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Code of Civil Procedure and Code of Enforcement Procedure Implementation Act

Passed 15.06.2005

RT I 2005, 39, 308

Entry into force 01.01.2006, partially 21.07.2005

Amended by the following acts

Passed	Published	Entry into force
26.01.2006	RT I 2006, 7, 42	04.02.2006
06.12.2006	RT I 2006, 61, 457	01.01.2007
11.06.2008	RT I 2008, 28, 180	15.07.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
06.06.2012	RT I, 29.06.2012, 3	01.01.2013, partially 01.07.2012
20.12.2012	RT I, 31.12.2012, 5	10.01.2013
21.01.2014	RT I, 31.01.2014, 6	01.02.2014, partially 01.04.2014 and 01.07.2014
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, partially 01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
10.12.2014	RT I, 31.12.2014, 1	10.01.2015
18.02.2015	RT I, 12.03.2015, 5	01.07.2015
10.05.2017	RT I, 26.05.2017, 1	05.06.2017
07.06.2017	RT I, 26.06.2017, 17	06.07.2017

Chapter 1 GENERAL PROVISIONS

§ 1. Entry into force of Code of Civil Procedure and Code of Enforcement Procedure

(1) The Code of Civil Procedure and Code of Enforcement Procedure enter into force on 1 January 2006.

(2) The possibility to provide a security by depositing securities in the deposit account of the court provided for in the Code of Civil Procedure applies from 1 January 2007.
[RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 2. Application of Code of Civil Procedure and Code of Enforcement Procedure

(1) A term for a proceeding which began to run before the entry into force of this Act ends pursuant to the Code of Civil Procedure or Code of Enforcement Procedure hitherto in force.

(2) The jurisdiction and competence of courts in matters accepted under the Code of Civil Procedure hitherto in force do not change due to the entry into force of this Act.

(3) An administrative court proceeding commenced before 1 January 2009 may be completed even if the matter should be adjudicated by a county court after 1 January 2009. The same applies to adjudication of a matter in actions or on petition in which proceedings were commenced before 1 January 2009 if the type of the proceeding has been changed pursuant to law currently in force.
[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 2¹. Implementation of lower rates of state fees

(1) The state fee paid upon filing a petition, action, appeal or appeal against a ruling in civil proceedings at the rate effective from 1 January 2009 until 30 June 2012 shall be refunded on the basis of an application by a participant in the proceeding, unless the judicial proceeding has ended with a final decision that has entered into force by the date of filing the application, in the part which exceeds the effective rate of the state fee for the same procedural act at the time of deciding the refund of the state fee by more than 50 euros.
[RT I, 21.06.2014, 8 - entry into force 01.07.2014]

(2) [Repealed - RT I, 21.06.2014, 8 - entry into force 01.07.2014]

§ 2². Implementation of making documents available and digital signing of court judgments

(1) A transitional period, which shall not last longer than until 1 January 2015, may be established by a regulation of the minister responsible for the area for the implementation of the service of documents and making of documents available through the information system.

(2) A transitional period, which shall not last longer than until 1 January 2015, may be established by a regulation of the minister responsible for the area for the implementation of electronic preparation of court judgments. If such transitional period is established, the court may prepare and sign judgments on paper until the end of the transitional period.
[RT I, 29.06.2012, 3 - entry into force 01.07.2012]

§ 2³. Making of default judgment upon failure to respond to action

Upon failure to respond to an action filed before 1 January 2013 the court may make a default judgment only if requested so by the plaintiff.
[RT I, 29.06.2012, 3 - entry into force 01.07.2012]

§ 2⁴. Implementation of subsection 41 (5) of Code of Civil Procedure

The provisions of subsection 41 (5) of the Code of Civil Procedure apply to the matters accepted by the court after entry into force of the specified section.
[RT I, 26.05.2017, 1 - entry into force 05.06.2017]

§ 3. Division and determination of procedural expenses

(1) If proceedings were commenced before the entry into force of this Act, the provisions of the Code of Civil Procedure hitherto in force apply to the division and determination of procedural expenses.

(2) A security shall be paid on the petitions for securing actions submitted before 1 January 2009. Subsection 383 (1¹) of the Code of Civil Procedure does not apply to such petitions, but this does not preclude the right of the court to require a security on the basis of subsection 383 (1).

(3) Upon adjudication of an application for grant of procedural assistance after 1 January 2009, reasonable expenses of the applicant on housing and transport are taken into account even if the application for grant of procedural assistance was submitted before 1 January 2009.
[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 3¹. Taxation of remuneration of trustee in bankruptcy

If a bankruptcy petition is accepted before 1 January 2015, subsection 183 (2) of the Code of Civil Procedure in the wording in force until 30 June 2014 applies to the taxation of remuneration of the trustee in bankruptcy, and either value added tax or social tax is added to the remuneration of an interim trustee or trustee in bankruptcy.
[RT I, 21.06.2014, 8 - entry into force 01.07.2014]

§ 4. Agreement on jurisdiction

An agreement on jurisdiction entered into before the entry into force of this Act applies if it is entered into in conformity with the requirements of the Code of Civil Procedure hitherto in force.

