

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

Service of a judicial document means delivery of a document to its recipient in a manner that allows recipients to examine the document in time to exercise and protect their rights. Chapter 34 of the Code of Civil Procedure provides various manners of service, including service by registered letter, electronically, through a bailiff, service on a representative of the recipient, service of a judicial document by sending, and by public announcement by publishing it in the publication *Ametlikud Teadaanded* (Official Announcements). For a judicial document to be deemed as served, the act of delivering the document must meet the formal requirements of law, and be documented in the format drawn up for the purpose.

2 Which documents need to be served formally?

Pursuant to Section 306(5) of the Code of Civil Procedure, the court shall serve the following documents on the participants in a proceeding: the statement of claim, the statement of appeal and supplements to this, summonses, court judgments, rulings on termination of proceedings, and any other judicial documents specified by law.

3 Who is responsible for serving a document?

The court arranges for the service of judicial documents through a professional provider of postal services, a bailiff, a court security guard or, in conformity with the internal rules of the court, another competent court official. It may also serve the documents in another manner specified by law. A participant in a case who has submitted a document that needs to be served or who requires another judicial document to be served may apply to the court for arranging the service of the document independently. A participant in a proceeding may serve judicial documents only through a bailiff. In such a case, the service and documentation of the service take place under the same conditions as the service by the court through a bailiff. The court assesses whether the judicial document can be deemed as served.

4 Address inquiries**4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the addressee no longer resides at the address known to the requesting authority?**

The institution receiving the request (Ministry of Justice (*Justitsministeerium*) or court) also verifies, in addition to the existing data, the address of the person in the Population Register (*Rahvastikuregister*) or the Commercial Register (*Äriregister*).

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

The address details of legal persons, branches of foreign companies and sole proprietorships are available in the [Commercial Register](#). In order to establish the address of a private person, an official query can be made to obtain data entered in the [Population Register](#). The query must substantiate the legitimate interest in order for the data controller to decide whether issuing the data is justified. The Population Register is administered by the IT and Development Centre of the Ministry of the Interior (*Siseministeerium*), whose website contains information about queries, and is available at <https://www.smit.ee/>

4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?

Courts process international requests for taking evidence on petition, i.e. courts have an obligation to make every effort in order to establish the address of the person concerned.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

The decision on how to serve the document is generally made by the body conducting proceedings. However, courts should primarily serve documents electronically through the public e-File information system, where a participant in a proceeding has access to all the judicial documents of his or her case, or by e-mail. The use of electronic channels helps the court to save on postal charges and the use of electronic service is constantly increasing. After considering electronic service, the court will consider other alternatives, such as service by post, service by a court messenger and various other options set out by law.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method foreseen? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

Electronic service is permitted in all proceedings and to all addressees.

Pursuant to Section 3111 of the Code of Civil Procedure, judicial documents are served electronically through the designated information system, by sending a note to the participants in the proceedings to tell them that the document is available in the system. The court makes all judicial documents, including court decisions, immediately available to the participants in the proceedings via the information system, regardless of how the documents were served on the participants during the proceedings. An identity card is needed to log into the information system. A judicial document is deemed to be served when the recipient opens it in the information system or confirms receipt without opening the document. The same applies if this is done by another person, whom the recipient has granted access to see the documents in the information system. The information system registers the service of the document automatically. If a recipient cannot be expected to be able to use the information system used to serve judicial documents, or if serving documents through the information system is technically impossible, the court may also service judicial documents electronically in another manner. In this case the document is deemed to be served when the recipient confirms receipt of the judicial document in writing, by fax or electronically. The confirmation must set out the date of receipt of the document and bear the signature of the recipient or their representative. A confirmation prepared in electronic form must bear the digital signature of the sender or be transmitted in another secure manner that makes it possible to identify the sender and the time it was sent, unless the court has no reason to doubt that the confirmation without a digital signature has been sent by the recipient or their representative. A confirmation prepared in electronic form may be sent to the court by e-mail if the e-mail address of the recipient is known to the court and it can be presumed that unauthorised persons have no access to

it and also if the court has already sent documents to this e-mail address in the course of the same case or if the participant in the proceeding has provided his or her e-mail address to the court independently. The confirmation must be sent to the court without delay. A court may fine a participant in a proceeding or their representative for violating this obligation.

