

ANNEX 30

- Country Report ESTONIA

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**Study on the Transparency of Costs of Civil Judicial
Proceedings in the European Union**

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- COUNTRY REPORT -

- ESTONIA -

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ANNEXE 1 Questionnaire completed for the implementation of this study

COUNTRY REPORT

Preliminary notes

The aim of the present report is to provide an overview of costs of civil judicial proceedings in Estonia in general as well as in cross-border disputes. The present report relies heavily on Annex 1 questionnaire. The questions of the questionnaire exceeded the limits of the present study from time to time, while preparing this report we kept in mind the aim of the study and focused on transparency and availability of information regarding the costs of civil judicial proceedings.

Annex 2 regarding the persons and institutions contacted for filling the online questionnaire is attached to the present report as well. Unfortunately I do not possess the information on how many of the addressees have actually filled in the questionnaire.

The copies of legal acts regulating the issue at hand have already been forwarded as attachments to the questionnaire.

Introduction

One of the aspects of civil judicial proceedings is often overlooked by lawyers as a mere tool of secondary relevance when fighting for justice - namely the aspect of costs of court proceedings. However, for the common man the aspect of costs is definitely one of great importance in deciding whether to initiate court proceedings in the first place. A further problem arises particularly sharply in connection with cross-border disputes as the sources of costs and proportions of costs to the value of the claim are more often than not unclear and difficult to predict.

Executive Summary

Summary of the main sources of costs

Under Estonian procedural law the proceeding costs in civil procedure are divided into court costs (legal costs) and out-of-court costs (extra-judicial costs). The main court cost is the state fee and the main out-of-court cost is the lawyer's fee. These are also in general the main sources of costs in the civil proceeding, representing respectively 5 - 50% (state fee) and 60 - 90% (lawyer's fee) in the global proceeding costs. A state fee is a sum of money which pursuant to law must be paid to the state for the performance of a procedural act, e.g. for filing an action or an appeal against a judgment or court order.

Level of transparency in the sources of costs

In general, access to information regarding costs of justice is fairly easy. The regulation of costs is largely set out in legal acts, which are published regularly both in paper form and online on public websites. Legal acts, including those prescribing the amounts and terms of payment of court fees and other costs of

justice, are accessible to everyone free of charge on website www.riigiteataja.ee. Furthermore, website of the Ministry of Justice www.just.ee includes detailed information on state fees and on the possibilities to receive state legal aid and other procedural assistance (e.g. exemption from the payment of state fee or other court fees).

The costs of legal aid (lawyer's fees) are probably the most difficult to predict. The practice of Estonian lawyers is to work on the basis of hourly fees and although initial estimates may be made at the beginning of work regarding the upcoming court procedure, the actual length and volume of work to be performed in the course of the court procedure depends greatly on the actions of the opposing party and circumstances which may not be foreseeable at first.

Determination of the amounts of costs

The amounts of most costs are determined by the legislator - the state fees upon submitting a claim to court, the fees of the bailiffs, the possibilities for receiving state legal aid, the ranges of payment to the witnesses, translators and experts are all set out in legal acts accessible to everyone online as well as in paper form.

The amounts of lawyer's fees are established by the agreement between the party to civil judicial dispute and the attorney representing him/her. The common practice of Estonian lawyers is to work on the basis of hourly fees.

There is no statistics on the average amount of the average costs of a proceeding. The average amount of proceeding costs greatly depends on whether qualified legal aid (an attorney's services) is used. If the party is represented by an attorney, such average amount will rarely be less than 2500 EUR for the first instance proceeding. The monthly average wage of the population is ca 650 EUR per month.

Level of transparency in determining the actual costs

Transparency is guaranteed in the best possible way by setting out the state fees, the fees of the bailiffs, possibilities for receiving state legal aid as well as the ranges of payment to the witnesses, translators and experts in legal acts accessible to everyone online as well as in paper form.

Lawyers in Estonia usually work on the basis of hourly fees making the calculus of the costs of legal aid transparent, but estimation of the total costs somewhat difficult to predict. Customarily the hourly fees of the lawyers are not published on the websites of the law offices, but they must be asked from the law office.

Proportion of each identified cost on the overall cost of civil judicial proceedings

Fair estimation is that costs of legal aid (lawyer's fees) tend to form the largest portion of the overall costs of civil judicial proceedings, usually making up to 80% of all the costs. However, in cross-border disputes significant portions of costs are also attributed to translation and travelling expenses of witnesses and parties to the dispute.

If the claim is large, the state fee may also be of significant amount up to 50-60% of the overall costs.

To follow the example provided, the estimated and approximate proportion of each identified cost on overall cost of civil judicial proceedings is as follows:

State fee:	5 - 50%	
Lawyer's fee:	60 - 90%	
Expert fee:	5 - 10%	
Witness compensation	1 - 3%	
Translation/interpretation	2 - 3%	
Bailiff fee	20 - 40%	(enforcement of the judgement, paid by the debtor)

Proportion of each identified cost on the overall volume of activity

The total cost of legal aid by the lawyers as well as the fees payable to translators/interpreters are directly connected to the volume of activity. Other costs have no direct connection to the volume of activity.

If the volume activity means the amount claimed plus the total expenses that the claim generates, the estimation on the proportion of each identified cost on overall volume of activity is as follows:

State fee:	3 - 5%
Lawyer's fee:	5 - 30%
Expert fee:	2 - 3%
Witness compensation	0,1 - 1%
Translation/interpretation	0,5 - 1%
Bailiff fee	6 - 8%

Proportion of each identified cost on the value of disputed claim

The clearest proportion to the value of the disputed claim is the amount of the state fee payable upon submitting the claim (the amounts of state fees payable depending on the value of the claim are set out in the schedule in State Fees Act). A state fee is between 1,5-7,5% of the value of the case, in most cases 4,5-6%.

In addition, bailiff's fees for enforcement of monetary claims are dependent on the size of the claim. A bailiff fee may be up to 100% of the claimed amount, in most cases 10-20% of the amount claimed.

However, other costs may not always be proportional to the value of the claim and the amounts of other costs depend on procedural specifics of civil judicial procedure and not directly on the value of the claim.

To follow the example provided, the estimated and approximate proportion of each identified cost on overall cost of civil judicial proceedings is as follows:

State fee: 1,5 - 7,5
(in most cases 4,5 - 6% of the amount claimed)

Lawyer's fee: 10 - 90%
(e.g. in case the amount claimed is ca 65 000 EUR, the lawyer's fee may be ca 10%)

Expert fee: 0,5-10%

Witness compensation 0,1 - 3%

Translation/interpretation 0,5 - 3%

Bailiff fee 4 - 100%

(enforcement of the judgement, in most cases 8 - 30% of the amount claimed)

Specificities in relation to EU cross-border disputes

There are no specific costs in relation to cross-border disputes. However, in respect of persons (legal and physical) from EU member states, state legal aid is provided on the same conditions as to Estonian citizens and residents.

Recommendations for EU action/national action

When it comes to court fees, compensations to the experts, witnesses, translators, bailiff fees, the regulation in legal acts published in paper form and on the internet provides the best possible transparency. One of the options to take a step further is to establish more information centres (both web-based and regular) to provide advice and information to individuals regarding specific costs of justice.

Concerning the level of lawyers' fees, as the hourly fees may not provide an accurate overview of total costs of legal aid, it is possible to consider so-called

package-deals for certain types of court disputes where it is agreed upon the total costs of legal aid in advance irrespective of the actual length and result of the dispute. However, this solution may be applicable only in the simplest and most foreseeable cases, not in respect of more complicated legal problems.

Relationship between the costs of justice, the transparency in the costs of justice and access to justice

In general it may be concluded that the level of transparency in the costs of justice in Estonia is high and lack of transparency regarding costs of justice does not obstruct access to justice and implementation of one's rights.

In general, the costs of justice are reasonable and proportional to the financial value of the court dispute, allowing also to take into account the economic status of the participants to the court proceedings (for instance option to have the state fee waived if the preconditions set out in law are fulfilled). However, the fairness of costs suffers greatly when it comes to lawyer's fees as it is common practice for lawyers to work on the basis of hourly fees and the volume of lawyer's work does not always correspond to the financial value of the court dispute. Although the regulation of civil procedure in Estonia does not require hiring a lawyer in order to participate in court proceedings (except in Supreme Court), the rules of litigation are specific and detailed so that participation in civil proceedings without the representation of a lawyer is risky and difficult.

On the other hand, there is the option for people of poor financial status to have the lawyer appointed at the expense of the state (state legal aid). However, since the fees for the provision of state legal aid are too low compared to the market price (3-5 times lower) and considering the actual amount of work to be done by the lawyer in the course of court proceedings, the quality of the state legal aid tends to be low (or lower than the legal aid provided with the market price).

Even though in principle the winning party will have his costs of justice reimbursed by the losing party, the court always determines the exact amount of costs to be reimbursed which the court considers reasonable and necessary. As to the lawyers'

fees there are maximum amounts (dependant on the value of the case) established to the extent of which payment of lawyers' fees can be claimed from the losing party.

Consequently, participation in a civil judicial proceeding may be perceived as a luxury by many people.

Conclusions and recommendations

In general it may be concluded that the level of transparency in the costs of justice in Estonia is high and costs of justice are well regulated.

Detailed Draft Report

General Questions

1.1 Level of information on the transparency of fees and costs of justice

In general access to information regarding the costs of justice is fairly easy due to the fact that the regulation of costs is largely set out in legal acts, published regularly both in paper form and online on public websites. Legal acts, including those prescribing the amounts and terms of payment of court fees and other costs of justice, are accessible to everyone on website www.riigiteataja.ee. The exception is the lawyer's fees. Customarily the hourly rates of the lawyers are not published on the websites of the law offices, but they must be asked from the law office (via telephone, e-mail or personally).

The following legal acts regulate the fees and costs of justice:

1. **Code of Civil Procedure (Chapter 18 - proceeding costs)** (in Estonian: *tsiviilkohtumenetluse seadustik*) - regulates composition of proceeding costs, bearing of proceeding costs, costs related to witnesses, experts, interpreters and translators and other costs related to giving evidence, division of proceeding costs between the participants in the proceeding, determination of proceeding costs, grant by state of procedural assistance for bearing proceeding costs.

Proceeding costs are:

- a) court costs (alternative translation - legal costs), these are:
 - (i) state fee - sum of money which must be paid for the performance of a procedural act (e.g. submitting an action or an appeal). The amount of state fee depends on the value of the action unless otherwise prescribed by law;
 - (ii) security - security on cassation, security for securing action, security for petition to set aside a default judgment, reopening of proceeding or restoration of term;
 - (iii) the costs essential to the proceedings - these are: costs related to witnesses, experts, interpreters and translators; costs related to obtaining documentary evidence and physical evidence; costs related to inspection, incl. necessary travel expenses incurred by the court; costs of delivery of procedural documents when it is done by the help of a bailiff or it is delivered in a foreign country or on extra-territorial citizens of Republic of Estonia; costs of issuing of procedural documents; costs relating to the publication of summonses and notices in the publication *Ametlikud Teadaanded* or in a newspaper; costs related to the determination of the value of the civil matter.
- b) out-of-court costs (alternative translation - extra-judicial costs) - these are:
 - (i) costs related to the representatives and advisers of the participants in a proceeding (lawyer's fees);
 - (ii) travel costs of the participants in the proceeding;
 - (iii) unreceived wages or salaries or other unreceived permanent income of the participants;
 - (iv) costs of pre-trial proceedings provided by law unless the action was filed later than six months after the end of the pre-trial proceedings;
 - (v) the bailiff's fee for securing of an action and expenses to the execution of a ruling on the securing of an action;
 - (vi) costs related to the proceedings of an application for procedural assistance in bearing proceeding costs;
 - (vii) in certain conditions also the costs of expedited procedure in matters of payment order.

Code of Civil Procedure is available online at

<https://www.riigiteataja.ee/ert/act.jsp?id=12791013>

Unofficial translation into English available online at

<http://www.legaltext.ee/text/en/X90041.htm>

2. **State Fees Act** (in Estonian: *riigilõivuseadus*) - regulates the bases for calculation, payment, supervision of the charging and for the repayment of the state fees, the exemptions from the payment of state fees, the rates of state fees and the determination of the transaction value.

Available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12805342>

The unofficial translation of the State Fees Act is available online at

<http://www.legaltext.ee/text/en/XX10018.htm>

3. **State Legal Aid Act** (in Estonian: *riigi õigusabi seadus*) - prescribes the categories of legal aid ensured by the state and the conditions and procedure for the receipt of such legal aid on account of the state.

Available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12775040>

Unofficial translation into English available online at

<http://www.legaltext.ee/text/en/X30066.htm>

4. **Government regulation no 322 (December 22, 2005) “The procedure for the payment of the fees and reimbursement of the expenses to the participants in a criminal-, misdemeanour-, civil- and administrative proceeding”** (in Estonian: *kriminaal-, väärteo-, tsiviil- ja haldusajade mentlusest osavõtjatele tasu maksmise ja kulude hüvitamise kord*) - regulates the reimbursement to the experts, translators, interpreters and witnesses of the costs related to the participation in the civil proceeding, establishes the limits of minimum and maximum hourly wages within which the court determines the hourly rate of compensation to the witness or the hourly fee of the expert, translator or interpreter. This regulation does not extend to employees of a court or another state agency involved in the capacity of interpreters, translators or experts who, by interpreting, translating or acting as experts, are performing their duties of employment.

Available online at

<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12791013&id=973037>

5. **Forensic Examination Act** (in Estonian: *kohtuekspertiisiseadus*) - provides the legal status of forensic experts, state forensic institutions and officially certified experts, and bases for the creation of the rights and obligations of experts in criminal proceedings, civil and administrative proceedings and proceedings in administrative offence matter, also financing of examinations.

Available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12849460>

Unofficial translation into English available online at

<http://www.legaltext.ee/text/en/x40072k1.htm>

6. **Government regulation no 263 (August 13, 2002)** “The procedure for the calculation of and compensation for the expenses incurred by state forensic institutions and other persons appointed to fulfil the obligations of an expert in connections with conduction forensic examinations” (in Estonian: *riiklikule ekspertiisiasutusele, muule asutusele või juriidilisele isikule seoses kohtuekspertiisi tegemisega tekkinud kulude arvestamise ja hüvitamise kord*)

Available online at

<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12849460&id=776623>

7. **Government regulation no 438 (December 21, 2001)** “The price list of examinations conducted in state forensic institutions” (in Estonian: *riiklikes ekspertiisiasutustes tehtavate ekspertiiside hinnakiri*)

Available online at

<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12849460&id=73427>

8. **Government regulation no 306 (December 15, 2005)** “The maximum amounts to the extent of which payment of expenses on contractual representatives and advisers can be claimed from other participants in a proceeding” (in Estonian: *lepingulise esindaja ja nõustaja kulude teistelt menetlusosalistelt sissenõudmise piirmäärad*) - the maximum amounts are dependent upon the financial value of the dispute. E.g. if the value of the claim is up to 320 EUR, no more than 160 EUR lawyer’s fee can be claimed from the losing party; if the value of the claim is 1000 EUR, the maximum amount of lawyer’s fees that can be claimed from the losing party is 415 EUR; if the value of the claim is

100 000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 12 143 EUR.

Available online at

<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12791013&id=969183>

9. The Bailiffs Act (in Estonian: *kohtutäituri seadus*) - regulates the legal status and disciplinary liability of bailiffs and the bases for remuneration of bailiffs.

Estonian version available online at

<https://www.riigiteataja.ee/ert/act.jsp?id=12852636>

Unofficial translation into English available online at

<http://www.legaltext.ee/text/en/X50034K6.htm>

Website of the Ministry of Justice www.just.ee includes detailed information on the possibilities to get compensation for the costs of justice (notably the possibilities to receive state legal aid) and possibilities to have the costs of justice, notably the court fees waived in regard of a specific person. On the website there is information regarding state fees, compensating the expenses of the witness, the fees of sworn translators and bailiffs and regarding the possibilities to apply for the procedural assistance for bearing procedural expenses. On the website it is explained in Estonian, in English and in Russian who is entitled to receive legal aid on the account of the state, who provides state legal aid, how is legal aid paid for and how are the legal aid fee and expenses reimbursed, and how can legal aid be applied for. The blank forms of the application for state legal aid and of the statement of financial status of applicant for state legal aid are readily available on the website in Estonian and in English.

Besides free access to legal acts through public websites there are also information centres, mostly operable online, to provide information regarding civil court procedure, including costs of justice. There is a non-profit organization called Sihtasutus Õigusteenuste Büroo (<https://www.otb.ee/index.php>), operating since 2000 and providing so-called social legal aid free of charge to people with insufficient incomes; the legal aid includes also provision of information regarding court fees and other costs of justice.

The law office of law students of Tartu University Law Faculty (<http://www.iuridicum.ee/index.php?page=48&PHPSESSID=a393791b03c701c4f085fbf544a9968b>) also provides legal aid free of charge in cases of minor financial value, including provision of information on court fees and other costs of justice.

There is also a general web-based portal called Teabeportaal <http://www.eesti.ee/est?style=2>, which includes practical pointers to laymen in various areas of life, including court procedures; it is possible to pose specific questions online to toimetaja@eesti.ee. General information on court procedures and costs can also be found on the website of the Ministry of Justice www.just.ee, specific questions may be posed online to info@just.ee.

