European payment order

Estonia

1 Existence of an order for payment procedure

Yes. Chapter 49 of the Code of Civil Procedure (*tsiviilkohtumenetluse seadustik*, TsMS) governs expedited procedure in the case of payment orders.

1.1 Scope of procedure

1.1.1 What types of claims are eligible (e.g. only pecuniary claims, only contractual claims etc.)?

This procedure applies to claims arising from private law relationships and is intended to cover the payment of certain sums of money.

Expedited procedure in the case of payment orders does not apply to non-contractual claims, except for:

specific claims arising from the Motor Third Party Liability Insurance Act (*liikluskindlustuse seadus*);

claims where the debtor has issued an acknowledgement of obligation or where another agreement obligating performance has been entered into.

Expedited procedure for orders for payment is not applied if:

the claim has not yet fallen due at the time the petition is filed, except for the claims for penalties for late payment as a collateral claim, or the filing of the claim depends on the performance of a mutual obligation and such obligation has not yet been performed;

the object of the claim is compensation of non-proprietary damage;

the claim is filed against a bankrupt;

the claim is filed against several debtors and does not arise from the same basis or obligation.

The expedited procedure in the case of payment orders does not apply to collateral claims, if they are in excess of the main claim.

1.1.2 Is there an upper limit regarding the value of the claim?

Yes. Yes. The expedited procedure in the case of payment orders does not apply to claims exceeding EUR 8 000. This amount covers both principal and collateral claims.

1.1.3 Is the use of that procedure optional or obligatory?

The application of the expedited procedure in the case of payment orders is voluntary. The creditor may decide if they wish to apply for an expedited procedure in this case or initiate an ordinary procedure.

1.1.4 Is the procedure available if the defendant lives in another Member State or in a third country?

Yes. National legislation does not contain any limitations regarding the applicability of the expedited procedure in the case of payment orders to defendants who are resident in another country. Within the EU, the jurisdiction of the defendant is determined under Regulation (EU) No 1215/2012 of the European Parliament and of the Council.

1.2 Competent court

Petitions for expedited procedure in the case of payment orders are conducted by Pärnu County Court Haapsalu courthouse Payment order department (*Pärnu Maakohtu Haapsalu kohtumaja maksekäsu osakond*).

1.3 Formal requirements

1.3.1 Is the use of a standardised form obligatory? (if yes, where can that form be obtained?)

The expedited procedure in the case of payment orders is conducted electronically and, as such, may only be filed to a court via the *Avalik E-toimik* portal or via the *X-tee* data exchange layer of information systems.

Petitions can be filed via *E-toimik* at the webpage: https://www.e-toimik.ee/

Under subsection 485(2) TsMS, an objection may be submitted on the form attached to the proposal for payment, or on another form. The form can be found in the *Riigi Teataja* (State Gazette).

1.3.2 Is representation by a lawyer required?

No, it is not obligatory to appoint a representative.

1.3.3 In how much detail do I have to describe the reason for the claim?

A petition for an expedited procedure in the case of payment orders should contain a short description of the circumstances constituting the basis for the claim and a short description of the evidence the petitioner would be able to submit in support of the claim in an action. A claim must be based on facts and be supported by documentary evidence. A claim is clearly without grounds if, when taking into account the circumstances specified in the petition as the basis of the payment order, the claim cannot be legally satisfied.

1.3.4 Is it necessary to present written evidence of the claim at issue? If yes, which documents are admissible as proof?

It is not necessary to include documentary evidence in order to confirm that the claim has been filed. However, the petition should contain a short description of the evidence the petitioner would be able to submit in support of his or her claim in an action.

1.4 Rejection of application

The court refuses to satisfy a petition for the application of expedited procedure in the case of a payment order if:

the application of the expedited procedure is not permitted in the case of payment orders pursuant to the Code of Civil Procedure;

the petition does not comply with the requirements provided for in the Code of Civil Procedure;

the proposal for payment has not been served on the debtor within a reasonable time and it cannot be served by public announcement and the petitioner has explicitly asked for the termination of proceedings in the case where an objection has been filed;

the petitioner fails to inform the court of the results of the service to the participant in the proceedings within the term set for them to do so;

any basis for the suspension of proceedings becomes evident.

1.5 Appeal

A ruling on the refusal to satisfy a petition for application of a procedure in the case of a payment order is not subject to appeal. Refusal to satisfy a petition does not restrict the right of the petitioner to file the claim in an action or in an expedited procedure in the case of payment orders.

1.6 Statement of opposition

The debtor has the right to file an objection to a claim or a part thereof with the court which made the proposal for payment within 15 days, or within 30 days in the case of service of the proposal for payment abroad.
An objection may be submitted on the form attached to the proposal for payment, or on another form. An objection need not be substantiated.

1.7 Effect of statement of opposition

If the debtor submits an objection to the proposal for payment by the specified deadline, the court which has prepared the proposal for payment shall continue the hearing of the matter in an action or refer the matter to the court specified in the petition for expedited procedures in the case of payment orders or to the court specified in the joint application of the concerned parties. In matters of apartment ownership or common ownership, proceedings on petition are continued unless the petitioner has requested for actions to be conducted or proceedings to be terminated. For the purpose of actions, an action is deemed to be filed as the moment that a petition for application of an expedited procedure in the case of payment orders is filed.
If the petitioner has explicitly asked for the termination of proceedings in the case where an objection has been filed, the proceedings are terminated.
If the debtor acknowledges in part the petitioner's claim in the objection filed to the proposal for payment, the court hearing the matter in action makes a payment order by way of a ruling to call in the amount acknowledged by the debtor and continues to hear the remainder of the case in action or on petition.

1.8 Effect of lack of statement of opposition

1.8.1 What needs to be done in order to obtain an enforceable decision?

If the debtor fails to pay the amount indicated in the proposal for payment and does not file an objection to the proposal for payment in time, the court makes a payment order for that amount by way of a ruling.

1.8.2 Is this decision final or is there still a possibility for the defendant to appeal against that decision?

A payment order should include an explanation for the debtor concerning the debtor's right to file an appeal against the ruling within 15 days, or within 30 days in the case of service of the proposal for payment abroad. An explanation is to be provided to the debtor that an appeal against the ruling may be filed only on the basis of one of the following circumstances:
the proposal for payment was served on the debtor in any manner except personal delivery against a signature or electronically and, by no fault of the debtor, it was not served in time and therefore the debtor was unable to file an objection in time;
the debtor was unable to file an objection to the proposal for payment for a good reason beyond their control;
the prerequisites for the expedited procedure in the case of payment orders were not fulfilled or the conditions of the expedited procedure in the case of payment orders were otherwise materially violated or the claim to which the expedited procedure pertains is clearly unfounded.
A legal representative of the debtor or the universal successor of the debtor may file an appeal against the payment order within two months of learning about the payment order if it has become evident that grounds for suspension existed at the time the court decision was made, but the court was not or could not have been aware of these. The person filing an appeal against the ruling should do so on the basis of one of the circumstances specified above.

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