Judicial documents may only be served on advocates, notaries, bailiffs, trustees in bankruptcy and state or local government agencies in a manner other than the electronic method if there is a good reason for this.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

Pursuant to Section 322(1) of the Code of Civil Procedure, if the recipient of a judicial document cannot be reached in his or her home, the document is also deemed to be served if it is delivered to a person of at least fourteen years of age who lives with the recipient or serves the recipient's family. Subsection 2 of the same section states that, instead of serving a judicial document on the recipient, it may be served on the apartment association managing the apartment building where the recipient's home or business is located, the administrator of a jointly property, or the recipient's landlord. Likewise, it may be served on the recipient's employer or another person for whom the recipient provides services under a contract. A judicial document is deemed to be served on the recipient pursuant to subsection 3 even if it is served on the recipient's representative in one of the ways specified in subsections 1 and 2 of the same section. Pursuant to Section 322(4) of the Code of Civil Procedure, a document is also deemed to be served on a person who is serving in the defence forces, serving a sentence in prison or staying in a health care institution or similar place for a prolonged period of time, provided that the document is delivered to the head of the institution or someone appointed by them, unless otherwise prescribed by law.

Section 323 of the Code of Civil Procedure states that, if a document is being served on a natural person engaging in economic or professional activity, but this person does not remain in the business premises during regular working hours or is unable to receive the document, then the document may be delivered to an employee who usually remains in the business premises of the recipient, or to a person who usually provides services to the recipient on similar contractual basis. The same also applies, pursuant to subsection 2, to service of documents on legal persons, administrative agencies, notaries and bailiffs, as well as in the case of serving of a document on the recipient's representative or any other person on whom the document may be served instead of the recipient.

In the cases specified in Sections 322 and 323 of the Code of Civil Procedure, a document is not deemed to be served if, instead of the recipient, the document is served on a person participating in the judicial proceeding as the recipient's opposing party.

In accordance with Section 326(1) of the Code of Civil Procedure, a judicial document that cannot be served because it cannot be delivered to the home or business premises of the recipient or their representative can be considered served if it is placed in the post box which belongs to the home or business premises, or in a similar place that the recipient or their representative uses to receive mail and that would protect the document against the elements in normal circumstances. A judicial document may be served in this way on the apartment association managing the apartment building where the recipient's home or business premises are located, the administrator of a jointly owned property or the recipient's landlord, as well as on the recipient's employer or another person to whom the recipient provides services under a contract only if it is impossible to serve the document on the recipient or their representative in person. Serving the document in the manner described in subsection 1 of this section is, pursuant to subsection 2 of the same section, permitted only if efforts have been made to deliver the judicial document to the recipient personally on at least two occasions at least three days apart and at significantly different times, and if it is also impossible to serve the judicial document on another person staying in the home or business premises in conformity with Section 322(1) or Section 323 of the Code of Civil Procedure.

Section 327 of the Code of Civil Procedure also allows the judicial document to be served by being deposited at a specific location. Pursuant to Section 217 (1) of the Code of Civil Procedure, on the conditions provided in Section 326 of the Code, a document may also be deposited with the post office, rural municipality or city government responsible for the place of service of the document, or with the office of the county court within the territorial jurisdiction of which the place for serving the document is located.

Pursuant to Section 317(1) of the Code of Civil Procedure, based on a court ruling, a participant in proceedings may be served a judicial document by public announcement if:

the address of the participant in the proceedings is not entered in the register or the person does not live at the address entered in the register and the court has no other way of knowing the address of the person or where they are staying, and the document cannot be delivered to a representative of the person or a person authorised to receive the document or in any other manner provided for in this section;

serving the document in a foreign state in line with the requirements is presumed to be impossible;

the document cannot be served because the place of service is the home of an extra-territorial person.

A judicial document may be served by public announcement on a participant in a proceeding who is a legal person based on a court ruling if electronic service and service by registered letter to the postal address entered in the register on legal persons have yielded no results. If a legal person has submitted the Estonian address of the person provided for in Section 631 of the Commercial Code to the registrar, an attempt shall also be made to service the document to such address before public service of the procedural document.

