



International seminar

The execution of judicial décisions in civil, commercial and économique law



and also Mr Raül FORNELL, effective representative of the Cuban Embassy in Paris.

First there was a visit to the University of Law of Havana, organised by the eminent historian, Mr Delio CARRERA, then a long discussion with Mr Raül SANTIAGO MANTILLA RAMIREZ, President of the National Organisation of Cuban Lawyers, a reception given by Mme Zenaïda OSORIO, Assessor of the President of the National Assembly of the Republic of Cuba, and then a meeting with members of the party.

A warm exchange took place with the President of the Supreme Court, Mr Raül AMARO SALUP and his Deputy, and then with Mr Pino BECQUER, Vice Fiscal General of Cuba.

These meetings are significant : they demonstrate the interest of the highest authorities of the People's Republic of Cuba in our judicial officers' profession. One may sense the presence of South America and its Latin culture in the wings. There is still a long road to travel, but it is no less a task that the International Union's sights are set on.



The seminar was opened by Mr Jose-Luis TOLEDO SANTANDER, senior member of the Havana Law Faculty.

He expressed his delight at the presence of his European guests, and the educational contribution that would be made throughout the two working days.

For the judicial officer is unknown in the Cuban legal system. This seminar would make an effort to bring this auxiliary of justice alive and make his acquaintance.

It then fell to presidents ISNARD and BERTAUX to plunge into the matters at hand, with two masterly opening contributions, the most important passages of which we reproduce below.

SPEECH of Maître Jacques ISNARD, President of the UIHJ

It has been said that the profession of judicial officer is as

necessary as that of the judge. Wherever courts exist to pass judgement, there arises a body of officers responsible for ensuring the effectiveness of the judge's decision.

After all, one could not conceive of a judicial system where magistrates passed sentences that were not carried out.

The effectiveness of execution revolves around a certain number of concepts, two of which seem essential.

Firstly, there is a juridical concept : it relates to the rule of execution. These rules are specific to each legal system and each country has its own legal system.

Secondly, there is a concept that I would describe as more corporatist - in view of the profession I represent - and which relates to the notion of the agent responsible for carrying out measures of execution.

Let me assure you that as far as I know there is no perfect sys-

tem, although the excellence of some of them deserves accolade, and in most countries there are complaints about the slowness of justice and also about a certain lack of effectiveness in the execution of legal decisions.

The ideal formula would consist of a set-up that combined flexibility and effectiveness in the execution regime with a distinct legal status for independent agents of execution who were liable in civil and criminal law for any professional misconduct.

The value of granting a special character to the area of execution is beyond question.

The economic world needs security: security of agreements and security of law. There is nothing worse than legal codes that do not offer sufficient guarantees to the business world. Incidentally, one may observe in such cases a notably lower rate of deals concluded, in relation to countries where the law inspires caution.





Inside view of Cuba Island

Again, where there is the possibility for disputes, major financial groups will hesitate to launch investment programmes if a country's internal legislation gives rise to fears about the judicial execution of an agreement.

Moreover, countries are constantly concerned to adapt their legislation to the requirements of the economy. The economy is global, and no country can stay aloof from this phenomenon.

At the global level, the markets generate new types of dispute every day.

In the industrialised countries, governments are preoccupied with legislating to improve existing rules so as to make them equal to new requirements, whilst making sure to test them for the loopholes which marginal elements such as drug dealers and the mafia never fail to exploit.

The developing countries are prey to a tricky dilemma. These countries are aware of the efforts that have to be made in the area of the law in order to couple up to the economic locomotive. But the jump that has to be made seems gigantic to them.

The UIHJ points out the value of setting up an independent

body of judicial officers who are top lawyers with a high level of training; we explain that this is necessary because with the development of trade, of household consumption and of credit purchasing, a contentious technique of execution will be very quickly introduced. Our dialogue partners tend to agree to our proposals.

Yet they point out that their present structures are not adapted to such a change. This is probably true in the majority of cases: we therefore think that a gradual reform may be envisaged, adapted according to the country's aspirations. But above all one should never give up. Because whether one likes it or not, the different currency, exchange and guarantee instruments and so on that are associated with the development of international trade will sooner or later conquer the national markets, and it is necessary to anticipate their impact in order to be prepared for disruptions and keep control of activities.

This is achieved by means of a modern and suitable judicial system and legislation that protect commercial and labour law as well as domestic consumption, indeed even public law.

The law today is in general not adapted to the concept of a globalised economy. Although the capital of the multinationals circulates at the will of their directors, and fundamental decisions affecting the activity of the masses are in the hands of a few dozen people in the world, the nation states still confront one another in order to safeguard a few more or less illusory patches of sovereignty.

Judicial conventions between states are half-hearted and totally out of date. What good are national legislative systems and international legal conventions compared with the gigantic proportions of the global charter of the WTO?

It is perhaps time for the lawyers to imitate – of course in a more modest fashion – the economic players, and to sketch out some overall legal doctrines, and for our purposes in particular doctrines in judicial law and the law of execution, so as to promote their harmonisation.

This is one of the tasks that the UIHJ has set itself.

Our organisation holds that one should favour a rapid method of communicating legislation between countries, and



Upper photo and down photo : Cuba and its typical custom cars

also believes that there should be a simplification of the formalities for executing the legal decisions of one country in another.

But the UIHJ is convinced that such a programme will go through in an incontestable fashion if a legal profession is organised that specialises in the notification of judicial documents and execution of legal decisions.

Whatever legal system you look at, you find that it is organised around three kinds of law professionals : the judge, whose function is to pass judgements ; the lawyer, whose role is to represent and assist the parties ; and the judicial officer, whose job is to execute judicial writs.

The judicial officer's profession is completely devoid of organisation around the world and suffers from a lack of homogeneity. In some places judicial officers are independent, liable agents, in others they are civil servants or assistants to the judge. Sometimes their role is entrusted to judges or to police organisations. Naturally, this situation, which is not designed to give the job and credibility, does not contribute towards the dream that we cherish : that of a body of judicial officers which has an identical or closely comparable status in all places. This is a gap which hinders the crea-

tion of a genuine judicial entity, one which nonetheless is necessary to counterbalance the extension of the economic world.

In Europe, our organisation, which is associated with the National Chambers of France, Belgium and Holland, is accomplishing a mighty task to pave the way for the creation of a genuine European judicial entity.

In Africa, our involvement is within the framework of the treaty on the harmonious organisation of commercial law.

We gain satisfaction from observing that our ideas and our campaign are making headway everywhere. In Europe of course, but also throughout Africa, in South America, and even in Asia, to be precise in Vietnam.

The goal of this seminar is to give you an objective account of the judicial officer's profession, but it is also the opportunity for





our organisation to learn about your institutions, to get to know your rules and your understanding of execution.

SPEECH of Maître Jacques BERTAUX

Senior Magistrates, Ladies and Gentlemen,

From its origin, the history of Cuba has gained sustenance from examples of heroism. Great historical moments befitting a talented people. Whoever has the privilege of visiting Cuba comes away enriched and won over.

Won over first of all by the extraordinary men and women. Won over also by the kindly and spontaneous hospitality. Won over finally by the constant determination to seek and to reflect.

It is for all of us a real pleasure and privilege to take part in the colloquium on the execution of legal decisions in civil, commercial and economic law.

Apart from the importance of this topic, we are delighted that this event is taking place in Havana.

Havana the eternal, Havana the legendary. This bewitching City is not tamed on the first stay ; sa it is too with the island's towns, which emanate both strength and beauty. During these two days, we will be finding out about the execution of legal decisions in civil and commercial law ; we shall be presenting to you the European law of

execution. In particular the French, Belgian and Swiss law, which is very similarly constructed, and the profession that is responsible for this execution procedure.

