Estland

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

County courts

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

Article 50(1)(b) – Authority designated as competent to obtain account information

Chamber of Bailiffs and Trustees in Bankruptcy

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Article 50(1)(c) – Methods of obtaining account information

Article 14(5)(a) - an obligation on all banks in its territory to disclose, upon request by the information authority, whether the debtor holds an account with them.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Appeals to district courts are filed through the county court whose ruling is contested in the appeal.

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

Article 10(2) - the county court that issued the European Account Preservation Order

Article 10(2), third subparagraph - bailiff

Article 23(3) - bailiff

Article 23(5) - bailiff

Article 23(6) - bailiff

Article 25(3) - bailiff

Article 27(2) - bailiff

Article 28(3) - bailiff

Article 36(5), second subparagraph - bailiff

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

Bailiffs

Click on the below link to view all competent authorities related to this Article.

List of competent authorities

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Making a claim for payment on an account that is the joint property of spouses is permitted with the consent of the spouse who is not a debtor if an enforcement instrument which requires both spouses to perform the obligation exists.

Under Section 626(3) of the Law of Obligations Act, 'claims and movables which a mandatary acquires when performing a mandate in the mandatary's name but on account of the mandator, and claims and movables which the mandator transfers to the mandatary for performance of the mandate are not included in the bankruptcy estate of the mandatary and they cannot be subject to a claim against the mandatary in an enforcement procedure'.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

A claim for payment cannot be made on the following income:

1) state family benefits;

2) social benefits for disabled persons;

3) social benefits within the meaning of the Social Welfare Act;

4) unemployment allowances, grants, transport and accommodation benefits and business start-up subsidies paid through the Estonian Unemployment Insurance Fund;

5) compensation paid for causing bodily harm or a health disorder, except compensation for lost income and compensation for non-patrimonial damage;

6) work ability allowance;

7) statutory maintenance allowance;

8) health insurance benefits within the meaning of the Health Insurance Act, except benefits for temporary incapacity for work;

9) state pensions to the extent provided by law;

10) support on release from prison.

11) repressed person’s allowance paid on the basis of the Persons Repressed by Occupying Powers Act.

Income is not seized if it does not exceed the minimum monthly wage or the corresponding proportion of income for a week or day. As of 1 January 2020, the minimum monthly wage when working full-time is €584.

If making a claim for payment on other assets of a debtor has not led or is not expected to lead to complete satisfaction of a claimant’s claim, and if seizure is justified in view of the type of claim and the level of income, a claim for payment on the income referred to in points 5-7 above may be made on application by the claimant.

If making a claim for payment on other assets of a debtor has not led or is not expected to lead to complete satisfaction of a claim for maintenance for a child, up to half of the income referred to in Section 132(1) of the Code of Enforcement Procedure may be seized. If the amount seized from the debtor's income to fulfil a claim for maintenance for a child is less than half of the minimum wage, up to one third of the debtor's income may be seized.
If, pursuant to law, a debtor supports another person or pays maintenance to that person, the amount not subject to seizure increases by one third of the minimum monthly wage per dependant unless a claim for maintenance for a child is subject to compulsory execution.
Up to two thirds of an amount equivalent to five times the minimum wage may be seized, and all the income which exceeds an amount equivalent to five times the minimum wage may be seized out of the proportion of income exceeding the amount not subject to seizure, provided that the amount subject to seizure does not exceed two thirds of the total income. This provision does not apply if a claim for support is subject to compulsory execution.
On the basis of an application submitted by the debtor, a bailiff will annul the seizure of an account within three working days to the extent which guarantees for the debtor the income not subject to seizure.
If more than once month's income is transferred to a debtor's account, the bailiff will, on the basis of an application submitted by the debtor, annul the seizure of the account within three working days to the extent which guarantees for the debtor the income not subject to seizure for each month paid in advance. If the period for use of the income transferred to the debtor's account cannot be determined, the bailiff will transfer to the debtor the non-seizable income for one month.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

None

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Under Section 781(4) of the Bailiffs Act, a person filing a request to obtain account information under Article 14 pays EUR 20.
Under Section 38(6) of the Bailiffs Act, the basic fee payable to a bailiff for the execution of a Preservation Order is EUR 92.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

A right of security on seized assets that arose during an earlier seizure takes precedence over a right created during a later seizure.
A right of security on seized assets that arose on the basis of a claim for child maintenance takes precedence over other rights of security on seized assets regardless of the time of seizure. Rights of security on seized assets that arose on the basis of a claim for child maintenance are of equal ranking.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

Article 33(1) - county courts
Article 34(1)(a) – the bailiff that initiated enforcement proceedings and seized the account on the basis of a European Account Preservation Order. A list of bailiffs can be found on the website of the Chamber of Bailiffs and Trustees in Bankruptcy: https://kpkoda.ee/en/kohtutaiturid/kohtutaiturid-kontakt/.
Article 34(1)(b)
i) bailiff
ii) bailiff
iii) bailiff
iv) bailiff
Article 34(2) - county courts
Click on the below link to view all competent authorities related to this Article.
List of competent authorities

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Article 33
Appeals to district courts are filed through the county court whose ruling is contested in the appeal within 15 days from the date on which the ruling was served.
Article 34
- If the ruling was made by a county court, appeals to district courts are filed through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days from the date on which the ruling was served.
- A participant in enforcement proceedings may file a complaint with a bailiff regarding a decision made by or the action taken by the bailiff when executing an enforcement instrument or refusing to perform an enforcement action, within ten days as of the day on which the complainant became or should have become aware of the decision or action, unless otherwise provided by law. A participant in proceedings may file an appeal against a decision made by a bailiff regarding a complaint with the county court of the jurisdiction in which the bailiff's office is located within ten days from the date on which the decision was served. An appeal against a decision made or action taken by a bailiff cannot be filed with a court without first filing a complaint with the bailiff.
Participants in proceedings and bailiffs may file an appeal against a county court ruling made regarding a decision made by a bailiff. Appeals are to be submitted within 15 days from the date on which the ruling was served.
Article 35
- If the ruling was made by a county court, appeals to district courts are filed through the county court whose ruling is contested in the appeal. Appeals are to be submitted within 15 days from the date on which the ruling was served (Article 35(1)).
- A participant in enforcement proceedings may file a complaint with a bailiff regarding a decision made by or the action taken by the bailiff when executing an enforcement instrument or refusing to perform an enforcement action, within ten days as of the day on which the complainant became or should have become aware of the decision or action, unless otherwise provided by law. A participant in proceedings may file an appeal against a decision made by a bailiff regarding a complaint with the county court of the jurisdiction in which the bailiff's office is located within ten days from the date on which the decision was served. An appeal against a decision made or action taken by a bailiff cannot be filed with a court without first filing a complaint with the bailiff (Article 35 (3)-(4)). Participants in proceedings and bailiffs may file an appeal against a county court ruling made regarding a decision made by a bailiff. Appeals are to be submitted within 15 days from the date on which the ruling was served.
Click on the below link to view all competent authorities related to this Article.
List of competent authorities

Article 50(1)(n) – Court fees

The state fee for either receiving or contesting a ruling is EUR 50, and this is to be paid when submitting the application.

Article 50(1)(o) – Languages accepted for translations of the documents

Estonian, English.

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