

Costs of proceedings - Estonia

 Please note that the original language version of this page [\[et\]](#) has been amended recently. The language version you are now viewing is currently being prepared by our translators.

This page provides you information on Estonia's judicial costs.



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.

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 in civil proceedings

Fixed costs for litigants in civil proceedings

The fixed costs incurred by litigants in civil proceedings are:

- 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 serving procedural documents;
- the costs of publishing summonses or notices in the official publication *Ametlikud Teadaanded* (Official Announcements) or in a newspaper.
- remuneration for experts, interpreters and translators;
- other costs of hearing a case and extra-judicial costs.

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.
- the 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.

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 [Code of Criminal Procedure](#) and are divided into procedural costs, specific costs and additional costs.

Procedural costs are:

- reasonable remuneration paid to the chosen counsel or representative and other necessary costs incurred by a party to the proceedings in connection with the criminal proceedings;
- amounts paid to victims, witnesses, experts and qualified persons under Section 178 of the Code of Criminal Procedure, except the costs referred to in Section 176(1)(1) of the Code;
- costs incurred by a state forensic institution or any other government body or legal entity in connection with conducting expert assessments or establishing intoxication;
- remuneration set for an appointed counsel and his or her expenses inasmuch as they are justified and appropriate;
- costs incurred in making copies of material in the criminal file for a counsel in accordance with Section 224(1) of the Code of Criminal Procedure;
- costs of storing, sending and destroying evidence;
- costs relating to the storage, transfer and destruction of confiscated property;
- costs incurred as a result of securing a civil action;
- compensation levies accompanying a conviction;
- other costs incurred by a body conducting criminal proceedings in the course of conducting those proceedings, except costs considered to be specific or additional costs in accordance with the Code of Criminal Procedure.

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.

Specific costs are costs relating to the postponement of a court hearing because a party to the proceedings fails to appear, and the costs of compulsory attendance.

Additional costs are:

- the fee paid to a person who is not a party to the proceedings for information concerning facts relating to a subject of proof;
- costs of keeping a suspect or the accused in custody;
- amounts paid to interpreters or translators in accordance with Section 178 of the Code of Criminal Procedure;
- amounts paid in criminal proceedings pursuant to the Compensation for Damage Caused by State to Person by Unjust Deprivation of Liberty Act;
- costs which have been incurred by state and local government bodies in connection with criminal proceedings and which are not referred to in Section 175(1)(1) or (10) of the Code of Criminal Procedure;
- amounts paid to representatives of witnesses in accordance with Section 67¹ of the Code of Criminal Procedure.

Stage of the civil 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

Fixed costs for litigants 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 ruling 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 six 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.

If, under a court decision on the division of procedural costs, a party to the proceedings is required to bear the costs incurred by another party relating to the legal representative or adviser, the costs to be determined by the court must be justified and not exceed the required level. Costs incurred in hiring several representatives are reimbursed only if they result from the complexity of the case or the need to change representative.

Cost sources

Where can I find information on cost sources in Estonia?

The cost sources are as follows:

- 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.

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.

Conciliation proceedings in administrative cases are regulated by the Code of Administrative Court Procedure and in criminal and misdemeanour cases by the Code of Criminal Procedure.

As regards recourse to mediation in family law, the Ministry of Social Affairs is encouraging development of the activities of family mediators. The website of the [Estonian Association of Mediators](#) contains information in both Estonian and English. Similarly, the [Estonian Union for Child Welfare](#) — a non-profit association supporting children's rights — offers advice to parents wishing to separate or divorce and encourages them to use the services of conciliators in order to protect their children's interests. The Union also organises training in the field 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 duration and nature 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.

An analysis of the practice of determining legal costs in civil proceedings has been published on the [website](#) of the Supreme Court.

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

Legal aid is available if the costs of the legal services are more than twice the applicant's average monthly income, calculated on the basis of the average monthly income for the four months prior to the application being submitted.

Taxes and compulsory insurance payments, costs to meet legal maintenance obligations and reasonable costs relating to housing and transport are deducted from the calculated result.

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 Legal Aid Act](#).

Legal aid may be granted to a natural person who is resident in or a citizen of Estonia or another Member State of the European Union at the time of submitting his or her application. A person's residence is determined on the basis of Article 59 of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Other natural persons may be granted legal aid only where this right arises from an international agreement.

