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## Costs

### Естония

This page provides information about legal costs in Estonia.

#### Regulatory framework governing the fees of legal professions

##### Legal advisers

The fees of legal advisers are not regulated in Estonia.

##### Lawyers

Lawyers' fees are not regulated in Estonia.

##### Attorneys-at-law

The fees of attorneys-at-law are not regulated in Estonia.

##### Bailiffs

**Bailiffs' fees** are regulated in Estonia by the Bailiffs Act. A bailiff's fee may consist of a fee for initiating proceedings, the principal fee for the proceedings and an additional fee for enforcement activities. A bailiff also has the right to charge a fee for the provision of a professional service.

##### Notaries

Notaries' fees are regulated in Estonia by the [Notary Fees Act](#). A notary's fee for a professional act is usually calculated on the basis of two general principles: either it depends on the value of the transaction involved in the notarial act, or for certain acts there are set fees. The fees for professional services provided by a notary are negotiable.

##### Advocates

Advocates' fees are not regulated in Estonia but are instead determined in the client agreement. An advocate or the person running a law firm makes the initial price offer to the client and explains how the figure was arrived at. The client reimburses the necessary expenses incurred by the advocate or person running the law firm in providing the legal services.

##### Fixed costs

###### Fixed costs for litigants in civil proceedings

The fixed costs incurred by litigants in civil proceedings are set on the basis of Sections 139–144 of the [Code of Civil Procedure](#) and are divided into judicial costs and extra-judicial costs. Judicial costs consist of State fees, security and the costs of reviewing a case. At each instance, the court keeps a record of the procedural costs involved, including the costs of reviewing a case.

###### Stage of the civil proceedings where fixed costs must be paid

The following costs must be paid in advance by the party applying for proceedings to be initiated or procedural acts to be carried out:

the State fee;

security on cassation;

security for a petition to set aside a default judgment;

security for the reopening of proceedings or to reset the term;

the costs of bailiffs forwarding procedural documents;

the costs of publishing summonses or notices in the official publication *Ametlikud Teadaanded* (Official Announcements) or in a newspaper;

other costs of reviewing a case, to the extent determined by a court.

Unless the court rules otherwise, the fees charged by experts, interpreters and translators are to be paid in advance by the party to the proceedings who submitted the application resulting in the costs.

The court sets out the definitive procedural costs to be recovered and awarded in its final decision in the main case or in a ruling after that final decision has entered into force.

###### Fixed costs in criminal proceedings

###### Fixed costs for litigants in criminal proceedings

The fixed costs for litigants in criminal proceedings are set out in the Sections 175–179 of the [Code of Criminal Procedure](#) and are divided into procedural costs, specific costs and additional costs.

If a party to proceedings has several counsels or representatives, the remuneration paid to them will be included in the procedural costs inasmuch as it does not exceed a reasonable level of remuneration normally paid to one counsel or representative.

If a suspect or the accused defends himself or herself, the necessary costs of the defence will be included in the procedural costs. Excessive costs which would not have been incurred had a counsel participated will not be included in the procedural costs.

Costs which are incurred by persons who are not parties to the proceedings and which relate to the conduct of expert analyses will be reimbursed in accordance with the conditions and rules set out in the Forensic Examination Act.

###### Stage of the criminal proceedings where fixed costs for litigants must be paid

In the event of an acquittal, the procedural costs are reimbursed by the State. In the event of a conviction, the procedural costs are reimbursed by the convicted offender. In the event of a partial acquittal, the costs are reimbursed by the State in line with the extent to which the accused was acquitted. The obligation to reimburse procedural costs arises once the final decision has entered into force.

If a civil action is dismissed, **the procedural costs relating to securing the civil action** are reimbursed by the injured party. If a civil action is satisfied in full, the procedural costs relating to securing the civil action are reimbursed by the convicted offender or the defendant. If a civil action is satisfied in part, the court divides the procedural costs relating to securing the civil action between the injured party and the convicted offender or the defendant, taking all the circumstances into consideration. In the event of refusal to review a civil action, the procedural costs relating to securing the civil action are reimbursed by the State.

