



**British Institute of
International and
Comparative Law**

COLLECTIVE REDRESS ESTONIA



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**British Institute of
International and
Comparative Law**

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Vision

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Table of Contents

I.	General Collective Redress Mechanism	4
1.	Scope/ Type	4
2.	Procedural Framework	5
a.	Competent Court	5
b.	Standing	6
c.	Availability of Cross Border collective redress	6
d.	Opt In/ Opt Out.....	7
e.	Main procedural rules	7
3.	Available Remedies.....	7
4.	Costs	8
5.	Lawyers' Fees.....	8
6.	Funding	8
7.	Enforcement of collective actions/settlements.....	8
8.	Number and types of cases brought/pending.....	8
9.	Impact of the Recommendation/Problems and Critiques, including.....	8
a.	Consequences where no collective redress mechanism is available	8
b.	Impact of the collective mechanism (or lack of) on behaviour/ policy of stakeholders (direct/ indirect, economic/social impact)	9
c.	Incompatibilities with the Recommendation's principles	9
d.	Problems relating to access of justice/fairness of proceedings including	10
II.	Sectoral Collective Redress Mechanism(s)	11
1.	The Insurance Mediator (IM) or the Insurance Court of Arbitration	11
2.	Competition Law	11
3.	Environmental law.....	11
III.	Information on Collective Redress	12
1.	National Registry	12
2.	Channels for dissemination of information on collective claims.....	12
IV.	Case summaries	13

I. General Collective Redress Mechanism

1. Scope/ Type

There is no horizontal collective redress mechanism in the Estonian legal system. However, different forms of collective action are possible. These include some possibilities for claims in the collective interest or in the public interest as well as provisions for class proceedings and for joining cases to facilitate the process.

The possibility to make claims in the public interest or the interest of others is aimed at situations where it is appropriate that a representative of some sort makes the claim, for example for apartment owners whose common interests must be defended by a representative, or for consumers, where a representative body may be best placed to know what could amount to unfair conditions. These are exceptions to the principles of Estonian law providing that parties are in control of their cases, each one in a manner so that they can be individually identified.

Rules on joining cases and collective proceedings aim at expediting and simplifying the judicial process. To a large extent, the courts will decide on such measures.

The Code of Administrative Court Procedure recognises class proceedings if there are more than 50 third parties to a proceeding (Section 22). The provisions still consider individuals as parties to the proceeding, but take into account that a large number of persons involved will entail special requirements regarding the process.

In the Code of Civil Procedure there are no provisions on class proceedings. Section 207 permits participation of several plaintiffs or defendants in certain situations. Section 374 permits joinder of claims if several claims of the same type which involve the same parties, or which are filed by one plaintiff against different defendants or by several plaintiffs against the same defendant are subject to concurrent court proceedings. This is a decision made by the court, if it allows for a more expeditious or facilitated hearing of the matter.

In case of joint actions, each plaintiff or defendant participates independently with regard to the opposite party and unless otherwise prescribed by law, an act of a plaintiff or defendant does not bear legal consequences for a co-plaintiff or co-defendant (Section 207 Code of Civil Procedure). Consequently, even if applicants have made their application jointly but the case is about a monetary claim from each applicant on the respondent, all applicants act independently in the process. This is further confirmed by Section 446 paragraph 1 according to which, in a ruling made in favour of many applicants, the court must note in which part the claims of each individual applicants has been satisfied and how the decision affects each applicant. In case there is a finding in favour of applicants as a group with some form of group compensation, this must be specifically mentioned and be based on specific reasons.

As concerns consumer claims, the Estonian Consumer Protection Agency (Tarbijakaitseamet) may, in their own name and on behalf of the state and consumer organisations, initiate civil procedures for the protection of the collective rights of consumers by demanding the non-application and the abolishment of unreasonable and damaging type rules in accordance with Directive 98/27/EC. The Consumer Protection Agency and consumer organisations have been given the right by law to turn to court to prohibit unfair trade conditions. Until now it has not been possible in Estonia to demand compensation for damages through class action.

