



Direct initiation of debt recovery proceedings in Switzerland by social security institutions in EU/EFTA member states

**If the debtor's place of residence in Switzerland is known:
Direct initiation of the debt recovery proceedings at the competent
Swiss debt enforcement office**

To recover debts for which an enforceable decision already exists, the first step in the debt recovery process according to Swiss law is to have an order for payment issued and delivered.

1. Initiating debt recovery proceedings – obtaining an order for payment from the debt enforcement office

Social security institutions in EU/EFTA member states can enforce outstanding debts directly through the competent [Swiss debt enforcement and bankruptcy office](#). To do so, they simply need to complete a debt enforcement request (without attaching any additional documentation) and send it to the competent debt enforcement office. The debt amount plus additional costs/interest should be specified in Swiss francs. The debt collection costs are charged to the debtor, but are paid in advance by the creditor. If the costs are not paid in advance at the time the debt enforcement request is issued, the debt enforcement office may postpone official proceedings and give the creditor an appropriate deadline for paying the advance.

The debt enforcement office will then send the debtor an order for payment and post a copy to this order to the creditor. Orders for payment that have been delivered to debtors are valid for one year.

Useful web addresses

- Finding the competent Swiss debt enforcement and bankruptcy office:
www.betreibungsschalter.ch > „Zuständiges Amt finden“ (in German, French and Italian)
- Debt enforcement request: <http://www.betreibung-konkurs.ch/downloads/div-formulare/>
(in German, French and Italian)
- Debt enforcement request (online fillable):
https://www.e-service.admin.ch/eschkg/cms/content/betreibung/betreibung_einleiten_de
(in German, French and Italian)

2. The debtor does not make a legal objection – send request for continuation to the debt enforcement office

If the debtor makes no legal objection to the order for payment within ten days and does not pay within 20 days, the creditor can send the debt enforcement office a [request for continuation](#), thereby initiating enforcement proceedings. The fact that the debtor has not made a legal objection is noted under a special heading in the order for payment and the creditor is informed accordingly after the expiration of the deadline. In such cases, the

enforceability of the demand is not verified by a court or official body. It is therefore not necessary at this initial stage of the debt recovery process to send the debt enforcement office an SED R017 document or enforcement order.

When debt recovery proceedings are initiated by an EU-based institution, Swiss debt enforcement and bankruptcy offices are instructed to deal with them in the same way they deal with creditors based in Switzerland. The debt enforcement offices may demand that the initiating creditor pays for the debt recovery proceedings in advance. The procedure is governed by the Swiss Federal Act on Debt Enforcement and Bankruptcy (DEBA). The sum recovered is paid directly to the initiating creditor.

Useful web address

Requests for continuation: <http://www.betreibung-konkurs.ch/downloads/div-formulare/> (in German, French and Italian)

3. Debtor raises legal objection – submit request for definitive dismissal of objection to the judge at the place of enforcement (to overrule the objection)

If the debtor raises a legal objection to the order of payment within ten days, the creditor must first nullify this legal objection by asking the judge at the place of enforcement for definitive dismissal of objection (judicial verification of enforceability). The creditor may do this within one year of the date on which the order for payment was delivered. At this stage in the proceedings, the SED R017 document and enforcement order must be produced. If authorisation to take definitive legal proceedings is issued, the request for continuation may be submitted to the debt enforcement office. This then enables the debt enforcement office to carry out the seizure.

4. General information on debt recovery

Deadlines

The deadlines that EU-based creditors have to observe for the request for continuation and the request to dismiss the objection run from the date on which the order for payment was issued, not the date on which it was delivered.

Possibility of instructing a debt collection agency

If an institution based in an EU/EFTA member state requires assistance in the individual stages of debt recovery (initiating debt recovery proceedings, request for continuation or request to dismiss the objection), the debt recovery and bankruptcy offices will recommend the instruction of an international debt collection agency. The debt collection agency will carry out the debt recovery procedure on behalf of the creditor; notifications and payments will be sent to it. However, the costs of the debt collection agency cannot be charged to the debtor.

**If the debtor's place of residence in Switzerland is not known:
Request for information or notification**

If the debtor's place of residence in Switzerland is not known, social security institutions of EU/EFTA member states can send a request for information in accordance with Article 76 of Regulation (EC) No 987/2009 and a request for notification in accordance with Article 77 of the same regulation to the following liaison bodies:

Health insurance contributions:	Gemeinsame Einrichtung KVG Gibelinstrasse 25 P.O. Box 4503 Solothurn Tel. +41 32 625 30 30 mailto:info@kvg.org www.kvg.org
Pension contributions:	Schweizerische Ausgleichskasse (SAK) Avenue Edmond-Vaucher 18 P.O. Box 3100 1211 Geneva 2 Tel. +41 58 461 91 11 mailto:sedmaster@zas.admin.ch www.zas.admin.ch
Accident insurance contributions:	Schweizerische Unfallversicherungsanstalt (SUVA) Fluhmattstrasse 1 6002 Lucerne Tel. +41 41 419 51 11 mailto:info@suva.ch www.suva.ch
Total social insurance contributions:	Federal Social Insurance Office (FSIO) Effingerstrasse 20 3003 Berne Tel. +41 58 462 90 34 mailto:international@bsv.admin.ch www.bsv.admin.ch