

**NATIONAL REPORT FOR ESTONIA ON
CROSS-BORDER SERVICE OF DOCUMENTS**

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Project DIGI-GUARD 2023



DIGI-GUARD



Questionnaire for National Reports

On the Cross-border Service of Documents

This questionnaire addresses practical and theoretical aspects regarding the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. Each partner should provide substantive answers for their respective Member State (or additional Member State, if specifically stipulated by the coordinator). Where the term "Regulation" is used below, it refers to Regulation (EU) 2020/1784 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

For useful information please refer (among other sources) to:

- Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1784>)
- Impact assessment of the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2018:287:FIN>)
- Opinion of the European Economic and Social Committee on a) Proposal for a Regulation of the European Parliament and of the Council amending 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 (COM[2018] 378 final — 2018/203 [COD]) and on b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (COM[2018] 379 final — 2018/204 [COD]) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uris-erv%3A0J.C_.2019.062.01.0056.01.ENG&toc=OJ%3AC%3A2019%3A062%3ATOC)
- The provided information in the European Judicial Atlas in civil matters on the service of documents (https://e-justice.europa.eu/38580/EN/serving_documents_recast)
- Briefing of the European Parliamentary Research Service (EPRS) on the reform of the service of documents regulation (2019) ([https://www.europarl.europa.eu/Reg-Data/etudes/BRIE/2019/642240/EPRS_BRI\(2019\)642240_EN.pdf](https://www.europarl.europa.eu/Reg-Data/etudes/BRIE/2019/642240/EPRS_BRI(2019)642240_EN.pdf))
- Other *travaux préparatoires* of the Recast Taking of Evidence Regulation (see e.g. <https://www.europeansources.info/record/proposal-for-a-regulation-amending-regulation-ec-no-1393-2007-on-the-service-in-the-member-states-of-judicial-and-extrajudicial-documents-in-civil-or-commercial-matters-service-of-documents/>)

The structure of each individual report should follow, to the utmost extent possible, the list of questions enumerated below and the given structure. If authors choose to address certain issues elsewhere within the questionnaire, they are urgently requested to make cross-references and specify where they have provided an answer for the respective question (e.g. “the/an answer to this question is already provided in 1.6.”). Following the structure of the questionnaire will enable and ease comparisons between the various jurisdictions.



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The list of questions is not to be regarded conclusive. It might be that important issues in certain jurisdictions are not mentioned. Please address such issues on your own initiative where appropriate. On the other hand, questions that are of no relevance for your legal system can be left aside; in this case, you are requested to add a reference to the lack of relevance.

Please provide representative references to court decisions and literature. You are also asked to illustrate important issues by providing examples from court practice. If possible, please include empirical and statistical data. **Where the answer would be “no” or “not applicable”, because something is not regulated in your national legal order, if possible please specify how you think it should be regulated.**

Please do not repeat the full questions in your text. There is no limitation as to the length of the reports.

Language of national reports: English.

Deadline: 31 March 2023.

In case of any questions, remarks or suggestions please contact the project coordinators, prof. dr. Vesna Rijavec: vesna.rijavec@um.si and prof. dr. Tjaša Ivanc: tjasa.ivanc@um.si.

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ESTONIA - NATIONAL SERVICE OF DOCUMENTS

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1. What is the legal basis for service of documents in your Member State? Is there a special act regulating the service of documents within your national legal system.

(e.g. in Germany: The Code of Civil Procedure (hereafter: ZPO) offers a legal basis for service of documents. Section 2 of the third chapter gives a general overview on the procedure for the service of records or documents. The ZPO differentiates between service ex officio (sub-section 1, §§ 166 et seq. ZPO) and service of records or documents at the instigation of the parties (sub-section 2, §§ 191 et seq. ZPO).)

The Code of Civil Procedure (hereinafter TKS)¹ regulates service of documents in Estonia. Part 6 of the TKS “Service of Procedural Documents” consists of the following chapters: general provisions (chapter 33), manners of service of procedural documents (chapter 34), service of procedural document on representative of recipient (chapter 35) and service in special cases (chapter 36).

2. Explain the term "service" as used in your national legal system. If there is a legal definition, please quote it.

(e.g. in Germany: We do have a legal definition in § 166 (1) ZPO, “(1) The term “service” designates the issuance of a document to a person in the form stipulated in the present Title” Service means to enable a person to be inform about a document. For the service itself and its legal validity a documentation of the service is not necessary. The documentation is regulated in a separate paragraph, 182 ZPO. The definition of service applies for service which is carried out ex officio, § 166(2) ZPO. The effectiveness of service requires intent.² A notarisation of delivery is no longer a constitutive part of service,³ it only has an evidentiary function.)

There is a legal definition of the term “service of procedural documents” in the § 306 (1) of the TKS. It states that “service of a procedural document means delivery of a document to its recipient in a manner which enables the recipient to examine the document in time in order to exercise and protect the rights thereof.”. This definition indicates the relevant elements of the service of the procedural documents: a) assurance that a document is delivered to a recipient; b) enablement for the recipient to examine the document within the sufficient timeframe; c) guarantee of exercise and protection of rights. Further this paragraph defines the “recipient” as “a participant in a proceeding or another person to whom the procedural document is addressed”. In accordance with § 306 (2) the act of delivery must correspond to the formal requirements provided by law and be documented in the prescribed format. The format is described in the chapter 34 “manners of service of procedural documents”, and consists of the following regulations: a) service of procedural documents in court premises (§ 311); b) electronic service of procedural documents (§ 311¹); c) service of procedural documents through postal service provider (§ 312); d) service of procedural documents by registered letter (§ 313); e) service of procedural documents by unregistered letter or fax (§ 314); f) service of procedural documents through bailiff, court official, another person or institution (§ 315); g) service of procedural documents arranged by participant in proceeding (§ 315¹); h) service of procedural

¹ Code of Civil Procedure as of 20.04.2005, RT I 2005, 26, 197 (in English), <https://www.riigiteataja.ee/en/eli/513122013001/consolide> [14.02.2023].

² BGH NJW 1956, 1878; MüKoBGB/Häublein/Müller, § 166 para. 3.