But beyond this knowledge, which some of you have already acquired by means of various lectures and presentations given in the past months and years, we wish to set up a genuine judicial corporation between our professions and our countries.

The problem of execution is a very real one. If the execution of legal decisions does not take place, the entire credibility of the judicial system comes into question. There is no point whatsoever in passing legal decisions, if they are not to be executed. Such a situation weakens the legal state and the judicial system.

A legal system that works reassures the citizens who have recourse to it, and can fulfil its natural role. It is indispensable

for economic parties, who need genuine legal security, particularly where exchanges are internationalised, to solve disputes and transnational problems.

Correct execution of legal decisions makes it possible not just to give satisfaction to those who go to court, but also enables the state to recover sums due to it. This overall picture should not be neglected, and I know that the interest you have in this matter unites us across the entirety of these concerns.

During this first day, we shall try to present the judicial officer to you - his status, his advantages, his activities and his areas of skill.

For three years French judicial officers have been building encounters and contacts with the judicial authorities of the Republic of Cuba. The procedures of execution of decisions in civil and commercial law are at the centre of these relations.



The painted mountains



Christophe COLOMB's statue

For some years now, research has been carried out in numerous countries into the extent to which the judge's decision is respected by a decent application of the procedures of execution. This is the orientation in which this seminar has been organised in collaboration with the National Union of Cuban Lawyers. We wish to continue these contacts, so as to permit the best possible harmonisation of the rules of execution of legal decisions, and of the notification of judicial documents between our countries.

After these two working days, it will be possible to establish several projects and exchanges. We shall be able to create effective cooperation. It is not a question of us imposing our legal system ; rather, it is a question first of presenting that system and letting you get to know it, and then of being able to es-

establish causeways between our legislative systems, and of creating a harmonisation of procedures. But harmonisation does not mean uniformity...

But we must be aware that the correct application of texts relating to the methods of execution implies a genuine body of professionals with responsibility for execution.

This task, in our view, cannot be entrusted to the judge, whose role it is to state the law and to offer recourse in the event of a dispute. This noble and traditional role must not be lost amid purely administrative functions, as is all too often happening at present in some European countries.

The great age of our system and its results enable us to present it to you with pride. Our legislative systems are not as far

apart in this area as we might think. The body of judicial officers, executing legal decisions, can serve as a genuine and adaptable model. Our legal bases are held in common. This is the direction we shall orient ourselves towards during the two days of this international seminar.

The economic world can no longer tolerate any delay whatsoever in the execution of legal decisions.

THE INSTITUTION OF THE JUDICIAL OFFICER IN JUDICIAL ORGANISATION

- *The judicial officer : an independent figure or the autonomy of the agent entrusted with notification and execution*

by Jacques BERTAUX,
President of the CNHJ - France

President BERTAUX emphasised to the audience his profound pleasure at being in Havana for the two days of work.

They would be presenting the European law of execution to the audience, in particular that of France, Belgian and Switzerland, and beyond that, he emphasised that what is needed is genuine union.

It is pointless, he declared, to pass a decision if it cannot be executed. The citizen gains reassurance from execution, and it makes transnational exchanges feasible. This principle also enables the state to recover the sums that are due to it. After the two working days, President





BERTAUX stated that he would like it to be possible for cooperation to be set up between our different countries. It was not a question of imposing our professional status, but rather of presenting it with a view to harmonisation. Our legislative systems are not, after all, very remote from one another.

Following this, Maître Jacques BERTAUX expounded the function of the liberal profession as we know it in our legislative systems.

It was then the turn of Maître Luc CLAES, a member of the executive office of the UIHJ and a judicial officer in Brussels (Belgium), to develop the second topic, to wit : *“The activities of the judicial officer and establishing scales of fees for his involvement”*.

The speaker first considered the philosophy of fee scales, with its impact in terms of liabilities and of control. He also looked at the procedure of legal aid. Maître CLAES reminded us that as he exists in Belgium, the judicial officer is above all a mediator, but that his basic tasks are monopolistic. In the case of Belgium, these tasks are to draw up and serve all documents in civil and penal law, relating to the forms of notification, meetings, voluntary legal seizures and sales, his authorisation to execute all executory acts, with various procedural forms (seizures of property or effects, *saisies attribution*, dstraints on salary), his function of sequestering, consultant, controlling competitions, tom-bolas, and finally a structured

organisation. All of these activities make use of a fee scale that is controlled by the legislators, and which above all represents a protection against possible abuses, and reinforces the citizen's equality with regard to the cost of execution of decisions passed by the courts of his country.

Maître Ghislain BROUHOT, a member to the UIHJ and a judicial officer in France, spoke on the subject of controlling the judicial officer's activities, his lia-

bility and the guarantees offered.

He recalled our profession's internal control scheme, in terms both of the tasks devolved to the departmental chambers and of those devolved to the regional chambers. External control exists, courtesy of the Public Prosecutor : for example, requests for explanation, the judicial officer's personal file, an original form : the submission by one party to the Public Prosecutor.



Santiago





The Professor Delio CARRERA

Mr BROUHOT expounded this subject, which provoked numerous questions.

After a break, this first day of the seminar then saw the contribution of Maître Catherine SARGENTI, *Juge d'exécution* at Pointe-à-Pître (Guadeloupe - France), on the subject : "Relations between the judicial officer and the *juge d'exécution*".

Mr SARGENTI described the relationship that exists between the *juge d'exécution* and the judicial officer in France.

Having recalled that the judicial officer holds a portion of state power, and that his actions are subject to a fee scale, she pointed out that his power is not unlimited, in view of his civil and penal liability.

The *juge d'exécution* in fact resurfaced in the law of 9 July 1991 and the decree of 1993. The *juge d'exécution* is described as a "unique" judge, whose requirements are manifold : every judge had responsibility for executing his decision before the law of 1991, which caused great complexities.

Regarding the appointment and functioning of the *juge d'exécution*, Mrs SARGENTI explained that these roles are fulfilled by the President of the County Court, who delegates one of the *juges* in his area as a measure of judicial administration.

Giving verdicts to the unique judge without particular brief, the areas of the *juge d'exécution* are numerous ; apart from property seizures, he is meant to be familiar with, for example, direct payment procedures, distraints on salaries and difficulties relating to executory documents. He may receive submission from the debtor who encounters difficulties in relation to a forcible execution. He can pronounce protective measures and liquidate penalties, and moreover the judicial officer may be mandated by the *juge d'exécution* (representation in connection with petitions).

The most frequent relations between the judicial officer and the *juge d'exécution* occur in connection with execution. The judicial officer may submit to the *juge d'exécution* to get him to make a decision about some difficulty of execution. Submis-





sion is carried out in this case in the form of a written declaration.

