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Code of Civil Procedure and Code of Enforcement Procedure Implementation Act

Passed 15.06.2005

RT I 2005, 39, 308

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Amended by the following acts

Passed	Published	Entry into force
26.01.2006	RT I 2006, 7, 42	04.02.2006
06.12.2006	RT I 2006, 61, 457	01.01.2007
11.06.2008	RT I 2008, 28, 180	15.07.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
06.06.2012	RT I, 29.06.2012, 3	01.01.2013, in part 01.07.2012
20.12.2012	RT I, 31.12.2012, 5	10.01.2013
21.01.2014	RT I, 31.01.2014, 6	01.02.2014, in part 01.04.2014 and 01.07.2014
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, in part 01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
10.12.2014	RT I, 31.12.2014, 1	10.01.2015
18.02.2015	RT I, 12.03.2015, 4	01.10.2015
18.02.2015	RT I, 12.03.2015, 5	01.07.2015
10.05.2017	RT I, 26.05.2017, 1	05.06.2017
07.06.2017	RT I, 26.06.2017, 17	06.07.2017
14.06.2017	RT I, 04.07.2017, 4	enters into force simultaneously with the entry into force, in respect of Estonia, of the Agreement on a Unified Patent Court and the Agreement on the establishment of a Nordic-Baltic regional division of the Unified Patent Court
21.11.2018	RT I, 07.12.2018, 2	17.12.2018
20.02.2019	RT I, 19.03.2019, 2	29.03.2019
21.02.2019	RT I, 19.03.2019, 8	01.04.2019
20.04.2020	RT I, 06.05.2020, 1	07.05.2020
15.12.2020	RT I, 28.12.2020, 1	02.01.2021

10.03.2021	RT I, 22.03.2021, 1	01.04.2021
22.11.2021	RT I, 08.12.2021, 1	01.01.2022
22.11.2021	RT I, 10.12.2021, 1	01.09.2022
09.02.2022	RT I, 18.02.2022, 1	19.02.2022
18.05.2022	RT I, 07.06.2022, 1	08.06.2022, applicable through 04.03.2025

Chapter 1

GENERAL PROVISIONS

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

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

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

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

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

(1) A time limit which began to run in judicial proceedings before the entry into force of this Act ends in accordance with the Code of Civil Procedure or the Code of Enforcement Procedure hitherto in force.

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

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

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

(4) Where, by statute, the competence of the court or the type of procedure applicable to the case is changed, proceedings in a case that was commenced before the statute entered into force may be completed according to the rules applicable at the time when they were started.

[RT I, 22.03.2021, 1 – entry into force 01.04.2021]

§ 2¹. Application of lower rates of the statutory fee

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

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

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

§ 2². Implementation of the provision of access to documents and of the digital signing of judgments

(1) The Minister in charge of the policy sector may, by regulation, establish a transition period, which may not last longer than until 1 January 2015, concerning implementation of the service of documents and of the provision of access to documents through an information system.

(2) The Minister in charge of the policy sector may, by regulation, establish a transition period, which may not last longer than until 1 January 2015, concerning implementation of the electronic rendering of judgments. If such a transition period is established, courts may render and sign judgments on paper until the end of that period.

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

§ 2³. Entry of a default judgment if the defendant fails to respond to the claim

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

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

§ 2⁴. Implementation of subsection 5 of § 41 of the Code of Civil Procedure

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

§ 2⁵. Jurisdiction of district courts in connection with the entry into force of Agreement on Unified Patent Court

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

[RT I, 04.07.2017, 4 – enters into force simultaneously with the entry into force, in respect of Estonia, of the Agreement on a Unified Patent Court and of the Agreement on the establishment of a Nordic-Baltic regional division of the Unified Patent Court]

§ 2⁶. Determination of a parent's rights regarding a child and arrangements concerning access to the child

(1) Where, before 1 September 2022, the court has received a petition for determining a parent's rights regarding a child or concerning arrangements of access to the child, it disposes of the petition under the provisions applicable to such determinations and arrangements before that date.

(2) The enforceability of judicial dispositions rendered and settlements reached in cases mentioned in subsection 1 of this section is governed by the law applicable before 1 September 2022.