###### Fixed costs in constitutional proceedings

In Estonia individuals are not permitted to make requests for constitutional review. The costs of a review are covered by the State budget. The costs of involving specialists in court proceedings are covered by the State budget on the same conditions as for the payment of experts' fees in civil proceedings.

#### **Stage of the constitutional proceedings at which fixed costs for litigants must be paid**

Litigants do not incur fixed costs in constitutional proceedings.

#### **Prior information to be provided by legal representatives**

##### **Rights and obligations of the parties**

Advocates are required to notify their clients of the full range of activities relating to the provision of legal services and of all the costs involved. An advocate or the person running a law firm makes the initial price offer to the client and explains how the figure was arrived at.

##### **Costs of participating in proceedings**

###### **Costs to be borne by the successful party**

The successful party bears the costs of remunerating the legal representative or adviser for those costs considered by the court to be reasonable and not to be borne by the unsuccessful party.

###### **Costs to be borne by the unsuccessful party**

According to the judgment on determining procedural costs, the unsuccessful party must reimburse the procedural costs borne by the successful party, which may include:

the State fee;

security;

costs relating to witnesses, experts, interpreters and translators, and the costs of an expert analysis carried out by a person who is not a party to the proceedings and which are to be reimbursed under the Forensic Examination Act;

costs of obtaining documentary and physical evidence;

inspection costs, including necessary travel expenses incurred by the court;

costs of delivering, forwarding and issuing procedural documents;

costs of determining the value of the civil case;

costs relating to the representatives and advisers of the parties to the proceedings;

travel, postal, communications, accommodation and other similar expenses incurred by the parties to the proceedings in connection with the proceedings;

earnings or other permanent income not received by the parties to the proceedings;

costs of pre-trial proceedings laid down by law, unless the action was filed later than 6 months after the end of the pre-trial proceedings;

the bailiff's fee for securing an action and the costs of executing a ruling on the securing of an action;

the bailiff's fee for the delivery of procedural documents;

costs of processing an application for procedural assistance in bearing procedural costs;

costs of the accelerated order for payment procedure;

costs of participating in conciliation proceedings if the court has required the parties to participate under Section 4(4) of the Code of Civil Procedure or, if the proceedings are mandatory, pre-trial conciliation proceedings under Section 1(4) of the Conciliation Act.

The party to the proceedings who is required to pay the procedural costs of the party to the proceedings who is entitled to reimbursement of procedural costs will only be ordered to pay those costs that are necessary and justified.

#### **Cost sources**

##### **Where can I find information on cost sources in Estonia?**

The cost sources are laid down in the following legal acts:

the [Code of Civil Procedure](#);

the [Bailiffs Act](#);

the [State Fees Act](#);

legal instruments issued on the basis of the Code of Civil Procedure.

##### **In what languages can I obtain information on cost sources in Estonia?**

Information on cost sources is available in Estonian.

English translations of Estonian legal instruments setting out information on costs and their sources are available on the [Riigi Teataja \(State Gazette\) website](#).

##### **Where can I find information on mediation?**

The **Ministry of Justice** is responsible for the implementation of Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters.

General questions concerning mediation may be sent to the Ministry of Justice's e-mail address: [info@just.ee](mailto:info@just.ee).

Conciliation proceedings in civil matters are regulated by the [Conciliation Act](#), which lays down mediators' rights and obligations and also provides guidelines for implementing and enforcing agreements concluded with the help of a mediator. The following are entitled to conduct conciliation proceedings under the Act:

a natural person to whom the parties to the proceedings have entrusted the task of conducting the proceedings;

attorneys-at-law;

notaries;

in the case laid down in the Act, a State or local government conciliation body.

The website of the [Estonian Association of Mediators](#) contains information in both Estonian and English.

The [Estonian Union for Child Welfare](#) – a non-profit association that supports children's rights – gives advice to parents and organises training sessions on the subject of family mediation.