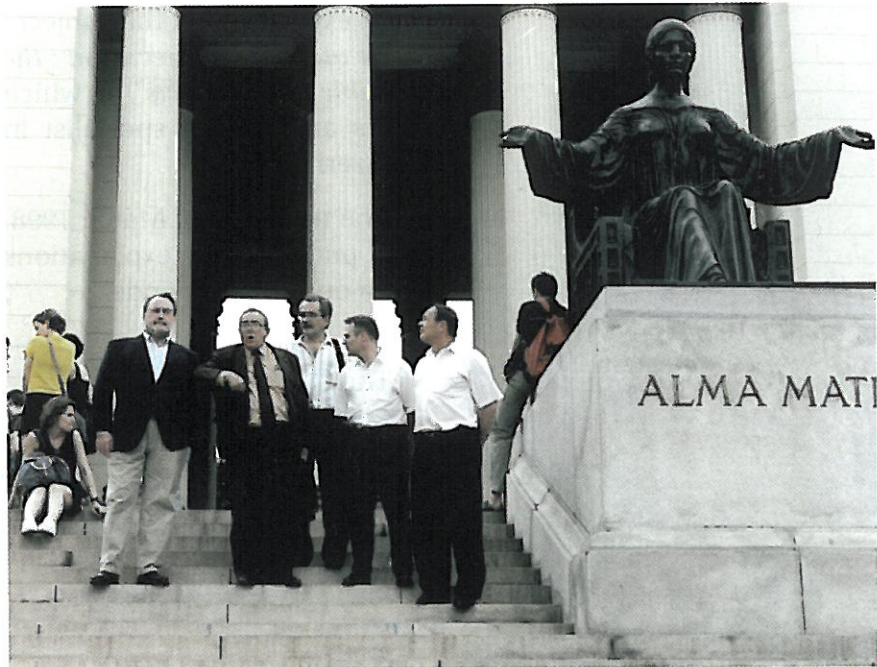
Maître Marie-Thérèse CAUPAIN, 1st vice-president of the UIHJ and a judicial officer in Belgium, brought this first topic to a close with that of "The facilitation by judicial officers of judicial cooperation between countries".

Maître CAUPAIN approached this sensitive topic by first making an observation : she had been able to discover a convention to which Cuba was a signatory, namely that of New York dated 10 June 1958, in which France and Belgium and around 90 countries had participated.

This convention deals with the "Recognition and execution of foreign court sentences". Mrs CAUPAIN then analysed Article 3 of this convention, which deals with the execution of such a sentence, as well as Article 4, which organises a uniform procedure for the recognition and execution of foreign court sentences.

Coming to the essential problem, that of information, she unhesitatingly identified the judicial officer as the prime agent of information in such matters. After a long and highly absorbing description of this subject, there followed numerous questions from the audience.

The afternoon was dedicated to Topic II :



Left to right : Me BERTAUX, Mr Professor Delio CARRERA, Mr Raül FORNELL, Me HECTOR and Me ISNARD in front of the Havana University

THE FUNCTION OF THE JUDICIAL OFFICER IN DIFFERENT TYPES OF EXECUTION

Maître Dominique ARIBAUT-ABADIE who was unwell was replaced by Jacques BERTAUX, who spoke about : "*The judicial officer's document : an essential support*".

President BERTAUX returned to the four fundamental points concerning the judicial officer's document :

- the notification of documents,
- the role of the document,
- the rules of notification,
- authentication.

Several questions came from the floor relating to the nume-

rous problems and doubts of our Cuban hosts.

Next, Mme SARGENTI, Juge d'exécution, and Maître Dominique HECTOR, vice-president of the CNHJ, secretary of the UIHJ and a judicial officer in France, spoke about the reform of the routes of execution. This revolves around two fundamental ideas :

- 1) the quest for efficiency,
- 2) harmonisation of procedures.

This meant that there was a search for balance between the judicial officer and the *juge d'exécution*. This reform, they recalled, was a necessity and the law had to be adapted to society.

Before the decree of 1993, the law was in part obsolete, as it



Revolution's place

knew nothing of matters such as the notion of transferable securities, shares quoted on the stock market, and so on.

They then turned to the three types of document permitting forcible execution :

- the judge's sentence in all its forms,
- notarial executorial documents,
- administrative executorial decisions (the tax authorities).

Using numerous examples, Mme SARGENTI and Maître HECTOR enlarged on this topic, which did not fail to arouse everyone's interest.

Next, Maître Jean CHRISTIN, Treasurer of the UIHJ and a judicial officer in Geneva, Switzerland, brought to a close this bril-

liant exposition on the subject : *"The outcome of execution : the forcible sale of effects"*, on which he is an eminent specialist in Switzerland.

The next day, 20 March 1998, was put aside for explanations from our Cuban friends.

The third subject :

THE EXECUTION OF SENTENCES IN CIVIL, ADMINISTRATIVE AND ECONOMIC LAW. ITS GUARANTEES

was expounded on by :

- M. Juan MENDOZA DIAZ, senior member of the Law Faculty of the University of Havana,
- M. Carlos DIAZ TENRREIRO, vice-president of the People's Provincial Court of the Protection... of la Fiscalia general of the Republic,
- Mme Maria DEL CARMEN ROMERO PEREZ, fiscal jefe of the Management of the Protection... of la Fiscalia General of the Republic,
- Mme Miriam VELAZCO MUGARRA, national Organiser of Collective *Bufetes* (Legal Officers),
- and Mr Osvaldo ALVAREZ TORREZ, President of the People's Court of the Province of Matanzas.

Mr Juan MENDOZA DIAZ started off the examination of this topic, comparative law, as

senior member of the University of Havana.

He first observed that there was a common origin to our laws, namely their Latin origin. He stated that in his opinion the effectiveness of execution of decisions related to good procedures of execution, which is why they are worth studying. There followed a long talk about the judicial process of execution in the People's Republic of Cuba. This investigation prompted numerous questions from the European judicial officers.

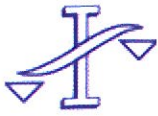
The fourth and final theme related to :

THE EXECUTION OF CIVIL OBLIGATIONS ORIGINATING FROM A DISPUTE IN CUBA

This was dealt with by Dr Renén QUIROZ PIREZ, tenured professor in the Law Faculty of the University of Havana, and Mrs Mayda GOITEPIERRE, another professor in the same faculty.

It then tell to the various presidents to bring to a close the two days of the seminar. They were carrying away various wishes, above all that the cooperation between the countries of Europe present in the UIHJ and the People's Institutions of the Republic of Cuba should not only continue but develop as quickly as possible towards a unity of design concerning the agent of execution which it would be desirable to see evolving in Cuba.





Interview

of **Mr Rafaël PINO BECQUER**,
vice fiscal general of Republic of CUBA

Over the past few months very close relations have been set up with the Cuban authorities with responsibility for the judicial system.

These links have involved taking part in various colloquiums and international conferences in Havana on the subjects of recovery, criminal fines and the payment of maintenance through bailiffs.

Several meetings have been organised in Havana with the Cuban Minister of Justice, the General tax authorities of the Republic of Cuba and members of the Fiscalia General or the President of the Supreme Court of Havana. The meetings have provided an opportunity to present the bailiff and his role in French and European judicial organisation and also to describe the initiatives taken by the International Union of Bailiffs in various different countries.

The institution and its role began to excite keen interest as the meetings progressed, and it was said on several occasions that the system for the execution of judicial decisions was in need of reform, in order to make execution more efficient.

The following stage will consist of a two day seminar at the end of March 1998 in Havana. Its purpose will be to present the profession of bailiff and to

explain his role in various procedures such as evictions, the recovery of maintenance, the recovery of fines and seizures on behalf of the tax authorities. All procedures for which the bailiff has daily responsibility.

During the two days, professional lawyers both Cuban and French, including advocates, judges and academics, will explain judicial organisation in their country.

The seminar will involve a very large number of people, including the highest authorities in Cuba, and should make it possible to strengthen ties and exchanges between bailiffs and the Cuban authorities, in order to facilitate the changes which the Caribbean authorities want so much to achieve.

The Vice Fiscal General of the Republic of Cuba, Mr Rafaël PINO BECQUER, has already visited France in order to study the profession of bailiff in reality, subsequent to the

conference of bailiffs and the international conference on family law which was held in Havana in November 1997.

