

1 June 2023

CEPEJ(2023)11

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

GUIDE ON JUDICIAL E-AUCTIONS

Draft

This Draft Guide on Judicial e-Auctions was prepared by the CEPEJ Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) and submitted to the 40th plenary meeting of the CEPEJ (Strasbourg, 15 and 16 June 2023) to be considered for adoption.

TABLE OF CONTENTS

I INTRODUCTION	3
II PRINCIPLES AND OBJECTIVES OF ENFORCEMENT	3
III GLOSSARY	4
IV DEFINITION OF JUDICIAL E-AUCTIONS	5
V POTENTIAL BENEFITS OF JUDICIAL E-AUCTIONS.....	6
VI POTENTIAL RISKS OF JUDICIAL E-AUCTIONS.....	6
VII IMPLEMENTATION OF MAIN STAGES IN JUDICIAL E-AUCTIONS.....	7
1. PUBLICATION OF THE SALE NOTICE.....	7
2. LOGIN TO THE DIGITAL PLATFORM	8
3. RESEARCH OF ASSETS AND ELECTRONIC APPLICATION SUBMISSION	8
4. CONDUCTING THE AUCTION THROUGH THE DIGITAL PLATFORM	9
5. AWARD AND ELECTRONIC PAYMENT OF THE PRICE AND TRANSFER OF THE PROPERTY	9
VIII PRINCIPLES AND SYSTEM REQUIREMENTS FOR JUDICIAL E-AUCTIONS	10
1. SYSTEM ACCESS	10
2. ADVERTISING	11
3. OPERATION	11
4. AUTHENTICATION	11
5. BIDDING SPECIFICATIONS	12
6. BIDDING/PROPERTY SALE DOCUMENTS	12
7. PAYMENT.....	12
8. INFORMATION SECURITY MANAGEMENT	12
9. INTEROPERABILITY	13
ANNEX I: CHECKLIST FOR QUALITY CONTROL OF E-AUCTIONS	20

Complementing document: Comparative Study on the use of judicial e-auctions in the Council of Europe member States

I INTRODUCTION

1. Today, various e-services are more present in our lives than we realise – and its use keeps growing. The delivery and enforcement of justice (keeping in mind enforcement of court decisions) is no exception.

2. Responsible authorities are seeking innovative solutions to enforce court decisions in a manner that is both effective and transparent, while respecting human rights and the best realisation of the debtors' assets. This must be achieved without compromising the efficiency of the enforcement process. The court's decision loses its meaning if it cannot be executed quickly and efficiently, while keeping costs reasonable.

3. To this end, the Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) of the Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe has developed this Guide on judicial e-auctions to further accompany the CEPEJ members towards Cyberjustice by addressing the enforcement stage in legal procedures.

4. This Guide¹ provides a comprehensive framework covering the principles and objectives of enforcement, benefits and risks associated with judicial e-auctions, an illustration of the main auction stages, the principles and system requirements for judicial e-auctions and good practices. In addition, the Guide is supplemented by two annexes: Annex I proposes a checklist for quality control; and a Comparative Study maps in detail the implementation of judicial e-auctions in the Council of Europe member States.

f

5. In Europe, bailiffs, judicial officers, and notaries delegated by judicial and/or other public law enforcement institutions are using or trying to expand the use of e-auction platforms in enforcement procedures. Potential impacts on fundamental rights need to be considered and addressed.

6. The CEPEJ encourages individual governments to find their own paths in developing and implementing judicial e-auction systems and ensuring their operation with adequate resources. There is no single “right” solution and resulting e-auctions systems should reflect the specific requirements and priorities of each government. However, common European minimum standards and quality criteria should be identified and considered, just as for traditional paper-based procedures.

7. Although maintaining alternative channels for those who are disconnected by choice or necessity or for certain types of procedures is crucial, delivering judicial and enforcement services electronically should be the preferred option.

8. The Guide on judicial e-auction represents an opportunity to review existing auction functionalities, share good practices from different states, and ideally initiate necessary changes or improvements to existing national IT systems.

II PRINCIPLES AND OBJECTIVES OF ENFORCEMENT

9. At present, electronic auction is an important application of e-commerce. The use of such an auction form appears to create added value for the justice system and civil proceedings, especially in cases involving the enforcement of judicial decisions concerning forced realisation of the debtor's property.

10. This Guide is based on the fundamental principles that form the basis of judicial enforcement of court decisions, as outlined in the following instruments:

- Recommendation Rec(2003)17 of the Council of Europe Committee of Ministers to member states on enforcement and the CEPEJ Guidelines for their better implementation².

¹ The Guide was developed based on a draft and research prepared by experts of the CEPEJ: Massimiliano Blasone (Italy) and Dovile Satkauskiene (Lithuania).

² CEPEJ(2009)11Rev2

- Recommendation Rec(2003)14 of the Council of Europe Committee of Ministers to member states on the interoperability of information systems in the justice sector.

11. In its Recommendation on Enforcement, the Committee of Ministers of the Council of Europe stressed the importance of information technology in improving the efficiency of the enforcement process and the relevant Council of Europe legal instruments in this field, including the Recommendation Rec(2003)14 on the interoperability of information systems in the justice sector. It is recommended that governments of member States facilitate an efficient and cost-effective enforcement of judicial decisions, as well as of other judicial or non-judicial enforceable titles, as appropriate. It follows that enforcement procedures should be as effective and efficient as possible.

12. Recommendation Rec(2003)17 prescribes that debtor's assets should be sold promptly while still seeking to obtain the highest market value and avoiding costly and unnecessary depreciation.

13. The CEPEJ Guidelines on Enforcement provide advice on quality control of the enforcement proceedings, requiring each member State to follow European quality standards/criteria. Among these standards, electronic recovery tools such as selling the debtor's property by public (electronic) auction are recommended.³

14. Where the defendant's assets are to be sold at a public auction following their seizure, potential buyers must be notified in advance by efficient means of communication, guaranteeing rapid dissemination of information to the broadest possible public, while safeguarding the defendant's privacy. Member states should propose minimum dissemination standards, taking into account the nature of the assets, their estimated value, and the date of sale.

15. The current European legislative framework aims to encourage the development of an efficient and predictable judicial system that serves the interest of citizens. The transition of public services to the electronic space should be based on economic and anti-corruption standards. These standards should be a priority when deciding on the necessity for the creation and further development of electronic services in the enforcement procedure.

III GLOSSARY

16. **Account** – a set of data defining the user along with the resources of the platform assigned to that user.

17. **Appraisal** – The process of estimating the value of seized assets, often done by an expert who must consider the asset's current market value and condition in determining its fair value.

18. **Auctioneer** – A professional, company, or public body in charge of the sales operation, responsible for advertising and managing the bidding procedure during the auction.

19. **Authentication** – an electronic process that enables the user to be identified in the platform.

20. **Award** – the asset for sale is awarded to the person who has offered the highest price at the end of a judicial auction.

21. **Basic price** – value of the debtor's assets (real estate or movable properties) that have been foreclosed by the creditor or the competent authority.

22. **Bid** – offer for an asset at a judicial auction.

23. **Bidder** – the potential buyer who has submitted an offer to purchase the object of the auction.

