



(Map source: Europa)

Latvia

Population: 2400 000 inhabitants
Surface area: 65 000 Km²
Capital: Riga
Currency: Lats
Langue officielle: Latvian
Official language: Republic
Membership in the EU: 2004
Membersip in the UHJ: 2001

The Zvērinātu tiesu izpildītāju

Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection?

They are the judicial officers. They exercise the process of serving writs and the enforcement of judgments and instruments and writs of execution. They are also empowered to proceed to the serving of judicial and extra-judicial writs. They may also proceed to drawing up legal findings and observations at the request of private parties or of a judge.

What is the status of these professional officers?

The judicial officers are professionals operating independently. They have been operating under a liberalised system since 2003. They are appointed by the Ministry of Justice. The profession and admission to it are strictly regulated. The judicial officers operate under deontological, disciplinary, and professional standards and rules that require them to take out liability insurance coverage.

How are the judicial officers organised ?

The profession is dominated by females. Of the 115 judicial officers currently practising, 78 are women. There is a total of 136 positions but only 115 are filled. There is talk about reducing the number to 118. Each judicial officer is attached to one of the five

regional courts. His competence is to be limited to the jurisdiction exercised by this particular court. Moreover, each judicial officer is attached to the court in the district of his own residence. The association 'Zvērinātu tiesu izpildītāju padome' represents the profession at the national level.

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How can one join the profession?

Aside from being of an exemplary moral character, the candidate must hold a legal diploma of the second cycle. He must complete a traineeship programme of two years at the office of a practising judicial officer, or five years with a solicitor, a public notary, or with a tribunal, for instance, in the capacity of an assistant judge. Furthermore, the candidate is required to successfully pass a professional examination. He is appointed by the Ministry of Justice. Training seminars are regularly organised by the judicial officers' profession. A training programme for employees of the profession is being scheduled for the near future.



The enforcement of court judgments

Who is charged with the enforcement of court judgments in France?

The judicial officers exercise a monopoly on the enforcement of judgments and of instruments and writs of execution.

Can one contact a judicial officer directly to have a court order enforced?

The creditor may freely select a judicial officer of his choice but it can only be a judicial officer with the appropriate territorial competence to enforce a court judgment.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

The judicial officer is empowered to execute the enforcement of the judgment according to the regulations applicable to the judicial officers and pursuant to the Code of Civil Procedures against the debtor's movable and immovable possessions and property, tangible and intangible both.

Is the judicial officer responsible for carrying out the enforcement act?

The judicial officer is responsible for conducting the enforcement procedure. He must see to it that the enforcement process proceed as soon as feasible. Nonetheless, the creditor may impose upon the judicial officer a choice of various measures. In case of necessity, the judicial officers can take recourse to assistance from the public enforcement authorities.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

The judicial officer can have access to the information contained in the various records: namely, the vehicle license registration, the registry of real estate properties, the population registry, the marine registry, the fiscal records. In certain instances, this access is subject to the payment of a fee.

Who pays for the judicial officer's intervention costs?

The debtor is responsible for paying for the judicial officer's intervention. In case of insolvency on the part of the debtor, the creditor must assume these costs.

The service of writs

Are judicial officers entitled to proceed to the service of writs?

The judicial officers can proceed to the serving of judicial and extra-judicial writs in civil and commercial cases. There is no monopoly in such matters.

What are the physical steps involved in serving a writ?

There are no specific rules that apply to the physical presentation of a writ. The writs are served upon the addressee, at his domicile address or at his place of business. In the event that the addressee is absent, the writ may be left behind with another individual. In the workplace, in the absence of the addressee, the writ must only be handed over to the debtor's employer. In case the

writ cannot be served upon the addressee, or if the latter proves elusive, an announcement will appear in a legal publication of announcements (Latvijas Vēstnesis).

What is the force in law of a writ?

The judicial officer reports the circumstances of the service of the writ in a document that will avouch the facts to be true until proven false.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

No.



Debt collection

Is the judicial officer empowered to proceed to the collection of debts?

No.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

How much will it cost a creditor to arrange the collection of a debt?

Other areas of intervention

May the judicial officer arrange for sales by auction?

Yes. The judicial officers are empowered to proceed to judgment sales by public auction of the debtor's movable or immovable possessions and property. They are also entitled to proceed to the voluntary sale of the same goods at the request of private parties.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

Yes. This is a novel activity but it is expanding very rapidly.

May the judicial officer represent the parties before the courts?

No. But he may prepare for the judge all necessary requests in order to execute his mission satisfactorily.

Is the judicial officer entitled to offer legal advice?

Yes, when his advice is in keeping with any one of its terms of reference or mandates.

Is the judicial officer entitled to engage in other activities?

The judicial officers may draw up succession property inventories. They may assist individual parties in the steps needed to establish a company, an association, and the like. In the near future, they may also become mandated liquidators or judicial administrators of companies.