State legal aid is not granted if:

- the applicant is able to defend his or her rights himself or herself;
- the applicant does not have the right which he or she is applying for legal aid to protect;
- the applicant could bear the costs of the legal services using his or her existing assets which could be sold without any major difficulties;
- the costs of the legal services are not expected to be more than twice the applicant's average monthly income, calculated on the basis of the average monthly income for the four months prior to the application being submitted, from which taxes and compulsory insurance payments, costs to meet legal maintenance obligations and reasonable costs relating to housing and transport are deducted;
- it is clear from the circumstances that there is little chance of the applicant being able to defend his or her rights;
- the application is made in order to submit a claim for compensation of non-material damage and there is no compelling public interest in the case;
- the dispute concerns the applicant's economic activities and has no impact on his or her rights not relating to those economic activities;
- the application is made to protect a trade mark, a patent, a utility model, an industrial design, integrated circuit topographics or some other form of intellectual property, with the exception of rights arising from the Copyright Act;
- the applicant has clear common interests with a person who is not entitled to legal aid; in this case there is a risk that the legal aid received could be transferred to the noneligible person;
- the application is made to defend a right transferred to the applicant and there is reason to believe that the right was transferred to the applicant in order to obtain State legal aid;
- the provision of legal services is guaranteed by a legal expenses insurance contract concluded by the applicant or on the basis of compulsory insurance;
- the potential gain to the applicant from the case is unreasonably small in comparison with the expected cost to be borne by the State to provide legal aid.

You can read more about State 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 State Fees Act lays down the circumstances in which exemptions from State fees are possible. In a court case, the following acts are exempt from payment of a State fee:

- reviewing an appeal or complaint to demand remuneration or a salary, to establish the nullity of the termination of an employment contract, to be reinstated or to change the wording of the basis for release from service;
- reviewing an appeal claiming maintenance and, in a maintenance claim for children, an application for an accelerated order for payment procedure;
- reviewing a claim for damages for unlawful conviction, unlawful criminal prosecution, unlawful preventive detention and other unjustified deprivation of liberty, and also reviewing a claim for compensation for damage to property caused by the unlawful imposition of a penalty for a misdemeanour;
- first issue of court documents relating to a criminal case;
- carrying out proceedings to place a person in a closed institution;
- reviewing a claim for the return of assets confiscated or abandoned in conjunction with unlawful repression and for compensation for damage;
- reviewing a case to prove the length of pensionable service;
- reviewing a protest in an administrative case;
- reviewing an application for exemption from the payment of notaries' fees, and submitting an objection to the court ruling in such a case;
- reviewing an application for procedural assistance, and submitting an objection to the court ruling in such a case;
- reviewing an appeal for or a complaint concerning damage caused by bodily injury or another disorder or by the death of the main wage earner;
- making a copy of up to five pages of procedural documents in an administrative case.

The following are exempt from State fees:

- submission by a minor of an objection to a court ruling in a case in which an independent right of appeal is conferred on him or her by law;
- a case brought by an applicant for a pension or support concerning incorrect payment of or failure to pay the pension or support;
- submission by a natural person of a complaint against a decision of an electoral committee;
- submission by a guardianship institution of an application for the loss of parental authority or to appoint a guardian for a minor or of any other application submitted in the interests of a child for whom the institution is responsible;
- submission by the tax authorities of a bankruptcy petition or other petition relating to insolvency proceedings, and in cases brought to determine the amount of tax;
- submission by a county government of an appeal in accordance with the rules arising from the Land Reform Act for performance of the duties of a mortgagee in a case relating to a mortgage established for the benefit of the State;
- submission by a bailiff to a court of an application relating to the performance of enforcement proceedings on the basis of the Code of Enforcement Procedure and of an objection to a court ruling relating to enforcement proceedings under Section 599 of the Code of Civil Procedure.

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

The court adjudicating on a 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. The court must indicate which procedural costs or, where necessary, 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.

A party to court proceedings is entitled to request **the court of first instance** that adjudicated on the matter to determine the procedural costs in monetary terms on the basis of the proportional division of the costs set out in the court judgment. It may do so within 30 days of the date on which the court decision on the division of costs enters into force. A list of the procedural costs, which also provides details on the composition of the costs, must be enclosed with the petition. The court may set a deadline by which the party to the proceedings must provide further details concerning the procedural costs to be reimbursed, or may require the party to provide documents evidencing those costs. The court promptly forwards to the opposing party the petition for the determination of the procedural costs together with the list of procedural costs and the supporting documents.

The **opposing party** may submit objections within the period set by the court following the serving of the petition. The period for replying must not be shorter than seven days. The granting of legal aid does not preclude or limit the obligation on the recipient of the legal 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 legal aid to pay those costs.

If an action is resolved, the court orders the defendant to pay a proportion of the procedural costs 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.

Experts' fees

Unless the court rules otherwise, the costs essential to the proceedings are to be paid, 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.

Fees are paid to experts on the basis of the performance of their duties. Hourly rates are to be paid 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, 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.

Experts' fees and expenses relating to the conduct of an expert assessment by a public 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 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.

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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