He spent a week visiting French practices in order to see the reality, the role and the work of the bailiff. Meetings were organised with law officers in frequent contact with bailiffs, whether public prosecutors or executions judges.

This visit strengthened ties between France and Cuba and which confirmed the Cuban desire to reform the judicial system.

This very broad study of comparative law will enable the International Union to take a very close look at the law in practice in Latin America, a geographical area which up to now has received little attention from our organisation, and to establish very close links with countries whose legal systems are derived from the Spanish model.

Dominique Hector
*Secretary of Association
of Sheriff Officers and
Judicial Officers*



Me Dominique HECTOR, vice president of CNHJ, secretary of UIHJ, and Mr Rafaël PINO BECQUER, vice fiscal general of the Republic of Cuba



Colloque de MADRID • 5 et 6 mars 1998

Les 5 et 6 mars 1998, s'est tenu à MADRID un important colloque sur le thème de la transmission des actes entre la France et l'Espagne et l'exécution des décisions transnationales entre ces deux pays.

Organisé entre la Chambre Nationale des Huissiers de Justice française et le Consejo General de los Ilustre Colegios de Procuradores de Los Tribunales de Espana, avec le soutien de la Commission européenne, ce séminaire placé sous le haut patronage de Mme GUIGOU, Ministre de la Justice, a connu un succès important.

De nombreuses personnalités ont assisté à ces deux journées de travail, parmi lesquelles Madame MARISCAL DEL GANTE, Membre de la Justice espagnole, ainsi que les plus hautes autorités judiciaires du pays.

La Délégation française était conduite par Jacques BERTAUX, Président de la Chambre Nationale des Huissiers de Justice de France et la Délégation espagnole par son homologue, le Président GRANADOS WEIL.

Proposé sous forme de tables rondes, la vocation de ce colloque

était d'opérer une étude comparative des législations des deux pays de manière à susciter des réflexions qui permettent à nos voisins espagnols d'orienter leur choix consécutivement à la publication d'un livre blanc portant sur la réforme de la justice en Espagne.

L'apport des connaissances et de l'expérience des Huissiers de Justice français a été particulièrement appréciée par les participants qui n'ont pas manqué de poser les questions pertinentes aux termes des différentes interventions.

Le Président BERTAUX a une fois de plus, milité pour une grande Europe de la transmission des actes et de l'exécution des décisions de justice en mettant en exergue l'absence fâcheuse de l'Espagne dans ce concert alors que s'organisent partout des professionnels dont la volonté est de rejoindre au plus tôt cette grande famille.

Me Dominique HECTOR, Vice-Président de la Chambre Nationale, devait lui aussi plaider pour la création d'un véritable espace judiciaire Européen avec, pour point d'orgue, la nécessité absolue de réfléchir très rapidement sur l'accélération des procédures transfrontalières afin de faire cohabiter efficacement économie et justice.

Me Marie-Thérèse CAUPAIN, Première Vice-Présidente de

l'Union Internationale des Huissiers de Justice (Belgique), après avoir excusé l'absence du Président ISNARD et présenté rapidement l'Union Internationale, a expliqué de manière intéressante les difficultés que pose l'application des différentes conventions en matière de signification à la lumière de jurisprudences récentes.

Enfin, M. Le Professeur DE LEVAL devait, avec sa maestria habituelle, clôturer les travaux en présentant un rapport de synthèse qui offrait le double avantage de la concision et de la clarté.

Quel que soit les orientations que prendront les autorités espagnoles dans le cadre de la réforme lancée, la Délégation française peut s'enorgueillir d'avoir, par sa participation, contribué à nourrir un débat dont la qualité et l'intérêt ont unanimement été reconnus.

J.-P. SPINELLI

Membre de l'UIHJ



Me Marie-Thérèse CAUPAIN





Les personnalités et les huissiers de justice hongrois

Conseil National des Huissiers de Justice de Pologne : Séance solennelle d'installation

Le 29 octobre 1997, est entré en vigueur la loi créant la fonction autonome d'huissier de justice en Pologne. Ce texte était assorti d'un certain nombre de dispositifs dont, notamment, celui de la création d'un Conseil National ayant à sa tête un président élu par l'ensemble de la profession.

C'est dans un cadre très solennel qu'a eu lieu, le 12 janvier 1998, à Varsovie la cérémonie consacrant la naissance du Conseil National des Huissiers de Justice. Cette manifestation était présidée par Mme Hanna SUCHOCKA, Ministre de la justice, accompagnée de nombreuses personnalités :

- M. Leszek PIOTROWSKI, vice-ministre de la justice,
- M. Krysztof KARPINSKI, vice-directeur du département judiciaire du notariat,
- Me Juliusz SUCHECKI, juge à la cour suprême qui fut l'un des acteurs les plus éminents dans

l'élaboration de la loi sur les huissiers de justice et sur l'exécution,

- Me Andrzej REDELBACH, professeur à l'université Adam Mickiewicz de Poznan auteur du projet de code de déontologie,

- Me Jacques ISNARD, Président de l'Union Internationale des Huissiers de Justice.

La profession compte 525 huissiers de justice en Pologne et l'on peut affirmer qu'à quelques unités près tous les huissiers de justice polonais étaient présents au moment du discours d'ouverture de Mme SUCHOCKA.

Le ministre devait expliquer en quoi le système d'autogestion, accordé aux huissiers de justice, était nécessaire au pays : d'abord, tout naturellement, pour se conformer à la loi nouvelle, ensuite pour permettre au ministère de la justice de s'appuyer sur une représentation nationale de la corporation et enfin pour améliorer l'efficacité de l'exécution en Pologne qui ne cesse de fléchir (33 % des décisions exécutées en 1997 contre 41,25 % l'année précédente avec une durée : moyenne 13 à 15 mois).

Par ailleurs, Mme SUCHOCKA devait stigmatiser le coût excessif des frais de procédure qui représentent environ 40 % des sommes encaissées.

Le domaine de la formation ne fut pas épargné puisque le nouveau Conseil National fut invité à pourvoir à l'élévation du niveau des connaissances des huissiers de justice dont, seulement 20 % d'entre eux disposent du diplôme de fin d'études juridiques, d'autant, devait-elle rappeler, que la nouvelle loi sur l'exécution nécessite pour les praticiens des compétences juridiques accrues.

Me Jacques ISNARD, président de l'Union Internationale des Huissiers de Justice, devait exprimer son émotion en cette journée qualifiée « d'historique » puisque scellant la mise en œuvre effective du Conseil National des Huissiers de Justice de Pologne. Il rappelait le long chemin parcouru depuis le congrès de Varsovie en 1994, d'abord avec le Président Baudouin GIELLEN et Me STACHURA ensuite,

avec Me POTKANSKI, véritables pionniers ayant œuvré pour l'autonomie de la profession d'huissiers de justice en Pologne.

Le président de l'Union Internationale, tout en approuvant les propos de Mme le Ministre sur les nécessités d'une formation professionnelle indispensable pour l'évolution des huissiers de justice en Pologne, devait chaleureusement remercier les autorités polonaises et Mme SUCHOCKA pour l'écoute bienveillante qu'elles avaient apportée aux sollicitations des huissiers de justice polonais en faveur du statut d'autonomie.

Il mettait en exergue toutes les qualités de modernisme que recèle le nouveau dispositif dont il soulignait la parfaite harmonie avec le statut à caractère libéral des huissiers de justice de l'Union Européenne.

L'objectif de la Pologne d'entrer dans l'Union Européenne et de se doter, à ces fins, d'institutions harmonisées semblait avoir été l'un des éléments décisifs dans le choix opéré par le gouvernement en faveur des huissiers de justice, ce dont se félicitait Me ISNARD en formulant des vœux pour l'adhésion de la Pologne à l'Union Européenne.