Pursuant to Section 317(3) of the Code of Civil Procedure, an excerpt from a document subject to public service is published in the publication *Ametlikud Teadaanded*. The court hearing the matter may make a ruling on allowing publication of the excerpt in other publications as well.

A court may refuse to serve a judicial document by public announcement if the presumed intention is to have the ruling to be made in proceedings recognised or enforced in a foreign State and such public service would make it likely for the ruling not to be recognised or enforced.

7.2 If other methods are applied, when are the documents deemed to have been served?

If a document is served pursuant to Sections 322 and 323 of the Code of Civil Procedure, it is deemed to be served once it has been delivered to the person to whom the document should be delivered in accordance with Sections 322 or 323 of the Code of Civil Procedure.

If a document is served by being placed in a post box pursuant to Section 326 of the Code of Civil Procedure, it is deemed to be served once it has been placed in the post box.

If a document is served by being deposited, pursuant to Section 327 (3) of the Code of Civil Procedure, it is deemed to be served once three days have passed from the written notice specified in subsection 2 of the same section being left or sent on. The date of service is entered on the envelope of the document.

In the event of public service, a judicial document is deemed to be served once 15 days have passed from the date the excerpt was published in *Ametlikud Teadaanded* (Section 317(5) of the Code of Civil Procedure). The court hearing the matter may set a longer term for deeming a document to be served. In this case, the term is published together with the public service of the document.

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

If a judicial document is served by being deposited, pursuant to Subsection 327(2) of the Code of Civil Procedure a written notice concerning this is left at or sent to the address of the recipient. If this is impossible, the notice is attached to the door of the home, business premises or place of stay of the recipient or

issued to a person living in the neighbourhood for them to forward it to the recipient. The notice must clearly state that the document deposited has been sent by the court and that the document is deemed to be served as soon as it has been deposited, and terms in the proceedings may begin to run starting from that time.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

Pursuant to Section 325 of the Code of Civil Procedure, if a person refuses to accept a document without good reason, the document is deemed to have been served on the person at the time when they refused to accept the document. In this situation, the document is left in the home or business premises of the recipient, or placed in their post box. In the absence of any premises or post box, the document is returned to the court.

8 Postal service from abroad (Article 14 of the Service Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 14 of the Service Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

Pursuant to Section 3161(5) of the Code of Civil Procedure, which covers the implementation of Regulation (EC) No 1393/2007 of the European Parliament and of the Council, and on the basis of this Regulation, documents are served in Estonia in line with the procedure set out for serving of judicial documents in the Code of Civil Procedure. Documents may not be served by public announcement.

Pursuant to Section 313(2) of the Code of Civil Procedure, a judicial document that is served may be handed over to a person who is not the recipient only in the cases provided by Part VI of the Code of Civil Procedure. This person must hand the document over to the recipient at the earliest opportunity. They may refuse to accept the document for delivery to the recipient only if they prove that they are unable to deliver the document to the recipient. The obligation to deliver the document must be explained to the person. The document is deemed to be served regardless of whether or not this explanation is given.

Thus, pursuant to Regulation (EC) No 1393/2007 of the European Parliament and of the Council, it is also possible to apply the manners of service described in point 2.1 above and provided for in Sections 322 and 323 of the Code of Civil Procedure:

Pursuant to Section 322(1) of the Code of Civil Procedure, if the recipient of a judicial document cannot be reached in his or her home, the document is also deemed to be served if it is delivered to a person of at least fourteen years of age who lives with the recipient or serves the recipient's family. Subsection 2 of the same section states that, instead of serving a judicial document on the recipient, it may be served on the apartment association managing the apartment building where the recipient's home or business is located, the administrator of a jointly property, or the recipient's landlord. Likewise, it may be served on the recipient's employer or another person for whom the recipient provides services under a contract. A judicial document is deemed to be served on the recipient pursuant to subsection 3 even if it is served on the recipient's representative in one of the ways specified in subsections 1 and 2 of the same section. Pursuant to Section 322(4) of the Code of Civil Procedure, a document is also deemed to be served on a person who is serving in the defence forces, serving a sentence in prison or staying in a health care institution or similar place for a prolonged period of time, provided that the document is delivered to the head of the institution or someone appointed by them, unless otherwise prescribed by law.