[RT I, 10.12.2021, 1 – entry into force 01.09.2022]

§ 3. Allocation and determination of case costs

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

(2) A deposit fee is to be paid on applications for interim protection of the claim that are filed before 1 January 2009. Although such applications are not subject to subsection 1¹ of § 383 of the Code of Civil Procedure, this does not preclude the court from exercising its right to require a guarantee under subsection 1 of the same section.

(2¹) Payment and return of deposit fees is governed by the version of the Code of Civil Procedure that was in force until 31 December 2021.

[RT I, 08.12.2021, 1 – entry into force 01.01.2022]

(3) When disposing of an application for the grant of financial aid after 1 January 2009, reasonable costs of the applicant's housing and transport are taken into account even if the application was filed before 1 January 2009.

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

§ 3¹. Taxation of the fee of the trustee in bankruptcy

If a bankruptcy petition is accepted before 1 January 2015, the fee of the trustee in bankruptcy is subject to taxation in accordance with subsection 2 of § 183 of the version of the Code of Civil Procedure in force until 30 June 2014, and either the value added tax or the social tax charge is added to the fee of the interim trustee or of the trustee in bankruptcy.

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

§ 4. Agreement on jurisdiction

An agreement on jurisdiction concluded before the entry into force of this Act remains valid if it has been concluded in conformity with the requirements of the Code of Civil Procedure hitherto in force.

§ 4¹. Right of appeal of a third party without an independent claim

A third party without an independent claim who entered or was joined to proceedings before 1 January 2009 does not have a right of appeal concerning any disposition made in those proceedings.

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

§ 4². Judgment in simplified form in simplified proceedings

The option, prescribed for cases dealt with by simplified procedure, of rendering a judgment without the descriptive part or without the statement of reasons, does not apply, and the restrictions on the acceptance of appeals in such cases do not apply if the court claim was made before 1 January 2009.
[RT I 2008, 59, 330 – entry into force 01.01.2009]

§ 4³. Appeals or interim appeals in registry cases

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

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

(1) The Minister in charge of the policy sector enacts a regulation under subsection 2² of § 83 and under subsection 52 of § 93 of the Code of Enforcement Procedure not later than on 1 January 2016.

(2) The provisions of subsection 2¹ of § 83, subsection 2 of § 87¹ and subsection 5¹ of § 93 of the Code of Enforcement Procedure apply from the entry into force of the regulations mentioned in subsection 1 of this section.
[RT I, 31.12.2012, 5 – entry into force 10.01.2013]

§ 4⁵. Application of subsection 2 of § 23¹ of the Code of Enforcement Procedure

The requirement concerning the use of an information system provided for in subsection 2 of § 23¹ of the Code of Enforcement Procedure applies starting 1 January 2015.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 4⁶. Dissemination over computer networks of judicial dispositions that have entered into effect

Subsection 1 of § 462 of the Code of Civil Procedure applies to judicial dispositions that enter into effect on or after 1 January 2006.
[RT I, 19.03.2019, 2 – entry into force 29.03.2019]

§ 5. Participation in procedural operations before the Supreme Court

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

§ 6. Expedited procedure for orders for payment

(1) Until the provision of corresponding technical conditions in the courts, the electronic expedited procedure for orders for payment prescribed in the Code of Civil Procedure is conducted on the basis of paper documents. The Minister in charge of the policy sector enacts, by regulation, the period and conditions of and the rules for transition to electronic expedited procedure for orders for payment.
[RT I 2008, 28, 180 – entry into force 15.07.2008]

(2) Expedited procedure for orders for payment of claims exceeding 6390 euros is not applied until 1 January 2010. That amount represents the total of the principal and ancillary claims.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

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

(4) If the claimant so requests, a statement of claim filed before 1 January 2006 may be dealt with as a petition for expedited procedure for an order for payment.

(5) If the court receives a petition for expedited procedure for an order for payment before 1 January 2007, the court disposes of such a petition according to the rules applicable to expedited procedure for orders for payment before 1 January 2007.
[RT I 2006, 61, 457 – entry into force 01.01.2007]

(6) If the court receives a petition for expedited procedure for an order for payment before 15 July 2008, the court disposes of such a petition according to the rules applicable to expedited procedure for orders for payment before 15 July 2008.
[RT I 2008, 28, 180 – entry into force 15.07.2008]

(7) Jurisdiction over cases filed on or after the date of implementation of partial electronic expedited procedure for orders for payment, but before transition to a fully electronic expedited procedure, is determined as follows:

- 1) petitions for expedited procedure for orders for payment on paper as well as petitions submitted electronically such that they cannot be processed in an automated manner at the court are filed with the courts mentioned in subsections 1–3 of § 108 of the Code of Civil Procedure;
- 2) electronic petitions for expedited procedure for orders for payment which it is possible for the court to process in an automated manner are filed with the court mentioned in subsection 4 of § 108 of the Code of Civil Procedure.

