

# Cross-Regional Court Performance Assessment – Country Report

📍 Estonia



**European Bank**  
for Reconstruction and Development

大成 DENTONS





# Key findings

## Macro Data

Central Europe and Baltic States<sup>1</sup>

EBRD region of operation

1,330,932 (2021)<sup>2</sup>

Population size

42,750.0<sup>3</sup>

Land area (sq.km.)

27,943.7 (2021)<sup>4</sup>

GDP per capita in USD

Estonia is one of the leaders in the digitization of justice among EBRD CoOs. Its performance is particularly good in respect of Dimension 1, Policies and Infrastructure for E-justice and Dimension 3, Uncontested Procedures for Enforcing a Claim.



Regarding **Policies and Infrastructure for E-justice**, Estonia is a clear leader. It has a very well-developed overall e-governance and e-infrastructure in the operation of its public administration overall, despite the relatively low speed of its broadband internet access. Furthermore, the overall level of development of Estonia's justice system digitization is excellent and is evaluated with the highest possible score of 3 under the Maturity level Assessment Tool (MLAT). Specifically, Estonia's court system operates using a fully integrated CMS and extensive information about its justice system is available over the internet. In the area of digitization of court processes, Estonia is again the leader amongst examined jurisdictions with electronic filing and electronic service of process being available and widely used. Stakeholder engagement, too, is at a high level, with professional court users being required to interact with the court electronically, different forms of user guides being widely available and court surveys used to identify areas for further improvement.

Regarding **Commercial Dispute Resolution**, possibly due to its small size, Estonia does not have any form of specialization of commercial justice, and commercial cases form part of civil

litigation overall. However, Estonia displays a high level of development of ADR tools, as applicable to civil litigation.

Regarding **Uncontested Procedures for Enforcing a Claim**, Estonia's fully digitalized order for payment procedure conducted by a single court department (Haapsalu Courthouse of Pärnu District Court) makes it the clear leader amongst examined jurisdictions. The procedure can be conducted only by electronic means. Filing is easy and accessible to self-represented litigants; the case is processed efficiently and quickly, and in the event of a debtor's objection, the procedure smoothly transitions to a litigious one. The level of digitalization of this procedure represents a model for ODR development.

<sup>1</sup> See <https://www.ebrd.com/where-we-are.html>.

<sup>2</sup> See <https://data.worldbank.org/country/estonia?view=chart>.

<sup>3</sup> See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=EE>.

<sup>4</sup> See <https://data.worldbank.org/country/estonia?view=chart>.

Regarding Small Claims Procedures, like most other assessed jurisdictions, Estonia's procedural rules for small claims have not achieved significant simplifications or efficiency improvements vis-a-vis the general procedural rules. Overall, it appears that the high level of efficiency of the order for payment procedure, has rendered the small claims one less significant.

Overall, Estonia displays a high level of readiness for the introduction of ODR, but such efforts may be better aimed at civil dispute resolution as a whole, rather than at the country's commercial litigation or small claims procedures, since the latter do not appear to be particularly specialized.



# Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 1. Policies and Infrastructure for E-Justice</b>			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		The strategy and the budget go through the state budget (a 4-year programme of the Ministry of Justice and especially a 4-year state budget strategy). <a href="https://fin.ee/riigi-rahandus-ja-maksud/riigieelarve-ja-eelarvestrateegia/riigi-eelarvestrateegia">https://fin.ee/riigi-rahandus-ja-maksud/riigieelarve-ja-eelarvestrateegia/riigi-eelarvestrateegia</a>
	Which body is responsible for digitization of the judiciary?		The Ministry of Justice orders and finances the service. Service providers are: the Centre of Registers and Information Systems (an agency in the jurisdiction of the Ministry of Justice, to develop and administrate registries and information systems for the state and its citizens, including the information system of courts and the e-File); and from 7/3/2022 the Information and Communication Technology Centre (RIT), established in the administrative area of the Ministry of Economic Affairs and Communications, it provides central computer workstation and server basis infrastructure services to government agencies in Estonia).
	Which body is responsible for digitization in public administration?		The Information System Authority (RIA) coordinates the development and administration of information systems ensuring the interoperability of the state's information system, organises activities related to information security, and handles security incidents in Estonian computer networks. RIA is within the administrative area of the Ministry of Economic Affairs and Communications.  <a href="https://www.ria.ee/en.html">https://www.ria.ee/en.html</a>
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		In the judiciary – The procedure for IT-management has been approved by a decree of the Minister of Justice (the central body is the IT-council headed by the chancellor).  In the public administration – the State Information System Authority

