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Small claims - Estonia

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Article 25 1 (a) Competent courts

In Estonia, a judgment in the European Small Claims Procedure is given by the county court with the relevant jurisdiction.

Article 25 1 (b) Means of communication

In Estonia, the means of communication permitted in a European Small Claims Procedure and available to the courts in accordance with Article 4(1) of the Regulation are delivery by hand, post, fax and electronic transmission channels. When submitting documents, the requirements for format laid down in Sections 334-336 of the Code of Civil Procedure must be observed.

In accordance with those provisions, petitions must be submitted to the court in clearly legible typewritten form in A4 format. This applies to documents signed in manuscript. In accordance with the Act, participants in proceedings also provide the court with electronic copies of procedural documents submitted in writing where possible. This means the sending of a simple e-mail without the need to sign it digitally or to authenticate it in any other manner, in order to simplify the work of the courts when handling documents.

If documents are submitted by fax or e-mail to the relevant address or in another form capable of producing a written record, the original copy of the written document must be handed over to the court without delay or, at the latest, when the case is heard in court or during the period laid down for the submission of documents in written procedure. In that case, the deadline for submitting a written petition or appeal is deemed to have been met.

Petitions and other documents which must be in written form may also be submitted to the court in electronic form, provided that the court can print and make copies of the documents. In this case, the document must bear the sender's digital signature or have been transmitted in a similarly secure manner which enables the sender to be identified. An electronic document is deemed to have been submitted to a court once it has been recorded in the database for the receipt of court documents. More detailed rules for submitting electronic documents to the courts and the format requirements for documents are laid down in a Regulation enacted by the Minister for Justice.

The court may deem a petition or other procedural document sent by e-mail by a participant in proceedings to be sufficient also if it is not signed in manuscript or does not bear a digital signature, provided that the court has no doubts about the identity of the

sender or the sending of the document, in particular where documents bearing a digital signature have previously been sent to the court from the same e-mail address in the same case by the same participant or where the court has agreed that petitions or other documents may be submitted to it also in this form.

The submission of a petition through the information system created for that purpose (the e-File procedural information system), which is available at <http://www.e-toimik.ee/>, is also considered to be electronic submission. If a petition is submitted via the e-File procedural information system, there is no need to send the petition to the court by e-mail.

In a European Small Claims Procedure, the court may bypass the provisions laid down in the Code concerning the requirements for the service of procedural documents and the form of documents submitted by participants in the proceedings, except when serving a notice of action on a defendant.

Article 25 1 (c) Authorities or organisations providing practical assistance

One can obtain practical assistance concerning the European Small Claims Procedure from the Court Registry. The relevant contact information can be found in point (a).

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The means of electronic service and communication that are technically available and admissible in Estonian courts are the e-File procedural information system (<http://www.e-toimik.ee/>), and the service of documents by e-mail or fax.

If a court serves a procedural document through the e-File procedural information system, the court will send to the e-mail address or telephone number notified to the court a notice for the recipient that the document has been made available in the system (Section 311¹(1) of the Code of Civil Procedure). The court may also send a notice to the effect that the document has been made available to a phone number or e-mail address found on the Internet, on the presumed user account page of a virtual social network or on the page of another virtual communication environment which the addressee may be presumed to use, according to the information made available on the Internet or where, upon sending, such information may be presumed to reach the addressee. If possible, the court will make the notice available on the presumed user account page of a virtual social network or on a page of another virtual communication environment in such a manner that the notice cannot be seen by any other persons than the addressee. A procedural document is deemed to be served when the recipient opens it in the information system or confirms its receipt in the information system without opening the document and also if the same is done by another person to whom the recipient has granted access to see the documents in the information system. The information system registers the service of the document automatically.