§ 4¹. Right of appeal by third party without independent claim

A third party without an independent claim has no right to appeal against a decision made in a matter in which he or she participated as a third party if the third party entered or was involved in the proceeding before 1 January 2009.

[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 4². Judgment in simplified form in simplified proceedings

The opportunity to make a judgment without the descriptive part and statement of reasons and the restrictions on acceptance of appeals prescribed for matters in simplified proceedings do not apply if the action was filed before 1 January 2009.

[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 4³. Appeal against ruling in registry matter

Appeals may be filed against the rulings made before 1 January 2009 and specified in § 599 of the Code of Civil Procedure in the wording in force before 1 January 2009 within the term specified therein.

[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 4⁴. Implementation of subsections 83 (2¹) and (2²), 87¹(2), 93 (5¹) and (5²) of the Code of Enforcement Procedure

(1) The minister responsible for the area shall establish a regulation on the basis of subsections 83 (2²) and 93 (5²) of the Code of Enforcement Procedure no later than on 1 January 2016.

(2) The provisions of subsections 83 (2¹), 87¹(2) and 93 (5¹) of the Code of Enforcement Procedure are implemented from the entry into force of the regulation specified in subsection (1) of this section.

[RT I, 31.12.2012, 5 - entry into force 10.01.2013]

§ 4⁵. Implementation of subsection 23¹(2) of the Code of Enforcement Procedure

The requirement on the use of the information system provided for in subsection 23¹(2) of the Code of Enforcement Procedure applies as of 1 January 2015.

[RT I, 21.06.2014, 8 - entry into force 01.07.2014]

§ 5. Participation in procedural acts of Supreme Court

A person who is a participant in a proceeding in a civil matter in the proceedings of the Supreme Court at entry into force of this Act may participate in the proceedings of the Supreme Court without a representative.

§ 6. Expedited procedure in matters of payment order

(1) The electronic expedited procedure in matters of payment order prescribed in the Code of Civil Procedure is conducted, until creation of technical conditions in courts, on the basis of documents presented on paper. The minister responsible for the area shall establish the period and conditions of and procedure for transition to the electronic expedited procedure in matters of payment order by a regulation.

[RT I 2008, 28, 180 - entry into force 15.07.2008]

(2) Expedited procedure in matters of payment order for claims greater than 6390 euros is not conducted until 1 January 2010. This amount includes the main and collateral claims together.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) The court refuses to satisfy a petition for application of expedited procedure in matters of payment order by a ruling if the expedited procedure in matters of payment order is not permitted pursuant to subsection (2) of this section.

(4) For the purposes of proceedings, a statement of claim filed before 1 January 2006 may be deemed as a petition for application of expedited procedure in matters of payment order at the request of the plaintiff.

(5) If the court receives a petition for application of expedited procedure in matters of payment order before 1 January 2007, the court adjudicates the petition according to the provisions regulating expedited procedure in matters of payment order in force before 1 January 2007.

[RT I 2006, 61, 457 - entry into force 01.01.2007]

(6) If the court receives a petition for application of expedited procedure in matters of payment order before 15 July 2008, the court adjudicates the petition according to the provisions regulating expedited procedure in matters of payment order in force before 15 July 2008.

[RT I 2008, 28, 180 - entry into force 15.07.2008]

(7) The jurisdiction of matters filed with the court after the implementation of partial electronic expedited procedure in matters of payment order, but before the transition to fully electronic expedited procedure in matters of payment order, is determined as follows:

1) petitions for application of expedited procedure in matters of payment order on paper as well as petitions submitted electronically such that they cannot be processed in an automated manner in the court are submitted to the court specified in subsections 108 (1)–(3) of the Code of Civil Procedure;

2) electronic petitions for application of expedited procedure in matters of payment order which the court is able to process in an automated manner are submitted to the court specified in subsection 108 (4) of the Code of Civil Procedure.

[RT I 2008, 28, 180 - entry into force 15.07.2008]

(8) The adjudication of a matter of expedited procedure in matters of payment order which has been accepted before transition to the fully electronic procedure is completed by the county court which conducts the proceeding in the matter.

[RT I 2008, 28, 180 - entry into force 15.07.2008]

(9) As of the implementation of fully electronic expedited procedure in matters of payment order, the jurisdiction of matters of expedited procedure in matters of payment order filed with the court is determined pursuant to subsection 108 (4) of the Code of Civil Procedure.

[RT I 2008, 28, 180 - entry into force 15.07.2008]

§ 7. Hearing of petitions for correction of court errors and petitions for review

The hearing of petitions for the correction of court errors and petitions for review filed before the entry into force of this Act is conducted pursuant to the Code of Civil Procedure hitherto in force.

§ 8. Application of Code of Civil Procedure in arbitration proceeding

(1) The validity of an arbitral agreement entered into before the entry into force of this Act is evaluated pursuant to law hitherto in force.

(1¹) The validity of an arbitral agreement entered into before 1 July 2015 shall be evaluated pursuant to law in force before 1 July 2015.