There is a dispute resolution mechanism for consumer claims under the auspices of the Consumer Protection Agency, the Consumer Disputes Committee.¹ This is not a collective redress mechanism as it deals with individual issues, but it does meet similar aims to those of the Recommendation as far as providing a means to facilitate solving of consumer disputes through a representative organ. The Committee is competent to resolve domestic and cross-border consumer disputes initiated by the consumer and arising from contractual relations between consumers and businesses, where one party is a business whose place of establishment is in the Republic of Estonia. There are certain types of claims with which the Committee cannot deal as other courts or organs have exclusive jurisdiction over them. These are listed on their website and include complaints related to:

¹ <https://www.tarbijakaitseamet.ee/en/consumer-disputes-committee>

- non-economic services of general interest;
- educational services provided by legal persons governed by public law;
- health services which are provided by health care professionals to patients in order to assess, maintain or restore their state of health, including prescribing, dispensing and supplying medicinal products and medical devices;
- claims arising from death, bodily injuries or health damages;
- resolution procedure by this Act prescribed by other Acts in conformity with the requirements provided in this Act.

It is free of charge to address the Consumer Disputes Committee. In most cases, the outcome will be reached within 90 days from the date the proceeding of the complaint was started.² The process aims to provide adequate compensation to consumers but not to adjudicate on damages.

2. Procedural Framework

a. Competent Court

There are no special collective redress mechanisms but in the instances mentioned above administrative or civil courts can in some cases deal with collective cases. The rules for choice of court are the regular rules depending on the type of dispute, the geographical area and subject matter jurisdiction of the respective courts. There are no special courts for collective redress.

The general consumer complaint organisation is the Consumer Disputes Committee, operating under the auspices of the Consumer Protection Agency. This is not a court but a special dispute resolution body that is not compulsory. It is mentioned here as it is an important organ for consumer disputes and its existence together with its functioning and efficiency are relevant in the general debate of whether there are sufficient mechanisms to protect the rights of individuals in the kind of situations that may affect a large number of (otherwise not connected) individuals.

The procedural framework for the Consumer Dispute Committee is the following:

- The Committee normally consists of a three-member commission, if needed it can have five members. The composition is: Chairman, consumer representative, business representative.
- The Chairman is appointed for a period of five years by the Minister of Economy and Communication in consultation with the Ministry of Justice. The Members are appointed for four years by the General Director of the Consumer Protection Agency on suggestions by trade associations or professional bodies.
- The process should start with a complaint directly to the business concerned, followed by the possibility to complain to the Committee and if no resolution is achieved, a claim can be made to the district court. The consumer at all times retains the right to turn to court if they are not satisfied with the outcome of the dispute resolution process.
- The Committee provides explanations on the ways to make (oral or written) complaints and requires the business concerned to reply within 15 days, giving its view on the claim and suggestion for remedies. If there is no reply within the required period and no demand of prolongation, it is assumed that the business did not accept the claim and a complaint can be made to Committee (Consumer Protection Act Section 40).
- The Committee can adjudicate in Estonian as well as cross-border disputes, provided that the business is located in Estonia. It deals with claims based on a contractual relationship between the parties, with certain exceptions like non-contractual damage e.g. traffic damage, or any issues that have led to death, illness or bodily injury. Some categories of services like public education and health care services are excluded, as are labour disputes.

² *Ibid.*

- The Committee will not deal with a complaint if the same dispute is subject to court process or another similar process. It may also decide not to deal with complaints about demands of less than 30 Euro or complaints that appear to be unlikely to have any success.
- The Committee can include experts and hear evidence, but any costs for expertise is to be borne by the parties. The Committee will normally decide within 90 days.
- Complaints can be made in free form or by using a form available on-line. All relevant information must be added to the complaint (agreements, proof of payment, correspondence, etc.). Complaints are first reviewed by the secretariat. The procedure in the Committee can be oral or in writing.
- Decisions can be to require the business to fully or partially meet the demands of the consumer or the Committee can decide to reject the claim.
- Decisions are sent to the parties and published on the web-page of Committee.
- The business shall meet the demands within 30 days of the publication of the decision on the web-page. If this is not done, the claimant can turn to the district court, and the Committee will publish the information on its web-page that the business has not met with its requirements, creating a "black list".³

b. Standing

As the administrative court procedure is the only explicit class procedure, its rules on standing are the only specific rules that detail standing. In most situations, the initial question of standing is decided according to the general rules applicable to the type of case presented. In the additional step of deciding on some form of collective (joined) proceeding, there are no specific provisions on standing as this will be an add-on to a case in front of the court rather than a separate process.