If a recipient cannot be expected to be able to use the information system used for the service of procedural documents or if service through the information system is technically impossible, the court may also serve procedural documents on the recipient electronically by e-mail or fax. In such cases a procedural document is deemed to be served on the recipient when the recipient confirms the receipt of the procedural document in writing, by fax or electronically. The confirmation shall set out the date of receipt of the document and bear the signature of the recipient or their representative. A confirmation prepared in electronic form shall bear the digital signature of the sender or be transmitted in another secure manner which enables identification of the sender and establishment of the time of sending, unless the court has no reason to doubt that the confirmation without a digital signature has been sent by the recipient or their representative. A confirmation prepared in electronic form may be sent to the court by e-mail if the e-mail 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 e-mail address in the course of the same case or if the participant in the proceeding has provided his or her e-mail address to the court independently.

Prior consent to the use of electronic service of documents may be granted through the e-File procedural information system, by e-mail or by fax. Such consent may be sent to the court through an application for a European Small Claims Procedure or by replying thereto.

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Procedural documents must generally only be served to attorneys, notaries, bailiffs, trustees in bankruptcy and state or local government agencies electronically, through the e-File procedural information system. Service of documents using other methods is only permitted if there is good cause. For other persons, no obligations are laid down in law regarding the means by which documents should be served.

Article 25 1 (f) Court fees and the methods of payment

A state fee is payable for lodging a petition for European Small Claims Procedure to a county court. The amount of that fee is determined on the basis of the value of the civil case, which is in turn determined based on the amount claimed. In calculating the value of a civil matter, the amount of the principal claim is added to the amount of the ancillary claims. In the event of a European Small Claims Procedure application for the recovery of interest on arrears that has not become chargeable, the amount that corresponds to one year of interest on arrears must also be added to the amount. The amount of the state fee is determined on the basis of the final amount received (the cost of the civil case) and in accordance with the table presented in Section 59(1) of [§ Anne x 1](#) [to the State Fees Act](#).

A security must be paid for submitting a petition for reviewing a court judgment (a petition to set aside a default judgment). The security is an amount that corresponds to the state fee for half of the amount involved in the action. The amount of the state fee must not be less than EUR 100 and must not exceed EUR 1500.

The same state fee must be paid for lodging an appeal as was paid for the initial lodging of the European Small Claims Procedure application to the county court, taking into account the extent of the appeal.

Security must also be paid in order to lodge an appeal in cassation and an application for review. The calculation of the security is based on the amount claimed, one percent of which is the cost of the civil case. The amount of the state fee must not be less than EUR 100 and must not exceed EUR 3000.

A state fee of EUR 50 must be paid to a district court or the Supreme Court for lodging an appeal.

The state fee can be paid to any of the bank accounts of the Ministry of Finance by bank transfer: SEB Pank – bank account number EE571010220229377229 (SWIFT: EEUH22X); Swedbank – bank account number EE062200221059223099 (SWIFT: HABAE2X); Danske Bank – bank account number EE513300333522160001 (SWIFT: FOREE2X); Nordea Bank – bank account number EE221700017003510302 (SWIFT: NDEAE2X).

In all cases the state fee must be paid before the petition is lodged. Together with the petition, a document proving payment of the state fee or information enabling the court to verify payment of the state fee (for instance the date on which the payment was made, the amount, the payer of the fee, etc.) must be submitted to the court.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

An **appeal** may be lodged under the appeal procedure against a court judgment delivered in a European Small Claims Procedure if leave to appeal has been granted in the judgment of the county court. In general, the court will give leave to appeal if it considers that a ruling by a court of appeal is necessary in order to obtain the opinion of a district court on a point of law. If the county court's judgment does not include leave to appeal, an appeal may still be submitted to a district court, but the district court will admit the appeal only if it is clear that, when making its judgment, the county court incorrectly applied a provision of substantive law, breached procedural requirements or incorrectly appraised evidence, and if this could have had a serious impact on the ruling.

Appeals are to be lodged with the district court in whose jurisdiction the county court ruling on the European Small Claims Procedure is located.

