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Enforcement Agents Act

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Amended by the following acts

Passed	Published	Entry into force
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, p. 24 - 26).
17.06.2010	RT I 2010, 38, 231	01.07.2010
16.12.2010	RT I, 30.12.2010, 2	01.01.2011
17.02.2011	RT I, 14.03.2011, 3	24.03.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
06.06.2012	RT I, 29.06.2012, 3	01.01.2013
05.12.2012	RT I, 21.12.2012, 1	01.03.2013
20.12.2012	RT I, 31.12.2012, 5	10.01.2013
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, in part 01.01.2015 and 01.01.2020
21.01.2014	RT I, 31.01.2014, 6	01.02.2014, in part 01.04.2014 and 01.07.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014 The word "oversight" has been replaced throughout the Act with the words "administrative oversight".
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of Ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
18.02.2015	RT I, 05.03.2015, 2	06.03.2015, in part 01.01.2017
18.02.2015	RT I, 12.03.2015, 4	01.10.2015, in part 01.03.2016
15.06.2016	RT I, 08.07.2016, 1	01.01.2017
07.06.2017	RT I, 26.06.2017, 17	06.07.2017
13.12.2017	RT I, 30.12.2017, 2	09.01.2018, in part 01.01.2019
09.05.2018	RT I, 31.05.2018, 2	10.06.2018, in part 01.10.2018, 01.01.2019 and 01.01.2020
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
20.02.2019	RT I, 19.03.2019, 1	01.01.2021
09.12.2020	RT I, 22.12.2020, 34	01.01.2021
10.03.2021	RT I, 22.03.2021, 1	01.04.2021

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application

(1) This Act provides the basic rules for the official work of enforcement agents, the rules for disciplinary liability and for the exercise of administrative oversight over enforcement agents, the rules for the payment of remuneration to enforcement agents and the principles for the work of the common professional association of enforcement agents and trustees in bankruptcy.

(2) The provisions of the Administrative Procedure Act apply to administrative procedures prescribed in this Act without prejudice to any special rules provided in this Act. The Administrative Procedure Act does not apply to enforcement proceedings.

Chapter 2

ENFORCEMENT AGENTS

Subchapter 1

Official Work of Enforcement Agents

§ 2. Legal status of enforcement agents

(1) An enforcement agent holds a public-law office as a liberal profession in their own name and at their own responsibility.

(2) The official work of enforcement agents consists of official operations and professional services.

(3) An enforcement agent must be impartial in the performance of their official work and appear trustworthy to any person for whose benefit or in whose respect they perform their operations.

(4) An enforcement agent must observe their oath of office and conduct themselves in a dignified manner also outside of their official work.

(5) An enforcement agent has a badge of office and an official seal.

(6) A description of the badge of office and of the official seal as well as the rules for their use are enacted by a regulation of the Minister in charge of the policy sector.

§ 3. Number of enforcement agents and their service area

The number of enforcement agents' positions and their service area is determined by the Minister in charge of the policy sector.

§ 4. Enforcement agent's office

(1) An enforcement agent works through their office.

(2) An enforcement agent's office must be situated in their service area and be suitable for receiving members of the public.

(3) The opening hours of the office and the office hours of the enforcement agent are disseminated to the public through the website of the Chamber of Enforcement Agents and Trustees in Bankruptcy (hereinafter, 'the Chamber'); the corresponding information is also displayed in a visible spot at the entrance to the office. The Minister in charge of the policy sector may, by regulation, establish minimum opening and office hours.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) Enforcement agents working in the same service area may keep a shared office if this has been authorized by the Minister in charge of the policy sector. Enforcement agents who keep a shared office set out their rights and obligations with regard to each other in a written agreement. Even where enforcement agents keep a shared office, each agent performs official operations and provides professional services in their own name and is personally responsible for their official work.

(5) For accounting purposes, enforcement agents are considered to be sole proprietors. Enforcement agents who keep a shared office may also keep pooled accounts.

§ 5. Restrictions related to office

(1) An enforcement agent may not hold any other paid office besides that of their own, or perform any other paid work except for teaching, research or creative work and for acting as a trustee in bankruptcy or as a liquidator.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2) An enforcement agent may not engage in entrepreneurial activity, or:

1) be a shareholder in a general partnership, a general partner in a limited partnership or a member of a commercial association whose Articles provide for the members to be personally liable for the obligations of the association;

2) serve as a member of the Supervisory or Management Board, or a procurator, of a company;

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

3) serve as the director of a branch of a foreign company;

4) serve as the compulsory administrator of an item of immovable property.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(3) The name and registry code of any company whose shares belong to the enforcement agent are made public on the website of the Chamber. Information concerning the holding of publicly issued securities does not have to be made public. The particulars to be made public on the website are communicated to the Chamber by the enforcement agent.

§ 6. Official operations of an enforcement agent

(1) An enforcement agent performs official operations:

1) when conducting enforcement proceedings under the Code of Enforcement Procedure;

2) when serving documents on the basis of the Acts laying down the procedure to be followed in the courts;

3) on the basis of the Law of Succession Act when making an inventory of the estate and when administering the estate;

4) in the cases and according to the rules prescribed by law when conducting an auction at the request of a court or an administrative body (hereinafter, ‘official auction’) outside enforcement proceedings;

5) under the Family Benefits Act when relaying maintenance received from a foreign state;

[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

6) when compiling an enforcement profile of a debtor.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(2) An enforcement agent may refuse to perform an official operation only on the basis and according to the rules provided by law.

§ 6¹. Compiling an enforcement profile of the debtor

(1) An enforcement profile of the debtor is issued to the party seeking enforcement who holds an enforceable title that has entered into effect in respect of the debtor. The profile assists the party in assessing the prospects for enforcing their claim.

(2) An enforcement profile of the debtor reflects the following information:

1) the number of cases in which compulsory enforcement is pending in respect of the debtor and the total amount of the claims being enforced in those cases;

2) the date on which the earliest of the enforcement files was opened;

3) any registered property owned by the debtor, and any attachments and restraining notes imposed on such property.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 7. Personal performance of official duties

(1) An enforcement agent performs the following official duties personally:

1) suspension and termination of enforcement proceedings;

2) [Repealed – RT I, 30.12.2017, 2 – entry into force 09.01.2018]

3) making a registration application to the Land Registry Department concerning property sold on auction in enforcement proceedings and making any application concerning the transfer of ownership to other property registers;

4) distribution of proceeds from the sale of property in enforcement proceedings;

5) [Repealed – RT I, 30.12.2017, 2 – entry into force 09.01.2018]

6) signing the list drawn up as a result of performing an inventory of an inheritable estate.

(2) The parties to proceedings have a right to request explanations concerning an official operation directly from the enforcement agent.

§ 8. Provision of professional services

(1) On a person's application, an enforcement agent may perform the following as a professional service:

- 1) to conduct an auction of an item of movable or immovable property (hereinafter, '*private auction*');;
- 2) to serve a document;
- 3) to give legal advice and to draw up legal documents provided their education corresponds to the provisions of clause 1 of subsection 1 of § 47 of the Courts Act;
- 4) to provide, except in proceedings before a court, the service of establishing a legal fact;
- 5) to serve as a conciliator according to the Conciliation Act;
- 6) to serve as an arbitrator according to the Code of Civil Procedure.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(2) Before providing any professional services, the enforcement agent notifies the Chamber of the type of professional service that they intend to engage in and concludes a professional liability insurance contract according to the rules provided in § 10 of this Act to ensure compensation for any harm resulting from the provision of such a service.

(3) An enforcement agent has a right to refuse to provide a professional service.

(4) If an enforcement agent has agreed to provide a professional service, they cannot withdraw from providing it without a valid reason.

(5) The terms for the provision of professional services and the rules for remuneration are agreed in written form with the person applying for the service. The terms and remuneration agreed must be in conformity with Enforcement Practice Directions.

(6) When providing professional services, an enforcement agent may not exercise any rights which, by law, have been vested in enforcement agents for the performance of official operations, or which arise from their official status.

(7) An enforcement agent may not conduct enforcement proceedings in a case in whose disposition the agent participated as an arbitrator.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

§ 9. Liability

(1) An enforcement agent is liable, on the grounds and to the extent provided for in the State Liability Act, for any negligent or intentional harm caused in the course of their official work. Such an agent is also liable for any negligent or intentional harm caused by an employee of their office. The agent is also liable for any negligent or intentional harm caused by a police officer when acting under §§ 71¹ and 71² of the Code of Enforcement Procedure.

[RT I, 19.03.2019, 1 – entry into force 01.01.2021]

(2) The Chamber is liable for negligent or intentional harm caused by an enforcement agent who is undergoing the practical training mentioned in § 96 of this Act.

(3) An enforcement agent who has been released from office is liable for any negligent or intentional breach of their official duties during their time in office also after being released from it.

(4) An enforcement agent who is being stood in for is liable for the actions of their stand-in, provided the stand-in is their assistant enforcement agent. Where the stand-in is an assistant of another enforcement agent, liability for the actions of the stand-in rests with the Chamber.

(5) Where liability for the causing of harm falls partly on a party to the proceedings or on a third party, the enforcement agent is liable for the harm caused by negligent or intentional breach of their official duties to an extent to which it is not possible to collect compensation from the party to or the third party. If it was not possible to collect compensation from such a party or such a third party to the entire extent to which they have caused harm, the enforcement agent has a right of recourse towards that party or that third party to an extent to which the enforcement agent has paid the compensation for them.

(6) If satisfaction of claims for the compensation of harm caused by an official operation of an enforcement agent cannot be obtained from the assets of the agent or any other person liable for the harm or if such claims cannot be satisfied in full, the Chamber and, then, the State is liable for the harm caused. The Chamber and the State have a right of recourse, to the extent of the harm they have compensated for, against the enforcement agent or any other person liable for such harm. The State may also make a recourse claim against the Chamber.

(7) The Chamber's costs resulting from matters mentioned in this section are covered from the budget of enforcement agents' Enforcement Section of the Chamber (hereinafter 'Enforcement Section').

(8) Any disputes related to the payment, by an enforcement agent, of compensation for harm are considered by the district court.

(9) A claim resulting from subsection 1 of this section becomes subject to limitation by time when three years have elapsed following the date on which the person who suffered harm became aware of the harm, and of the person liable to compensate for it, but not later than ten years after the harm was caused.

§ 10. Professional liability insurance

(1) In order to ensure compensation for the harm caused in the course of their official work, an enforcement agent must conclude a professional liability insurance contract with an insurer, who is a company authorized to conduct an insurance business in Estonia, on the following terms:

1) the insured event is a violation of the agent's obligations which has taken place during the insurance period and which has led to harm that the enforcement agent is obligated to compensate for under this Act;

2) the minimum amount of insurance coverage for an insured event is at least 200,000 euros and the maximum amount of insurance indemnities payable for all insured events that have occurred within the insurance period is at least 600,000 euros;

[RT I, 09.04.2021, 1 – entry into force 01.07.2021]

3) where the insurance contract has been concluded with a deductible, the insurer compensates for the entire harm caused – but not more than the insured amount – and recovers the deductible from the policyholder.

(2) An enforcement agent is not required to insure against liability for an intentional breach of official duties.

(3) As regards liability for harm caused by the provision of professional services, an enforcement agent may elect to insure against such liability only to the extent mentioned in subsection 2 of § 8 of this Act. In such a case, the agent may not provide any professional services not covered by the insurance contract.

(4) On conclusion of a professional liability insurance contract, the enforcement agent presents a copy of the contract and the insurance policy to the Board of the Enforcement Section without delay. The Enforcement Section is required to verify whether or not the agent holds professional liability insurance.

(5) If an enforcement agent does not hold a valid professional liability insurance contract, the Board of the Enforcement Section suspends the agent's powers of office.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(6) An enforcement agent provides written notification to the Board of the Enforcement Section of the circumstances mentioned in subsections 1 and 3 of § 514 of the Law of Obligations Act within two weeks after having become aware of such circumstances. Within two weeks following payment of an insurance indemnity, the agent transmits to the Board of the Enforcement Section information concerning the fact of payment of the indemnity by the insurer to the aggrieved party, the amount of such an indemnity, and the event which triggered the insurance policy.

(7) The insurance contract for the compensation of harm caused by an enforcement agent who is undergoing practical training is concluded by the Enforcement Section.

§ 11. Obligation of professional confidentiality

(1) An enforcement agent is required to maintain professional confidentiality and not to disclose any information they have become privy to in connection with their official work. The duty to maintain confidentiality remains effective also when the enforcement agent has resigned their official position.

(2) Employees of the enforcement agent's office and the Chamber as well as any other persons to whom the agent has disclosed information in connection with the agent's official work must comply with the obligation of professional confidentiality.

(3) The enforcement agent must disclose information received in connection with their official work to:

- 1) the parties to the proceedings;
- 2) the court;
- 3) the out-of-court proceedings authority, the investigative body and the Prosecutor's Office in misdemeanour or criminal proceedings and on the basis of a request for legal assistance received from a foreign state according to the rules provided in the relevant international agreement;
- 4) the Chamber and the Ministry of Justice in oversight and disciplinary proceedings;
- 5) any other persons who, by law, have a right to receive the information or to whom its disclosure is – as has been substantiated, necessary by reason of being required in order to discharge a task arising from law.

(4) [Repealed – RT I, 12.03.2015, 4 – entry into force 01.03.2016]

(5) If, in relation to performing an official operation, it appears that a person has committed an act characterized by the elements of an offence, the enforcement agent notifies this to the competent authority for a decision to be taken on whether to commence misdemeanour or criminal proceedings.