No.	Indicator Component	Score	Justification for the scoring and sources
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?	Yes	Only for orders for payments which are processed in the information system of expedited proceedings for orders for payment (e.g. proposals for payment and orders for payment are auto-generated by the information system).
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.1. Level of Development of E-governance and E-infrastructure</b>			
1.1.1.	Level of internet penetration	3	89%
1.1.2.	Level of development of electronic signatures	3	<p>Digital signing has been possible in Estonia since 2002, when the respective software was published. The term “digital signature” refers to a signature that is legally valid and legally equivalent to a handwritten signature. The identity of the user and the background of the issuer of the certificate have been verified and that the time of issue of the signature is precisely fixed.</p> <p>Digital signing has become the norm in Estonia. There are a number of national e-services and opportunity to vote electronically in elections, declare taxes without going to a Tax Board office, register companies online, make almost all bank operations, access various national registers, etc. All Estonian public institutions (including judicial authorities) are obligated to accept digitally signed documents.</p> <p>In 2000, the Digital Signature Act entered into force. This became invalid on 26/10/2016 with the adoption of the Electronic Identification and Trust Services for Electronic Transactions Act (E-identimise ja e-tehingute usaldusteenuste seadus).</p> <p>Available at <a href="https://www.riigiteataja.ee/en/eli/518102021002/consolide">https://www.riigiteataja.ee/en/eli/518102021002/consolide</a></p>
1.1.3.	Level of development of electronic documents	3	<p>All Estonian public institutions (including judicial authorities) are obligated to accept documents electronically.</p> <p>The formal requirements for the submission of documents to the court have been established by regulation no 59 of the Minister of Justice of 28 December 2005 “Procedure for submission of documents to the court” (available at <a href="https://www.riigiteataja.ee/akt/13341613?leiaKehtiv">https://www.riigiteataja.ee/akt/13341613?leiaKehtiv</a>). Methods of submission of electronic documents: by e-mail, or through the X-Road or through a designated website or information system (the e-File). Most documents are submitted to the court electronically.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
1.1.4.	Level of development of national electronic identification	3	<p>A number of digital documents are used in Estonia. The most common is the ID-card for Estonian citizens (it can also be used for physical identification). In addition there is also a digital ID (does not feature a photo, it can only be used electronically), residence permit card, e-Resident digital ID and diplomatic card. There are also two mobile tools for electronic identification: SIM-based mobile-ID and Smart-ID smart app.</p> <p>Most of the communication between the state and authorities is via the Internet.</p> <p>The Identity Documents Act (Isikut tõendavate dokumentide seadus) established an identity document requirement and regulates the issues of identity documents to Estonian citizens and aliens.</p> <p>Available at <a href="https://www.riigiteataja.ee/en/eli/501112021001/consolide">https://www.riigiteataja.ee/en/eli/501112021001/consolide</a></p>
1.1.5.	Level of online access to administrative services	3	<p>The Estonian state offers hundreds of e-services to citizens and thousands more to businesses. It is possible to file taxes, do banking, sign documents, vote in elections, get a prescription over the Internet, register a business, check vital company, property and legal records online.</p> <p>Some examples of E-services for citizens (<a href="http://www.eesti.ee">www.eesti.ee</a>): e-Elections, e-Ticket, E-services in health care (digital prescription <a href="http://www.digilugu.ee">www.digilugu.ee</a>, e-Health record <a href="http://www.etervis.ee">www.etervis.ee</a>), E-services in education (e-School, university via internet), e-Tax Board <a href="http://www.emta.ee">www.emta.ee</a>, e-Business Register (an entrepreneur may create a company in Estonia via internet), e-Land Register, e-Banking. The e-File allows procedural parties and their representatives to electronically submit procedural documents to courts and to observe the progress of the proceedings related to them.</p>
1.1.6.	Level of broadband internet access	1	49,82 Mbps