³ MüKoBGB/Häublein/Müller, § 166 para. 3.



documents in foreign states and on extra-territorial citizens of Republic of Estonia (art. 316); i) implementation of Regulation (EC) No 1393/2007 of the European Parliament and of the Council (§ 316¹); j) public service of procedural documents (§ 317).

The obligation to arrange the postal service of procedural documents is with the court, it must be carried out *ex officio* through a person providing postal services as its economic activity, a bailiff, a court security guard or, in conformity with the internal rules of the court, another competent court official or in another manner specified by law (§ 306 (3)).

The court – in order to serve a procedural document – has the right to demand provision of information concerning the residence of a participant in a proceeding or a legal representative of a participant in a proceeding who is a legal person or a witness and other contact information from:

- the chief processor or an authorised processor of a state or local government database;
- a previous or current employer of the person;
- a credit institution;
- an insurance company or
- another person or institution.

The chief processor or authorised processor of a database or such other person or institution is required to provide the information without delay and free of charge on paper or electronically. Upon existence of technical means, the court must be provided with an opportunity to check the necessary information from the database of the person or institution independently (§ 306 (4)).

3. How do you define "civil and commercial matters" in your national legal system? Does this definition differ from the term of the Regulation, and if so, in what way?

(e.g. Germany does not use this term in pure domestic cases.)

There is no definition of the “civil and commercial matters” in the Estonian legislation. In the second sentence § 1 of the Code on Civil Procedure titled “administration of justice in civil matters” it is stated that “a civil matter is a case arising from a private law relationship”. There is no special regulation of the term “commercial matter”. The term “civil and commercial matters” appears in the provisions related to assistance and cooperation between the Member States of the European Union, e.g. § 15 (6) procedural assistance between courts in performance of procedural acts⁴; § 70 (4) international jurisdiction⁵; § 182 (1) restrictions upon grant of procedural assistance to natural

⁴ § 15 (6) The provisions of this Code apply to the assistance for taking of evidence in Estonia on the basis of requests by courts of Member States of the European Union and to the assistance for taking of evidence in Member States of the European Union on the basis of requests by Estonian courts in so far as not otherwise provided by the provisions of Council Regulation 1206/2001/EC relating to co-operation between the judicial authorities of the Member States in the taking of evidence in civil and commercial matters (OJ L 174, 27.06.2001, pp. 1–24).

⁵ § 70 (4) The provisions of this Code concerning international jurisdiction apply upon determination of the jurisdiction between the courts of the Member States of the European Union only to the extent in which this is not regulated by Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 012, 16.01.2001, pp. 1–23), Council Regulation (EC) 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Council Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, pp. 1–29) and Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 007, 10.01.2009, pp. 1–79) or other Council regulations.



persons⁶; § 241 (2) taking of evidence outside Estonia⁷; § 619 (1) recognition of court decisions and other enforcement instruments of Member States of European Union⁸.

4. For what purpose does your legal system define the concept "civil and commercial matters"?

(As we [in Germany] do not use the term in your legal system, we only use the definition for the application of European Law.)

As stated in 3 of this report, the term is only used for the application of the European Law.

5. How is the concepts "judicial and extrajudicial documents" defined in your legal system? Does your national legal system distinguish between judicial and extrajudicial documents in the context of (official) service? If yes, please define these categories and give examples.

(e.g. in Germany: Extrajudicial service is understood as the service of a document outside of a court proceeding and not only the service of documents related to a court proceeding.)

There is no definition of the concept "judicial and extrajudicial documents, though the term is mentioned in § 316 (2) on service of procedural documents in foreign states and on extra-territorial citizens of Republic of Estonia⁹, § 316¹ (1) and (2) on implementation of Regulation (EC) No 1393/2007 of the European Parliament and of the Council¹⁰.

⁶ § 182 (1) Procedural assistance is granted to a participant in a proceeding who is a natural person and who, at the time of filing the petition for grant of procedural assistance, has residence in the Republic of Estonia or another Member State of the European Union or is a citizen of the Republic of Estonia or another Member State of the European Union. Determination of the place of residence within the meaning of this Division shall be based on Article 59 of EU Council Regulation 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Other participants in the proceeding who are natural persons are granted procedural assistance only if this arises from an international agreement.

⁷ § 241 (2) Evidence is taken in another Member State of the European Union with the assistance of a court of the other state or directly pursuant to the procedure provided by Council Regulation 1206/2001/EC relating to co-operation between the judicial authorities of the Member States in the taking of evidence in civil and commercial matters.

⁸ § 619 (1) The provisions of this Code apply to the recognition and enforcement in Estonia of court decisions and other enforcement instruments of Member States of the European Union to the extent not otherwise provided by Council Regulation 44/2001/EC on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Council Regulation 2201/2003/EC concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation 1347/2000/EC, Regulation (EC) No 805/2004 of the European Parliament and of the Council, creating a European Enforcement Order for uncontested claims (OJ L 143, 30.04.2004, pp. 15–39), Regulation (EC) No 896/2006, Regulation (EC) No 861/2007, Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations and other regulations of the European Parliament and of the Council.

⁹ § 316 (2) A procedural document may also be served in a foreign state pursuant to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters or another international agreement.

¹⁰ (1) The provisions of this Code apply to the service of procedural documents in another Member State of the European Union unless otherwise provided by Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, pp. 79–120).

(2) On the basis of Article 2(1) of the regulation specified in subsection (1) of this section, the agencies transmitting judicial documents are county courts of Estonia which conduct proceedings in the matter in which the document is to be served and the agency transmitting extrajudicial documents is the Ministry of Justice. On the basis of Article 2(2) of the regulation specified in subsection (1) of this section, the agency receiving judicial and extrajudicial documents is the county court in the territorial jurisdiction of which the document is to be served.



According to § 306 (5) the court shall serve the statement of claim, appeal and supplements thereto, summonses as well as the court judgment and a ruling on termination of the proceeding in a matter and any other procedural documents specified by law on the participants in a proceeding.