All attorney-at-law offices are also obliged to provide information regarding the options for receiving state legal aid - the blank form of the application for the state legal aid and for other procedural assistance and the blank form of the statement of financial status must be readily available in every attorney-at-law office and in every court house (free of charge).

Advice may also be sought from organizations representing certain groups of people such as:

- 1) Employees' unions - Confederation of Estonian Trade Unions (<http://www.eakl.ee/koostoo/>) provides legal advice, including information on costs of justice to the members of the trade union.
- 2) European Consumer Centre (<http://www.consumer.ee/?lang=en>) provides advice to consumers, including information regarding costs for submitting a claim in a consumer dispute.

It may be concluded that information regarding costs of justice is easily accessible to the public and generally free of charge.

1.2 Transparency perception

Considering the above, it is fair to conclude that access to information regarding costs of justice is easy in Estonia - the state fees upon submitting a claim to court as well as the fees of the bailiffs, possibilities for receiving state legal aid as well

as the ranges of payment to the witnesses, translators and experts are set out in legal acts accessible by all. The regulation in legal acts is precise and clear leaving no doubts about the particular elements of costs.

The costs of legal aid (lawyer's fees) are probably the most difficult to predict. The practice of Estonian lawyers is to work on the basis of hourly fees (customarily these are not published on the websites of the law offices, but they must be asked from the law office) and although initial estimates may be made at the beginning of work regarding the upcoming court procedure, the actual length and volume of work to be performed in the course of the court procedure depends greatly on the actions of the opposing party and circumstances which may not be foreseeable at first. Therefore the total costs of lawyer fees are often unproportionally large in comparison to the financial value of the court dispute.

The level of costs related to the witnesses, experts, translators or interpreters is also somewhat difficult to foresee. The law prescribes that witnesses should be compensated on the basis of their regular daily income - which of course varies from person to person. This risk is handled by setting out maximum and minimum limits of witness compensations by the government regulation. Also, the court determines the hourly fees of the experts, interpreters and translators within the limits of minimum and maximum hourly wages established by a government regulation (concerns the experts, interpreters and translators who are not employees of a court or another state agency and do not, by interpreting, translating or acting as experts, perform their duties of employment).

In general it may be concluded that the transparency level of costs of justice in Estonia is high and lack of transparency regarding costs of justice does not obstruct access to justice and implementation of one's rights. The costs of legal aid (lawyer's fees) are the most difficult to predict.

1.3 Solutions to improve transparency

When it comes to court fees, compensations to the experts, witnesses, interpreters/translators, bailiff fees the regulation in legal acts published in paper form and on the internet provides the best possible transparency. One of the

options to take a step further is to establish more information centres (both web-based and regular) to provide advice and information to individuals regarding specific costs of justice.

Concerning the level of lawyer's fees, as the hourly fees may not provide an accurate overview of total costs of legal aid, it is possible to consider so-called package-deals for certain types of court disputes where it is agreed upon the total costs of legal aid in advance irrespective of the actual length and result of the dispute. However, this solution may be applicable only in the simplest and most foreseeable cases, not in respect of more complicated legal problems.

1.4 Fairness of costs

In general the costs of justice are reasonable and proportional to the financial value of the court dispute, allowing also to take into account the economic status of the participants to the court proceedings (for instance an option to apply for exemption/release, in part or in full, from payment of the state fee or other procedural expenses if the preconditions set out in law are fulfilled).

However, the fairness of costs suffers greatly when it comes to lawyer's fees as it is common practice for lawyers to work on the basis of hourly fees and the amount of lawyer's work does not always correspond to the financial value of the court dispute (the proportion of legal aid costs may be very large comparing to the financial value of the dispute).

Although the regulation of civil procedure in Estonia does not require hiring a lawyer in order to participate in court proceedings (except in Supreme Court), the rules of litigation are specific and detailed so that participation in civil proceedings without the representation of a lawyer is risky and difficult.

On the other hand, there is the option for people of poor financial status to have the lawyer appointed at the expense of the state (state legal aid), if the judge decides that the nature of the dispute is such that the procedural rights of that person would not be effectively used without a lawyer. However, since the fees for the provision of state legal aid are too low, considering the actual amount of work to be done by the lawyer in the course of court proceedings and the market price,

the quality of the state legal aid tends to be low (or lower than the legal aid provided with the market price).

Even though in principle the winning party will have his costs of justice reimbursed by the losing party, the court always determines the exact amount of costs to be reimbursed which the court considers reasonable and necessary - despite difficulties of understanding the rules of court procedure by laymen, the costs of legal aid (lawyer's fees) are often not awarded in full. The government regulation no 306 (December 15, 2005) establishes the maximum amounts to the extent of which payment of expenses on contractual representatives and advisers (e.g. attorney-at-law) can be claimed from other participants in a proceeding. The maximum amounts are dependent on the financial value of the dispute. In case of smaller claims the maximum amount of lawyer's fees that can be claimed from the losing party are 30-50% of the value of the claim (for example if the value of the claim is up to 320 EUR, no more than 160 EUR lawyer's fee can be claimed from the losing party; if the value of the claim is 1000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 415 EUR; if the value of the claim is 3800 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 1150 EUR). If the value of the claim is 3900 EUR - 25 000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party are between 20-30% of the value of the claim. If the value of the claim is 100 000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 12 143 EUR.

1.5 Conclusions and recommendations

In general it may be concluded that the level of transparency in the costs of justice in Estonia is high and costs of justice are well regulated.

In general the costs of justice are reasonable and proportional to the financial value of the court dispute. However, inevitably, the amount of lawyer's work does not always correspond to the financial value of the court dispute. Thus, the proportion of legal aid costs may be very large comparing to the financial value of the dispute.

Court fees

1.6 General

Under Estonian procedural law the proceeding costs (procedural expenses) in civil procedure are divided into court costs and out-of-court costs as follows:

a) court costs (alternative translation - legal costs), these are:

(i) state fee - sum of money which must be paid for the performance of a procedural act (e.g. bringing an action to the court). The amount of state fee depends on the value of the dispute (case/claim) unless otherwise prescribed by law (§ 139 of the Code of Civil Procedure, State Fees Act);

(ii) security - there are five types of securities: security on cassation, security for securing action, security for petition to set aside a default judgment, security for reopening of proceeding and security for restoration of term (§§ 140-142 of the Code of Civil Procedure);

(iii) the costs essential to the proceedings - these are (§ 143 of the Code of Civil Procedure): costs related to witnesses, experts, interpreters and translators; costs related to obtaining documentary evidence and physical evidence; costs related to inspection (incl. necessary travel expenses incurred by the court); costs of delivery of procedural documents when it is done by the help of a bailiff or it is delivered in a foreign country or on extra-territorial citizens of Republic of Estonia; costs of issuing of procedural documents; costs relating to the publication of summonses and notices in the publication *Ametlikud Teadaanded* or in a newspaper; costs related to the determination of the value of the civil matter.

b) out-of-court costs (alternative translation - extra-judicial costs), these are (§ 144 of the Code of Civil Procedure):

(i) costs related to the representatives and advisers of the participants in a proceeding (lawyers' fees);

(ii) travel costs of the participants in the proceedings;

(iii) unreceived wages or salaries or other unreceived permanent income of the participants;

(iv) costs of pre-trial proceedings provided by law unless the action was filed later than six months after the end of the pre-trial proceedings;

(v) the bailiff's fee for securing of an action and expenses to the execution of a ruling on the securing of an action;

- (vi) costs related to the proceedings of an application for procedural assistance in bearing procedural expenses;
- (vii) in certain conditions also the costs of expedited procedure in matters of payment order.

1.7 Cost of bringing an action to the courts

In general the primary precondition for submitting an action to the court is the payment of the state fee prior to submitting the action.

The state fee shall be paid by a bank transfer to the account of the Ministry of Finance, indicating the reference number, which is different for each court house (the account numbers and reference numbers are available online at www.just.ee). A state fee in the amount up to 100 EEK (ca 6 EUR) can be paid the court in cash when submitting the claim.

The state fees are regulated under the Code of Civil Procedure (§ 139 and the rules on determination of the value of the dispute) and State Fees Act.

State Fees Act is available in the public online database www.riigiteataja.ee - <https://www.riigiteataja.ee/ert/act.jsp?id=12805342>.

The unofficial translation of the State Fees Act is available online at <http://www.legaltext.ee/text/en/XX10018.htm>

The state fee must be paid for (§ 139 of the Civil Procedure Code):

- a) actions, counterclaims and actions by third parties with independent claims;
- b) petitions in matters on petition (hagita menetlus) and acts performed on the initiative of the court;
- c) appeals against court judgments and appeals against court orders (rulings) filed with a circuit (appellate) court.

Certain claims are exempted from the state fee (e.g. claim for the unpaid salary or claim for the alimony) - exemptions are stipulated in § 22 of the State Fees Act.

The amount of state fee depends on the value of the civil case (claim) unless otherwise prescribed by law. The amount of a state fee is determined according to a schedule set forth in appendix to a State Fees Act. Actions with the value of 1600-20 000 EUR require a state fee ca 5-6% of the value of the action. In case of bigger claims the percentage decreases.

The rules on how to determine value of the civil case¹ are stipulated in the Code of Civil Procedure (Chapter 17). The value of an action is the usual value of that which is claimed by the action. The value of a matter on petition is the usual value of that which is petitioned in the matter on petition, or the usual value of the act made at the initiative of the court. Proceeding costs are not taken into account upon determination of the value of a civil case.

In case of an action for the payment of money, the value of the civil case is determined by the principal amount of money claimed (§ 124 of the Code of Civil Procedure), not taking into consideration claims for interest filed as collateral claims (including claims for fine of delay), claims for compensation of costs filed as collateral claims and, in the case of a claim arising from a bill of exchange or cheque, also the claim for compensation included in the claim for right of recourse. Still, if the sum total of collateral claims is higher than or equal to the amount of the principal claim, the court shall consider the collateral claims to a reasonable extent. For example, in case of an action for the payment of money up to 320 EUR, the state fee is ca 16 EUR; for the payment of ca 640 EUR, the state fee is ca 48 EUR; for the payment of ca 3200 EUR, the state fee is ca 175 EUR; for the payment of ca 6400 EUR, the state fee is ca 335 EUR.

There are specific rules on how to determine the value of action in case of claims involving things or rights, in dispute relating to real servitude (easement), in case of contract for use, upon recurring obligations, upon dispute for termination of

¹ A civil court proceeding is either proceeding on action (*hagimenetus*) or a proceeding on petition (*hagita menetlus*). In matters on petition the court has greater investigative powers – the court itself shall ascertain the facts and take the necessary evidence on its own initiative unless otherwise prescribed by law. In matters where an action is filed, the court itself ascertains the facts and takes the necessary evidence only in cases prescribed by the law, proceedings on action is conducted mostly on the basis of the facts and petitions submitted by the parties and based on the claim. Matters on petition are, for example, most family matters, appointment of guardian for adult with restricted active legal capacity, establishment of custody over property of an absent person, declaration of a person dead and establishment of time of death of a person, expedited procedure in matters of payment order, recognition and enforcement of foreign judgments etc

application of unfair standard terms, upon repeal or establishment of nullity of resolution of legal person and the value of establishment action.

The value of an action in the case of a non-proprietary claim is presumed to be 15 000 EEK (ca 958 EUR) - in which case the state fee is 1000 EEK (ca 64 EUR) However, the court may determine a value of case differently, taking account of all circumstances, including the extent and importance of the matter as well as the financial situation and income of the parties.

If the value of a civil case exceeds 11 500 000 EEK (ca 734 983 EUR), the full rate of state fee is 1,5 % of the value of the civil case but not more than 750 000 EEK (ca 47 900 EUR).

The state fee is determined as a lump sum (fixed sum - 200 EEK, ca 13 EUR):

- (i) in certain matters of petition where the financial value of that which is petitioned cannot be determined (e.g. some family law claims, declaration of a person dead and establishment of time of death of a person, appointment of guardian for adult with restricted active legal capacity, placing of persons in closed institutions, imposing of a restraining order and other similar measures for the protection of personal rights etc.) and
- (ii) for an appeal against a court order² made in an action.

Besides the State Fees Act there are additional options for receiving information on court costs:

- 1) General information on court procedures and costs can be found on the website of the Ministry of Justice www.just.ee, specific questions may be posed online to info@just.ee.
- 2) There is a non-profit organization called Sihtasutus Õigusteenuste Büroo (<https://www.otb.ee/index.php>), operating since 2000 and providing so-called social legal aid free of charge to people with insufficient incomes; the legal aid includes also provision of information regarding court fees.

² There are two types of court decisions in Estonia – court judgements and court orders. A court judgment is a decision by which the merits of a matter are decided in the proceedings on action (*hagimenetus*). By the court orders the court usually solves the procedural matters and conducts the proceedings. However, in proceedings on petition (non-contentious proceedings, *hagita menetlus*) the court decides the merits of the matter also by a court order.

3) the law office of law students of Tartu University Law Faculty (<http://www.iuridicum.ee/index.php?page=48&PHPSESSID=a393791b03c701c4f085fbf544a9968b>) also provides legal aid free of charge in cases of minor financial value, including provision of information on court fees and other costs of justice.

4) there is a general web-based portal called Teabeportaal (<http://www.eesti.ee/est?style=2>), which includes practical pointers to laymen in various areas of life, including court procedures; it is possible to pose specific questions online to toimetaja@eesti.ee.

5) It is also possible to call to the court or study the print-outs from the legal acts in court houses.

It is also possible to turn to organizations such as Confederation of Estonian Trade Unions (<http://www.eakl.ee/koostoo/>), which provides legal advice, including information on costs of justice to the members of the trade union. European Consumer Centre (<http://www.consumer.ee/?lang=en>) provides advice to consumers, including information regarding costs for submitting a claim in a consumer dispute.

1.8 Other proceedings costs

Under Estonian procedural law the proceeding costs in civil judicial proceedings are divided into court costs and out-of-court costs. State fee is the main court cost. Other court costs are:

- (i) security (kautsjon)- there are five types of securities: security on cassation, security for securing action, security for petition to set aside a default judgment, security for reopening of proceeding and security for restoration of term (§§ 140-142 of the Code of Civil Procedure). A security is somewhat similar to a state fee, the payment of a security is a precondition for certain procedural acts.) Before a security is paid no procedural acts related to the security will be performed. The main difference between the state fee and the security lies in the following - in the case of satisfaction of an appeal or a petition the security is refunded by the state, but the state fee is not, however, the winning party may claim for the reimbursement of the state fee from the losing party.
- (ii) costs related to experts, witnesses and translators/interpreters,
- (iii) costs of obtaining documentary and physical evidence,

- (iv) costs related to inspection (incl. necessary travel expenses incurred by the court),
- (v) costs of service of procedural documents when it is done by the help of a bailiff or it is delivered in a foreign country or on extra-territorial citizens of Republic of Estonia,
- (vi) costs of issuing of procedural documents. A state fee of 10 EEK (ca 0,64 EUR) per page shall be paid for the issue of a duplicate transcript of a court judgment or court order. A state fee of 1 EEK (ca 0,064 EUR) per page shall be paid for the issue or forwarding of transcripts of documents or electronic documents in a court proceeding.
- (vii) costs relating to the publication of summonses and notices in the official publication *Ametlikud Teadaanded*³ or in a newspaper. The state fee for publication of any notice in the official publication *Ametlikud Teadaanded* is in the amount of 100 EEK (ca 6,4 EUR),
- (viii) costs related to the determination of the value of the civil case (if court determines the value). The court shall determine the value of a civil case if such value is not prescribed by law and is not indicated in the petition/application. The court may determine the value of a civil case also if the court finds the value of the action specified by the plaintiff or another petitioner to be incorrect. For determination of the value of a civil case, the court may request presentation of evidence from the participants in the proceeding, organise inspection or order evaluation by an expert. The party to bear the expenses of expert evaluation shall be prescribed by the ruling on determination of the value of the civil case. The court may decide that such costs must be borne, in part or in full, by the party who caused the need for evaluation by failing to specify the value, presenting an incorrect value or contesting the value without basis.

There are no specific procedural fees for cross-border disputes.

Costs related to experts, witnesses and translators/interpreters, costs of issuing of procedural documents are examined in detail below.

³ *Ametlikud Teadaanded* is an official publication which is published in electronic form in the Internet, the publication is organized by the Ministry of Justice. Notices, invitations and announcements (hereinafter notices) concerning which there is an obligation to publish provided by legal acts, but the publication of which in the *Riigi Teataja* or other printed publications is not prescribed shall be published in the official publication *Ametlikud Teadaanded*. Everyone has the right to use the official publication *Ametlikud Teadaanded* through computer networks without charge. In the National Library of Estonia, public libraries and rural municipality and city governments, the use of *Ametlikud Teadaanded* shall be ensured without charge.

A security for securing the action (e.g. for the petition to seize/attach the defendant's property in order to secure the enforcement of the future judgment) is 5% of the usual value of that which is claimed, however it shall not be lower than 500 EEK (ca 32 EUR) and not higher than 100 000 EEK (ca 6391 EUR). If taking into custody or detention of a defendant, or prohibition on a defendant from departing from his or her residence is requested in order to secure an action, security shall be paid in the amount prescribed by the court which shall however not be lower than 500 EEK (ca 32 EUR) and not higher than 500 000 EEK (ca 31 955 EUR) (§ 141 of Code of Civil Procedure). If the court satisfies the petition to secure the action, the security will be refunded to the payer.