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.2. Overall level of development of justice system digitalisation</b>			
1.2.1.	Status of e-Justice strategy	3	The e-justice strategy is part of the e-government strategy (budget planning) and is individually presented in the development plan of the courts of first and second instance. It is based on the survey conducted in 2017 and presents milestones for the period of 2020 – 2023.
1.2.2.	Case management system (CMS) deployment rate	3	CMS deployment rate is 100%.
1.2.3.	Level of integration of the Case Management System	3	There is a unified CMS operating in the jurisdiction
1.2.4.	Official information about the justice system available over the internet	3	The contact information of all courts and instructions for initiating legal proceedings are available at <a href="http://www.kohus.ee">www.kohus.ee</a> . Schedules of courts hearings can be searched: <a href="https://www.riigiteataja.ee/kohtuteave/kohtuistungid_otsing.html">https://www.riigiteataja.ee/kohtuteave/kohtuistungid_otsing.html</a> .
1.2.5.	Publication of court judgments and free online access to them	3	A judgment which has entered into force is published in the computer network at a place prescribed for such purpose (Article 462(1) of the Code of Civil Procedure, CCP (Tsiviilkohtumenetuse seadustik)). The judgments of the first and second instance can be searched through the publication of the Riigi Teataja (in English – State Gazette). On the search page, it is possible to search for all judgments of the first and second instance that have been published after 2006 and all judgments of the Supreme Court. In addition, all judgments of the Supreme Court are published on the website of the Supreme Court ( <a href="http://www.riigikohus.ee">www.riigikohus.ee</a> ).  Note: The Riigi Teataja ( <a href="http://www.riigiteataja.ee">www.riigiteataja.ee</a> ) is the official online publication of Estonia, which publishes legislation and other documents.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.3. Digitisation of court processes</b>			
1.3.1.	Availability and use of e-filing	3	<p>The work of the Estonian courts is facilitated through the use of four information and communications technology (ICT) tools: the Court Information System (CIS), Public e-File, e-File and the Digital Court Files system. All documents submitted to a court or generated by a court are registered in the CIS.</p> <p>Article 60<sup>1</sup> of the CCP governs E-file proceedings information system. Article 336 of the CCP stipulates that documents can be submitted to the court electronically, also that documents can be submitted to the proceedings information system maintained on a computer through the portal created for the purpose (available at <a href="https://etoimik.rik.ee/">https://etoimik.rik.ee/</a>).</p>
1.3.2.	Availability and use of electronic service of process (e-service)	3	<p>Article 60<sup>1</sup> of the CCP governs E-file proceedings information system. Article 336 of the CCP stipulates that documents can be submitted to the court electronically, also that documents can be submitted to the proceedings information system maintained on a computer through the portal created for the purpose (available at <a href="https://etoimik.rik.ee/">https://etoimik.rik.ee/</a>).</p>
1.3.3.	Possibility to check case files and track case progress remotely	3	<p>A court may serve procedural documents electronically through the e-File (Article 311<sup>1</sup>(3) of the CCP). A procedural document is deemed to be served when the recipient opens it in the information system or confirms the receipt thereof. The information system registers the service of the document automatically.</p> <p>The use of e-service is mandatory for attorneys, notaries, enforcement agents, trustees in bankruptcy and state or local government agencies. Procedural documents may be served on them in any other manner than electronically only with good reason (Article 311<sup>1</sup>(6) of the CCP).</p> <p>This is the first manner of service used by the court. If it fails (the recipient does not open a procedural document in the information system nor confirms the receipt), then other manners of service are used.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	3	<p>It is possible to hold videoconference hearings in civil and administrative procedures. Court rooms are adequately equipped. It was successfully used during the COVID-19 pandemic, and is now used hereafter, also at second instance courts. It is possible to hold a hearing in hybrid form – some judges or participants are in the court room and some in online. It is not mandatory – if the party does not agree, a hearing must be held in the courtroom.</p> <p>In civil procedure it is governed by Article 350 of the CCP (trial or hearing with distance participation). Pursuant to Article 350(1) of the CCP the court may hold a trial or hearing with distance participation such that a party to proceedings or his or her representative or adviser has the opportunity to remain at another location during the time of the trial or hearing and per-form procedural operations in real time at that location. The same applies for administrative court procedure.</p> <p>The possibility to hold videoconference hearings for criminal cases is limited at first instance courts. An appellate court can have a hearing by means of any technical solutions (Article 334(3) of the Code of Criminal Procedure (Kriminaalmenetluse seadustik)). Article 69 of the CCrP gives a possibility for telehearing if the direct hearing of a person is complicated or unreasonably burdensome or if telehearing is necessary to protect the interests of the person. Under general procedure, this depends on the con-sent of the party – if no one agrees, a videoconference hearing cannot be held.</p>
1.3.5.	Court fees	2	<p>In ordinary civil procedure, there are no online calculators for determining the amount of court fees. The State Fees Act (Riigilõivuseadus) Annex 1 provides an Annex 1 with “state fee rates for filing of petitions in judicial proceedings”. Available at: <a href="https://www.riigiteataja.ee/tolkelisa/5170/3202/2007/Annex1.pdf#">https://www.riigiteataja.ee/tolkelisa/5170/3202/2007/Annex1.pdf#</a></p> <p>However, a state fee can be paid through the online platform (the e-File portal). It is also possible to pay the fees in advance and then enter the details of the payment in the online platform. A state fee is payable for performance of an act (upon the filing of a claim/a petition) in advance.</p> <p>In the order for payment procedure, orders for payments are processed in the information system of expedited proceedings for orders for payment (MKMKIS). In this system, there is an online calculator for determining the amount of a payable court fee, and it is possible to pay a court fee through the online platform or in advance and then enter the details for the payment in the online platform.</p>
