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Serving documents (recast)

Estonia

Estonia

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 3(1) - Transmitting agencies

The agencies responsible for transmitting judicial documents in Estonia, as referred to in Article 3(2) of Regulation (EU) 2020/1784 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast), are the county courts, the district courts and the Supreme Court, according to where the case for which the documents are to be served is being handled, while the agency responsible for transmitting extrajudicial documents is the Ministry of Justice and Digital Affairs (*Justiits- ja Digiministeerium*).

Article 3(2) - Receiving agencies

The agency responsible for receiving judicial and extrajudicial documents, as referred to in Article 3(2) of the Regulation, is the county court within whose jurisdiction the document is to be served.

Article 3(4)(c) - Means of receipt of documents

Documents may be received by post, fax or electronically, in accordance with the conditions laid down in the Code of Civil Procedure (*tsiviilkohtumenetluse seadustik*).

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

Estonia accepts standard forms in both Estonian and English.

Article 4 - Central body

The functions of the central body, as referred in Article 4 of the Regulation, are carried out by the Ministry of Justice and Digital Affairs. Contact details:

Suur-Ameerika 1

10122 Tallinn, Estonia

Telephone: +372 620 8183

Fax: +372 620 8109

Email: central.authority@justdigi.ee

<https://www.just.ee>

Article 7 – Assistance in address enquiries

In order to comply with the relevant requirements, in accordance with Article 7(1)(c), Estonia provides detailed information through the European e-Justice Portal on how to find the addresses of persons to be served.

- You can request information on legal persons from the Business Register: <https://ariregister.rik.ee/eng>
- The authority responsible for providing information on natural persons is:

Tallinn Civil Registry Office

Pärnu mnt 67

10135 Tallinn

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Email: perekonnaseisuamet@tallinnlv.ee

- Applications may be submitted:
 - by email with a digital signature to perekonnaseisuamet@tallinnlv.ee; or
 - by post, signed by hand, to:

Tallinn Civil Registry Office

Pärnu mnt 67

10135 Tallinn

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- The application must indicate:
 - which documents to be served require a person's address (with documentation corroborating why this is needed);
 - confirmation that the need for the information in question derives from the Regulation;
 - confirmation that the information in question will be used only for the intended purpose;
 - who paid for provision of the information in question and on what date (attaching a payment order certifying that the payment has been made is recommended);
 - information enabling identification of the applicant (including a copy of the personal data page of the applicant's identity document, to be attached to the application).

Application form: <https://siseministeerium.ee/request-determine-address>

Applications may be submitted in Estonian or English.

- The provision of information is subject to a fee, i.e. the State fee of EUR 15 for provision of information concerning a person.

Payment details:

Recipient: Ministry of Finance

Current accounts: SEB Pank EE891010220034796011 (SWIFT: EEUH22XX),

Swedbank EE932200221023778606 (SWIFT: HABA22XX),

Luminor Bank EE701700017001577198 (SWIFT: NDEA22XX),

Ref. no: 2900082511

Communication: name of the person whose address information is sought

- Information is provided:
 - by email to the email address indicated in the application; or
 - by registered post or standard post to the applicant's postal address indicated in the application.
- Additional information:
 - If there are problems with the application, the Tallinn Civil Registry Office will contact the applicant to ask for further clarifications or documentation.
 - If the Tallinn Civil Registry Office concludes that provision of the information in question is not justified or could harm the person whose address information has been requested, it may decide not to provide said information.
 - If you consider that your rights have been violated or your freedoms restricted, you have 30 days to lodge a complaint with the Ministry of the Interior (*Siseministeerium*) [a link to the Ministry of the Interior website with more detailed information will be added by the time the Regulation begins to apply].
 - An appeal may also be lodged with the Tallinn Administrative Court (*Tallinna Halduskohus*), subject to the conditions and in accordance with the procedure laid down in the Code of Administrative Procedure (*halduskohtumenetluse seadustik*), within 30 days of notification of the order (for more information, see: <https://www.kohus.ee/kohtusse-poordujale/halduskohtumenetlus>).