24. **Counter bid / bid increment** – a new bid for an item made by a person/company in a judicial auction at a higher price to attempt to secure the purchase.

³ See CEPEJ (2009)11REV2, p. 22

25. **Deposit** – normally, to take part in a judicial auction, the bidder must pay a deposit before the auction starts. The bidder will get the deposit back at the end of the auction if he/she does not buy the asset for sale, but if he/she wins and does not buy, he/she will lose the deposit.
26. **Foreclosed/seized asset** – debtor's property (real estate or movable asset) foreclosed by a creditor or the competent authority if the debtor does not voluntarily pay his/her debt. To foreclose an asset, the creditor or the competent authority must send the debtor a seizure order. This is an act in which the creditor or the competent authority identifies the asset that can be used to pay the debt.
27. **Login** – unique and assigned to the user data used by him/her to authenticate himself/herself in the platform.
28. **Online auction/e-auction** – an auction conducted through an online digital platform, whether public or private.
29. **Password** – confidential data used by the user to authenticate themselves in the platform.
30. **Platform** – an IT internet-based system supporting electronic public auctions for the sale of assets. It is used to carry out the e-auction and to collect online bidding, also giving any information about auctions, their rules, and assets to be sold.
31. **Registration** – the process of creating an account in the platform.
32. **Remainder of the price** – the share of the purchase price that the auction winner must pay net of the bid deposit already paid.
33. **Sale notice** – advertisement of the auction. To sell a seized asset at a judicial auction, the judge or their delegate or the competent authority must advertise the sale, specifying how and when the asset will be sold. Judicial e-auctions can be published on the platform and/or in newspapers.
34. **Transfer** – the legal act transferring ownership of the sale asset from the debtor to the winner of the auction.
35. **User** – a person who checks assets on sale on the platform and/or wants to send a bid and to take part in an auction.
36. **Visit** – possibility of previewing the asset for sale. This is an opportunity for potential buyers to see the item in question, and the condition it is in (either in person or through a virtual tour published on the platform).

IV DEFINITION OF JUDICIAL E-AUCTIONS

37. A judicial auction is a legal process through which a public auction of the debtor's assets is conducted for the purpose of raising the sum of money needed to satisfy a creditor's claim.
38. The process is preceded by a foreclosure. This is the act through which the creditor or the competent authority identifies and secures the assets suitable to satisfy the claim. Both real estate and movable assets can be foreclosed. It may be directed by a judge, who can assign the sales operation to a third party (an independent professional or a company specifically authorised to perform this task). It can also be entirely managed by public or private entities authorised according to the legislation of individual countries (e.g. enforcement agents (typically referred to as bailiffs), notaries, or other enforcement authorities). Appropriate advertisements are generally required prior to a judicial auction.
39. A judicial auction can be conducted through traditional means, such as requiring bidders to be present or done in writing, or online through an e-auction which negates the need for participants to appear personally before the auctioneer. The e-auction is an auction carried out through a digital platform, whether public or private, that is also used for advertising of the foreclosed assets on sale. To participate in an e-auction, the bidder must first register with the platform and submit their bid

electronically. Both the bid deposit and the remainder of the price must be paid through electronic means, and the process is managed by specialised auctioneers.

V POTENTIAL BENEFITS OF JUDICIAL E-AUCTIONS

40. All countries that have introduced online sales of foreclosed assets pursue the same aims. They can be summarised as follows:

- **Maximising revenue from the sale:** The ability for interested parties to participate in the auction remotely via an online platform increases the pool of potential bidders and competition, resulting in better sale prices for the assets.
- **Reducing the duration of proceedings:** By increasing the number of people potentially participating in the auction, the likelihood of the asset being awarded in the first sale attempt is higher, thereby reducing delays and enabling prompt distribution of the proceeds to creditors.
- **Ensuring transparency of sales operations and combating corruption and auction disturbances:** Electronic sales are managed through a software and the results, which cannot be altered, are published on the platform. This prevents irregular behaviour of auctioneers, whose activity can be monitored and controlled. The absence of physical contact between bidders and the debtor also prevents illicit activities aimed at making someone desist from the purchase or altering the way the tender works with promises of money or threats. The only permissible interaction between bidders and the auctioneer during the tender is via electronic means such as SMS or an active chat during the sale, and all messages are recorded.

41. In conclusion, the common objective of e-auctions is to enhance the efficiency and quality of enforcement proceedings in the best interest of all parties, including creditors and debtors.

VI POTENTIAL RISKS OF JUDICIAL E-AUCTIONS

42. There are mainly two types of risk associated with the use of electronic auctions for forced sales.

43. The first type of risk relates to access to e-auctions by bidders, which could be limited or prevented due to:

- difficulty in digital identification;
- complicated bid forms;
- lack of assistance in submitting the bid;
- unstable internet connection during the e-auction;
- lack of ability to rectify manual counter bids;
- absence of facilities for people with physical disabilities;
- limits by law on the registration on the platform for foreign bidders, for example:
 - auction is only conducted in the native language;
 - need to appoint a proxy resident or selection of a domicile in the district court of the place of enforcement;
 - need for a bank account in the country of the auction;
 - need for a local tax identification number; social security number; or national ID number; and/or
 - no access to the platform to users connected from abroad.

44. The second risk is that the entire process of the electronic auction is controlled by software only, without human intervention.

45. Although the quality of the software enabling the online auction is crucial, it is essential that the main elements of the procedure, such as verification of bids, payment of bid deposits, management of the tender, awarding of the property, and drafting of sale certificates, be managed by an enforcement agent rather than being entrusted to a software, however advanced.

46. Judicial e-auctions serve not only as means to conduct proceedings in a competitive and efficient way (by maximising the proceeds from the sale), but also as a way to protect the rights of the parties involved, including creditors, debtors, bidders, and auction winners. As such, it is crucial that these rights are safeguarded by a natural person, or “super party”, who is subject to the control of the judicial authority. He/she not only contributes to the operational management of the auction, but also serves as a guarantor of the proper conduct of the procedure, ensuring that the rights of all parties involved are respected.

47. This safeguarding of the parties’ rights is essential to comply with the first and fifth principles enshrined in the “European Ethical Charter on the use of artificial intelligence in judicial systems and their environment” adopted by the CEPEJ in 2018.

48. The first principle (respect for human rights) prescribes that those human rights must be respected from the moment that Artificial Intelligence (AI) instruments are developed. The fifth principle (under user control) precludes a prescriptive approach to ensure that users are informed actors and in control of their choices. It centres AI around the human being, affirming that justice professionals should, in any moment, be able to review judicial decisions taken by IT.

VII IMPLEMENTATION OF MAIN STAGES IN JUDICIAL E-AUCTIONS

49. The COVID-19 pandemic has had a profound impact on judicial systems worldwide, spurring the adoption and growth of electronic judicial auctions as a means of ensuring the continued functioning of judicial systems while avoiding physical contact and limiting the spread of contagion. Between 2019 and 2022, the number of Council of Europe member States using e-auctions doubled, with newer platforms boasting improved visual presentation, ease of use, and intuitiveness.

