

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Civil matters fall within the competence of county courts (*maakohus*). County courts as courts of first instance hear civil matters. Civil matters cover a wide range of areas and involve disputes arising from different contracts and obligations, family and succession matters, disputes over real rights, issues regarding the activities and management of companies and non-profit associations, bankruptcy matters and labour law issues. In order to initiate a civil matter, a statement of claim must be submitted to a county court. The statement of claim to be submitted to the court must indicate the person against whom the claim is being made, what is being claimed, why it is being claimed (i.e. on what legal basis) and the evidence supporting the claim.

The conduct of proceedings in civil matters is regulated by the [Code of Civil Procedure](#).

A claim against another person for the payment of a fixed amount of money which arises from a private law relationship may also be heard on request under the expedited procedure for payment orders. In order to initiate the expedited procedure for payment orders with regard to a claim for support or claim for debt, the website <https://www.e-toimik.ee/> may be used to contact the county court's payment order department. The expedited procedure for payment orders is not applied to claims that exceed EUR 6 400 (debt claims); this amount covers both principal and collateral claims. Similarly, the expedited procedure is not applied if the support claimed is greater than EUR 200 per month. The expedited procedure for payment orders is not applied if the debtor is not indicated in the birth certificate of a child as a parent of that child. The expedited procedure for payment orders is conducted by the Haapsalu courthouse of Pärnu County Court (*Pärnu Maakohu Haapsalu kohtumaja*).

Although no specialised courts exist in Estonia, certain disputes can be addressed to extrajudicial committees before exercising the right of recourse to the courts. For instance, labour disputes are resolved by the [Labour Dispute Committee](#) (*töövaidluskomisjon*). The Labour Dispute Committee is an independent pre-trial body that resolves individual labour disputes. Both employees and employers have the right of recourse to the Committee whilst remaining exempt from state fees. The resolution of labour disputes by the Labour Dispute Committee is governed by the [Individual Labour Dispute Resolution Act](#). A labour dispute committee may be addressed in order to resolve any disputes arising from labour relations. When exercising the right of recourse to a labour dispute committee, it is important to note that the committee resolves financial claims not exceeding EUR 10 000. Claims exceeding EUR 10 000 are resolved by a court. The application submitted to the Labour Dispute Committee should set out the circumstances that are relevant to the dispute. For instance, when challenging the cancellation of an employment contract, the time of and reason for cancellation should be given. It is necessary to describe the nature of the disagreement between the parties, i.e. what the employee or the employer has failed to do or has done illegally. Any statements and claims will need to be substantiated and, for that reason, any circumstances that are supported by documentary evidence (employment contract, mutual agreements or correspondence between the employee and the employer, etc.) or any reference to other evidence and witnesses should be included. This documentary evidence, which substantiates the claim of the employee or the employer, should be enclosed with the application when it is submitted. If the applicant considers it necessary to invite a witness to the meeting, the witness's name and address should be included in the application.

Claims arising from a contract between a consumer and a trader can be resolved by the [Consumer Disputes Committee](#) (*tarbijavaidluste komisjon*). The resolution of consumer disputes by this committee is governed by the [Consumer Protection Act](#). The Consumer Disputes Committee is competent to settle contractual disputes initiated by domestic or foreign consumers, between consumers and traders where one of the parties is a trader established in Estonia. The Consumer Disputes Committee is also competent to settle disputes relating to damages caused by a defective product, provided that a loss can be established. If the fact that a loss has been caused is established, but the exact amount of the loss cannot be quantified (for example, in the event of a non-monetary loss or losses arising in the future), the amount of indemnity shall be determined by a court. The Committee does not settle disputes relating to the provision of non-economic services of general interest, educational services provided by legal persons governed by public law, health care services provided to patients by healthcare professionals for the evaluation, preservation or restoration of their health, or the prescription, issuing or supplying of medicines and medical devices. Nor does the Committee settle disputes where the procedure for settling such disputes is provided for in other legislation. Such disputes are settled by a competent institution or by a court. It is, for instance, possible to settle lease disputes in a lease committee, the procedures of which are set out in the [Lease Disputes Resolution Act](#) (*üürivaidluse lahendamise seadus*).