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

(8) A case filed under the expedited procedure for orders for payment which has been accepted before transition to a fully electronic procedure is seen through to its completion by the district court dealing with the case.

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

(9) As of the implementation of a fully electronic expedited procedure for orders for payment, jurisdiction over cases filed with the courts under the expedited procedure for orders for payment is determined in accordance with subsection 4 of § 108 of the Code of Civil Procedure.

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

§ 7. Consideration of petitions for correction of court errors and petitions for review of judicial dispositions that have entered into effect

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

§ 8. Application of the Code of Civil Procedure in arbitration proceedings

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

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

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

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

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

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

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

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

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

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

§ 9. Cases dealt with under the rules for actions by petition

(1) An appeal or appeal to the Supreme Court filed against a judgment rendered before the entry into force of this Act in a case dealt with under the rules for actions by petition is heard, respectively, under the procedure for appeals or the procedure for appeals to the Supreme Court. In such a situation, preliminary operations under the procedure for appeals are performed by the court of the first instance and preliminary operations under the procedure for appeals to the Supreme Court are performed by the circuit court of appeal.

(2) If a guardian has been appointed to a full-age individual for an unlimited period of time before the entry into force of this Act, 1 January 2011 is deemed to be the latest date by which the court must, in accordance with clause 5 of subsection 2 of § 526 of the Code of Civil Procedure, decide on the termination or extension of guardianship.

(3) Cases initiated before 1 January 2009 concerning the appointment of guardians or the placement of individuals in a closed institution are dealt with under the provisions in force before 1 January 2009 unless otherwise provided for in this section. This does not apply to the varying or termination of the orders rendered in such proceedings, or to extension of the time limits concerned.

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

§ 9¹. Special rules for placement of persons in a closed institution during the emergency situation declared by the Government of the Republic on 12 March 2020

(1) Under the procedure for placement of persons in a closed institution, during the emergency situation declared by the Government of the Republic on 12 March 2020 the court may authorize an extension of the time limit until which the interim protection of a right is to be applied, without observing the requirement, provided for in the second sentence of subsection 5 of § 534 and in subsection 3 of § 535 of the Code of Civil Procedure, to hear the person concerned on a first-hand basis.

(2) If the time limit until which interim protection of a right is to be applied, set under the second sentence of subsection 5 of § 534 of the Code of Civil Procedure, ends during the emergency situation declared by the Government of the Republic on 12 March 2020, the running of that time limit is suspended for the duration of the aforementioned emergency situation.

(3) If the due date set under subsection 2 of § 538 of the Code of Civil Procedure arrives during the period that starts with the beginning of the emergency situation declared by the Government of the Republic on 12 March 2020 and ends when two months have elapsed after its end, the running of the time limit is suspended for the aforementioned period.

[RT I, 06.05.2020, 1 –C0#3F entry into force 07.05.2020]

§ 9². Special rules for appointing a guardian to a minor who is not a citizen or permanent resident of Estonia

(1) The time limit for the filing of an application provided by the second sentence of subsection 2 of § 382 of the Code of Civil Procedure does not apply when appointing – prior to the filing of a petition for appointment of guardian – a temporary guardian under the rules for interim protection of rights to a minor who is not a citizen or permanent resident of Estonia. In a situation mentioned in the first sentence of this subsection, the time limit granted by the court under the first sentence of subsection 2 of § 382 of the Code of Civil Procedure may not be longer than six months.

(2) The time limit provided by subsection 5 of § 555 of the Code of Civil Procedure does not apply when appointing a temporary guardian under the rules for interim protection of rights to a minor who is not a citizen or permanent resident of Estonia. In a situation mentioned in the first sentence of this subsection, a temporary guardian may not be appointed for longer than one year.

[RT I, 07.06.2022, 1 – entry into force 08.06.2022, applicable through 04.03.2025]

§ 10. Continuation of the work of the Estonian Chamber of Commerce and Industry Arbitration Tribunal

The entry into force of this Act is without prejudice to the continuation of the work of the Estonian Chamber of Commerce and Industry Arbitration Tribunal, which operated under the Republic of Estonia Estonian Chamber of Commerce and Industry Arbitration Tribunal Act, or to the validity of that Tribunal's rules of procedure as hitherto in force, provided such rules are not contrary to the Code of Civil Procedure.