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	3	<p>There is legislation governing electronic enforceable titles and enforcement can be initiated based on an electronic enforceable title.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.4. Stakeholder engagement</b>			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	3	Contractual representatives (such as an attorney, a person who has a state-recognised Master's Degree in the field of study of law, a procurator, a public servant or employee of a party to proceedings), notaries, enforcement agents, trustees in bankruptcy, state and local government agencies must submit document to the court electronically unless there is good reason to submit the document in another form (Article 336(5) of the CCP). If petitions and other documents can be submitted to the proceedings information system maintained on a computer through the portal created for the purpose, these shall not be submitted by e-mail, unless there is good reason therefor (Article 336(6) of the CCP).
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There is no reduced fee for electronic filing.  Note: Starting from 01/07/2012 there where a difference in the court fee in case of electronic versus paper filing. The judgment of Constitutional Review Chamber of the Supreme Court on 10/12/2013 declared that corresponding provisions of the State Fees Act and Annex 1 thereto in the wording in force from 01/07/2012 were in conflict with the Constitution in the part where there were different state fees for electronic filing of claims through the website www.e-toimik.ee and any other filing (judgment No. 3-4-1-20-13).
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	3	E-filing is available and there are user guides (FAQs), help desk (user support from Monday to Friday 9 am – 5 pm, etoimik@rik.ee), tutorial videos ( <a href="https://www.youtube.com/watch?v=ezQk8GCjNDE">https://www.youtube.com/watch?v=ezQk8GCjNDE</a> ), user notifications in online forms (in expedited procedure for orders for payment).
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	3	Surveys are conducted on a regular basis (last one in the end of 2021 aimed at the parties to the proceedings and representatives). Key areas for improvement identified through the surveys are addressed in the strategic planning process of courts, e.g. the development plan of courts of first and second instance 2020 – 2023 uses the information from a survey conducted in 2017.  Participants Satisfaction Survey 2013 <a href="https://www.riigikohus.ee/sites/default/files/elfinder/dokumendid/menetlusosaliste_uuring_kokkuv6te_2013.pdf">https://www.riigikohus.ee/sites/default/files/elfinder/dokumendid/menetlusosaliste_uuring_kokkuv6te_2013.pdf</a>  Participants Satisfaction Survey 2017 <a href="https://www.riigikohus.ee/sites/default/files/elfinder/%C3%B5igusalaseld%20materjalid/Menetlusosaliste%20uuring.pdf">https://www.riigikohus.ee/sites/default/files/elfinder/%C3%B5igusalaseld%20materjalid/Menetlusosaliste%20uuring.pdf</a>  Professional Participants Satisfaction Survey 2021 <a href="https://www.kohus.ee/sites/default/files/inline-files/MORU%20aruanne%202021%20%28professionaalsed%20menetlusosalised%29%20%28002%29.pdf">https://www.kohus.ee/sites/default/files/inline-files/MORU%20aruanne%202021%20%28professionaalsed%20menetlusosalised%29%20%28002%29.pdf</a>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 2. Commercial Dispute Resolution</b>			
	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		There is no definition of commercial case. It is a civil case – a case arising from a private-law relationship. There are no differences.
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		<p>In 01/02/2021, amendments to the Bankruptcy Act (Pankrotiseadus) entered into force. Amendments focused on making bankruptcy proceedings faster and more efficient. More fundamental and major changes: the creation of an insolvency service, the restructuring of the trustee's fee system, the specialisation of courts in insolvency matters and the restructuring of the procedure for defending and recognising claims.</p> <p>The purpose was to identify the causes of insolvencies and thus help to ensure fairer business environment. It is not yet possible to assess the impact of the changes in the law.</p>
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		<p>During the COVID-19 pandemic, Estonian courts processed more civil matters. In 2020 county courts processed 33 658 civil matters (3% more than in 2019) and 45 566 matters of expedited procedures of payment orders (15,6% more than in 2019). Considering the content of the adjudicated matters – company law amounted to 4% and bankruptcy law 5%.</p> <p>In March 2020, the Council for Administration of Courts issued recommendation to the courts for the administration of justice during an emergency. The recommendations were to continue administration of justice, primarily through remote working, written procedure and digital file. The administration of justice continued at more or less the usual rate and pace. The share of written proceedings increased even more in 2020 than before and the resolved matters included the types of cases which were all resolved in writing. The paperless procedure – the digital file – also enabled to resolve the matters outside the courthouses.</p> <p>Source: Yearbook of Estonian Courts 2020; available at:  <a href="https://aastaraamat.riigikohus.ee/en/summary-of-the-procedural-statistics-of-the-county-administrative-and-circuit-courts-in-2020-about-resolved-matters-incl-paperless-procedure-and-the-average-workload-of-a-judge/">https://aastaraamat.riigikohus.ee/en/summary-of-the-procedural-statistics-of-the-county-administrative-and-circuit-courts-in-2020-about-resolved-matters-incl-paperless-procedure-and-the-average-workload-of-a-judge/</a></p>
	Number of female/male judges in the country.		116 female and 38 male first-instance judges (dealing with civil and criminal matters), 16 female and 9 male first-instance administrative court judges (as of 28 February 2022).
	Number of female/male first-instance commercial judges in the country.		N/A