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

In order to know which court is competent to hear a matter, it is important to know the principles of jurisdiction. Jurisdiction is divided into three areas: 1) general jurisdiction, which depends on the place of residence of the person; 2) optional jurisdiction; 3) exclusive jurisdiction (see section 2.2).

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Courts of lower and higher instance are different, as the Estonian court system has three instances.

County courts (*maakohus*) as courts of first instance hear all civil matters. An Act may set out that certain types of matters are to be heard only by particular county courts if this speeds up the hearing of matters or otherwise renders the process more effective.

A circuit or district court (*ringkonnakohus*) reviews decisions made in civil matters by the county courts within its territorial jurisdiction, on the basis of appeals against decisions and rulings. A circuit court also adjudicates other matters placed within its jurisdiction by law.

The Supreme Court (*Riigikohus*) reviews decisions made in civil matters by the circuit courts, on the basis of appeals in cassation and appeals against rulings. The Supreme Court also adjudicates petitions for the review of court decisions in force, in the cases provided by law, appoints a court with the appropriate competence to adjudicate a matter, and adjudicates other matters placed within its jurisdiction by law. The Supreme Court also serves as Estonia's Constitutional Court.

A matter is first adjudicated and a judgment made by a county court as a court of first instance. If a person is not satisfied with a judgment, they have a legal right to file an appeal to a higher court, i.e. the circuit court. Circuit courts are courts of second instance and they therefore review the decisions made by county and administrative courts on the basis of appeals and appeals against rulings. A circuit court adjudicates civil matters collegially – an appeal is adjudicated by a panel of three judges.

The Supreme Court is the highest instance, and resolves appeals in cassation and petitions for the review of court decisions. Cassation refers to the filing of an appeal against a court judgment that has not entered into force on the basis of legal issues and the review of that judgment in a higher court without re-evaluating the facts. Review of court decisions refers to the re-examination of decisions and rulings that have already entered into force, in cases where new circumstances have arisen and on the basis of an application by a party to the proceedings.

An appeal in cassation may be submitted to the Supreme Court by each party to the proceedings who is not satisfied with the judgment of a lower court. An appeal can be filed only via a qualified representative, not in person. The Supreme Court accepts an appeal in cassation if the claims made in the appeal raise the question of whether the lower court has applied the substantive law incorrectly or whether it was in material breach of procedural law, which could have resulted in an unjust ruling. In addition, the Supreme Court accepts the matter if hearing the appeal in cassation would be of fundamental importance in respect of guaranteeing legal certainty and shaping uniform judicial practice, or for further development of the law.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Jurisdiction is the right and obligation of a person to exercise their procedural rights before a specific court. Jurisdiction is general, optional or exclusive.

General jurisdiction establishes the court with which an action can be filed against a person and other procedural acts can be performed with respect to a person unless it is provided by law that the action must be filed or the act be performed by another court.

Optional jurisdiction establishes the court with which actions can be filed against a person and other procedural acts can be performed with respect to a person in addition to general jurisdiction. This means that an action involving a proprietary claim against a natural person can equally be filed with the court whose jurisdiction covers their longer-term place of residence. If a person resides in a foreign state, an action involving a proprietary claim can also be filed against them with the court that covers the location of the property with respect to which the claim is filed, or with the court whose jurisdiction covers the location of other property of the person.

Exclusive jurisdiction establishes the sole court which can be addressed for adjudication of a civil matter. Jurisdiction in cases on a petition is exclusive unless otherwise provided by law. Exclusive jurisdiction may be determined, for example, by the location of immovable property, the registered office of a legal person, etc.

2.2.1 The basic rule of territorial jurisdiction

An action against a natural person may be filed with the court whose jurisdiction covers their place of residence, and an action against a legal person may be filed with the court whose jurisdiction covers its headquarters. If the residence of a natural person is not known, an action against the person can be filed with the court whose jurisdiction covers their last known residence.

