



Belgium

I. General information

Interest	Method(s) of calculating interest applicable to the court decision	<p>The government sets the statutory interest rate each year: In 2017, it stands at 2.25% for civil matters and 8% for commercial matters. The court can increase or lower the percentage. The parties may agree on an interest rate.</p> <p>For the first six months of 2017, the interest rate applicable in the event of late payment for commercial transactions amounted to 8% (Official Gazette, 30 January 2017). With regard to the statutory interest rate, it amounted to 2% for 2017 (Official Gazette, 27 January 2017). The court may derogate from this.</p>
Translations	Persons qualified to do translations	<p>Sworn translators</p> <p>Judicial officers can certify translations. The statutory rate per translated page (officers' deeds) in 2017 is 13.60 euros excluding VAT.</p> <p>Belgian notaries may only certify one copy of a translation carried out by a sworn translator.</p>
	Need for a translation of the enforcement order?	Yes, recommended



Authentic Instruments	Authority qualified to issue an authentic instrument	Notary
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Notary

II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	No
Service of the decision, authentic instrument and certificate	Person responsible for requesting the service of the enforcement title	Creditor
	Competent person for service of documents	Judicial officer / independent professional
	Liability insurance of the service officer	
	Terms of the liability of the person competent for service of documents	Professional third party liability covered by specific cover
	Method(s) used to serve the enforcement order to the debtor	By personal delivery, at their residence, by visa and electronic means (Art. 32 quater and 33 to 38 of the Judicial Code)
	Approximate timeframe between service of the certificate and the first enforcement measure	20 days or more One day (Art. 1499 of the Judicial Code). In practice +/- 1 month.



	<p>Service of the certificate at the same time as the foreign court decision?</p> <p>If not, for how long is the additional procedure extended?</p>	<p>Certificate served at the same time as the enforcement order if it is provisionally enforceable.</p> <p>Otherwise, service of the court judgment (non-enforceable), wait of a period of one month to obtain the certificate, which will then be served to the defendant.</p> <p>Possibility of serving the certificate at the same time as the order to pay, for the purposes of procedural efficiency.</p>
Enforcement proceedings	Competent enforcement officer	Judicial officer / independent professional
	Liability insurance of the enforcement officer	Professional third party liability covered by specific cover limited to 5,000,000 euros.
	Access by the enforcement officer to information on the defendant's assets. What information?	<p>Information on motor vehicles (computerized), information on pay (soon to be computerized).</p> <p>Access to the centralized file of possession orders managed by the National Chamber of Belgian Judicial Officers.</p> <p>Access to the the buildings registration office (not computerized).</p>
	Copy of the decision given to the enforcement officer?	Copy of the foreign judgment or the authenticated copy in the event that it relates to an authentic instrument, is sufficient.
	Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States	Yes
	Existence of provisional/precautionary enforcement measures or injunctions	<p>Yes (see detail in IV)*</p> <ul style="list-style-type: none"> ★ Attachments before judgment against movable property ★ Attachment before judgment ★ Attachment before judgment against immovable property ★ Seizure of goods



	Most frequently used enforcement measures	Attachment of movable property (large majority), followed by the attachment of pay, attachment of bank accounts, attachment of real estate and, rarely, the attachment of transferable securities.
Refusal of enforcement	Most frequently cited grounds for refusal to enforce	Extremely rare cases
	Approximate time taken by court to rule on the application for refusal of enforcement	15 days

III. Technical developments

Enforcement orders issued by electronic means	Decisions ruled by the courts by electronic means	Non-physical judgment only in the context of the Belgian procedure for the recovery of undisputed debts.
	Authentic instruments issued by notaries by electronic means	No
Service by electronic means	Possibility of service by electronic means	Yes, centralized by the National Chamber of Judicial Officers
	Electronic signature of bailiffs	Yes, using an identity card (E-id)
Identification by electronic means	Electronic identification of citizens	Electronic identity card (E-id)
	Electronic identification of bailiffs	Electronic identity card
	Electronic identification of Notaries	Electronic identity card or e-Not card
Electronic directories of notaries and Bailiffs	Existence of an electronic directory of Notaries	★ https://www.notaire.be/ ★ https://e-justice.europa.eu/content_find_a_notary-335-fr.do
	Existence of an electronic directory of bailiffs	★ https://www.huissiersdejustice.be/bailiff ★ http://www.europe-eje.eu/annuaire



IV. Examples of the interest calculation method

**Attachments
before judgment
against movable
property**

Article 1422 to 1428 of the Judicial Code

**Attachment
before judgment**

Art. 1445 Judicial Code: By virtue of authentic or private orders, any creditor may garnish or attach, by judicial officer and as a protective measure, in the hands of a third party, the amounts and effects that it owes to its debtor. In the event that its debtor fails to act, the creditor may, in application of Article 1166 of the Civil Code, file the same legal proceedings. The attachment includes the text of Articles 1451 to 1456 and the warning to attached third parties must comply with these provisions.