A security shall be paid also for a petition to set aside a default judgment, a petition for reopening of a proceeding or a petition for restoration of a term in an action, except if a petition is subject to satisfaction pursuant to law, regardless of whether or not there was a good reason for failure to appear at a court session. For a petition to set aside a default judgment or a petition for reopening of a proceeding, a security shall be paid in an amount equal to the state fee payable for one half of the value of the action which shall however not be lower than 200 EEK and not higher than 100 000 EEK. For a petition to restore a term, a security shall be paid in an amount equal to the state fee for one fourth of the value of action which shall however not be lower than 100 EEK and not higher than 50 000 EEK.

A security shall be paid, instead of a state fee, also for appeals in cassation, appeals against court orders and petitions for review filed with the Supreme Court (a security on cassation). Such a security is examined in detail below.

Reimbursement of costs related to giving evidence - a person who submits a document or physical evidence to a court, enables inspection, issues a thing for expert assessment or enables the conduct of expert assessment but who is not a participant in the proceedings has the right to claim reimbursement of necessary expenses incurred by him or her in connection with the procedural act from the state. Such costs will be determined, based on a petition, by the court who conducted the procedural act. A claim for reimbursement of costs terminates three months after the date on which the procedural act was conducted unless the person entitled to be reimbursed files a petition for reimbursement of the costs with the

court. The court shall inform a person entitled to be reimbursed of such term and the legal consequences of the expiry of the term.

Costs of service of procedural documents - such costs are considered to be proceeding costs only when the documents are delivered by a bailiff or when the documents are delivered in a foreign country or on extra-territorial citizens of Republic of Estonia. Most commonly the court arranges for the service of procedural document through a person providing postal services as its economic activity, by sending a registered letter with a delivery notice. If attorneys are representing the parties to the proceeding, then service of documents by electronic means (by e-mail) is also very common.

Service of procedural documents through a bailiff, court security guard or other competent court official or through a police officer is in practice used only if the service through postal service provider has been failed. The size of the fee payable for service of document through a bailiff is provided by the Bailiffs Act and it is in the amount of 250 EEK (ca 16 EUR).

1.9 Costs of legal rescourses (Appeals...)

The court system in Estonia is three-tiered, there are two instances of legal rescourses:

- (i) the court of appeal being the court of second instance and
- (ii) the Supreme Court being the court of cassation.

State fee for appeals to the court of second instance is in the same amount as the state fee payable upon submitting the claim to the court of first instance - primarily depending on the financial amount of the claim subject to dispute, in certain types of cases (matters of petition where the financial fixed sum. The amounts of state fees for appeals are set out in the State Fees Act.

“State fee” for the submission of the claim in cassation (properly called - *security on cassation*) to the Supreme Court is in the amount of 1% of the value of the civil case, but not less than 400 EEK (ca 25,5 EUR) and not more than 40 000 EEK (ca 2 556 EUR) as set out in the Code of Civil Procedure. Security on cassation must be paid prior to the submission of the appeal in cassation. It must be paid by a bank

transfer to the account of the Ministry of Finance, indicating the reference number of the Supreme Court.

The difference between the state fee and the security lies in the following: in the case of satisfaction of an appeal in cassation, in part or in full, the security on cassation will be refunded based on a decision of the Supreme Court; in other cases (non-satisfaction of an appeal in cassation or refusal to accept the appeal in cassation) the security shall be transferred into the public revenues. However, state fee is not refunded when the action is satisfied, but the winning party may only claim reimbursement of the state fee from the losing party.

1.10 Costs of ADR

Options for solving disputes utilising out-of court procedures are somewhat limited and mostly used in cross-border disputes rather than regular domestic cases.

Arbitration Court of the Estonian Chamber of Commerce (<http://www.koda.ee/index.php?id=1233>) settles disputes relating to commercial law, provided the parties to the dispute have agreed either prior or at the time of the dispute to have it solved by the arbitration court of the Estonian Chamber of Commerce. The procedure and rules of operation of the arbitration court are set out in Rules and Regulations of the Arbitration Court of the Estonian Chamber of Commerce (<http://www.koda.ee/?id=1244>). The costs of dispute resolution in the arbitration court remain somewhat unpredictable and the estimation of costs may be highly individual and lacking transparency. Namely, if the parties or one of the parties has decided to submit the claim to the arbitration court, a registration fee in the amount of 1 200 EEK (77 EUR) must be paid. The amount of the actual arbitration costs generally depends on the value of the claim as well as number of arbitrators and the essence of the case, the precise amount shall be established by the Arbitration Court after receiving the application for arbitration and prior to starting the procedures.

In addition to the arbitration court, there is also the option to settle labour disputes in the value of up to 50 000 EEK (3195 EUR) in the Labour Dispute Committee, the rules of operation of which are regulated under the Individual Labour Disputes Settlement Act (available in Estonian in the online database of

legal acts www.riigiteataja.ee search term “individuaalse töövaidluse lahendamise seadus”. There is no state fee for submitting the claim to the Labour Dispute Committee, so the only costs incurred to the parties to the dispute are their costs of legal aid by the attorney if necessary.

1.11 Costs of legal aid proceedings

No state fee shall be paid for filing the petition for grant of procedural assistance, incl. for grant of state legal aid, in a civil judicial proceeding.

A participant in the proceeding whose financial situation is poor may apply as procedural assistance for (§ 180 of the Code of Civil Procedure):

- release (exemption), in part or in full, from payment of the state fee or security, or from bearing other court costs;
- payment of the state fee or security, or other court costs in monthly instalments within the term prescribed by the court;
- release from the obligation to provide security for covering procedural expenses or for damages that may arise from declaration of a judgement to be subject to immediate execution;
- release from the payment for legal aid provided by an attorney appointed by way of procedural assistance (state legal aid);
- release, if the recipient of the procedural assistance is a claimant, from all or a part of the expenses related to enforcement proceedings on account of the Republic of Estonia, or payment of such expenses in instalments is prescribed within a term provided by the court;
- release, in part or in full, from payment of expenses related to mandatory pre-trial proceedings, or payment thereof in instalments is prescribed within a term provided by the court.

Upon grant of procedural assistance in Estonia, a participant in a proceeding who is a citizen of another Member State of the European Union or who has residence in another Member State of the European Union may be released, on account of the Republic of Estonia, (i) from covering the cost of translation of a document requested by the court submitted by the person applying for procedural assistance, or he or she may be ordered to pay such costs by instalments within a term specified by the court, provided that such document is necessary for adjudicating

the matter; (ii) from covering his or her travel expenses, or he or she may be ordered to pay such costs by instalments, provided that the need for the participant in the proceeding to be present in person is provided by law or the court deems it necessary.

1.12 Costs of fast track proceedings

There are no specific costs related to fast track proceedings.

Upon filing of a petition in a matter of expedited proceeding of a payment order, a state fee in the amount of 1 % from the main claim shall be paid which however, shall not be less than 250 EEK (ca 16 EUR) and not more than 20 000 EEK (ca 1278 EUR).

1.13 Costs of Group actions' proceedings

Only in cases explicitly prescribed by law, the court shall conduct proceedings in a civil case if a person files a claim with the court for the protection of a presumed right or interest protected by law of another person or the public. There are no specific costs related to such proceedings.

1.14 Payment

The court fees must be paid by a bank transfer (including internet bank transfer) to the account of the Ministry of Finance, indicating the reference number, which is different for each courthouse (the account numbers and reference numbers are available online at www.just.ee), or by means of an electronic payment instrument (e.g. debit or credit card) in the court. A court fee in the amount up to 100 EEK (ca 6,4 EUR) can be paid the court in cash when submitting the action or petition.

Before the state fee or security is paid no procedural acts related to the state fee or security will be performed. Thus, the state fee and security must be paid prior to submitting the action, appeal or any other petition.

Other court costs (besides state fee and security) shall be paid in advance, if and to the extent ordered by the court, by the participant in the proceeding who filed the petition to which the costs are related, unless the court rules otherwise. If both parties submit an application or if the court summons a witness or expert or requests that an inspection be conducted, the costs shall be paid by the parties in equal amounts. Costs relating to the publication of summonses and other procedural documents in the publication *Ametlikud Teadaanded* or a newspaper shall be paid by the plaintiff or other petitioner in advance. If the party who is required to pay for such costs in advance fails to do so by the due date specified by the court, the court may refuse to perform the requested act.

1.15 E-justice

There are no online court procedures available in Estonia. However, § 350 of the Code of Civil Procedure allows to set up hearings in the form of video-conferences, provided that the court and all the participants agree to it and everyone has adequate equipment to participate in the hearing audiovisually. If one of the parties insists on hearing a witness located elsewhere via a video-conference, that party must also cover the costs attached thereto. In practice not used in civil proceedings, rarely used in criminal proceedings.

On the other hand, electronic submission of procedural documents is common practice. A document must bear the digital signature of the sender or be transmitted in another similar secure manner, which enables the sender to be identified. Every courthouse has a special e-mail address for submission of procedural documents in electronic form (such e-mail addresses are published on a website of Minister of Justice www.just.ee). An electronic document is deemed to be submitted to the court after its storage in the database prescribed for the receipt of court documents. The sender of the document will be sent electronic confirmation thereof. The sender of the document shall be immediately informed if the court is unable to make printouts or copies of the document.

If there is a reason to believe that other participants in the proceeding are unable to examine the content of the document in electronic form or unable to print it out, then the sender of the document provide the court with a printout of a

document submitted to the court in electronic form in order to enable forwarding of the document to the other participant. If a participant in a proceeding fails to submit a requisite number of copies or printouts, the court shall arrange for the preparation thereof and collect the costs of preparation from the participant in the proceeding before or after the making of the copies or printouts (ca 0,064 EUR per page).

Electronic submission of procedural documents signed digitally is very widely practiced by attorneys, easily performed with an ID-card (personal identification card of Estonian citizens).

If both parties are represented by an attorney in a proceeding, an attorney himself or herself shall send the documents to be forwarded to the court to the opposing party's attorney, and inform the court thereof. In such case the documents are deemed to be served on the attorney of the opposing party at the time indicated to the court. Thus, in case of electronic submission of procedural documents to the court, the attorney will send the document by e-mail also to the attorney of the opposing party who will confirm the receipt thereof. The document sent to the attorney of opposing party does not have to bear the digital signature of the sender.

Also, the court may serve the procedural documents by electronic means by sending it to the e-mail address of the recipient if this is public knowledge or has been submitted to the court. A document sent by electronic mail is deemed to have been served if the recipient sends the court written confirmation on the receipt of the document by fax or electronic mail, as chosen by the recipient. The confirmation must be sent to the court without delay. In practice, the court serves the documents by electronic mail usually when the parties are represented by the attorneys.

Customarily the file of a civil case is kept in the form of a collection of written documents (§ 56 of the Code of Civil Procedure), although, according to the law, a file may be maintained, in whole or in part, in digital form (§ 57 of the Code of Civil Procedure). In case of a written file, an electronic document transmitted to or prepared by the court is stored in the file in the form of a printout together with data on the person who prepared the document and made the printout as well as

the time of preparation and transmission of the document and of making the printout. However, an electronic document may also be included in the file on a digital data carrier if it can be guaranteed that a copy of the document will be recorded in the information system of the court within the period of time the proceeding is conducted.

In case of a digital file, the documents submitted on paper shall be recorded on a digital data carrier or another similar data medium and such data mediums shall substitute for the documents submitted on paper. A document recorded on the data medium shall set out the date on which the document on paper was recorded on the medium, data on the person who made the recording and his or her digital signature. If necessary, the documents submitted on paper and recorded on the data medium shall be stored until the end of the proceeding.

1.16 Impact of the number of hearings on costs

The number of hearings to be held is not regulated under Estonian procedural law. In principle it is possible to settle court disputes of basically any kind with no hearings at all, provided that both parties agree to the procedure in written form and the judge feels the materials gathered are sufficient to decide the case without hearings. In practice written procedure is rarely used in the court of first instance.

The impact of the number of hearings on the costs relate mainly to lawyer's fees as each hearing requires preparation and presence. The amount of state fee does not depend on the number of hearings. The number of hearings may affect the amount of compensations payable to translators/interpreters, witnesses and experts who are compensated for the time they have had to spend in court away from their regular activities of daily income.

1.17 Transcription costs

A participant in a proceeding must, upon submission of written documents and appendices thereto to the court, provide a requisite number of copies of such documents for delivery to the other participants in the proceeding. A participant in a proceeding shall provide the court with a printout of a document submitted to the court in electronic form in order to enable forwarding of the document to another participant in the proceeding if there is a reason to believe that this other participant is unable to examine the content of the document or to be unable to print it out.

If a participant in a proceeding fails to submit a requisite number of copies or printouts, the court shall arrange for the preparation thereof and collect the costs of preparation from the participant in the proceeding before or after the making of the copies or printouts - the fee is 1 EEK (ca 0,064 EUR) per page.

Only courts may make official transcripts of court documents; transcripts of the documents issued by foreign authorities must be certified with an apostil according to the procedure set out in the Convention abolishing the requirement of legalisation for foreign public documents (Apostil Convention) to which Estonia is a party, or legalized if issued by an authority from a country not party to the convention. Legalisation of documents takes place through the Ministry of Foreign Affairs. Only official documents are subject to certification with apostil or legalisation. If a court judgement or order is presented in another court proceedings as evidence, it must be an official transcript by the court; documents issued by foreign authorities must have apostilles or legalized.

Information regarding transcription costs may be obtained from the online version of the State Fee Act, available at www.riigiteataja.ee, search term “*riigilõivuseadus*”, regarding transcripts by the court. The State Fees Act sets out state fees for making transcripts by courts and state fees for certification with apostils. Regarding legalization and certification with apostil the competent ministry may be contacted for detailed information (competency depends on the substance of the document, for general guidance and information regarding competence the Ministry of Justice or the Ministry of Foreign Affairs may be contacted). The authorities in Estonia entitled to certify documents with an apostil are the Ministry of Education and Science, Ministry of the Interior, Ministry of Social

Affairs according to their respective areas of responsibility, and Ministry of Foreign Affairs with its universal competence to provide apostils and legalize documents.

<http://www.just.ee/7630> is a website of the Ministry of Justice, providing detailed information on certification of documents with apostil and legalization.

As mentioned above, the amounts of transcription costs of are set out in the State Fees Act and those are as follows:

- 1) Transcripts by the court - duplicate transcript of the judgement or court order costs 10 EEK (0,64 EUR) per page (the first transcript will be given free of charge to the participants in a proceeding); transcripts of any other court documents cost 1 EEK (0,064 EUR) per page.
- 2) Certification with apostils - 230 EEK (14,7 EUR) per document

The nature of the deed to transcribe does not have any incidence on the transcription costs.

1.18 Conclusions and Recommendations

A state fee and security are clearly foreseeable costs and in general easy to determine. Information on state fee and security is readily accessible to everyone. In some cases, the state fee and security may be somewhat dissuasive, but not obstructive to the access of justice.

Costs of issuing of procedural documents (duplicate transcript of a court judgment or court order, transcripts of other documents in the file), costs of service of procedural documents by a bailiff, costs relating to the publication of summonses and notices in the official publication *Ametlikud Teadaanded* or in a newspaper, if necessary, are easy to determine and the information on such costs is easily accessible to everyone.

Costs related to witnesses, experts, interpreters and translators are not so clearly foreseeable and not so easy to determine, since the total cost related to witnesses, experts, interpreters and translators generally depends on the amount of time they must spend for the required activity (some forensic examinations have a fixed fee, though) and this is difficult to predict prior to or in the beginning of the

proceeding, even if the hourly fee is predictable or, in case of experts, even fixed by law.

Costs of obtaining documentary and physical evidence, costs related to inspection (incl. necessary travel expenses incurred by the court), costs related to the determination of the value of the civil case (if court determines the value) are dependant on particular circumstances and quite difficult to predict.

Lawyers' consulting and representation fees

1.19 General

The consulting and representation fees of lawyers are strictly subject to individual agreement between the lawyer (or law office) and the client. It is usual practice to work on the basis of hourly fees, although sometimes also lump-sum-fees or contingency fees are agreed upon. The latter are allowed but are not the common practice.

The rates of lawyer's fees are not regulated by legal acts. The only exception is the fees payable to the lawyers providing state legal aid. In the latter case the fees are set out by the State Legal Aid Act and the regulation no 2 (January 26, 2005) of the Minister of Justice "The bases for the calculation of fees payable for the provision of state legal aid, the procedure for the payment and the amount of such fees, and the extent of and procedure for compensation for the state legal aid costs" (available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12832083>). In civil proceedings, the lawyer providing the state legal aid shall be paid 210 EEK (13,4 EUR) for every half an hour (approx. 27 EUR per hour), plus VAT 18%.

The lawyer's fees (market price) are usually between 100-149 EUR per hour (plus VAT 18%). The proceeding of an action in the first instance court requires usually 15-35 hours of work, i.e. 1500-5500 EUR (plus VAT 18%). However, it may take also 50 or even more hours of work depending on the complexity of the dispute, the number of hearings held, the need to hear witnesses etc.

The hourly fees are usually set out in the price list of the respective law office, but it is not common practice to publish the fee rates on websites or other types of media - information on the hourly rates is provided free of charge to persons directly contacting the law office. However, if an estimation on total cost of lawyer's fee in a particular dispute is asked, which requires studying of the documents first, the regular fee will be charged on hourly basis.