2.2.2 Exceptions to the basic rule

An action against a citizen of the Republic of Estonia living in a foreign state in respect of whom extraterritoriality applies or against a citizen of the Republic of Estonia working in a foreign state who is a civil servant can be filed with the court whose jurisdiction covers the person's last residence in Estonia. If the person has not had a residence in Estonia, an action can be filed against them with Harju County Court (*Harju Maakohus*). An action can be filed against a body of the Republic of Estonia or a local government with the court that covers the registered office of the state or local government body in question. If the state body specified cannot be determined, the action is filed with Harju County Court. If the local government body cannot be determined, the action is filed with the court whose jurisdiction covers the seat of the rural municipality or city government.

An action can be filed against a body of the Republic of Estonia or a local government with the court whose jurisdiction covers the registered offices of the state or local government body in question.

If the state body cannot be determined, the action is filed with Harju County Court. If the local government body cannot be determined, the action is filed with the court whose jurisdiction covers the seat of the rural municipality or city government. A plaintiff can also file an action with the court whose jurisdiction covers their own residence.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

In the cases set out in law, a person may choose a court with which actions can be filed against a person and other procedural acts can be performed with respect to a person in addition to general jurisdiction.

An action involving a proprietary claim can be filed against a natural person also with the court whose jurisdiction covers their place of residence if the person has resided there for a longer period of time due to an employment or service relationship, studies or for other such reason.

Jurisdiction based on the place of business – an action related to the economic or professional activities of the defendant can also be filed with the court whose jurisdiction covers its place of business.

Jurisdiction based on the registered office of a legal person – a legal person based on membership, including a company, or a member, partner or shareholder thereof can file an action arising from their membership or holding against a member, partner or shareholder of the legal person also with the court whose jurisdiction covers the registered office of the legal person.

Jurisdiction based on the location of property – if a person has a residence or registered office in a foreign state, an action involving a proprietary claim can be filed against that person with the court whose jurisdiction covers the location of the property with respect to which the claim is filed, or with the court whose jurisdiction covers the location of other property belonging to the person. If property has been entered in a public register, the action can be filed with the court whose jurisdiction covers the location of the register in which the property is registered. If the property is a claim under the law of obligations, the action can be filed with the court whose jurisdiction covers the residence or registered office of the debtor. If the claim is secured by an asset, the action can be filed with the court whose jurisdiction covers the location of the asset.

An action for the collection of a claim secured by a mortgage or encumbered with a real encumbrance or another action involving a similar claim can also be filed with the court of the location of the immovable provided that the debtor is the owner of the registered immovable which is secured by the mortgage or encumbered with the real encumbrance.

An action against an apartment owner arising from a legal relationship relating to ownership of an apartment may also be filed with the court with jurisdiction in the location of the immovable property that is the object of the apartment ownership.

Jurisdiction based on the place of performance of a contract – an action arising from a contract or an action for ascertaining the invalidity of a contract can also be filed with the court whose jurisdiction covers the place where the contested contractual obligation is to be performed. In the case of a contract for the sale of movable property, the place where the movable property was delivered or had to be delivered to the buyer and, in the case of a contract for provision of a service, the place where the service was provided or had to be provided is deemed to be the place of performance of the obligation. In other cases, the place of business or, in the absence thereof, the residence or registered office of the debtor is deemed to be the place of performance of the obligation. These provisions apply unless the parties have agreed otherwise.

Jurisdiction based on the residence of a consumer – an action arising from a contract or relationship specified in Sections 35, 46, 52, 208(4), 379, 402, 635 (4), 709, 734 or 866 of the [Law of Obligations Act](#) (*võlaõigusseadus*) or an action arising from another contract concluded with an undertaking that has a registered office or a place of business in Estonia can also be filed by a consumer with the court whose jurisdiction covers the residence of the consumer.

The above does not apply to actions arising from contracts of carriage.

Jurisdiction of an action arising from an insurance contract – a policyholder, beneficiary or other person entitled to demand performance from the insurer on the basis of an insurance contract can also file an action arising from the insurance contract against the insurer with the court whose jurisdiction covers the residence or registered office of the person. In the case of liability insurance or insurance of a construction, immovable property, or movable property together with a construction or immovable property, an action can also be filed against the insurer with the court whose jurisdiction covers the place of the act or event that caused the damage, or the place where the damage was caused.