According to Section 22 of the Code of Administrative Court Procedure, in cases with more than 50 third parties with an interest in the matter, there can be a class proceeding. According to subsection 2 of Section 22, "the court will join to the class proceedings, in accordance with the general procedure for such proceedings, any persons whose rights are affected in the matter to a significantly higher degree than those of others, in particular the addressees of the contested administrative act, and any persons who have taken an active part in the administrative proceedings which gave rise to the dispute."

Subsection 3 of Section 22 states that: "In the case that the notice specified in subsection 2 of section 23 of this Code has been duly published, the person who did not, within the established time-limit, seek to join the proceedings, may, if that person appeals the ruling made in the class proceedings, only rely on not being joined to the proceedings if the court contravened subsection 2 of this section and the person did not learn of the class proceedings in good time."

In addition, it may be mentioned that the existing possibilities for bringing cases on consumer disputes for the collective or public interest show a form of representative action, which is similar to that mentioned in the Recommendation, as it consists of a designated entity that is capable of representing the interests of the claimants in an appropriate manner.⁴

c. Availability of Cross Border collective redress

In the absence of a collective redress mechanism, there are consequently no special cross-border mechanisms. For consumer dispute resolution, Estonia implements EU law on cross-border cooperation.⁵ The new Consumer Protection Act implements or takes into consideration a number of EU legal acts on this issue.⁶

³ *Ibid.*

⁴ Recommendation (11 June 2013) on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law (2013/396/EU), preamble point 18, Recommendation point 3(d) and 4.

⁵ Regulation 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation). See also http://ec.europa.eu/consumers/redress_cons/index_en.htm

⁶ Mentioned are: Directive 2013/11/EU on alternative dispute resolution for consumer disputes and amending Regulation 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR); Directive 2009/22/EC on injunctions for the protection

The mentioned possibilities for some forms of collective action could also include cross-border situations if they otherwise fit with the provisions in the respective laws.

d. Opt In/ Opt Out

In the absence of collective redress procedures, this is not per se applicable.

In its comments to EU consultations, Estonia expressed its reluctance toward the opt-out model, as this would require changes to many fundamental aspects of the Estonian procedural system. The Estonian government has stated that the opt-out model would not be compatible with the Code of Civil Procedure, which presupposes that parties bring a case individually, apart from the limited possibilities - if the law specifically so provides - to bring cases to protect the interests of others or the general public.

The Estonian legal procedural system is based on the principle of a dispositive process: parties can decide to start a legal process or not. This would be hard to reconcile with an opt-out model. The obligation to inform parties, to allow each party to be heard and to determine what evidence to present are other procedural requirements that do not fit with an opt-out model.

Opt-in would not appear to be in contradiction with Estonian law in principle as it, according to the Recommendation, requires express consent of the parties⁷, but would need support in law. The existing provisions in the Code of Administrative Court Procedure show a similarity with the opt-in idea. For a full application of collective redress with opt-in, various principles of the right of each party to be informed and heard and so on, would need adjustment.

e. Main procedural rules

The most significant (if not exactly collective redress) provision is Section 22 of the Code on Administrative Court Procedure: if there is more than 50 third parties in an administrative matter, the court may conduct the matter as class proceedings. In this case, only those who seek a joinder within the established time-limit are joined to the proceedings. The corresponding application may be filed within 30 days as of the publication of the relevant notice in accordance with Section 23 of the Code.

Not applying for a joinder to the proceedings does not prejudice a person's right to bring an action against the administrative act or measure contested in the class proceedings (Subsection 4 of Section 22).

3. Available Remedies

There is no mechanism for collective decisions on damages. In any joined case, damages will be allocated individually between claimants.

In claims brought by the Consumer Protection Agency against the use of unfair trading conditions, there are no damages applicable. The Supreme Court has stated that damages should be linked to specific interest and general economic interests are normally not compensated.⁸

The Consumer Protection Board and the State Agency of Medicines have direct injunction powers. Their decisions can be appealed in court. If the trader does not comply with the injunction, a penalty payment may be imposed upon him.

of consumers' interests; Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC and Regulation (EC) No 2006/2004 (Unfair Commercial Practices Directive); Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers; Directive 2014/92/EU on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

⁷ Recommendation 2013/396/EU point 21.

⁸ Cases 3-2-1-64-05, 13 June 2005, and 3-2-1-123-05 of the Civil Law Chamber of the Supreme Court.