50. As of 2022, 26 Council of Europe member States were using e-auctions (Armenia, Austria, Belgium, Czech Republic, Croatia, England and Wales, Estonia, France, Germany, Georgia, Greece, Hungary, Italy, Lithuania, Latvia, Luxembourg, Netherland, Poland, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine). In some countries e-auction is the mandatory form of sale of foreclosed assets, while in others it is an alternative to direct sale, public oral auction in attendance, or sale through a broker (see Annex I for more details).

51. Following analysis of the platforms and the rules adopted by various countries to regulate the conduct of electronic auctions, we can identify multiple elements common to most judicial systems and summarise e-auction steps in practice.

1. Publication of the sale notice

52. Information on all foreclosed assets sold through the judicial e-auction is published on a dedicated platform. Generally, a single online platform is used for advertising and for carrying out the auction (Armenia, Austria, Belgium, Croatia, Finland, Germany, Georgia, Greece, Hungary, Latvia, Lithuania, Poland, Portugal, Serbia, Slovenia, Spain, Sweden, Türkiye, Ukraine).

53. The published information contains specific details about the auction, assets, and procedure of sale:

- reference number of the procedure, starting and ending time of the auction, basic price, bid deposit, bid increment, and amount of the auction participant's fee, name and surname of the auctioneer (i.e., bailiff, enforcement agent, professional delegate, notary), their contact details, the procedure for obtaining additional information or inspecting the property;
- brief description of the assets, photographs, an appraisal prepared by an expert, ownership restrictions, information regarding any third party rights associated with the property (i.e., renters, holders of usufruct rights or rights of residence);
- rules for registration and electronic identification of the user, the procedures for submitting the bid and for the electronic payment of the bid deposit, the rules of the tender and award, and the methods for transferring ownership after the auction.

54. In some countries the name and surname of the debtor is also published, and additional services are provided as a link to the internet portal where the user can view the history of similar real estate transactions. Using this transaction information, the bidders may draw conclusions about the real estate market in a particular place.

55. Access to the information is usually available to users by simply connecting to the platform. To place a bid and take part in the auction, however, he/she must register and be digitally identified (authenticated).

2. Login to the digital platform

56. To participate in the auction, bidders are required to register on the platform by filling out a form and then logging in to the selected auction. The registration process requires authentication of the bidder and creation of a profile on the platform. Only a person who has proven his/her identity by electronic signature or through logging on to the electronic banking system may participate in the auction. This requirement also extends to companies.

57. During registration, users must provide personal information, including contact details such as e-mail address and/or mobile phone number, place of residence (registered office), and bank account information. The bank account details are necessary to facilitate the return of the bid deposit in the event of non-winning bids. If a person participates in the auction through a representative, the requirement to prove identity and to provide other information shall rest on the representative, who must provide their first name, surname, personal identification number (legal entity's name, code) and the basis for their representation.

58. The data of the logged-in user is managed in a personal account that can be used to enter the platform (by authenticating with username and password) and in selected auctions. If the person is logged in as a natural person, his/her data is processed accordingly. By contrast, if they log in as a representative of a legal person, the data of the legal person is processed.

59. The user will be able to be registered on a platform and then participate in an auction only if all the conditions set out by law of each country are met and if he/she also agrees to the portal's conditions of use and the auction rules. Generally, countries charge participants a bid deposit as a guarantee that must be paid in advance (i.e., 5 % or 10 % of the basic price of the asset or of the bid). In some countries a small participation fee is charged to the bidder (Greece, Hungary, Italy, Latvia, Lithuania, Serbia) and/or a small publication fee is charged to the creditor promoting the enforcement (Italy, Portugal, Türkiye), or to the winner of the auction (Ukraine) which is used to maintain and improve the functionality of the system.

3. Research of assets and electronic application submission

60. Information about foreclosed assets on sale are provided by platforms generally dedicated both for advertising and for managing e-auctions. In some countries the advertising is also provided by public websites other than the one dedicated to carry out the auctions (Czech Republic, Estonia, Italy, Sweden) and often the sale notice of an e-auction is also published in newspapers. Some countries announce planned auctions in advance (Croatia, Belgium, Estonia, Finland, France, Italy, Latvia, Netherlands, Slovenia, Serbia, Sweden, Türkiye, Ukraine), while others consider the day of publication to be the start of the auction.

61. Users can check the assets and find out information about auctions in progress, including the days and times of the start of the auction, as well as the starting price or current bid, without registering on the platform.

62. After registering, in some countries, users can set search criteria (such as the type of asset, its characteristics, maximum price, location of the asset) and enable a messaging service (via email and/or smartphone) to receive information about upcoming auctions for assets that correspond to the selected search criteria (Armenia, Belgium, Finland, France, Lithuania, Slovenia, Spain).

63. Once registered, users authenticate with username and password to participate in an auction and place their bids. Often, this involves filling out a form with the offered price and clicking a button. Bidders see the bids of others without knowing who the individual bidder is. All bidders appear anonymously with a unique sign – provided by the system – with which they participate in the selected e-auction.

64. To participate in an auction, registered bidders generally must pay a bid deposit electronically before placing a bid and need software or auctioneer approval to be able to submit bids.

4. Conducting the auction through the digital platform

65. The auction will commence automatically at the specified time, with a countdown of the auction time. Bidders must enter their bids after the auction starts, in two steps. First, they must input the amount of the bid, and then confirm it. The bid amount must be equal to or higher than the minimum bid set by the auctioneer. A bid lower than the minimum bid cannot be confirmed and is considered not to have been made. The bidder must specify the amount by which they wish to increase the current highest bid or the total bid amount. In some countries, the bidding increments are pre-set. Each bidder can make a counter bid, except for the bidder with the highest bid, at any given time.

66. The tender will continue for as long as the bidders keep submitting bids, but no longer than the duration specified in the auction notice. If a submission is made in the last minutes before the scheduled end of the auction, the time of the end of the auction is usually postponed for a few minutes (usually 5 or 10) from the last submitted submission. If further submissions are made, the procedure of extending the auction duration is repeated (Armenia, Belgium, Czech Republic, Estonia, Finland, Georgia, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Serbia, Slovenia, Spain, Sweden, Türkiye, Ukraine).

67. A special bidding system is provided by some platforms, which automatically increases the bid of the person using it within the specified range until the person is the highest bidder again. The bidder is bound by his/her bid until it is exceeded by a higher bid (Austria, Belgium, Estonia, Finland, France, Germany, Latvia, Lithuania, Sweden). In case of an automatic bidding system, the bidder must fill in a form indicating his/her initial offered price, which cannot be less than the basic price, the highest offered price, and the bid increment interval, which cannot be less than the price increment specified in the sale notice. The highest offered price is disclosed to the enforcement agent who has organised the e-auction, to other bidders, or third parties.

68. Once the period for bid submissions has ended, further submissions are not permitted, and the auction is closed. The participant with the highest bid will be the winner and awarded the property.

5. Award and electronic payment of the price and transfer of the property

69. Upon the conclusion of the auction, the proposed price offered by the winning bidder becomes the asset sale price. The e-auction platform immediately displays the award price, prepares a report documenting the sale, and sends an electronic notification to the successful bidder, other participants in the e-auction, and to the enforcement agent/auctioneer.