Le Président ISNARD devait, ensuite, sensibiliser l'auditoire sur les vertus d'une profession autonome d'huissiers de justice dans un concept élargi au niveau européen.

Il indiquait combien s'affirmait progressivement cette prise d'identité, un peu partout en Europe, et combien, dès lors, il importait que les polonais, à très

brève échéance, s'imprègnent de cette perspective. L'Union Internationale, précisait-il, sera là comme elle l'a toujours été aux côtés des huissiers de justice polonais pour apporter son aide et son expérience.

En terminant, il remettait à Mme le Ministre la médaille d'or de l'Union, pour sa contribution à l'éclosion du statut indépendant des huissiers de justice polonais.

Des distinctions ont été attribuées à l'issue de la cérémonie par Mme SUCHOCKA à différents huissiers de justice honorés par leurs actions : T. KALINOWSKI, I. KARPIUK-SUCHECKA, D. NAJDER, Z. PILKIEWICZ, D. POTKANSKI, J. SZNAJDER, J. TREBER et M. ZEMBATY.

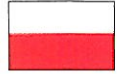
Enfin Me Zdzislaw DEBSKI recevait la croix du mérite.

L'Union Internationale des Huissiers de Justice adresse ses plus vives félicitations à chacun des récipiendaires.

Vint enfin le moment des élections : 496 huissiers de justice participèrent à l'élection. Vingt bulletins furent invalidés et sur 476 suffrages exprimés Me Dariusz POTKANSKI obtint 247 voix contre 225 à l'autre candidate, Mme Iwona SUCHECKA.

On décida, avant de lever la séance, que le siège du Conseil National serait fixé à Varsovie.

L'Union adresse ses chaleureux compliments au président D. POTKANSKI et se réjouit de le voir siéger à l'UIHJ pour un nouveau mandat à la tête de la délégation polonaise. ♦



Ceremonial session of installation of the Polish National Council of Judicial Officers

On 29 October 1997, a law came into force creating the autonomous function of judicial officer in Poland. This law had emerged from a number of pronouncements, including notably that establishing a National Council headed by a president elected by the entire profession.

In a very solemn setting the ceremony consecrating the birth of the National Council of Judicial Officers took place on 12 January 1998 in Warsaw. This event was presided over by Mrs Hanna SUCHOCKA, Minister of Justice, accompanied by numerous eminent figures :

- Mr Leszek PIOTROWSKI, vice-minister of Justice ;
- Mr Krysztof KARPINSKI, vice-director of the legal department of the body of notaries ;
- Maître Juliusz SUCHEKI, supreme court judge, who one of the most important participants in working out the law about judicial officers and execution ;



Me ISNARD awarded the Minister the Union's gold medal for her contribution to the dawn of the Polish judicial officers' independant status

- Maître Andrzej REDELBA-CH, professor at the Adam Mickiewicz ;
- Maître Jacques ISNARD, President of the International Union of Judicial Officers.

The profession numbers 525 judicial officers in Poland and it

can be stated that all but a handful were present for Mrs SUCHOCKA's opening speech.

The minister explained why the system of self-regulation that had been granted to the judicial officers was necessary for the country. Firstly, of course, it

was in order to conform to the new law ; secondly, so as to enable the ministry of justice to rely on a national representation of the corporation ; and finally in order to enhance the effectiveness of execution in Poland, which continues to decline (33 % of decisions executed in 1997, against 41,25 % the previous year, with an average delay of 13 to 15 months).

Moreover, Mrs SUCHOCKA criticised the excessive cost of procedure expenses, which represent around 40 % of sums taken.

The area of training has not been overlooked, as the new National Council has been invited to see to the elevation of the level of knowledge of judicial officers, only 20 % of whom have a final diploma for legal studies ; this was all the more necessary, she recalled, as the new law on execution requires increased legal skills for practitioners.

Maître Jacques ISNARD, President of the International Union of Judicial Officers, felt bound to express his emotion over this day, which he termed "historic", as it marked the effective launch of the Polish National Council of Judicial Officers. He recalled the long road that had been travelled down since the Congress of Warsaw in 1994, first of all with President Baudouin GIELEN and Maître STACHURA, and then with Maître POTKANSKI, all true pioneers who had worked for the autonomy of the judicial officer's profession in Poland.

The President of the UIHJ, whilst seconding the Minister's proposals regarding the absolute necessity of professional training of the development of judicial officers in Poland, wished to warmly thank the Polish authorities and Mrs SUCHOCKA for the kindly attentiveness they had shown towards the representations of the Polish judicial officers in favour of autonomous status.

He underlined all the qualities of modernism latent in this new arrangement whose perfect harmony with the liberal status of judicial officers in the European Union he stressed.

Poland's objective of entering the European Union and of acquiring harmonised institutions to this end seemed to have been one of the decisive elements in the choice made by the government in favour of judicial officers, and Maître ISNARD applauded this and expressed his good wishes for Poland's entry into the European Union.

President ISNARD then brought to the attention of the audience the virtues of an autonomous profession of judicial officers within a broadened concept at European level.

He pointed out how this new identity was gradually taking hold all over Europe and how it was therefore important that the Poles were adopting this perspective at very short notice. The International Union, he explained, would be there at the side of the Polish judicial officers, just as it always had been,

ready to contribute its help and experience.

Concluding his speech, he awarded the Minister the Union's gold medal for her contribution to the dawn of the Polish judicial officers' independent status.

Awards were handed out at the end of the ceremony by Mrs SUCHOCKA to various Polish judicial officers who were being honoured for their actions : T. KALINOWSKI, I. KARPLUK-SUCHECKA, D. NAJDER, Z. PILKIEWICZ, D. POTKANSKI, J. SZNAJDER, J. TREBER and M. ZEMBATY.

Finally, Maître Zsziśiaw DEBSKI received the Cross of Merit.

The International Union of Judicial Officers would like to express its warmest congratulations to each of these recipients.

The moment of elections now came : 496 judicial officers participated in the election. Twenty ballot sheets were spoiled and out of 476 votes cast Maître Dariuz POTKANSKI obtained 247, against 225 for the other candidate, Mrs Iwona SUCHOCKA.

Before the sitting was ended, it was decided that the National Council's seat would be fixed in Warsaw.

The Union would like to express its sincere compliments to President, D. POTKANSKI, and is looking forward to seeing him take his seat in the UIHJ for a new term at the head of the Polish delegation. ♦



Nouvelle recrue à la Chambre des Huissiers de Justice du Québec

Comme toute Corporation qui se respecte et qui veut progresser, la Chambre des Huissiers de Justice du Québec s'est récemment assurée les services d'un jeune huissier de justice en la personne du confrère André BIZIER.



Suite notamment à la mission européenne et du mémoire qui suivit, elle est très consciente de la nécessité d'une évolution prochaine, espérons-le, de son programme qui devra inévitablement tenir compte de l'accroissement des pouvoirs conférés aux huissiers, au cours des prochaines années. La Chambre sera donc déjà en mesure d'assumer plus amplement cette responsabilité en maintenant et en accroissant, non seulement les cours ou les conférences sur la formation permanente, mais aussi en structurant plus adéquatement le stage que l'on exige des futurs huissiers de justice.

Le confrère BIZIER (*photo ci-dessus*) sera notamment chargé des affaires professionnelles. Ce nouveau poste consistera particulièrement à aider le directeur général Ronald DUBÉ dans ses nombreuses tâches dont celle de s'occuper des stages de formation, des examens, voire même de répondre à certaines questions des citoyens et/ou des consoeurs et confrères du Québec quelquefois confrontés à des situations litigieuses relatives à la fonction ou ayant à faire avec le public en général.