An appeal may be lodged within 30 days of the service of the judgment on the appellant, but not later than within five months of the judgment of the court of first instance being made public. If the county court judgment was made without the part describing and justifying the judgment and if a participant in the proceedings requested the court to add such a part to its judgment, the period for appeal will begin anew as of the service of the complete judgment. An appeal may not be lodged if both parties have renounced their right to lodge an appeal in a petition submitted to the court.

An **appeal in cassation** may be lodged with the Supreme Court against a court judgment made under the appeal procedure (Chapter 66 of the Code of Civil Procedure). A participant in proceedings may lodge an appeal in cassation with the Supreme Court if a district court has significantly breached procedural requirements or incorrectly applied a provision of substantive law.

An appeal in cassation may be lodged within 30 days of the service of the judgment on the participant, but not later than within five months of the district court's judgment being made public. An appeal in cassation may not be lodged if both parties have renounced their right to lodge an appeal in a petition submitted to the court.

In exceptional circumstances where a participant in proceedings so wishes and where new evidence has come to light, an **application for review** of a court judgment which has entered into force may be submitted to the Supreme Court pursuant to the procedure laid down in Chapter 68 of the Code of Civil Procedure. An application for review may be submitted within two months of becoming aware of there being a reason for review. On the grounds that a participant in proceedings was not represented at the proceedings, an application for review may be submitted within two months of the service of the ruling on the participant or, in the case of a party with no active legal capacity in civil proceedings, on the participant's legal representative. For this purpose, service

by public notice is not taken into account. An application for review may not be submitted if five years have passed since the entry into force of the court ruling concerning which a review is being sought. An application for review may not be submitted on the grounds that the party did not participate or was not represented in the proceedings or in the case laid down in Section 702(2)(8) of the Code of Civil Procedure if ten years have passed since the entry into force of the court ruling.

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

The procedure for applying for a review of a court judgment corresponds to the procedure **to set aside a default judgment** (Section 415 of the Code of Civil Procedure). An application for a review must be lodged with the court that made the judgment in the matter of the application for European Small Claims Procedure. The application must be submitted in writing and it must contain the following: a reference to the judgment for which a review is sought; a petition requesting review of the judgment; the circumstances and grounds for which the judgment should be reviewed. After that the court will serve the petition on the counterparty, and assign it a deadline for presenting its position. The court is entitled to hold a hearing to rule on the petition that was lodged. The court will issue a written ruling regarding the petition. If the petition is satisfied, the European Small Claims Procedure will continue in the situation it was in before the ruling was made. Appeals may be filed with a district court against court rulings rejecting applications for review of court judgments. Appeals may be filed with the Supreme Court against appeal rulings issued by a district court only if the district court rejected the appeal.

Article 25 1 (i) Accepted languages

Under Article 21(a)(a) of the Regulation, the accepted languages are Estonian and English.

Article 25 1 (j) Authorities competent for enforcement

Rulings given in European Small Claims Procedures in Estonia are enforced by independent bailiffs. An application for enforcement proceedings to be commenced is to be submitted to the bailiff of the debtor's place of residence or domicile or at the location of the assets. The list of bailiffs' offices is available on the [website of the Estonian Chamber of Bailiffs and Trustees in Bankruptcy](#).

If an appeal is lodged against a ruling given in a European Small Claims Procedure, the measures laid down in Article 23 of the Regulation are applied by the district court with which the appeal is lodged. When a petition is lodged, the application for measures to be applied is to be submitted to the court ruling on the petition.

If an appeal has not yet been lodged, the measures laid down in Article 23 of the Regulation are applied by the court which delivered the ruling on the case. The court competent to apply the measure laid down in Article 23(c) of the Regulation is the county court in whose jurisdiction enforcement proceedings are being conducted or would have to be conducted. [In the cases laid down in Section 46 of the Code of Enforcement Procedure](#), a decision to stay the enforcement proceedings may be taken by the bailiff conducting the enforcement proceedings, as well as by the court.

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