application meets all the mentioned information in the forms. At this stage of the procedure the Enforcement Authority does not perform any further examinations of the case and an order for payment is automatically sent to the respondent. It is then the responsibility of the respondent to react to the claim.
<b>Decision of the court on the payment order</b>	As long as the application does not have any obvious faults it will be sent to the respondent. In order for a claim to be treated in this procedure some basic requirements have to be fulfilled. The monetary claim must have past the time limit for its payment and a settlement between the parties must be allowed on the subject matter. The application of origin must be filed in writing, signed by the applicant or by the legal representative, with an enclosed copy, and include information on the: motion, parties, amount of the claim, grounds for the claim, time limit for its payment, interest claimed on overdue payment and compensation for costs. One cannot add to this application during the procedure, only subtract from it.

<b>Existence of guidelines for submitting application</b>	General Order for Payment – There are no instructions.
<b>Defendant's service of the order of payment</b>	The service of the order for payment to the respondent is served either by ordinary post or in person, including information about: procedural rights, obligations, legal instructions on how to submit opposition against the order for payment and that in the case of there is no opposition against the application a final legally binding enforceable verdict will be rendered. After having been served with the application the respondent has a certain time frame, normally within 15 days, to object to it. .

## REJECTION OF THE APPLICATION

<b>Grounds for rejecting application</b>	Authority makes a control that all relevant facts are available in the standard forms, otherwise the applicant is asked to complete his application to the extent needed. An application is rejected if it concerns a measure that is not possible under the Act on order to pay and enforcement assistance or a non-negotiable matter.
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<b>Existence of prima facie of claim</b>	No.
<b>Appeal availability (creditor)</b>	Any final legally binding decisions of the Enforcement Authority on the order of payment and on enforcement assistance for non-money order are appealable, within 3 weeks, to the District Court by either party.

## OPPOSITION BY THE DEFENDANT

<b>Procedural rules</b>	<p>If the respondent does not respond within the prescribed time frame, a legally binding verdict (utslag) will be rendered in accordance with the original application. This verdict is automatically transferred for the enforcement of the monetary claim order to the enforcement department of the same Enforcement Authority, if the applicant has not prohibited such a transfer in the initial application. It is possible to contest in writing, without being represented by a lawyer, e.g. by simply communicating "I contest" in paper sent by ordinary post or through a message sent by e-mail. In case of opposition no order of payment is issued. The applicant then has a choice of either having the case turned over to the District Court (Tingsrätten) for a verdict or to terminate the process</p> <p>In case of contestation the proceedings shall continue for a review in the Court of Appeal (hovrätten) and the case on the order for payment is transferred to this court. The decision of the Enforcement Authority based on the Act is not appealable. If the court accepts the application in a review, the court shall turn over the case for a new treatment to the Enforcement Authority</p>
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## COURT FEES

It is possible to apply electronically if the creditor has received a permit in advance from the Enforcement Authority for a large number of cases each year. Otherwise the application of a creditor has to be filed by ordinary post. The cost for submitting an application is 300 SEK (about 33 Euro).

## ENFORCEMENT OF NATIONAL ORDER OF PAYMENT

<b>Domestically</b>	The enforcement in all procedures follows the national general rules of enforcement.
<b>Abroad</b>	General Order for Payment – the enforcement would follow the general rules.