§ 12. Obligation of professional self-development

An enforcement agent and an assistant enforcement agent are required to continually develop their specialized knowledge and to undertake the periodical legal in-service training prescribed in § 97 of this Act.

Subchapter 2 Registration of Official Work of an Enforcement Agent and Documents

§ 13. Registration of official work

(1) All official operations of an enforcement agent are registered in the Register of Enforcement Proceedings. All professional services of an enforcement agent are registered in the agent's Book of Professional Services. [RT I, 30.12.2017, 2 – entry into force 01.01.2019]

(2) On a written application of a person on whose application or for whom an official operation was performed or to whom a professional service was provided, such a person is issued a corresponding printout from the Register of Enforcement Proceedings or a corresponding extract from the Book of Professional Services. [RT I, 30.12.2017, 2 – entry into force 01.01.2019]

(3) The requirements and form established for the registration of official operations and professional services and the rules for keeping an enforcement agent's Book of Professional Services are enacted by a regulation of the Minister in charge of the policy sector. [RT I, 30.12.2017, 2 – entry into force 01.01.2019]

(4) The Minister in charge of the policy sector may determine the reporting period, the list of information required to be reported and the manner in which the report is to be presented.

§ 14. Preservation of documents

(1) For the purposes of the Archives Act, any documents created or received by an enforcement agent in the course of an official operation are deemed documents created or received in the course of performing a public duty. [RT I, 21.03.2011, 1 – entry into force 01.01.2012]

(2) The rules for preservation and transfer of documents specified in subsection 1 of this section as well as the corresponding time limits are enacted by a regulation of the Minister in charge of the policy sector.

§ 15. Handing over of documents and of clerical business on an enforcement agent's release or removal from office and on suspension of an enforcement agent's powers of office

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(1) When an enforcement agent is released or removed from office (hereinafter jointly referred to as 'resigning enforcement agent'), or when an enforcement agent dies, any documents created in relation to any official operations performed by them as well as any rights and obligations connected with such documents, including any advance payments made in enforcement proceedings and the right to dispose of their official bank account, are handed over to the enforcement agent who takes up the resigning enforcement agent's clerical business (hereinafter 'uptaking enforcement agent'). The taking up of such business is arranged by the Enforcement Section. [RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(2) The resigning enforcement agent and the uptaking enforcement agent sign a record of delivery and receipt concerning the handing over of pending enforcement operations, including any claims related to enforcement proceedings as well as any advance payments related to such claims; a copy of the record is transmitted to the Chamber. [RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) A resigning enforcement agent must preserve any documents, as well as any information held on other storage media, related to their official work and transmit these to the uptaking enforcement agent.

(4) A resigning enforcement agent archives the files related to completed official operations according to the legislation governing the keeping of the archives.

(5) A resigning enforcement agent must ensure that persons appointed by the Chamber have access to their office premises and to the information required for the handing over of files related to official operations.

(6) The Minister in charge of the policy sector enacts, by regulation, rules for delivery and receipt of documents related to official operations as well as of any clerical business and any rights and obligations connected with such documents.

(7) If the powers of office of an enforcement agent have been suspended and such a situation endures for more than two months, the agent hands over any documents created in relation to official operations as well as any rights and obligations connected with such documents to their stand-in agent according to the rules provided in subsections 1, 2, 5 and 6 of this section. When the enforcement agent's powers of office are reinstated, the documents that were handed over as well as any rights and obligations connected with them are returned to the agent according to the rules provided in subsections 1, 2, 5 and 6 of this section.

§ 16. Enforcement agent's obligation to perform official operations

The Minister in charge of the policy sector and the Enforcement Section have a right to impose an obligation on the enforcement agent to perform official operations in the stead of an enforcement agent who has been released or removed from office or whose powers of office have been suspended.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

Subchapter 3

Appointment of Enforcement Agent to Office, Release from Office and Suspension of an Agent's Powers of Office; Employees of Enforcement Agent's Office

§ 17. Requirements for becoming an enforcement agent

(1) A person may be appointed as enforcement agent if they hold the citizenship of a member state of the European Union, are proficient in oral and written Estonian, are honest and of high moral character and have been awarded an officially recognized Bachelor's degree or have completed an officially recognized professional higher education in law or have earned a corresponding qualification within the meaning of subsection 22 of § 28 of the Education Act of the Republic of Estonia, or a corresponding qualification of a foreign state, and have:

- 1) served as an assistant enforcement agent, attorney-at-law, judge, notary or trustee in bankruptcy for at least one year or
- 2) before applying for appointment to the office of enforcement agent, worked in a position requiring an academic or professional higher education in law for at least five years, and have passed the enforcement agent's examination.

(2) A person may not be appointed as enforcement agent if:

- 1) they have been sentenced in criminal proceedings for an intentionally committed criminal offence;
- 2) they have been removed from the office of a judge, notary or enforcement agent;
- 3) they have been disbarred;
- 4) they have been released from public service on account of a disciplinary offence;
- 5) they have been declared bankrupt;
- 6) their professional practice as an auditor has been terminated, except for termination based on the auditor's own application;
- 7) their status as a trustee in bankruptcy, sworn translator or patent agent has been revoked, except for revocation based on the person's application.

[RT I, 23.12.2013, 1 – entry into force 01.01.2014]

§ 18. Verification of trustworthiness of applicants for the office of enforcement agent and of assistant enforcement agent

Verification of the trustworthiness of applicants for the office of enforcement agent and of assistant enforcement agent is governed by § 1171 of the Courts Act.

§ 19. Appointment of enforcement agents to office and assumption of office

(1) A person who fulfils the conditions of subsection 1 of § 17 of this Act may apply for a vacant position of enforcement agent.

(2) A vacant position of an enforcement agent is filled on a competitive basis. Competitive recruitment is announced for the official position of enforcement agent for a specific service area.

(3) The need for recruitment to a vacant office of enforcement agent is decided by and competitive recruitment to the office of enforcement agent is announced by the Ministry of Justice.

(4) To participate in competitive recruitment, an application is made to the Examination Board with the following documents annexed to it:

- 1) a copy of an identity document and of a document certifying citizenship;
- 2) a copy of a document certifying the educational qualification required under subsection 1 of § 17 of this Act;
- 3) a copy of a document certifying previous employment history;
- 4) a curriculum vitae;
- 5) the applicant's affirmation, in their own hand, that they comply with the conditions mentioned in § 17 of this Act.

(5) The rules for competitive recruitment to the office of enforcement agent are enacted by a regulation of the Minister in charge of the policy sector.

(6) Competitive recruitment to the office of enforcement agent is conducted by the Chamber's Examination Board (hereinafter, 'Examination Board').

(7) An enforcement agent is appointed to office by the Minister in charge of the policy sector. An enforcement agent is appointed to office for an unspecified term.

(8) After appointment to office and before assuming office, the appointed person must undertake the practical training mentioned in § 96 of this Act. An enforcement agent who is undergoing practical training may perform – in the name of the supervising agent – any official operation that enforcement agents are authorized to perform and may serve as a stand-in enforcement agent.

(9) A person mentioned in clause 1 of subsection 1 of § 17 of this Act is not required to undertake practical training.

(10) An enforcement agent must assume office within four months after the Examination Board has assessed their practical training as a pass. A person mentioned in subsection 9 of this section must assume office within four months after being appointed to office.

§ 20. Oath of office

Before assumption of office, an enforcement agent takes the oath of office before the Minister in charge of the policy sector and a stand-in enforcement agent before the Board of the Enforcement Section, as follows:

"I swear by my honour and my knowledge to be faithful to the Republic of Estonia and to observe its Constitution and laws. I swear that I shall execute my office with integrity, dignity and impartiality."

§ 21. Release and removal from office

(1) An enforcement agent is released from office by the Minister in charge of the policy sector:

- 1) on a written application of the agent;
- 2) due to the agent's state of health, which does not allow them to continue practising as an enforcement agent.

(2) The Minister in charge of the policy sector removes an enforcement agent from office:

- 1) when, in respect of the agent, a judgment of conviction of a criminal offence that was committed intentionally has entered into effect, or any other judgment of conviction has entered into effect by which a sanction is imposed on the enforcement agent which renders it impossible for them to serve as an enforcement agent;
 - 2) when removal from office is imposed on the agent as a disciplinary sanction;
 - 3) on the grounds provided for in subsection 5 of § 97 of this Act;
 - 4) if the requirements mentioned in subsection 1 or 2 of § 17 of this Act have not been fulfilled or if, after appointment to office, it turns out that the agent has provided knowingly false information when applying for the position;
 - 5) on the grounds provided for subsection 6 of § 96 of this Act;
 - 6) if the agent does not assume office at the time mentioned in subsection 10 of § 19 of this Act;
 - 7) if the agent is declared bankrupt or if bankruptcy proceedings commenced in their respect are terminated by abatement;
 - 8) if the agent does not, within a reasonable time, fully compensate a claim that they have been ordered to pay under subsection 1 of § 9 of this Act by a judgment that has entered into effect, or if the agent has filed, in relation to the aforementioned claim, an application to the court for restructuring their debts.
- [RT I, 30.12.2017, 2 – entry into force 09.01.2018]

§ 22. Suspension of powers of office

(1) The Board of the Enforcement Section may suspend an enforcement agent's powers of office in the following circumstances:

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 1) until a decision is taken regarding the release of the enforcement agent from office in the situation mentioned in clause 2 of subsection 1 of § 21 of this Act;

- 2) where disciplinary proceedings are commenced in respect of the enforcement agent, until the conclusion of such proceedings;
- 3) where criminal charges have been brought against the enforcement agent, from the bringing of such charges until the termination of criminal proceedings or until the judicial disposition acquitting the agent enters into effect;
- 4) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]
- 5) on the agent's application, where they wish to engage in professional development for up to one year;
- 6) on the agent's application, when they commence a period of employment in the service of the Chamber or in the international representative organization of enforcement agents, for up to five years;
- 7) where other valid reasons apply, for up to three years.

(1¹) In the situation mentioned in clauses 2 and 3 of subsection 1 of this section, an enforcement agent's powers of office may also be suspended by the Minister in charge of the policy sector.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2) When the powers of office of an enforcement agent have been suspended, the legal provisions governing the agent's work in relation to the performance of official operations do not apply to the agent. During the suspension, the agent's duty to conduct themselves in a dignified manner, and to act in such a manner, continues to apply.

(2¹) Disciplinary proceedings and proceedings before the Ethics Tribunal may be conducted in respect of an enforcement agent during the period of suspension of powers of office.
[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(3) When an enforcement agent's powers of office have been suspended, the agent is prohibited from performing official operations and from providing professional services.

(4) The powers of office of an enforcement agent are reinstated by the Board of the Enforcement Section without delay when it becomes known to the Board that the grounds for suspension of such powers no longer apply. If the powers were suspended under the rule provided in subsection 11 of this section, they are reinstated by the Minister in charge of the policy sector.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 23. Employees of an enforcement agent's office

(1) An enforcement agent's office employs assistant enforcement agents and other office employees.

(2) A person may be employed in an enforcement agent's office if they are proficient in oral and written Estonian, and are honest and of high moral character. In addition to the above, an assistant enforcement agent must have completed an officially recognized Bachelor's study programme or a professional higher education programme in law, the circumstances mentioned in subsection 2 of § 17 of this Act – which would preclude their appointment to the office of enforcement agent – must not apply in their case, they must have passed the assistant enforcement agent's examination and have been placed on the list of assistant enforcement agents.

(3) An employee of an enforcement agent's office has power to serve documents in the agent's name and under their responsibility and assists the agent in their official work. An assistant agent has power to perform, in the agent's name and under their responsibility, any official operation which subsection 1 of § 7 of this Act does not require the agent to perform personally.
[RT I, 29.06.2012, 3 – entry into force 01.01.2013]

(4) An assistant enforcement agent who has commenced work as an assistant agent before three years have elapsed since their being released from the duties of an enforcement agent under subsection 1 of § 21 of this Act, or who has worked as an assistant agent at least for one year, may stand in for an enforcement agent in the situations and according to the rules provided in this Act.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(5) An enforcement agent who has been in office for more than two years must ensure that at least one assistant enforcement agent is employed in their office. For a valid reason, the Board of the Enforcement Section may exempt an enforcement agent from this obligation for a specified period.

(6) A person may also serve as an assistant enforcement agent if they are in the service of the Chamber and comply with the requirements for assistant enforcement agents.

§ 24. List of assistant enforcement agents

(1) A list of assistant enforcement agents is kept by the Chamber. On the basis of an enforcement agent's application or of its own motion, the Board of the Enforcement Section places on the list a person:

- 1) who complies with the requirements for assistant enforcement agents;
 - 2) who is in an employment relationship with the Chamber or with an enforcement agent.
- (2) The Board of the Enforcement Section separately notes in the list those assistant enforcement agents who have a right to serve as stand-in agents.
- (3) On the basis of an enforcement agent's application or of its own motion, the Board of the Enforcement Section removes from the list any assistant enforcement agent with regard to whom the grounds for placement on the list that were mentioned in subsection 1 of this section have ceased to apply.
- (4) An enforcement agent must without delay apply to the Board of the Enforcement Section for an amendment of the list if such a need arises in connection with an assistant agent working in the agent's office.
- (5) Within seven years from removal from the list, an assistant enforcement agent who has been removed from the list but complies with the requirements for enforcement agents and who has served as an assistant enforcement agent for at least one year may stand as a candidate for a vacant position of enforcement agent without taking the enforcement agent's examination anew.
- (6) The name of the assistant enforcement agent is placed on the list together with the name of the enforcement agent in whose office the assistant is employed.
- (7) The list is published on the Chamber's website. Specific requirements for maintaining the list of assistant enforcement agents and for its publication are prescribed in the Statutes of the Chamber.

