

## A GUIDE FOR MANAGING DEBTS

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This guide provides an initial action plan and an overview of a debtor's rights and options in enforcement proceedings. You will also discover where to find information about your debts, the expiry of limitation periods of debts and the conditions for obtaining a payment schedule.

This guide is designed to help parties to enforcement proceedings and those close to them, as well as accountants and debtors' employers. Debtors have the right to obtain from bailiff information about enforcement proceedings against them, the right to use their bank account and the right to receive non-attachable (non-sizeable) wages provided for by the law. Along with these rights, they also have a number of obligations, above all to pay their debts.

An effective and successful enforcement procedure depends on the willingness of the parties to cooperate. Input and an initial proposal for paying the claims must come from the debtor. In 2021, the Enforcement Agents Act was amended to provide for the possibility that if the debtor enters into a payment schedule with the party seeking enforcement within the voluntary payment deadline, the debtor shall only pay half of the enforcement agent's principal fee.

Therefore, in addition to dealing with existing enforcement proceedings, every effort must be made to avoid the commencement of new enforcement proceedings. If, however, new enforcement proceedings are commenced, you should try to obtain payment schedules for those as well.

In case of more detailed questions and for more substantive analysis and advice, we invite you to sign a client agreement with our law firm.

## UNDERSTAND YOUR RESPONSIBILITIES

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The first step is to gain an overview of your obligations. There are 2 ways to achieve this.

1. **Make an inquiry to the Estonian Chamber of Enforcement Officers and Trustees in Bankruptcy.** You can either send a signed application with your personal identification code to [info@kpkoda.ee](mailto:info@kpkoda.ee) or go to the office in person: Tartu mnt 16, 10117 Tallinn (4th floor). You will be issued with a statement of claims in which enforcement proceedings are pending. It is worth noting that the statement may include claims that are in fact expired.

Please also note that the amount of the claims shown on the statement is not precise. To find out the correct amount of the debt, the enforcement agent should be contacted directly. In the case of a civil claim, where the court has also awarded late interests, the enforcement agent must consult with the party seeking enforcement to determine the exact amount of the claim.

**2. Get an extract from eesti.ee.**

2.1. Go to [www.eesti.ee](http://www.eesti.ee).

2.2. Select

e-services:

SELF-SERVICE X Close

Private person

BERTA LY TEPASKIND

Dashboard

E-services

Consent Service

Data tracker

Mailbox

Calendar

Settings

ARTICLES

### E-services

- Me and my family
- Health care and prescriptions
- Pensions and allowances
- Education
- Work and labor relations
- Traffic
- Housing and real estate
- Notarised documents and execution proceedings
- Will and succession
- Maintenance allowance
- Hunting and weapons
- Private person as employer

2.3. Select Notarised documents and execution proceedings:

Notarised documents and execution proceedings

Problems may occur while using this e-service

My notarised documents Submit query | ❤️

Execution proceedings commenced against a debtor Submit query | ❤️

2.4. **Select Execution proceedings commenced against a debtor and Submit query** and save the pdf file received.

**Please note!** The information published on Eesti.ee does not indicate the exact date of the commencement of the enforcement proceedings or the identity of the party seeking enforcement. You can find out the year of the commencement of enforcement proceedings by looking at the enforcement proceedings number. All enforcement proceedings are displayed in the form 00x/2023/001.

1. The first number indicates the enforcement agent, each agent has their own specific number.
2. The middle number indicates the year in which the proceedings were started.
3. The third number is the serial number of the enforcement case.

### **SUBMIT AN APPLICATION FOR YOUR ACCOUNT TO BE RELEASED FROM ATTACHMENT**

Once you have an overview of the enforcement proceedings pending, you can plan your next steps. If you have accounts that are attached (seized), the next step is to submit an application to the enforcement agent to have the accounts released.

You can find the contact details of the enforcement agents at:

<https://kpkoda.ee/en/kohtutaiturid/kohtutaiturid-kontakt/>

You can write your application in a free form:

To enforcement agent \_\_\_\_\_

APPLICATION

For the release of an account from attachment

I, \_\_\_\_\_, personal identification code \_\_\_\_\_, kindly ask you to release my account at the \_\_\_\_\_ bank with regard to the subsistence minimum and dependants. I have \_\_\_\_ children.

/date and signature/

The enforcement agent may ask you for an account statement or for more information on which account you have used so far. Some agents will also ask for copies of documents proving your income: for example, a six-month bank statement, a certificate from the Unemployment Insurance Fund, an employment contract for a new job, etc., together with the application.

The enforcement agent will cancel the attachment of the account based on the debtor's application within **three working days**, up to the amount which guarantees debtor the income that is not subject to attachment.

