ESTONIA

Enforcement (214 Kb)

I. ADMINISTRATIVE ENFORCEMENT

Which administrative mechanisms are available to enforce the Directives?

In Estonia, Directives 2005/29 (Unfair Commercial Practices), 98/6 (Price Indication), 2008/122 (Timeshare Directive), 93/13 (Unfair Contract Terms), 2011/83 (Consumer Rights Directive), 1999/44 (Consumer Sales and Guarantees Directive) and 2006/114 (Misleading and Comparative Advertising Directive) are implemented mainly by the Consumer Protection Act ("CPA"), the Advertising Act ("AA") and the Law of Obligations Act ("LOA").

The enforcement of the Directives is mainly supervised by the Consumer Protection Board (in Estonian: "Tarbijakaitseamet"), but in special branches also by the respective supervising board – for instance, the issuance of consumer credits is (including enforcement issues) also supervised by the Financial Supervision Authority ("Finantsinspektsioon") The primary duty of the Consumer Protection Board is the protection of the rights and interests of consumers. However, neither the Consumer Protection Board nor the Financial Supervision Authority are themselves entitled to enforce rights and obligations contained within abovementioned Directives at court, but have – e.g. in the case of the finance supervision authority – either control functions (in the form of prudential supervision, market and services supervision) or advisory and informative function (in case of the consumer protection authority). They can also serve as a mediator or as an ADR venue (further "Consumer disputes"). In any case, they do not directly represent the consumer in legal disputes in court and can also not enforce any decisions made in his/her interest.

The enforcement of the claims arising from consumer-credit contracts is regulated by other legal acts, mainly the General Part of the Civil Code Act and the Civil Procedure Code.

In terms of the abovementioned settlement of consumer disputes, these Boards inter alia settle petitions and complaints concerning violations of consumer rights or forward such petitions and complaints to the relevant institutions for settlement, and demand through county courts that the application of standard terms which cause unfair harm to the collective interests of consumers and unfair commercial practices be prohibited and that any other activities which violate consumer rights be terminated.

The competent administrative enforcement authority according to Article 40 CPA is the Consumer Dispute Committee (in Estonian: "Tarbijavaidluste komisjon"), which operates in the Consumer Protection Board within the area of government of the Ministry of Economic Affairs and Communications. The Committee is competent to resolve domestic and cross-border consumer disputes initiated by the consumer and arising from contracts between consumers and traders, where one party is a trader whose place of establishment is in the Republic of Estonia. The Committee does not settle a dispute if the claim arises from an event of death, physical injury or damage to health. Such disputes are to be settled in court. The Committee also does not settle disputes relating to the provision of health services or legal services or the transfer of immovables or buildings, or disputes for which the settlement procedure is prescribed by other laws.

The general website of the Consumer Protection Board can be found at http://www.tarbijakaitseamet.ee/et.

There is quite a strong tendency to administrative enforcement in Estonia as the proceedings in the Consumer Dispute Committee are free for the parties. However, the administrative enforcement is not an obligatory step before the initiation of court proceedings.

Apart from the Consumer Protection Board, the law enforcement authorities are:

The Health Board with regard to compliance with the health protection requirements for the services provided to consumers;

The rural municipality or city government with regard to compliance with the requirements for indicating the prices of the goods offered or services provided to consumers and the requirements relating to the labelling and instruction manuals of goods within their administrative territory.

Who can file administrative complaints? Can investigations be initiated ex officio?

According to Article 46(1) CPA, administrative complaints can be filed by any consumer if the trader has refused to satisfy a claim of the customer or the customer does not consent to the solution proposed by the trader.

A consumer within the meaning of the CPA (Article 2 (1) (1)) is a natural person who concludes a transaction not related to independent economic or professional activities.

The Consumer Protection Board can initiate investigations ex officio. The Consumer Protection Committee exercises supervision over compliance with the requirements provided for the protection of consumer rights in the CPA and legislation established on the basis of the CPA, and other Acts. The Consumer Protection Board and the Health Board may apply the special state supervision measures provided in §§ 30 – 32 and 49 – 53 Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act. The measures include the right to demand the provision of documents for investigation, summon persons, enter into and examine premises and examine movables.

Do any specific procedural requirements apply to filing administrative complaints?

