

(Map source : Europa)



Sweden



Population: 9.127.000 inhabitants
Surface area: 450 000 Km²
Capital: Stockholm
Currency: Swedish crown
Official language: Swedish
Form of government: Constitutional monarchy
Membership in the EU: 1995
Membership in the UIHJ: 1994

The Kronofogde

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

The "Kronofogde" is the judicial officer that exercise a monopoly over enforcement of judgements, instruments and other enforceable documents. They also serve writs to debtors. They are entitled to carry out the enforcement with public auctions of both moveable assets and real estate including owned apartments.

What is the status of these professional officers?

The judicial officers are official functionaries. They are appointed by the authority, Kronofogdemyndigheten. The profession and admission to it is regulated. Judicial Officers are operating under the constraint of disciplinary and professional rules of the profession. There are also rules in the constitution concerning state officials.

How are the judicial officers organised?

There are about 260 judicial officers (of whom more than 50 % are women), assisted by a total staff of 2.900 employees. Until the last of June 2006 there were 10 separate authorities. The authorities were independent, but in administrative questions they were governed by Skatteverket (The National Tax Board). From the first of July 2006 the authorities have formed one nationwide enforcement authority, Kronofogdemyndigheten. The authority is independent when it concerns performing enforcement, but in some administrative questions the authority is governed by the National Tax Board. From 2008 the Enforcement Authority will be independent

also in administrative questions. The head office is located in Stockholm and the head of the authority is named Rikskronofogde. The enforcement is divided in five regions and each region has a head who is responsible for the enforcement within the region. Judicial Officers can be members of the Swedish association for Judicial Officers (Föreningen Sveriges Kronofogdar) "Kronofogdeföreningen". Information about the association can be found on the internet at www.kronofogdeforeningen.se, unfortunately the information is only in Swedish but in the future there may be some general information in English. Questions to the board of the association can be sent by mail on the address info@kronofogdeforeningen.se. Information about the Enforcement Authority can be found at www.kronofogden.se and on that site there is some general information in English

How can one join the profession?

The candidate must have a diploma in law from a Swedish university. The education is 4½ years. A diploma from Denmark, Finland, Iceland or Norway may be accepted if the education is judge equivalent to the Swedish education. The candidate must also have working experience from a court and there is a program in Sweden where they work two years as an assistant judge/junior judge. This program is obligatory for those who will be judges, prosecutors or judicial officers. After this program at a court, the candidate can be employed by The Enforcement Authority within one of the five regions. There the candidate participates in an



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internal education during one year. Most of the time the education is practical and given locally by Judicial Officers at the office where the candidate is placed. The head office arranges the theoretical education for all candidates once a year and this education

consists of five weeks. If the candidate passes the theoretical and the practical education and is considered suitable for the work, the Enforcement Authority then appoints the candidate as a Kronofogde (Judicial Officer).

The enforcement of court judgments

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

The monopoly covers both private and public claims and the claims are treated in same way. The only difference is that when it concerns public claims the authority is also entitled to apply at the court for a bankruptcy procedure or make a payment plan. This right will be transferred to the National Tax Board from 2008 and then there will not exist any differences between private and public claims.

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

No. You apply to a local enforcement office within one of the five regions. The Authority decides where the application shall be carried out and who shall be responsible for handling the application. Normally the application is handled within the area where the debtor lives.

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

The judicial officer may proceed to the compulsory enforcement against the debtor's estate of movable goods or immovable property, tangible and intangible both.

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

Yes, the judicial officer is responsible for carrying out the enforcement procedure. It is incumbent on the judicial officer to keep the creditor informed of the development of the dossier. In the event of problems with the enforcement procedure, the judicial officer can use force to get information about assets and he can also be assisted by the police if the debtor is considered violent or dangerous.

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

Yes. Both the debtor and a third party is liable to give the judicial officer information concerning the debtors' assets. Some information can be found by checking different computerised systems, for instance if the debtor owns a vehicle or real estate. Some information is received on demand, for instance information about bank accounts or salary. There is an ambition to receive information electronically and the Authority develops electronic services but written information is still very frequent.

Who pays for the judicial officer's intervention costs?

The debtor is responsible for almost all type of costs connected to handling the case against him. If it is not possible to attach for the costs, the creditor is responsible to pay the costs to the Authority.

The service of documents

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

Yes. Nonetheless, the majority of the writs are notified directly by the courts. Generally, the writs are served within the context of an enforcement procedure.

What are the physical steps involved in serving a writ?

The writs are physically handed over to the addressee. The writs may be handed to another individual present at the addressee's place of business but this procedure is not permissible at the domicile address. If, after several failed attempts, nobody may or wants to accept the writ, the document may be left behind at the domicile address, forwarded by mail, or an announcement may be placed in a



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newspaper. When the addressee is without a known address, and after searches have been conducted, an announcement is placed in a newspaper.

What is the force in law of a writ?

The judicial officer writes up a report on the circumstances and conditions under which the service of the writ took place in a document whose status in law is to be decided by the judge.

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?

The judicial officers are transmitting agencies (charged to transmit the documents to another Member State) but the receiving agency (charged to serve the documents arriving from another Member State) is the Ministry of Justice.

Debt collection

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

The judicial officer may not proceed to the amicable collection of debts. He is empowered to proceed, under certain conditions, to the collection of judgment debts.

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

How much will it cost a creditor to collect a debt?

An application can either be a restricted or a complete assets investigation. The application fee is 500 SEK for the restricted and 1.000 SEK for the complete investigation. From 2008 there will only be one form of application and the cost for that investigation is not yet decided. Then there might be costs for transporting and storing attached goods that the creditor may be responsible to pay if the costs can not be attached from the debtor.

Other areas of intervention

May the judicial officer arrange for sales by public auction?

An attachment of movable assets or real estate proceeds with a public auction by the Enforcement Authority. The Judicial Officer is responsible to sell the attached goods and normally it is sold by auction but there is also a possibility to sell in other ways. For instance, goods can be sold by on offer and real estate can be sold by private brokers.

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

No.

May the judicial officer represent the parties before the courts?

No.

Is the judicial officer entitled to offer legal advice?

Yes, within the context of the enforcement procedure.

Is the judicial officer entitled to engage in other activities?

The judicial officer may engage in a number of different assignments:

- address requests for an order to pay to the competent courts
- force the debtor to go into receivership
- raise the issue of liability of the legal representative of a company in cases of fiscal fraud, for the account of the State
- arrange for the payment of debts of physical persons in personal receivership
- establish and promote a policy for the prevention of non-payment of bills through information campaigns

