

Issuer:	Riigikogu
Type:	act
In force from:	01.04.2019
In force until:	06.05.2020
Translation published:	11.04.2019

## 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 <sup>3</sup> (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, 4	01.10.2015
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
14.06.2017	RT I, 04.07.2017, 4	01.06.2023 - enters into force simultaneously with entry into force of the Agreement on a Unified Patent Court and the Agreement on the establishment of a Nordic-Baltic regional division of the Unified Patent Court with regard to Estonia
21.11.2018	RT I, 07.12.2018, 2	17.12.2018
20.02.2019	RT I, 19.03.2019, 2	29.03.2019
21.02.2019	RT I, 19.03.2019, 8	01.04.2019

# **Chapter 1**

## **GENERAL PROVISIONS**

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

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

(2) The possibility, provided for in the Code of Civil Procedure, to post a guarantee by depositing securities in the deposit account of the court applies from 1 January 2007.

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

### **§ 2. Application of the Code of Civil Procedure and the Code of Enforcement Procedure**

(1) The expiration of time limits which began to run in court proceedings before the entry into force of this Act is governed by the Code of Civil Procedure or the Code of Enforcement Procedure hitherto in force.

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

(3) Administrative court proceedings commenced before 1 January 2009 may be completed regardless of the fact that, after 1 January 2009, the case should be dealt with by a district court. The same applies, in cases which were commenced before 1 January 2009, to the application in such cases of contentious or non-contentious procedure, if the type of procedure has been changed under the law currently in force.

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

### **§ 2<sup>1</sup>. Application of lower rates of the state fee**

(1) The state fee paid at the rate effective from 1 January 2009 until 30 June 2012 in relation to filing, under the rules of civil court procedure, a petition, claim, appeal or interim appeal or appeal against a conclusive order, shall be refunded on the basis of the corresponding application by the party to proceedings in the amount by which it exceeds, by more than 50 euros, the rate of the state fee effective for the same procedural act at the time of deciding the refund, unless, by the date of filing the application, the relevant court proceedings have ended with a conclusive decision that has become final.

[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]

### **§ 2<sup>2</sup>. Implementation of the provision of access to documents and of the digital signing of judgments**

(1) The minister responsible for the area may make regulations to establish a transition period, which may not last longer than until 1 January 2015, concerning implementation of the service of documents and of the provision of access to documents through an information system.

(2) The minister responsible for the area may make regulations to establish a transition period, which may not last longer than until 1 January 2015, concerning implementation of the electronic drawing up of court judgments. If such a transition period is established, the courts may draw up and sign judgments on paper until the end of that period.

[RT I, 29.06.2012, 3 – entry into force 01.07.2012]

### **§ 2<sup>3</sup>. Entry of default judgment if defendant fails to respond to the claim**

If the defendant fails to respond to a claim filed before 1 January 2013, the court may enter a default judgment only if this is requested by the claimant.

[RT I, 29.06.2012, 3 – entry into force 01.07.2012]

### **§ 2<sup>4</sup>. Implementation of subsection 41 (5) of Code of Civil Procedure**

[Repealed – RT I, 07.12.2018, 2 – entry into force 17.12.2018]

### **§ 2<sup>5</sup>. Jurisdiction of district courts in connection with the entry into force of Agreement on Unified Patent Court**

For seven years following the entry into force of the Agreement on a Unified Patent Court (OJ C 175, 20.6.2013, pp. 1–40), jurisdiction to deal with cases related to infringement or revocation of European patents and cases related to infringement or declaration of invalidity of a supplementary protection certificate issued for a product protected by a European patent is also vested in district courts.

[RT I, 04.07.2017, 4 – entry into force 01.06.2023 – enters into force simultaneously with the entry into force, in respect of Estonia, of the Agreement on a Unified Patent Court and of the Agreement on the establishment of a

Nordic-Baltic regional division of the Unified Patent Court (announcements of the Ministry of Foreign Affairs – RT II, 04.03.2023, 3 and RT II, 04.03.2023, 4)]

### **§ 3. Allocation and determination of case costs**

(1) If proceedings were commenced before the entry into force of this Act, the allocation and determination of case costs is governed by the provisions of the Code of Civil Procedure hitherto in force.

(2) A deposit fee is to be paid on applications for securing the claim that are filed before 1 January 2009. Although such applications are not subject to subsection 383 (1<sup>1</sup>) of the Code of Civil Procedure, this does not preclude the court from exercising its right to require a guarantee under subsection 1 of the same section.