The Estonian government in its comments to the EU consultation did not support the idea of giving consumer organisations the right to demand compensation from businesses for damages caused to consumers.⁹

The Recommendation contains a clear prohibition of punitive damages that lead to overcompensation and are alien to European legal systems, where punishment is a competence of public authorities. This fits with the Estonian attitude.

4. Costs

In the absence of collective redress mechanisms there are no special rules on costs.

5. Lawyers' Fees

In the absence of collective redress mechanisms there are no special rules on lawyers' fees.

6. Funding

In the absence of collective redress mechanisms there are no special sources of funding. There is no funding available for litigation for private enforcement of competition law.

7. Enforcement of collective actions/settlements

In the absence of collective redress mechanism there are no special rules on enforcement.

As for consumer complaints to the Consumer Dispute Committee, it does not have any special tools for enforcement apart from listing businesses on its home page on a "black list". Its decisions are not legally enforceable.

8. Number and types of cases brought/pending

There are no cases on collective redress as such and there have not been many notable cases using the possibilities that exist for collective proceedings. Below some cases are mentioned on related matters of interest. Many cases with a collective element lack any particular legally interesting features as the linking is purely a practical matter and for most purposes the parties are seen as separate as far as the substance is concerned (amount of any compensation for example). The authorities (notably consumer authorities) have not brought many cases and it appears as if other ways of influencing unfair trading conditions or other undesirable practices are found, rather than adjudication.

9. Impact of the Recommendation/Problems and Critiques, including

a. Consequences where no collective redress mechanism is available

In Estonia, the Code of Civil Procedure presupposes that most cases are brought by individuals regarding their own rights. However, as mentioned, there is a possibility (Section 3 and Section 198) that cases are brought for the interests of others or the general public, if this is provided by law. Thus, it would be possible without having to change the basic principles of civil procedure to add more possibilities to bring cases for example for collective redress. This must be done explicitly in law. The Code of Administrative Court Procedure contains collective proceedings as well as some other tools for proceedings with many parties.

It would appear that it would be possible to increase the possibilities for collective action, even if full class action type proceedings would be difficult to reconcile with basic procedural principles. The absence of collective redress mechanisms does not appear to have had any significant consequences for Estonia, as other means exist

⁹ *Eesti seisukohad Euroopa Komisjoni poolt esitatud Rohelise raamatu küsimustiku „Kollektiivse hüvitamise mehhanismid tarbija jaoks“ eelnõule* (Riigikantselei/State Chancellery letter to Riigikogu juhatus/Parliament management, 26.02.2009 nr 1-4/09-01246-3)

for bringing the kind of claims that in some countries may be subject to collective redress claims. However, the issue is not much discussed in Estonia neither in the academic, nor the political debate.

b. Impact of the collective mechanism (or lack of) on behaviour/ policy of stakeholders (direct/ indirect, economic/social impact)

Estonia is part of the continental legal tradition in which the institute of class actions is not a traditional component. It is consequently not something that lawyers or individuals in Estonia would expect and there has not been any signs of any active demands of such actions. The absence of collective redress mechanisms in Estonia has not been the subject of any debate among the general public and not to any major extent among the legal community. In the public consultation on collective redress initiated by the European Commission in 2011 the number of viewpoints presented from the Estonian side were limited. The Consumer Protection Authority and the Estonian section of the European Consumer Centre were the only bodies that submitted comments.

In general, mechanisms like class actions are perceived as not compatible with the traditions and structure of the Estonian legal system and they are also not common in countries whose legal systems have influenced the Estonian one.

In Estonia, it is possible to protect the collective rights of consumers, regardless of the rights of individual consumers, through the competence given to the Consumer Protection Agency and such rules are directly applicable also in cross-border cases. The Consumer Protection Agency can make administrative demands to businesses to end practices that damage collective interests and to refrain from further similar actions.

Consumer protection issues are subject to relatively high public interest in Estonia with for example a regular feature on consumer issues in one of the main newspapers¹⁰ (with a possibility to ask questions to experts) as well as several web-sites dealing with consumer issues. The Consumer Protection Agency undertakes proactive measures to spread information and supports consumers through the Consumer Dispute Committee, that is active and decides around 500 cases per year.¹¹

In its replies to the EU Green Paper, the Estonian government expressed support for class action at an EU level for consumer disputes with a cross-border relevance. At the same time, the view was expressed that many recent consumer protection instruments were not yet fully in force so the need for additional, specific instruments could not yet be known and existing ones should be used properly before additional ones are created. Among existing instruments mentioned were Directive 2008/52/EC and Regulation 861/2007. The Estonian government expressed scepticism regarding new instruments with an important impact on member state domestic legal systems and pointed to the competence of the EU.