§ 11. Enforcement proceedings based on an earlier enforceable title

(1) Enforcement proceedings that have been commenced by the time of entry into force of this Act are seen through to their conclusion also if they are based on an enforceable title that cannot be enforced under the Code of Enforcement Procedure. Enforcement proceedings may be commenced after the entry into force of this Act only based on an enforceable title that complies with the requirements of the Code of Enforcement Procedure, except in the situation provided for in subsection 4.

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

(3) A person whose property has been attached or concerning whose property a note restraining disposition has been recorded in a register by an enforcement agent before 1 March 2001 based on a claim in respect of which enforcement proceedings have not been pursued after that date has a right to file a petition with the court for preclusion, by unknown rightholder procedure provided for in the Code of Civil Procedure, of the rights of the party seeking enforcement.

(4) A notarial agreement, authenticated before 31 December 2005, concerning a claim which requires payment of a fixed sum of money or delivery of a specific quantity of fungible items or securities, may be presented for compulsory enforcement also after the entry into force of this Act provided that, in the agreement, the debtor consents to immediate compulsory enforcement. A claim arising under a pledge contract is also deemed to be a claim which requires payment of a fixed sum of money; in relation to such a claim, a clause on immediate compulsory enforcement must also be included in the agreement drawn up concerning the claim secured by the pledge contract.

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

§ 11¹. Application of the Taxation Act to payment and set-off of case costs

(1) Until 30 June 2014, subsection 5¹ of § 179 of the Code of Civil Procedure only applies to the payment and set-off of statutory fees charged for operations on the Commercial Register, the Register of Non-profit Associations and Foundations, the Commercial Pledge Register and the Land Register.

(2) Starting 3 February 2015, subsection 5¹ of § 179 of the Code of Civil Procedure applies to the payment and set-off of statutory fees charged for operations on the Register of Ships and on the Marital Property Register and for consideration of petitions for expedited procedure for orders for payment.
[RT I, 31.01.2014, 6 – entry into force 01.04.2014]

§ 11². Implementation of subsection 5 of § 65 of the Code of Enforcement Procedure

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

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

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

Subsection 5 of § 33, subsection 5 of § 356, subsection 4 of § 358 and § 681¹ of the Code of Civil Procedure apply from the day of entry into force, in respect of Estonia, of Protocol no. 16 to the Convention on the Protection of Human Rights and Fundamental Freedoms.

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

§ 11⁴. Attachment, under enforcement procedure, of a claim concerning a mandatory funded pension

A claim for a payment mentioned in § 3¹ and in subsections 2 and 3 of § 40 of the Funded Pensions Act, to be made by the Registrar of the Register of Pensions mentioned in § 13 of the Register of Securities Act to a debtor in whose respect enforcement proceedings are pending, is not subject to attachment, including provisional attachment, under the Code of Enforcement Procedure until 1 January 2023.

[RT I, 28.12.2020, 1 – entry into force 02.01.2021]

§ 11⁵. Implementation of subsection 3 of § 50¹ of the Code of Enforcement Procedure

An enforcement agent considers an application made by the debtor until 31 December 2021 within 60 days following its reception and, within 15 days following consideration, makes a decision to terminate enforcement proceedings, or – without making a decision – informs the parties to proceedings of proceedings being continued.

[RT I, 22.03.2021, 1 – entry into force 01.04.2021]

§ 11⁶. Enforcement proceedings – levying on the benefit paid as a measure to alleviate the hike in energy costs

The benefit paid under subsection 3 of § 161 of the Atmospheric Air Protection Act to insufficiently provided-for families as partial compensation for the hike in the energy costs related to their residence constitutes earnings that cannot be levied on in enforcement proceedings.

[RT I, 18.02.2022, 1 – entry into force 19.02.2022]

Chapter 2 AMENDMENT OF LEGISLATION

§ 12.–§ 99.[Omitted from this text.]

Chapter 3

PROVISIONS DELEGATING AUTHORITY AND THE ENTRY INTO FORCE OF THIS ACT

§ 100. Provision delegating authority

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

§ 101. Entry into force of this Act

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

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