(3) When resolving an application for the grant of procedural assistance after 1 January 2009, reasonable costs of the applicant's housing and transport are taken into account even if the application for grant of procedural assistance was filed before 1 January 2009.  
[RT I 2008, 59, 330 – entry into force 01.01.2009]

### **§ 3<sup>1</sup>. Taxation of the fee of trustee in bankruptcy**

If a bankruptcy petition is accepted before 1 January 2015, the fee of the trustee in bankruptcy is subject to taxation in accordance with subsection 183 (2) of the version of the Code of Civil Procedure in force until 30 June 2014, and the fee of the interim trustee or the trustee in bankruptcy is increased by either the value added tax or the social tax charge.  
[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 remains valid if it has been entered into in conformity with the requirements of the Code of Civil Procedure hitherto in force.

### **§ 4<sup>1</sup>. Right of appeal by third party without an independent demand**

A third party without an independent demand who joined or was joined to proceedings before 1 January 2009 has no right to appeal against the decision made in those proceedings.  
[RT I 2008, 59, 330 – entry into force 01.01.2009]

### **§ 4<sup>2</sup>. Judgment in simplified form in simplified proceedings**

With respect to cases dealt with by simplified procedure, the opportunity to enter a judgment without the descriptive part or without the statement of reasons, as well as the restrictions on acceptance of appeals in those cases, do not apply if the claim was filed before 1 January 2009.  
[RT I 2008, 59, 330 – entry into force 01.01.2009]

### **§ 4<sup>3</sup>. Appeals or interim appeals in registry cases**

Appeals or interim appeals against orders which were entered before 1 January 2009 and which are mentioned in section 599 of the version of the Code of Civil Procedure in force before 1 January 2009 may be filed within the time limit prescribed in that section.  
[RT I 2008, 59, 330 – entry into force 01.01.2009]

### **§ 4<sup>4</sup>. Application of subsections 83 (2<sup>1</sup>) and (2<sup>2</sup>), 87<sup>1</sup>(2), 93 (5<sup>1</sup>) and (5<sup>2</sup>) of the Code of Enforcement Procedure**

(1) The minister responsible for the area makes the regulations required under subsections 83 (2<sup>2</sup>) and 93 (5<sup>2</sup>) of the Code of Enforcement Procedure not later than on 1 January 2016.

(2) The provisions of subsections 83 (2<sup>1</sup>), 87<sup>1</sup>(2) and 93 (5<sup>1</sup>) of the Code of Enforcement Procedure apply from the entry into force of the regulations referred to in subsection 1 of this section.  
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]

### **§ 4<sup>5</sup>. Application of subsection 23<sup>1</sup>(2) of the Code of Enforcement Procedure**

The requirement concerning the use of an information system provided in subsection 23<sup>1</sup>(2) of the Code of Enforcement Procedure applies starting 1 January 2015.  
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

#### **§ 4<sup>6</sup>. Dissemination over computer networks of court decisions which have become final**

Subsection 462 (1) of the Code of Civil Procedure applies to court decisions which become final on or after 1 January 2006.

[RT I, 19.03.2019, 2 – entry into force 29.03.2019]

#### **§ 5. Participation in proceedings before the Supreme Court**

A person who, at the time of entry into force of this Act, is a party to civil proceedings pending before the Supreme Court may participate in those proceedings without a representative.

#### **§ 6. Expedited procedure for orders for payment**

(1) Until the provision of corresponding technical conditions in the courts, the electronic expedited procedure for orders for payment prescribed in the Code of Civil Procedure is conducted on the basis of paper documents. The minister responsible for the area shall by regulation establish the period, conditions of and procedure for transition to electronic expedited procedure for orders for payment.

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

(2) Expedited procedure for orders for payment of claims exceeding 6390 euros is not conducted until 1 January 2010. That amount represents the total of the main and collateral claims.

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

(3) The court, by order, denies a petition for expedited procedure for an order for payment if expedited procedure in the matter is not authorized by virtue of subsection (2) of this section.

(4) For the purposes of proceedings, at the claimant so requests, a statement of claim filed before 1 January 2006 may be deemed a petition for expedited procedure for an order for payment.

(5) If the court receives a petition for expedited procedure for an order for payment before 1 January 2007, the court resolves that petition according to the provisions regulating expedited procedure for orders for payment 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 expedited procedure for an order for payment before 15 July 2008, the court adjudicates the petition according to the provisions regulating expedited procedure for orders for payment in force before 15 July 2008.

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

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

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

2) electronic petitions for expedited procedure for orders for payment 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 for an order for payment which has been accepted before transition to the fully electronic procedure is completed by the county court which conducts proceedings in the matter.

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

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

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

#### **§ 7. Consideration of petitions for correction of court errors and petitions for review**

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

#### **§ 8. Application of Code of Civil Procedure in arbitration proceedings**

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

(1<sup>1</sup>) The validity of an arbitration agreement entered into before 1 July 2015 is evaluated under the law in force before 1 July 2015.

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

(2) Unless the parties agree otherwise, arbitration proceedings commenced before the entry into force of this Act are completed in accordance with the law hitherto in force.

