

Number in the Swedish Code of Statutes (SFS No.): **2011:603**

Ministry / authority: **Ministry of Justice, L2**

Title: **Regulation (2011:603) containing additional provisions for the EU Maintenance Regulations**

Issued: **26.05.2011**

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#### Scope

Section 1. This Regulation supplements the Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (the Maintenance Regulations).

#### Spare forum

Section 2. If there is Swedish litigation under the Maintenance Regulations and no other competent court is available, the Stockholm District Court will be the competent court.

#### Recognition and enforceability

Section 3. Svea Court of Appeal is the competent court for the procedure of recognition referred to in Article 23, the procedure of enforceability referred to in Article 27 and the procedure of amendment referred to in Article 32.

Section 4. If a decision is taken based on an application on a foreign judgment to be recognised or declared enforceable in Sweden, the Svea Court of Appeal shall consist of one legally qualified judge.

Section 5. If proceedings for amending a decision on a foreign judgment to be recognised or declared enforceable are held at the Svea Court of Appeal, one shall apply the provisions on the appeal of a district court judgement provided for in the Swedish Code of Judicial Procedure, unless otherwise stated in the Maintenance Regulations.

If an application for amending a judgment is filed by the person who had previously applied for the recognition or enforceability, it must be received by the Svea Court of Appeal within four weeks from announcing the judgment.

The judge who examined the application for recognition or enforceability may not participate in examining the application for amending the judgment.

Section 6. If proceedings for appealing a decision in a matter referred to in Section 4 are held at the Supreme Court, one shall apply the provisions on appeal for decisions made by a court of appeal provided

for in the Swedish Code of Judicial Procedure, unless otherwise stated in the Maintenance Regulations. A trial permit is required to make an appeal.

#### Renewed trial

Section 7. In the case of renewed trial in accordance with Article 19, one shall apply the provisions on specific legal means provided for in the Swedish Code of Judicial Procedure, the Act (1971:289) on General Administrative Courts and the Administrative Procedure Act (1971:291), unless otherwise stated in the Maintenance Regulations.

#### Enforcement

Section 8. If a foreign judgment is enforceable without the need to be declared as such, or if an application on declaring enforceability is approved, the foreign judgment shall be enforced pursuant to the Enforcement Code as an equivalent Swedish decision. If there is no equivalent to the foreign judgment, it shall be enforced as a judgment.

The first paragraph shall not apply, if otherwise stated in the Maintenance Regulations.

Section 9. If during the proceedings referred to in Section 4 the Court of Appeal approves an application for a declaration of enforceability, the decision of the Court of Appeal shall be deemed to include a decision on distraint or another measure referred to in Article 15 of the Swedish Code of Judicial Procedure.

Section 10. Swedish Enforcement Administration is the competent authority to determine the issues related to hindrances against or delay of enforcement pursuant to Article 21. In case of appealing such a decision, one shall apply the provisions of Chapter 18 of the Enforcement Code.