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.1. Level of specialisation of commercial dispute resolution</b>			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	1	There are no specialised commercial divisions or chambers but in two big county courts judges can specialise in company and bankruptcy law.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	The general procedural rules apply (the Code of Civil Procedure).
2.1.3.	Inception training in commercial law for commercial judges	1	There is mandatory training for all civil judges after their appointment – training of young judges. It is not in the field of commercial law.
2.1.4.	Continuous (regular) commercial law training for commercial judges	2	There are voluntary trainings for all civil judges. Pursuant to section 74 of the Courts Act (Koh-tute seadus), a judge is required to develop knowledge and skills of his or her speciality on a regular basis and to participate in training.  More information is available at: <a href="https://www.rigikohus.ee/en/training-judges">https://www.rigikohus.ee/en/training-judges</a>
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	For all civil judges. A judge has a judicial assistant (law clerks and consultants of courts) who can attend judges' trainings. There is no specialised commercial law training.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.2. Use of mediation/ADR tools</b>			
2.2.1.	Availability of mediation in civil/commercial disputes	3	<p>The Conciliation Act (Lepitusseadus), in force from 1/1/2010, governs conciliation proceedings in civil matters, including the legal consequences of conciliation proceedings conducted in accordance with the procedure prescribed in the Act.</p> <p>According to section 1(4) of the Conciliation Act in the cases provided by law, conciliation proceedings are mandatory pre-trial proceedings. The court may order the parties to participate in the conciliation proceedings provided for in the Conciliation Act (Article 4(4) of the CCP). Note: in practice the Supreme Court has referred to this article in relation of a family matter (ruling of the Supreme Court on 16/6/2010, No. 3-2-1-64-10).</p>
2.2.2.	Availability of an official register of mediators accessible online	2	<p>The Estonian Association of Mediators – dealing only with the activities of family mediation. Available in English: <a href="http://lepitus.ee/family-mediation-in-estonia/">http://lepitus.ee/family-mediation-in-estonia/</a>.</p> <p>In civil matters a conciliator can be a sworn advocate. The list is available in Estonian: <a href="https://advokatuur.ee/est/advokaadid/vandeadvokaatidest-lepitajad">https://advokatuur.ee/est/advokaadid/vandeadvokaatidest-lepitajad</a>.</p> <p>A notary can be as a conciliator but no list regarding notaries who wish to act as conciliators is available.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
2.2.3.	Availability of incentives for mediation	2	<p>Of the described incentives for mediation, the first one is available, i.e. reduction of court fees upon successful settlement.</p> <p>If the court finds it necessary in the interests of resolution of the matter, considering the circumstances of the case and the course of the proceedings, it may order the parties to participate in the conciliation proceedings provided for in the Conciliation Act (Article 4(4) of the CCP).</p> <p>The costs of participation in conciliation proceedings are extra-judicial costs if the court has directed the parties to undertake such proceedings under Article 4(4) of the CCP or in the case of mandatory pre-action conciliation proceedings under section 1(4) of the Conciliation Act. Therefore, these costs are case costs (court costs) and can be covered by the party against whom the court decides (Article 162(1) of the CCP).</p> <p>A person (recipient of financial aid) can request for exemption from all or part of the costs of conciliation proceedings on account of the state in the case provided in Article 4(4) of the CCP.</p> <p>Note: although there is a legal basis for mediation, it is impossible to find an example when conciliation proceedings are mandatory pre-trial proceedings. Not such cases have been seen in practice. According to the explanatory memorandum of the Conciliation Act (2009) such provisions on conciliation have not yet been established, but there is a possibility to create them in the future if there is already a critical threshold for conciliators. The existence of such a possibility is supported by Article 371(1) 3) of the CCP.</p> <p>According to Article 150(2) 1) of the CCP one half of the statutory fee paid in the proceedings is refunded if the parties to proceedings conclude a compromise. Only the statutory fee of the instance where the compromise was made is refunded.</p>
2.2.4.	Enforceability of mediation settlement agreements	3	<p>An agreement approved by a conciliation body according to the rules provided in section 26 of the Conciliation Act would be directly enforceable. Thus, if the legal act identifies the body as a conciliation body within the meaning of the Conciliation Act, the procedure provided for in the Conciliation Act would apply to conciliation proceedings (section 19(2)) and agreements entered into by such bodies would be enforceable and would not require additional court approval (section 28). Therefore, there are two conditions – the legal act has to identify the body as a conciliation body within the meaning of the Conciliation Act and proceedings set out in Chapter 5 of the Conciliation Act (proceedings in a conciliation body) are to be followed.</p> <p>A notarised agreement mentioned in section 14(3) or (4) of the Conciliation Act would also be directly enforceable according to Article 2(1) (25) and (26) of the Code of Enforcement Procedure (Täitemenetluse seadustik).</p>
2.2.5.	Availability and use of online solutions for out-of-court settlement	3	<p>According to the Conciliation Act, the Consumer Disputes Committee is recognised as a conciliation body – an independent and impartial entity resolving consumer disputes. It operates at the Consumer Protection and Technical Regulatory Authority within the area of government of the Ministry of Economic Affairs and Communications. It is possible to submit an application by identifying yourself electronically through a web-based self-service environment. A form can be filled in and submitted electronically.</p> <p>Available at: <a href="https://www.ttja.ee/en">https://www.ttja.ee/en</a></p> <p>Apart from consumer disputes, there are no online solutions available for out-of-court settlement of commercial disputes.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)</b>			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	N/A	Statistical disaggregation of commercial cases is not available.
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	N/A	
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	N/A	
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 3. Uncontested Procedures for Enforcing a Claim</b>			
	What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.		Expedited procedure for orders for payment (maksekäsu kiirmenetlus).
	Which authority is entrusted with examining claims that may be uncontested by the debtor?		The courts.
	If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?		The process is centralised. According to Article 108 of the CCP cases are disposed of by the Haapsalu Courthouse of Pärnu District Court.
	What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?		In general, payment of a certain sum of money. The procedure is not applied to non-contractual claims, except for the claims arising from sections 53-57 of the Motor Third Party Liability Insurance Act (Liikluskindlustuse seadus); or the debtor has issued an acknowledgement of obligation. The procedure is not applied if the claim has not yet fallen due; for non-pecuniary damage; the claim is against a bankrupt; the claim is against several debtors and does not have the same basis; to the collateral claims insofar as the amount exceeds that of the principal claim; to claims arising from consumer contracts if the rate of the annual percentage of the rate of the penalty for late payment exceeds the rate laid down by the Law of Obligations Act (Võlaõigusseadus).
	Is there a monetary threshold for applying the uncontested claims procedure?		According to Article 481(2 <sup>2</sup> ) of the CCP claims whose amount is under 8000 euros (this amount includes both the principal and ancillary claims).