[RT I, 12.03.2015, 5 - entry into force 01.07.2015]

(2) Arbitration proceedings commenced before the entry into force of this Act are completed pursuant to law hitherto in force unless the parties agree otherwise.

(3) Arbitration proceedings commenced before 10 January 2015 are completed pursuant to law in force before 10 January 2015 unless the parties agree otherwise.

[RT I, 31.12.2014, 1 - entry into force 10.01.2015]

§ 9. Matters on petition

(1) An appeal or appeal in cassation filed against a judgment made before the entry into force of this Act in matters on petition is heard by way of appeal or cassation procedure. In such case the preliminary acts for the appeal procedure are performed by the court of first instance and the preliminary acts for the cassation procedure are performed by the circuit court.

(2) If a guardian has been appointed to an adult for an unlimited period of time before the entry into force of this Act, 1 January 2011 is deemed to be the time when the court must decide on the termination or extension of the guardianship in conformity with clause 526 (2) 5) of the Code of Civil Procedure at the latest.

(3) The matters of appointment of a guardian or placement of a person in a closed institution commenced before 1 January 2009 are adjudicated pursuant to the provisions in force before 1 January 2009 unless the provisions of this section provide otherwise. The above does not apply to the extension of the term, termination and amendment of rulings made in such proceedings.

[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 10. Continuation of activities of Estonian Chamber of Commerce and Industry Arbitral Tribunal

Entry into force of this Act does not restrict the continuation of activities of the Estonian Chamber of Commerce and Industry Arbitral Tribunal which has operated under the Republic of Estonia Estonian Chamber of Commerce and Industry Arbitral Tribunal Act or the legal force of its procedure hitherto in force unless it is in conflict with the Code of Civil Procedure.

§ 11. Enforcement proceeding based on earlier enforcement instruments

(1) An enforcement proceeding commenced by the time of entry into force of this Act is completed even on the basis of the enforcement instruments which cannot be enforced pursuant to the Code of Enforcement Procedure. Enforcement proceedings can be commenced after the entry into force of this Act only on the basis of the enforcement instruments which comply with the requirements of the Code of Enforcement Procedure, except in the case provided for in subsection (4).

(2) A transaction can be revoked by way of recovery procedure only if the transaction is made after the entry into force of the Code of Enforcement Procedure.

(3) A person, whose property has been seized or on whose property a notation concerning the prohibition on the disposal has been made by a bailiff before 1 March 2001 on the basis of a claim in which enforcement proceedings have not been continued after 1 March 2001, has the right to file a petition with the court for preclusion of the right of the claimant by way of calling proceedings provided for in the Code of Civil Procedure.

(4) A notarial agreement attested until 31 December 2005 concerning a claim, which prescribes payment of a determined amount of money or delivery of fungible things or securities in a determined quantity, may also be submitted for compulsory enforcement after the entry into force of this Act if the debtor has consented to immediate compulsory enforcement pursuant to the agreement. A claim arising from a pledge contract is also deemed to be a claim which prescribes payment of a determined amount of money if the agreement on immediate compulsory enforcement is included in the agreement prepared on the claim secured by the pledge contract.

[RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 11¹. Application of Taxation Act to payment and set-off of procedural expenses

(1) Until 30 June 2014, subsection 179 (5¹) of the Code of Civil Procedure applies only to the payment and set-off of the state fee collected for the acts of the commercial register, non-profit associations and foundations register, commercial pledge register and land register.

(2) Subsection 179 (5¹) of the Code of Civil Procedure applies to the payment and set-off of the state fee collected for the acts of the ship register and marital property register and for the review of petitions for application of expedited procedure in matters of payment order from 3 February 2015.

[RT I, 31.01.2014, 6 - entry into force 01.04.2014]

§ 11². Application of subsection 65 (5) of Code of Enforcement Procedure

Subsection 65 (5) of the Code of Enforcement Procedure applies to the enforcement matters initiated from 1 October 2015.

[RT I, 12.03.2015, 4 - entry into force 01.10.2015]

§ 11³. Proceeding under Protocol No. 16 to Convention on Protection of Human Rights and Fundamental Freedoms

Subsections 33 (5), 356 (5) and 358 (4) and § 681¹ of the Code of Civil Procedure are implemented as of the day of entry into force of Protocol 16 to the Convention on the Protection of Human Rights and Fundamental Freedoms in respect of Estonia.

[RT I, 26.06.2017, 17 - entry into force 06.07.2017]

Chapter 2 AMENDMENT OF LEGISLATION

§ 12.–§ 99.[Omitted from this text.]

Chapter 3

PROVISIONS DELEGATING AUTHORITY AND ENTRY INTO FORCE OF ACT

§ 100. Provision delegating authority

The Government of the Republic organises the publication of the consolidated text of the Code of Civil Procedure in the *Riigi Teataja* within two months after the proclamation of this Act.

§ 101. Entry into force of Act

(1) This Act enters into force on 1 January 2006.

(2) Clauses 26 3), 32 1) and 2) and §§ 36, 50 and 65 of this Act enter into force on the tenth day following the date of publication of this Act in the *Riigi Teataja*.