**Attachment
before judgment
against
immovable
property**

Articles 1429 to 1444 of the Judicial Code

Seizure of goods

Art. 1461 Judicial Code: The owners and principal tenants of houses or rural property, whether they have a written or verbal lease, may, without the permission of the judge one day of the judgment, for outstanding rents, arrange for the attachment of the effects and profits which garnish the rented premises and land.

The effects of sub-farmers and sub-tenants garnishing the premises occupied by them, and the profits from the land that they sub-let, may also be distrained for rents owed by the tenant or tenant farmer to which they are attached; but this can be released pursuant to proof that they have paid without deception, and without being able to oppose payments made in advance.

**Attachment
before judgment
for vessels and
boats**

1467 Judicial Code: The judge can enable the attachment before judgment of vessels and boats within the jurisdiction of the court.

The attachment is void of the attaching party fails to produce guarantees by the set deadline, to which the judge may subordinate the authorisation that he grants.

**Attachment
under a prior
claim**

Art. 1462 Judicial Code. In the event that there is a prior claim of ownership, possession or holding of a movable item, the claimant may, pursuant to authorisation from the judge, attach this item under the control of any person.



France

I. General information

Interest

Method(s) of calculating interest applicable to the court decision

Simple statutory interest runs from the date of the judgment (unless another date is stated in the judgment).

Statutory interest rate applicable for the first half of 2017:

- ★ for debt obligations of physical persons not acting for professional purposes: **4.16%**;
- ★ for all other cases: **0.90%**.

See website: <https://www.service-public.fr/particuliers/vosdroits/F783>

Statutory interest increased: if the debtor fails to pay within a period of 2 months following the date of application of the judgment, the interest is increased beyond this 2 month period. The increased rate shall correspond to the **statutory interest rate, plus 5 percentage points**.

(See details in IV)*

Translations

Persons qualified to do translations

Sworn translators

Need for a translation of the enforcement order?

No, but recommended



Authentic Instruments	Authority qualified to issue an authentic instrument	Notary
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Chamber of Notaries

II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	No, except for the execution of court judgments or arbitration awards on property belonging to the States: authorisation of the Enforcement Judge of the Regional Court of Paris requested (order on application)
	Person responsible for requesting the service of the enforcement title	Creditor
	Competent person for service of documents	Judicial officer / independent professional
	Liability insurance of the service officer	
	Terms of the liability of the person competent for service of documents	
Service of the decision, authentic instrument and certificate	Method(s) used to serve the enforcement order to the debtor	Service to a person, service to a place of residence or report of unsuccessful searches. Service can be made by hard copy or electronically, depending on the methods set out by the Code of Civil Procedure



	Approximate timeframe between service of the certificate and the first enforcement measure	20 days
	Service of the certificate at the same time as the foreign court decision? If not, for how long is the additional procedure extended?	Yes
Enforcement proceedings	Competent enforcement officer	Judicial officer / independent professional
	Liability insurance of the enforcement officer	Professional third party liability covered by specific cover
	Access by the enforcement officer to information on the defendant's assets. What information?	<p>Armed with an enforcement order, a French judicial officer may access:</p> <ul style="list-style-type: none"> ★ the central file management service for bank accounts and similar under the authority of the Finance Minister (FICOBA) to obtain information on the defendant's bank accounts ★ all State, regional, departmental and municipal administrations; ★ companies granted or controlled by the State, regions, departments and municipalities; ★ public institutions or bodies controlled by the administrative authority, ★ designated departments of these bodies; <p>He may also obtain the following information:</p> <ul style="list-style-type: none"> ★ the address of the debtor, ★ the identity and address of his employer ★ the identity and address of any third party debtor or custodian of cash or payable amounts ★ the breakdown of his real estate assets



	Copy of the decision given to the enforcement officer?	Copy of the judgment with authority to enforce affixed by the registry of the originating court
	Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States	Yes
	Existence of provisional/precautionary enforcement measures or injunctions	Yes (see detail in IV)*
	Most frequently used enforcement measures	Attachment on bank accounts (large majority), followed by attachment of pay, even attachment of movable property or real estate
Refusal of enforcement	Most frequently cited grounds for refusal to enforce	NR
	Approximate time taken by court to rule on the application for refusal of enforcement	15 days or more

III. Technical developments

Enforcement orders issued by electronic means	Decisions ruled by the courts by electronic means	No. Existence of electronic safe storage for storing court judgments
	Authentic instruments issued by notaries by electronic means	Yes
	Electronic signature of notaries	Notaries have an electronic authentication and signature tool for themselves and their associates. The Conseil Supérieur du Notariat (CSN) is the certification authority and the certified registration authority under the e-IDAS regulations. The CSN is also the certified eIDAS time-stamping authority.



