Online processing of cases and e-communication with courts

Estland

1 Is it possible to initiate court proceedings via the internet?

Yes, court proceedings can be initiated using the e-File proceedings information system (*the e-File system*).

The system can be accessed at https://etoimik.rik.ee/.

A video explaining how to use the e-File system is available online at: https://www.youtube.com/watch?v=Qu9azQs_Ctc&t=3s .

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

The e-File system may be used by parties in civil and administrative law proceedings as well as in criminal and misconduct proceedings. With regard to civil and administrative court proceedings, it is possible to initiate proceedings and file documents and appeals. In criminal and misconduct proceedings, it is possible to submit a limited number of documents concerning existing court proceedings.

Payment orders for fast-tracking debt or maintenance claims may only be submitted via the internet.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Yes, the facility is available at all times.

4 Should the details of the claim be provided in any particular format?

In order to file a court case, you will need to fill in the details using the forms provided, entering text and data. They differ according to the type of proceedings and petition, but they are all in a similar format: you will need to provide general information about the case, details about the parties, any documents attached to the petition and any details relating to the payment of the state fee.

The application form for a fast-track payment order is more detailed, and the whole application should be entered in the form of metadata.

5 How is transmission and storage of data secured?

In order for the system to recognise a person logging in, they must log in to the e-File system using their ID-card or Mobile-ID. The portal is secure. When logging in to the portal (with an ID-card or Mobile-ID), users will only be provided access to proceedings and data that relate to them. People not involved with the proceedings do not have access to other people's court proceedings. Date is transmitted using the national information system data exchange layer, X-Road. This is a technical and organisational environment which enables secure internet-based data exchange between the state information systems.

6 Is it necessary to use any kind of electronic signature and/or time record?

If the law requires certain types of documents to be signed, they are signed electronically using an ID card. Procedural documents may be filed via the e-File system using a digital signature. If the case is referred to court, the e-File system automatically saves the date on which the court case was initiated. A person who forwards a document initiating a court case or another procedural document to a court via the e-File system will be sent automatic confirmation of receipt by email, stating the date and time the document was received by the court.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

The state fee must be paid for the performance of any tasks which by law are subject to a state fee. In general, the state fee must be paid before requesting the task be done. The state fee may be paid via a bank link in the e-File system, as well as outside the system through internet banking or at a bank branch.

8 Is it possible to withdraw a claim that has been initiated via the internet?

A claimant may withdraw a claim until the end of the preliminary proceedings if he or she files a withdrawal request to the court. With the defendant's consent, an action may be withdrawn until such time as the court decision concerning the action enters into force. The court should be informed of the withdrawal of the action in writing or a record should be made in the minutes. The request may also be submitted through the e-File system.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

There is no obligation to reply via the internet. The defendant may reply via the internet, electronically or in writing.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

There is no difference between proceedings initiated via the internet or in any other way. How the proceedings are handled depends on the subsequent action taken by the body conducting the proceedings and may differ depending on the type of proceedings, as well as on the type of claim.

If in the fast-track procedure for payment orders the debtor files an objection, the court will either continue to hear the case or it will terminate proceedings. It depends on the wishes of the claimant.

Civil cases may be resolved by written procedure if the parties file a request for this, or the court may decide that the matter is to be heard in a court session. The procedure followed will depend on the type of case and the objections filed by the defendant.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

In the case of a payment order for fast-track proceedings, if the defendant does not reply to a payment proposal, i.e. does not file an objection, the court will issue a payment order for the appropriate amount. This order is immediately enforceable, so the court must be sure that the defendant has received the payment proposal.

In other civil proceedings, where the court has ordered the defendant to respond by a deadline, but the defendant has not done so, the claimant may in certain cases give a default judgment at the claimant's request. If the court does not consider this possible, it can set a new deadline for the defendant to reply or for a court session. A request for a default judgment may be filed together with the claim. The court will not give default judgments in the cases provided for by law.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

It is possible to file applicants and documents to the court electronically by email or through the information system (e-File) designed for the purpose.

All documents relating to civil and administrative proceedings may be filed through the e-File system, and a limited number of documents in criminal and misconduct proceedings. Procedural documents may be filed via the e-File system using a digital signature.

13 Can judicial documents, and particularly judgments, be served via the internet?

Court judgments, rulings and summons may be served on participants in proceedings electronically either via the e-File system or via the participant's main email address or any other email address of which the court has been notified. The recipient of a document must notify the court of receipt if the document has been sent by email, while if the document is served via the e-File system, the date on which the recipient receives and opens it is automatically registered.

14 Can judicial decisions be given electronically?

In civil and administrative proceedings, the court may issue the decision electronically, protecting it with the judge’s digital signature or in another similar technically secure manner.

In a fast-track procedure for a payment order, all court documents, including decisions, are created automatically in an information system.

15 Can an appeal be made and its decision served via the internet?

It is possible to lodge an appeal through the e-File system and deliver relevant decisions made in civil and administrative proceedings.

16 Is it possible to initiate enforcement proceedings via the internet?

Court proceedings can be initiated via the e-File system. It is possible to search for the additional documents referred to in Section 2(1)(1)-(4) of the Enforcement Act in the e-File system, then fill in the application for enforcement and if necessary add additional files. A completed application for enforcement must be digitally signed by the claimant. The application is then sent together with the additional document selected and the additional files to the bailiff’s email address.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

It is possible to follow cases online via the e-File system. The user must be logged into the system using an ID card or mobile ID app, to ensure identity is verified. In civil and administrative proceedings, all documents not marked confidential due to personal identity information and which have been made available are shown in the system to the parties.

Payment orders for fast-track proceedings can be followed in full via the e-File system.

For criminal and misconduct cases, the e-File system displays only limited information.

Related links

The e-File system

https://www.e-toimik.ee/

Jurist Aitab portal - lodging claims at courts

https://v1.juristaitab.ee/et/oigusnoustamine

The Estonian judicial system

https://www.kohus.ee/en/estonian-courts/estonian-court-system

Riigi Teataja [State Gazette]

https://www.riigiteataja.ee

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