Subchapter 4

Stand-in Arrangements for Enforcement Agents

§ 25. Stand-in arrangements for enforcement agents

- (1) If an enforcement agent wishes to interrupt the performance of official duties for more than two months in a year, such an agent must apply to the Board of the Enforcement Section for suspension of the agent's powers of office. If the agent cannot make such an application, the Board of the Enforcement Section suspends the agent's powers of office of its own motion.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]
- (2) If an enforcement agent wishes or is forced to interrupt the performance of official duties for more than ten working days in a month, they must notify this in writing to the Enforcement Section which appoints a stand-in for the enforcement agent. On the agent's application, a stand-in may be appointed for them also in the case of a shorter interruption.
- (3) Together with the application or notice mentioned respectively in subsection 1 and subsection 2 of this section, the enforcement agent makes a proposal concerning the person they deem suitable to be appointed as the stand-in. An assistant enforcement agent in the service of the Chamber, an assistant enforcement agent employed in the office of the enforcement agent requiring a stand-in or an enforcement agent working in the same service area with the agent requiring a stand-in may not refuse the corresponding appointment without a valid reason.
- (4) An enforcement agent who is stood in for is prohibited from performing official operations and providing professional services.
- (5) Where an enforcement agent's position is temporarily vacant, the Enforcement Section may appoint a stand-in to the position. Where this is required by the Ministry of Justice, the Enforcement Section appoints a stand-in to a vacant position.
- (6) A stand-in mentioned in subsection 5 of this section acts at the expense of the Chamber and their expenses are covered from the part-budget of the Enforcement Section. Any revenue received as a result of the stand-in's actions goes to the Enforcement Section.
- (7) The rules governing standing-in arrangements for enforcement agents are adopted by a resolution of the Enforcement Section.

§ 26. Stand-in enforcement agent

- (1) An enforcement agent may be stood in for by another enforcement agent or by an assistant enforcement agent mentioned in subsection 4 of § 23 of this Act. When a stand-in is to be appointed, preference is given to an assistant enforcement agent working in the office of the enforcement agent who requires standing in for.
- (2) If, after the appointment of an assistant enforcement agent as a stand-in enforcement agent, it turns out that the person does not meet the requirements for stand-in enforcement agents, any official operations performed and professional services provided by the stand-in by that time remain effective.

(3) The provisions of this Act concerning enforcement agents apply to stand-in enforcement agents, unless otherwise provided for by this Act.

§ 27. Remuneration of stand-in enforcement agents

(1) If an enforcement agent or an assistant enforcement agent other than an employee of the office of the enforcement agent who requires a stand-in is appointed as the stand-in enforcement agent, the agent stood in for must pay a fee to the Enforcement Section for the appointment.

(2) The amount of the fee mentioned in subsection 1 of this section as well as the remuneration payable to the stand-in by the Chamber are established by a resolution of the Enforcement Section. The Chamber is not required to pay remuneration to a stand-in enforcement agent who is an employee of the enforcement agent who is stood in for, except in a situation mentioned in subsection 5 of § 25 of this Act.

(3) In addition to the fee mentioned in subsection 2 of this section, the Chamber pays a stand-in enforcement agent mentioned in § 25 of this Act an additional fee whose amount is equal to one half of the net profit of the business of the enforcement agent's office during the stand-in's time in that office.

Subchapter 5 Remuneration of Enforcement Agent's Official Operations

Division 1 Principles for Remuneration of Official Operations

§ 28. Enforcement agent's fee for official operations

(1) A fee is charged for an official operation by an enforcement agent.

(2) An enforcement agent has a right to charge a fee for an official operation and require compensation of the costs related to such an operation only in a situation, to the extent and according to the rules provided in this Act. An enforcement agent is barred from concluding any agreements to alter the amount of the fee or the rules for the charging of such a fee as provided in this Act.

(3) The fee for the administration of an estate is determined by the court under the rules prescribed in the Law of Succession Act and the Code of Civil Procedure. The fee is not subject to this Act.
[RT I 2010, 38, 231 – entry into force 01.07.2010]

§ 29. Types of enforcement agent's fee

(1) An enforcement agent's fee may consist of a fee for the commencement of proceedings, of a principal fee for proceedings and of additional fees for enforcement operations.

(2) An enforcement agent has a right to charge an advance payment towards the fee in a situation and to the extent provided for by law. An advance payment may not be charged from a person who presents a maintenance claim for enforcement, or of a natural person who presents for enforcement a judicial disposition that awards them compensation for loss of capacity for work due to harm caused to their health, or who presents for enforcement a judgment that has been rendered in criminal proceedings and that grants their claim for compensation of harm that has been caused to them by a criminal offence.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

§ 30. Person obligated to pay the enforcement agent's fee

(1) The fee for commencement of proceedings is paid by the person who applied for the performance of an official operation, unless otherwise provided by law. In enforcement proceedings, the fee for commencement of proceedings is paid by the debtor, unless otherwise provided by law.

(2) In enforcement proceedings, the principal fee for proceedings is paid by the debtor, unless otherwise provided by law. In the case of other official operations, the person who applies for the performance of an operation pays the principal fee for the proceedings, unless otherwise provided by law.

(3) The advance payment is made by the person who applies for the performance of an official operation.

§ 31. Decision on the enforcement agent's fee

(1) When charging a fee, including when charging an advance payment towards a fee, an enforcement agent draws up a corresponding decision.

(2) A decision on the enforcement agent's fee sets out:

- 1) the name and address of the obligated person;
- 2) the name, details and number of the official bank account of the enforcement agent;
- 3) the date of the decision, the number of the enforcement case and, where an enforceable title is being enforced, the particulars of that title;
- 4) amount of the enforcement agent's fee together and without the value added tax, and a reference to the provisions of this Act based on which the fee was calculated;
- 5) reference to the rules for filing an appeal against the decision.

(3) A decision on the enforcement agent's fee is signed by the enforcement agent.

§ 32. Enforcement of an enforcement agent's fee

(1) The fee for commencement of proceedings becomes enforceable when proceedings are commenced.

(2) Where a monetary claim is being enforced, the principal fee becomes enforceable when the enforcement notice is served on the debtor. Where a non-monetary claim is being enforced or other enforcement operations are performed, the principal fee becomes enforceable when enforcement operations are concluded.

(3) The enforcement agent's fee is subject to a value added tax charge.

(4) Where a monetary claim is being enforced – if the enforceable title is complied with before expiry of the time limit for voluntary compliance, or the debtor agrees, with the party seeking enforcement, a payment schedule, and provides satisfaction to the claim according to the schedule until the claim has been paid in full, they will only pay one half of the enforcement agent's principal fee as provided by law, and the fee for commencement of enforcement proceedings.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(4¹) When a monetary claim is being enforced, it is explained to the debtor in the enforcement notice that if they comply with the enforceable title before expiry of the time limit for voluntary compliance, or agree a payment schedule with the party seeking enforcement and provide satisfaction to the claim according to the schedule until the claim has been paid in full, they will only be required to pay one half of the enforcement agent's principal fee as provided by law, and the fee for commencement of enforcement proceedings. The notice states, numerically, the total amount of the agent's principal fee inclusive of value added tax, and the amount of one half of such a fee, inclusive of value added tax, which would fall to be paid if the conditions mentioned in the first sentence of this subsection are met.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(5) Where a monetary claim that is being enforced is collected partially, an enforcement agent may enforce, as their principal fee, only an amount proportional to the sum collected on the claim.

(6) Where an enforcement case is transferred from one enforcement agent to another and the fee for commencement of proceedings has already been paid for the proceedings in question, the enforcement agent taking up the case may not charge a fee for commencement of proceedings.

§ 33. Failure to make an advance payment and returning such a payment

(1) If a party seeking enforcement fails to make an advance payment, an enforcement agent may decide not to commence enforcement proceedings and return the enforceable title to the party.

(2) If an enforcement agent commences enforcement proceedings without requiring an advance payment or regardless of the failure of the party seeking enforcement to make the advance payment, the enforcement agent has no right to charge such a payment later.

(3) If the enforcement agent's fee has been collected from the debtor in full, the enforcement agent returns the advance payment to the party seeking enforcement within one month following collection of the fee.

(4) Where enforcement proceedings have to be terminated without the claim being satisfied, an advance payment towards the enforcement agent's fee is not refunded to the party seeking enforcement. Where an enforcement case is transferred under the rules provided for in subsection 2 of § 47¹ of the Code of Enforcement Procedure, the enforcement agent who conducted proceedings in the case does not refund an advance payment made by the party seeking enforcement towards the agent's fee.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

Division 2

Rates of the Fee for Official Operations in Enforcement Proceedings

§ 34. Fee for commencement of enforcement proceedings

Where an enforcement notice is served on a debtor:

- 1) by e-mail or electronically through a designated information system, the fee for commencement of enforcement proceedings is 15 euros;
- 2) by another method provided for in the Code of Civil Procedure, the fee for commencement of enforcement proceedings is 30 euros.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 35. Amounts of the principal fee that are based on the amount of the enforceable claim

(1) Where an enforceable title is presented for enforcement, under which a debtor is obligated to pay an amount of money to the party seeking enforcement, the enforcement agent's principal fee and the advance payment towards such a fee are calculated based on the amount of the claim as set out in the following table.

Amount of enforceable claim, up to ... euros	Amount of enforcement agent's principal fee, in euros	Advance payment towards the enforcement agent'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

[RT I, 31.05.2018, 2 – entry into force 01.01.2019]

(2) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2¹) Where the amount of an enforceable claim secured by a mortgage exceeds 150 000 euros, the rate of the enforcement agent's principal fee is 5000 euros.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2²) Where the amount of an enforceable claim secured by a mortgage exceeds 150 000 euros, the advance payment towards the enforcement agent's fee is 191 euros.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 36. Enforcement operations subject to a fixed-amount principal fee

(1) The following enforcement operations are subject to a fixed-amount principal fee:

- 1) reclamation an item of movable property;
- 2) reclamation of an item of immovable property (eviction);
- 3) return of a child and allowing for communication with a child;
- 4) arranging an auction among co-owners;

4¹) arranging a public auction by which a common or joint ownership is terminated;

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

5) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

6) performance of a direction to assume and hand over possession of an item of immovable property that is being expropriated;

7) enforcement of a disposition requiring the performance of another operation.

(1¹) The enforcement agent's principal fee for the operations mentioned in clauses 1 and 2 of subsection 1 of this section is 250 euros and the advance payment towards the fee 92 euros.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(1²) The enforcement agent's principal fee for the operation mentioned in clause 3 of subsection 1 of this section is 200 euros and the advance payment towards the fee 92 euros.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(2) For an operation mentioned in clause 7 of subsection 1 of this section, the enforcement agent's principal fee is 140 euros and the advance payment towards the fee 92 euros.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(3) For an auction between co-owners, the enforcement agent's principal fee is 450 euros. The fee is paid by the co-owner who made the winning bid.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(3¹) For organizing a public auction by which a common or joint ownership is terminated, the enforcement agent's principal fee is 278 euros. The costs of enforcement are deducted from the proceeds of the sale and the enforcement and are borne by the co-owners or joint owners in proportion to the share of proceeds payable to each owner.
[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(4) The principal fee for expropriation operations is paid by the person receiving the property. The fee is calculated in accordance with § 35 of this Act as follows:

1) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

2) the enforcement agent's fee for performing a direction to assume and hand over possession of an item of immovable property that is being expropriated is one third of the fee that corresponds to the payable amount stated in the expropriation decision.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 37. Fee payable for collecting maintenance payments (maintenance)

(1) The fee for commencement of proceedings that is payable for collecting maintenance payments is a lump-sum amount which corresponds to the minimum amount of maintenance payment as established by law. The fee is collected together with the first monthly maintenance payment. If the debtor only pays a part of the first monthly payment, the enforcement agent charges the commencement fee proportionally with the amount collected.

(2) The principal fee payable for collecting a maintenance payment is calculated in accordance with § 35 of this Act based on the amount that has become due as maintenance. If the debtor only pays a part of the maintenance, the enforcement agent's charge is proportional to the amount collected. No principal fee accrues if the debtor makes maintenance payments before they become due.

§ 37¹. Fee for relaying of maintenance received from a foreign state

- (1) The fee for relaying maintenance collected from a foreign state is paid by the State.
- (2) The fee for opening a file for relaying of maintenance received from a foreign state is 15 euros.
- (3) The monthly fee for performing the operations related to the relaying of maintenance received from a foreign state is 4 euros.
- (4) If the enforcement agent incurs an obligation to pay a fee for an international transfer, the fee for such a transfer is added to the fee for relaying the maintenance.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

§ 38. Principal fee payable for interim protection of a claim

- (1) The principal fee payable for enforcing an order on interim protection of a claim is based on the value of the court claim and is paid as follows:
 - 1) if the value of the court claim is up to 3200 euros, the fee is 70 euros
 - 2) if the value of the court claim is 3201–12 800 euros, the fee is 140 euros;
 - 3) if the value of the court claim is more than 12 800 euros, the fee is 278 euros.
[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

(1¹) Where an order on interim protection of a claim concerns the attachment of a ship, the enforcement agent's principal fee is 600 euros.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(1²) Where maintenance is to be collected under the rules for interim protection of a claim, the enforcement agent's principal fee is 150 euros.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(2) Where an order on interim protection of a claim concerns a non-monetary claim or if the value of the court claim has not been determined or is unspecified, and also where the order to be enforced revokes the interim protection of a claim, or where a judgment is to be enforced, the enforcement agent's principal fee is 92 euros.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(3) Where the order for interim protection of a claim concerns both a monetary and a non-monetary claim, the fee amounts prescribed in subsections 1 and 2 of this section are totalled.

