

SPAIN

ISSUES FOR NON-US COLLECTION AGENCIES

AND LAWYERS TO ANSWER:

1. Are there any problems with a US claimant pursuing a claim against a debtor in your country? *No one.*
2. The outstanding invoices are in dollars. Can the claim made in court proceedings be in dollars? *No, the money has to be changed into Euros because although our Law allows to claim an amount in foreign currency (supporting documents may be in USD) In the lawsuit the currency has to be changed into Euros.*
3. If there is no contractual right to interest, can interest nonetheless be claimed and if so at what rate? *Yes, in commercial claims it is settled in an specific law this interest changes every 6 months depending of the State Budget type approved.*
4. Can agency lawyers in your jurisdiction work upon a contingency fee basis and if so, typically what are the rates? *Not a contingency fee basis but less fees that the one settled by our Bar, a minimum fee for drafting lawsuit and then a commission in the amount collected in the judgment.*
5. How do court costs compare with the US? *Court costs are 100 Euros in monitory proceedings (when it is probably debtor did not oppose to the lawsuit) and 300 for declaratory proceeding (with preliminary hearing and trial)*
6. What language would the court proceedings be in and do documents have to be translated? *Always Spanish and it is enough with a simple translation (not official)*
7. Will witnesses be required to visit your country for depositions in the trial? *We always try this evidence is done by Rogatory Comission but this may take one year or more. We convince Judge in the preliminary hearing this evidence witness is not essential to issue the judgement (in collection claims the evidence is essentially orders, invoices and delivery notes..)*
8. What are the rules regarding enforcement of a US judgment in your country? *It is the exequatur settled in our Procedural Civil Law as there is not specific convention between US and Spain about this matter.*
9. What personal liability is there on the offices of a corporation that has issued cheques which have not been honoured? *Depends on the case, in principle if it is not a crime there is not personal liability just a quick civil proceeding to seizure money.*

10. What liability do officers of the corporation have if the corporation goes into bankruptcy? *Depends on the case, liability of managers is just in case the bankruptcy is fraudulent.*
11. Do agencies and lawyers operate a trust or client account for monies recovered from a debtor? *We have an account for payments and transfer to the client immediately after the payment or when our partner tell us to transfer if the debt is paid by instalments*
12. Is this requirement mandatory or voluntary? *No.*
13. What fidelity or malpractice insurance do you have? *We have a compulsory insurance to work as a lawyer. Otherwise you cannot work as a lawyer.*

GREECE

ISSUES FOR NON-US COLLECTION AGENCIES

AND LAWYERS TO ANSWER:

1. Are there any problems with a US claimant pursuing a claim against a debtor in your country? **NO**
2. The outstanding invoices are in dollars. Can the claim made in court proceedings be in dollars? **It will be the equivalent of dollars in euros as of the day of filing the claim and the day the judgment is issued**
3. If there is no contractual right to interest, can interest nonetheless be claimed and if so at what rate? **Yes, now at 8%**
4. Can agency lawyers in your jurisdiction work upon a contingency fee basis and if so, typically what are the rates? **Yes, normally 20%**
5. How do court costs compare with the US? **Much less than US**
6. What language would the court proceedings be in and do documents have to be translated? **Greek. Documents have to be translated in Greek**
7. Will witnesses be required to visit your country for depositions in the trial? **In disputed claims, it can be likely to be requested to do so**
8. What are the rules regarding enforcement of a US judgment in your country? **A Greek judgment is prerequisite deeming that similar provisions of the Greek Civil Procedure Code were used for the issuance of the US judgment (i.e. serving of writs, possibility of the debtor to file an appeal in US, etc)**
9. What personal liability is there on the offices of a corporation that has issued cheques which have not been honoured? **Civil as well as penal**
10. What liability do officers of the corporation have if the corporation goes into bankruptcy? **Only if the bankruptcy was deliberate**
11. Do agencies and lawyers operate a trust or client account for monies recovered from a debtor? **It is not mandatory, some do**
12. Is this requirement mandatory or voluntary? **Same as above**
13. What fidelity or malpractice insurance do you have? **There is no such provision in Greece, insurance companies have no such products**