(3) Unless the parties agree otherwise, arbitration proceedings commenced before 10 January 2015 are completed in accordance with the law in force before 10 January 2015.

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

(4) Unless the parties agree otherwise, arbitration proceedings commenced before 1 April 2019 are completed in accordance with the law in force until 31 March 2019.

[RT I, 19.03.2019, 8 – entry into force 01.04.2019]

(5) Subsection 753 (1) of the version of the Code of Civil Procedure in force starting 1 April 2019 also applies to arbitration proceedings commenced before 1 April 2019.

[RT I, 19.03.2019, 8 – entry into force 01.04.2019]

## **§ 9. Cases dealt with by non-contentious procedure**

(1) An appeal or appeal in cassation filed against a judgment made before the entry into force of this Act in a case dealt with by non-contentious procedure is heard, respectively, under the appeal or cassation procedure. In such cases, preliminary acts for the appeal procedure are performed by the court of first instance and preliminary acts for the cassation procedure are performed by the court of appeal.

(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 latest date by which the court must, in accordance with clause 526 (2) 5) of the Code of Civil Procedure, decide on the termination or extension of guardianship.

(3) Cases initiated before 1 January 2009 concerning the appointment of guardians or the placement of individuals in a closed institution are resolved under the provisions in force before 1 January 2009 unless the provisions of this section provide otherwise. The first sentence of this subsection does not apply to the varying or termination of any orders made in such proceedings, or to extension of any time limits.

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

## **§ 10. Continuation of activities of Estonian Chamber of Commerce and Industry Arbitration Tribunal**

Entry into force of this Act does not restrict the continuation of the work of the Estonian Chamber of Commerce and Industry Arbitration Tribunal, which operated under the Republic of Estonia Estonian Chamber of Commerce and Industry Arbitration Tribunal Act, or the validity of that Tribunal's procedure as hitherto in force provided such procedure is not contrary to the Code of Civil Procedure.

## **§ 11. Enforcement proceedings based on earlier enforcement instruments**

(1) Enforcement proceedings that have been commenced by the time of entry into force of this Act are conducted to conclusion also if they are based on an enforcement instrument that cannot be enforced under the Code of Enforcement Procedure. Enforcement proceedings may be commenced after the entry into force of this Act only on the basis of an enforcement instrument that complies with the requirements of the Code of Enforcement Procedure, except in the case provided in subsection 4.

(2) Revocation under the rules of recovery only applies to transactions that have been performed after the entry into force of the Code of Enforcement Procedure.

(3) A person whose property has been seized or concerning whose property a notation prohibiting disposal has been entered by a bailiff before 1 March 2001 on the basis of a claim in respect of which enforcement proceedings have not been pursued after that date has the right to file a petition with the court for preclusion, by unknown rightholder procedure provided in the Code of Civil Procedure, of the rights of the party seeking enforcement.

(4) A notarial agreement, authenticated before 31 December 2005, concerning a claim right which requires payment of a pre-determined sum of money or delivery of a specific quantity of fungible things or securities, may be submitted for compulsory enforcement also after the entry into force of this Act if, under that agreement, the debtor has consented to immediate compulsory enforcement. A claim right arising under a pledge contract is also deemed to be a claim right which requires payment of a pre-determined sum of money, provided the agreement on immediate compulsory enforcement is included in the agreement drawn up concerning the claim right secured by the pledge contract.

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

### **§ 11<sup>1</sup>. Application of Taxation Act to payment and set-off of case costs**

(1) Until 30 June 2014, subsection 179 (5<sup>1</sup>) of the Code of Civil Procedure only applies to the payment and set-off of state fees charged for acts of the commercial register, the register of non-profit associations and foundations, the commercial pledge register and the land register.

(2) Starting 3 February 2015, subsection 179 (5<sup>1</sup>) of the Code of Civil Procedure applies to the payment and set-off of state fees charged for acts of the ship register and of the marital property register and for consideration of petitions for expedited procedure for orders for payment.  
[RT I, 31.01.2014, 6 – entry into force 01.04.2014]

### **§ 11<sup>2</sup>. Application of subsection 65 (5) of the Code of Enforcement Procedure**

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

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

### **§ 11<sup>3</sup>. Procedure under Protocol No. 16 to the Convention on the Protection of Human Rights and Fundamental Freedoms**

Subsections 33 (5), 356 (5) and 358 (4) and § 681<sup>1</sup> of the Code of Civil Procedure apply from the day of entry into force, in respect of Estonia, of Protocol no. 16 to the Convention on the Protection of Human Rights and Fundamental Freedoms.

[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 THIS ACT**

### **§ 100. Provision delegating authority**

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

### **§ 101. Entry into force of this Act**

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

(2) Clauses 26 3), 32 1) and 2) and sections 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*.