6. **What is the purpose of service of documents? Are there overarching principles of procedures that are intertwined with the service of documents in your Member State?** (e.g. in Germany: *The purpose of service is to give the addressee (§ 182 II Nr. 1 ZPO) the opportunity to take notice of the document and to prepare his legal defence or prosecution thereon.*¹¹ *This purpose is a consequence of the **right to be heard**, which is considered as a fundamental right, Article 103(1) of the German Constitution.*¹² *Hence, the purpose of service is based on the **rule of law** for the area of judicial proceedings. Furthermore, the right to service promotes the course of proceedings and thus relieves the process, which serves the principle of **effective access to justice** (Article 19(4) of the German Constitution).*¹³ *In addition, **legal certainty** is to be established.*) (e.g. in Austria: *The continuance of the trial, the right to be heard, ...*)

The purpose of service of documents is described in the § 306 (1) of the TKS. It enables the recipient to examine the document in time in order to exercise and protect the rights.

7. **Who is responsible for the service of documents?** (e.g. in Germany: *“The court registry shall perform service of documents pursuant to §§ 173 to 175, § 168(1) ZPO. Hence, the court is responsible for sending the documents but the claimant is responsible for enabling the court to do so by providing enough/sufficient information.*) (e.g. in Austria: *The court is generally responsible for transmitting the documents and is obligated to monitor the service process. The recipient of the documents has a duty to collaborate.*)

The court is responsible for the service of procedural documents in accordance with the § 306 (3): “the court arranges for the service of procedural documents through a person providing postal services as its economic activity, a bailiff, a court security guard or, in conformity with the internal rules of the court, another competent court official or in another manner specified by law“.

In case of the service of documents is done through bailiff, court official, another person or institution, a court may grant an extended term of up to 60 days, during which the procedural document must be served. If there is a failure to serve, a report on the causes of the failure of service must be submitted to the court § 315 (9).

7.1. If the court is responsible for service: What can be done if the court has failed to act? Can one sue the state and claim damage? Or can one sue the court to initiate the service?

7.2. If the parties are responsible for service: Within what time frame must service be affected?

¹¹ BVerfG NJW 1984, 2567, 2568.

¹² BVerfG NJW 1984, 2567, 2568.

¹³ cf. VGH München NJW 2012, 950, 951.



7.3. If the responsibility of service is shared between the court and the parties: Under your Member State's law, how is it determined who is responsible for the service of documents?

7.4. What are the national requirements for a valid service of documents in your Member State?

There is a special regulation in § 307 (1) TKS stating that a procedural document is deemed to be served as of the time the document or a certified transcript or printout thereof is delivered to the recipient.

The § 307 (2) distinguishes between that the transcripts of procedural documents that may be certified by competent court officials in conformity with the internal rules of the court or advocates and the transcripts of appendices to procedural documents and the transcripts of procedural documents submitted or delivered to the court by the participants in a proceeding that need not be certified.

If a document reached a participant in a proceeding on whom the document had to be served or on whom the document could be delivered pursuant to law but there was no possibility to certify the delivery, or if the procedure for service provided by law was violated, the document is deemed to be served on the participant in the proceeding as of the time the document actually reached the recipient (§ 307 (3)).

The dispatch of a procedural document for service shall be entered in the court file (§ 307 (4)).

8. What documents must be sent to the respondent? Who prepares the documents?

(e.g. in Germany: The claim must be sent to the respondent (prepared by the claimant) in pursuance with § 253 ZPO as well as an information form prepared by the court to inform the respondent about their procedural rights [§ 499 ZPO])

The definition of the service of documents envisages that the court shall serve the statement of claim, appeal and supplements, summonses, the court judgment and a ruling on termination of the proceeding in a matter and any other procedural documents specified by law on the participants in a proceeding (§ 306 (5)).

9. What information or other aspects must be included in the documents?

(e.g. in Germany: Formally, the claimant has to provide the name, address, and other information necessary to identify the respondent. Materially, the claimant has to provide the facts that are necessary to establish the legal claim [§ 253 ZPO]. Furthermore, the form in which a document is to be served (original, copy, transcript) is not governed by the law on service but by the substantive law [e.g. § 132 (1) in conjunction with § 2296 (2) cl. 2 of the German Civil Code (hereafter: BGB)] or other procedural law (§§ 377, 402). Without special provisions, the delivery of a certified copy is sufficient.¹⁴)

The content of a procedural document submitted to the court is described in § 338. The procedural document, e.g. an action, objection and appeal, must include:

¹⁴ MüKoBGB/Häublein/Müller, § 166 para. 9.



- 1) the names, addresses and telecommunications numbers of the participants in the proceeding and their potential representatives;
- 2) the name of the court;
- 3) the merits of the case;
- 4) for a case being heard, the number of the civil matter;
- 5) the petition filed by the participant in the proceeding;
- 6) circumstances on which the petition is based;
- 7) a list of appendices to the procedural document;
- 8) the signature of the participant in the proceeding or representative thereof or, for a document transmitted electronically, a digital signature or other means of identification in conformity with the provisions of § 336 of the TKS.

In addition to the data listed above, a petition for the merits of the matter and a response to a petition or argument of the opposing party set out:

- 1) the position on the factual allegations of the opposing party;
- 2) the evidence which the participant in the proceeding intends to use in order to substantiate the arguments thereof or to refute the allegations of the opposing party;
- 3) the position on the evidence submitted by the opposing party.

There are specifications on certain data that needs to be present in the procedural document in the further provisions of this paragraph. The procedural document shall set out the personal identification codes and in the absence thereof, dates of birth of natural persons. For legal persons entered in a public register, the document shall set out the registry code and, in the absence thereof, the legal grounds for operation.

If a participant in the proceeding does not know the address or other data of another participant in the proceeding, the procedural document shall set out the measures taken by the participant in the proceeding in order to obtain such information.

There is a specific provision related to the content of statement of claim (§ 363). In addition to other requisite information to be included in procedural documents, a statement of claim sets out:

- 1) the clearly expressed claim of the plaintiff (object of action);
- 2) the factual circumstances which constitute the basis of the action (cause of action);
- 3) the evidence in proof of the circumstances which constitute the cause of the action, and a specific reference to the facts which the plaintiff wants to prove with each piece of evidence;
- 4) whether or not the plaintiff agrees to the conduct of written proceedings in the matter or wishes the matter to be heard in a court session;
- 5) the value of the action unless the action is directed at payment of a certain sum of money.