(4) Where an order on interim protection of a claim is to be enforced or where such protection is revoked, the enforcement agent's fee is paid by the person who applied for the measure of interim protection. Where maintenance granted under the rules for interim protection of a claim is to be collected, the enforcement agent's principal fee is paid by the debtor.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(5) The enforcement agent's fee becomes due when the order on interim protection of the claim is filed for enforcement. If the party seeking enforcement does not pay the fee, the enforcement agent may decide not to initiate enforcement proceedings.

(6) Provisions concerning enforcement of orders on interim protection of non-monetary claims apply to the amount, payment and due date of the principal fee payable for enforcement of a Preservation Order under Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (OJ L 189, 27.06.2014, p 59–92).
[RT I, 26.06.2017, 17 – entry into force 06.07.2017]

§ 38¹. Principal fee payable for interim protection of enforcement or for interim protection of a right

(1) Where, under a judgment or order of an administrative court, an enforcement agent performs operations to protect the enforceability of monetary claims or to implement interim protection of a right, the enforcement agent's principal fee is 278 euros.

(2) The enforcement agent's principal fee is paid by the person who applied for protection of enforceability or for implementation of interim protection of the right and the fee becomes due when the corresponding disposition is filed for enforcement.
[RT I, 31.01.2014, 6 – entry into force 01.02.2014]

§ 39. Fee payable to an enforcement agent on imposition of a converted sanction on the debtor

[Repealed – RT I, 14.03.2011, 3 – entered into force 24.03.2011]

§ 40. Fee for collection of information required to impose a forfeiture of property or confiscate the proceeds of a criminal offence

(1) Where, on the basis of an order of an investigative authority, an enforcement agent collects information which the proceedings authority needs to impose a forfeiture of property or confiscate the proceeds of a criminal offence, the enforcement agent's fee is paid by the proceedings authority.

(2) The enforcement agent's fee for the operation mentioned in subsection 1 of this section is 120 euros. The fee becomes enforceable when the financial situation certificate is presented to the proceedings authority.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

§ 40¹. Enforcement agent's fee for a claim fulfilled via the Electronic Attachment System

(1) Where it is possible to execute an enforceable title in full via the Electronic Attachment System, the debtor only pays one half of the enforcement agent's principals fee as provided for by law, and the fee for commencement of enforcement proceedings.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

(2) The enforcement agent's fee provided for in subsection 1 of this section is applicable if the claim is fulfilled via the Electronic Attachment System within three days following transmission of the electronic attachment notice to the credit institution.

[RT I, 05.03.2015, 2 – entry into force 01.01.2017]

§ 41. Enforcement agent's fee when enforcement proceedings are terminated due to prior termination of the claim

(1) If, in the course of enforcement proceedings it is ascertained that the debtor has, in conformity with the requirements, fulfilled the claim with respect to the party seeking enforcement before the party presented an enforcement application to an enforcement agent, the party pays the fee for commencement of proceedings. If the debtor fulfils the claim in conformity with the requirements after the application was presented to the agent but before receiving the enforcement notice, the debtor pays 15 euros. If the claim was satisfied on the day on which the enforcement notice was served, satisfaction is deemed to have occurred after the service of the notice and the debtor pays the fee for commencement of proceedings.

[RT I, 05.03.2015, 2 – entry into force 01.01.2017]

(2) If the party seeking enforcement applies for termination of enforcement proceedings before their claim has been collected in full by the enforcement agent, and the agent has performed enforcement operations in order to collect the claim, the party seeking enforcement pays the fee for commencement of proceedings and one half of the principal fee for proceedings, calculated by reference to the amount that remains uncollected.

(3) If, without involvement of the enforcement agent, the debtor duly complies with the claim after expiry of the time limit for voluntary compliance, they pay the agent's fee and the costs of enforcement as provided for in subsection 1 of § 29 of this Act, in accordance with the decision on such a fee or such costs.

[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 41¹. Fee payable for consideration of an application to give effect to expiry of the limitation period for enforcing a claim

(1) Where the debtor presents to the enforcement agent an application mentioned in clause 1 of subsection 1 of § 48¹ of the Code of Enforcement Procedure, the agent has a right to receive a fee of 15 euros for considering the application.

(2) The fee is paid when the application is presented. If the debtor does not pay the fee, the enforcement agent may disregard the application.

[RT I, 22.04.2021, 1 – entry into force 01.04.2021]

§ 41². Enforcement agent's fee when enforcement proceedings are terminated due to expiry of the limitation period for enforcing the claim

When enforcement proceedings are terminated due to expiry of the limitation period for enforcing the claim, the enforcement agent has a right to charge the debtor up to 50% of the principal fee for proceedings calculated by reference to the amount that was not collected. The agent may not charge a fee for commencement of enforcement proceedings.

[RT I, 22.04.2021, 1 – entry into force 01.04.2021]

§ 41³. Application of §§ 41¹ and 41² of this Act

The provisions of §§ 41¹ and 41² of this Act are not applied when enforcement proceedings are terminated under §§ 202 and 207 of the Code of Enforcement Procedure.
[RT I, 22.04.2021, 1 – entry into force 01.04.2021]

§ 41⁴. Enforcement agent's fee for compiling an enforcement profile of the debtor

- (1) The enforcement agent's fee for compiling an enforcement profile of the debtor is 15 euros.
- (2) The fee for compiling an enforcement profile of the debtor is paid by the person who applied for the profile to be compiled.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 42. Fee for issuing a printout, a copy of a document or a certificate

- [RT I, 22.12.2020, 34 – entry into force 01.01.2021]
- (1) A person who applies for the issue of a printout, a copy of a document or a certificate pays for such an issue. This provision does not apply to an administrative body that has a right by law to obtain information from the enforcement file.
[RT I, 30.12.2017, 2 – entry into force 09.01.2018]
- (2) An enforcement agent's fee for issuing a printout or a copy of a document is:
- 1) 0.31 euros per A4-sized page;
 - 2) 0.44 euros per A3-sized page.
- (3) An enforcement agent's fee for issuing a certificate concerning enforcement proceedings, including for issuing such a certificate in an electronic form is 2.5 euros.
- (4) Where the issuing of a certificate mentioned in subsection 3 of this section requires an analysis of the information at the disposal of the enforcement agent, or requires the gathering of supplementary information, the enforcement agent's fee is 15 euros.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

Division 3

Enforcement agent's Additional Fee in Enforcement Proceedings

§ 43. Enforcement agent's additional fee

For an enforcement operation mentioned in § 44–47 of this Act, the enforcement agent has a right to charge an additional fee to the extent provided for in this Act. The decision on such a fee must state its reasons.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 44. Additional fee for an attachment operation

- (1) For an attachment operation performed outside of the enforcement agent's office which consists in the attachment of items of movable or immovable property in the possession of the debtor, an enforcement agent's additional fee is calculated as an hourly fee starting from the first hour of the operation, at the rate mentioned in § 47 of this Act. The decision on charging payment of an additional fee is issued to the person obligated to pay the fee without delay after the attachment operation.
[RT I, 12.03.2015, 4 – entry into force 01.10.2015]
- (2) When performing, in respect of premises or plots of land that are in the possession of a debtor, the search obligation provided for in subsection 1¹ of § 28 of the Code of Enforcement Procedure an enforcement agent's additional fee is an hourly fee starting from the first hour of the search, at the rate mentioned in § 47 of this Act, and the travel expenses to a reasonable extent.
[RT I, 12.03.2015, 4 – entry into force 01.10.2015]

§ 45. Additional fee for arranging and conducting an auction

- (1) For arranging and conducting an auction and for distributing the total net gain of the auction, where this is performed by the enforcement agent, an enforcement agent has a right to require an additional fee in an amount of up to 5% of the sales price of the property, but not more than 3000 euros. Where the auction fails, the enforcement agent does not have such a right, unless the auction failed because the buyer did not pay the

purchasing price. In such a situation, the enforcement agent has a right to receive, as their additional fee, a sum that amounts to 5% of the deposit paid by the buyer.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(2) The decision to order payment of the additional fee is issued to the debtor and to the party seeking enforcement after the end of the auction and the fee is collected in accordance with the rules provided in the Code of Enforcement Procedure when the total net gain of the auction is distributed.

§ 451. Additional fee for processing a claim of an apartment association

When processing a claim of an apartment association under subsection 3 of § 153¹ of the Code of Enforcement Procedure, the enforcement agent has a right to charge an additional fee of 90 euros.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 46. Additional fee for another method of sale of property

For a sale of property by another method permitted under the Code of Enforcement Procedure, the enforcement agent has a right to charge an additional fee of up to 1% of the value of the transaction.
[RT I, 09.04.2021, 1 – entry into force 19.04.2021]

§ 46¹. Additional fee for sale of movable property

Where a sale of movable property is carried out by the enforcement agent, the agent has a right to charge an additional fee in the amount of up to 20% of the sales price of the property, but not more than 5000 euros.
[RT I, 05.03.2015, 2 – entry into force 01.01.2017]

§ 47. Additional fee as an hourly fee

(1) When performing the enforcement operations mentioned in §§ 36, 38 and 38¹ of this Act outside their office, an enforcement agent has a right to charge an additional fee of 40 euros per hour starting with the second half-hour of the operation. The decision to require payment of an additional fee is issued to the person obligated to make the payment without delay after performance of the operation.
[RT I, 05.03.2015, 2 – entry into force 01.01.2017]

(2) When calculating a fee imposed as an hourly fee, the time of performing an operation that exceeds a full hour or a half-hour is correspondingly rounded to the full hour or to the half-hour.

Division 4

Enforcement Agent's Fee for Service of Procedural Documents, for Making an Inventory of an Estate and for Arranging an Official Auction

§ 48. Fee for service of procedural documents

(1) For service of procedural documents, an enforcement agent has a right to require an advance payment of 40 euros towards the enforcement agent's fee. The advance payment may not be required from judicial or other public-law authorities.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(2) The fee payable to an enforcement agent for service of procedural documents is 40 euros if it was possible to serve the documents to the addressee or its statutory representative:
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

1) using the address or the particulars of a means of telecommunications recorded in the population register or via an e-mail address using the individual's personal ID code: <personal_ID_code@eesti.ee>;
2) using an address recorded in respect of the sole proprietor or legal person in any register maintained in Estonia or using the particulars of a means of telecommunications recorded in the information system of such a register.

(3) If a procedural document could not be served although the enforcement agent did everything necessary and reasonably possible to serve the document in accordance with the rules provided by law, the enforcement agent has a right to charge a fee of 40 euros by issuing a decision on the enforcement agent's fee and a record of service actions showing what the enforcement agent has done in order to serve the document.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(4) In a situation that falls outside subsections 2 and 3 of this section, the fee payable to an enforcement agent for service of procedural documents is 70 euros.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(5) If a person on whom the documents are to be served is obligated by law to register their address or the particulars of their means of telecommunications in a register mentioned in subsection 2 of this section and the person has not duly complied with that obligation, including where the information recorded in the register is outdated or incorrect for any other reason and where this has prevented procedural documents from being served using such information, then, under a decision on the enforcement agent's fee, 35 euros of the fee mentioned in subsection 4 of this section is paid by the person who applied for the official operation in question and 35 euros by the person on whom the documents were to be served.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(6) An enforcement agent does not have a right to charge a fee and any fee that has been paid as an advance payment is to be returned if the enforcement agent has not, within the time limit set by the court or, where no such time limit applies, within two months, done everything that is necessary and reasonably possible to serve the documents according to the rules provided by law, and if the service of the procedural documents in question did not succeed. The provisions of the first sentence of this subsection do not release the enforcement agent from the obligation to serve the documents.

[RT I, 29.06.2012, 3 – entry into force 01.01.2013]

§ 49. Enforcement agent's fee for making an inventory of an estate

(1) When an inventory is made of an estate in succession proceedings, the person obligated to pay the enforcement agent's fee is the successor. Co-successors are jointly and severally liable for the payment of the fee.

[RT I 2010, 38, 231 – entry into force 01.07.2010]

(2) The enforcement agent's fee is 0.15% of the total value of rights that are part of the property recorded in the inventory of the estate but not less than 35 euros and not more than 3336 euros.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(3) The enforcement agent's fee for making an inventory of estate becomes enforceable when the inventory of the estate is presented to the notary.

§ 50. Enforcement agent's fee for conducting an official auction

(1) The person applying for an auction pays for the conduct of the auction.

(2) The enforcement agent's fee for making a list of, and appraising, the property to be sold by auction is one half of the amount of fee that corresponds to the value of the property in the list according to the appraisal report. The fee is calculated according to the principles mentioned in § 36 of this Act.

(3) The enforcement agent's fee for arranging and conducting an auction is 3% of the sales price of the property.

(4) The enforcement agent has a right to receive the fee after having conducted the auction, upon having issued a decision on the enforcement agent's fee. If the auction failed, the agent has a right to charge a fee for the operations mentioned in subsection 2 of this section.

§ 51. Fee payable for issuing a printout, a copy of a document or a certificate

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(1) An enforcement agent has a right to receive a fee, in the amount provided in subsection 2 of § 42 of this Act for issuing, among others in an electronic form, a printout or a copy of a document related to official operations provided for in this Division.