Lawyer's fees are not in principle unavoidable items of costs, since the recourse to a lawyer is not generally mandatory, but the person him/herself can represent him/herself in the court (or through the legal representative, e.g. members of the management of the company representing the company, parents representing their underage child).

The only exception is the Supreme Court - in an action in the Supreme Court, a participant in a proceeding may perform procedural acts and file petitions and applications only through an attorney-at-law (a sworn advocate). This concerns only cases of action, in a proceeding on petition in the Supreme Court, a participant in a proceeding may perform procedural acts and file petitions and applications personally or through an advocate.

Although the regulation of civil procedure in Estonia does not require hiring a lawyer in order to participate in court proceedings (except in Supreme Court), the rules of litigation are specific and detailed so that participation in civil proceeding on action without the representation of a lawyer is risky and difficult.

Third person may act as contractual representatives in court only if such right is provided by law. The following may act as contractual representatives in court:

- 1) attorneys belonging to the Estonian Bar Association (advocates);
- 2) other lawyers who have obtained the law degree;
- 3) procurists in all court proceedings related to the economic activities of a participant in a proceeding;
- 4) one plaintiff on the authorization of the co-plaintiffs or one defendant on the authorization on the co-defendants
- 5) ascendants, descendants and spouses of participants in proceedings;

- 6) a public servant or employee of a participant in a proceedings if the court considers him/her to have sufficient expertise and experience to represent the participant in the proceeding;
- 7) other persons whose right to act as a contractual representative is provided by law.

Attorneys belonging to the Estonian Bar association have an advantage as their right of representation is assumed whereas lawyers not belonging to the Bar must submit documents proving their education to the court and only then the court decides whether to allow the lawyer to represent the party to the dispute.

Even though in principle the winning party will have his costs of justice reimbursed by the losing party, the costs of lawyer's fees are often not awarded in full. The government regulation no 306 (December 15, 2005) establishes the maximum amounts to the extent of which payment of expenses on contractual representatives and advisers (e.g. attorney-at-law) can be claimed from other participants in a proceeding. The maximum amounts are dependent on the financial value of the case/dispute. In case of smaller claims the maximum amount of lawyer's fees that can be claimed from the losing party are 30-50% of the value of the claim (e.g. if the value of the claim is up to 320 EUR, no more than 160 EUR lawyer's fee can be claimed from the losing party; if the value of the claim is 1000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 415 EUR; if the value of the claim is 3800 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 1150 EUR). If the value of the claim is 3900 EUR - 25 000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party are between 20-30% of the value of the claim. If the value of the claim is 100 000 EUR, the maximum amount of lawyer's fees that can be claimed from the losing party is 12 143 EUR.

In principle it is possible to use any lawyer from any foreign country, provided that the lawyer provides sufficient (apostilled or legalized) documental evidence to the court that he possesses respective knowledge of law and is entitled to practice law under his domestic jurisdiction - usually it should be a copy of the diploma from law school and/or document indicating membership in the local Bar association. Therefore, using a foreign lawyer is somewhat more complicated in terms of procedure as Estonian attorneys are presumed to have the right of representation

and evidence of the membership of the Estonian Bar Association is sufficient. However, the more important obstacle lies in the fact that court proceedings in Estonia must take place exclusively in Estonian and few foreign lawyers speak Estonian sufficiently to effectively participate in court proceedings. Therefore it is almost unavoidable to hire a local lawyer to represent oneself in the court proceedings taking place in Estonia.

1.20 Fees depending on the nature of the litigation

Lawyer's fees are generally established on the basis of hourly fees depending directly and only on the amount of work, and not on the nature of litigation or type of proceeding or the value of the claim or court jurisdictions, although different kinds of individual agreements regarding the lawyer's fees are possible.

1.21 Fees depending on the type of lawsuit or proceedings

Lawyer's fees are generally set out on the basis of hourly fees depending directly and only on the volume of work, and not on the type of proceedings or nature of litigation or the value of the claim or court jurisdictions, although different kinds of individual agreements regarding the lawyers fees are possible.

1.22 Fees depending on the value of the claim

Lawyer's fees are generally set out on the basis of hourly fees depending directly and only on the volume of work, and not on the value of the claim or the type of proceedings or nature of litigation or court jurisdictions, although different kinds of individual agreements regarding the lawyers fees are possible.

1.23 Fees depending on the jurisdiction

Lawyer's fees are generally set out on the basis of hourly fees depending directly and only on the volume of work, and not on the jurisdiction or nature of litigation or type of proceedings or value of the claim, although different kinds of individual agreements regarding the lawyers fees are possible.

1.24 Legal aids cases

Persons of poor financial status can apply for state legal aid. No fee must be paid for submitting such application.

The fees for providing state legal aid are set out in a regulation no 2 (26 January 2005) by the Minister of Justice. The state will pay to the attorney providing state legal aid in a civil proceeding 210 EEK (ca 13,4 EUR) per half an hour (approx. 27 EUR per hour), plus VAT 18%.

1.25 Contingency fees

Contingency fees are not common practice in Estonia, although they are allowed. Lawyers in Estonia are usually working on the basis of hourly fees.

There are also no statistics available on average rate of contingency fees. Such arrangements are confidential and extremely individual. The rate of the contingency fee depends usually on the amount of the claim, difficulty of the case and on the possibilities of success. It is my personal opinion that the contingency fee is generally 20-50% of the positive outcome.

1.26 Payment

The payment of the lawyer's fee is also subject to individual agreement of the parties. Usually the invoice is made out after the service is rendered (i.e. a certain stage of court dispute has reached an end) or for long-term procedures invoicing is performed regularly approximately once a month. Like the amount of fees the conditions of payment are also solely subject to lawyers' own discretion and subject to individual agreements, including prepayment prior to rendering the service. The most usual means of payment is the wire transfer.

- Retainer

Retainers within the meaning of advance payments of lawyers' fees are also practiced but mostly utilized by the lawyers in respect of so-called high-risk clients

whose financial status is questionable and who might not be able to pay the bill for legal services afterwards.

Retainer within the meaning of a tool in civil procedure is used on the initiative of the court if requested so by the opposing party - namely, when an action is brought against a party, that party may assert that the claim brought against him is mainly directed for causing damages and therefore the claimant, in order to prove his good faith and seriousness of action, should deposit on the court's account the amount corresponding to the estimated costs of the party claiming for retainer.

1.27 Conclusions and recommendations

The common practice Estonian lawyers is to work on the basis of hourly fees. Customarily hourly rates of the lawyers are not published on the websites of the law offices. However, it is easy to learn them by simply contacting and asking the law firm.

The total cost of lawyer's fee in civil court proceeding is difficult to predict, since it depends on the amount of work that needs to be done during the proceeding. Although initial estimates may be made at the beginning of work regarding the upcoming court procedure, the actual length and amount of work to be performed in the course of the court procedure depends greatly on the actions of the opposing party and other circumstances which may not be foreseeable at first.

The costs of lawyer's fees are often not awarded in full to the winning party. The government regulation no 306 (December 15, 2005) establishes the maximum amounts to the extent of which payment of expenses on contractual representatives and advisers (e.g. attorney-at-law) can be claimed from other participants in a proceeding. The maximum amounts are dependent on the financial value of the case/dispute. If the financial value cannot be determined, the maximum amount of lawyer's fee to be reimbursed to the winning party is 50 000 EEK (ca 3195 EUR).

Since the lawyer's fee is charged on the basis of hourly fees, the proportion of lawyer's fee may be very large comparing to the financial value of the dispute.

Lawyer's fee may be somewhat dissuasive, especially in case of small claims. However, the representation by a lawyer is not mandatory, the lawyer's fees differ a lot and there is also a possibility to apply for state legal aid if the financial situation is poor.

There are no specific costs in case of cross-border litigation.

Bailiff fees

1.28 General

The fees of bailiffs are set out in the Bailiffs Act. The Bailiffs Act regulates the legal status and disciplinary liability of bailiffs and the bases for remuneration of bailiffs.

Bailiffs Act (passed 17 January 2000, entered into force 1 March 2001) is available online in the legal acts database www.riigiteataja.ee, search term "kohtutäituri seadus" - <https://www.riigiteataja.ee/ert/act.jsp?id=12775024>.

Unofficial translation into English is available online at <http://www.legaltext.ee/text/en/X50034K6.htm>.

A bailiff is an independent person who holds an office in public law. A bailiff engages in liberal profession and holds office in his or her own name and at own liability. An undertaking or a state official shall not be a bailiff. A bailiff shall be impartial in the performance of professional acts and appear trustworthy to all persons for whose benefit or with regard to whom he or she performs acts. A bailiff is liable for the wrongful breach of his/her official duties, the state shall not be liable for damage caused by a bailiff. Every bailiff shall enter into a professional liability insurance contract in order to ensure compensation for damage caused by a bailiff.

The main task of the bailiff is to enforce the court decisions and court orders, but also other documents that can be enforced. Bailiffs may also serve the procedural

document when asked by a court or deliver a declaration of intention to another person at the request of a person.

Pursuant to § 21(1) of Bailiffs Act, a fee shall be charged for a professional act of a bailiff. Bailiffs are economically independent. Their only source of income is the bailiff's fee. They do not get any money from the state. However, the fees are established by the state. A bailiff has the right to charge a fee only to the extent and pursuant to the procedure provided for in the Bailiffs Act. A bailiff is prohibited from entering into agreements to alter the rates of fees or the procedure for the charging of fees provided for in the Bailiffs Act [§ 21(3) of Bailiffs Act].

Bailiffs fee is one of the costs of enforcement proceeding. Pursuant to § of the Code of Enforcement Procedure enforcement costs consist of a bailiff's fee and of necessary expenses incurred by a bailiff, by a claimant or by a third party after commencement of the enforcement proceedings to enforce the court decision (or any other execution document). Such necessary expenses are for example fees and expenses related to gathering personal data and information on the assets of the obliged person, delivery expenses of documents connected to the enforcement procedure, expenses related to transportation and storage of assets attached, transportation and accommodation expenses related to the enforcement procedure, expenses of forced attendance of a debtor (defendant), expenses of opening, closing, displacing, dismantling, breaking and tidying of rooms or other things etc. The costs for legal aid (lawyer's fees) used in relation to initiating the enforcement proceeding or during the enforcement proceedings are not deemed as necessary expenses. Also, the administration costs of bailiff's office are not considered as necessary expenses for enforcement. More specific rules of calculating the expenses of the enforcement procedure are established by a regulation no 58 (December 22, 2005) of the Minister of Justice "kohtutäiturimäärustik", available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12834836>.

According to § 22 of the Bailiffs Act the bailiff's fee consists of:

- (i) a commencement fee of the enforcement proceedings. The amount of a commencement fee depends on the method of delivery of the notice whereby the debtor is informed of the enforcement proceedings and given a period of time to comply with the decision voluntarily. The commencement fee is considered to cover also the necessary expenses for commencing the enforcement proceedings [§

25¹¹(1)]. Where the bailiff or his/her assistant in person delivers the notice of enforcement proceedings to the debtor, the commencement fee is 250 EEK (ca 16 EUR). Where the notice is delivered electronically following the rules of Code of Civil Procedure, no commencement fee shall be requested. In other cases the commencement fee is 100 EEK (ca 6,5 EUR), e.g. in case of delivery by regular mail.

- (ii) a principal fee. The rate of a bailiff's principal fee shall be established as a fixed sum based on the amount of a monetary claim or the content of an enforcement action or both. The rates are stipulated in the Bailiffs Act. For example, if the amount of the claim to be enforced is 1000 EUR, the bailiff's fee is ca 250 EUR; if the amount of the claim is 10 000 EUR, the bailiff's fee is 14 864 EUR (9,5%). The fee for delivery of procedural documents is in the amount of 250 EEK (16 EUR).
- (iii) an additional fee - a bailiff has the right to request an additional fee on the bases and to the extent provided for in Bailiffs Act for technically or legally complex or time-consuming enforcement actions. The additional fee shall be determined in the form of a lump sum or hourly fee. The additional fee shall be added to the basic (principal) fee and the bailiff has the right to request payment of such fee only if the obligor (debtor) has failed to fulfil the claim during the term for voluntary compliance arising from the Code of Enforcement Procedure and the bailiff has performed an enforcement action for which he or she is entitled to receive an additional fee. For example, an additional fee for organisation and conduct of auction is in the amount of 3% of the sales price of the property; an additional fee for a seizure act of a movable performed outside of the bailiff's office is in the amount 0,5% of the seized movable; for securing action or reclamation of a movable or return of a child and grant of access to a child, if performed outside of the bailiff's office - 300 EEK (19 EUR) starting from the second hour of the action.

Value added tax (18%) shall be added to the bailiff's fee.

In general, the person against whom a claim subject to enforcement is filed (the debtor) is obliged to pay the bailiff's fee. The costs are collected from the debtor by the bailiff who makes the decision on the enforcement costs (incl. bailiff's fee). Only in certain cases provided by law the claimant or another person shall be obliged to pay the bailiff's fee.

Pursuant to § 24 of the Bailiffs Act, a bailiff has the right to request advance payment of bailiff's fee from the claimant prior to the commencement of enforcement proceedings to the extent provided by law. A bailiff may request an advance payment of other necessary expenses of enforcement from the claimant only if extra large expenses of enforcement are foreseeable [§ 40 of the Code of Enforcement Procedure]. Advance payment shall not be requested from a natural person who submits for enforcement: 1) a decision made in the course of court proceedings whereby he or she was released from payment of legal aid or a state fee due to insolvency (inability to pay); 2) a decision made in the course of criminal proceedings by which a claim for compensation for damage caused to the natural person by a criminal offence is satisfied; 3) an alimony decision.

If a claimant fails to make an advance payment of bailiff's fee, a bailiff is permitted not to commence enforcement proceedings. When a bailiff's fee is collected from the debtor in full, the bailiff shall return the advance payment to the claimant within 10 days from receiving the money from the debtor [§ 24¹(2) of the Bailiffs Act]. The bailiff returns also the advance payment of other expenses when they are fully collected from the debtor.

Estonian bailiffs have competence to act only within the territory of Estonia, not in respect of property located elsewhere. If a foreign person initiates execution proceedings regarding an Estonian person or property located in Estonia, regular rates of bailiffs' fees apply.

1.29 Ante judgment

The bailiffs are executing (enforcing) some types of measures for securing an action, like the seizure of the defendant's property.

The court may secure an action at the request of the plaintiff if there is good reason to believe that failure to secure the action may render enforcement of the judgment difficult or impossible (§ 377 of the Code of Civil Procedure). The application for the securing of an action is generally filed together with the action. However, the court may also secure an action based on an application before the

action is filed, where there are reasonable grounds for not filing the action immediately. In general, the court shall adjudicate, by a reasoned court order (ruling), the application for the securing of an action not later than on the working day following the date of submission of the petition.

The measures for securing an action are for instance (§ 378 of the Code of Civil Procedure): (i) the establishment of a judicial mortgage on an immovable, ship or aircraft belonging to the defendant; (ii) the seizure of the defendant's property; (iii) imposition of an obligation on the defendant to deposit a thing with the bailiff; (iv) a prohibition on the defendant from entering into certain transactions or performing certain acts, including imposition of a restraining order; (v) a prohibition on other persons from transferring property to the defendant or performing other obligations with regard to the defendant, which may include an obligation to transfer property to a bailiff or to pay money in a bank account prescribed by the court; (vi) the suspension of execution procedure; (vii) a prohibition on a defendant from departing from his/her residence, taking the defendant into custody and imposition of detention on the defendant, etc.

The bailiffs are involved in the enforcement of the following security measures:

- a) seizure of property is arranged by the bailiff. The bailiff shall take the seized object under his or her supervision based on an application of the person who petitioned for securing of the action. In such case, the bailiff shall prohibit the use of the object in part or in full and may give other orders in respect of the object and, among other, organise the storage of the object;
- b) imposition of an obligation on the defendant to deposit a thing with the bailiff;
- c) upon establishment of a judicial mortgage on a ship or aircraft, the bailiff shall take the ship or aircraft under his or her supervision based on an application of the person who requested the securing of the action. In such case, the bailiff shall prohibit the use of the craft in part or in full and may give other orders in respect of the craft.

The bailiff's principal fee for securing of an action depends on the value of an action to be secured and ranges from $\frac{1}{4}$ to 1 minimum monthly wage as established by the Government. The minimum monthly wage in year 2007 is 3600 EEK (230 EUR). Consequently the bailiff's fee for securing of an action ranges from 58 EUR (if

the value of the action is up to 3195 EUR) to 230 EUR (if the value of the action is more than 12 783 EUR).

If a non-monetary claim shall be secured or the value of the action has not been determined or is unspecified, and in the case of enforcement of a court order or judgement for revocation of securing an action, the bailiff's fee shall be an amount equal to one third of the minimum monthly wage established by the Government of the Republic, i.e. 1200 EEK (77 EUR).

The bailiff has the right to demand an additional fee of 300 EEK (19 EUR) starting from the second hour of the action to enforce the security measure.

Value added tax (18%) shall be added to the bailiff's fee.

The person obliged to pay such bailiff's fee is the person asking for securing his claim for the duration of the court procedure from the court (i.e. usually the claimant). The bailiff's fee becomes collectable upon submission, for compulsory execution, of a court order for securing an action. If a claimant fails to pay a bailiff's fee, a bailiff is permitted not to initiate enforcement proceedings.

In addition, the court may arrange for the service of procedural documents through a bailiff (§ 306 and 315 of the Code of Civil Procedure). The size of the fee payable for service of documents through a bailiff is provided by the Bailiffs Act and it is in the amount of 250 EEK (16 EUR).