Nous sommes particulièrement fiers de cette nomination car le confrère BIZIER possède une expertise de près d'une quinzaine d'années et a été formé par l'étude Paquette et Associés où il œuvrait précisément dans le cadre de la formation des stagiaires à l'intérieur de cette importante étude de Montréal, jusqu'à sa récente nomination.

Il est aussi à noter qu'il fut pendant de nombreuses années sous la tutelle de votre humble serviteur avant de devenir celui devant s'occuper de ces "nouveaux disciples". Etant pour ainsi dire son "*alma mater*", il ne faudra surtout pas être surpris de ce que ce dernier désire concrétiser, à très court terme, un souhait de longue date, à savoir : effectuer un stage de perfectionnement en Europe afin de se familiariser sur tous les aspects reliés à notre digne profession et qui plus est, en relation avec ce que seront maintenant ses nouvelles responsabilités corporatives.

André MATHIEU,
Secrétaire permanent
(Section Amérique du Nord)

A *new recruit at the Chamber of Judicial Officers of Quebec*

As would any self-respecting corporation which wishes to progress, the Chamber of Judicial Officers of Quebec has recently taken on the service of a young judicial officer, namely our colleague André BIZIER.

Especially following upon the mission to Europe and the ensuing dissertation, it is highly aware of the need for what we hope will be an imminent development of its programme, which will inevitably have to take account of the increase in powers conferred on judicial officers, over the coming years. The Chamber will therefore be in a position to assume this responsibility more fully, not only by maintaining and developing courses and conferences on permanent education, but also by structuring in a more satisfactory manner the training period that will be required of future judicial officers.

Mr BIZIER is notably responsible for professional affairs. This new position will in particular consist of assisting the General Director, Ronald DUBE, in his numerous tasks, including looking after training courses and examinations and even answering certain questions from citizens and/or colleagues in Quebec, who are sometimes confronted with litigious situations relating to their function or which have to do with the general public.

We are particularly proud of this appointment, as Mr BIZIER has nearly fifteen years of experience and was trained by the practice PAQUETTE & Associés, where, indeed, he was working up until the time of his recent appointment, in connection with the education of trainees within this important Montreal practice.

It should also be noted that he was for many years under the supervision of the present writer, before himself becoming one who occupied himself with his "new disciples". As, so to speak, his "*alma mater*", one should not be surprised that this latter desires to fulfil in the very

short term a long-standing desire, namely to undergo a finishing training course in Europe so as to familiarise himself with all aspects associated with our worthy profession and, what is more, in relation to what will now be his new organisational responsibilities.

André MATHIEU,
Permanent Secrétaire
(North American Section)



A l'horizon des pays scandinaves et de l'Europe du Nord



Danemark

- L'Association des huissiers de justice du Danemark a participé à l'élaboration d'une nouvelle loi sur l'activité du recouvrement amiable.

Cette loi a pour but de mettre fin au recouvrement sauvage - "le recouvrement gris" - comme les "Hells Angels" qui sont des bandes criminelles de motocyclistes, très connues en Scandinavie. A l'avenir, il sera interdit de pratiquer le recouvrement amiable sans y être autorisé.

Les avocats ne seront pas obligés d'obtenir l'autorisation mais ils devront se conformer aux règles objectives que la loi stipule. Cette nouvelle loi est en vigueur depuis le premier octobre 1997.

Actuellement, il n'y a que les avocats et les bureaux de recouvrement amiable "Inkasso" qui sont autorisés et qui peuvent pratiquer légalement le recouvrement amiable. Il faut ajouter que le recouvrement amiable ne fait pas partie des tâches des huissiers de justice danois.

- Un groupe de travail du Ministère de la Justice, auquel l'Association des huissiers de justice a participé, a fait aboutir une proposition d'une nouvelle loi sur les recouvrements des petites sommes et sur les créances non contestées.

L'objet de cette réforme est de simplifier la procédure des litiges au-dessous d'une certaine somme, en même temps, on veut améliorer l'efficacité du recouvrement des créances non contestées.

Il y a un désaccord sur cette proposition parmi les hommes politiques. On a également envisagé de créer des procédures encore plus sommaires, qui pouvaient rendre inutile l'intervention des Avocats. On attend du Parlement du Danemark une nouvelle proposition de loi, après les vacances d'été.

- Les débiteurs qui veulent faire opposition aux saisies de rémunération sont obligés de s'adresser à plusieurs autorités d'exécution, par exemple à plusieurs autorités fiscales et aux tribunaux de première instance. Les procédures d'opposition sont différentes selon l'autorité compétente, ce qui crée une insécurité juridique. L'Association

des huissiers de justice a donc proposé de rassembler et d'uniformiser toutes les oppositions sur les saisies de rémunération auprès des tribunaux, qui doivent les traiter selon le Code de Procédure. Un groupe travaille actuellement sur cette proposition pour changer la loi.

- L'Association des huissiers de justice participe également au groupe du Ministère de la Justice, qui est chargé de la révision de la Convention de Bruxelles et de Lugano ainsi que le TEE. Les huissiers de justice ont signalé qu'il est, entre autre, très important d'améliorer l'obtention des renseignements sur les biens des débiteurs ainsi que de faciliter la saisie des comptes bancaires à l'étranger.



Finlande

- La réorganisation des organes d'exécution, passant de 250 districts à 70 pour toute la Finlande vient d'être terminée.

Cette réorganisation a suscité un important travail administratif pour les huissiers de justice mais elle est considérée comme une réussite. Les districts



d'exécution sont sous la tutelle du Ministère de la Justice.

- Une révision -chapitre par chapitre- du Code des Procédures d'Exécution est engagée. Actuellement, l'examen se porte sur la procédure d'exécution et sur l'expulsion. En 1997, deux nouvelles réformes sont intervenues.

Premièrement, il est devenu plus facile pour les huissiers de justice d'obtenir des tiers davantage d'informations sur les débiteurs sans que le secret professionnel puisse être soulevé. Il s'agit ici des informations sur les biens des débiteurs ainsi que des renseignements sur des comptes bancaires, etc.

Actuellement, l'accès aux renseignements sur les comptes bancaires est facilité et, de ce fait, l'exécution est devenue plus efficace.

L'huissier de justice a également la possibilité de procéder à une saisie conservatoire des biens aliénés par le débiteur alors que ceux-ci pourraient servir de garantie à l'issue d'un procès futur; dans cette hypothèse, le créancier doit introduire son action dans un certain délai.

Deuxièmement, il y a des nouvelles règles qui protègent les débiteurs. Les biens meubles ordinaires comme un téléviseur, une machine à laver, ... ne sont plus saisissables sauf s'ils ont une grande valeur. En outre, les débiteurs bénéficiant d'un salaire modeste ont le droit de garder leur salaire intact pendant un à trois mois par an.



Norvège

En Norvège, il existe différentes sortes d'huissiers de justice :

- d'une part, les "Lensmanns" qui sont chargés de mettre à exécution toutes les créances privées et qui sont représentés à l'UIHJ,

- et, d'autre part, les agents de recouvrement des impôts de l'Etat, ceux qui récupèrent les taxes communales, ceux qui poursuivent l'exécution pour le recouvrement de pensions alimentaires, etc...