c. Incompatibilities with the Recommendation's principles

The fears that have been expressed in Estonia are those of many European countries, namely that the implementation of a collective redress mechanism could lead to abusive litigation. Furthermore the procedural legislation is not designed to include more than one or a few parties. In a case on collective redress not only the rights of the parties (which is what the legal and procedural system is designed to protect) but also the rights of others or of the general public should be protected. How this is to be done is different than the protection of the actual rights of the party.¹²

The way the idea of collective redress is designed in Estonia (and in many other states with a continental legal system) is that some organs are in charge of protecting the interests of a group such as consumers or of the general public as such. It may mean that the parties to the case are not those whose rights are actually concerned by the case, which clearly is something different than regular civil cases. This raises issues of representation. It is important that collective redress does not limit rights of individuals who must retain their right to bring cases. Collective organisations and/or procedures cannot limit the rights of individuals, as protected by the constitution.

¹⁰ www.tarbija24.postimees.ee

¹¹ <https://takis.tarbijakaitseamet.ee/avalik/otsused>

¹² <file:///C:/Users/189001/Documents/kollektiivne%20hyvitamine%20VV%20seisukoht.pdf>

Even if collective redress does not exist as such, the forms of action in favour of the interest of consumers fit with the general aim of the Recommendation, which recommends that action could be brought by representative entities, certified in advance, which meet certain requirements. In Estonia, the conflict resolution system for consumers appear to have similar aims, even if it is not a collective redress mechanism. The action is brought by a suitable body, designated to meet certain requirements.

d. [Problems relating to access of justice/fairness of proceedings including](#)

There are different ways to deal with consumer complaints, in the Consumer Dispute Committee or in court. The possible insufficiency of these mechanisms would be the same in Estonia as in other countries, if a situation led to many small claims that individually would be too small to merit action but where the number of them would lead to a different picture. So far, this has not been seen to be an issue, as the out-of-court mechanisms as well as the small claims procedure provide tools also for smaller claims.

The transparency of cases for competition law (Competition Authority) as well as for consumer cases (Consumer Protection Agency) is good, the cases are published at the websites of the authorities. Court cases are also published (electronically).

II. Sectoral Collective Redress Mechanism(s)

Estonia does not have any collective redress mechanisms as such. Under this section some sectoral dispute resolution mechanisms of related interest will be mentioned.

1. The Insurance Mediator (IM) or the Insurance Court of Arbitration

This is a system for insurance claims like traffic insurance related claims¹³ which, contrary to the Consumer Dispute Committee, is mandatory for the Insurer. The details of the body including its members and its rules of procedure are available on-line and linked via different bodies that fall under it.¹⁴ This is not a collective redress mechanism but an alternative dispute mechanism. It is mentioned here for the same reasons as the Consumer Dispute Committee above: the existence of such mechanisms meets at least partially the same interest as the principles stated in the Recommendation for collective redress. If such bodies function and are transparent, this affects any popular demand for other forms of action.

2. Competition Law

Although private enforcement of competition law is not excluded in Estonian, it is not practiced. There are no special procedure for damage claims in competition law and no mechanisms for collective claims or actions by representative bodies or public interest litigation (no collective redress). Damage claims due to infringements of competition law must be made in civil proceedings or as a civil claim within the framework of criminal proceedings on a competition law crime.

Competition cases can in principle be brought by the Competition Authority or by private parties, under civil or criminal law (Penal Code Article 400). There have been no cases of private enforcement of competition law.

3. Environmental law

No specific collective redress mechanism exists for environmental law. There is a possibility for organisations that protect environmental interests to be parties in a claim and through their organisation to represent collective interest, but the legal process will be a traditional one with the organisation acting in its name.¹⁵ There has been a development in Estonia toward allowing organisations that represent certain interests to have standing in environmental cases, whereas earlier (1990s to very early 2000s) courts were restrictive regarding claims brought to protect public interest as opposed to private narrowly defined interests. The Supreme Court has recognised that in environmental matters it may not be possible to show violation of a subjective right but nevertheless an act being challenged may affect the interest of the claimant (that can be an organisation protecting such interests). It is however not possible to file complaints in the public interest, as the court expressly points to the need for significant and real contiguity to interests of the claimant.¹⁶ Between 2012 and 2014 there was a provisions in the Code of Administrative Court Procedure that specifically mentioned the right of environmental organisations to be claimants in cases of an environmental nature, but that provision was rescinded following changes to environmental legislation.