Section 323 of the Code of Civil Procedure states that, if a document is being served on a natural person engaging in economic or professional activity, but this person does not remain in the business premises during regular working hours or is unable to receive the document, then the document may be delivered to an employee who usually remains in the business premises of the recipient, or to a person who usually provides services to the recipient on similar contractual basis. The same also applies, pursuant to subsection 2, to service of documents on legal persons, administrative agencies, notaries and bailiffs, as well as in the case of serving of a document on the recipient's representative or any other person on whom the document may be served instead of the recipient.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

In line with the second sentence of Section 3161(5) of the Code of Civil Procedure, no public announcement may be used when serving a judicial document pursuant to Regulation (EC) No 1393/2007 of the European Parliament and of the Council.

It is possible to serve a judicial document by placing it in a post box, pursuant to Section 326 of the Code of Civil Procedure, or, in accordance with Section 327 of the Code of Civil Procedure, by depositing the judicial document.

In accordance with Section 326(1) of the Code of Civil Procedure, a judicial document that cannot be served because it cannot be delivered to the home or business premises of the recipient or their representative can be considered served if it is placed in the post box which belongs to the home or business premises, or in a similar place that the recipient or their representative uses to receive mail and that would protect the document against the elements in normal circumstances. A judicial document may be served in this way on the apartment association managing the apartment building where the recipient's home or business premises are located, the administrator of a jointly owned property or the recipient's landlord, as well as on the recipient's employer or another person to whom the recipient provides services under a contract only if it is impossible to serve the document on the recipient or their representative in person. Serving the document in the manner described in subsection 1 of this section is, pursuant to subsection 2 of the same section, permitted only if efforts have been made to deliver the judicial document to the recipient personally on at least two occasions at least three days apart and at significantly different times, and if it is also impossible to serve the judicial document on another person staying in the home or business premises in conformity with Section 322(1) or Section 323 of the Code of Civil Procedure.

Section 327 of the Code of Civil Procedure also allows the judicial document to be served by being deposited at a specific location. Pursuant to Section 217 (1) of the Code of Civil Procedure, on the conditions provided in Section 326 of the Code, a document may also be deposited with the post office, rural municipality or city government responsible for the place of service of the document, or with the office of the county court within the territorial jurisdiction of which the place for serving the document is located.

Article 14 of Regulation (EC) No 1393/2007 of the European Parliament and of the Council, states that judicial documents must be handed over with acknowledgement of receipt, it is questionable whether the service, as applied in the cases set out in Sections 326 and 327 of the Code of Civil Procedure, is admissible.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

Pursuant to Section 6(1) of the "Requirements for forwarding of registered items and insured items in the framework of the universal postal service" approved by Regulation No 57 of the Minister of Economic Affairs and Communications of 22 June 2006, if the recipient of an item of correspondence is not at his or her place of residence or location at the time of service, a notice from the nearest post office to the location in question will be left for the recipient, explaining that the delivery was carried out.

If the sender has not made any other notations in the delivery notice about service in another manner, judicial documents will be deposited in the post office for up to 15 days from the second sending attempt, unless the sender has provided a different timeframe. A deposit notice is sent to the recipient by text

message, to an e-mail address or a post box. Once the period expires, judicial documents are formally returned to the sender along with the grounds for returning, and are issued to the sender's representative who signs for them (Terms and conditions of service of AS Eesti Post for delivery of judicial documents).