Une telle diversité d'acteurs d'exécution qui ont le droit concurrent d'exécuter simultanément une saisie de rémunération va à l'encontre du principe d'économie de procédure et a provoqué un débat en public en Norvège. La Loi suppose que les huissiers de justice coordonnent leurs actions forcées, mais la coordination entre les différentes sortes d'huissiers de justice n'a pas donné d'excellents résultats.

En conséquence, le système d'exécution va faire l'objet d'une révision et d'une réorganisation dans un avenir proche, en Norvège, en même temps que sera engagée une simplification des voies d'exécution.



Suède

Les huissiers de justice suédois ont commencé petit à petit à planifier un séminaire nordique, qui aura lieu en mai ou juin 1999 à Göteborg.

Ils projettent d'organiser un séminaire de deux jours et demi qui se présentera sous forme de commissions (workshops). Les thèmes qui seront traités sont entre autres, les problèmes concernant les situations de surendettement des particuliers qui habitent dans un pays et qui travaillent dans un autre pays.

Il s'agira notamment d'examiner les conditions d'exercice dans chaque pays et de trouver des moyens d'harmoniser l'exécution en Scandinavie.

De plus, ils envisagent d'aborder le thème de la saisie des meubles. Les huissiers de justice suédois examinent également le projet de parvenir à une révision de la Convention de La Haye sur la signification, des Conventions de Lugano et de Bruxelles sur l'exécution des décisions de justice ainsi qu'une révision et une amélioration des conventions nordiques. Dans ce thème, le TEE pourrait être intégré.

D'autres thèmes seront traités dont la révision de la convention scandinave relative, au droit, de la faillite, qui ne fonctionne pas très bien ainsi que la saisie des rémunérations. La disparité des systèmes





en Scandinavie fait obstacle à une exécution efficace. C'est pourquoi une harmonisation s'impose.

Les représentants des ministères de la Justice scandinave seront invités à assister à la séance de synthèse et à la clôture du séminaire afin qu'ils en soient informés.

Le séminaire aura lieu en collaboration avec l'UIHJ et les huissiers de justice suédois espèrent y associer leurs collègues baltes.



Sofia TRISHKINA (Estonie) au service public de recouvrement forcé, à Göteborg, accompagnée de Mme le Directeur et de collègues suédois



Estonie

Suite à la visite de représentants de l'UIHJ à Tallinn, l'année dernière, les huissiers de justice suédois ont invité Mme Sofia TRISHKINA du ministère

de la Justice à Tallinn à Göteborg.

Un programme a été établi dans lequel figuraient notamment la présentation du système suédois, l'injonction de payer, l'exécution contre les personnes physiques et les personnes morales dans la théorie et dans la pratique.

Ensuite, Mme TRISHKINA a eu l'occasion de participer aux séances de faillite auprès du tribunal de commerce, à la vente aux enchères et finalement à la procédure du surendettement.

Mme Sofia TRISHKINA a également été invitée par l'UIHJ à faire, dans les prochains mois, un stage en France et en Belgique.

Nicola HESSLÉN
*Secrétaire Permanent
pour la Scandinavie
et les Pays Baltes*



Sofia TRISHKINA avec Helmer LINDQUIST, responsable du traitement de données au service public de recouvrement forcé à Göteborg



On the horizon of the scandinavian and Northern Europe countries



Denmark

- The Association of Judicial Officers of Denmark has been involved in devising a new law on the activity of peaceable recovery.

This law aims to put an end to aggressive recovery, the so-called "grey recovery" practiced for example by the "Hell's Angels" criminal bands of motorcyclists who are very well known in Scandinavia. In future it will be forbidden to practice peaceable recovery without authorisation.

Lawyers will not be obliged to obtain authorisation, but they will have to comply with the objective rules that the law stipulates. This new law has been in force since 1 October 1997.

Currently, it is only the "Inkas-so" peaceable recovery lawyers and offices who are authorised and who can legally practice peaceable recovery. It should be added that peaceable recovery is not one of the tasks of Danish judicial officers.

- A Ministry of Justice working party, in which the Association of Judicial Officers participated, saw through to a successful conclusion a proposal for a new law on the recovery of small sums and on uncontested debts.

The object of this reform is to simplify the procedure of dis-

putes below a certain amount. At the same time, there is a desire to improve the efficiency of recovery of uncontested debts.

There is disagreement about this proposal among politicians. There has also been talk of establishing even more summary procedures, which could remove the need for the involvement of lawyers. The Danish Parliament is expected to introduce a new bill after the summer recess.

- Debtors who wish to oppose distraints on salary are obliged to appeal to several execution authorities, for example to several tax authorities and county courts. The procedures for opposition vary from authority to authority, which makes for legal insecurity. The Association of Judicial Officers has therefore proposed to collect and bring uniformity to all procedures of opposition to distraints on salary at the courts, which should handle them according to the Code of Procedure. A group is currently working on this proposal to change the law.

- * The Association of Judicial Officers is also taking part in a Ministry of Justice group responsible for the task of revising the Brussels and Lugano Conventions as well as the TEE. The judicial officers have stated that amongst other things it is very

important to obtain information about property of debtors, as well as to facilitate distraints on foreign bank accounts.



Finland

- * The reorganisation has just ended of the Finnish execution bodies, which have gone from 250 districts to 70 for the whole country. This reorganisation gave rise to considerable administrative work for the judicial officers, but is considered to be a success. The districts of execution are under the supervision of the Ministry of Justice.

- A chapter by chapter revision of the Code of procedures of execution has been undertaken. At present, this examination relates to the procedure of execution and to expulsion. In 1997, two new reforms were introduced.

Firstly, it has become easier for Judicial Officers to obtain more information from third parties about debtors without the principle of professional secrecy being invoked. Particularly at stake here is information about debtors' property, as well as information about bank accounts, etc.

Access to information about bank accounts has now been made easier and execution has





accordingly become more effective.

The judicial officer may also proceed to a protective seizure of property disposed of by the debtor, while this may serve as a guarantee against the outcome of a future trial; in this hypothetical case, the creditor must introduce a lawsuit within a certain period.

Secondly, they are new rules protecting debtors. Ordinary movable goods such as televisions, washing machines, etc., may no longer be seized unless they are very valuable. Apart from this, debtors with a modest salary have the right to keep their salary intact for one to three months per year.



Norway

In Norway, there are different types of judicial officer: firstly, the "Lensmanns", who are responsible for executing all private debts and who are represented in the UIHJ, and secondly, state tax recovery agents, those who recover community taxes, those who see to the execution of recovery of alimony, etc.

Such diversity in the performers of execution who have competing rights to simultaneously execute a distraint of salary goes against the principle of economy of procedure, and has provoked a public debate in Norway. The law presumes that judicial officers coordinate their forcible actions, but co-ordination between the various types of judicial officer has not produced excellent results.

Consequently, the system of execution will be the subject of a revision and reorganisation in the near future in Norway. At the same time the routes of execution will be simplified.



Sweden

Swedish judicial officers have gradually started planning for a Nordic seminar which will take place in May or June 1999 in Göteborg.

They are planning to organise a seminar lasting two and a half days, which will be held in the form of workshops. The terms that will be dealt with include problems relating to excessive debt in individuals who live in one country and work in another.

In particular the point will be to look at the conditions of exercise in each country and find means of harmonising execution in Scandinavia.

They also envisage tackling the theme of the seizure of furniture. Swedish judicial officers are also considering the plan of managing to revise the La Haye Convention on notification and the Lugano and Brussels Conventions on execution of legal decisions, and to revise and improve Nordic agreements. On this subject, the TEE could be integrated.

Other subjects will be dealt with, including the revision of the Scandinavian convention relating to the law of bankruptcy, which does not work particularly well, and the seizure of remuneration. The disparity bet-

ween the different systems in Scandinavia constitutes an obstacle to effective execution. This is why harmonisation is called for.