Service by electronic means	Possibility of service by electronic means	Yes
	Electronic signature of bailiffs	Yes
Identification by electronic means	Electronic identification of citizens	No
	Electronic identification of bailiffs	Electronic identity card, electronic certificate (on key or chip card)
	Electronic identification of Notaries	Notaries have an electronic authentication and signature tool for themselves and their associates. The Conseil Supérieur du Notariat (CSN) is the certification authority and the certified registration authority under the e-IDAS regulations. The CSN is also the certified eIDAS time-stamping authority.
Electronic directories of notaries and Bailiffs	Existence of an electronic directory of Notaries	Yes: ★ https://www.notaires.fr/fr/annuaire-notaire ★ www.annuaire-des-notaires.eu ★ https://e-justice.europa.eu/content_find_a_notary-335-fr.do
	Existence of an electronic directory of bailiffs	

IV. Examples of the interest calculation method

Overview of statutory interest rates applicable in the first half of 2017	Debtor (who owes money)	Creditor (to whom the money is owed)	Rate
	Private individual	Private individual	4.16%
	Professional	Private individual	4.16%
	Private individual	Professional	0.90%
	Professional	Professional	0.90%



Calculation of simple statutory interest

To calculate the simple statutory interest owed, multiply the amount owed by the number of days late payment and by the applicable rate over the period. The result is divided by 100 times the number of days of the year (366 days for leap years, 365 days for other years).

Calculation example:

Date of judgment: 1 April 2017

Judgment: order to pay €2,000

Period for the application of the judgment: date of judgment

Statutory interest rate on 1 April 2017: 4.16% (the creditor is a private individual)

If the debtor undertakes to pay on 30 April 2017, he will get:
 $(2,000 \times 30 \times 4.16) / (365 \times 100) = €6.84$

The debtor will have to repay €2,006.84.

Calculation of increased statutory interest

In the event of a pecuniary sentence by court judgment, the statutory interest rate is increased by five percentage points upon the expiry of a period of two months from the date on which the court judgment becomes enforceable, albeit provisionally.

Calculation example:

Date of judgment: 1 September 2016, served on 17 September 2016 and becoming applicable on the same day

Judgment: order to pay €2,000

Statutory interest rate in 2016 (2nd half-year period): 4.54% (the creditor is a private individual)

Increased statutory interest rate in 2016 (2nd half-year period): 9.54%

Increased statutory interest rate in 2017 (1st half-year period): 4.16%

Increased statutory interest rate in 2017 (1st half-year period): 9.16%

The debtor will have to pay increased interest from 18 November 2016. If the debtor pays on 10 April 2017, the amount owed for each period must be calculated and added as follows:

★ Amount of simple statutory interest due for 2016 (leap year: 366 jours):
 $(2,000 \times 61 \times 4.54) / (366 \times 100) = €15.13$

★ Amount of increased statutory interest due for 2016:
 $(2,000 \times 44 \times 9.54) / (365 \times 100) = €22.94$

★ Amount of increased statutory interest for 2017:
 $(2,000 \times 100 \times 9.16) / (366 \times 100) = €50.05$

The debtor will have to repay: €2,000 + €15.13 + €22.94 + €50.05 = €2,088.12



Capitalization of interest

The judgment may provide for the capitalization of interest, meaning the obligation to include interest in the capital at the end of each year.

Calculation example (with capitalizable interest):

Taking the example above, the amount owed for 2016 must be calculated and then included in the capital for the 2017 calculation.

The calculation is performed as follows:

- ★ Amount of simple statutory interest due for 2016 (leap year: 366 days):
 $(2\,000 \times 61 \times 4.54) / (366 \times 100) = \text{€}15.13$
- ★ Amount of increased statutory interest due for 2016:
 $(2\,000 \times 44 \times 9.54) / (365 \times 100) = \text{€}22.94$
- ★ Amount of interest produced in 2016:
 $\text{€}15.13 + \text{€}22.94 = \text{€}36.07$
- ★ Amount of increased interest owed for 2016:
 $(2,036.74 \times 100 \times 9.29) / (366 \times 100) = \text{€}51.68$

The debtor will have to repay: $\text{€}2,000 + \text{€}36.07 + \text{€}51.68 = \text{€}2,087.75$

V. Example measures

Attachment before judgment

The property seized as a precautionary attachment are made unavailable, meaning that the debtor cannot sell or transfer said property.