Article 8 – Transmission of documents

Estonia accepts the standard forms referred to in Article 8(2) of the Regulation in both Estonian and English.

Article 12 – Refusal to accept a document

The official language in Estonia as referred to in Article 12(1)(b) and (2)(a) is Estonian.

Article 13 – Date of service

No such specific date has been laid down in Estonian law.

Article 14 – Certificate of service and copy of the document served

Estonia accepts the standard forms referred to in Article 14(2) of the Regulation in both Estonian and English.

Article 15 – Costs of service

Documents are generally served without charge.

If the receiving agency uses a bailiff to serve a procedural document, the fee payable for service of the document is EUR 40, if it was possible to serve the document on the addressee or their legal representative:

1) via the address or telecommunications data entered in the population register or via the e-mail address: isikukood@eesti.ee (*isikukood* = personal ID code);

2) at an address entered in the register of self-employed persons and legal persons kept in Estonia or via the telecommunications data registered in the information system of that register.

In cases not mentioned above, the fee payable to a bailiff for service of procedural documents is EUR 70. If the person on whom the documents are to be served has the legal obligation to register their address or telecommunications data in the population register or in the register of self-employed persons and legal persons maintained in Estonia and the person has not complied with that obligation, including if the data entered in the register are out of date or incorrect for any other reason, and therefore procedural documents could not be served on the basis of those data, EUR 35 of the above-mentioned EUR 70 fee is to be paid, in line with the decision concerning the bailiff's fee, by the person applying for professional services and EUR 35 by the person on whom the documents were to be served.

If a procedural document could not be served despite the bailiff having done everything necessary and

reasonably possible to serve the document in accordance with the procedure provided for by law, the bailiff has the right to demand a fee of EUR 40 by issuing a decision on the bailiff's fee and the instrument of service concerning the steps the bailiff has taken in order to serve the document.

A bailiff may not demand a fee if the bailiff has not done everything necessary and reasonably possible to serve documents in accordance with the procedure provided for by law within the period determined by a court and if it was not possible to serve the procedural documents.

Article 17 – Service by diplomatic agents or consular officers

In accordance with Article 17, documents may be served through the diplomatic or consular agents of another Member State located in Estonia only if they are to be served on a national of the Member State from which the documents originate.

Article 19 – Electronic service

Under Article 19(2), Estonia communicates the following:

Under Estonian law, a procedural document is deemed to have been served on the recipient by e-mail if the recipient confirms receipt thereof. This confirmation must set out the date of receipt of the document and bear the signature of the recipient or their representative. Confirmation in electronic form must bear the digital signature of the sender or be transmitted in another secure manner which enables the sender to be identified and the time of sending to be established, unless the court has no reason to doubt that the confirmation without a digital signature has been sent by the recipient or their representative. Confirmation in electronic form may be sent to the court by email if the email address of the recipient is known to the court and it can be presumed that unauthorised persons have no access to it and also if the court has already transmitted documents to this email address in the course of the same case or if the participant in the proceedings has provided their email address to the court independently. The recipient must send confirmation to the court without delay. A court may fine a participant in proceedings or their representative for violating this obligation.

Article 20 – Direct service

In Estonia, documents may not be served in the manner laid down in Article 20 of the Regulation.

Article 22 – Defendant not entering an appearance

An Estonian court may also give a ruling on a case under the conditions laid down in Article 22(2) of the Regulation if no certificate has been received concerning the service of a procedural document on the defendant. Applications for relief may be filed with a court within one year of a ruling being given which ends the proceedings in a case.

Article 29 – Relationship with agreements or arrangements between Member States

- The Agreement between Estonia and Poland on Granting Legal Assistance and Legal Relations on Civil, Labour and Criminal Matters
- The Agreement between the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania on Legal Assistance and Legal Relationships

Article 33(2) – Notification on the early use of the decentralised IT-system

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