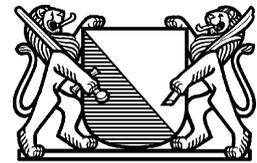


Supreme Court of the Canton of Zurich

International Legal Assistance



Execution of foreign judgements in debt enforcement cases in the Canton of Zurich

The competent authorities for debt enforcement in the Canton of Zurich are the communal debt enforcement offices (German: *Betreibungsämter*).^{1,2} These offices are not attached to the district courts or to the supreme court. The Supreme Court of the Canton of Zurich only has a controlling function over the debt enforcement offices. Requests for debt enforcement therefore have to be submitted directly to the competent debt enforcement office of the community where the debtor lives.

Further important information on debt enforcement proceedings can also be found on the following site:

<http://www.betreibungsschalter.ch>³

According to Swiss law, every request for debt enforcement requires an introductory procedure (*Einleitungsverfahren*), even if a creditor already is in possession of an executable judgment (*vollstreckbares Urteil*). This introductory procedure starts with a default summons (*Zahlungsbefehl*) which is addressed to the debtor.⁴

The debtor has the possibility to file a contradiction (Swiss legal term: *Rechtsvorschlag erheben*. German legal term: *Widerspruch erheben*). If the debtor fails to do so, the creditor can insist on the resumption of the debt enforcement procedure which then leads to a seizure (*Pfändung*). If the debtor files a contradiction, the debt enforcement procedure is stopped until the creditor obtains a judicial decision that confirms his claim and his right to assert it through a debt enforcement procedure.

¹ The process of debt enforcement is nationally regulated by the Swiss Federal Law on Debt Collection and Bankruptcy (Bundesgesetz vom 11. April 1889 über Schuldbetreibung und Konkurs, "SchKG"). The proceedings within the cantons (federal states) should not vary significantly. However, this manual mainly describes the practice within the Canton of Zurich.

² Switzerland has a federal political system. This means that every single canton has its own departments in connection with any matter. It is therefore important to know where the debtor exactly lives. Correct addresses can be checked in every community at the resident's registry office (German: *Einwohneramt, Einwohnerkontrolle, Personenmeldeamt*. French: *Contrôle des habitants*. Italian: *Controllo abitanti*). Many communities maintain a site on the internet where phone numbers, email addresses or contact forms for the competent departments can be found. The phone numbers of the community departments can also be found on the white pages (see <http://www.directories.ch>). If a specific address needs to be proved and checked, it is very helpful to identify yourself, to explain which office or company you work for, and to add a power of attorney proving your identity.

³ This database is maintained by the Swiss Federal Department of Justice in Berne. The site systematically leads through all questions and necessary steps before filling out a request for a debt enforcement procedure.

⁴ Article 69 of the SchKG.

If the creditor wishes that judicial decision to be executed, he needs to apply for the edition of a default summons (Zahlungsbefehl) at the competent debt enforcement office.⁵ The amount of the claim needs to be converted in Swiss Francs.⁶ Exact information about the amount of the advance of costs (Kostenvorschuss) that a creditor needs need to pay can be obtained at the competent debt enforcement office.

In case if the debtor files a contradiction, and if the creditor already is in possession of a judicial decision in order to continue with the debt enforcement procedure (Betreibung), a request for a summary disposal (Rechtsöffnung) has to be submitted at the competent district court where the debtor lives.^{7,8} The competent district courts can be found online by using the Database of Swiss Localities and Courts Elorge.⁹ Manuals in German, French, Italian, and Flemish for using this database can also be found on the internet on the site of our department.¹⁰

If you need specific legal advise concerning debt enforcement procedures, you can also contact the controlling department of all debt enforcement offices in the Canton of Zurich.¹¹

⁵ Article 67 of the SchKG.

⁶ Article 67 paragraph 3 of the SchKG.

⁷ Articles 80 and 81 of the SchKG.

⁸ The central database of the courts in the Canton of Zurich can be found online under <http://www.gerichte-zh.ch>. Some district courts offer helpful information concerning various legal topics. The District Court of Zurich also offers printable and fillable documents for submitting a request for the summary disposal (see <http://www.gerichte-zh.ch/themen/betreibung-und-konkurs/betreibung/beseitigung-des-rechtsvorschlags.html>).

⁹ See <http://www.elorge.admin.ch>.

¹⁰ See <http://www.gerichte-zh.ch/organisation/obergericht/internationale-rechtshilfe.html>.

¹¹ Betreibungsinspektorat des Kantons Zürich, P.O.Box 2401, 8021 Zürich, Switzerland (see <http://www.betreibungsinspektorat-zh.ch>).