##### **Where can I find additional information on costs?**

###### **Website on costs**

The costs relating to court proceedings and the amounts involved depend on the type, duration and complexity of the court case. The primary sources of information on costs relating to court proceedings are the codes regulating court proceedings and the State Fees Act. The **Ministry of Justice** issues and administers the official publication [Riigi Teataja](#) (State Gazette), which provides access to:

**Acts** and Regulations;

**Decrees** of the President of the Republic;

**Supreme Court Decisions** and international agreements;

**local government Regulations**.

*Riigi Teataja* contains official consolidated versions of Acts, Government Regulations and Orders, ministerial Regulations, Regulations of the President of Eesti Pank (the Bank of Estonia), National Electoral Committee Regulations, Parliament Decisions, municipal and city council Regulations and municipal and city government Regulations. The legislation and other documents published in *Riigi Teataja* have been available since 1990.

#### **Where can I find information on the average length of time that different procedures take?**

The Courts [website](#) gives statistics on proceedings in courts of first and second instance since 1996.

#### **Where can I find information on the average aggregate cost for a particular type of proceeding?**

The State fee to be paid for a particular type of proceeding is laid down in the [State Fees Act](#).

Bailiffs' fees are laid down in the [Bailiffs Act](#).

No statistics are available on the average aggregate cost for particular types of proceedings.

#### **Value Added Tax**

##### **How is this information provided?**

Bailiffs' fees are also subject to VAT, at a rate of 20%.

In order to be reimbursed the VAT added to the procedural costs, the declarant must confirm that he or she is not registered for VAT or is unable to recover VAT for any other reason.

##### **What are the applicable rates?**

As of 1 July 2009 the VAT rate in Estonia is 20%.

#### **Legal aid**

##### **Applicable income threshold in the area of civil justice**

State-funded legal aid is one of ways in which procedural assistance is granted, and any decision on the granting of State-funded legal aid in civil proceedings is subject to the rules laid down in the Code of Civil Procedure concerning the granting of procedural assistance.

Procedural assistance is not granted to a natural person if:

the procedural costs are not expected to be more than twice the average monthly income of the applicant for procedural assistance, calculated on the basis of the average monthly income for the 4 months prior to the application being submitted, net of taxes and compulsory insurance payments, costs to meet legal maintenance obligations and reasonable costs relating to housing and transport;

the applicant for procedural assistance can bear the procedural costs out of his or her existing assets which could be sold without any major difficulties and against which a claim can be filed pursuant to law.

In assessing the financial situation of an applicant, account is taken of the assets and income of both the applicant and of family members living with the applicant, the number of persons maintained by the applicant, reasonable expenditure incurred on housing, and other factors of significance.

##### **Other conditions attached to the granting of legal aid for injured parties**

The State may grant procedural assistance in accordance with the Code of Civil Procedure. The types of legal aid guaranteed by the State and the conditions and rules for obtaining legal aid of this nature are regulated by the [State-funded Legal Aid Act](#).

**State-funded legal aid** is granted to natural persons who, at the time of submitting the application for the legal aid, is domiciled in the Republic of Estonia or another Member State of the European Union or is a citizen of the Republic of Estonia or another Member State of the European Union. Regardless of home country and citizenship, a natural person who is a suspect or is the accused, who has not chosen a defence lawyer by agreement and in whose criminal case the participation of a defence lawyer is mandatory by law or who applies for a defence lawyer to participate receives State-funded legal aid, regardless of his or her financial situation. The process of determining domicile is based on Article 62 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1). Other natural persons are granted legal aid only if this results from an international obligation binding on Estonia.

**The grounds for refusing to grant State-funded legal aid are set out** in Section 7 of the [State-funded Legal Aid Act](#).

You can read more about State-funded legal aid on the [website](#) of the Estonian Bar Association.

##### **Other conditions relating to the granting of legal aid for suspects and defendants**

The conditions applicable to the granting of legal aid for suspects or defendants are the same as for injured parties.

#### **Cost-free court proceedings**

The grounds for exemption from payment of state fees and for reducing state fees are laid down in Chapter 3 of the [State Fees Act](#).

##### **When does the unsuccessful party have to pay the successful party's costs?**

The court adjudicating on a civil case sets out in the court decision or in the ruling to terminate the proceedings how the procedural costs are to be divided between the parties. Where necessary, the court indicates what proportion of the procedural costs are to be borne by each party. If a higher court amends a judgment or passes a new judgment without referring the matter for a new hearing, the court is to amend the division of the procedural costs accordingly, if necessary.