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.1. Ease of filing</b>			
3.1.1.	Effective self-representation	3	A petition can be submitted by the petitioner or by the representative. The process is simple enough so that most creditors do not engage a lawyer. There is a limit of recoverable lawyers' costs – 20 euros – other case costs incurred by the petitioner, except for the petitioner's state fee, are not subject to compensation (Article 484 <sup>2</sup> of the CCP).
3.1.2.	Availability and use of forms for filing the claim	3	Online electronic forms.
3.1.3.	Availability and use of online filing	3	The procedure takes place only electronically. The online platform for filing the application have functionality for the automatic verification of the entered data through interfaces with other data bases (concerning natural and legal persons who are registered in Estonian registers, e.g. the Central Commercial Register, the Population Register).
3.1.4.	Level of court fees for filing a claim	2	The amount of 3% of the claim, but not less than 65 EUR (section 59(6) of the State Fees Act (Riigilõivuseadus)). The state fee is paid upon the filing of a petition.
3.1.5.	Simplified rules on attachment of evidence to the claim	3	There is no need to attach any evidence. A petition should set out a short description of the evidence which the petitioner would be able to use under the rules for actions by claim in proof of the claim (Article 482(1) 5) of the CCP).

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.2. Efficient processing</b>			
3.2.1.	Predictability of the timelines for pronouncement	3	Set by Article 483(1) of the CCP. The court resolves a petition within 10 working days after the receipt thereof (a proposal for payment, an order denying the petition or a time limit for curing the defect).
3.2.2.	Length of timelines for pronouncement	3	
3.2.3	Availability of options for service to the debtor without proof of receipt	3	All types of service are allowed, except public announcement when the debtor is a natural person (Article 484(3) of the CCP).
3.2.4.	Ease of debtor's objection	3	An objection may be submitted on the form annexed to the proposal for payment, or in another form. An objection need not be substantiated (Article 485(2) of the CCP). If an objection is submitted on paper, it is scanned by a court official and uploaded in the electronic case file (hard copies are not preserved).