(2) The enforcement agent's fee for issuing, among others in an electronic form, a certificate concerning an official operation provided for in this Division is 2.5 euros.

(3) Where the issuing of a certificate mentioned in subsection 2 of this section requires an analysis of the information at the disposal of the enforcement agent, or requires the gathering of supplementary information, the enforcement agent's fee is 15 euros.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

Division 5

Contestation of Payment of Enforcement agents' Fees

§ 52. Filing of appeals

An obligated person may file an appeal concerning the decision to order payment of enforcement agent's fee under the rules for contesting an enforcement agent's decision as provided in the Code of Enforcement Procedure.

§ 53. Return of the enforcement agent's fee

If a court has declared the actions of an enforcement agent related to enforcing the fee or to determining the amount of the fee unlawful, the enforcement agent returns any improperly charged and paid amount to the obligated person within ten days as of the entry into effect of the judicial disposition.

Subchapter 6 Administrative Oversight and Disciplinary Liability

Division 1 Administrative Oversight

§ 54. Authority exercising administrative oversight

(1) Administrative oversight over the work of an enforcement agent is exercised by the Ministry of Justice and by the Board of the Chamber's Enforcement Section. Administrative oversight over compliance with the Statutes of the Chamber, with the decisions of its bodies and with any Enforcement Practice Directions adopted by the Chamber is exercised by the Ethics Tribunal of the Chamber (hereinafter, 'the Ethics Tribunal').
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(2) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) The Minister in charge of the policy sector or a person authorized by the Minister may issue instructions concerning the exercise of administrative oversight and, when exercising administrative oversight, may set aside any resolution adopted by the Chamber.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 55. Exercise of administrative oversight

(1) The authority to exercise administrative oversight scrutinizes the official work of an enforcement agent for compliance with the requirements, including:

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 1) the operations in the professional bank account of the agent;
- 2) the lawfulness of the agent's charging of advance payments and enforcement costs, including the agent's fees;
- 3) registration of official operations and the agent's information technology arrangements;
- 4) observance of other requirements, obligations and time limits prescribed by legislation or Enforcement Practice Directions.

(1¹) The operations in an enforcement agent's professional account mentioned in clause 1 of subsection 1 of this section are checked exclusively by the Ministry of Justice.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(1²) The authority to exercise administrative oversight is competent to scrutinize the official work of an enforcement agent for conformity to the requirements also in matters that, according to the law, may be disposed of under the rules for appeal or under the rules for actions by claim.
[RT I, 29.06.2012, 3 – entry into force 01.01.2013]

(2) Administrative oversight does not involve evaluation of the suitability to purpose of a legal solution chosen by an enforcement agent when performing an official operation. The authority to exercise administrative oversight has a right, when exercising administrative oversight over the official work of an enforcement agent, to intervene in substantive issues of the enforcement agent's decision-making procedures if the enforcement agent has failed to comply with a expressly provided and unambiguous legal provision or established case-law.
[RT I, 29.06.2012, 3 – entry into force 01.01.2013]

(3) The rules for administrative oversight performed by the Ministry of Justice over the official work of an enforcement agent are enacted by a regulation of the Minister in charge of the policy sector.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(4) The rules for administrative oversight performed by the Chamber over the official work of an enforcement agent are provided for in the Statutes of the Chamber.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

Division 2

Disciplinary Liability

§ 56. Disciplinary offences of enforcement agents

Disciplinary offences of enforcement agents are:

- 1) negligent or intentional non-performance or inadequate performance, in official work and in the execution of the enforcement agent's office, of duties arising from legislation, from decisions of the Chamber and from Enforcement Practice Directions, including the charging of a fee that does not comply with the amounts of enforcement agents' fees;
- 2) a dishonourable act which is contrary to generally recognized moral standards or which diminishes trust in the office of enforcement agents, regardless of whether or not the act was committed in the course the performance of official duties.

§ 57. Disciplinary sanctions

(1) The disciplinary sanctions to be imposed on an enforcement agent are:

- 1) a reprimand;
- 2) a fine;
- 3) removal from office.

(2) Where disciplinary proceedings give reason to believe that the provision of professional services by the enforcement agent may constitute an impediment to due performance of their official duties, in addition to the imposition of a disciplinary sanction mentioned in subsection 1 of this section, the agent may be restrained from providing professional services for up to three years.

(3) The authority to impose a disciplinary sanction on an enforcement agent is vested in the Ministry of Justice and in the Ethics Tribunal.

(4) The Ethics Tribunal may impose a disciplinary sanction when conducting proceedings in matters mentioned in § 100 of this Act.

§ 58. Transfer and termination of disciplinary proceedings

(1) The Ministry of Justice may transfer disciplinary proceedings that it has commenced in respect of an enforcement agent to the Ethics Tribunal.

(2) Where the Ministry of Justice commences disciplinary proceedings in respect of an enforcement agent, the Ethics Tribunal terminates any proceedings pending before it in the same matter.

§ 59. Initiation of disciplinary proceedings

(1) The Ministry of Justice or the Ethics Tribunal of the Chamber may initiate disciplinary proceedings if the results of administrative oversight over the work of an enforcement agent or a complaint from a person, or any other document or communication, give reason to believe that the enforcement agent has committed a disciplinary offence.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2) The Ethics Tribunal initiates and conducts its proceedings under the rules provided in § 101 and 102 of this Act.

(3) The authority to initiate disciplinary proceedings requires the enforcement agent to provide a written explanation concerning the circumstances on which the initiation of such proceedings is based.

(4) If the Ethics Tribunal makes a proposal to the Ministry of Justice to remove an enforcement agent from office, the Ministry of Justice is not required to initiate disciplinary proceedings and may make a decision to remove or not to remove the enforcement agent from office based on the proposal and on the circumstances related to the finding of the offence referred by the Tribunal. If the Tribunal has not collected sufficient evidence in the course of disciplinary proceedings, the Ministry of Justice may collect such evidence itself or return the disciplinary case to the Ethics Tribunal for additional evidence to be collected.

§ 60. Disciplinary sanctions imposed by the Ministry of Justice

(1) Disciplinary sanctions that may be imposed on an enforcement agent by the Ministry of Justice are:

- 1) a reprimand;
- 2) a fine of 64–16,000 euros;
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]
- 3) removal from office.

(2) The fine is to be paid within three months following its imposition. The fine is charged to public revenue.

(2¹) A decision of the Ministry of Justice concerning the imposition of a fine as a disciplinary sanction serves as an enforceable title for the purposes of clause 21 of subsection 1 of § 2 of the Code of Enforcement Procedure.
[RT I, 05.03.2015, 2 – entry into force 06.03.2015]

(3) An enforcement agent may be removed from office for a serious disciplinary offence, for a disciplinary offence committed while under a disciplinary sanction which has not been spent or struck from the record, or for an indecent act which renders it impossible for the person to serve as an enforcement agent. Before removing the agent from office, their explanations and the opinion of the Chamber are heard.

§ 61. Time limit for imposition of disciplinary sanction

(1) A disciplinary sanction for a disciplinary offence may be imposed within three years after the disciplinary offence was committed.

(2) The limitation period of a disciplinary offence is suspended for the duration of proceedings in the disciplinary case, including the duration of proceedings before the courts, as well as for the duration of the term for filing an appeal or appeal in cassation.

(3) If a court annuls a disciplinary sanction imposed on an enforcement agent due to the fact that such a sanction does not correspond to the offence, a new sanction may be imposed on the enforcement agent within one month after entry into force of the court judgment without initiating new disciplinary proceedings.

§ 62. Prohibition on imposition of several disciplinary sanctions for one offence

(1) Only one disciplinary sanction may be imposed for one disciplinary offence.

(2) Continuation of a disciplinary offence after the imposition of a disciplinary sanction is a new disciplinary offence and another disciplinary sanction may be imposed on an enforcement agent therefor.

§ 63. Combination of a disciplinary sanction with administrative, criminal or financial liability

The imposition of a disciplinary sanction on an enforcement agent does not prevent them from being subjected to administrative, criminal or financial liability, and vice versa.

§ 64. Disciplinary sanction – becoming spent

A disciplinary sanction becomes spent if no new disciplinary sanction has been imposed on the enforcement agent within three years after the imposition of the sanction in question.

§ 65. Filing an appeal against the imposition of a disciplinary sanction

An enforcement agent may file an appeal against the imposition of a disciplinary sanction with an administrative court within one month following the time when they learned of the imposition of the sanction.
[RT I, 14.03.2011, 3 – entry into force 24.03.2011]

§ 66. Releasing an enforcement agent from office on their own application

If disciplinary proceedings have been initiated against an enforcement agent, such an agent is not released from office on their own application before the proceedings have been terminated.

Chapter 3 CHAMBER OF ENFORCEMENT AGENTS AND TRUSTEES IN BANKRUPTCY

Subchapter 1

General Provisions of the Chamber

§ 67. Legal status of the Chamber

(1) The Chamber is a legal person in public law whose membership comprises all enforcement agents and all persons who have the right to practise as a trustee in bankruptcy (hereinafter ‘trustees in bankruptcy’).

(2) The Chamber is registered in the Public Register of Institutions of the State and of Local Authorities.

§ 68. Statutes of the Chamber

(1) The Statutes of the Chamber are adopted and amended by a decision of the Enforcement Section and of the Bankruptcy Section. Before being adopted, draft Statutes or amendments have to be approved by the Ministry of Justice.

(2) Statutes of the Chamber lay down the organization of work in bodies of the Chamber, the legal relationships between such bodies and members of the Chamber, the Chamber’s rules of clerical business and financial management and regulate other matters connected to the work of the Chamber.

§ 69. Chamber’s Strategic Plan

(1) The basis for planning the budget and the work of the Chamber is the Chamber’s Strategic Plan in which the development objectives of the Chamber and of enforcement work of the enforcement agents and of insolvency practice of the trustees in bankruptcy is established for the next four financial years. The Strategic Plan is reviewed at least every two years.

(2) The preparation of a draft version of the Strategic Plan is arranged by the Governing Body of the Chamber, taking into account the duties imposed on the Chamber by legislation. The approval of the Ministry of Justice is obtained regarding the draft version before it is presented for adoption to the Enforcement Section and to the Bankruptcy Section.

§ 70. Ensuring lawfulness of the Chamber’s work

(1) Administrative oversight over the lawfulness of the Chamber’s work is exercised by the Ministry of Justice who may require the Governing Body of the Chamber as well as the Board of the Enforcement Section and the Board of the Bankruptcy Section to present information or documents that are needed for the exercise of administrative oversight and file an objection with the Administrative Court against a decision or operation by a body of the Chamber.

(2) The Ministry of Justice is also vested with authority to inspect the economic activities of the Chamber.

(3) The Chamber presents, to the Ministry of Justice and not later than by March each year, a report concerning the work of the Chamber in the previous year and an operational plan for discharging the principal duties of the Chamber in the current year.

(4) If the Chamber does not fulfil the obligations imposed on it by law, the Ministry of Justice may issue a compliance notice to the Chamber. In order to ensure compliance with the notice, the Ministry of Justice may impose a non-compliance levy of up to 6400 euros on the Chamber according to the rules provided in the Substitutional Performance and Non-Compliance Levies Act.

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

§ 71. Assets of the Chamber

(1) The assets of the Chamber comprise:

- 1) obligatory membership fees of enforcement agents and trustees in bankruptcy;
- 2) fines paid under decisions of the Ethics Tribunal;
- 3) revenue received from placement of the Chamber’s funds;
- 4) donations;
- 5) other receipts.

(2) The Governing Body of the Chamber may, from the budget of the Enforcement Section, make a loan to an enforcement agent for commencement of their official work or for implementation of significant changes related to such work, or issue a guarantee for a loan taken by an enforcement agent for such a purpose.

(3) Where this is required by the Ministry of Justice, the Enforcement Section, the Bankruptcy Section or the Audit Committee, the Governing Body commissions an audit of the business operations of the Chamber

or of the annual accounts concerning such operations. The audit is conducted by an auditor appointed by the Enforcement Section and the Bankruptcy Section.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 72. Budget of the Chamber

(1) The financial year of the Chamber is the calendar year. The budget of the Chamber is approved by the Governing Body not later than in December preceding the financial year.

(2) The budget of the Chamber consists of the part-budget of the Enforcement Section, the part-budget of the Bankruptcy Section and a common part.

(3) The common part of the budget reflects the revenue and expenditure related to the operations common to the Enforcement Section and the Bankruptcy Section, any revenue and expenditure of the Chamber that is not directly connected with the work of either the Enforcement Section or the Bankruptcy Section, as well as the Chamber's administrative expenditure. The part-budget of respectively the Enforcement Section and the Bankruptcy Section reflects exclusively such revenue and expenditure of the Chamber as is connected with the work of the respective Section.

(4) To cover the expenditure reflected in the common part of the budget, funds are allocated from the part-budget of both Sections. The amount to be allocated to the common part of the budget is divided proportionally between the Enforcement Section and the Bankruptcy Section, having regard to the membership of the Sections, unless the Governing Body decides otherwise. Two thirds of the members of the Governing Body must be in favour of the decision.

§ 73. Financial year of the Chamber

The Chamber's financial year is the calendar year.

§ 74. Membership fee of the Chamber

(1) The minimum amount of the Chamber's membership fee is established by the Enforcement Section and by the Bankruptcy Section.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(2) The amount of the enforcement agents' membership fee and the principles for its calculation are established by the Enforcement Section and the amount of the membership fee of trustees in bankruptcy and the principles for its calculation are established by the Bankruptcy Section, taking into account the minimum membership fee. The amount of the membership fee to be established has to be such as to ensure sufficient funding to allow the Chamber to achieve the objectives established by relevant legislation and the Chamber's Strategic Plan, and to discharge its duties.