The complaint to the Consumer Dispute Committee can be filed in three ways:

1) in writing on paper;

2) in writing via another durable medium;

3) digitally through the website of the Consumer Protection Board http://www.tarbijakaitseamet.ee/en/consumer-disputes-committee/submit-complaint-committee

"In writing" within the meaning of Article 78 General Part of the Civil Code Act (further "GPCCA") is a document containing either a hand-written signature or a digital signature. Additionally, the written format may also be substituted by notarial authentication or notarial certification. However, notarial authentication or notarial certification is rather rarely used to file a complaint to the Consumer Protection Committee in practice.

Based on the internal procedure rules of the Consumer Protection Board, complaints should contain the following information:

name and contact details of the consumer;

name and contact details of the trader;
the contents of the dispute and a clearly expressed claim of the consumer and the facts on which it is based;
the consumer's confirmation that proceedings on the dispute are not being conducted by another recognised dispute resolution entity or that proceedings on the dispute are not being or have not been conducted by a court;
the consumer's confirmation that he or she has previously contacted the trader;
in the case of wishing an oral hearing of the dispute, the corresponding declaration of intention of the consumer.

Do the administrative authorities have an obligation to investigate the complaint?
The Consumer Dispute Committee has an obligation to proceed with every complaint in case the complaint has been submitted in accordance with the formal requirements stemming from Article 46(3) CPA.
The grounds for a refusal to accept a complaint are provided in Article 47(1) CPA. The secretariat of the committee refuses to accept a petition if:
the consumer has not previously contacted the trader with the complaint;
the consumer fails to eliminate the deficiencies in the petition within the set term;
the resolving of the dispute is not in the competence of the committee on the basis of subsections 40 (4) and (5) of this Act;
proceedings on the same dispute on the same grounds and between the same parties are being conducted by another recognised dispute resolution entity or by a court or have been conducted by a court;
a bankruptcy or liquidation proceeding has been initiated against the counterparty of the consumer.
The committee may refuse to accept a petition or terminate the proceedings if:
the petition is not filed in order to protect a right or interest of the consumer protected by law;
the achievement of the objective sought by the consumer in an out-of-court procedure is unpromising;
the dispute cannot be resolved without thorough investigation and hearing of witnesses and it would be more expedient to resolve it in the county court;
the value of the disputed goods or services or the amount of the consumer's claim is less than 30 EUR and resolution of the dispute is not important from the point of view of forming practice or necessity to significantly change the current practice, the dispute is of no meaning for other potential consumers or the dispute does not involve a claim to perform the contract or to establish nullity of the contract.

Are there any specific requirements regarding the provision of evidence to the competent authorities?
A complaint to the Consumer Dispute Committee must contain evidence, including a copy of the document certifying the performance of the transaction and copies of the complaint submitted to the trader and of the reply received. However, the providing of such evidence is not obligatory if the consumer does not have it in his/her possession.
It is also possible to use expert opinions as evidence in the Consumer Dispute Committee. The Committee has the right to order an expert opinion on the disputed goods or services when the parties to the dispute have given their consent thereto.

II. ENFORCEMENT THROUGH COURT ACTION
Which court actions are available to enforce the Directives?
The following court actions are available to enforce the Directives:

1) General legal remedies provided in the LOA, including:
the right to require performance of the obligation;
withhold performance of an obligation if the other party has not fulfilled its performance;
withdraw from the contract;
reduce the price;
a general claim for civil damages under Article 115(1) LOA;
if a thing does not conform to the contract, the purchaser may demand the repair of the good or delivery of a substitute good;
in the case of a delay in the performance of a monetary obligation, demand payment of a penalty for late payment.

2) A consumer may submit a complaint to the court in case he/she is not satisfied with the ruling of the Consumer Dispute Committee under Article 60(2) CPA;

3) The Consumer Protection Board may demand through the courts of first instance that the application of standard terms which cause unfair harm to the collective interests of consumers and unfair commercial practices be prohibited and that any other activities which violate consumer rights be terminated;

4) If unlawful damage is caused continually or a threat is made that unlawful damage will be caused, the victim or the person who is threatened has the right to demand that behaviour which causes damage be terminated or the making of threats with such behaviour be refrained from (a claim for cease and desist, see Article 1055 LOA). However, such a claim may be submitted only if there is no contractual relationship between the potential plaintiff and defendant.

Who can start a court action?
In a general civil claim in case of breach of contract, a party to the contract may bring an action to the court in order to initiate the proceedings.
In case it is necessary to protect consumers' collective interests, the Consumer Protection Board is entitled to initiate court proceedings. The only exception applies with regard to Directive 2001/83 (Medicinal Products Directive) where the Health Board is responsible for filing a claim to the court.
The court action may also be initiated by a consumer association or federation of such associations.