If the plaintiff wishes the action to be heard in documentary proceedings, the plaintiff shall so indicate in the action. If the plaintiff does not agree to the making of a default judgment in the event of receiving no response to the action, the plaintiff shall so indicate in the action.

If the plaintiff is represented in the proceeding by a representative, the action shall also set out the data of the representative. If the plaintiff wishes to be assisted in the proceeding by an interpreter or translator, the plaintiff shall so indicate in the statement of claim and set out, if possible, the data of the interpreter or translator.



9.1. Please provide the definition of the term “address for service” under your national legal system.

There is no definition of the term “address for service”. Nevertheless, the Code specifies on how to identify the address for service of documents in several provisions, please refer to answers provided in 10.

9.2. Provide definitions of other (mandatory) aspects mentioned in Question 9.

10. How are documents without a cross-border element served in your national jurisdiction? What is the usual method of service? Please explain the different methods of service in detail.

(e.g. in Germany: National service of documents is done in accordance with §§ 168-176 ZPO, in practice mainly via postal services or fax. Following § 177 ZPO: “The document may be physically submitted to the person on whom it is to be served at any location at which the person is found”. § 175(1) ZPO: “A document may be served on the persons referred to in § 173 (2) against receipt (e.g. lawyers, notaries, bailiffs as well as public authorities, corporations or institutions under public law).” It has to be noted, that service of electronic documents [§ 173 (1) ZPO] has only been recently allowed through safe communication methods. Since the change of the ZPO lawyers, notaries, and bailiffs as well as public institutions have to be attainable through such a safe communication method, § 173(2) ZPO, [a specialised e-mail system] while other persons have to explicitly agree to electronic communication methods, § 173(4) ZPO.)

(e.g. in Austria: Documents are mainly served via the Austrian Postal Service.)

The format is described in the chapter 34 “manners of service of procedural documents”, and consists of the following regulations: a) service of procedural documents in court premises (§ 311); b) electronic service of procedural documents (§ 311); c) service of procedural documents through postal service provider (§ 312); d) service of procedural documents by registered letter (§ 313); e) service of procedural documents by unregistered letter or fax (§ 314); f) service of procedural documents through bailiff, court official, another person or institution (§ 315); g) service of procedural documents arranged by participant in proceeding (§ 315); h) service of procedural documents in foreign states and on extra-territorial citizens of Republic of Estonia (art. 316); i) implementation of Regulation (EC) No 1393/2007 of the European Parliament and of the Council (§ 316); j) public service of procedural documents (§ 317). There service of procedural document on representative if recipient is described in the chapter 35, and includes the following regulations: a) service of procedural document on legal representative of recipient (§ 318); b) service of procedural document on authorised person (§ 319); c) obligation of participant in proceeding to appoint representative for receipt of procedural documents (§ 320); d) service of procedural document on representative in court proceeding (§ 321). The chapter 36 “service in special cases” is dedicated to: a) service of procedural document in dwelling or place of stay and on recipient's employer, lessor or building manager (§ 322); b) service of procedural document in business premises (§ 323); c) restrictions on service of procedural document (§ 324); d) refusal to accept procedural document (§ 325); e) service of procedural document by placement in post box (§ 326); f) service of procedural document by depositing (§ 327).

There are special provisions on obligation of participant in proceeding to appoint representative for receipt of procedural documents § 320 states that if a procedural document is served through a competent authority of a foreign state, a competent consular official or envoy representing the Republic of Estonia in a foreign state or the Republic of Estonia Ministry of Foreign Affairs, the court



may demand that the recipient of the document appoint a person residing or staying in Estonia who is authorised to receive procedural documents unless the recipient has appointed a representative for the proceeding.

The court may require a participant in a proceeding by a ruling to appoint a person authorised to receive procedural documents also in other cases where service of documents is likely to be unreasonably inconvenient.

If a participant in a proceeding who is required to appoint a person authorised to receive procedural documents fails to do so, procedural documents are served on the participant in the proceeding by unregistered letter at the address thereof until the time the participant in the proceeding appoints such person.

The document is deemed to have been served after 15 days have passed from posting even if the parcel is returned. The court may set a longer term for deeming a document to be served. In the case of serving a document by post, the time of posting and the address at which the document was posted shall be indicated in the file.

The Estonian legislation provides for electronic service of procedural documents in § 311¹. A court may serve procedural documents electronically through the designated information system by transmitting a notice on making the document available in the system:

- 1) to the e-mail address and phone number notified to the court;
- 2) to the e-mail address and phone number registered in the information system of a register maintained in Estonia concerning sole proprietors or legal persons;
- 3) to the e-mail address and phone number of the addressee and his or her legal representative entered in the population register;
- 4) to the e-mail address and phone number of the addressee and his or her legal representative in the database of another state register where the court can check information independently by making an electronic query;
- 5) upon the existence of Estonian personal identification code, to the e-mail address personal-identification-code@eesti.ee.

The court may also send a notice on making the document available to the phone number or e-mail address found in the public computer network, on the presumed user account page of a virtual social network or on a page of another virtual communication environment which the addressee may be presumed to use according to the information made available in the public computer network or where, upon sending, such information may be presumed to reach the addressee. If possible, the court makes the notice available on the presumed user account page of a virtual social network or on a page of another virtual communication environment in such a manner that the notice cannot be seen by any other persons than the addressee.

A procedural document is deemed to be served when the recipient opens it in the information system or confirms the receipt thereof in the information system without opening the document and also if the same 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.

A procedural document is deemed to be served on the recipient when the recipient confirms the receipt of the procedural document in writing, by fax or electronically. The confirmation shall set out the date of receipt of the document and bear the signature of the recipient or representative thereof. A confirmation prepared in electronic form shall bear the digital signature of the sender or



be transmitted in another secure manner which enables identification of the sender and establishment of the time of sending, unless the court has no reason to doubt that the confirmation without a digital signature has been sent by the recipient or representative thereof. 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 transmitted 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 recipient shall send the confirmation specified in this subsection to the court without delay. The court may fine a participant in a proceeding or representative thereof who has violated this obligation.