1.30 During proceedings

The court may secure an action at the request of the plaintiff throughout the proceeding. An action will be secured if there is good reason to believe that without securing the action, the enforcement of the judgment may become difficult or impossible (§ 377 of the Code of Civil Procedure).

The bailiffs are involved in the enforcement of the following security measures:

- d) seizure of property is arranged by the bailiff;

- e) imposition of an obligation on the defendant to deposit a thing with the bailiff;
- f) upon establishment of a judicial mortgage on a ship or aircraft, the bailiff shall take the ship or aircraft under his or her supervision based on an application of the person who requested the securing of the action.

The bailiff's fee for securing of an action depends on the value of the action to be secured and ranges from $\frac{1}{4}$ to 1 minimum monthly wage as established by the Government, i.e. from 58 EUR (if the value of the action is up to 3195 EUR) to 230 EUR (if the value of the action is more than 12 783 EUR).

The bailiff has the right to demand an additional fee of 300 EEK (19 EUR) starting from the second hour of the action.

Value added tax (18%) shall be added to the bailiff's fee.

The person obliged to pay such bailiff's fee is the person asking for securing his claim for the duration of the court procedure from the court (i.e. usually the claimant).

In addition, the court may arrange for the service of procedural documents through a bailiff (§ 306 and 315 of the Code of Civil Procedure). The size of the fee payable for service of documents through a bailiff is provided by the Bailiffs Act and it is in the amount of 250 EEK (16 EUR).

1.31 Post proceedings

Intervention by the bailiff is required after the final court decision is rendered and the losing party is not willing to obey the judgment. The bailiff then, upon the application of the winning party, shall initiate the execution procedure, performing the execution deeds (e.g. seizure of the property or bank account of debtor etc.) as may be necessary depending on the content of the judgment.

The principal fee of the bailiff is generally directly dependent on the value of the claim to be enforced (see Bailiff's Act § 25 marked 12 table of bailiff fees

depending on the value of the claim subject to enforcement, available online www.riigiteataja.ee, search term “*kohtutäituri seadus*”).

Value added tax (18%) shall be added to the bailiff's fee.

The obliged person for paying the fee of the bailiff is the debtor in the execution proceedings, the bailiff's claim for his fee is a priority claim and shall be satisfied from the assets of the debtor first prior to satisfying the claim of the person initiating the execution procedure, even if the assets of the debtor are not sufficient to cover both the bailiff's fee and the claim of the claimant in full.

1.32 Legal aid cases

Persons of poor financial status can apply for exemption, part of in full, from payment of the enforcement costs related to bailiffs.

No fee must be paid for submitting such application.

1.33 Payment

Payment of the bailiff fee ante judgment and during the court proceeding for securing an action shall take place prior to performing the respective actions by the bailiff, the fee shall be paid by the person requesting securing of the claim in dispute (usually the claimant). If a claimant fails to pay a bailiff's fee, a bailiff is permitted not to initiate enforcement proceedings.

Post judgment enforcement occurs after the final judgment has been rendered (and in most cases also entered into force) and the winning party is forced to initiate enforcement proceedings as the losing party is not willing to comply with the judgment - the fee of the bailiff shall be deducted from the debtors assets subject to execution procedure and the bailiff's fee claim shall be satisfied as a priority claim in first order.

- Retainer

Pursuant to § 24 of the Bailiffs Act, a bailiff has the right to request advance payment of bailiff's fee from the claimant prior to the commencement of post judgment enforcement proceedings to the extent provided by law. Advance payment is usually required if the execution procedure or the person of the debtor may be high-risk - i.e. the success of the execution procedure is questionable.

A bailiff may request an advance payment of other necessary expenses of enforcement from the claimant only if extra large expenses of enforcement are foreseeable [§ 40 of the Code of Enforcement Procedure]. Such other necessary expenses of enforcement are for example expenses related to transportation and storage of assets attached, transportation and accommodation expenses related to the enforcement procedure, expenses of forced attendance of a debtor (defendant), expenses of opening, closing, displacing, dismantling, breaking and tidying of rooms or other things, fees and expenses related to gathering personal data and information on the assets of the obliged person, delivery expenses of documents connected to the enforcement procedure etc.

If a claimant fails to make an advance payment of bailiff's fee, a bailiff is permitted not to commence enforcement proceedings. However, if a bailiff commences enforcement proceedings regardless of the claimant's failure to make an advance payment, the bailiff has no right to demand the advance payment later.

Advance payment shall not be requested from a natural person who submits for enforcement: 1) a decision made in the course of court proceedings whereby he or she was released from payment of legal aid or a state fee due to insolvency (inability to pay); 2) a decision made in the course of criminal proceedings by which a claim for compensation for damage caused to the natural person by a criminal offence is satisfied; 3) an alimony decision.

When a bailiff's fee is collected from the debtor in full, the bailiff shall return the advance payment to the claimant within 10 days from receiving the money from the debtor [§ 24¹(2) of the Bailiffs Act]. The bailiff returns also the advance payment of other expenses when they are fully collected from the debtor.

However, if an enforcement proceeding is terminated without satisfaction of the claim, the advance payment shall not be returned to the claimant and the bailiff

retains the fee for covering the costs of the enforcement proceedings. The claimant shall be issued the decision of the bailiff on refusal to return the advance payment.

1.34 Conclusions and recommendations

The bailiff's fees are foreseeable and easy to determine. They are not generally dissuasive, the advance payment of bailiff's fee that the claimant must pay, upon request of the bailiff, is regulated and reasonable.

Expert

1.35 General

In order to clarify issues relevant to a case, which require specific expertise, the court has the right to obtain the opinion of experts. In order to ascertain the law in force outside the Republic of Estonia, international law or common law, the court may ask the opinion of an expert in legal matters at the request of a participant in the proceeding or at the initiative of the court.

Expertise (examination) in the course of civil court proceedings may be carried out by:

(i) a forensic expert or other qualified person employed by a state forensic institution, whose duty is to conduct examinations. State forensic institution is a state agency the main objective of whose activities is to conduct forensic examinations. There are two state forensic institutions in Estonia today:

- Estonian Forensic Medical Expertise Bureau (*Eesti Kohtuarstlik Ekspertiisibüroo*) - government institution under jurisdiction of the Ministry of Justice (see an abstract online at <http://www.just.ee/7984>; <http://www.just.ee/10045>); and
- Forensic Service Centre (*Kohtuekspertiisi ja Kriminialistika Keskus*) - under jurisdiction of the Police (<http://www.pol.ee/?id=7712>; <http://www.pol.ee/?id=8342>);

(ii) an officially certified expert, this means a person who is entered in the list of officially certified experts. The Ministry of Justice maintains the list. The Minister

of Justice decides on entry of a person in the list upon the application of that person. The purpose of preparing a list of officially certified experts is to provide an overview of experts who can be used upon conducting examinations. The Ministry of Justice shall ensure the accessibility to the list to courts and the Police. Courts shall allow all interested persons access to the list on the courts' premises. (iii) or another person with specific expertise appointed by the court. The court may appoint a person as an expert if the person has the knowledge and experience necessary to provide an opinion. The court shall consider the opinions of the parties in the appointment of an expert. If an officially certified expert is available for conducting an expert assessment, other persons shall be appointed as expert only with good reason.

Forensic Examination Act (in Estonian: *kohtuekspertiisiseadus*) - provides the legal status of forensic experts, state forensic institutions and officially certified experts, and bases for the creation of the rights and obligations of experts in criminal proceedings, civil and administrative proceedings and proceedings in administrative offence matter, also financing of examinations. Available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12849460>. Unofficial translation into English is available online at <http://www.legaltext.ee/text/en/x40072k1.htm>

The procedure for calculation of and compensation for the expert's costs is different depending on whether the examination is conducted by the forensic expert or other person (incl. officially certified expert).

A. The cost of an examination conducted by a forensic expert is determined by the forensic institution taking into account the time and resources spent on the examination and the costs incurred by the forensic expert in order to appear when summoned by the body conducting the proceedings. A corresponding statement shall be annexed to the expert's report or the report on refusal to conduct an examination [§ 26(1) of the Forensic Examination Act].

The procedure for the calculation of and compensation for the expenses incurred by state forensic institutions in the course of civil court proceeding is established by the Government regulation no 263 (August 13, 2002) "The procedure for the calculation of and compensation for the expenses incurred by state forensic institutions and other persons appointed to fulfil the obligations of an expert in

connections with conduction forensic examinations”, available in Estonian online at the legal acts database www.riigiteataja.ee (<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=922746&id=776623>).

The prices (fixed fees or hourly rates) for some most widely used forensic examinations when performed by the state forensic institutions have been determined by the Government regulation no 438 (December 21, 2001) “The price list of examinations conducted in state forensic institutions”, Estonian current version available online in the legal acts database www.riigiteataja.ee (<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=922746&id=73427>).

B. Expenses related to examinations conducted by officially certified experts and other persons who are appointed experts by the court shall be compensated for pursuant to the procedure provided by Code of Civil Procedure.

In the civil court proceedings the costs related to experts who are not employed by a state forensic institution consist of (§ 151ff of the Code of Civil Procedure):

a) the expert’s fee - experts shall be paid fees for the performance of their duties in the form of hourly fees within the limits of minimum and maximum hourly wages established by government regulation no 322 (December 22, 2005). Upon determination of the hourly fees, the court shall consider the qualifications of the expert, the complexity of the work, any unavoidable costs incurred upon use of necessary means and any special circumstances under which the expert assessment was conducted.

b) costs to be reimbursed to the expert - these are:

- costs related to the preparation and compilation of an expert’s opinion (incl. necessary expenses for support staff) and costs for materials and means used upon expert assessment. These costs shall not be reimbursed to a higher extent than 20% of the expert’s fee;
- travel expenses related to the proceeding - the extent established by the government regulation no 322 (December 22, 2005);
- other costs arising from court proceedings, above all the costs of accommodation and meals - to the extent established by the government regulation no 322 (December 22, 2005).

Government regulation no 322 (December 22, 2005) “The procedure for the payment of the fees and reimbursement of the expenses to the participants in a criminal-, misdemeanour-, civil- and administrative proceeding” - regulates the reimbursement to the experts, translators, interpreters and witnesses of the costs related to the participation in the civil proceeding, establishes the limits of minimum and maximum hourly wages within which the court determines the hourly rate of compensation to the witness or the hourly fee of the expert, translator or interpreter. This regulation does not extend to employees of a court or another state agency involved in the capacity of interpreters, translators or experts who, by interpreting, translating or acting as experts, are performing their duties of employment. Available online at

<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12791013&id=973037>

Although information centres, including online information centres exist to provide general information on court procedures and court fees and options for state legal aid, information on expert fees and witness fees is too specific and dependent on the circumstances of the case to provide general guidelines through information centres.

1.36 Fees

The procedure for calculation of and compensation for the costs related to experts is different depending on whether the examination (expertise) is conducted by the forensic expert or other person (incl. officially certified expert).

A. Examination conducted by a forensic expert

The costs of examination conducted by a forensic expert is determined by the forensic institution taking into account the time and resources spent on the examination and the costs incurred by the forensic expert in order to appear when summoned by the body conducting the proceedings. A corresponding statement shall be annexed to the expert’s report or the report on refusal to conduct an examination [§ 26(1) of the Forensic Examination Act].

The procedure for the calculation of and compensation for the expenses incurred by state forensic institutions in the course of civil court proceeding is established by the Government regulation no 263 (August 13, 2002) “The procedure for the calculation of and compensation for the expenses incurred by state forensic institutions and other persons appointed to fulfil the obligations of an expert in connections with conduction forensic examinations”, available in Estonian online at the legal acts database www.riigiteataja.ee (<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=922746&id=776623>).

NB! The prices (fixed fees or hourly rates) for some most widely used forensic examinations when performed by the state forensic institutions have been determined by the Government regulation no 438 (December 21, 2001) “The price list of examinations conducted in state forensic institutions”, Estonian current version available online in the legal acts database www.riigiteataja.ee (<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=922746&id=73427>).

The hourly rates of the forensic science (criminalistics) examinations in the state forensic institution (Forensic Service Centre) are between 150 EEK (9,5 EUR) and 730 EEK (46,5 EUR) per hour. For example, the expert fee for handwriting expertise is 180 EEK (11,5 EUR) per hour.

The prices for forensic medical, biological and chemical examinations conducted in Estonian Forensic Medical Expertise Bureau are mostly established as fixed prices.

B. Examinations conducted by officially certified experts and other persons

Costs related to examinations conducted by officially certified experts and other persons who are appointed experts by the court shall be compensated for pursuant to the procedure provided by Code of Civil Procedure.

In the civil court proceedings the costs related to experts who are not employed by a state forensic institution consist of (§ 151ff of the Code of Civil Procedure):

1) the expert's fee - experts shall be paid fees for the performance of their duties in the form of hourly fees within the limits of minimum and maximum hourly fees established by government regulation no 322 (December 22, 2005). The minimum hourly fee of an expert is a tenfold of the general minimum hourly wage established

by the Government. The maximum hourly fee of an expert is a forty-fold of the general minimum hourly wage established by the Government. The general minimum hourly wage established by the Government is 21,50 EEK per hour (i.e. 1,4 EUR per hour) in year 2007.

Thus, the expert's fee is between 14 EUR - 55 EUR per hour.

However, an expert residing in a foreign state may be paid compensation of fee according to a higher rate, provided such compensation of fee is usual in his/her state of residence and the person's participation in the proceeding is absolutely necessary.

Upon determination of the hourly fees, the court shall consider the qualifications of the expert, the complexity of the work, any unavoidable costs incurred upon use of necessary means and any special circumstances under which the expert assessment was conducted.

2) costs to be reimbursed to the expert - these are:

- a. costs related to the preparation and compilation of an expert's opinion (incl. necessary expenses for support staff) and costs for materials and means used upon expert assessment. These costs shall not be reimbursed to a higher extent than 20% of the expert's fee;
- b. travel expenses related to the proceeding - to a reasonable extent;
- c. other costs arising from court proceedings, above all the costs of accommodation and meals - to the extent established by the government regulation no 322 (December 22, 2005).

Pursuant to the government regulation no 322 (December 22, 2005), if the proceeding takes place outside the place of residence of the expert, the expert shall be compensated the travel and accommodation expenses and paid daily allowance likewise the employees sent to a business trips, i.e. in accordance with the government regulation no 453 (December 22, 2000). Daily allowance is primarily meant for compensating the costs of meals. The minimum size of the daily allowance is 3 EUR per day. The minimum compensation for accommodation expenses is 13 EUR per day.

An expert residing in a foreign state shall be paid reimbursed for the travel expenses, for the costs related to his/her stay in Estonia and for the unreceived average salary for these days.

The size of an expert's fee and the costs to be compensated to an expert is determined by an order (ruling) of the court, which involved the expert.

1.37 Payment

The parties to the dispute may themselves order a written opinion of a person with specific expertise and pay for that directly to that person according to individual agreement. If a participant in the proceeding has submitted the written opinion of a person with specific expertise to the court and the person is not heard as a witness, such opinion shall be evaluated as documentary evidence.

The court-appointed experts are remunerated by the court. The court will claim the money back (or in advance) from the person obligated to bear the procedural expenses (usually the losing party).

Payment to an expert: if an expert has performed his or her duty, the court shall pay the fee to him or her regardless of whether advance payment of the costs has been made by the parties or payment of the costs by the parties has been ordered by the court.

When the examination is conducted by a forensic expert, a statement regarding the costs shall be annexed to the expert's report or the report on refusal to conduct an examination.

The size of an expert's fee and the costs to be compensated to an expert other than forensic expert is determined by an order (ruling) of the court, which involved the expert.

Experts other than forensic experts are remunerated only based on their respective request. The court may set an expert a term of at least thirty days for submission of the sum total of the claim. Upon setting the term, the court shall also inform an

expert of the consequences of expiry of the term. The claim of an expert terminates unless he or she files the claim within the term set by the court. An expert may request restoration of the term if he or she had good reason for failing to respect the term. A petition for restoration of a term may be filed within fourteen days after removal of the obstacle and substantiation of the conditions of restoration of the term. Notwithstanding the above, a claim of an expert terminates within one year after the arising thereof.

Advance payment of costs to experts who are not employed by a state forensic institution: if an expert summoned to court lacks sufficient funds to travel to the court or he/she cannot be expected to cover such costs, the expert shall be paid, at his/her request, for such costs in advance. If an expert is fully or mainly absent from his/her professional activities at the request of the court for a period of at least 30 days, the expert shall be made, at his/her request, a reasonable advance payment. An expert may also request advance payment if preparation of an expert's opinion requires high expenses, which the expert cannot be expected to be cover.

The payments are made via wire transfers.

Payment to the court (state): The costs related to experts shall be paid in advance, to the extent ordered by the court, by the participant in the proceedings who filed the petition to which the costs are related, unless the court rules otherwise. If both parties submit an application or if the court summons an expert, the costs shall be paid by the parties in equal amounts. If the party who is required to pay for the costs in advance fails to do so by the due date specified by the court, the court may refuse to perform the required act. In the relationship between the persons obligated to bear procedural expenses, the person obligated to bear the procedural expenses based on the court judgment (usually the losing party) is responsible also for payment of costs related to experts (§ 146 and § 148 of the Code of Civil Procedure).

