



# Estonia

e-manual appendix





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## **What is enforced**

The enforcement officer conducts enforcement proceedings based on an application of the claimant and an enforceable title. The list of enforceable titles is exhaustively set out in § 2 of the Code of Enforcement Procedure.

The enforceable title is annexed to the enforcement application as the original document or as a copy certified by a notary or certified in accordance with the procedure equivalent to notarial certification. The enforcement application and enforceable title may be submitted to the enforcement officer electronically, but in such an event the application must be electronically signed by the sender or sent in another technically secure manner. In the event of electronic transmission of an enforceable title, it must also be electronically signed or be published on the website of the body that issued it or in an information system that the enforcement officer has access to. A payment order generated automatically via an information system does not need to be signed or bear the court's seal. An entry into force notation must be added to enforceable titles whereby the prerequisite for admission to enforcement is the entry into force. Without an entry into force notation, an enforceable title may be accepted for enforcement where the entry into force of the decision can be checked in another technically secure way.

## **Who enforces**

The enforcement of enforceable titles is organised by enforcement officers. The enforcement officer holds a public office as a liberal profession in their own name, is personally accountable therefore and operates via their office. The enforcement officer is required to accept for processing all enforceable titles that formally comply with the requirements established for enforceable titles and, upon commencement of enforcement proceedings, the enforcement officer does not have the right to assess the circumstances of substantive law. The enforcement officer conducts enforcement proceedings without an application of the claimant where the enforceable title is a decision on the enforcement officer's fee or a decision to award the enforcement costs.

Upon commencing the enforcement proceedings, the enforcement officer must follow the territorial principle and enforcement against the debtor's property can be pursued only by an enforcement officer who serves the area where the debtor's place of residence or seat or property is located. If there is no property in the debtor's place of residence or seat against which to make an enforcement claim, the enforcement officer may continue the initiated procedure outside the area served by them.

## **Enforcement procedure**

An enforcement officer shall commence and conduct enforcement proceedings on the basis of an application of a claimant and an enforcement title.

A written application for enforcement shall be submitted to an enforcement officer in Estonian and it shall set out:

- 1) the name of the enforcement officer,
- 2) the name, personal identification and contact data of a claimant and a debtor,
- 3) if the claimant is represented by a representative, the name of the representative and the legal basis for the representation,
- 4) if possible, information on the assets of the debtor.

The enforcement officer must check whether the enforcement title has been issued by a competent body and has entered into force. Then the enforcement officer serves an enforcement notice on the debtor. Where a statute or a court decision does not set a time limit for voluntary settlement, the enforcement officer sets it. The time limit to be set for voluntary performance cannot be shorter than 30 days and with the consent of the claimant the enforcement officer may grant a longer time limit for voluntary performance. The voluntary settlement time limit in the case of a maintenance support claim is 10 days. Where the voluntary settlement time limit is not followed, the enforcement officer is required to, without delay, take any and all statutorily permitted measures to enforce the enforceable title, gather information necessary for the enforcement of the enforceable.

Upon claiming the debt, the enforcement officer shall seize and sell the debtors property. Satisfaction of the claimant's claim shall be provided out of the money received from the sale of the property. Seized movables are sold by way of a public electronic auction. To enforce a claim against the debtor's bank account, the enforcement officer sends usually electronically to the credit institution an order to seize the account and the account is seized on the basis of and to the extent indicated in the seizure report. Where the funds on the debtor's account are insufficient at the moment of seizure, the account remains seized until the seizure report has been fully complied with.

## **Duration of enforcement procedure**

It is difficult to predict the length of the enforcement process, as it very much depends on the specific case. The time limit for voluntary performance cannot be shorter than 30 days, and with the consent of the claimant the enforcement officer may grant a longer time limit for voluntary performance. The voluntary settlement time limit in the case of a

maintenance support claim is 10 days. On an average an enforcement case lasts two years.

### **Cost of enforcement procedure**

A fee is charged for an enforcement act. The enforcement officer has the right to charge a fee and demand the compensation of costs only to the extent of, and in accordance with, the procedure established by a statute. The proceedings initiation fee and the enforcement officer's fee are statutorily fixed. The enforcement officer is not allowed to enter into agreements on the rates or the rules of charging their fees.

The enforcement officer's fee consists of a fee for the commencement of the proceedings, the performance fee and an additional fee for an enforcement act.

Before the commencement of proceedings, the enforcement officer has the right to charge an advance payment, and the size of the advance payment is determined based on the size or type of the claim. The advance payment is refunded when the enforcement office manages to collect the enforcement officer's fee from the debtor.

Upon performing an enforcement act, the enforcement officer has the right to also demand that the claimant make an advance payment for the enforcement costs. Usually, the debtor is required to pay the enforcement officer's fee.

The size of the commencement fee depends on the size of the claim and on the costs incurred by the enforcement officer for the serving of an enforcement notice. The size of the enforcement officer's fee depends on the size of the claim, except for enforcement acts with a fixed performance fee rate. Value added tax 20% is added to the enforcement officer's fee.

The enforcement officer's basic fee and the advance payment is calculated according to the following table.

| Amount of claim for payment up to... euros | Rate of bailiff's basic fee in euros | Advance payment of bailiff's fee in euros |
|--|--------------------------------------|---|
| 35   | 25                                   | 20  |
| 65   | 40                                   | 20  |
| 130  | 65                                   | 20  |
| 200  | 90                                   | 25  |
| 300  | 105                                  | 25  |
| 400  | 115                                  | 30  |
| 500  | 130                                  | 30  |
| 750  | 175                                  | 35  |
| 1000                                       | 225                                  | 40  |
| 1500                                       | 300                                  | 45  |
| 2000                                       | 380                                  | 50  |
| 2500                                       | 450                                  | 55  |
| 3000                                       | 500                                  | 60  |
| 4000                                       | 540                                  | 191                                       |
| 5000                                       | 570                                  | 191                                       |
| 6000                                       | 610                                  | 191                                       |
| 7000                                       | 650                                  | 191                                       |
| 8000                                       | 700                                  | 191                                       |
| 9000                                       | 760                                  | 191                                       |
| 10 000                                     | 830                                  | 191                                       |
| 12 500                                     | 960                                  | 191                                       |
| 15 000                                     | 1100                                 | 191                                       |
| 17 500                                     | 1250                                 | 191                                       |
| 20 000                                     | 1350                                 | 191                                       |
| 25 000                                     | 1550                                 | 191                                       |
| 50 000                                     | 2100                                 | 191                                       |
| 75 000                                     | 2900                                 | 191                                       |
| 100 000                                    | 3600                                 | 191                                       |
| 150 000                                    | 4500                                 | 191                                       |
| 200 000                                    | 5500                                 | 191                                       |
| 250 000                                    | 6000                                 | 191                                       |
| 350 000                                    | 6500                                 | 191                                       |
| 500 000                                    | 7000                                 | 191                                       |
| > 500 000                                  | 7000                                 | 319                                       |