Property that can be subject to protective measures:

a) Movable tangible property:

Movable tangible property can be subject to attachment before judgment, whether it is in the hands of the debtor or a third-party. Creditors which obtain or which have already obtained an enforcement order for their outstanding amount may proceed with the conversion (transformation) of the precautionary attachment into a foreclosure sale (distrain) and pay themselves the sale price for the property.

b) Outstanding amounts:

The creditor may make a precautionary attachment of outstanding amounts which its debtor holds towards third parties. The judicial officer will serve the measure to the attached third party and notify the debtor within a period of eight days. Once again, creditors which obtain or which have already obtained an enforcement order may proceed with the conversion of the precautionary attachment into a foreclosure sale (distrain).



c) Shareholder rights (membership shares) and transferable securities:

The regulatory text also provides that these intangible rights can be subject to an attachment before judgment (C. pr. Exéc., Art. R. 523-1).

The attachment before judgment of membership shares and transferable securities is just one special form of attachment before judgment in general. It is therefore subject to the conditions common to all measures of this nature.

d) A special attachment before judgment must be added, which is intended to guarantee the return in kind of tangible property, and this is called an attachment under a prior claim (C. pr. Exéc., Art. R. 222-17 to R. 222-25):

The aim of this is to make a tangible item available where a person is apparently justified in requesting its delivery or return.

Once a court judgment prohibiting the return of the property to the claimant has become enforceable with regard to the person appointed as being bound to its delivery or return, the attachment with prior claim is converted into an attachment by apprehension. From this point on, it will be possible for the claimant to proceed with collection of the property that the attachment with prior claim had made unavailable.

Judicial sureties

“Judicial sureties constituted as a precaution” (C. pr. Exéc., Art. L. 531-1) constitute the second form that can take protective measures. They enable a creditor to provisionally obtain a surety on certain property of its debtor. Once its rights have been established, and based on specific methods, the surety becomes definitive.

Special systems

These are measures the role of which is to safeguard the future by provisionally removing control over certain property from its owner:

- ★ The attachment before judgment of boats, vessels and aircraft
- ★ Specific details relating to protective measures in terms of collective proceedings
- ★ Precautionary measures in terms of taxation
- ★ Precautionary measures in terms of criminal matters



Germany

I. General information

Interest

Method(s) of calculating interest applicable to the court decision

If the parties have not provided otherwise, the applicable rate is the basic rate, set by the German Federal Bank (*Bundesbank*) every 6 months, increased by a number of points which varies depending on whether the parties involved are consumers, entrepreneurs or merchants.

For contracts involving a consumer, the legal interest rate amounts to 5 points above the basic rate (sec. 288 (1) phrase 2 of the German Civil Code).

If both parties are entrepreneurs, the legal interest rate amounts to 9 points above the basic rate (sec. 288 (2) of the German Civil Code).

In addition, for certain types of contracts, specific provisions provide for specific rules. For example, as far as loan agreements with respect to real estate between a consumer and an entrepreneur are concerned, the interest rate is 2,5 points above the basic interest rate (sec. 497 (4) of the German Civil Code).

Translations

Persons qualified to do translations

Sworn translators

Need for a translation of the enforcement order?

No



Authentic Instruments	Authority qualified to issue an authentic instrument	Notary or a Consulate officer
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Notary for authentic acts/Court staff for court settlements

II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	No
Service of the decision, authentic instrument and certificate	Person responsible for requesting the service of the enforcement title	Court of Origin (ex officio) or Creditor
	Competent person for service of documents	If ex officio: Generally court staff (civil servants, sometimes employees in the civil service); if ordered by the Court, bailiff, civil servant.
		If upon request of the creditor: Generally bailiff.
	Terms of the liability of the person competent for service of documents	State liability
	Method(s) used to serve the enforcement order to the debtor	Delivery in person, registered post
	Approximate timeframe between service of the certificate and the first enforcement measure	15 days
	Service of the certificate at the same time as the foreign court decision? If not, for how long is the additional procedure extended?	No, extension of 20 days