Can court actions be initiated by competitors?
The court actions can be initiated by competitors in case there is a necessity to protect collective interests of consumers and in case the consumers have suffered damages due to violation of the provisions of the Directives.
Can the case be handled through an accelerated procedure? Yes, the case can be handled through an accelerated procedure in case the action concerns a proprietary claim and the value of the action does not exceed an amount which corresponds to 2 000 EUR on the main claim and to 4 000 EUR together with collateral claims. During the accelerated proceeding, a court takes into account only the general procedural principles provided by the Code of Civil

P r o c e d u r e .

Are there any specific requirements regarding the provision of evidence to the court?

There are no specific requirements as regards the provision of evidence to the court in the CPA. Consequently, the general rules on evidence as laid down in the Code of Civil Procedure are applicable.

Evidence in a civil matter is any information which is in a procedural form provided by law and on the basis of which the court, pursuant to the procedure provided by law, ascertains the existence or lack of facts on which the claims and objections of the parties are based and other facts relevant to the just adjudication of the matter. If the participant in a proceeding wishes to provide evidence but is unable to do so, the participant may, according to Article 236(2) LOA, request in the proceeding the taking of the evidence by the court.

Are there specific procedural reliefs for consumers or consumer associations?

Neither the Consumer Protection Act nor the Code of Civil Procedure contains any provisions on this matter.

III. SANCTIONS

What are the possible civil sanctions and remedies for the infringement of the provisions of the Directives?

The civil sanctions contained in Article 7 Sections (a) and (b) Directive 2006/114 (Misleading and Comparative Advertising Directive) are implemented by Article 1047 LOA. According to said Article, a person whose moral rights have been violated may claim damages. However, Article 1047 LOA provides for the possibility to claim damages only if the advertisement violates someone's moral rights. Unless the violation of someone's moral rights has been violated, the misdemeanour sanctions provided in Article 35 AA apply (see comments below).

The sanction contained in Article 1047, LOA may be imposed by the court.

The sanction might be used by infringement of Article 5, Directive 2006/114 (Misleading and Comparative Advertising Directive).

The civil sanctions contained in Article 6 Section 1 Directive 2008/122 (Timeshare Directive) and in Article 9 Directive 2011/83 (Consumer Rights Directive) are implemented by the subsection 49 (1) LOA, according to which the consumer shall have a period of 14 days to withdraw from an off-premises contract without giving any reason.

The sanction may be imposed by the court.

The sanction might be used by infringement of Article 6 Directive 2008/122 (Timeshare Directive) and by infringement of Article 9 Directive 2011/83 (Consumer Rights Directive).

The civil sanctions contained in Article 13 Section 1 and Article 15 Directive 2008/122 (Timeshare Directive) and Article 24 of Directive 2011/83 (Consumer Rights Directive) are implemented by legal remedies contained in certain provisions LOA:

Article 108 provides for requiring the performance of obligation,

Articles 110 and 111 provide for withholding performance of obligation;

Article 112 provides for right to claim the reduction of price;

Article 115 provides for right to claim compensation for damages;

Article 116 provides for general right of withdrawal and cancellation of contract.

The aforementioned sanctions may be imposed by the court.

The sanction might be used by infringement of Articles 5, 6, 11 Directive 2008/122 (Timeshare Directive) and by infringement of Articles 5 to 16 Directive 2011/83 (Consumer Rights Directive).

The sanctions contained in Article 13 Section 2 Directive 2008/122 (Timeshare Directive) are implemented by Article 387 LOA, according to which a person or institution provided by law may, pursuant to the procedure provided by law, demand that a supplier who has violated the provisions provided for contracts relating to purchase of right to use buildings on timeshare basis, long-term holiday product contracts, agency agreements and exchange system contracts concerning transfers terminate the violation and avoid any such violation.

The sanction may be imposed by the court.

The sanction might be used by infringement of Article 5 Directive 2008/122 (Timeshare Directive).

The civil sanctions contained in Article 7 Directive 93/13 (Unfair Contract Terms) are implemented by Article 45(1) LOA, according to which the Consumer Protection Board or the Consumer Associations may, pursuant to the procedure provided by law, require that a party supplying an unfair standard term terminates application of the term and that the person recommending application of the term terminates and withdraws such recommendation.

The sanction might be used by infringement of Articles 3, 5 and 6 Directive 93/13 (Unfair Contract Terms).