70. The winning bidder is required to pay the purchase price within a certain number of days following the conclusion of the auction, as specified in the published sale notice and according to the rules of each country. Payment is made electronically, and the total amount of the price is reduced by the bid deposit. Failure to pay the purchase price within the specified deadline will result in the asset being auctioned again. The first defaulting buyer will be responsible for any difference between the price initially reached and the new price if it is lower.

71. In some countries, if the winner does not pay the remainder of the price, the property can be awarded to the next highest bidder and their deposit may also be held. The second highest bidder may need to request it by presenting an application (Belgium, Latvia, Slovenia, Spain), or the transfer can occur automatically without request (Greece for real estate, Ukraine).

72. Only upon payment of the full purchase price and fees will the asset be handed over to the winning bidder, and property ownership transferred.

73. The enforcement agent or auctioneer provides the buyer with a property sale certificate which allows for, in case of real estate, the transfer to be registered in the public land registers. In some countries, the e-auction platform is integrated with public real estate registers to enable the automatic transfer of ownership from the debtor to the winner (Latvia, Lithuania).

VIII PRINCIPLES AND SYSTEM REQUIREMENTS FOR JUDICIAL E-AUCTIONS

74. The following principles should be ensured by a judicial e-auctions system:

1. *Transparency* - to effectively guarantee transparency, information about auctions should be easily available, accessible and disseminated among the participants of the platform. Transparency can contribute to reducing or preventing corruption, clientelism, and inefficiency. Transparency therefore goes hand-in-hand with *accountability*.
2. *Non-discrimination* – the system must not apply different conditions to similar transactions or apply similar conditions to different transactions (like (paid) prominence of some participating third parties over others).
3. *Equal access* - e-services must be accessible to everyone, including persons with disabilities, the elderly and other disadvantaged groups. The system should comply with e-accessibility specifications that are widely recognised at European or international level.⁴ The information system should also have the ability to allow third parties to act on behalf of individuals who are unable, either permanently or temporarily, to make direct use of services.
4. *Open competition* – all participants must have the same opportunity to compete on a level playing field. No one should benefit from undue advantages, for example, due to their ownership, nationality, location, or legal form.
5. *Accountability* – the system must enable independent analysis and oversight by ensuring that the system is auditable. The system administrator should be accountable for ensuring that the information is accurate and documented in the system reports. This can be achieved by conducting periodical audits of the system performance.
6. *Security of the process* – requires protecting an information system technology infrastructure to prevent unauthorised access or insider threats to sensitive information. Security processes should extend beyond preventive measures to ensure data security and also include a post-attack procedure or an incident response plan that is implemented in the event of a threat to an information system.

75. E-auction system should have the following minimum features:

1. System Access

76. System access should be equally open and unrestricted to all prospective bidders and consumers. An online enrolment facility should be offered to those who want to submit information or receive online alerts or notifications of amendments or clarifications.

77. The principle of “single sign-on” should apply to allow bidders the multiple use of the same electronic system for different e-auctions.

⁴ See also EC standardisation mandate No 376 on the development of European standards for public procurement of accessible ICT products and services.

78. The e-auction system should be interoperable through open standards with other ICT products in common use. The system should be internet-based and accessible for users through commonly used browser software.

79. Downloaded documents should be readable through open standards with a range of commonly used office software. If specialised software is necessary, this shall also be downloadable (e.g. software to read documents in PDF) free of charge and compatible with commonly used system and office software. Similarly, the requirements for electronic submissions, if provided for, should require only open standard interfaces with commonly used office software, or the required software should be available online.

80. The principle of non-discrimination between paper-based and electronic information and transactions should be reflected in the system. Especially in countries where e-auctions are a new sale system, responsible authorities should have in place the transitional option of paper-based procedure for participants of an auction who prefer or who do not have access to the e-auction system. This is carried out in some countries (Belgium, France and Italy) by means of hybrid auction management. This practice allows the simultaneous participation in the tender of bidders connected through the platform, who make the bid increments electronically, and bidders present in an auction room, who make the bid increments orally. It aims to allow people to familiarise themselves step by step with e-auctions, avoiding precluding participation from those interested but have not yet understood how they work.

2. Advertising

81. The advertisement should be posted on a publicly accessible website or the official site if it exists, that is well known nationally, well maintained, functional, and freely and unrestrictedly accessible. It is important to ensure that the advertisement published online is consistent with the paper documents.

82. Depending on national law, it may be required to publish the advertisement concurrently on additional sites and media. The bidding period should be measured from the date of publication on the required sites/media. It is essential to maintain a secure log of entries for audit purposes as required.

3. Operation

83. The system should operate in accordance with official specifications and approved rules. The system should collect anonymous electronic bids that should be automatically ranked by the system. It should notify bidders instantly of new ranking(s) as they occur, together with the offered price, allowing bidders to ascertain their ranking at any given moment.

84. To prevent auction disturbances, bidder identities should not be disclosed or identifiable by any party during any phase of the e-auction to avoid price fixing or intimidation.

85. In case of invalid bid, the bidder should receive an immediate online notification with a message explaining why the bid was rejected.

86. The responsible authority should close the auction as announced, either at the previously published time and date, or when a previously advertised time period has elapsed without any new valid bids. It should immediately notify bidders about e-auction closure including any decision to extend the specified deadline. Under no circumstances should the e- auction be closed before the deadline has lapsed. The system should extend the time of the auction if at least one bid has been received before the established auction closure.

87. The responsible administration must monitor and record any modifications made to procedures, operations, specifications or conditions for audit purposes. The system must ensure that only authorised changes can be made.

4. Authentication

88. The authentication process should accept an electronic signature or a digital certification (via bank platforms, state e-gateways, e-IDs and etc.) signature issued by certifying authorities within the bidder's country. Alternatively, the process should accept online or offline documentation to certify the authenticity of the bidder representative, obtained under commonly used procedures in the bidder's country (for example, no notarisation in the consulate or embassy should be required). To allow foreign bidders to participate in the e-auction, the platform should enable users to use their electronic identification systems during the registration phase.

5. Bidding Specifications

89. All conditions, technical information, and relevant information concerning the e-auction process, such as the event and timing, rules for participation, valid bid increments, and how to bid, should be easily and publicly accessible.

90. The platform should also publish the information that will be made available to bidders during the electronic auction, including any other relevant information concerning the process.

6. Bidding/Property Sale Documents

91. In addition to the information and documents available online on the platform, the responsible authority should be required to send documents (e.g. sales notice or documents relating to the assets) electronically, such as by email or SMS, at the request of interested parties. The use of standard bidding/sale documents is required. Bidding/sale documents must be provided in an official language and, if required, in print copy.

92. There should be no differences between electronic and print versions of the bidding/sale documents. Splitting documents into combinations of electronic and printed portions should be avoided.

7. Payment

93. Best practice requires free and open access to all information and allows participants to take part in e-auctions without any charges. However, small participation fees charged to the bidder and/or a publication fee charged to the creditor or to the winner of the e-auction may be considered, but they should be used to improve the functionality of the system.

94. Bidders should be provided with an electronic payment facility, such as by electronic check or credit card, to avoid situations where bidders incur charges online but still have to visit an office to pay for them. Frequent bidders could also be requested to have an account and be invoiced by the information system for the fees resulting from the number of participations in auctions during a specific period, such as a week or a month.