Enforcement proceedings	Competent enforcement officer	Bailiff civil officer; Enforcement tribunal; Cadastre
	Terms of the liability of the person competent for enforcement	State liability
	Access by the enforcement officer to information on the defendant's assets. What information?	Information on motor vehicles
	Copy of the decision given to the enforcement officer?	Copy of the judgment with authority to enforce affixed by the clerk of the court of origin
	Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States	Yes
	Existence of provisional/precautionary enforcement measures or injunctions	Yes
	Most frequently used enforcement measures	Attachment of bank accounts (highest %), attachment of payrolls, then attachment of movables
Refusal of enforcement	Most frequently cited grounds for refusal to enforce	Rare. Where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence
	Approximate time taken by court to rule on the application for refusal of enforcement	10 days



III. Technical developments

Court decision ruled by electronic means	Decisions ruled by the courts by electronic means	No
	Authentic instruments issued by notaries by electronic means	No
Service of documents by electronic means	Service of documents by electronic means	No
	Electronic signature of bailiffs	No
Identification by electronic means	Electronic identification of citizens	No
	Electronic identification of bailiffs	No
	Electronic identification of Notaries	Yes, through electronic signature cards.
Electronic directories of notaries and Bailiffs	Existence of an electronic directory of notaries	Yes http://www.annuaire-des-notaires.eu/
	Existence of an electronic directory of bailiffs	No



Italy

I. General information

Interest	Method(s) of calculating interest applicable to the court decision	From January 1st 2017, the rate of interest is 0,1%, unless the parties agree differently contractually. Find the applicable interest rate on the website: http://www.gazzettaufficiale.it/eli/id/2016/12/14/16A08644/sg
Translations	Persons qualified to do translations	Sworn translators
	Need for a translation of the enforcement order?	Yes, it is recommended
Authentic Instruments	Authority qualified to issue an authentic instrument	Court staff
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Court staff

II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	Registration at the Registry of the court of the defendant's address (enrolment)
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Service of the decision, authentic instrument and certificate	Person responsible for requesting the service of the enforcement title	Creditor
	Competent person for service of documents	Bailiff, Public professional
	Terms of the liability of the person competent for service of documents	Professional third party liability covered by specific insurance
	Method(s) used to serve the enforcement order to the debtor	Delivery in person, by registered letter, by electronic means
	Approximate timeframe between service of the certificate and the first enforcement measure	20 days
	Service of the certificate at the same time as the foreign court decision? If not, for how long is the additional procedure extended?	Yes
Enforcement proceedings	Competent enforcement officer	Bailiff, Professional independent
	Terms of the liability of the person competent for enforcement	Professional third party liability covered by specific insurance.
	Access by the enforcement officer to information on the defendant's assets. What information?	Information on bank accounts, information on motor vehicles, information on payrolls, information on real-estate and movables. Information legally available but not accessible in practice
	Copy of the decision given to the enforcement officer?	Copy of the judgment with authority to enforce affixed by the clerk of the court of the court of origin



	Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States	No
	Existence of provisional/precautionary enforcement measures or injunctions	Yes (attachment of goods).
	Most frequently used enforcement measures	The more used: attachment of bank accounts and attachment of real estate. Quite often: attachment of transferable securities and shareholders' rights attachment and attachment of payrolls. Less used : attachment of movables
Refusal of enforcement	Most frequently cited grounds for refusal to enforce	No cases faced
	Approximate time taken by court to rule on the application for refusal of enforcement	15 days

III. Technical developments

Court decisions ruled by electronic means	Decisions ruled by the courts by electronic means	Yes
	Authentic instruments issued by notaries by electronic means	Yes
Service of documents by electronic means	Service of documents by electronic means	Yes
	Electronic signature of bailiffs	Yes (but not already in use)



Identification by electronic means	Electronic identification of citizens	Yes.
	Electronic identification of bailiffs	Yes (electronic ID card)
Electronic directories of notaries and Bailiffs	Existence of an electronic directory of notaries	https://e-justice.europa.eu/ content_find_a_notary-335-en.do
	Existence of an electronic directory of bailiffs	No (work in progress in the field of Find a Bailiff EU project)



Luxembourg

I. General information

Interest	Method(s) of calculating interest applicable to the court decision	Statutory interest, the rate of which is published once a year. The statutory interest rate is 2.25% for 2017. (http://www.mj.public.lu/services_citoyens/Taux_interet_legal/)
Translations	Persons qualified to do translations	Sworn translators
	Need for a translation of the enforcement order?	Yes, recommended
Authentic Instruments	Authority qualified to issue an authentic instrument	Notary
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Notary