9 Is there any written proof that the document has been served?

Pursuant to Section 306(2) of the Code of Civil Procedure, when a judicial document is served, the act of delivery must meet the formal requirements provided by law and be documented in the format prescribed for the purpose. Pursuant to Section 307(4) of the Code of Civil Procedure, the dispatch of a judicial document intended for service must be entered in the court file. Pursuant to Section 311 of the Code of Civil Procedure, the designated information system registers the service of a judicial document automatically (see the description of service through the information system in point 6 above). Pursuant to Section 313 of the Code of Civil Procedure, service of a document by registered letter is certified by the delivery notice. When a document is sent by unregistered letter or fax, it is deemed to have been served if the recipient sends the court a confirmation on the receipt of the document by letter or fax or electronically, as chosen by the recipient. The confirmation must set out the date of receipt of the document and bear the signature of the recipient of the document or their representative. Pursuant to Section 315(5) of the Code of Civil Procedure, a delivery notice is prepared concerning service of a judicial document through a bailiff, court official, or another person or institution. After service, the delivery notice is returned to the court without delay. Upon service of a judicial document on the basis of Section 314 of the Code of Civil Procedure, if it is served by being sent, a note is made in the file, setting out where and when the document or information about making it available was sent, unless sending is registered automatically in the information system created for the purpose.

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

Pursuant to Section 307(3) of the Code of Civil Procedure, if a document reached a participant in a proceeding on whom the document had to be served or on whom the document could be served pursuant to law but it was not possible to certify the service, or if the procedure for service provided by law was violated, the document is deemed to be served on the participant in the proceeding only from the time at which the document actually reached the recipient. Upon service by registered letter pursuant to Section 313 of the Code of Civil Procedure, the court may deem a delivery notice that does not meet the formal requirements provided in subsections 3 and 4 of the same section as being adequate for the purpose of service if service is still reliably documented in the delivery notice. If the court cannot deem a judicial document as served because the provider of postal services failed to serve the document correctly, the court may give the judicial document to the provider of postal services to be served again at no cost to the court. Examples of failure to serve the document correctly include not using all the options outlined in the Code of Civil Procedure when serving the judicial document by registered letter, delivering the judicial document to a person to whom it should not have been delivered pursuant to the provisions of this section, failing to comply with the requirements provided in Section 326 of the Code of Civil Procedure for serving of a judicial document by placing it in a post box or in Section 327 of the Code of Civil Procedure for serving of a judicial document by depositing, or failing to document the service correctly, meaning that the service could not be considered as having been carried out.

11 Do I have to pay for service of a document, and if so, how much?

The cost of postal services paid nationally in Estonia does not constitute a cost related to examining the case, i.e. the service of judicial documents in national judicial proceedings is generally free of charge, except if service is requested via a bailiff.

If judicial documents were served through a bailiff, the fee payable to a bailiff for the service of judicial documents is, pursuant to Section 48(2) of the Bailiffs Act, EUR 30 if the documents could be served on the addressee or their legal representative: 1) via the address or telecommunications data entered in the Population Register or via the e-mail address: isikukood@eesti.ee; or 2) at an address entered in the register of sole proprietors and legal persons maintained in Estonia or via the telecommunications data registered in the information system of the aforementioned register. Pursuant to subsection 3, if a judicial document could not be served even though the bailiff did everything necessary and reasonably possible for the service of the document pursuant to the procedure set out in law, the bailiff has the right to demand a fee of EUR 30 by issuing a decision on the bailiff's fee and the instrument of service concerning what steps the bailiff has taken in order to serve the document. In cases other than those specified in subsections 2 and 3, the fee payable to a bailiff for serving judicial documents is EUR 60.

If the person on whom documents are to be served is legally obliged to register his or her address or contact information in the population register or in the Estonian register on self-employed persons or legal persons and that person has not duly complied with said obligation, including if the data entered in the register are outdated or incorrect for any other reason, and therefore judicial documents could not be served using such data, EUR 30 of the EUR 60 fee is to be paid, on the basis of a decision on a bailiff's fee, by the person applying for a professional act and EUR 30 by the person on whom the documents were to be served.

A bailiff does not have the right to demand a fee and any advance payment made shall be returned if the bailiff has not done everything necessary and reasonably possible to serve documents pursuant to the procedure provided for by law by the deadline set by the court and if judicial documents could not be served.

The size of postal charges payable by the court is based on the price list of the service provider; no fixed fee has been regulated at the legislative level. The price arises from the weight of the letter, where it is being served, etc.

A participant in a proceeding must pay for the service of a judicial document abroad in accordance with the tariffs of the postal service provider.

Further information can be found in: the Code of Civil Procedure

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