It is also possible under Articles 92, 93 and 94 GPCCA for a consumer to avoid the contract if a transaction was entered into under the influence of a relevant mistake, fraud, threat, violence or gross disparity, if this can be proven in light of the commercial practice that was used and due to which the consumer entered into the contract.

The sanction may be imposed by the court.

There are no legal provisions that provide for a link between the level of monetary fines and the trader's turnover.

What are the possible criminal sanctions for the infringement of the Directives' provisions?

Infringements of the Estonian implementations of the Directives under scope are punishable with several levels of misdemeanour sanctions. Extra-judicial proceedings concerning the misdemeanours provided for in the CPA are conducted by: the Consumer Protection Board, the Health Board, or the rural municipality or city government.

There are two types of offences under Estonian criminal law, known as felonies (serious crimes) and misdemeanours. There are no sanctions as to felonies provided for the breach of the relevant Directives. There are, however, several misdemeanour sanctions provided for the infringement of the requirement stipulated in the Directives under Estonian law.

Hence, the nature of sanctions provided for different infringements of the Directives' provisions under Estonian law are regarded as criminal sanctions.

The misdemeanour sanctions contained in Article 15 Directive 2008/122 (Timeshare Directive) are implemented by the following provisions under Estonian law:

the placing, producing or publicising of advertising which violates the general requirements for advertising is punishable by a fine of up to 1,200 EUR (10,000 EUR if committed by a legal person) (Article 33 AA);

the placing, producing or publicising of advertising whereby the restrictions on or requirements for advertising of goods and services are violated is punishable by a fine of up to 1,200 EUR (10,000 EUR if committed by a legal person) (Article 35 AA);

a fine of up to 800 EUR (3,200 EUR if committed by a legal person) for the violation of the requirements for the expiry dates, labelling, instruction manuals or disclosure of prices of goods or of other requirements established for the sale of goods or provision of services (Article 68 CPA).
The aforementioned sanctions may be imposed by the court as well as by the extra-judicial institutions, such as the Consumer Protection Board, the Health Board and the rural municipality or city government.
The sanctions stipulated in Articles 33 and 35 oAA might be used by infringement of Article 3 Directive 2008/122 (Timeshare Directive) and the sanctions stipulated in Article 68 CPA might be used by infringement of Article 4 Directive 2008/122 (Timeshare Directive).
The sanctions contained in Article 11 and Article 13 Directive 2005/29 (Unfair Commercial Practices) are implemented by the following provisions of the CPA:
a fine of up to 800 EUR (3,200 EUR if committed by a legal person) for the violation of the requirements for the expiry dates, labelling, instruction manuals or disclosure of prices of goods or of other requirements established for the sale of goods or provision of services (Article 68 CPA);
a fine of up to 800 EUR (3,200 EUR if committed by a legal person) for inaccurate weighing, inaccurate measuring or miscalculation upon the sale of goods or provision of services to a consumer (Article 69 CPA);
a fine of up to 1,200 EUR (32,000 EUR if committed by a legal person) for the use of a misleading commercial practice or an aggressive commercial practice (Article 70CPA).
The aforementioned sanctions may be imposed by the court as well as by the extra-judicial institutions, such as the Consumer Protection Board, the Health Board and the rural municipality or city government.
The sanctions contained in Articles 68 to 70 CPA might be used by infringement of Articles 5 to 9 Directive 2005/29 (Unfair Commercial Practices).
The sanctions imposed by Article 5 Section 1 of the Directive 2006/114 (Misleading and Comparative Advertising Directive) are implemented via the AA. The misdemeanour sanctions relevant to the said Directive as provided for in the AA include:
the placing, producing or publicising of advertising which violates the general requirements for advertising is punishable by a fine of up to 1,200 EUR (10,000 EUR if committed by a legal person) (Article 33 of the AA);
the placing, producing or publicising of advertising which ignores the prohibition on advertising of goods and services is punishable by a fine of up to 1,200 EUR (10,000 EUR if committed by a legal person) (Article 34 of the AA);
the placing, producing or publicising of advertising whereby the restrictions on or requirements for advertising of goods and services are violated is punishable by a fine of up to 1,200 EUR (Article 35 of the AA) (10,000 EUR if committed by a legal person).
The aforementioned sanctions may be imposed by the court as well as by some extra-judicial institutions, such as the Consumer Protection Board, the Health Board and the rural municipality or city government.
The sanctions contained in Articles 33 to 35 AA might be used by infringement of Articles 3 and 4 of Directive 2006/114 (Misleading and Comparative Advertising Directive).
The misdemeanour sanctions contained in Article 8 of the Directive 98/6 (Price Indication) are implemented by the following provisions under Estonian law:
a fine of up to 800 EUR (3,200 EUR if committed by a legal person) for the violation of the requirements for the expiry dates, labelling, instruction manuals or disclosure of prices of goods or of other requirements established for the sale of goods or provision of services (Article 68 CPA);
a fine of up to 1,200 EUR (32,000 EUR if committed by a legal person) for the use of a misleading commercial practice or an aggressive commercial practice (Article 70 CPA).
The aforementioned sanctions may be imposed by the court as well as by some extra-judicial institutions, such as the Consumer Protection Board, the Health Board and the rural municipality or city government.
The sanctions contained in Articles 68 and 70 CPA might be used by infringement of Articles 3, 4 and 5 Directive 98/6 (Price Indication).
The respective authority or the court has wide discretion while imposing the sanctions. The duration and gravity of the infringement are requirements that are often taken into account while deciding on the extent of sanction. However, there are no specific requirements provided by law as regards what should be taken into account upon imposing the sanction.
There is no link between the level of monetary fines and the trader's turnover stipulated by law.
There is no indication of the purposes to which the profits of monetary fines are dedicated in the Estonian law.