The representative of the Scandinavian Ministries of Justice will be invited to attend the synthesis session and the closing session of the seminar, so that they are properly informed.

The seminar will be held in collaboration with the UIHJ and the Swedish judicial officers hope to involve their NBaltic colleagues in it.



Estonia

Following last year's visit of UIHJ representatives to Tallinn, the Swedish judicial officers invited Mrs Sofia TRISHKINA from the Ministry of Justice to Göteborg. A programme was arranged which in particular featured a presentation of the Swedish system, payment injunctions and execution against physical and moral persons in theory and in practice.

Mrs TRISHKINA then had the opportunity to take part in bankruptcy sessions at the commercial court, in auction sales and finally in excessive debt proceedings. Mrs TRISHKINA was also invited by the UIHJ to undergo a training period in France and Belgium in the coming months.

Nicola HESSLÉN

*Permanent secretary
for Scandinavia and
the Baltic countries*





UNION INTERNATIONALE DES HUISSIERS DE JUSTICE ET OFFICIERS JUDICIAIRES

INTERNATIONAL UNION OF JURIDICAL OFFICERS

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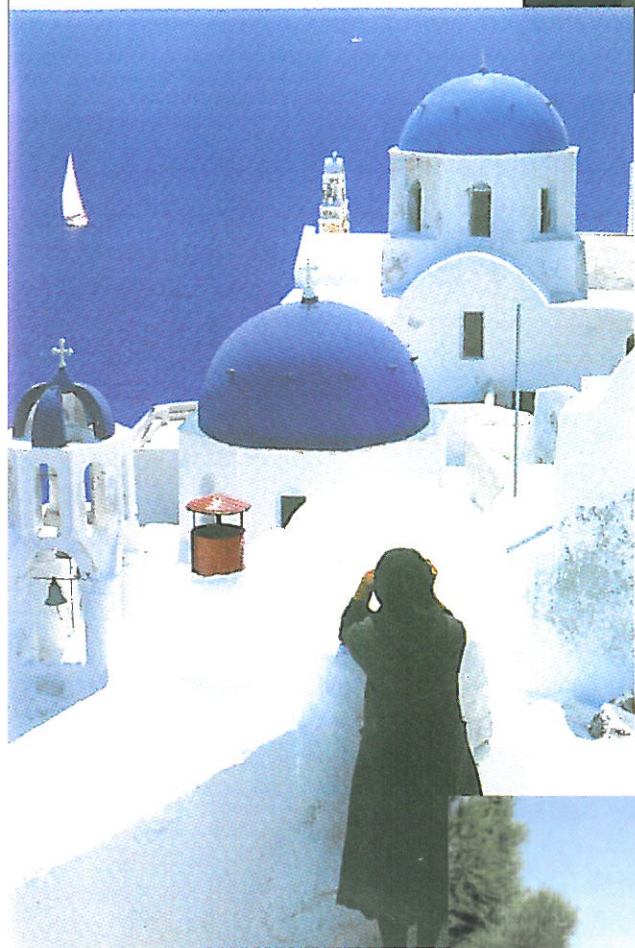
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*Suisse		*Tunisie	Roumanie	

* Pays exerçant la profession sous la forme libérale

ATHÈNES
(GRÈCE)



CONGRÈS
DE L'AN
2000

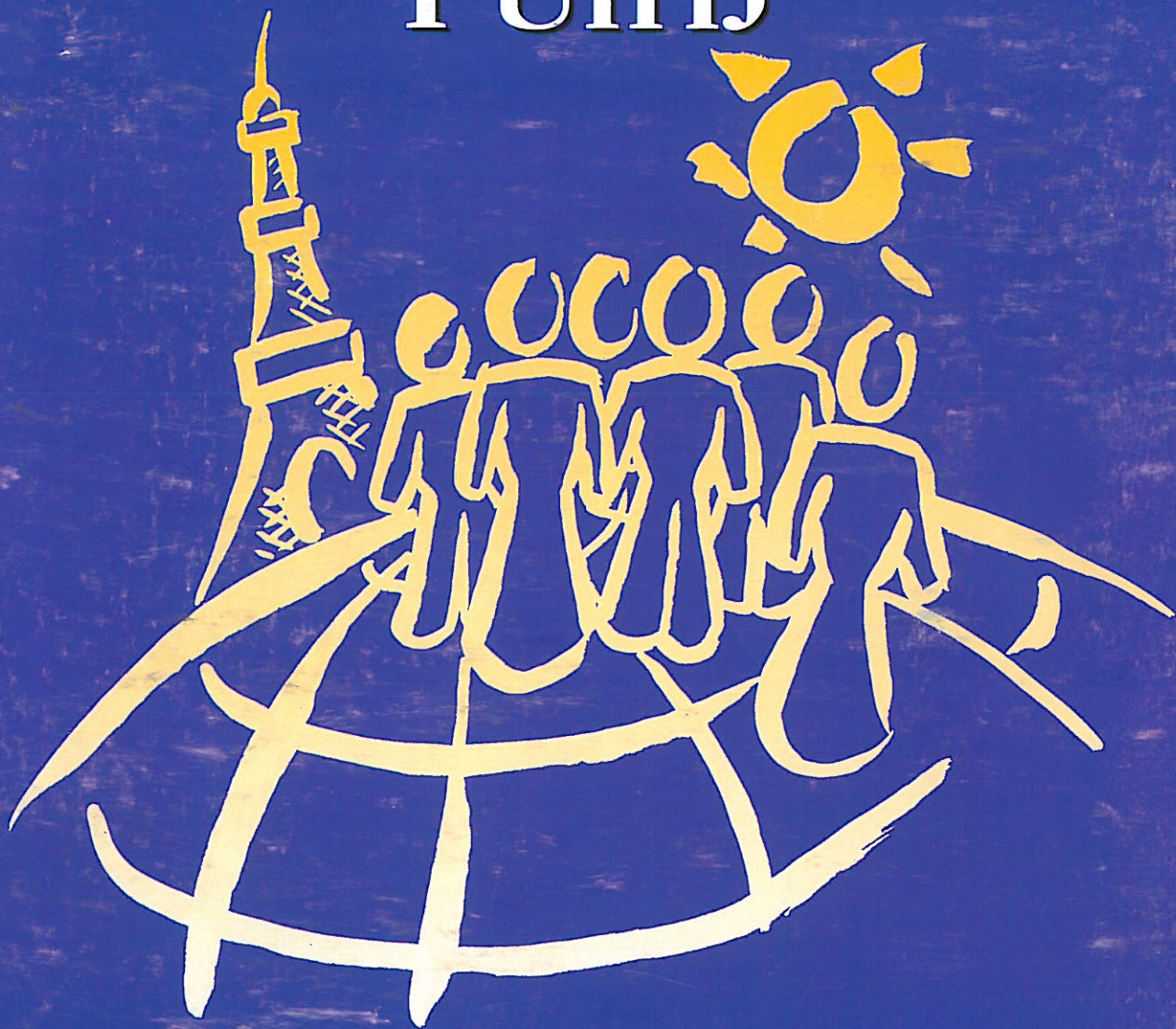
*Photo en haut à droite :
L'Héphaïsteion (dit "Théséion")
temple dorique consacré à
Hephaïstos. V^e s. av. J.-C.*

*Photo ci-dessus : les couleurs
de la Grèce, bleu, blanc et noir*

*Photo ci-contre : Le théâtre
d'Epidaure.*



Conseil Permanent de l'UIHJ



PARIS 26 et 27 Novembre 1998