The state may demand the costs related to experts from the person obligated to bear procedural expenses also subsequently on the basis of court judgment or court order (ruling). Retroactive payment of procedural expenses which have not been paid or have been paid in an amount less than required to the state, may be demanded based on a court ruling if the ruling is served on the person obligated to

pay within one year after the court judgment or court order entered into force or the proceedings were terminated due to another reason (§ 179 of the Code of Civil Procedure).

Payment of the costs shall be made to the court's bank account prescribed for such purpose by bank transfer (not more than 6,5EUR may be paid in cash).

- Retainer

The court may claim from the parties a deposit in the amount of the expected experts fee (especially in case of more expensive examinations) prior to ordering the expertise from the experts organization.

1.38 Legal aid cases

Persons of poor financial status can apply for exemption, part of in full, from payment of the costs related to experts. The precise extent of state assistance shall be decided by the court depending on the circumstances of the case.

However, costs related to experts are rarely deemed by the court to be essential enough to provide procedural assistance to, unless performance of a certain expertise is absolutely unavoidable for deciding the case.

1.39 Reimbursement of experts' fees

The general principle is that the winning party will be compensated for the costs incurred during the court procedure, but the exact division of costs as well as the extent of the costs to be compensated to the winning party are determined by the court on a case by case basis.

1.40 Practical questions

In principle any person holding special knowledge in a certain field of life may act as an expert before the court, if the court agrees that the private expert is competent enough. Although, if an officially certified expert is available for

conducting an expert assessment, other persons shall be appointed as expert only with good reason.

In respect of forensic examinations set out in the Government Regulation no 438 (December 21, 2001), Estonian current version available online in the legal acts database www.riigiteataja.ee

(<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=922746&id=73427>)

only state forensic experts are qualified to perform such examinations. The conditions of accreditation of the expert before the court depend on the circumstances of the case, the expert needs to provide evidence of sufficient knowledge in the specific area.

Expert's written report (opinion) is the result of the expertise appointed by the court, however, mostly experts are also called to court in person to provide oral explanations regarding the report and to answer the questions of the parties and of the court. The validity term of the expert's report is not regulated under law, the value attributed to the expert's report shall depend on the likelihood that circumstances subject to the expertise have changed in the meanwhile. If necessary, repetitive examinations may be appointed.

The court may substitute ordering expert assessment with referral to an expert opinion, which was ordered by the court in another court proceeding, if this clearly simplifies the proceeding and the court is presumed to be able to evaluate the expert's opinion to a necessary extent without organising a new expert assessment. In such case, the expert may be posed additional questions or summoned to court for questioning.

1.41 Conclusions and recommendations

Costs related to forensic experts and court-appointed experts are regulated and transparent. For some most frequent forensic medical, biological and chemical examinations conducted in Estonian Forensic Medical Expertise Bureau prices are established as fixed prices. In other cases experts are usually remunerated on the basis of hourly fees.

Translation and interpretation

1.42 General

The language of judicial proceedings and court procedure is Estonian. All documents in a foreign language shall be submitted to the court with a respective translation. A document prepared in another language may be given to a participant in a proceeding only with the consent of such participant

If a written petition, appeal or documentary evidence submitted to the court by a participant in a proceeding is not in Estonian, the court may demand that the person submitting such documents provide a certified translation of the petition, appeal or documentary evidence by a specified due date. The court may request authentication of the translation by a sworn translator⁴ or a notary. If the translation is not submitted by the due date, the court may disregard the petition, appeal or documentary evidence.

The market price of a written translation is ca 15-22 EUR per page (incl. VAT 18%) depending on the source language. Extra charges (ca 30%) apply if the text contains highly specific terminology or urgent translation is needed.

The fee charged by a sworn translator for certification of the correctness of a translation of a document is 15 EEK (ca 0,95 EUR) per page. The fee charged by a sworn translator for certification of the authenticity of a copy of a translation of a document and for certification of the authenticity of a copy of a document to be translated is 20 EEK (ca 1,3 EUR) for the first page and 5 EEK (ca 0,3 EUR) for each subsequent page.

⁴ A sworn translator is the holder of an office in public law who is, similarly to a notary public, empowered by the state to certify, to the extent specified in his or her professional certificate, the correctness of translations of documents translated by the translator himself or herself or by another person, the authenticity of copies of such translations and the authenticity of copies of documents to be translated. A sworn translator is allowed to provide other translation services as well. Unlike a notary who authenticates only the signature of a translator and does not verify the contents of the translation, a sworn translator certifies the authenticity and correctness of the translation in terms of its contents.

The fee charged by a sworn translator for the translation of a document or for editing or proofreading a translation made by another person is subject to agreement.

If a participant in a proceeding is not proficient in Estonian, the court shall involve, if possible, an interpreter in the proceeding at the request of such participant in the proceeding or at the court's own initiative. If the court is not able to immediately involve an interpreter, the court shall make a ruling whereby the participant in the proceeding needing the assistance of an interpreter is required to find an interpreter, translator or a representative proficient in Estonian for himself or herself. Failure to comply with the demand of the court does not prevent the court from adjudicating the matter. If the plaintiff fails to comply with the demand of the court, the court may refuse to hear the action.

The calculation of and compensation of costs related to court-appointed translators/interpreters who are not employed by the court (not on the permanent staff), is regulated in the Code of Civil Procedure.

Such costs consist of (§ 151ff of the Code of Civil Procedure):

- 1) translator's/interpreter's fee - translators/interpreters shall be paid fees for the performance of their duties in the form of hourly fees within the limits of minimum and maximum hourly fees established by government regulation no 322 (December 22, 2005), available online at:
<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12791013&id=973037>
- 2) costs to be reimbursed to the translator/interpreter - these are:
 - a. travel expenses related to the proceeding - to a reasonable extent;
 - b. other costs arising from court proceedings, above all the costs of accommodation and meals - to the extent established by the government regulation no 322 (December 22, 2005).

Pursuant to the government regulation no 322 (December 22, 2005), if the proceeding takes place outside the place of residence of the translator/interpreter, the translator/interpreter shall be compensated the travel and accommodation expenses and paid daily allowance likewise the employees sent to a business trips, i.e. in accordance with the government regulation no 453 (December 22, 2000).

Daily allowance is primarily meant for compensating the costs of meals. The minimum size of the daily allowance is 3 EUR per day. The minimum compensation for accommodation expenses is 13 EUR per day.

A translator/interpreter residing in a foreign state shall be reimbursed for the travel expenses, for the costs related to his/her stay in Estonia and for the unreceived average salary for these days.

The size of a translator's/interpreter's fee and the costs to be compensated to a translator/interpreter is determined by an order (ruling) of the court, which involved the expert.

The fees of accredited (sworn) translators are set out in the Sworn Translators Act, available in the online database of legal acts www.riigiteataja.ee, search term "vandetõlgi seadus". <http://www.just.ee/10489>, the website of the Ministry of Justice includes a list of accredited translators. Unofficial translation of the act is available online at <http://www.legaltext.ee/text/en/X60005K5.htm>

The translator does not have to be an accredited translator by the state to participate in the court proceedings as a translator, however, to have the official position of a translator in the proceedings and to be entitled to the translators' fee, the translator must be appointed as the translator for that specific proceeding by the court at the beginning of the proceedings (or during the proceedings if the necessity for translation arises in the later stages of the procedure or the initial translator needs to be changed). As there are few state accredited translators, it is usual practice to have court appointed translators in the court proceedings. Similarly to the appointing procedure of experts, translators who have not been accredited by the state, need to present sufficient evidence to the court that they are competent to perform translators' tasks in the particular court procedure.

1.43 Translation fees

The state accredited translator fees for certification (but not the translation services) are set out in the Accredited Translators Act, available online only in Estonian in the database of legal acts www.riigiteataja.ee, search term "vandetõlgi seadus"

<https://www.riigiteataja.ee/ert/act.jsp?id=749768&searchCurrent>).

The fees of other translators are not specifically set out in the legal acts, instead the minimum and maximum limits of such translator fees are set out in the Government regulation no 322 (22 December 2005), available only in Estonian in the legal acts online database www.riigiteataja.ee
(<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12791013&id=973037>).

According to the referred government regulation, the translator's fee for written translation is up to 27,5 EUR per page.

The market price of a written translation is ca 15-22 EUR per page (incl. VAT 18%) depending on the source language. Extra charges (ca 30%) apply if the text contains highly specific terminology or urgent translation is needed.

1.44 Interpretation fees

Court-appointed interpreters who are not employed by the court (not on the permanent staff) are remunerated according to the Code of Civil Procedure and the Government regulation no 322 (22 December 2005), available only in Estonian in the legal acts online database www.riigiteataja.ee
(<https://www.riigiteataja.ee/ert/act.jsp?replstring=33&dyn=12791013&id=973037>).

The referred regulation establishes the minimum and maximum hourly fees to be paid to interpreters. The minimum hourly fee for oral translation is a twofold of the general minimum hourly wage established by the Government. The maximum hourly fee for oral translation is a forty-fold of the general minimum hourly wage established by the Government. The general minimum hourly wage established by the Government is 21,50 EEK per hour (i.e. 1,4 EUR per hour) in year 2007.

Thus, the interpreter's fee for oral translation ranges between 2,8 EUR - 55 EUR per hour. The market price of oral consecutive interpretation is usually not below 55 EUR (incl. VAT) per hour, simultaneous interpretation is more expensive (starting from 75 EUR per hour).

However, a interpreter residing in a foreign state may be paid compensation of fee according to a higher rate, provided such compensation of fee is usual in his/her state of residence and the person's participation in the proceeding is absolutely necessary.

The interpreter's hourly fee will be determined by the court within the limits mentioned. Upon determination of the hourly fees, the court shall consider the qualifications of the interpreter, the complexity of the work, any unavoidable costs incurred upon use of necessary means and any special circumstances under which the interpreting was conducted.

- Retainer

The costs related to translator/interpreter (not on the permanent staff of the court) shall be paid in advance, to the extent ordered by the court, by the participant in the proceedings who filed the petition to which the costs are related, unless otherwise ruled by the court. If both parties submit an application or if the court summons a translator/interpreter, the costs shall be paid by the parties in equal amounts. If the party who is required to pay for the costs related to translator/interpreter in advance fails to do so by the due date specified by the court, the court may refuse to perform the requested act.

Payment of the costs shall be made to the court's bank account prescribed for such purpose by bank transfer or by means of electronic payment instrument like credit or debit cards (not more than 6,5 EUR may be paid in cash).

In the relationship between the persons obligated to bear proceeding costs, the person obligated to bear the proceeding costs based on the court judgment is responsible also for payment of costs related to translator/interpreter.

If a translator/interpreter has performed his or her duty, the court shall pay the fee to him or her regardless of whether advance payment of the costs has been made by the parties or payment of the costs by the parties has been ordered by the court.

1.45 Payment

The court-appointed translators/interpreters will be remunerated by the state. The state will claim the money back (or in advance) from the person obligated to bear the procedural expenses (usually the losing party).

Payment to a translator/interpreter: if a translator/interpreter has performed his or her duty, the court shall pay the fee to him or her regardless of whether advance payment of the costs has been made by the parties or payment of the costs by the parties has been ordered by the court.

Translators/interpreters are remunerated only based on their application. The court may set an interpreter or translator a term of at least thirty days for submission of the sum total of the claim. Upon setting the term, the court shall also inform an interpreter or translator of the consequences of expiry of the term. The claim of an interpreter or translator terminates unless he or she files the claim within the term set by the court. An interpreter or translator may request restoration of the term if he or she had good reason for failing to respect the term. A petition for restoration of a term may be filed within fourteen days after removal of the obstacle and substantiation of the conditions of restoration of the term. Notwithstanding the above, a claim of an interpreter or translator terminates within one year after the arising thereof.

If a translator/interpreter summoned to court lacks sufficient funds to travel to the court or he or she cannot be expected to cover such costs, the translator/interpreter shall be paid, at his or her request, for such costs in advance. If an interpreter or translator is fully or mainly absent from his or her professional activities at the request of the court for a period of at least thirty days, the interpreter or translator shall be made, at his or her request, a reasonable advance payment.

The payments are made via wire transfers.

Payment to the court (state): The costs related to translators/interpreters shall be paid in advance, to the extent ordered by the court, by the participant in the proceedings who filed the petition to which the costs are related, unless the court

rules otherwise. If both parties submit an application or if the court summons a witness, the costs shall be paid by the parties in equal amounts. If the party who is required to pay for the costs in advance fails to do so by the due date specified by the court, the court may refuse to perform the required act. In the relationship between the persons obligated to bear procedural expenses, the person obligated to bear the procedural expenses based on the court judgment is responsible also for payment of costs related to translators/interpreters (§ 146 and § 148 of the Code of Civil Procedure).

The state may demand the costs related to translators/interpreters from the person obligated to bear procedural expenses also subsequently on the basis of court judgment or court order (ruling). Retroactive payment of procedural expenses which have not been paid or have been paid in an amount less than required to the state, may be demanded based on a court ruling if the ruling is served on the person obligated to pay within one year after the court judgment or court order entered into force or the proceedings were terminated due to another reason (§ 179 of the Code of Civil Procedure).

The payments are made via wire transfers.

1.46 Practical questions

Only state accredited (sworn) translators can provide certified translations of documents, otherwise the translations must be certified by a notary. Unlike a notary who authenticates only the signature of a translator and does not verify the contents of the translation, a sworn translator certifies the authenticity and correctness of the translation in terms of its content

1.47 Legal aid

Persons of poor financial status can apply for exemption, part of in full, from payment of the costs related to translators/interpreters.

No fee must be paid for submitting such application.

1.48 Reimbursement

According to the general rule in civil court proceedings the losing party must compensate the costs of the winning party, including possible translation costs which the winning party has incurred. If the translator/interpreter has been appointed by the court and the translator has received the translators' fee from the state, the losing party is obliged to compensate such costs to the state.

1.49 Conclusion and recommendations

The costs of court-appointed translators and interpreters are regulated and transparent. However, since the total cost depends on the amount of work, which is usually difficult to predict, the total cost is not easy to determine in advance. Information on such costs is easily accessible.

Witness Compensation

1.50 General

The issue of witness compensation is regulated under the

- Code of Civil Procedure (§ 151 ff), available online at www.riigiteataja.ee, search term “*Tsiviilkohtumenetluse seadustik*” and
- Government regulation no 332 (22 December 2005), available online at www.riigiteataja.ee, search term “*Kriminaal -, väärteo-, tsiviil- ja haldusasjade menetlusest osavõtjatele tasu maksmise ja kulude hüvitamise kord*”.

Witnesses shall be paid compensation for any unreceived permanent income and reimbursed the travel expenses related to the proceeding and other costs arising from the court proceedings, above all the costs of accommodation and meals, in accordance with the Code of Civil Procedure and the Government regulation no 332 (22 December 2005).

A witness residing in a foreign state may be paid compensation according to a higher rate than the rates established by the referred regulation if such compensation is usual in his or her state of residence and the person's participation in the proceeding is absolutely necessary.

The rights and obligations of the witnesses are described in detail on the webpage of the Ministry of Justice <http://www.just.ee/7645>, publicly available free of charge in Estonian, English and Russian.

In the case of a cross-border litigation, the witness statements have to be collected in a special proceeding. The procedure takes place precisely in accordance with the procedure set out in the convention for gathering evidence in a foreign country (1970 Hague Convention on taking evidence http://www.hcch.net/index_en.php?act=text.display&tid=10#litigation) and the procedure set out in the Council of Europe regulation no 1206/2001 regarding cooperation of the courts in civil law and commercial law cases. To initiate the procedure for gathering evidence, including gathering evidence from witnesses abroad, the department of international cooperation in civil and commercial law matter in the Ministry of Justice (<http://www.just.ee/26341>) must be contacted or in case of court procedures involving gathering of evidence from another EU member state, the court handling the case shall contact the court of that other EU member state directly. The competent courts for this procedure are set out in the European Judicial Atlas in civil matters http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_information_en.htm.

1.51 Fees

The issue of witness compensation is regulated under the

- Code of Civil Procedure (§ 151 ff), available online at www.riigiteataja.ee, search term “*Tsiviilkohtumenetluse seadustik*” and
- Government regulation no 332 (22 December 2005), available online at www.riigiteataja.ee, search term “*Kriminaal -, väärteo-, tsiviil- ja haldusasjade menetlusest osavõtjatele tasu maksmise ja kulude hüvitamise kord*”.

Witnesses shall be paid compensation for any unreceived salaries or wages or other unreceived permanent income and reimbursed the travel expenses related to the

proceeding and other costs arising from the court proceedings, above all the costs of accommodation and meals.

The amount of compensation for a witness shall be calculated based on the hourly fee rate related to the gross average wages earned by the witness multiplied by the number of hours the witness was absent from work. The court determines the hourly rate of compensation for a witness within the limits of minimum and maximum hourly wages established by a Government regulation no 332 (22 December 2005).

The compensation is between 1,4 EUR - 14 EUR per hour.

If giving testimony did not cause a loss of income to a witness or the witness has no source of income, compensation shall be paid to him or her according to the lowest rate.

Compensation for a witness is also paid if a question about evidence is responded to in written form. In such a case the compensation is 1,4 EUR per page (i.e. 1800 characters with spaces).

A witness residing in a foreign state may be paid compensation according to a higher rate than the rates established by the referred regulation if such compensation is usual in his or her state of residence and the person's participation in the proceeding is absolutely necessary.