(2¹) Should the Enforcement Section or the Bankruptcy Section establish an amount or a rate of the membership fee that does not ensure sufficient funding for the Chamber in order to discharge its duties under relevant legislation and the Chamber's Strategic Plan, the membership fee for members of the Enforcement Section or the Bankruptcy Section may be established by a regulation of the Minister in charge of the policy sector.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(2²) The Minister in charge of the policy sector may establish the Chamber's membership fee as a rate of up to five percent of the enforcement agent's fees received in relation to their official work, or of the fees received in bankruptcy proceedings as an interim trustee or as a trustee in bankruptcy.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(3) The membership fee is collected in the part-budget of the Enforcement Section or the Bankruptcy Section respectively. A member of the Chamber who practices as an enforcement agent as well as a trustee in bankruptcy pays membership fees to the Enforcement Section as well as to the Bankruptcy Section.

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

(4) Where a member of the Chamber does not, in due time, fulfil the obligation to pay their membership fee, the member who has fallen into arrears pays late interest to the Enforcement Section or the Bankruptcy Section at the rate provided for in subsection 1 of § 113 of the Law of Obligations Act.

§ 75. Enforcement Practice Directions and Bankruptcy Practice Directions

(1) The Enforcement Section adopts Enforcement Practice Directions which are mandatory for enforcement agents.

(2) The Bankruptcy Section adopts Bankruptcy Practice Directions which are mandatory for trustees in bankruptcy.

(3) A proposal of Enforcement or Bankruptcy Practice Directions as well as any proposal to amend such Directions has to be approved by the Ministry of Justice before it is adopted.

§ 76. Right to use an emblem containing the national coat of arms

(1) The Chamber has a seal with an image of Estonia's national coat of arms.

(2) Impressions of the seal with an image of Estonia's national coat of arms are used according to the rules provided in the National Coat of Arms Act.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 77. Website of the Chamber

(1) On its website, the Chamber provides information concerning enforcement agents and trustees in bankruptcy that may be required by members of the public – primarily, the addresses, office hours and telecommunication numbers of the offices of such agents and trustees. The Statutes, Enforcement Practice Directions, Bankruptcy Practice Directions and other public documents are made accessible on the site.

(2) The Minister in charge of the policy sector may, by regulation, enact a list of the information to be provided on the Chamber's website.

§ 78. Duties of the Chamber

Among other things, the duties of the Chamber include:

- 1) promoting the enforcement work of enforcement agents and the bankruptcy work of trustees in bankruptcy;
- 2) elaborating and publishing Enforcement Practice Directions and a Bankruptcy Practice Directions, and exercising administrative oversight over compliance with these;
- 3) organization of competitive recruitment to enforcement agents' positions;
- 4) maintaining a list of enforcement agents, assistant enforcement agents and trustees in bankruptcy;
- 5) making arrangements for the in-service training of enforcement agents and trustees in bankruptcy;
- 6) exercising administrative oversight over the official work and dignified behaviour of enforcement agents and trustees in bankruptcy;
- 7) making recommendations for harmonizing the professional practice of enforcement agents and trustees in bankruptcy;
- 8) organising the training of enforcement agents and trustees in bankruptcy;
- 9) administering the examination of the enforcement agent, of the assistant enforcement agent and of the trustee in bankruptcy;
- 10) checking fulfilment of the in-service training obligation of enforcement agents and of trustees in bankruptcy;
- 11) making stand-in arrangements for enforcement agents and ensuring the availability, on the Chamber's website, of information required by members of the public concerning enforcement agents and trustees in bankruptcy;
- 12) assisting the Ministry of Justice in the exercise of administrative oversight over enforcement agents and trustees in bankruptcy;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 13) developing and maintaining information systems required for the work of enforcement agents and trustees in bankruptcy;
- 14) making arrangements in matters related to international communication and representing members of the Chamber before domestic and foreign institutions;
- 15) compiling statistical reports concerning the work of enforcement agents and publishing such reports according to the rules provided by law;

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 16) issuing information from the Register of Enforcement Proceedings to parties who have a right to receive such information;
- 17) based on a decision of the Enforcement Section and of the Bankruptcy Section, arranging the administration of documents archived by enforcement agents and trustees in bankruptcy;

- 18) verifying whether enforcement agents and trustees in bankruptcy hold professional liability insurance;

- 19) based on a decision of the Enforcement Section and of the Bankruptcy Section, concluding, with an insurer, a collective professional liability insurance agreement for enforcement agents and trustees in bankruptcy;

- 20) management of the Chamber's assets;

- 21) allocation, according to the rules provided by legislation, of public-law claims presented to enforcement agents for enforcement;

- 22) maintaining a shared warehouse for movable property to be sold in enforcement and bankruptcy proceedings.

- 23) performance of the functions of the information authority provided for in Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council.

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

24) organization of the work of the Arbitral Tribunal of the Chamber.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

§ 78¹. Information authority in European Preservation Order procedure

(1) The Chamber is competent to obtain account information under Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council.

(2) Under paragraph 5 of Article 14 of the Regulation mentioned in subsection 1 of this section, all credit institutions in the territory of the Republic of Estonia and all Estonian branches of foreign credit institutions have the obligation to disclose, when this is requested by the Chamber, whether the debtor holds an account with them.

(3) Operations performed by the information authority when considering a request for obtaining the information provided for in Article 14 of the Regulation mentioned in subsection 1 of this section are subject to a fee.

(4) When filing a request provided for in Article 14 of the Regulation mentioned in subsection 1 of this section, the person filing the request pays 20 euros to the Chamber's bank account shown on the Chamber's website. When the Chamber considers a request for information, it is not required to perform any of the information authority's operations until that fee has been received. The fee for considering the request is charged to the Chamber's revenue.

(5) Operations related to a request for information are performed by the Chamber without delay.

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

Subchapter 2 Bodies of the Chamber

§ 79. Bodies of the Chamber

(1) Bodies of the Chamber are:

- 1) Enforcement Section;
- 2) Bankruptcy Section;
- 3) Governing Body;
- 4) Board of the Enforcement Section;
- 5) Board of the Bankruptcy Section;
- 6) Examination Board;
- 7) Audit Committee;
- 8) Ethics Tribunal.

(2) The Governing Body of the Chamber has a right to form committees for the performance of duties within the scope of authority of the Chamber.

Division 1 Enforcement Section and Bankruptcy Section

§ 80. Enforcement Section and Bankruptcy Section

(1) The Enforcement Section and the Bankruptcy Section are the highest bodies of the Chamber.

(2) All enforcement agents belong to the Enforcement Section.

(3) All trustees in bankruptcy belong to the Bankruptcy Section.

§ 81. Annual meeting of the Enforcement Section and of the Bankruptcy Section

(1) The annual meeting of the Enforcement Section and of the Bankruptcy Section is held jointly not later than on 31 March each year.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(2) The Governing Body notifies the members of the Chamber of the agenda of the annual meeting of the Enforcement Section and of the Bankruptcy Section as well as of the time and place of the meeting at least one month in advance.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

(3) The Enforcement Section and the Bankruptcy Section may amend the agenda if at least two thirds of the votes represented in the Enforcement Section and two thirds of the votes represented in the Bankruptcy Section are in favour of amending it.

§ 82. Extraordinary meeting of the Enforcement Section and of the Bankruptcy Section

(1) An extraordinary meeting of the Enforcement Section and of the Bankruptcy Section is convened when needed. An extraordinary meeting of the Enforcement Section and an extraordinary meeting of the Bankruptcy Section are not required to convene jointly or at the same time.

(2) An extraordinary meeting of the Enforcement Section and an extraordinary meeting of the Bankruptcy Section is called by the Governing Body:

- 1) of its own motion;
- 2) at the proposal of the Board of the Enforcement Section or the Board of the Bankruptcy Section;
- 3) at the proposal of the Minister in charge of the policy sector;
- 4) on the initiative of at least one third of the members of the Enforcement Section or of the Bankruptcy Section.

(3) The Governing Body notifies the members of the Chamber that belong to Enforcement Section or the Bankruptcy Section of the agenda of an extraordinary meeting of the Enforcement Section and of the Bankruptcy Section as well as of the time and place of the meeting one month in advance.

(4) Instead of calling an extraordinary meeting of the Enforcement Section or of the Bankruptcy Section, the Governing Body may refer the matter that needs to be dealt with for decision to the Enforcement Section or to the Bankruptcy Section according to the rules provided in § 84 of this Act.

(5) If the Governing Body does not call a meeting of the Enforcement Section or of the Bankruptcy Section within one month following reception of a proposal mentioned in subsection 2 of this section, and does not within that time limit refer the matter for decision according to the rules provided in § 84 of this Act, the body or persons that made the proposal have a right to call an extraordinary meeting of the Enforcement Section or of the Bankruptcy Section themselves.

(6) In addition to other details, the initiator of calling an extraordinary meeting of the Enforcement Section or of the Bankruptcy Section sets the meeting's agenda. The agenda may be amended by the Section in question if at least two thirds of the members participating in the meeting are in favour.

§ 83. Adoption of decision of Enforcement Section and the Bankruptcy Section

(1) A member of the Chamber participates in the work of Enforcement Section or the Bankruptcy Section in person.

(2) A member of the Chamber may not abstain from or refuse to participate in the taking of resolutions in matters dealt with by the Enforcement Section or the Bankruptcy Section.

(3) If, according to this Act, adoption of a resolution requires both the Enforcement Section and the Bankruptcy Section to be in favour of that resolution, the resolution is adopted if more than one half of the members participating in the annual or extraordinary meeting of the Enforcement Section and more than one half of the members participating in the annual or extraordinary meeting of the Bankruptcy Section are in favour.

(4) In order to decide issues within the competence of the Enforcement Section or the Bankruptcy Section, it is necessary for adoption of decision that more than half of the members participating the annual or extraordinary Enforcement Section or the Bankruptcy Section are in favour.

(5) In a meeting of the Section to which they belong, a member of the Chamber has one vote. If an enforcement agent belongs to the Enforcement Section as well as to the Bankruptcy Section, they have one vote in the meetings of both Sections.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

§ 84. Adoption of decisions without convening a meeting of the Enforcement Section and the Bankruptcy Section

(1) When the Governing Body makes a corresponding proposal, members of Enforcement Section or the Bankruptcy Section have a right to adopt decisions in matters within the scope of authority of their Section without convening a meeting of that Section. In such a situation, resolutions are taken electronically.

(2) A member of the Enforcement Section or the Bankruptcy Section may not abstain from or refuse to participate in the taking of resolutions under the rule provided in subsection 1 of this section. A member participates in the taking of resolutions in person.

(3) Where a resolution is taken under the rule provided in subsection 1 of this section, the resolution is adopted if more than one half of the members of the Enforcement Section or the Bankruptcy Section have voted in favour. If, according to this Act, adoption of a resolution requires both Sections to be in favour of that resolution, the resolution is adopted under the rule provided in subsection 1 of this section if more than one half of the members of the Enforcement Section and of the Bankruptcy Section have voted in favour.

(4) The bodies of the Chamber cannot be elected under the rule provided in subsection 1 of this section.

(5) Specific rules for resolving matters under the rule provided in subsection 1 of this section is provided in the Statutes of the Chamber.

§ 85. Rules for electing bodies of the Chamber

Members of bodies of the Chamber are elected by the Enforcement Section or the Bankruptcy Section in accordance with the following principles:

- 1) the members of each body are elected separately;
- 2) votes are given by secret ballot;
- 3) the candidate who receives the greatest number of votes is elected, unless a different requirement is provided by this Act;
- 4) if votes are divided equally, a second round of voting is held between the two candidates who received the greatest number of votes. The candidate who receives the greatest number of votes is elected. If votes are divided equally in the second round, the election is decided by lot;
- 5) a member of one elected body cannot be a member of another elected body at the same time.

§ 86. Duties of the Enforcement Section and of the Bankruptcy Section

(1) The Enforcement Section and the Bankruptcy Section:

- 1) adopt the Statutes of the Chamber;
- 2) adopt the Strategic Plan of the Chamber;
- 3) establish the minimum membership fee;
- 4) approve the activity report of the Governing Body for the budget year;
- 5) approve the annual accounts of the Chamber for the financial year;
- 6) appoint an auditor.

(2) To adopt a resolution provided for in subsection 1 of this section, the majority of votes in favour of both the Enforcement Section and of the Bankruptcy Section is required.

(3) The Enforcement Section:

- 1) elects and recalls the Board of the Section before the end of term if necessary;
- 2) elects two enforcement agents to participate in the work of the Audit Committee;
- 3) elects four enforcement agents to participate in the work of the Ethics Tribunal;
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]
- 4) elects three enforcement agents, and two members to serve as their substitutes, to participate in the work of the Examination Board;
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]
- 5) establishes the amount of the membership fee for enforcement agents;
- 6) establishes Enforcement Practice Directions for enforcement agents;
- 7) issues instructions for harmonising the professional practice of enforcement agents;
- 8) decides other issues provided for by law and by Statutes of the Chamber.