Jurisdiction based on the residence or place of work of an employee – an employee can also file an action arising from their employment contract with the court whose jurisdiction covers their residence or place of work.

Jurisdiction of an action arising from a bill of exchange or cheque – an action arising from a bill of exchange or cheque can also be filed with the court whose jurisdiction covers the place of payment for the bill of exchange or cheque.

Jurisdiction of an action arising from criminal damage – an action for compensation for criminal damage can also be filed with the court whose jurisdiction covers the place of the act or event that caused the damage, or the place where the damage was caused.

Jurisdiction of action arising from a maritime claim, rescue work or a rescue contract – an action arising from one or several maritime claims specified in the [Law of Maritime Property Act](#) (*laeva asjaõigusseadus*) can also be filed with the court whose jurisdiction covers the location of the ship of the defendant or the home port of the ship. An action arising from rescue works or a rescue contract can also be filed with the court whose jurisdiction covers the place where rescue works took place.

Jurisdiction over an action for the division of an estate – an action that aims to establish the right of succession, a successor's claim against the possessor of the estate, a claim arising from a legacy or succession contract, or a claim for a compulsory portion or for division of an estate can also be filed with the court whose jurisdiction covers the bequeather's residence at the time of their death. If the bequeather was a citizen of the Republic of Estonia but at the time of death had no residence in Estonia, the action can also be filed with the court whose jurisdiction covers the bequeather's last residence in Estonia. If the bequeather had no residence in Estonia, the action can be filed with Harju County Court (*Harju Maakohus*).

Action against co-defendants and several actions against a single defendant – an action against several defendants can be filed with the court whose jurisdiction covers the residence or registered office of one co-defendant of the plaintiff's choice. If several actions are to be filed against one defendant on the basis of the same fact, all actions can be filed with the court with which an action relating to one claim or some of the claims arising from the same fact could be filed.

Jurisdiction of a counterclaim and an action by a third person with an independent claim – a counterclaim can be filed with the court with which the original action was filed provided that the conditions for filing a counterclaim are complied with and the counterclaim does not fall under exclusive jurisdiction. The above also applies in cases where, pursuant to general provisions, the counterclaim should be filed with a foreign court.

An action by a third party with an independent claim can be filed with the court hearing the main action.

Jurisdiction in bankruptcy proceedings – an action concerning bankruptcy proceedings or bankruptcy estate against a bankrupt person, trustee in bankruptcy or a member of the bankruptcy committee, including an action for exclusion of property from a bankruptcy estate, can be filed with the court that declared the bankruptcy. An action for acceptance of a claim can also be filed with the court that declared the bankruptcy. A bankrupt person can also file an action concerning the bankruptcy estate, including an action for recovery, with the court which declared the bankruptcy.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In the cases set out in law, jurisdiction is exclusive. Jurisdiction establishes the sole court that can be addressed for adjudication of a civil matter. Jurisdiction in matters on petition is exclusive unless otherwise provided by law.

1) *Jurisdiction by the location of immovable property* – an action with the following objects is filed with the court whose jurisdiction covers the location of the immovable property:

claims related to recognising the existence of the right of ownership, limited real right or other real right encumbrance concerning immovable property, or recognition of the absence of such rights or encumbrances, or claims related to other rights over immovable property;

determination of the boundaries or division of immovable property;

protection of the possession of immovable property;

claims with respect to a real right arising from apartment ownership;

claims related to compulsory enforcement of immovable property;

claims arising from a lease contract or commercial lease contract concerning immovable property or other contract for the use of immovable property under the law of obligations, or from the validity of such contracts.

An action related to real servitude, real encumbrance or right of pre-emption is filed with the court whose jurisdiction covers the location of the servient or encumbered immovable property.

2) *Claim for termination of the application of standard terms* – an action for termination of the application of an unfair standard term, or for termination and withdrawal of the recommendation of the term by the person recommending application of the term (Section 45 of the Law of Obligations Act (*võlaõigusseadus*)) is filed with the court whose jurisdiction covers the place of business of the defendant or, if there is none, with the court whose jurisdiction covers the residence or registered office of the defendant. If the defendant has no place of business, residence or registered office in Estonia, the action is filed with the court under whose territorial jurisdiction the standard term was applied.