8. Information Security Management

95. Information security management is the process of protecting information system data and infrastructure against potential threats. The responsible authority should develop, maintain, and implement an information security management system that includes common practices such as access security, human resource security, operations management, procedural application controls, documentation and script sufficiency and security, physical and online security, procedures continuity, record keeping, and compliance.

96. The authority should indicate in the system documentation the procedures to be followed in the case of any failure, malfunction, or breakdown of the electronic e-auction system used during auction.

97. The e-auction system and information security measures should ensure that all activities are logged, and records are kept of every process, procedure, transmission, and transaction in terms of the content, executing individual, and authorisations, time, and date. These records should be kept for a reasonable time after the closing date of sale and be made available for audit on request.

9. Interoperability

98. The system should ensure interoperability as it is a core element of ongoing digitalisation. Interoperability is the ability of systems to exchange and make use of information. Improved interoperability in the public sector can enhance communication and trust between public administrations and citizens and businesses. The European Interoperability Framework stresses the importance of considering all different levels of interoperability – technical, semantic, organisational and legal – as well as taking an integrated governance approach.⁵

99. Interoperability is critical to fully integrating electronic auctions in the execution process and the judicial system. E-auction systems should be designed to be interoperable with external systems to ensure maximum compatibility on a national level and to exchange data effectively and efficiently with other authorities, such as centralised enforcement case management systems used by bailiffs, court systems, land and business registers, law enforcement, and others, without any manual interface processes.

100. There are numerous standards used to provide a common framework and set of expectations around judicial sector information exchanges. To enhance interoperability in the justice sector, the European Commission has introduced common standards for member States.⁶ Member States should promote electronic exchanges between public justice sector information systems and those of private justice sector organisations, such as lawyers and other stakeholders. Such data exchanges must comply with international and national law. Member States should, at the same time, implement appropriate precautions to ensure information security and personal data protection. Systems of accountability should be established to control how information subject to special protection is handled.

101. In practice, judicial e-auction systems are fragmented at the national level, negatively impacting competition among potential buyers, sales values, and the time to conclude sales.

102. Firstly, this is due to the limits on registration on the platforms of foreign bidders. In some countries, there is the need to appoint a proxy resident (Greece) or to select a domicile (Italy, Portugal) in the district court of the place of enforcement. In others, it is necessary to have a bank account in the country of the auction (Finland, Portugal), a local tax identification number (Italy, Portugal, Ukraine), a local social security number (Armenia, Sweden), or a national ID number (Finland, Georgia, Türkiye). In one case, users are prevented from connecting to the platform from abroad (Portugal).

103. Secondly, there is a lack of connection between the legal systems. Rules governing auction proceedings differ substantially and are primarily focussed on national interests since platforms typically advertise and manage e-auctions of assets from their respective countries only. Moreover, most platforms are only available in the local language, are indexed differently by web search engines, and do not provide a uniform look or search criteria. Currently, the only case of cross-border connection between national systems - in the world - is that of Austria and Germany, which employ the same platform for judicial e-auctions of movable assets. The German platform was originally created and since 2015 has been adapted to accommodate both countries' auctions (see Annex I).

⁵ European Interoperability Framework (**EIF**): European Commission, 23 March 2017. EIF is part of the Communication (COM(2017)134) from the European Commission. The framework gives specific guidance on how to set up interoperable digital public services. It offers public administrations **47 concrete recommendations** on how to improve governance of their interoperability activities, establish cross-organisational relationships, streamline processes supporting end-to-end digital services, and ensure that both existing and new legislation do not compromise interoperability efforts. *Internet access:* <https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework-detail>.

⁶ Regulation (EU) 2019/818 Establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, *Internet access:* <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32019R0818>
Regulation (EU) 2022/0379 Interoperable Europe Act, *Internet access:* https://commission.europa.eu/system/files/2022-11/com2022720_0.pdf; Interoperable Europe specifications and applications that are recommended by the Interoperable Europe Board.

104. While this Guide can contribute to the debate of e-auction system interoperability between countries, its primary purpose is to promote the tool, provide examples of its successful application, and ultimately improve the harmonisation of European standards of enforcement and legal protection within the Council of Europe's member States.

IX EUROPEAN GOOD PRACTICES IN JUDICIAL E-AUCTIONS

105. The term “good practice” is defined in the “Good practice guide on enforcement of judicial decisions” adopted at the 26th CEPEJ Plenary Session 10-11 December 2015. The word “practice” is used broadly to refer to various sources of law including laws, regulations, and case-law, and not just to professional practices. When combined with the adjective “good”, it denotes approaches adopted in one or more member States which are satisfactory in terms of respecting both private interests (particularly those of creditors and debtors) and general interests (such as legal certainty, efficiency, public order, and economic prosperity). Specifically, the term “good practice” refers to national approaches that align with the principles and objectives of the Enforcement Guidelines (“The Guidelines for a better implementation of the existing Council of Europe recommendation on enforcement”), adopted by the CEPEJ at its 14th plenary meeting, in Strasbourg, on 9 and 10 December 2009. These guidelines aim to enhance the effectiveness of national enforcement systems while promoting the values that underpin the Council of Europe.

106. In the context of judicial e-auctions, good practices are those that increase the right to effective justice in compliance with the European Convention on Human Rights and/or improve the protection of parties’ rights (including creditors, debtors, bidders, and winners) during the auction process.

107. After analysing the legal systems of the 26 Countries of the Council of Europe that have adopted judicial e-auctions, numerous practices were identified that can be considered good. These practices include the following:

1) **Only one platform per State** both for advertising and for managing e-auctions (Armenia, Austria, Belgium, Croatia, Finland, Germany, Georgia, Greece, Hungary, Latvia, Lithuania, Poland, Portugal, Serbia, Slovenia, Spain, Sweden, Türkiye, Ukraine).

For users to effectively search for assets on sale at a judicial auction, they should have access to a general overview of all pending auctions. Users should know with certainty the platform on which to perform the research. The presence of multiple platforms in a single country, utilised at different times by judicial officers or enforcement judges, may lead to bidder confusion and result in missed opportunities. Adequate advertising of platforms is necessary to increase bidder participation and promote competition at the auction process.

2) **Clear display of rules on the auction process on the platform** (Armenia, Austria, Belgium, Czech Republic, Croatia, England and Wales, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Poland, Portugal, Serbia, Slovenia, Spain, Sweden, Türkiye, Ukraine).

This approach enables bidders to understand the process and avoid mistakes that could invalidate their bids. To this end, platforms should provide a summary of the rules governing the auction and help the user with a video-tutorial and a series of predefined questions and answers (Q&A).

3) **Facilitated access to the platform** (Austria, Germany, Latvia, Lithuania, Slovenia, Sweden, Türkiye).

Facilitated accessibility means that everyone, including persons with disabilities and the elderly, can better perceive, understand, navigate, and interact with the platforms dedicated to judicial e-auctions. It enables more people to participate in the e-auction, including those who might otherwise be at risk of exclusion from digital auctions. For EU member States, platforms should follow the EU Directive on the “*Accessibility of the Websites and Mobile Applications of Public Sector Bodies*”⁷ that came into force on 26 October 2016, also known as the Web Accessibility Directive (WAD), for websites and mobile applications of public sector bodies. The Directive could serve as inspiration for non-EU member States. The Directive requires that four principles are followed:

⁷ Directive 2016/2021/EU

- perceivability, meaning that information and user interface components must be presentable to users in ways they can perceive it;
- operability, meaning that user interface components and navigation must be operable;
- understandability, meaning that information and the operation of the user interface must be understandable;
- robustness, meaning that content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies.