¹³ www.lkf.ee

¹⁴ https://lkf.ee/et/?option=com_content&view=article&id=305&Itemid=269

¹⁵ The Estonian Environmental Law Centre offers legal assistance specifically for environmental law issues <http://www.k6k.ee/meie-teenused/oigusteenus/>

¹⁶ Case 3-3-1-86-06 of 28 February 2007 Supreme Court Administrative Law Chamber

III. Information on Collective Redress

1. National Registry

There is no national registry on collective redress cases.

2. Channels for dissemination of information on collective claims

Section 23 of the Code of Administrative Court Procedure provides for a system for notification of class proceedings, setting out that “the court must choose as effective a means as possible of notifying the persons concerned of the administrative matter to be dealt with in class proceedings, and of the time-limit of making an application for joinder to the proceedings and the relevant procedure. Where this is possible, the court transmits the notice personally to those persons whom the matter concerns in whose respect it may be assumed that they would make arrangements for other persons concerned to be represented in the matter, or to notify such other persons of the matter. Where this is not unreasonably onerous, the court sends a written notice to the address of as many of the persons concerned as possible, or displays such notice in the vicinity of their residence or at other locations which the persons concerned frequently visit.”

Subsection 2 of Section 23 contains additional rules on publication of a notice “on at least two occasions staggered by at least one week in a newspaper of national circulation and on at least two occasions staggered by at least one week in through the national broadcasting organisation. A note regarding the way and the place of publication is to be made in the case file.”

For consumer complaints disputes, there is information made available on the web-site of the Consumer Protection Agency, where there is a list of companies that have not met with the demands of the consumer complaints commission. The decisions can be accessed by clicking on the name of the respective enterprise in the list, organised per dates of decisions.

The Consumer Protection Agency has various means of providing information on general consumer issues including court cases that it may have been involved in for the public interest, primarily through its website.

IV. Case summaries

As special collective redress mechanisms are not implemented in Estonia, there are no relevant cases to report. There has been one significant case recently brought as a collective case (Telia), which however did not go to the Supreme Court. In addition, some cases are listed that in different ways illustrate the approach of Estonian courts in related matters, including a possibility for the Consumer Protection Agency to act in the collective interest as well as the possibility to link cases, in a limited manner.

<p>Case name</p> <p>Shareholders v. Telia-Sonera (Telia Company)</p> <p>Reference</p> <p>Tallinn District Court 2-10-2551, 21 July 2016</p> <p>Subject area</p> <p>Shareholders</p>	<p>Keywords</p> <p>Collective case, small shareholders, share price</p> <p>Summary of claims</p> <p>1563 small shareholders of Eesti Telekom, sold to Telia-Sonera jointly sued as they regarded the obtained share price as too low.</p> <p>Findings</p> <p>The Court accepted to hear to claim as a collective claim and it ruled in favour of the claimants although for a lower amount than what they demanded, as it was shown the price was lower than a reasonable market price at the time.</p>
<p>Dispute resolution method</p> <p>Joined claimants</p> <p>Court or tribunal</p> <p>Tallinn District Court</p>	<p>Outcomes</p> <p>Compensation for a total of € 951 835 was decided, to be distributed between the claimants.</p> <p>The case showed the possibility to bring a collective claim on behalf of multiple claimants (small shareholders). This was one of the few cases in Estonia where small shareholders presented a united case.</p>
<p>Cross-border character/ implications, if any</p> <p>Foreign-owned company</p>	
<p>Opt-in/out</p> <p>n/a</p>	
<p>Type of funding</p> <p>None</p>	
<p>Costs</p>	