In § 314 of TKS it is specified that a procedural document may be served by sending an unregistered letter or fax provided that a notice concerning the obligation of immediate return of the confirmation of receipt is annexed to the letter or fax, and the names and addresses of the sender and the recipient, and the name of the court official who sent the document are indicated in the letter or fax.

There is a possibility of a public service of procedural documents as described in § 317. Based on a court ruling, a participant in a proceeding may be served a procedural document by public announcement if:

- 1) the address of the participant in the proceeding is not entered in the register or the person does not live at the address entered in the register and the court has otherwise no knowledge of the address or place of stay of the person, 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;
- 2) service of the document in a foreign state in conformity with the requirements is presumed to be impossible;
- 3) the document cannot be served because the place of service is the dwelling of an extra-territorial person.

The procedural document may be served by public announcement on a participant in a proceeding which is a legal person based on a court ruling if electronic service and service by a registered letter to the postal address entered in the register maintained about legal persons have yielded no results. If a legal person has submitted the Estonian address of the person to the registrar, an attempt shall also be made to serve the document to such address before public service of the procedural document.

The court may demand that a participant in the proceeding who requests the public service of a procedural document submit a confirmation by a police authority, rural municipality or city government that such authority has no knowledge of the whereabouts of the recipient, or other proof on the circumstances. A police authority, rural municipality or city government shall provide the participant in the proceeding with such confirmation at his or her request. If necessary, the court also makes inquiries independently for establishment of the address of the recipient.

There is also a possibility to service procedural document by depositing, as indicated in § 327. A written notice concerning depositing is left or sent at the address of the recipient and if this is impossible, the notice is attached to the door of the dwelling, business premises or place of stay of the recipient or issued to a person residing in the neighbourhood for forwarding it to the recipient. The notice shall clearly state that the document deposited has been sent by the court and that as of the time of depositing, the document is deemed to be served and terms in the proceeding may begin to run as of such time.



- 10.1. Does the method of service differ from the cross-border service of documents within the scope of the Regulation?**
- 10.2. Are there several alternative methods of service in your Member State?**
- 10.3. Does your national legal system provide for special means for the service of documents for professionals (e.g., lawyers, notaries etc.) or state authorities? How do the methods of service relate to each other?**
(e.g. of equal rank, subordinate)
- 10.4. What considerations must the deciding court take into account when choosing the method of service?**
- 10.5. Have the methods of service laid down in your national legal system been extended for domestic service after the entry into force of the Regulation?**
- 11. How is service in third-party countries regulated?**
(e.g. in Germany: § 183 (1) cl. 1 ZPO regulates the service in EU-countries, whereas § 183 (1) cl. 2 ZPO states: “Insofar as the aforementioned provisions do not apply to service abroad, paragraphs 2 to 6 shall apply to service abroad”. § 183 (2) ZPO regards delivery via post or through authorities of the other country. When there are no international agreements, § 182(4) ZPO is applicable in pursuance to § 183 (3) ZPO. § 183 (6) ZPO recognises the jurisdiction of the local court of the respondent’s domicile or habitual residence in regards to the service of documents abroad.)
- 12. Are there special methods of service for certain types of documents – regardless of whether they qualify as judicial or extrajudicial? Please provide examples.**
- 13. What is the usual time frame of the service of documents in your Member State?**
(e.g. in Germany: A fax and an electronic service of documents via the secure communication methods is considered immediate; postal service takes 1-3 days with the exception that there is no postal service on Sundays.)
(e.g. in Austria: Service via the Austrian Postal Service takes around 1-2 days, service within the platform for the electronic service of documents is more or less instantaneous.)
- 14. At what moment is a document considered to be served according to the national law of your Member State?**
(e.g. in Germany: A document is in general served once it is handed over to the respondent; actual knowledge is not important and, in some cases, service is even fictitious, §§ 180 cl. 2, 181 (1) cl. 4; 184 (2) cl. 1, 188 ZPO.)
(e.g. in Austria: a document is generally served once it is handed over to the respondent who thereby takes notice of the service.)



14.1. If and if so, under what circumstances is a document considered to be served according to the national law of your Member State when the recipient is served at an address they either do not use or do not know of?

(This question refers to the service to an official or known address of the recipient, but one which is not (anymore) used by the recipient. Please elaborate on national treatment of negligent behaviour (of the recipient who might have forgotten to de-register the address or to make arrangements to be informed about service of documents to this address), multiple places of residence, service to a “wrong” address (either unknowingly by the competent institution or maliciously of the opponent by providing/using the wrong address), and differences of the relevant address regarding the determination of jurisdiction (domicile) and the address used for the service of documents.)

14.2. Please elaborate in this regard, how the national law of your Member State treats the following scenario: The claim contains the official, duly registered address of the respondent. However, when the postman (or responsible person of service) wishes to serve the document at that address, it is clear that the recipient does not live there any longer (i.e., the post-box has a different name, neighbours confirm that the person has moved or a new tenant opens the door and confirms that the recipient has moved there some months ago and he neither has any relation with the former tenant nor does he know where they live now).

15. With what electronic methods can a claim be filed in court?

(e.g. in Germany: Only lawyers can electronically a claim through a specialised lawyer's electronic communication system, BEA. Usual method of filing a claim at court is via postal service or through personally hand the document in at court.)

(e.g. in Austria: Parties can also file a claim themselves, if certain requirements are fulfilled.)

16. What is the procedure under the national law of your Member State if the exact whereabouts of the recipient are unknown?

(e.g. in Germany: The service by publication means that a notice of service is hanging on the courts bulletin board or an electronic equivalent; we do not know a central public register for publication of service. In an addition to the bulletin board the court can order that the notice of service by publication must be published in the Official Gazette (Bundesanzeiger). We only publish basic information like the person on whose behalf the document is served, the last known address or number of the document, but not the document to be served itself.)

16.1. Is a substitute method of service available under the national law of your Member State? If so, what factors does the deciding court have to take into account when assessing the admissibility of such service?

16.2. Is there a possibility of using fictitious methods of service in your Member State? Please elaborate.

16.3. If yes: When does a fictitious method of service unfold its effects? Are these equivalent to the effects of service where the document is served directly to the recipient?