Concrete measures for ensuring accessibility include:

- easy language;
- video sign language;
- contrast colour options;
- adjustable font size;
- alternative versions in grey colour and/or with a darker tone;
- text view without images; and
- adjustable focus.

4) Recognition of existing standards for **registration of users on the platform (i.e. eIDAS)** (Slovenia, Estonia)

To allow foreign bidders to participate in the e-auction, each platform should allow users to use their electronic identification systems during the registration phase, thus implementing the principle of mutual recognition of identification for online services according to the Regulation (EU) No 910/2014 ("*eIDAS Regulation*") applicable to EU member States.

5) **The description of assets, auctions and rules on platform are available in both the native language and other languages** (Belgium, Croatia, Estonia, Greece, Lithuania, Slovenia).

By providing description of assets, auction data, and rules in languages other than the native language, especially English, the platform enables foreign users to participate in the bidding process, promoting increased competition and generating higher revenue from sales.

6) **Map with assets** (real estate) on sale published on the platform (Armenia, Belgium, Czech Republic, Finland, Italy, Lithuania, Netherlands, Portugal, Slovenia, Spain).

Knowing exactly where an asset on sale is located, and a foreclosed real estate, promotes its marketability, generating interest and participation in auctions from people living in different cities or countries.

7) **Notification to logged user of individual types of sales** (Armenia, Belgium, Finland, France, Lithuania, Netherlands, Slovenia, Spain).

The user registered on the platform can set search criteria (i.e., type of asset, its characteristics, maximum price, place where the asset is located) and enable a messaging service (via email and/or smartphone) aimed at providing information on upcoming auctions concerning property that correspond to selected search criteria. This practice increases the advertising of assets on sale, the number of bidders and thus the efficiency of the procedure.

8) Offer a **professional and technical assistance service** ("*helpdesk*") to user/bidder, by phone, email and/or chat (Armenia, Austria, Belgium, Czech Republic, Croatia, France, Georgia, Germany, Greece, Hungary, Italy, Netherlands, Slovenia, Sweden, Türkiye, Ukraine).

The operation of the user assistance service is important for two reasons: it allows users to ask for immediate information on the auction or on the tender in progress and also to report malfunctions of the platform that could lead to the suspension or repetition of the auction.

9) **Virtual tour** of real estate on sale uploaded and published on the platform (Italy).

A virtual tour of foreclosed real estate on sale can be published on the platform. This allows interested people to visit the flats remotely and to participate in the auction even without having visited them in real life. It is useful especially if the bidders do not live in the place where the property is located.

10) **An auction platform as the primary source of information on assets for sale** to reduce costs of the proceedings: no external advertising of auctions on newspapers (Lithuania, Ukraine).

Advertising auctions in newspapers can be costly. However, promoting the auction platform as the primary source of information on assets for sale reduces the need for publication in newspapers, thereby reducing the costs of the auction process.

11) **Specify the status of the real estate on sale:** whether it is free or occupied by the debtor or by a third party and if in agreement with the owner/debtor (Finland, Hungary, Italy, Latvia, Lithuania).

This practice not only facilitates the provision of accurate and comprehensive information regarding the legal status of the real estate to potential buyers, but also safeguards the rights of any occupants to remain in the property after the auction, such as those under a lease agreement. For the same reason, platforms should include provisions in the auction rules specifying the procedures and timeline for the forced eviction of the debtor from the property following the award.

12) **Promotion of the collaboration with the debtor.** If the person in possession of foreclosed real estate agrees to the property's inspection by bidders and actively cooperates, the debtor may request a reduction of the debt up to 2% of the final price of the sale (Spain).

The search for cooperation with the debtor by the enforcement agent is always a good practice that deserves to be reported even if, as in this case, it is not closely linked to e-auctions. Platforms that upload virtual tours of foreclosed real estate can facilitate inspections and reduce the debtor's obligation to cooperate during physical visits. Obstructive behaviour during the visit (i.e., refusing to open the door, not providing information on the property's condition, or intimidating visitors) may deter potential bidders and therefore, such behaviour should be prevented and sanctioned.

13) **Debtor's data protection** in the sale notice: privacy provided by law (Belgium, Finland, Italy), privacy provided by rules of auction houses (England and Wales, France, Netherlands).

The e-auction is by its nature a proceeding capable of affecting the data confidentiality of the debtor, especially during the publication phase, when their personal data can be reported on the platform or in the sale notice, usually uploaded online with other documents. It is therefore necessary to find a balance between the enforced sale, aimed at protecting the creditor's right, and the protection of the dignity of the debtor who may be experiencing a temporary economic difficulty, and who has a vested interest in keeping their situation private. The processing of the debtor's personal data, therefore, must be solely for the purpose of conducting the sale procedure and must be avoided in all other instances. As such, if the publication of the debtor's personal data is neither crucial for the enforcement of the creditor's right, nor pertinent to the efficiency of the procedure, confidentiality must be maintained, and personal details should be revealed solely to the auction winner.

14) **Simultaneous programming of the first and (potential) second auctions.** Establish in the sale notice the date and duration of both the first and potential second auction, to be held in case of lack of bids at the first auction (Türkiye).

This practice allows to reduce the duration of the auction proceedings. Establishing at the same time the date of the first auction and, in case of lack of bids, of a subsequent one, ensures that the time and costs of publication on the platform are contained, thus promoting the efficiency of the procedure.

15) **Time extension of the auction** if at least one bid has been received close to the established auction closure (Armenia, Belgium, Czech Republic, Estonia, Finland, Georgia, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Serbia, Slovenia, Spain, Sweden, Türkiye, Ukraine).

Introducing the possibility of an extension improves the efficiency of the procedure. The duration of the extension period (generally 5 minutes) is not as important as the opportunity to continue bidding until no more offers are received. This increases the likelihood of generating greater revenue from the sale, which benefits all parties, including creditors and debtors.

16) **Automatic bidding system:** The bidder benefits from greater convenience by pre-selecting both the amount of the bid and the maximum sum he/she is willing to offer. Once the maximum sum has been reached as a result of the automatic bid, the system still allows the participant to continue bidding manually (Austria, Belgium, Estonia, Finland, France, Germany, Latvia, Lithuania, Netherlands, Sweden).

17) **Saving the second highest bidder:** if the winner does not pay the remainder of the price, the property can be awarded to the next highest bidder and his/her deposit can also be held. This procedure can be triggered on request by the second highest bidder (Slovenia, Spain - *reserva de postura* – Belgium, Latvia), or automatically (Greece for real estate, Ukraine).

This measure offers a more efficient process by reducing time and costs. In the event that the successful bidder fails to pay the price, the asset will not be re-auctioned, thereby avoiding the additional costs associated with advertising and prolonging the procedure. Instead, the second highest bidder can acquire the asset at their offered price. This approach also serves to prevent debtors from using tactics to obstruct or delay the sale of the asset. There have been reported instances where debtors have designated a proxy to bid on their behalf, only to default on payment, necessitating a new auction.