CYPRUS

ISSUES FOR NON – US COLLECTION AGENCIES - ANSWERS

1. No. There is not any issue with a US Claimant pursuing a claim against a debtor in our country. Since the debtor resides in Cyprus then under Order 6 of the Civil Procedure Rules the Cypriot jurisdiction applies.
- 2.
3. Yes. The claim will be made in Dollars; however, we will need to state in brackets the equivalent amount of Euros in order to proceed with the correct scale of expenses (i.e. from EURO10.000 to EURO50.000, EURO50.000 to EURO100.000 etc.).
4. Even if there is no contractual right to interest, we can still claim the legal interest which applies in our country and it is 4%.
5. Unfortunately our jurisdiction does not accept a contingency fee. The fees paid differ depending on the amount claimed and based on the scale of expenses.
6. The difference in Cyprus jurisdiction is that the losing side pays the expenses of the winning's side.
7. The official language accepted in Courts is Greek. Therefore, the documents need to be translated in Greek.
8. Yes. Witnesses will be required to fly to Cyprus in order to be present and provide witness at the trial. We usually inform witnesses 15 to 20 days prior to the hearing date.
9. The judgment is considered as a simple contract debt between the parties. The UK courts will then enforce the debt. New proceedings will need to be issued, but generally speaking the court will not re-try the merits of the case. Unfortunately, the judgment cannot be enforced directly via execution or any similar direct enforcement process, e.g. bailiffs and sheriff under a warrant of execution initially.
10. The corporation will be charged with the offense of issuing a cheque that has not been honoured, and the Director of the Corporation is liable for signing that cheque. Both of them will be charged at the Criminal and the Civil Court.
11. An officer can be held personally liable for corporate debts if: 1) The officer has signed a personal guarantee, 2) knowing the company is insolvent, the officer continued to prioritise shareholders over creditors, 3) the officer disposed of company assets below their market value or for free, 4) the officer overpaid himself from the company account, creating an overdrawn director's loan, 5) the officer have raised funds to repay creditors via fraudulent means, i.e. obtaining finance via inaccurate information, or accepting money for goods which you know won't be delivered.

12. Yes. Our office provides a client's account in order for the collected money to be sent via bank transfer.
13. This is a voluntary requirement and it is considered the practice of our office to do so for every case of debt collection.
14. We have the Professional indemnity insurance.

ITALY

ISSUES FOR NON-US COLLECTION AGENCIES

AND LAWYERS TO ANSWER:

1. Are there any problems with a US claimant pursuing a claim against a debtor in your country? - No
2. The outstanding invoices are in dollars. Can the claim made in court proceedings be in dollars? - Yes
3. If there is no contractual right to interest, can interest nonetheless be claimed and if so at what rate? - Yes due to the delay; Rate changes (at the moment 0.30% yearly)
4. Can agency lawyers in your jurisdiction work upon a contingency fee basis and if so, typically what are the rates? - Yes; No typical rate
5. How do court costs compare with the US? - I do not know
6. What language would the court proceedings be in and do documents have to be translated? - Acts (ie writ of summons) must be in Italian; Documents can be in foreign language and the court decides if translation is necessary (good strategy suggested to start proceedings with translations of all or part of the documents before court's decision)
7. Will witnesses be required to visit your country for depositions in the trial? - No (or if voluntary); Depositions are made by rogatory at his Country authority
8. What are the rules regarding enforcement of a US judgment in your country? - The judgement must has some requirements that just eventually (ie to start execution procedure) must be verified by the court
9. What personal liability is there on the offices of a corporation that has issued cheques which have not been honoured? - Generally speaking the corporation is liable
10. What liability do officers of the corporation have if the corporation goes into bankruptcy? - In some cases civil and criminal liability
11. Do agencies and lawyers operate a trust or client account for monies recovered from a debtor? - Not suggested and I suppose many collectors do not do it. Anyway generally speaking, on the basis of a specific agreement (not simple) yes for any funds (ie for money recovered), but carefully studing all the matters (ie in some cases rules against money laundry suggest the payment by the debtor directly to the client)
12. Is this requirement mandatory or voluntary? - As above
13. What fidelity or malpractice insurance do you have? - Full cover