16.4. Service of publication frequently do not assure that the document was actually made known to the recipient. Does your system try to ensure that the document was actually made known?

(e.g. in the USA: A Court can order to publish a whole page in a newspaper.)

16.5. Does the system include special remedies if actual knowledge was not obtained by the defendant?

16.6. Please explain whether fictitious methods of service may in certain circumstances be in conflict with national procedural principles (e.g. right to a fair trial, right to be heard). If so, how is this issue dealt with?

16.7. Are different actions taken if the person's whereabouts are presumed to be within the country or abroad?

17. What is the procedure in your national jurisdiction if the recipient is responsible for a failure to serve?

(e.g. in Germany: The German ZPO provides rules for cases in which the acceptance of the document to be served is refused without justification [§ 179 ZPO]. It then should be left at the residence or business premises, in cases without such residences or business premises, the document shall be returned and is deemed served notwithstanding the refusal of acceptance.)

18. What language is to be used for domestic service?

(e.g. in Germany: Documents must be written in German, as this is the official language of the court, § 184 of the Courts Constitution Act [hereafter: GVG].)

The working language of courts in Estonia is described in § 32 of the TKS. The language of judicial proceedings and court procedure is Estonian. Minutes of court sessions and other procedural acts are prepared in Estonian. A court may also record any testimony or statement given in a court session in a foreign language in the minutes in the language in which it is given in addition to the translation thereof into Estonian if it is necessary for an accurate presentation of the testimony or statement.

There are provisions on documents in foreign language in judicial proceedings (§ 33). If a petition, request, appeal or objection submitted to the court by a participant in a proceeding is not in Estonian, the court requires that the person submitting such documents provide a translation thereof into Estonian by the set due date. If a documentary evidence submitted to the court by a participant in a proceeding is not in Estonian, the court requires that the person submitting such documents provide a translation thereof into Estonian by the set due date unless translation of the evidence is unreasonable considering its contents or volume and other participants in the proceeding do not object to accepting the evidence in another language.

The court may require authentication of the translation by a sworn translator or a notary or caution the translator that he or she bears liability for a knowingly false translation.

If the translation is not submitted by the due date, the court may disregard the petition, request, appeal, objection or documentary evidence.



The court organises translation of a court decision into a foreign language for a participant in the proceeding only if the participant in the proceeding so requests and provided that in the proceeding the participant in the proceeding is not represented by a representative and he or she has been granted procedural assistance for bearing translation costs. If the person so requests, a court organises translation of a court decision for the person on account of the Republic of Estonia regardless of the existence of a representative or the grant of procedural assistance.

There is a possibility for a participation of interpreter or translator in proceedings (§ 34). If a participant in a proceeding is not proficient in Estonian and he or she does not have a representative in the proceeding, the court involves, if possible, an interpreter or translator in the proceeding at the request of such participant in the proceeding or at the initiative of the court. An interpreter or translator need not be involved if the statements of the participant in the proceeding can be understood by the court and the other participants in the proceeding.

If the court is unable to immediately involve an interpreter or translator, the court makes a ruling whereby the participant in the proceeding needing the assistance of an interpreter or translator is required to find an interpreter, translator or a representative proficient in Estonian for himself or herself. Failure to comply with the demand of the court does not prevent the court from adjudicating the matter. If a plaintiff fails to comply with the demand of the court, the court may refuse to hear the action.

Before commencing interpretation or translation in a proceeding, an interpreter or translator is cautioned that he or she bears liability for false interpretation or translation, and the interpreter or translator gives a signature to that effect. Cautioning is not necessary if the interpreter or translator has been sworn in to do such interpreting or translations pursuant to the procedure provided in the Sworn Translators Act.

Provision of an interpreter or translator shall be ensured to a person in a proceeding for placement of the person in a closed institution and in a proceeding for establishment of guardianship for the person.

An interpreter or translator is not involved in a proceeding for a contractual representative of a participant in the proceeding or for an adviser.

If a participant in a proceeding is a deaf, mute or deaf-mute person, the course of the proceeding is communicated to him or her in writing, or an interpreter or translator is involved in the proceeding (§ 35).

The oath and signature of person not proficient in Estonian is regulated in § 36. A person who is not proficient in Estonian gives an oath or signature on being cautioned of his or her liability in a language in which he or she is proficient. A signature is given on the text of the oath or caution prepared in Estonian which is translated to the person directly before he or she signs it.

19. Are there specific claim forms to be used for domestic service in your Member State? If so, explain their content and the information required.

(e.g. in Germany: There are regularly no claim forms to be used with the exception of European orders for payments or other European forms such as in small claim procedures.)

20. How are the costs of service regulated in your Member State?



(e.g. in Germany: For services at the instigation of the parties, the law on costs of judicial officers [hereafter: GVKostG] governs the costs [Annex to § 9 GVKostG].)

§ 316. Service of procedural documents in foreign states and on extra-territorial citizens of Republic of Estonia

(6) A request for service of a procedural document on a person specified in subsection (4) or (5) of this section is submitted by the court hearing the matter. Service of the document is certified by a written confirmation to such effect issued by the administrative agency or official who acted as intermediary upon service of the document.

LEGAL IMPLICATIONS OF SERVICE

21. **What are the legal (minimum) requirements of an effective service? Please list them.**
22. **What are the legal consequences (procedurally and, if applicable, materially) of the proper service of documents?**

(e.g. in Germany: *Lis pendens*, procedural effects: § 261 ZPO: As long as the dispute is pending, none of the parties may bring the dispute before another court or tribunal and jurisdiction of the court hearing the case will not be affected by any change to the circumstances giving rise to its competence. Material effects, Interest during legal proceedings.)

(e.g. in Austria: The time period for appeals starts from the date of service of the document and is therefore necessary so that later *res judicata* and enforceability occurs)
23. **What are the consequences of the respondent's failure to appear in the proceedings under the national law of your Member State?**

(e.g. in Germany: There is the threat of a default judgment or a decision according to the state of the files. § 331 ZPO concerns default judgements against the respondent.)

(e.g. in Austria: The court can render a verdict in favour of the appearing party.)