18) **Small participant fee** charged to the bidder (Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Serbia) and/or a small publication fee charged to the creditor promoting the enforcement (Italy, Portugal, Türkiye), or to the winner of the e-auction (Ukraine) that should be used to improve the functionality of the system.

The creation and maintenance of the platform incurs costs for every country. Providing a source of funding by means of small economic contributions may be levied on users, including both bidders and/or creditors. By generating revenue through these means, the platform can better manage its costs and maintain a consistent flow of financial resources to be invested into the improvement of the services offered by the platform.

19) **Publication of the sale notice some days before the beginning of the auction** to promote higher participation of bidders (Croatia, Belgium, Estonia, Finland, France, Italy, Latvia, Luxembourg, Netherlands, Slovenia, Serbia, Sweden, Türkiye, Ukraine).

Extended publication of auctions on the platform is recommended to allow it to maximise exposure to potential bidders. Adequate time is essential for interested parties to examine the assets, evaluate the economic feasibility of a purchase, and review the rules for participation in the auction.

20) **Allow registration and participation in the auction even after it has started** (Lithuania, Finland, Belgium, France, Georgia, Hungary, Latvia, Lithuania, Luxembourg, Türkiye).

An increased number of participants can lead to higher competition, and ultimately, a higher final price. However, it is important to balance this practice with appropriate controls, such as automatic verification of bid deposits and bidder eligibility (the debtor's participation is generally excluded), and compliance with each country's regulations for participation in the tender.

21) **Allow the registration and participation of the bidder in several auctions at the same time** (Latvia, Lithuania, Portugal, Slovenia).

This improves the efficiency of the proceedings allowing multiple awards by the same bidder in different auctions.

22) **Allow the auctioneer to identify the bidder before the start of the auction** to check whether his/her participation is allowed (Austria, Belgium, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Netherlands, Serbia, Slovenia, Türkiye).

This reduces the risk of invalidating the award due to a successful bidder being disqualified from participating in the auction (for example, the debtor or, in some countries, the spouse), thereby necessitating a repeat of the auction and increased costs and loss of time.

23) **Premium for the first bidder in case of award** of the asset: a small percentage reduction of the purchase price (Belgium).

In some cases, bidders may delay submitting their bids until the last possible moment to assess the economic feasibility of the auction. Where it is possible to do so, the bidder waits to check the number of participants and their bid amounts. Incentivising timely bids, by offering a small price reduction to the first bidder who wins the asset can prevent delays and encourage prompt bid submissions.

24) **Hybrid form of auction management** (Italy, Belgium, France).

This practice allows the simultaneous participation in the tender of bidders connected through the platform, who make the bid increments electronically, and bidders present in an auction room, who make the bid increments orally. This can help acclimate individuals to e-auctions and ensure that interested parties can participate regardless of their understanding of electronic auction formats.

25) **Automatic transfer** of data of the property ownership to public registers (Latvia, Lithuania).

The integration of the auction platform with public real estate registers allows for the automatic transfer of ownership to the winner after the end of the auction. This allows the buyer to have ownership of the asset in a short time without the need to physically visit additional offices.

26) Promote the **professionalism of the auctioneers** (Estonia, Italy, Latvia, Lithuania, Slovenia) through:

- competitive selection procedure
- maintaining a register of skilled auctioneers
- training and updating of skills
- clear definition of duties and responsibilities
- control on their activity

Promoting the role of the auctioneer/enforcement agent is essential to ensure the quality and legality of the process and to prevent the entire process of the electronic auction to be controlled by software, without human intervention.

27) Establish, at the Ministry of Justice or at another public authority, a **database for judicial e-auctions of real estate**, containing valuation reports, the hammer price, the identification data of the bidders and the bank or postal account used to pay the bid deposit and the remainder of the price (Italy).

This facilitates monitoring of auction efficiency by enabling comparison of purchase prices from e-auctions with those from similar real estate sold on the free market in the same area. In addition, allows for effective buyer verification, thus aiding in preventing money laundering.

ANNEX I: CHECKLIST FOR QUALITY CONTROL OF E-AUCTIONS

108. This checklist should allow judicial bodies, professionals, policy makers and IT project managers, to better monitor the quality of judicial e-auctions in line with a comprehensive enforcement digitalisation strategy. It also serves as a complementary tool to help interpret the concepts set out in this Guide.

109. The checklist is divided in three thematic areas. It considers three possible degrees of significance, and the practical field of application is indicated. Wherever possible, a reference to identified good practice is given.

Thematic areas covered by the checklist:

- **Governance and development:** they concern the regulatory and organisational orientation to be adopted for the development of judicial e-auctions.
- **Operative aspects of the platforms:** they concern structure and functioning of the e-auction platform.
- **Organisational aspects of e-auctions:** they concern rules for the management of bid submissions and tenders.

Levels of significance:

- **“Must have”:** they are imperative for the successful implementation of the e-auction.
- **“Should have”:** they are important but not necessary for delivery. While “should have” requirements can be as important as “must have”, they are often not as time-critical or there may be another way to satisfy the requirement so that it can be held back until a future delivery.
- **“Could have”:** are desirable but not necessary and could improve the user experience or satisfaction with minimal cost. These are typically included if time and resources allow it.

Practical field of application:

- **Legislative measures:** Concern or require intervention from the competent legislator.
- **Governance related or organisational measures:** Are related to the management of the judicial e-auction platform.
- **IT measures or system requirements:** Concern or require technical IT interventions.

Measures	Assessment		Practical field of application			Reference to a good practice
	Level of significance	Compliance	Legislative measures	Governance/ Organisational	IT/ system requirements	
Part I – Governance and development indicators						
Is there an overarching strategy on digitalisation of the judiciary and/or transformation of enforcement that includes of e-auctions?	should have	<input type="checkbox"/>	Yes	Yes	-	-
If yes, is it developed in compliance with existing national and/or European strategies on digitalisation of courts?	must have	<input type="checkbox"/>	-	Yes	-	-
Is there a dedicated national law on enforcement and/or judicial auctions, integrating their dematerialisation and the principle of efficiency?	must have	<input type="checkbox"/>	Yes	-	-	-
If yes, does it provide for protection of the rights of the parties involved?	must have	<input type="checkbox"/>	Yes	-	-	-
If yes, is there a procedure in place on regular law reviews and assessment with regards to existing needs and/or technological advancements?	should have	<input type="checkbox"/>	Yes	-	-	-
Do the rules address the transition period and the gradual implementation of mandatory e-auctions introduced by law?	should have	<input type="checkbox"/>	Yes	Yes	Yes	IX.24
Are hybrid forms of auctions (both in-person and online) allowed during this transition period, and are there any successive measures put in place to facilitate the adoption of the new e-auction requirement?	should have	<input type="checkbox"/>	Yes	Yes	Yes	IX.24
Are there proper performance indicators to monitor the efficiency of the platform dedicated to management of e-auctions?	should have	<input type="checkbox"/>	-	Yes	Yes	IX.27
Are there proper performance indicators to monitor the efficiency of the auctioneers/enforcement agents who carry out the e-auctions?	should have	<input type="checkbox"/>	-	Yes	-	IX.26

