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Judicial auctions

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Estonia



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1. Publicising and pricing regarding the sale of seized assets

Seized assets are sold by a [bailiff](#). Seized assets need not be sold at an auction if the debtor and the claimant reach an agreement on the satisfaction of the claim, i.e. if it is agreed that the claim being enforced in the enforcement proceedings can be satisfied in another way. Such agreements must be made with all the claimants. The agreements must be notified to the bailiff; otherwise the bailiff will continue with the usual procedural acts.

If applications for enforcement of a debt have been filed by different creditors with different bailiffs and the debtor's immovable property has already been seized by one of the bailiffs, another bailiff who has commenced enforcement proceedings cannot seize the registered immovable property of the debtor until the property is released by the first bailiff.

The value and starting price of auctioned assets are determined by an expert.

Online auctions are held in the special online [auction environment](#). An announcement of an auction is published at least 10 days prior to the auction in the official publication [Ametlikud Teadaanded](#) and on the internet. A bailiff may also publish an announcement in a newspaper which is on sale in the area of the auction. At the request of the claimant or debtor, the bailiff will publish the announcement in other publications at the expense of the claimant or the debtor.

Interested persons have the right to examine the assets at auction from the publication of the announcement until the start of the auction. Interested persons also have the right to examine applications submitted regarding the assets to be auctioned and certificates concerning the assets, including valuation reports. Where assets are sold in enforcement proceedings, neither the bailiff nor the debtor is liable for any defects in the assets sold. This does not preclude possible liability of the bailiff or debtor for damage caused unlawfully. The bailiff determines the time when the assets can be examined. If the assets are in the possession of the debtor, the debtor has the right to demand that examination take place within the period of time set for enforcement acts. The bailiff has to take the interests of the owner into consideration.

If several persons are interested in assets to be auctioned, all of them may participate in the bidding on the condition of having been duly registered for the auction. Bidding begins at the starting price and participants can make bids in accordance with the bidding increment and during the time set for the auction. If a new bid is made during the extension interval before the end of the auction, the end of the auction is extended by the extension interval and the auction will last for as long as bids are made. The extension interval is from 1 to 60 minutes. At an online auction, the highest bid made in the auction environment by the end of the auction is declared to be the best bid. The best bid will be announced in the auction environment on the working day following the date of the auction.

A bailiff may set a deposit for auction participants of up to 10% of the starting price. If a deposit has been set, a person who wishes to participate in the auction is required to pay the deposit. The deposit can be paid electronically, i.e. via internet banking, to the bank account specified by the bailiff, or in the auction environment via a payment service provider. At oral auctions, deposits not exceeding €640 may be paid in cash.

2. Third parties that may conduct the sales operation

Movable and immovable assets seized in enforcement proceedings are sold by bailiffs. Simplified auctions are conducted by persons authorised by the [Chamber of Bailiffs and Trustees in Bankruptcy](#). A bankruptcy estate is sold at auction in accordance with the procedure set out in the Code of Enforcement Procedure, and these sales are conducted by bailiffs.

3. Auction types for which the rules might not fully apply

There are no auction types in Estonian enforcement and bankruptcy proceedings to which the above rules apply only in part. However, certain differences in the terms and conditions for conducting auctions may arise from specific acts of law.

4. Information on national registers of assets

Estonia has the following registers:

- The [e-Land Register](#) is an electronic service that enables quick and convenient verification of the general data, area and owners of, restrictions applicable to, and mortgages established on registered immovable properties. Using the service requires the user to be identified. Detailed data entered in the different parts of the Land Register can be accessed for the fee indicated in the price list.
- The [Register of Buildings](#) is a public electronic register the purpose of which is to gather, store and publish information on buildings under construction or in use.
- The [Traffic Register](#) provides information on vehicles and trailers. The Traffic Register is a public electronic database, but access to some of the data contained therein (for example, information on the owners of vehicles) is restricted.
- The [Register of Securities](#) is the electronic service environment of the Estonian Central Register of Securities, which is intended for both companies and private individuals and in which searches can be performed and information can be promptly obtained on the securities and securities accounts entered in the register within certain agreed limits. Using the service requires the user to be identified.
- The [e-Business Register](#) contains data concerning all legal persons registered in Estonia. In addition to companies, non-profit associations and foundations, it is also possible to access data concerning state and local government authorities, legal persons in public law and constitutional institutions. Anyone who logs in using their ID card can view the data concerning themselves free of charge.
- The [Marital Property Register](#) contains data on the type of proprietary relations chosen and the marital property agreements signed by spouses. Information entered in the Marital Property Register is public and accessible to everyone free of charge via an e-service.
- The [Ship Register](#) is an electronic register that contains information on registered ships and ships under construction, as well as related real rights. The data entered in the Ship Register are public and have legal force. The data are accessible to everyone free of charge.
- The [Aircraft Register](#) is intended for collecting and processing data required for aircraft to be registered and identified.
- The [Credit Register](#) is Creditinfo's official register and the only register in Estonia that contains consistent and high-quality information on defaulted payments. It was set up in 2001 by the Estonian banks. Searches can be performed in the register for a fee.
- Searches can be performed in the public e-registers of [patents and trade marks](#) free of charge.

5. Information on databases for creditors to identify debtors' assets or claims

Most of the information in the national registers listed above is either wholly or partly public. Performing a search may require the person to be identified using an ID card, mobile ID, or through a bank. A fee may apply to certain searches.

Bailiffs and trustees in bankruptcy need to apply for authorisation to obtain electronic access to the data they require in various registers.

6. Information on online judicial sales

At auctions conducted in enforcement proceedings, the immovable and movable assets seized are sold in accordance with the law. Online auctions can be viewed and are accessible in the special [auction environment](#). The public auction environment is managed by the [Chamber of Bailiffs and Trustees in Bankruptcy](#).

An announcement of a public auction is published at least 10 days prior to the auction (at least 20 days in the case of immovable property) in the official publication *Ametlikud Teadaanded* and on the internet. A bailiff may also publish an announcement in a newspaper which is on sale in the area of the auction. At the request of the claimant or debtor, the bailiff will publish the announcement in other publications at the expense of the claimant or the debtor.

A person who wishes to participate in a particular auction has to register for the auction in accordance with the rules and by the due date specified in the auction announcement, and pay the deposit if this is a condition of participating in the auction and if the person is not exempt by law from paying the deposit. Bids can be made by participants registered for the auction who have the necessary legal capacity and whose right to participate in the auction is not legally or otherwise restricted. An application to participate in a public auction has to be signed either digitally or by hand. The application to participate can be submitted by emailing it to the bailiff at the address specified in the auction announcement or by uploading it in the auction environment. The application to participate need not be encrypted, but the specific procedure for registration is determined by the bailiff. In the case of an oral auction, the envelope must be sealed. To make a bid in the online auction environment, a participant has to log in using an ID card, mobile ID, or a username and password.

The required payments (deposit, costs, purchase price, etc.) can be made electronically via internet banking, to the bank account specified by the bailiff, or in the auction environment via a payment service provider.

A bidder has to be registered for the auction by the start of the auction. All bidders are informed of the start of the auction. A notice concerning the start of the auction is sent to the bidders by email. The public can monitor the progress of the auction in the public auction environment. Bids can be made within a specific time limit (the eBay model). User support (in Estonian, Russian and English) is available to participants in an auction. The anonymity of bidders participating in an auction is ensured until the end of the auction.

Public auctions organised between Member States would encourage relations between the people and companies of EU Member States, make auctions more transparent and attract a higher number of participants. Such auctions might also reduce the time required to sell assets.

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