What are the possible administrative sanctions for the infringement of the Directives' provisions?
The administrative sanctions contained in Article 12 Directive 2005/29 (Unfair Commercial Practices) are implemented by Article 21(2) CPA. Pursuant to said Article, the Consumer Protection Board is, for example, competent to:
inform the public of the activities of a trader or producer which violate consumer rights or damage the legitimate interests of consumers;
demand through county courts that the application of standard terms which cause unfair harm to the collective interests of consumers and unfair commercial practices be prohibited and that any other activities which violate consumer rights be terminated.
The sanctions contained in Article 21(2) CPA might be used by infringement of Articles 5 to 9 Directive 2005/29 (Unfair Commercial Practices).
Additionally, the sanctions contained in Article 12 Directive 2005/29 (Unfair Commercial Practices) are implemented by Article 38(1) of the Administrative Procedure Act, pursuant to which in administrative proceedings, an administrative authority has the right to require participants in proceedings and other persons to provide evidence and information which is known to them and on the basis of which the administrative authority establishes the facts relevant for adjudication of the matter.
The authority within the meaning of said Article can be the Consumer Protection Board, the Health Board as well as the rural municipality or city government.
The sanctions contained in Article 38(1) Administrative Procedure Act might be used by infringement of Articles 5 to 9 Directive 2005/29 (Unfair Commercial Practices).
The sanctions contained in Article 23 Directive 2011/83 (Consumer Rights Directive) are implemented by Articles 64 and 65 CPA.
Pursuant to Article 64(1), the General of the Consumer Protection Board or an official authorised by him or her may issue precepts or the Consumer Protection Board may file an action with a county court on behalf of the Republic of Estonia to require termination of or refraining from activities harmful to the collective interests of consumers;
Pursuant to Article 65(1) and (2), the Director-General of the Consumer Protection Board or a person authorised by him or her may issue a precept and require a trader, having violated certain provisions of the LOA (sf Article 65(1) and (2) of CPA), to terminate the violation and refrain from further violation;
Pursuant to Article 65(3), the Consumer Protection Board may file an action with a county court on behalf of the Republic of Estonia and require a trader to terminate the violation of the rights of consumers and refrain from such violation in accordance with certain provisions of the LOA (sf Article 65 (3) CPA).
The sanctions contained in Articles 64 and 65 (see above) CPA might be used by infringement of Articles 5 to 8 Directive 2011/83 (Consumer Rights Directive).
The sanctions contained in Article 24 Directive 2011/83 (Consumer Rights Directive) are implemented by Article 19(3)(1) CPA:

