



(Map source: Europa)

Estonia



Population: 1 400 000 inhabitants
Surface area: 45 000 Km²
Capital: Tallinn
Currency: Estonian crown
Official language: Estonian
Form of government: Republic
Membership in the EU: 2004
Membership in the UIHJ: 2001

The “Kohtutäiturid”

Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection?

The judicial officers. They exercise a monopoly on the enforcement of judgments and enactments and writs of execution in Estonia. They may likewise proceed to the service of writs and to the enforced sale by public auction of the debtor's possessions. They are also authorized to formulate findings and observations.

What is the status of these professional officers?

Since March 1st, 2001, the judicial officers are professionals of independent and liberal status. The profession and admission to it are strictly regulated. They are operating under deontological, disciplinary, and professional rules for which they are required to take out liability insurance coverage. They are appointed by the Ministry of Justice. They are not authorized to form companies but may carry on their activities in group context out of the same locations.

How are the judicial officers organised?

There are approximately 52 judicial officers, spread across the sixteen regions that make up the territory of Estonia. They are attached to a territorial jurisdiction. Within the district of Tallinn, there are 19 practising

judicial officers. Half of the judicial officers are women. The average age of the officers is 34 years. They operate under the supervision of the Division of liberal professions and judicial registries at the Ministry of Justice. The judicial officers have formed an association (**Kohtutäiturite Täiskogu**) which represents them at the national level.

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How can one join the profession?

Aside from holding the Estonian nationality and being of an exemplary moral character, the candidate must hold a university degree in Law (many judicial officers have a diploma of the third cycle and have been engaged in teaching at the faculty) and pass an admission examination. Subsequently, they are required to follow a trainee programme lasting 10 months, made up variously of theoretical and practical elements. The candidate will subsequently be appointed by the Ministry of Justice following a meticulous examination of his or her dossier.



The enforcement of court judgments

Who is charged with the enforcement of court judgments in Estonia?

The judicial officers have a monopoly on the enforcement of court judgments in Estonia. They are entitled to proceed in keeping with the enforcement regulations as provided by the Code of Civil Procedure.

Can one contact a judicial officer directly to have a court order enforced?

The client may directly contact the judicial officer of choice, but only a judicial officer with the territorial competence as pertains can proceed with the measures of enforcement.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

The judicial officers are empowered to enforce execution against the entire debtor estate, be it immovable or movable, tangible or intangible.

Is the judicial officer responsible for carrying out the enforcement procedure?

The judicial officers assume responsibility for carrying out the enforcement procedure. In agreement with the creditor, they organise procedures of enforcement as adapted to the circumstances. In case of trouble, they can take recourse to assistance from the public enforcement authorities.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

Within the frame of the enforcement order, the judicial officers have access to a number of files, amongst which banking information, real estate property, or the registry of vehicles.

Who pays for the judicial officer's intervention costs?

The judicial officers must adhere to a fixed rate. The debtor is responsible for the costs of the execution. In the event of default by the debtor, the creditor shall assume the expense of the execution. A graduated collection fee is in place, this being at the charge of the applicant.

The service of writs

Are judicial officers entitled to proceed to the service of writs?

Yes, within the framework of the enforcement act.

What are the physical steps involved in serving a writ?

The writ is handed over physically by the judicial officer to the addressee or to an individual that is present on the addressee's premises.

What is the force in law of a writ?

The judicial officer draws up a report on the procedures followed in the presentation of the writ. This report is deemed an official attestation of the modalities used in the handing-over of the writ.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

No, not at this present time.



Debt collection

Is the judicial officer empowered to proceed towards the collection of debts ?

No. Not at this present moment.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

How much will it cost a creditor to collect a debt ?

Other areas of intervention

May the judicial officer arrange for sales by public auction?

Yes, within the framework of the enforcement procedure.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

Yes. But this activity remains still under development in Estonia.

May the judicial officer represent the parties before the courts?

No

Is the judicial officer entitled to offer legal advice?

Yes, within the framework of the enforcement procedure.

Is the judicial officer entitled to engage in other activities?

No.