II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	No
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Service of the decision, authentic instrument and certificate	Person responsible for requesting the service of the enforcement title	Creditor
	Competent person for service of documents	Judicial officer / independent professional
	Liability insurance of the service officer	
	Terms of the liability of the person competent for service of documents	Compulsory professional third party liability <€500,000 and optional >€500,000.
	Method(s) used to serve the enforcement order to the debtor	Delivery in person
	Approximate timeframe between service of the certificate and the first enforcement measure	5 to 10 days or more
	Service of the certificate at the same time as the foreign court decision? If not, for how long is the additional procedure extended?	Yes
Enforcement proceedings	Competent enforcement officer	Judicial officer / independent professional
	Liability insurance of the enforcement officer	Compulsory professional third party liability <€500,000 and optional >€500,000
	Access by the enforcement officer to information on the defendant's assets. What information?	Information on motor vehicles, information on pay. Access to information relating to real estate property.
	Copy of the decision given to the enforcement officer?	Copy of the judgment with authority to enforce affixed by the registry of the originating court.



Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States	No
Existence of provisional/precautionary enforcement measures or injunctions	<p>Yes: provisional enforcement measures (on demand and by court judgment) and provisional commercial enforcement measures (court judgment).</p> <p><i>NB:</i> attachment before judgment for securities does not exist in Luxembourg, so common law attachment is used.</p>
Most frequently used enforcement measures	Attachment of movable property (60%), followed by the attachment of pay (20%), attachment of bank accounts (10%), attachment of real estate (5%) and the attachment of transferable securities (5%) - See description of measures in IV ¹ .
Refusal of enforcement	<p>Most frequently cited grounds for refusal to enforce No cases</p> <p>Approximate time taken by court to rule on the application for refusal of enforcement 15 days</p>

1. Garnishment with a third party; Special garnishment (attachment of pay); Attachment before judgment (commercial); Distraint (in terms of lease);

- **commercial attachment before judgment (art. 550 of the New Code of Procedure - NCPC):** The aim of this attachment is not to make the seized property relatively unavailable thereafter, but rather to adhere to the main proceedings, meaning to begin the process aimed at obtaining an enforcement order against the debtor. At the same time, the attachment can be converted into a seizure and sale, which will require permission from the court to sell the goods initially seized at auction and obtain satisfaction from the proceeds of this forced sale. The level of satisfaction will naturally depend on the amount that can be obtained by the production of this seized portion of the debtor's assets.
- **distraint (Art. 956(1) and (2) NCPC):** The aim of this attachment is the property of the tenant garnishing the rented premises by the owner creditor to the debtor tenant. It is therefore only the lessor that can profit from this seizure of unpaid rents.
- **common law garnishment (Art. 693 ff. NCPC):** This is an attachment which blocks things held by a third party for the debtor. Although this attachment can be used to object to remittance of tangible movable items by the third party to the debtor, it is more often used to object to the third party removing funds it holds on behalf of the debtor. This measure makes it possible to carry out the attachment of bank assets. This measure therefore aims to properly apprehend the outstanding amounts of the debtor on third parties.
- **special garnishment;** A special garnishment is a measure whereby it is possible to seize salaries, private income and pensions of the debtor. The related statutory provisions make it possible to find out, using efficient methods, the identity of third parties in debt to the debtor for periodic income.



III. Technical developments

Enforcement orders issued by electronic means	Decisions ruled by the courts by electronic means	No
	Authentic instruments issued by notaries by electronic means	No
Service by electronic means	Possibility of service by electronic means	No
	Electronic signature of bailiffs	Yes
Identification by electronic means	Electronic identification of citizens	Electronic signature on request (LuxTrust)
	Electronic identification of bailiffs	Yes
	Electronic identification of Notaries	Yes
Electronic directories of notaries and Bailiffs	Existence of an electronic directory of Notaries	★ http://www.notariat.lu/trouver-un-notaire/annuaire-des-notaires ★ http://notaries-directory.eu/
	Existence of an electronic directory of bailiffs	★ http://www.europe-eje.eu/annuaire ★ http://www.huissier.lu/members.php