Decided by court, loser pays	
Abusive litigation No	

<p>Case name</p> <p>Claim by J. Okk of unconstitutionality of Article 218 paragraph 3 Code on Civil Procedure</p> <p>Reference</p> <p>17 September 2008 (3-4-1-13-08)</p> <p>Subject area</p> <p>Constitutional</p>	<p>Keywords</p> <p>Constitutionality, code on civil procedure, showing limitations to bringing claims in the public interest</p> <p>Summary of claims</p> <p>Mr J. Okk claimed that the provision requiring representation by a lawyer (member of the bar) is unconstitutional.</p> <p>Findings</p> <p>The claim was not considered on its merits as the court pointed out that the Estonian legal system normally does not recognise complaints on behalf of others or a collective, unless this is explicitly set out in law. Also constitutional complaints normally require violation of rights of the complainant. This was not shown in the case.</p>
<p>Dispute resolution method</p> <p>Constitutional claim, written procedure</p> <p>Court or tribunal</p> <p>Supreme Court Constitutional Chamber</p>	<p>Outcomes</p> <p>Claim dismissed without consideration.</p>
<p>Cross-border character/ implications, if any</p>	
<p>Opt-in/out</p> <p>n/a</p>	
<p>Type of funding</p> <p>n/a</p>	
<p>Costs</p>	

n/a	
Abusive litigation	
No	

Case name	Keywords
Kogermaa et. al v. Novatours AS	Appeal, claims against travel agency, different claimants, joined cases
Reference	Summary of claims
21 October 2016 (3-2-1-75-16)	The appeal was brought in a case in which several applicants made claims at the same time against a travel agency. The claims were dealt with jointly but each claimant shown separately.
Subject area	Findings
Consumer	
Travel agency	
Dispute resolution method	Outcomes
Appeal, civil case	The case shows the possibility to join claims from different applicants against the same respondent, but each claim has to be kept separate and the outcome is individual for each claimant.
Court or tribunal	
Supreme Court Civil Chamber	
Cross-border character/ implications, if any	What is relevant in this context is only the style of the case, with a common description of the situation (compensation for change in travel package) and common motivation, but each claim was treated separately, with individual compensation.
Firm may be active in different countries	
Opt-in/out	
n/a	
Type of funding	
n/a	
Costs	
Parties	
Abusive litigation	
No	

<p>Case name</p> <p>The Republic of Estonia through the Consumer Protection Agency v. Elisa Eesti AS</p> <p>Reference</p> <p>24 November 2015 (3-2-1-135-15)</p> <p>Subject area</p> <p>Consumer Telecommunications</p>	<p>Keywords</p> <p>Consumer protection agency, banning of unfair trading conditions, telecommunications</p> <p>Summary of claims</p> <p>The Consumer Protection Agency brought an appeal in a case related to a ban on unreasonable trading conditions, namely charging for sending bills to consumers.</p> <p>Findings</p> <p>The case was sent back to the district court mainly on formal grounds. The court did state that the Consumer Protection Agency can represent the collective interest against unfair trading conditions and referred to ECJ Case C-372/99 of 24 January 2002 Commission v. Italy (para 15): such claims can be brought even if the conditions under consideration have not been applied to concrete cases.</p>
<p>Dispute resolution method</p> <p>Appeal, civil case</p> <p>Court or tribunal</p> <p>Supreme Court Civil Chamber</p>	<p>Outcomes</p>
<p>Cross-border character/ implications, if any</p> <p>International firm, active in different countries.</p>	<p>Case sent back to District Court as certain facts were not properly taken into account, with a statement that extra charges for bills are normally not fair conditions in the manner used in this case.</p>
<p>Opt-in/out</p> <p>n/a</p>	
<p>Type of funding</p> <p>n/a</p>	
<p>Costs</p> <p>Parties</p>	
<p>Abusive litigation</p> <p>No</p>	

<p>Case name</p>	<p>Keywords</p>
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<p>Maidla Vallavalitsus v. Ministry of Environment</p> <p>Reference 28 February 2007 (3-3-1-86-06)</p> <p>Subject area Environment</p>	<p>Environmental law, organisation representing interests</p> <p>Summary of claims</p> <p>Maidla Vallavalitsus (local authority) complained about mining permits issued to several companies.</p> <p>Findings</p> <p>Violation of a subjective right may or may not appear in environmental matters but there has to be a link to the party's interests. Environmental law cases are of a special nature.</p>
<p>Dispute resolution method Regular administrative case</p> <p>Court or tribunal Supreme Court Administrative Law Chamber</p>	<p>Outcomes</p> <p>Organisation was able to represent interests provided there was a clear link to its interests but even without a violation of a subjective right. The lower court decision was upheld but with different motivation.</p>
<p>Cross-border character/ implications, if any n/a</p>	
<p>Opt-in/out n/a</p>	
<p>Type of funding None</p>	
<p>Costs Parties</p>	
<p>Abusive litigation No</p>	

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