 - 23.1. **What are the possibilities of legal remedy if the respondent claims incorrect service?**
24. **What are the consequences of the claimant's failure to appear in the proceedings under the national law of your Member State? (e.g. due to the absence of a summons to the preparatory hearing)**

(e.g. in Germany: If the claimant does not appear at the hearing, a default judgment may be issued against the claimant at the request of the respondent, § 330 ZPO. In the context of a default judgment, the action is then dismissed.)

 - 24.1. **What are the possible legal remedies if the claimant claims incorrect service?**
25. **What are the consequences of improper service in your national jurisdiction?**



- 25.1. What is the procedure if the recipient nevertheless had the opportunity to prepare and therefore the principle of equality of arms was not affected?**
- 25.2. Can a deficiency in service be cured in your national jurisdiction? If so, how?**
(e.g. in Germany: The service is ineffective if mandatory service provisions have been violated [for example if the recipient of service is not a part of the group of persons defined in § 178 ZPO]. Ineffective service can be remedied by retroactive approval, in accordance with § 189 ZPO and by waiver of objection, § 295 ZPO. The ineffectiveness of the earlier service can also be overcome by reperformance. However, the new service has no retroactive effect.¹⁵)
- 25.3. Please explain whether such a cure may in certain circumstances be in conflict with national procedural principles (e.g. right to a fair trial, right to be heard). If so, how is this issue dealt with?**
- 25.4. Do the consequences of improper service differ within the scope of the Regulation due to the provisions in Art. 22 of the Regulation? If so, how?**
- 25.5. Has your Member State made use of the option in Art. 22 No. 2 of the Regulation?**
- 25.6. How is the possibility of reinstatement in Art. 22 No. 4 of the Regulation regulated in your Member State? What is the deadline for filing an application for *restitutio in integrum*?**
(e.g. in Austria there is a 14-day period to file the application after the obstacle has ceased to exist.)
- 26. Can a decision be revoked due to incorrect service in your Member State even after it has become *res judicata*?**
- 27. How is the service of documents proven or documented? How is the date of service determined in the national law of your Member State?**
(e.g. in Germany: according to § 182 ZPO the proof of service is done through a separate certificate. The minimum requirements of that certificate are set out in § 182(2) ZPO. Following this, the record of service shall for example include: the designation of the person on whom service is to be made; the designation of the person to whom the letter or the document was physically submitted; in the case of § 171 ZPO, the certificate of the power of lawyer; the note that the day of service was noted on the envelope containing the document to be served; the place, the date and, should the court registry so have instructed, also the time of service; the surname, given name, and signature of the person serving the documents as well as the name of the company contracted for service, or the public authority charged with this task.)
(e.g. in Austria: A proof of service is not always necessary; the proof of service itself is regulated in § 22 Zustellgesetz (Austrian Act on the service of documents.)

¹⁵ BeckOK ZPO/Dörndorfer, § 166 para. 5.



28. **Except for the mentioned respondent, are there other authorised recipients, i.e. (temporary) representatives or persons authorised? Please provide the corresponding regulations within your national legal system.**

(e.g. in Germany: § 170 ZPO [service on statutory representatives]; § 171 ZPO [service on authorised agents]; § 172 ZPO [service on legal representatives], etc.)

29. **What are the legal consequences of an improper service of documents?**

(e.g. in Germany, if there is no proof of receipt in accordance to § 182 ZPO, a cure for defects in the service is the actual perusal, § 189 ZPO)

(e.g. the Austrian civil procedure code contains numerous rules regarding the consequences of service defects. The general rule is that as soon as the document reaches the party, service defects are considered immaterial.)

30. **What is considered a timely service of documents?**

31. **Who bears the risk of an untimely service of documents?**

CROSS-BORDER SERVICE WITHIN THE SCOPE OF THE REGULATION

32. **Which bodies are considered to be “transmitting agencies” according to Art. 3 No. 1 of the Regulation in your Member State? If there are several transmitting agencies in your Member State, please describe their local jurisdiction.**

(e.g. in Germany: § 183 ZPO regulates the service abroad. For the purposes of implementing the Regulation, §§ 1067 (1), 1069 (1), 1070 and 1071 ZPO shall apply according to § 183 (1) ZPO. § 1069 (1) no. 1 ZPO provides the German court which is in charge of the service with competence for the service of judicial documents and no. 2 declares that generally, the court at the residence or habitual residence is competent for extrajudicial documents.)

(e.g. in Austria: The trial courts are considered transmitting agencies.)

33. **Which bodies are considered to be “receiving agencies” according to Art. 3 No. 2 of the Regulation in your Member State? If there are several receiving agencies in your Member State, please describe their local jurisdiction.**

(e.g. in Germany: § 1069 (2) ZPO regulates which bodies are considered to be “receiving agencies”, Within the meaning of Article 3 (2) of the Regulation the office of the local court in whose district the document is to be served shall be the receiving agency, § 1069 (2) cl. 1 ZPO. The state governments may assign the duties of receiving agency to a district court for the districts of several district courts by statutory order, § 1069 (2) cl. 2 ZPO.)

(e.g. in Austria: The district courts are considered receiving agencies.)

34. **What means of communication is accepted by the receiving agencies when receiving documents?**



(e.g. in Germany: The following means of communication are available for receiving and sending: mail and private delivery services, fax; and for informal communications: telephone and e-mail.¹⁶)

35. Which public institution is the “central body” according to Art. 4 of the Regulation in your Member State?

(e.g. in Germany: The state governments “determine by statutory order the body responsible in the respective state as the German central office pursuant to Article 4 of Regulation [... It] shall be the Federal Office of Justice”, § 1069(3) and (4) ZPO.)

(e.g. in Austria: The Federal Ministry of Justice)

36. How is it decided which method of service will be used by the authorities in your Member State?

37. What are the costs of service under the Regulation if your Member State is the receiving State?

(e.g. in German: Expenses may be up to 20.50 EURO under ordinary circumstances. They are calculated according to the type of service requested in accordance with the Judicial Costs Acts.¹⁷)

38. How are incomplete or insufficient requests for service to be dealt with?

39. In which languages can the standardised forms be completed (according to Art. 3 No. 4 lit. d of the Regulation) in your Member State?