Is there a dedicated national law to promote the professionalism of auctioneers and/or enforcement agents who carry out the e-auctions?	should have	<input type="checkbox"/>	Yes	Yes	-	IX.26
Is there a change management practice and/or a set of measures in place to monitor stakeholders' needs with respect to e-auctions?	could have	<input type="checkbox"/>	-	Yes	-	-
Are e-auctions the default option to sell foreclosed assets?	should have	<input type="checkbox"/>	Yes	Yes	Yes	-
If yes, are other channels open for those who are disconnected by choice or necessity (i.e., representatives to submit e-bids, public offices/contact points to help e-bid submissions)?	must have	<input type="checkbox"/>	Yes	Yes	Yes	IX.8
Are e-auctions advertised online by additional websites in addition to the auction platform?	could have	<input type="checkbox"/>	Yes	Yes	-	X.10
Is the judicial e-auction platform connected with platforms of other countries to advertise the foreclosed assets on sale and/or to allow for the cross-border submission of bids?	could have	<input type="checkbox"/>	Yes	Yes	Yes	VIII.b)
If the platform is not connected with those of other countries, are temporary solutions in place to ensure the participation in the e-auctions of citizens of other countries?	could have	<input type="checkbox"/>	Yes	Yes	Yes	IX.4
Are there control systems on e-auction bidders and their bank accounts with anti-money laundering purposes, especially in relation to real estate?	must have	<input type="checkbox"/>	Yes	Yes	Yes	iX.27

Measures	Assessment		Practical field of application			Reference to a good practice
	Level of significance	Compliance	Legislative measures	Governance/ Organisational	IT/ system requirements	
Part II – Operative aspects of the platforms						
Is there only one platform dedicated both for advertising and for managing e-auctions?	must have	<input type="checkbox"/>	Yes	Yes	Yes	IX.1

If yes, is it subject to specific and continuous advertising by the State or by the company / chamber of professionals who are responsible for its management?	must have	<input type="checkbox"/>	-	Yes	-	IX.1
Does the platform allow for bid submissions from any device and without any additional software installation requirements?	must have	<input type="checkbox"/>	-	Yes	Yes	-
Is the platform accessible to people with disabilities?	must have	<input type="checkbox"/>	Yes	Yes	Yes	IX.3
Does the platform clearly advertise the rules of the auction process?	must have	<input type="checkbox"/>	-	-	-	IX.2
Is there a video tutorial available on the platform to explain how auctions work?	could have	<input type="checkbox"/>	-	-	Yes	IX.8
Is a professional and technical assistance service (“helpdesk”) offered to users/bidders, provided by chat and/or phone and/or email?	should have	<input type="checkbox"/>	-	-	Yes	IX.8
Does the platform allow foreign users to use their electronic identification systems during the registration phase?	should have	<input type="checkbox"/>	Yes	Yes	Yes	IX.4
Are rules and description of assets and auctions available in English in addition to the native language?	should have	<input type="checkbox"/>	-	-	Yes	IX.5
Does the platform provide a map with real estate on sale?	could have	<input type="checkbox"/>	-	-	Yes	IX.6
Can registered users conduct efficient search by criteria (i.e., type of asset, its characteristics, maximum price, place where the asset is located) and enable a messaging service/alarm (via email and/or smartphone) aimed at providing information on upcoming auctions concerning assets that correspond to certain selected search criteria?	should have	<input type="checkbox"/>	-	-	Yes	IX.7
Does the platform allow for the upload and publication of the virtual tour of the properties for sale?	could have	<input type="checkbox"/>	-	-	Yes	IX.9
Is the status of the real estate on sale specified on the portal (free/occupied by the debtor or by a third party, with or without a contract)?	should have	<input type="checkbox"/>	-	-	-	IX.11
Are results of the auctions publicly available?	should have	<input type="checkbox"/>	Yes	Yes	Yes	-
Are debtors’ data protected on the platform?	must have	<input type="checkbox"/>	Yes	Yes	Yes	IX.13
Are e-bidders’ data protected on the platform?	must have	<input type="checkbox"/>	Yes	Yes	Yes	VII.c)

Are there automatic or semi-automatic anonymisation solutions to solve privacy constraints?	must have	<input type="checkbox"/>	Yes	Yes	Yes	VII.c), IX.13, IX.22
Is the platform resilient to potential temporary interruptions?	should have	<input type="checkbox"/>	-	-	Yes	-
Is the platform adequately protected from cyberattacks?	must have	<input type="checkbox"/>	-	Yes	Yes	-
Are periodic vulnerability tests performed, following established standards?	should have	<input type="checkbox"/>	-	Yes	Yes	-

Measures	Assessment		Practical field of application			Reference to a good practice
	Level of significance	Compliance	Legislative measures	Governance/Organisational	IT/system requirements	
Part III – Organisational aspects of e-auctions						
Is the sale notice adequately published before the beginning of the auction?	must have	<input type="checkbox"/>	Yes	-	-	IX.19
Is the identification of the bidder possible by qualified e-signature (or equivalent service)?	must have	<input type="checkbox"/>	Yes	Yes	Yes	VII.b)
Are online payments of bid deposits and remainders of the price (“e-payments”) available?	must have	<input type="checkbox"/>	Yes	Yes	Yes	VII.c) VII.e)
If an e-payment solution is in place, is it designed and implemented to ensure the security of money transfer during the whole process?	must have	<input type="checkbox"/>	Yes	Yes	Yes	-
If an e-payment solution is in place, does it provide for an automatic calculation of remainders of the price and fees to be paid by the auction winner?	could have	<input type="checkbox"/>	-	Yes	Yes	-

Is there a time extension of the e-auction if at least one bid has been received before the established auction closure?	must have	<input type="checkbox"/>	Yes	-	Yes	IX.15
Is there a simultaneous programming of the first and the potential second auctions?	could have	<input type="checkbox"/>	Yes	-	-	IX.14
Is there an automatic bidding system?	should have	<input type="checkbox"/>	Yes	-	Yes	IX.16
Are the registration and participation in the e-auction allowed even after it has started?	must have	<input type="checkbox"/>	Yes	-	Yes	IX.20
Are the registration and participation of the bidder in several e-auctions at the same time allowed?	should have	<input type="checkbox"/>	Yes	-	Yes	IX.21
Is the auctioneer allowed to identify the bidder before the start of the auction to check whether his/her participation is allowed or prohibited?	should have	<input type="checkbox"/>	Yes	-	Yes	IX.22
If the winner of the e-auctions does not pay the remainder of the price, can the asset be awarded to the next highest bidder, and can his/her deposit be held?	must have	<input type="checkbox"/>	Yes	-	Yes	IX.17
Is there a premium for the first bidder in case of award of the asset (i.e., a small percentual reduction of the purchase price)?	could have	<input type="checkbox"/>	Yes	-	-	IX.12
Is the collaboration of the debtor promoted, who is in possession of the real estate during the visits or eviction, through a reduction of the debt or a penalty in case of default?	could have	<input type="checkbox"/>	Yes	-	-	IX.23
Is there an automatic transfer of data of the property ownership to public registers?	should have	<input type="checkbox"/>	Yes	Yes	Yes	IX.25