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Extract from the Debt Collection Register Basel-Stadt: CHF 130m

Dear Sir or Madam,

Our debt collection law allows each individual to foreclose on any other person. Often this threat is applied in order to gain the benefit of the law. The actual legal effects, however, are minimal. Interrupting the limitation period is actually the only real legal effect of this measure. You cannot stop foreclosure proceedings, but they are little more than a nuisance for those affected, and there are nothing but additional costs for the instigator. So unless you are keen on interrupting the limitation period, you can easily ignore this instrument.

The first and most important countermeasure is the raising of an objection which can be done the very moment of notification (of foreclosure). Thus foreclosure has been neutralised, and it is up to the opposition to take legal action again. Additionally, according to art. 74 of the Swiss Insolvency Law, a creditor can be asked to deposit all documents relating to his claim at the debt collection office.

B. Submission of evidence

¹ By request of the debtor the creditor can be asked to present all evidence for his claims to the debt collection office for inspection within the statutory period of limitation.

² Should the debtor not comply with this request the process within the statutory period of limitation will not be affected. However, in subsequent legal proceedings a judge, when deciding on the costs of proceedings, will take into account that the debtor has been prevented from checking the evidence.

A further option is lodging a complaint according to art. 17.

¹ With the exception of all instances in which this law requires mandatory legal action to be taken, a complaint can be lodged at the supervisory authority against any order by a debt collection or bankruptcy office because of violation of law or inappropriateness. ¹

² The complaint must be lodged within a period of ten days, starting on the day the complainant has been issued with the order.

³ A complaint against denial of justice, or justice delayed, can be lodged at any time.

⁴ Until the start of the consultation procedure, the office can reconsider the contested order. If the office issues a new order, it will immediately disclose this to all parties involved and also inform the supervisory authority. ²

¹ Version according to clause I Federal Act 16 Dec. 1994, implemented 1 Jan. 1997 (AS 1995 1227; BBl 1991 III 1).

² Included via clause I Federal Act 16 Dec. 1994, implemented 1 Jan. 1997 (AS 1995 1227; BBl 1991 III 1).

Anybody able to prove he or she is directly affected can ask for another person's debt records at their local debt collection office. This can be useful, and is certainly a cost-saving measure when larger sums are involved (rent contract, bulk goods delivery etc.).

However, a certain care is required when reading an extract from the debt register: Just a single entry for a private person, in particular a very small amount or a preposterously high sum does not necessarily say anything about this person's creditworthiness; it very often just means a contested debt. However, in case of repeated demands by either institutional or public creditors (e.g. health insurance, credit card companies, social security, taxes) it has to be assumed that it is a case of questionable creditworthiness. In this case, appropriate measures like payment in advance or foregoing any business relationship are two options to avoid possible disappointments.

However, one faces major legal obstacles when asking for such records for the canton. Although any citizen, by right of having paid his or her taxes, is entitled to know about the canton's financial situation, the debt collection office refuses to issue the extract. Last year, a court reached a decision and granted the extract to be published.

[The extract from the debt register for Basel-Stadt](#) shows the canton is CHF 130m in the red, which is equivalent to 6.5% of national debt. So far, the public authorities' debt records are not accessible enough. However, these records will now be published exclusively for the readers of the artax newsletter.

Kind regards

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