(4) The Bankruptcy Section:

- 1) elects and recalls the Board of the Bankruptcy Section before the end of term if necessary;
- 2) elects two trustees in bankruptcy to participate in the work of the Audit Committee;
- 3) elects four trustees in bankruptcy to participate in the work of the Ethics Tribunal;
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]
- 4) elects three trustees in bankruptcy, and two members to serve as their substitutes, to participate in the work of the Examination Board;
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]
- 5) establishes the amount of membership fee of trustees in bankruptcy;
- 6) adopts Bankruptcy Practice Directions for trustees in bankruptcy;
- 7) issues instructions for harmonising the professional practice of trustees in bankruptcy;
- 8) decides other matters provided for by law and by Statutes of the Chamber.

Division 2

Governing Body and President of the Chamber

§ 87. Governing Body

(1) The Governing Body is the executive of the Chamber that presides over and plans the work of the Chamber and arranges the keeping of the Chamber's accounts as well as other reporting. The Governing Body ensures the

implementation of decisions of the Enforcement Section and of the Bankruptcy Section and the performance of duties imposed on the Chamber by legislation.

(2) The Governing Body is authorized to issue instructions to the Boards of the Enforcement Section and of the Bankruptcy Section and delegate duties to the Sections.

(3) The Governing Body appoints an Executive Secretary of the Chamber, approves the Secretary's job description and the amount of remuneration paid to be paid to the Secretary.

(4) Membership of the Governing Body comprises the Boards of the Enforcement Section and of the Bankruptcy Section as well as a person appointed by the Minister in charge of the policy sector. The powers of a member of the Governing Body expire when the corresponding individual's powers as a member of the Board of the Enforcement Section or of the Bankruptcy Section do. The powers of a member of the Governing Body appointed by the Minister in charge of the policy sector expire when a new member of the Governing Body is appointed.

§ 88. President of the Chamber

(1) The Governing Body elects a President and a Vice President from among its members. The Vice President of the Chamber must not belong to the same Section as the President of the Chamber. The member of Governing Body appointed by the Minister in charge of the policy sector cannot be elected as a President or Vice President.

(2) The term of office of the President and Vice President of the Chamber is three years but cannot last longer than their authority as the member of the Governing Body. After expiry of the term of office, the President and Vice President of the Chamber may be re-elected. The President and the Vice President of the Chamber may be recalled before expiry of their term of office.

(3) The President of the Chamber represents the Chamber in all acts at law, unless otherwise prescribed in the Statutes. The Chair of the Board of Enforcement Section and the Chair of the Board of the Bankruptcy Section represent the Chamber according to their area of responsibility according to the rules and to the extent determined by the President of the Chamber, unless otherwise prescribed in the Statutes. The Executive Secretary represents the Chamber according to the rules and to the extent determined by the President of the Chamber, unless otherwise prescribed in the Statutes.

(4) The President of the Chamber presides over the work of the Governing Body. When the President is absent, the work of the Chamber is presided over by the Vice President.

(5) When the President is incapable of performing their duties, they are substituted by the Vice President. In other situations, the Vice President substitutes for the President in accordance with the rules established by the President.

§ 89. Meetings of Governing Body and adoption of resolutions

(1) The meetings of the Governing Body are held when needed but at least once in a quarter.

(2) A meeting of the Governing Body is called by the President of the Chamber. The rules for calling and conducting a meeting are provided in the Statutes of the Chamber.

(3) The Governing Body has quorum if more than one half of its members participate in the making of the resolution, unless otherwise provided by law.

(4) Unless otherwise provided by law, a resolution of the Governing Body is adopted when more than one half of the members who participated in the making of the resolution have voted in favour of that resolution. Where the votes are divided equally, the decision is deemed not to have been adopted.

(5) Under the rules provided in the Statutes of the Chamber, the Governing Body may adopt resolutions without calling a meeting.

§ 90. Executive Secretary of the Chamber

The Executive Secretary of the Chamber organizes the work of the Chamber, presides over the Administrative Office of the Chamber and arranges the services required by bodies of the Chamber. The term of office of the Executive Secretary is five years. The Executive Secretary reports to the President of the Chamber.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

Division 3

Board of the Enforcement Section and the Board of the Bankruptcy Section

§ 91. Board of the Enforcement Section and the Board of the Bankruptcy Section

(1) The Board of the Enforcement Section and the Board of the Bankruptcy Section are permanently acting management bodies of the Chamber who direct the work of the Chamber and realize the resolutions of their respective Sections and of the Governing Body. The Boards are responsible for the performance of the duties of the Chamber, respectively, in the fields of enforcement and insolvency work.

(2) The Board of the Enforcement Section consists of three enforcement agents. The Board of the Bankruptcy Section consists of three trustees in bankruptcy. The term of office of the members of both Boards is five years.

(3) The Board of the Enforcement Section as well as the Board of the Bankruptcy Section chooses a Chair from among the Board's members to organize the work of the Board.

(4) The rules of procedure of both Boards are provided in the Statutes of the Chamber.

§ 92. Duties of the Board of the Enforcement Section and of the Board of the Bankruptcy Section

The duties of the Board of the Enforcement Section and of the Board of the Bankruptcy Section, respectively in the area of enforcement and insolvency work, are the following:

1) implementation, respectively, of resolutions of the Enforcement Section or the Bankruptcy Section, and of resolutions of the Governing Body;

2) organizing the issue of information, to persons who have a corresponding right, from the Register of Enforcement Proceedings and from the files of bankruptcy cases archived by the Chamber;

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

3) participation in the preparation of the proposal of Strategic Plan of the Chamber as well as in the planning and preparation of the budget;

4) exercising administrative oversight over the payment of membership fees in due time;

5) exercising administrative oversight over the existence of professional liability insurance;

5¹) exercising administrative oversight over the performance of professional duties;

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

6) proposing Enforcement Practice Directions and Bankruptcy Practice Directions;

7) appointing a stand-in enforcement agent in cases provided for by law;

8) appointing a supervisor for an applicant for the profession of trustee in bankruptcy;

9) concluding an insurance contract which complies with the terms of § 10 of this Act in order to compensate for harm caused by the official work of a member of Enforcement Section;

10) performing other duties arising from the law and from the Statutes of the Chamber.

Division 4 Examination Board

§ 93. Examination Board

(1) The Examination Board is composed of at least seven members who are appointed for five years.

[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

(2) The composition of the Examination Board includes:

1) three enforcement agents appointed by the Enforcement Section;

[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

2) three trustees in bankruptcy appointed by the Bankruptcy Section;

[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

3) [Repealed – RT I, 31.05.2018, 2 – entry into force 01.01.2020]

4) one auditor appointed by the Board of Auditors.

(2¹) The Minister in charge of the policy sector may appoint a representative of the Ministry of Justice as a member of the Examination Board.

[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

(3) The Examination Board has a quorum if more than one half of the members of the Board participate in decision-making. A meeting of the Examination Board is presided over by the Chair of the Examination Board whom the members of the Board elect from among themselves by a simple majority vote. If the votes are divided equally when a decision is being taken, the Chair has a casting vote.

(4) The rules for calling and conducting a meeting of the Examination Board are prescribed in the Statutes of the Chamber.

(5) A member of the Examination Board who is an enforcement agent is substituted by a substitute member who is an enforcement agent. A member of the Board who is a trustee in bankruptcy is substituted by a substitute member who is a trustee in bankruptcy. A person appointed by the Minister in charge of the policy sector is substituted by a substitute member appointed by that Minister. The auditor appointed by the Board of Auditors is substituted by an auditor appointed by the Board of Auditors.
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]

(6) A member of the Examination Board must notify the Chamber of non-participation in the work of the Board at least three business days before the meeting of the Board takes place, if possible. The Chamber informs a substitute member of the need for substitution.
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]

(7) The mandate of a member of the Examination Board endures until the expiration of the mandate of the membership of the Examination Board.
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]

§ 94. Scope of powers of the Examination Board

The Examination Board:

- 1) organizes and conducts competitive recruitment for filling an enforcement agent's position;
- 2) arranges and administers the enforcement agent's examination and the examination of the trustee in bankruptcy;
- 3) verifies the trustworthiness of a candidate to the position of assistant enforcement agent and of an applicant seeking to be admitted to the profession of trustee in bankruptcy;
- 4) conducts appraisal interviews and – where an enforcement agent, assistant enforcement agent or trustee in bankruptcy has not complied with the in-service training obligation according to the rules provided in this Act – decides on directing such an agent or assistant agent or trustee to take an additional examination, and on the time limit for taking such an examination;
- 5) for any enforcement agent or assistant enforcement agent or trustee in bankruptcy who has been directed to take an additional examination, administers the corresponding examination;
- 6) establishes guidelines for recognizing specialized research or educational work in relation to assessing fulfilment of the in-service training obligation;
- 7) draws up training programmes for enforcement agents and for trustees in bankruptcy and assesses fulfilment of such programmes.

§ 95. Organization of and fees for examinations

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

(1) The enforcement agent's examination and the examination of the trustee in bankruptcy check the specialized knowledge of the person being examined and the suitability of the person's character. The examination is administered by the Examination Board; detailed arrangements for the examination are prescribed in the Statutes of the Chamber. The examination consists of a test of specialized knowledge and of an interview. The interview is conducted if the examinee has passed the test of specialized knowledge.

(2) In the course of the interview, an assessment is formed as to whether the examinee's character makes the person suitable for performing the official duties of an enforcement agent or for acting as a trustee in bankruptcy. During the interview, questions may be put to the examinee in order to specify the answers provided in the test of specialized knowledge.

(3) The subject areas of the test of specialized knowledge in the examination of the enforcement agent and of the trustee in bankruptcy and the rules for evaluation of examinees are enacted by a regulation of the Minister in charge of the policy sector.

(4) The examinations are held at the proposal of the Ministry of Justice or on the initiative of the Chamber. An examination of the enforcement agent and of the trustee in bankruptcy is held at least once a year. The time and place of the examination and the list of documents required for taking the examination as well as the date by which such documents are to be submitted are determined by the Examination Board. An announcement concerning the holding of the examination is published on the website of the Chamber.

(5) Before taking the examination of the enforcement agent or of the trustee in bankruptcy, or the examination mentioned in subsection 4 of § 97 of this Act or a repeat examination, the examinee must pay a fee of 127 euros to the Chamber. In justified cases, the Chamber may reduce the amount of the examination fee or exempt a person from paying it.
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]

(6) The Chamber may, in its Statutes, prescribe detailed rules concerning the payment of fees for an examination of the enforcement agent or of the trustee in bankruptcy, for reducing such fees and for exempting a person from paying them.

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

§ 96. Practical training

(1) After an enforcement agent has been appointed to office by the Minister in charge of the policy sector or after a person has passed the examination of the trustee in bankruptcy, the Examination Board draws up, for such a person, an individual programme of practical training. A practical training programme of a trustee in bankruptcy is drawn up such that following it does not interfere with fulfilment of the duties of the trainee's principal position.

(2) Practical training is organized by the Board of the Enforcement Section, by the Board of the Bankruptcy Section and by the Examination Board. The organization and rules for assessment of practical training are prescribed in the Statutes of the Chamber.

(3) The Board of the Enforcement Section or the Board of the Bankruptcy Section assign at least two supervisors to the person undergoing practical training; after the conclusion of practical training, the supervisors present to the Examination Board, in writing, a reasoned opinion concerning the person supervised.

(4) Within six months following approval of an enforcement agent's practical training programme and within ten months following approval of such a programme for a person who has passed the examination of the trustee in bankruptcy, the person in question presents to the Examination Board a report on fulfilment of their programme. On the person's application, the Examination Board may extend the time limit for presenting the report on fulfilment of the programme.

(5) On the basis of the report on compliance with the practical training programme and of the opinions of the supervisors, the Examination Board assesses the practical training as a pass or a failure. The Examination Board may decide not to assess the results of the training of a trustee in bankruptcy and extend the time for fulfilment of the programme.

(6) If the Examination Board assesses the practical training of an enforcement agent as a failure or deems the person unfit to serve as an enforcement agent because of their character, the Board of the Enforcement Section makes a proposal to the Minister in charge of the policy sector to remove the enforcement agent from office.

(7) If the Examination Board assesses the practical training of a person who has passed the examination of the trustee in bankruptcy as a failure or deems the person unfit to practise as a trustee in bankruptcy because of their character, the person is not admitted to the profession of trustee in bankruptcy.

(8) An enforcement agent who is undergoing practical training is paid a remuneration by the Chamber from the part-budget of the Enforcement Section.

§ 97. In-service training

(1) Fulfilment of the in-service training obligation is assessed by the Examination Board once every five years (hereinafter 'assessment period'). The requirements for in-service training and the scope of such training are enacted by a regulation of the Minister in charge of the policy sector.

(2) At least two months before the end of the evaluation period, the Examination Board sends a notice to the person subject to the in-service training obligation concerning the evaluation period coming to an end and explains what information has to be presented concerning fulfilment of the obligation, and states the due date by which it has to be presented.

(3) A person who has been awarded a Master's or a doctoral degree in law during the assessment period is not required to undertake in-service training during that period. Attorneys-at-law and auditors who undertake their in-service training respectively at the Bar Association or at the Board of Auditors are not required to fulfil the in-service training obligation of the Chamber.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(4) If, during the assessment period, a person has not completed the required amount of in-service training or has not presented to the Examination Board, by the due date, information concerning completion of such training, the Examination Board directs the person to take an examination. The examination has to be taken within four months following the date of the direction. If the person does not pass the examination, they are directed to take a repeat examination. If the person fails to appear for an examination without a valid reason, the examination is deemed a failure.

(5) If an enforcement agent or an assistant enforcement agent does not appear for a repeat examination without a valid reason or fails to pass such an examination, the Board of the Enforcement Section makes a proposal to the Minister in charge of the policy sector to remove the enforcement agent from office, or removes the assistant enforcement agent from the list mentioned in § 24 of this Act.