The court determines the amount of procedural costs to be awarded to the party to the proceedings who is entitled to reimbursement of procedural costs from the party to the proceedings who is required to pay the procedural costs, either:

in the court decision or in the ruling to terminate the proceedings; or

after the court proceedings have ended, by issuing a ruling on determining procedural costs.

**The granting of procedural aid, including legal aid, does not preclude or limit the obligation on the recipient of the procedural aid, under a court judgment, to reimburse the costs incurred by the opposing party. The party against whom the decision is made must bear their procedural costs in full even if the party is exempt from the obligation to pay procedural costs or if they have been granted procedural aid to pay those costs.**

If an action is resolved, the court orders the defendant to pay a proportion of the procedural costs to be paid into public funds and from which the claimant is exempt or which the claimant may pay in instalments. That amount must be paid into public funds and is in proportion to the part of the action that has been resolved.

If the judgment has entered into force or the court has declared that the judgment is enforceable immediately, the creditor may apply to a bailiff to enforce the judgment. If the judgment does not set a deadline for complying voluntarily with the enforceable title, the bailiff sets it. The deadline may not be shorter than 10 days or longer than 30 days. If the party seeking enforcement agrees, the bailiff may set a deadline longer than 30 days for complying voluntarily with the enforceable title.

#### **Experts' fees**

Unless the court rules otherwise, experts' fees are to be paid in advance, to the extent ordered by the court, by the party who filed the application in conjunction with which the costs are incurred. If both parties submit an application or if the court summons an expert, the costs are split equally between the parties.

Experts are to be paid an hourly rate within the limits of the minimum and maximum hourly rates laid down in a Government Regulation. The expert's fee for expert analysis is 10–40 times the minimum hourly rate. When determining the hourly rate to be paid, the court takes account of the following:

the expert's qualifications;  
the level of complexity of the work;  
any unavoidable costs incurred when using the necessary means;  
any special circumstances under which the expert has carried out the required work.

Costs relating to preparing and drawing up the expert's opinion, including expenses for support staff and for materials and means used for the investigation up to a total of 20% of the expert's fee, and travel expenses and any necessary expenses incurred as a result of the court proceedings, above all on board and lodging, are also to be reimbursed.

The fee to be paid to an expert and the costs incurred by the expert that are to be reimbursed are determined by a ruling of the same court which involved the expert.

Experts are remunerated only **on request**. If an expert has fulfilled his or her obligation, the court pays the fee due regardless of whether the parties to the proceedings have paid the costs in advance or whether recovery of the costs from the parties has been ordered.

The prices for examinations conducted at a State forensic institution and the expenses incurred by a forensic institution are set out in the Forensic Examination Act.

Experts' fees and expenses relating to the conduct of an expert assessment by a state forensic institution are part of the procedural costs and are reimbursed by the unsuccessful party in the same manner as procedural costs.

#### **Translators' and interpreters' fees**

Out-of-court interpreters participating in court proceedings are paid an hourly fee for interpretation ranging from 2 to 40 times the minimum national hourly wage. Translators are paid a fee per page of translation, which is up to 20 times the minimum hourly wage. The minimum hourly wage is set by the Government of the Republic in a Regulation.

The fee to be paid to interpreters or translators and the costs to be reimbursed are determined by a ruling of the same court which involved the interpreter or translator.

When determining the hourly rates to be paid, the court takes account of the qualifications of the interpreter or translator, the complexity of the work, any unavoidable costs that have arisen and the particular conditions in which the interpretation or translation was required.

Travel expenses incurred by an interpreter as a result of the court proceedings and any other necessary expenses, above all for board and lodging, are also to be reimbursed.

Interpreters and translators are remunerated only **on request**. The court pays the fee due to the interpreter or translator regardless of whether the parties to the proceedings have paid the costs in advance or whether recovery of the costs from the parties has been ordered.

Interpreters' and translators' fees are part of the procedural costs and are reimbursed by the unsuccessful party to the successful party in the same manner as procedural costs.

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