Pursuant to the government regulation no 322 (December 22, 2005), if the proceeding takes place outside the place of residence of the witness, the witness shall be compensated the travel and accommodation expenses and paid daily allowance likewise the employees sent to a business trips, i.e. in accordance with the government regulation no 453 (December 22, 2000). Daily allowance is primarily meant for compensating the costs of meals. The minimum size of the daily allowance is 3 EUR per day. The minimum compensation for accommodation expenses is 13 EUR per day.

A witness residing in a foreign state shall be reimbursed for the travel expenses, for the costs related to his/her stay in Estonia and for the unreceived average salary for these days.

The amount of compensation payable to a witness and the costs to be reimbursed to witness will be determined by a ruling of the court which involved the witness.

1.52 Legal aids cases

Persons of poor financial status can apply for exemption, part of in full, from payment of costs related to witnesses as from any other court cost.

No fee must be paid for submitting such application.

1.53 Payment

The witness will be remunerated by the state. The state will claim the money back (or in advance) from the person obligated to bear the procedural expenses (usually the losing party).

Payment to the witness: if a witness has performed his or her duty, the court shall pay the fee to him or her regardless of whether advance payment of the costs has been made by the parties or payment of the costs by the parties has been ordered by the court.

Witnesses are remunerated only based on their request. Unless a witness files an application for payment of compensation and reimbursement of costs with the court, the claim for payment of compensation to a witness and reimbursement of his or her costs terminates after three months of the date on which the witness participated in the proceeding for the last time. The court shall inform a witness of such term and the legal consequences of the expiry of the term.

If a witness summoned to court lacks sufficient funds to travel to the court or he or she cannot be expected to cover such costs, the witness shall be paid, at his or her request, for such costs in advance.

The payments are made via wire transfers.

Payment to the court (state): The costs related to witness shall be paid in advance, to the extent ordered by the court, by the participant in the proceedings who filed the petition to hear the witness, unless the court rules otherwise. If both parties submit an application or if the court summons a witness, the costs shall be paid by the parties in equal amounts. If the party who is required to pay for the costs in advance fails to do so by the due date specified by the court, the court may refuse to hear the witness. In the relationship between the persons obligated to bear procedural expenses, the person obligated to bear the procedural expenses based on the court judgment is responsible also for payment of costs related to witnesses (§ 146 and § 148 of the Code of Civil Procedure).

The state may demand the costs related to witness from the person obligated to bear procedural expenses also subsequently on the basis of court judgment or court order (ruling). Retroactive payment of procedural expenses which have not been paid or have been paid in an amount less than required to the state, may be demanded based on a court ruling if the ruling is served on the person obligated to pay within one year after the court judgment or court order entered into force or the proceedings were terminated due to another reason (§ 179 of the Code of Civil Procedure).

The payments are made via wire transfers.

1.54 Practical questions

Anyone who might know the circumstances relevant to the case and who is mentally healthy may be recognized as witness and be asked to give statements. In case of child-witnesses child-psychiatrists are often ordered to be present at the time of making the testimonies.

In order to demonstrate the authenticity of the witness's testimony, every witness must take an oath prior to oral testimony. The authenticity of written testimonies gathered abroad is settled according to the conditions of the European Council regulation 1206/2001 or the 1970 Hague convention. In the context of the Hague

Convention the central authorities appointed by the states coordinate the procedure of gathering evidence; in the context of EU the procedure of evidence gathering is coordinated by respective courts of the Member States and there is no additional authentication procedure.

Courts in Estonia always prefer oral testimonies by witnesses, however written testimonies are also accepted if the court so orders (particularly if the witness resides abroad and the content of the testimonies is not crucial for deciding the case). The highlight is not that much on the formatting of the written testimonies but following the procedure for gathering the piece of evidence as set out in the European Council regulation or the Hague Convention. Court clerks of the court receiving the request from another court for gathering evidence are competent to collect testimonies. More detailed insight to the specifics of the procedure under the aforesaid convention exceeds the limits of the present report.

1.55 Conclusions and recommendations

The costs relate to witnesses are regulated and transparent. However, it is not easy to determine such costs in advance, since they depend on the time the witness must be absent from work and this is difficult to foresee.

Pledges and security deposits

1.56 General

Please note that only the security and pledge for compensation of costs of justice is analysed here; the pledge and securities for the purposes of securing the entire action and enforcement of the substantive judgment of the court regarding the dispute exceeds the limits of this study.

If the obligation of a party to lodge a security is provided by law, the court will prescribe the manner of lodging the security and the amount thereof.

Usually a security will be lodged by depositing money on the deposit account of the court. However a security may be lodged also by depositing securities⁵ on the deposit account of the court or by submitting an unretrievable and unconditional guarantee document issued by a credit institution of the Republic of Estonia or another Member State of the European Union for an unspecified term for the benefit of the other party or in other manners prescribed by the court or agreed by the parties.

If the reason for provision of security ceases to exist, the court, which required the security or enabled the provision thereof shall return the security based on a petition by the person who provided the security.

Provision of security for covering proceeding costs is regulated in § 196 of the Code of Civil Procedure. In an action, the court may require at the request of the defendant that the plaintiff provide security for covering the proceeding costs expected to arise, if (§ 196 of the Code of Civil Procedure):

- 1) the plaintiff is not a citizen of the Republic of Estonia or any other Member State of the European Union and he or she has no residence in Estonia or any other Member State of the European Union (except if based on an international agreement, a security cannot be demanded or if the judgment on compensation of the procedural expenses to the defendant is subject to execution in the country of residence or seat of the plaintiff);
- 2) the plaintiff is a legal person whose seat is not in Estonia or any other Member State of the European Union (except if based on an international agreement, a security cannot be demanded or if the judgment on compensation of the procedural expenses to the defendant is subject to execution in the country of residence or seat of the plaintiff);
- 3) due to the plaintiff's economic status or for another reason, collection of the presumed proceeding costs is clearly troublesome or unlikely, above all in cases where the plaintiff has been declared bankrupt, a bankruptcy

⁵ A security which has a market price may be used as security. A security shall be accepted as security to an extent not higher than three fourths of its market price - § 194(2) of the Code of Civil Procedure.

proceeding has been initiated against the plaintiff or if, within the year prior to the filing of the action, an execution proceeding has been conducted in respect of the plaintiff's property and the claim filed in the execution proceeding was not satisfied.

The court has no right to require provision of security from the plaintiff if the plaintiff has enough assets in Estonia to cover for the proceeding costs or has claims in Estonia which are sufficiently secured by real rights.

The defendant may also demand a security from the plaintiff if the prerequisites for provision thereof arise only in the course of the proceeding unless the defendant admits the action. If it becomes evident in the course of a proceeding that the provided security is not sufficient, the defendant may demand additional security.

If the conditions set out in the law are fulfilled, defendant should submit respective application to the court so the latter could decide on whether and to what extent the pledge or deposit will be required from the other party.

In order to avoid providing security deposit, the plaintiff may argue that the application of the defendant is unjustified as the claimant possesses sufficient assets to compensate the defendant his costs of justice if necessary and there is no risk of any other kind that the costs of the defendant will not be compensated due to the fault of the plaintiff.

If the court satisfies the application of the defendant, the court will set the plaintiff a term for provision of a security for covering the defendant's presumed procedural expenses. If the plaintiff fails to lodge the security within such term, the court will refuse to hear the action at the request of the defendant.

The amount of security deposit for covering proceeding costs is determined by the court, depending on the financial value of the claim and expected costs of justice. Although it may be concluded that in cross-border cases pledges and security deposits are required more often than in other types of cases (probably due to generally larger costs of justice in such cases), there are no cases where the pledge or security deposit would be automatically required.

1.57 Fees

If the court orders a security deposit for securing the future costs of justice, the deposit shall be made to the respective account of the court and no fees are payable.

However, if a pledge on the property of the debtor has been set, functioning as security for the compensation of future costs of justice, a note thereof must be made to the land registry in respect of real estate - the note in the registry shall be made on the basis of the court order whereby the pledge is granted on the property of the debtor for securing future costs of justice.

1.58 Payment

The security deposit shall be paid to the respective deposit account of the court by a bank transfer or by means of an electronic payment instrument in the court (by credit or debit card).

1.59 Practical questions

Estonian courts do not refrain from utilizing the possibilities of pledges and security deposits to secure future costs of justice - therefore in cases of large financial value where the grounds of the claim are questionable, claiming for security deposit for future costs of justice from the plaintiff may prove to be an efficient tool to protect oneself against groundless claims. In practice security deposits are used for this purpose.

1.60 Conclusions and recommendations

The court will prescribe the manner of lodging the security and the amount thereof. Thus, it is somewhat difficult to predict the amount of this cost.

Court decisions

According to the division of costs of justice under the Estonian Code of Civil Procedure costs of notification and costs of obtaining an authenticated decision are considered court costs and therefore are generally subject to be reimbursed by the losing party in the extent set out by the court in its judgment.

1.61 Cost of notification

Costs relating to the publication of summonses and notices in the publication *Ametlikud Teadaanded* or in a newspaper are considered to be court costs.

The state fee for publication of any notice in the official publication *Ametlikud Teadaanded* is in the amount of 100 EEK (ca 6,4 EUR).

These costs shall be paid by the plaintiff or other petitioner in advance. If the party who is required to pay for such costs in advance fails to do so by the due date specified by the court, the court may refuse to perform the requested act.

The costs of delivery of procedural documents to the participants in a proceeding that have to be delivered by law (like an action, summonses, judgment etc) will be borne by the state and these are not considered to be proceeding costs.

1.62 Cost of obtaining an authenticated decision

The amounts of costs for getting an official transcript of the court decision are set out in the State Fees Act - transcript of the judgment or court order costs 10 EEK (0,64 EUR) per page; transcripts of any other court documents cost 1 EEK (0,064 EUR) per page.

The parties to the proceeding always receive an authentic copy free of charge from the court.

1.63 Conclusions and recommendations

These costs are foreseeable, transparent and easy to determine. Information on these costs is easily accessible. They are not dissuasive.

Legal aid

1.64 General

Information regarding state legal aid and other kind of procedural assistance is available on the website of the Ministry of Justice <http://www.just.ee/106>.

There is also a non-profit organization called Sihtasutus Õigusteenuste Büroo (<https://www.otb.ee/index.php>), operating since 2000 and providing so-called social legal aid free of charge to people with insufficient incomes; the legal aid includes also provision of information regarding possibilities for state legal aid.

The law office of law students of Tartu University Law Faculty (<http://www.iuridicum.ee/index.php?page=48&PHPSESSID=a393791b03c701c4f085fbf544a9968b>) also provides legal aid free of charge in cases of minor financial value, including provision of information on court fees and other costs of justice and advising on the possibilities of receiving state aid for legal aid in court proceedings. There is a general web-based portal called Teabeportaal <http://www.eesti.ee/est?style=2>, which includes practical pointers to laymen in various areas of life, including court procedures; it is possible to pose specific questions online to toimetaja@eesti.ee.

All attorney-at-law offices are also obliged to provide information regarding the options for receiving state legal aid - the blank form of the application for the state

legal aid and for other procedural assistance and the blank form of the statement of financial status must be readily available in every attorney-at-law office and in every court house (free of charge).

Confederation of Estonian Trade Unions (<http://www.eakl.ee/koostoo/>) provides legal advice, including information on costs of justice and options of state legal aid to the members of the trade union.

European Consumer Center (<http://www.consumer.ee/?lang=en>) provides advice to consumers, including information regarding costs for submitting a claim in a consumer dispute and options for state legal aid.

The state procedural assistance may be applied for bearing all kinds of procedural expenses (proceeding costs), incl. for bearing the costs of legal aid (state legal aid).

A participant in the proceeding whose financial situation is poor may apply as procedural assistance for (§ 180 of the Code of Civil Procedure):

- release (exemption), in part or in full, from payment of the state fee or security, or from bearing other court costs;
- payment of the state fee or security, or other court costs in monthly instalments within the term prescribed by the court;
- release from the obligation to provide security for covering procedural expenses or for damages that may arise from declaration of a judgement to be subject to immediate execution;
- release from the payment for legal aid provided by an attorney appointed by way of procedural assistance (state legal aid);
- release, if the recipient of the procedural assistance is a claimant, from all or a part of the expenses related to enforcement proceedings on account of the Republic of Estonia, or payment of such expenses in instalments is prescribed within a term provided by the court;
- release, in part or in full, from payment of expenses related to mandatory pre-trial proceedings, or payment thereof in instalments is prescribed within a term provided by the court.

Upon grant of procedural assistance in Estonia, a participant in a proceeding who is a citizen of another Member State of the European Union or who has residence in

another Member State of the European Union may be released, on account of the Republic of Estonia, (i) from covering the cost of translation of a document requested by the court submitted by the person applying for procedural assistance, or he or she may be ordered to pay such costs by instalments within a term specified by the court, provided that such document is necessary for adjudicating the matter; (ii) from covering his or her travel expenses, or he or she may be ordered to pay such costs by instalments, provided that the need for the participant in the proceeding to be present in person is provided by law or the court deems it necessary.

State legal aid is the provision of legal services to a natural or legal person at the expense of the state on the bases and pursuant to the procedure provided for in the State Legal Aid Act. State legal aid is provided only by attorneys (advocates) who are members of the Bar Association.

State legal aid is mainly regulated under:

- the State Legal Aid Act, available online in the database of legal texts www.riigiteataja.ee search term “*riigi õigusabi seadus*” - prescribes the categories of legal aid ensured by the state and the conditions and procedure for the receipt of such legal aid;
- the Code of Civil Procedure (available in Estonian online www.riigiteataja.ee, search term “*tsiviilkohtumenetluse seadustik*”) - the general provisions on procedural assistance apply only insofar as the State Legal Aid Act does not provide otherwise;
- the regulation by the Minister of Justice no 2 (26 January 2005), available online at <https://www.riigiteataja.ee/ert/act.jsp?id=12832083> - establishes the bases for the calculation of fees payable for the provision of state legal aid, the procedure for the payment and the amount of such fees, and the extent of and procedure for compensation for the state legal aid costs;
- the regulation by the Minister of Justice no 8 (17 February 2005), available online at <https://www.riigiteataja.ee/ert/act.jsp?id=854567> - establishes the list of information that should be contained in a notice concerning the financial situation of an applicant and, in order to simplify submission of the notice, the standard form of the notice concerning the financial situation of an applicant. This standard form must be freely accessible to everyone on the website of the Ministry of Justice and in every court and law office;

- the regulation by the Minister of Finance no 16 (15 February 2005), available online at <https://www.riigiteataja.ee/ert/act.jsp?id=853096> - establishes the standard form of notice concerning the income of an applicant for state legal aid and members of his or her family during the last year, which the Tax and Customs Board shall submit to the court at the latter's request.

The main addressee for the state legal aid is a natural person, both citizen of Estonia or of a foreign country. Regarding legal entities as applicants for state legal aid, only non-profit organizations pursuing the goals of consumer protection and/or environment protection or some other goal of great public interest; in certain very limited cases also bankruptcy debtor.

1.65 Conditions of grant

The primary precondition is that the person's financial situation does not allow him to pay for competent legal services at the time the person is in need of legal aid or is able to pay for legal services only partially or in instalments or whose financial situation does not allow meeting basic subsistence needs after paying for legal services. And based on the available information, the court deems it to be possible to achieve a favourable outcome of the procedure to the person and the person has not entered court proceedings in bad faith. According to the law, the court shall presumptively deem the claim to be potentially successful if the factual background and legal reasoning of the claim are reasonable.

Natural persons are entitled to state legal aid in civil court proceedings only if they reside in Estonia or in any other EU member state at the time of filing the application for state legal aid or if they are citizens of Estonia or any other EU member state. Other natural persons (individuals residing elsewhere or holding a non-EU citizenship) are granted state legal aid only if so provided for in international treaties. Different rules apply for legal state aid in criminal proceedings. Place of residence shall be established in accordance with Council Regulation 44/2001, art 59.

State legal aid is not granted if:

- 1) the applicant is able to protect his or her rights himself or herself;

- 2) the applicant cannot have the right for the protection of which he or she is applying for state legal aid;
- 3) the applicant could bear the costs of legal services out of his or her existing property which can be sold without any major difficulties, except the assets specified in subsection 14 (2) of the State Legal Aid Act;
- 4) the costs of legal services do not, presumably, exceed twice the applicant's average monthly income calculated on the basis of the average monthly income of the last four months before the submission of the application, from which taxes and compulsory insurance payments and amounts prescribed to fulfil a maintenance obligation arising from law have been deducted;
- 5) the possibility of the applicant to protect his or her rights is clearly unlikely due to the circumstances;
- 6) state legal aid is applied for in order to file a claim for compensation for moral damage and there is no predominant public interest regarding the matter;
- 7) the dispute is related to the business activities of the applicant and does not damage his or her rights which are unrelated to his or her business activities;
- 8) state legal aid is applied for to protect a trade mark, patent, utility model, industrial design or a layout-design of integrated circuits or another form of intellectual property, except rights arising from the Copyright Act;
- 9) state legal aid is applied for in a matter in which the applicant clearly has joint interests with a person who is not entitled to receive state legal aid;
- 10) state legal aid is applied for to protect a right transferred to the applicant and there is reason to believe that the right was transferred to the applicant in order to receive state legal aid;
- 11) the provision of legal services is guaranteed for the applicant by a legal expenses insurance contract or on the basis of compulsory insurance;
- 12) the profit possibly received by the applicant upon adjudication of the matter is unreasonably small in comparison to the estimated cost of legal aid borne by the state.