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition</b>			
3.3.1.	Consequence of debtor's lack of objection	3	If the debtor has not filed an objection on time, the court makes an order for payment by way of an order (Article 489 of the CCP). A payment order is subject to immediate enforcement in Estonia regardless of the service of the payment order on the debtor (Article 489(7) of the CCP).
3.3.2.	Launching the litigious stage of the procedure	3	The order for payment procedure transforms into a regular litigious procedure in situations where: the debtor files an objection; or service on the debtor within a reasonable time has failed and cannot be served by public announcement (and the petitioner <u>has not explicitly asked for</u> termination of proceedings in the case an objection is filed) (Article 486(1) of the CCP). The petitioner must submit the claim and substantiate it within 14 days in the form prescribed for statements of claim (Article 487(1) of the CCP). After substantiation of a claim, proceedings are continued in the same manner as after filing a court claim (Article 487(2) of the CCP).
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	3	Yes, the additional state fee is to be paid, e.g. the fee for litigious procedure minus the amount already paid earlier for the order for payment procedure. State fee rates for filing of petitions in judicial proceedings –available at: <a href="https://www.riigiteataja.ee/tolkelisa/5040/3202/2002/Annex1.pdf#">https://www.riigiteataja.ee/tolkelisa/5040/3202/2002/Annex1.pdf#</a>
3.3.4.	Management of statements of opposition	2	Annual court statistics are available, providing how many petitions are denied, how many order for payments are made, how many petitions are transferred for proceedings under the rules for actions by claim.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)</b>			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		<p><u>Simplified procedure</u> (lihtmenetlus) (Article 405 of the CCP). Indicators below are given about this procedure (the most similar procedure to a generally known small claims procedure).</p> <p><u>Written procedure by direction of the court</u> (kirjalik menetlus kohtu määramisel) (Article 404 of the CCP) – a case in which the court claim can be appraised in monetary terms and does not exceed an amount which corresponds to 4500 euros with respect to the principal claim and to 8500 euros when calculated including any ancillary claims.</p> <p><u>Documentary procedure</u> (dokumendimenetlus) (Article 406 of the CCP) – at the request of the claimant, a court claim for payment of money arising from a bill of exchange or cheque, or a court claim for compulsory enforcement arising from a mortgage or maritime mortgage or registered deposit fee over movables is dealt with by documentary procedure.</p>
	Is there a special small claims court or a special court division examining small claims?		No. Note: Article 405 of the CCP applies automatically. The court can notify the parties at the hearing, by email or phone if the court uses any simplification referred to in Article 405(1) of the CCP. Since the small claims procedure is not an additional procedure under the CCP, there is no need to do a separate ruling.
	What is the monetary threshold for the applicability of the procedure?		The principal claim has a value up to 3500 euros and up to 7000 euros together with any ancillary claims (Article 405(1) of the CCP).
	What claims is the procedure applicable to?		<p>The simplified procedure is applicable also to other small value claims, not only to an action for payment of money. The procedure is applicable if the action concerns a proprietary claim and the value of the action does not exceed an amount stated in Article 405(1) of the CCP.</p> <p><u>Note: Only a court of first instance (a county court) can conduct simplified proceedings in an action. Article 405 § 1 of the CCP is not applicable in appeal proceedings</u> (judgements of the Supreme Court on 16/3/2016, No. 3-2-1-187-15, § 11 and on 4/5/2016, No. 3-2-1-23-16, § 15).</p> <p>The value of an action is determined according to Chapter 17 of the CCP (the value of a civil matter means the value of an action). If the claim concerns things or rights, the value of an action is determined based on the value of the thing. The value of an action in a dispute relating to a right is determined based on the value of the right (Article 126(1) and (2) of the CCP). This procedure is applicable to any claim if the value of an action is below the threshold.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 4.1. Ease of filing</b>			
4.1.1.	Effective self-representation	2	<p>Self-representation is allowed but most parties do engage a representative. In addition, the court can recognise persons not specified by law as contractual representatives of participants in the proceedings (Article 405(1) 4) of the CCP) – a representative does not have to be an attorney or a person who has acquired at least a state-recognised Master's Degree in the field of study of law.</p> <p>Note: In a court claim in the Supreme Court, a representative can only be an attorney-at-law.</p>
4.1.2.	Existence of forms for filing the claim	1	There are no standard forms.
4.1.3.	Availability and use of online filing	3	Documents in any civil procedure can be electronically submitted to courts through an online information system – the e-File.
4.1.4.	Guidance to self-represented litigants	1	There are no special rules that require judges/court clerks to provide guidance to self-represented litigants, however, according to the case-law, it is necessary to take into account whether a lawyer is involved in the proceedings or whether a party represents him/herself (judgment of the Supreme Court on 29/4/2015, No. 3-2-1-41-15, § 19).