IV. Examples of the interest calculation method

Commercial attachment before judgment	Art. 550 of the New Code of Procedure - NCPC: <i>"The aim of this attachment is not to make the seized property relatively unavailable thereafter, but rather to adhere to the main proceedings, meaning to begin the process aimed at obtaining an enforcement order against the debtor. At the same time, the attachment can be converted into a seizure and sale, which will require permission from the court to sell the goods initially seized at auction and obtain satisfaction from the proceeds of this forced sale. The level of satisfaction will naturally depend on the amount that can be obtained by the production of this seized portion of the debtor's assets"</i> .
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Distrain (in terms of lease)	Art. 956(1) and (2) of the NCPC: <i>"The object of this attachment is the property of the tenant furnishing the premises rented by the owner creditor to the debtor tenant. It is therefore only the lessor that can profit from this attachment of unpaid rents".</i>
Common law garnishment	Art. 693 ff. NCPC: <i>"This is an attachment which blocks things held by a third party for the debtor. Although this attachment can be used to object to remittance of tangible movable items by the third party to the debtor, it is more often used to object to the third party removing funds it holds on behalf of the debtor. This measure makes it possible to carry out the attachment of bank assets. This measure therefore aims to properly apprehend the outstanding amounts of the debtor on third parties".</i>
Special garnishment (attachment of pay)	<i>A special garnishment is a measure whereby it is possible to seize salaries, private income and pensions of the debtor. The related statutory provisions make it possible to find out, using efficient methods, the identity of third parties in debt to the debtor for periodic income.</i>



Portugal

I. General information

Interest	Method(s) of calculating interest applicable to the court decision	<p>The legal interest rates, for 2017, are the following:</p> <ul style="list-style-type: none">★ for natural persons (civil rate): 4%★ for legal persons (commercial rate): 7% for delays (8% for some specific transactions). <p>The compulsory interest rates, after service of documents and in the case of no payment, are 5% (50% paid to the Court and 50% paid to the creditor).</p>
Translations	Persons qualified to do translations	<p>Translators</p> <p>The Notaries, Lawyers and Solicitors can also make translations (<i>Decree law 76-A/2006 of 29/03</i>)</p>
	Need for a translation of the enforcement order?	Yes
Authentic Instruments	Authority qualified to issue an authentic instrument	<p>Notaries (Public Faith) (<i>Art. 1 Notary Code - PT</i>)</p> <p>Lawyers and Solicitors can also draft authentic instruments (<i>Decree law 28/2000, 13/3</i>)</p>
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Court



II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	Registration at the Court of the defendant's address (enrolment).
Service of the decision, authentic instrument and certificate	Person responsible for requesting the service of the enforcement title	Creditor or his lawyer
	Competent service officer	Court staff or <i>Solicitador</i> (Art. 719 no. and 2 and 722 no.1 CPC-PT). <i>Solicitador</i> is an independent enforcement officer.
	Method(s) used to serve the enforcement title to the defendant	Personally, registered mail with acknowledgment of receipt, by publication in newspaper (Art. 225 to 246 CPC-PT)
	Service of the certificate at the same time as the foreign court decision? If not, for how long is the additional procedure extended?	Certificate can be served at the same time as the court decision to the debtor (704 CPC-PT) but, in practice, it is often served 20 days later.
	Approximate timeframe between service of the certificate and the first enforcement measure	10 days maximum (720 no.7 CPC-PT)
Enforcement proceedings	Competent enforcement officer	Court staff or <i>Solicitador</i>
	Responsibility/liability insurance of the enforcement officer	Professional third party liability covered by specific insurance. The insurance have a threshold of €100 000 for <i>Solicitador</i> (Art. 722° CPC-PT)
	Access by the enforcement officer to information on the defendant's assets. What information?	Access to the computerized record of enforcement proceedings by Court staff only.



Access to the databases, by Court staff and *Solicitadores* of the tax administration, social security, land registry, commercial and automobile registry and other similar records or files, of all information about the identification of the debtor in those services and on the identification and location of their property.

When it is not possible for a *Solicitador* to have electronic access to the information on the identification and location of the property of the debtor, the administrative services must provide them by the fastest means and within 10 days.

For the purpose of attachment of bank accounts, the Bank of Portugal makes available electronically to the *Solicitador* information about banks where the debtor holds accounts or bank deposits (*Art. 748 and 749 CPC*).

Copy of the decision given to the enforcement officer?

Copy of the judgment with authority to enforce affixed by the clerk of the court of the court of origin (*Art. 724 no. 4 CPC*).

Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States

Yes

Existence of provisional/precautionary enforcement measures or injunctions

Yes: seizures and inventory of goods (*Art. 391, 403 CPC-PT*).

Most frequently used enforcement measures

Seizures of bank accounts (most frequently) but also seizure of goods (*Art. 391, 392 CPC-PT*) and seizure of payrolls.