Pursuant to Article 19(3)(1), the consumer associations which represent the interest of the consumers on national or local level and whose membership includes at least 50 people, and federations of associations whose member associations have a total membership of at least 50 people, have the right to demand through a court, in the cases provided by the LOA and in order to protect the collective interests of consumers, that the application of standard terms which cause unfair harm to consumers be terminated or that other violations be terminated and that any future violations be refrained from.
The sanctions contained in Article 19(3)(1) CPA might be used by infringement of Articles 5 to 8 Directive 2011/83 (Consumer Rights Directive).
The Consumer Protection Board and the Health Board also act as law enforcement agencies within the meaning of Article 6 of the Law Enforcement Act.
Pursuant to Article 30 (3) Law Enforcement Act, the enforcement agency may require a person to present his or her documents if there is reason to believe that the person has information necessary for preventing, ascertaining or countering a threat, or for eliminating a disturbance, or for guaranteeing the safety of a safeguarded person or object, and preventing, ascertaining and countering that threat and eliminating that disturbance and safeguarding the person or object, is in the competence of the law enforcement agency requiring the presentation of the documents.
Additionally, pursuant to Article 31 (1) Law Enforcement Act, a law enforcement agency may summon a person to its office if there is reason to believe that the person has information necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance, and the prevention, ascertainment and countering of that threat or the elimination of that disturbance is in the competence of the law enforcement agency which issued the summons.
Pursuant to Article 28 (2) Law Enforcement Act, if any person liable for public orders fails to comply with the percept in a timely manner, it may be enforced by the means and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment for each imposition thereof is provided for in a specific law of state supervision. In the case not provided by law, the upper limit of penalty payment for each imposition thereof shall be 9,600 EUR.
The authority or the court has wide discretion while imposing the sanctions. The duration and gravity of the infringement should be taken into account while deciding on a sanction.
There is no link between the level of monetary fines and the trader's turnover stipulated by law.
There is no indication of the purposes to which the profits of monetary fines are dedicated in the Estonian law.

What are the contractual consequences of an administrative order or a judgment on an individual transaction under the Directives?
The order or the judgement as such would not have direct impact on the individual transaction.

Can authorities order the trader to compensate consumers who have suffered harm as a result of the infringement?
Authorities cannot order the trader to compensate consumers. If consumers have suffered damage, they can file a claim for compensation with the civil court.

Can the administrative authorities or the courts require the publication of their decisions?
Pursuant to Article 59(2) oCPA, the Consumer Protection Board is entitled to publish a decision made by the Consumer Protection Committee without the personal data of the consumer participating in the dispute on the website of the Consumer Protection Board within two business days after the signing thereof.
Pursuant to Article 462(1) Code of Civil Procedure, a court judgement which has entered into force is published on the website www.riigiteataja.ee (the judgements of the courts of the first and the second instances) and on www.riigikohus.ee (the judgements of the Supreme Court of Estonia).

IV. OTHER TYPES OF ENFORCEMENT

Are there any self-regulatory enforcement systems in your jurisdiction that deal with aspects of the Directives?
The Advertising Panel (in Estonian: “Reklaaminõukoda”) may be considered as a self-regulatory enforcement mechanism that deals with the enforcement of Directive 2006/114 (Misleading and Comparative Advertising Directive). The Advertising Panel is an expert committee set up at the Consumer Protection Board. The function of the Advertising Panel concerns advising the Consumer Protection Board on advertising issues and evaluating individual advertising matters. As soon as such issues are evaluated, the Consumer Protection Board shall decide, whether the issue shall be addressed in the Consumer Dispute Committee.
There is a possibility to form a consumer association, which is a voluntary association of persons founded and registered in accordance with the Non-profit Associations Act and the objective of the activities of which is to protect and promote the interests and rights of consumers. Among other things, consumer associations have the right to represent consumers in court through the person meeting the criteria provided for in the Code of Civil Procedure, represent a consumer with the consent of the consumer in a state agency and in relations with a trader or producer, as well as represent a consumer with the consent of the consumer in the settlement of extrajudicial disputes.

Are there any out-of-court dispute settlement bodies available that deal with aspects of the Directives (e.g. mediation, conciliation or arbitration schemes ombudsmen)?
There are no other entities recognized by the Ministry of Economic Affairs and Communications than the Consumer Protection Committee which provides out-of-court settlements in Estonia with regard to the provisions of the Directives.
However, according to Article 29(1) CPA, an alternative dispute resolution entity may be any permanent entity bearing any name which conducts alternative consumer dispute procedures and recommends or decides on a solution or supports the communication of the parties to the consumer dispute with an aim to help them reach an agreement. At the moment, two permanent alternative consumer dispute resolution entities, besides the Consumer Dispute Committee, have been recognised by the Ministry of Economic Affairs and Communication: Insurance Conciliation Body and Traffic Insurance Conciliation Body.
The authority competent to recognise alternative dispute resolution entities is the Ministry of Economic Affairs and Communications. By recognition, the competent authority confirms that it has assessed that the alternative dispute resolution entity meets the requirements provided in §§ 31 − 36 CPA.

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