(e.g. in Germany: According to § 1070 ZPO, requests for service, certificates of service and other notices pursuant to the Regulation received from abroad must be in German or in English or accompanied by a translation into German or English.)

40. To what extent does your Member State support address tracing according to Art. 7 of the Regulation? Please describe the process in detail.

(e.g. in Austria: The “Zentrales Melderegister” [Central Register of Residents] can be consulted by various official bodies. Only a small administrative fee is charged.)

41. Has your Member State lodged a national reservation concerning the service by consular or diplomatic agents provided for in Art. 17 of the Regulation?

(e.g. in Germany: “Service pursuant to Article 17 of Regulation (EU) 2020/1784 by the competent German diplomatic mission or consular post abroad shall only be effected in justified exceptional cases. Service pursuant to sentence 1 on an addressee who is not a German national shall only be admissible if the Member State in which service is to be effected has not excluded this by a declaration pursuant to the first sentence of Article 33(1) of Regulation (EU) 2020/1784. Service pursuant to Article 17 of Regulation (EU) 2020/1784 to be effected in the Federal Republic of Germany shall be admissible only if the addressee of the document to be served is a national of the transmitting State”, § 1067 ZPO.)

¹⁶ https://e-justice.europa.eu/content_serving_documents-373-de-de.do?member=1.

¹⁷ https://e-justice.europa.eu/content_serving_documents-373-de-de.do?member=1.



42. **Is the direct service method provided for in Art. 20 of the Regulation compatible with the national law of your Member State?**
43. **Is there a bilateral or multilateral agreement within the meaning of Art. 29 of the Regulation between your Member State and one or more other Member States? If yes, please give reference to the agreement and elaborate. Please leave out the generally applicable agreement between the EU and the Kingdom of Denmark of 19 October 2005 on the service of judicial and extrajudicial documents in civil or commercial matters.**
44. **Has your Member State exercised the option for early use of the decentralised IT system as defined in Art. 33 No. 2 of the Regulation?**

RIGHT OF REFUSAL

45. **Is there a possibility under your national law to refuse to accept a document?**

§ 238. Relevance and admissibility of evidence

(3) In addition to the cases provided in subsections (1) and (2) of this section, the court may refuse to accept evidence and return the evidence, or refuse to take evidence, if:

- 1) the evidence has been obtained by a criminal offence or unlawful violation of a fundamental right;
- 2) the evidence is not accessible and, above all, if the witness's data or location of a document is unknown, or if the relevance of the evidence is disproportionate to the time necessary for taking the evidence or other difficulties related thereto;
- 3) the evidence is not provided or the request for taking the evidence is not made in a timely manner;
- 4) the need for providing or taking evidence is not substantiated;
- 5) the participant in the proceeding requesting the taking of evidence fails to make an advance payment demanded by the court in order to cover the costs incurred upon the taking of evidence.

(5) If the court has already accepted or taken evidence, the court may refuse to take account of such evidence upon adjudicating the matter in the cases provided in subsections (1)–(3) of this section. Evidence may be disregarded after its evaluation if the evidence is clearly not reliable.

- 45.1. **On what grounds can the acceptance of a document be refused?**
- 45.2. **How can the acceptance of documents served electronically be refused?**
- 45.3. **What factors does the deciding court have to take into account when assessing the admissibility of the refusal to accept?**
- 45.4. **What are the consequences of such a refusal? Please distinguish between justified and unjustified refusals when responding.**



46. **How do the courts in your Member State review the admissibility of the refusal to accept a document under Art. 12 of the Regulation?**

ELECTRONIC METHODS OF SERVICE

47. **Does your Member State's national law allow documents to be served electronically? If so, how?**

(e.g., in Germany: Court documents may only be served electronically on addressees in the Federal Republic of Germany in accordance with Article 19 (1) (a) of the Regulation, § 1068 ZPO. In addition to that, § 173 ZPO regulates the general service of electronic documents.)

In accordance with § 311¹ the electronic service of documents is possible. The procedure was described in answer 10.

- 47.1. If dedicated internet portals are used for this purpose: Please describe the platform. Do users have to register beforehand?**

- 47.2. How is the e-identification (and possibly e-signature) of electronically served documents executed in the national legal system of your Member State?**

- 47.3. How is it ensured that the right person receives the documents? How is the identity of the user verified?**

- 47.4. How is the time of service determined?**

48. **Is electronic service dependent on the consent of the person concerned in your Member State?**

- 48.1. If consent is required, can it be given universally or must consent be obtained for each individual case?**

- 48.2. If universal consent is permissible, can certain matters (e.g. family law disputes) be exempted from the consent?**

49. **Is every citizen obliged to accept electronic service of documents in your Member State?**

(e.g. in Austria: Not everyone is obligated to accept electronic service via dedicated internet portals.)

- 49.1. If yes: What provisions does your Member State's national law provide in case the recipient has no possibility to receive electronic deliveries? (e.g. for elderly people)**

50. **Is there a central body responsible for electronic service in your Member State?**



(e.g. in Austria the "Bundesrechenzentrum" (Federal Computing Centre) is responsible)

51. **What measures are taken in your Member State to ensure the security of electronic service?**
52. **What measures are taken in your Member State to ensure the efficiency of electronic service?**
53. **What are the consequences if electronic service is not possible? (e.g. disrupted internet access)**
54. **What are the costs of electronic service?**
55. **What measures does your Member State take with regard to data protection in connection with electronic service?**
56. **How could the rules on service in your national law be improved in order to facilitate cross-border service and to avoid legal uncertainty?**
57. **Please explain how the E-CODEX system operates if your Member State took part in the E-CODEX project concerning procedures in the case of European Small Claims and European Payment Order.**

PROBLEMS RESULTING OUT OF CROSS-BORDER SERVICE

58. **What national issues arise out of the service of documents in your member state?**
59. **What European issues arise out of the service in your member state?**
60. **How could the provisions on service in your national legislation be improved in order to facilitate cross-border service and prevent legal uncertainty?**
61. **Please list national cases in which problems occurred regarding the cross-border service of documents. If possible, please shortly summarise the respective issues and decision.**