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure</b>			
4.2.1.	Statutory timelines in the small claims procedure	2	<p>The court can set a term which differs from the term provided by law (Article 405(1) 2) of the CCP). In practice this provision is not widely used and the courts tend to follow the general terms of the CCP.</p> <p>The court can change the terms where the court can exercise its discretion, e.g. defendant's response to an action (Article 394(5) of the CCP, mostly used in practice) or the interval between the date of service of summonses and the date of the court session (Article 343(2) of the CCP). Other terms, where the court does not have discretionary powers, cannot be changed (e.g. the term for appeal, Article 632 of the CCP). The term for appeal can be changed only if the parties reach an agreement and inform the court thereof.</p>
4.2.2.	Simplified evidentiary rules	2	<p>The court can deviate from the provisions of law concerning the formal requirements for provision and taking of evidence and to recognise as evidence also the means of proof not provided by law, including a statement of a party in the proceeding which is not given under oath (Article 405(1) 5) of the CCP). Also the court can hear a witness or a participant over the phone (however, not often used in practice if the court later wishes to use these statements as evidence).</p>
4.2.3.	Simplified rules on hearings	3	<p>Under Article 405(1) (7) of the CCP it is permitted to waive written pre-trial proceedings or a hearing. In simplified proceedings the court has to guarantee that the fundamental rights and freedoms and the essential procedural rights of the participants in the proceeding are observed and that a party in the proceeding is heard if (s)he so requests. The hearing need not be held for this purpose (Article 405(2) of the CCP). The party can be heard over the phone or via videoconferencing. The party has to request to be heard. Another party should be notified about it.</p> <p>In the case of Põnkä v. Estonia (application No. 64160/11), the European Court of Human Rights (the ECtHR) evaluated a violation of Article 6(1) of the Convention in domestic civil proceedings which were conducted under the rules for the adjudication of small claims. The ECtHR reiterated the obligation under Article 6(1) for the domestic courts to give reasons not only for judgments but also for major procedural decisions issued in the course of the proceedings. The ECtHR found that the domestic court would have been under an obligation to give reasons for deciding the case in written proceedings and dispensing with an oral hearing and the taking of oral evidence from the applicant and the witnesses. It made a reference to Article 5 of the Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (basis for the relevant provisions of Estonian law). The Court found a violation of Article 6(1) of the Convention (the judgment is available at <a href="https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-142950%22]}">https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-142950%22]}]).</a></p> <p>However, in practice, this simplification is not often used when a party requests a hearing, the county court will hold a hearing for this purpose.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
4.2.4.	Special rules on encouraging conciliation or mediation	1	A general provision applies that the court shall take all possible measures to resolve a matter by a compromise if this is reasonable. The court may present a draft of a compromise contract to the parties or request that the parties appear before the court in person, or propose that the parties re-solve the dispute out of court or call upon the assistance of a conciliator. The court may order the parties to participate in the conciliation proceedings provided for in the Conciliation Act (Article 4(4) of the CCP).
4.2.5.	Simplified content of the judgment	2	<p>It is permitted to make a judgement in a matter <u>without the descriptive part and statement of reasons</u> (Article 405(1) 9) of the CCP). The court may confine itself in the statement of reasons of a judgement, but it has to set out the legal reasoning and the evidence on which the conclusions of the court are based and facts established by the court, the conclusion reached on the basis thereof (Article 442(8) and Article 444(2) of the CCP, judgement of the Supreme Court on 4/5/2016, No. 3-2-1-23-16, § 16).</p> <p>In practice it is not significantly simplified as compared to the judgment in the general civil procedure. The tendency is that if an action is too complex, the court is reluctant to use any simplifications.</p>
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	2	<p>As a general rule, any judgement of a court of first instance is subject to appeal by the parties, and by third parties with independent claims (Article 630(1) of the CCP). The term for appeal is 30 days after the service of the judgment on the appellant but not later than within five months as of the date the judgement of the court of first instance was made public (Article 632(1) of the CCP).</p> <p>A county court <u>may set out</u> in a judgement made in the simplified procedure that <u>it grants permission to appeal the judgment</u>. The court grants such permission above all if, in the opinion of the county court, the decision of the court of appeal is necessary for the purpose of obtaining the position of the circuit court concerning a legal provision. The grant of a permission to appeal need not be reasoned in the judgment (Article 442(10) of the CCP). <u>The appellate court can refuse to accept an appeal</u> due to the reason that the matter was adjudicated in simplified proceedings. Therefore, in addition to general grounds for refusal to accept an appeal, the appeal filed in simplified proceedings is accepted only if <u>a permission to file an appeal is granted</u> in the judgment of the county court or if, upon the making of the judgment of the county court, <u>a provision of substantive law was clearly applied incorrectly or a provision of procedural law was clearly violated or evidence was clearly evaluated incorrectly and this could materially affect the decision</u> (Article 637(2<sup>1</sup>) of the CCP).</p> <p>If the appellate court refuses to accept an appeal, the party can file the appeal against this ruling with the Supreme Court (Article 696(1) of the CCP). Therefore the right to appeal is not violated and the Supreme Court ruled that the limitation set by Article 637(2<sup>1</sup>) in conjunction with Article 405(1) of the CCP is not contrary to the Constitution (judgement of the Supreme Court on 14/06/2017, No. 3-2-1-69-17, § 11).</p>



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