The enforcement agent may refuse to release the account, but in such a case they must also state the reasons for their refusal, and this decision can be contested.

## CHECK WHETHER ANY CLAIMS HAVE EXPIRED

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Next, please check whether any of your claims may have expired.

1. **Claims for fines and costs of misdemeanour proceedings** that have been enforced generally expire after **four** years. The limitation period is suspended for the duration of the debtor's imprisonment.
2. **Claims for a decision on the imposition** expire if late interest claims have not been enforced within **four** years from the date of the judgment to pay late interest.
3. **Claims for pecuniary and non-pecuniary penalties and for costs of proceedings** which have become enforceable expire if they are not recovered within **seven** years of the date of entry into force of the judgment in the criminal case. The limitation period shall be suspended during the period of imprisonment of the debtor.
4. The limitation period for **civil action claims in criminal proceedings** is **20** years.
5. The limitation period for **claims arising from a court judgment** is **10** years from the commencement of the enforcement proceedings.
6. **Maintenance claims** also expire after **10** years. The limitation period for maintenance claims is 10 years for each individual obligation. The limitation period shall begin from the end of the calendar year in which the claim corresponding to the obligation becomes enforceable. The limitation period is suspended until the child reaches the age of majority, i.e. the limitation period cannot be claimed while the child is a minor.
7. The limitation period for a **claim for unlawful damage** is **20** years if the judgment or order has entered into force on or after 01.07.2019. According to the law, the limitation period for claims entered into force before 01.07.2019 is 10 years.
8. The limitation period for **tax rulings and other tax claims** is **five** years. The limitation period starts on 1 January of the year following the year in which the obligation became due. The limitation period for enforcement shall be interrupted by the filing of an enforcement application with the enforcement agent for the recovery of the tax debt.

## FILE AN EXPIRY OF LIMITATION PERIOD APPLICATION

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1. In the case of claims for pecuniary and non-pecuniary penalties, costs of proceedings and misdemeanour charges, the enforcement agent themselves draw up the expiry decision without having to file a separate application.
2. If you have civil claims (e.g. collection debts, apartment association bills, etc.) for which enforcement proceedings were started earlier than 2013, they may have expired.
  - 2.1. The application for expiry of limitation period must be submitted to the enforcement agent.
  - 2.2. A fee of €18 is payable to the enforcement agent for each application.
  - 2.3. The enforcement agent forwards the application to the party seeking enforcement, who then replies whether or not they agree to close the proceedings.
  - 2.4. If the party seeking enforcement consents, the enforcement agent will draw up an expiry decision and issue a new decision on the agent's own fees, i.e., the proceedings will continue only regarding the enforcement agent's own fees and costs.
  - 2.5. If the party seeking enforcement does not reply or does not consent, further action must be taken in court.
  - 2.6. The application to court is free of the state fee if an application has first been lodged with an enforcement agent.
  - 2.7. It is also possible to take recourse to the court immediately with an expiry application, in which case a state fee of EUR 30 must be paid.
3. The bailiffs fee decision is an independent enforceable document, and the limitation period for a claim arising from it is 10 years. The limitation period starts from the date of entry into force of the enforcement agent's decision. Therefore, the limitation period for the enforcement agent's own fees is essentially extended by a further 10 years.

## APPLY FOR A PAYMENT SCHEDULE

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Claims that are not yet overdue can also be paid on a payment schedule. By reaching a payment schedule, you can be sure that the enforcement agent will not take any other enforcement action, and the employer will not have to calculate the amount to be attached each month. Payment by a schedule is the least burdensome measure for all parties.

1. For fines, penalties and other public-law claims, payment schedules are drawn up by the court. There is no fee for filing an application for a schedule and, if the application is granted, the court draws up the schedule by order. The application must be written in free form. The court can only schedule amount constituting the fine – so a separate agreement must be reached with the enforcement agent regarding the agent's fees.
2. For private-law claims, the application for a payment schedule must be submitted to the enforcement agent. It may be indicated that a fixed amount of e.g., €50/100/200 per month is to be paid by the debtor. By agreement with the employer, it may be proposed that the employer pays the agreed amount themselves. In addition, you can apply for the accounts/pension/wages to be exempted from attachment until the payment schedule is respected. The enforcement agent forwards the application to the party seeking enforcement and, if the claimant agrees, the debtor receives the payment schedule. The enforcement agent themselves does not decide on the schedule (unless the debtor has authorised the agent to do so).
3. If the debtor and the enforcement agent do not agree on the payment schedule, it is possible to apply to the court for scheduling payments. The fee is EUR 50, and you must explain why you need to apply for a schedule (wish to pay the debt, the claimant does not agree to the schedule, etc.).