(6) If a trustee in bankruptcy does not appear for the examination without a valid reason or fails to pass the examination for the second time, the Examination Board makes a proposal to the Board of the Bankruptcy Section to withdraw the person's status of a trustee in bankruptcy.

Division 5 Audit Committee

§ 98. Audit Committee

(1) The Audit Committee oversees the economic activities and clerical business of the Chamber. The Audit Committee has a right to receive, from any bodies of the Chamber and from the President as well as from the Executive Secretary of the Chamber, any documents and information that are required for the performance of its duties.

(2) Before presenting the activity report and annual accounts of the Chamber to the Chamber's Enforcement Section and Bankruptcy Section for approval, the Governing Body of the Chamber presents these to the Audit Committee for an opinion. When inspecting the activity report and the annual accounts, the Audit Committee also checks whether the budget of the period under inspection complies with the Strategic Plan. The Audit Committee presents its opinion to the Enforcement Section and to the Bankruptcy Section.

(3) The Audit Committee is composed of four members who are appointed for five years. The members elect a Chair from among themselves.

Division 6 Ethics Tribunal

§ 99. Ethics Tribunal

(1) The Ethics Tribunal is composed of at least eight members who are appointed for five years.
[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

(2) The composition of the Ethics Tribunal comprises four enforcement agents and four trustees in bankruptcy.
[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

(2¹) The Minister in charge of the policy sector may appoint a representative of the Ministry of Justice as a member of the Ethics Tribunal.
[RT I, 31.05.2018, 2 – entry into force 01.01.2020]

(3) The members of the Ethics Tribunal elect the Tribunal's President from among the members who are enforcement agents or trustees in bankruptcy.

(4) The Ethics Tribunal hears a case as a panel of at least three members.

(5) The Ethics Tribunal adopts its decision by a majority of the votes of the members who participated in the hearing of the case.

(6) If a member of the Ethics Tribunal cannot remain impartial in a case that is being heard, such a member must recuse themselves from the hearing.

§ 100. Jurisdiction of the Ethics Tribunal

The Ethics Tribunal may deal with:

- 1) offences of negligent or intentional non-performance or inadequate performance of obligations created by resolutions of the Chamber and by Enforcement or Bankruptcy Practice Directions;
 - 2) complaints filed against the conduct of enforcement agents or trustees in bankruptcy;
 - 3) complaints filed against the actions of enforcement agents or trustees in bankruptcy or disciplinary cases against enforcement agents and trustees in bankruptcy and also cases which have been referred by the Ministry of Justice to be heard by the Tribunal.
- [RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 101. Commencement of proceedings before the Ethics Tribunal

(1) An interested party may approach the Chamber in order to commence proceedings before the Ethics Tribunal. An application for the commencement of Tribunal proceedings has to be filed within six months from

the date on which the applicant became aware or should have become aware of the circumstances that constitute the grounds for the application.

(2) The Ethics Tribunal commences proceedings on an application of an interested party, of the Ministry of Justice or of another body of the Chamber, provided there are grounds to believe that an enforcement agent or a trustee in bankruptcy has committed a disciplinary offence.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) The Ethics Tribunal takes a decision concerning the commencement of proceedings within one month from the date on which the Tribunal became aware of the commission of an act characterized by the elements of a disciplinary offence. The Ethics Tribunal transmits its decision to commence, or not to commence, proceedings to the Board of the Enforcement Section or of the Bankruptcy Section, and to the Ministry of Justice, without delay.

(4) When a complaint filed by the Ministry of Justice is transmitted to the Ethics Tribunal, Tribunal proceedings are deemed to have been commenced.

§ 102. Procedure before the Ethics Tribunal

(1) The Ethics Tribunal may deal with a case by written procedure.

(2) When hearing a case, the Ethics Tribunal requires the persons concerned to provide an explanation. The Tribunal is under a duty to establish the material circumstances of the case and, where this is necessary, to gather evidence of its own motion. Where so required by the Tribunal, an enforcement agent, assistant enforcement agent or trustee in bankruptcy is obligated to present to the Tribunal any evidence that they dispose of.

(3) The Ethics Tribunal disposes of a disciplinary offence case within three months from commencement of the proceedings, rendering a reasoned judgment in the case. Where valid reasons apply, the Tribunal may extend the time of hearing the case by up to two months. Any period during which it is not possible to hear the case for a reason due to the person in respect of whom the proceedings have been commenced before the Tribunal is not counted as the time of proceedings in the case.

§ 103. Decision of the Ethics Tribunal

(1) The disciplinary sanctions that may be imposed by the Ethics Tribunal are a reprimand and a fine of 64–16,000 euros, to be charged, as the case may be, to the part-budget of the Enforcement Section or of the Bankruptcy Section. In the decision on imposing a fine, the Tribunal may order the fine to be paid by instalments on specific due dates within one year.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(1¹) A decision of the Ethics Tribunal concerning a fine imposed as a disciplinary sanction serves as an enforceable title for the purposes of clause 21 of subsection 1 of § 2 of the Code of Enforcement Procedure.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2) If the Ethics Tribunal has found that a disciplinary offence has been committed, for which the appropriate sanction would be removal of the enforcement agent from office or withdrawal of the bankruptcy trustee's right to practise in the profession, the Tribunal makes a proposal to the Minister in charge of the policy sector to remove the enforcement agent from office, or a proposal to the Board of the Bankruptcy Section to withdraw, from the trustee in bankruptcy, the right to practise as such. The Tribunal annexes to the proposal the materials it has assembled in the course of its proceedings.

(3) When the time limit for appeal has expired, the decision of the Ethics Tribunal on imposing a disciplinary sanction is announced, respectively, to the members of the Enforcement Section or the Bankruptcy Section, depending on the person whose actions caused the making of the complaint considered by the Tribunal.

(4) The decision of the Ethics Tribunal may be appealed to the administrative court by the enforcement agent or the trustee in bankruptcy.

(5) The Ethics Tribunal transmits its decision to the Ministry of Justice without delay. The Ministry of Justice also has a right to require presentation of other documents filed in proceedings in Tribunal cases in order to acquaint itself with such documents.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(6) The Ministry of Justice may file a protest with the administrative court against a decision of the Ethics Tribunal within 30 days following its receipt.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

Subchapter 3 Arbitral Court of the Chamber

§ 103¹. Arbitral Court of the Chamber

(1) The Arbitral Court of the Chamber is a body for the extrajudicial resolution of disputes.

(2) The Arbitral Court deals with monetary claims which the parties agree to submit to the Court.

(3) The Chamber establishes the rules of the Arbitral Court which, having regard to imperative provisions of the Code of Civil Procedure and of the Conciliation Act, set out the powers of and procedure before the Court, and establishes the Court's fee.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

Chapter 4 IMPLEMENTING PROVISIONS

Subchapter 1 Transitional Provisions

§ 104. Special rule on educational requirements for enforcement agents

The educational requirement mentioned in subsection 1 of § 17 of this Act does not apply to enforcement agents who have been appointed to office by 1 July 2002.

§ 105. Special rule on expiration of disciplinary sanctions imposed on an enforcement agent

A disciplinary sanction imposed before the entry into force of this Act has become spent if no new disciplinary sanction has been imposed on the enforcement agent within one year following the imposition of the sanction.

§ 106. Special rule concerning stand-in arrangements for enforcement agents

(1) A person who passed the stand-in enforcement agent's examination, or was accredited as a stand-in enforcement agent, before the entry into force of this Act is has a right to stand in for an enforcement agent until five years have elapsed from the passing of the stand-in enforcement agent's examination or from the last accreditation.

(2) A stand-in enforcement agent mentioned in subsection 1 of this section stands in for an enforcement agent in accordance with the rules provided in this Act.

§ 107. Application of rates of the enforcement agent's fee

For an enforcement agent's official operation which was performed before the entry into force of this Act, a fee is charged in the amount and according to the rules for the charging of such fees, as were applicable at the time when the operation was performed.

§ 108. Requirements for becoming a member of the Chamber

(1) When this Act enters into force, all persons acting as enforcement agents at the time of its entry into force and all stand-in enforcement agents appointed by the Minister of Justice under subsection 5 of § 17 of the Enforcement Agents Act become members of the Chamber.

(2) Within two months following the entry into force of this Act, any trustee in bankruptcy, attorney-at-law or assistant attorney-at-law who wishes to continue practising as a trustee in bankruptcy makes an application to the Ministry of Justice for becoming a member of the Chamber. If a trustee in bankruptcy does not make the application within that time limit, the Minister of Justice withdraws the person's right to practise as a trustee in bankruptcy.

§ 109. Convening the first meeting of the Enforcement Section and of the Bankruptcy Section

The Minister of Justice convenes the first meeting of the Enforcement Section and the Bankruptcy Section to elect the bodies of the Chamber. Until election of the Governing Body and of the Boards of the Sections, the Chamber is presided over by a person appointed by the Minister of Justice.

§ 109¹. Implementation of § 90 of this Act

The Executive Secretary of the Chamber who is in office when an amendment to § 90 of this Act enters into force is deemed to have been appointed to office for five years as of the entry into force of the amendment to that provision.

[RT I, 30.12.2017, 2 – entry into force 09.01.2018]

§ 110. Handing over bankruptcy cases in which proceedings are pending

(1) A trustee in bankruptcy, an attorney-at-law or an assistant attorney-at-law who does not wish to become a member of the Chamber may complete proceedings in bankruptcy cases in which they have been appointed as a trustee.

(2) A person who has been appointed as a trustee or an interim trustee in bankruptcy proceedings after the entry into force of this Act and who does not make an application for becoming a member of the Chamber within the time limit mentioned in subsection 2 of § 107 of this Act is obligated to notify this to the court. The court removes the trustee in accordance with the rules provided in § 68 of the Bankruptcy Act.

§ 111. Statutes of the Chamber

The first meeting of the Enforcement Section and of the Bankruptcy Section adopt Statutes that have been approved by the Ministry of Justice. If the first meeting of the Enforcement Section and of the Bankruptcy Section fails to adopt such Statutes, an extraordinary meeting of the Sections is convened within two months following the first meeting. If the extraordinary meeting fails to adopt the Statutes that have been approved by the Ministry of Justice, the Statutes of the Chamber are enacted by a regulation of the Minister in charge of the policy sector. The regulation of the Minister of Justice is repealed when a meeting of the Sections adopts Statutes that have been approved by the Ministry of Justice, which enter into effect when the regulation of the Minister of Justice is repealed.

§ 112. Minimum membership fee

(1) The first meeting of the Enforcement Section and of the Bankruptcy Section establishes the minimum membership fee as a rate or amount that has received prior approval from the Ministry of Justice. The minimum membership fee for the first five years must be at least three percent of the amounts that have been received by the enforcement agent within the financial year of the Chamber as the agent's fees, or been awarded by the courts as the fee of the trustee in bankruptcy or the interim trustee's fee – but not less than 31 euros per month. [RT I 2010, 22, 108 – entry into force 01.01.2011]

(2) If the first meeting of the Enforcement Section and of the Bankruptcy Section does not establish the minimum membership fee, such a fee is enacted by a regulation of the Minister in charge of the policy sector. The Minister in charge of the policy sector may enact the minimum fee as a rate of up to five percent of the amounts that have, within the financial year of the Chamber, been received by the enforcement agent as the agent's fees, or been awarded by the courts as the fee of the trustee in bankruptcy or the interim trustee's fee, but not less than 31 euros per month. [RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) The regulation of the Minister of Justice is to be repealed when a meeting of the Enforcement Section and of the Bankruptcy Section establishes a minimum membership fee that has received prior approval from the Ministry of Justice and will apply when the regulation of the Minister of Justice has been repealed.

§ 113. The first evaluation period regarding compliance with the in-service training obligation and time of enactment of related legislation

The beginning of the first evaluation period regarding compliance with the in-service training obligation of enforcement agents and trustees in bankruptcy is the date of entry into force of this Act.

§ 114. Termination of activities of the Plenary Assembly of Enforcement agents

The activities of the Plenary Assembly of Enforcement agents are terminated when this Act enters into force, and the Assembly is liquidated. Liquidation is carried out by the members of the Assembly's Board. If they decide to transfer any property of the Plenary Assembly to the Chamber, the use of such property goes to the Enforcement Section.

§ 115. Requirements for the Information System of Bankruptcy Proceedings and for the Enforcement Agents' Information System

(1) The Minister in charge of the policy sector may by regulation enact requirements for the content and processing of data in the Information System of Bankruptcy Proceedings and in the Enforcement Agents' Information System, and determine the extent to which these must allow for digital exchange of data with other databases.

(2) An electronic auction environment is to be in commission at the latest on 1 January 2013. Oral auctions are conducted before the auction environment is in commission.

§ 116. Applicable law for insurance events

Insurance events that have taken place before the entry into force of this Act are subject to the law applicable at the time of their occurrence and the terms of the insurance contract.

§ 116¹. Powers of members of the Examination Board who have been appointed by the Minister in charge of the policy sector

The powers of persons appointed to the Examination Board by the Minister in charge of the policy sector under clause 3 of subsection 2 of § 93 of this Act terminate on 31 December in 2019.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

Subchapter 2 Amendment and Revocation of other Acts

§ 117.–§ 131.[Omitted from this text.]

Subchapter 3 Entry into Force of this Act

§ 132. Entry into force

(1) This Act enters into force on 1 January 2010.

(2) §§ 120, 122 and 128 of this Act enter into force in accordance with regular procedure.