3) *Jurisdiction of a matter revoking a decision of a body of a legal person, or establishing its invalidity* – an action for revoking a decision of a body of a legal person, or for establishing its invalidity is filed with the court covering the registered office of the legal person.

4) *Jurisdiction of matrimonial matters*

Matrimonial matters are considered civil matters in which actions are adjudicated where the subject is:

divorce;

annulment of marriage;

establishing the existence or absence of marriage;

division of joint property or other claims arising from the proprietary relationship between the spouses;

other claims arising from the marital relationship filed by one spouse against the other.

An Estonian court is competent to adjudicate a matrimonial matter if:

at least one of the spouses is a citizen of the Republic of Estonia or was a citizen at the time of contracting the marriage;

the residences of both spouses are in Estonia;

the residence of one spouse is in Estonia, except where the judgment to be made would clearly not be recognised in the countries of nationality of either spouse.

In a matrimonial matter to be adjudicated by an Estonian court, an action is filed with the court whose jurisdiction covers the joint residence of the spouses or, if there is none, with the court whose jurisdiction covers the residence of the defendant. If the residence of the defendant is not in Estonia, the action is filed

with the court whose jurisdiction covers the residence of a common child of the parties who is a minor and, in the absence of a common child who is a minor, with the court whose jurisdiction covers the residence of the plaintiff.

If custody has been established over the property of an absent person due to the person going missing or if a guardian has been appointed to a person due to their restricted active legal capacity, or if imprisonment has been imposed on a person as punishment, a divorce action against such a person can also be filed with the court whose jurisdiction covers the residence of the plaintiff.

5) *Jurisdiction of filiation and maintenance* – a filiation matter is a civil matter where an action aiming to establish filiation or contesting an entry concerning a parent in the birth certificate of a child or in the population register is adjudicated. An Estonian court can adjudicate a filiation matter if at least one of the parties is a citizen of the Republic of Estonia or at least one of the parties has a residence in Estonia. In a filiation matter to be adjudicated by an Estonian court, the action is filed with the court whose jurisdiction covers the residence of the child. If the residence of the child is not in Estonia, the action is filed with the court whose jurisdiction covers the residence of the defendant. If the residence of the defendant is not in Estonia, the action is filed with the court whose jurisdiction covers the residence of the plaintiff.

These provisions also apply to maintenance matters. A maintenance matter is a civil matter for the adjudication of an action claiming:

performance of a maintenance obligation of a parent arising from law with respect to a minor child;

performance of a maintenance obligation between parents;

performance of a maintenance obligation between spouses;

performance of another maintenance obligation arising from law.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

If a matter falls under the jurisdiction of several Estonian courts simultaneously, the petitioner has the right to choose the court with which to file the petition.

In such cases, the matter is adjudicated by the court that was first to receive the petition.

If an action is filed with the court whose jurisdiction covers the residence or registered office of the defendant or with the court of exclusive jurisdiction, the matter is heard in the courthouse whose territorial jurisdiction includes the defendant's residence or registered office, or the place according to which the exclusive jurisdiction is determined. If multiple places used to determine the jurisdiction remain within the territorial jurisdiction of a single county court, but within the service areas of different courthouses, the plaintiff selects the courthouse in which the matter is to be heard. If the plaintiff fails to select it, the court determines where the matter should be heard.

Matters on petition are heard in the courthouse whose territorial jurisdiction includes the place used to determine jurisdiction. If different places determining jurisdiction remain within the territorial jurisdiction of a single county court, but within the service areas of different courthouses, the court determines where the matter should be heard.

More precise geographical areas and service areas of the courts are laid down in the [Courts Act](#).

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The expedited procedure for matters of payment orders is conducted by the Haapsalu courthouse of Pärnu County Court (*Pärnu Maakohtu Haapsalu kohtumaja*). Other civil matters are subject to the aforementioned principles of jurisdiction.

Related links

[Court system](#)

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