The more enforcement proceedings, the more difficult it is to obtain a payment schedule. Enforcement agents are generally reluctant to release an account from attachment unless a payment schedule has been obtained in all enforcement cases at the same time. If one enforcement agent cancels their own attachment, the attachment of another enforcement agent moves to the front of the queue.

It is possible to make an application for the account to remain attached, but that it can be used for e.g. in the amount of EUR 2000 or so. That way the enforcement agent will retain their attachment order, but the debtor will be able to use the account for a larger amount. Such an agreement would then have to be reached with all enforcement agents. The enforcement agent is obliged to reply to the debtor or parties to the proceedings as soon as possible, but not later than in 30 calendar days.

## APPLICATIONS

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We have also included an application for the release of accounts from attachments, an application of the expiry of the limitation period and an application for the payment schedule in this guide.

Please note that the applications to the enforcement agent do not have a compulsory format, i.e. you do not need to use the provided forms. It is important that the application clearly indicates who is writing the application, the type of enforcement proceedings in which the application is made and what is sought.

Many enforcement agents have their own websites where you can draw up an application and submit it straight away, e.g.:

1. The website of Elin Vilippus and Oksana Kutsmei have forms for debtors: [https://vilippus-kutsmei.ee/vilippus/index.php?page=content&tag=blank\\_debtor&lang=en](https://vilippus-kutsmei.ee/vilippus/index.php?page=content&tag=blank_debtor&lang=en)
2. The website of the Associated Enforcement Agents (Kristiina Feinman, Risto Sepp, Hille Kudu, Tatjana Afanasieva, Rocki Albert, Anne Böckler) allows you to draw up and submit the application: <https://taitur.net/forms/debtor#top>
3. The website of the enforcement agent Andrei Krek can be used to prepare and submit applications: <https://andreikrek.com/et/blanketid>
4. The website of the enforcement agent Natalja Malahhova allows you to prepare and file applications: <https://malahhova.ee/avaldused>

You can conveniently submit different types of applications to the listed enforcement agents via their websites. For the other enforcement agents, a separate application must be drawn up and sent





by e-mail or by ordinary mail to their office. The contact details of the agents can be found at:  
<https://kpkoda.ee/en/kohtutaiturid/kohtutaiturid-kontakt/>

**APPLICATION OF EXPIRY OF LIMITATION PERIOD**

**PERSON TO CONDUCT THE ENFORCEMENT PROCEEDINGS**

Enforcement agent

Enforcement No

**DEBTOR**

Name

Personal identification code

E-mail or communication address

**PARTY SEEKING ENFORCEMENT**

Name and personal ID code / registration code

**CONTENTS OF THE APPLICATION**

*I request the termination of the enforcement proceedings due to the expiry of the limitation period of the principal claim.*

*I have paid a fee of EUR 18 for the examination of the application.*

Date

Signature of the applicant

**APPLICATION FOR A PAYMENT SCHEDULE**

**PERSON TO CONDUCT THE ENFORCEMENT PROCEEDINGS**

Enforcement agent:

Enforcement No:

**DEBTOR**

Name:

Personal identification code:

E-mail or communication address:

**PARTY SEEKING ENFORCEMENT**

Name and personal ID code / registration code:

**CONTENTS OF THE APPLICATION**

*I would like to draw up a payment schedule in enforcement case no.*

*The monthly payment is in the amount of*

*I can make the first payment if a schedule is concluded*

*I would like to request the release of my bank account/pension/wages from attachment while the payment schedule is in force.*

Date

Signature of the applicant

## EXCLUSION OF LIABILITY

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Before relying on any documents, information and opinion presented in this guide for any purpose, you are strongly advised to consult an attorney, as the facts of each situation are very different and require knowledge of the relevant laws.

## THE AUTHORS OF THE GUIDE

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Kaire has worked in the enforcement agent's office for a long time and is in impressive detail familiar with the ins and outs of enforcement proceedings. She has advised debtors and parties seeking enforcement on a daily basis. Her strength lies in finding and reaching compromises that both parties are happy with. Her work has included conducting enforcement proceedings, including attachment of persons' assets, examining complaints, and responding to letters, and drafting various decisions. She has also represented the enforcement agent in court. Over the last few years, Kaire, together with attorneys, has assisted claimants



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seeking enforcement, debtors and other parties involved in enforcement proceedings.

Merlin is an experienced expert in commercial law, mergers and acquisitions and employment law. Merlin is also responsible for Hedman's activities in the Baltic States, working with partner law firms in both the Baltic and Nordic countries. She is consulted on issues relating to the sale and acquisition of businesses, management buy-outs, management and liability agreements, partner-shareholder relationships, cross-border transactions and the general legal framework for business operations.