However, if the assistance of an advocate is clearly necessary for the correct adjudication of the matter in order to ensure the equality of the parties or due to the complexity of the matter, state legal aid may be granted without the restrictions listed above.

Precondition for granting state legal aid to legal entities is that it is a non-profit association or foundation, which is entered in the list of non-profit associations or foundations benefiting from income tax incentives or is equal thereto and which is insolvent (does not possess sufficient finances to cover the expenses of the court procedure). Such legal entities may receive state legal aid only to achieve the objectives specified in its articles of association in the fields of environmental protection or consumer protection, or if there is other predominant public interest for the grant of state legal aid in order to prevent possible damage to the rights of a large number of people which are protected by law. The legal entity must have its seat in Estonia or in some other EU member state.

The application for state legal aid must be submitted to the court having jurisdiction for settling the dispute. Such courts must also act as the authorities accepting applications by participant of the court proceeding for state aid from other EU-member states (i.e. residents or citizens of other EU member states) according to the requirements set out in Council Directive 2003/8/EC art 14. Such application for state legal aid from other EU member states does not have to be legalized nor officially certified in any other way.

To sum up, the step-by-step procedure for applying for state legal aid and respective documents are as follows:

1) Application - Provision of state legal aid shall be decided on the basis of an application submitted by a person. The data which has to be set out in the application submitted for state legal aid is listed in § 12 (1) of the State Legal Aid Act. The standard form of the application in Estonian and in English is available on the website of the Ministry of Justice:

http://www.just.ee/orb.aw/class=file/action=preview/id=8180/n2idisvorm-riigi_6igusabi_taotlus.pdf (<http://www.just.ee/106>);

<http://www.just.ee/orb.aw/class=file/action=preview/id=17793/APPLICATION+FOR+STATE+LEGAL+AID.pdf> (<http://www.just.ee/4616>).

The application may be submitted in English, if the applicant is a resident or a citizen of any other EU member state or in case of legal entity - the seat is located in any other EU member state.

2) Notice regarding financial situation - A natural person who applies for legal aid shall enclose to the application for state legal aid a duly formalised notice signed by the applicant himself or herself regarding his or her financial situation, and if possible, also other certificates that specify the financial situation. The list of data to be contained in the financial situation notice of an applicant for legal aid has been established by regulation No. 8 of the Minister of Justice of 17.02.2005. The standard form of applicant's financial situation notice form in Estonian and in English is available on the website of the Ministry of Justice

http://www.just.ee/orb.aw/class=file/action=preview/id=8180/n2idisvorm-riigi_6igusabi_taotlus.pdf (<http://www.just.ee/106>);

http://www.just.ee/orb.aw/class=file/action=preview/id=17795/%28STATEMENT+O+F+FINANCIAL+STATUS+OF+APPLICANT+FOR+STATE+LEGAL_205%29.pdf
(<http://www.just.ee/4616>)

If a person's residence is not in Estonia, he or she shall append a notice concerning the income of the person and members of his or her family during the last three years from the competent authorities of the person's state of residence to an application. If the notice cannot be submitted for reasons independent of the applicant, the grant of state legal aid may be decided without the notice

3) Appendices to the application submitted by a legal person - An applicant who is a legal person shall enclose to the application for state legal aid a copy of the memorandum of association or the foundation agreement submitted to the register and a copy of the registered Articles of Association, a copy of the registry card and a notarised copy of the Annual Report for the previous financial year.

4) Place for submission of an application - An application for legal aid **in court proceedings** relating to civil or administrative matters shall be submitted to the court that hears the matter or to whose jurisdiction the hearing of the matter belongs. If the applicant requests legal aid for preparing a statement of claim, a petition in a proceeding on petition or an appeal in administrative court proceedings, he or she shall submit the application to the court within which jurisdiction is the hearing of the action, the petition in proceedings on petition or the appeal. An application for legal aid **in pre-trial proceedings of a civil matter, in administrative proceedings, for preparing a legal document or for provision of other legal advice or other representation** shall be submitted to a county or city court of the applicant's residence or seat or to the county or city court of the place

of expected provision of the legal services. If a person who applies for legal aid does not have residence in Estonia, he or she may submit the application to the county or city court in the jurisdiction of which the applicant stays. An application for legal aid in **execution proceedings** shall be submitted to the court in the jurisdiction of which the hearing of an appeal against the activities of a bailiff who conducts the execution proceedings would be.

5) If the person who applies for legal aid has an advocate's consent regarding provision of legal aid to the applicant in the given matter and the applicant is willing to receive legal services from the mentioned advocate, an instrument confirming the advocate's consent shall be appended to the application or the application is submitted through the respective law office.

1.66 Strings attached

The court may check at any stage during the court procedure whether the grounds for providing state legal aid continue to exist. In case of appeals to higher court instances the respective court of appeal must check whether the grounds for providing state legal aid continue to exist.

After completion of provision of legal services the court, which decided on the provision of legal aid, shall determine the amount of legal aid fee and the extent of reimbursing the expenses of legal aid. The duty of the person who receives legal aid to compensate the state fully or partially for the amount payable to the advocate shall also be specified. Therefore if the court decides that a person is entitled to state legal aid it does not necessarily mean that the person is free from any expenses. If the claim of the person who has received state legal aid proves to be unsuccessful, the courts usually declare in the decision that the costs of state legal aid shall be reimbursed by the person who received state legal aid.

A receiver of state legal aid in civil court proceedings is **not** required to compensate for the legal aid fee or expenses of state legal aid if upon adjudication of a civil matter the court orders that court expenses be fully or partially borne by the opposing party - regarding the part in which the opposing party covers the court expenses.

1.67 Practical questions

There might arise some practical issues when a person from another EU member state than from Estonia is applying for state legal aid in Estonia. Namely, the application should be written in Estonian or English. Also it might be more difficult for that person to obtain relevant documents in respect of his/her financial status, which must be appended to the application for state legal aid.

1.68 Conclusions and recommendations

The main problem with the state legal aid is that the fees paid to the lawyers providing state legal aid are several times lower than is the market price. Therefore, highly qualified and specialized attorneys whose hourly fee is otherwise several times higher will not be willing to provide state legal aid. Consequently, the quality of the state legal aid tends to be low (or lower than the legal aid provided with the market price).

Personal experience

In my personal experience as an attorney I have come across a few cases involving cross-border court disputes. Namely, where my client is involved in a court procedure taking place abroad. When it comes to costs it has been rather difficult to receive sufficient information regarding state fees and other sources of costs. If available, most clients prefer to solve their cross-border disputes in ADR due to more flexibility on the one hand and better predictable cost estimates on the other hand.

We have not faced the situation of applying for state legal aid in cross-border court disputes.

Case studies

1.69 Case study 1

Case n° 1

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	200 EEK (13 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	Lawyers' fees in the range of approximately 20 000 – 50 000 EEK (1 278 – 3 196 EUR)	200 EEK (13 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	Lawyers' fees in the range of approximately 30 000 – 60 000 EEK (1 917 – 3 835 EUR) per instance of appeal	no	-
Case B	200 EEK (13 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	- lawyers' fees in the range of approximately 50 000 – 100 000 EEK (3 196 – 6 391 EUR), due to possible needs to analyse foreign law as well	200 EEK (13 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	Lawyers' fees in the range of approximately 30 000 – 60 000 EEK (1 917 – 3 835 EUR) per instance of appeal	no	-
Case Study	Lawyer		Bailiff			Expert		
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost	
Case A	No	20 000-50 000 EEK (1278 – 3 196 EUR)	no	Up to 1 minimum monthly wages – 230 EUR	Up to 1 minimum monthly wages – 230 EUR	no	-	
Case B	no	50 000 – 100 000 EEK (3196 – 6 391 EUR)	no	Up to 1 minimum monthly wages – 230 EUR	Up to 1 minimum monthly wages - 230 EUR	no	-	

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes	Based on the lost daily income of the witness	Not applicable			
Case B	yes	Based on the lost daily income of the witness	Not applicable			

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	Applicable in principle, if one of the parties is financially not able to cover his/her legal costs. In practice very rarely applied.			yes	In family law cases the court often orders that either party cover his/her own costs		
Case B	Applicable in principle, if one of the parties is financially not able to			yes	In family law cases the court often orders that either party cover		

	cover his/her legal costs. In practice very rarely applied.				his/her own costs		
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Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated		
Case B	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated		

- provided that the case is brought before the Estonian court and Estonian laws of civil procedure apply

1.70 Case Study 2

Case n° 2

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	200 EEK (13 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	- lawyers' fees in the range of approximately 20 000 – 50 000 EEK (1 278 – 3 196 EUR)	200 EEK (13 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	Lawyers' fees in the range of approximately 30 000 – 60 000 EEK (1 917 – 3 835 EUR) per instance of appeal	no	-
Case B	200 EEK (13 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	- lawyers' fees in the range of approximately 50 000 – 100 000 EEK (3 196 – 6 391 EUR), due to possible needs to tackle foreign law as well	200 EEK (13 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	Lawyers' fees in the range of approximately 30 000 – 60 000 EEK (1 917 – 3 835 EUR) per instance of appeal	no	-
Case Study	Lawyer		Bailiff			Expert		
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost	
Case A	no	20 000 – 50 000 EEK (1278 – 3 196 EUR)	no	Up to ½ of the minimum wages – 1 400 EEK (89	Up to ½ of the minimum wages – 1 400 EEK (89	no		

				EUR)	EUR)		
Case B	no	50 000-100 000 EEK (3196 – 6391 EUR)	no	Up to ½ of the minimum wages – 1 400 EEK (89 EUR)	Up to ½ of the minimum wages – 1 400 EEK (89 EUR)	no	
Case	Witness compensation		Pledge or security		Other fees		
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost	
Case A	yes	Based on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	Not applicable				
Case B	yes	Based on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	Not applicable				

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	Applicable in		Usually not	yes	In family law cases		

	principle, if one of the parties is financially not able to cover his/her legal costs. In practice very rarely applied.		provided in family law cases		the court often orders both parties to the litigation to cover their own costs		
Case B	Applicable in principle, if one of the parties is financially not able to cover his/her legal costs. In practice very rarely applied.		Usually not provided in family law cases	yes	In family law cases the court often orders both parties to the litigation to cover their own costs		

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated, written translation is ca 15-27 EUR per page	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated, ca 55 EUR per hour		
Case	If one of the	Depends on	If one of the	Depends on		

B	parties to litigation does not speak Estonian	the other language to be translated, written translation is ca 15-27 EUR per page	parties to litigation does not speak Estonian	the other language to be translated, ca 55 EUR per hour		
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1.71 Case Study 3

Case n° 3

Case Study	Court	Appeals					ADR	Cost
		Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees		
Case A	No court fees for alimony cases	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	- lawyers´ fees in the range of approximately 20 000 – 50 000 EEK (1 278 – 3 196 EUR)	0 EEK (0 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	lawyers´ fees in the range of approximately 30 000 – 60 000 EEK (1 917 – 3 835 EUR) per instance of appeal	no	-
Case B	No court fees for alimony cases	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	- lawyers´ fees in the range of approximately 50 000 – 100 000 EEK (3 196 – 6 391 EUR), due to possible needs to analyse foreign law as well	0 EEK (0 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgement	lawyers´ fees in the range of approximately 30 000 – 60 000 EEK (1 917 – 3 835 EUR) per instance of appeal	no	-
Case Study	Lawyer	Bailiff		Expert				
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost	
Case A	no	20 000 – 50 000 EEK (1 278 – 3 196 EUR)	no	Up to ½ of the minimum wages – 115 EUR	Up to ½ of the minimum wages – 115 EUR	no		
Case B	no	50 000– 100 000 EEK (3 196 – 6 391)	no	Up to ½ of the minimum wages –	Up to ½ of the minimum wages –	no		

		EUR)		115 EUR	115 EUR		
Case	Witness compensation		Pledge or security		Other fees		
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost	
Case A	yes	Depending on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	Not applied				
Case B	yes	Depending on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	Not applied				

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	Applicable in principle, if one of the parties is financially not able to cover his/her legal costs. In practice very rarely applied.		Usually not provided in family law cases	yes	In family law cases the court often orders both parties to the litigation to cover their own costs		

Case	Legal Aid			Reimbursement			
Case B	Applicable in principle, if one of the parties is financially not able to cover his/her legal costs. In practice very rarely applied.		Usually not provided in family law cases	yes	In family law cases the court often orders both parties to the litigation to cover their own costs		

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated, 15-27 EUR per page	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated, ca 55 EUR per hour		
Case B	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated, 15-27 EUR per page	If one of the parties to litigation does not speak Estonian	Depends on the other language to be translated, ca 55 EUR per hour		

1.72 Case Study 4

Case n° 4

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	200 EEK (13 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	- lawyers' fees in the range of approximately 50 000 – 100 000 EEK (3 196 – 6 391 EUR)	200 EEK (13 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	Lawyers' fees in the range of approximately 50 000 – 100 000 EEK (3196 – 6 391 EUR) per instance of appeal	yes	Registration fee at the Arbitration Court of Estonian Chamber of Commerce 1200 EEK (77 EUR) + arbitration fee as may be estimated by the arbitration court
Case B	200 EEK (13 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	- lawyers' fees in the range of approximately 100 000 – 150 000 EEK (6 391 – 9 587 EUR), due to possible needs to analyse foreign law as well	200 EEK (13 EUR) for the appeal to the court of second instance; appeal to Supreme Court 400 EEK (26 EUR)	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment	Lawyers' fees in the range of approximately 50 000 – 100 000 EEK (3196 – 6 391 EUR) per instance of appeal	yes	Registration fee at the Arbitration Court of Estonian Chamber of Commerce 1200 EEK (77 EUR) + arbitration fee as may be estimated by the arbitration court
Case Study	Lawyer			Bailiff			Expert	
	Is representation compulsory ?	Average costs		Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	no	50 000 –		no	1	9,25% of the	no	

		100 000 EEK (3196 – 6 391 EUR)		minimu m wage – 2800 EEK (179 EUR)	claim subject to enforcement		
Case B	no	100 000 – 150 000 EEK (6 391 – 9 587 EUR)	no	1 minimu m wage – 2 800 EEK (179 EUR)	9,25% of the claim subject to enforcement	no	

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes	Dependin g on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	The buyer may claim a security from the seller in the range of his approximate judicial costs			
Case B	yes	Dependin g on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	The buyer may claim a security from the seller in the range of his approximate judicial costs			

Case	Legal Aid		Conditions ?	Reimbursement		What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	When and under which conditions is it applicable?	When is support total ?		Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?		
Case A	If one of the parties cannot afford legal			yes	70%		

	aid- not applicable in commercial cases, unless the entity is a nonprofit entity protecting consumer interests or environment						
Case B	If one of the parties cannot afford legal aid - not applicable in commercial cases, unless the entity is a nonprofit entity protecting consumer interests or environment			yes	70%		

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not speak Estonian	Depends on the language to be translated, 15-27 EUR per page	If one of the parties does not speak Estonian	Depends on the language to be translated, ca 55 per hour		
Case B	If one of the parties does not speak Estonian	Depends on the language to be translated, 15-27 EUR	If one of the parties does not speak Estonian	Depends on the language to be translated, ca 55 per		

		per page		hour		
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1.73 Case Study 5

Case n° 5

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Depending on the value of the claim	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment		Same amount as in the 1 st instance	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment		yes	Registration fee at the Arbitration Court of Estonian Chamber of Commerce 1200 EEK (77 EUR) + arbitration fee as may be estimated by the arbitration court
Case B	Depending on the value of the claim	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment		Same amount as in the 1 st instance	1 EEK (0,06 EUR) per page of court material transcripts, 10 EEK (0,6 EUR) per page for transcripts of court order or judgment		yes	Registration fee at the Arbitration Court of Estonian Chamber of Commerce 1200 EEK (77 EUR) + arbitration fee as may be estimated by the arbitration court

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	no	100 000-	no	Up to 1 minimum	Depending on the value	no	

Case Study	Lawyer		Bailiff			Expert	
		200 000 EEK (6 391 – 12 782 EUR)		monthly wages – 2 800 EEK (179 EUR)	of the claim subject to enforcement		
Case B	no	100 000 – 200 000 EEK (6 391 – 12 782 EUR)	no	Up to 1 minimum monthly wages – 2 800 EEK (179 EUR)	Depending on the value of the claim subject to enforcement	no	

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	yes	Depending on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	The defendants may claim a security from the claimant in the range of their approximate judicial costs			
Case B	yes	Depending on the lost daily income of the witness, ranges between 1,4 EUR – 14 EUR per hour	The defendants may claim a security from the claimant in the range of their approximate judicial costs			

Case	Legal Aid			Reimbursement			
	When and under which conditions is	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total	What costs are never reimbursed?	Are there instances when legal aid

Case	Legal Aid			Reimbursement			
	it applicable?				what is percentage in general ?		should be reimbursed to the legal aid organisation ?
Case A	no			yes	50-70%		
Case B	no			yes	50-70%		

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not speak Estonian	Depends on the language to be translated, 15-27 EUR per page	If one of the parties does not speak Estonian	Depends on the language to be translated, ca 55 EUR per hour		
Case B	If one of the parties does not speak Estonian	Depends on the language to be translated, 15-27 EUR per page	If one of the parties does not speak Estonian	Depends on the language to be translated, ca 55 EUR per hour		