Refusal of enforcement	Most frequently cited grounds for refusal to enforce	Quite rare Grounds: (i) Judgment or authentic instrument manifestly contrary to public policy, (ii) Where the judgment was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence (ii) When we have a violation of the requests of art. 725 CPC-PT, which means the refusal of the requirement, related to formalities (Art. 704, 705, 706, 708, 725 CPC-PT).
	Approximate time taken by court to rule on the application for refusal of enforcement	10 days (Art.156 no. 1 , 725 no. and 726 CPC)

III. Technical developments

Enforcement orders issued by electronic means	Decisions issued by the courts by electronic means	Yes
	Authentic instruments issued by notaries by electronic means	Yes
Service by electronic means	Method for service by electronic means	Yes (the <i>Solicitadores</i> use SISAE electronic platform which is connected to CITIUS platform)
	Electronic signature of bailiffs	Yes
Identification by electronic means	Electronic identification of citizens	Yes
	Electronic identification of bailiffs	Yes



Electronic directories of notaries and Bailiffs	Existence of an electronic directory of notaries	Yes https://e-justice.europa.eu/content_find_a_notary-335-fr.do
	Existence of an electronic directory of bailiffs	Yes



Spain

I. General information

Interest	Method(s) of calculating interest applicable to the court decision	The legal interest rate is 3% in 2017, in accordance with the Banco de Espana and provisions of <i>article 1 of Law 24/1984 of June 29th</i> .
		The interest rate for delay is 3.75% in 2017, in accordance with <i>article 26.6 of Law 58/2003 of December 17 on General Tax</i> , and with the 2017 project law (see: Proyecto de Ley de Presupuestos Grales del Estado para el año 2017 Notarios y Registradores)
Translations	Persons qualified to do translations	Sworn translators
	Need for a translation of the enforcement order?	Yes, it is recommended
Authentic Instruments	Authority qualified to issue an authentic instrument	Notary and Letrado de la Administracion de Justicia
	Authority competent to issue the certificate stated in Annex II of the Brussels I recast Regulation	Notary



II. Enforcement of court decisions and authentic instruments in europe

Formalities	Administrative formality prior to the enforcement of the foreign court decision	Registration at the Registry of the court of the defendant's address (enrolment)
Service of the decision, authentic instrument and certificate	Person responsible for requesting the service of the enforcement title	Creditor
	Competent person for service of documents	Court Staff and Letrado de la Administracion de Justicia
	Liability insurance of the service officer	
	Terms of the liability of the person competent for service of documents	Professional third party liability covered by specific insurance
	Method(s) used to serve the enforcement order to the debtor	Delivery in person, by registered letter, by electronic means
	Approximate timeframe between service of the certificate and the first enforcement measure	20 days
	Service of the certificate at the same time as the foreign court decision?	Yes
	If not, for how long is the additional procedure extended?	
Enforcement proceedings	Competent enforcement officer	Bailiff, Public professional and Court Staff
	Liability insurance of the enforcement officer	Professional third party liability covered by specific insurance



	Access by the enforcement officer to information on the defendant's assets. What information?	Information on bank accounts, information on motor vehicles, information on payrolls, information on real-estate and movables (i.e. all the information collected by the Tax administration)
	Copy of the decision given to the enforcement officer?	Electronic act with authentic force
	Possibility to obtain several copies of the decision or authentic instrument from the court of origin for the purposes of enforcement in several Member States	Yes
	Existence of provisional/precautionary enforcement measures or injunctions	Yes: precautionary attachment of goods, judicial administration of productive assets, deposit of a movable asset, creation of inventories of assets, provisional filing of a claim, temporary attachment and freezing of revenue, temporary attachment of goods.
	Most frequently used enforcement measures	<ul style="list-style-type: none"> ★ More used: attachment of bank accounts. ★ Quite often: attachment of transferable securities and shareholders' rights attachment and attachment of real estate; attachment of payrolls. ★ Less used : attachment of movables
Refusal of enforcement	Most frequently cited grounds for refusal to enforce	No cases faced
	Approximate time taken by court to rule on the application for refusal of enforcement	5-10 days



III. Technical developments

Enforcement orders issued by electronic means	Decisions ruled by the courts by electronic means	Yes
	Authentic instruments issued by notaries by electronic means	Yes
Service by electronic means	Possibility of service by electronic means	Yes (except for writ of summons) and only in several Courts
	Electronic signature of bailiffs	Yes
Identification by electronic means	Electronic identification of citizens	Yes (but not really used)
	Electronic identification of bailiffs	Yes (electronic ID card and electronic certificate)
	Electronic identification of Notaries	
Electronic directories of notaries and Bailiffs	Existence of an electronic directory of Notaries	https://e-justice.europa.eu/content_find_a_notary-335-en.do
	Existence of an electronic directory of bailiffs	No