

Attachment measures under the Estonian Code of enforcement procedure

The Estonian Code of Enforcement Procedure (CEP) provides for five principal attachment mechanisms, each designed to address a different category of debtor assets and each reflecting a distinct balance between physical interaction, legal effect, and digital integration. Taken together, these measures form a coherent enforcement system in which the enforcement officer operates increasingly through state registers and automated processes rather than through direct physical control.

1. Attachment of movable property

Attachment of movable property is centered on the physical identification, seizure, and preservation of tangible assets such as vehicles, equipment, and other valuable objects. The enforcement officer's powers in this context are extensive and include the right to enter the debtor's premises, search for attachable items, list and secure property, and, where necessary, remove items for storage or sale.

Despite its physical character, attachment of movables is not detached from the digital enforcement environment. Prior to any on-site action, the enforcement officer may rely on state registers to identify the likely existence and location of movable assets, particularly vehicles recorded in the Motor Register or assets encumbered by registered security interests. Nevertheless, the effectiveness of this measure remains closely tied to factual access and the debtor's cooperation or resistance, making it labour-intensive and episodic in nature.

2. Attachment of claims (third-party garnishment)

In this case, the enforcement officer intercepts claims that the debtor holds against third parties, such as contractual partners, tenants, insurers, or service recipients. The legal effect arises upon service of the attachment notice on the third party, at which point the third party is prohibited from performing its obligation to the debtor and must instead render performance to the enforcement officer.

A defining feature of this mechanism is its continuing effect. Once attached, the claim encompasses not only existing receivables but also future claims of the same type, without the need for repeated procedural acts. This makes third-party garnishment particularly effective for recurring contractual relationships.

Digitally, this form of attachment is highly developed. Enforcement officers identify garnishable claims through direct access to population, employment, and commercial registers, without reliance on debtor disclosure. Attachment notices concerning claims against the state-run organizations are issued and tracked electronically through the Register of Enforcement, allowing for systematic monitoring and coordination.

3. Attachment of bank accounts

An attachment notice is transmitted to a credit or payment institution electronically via the electronic attachment system. An account is deemed attached when the credit or payment institution has received the corresponding electronic attachment notice. The bank must immediately freeze funds up to the attachment amount and redirect them to the enforcement officer's professional account.

The attachment covers not only the account balance at the time of service but also all future incoming payments until the claim is satisfied or the attachment is revoked. No further action by the enforcement officer is required for each incoming transaction, making this one of the most efficient enforcement tools available.

The digital dimension is central. Communication with credit institutions is fully electronic, the Enforcement Register provides authoritative verification, and banks are obliged to comply automatically without assessing the merits of enforcement. Enforcement officers may also obtain information from banks regarding the existence of accounts and the presence of protected funds, allowing statutory exemptions to be applied within the same digital workflow.

4. Attachment of earnings (wage garnishment)

Attachment of earnings applies to wages, salaries, bonuses, management fees, and comparable remuneration, and subject to statutory limits, also to pensions and recurring benefits. The enforcement officer serves an attachment notice on the employer or other payer, who is then obliged to withhold the attachable portion of earnings and transfer it to the enforcement officer on a recurring basis.

Like other claim-based attachments, wage garnishment has a prospective and continuous effect, extending automatically to future earnings. The enforcement officer must calculate and apply exemptions based on minimum income thresholds and the debtor's dependants, and must update the attachment if circumstances change. Maintenance claims receive absolute priority, a rule that operates automatically and overrides chronological order of attachments.

Digitally, wage garnishment relies heavily on state registers for identifying employers and verifying income sources. Notices and amendments are typically issued electronically. The law also equips the enforcement officer with strong anti-avoidance powers: if income is concealed or redirected to third parties, the officer may re-characterise such payments as the debtor's earnings and subject them to attachment.

5. Attachment of immovable property

Attachment of immovable property is fundamentally register-based. Attachment is possible only where the debtor is the registered owner or a universal successor, and ownership verification relies entirely on the Land Register.

The core enforcement act is the enforcement officer's unilateral submission of an electronic application for a restraining note to the Land Register. Once entered, the restraining note publicly signals enforcement and renders dispositions legally ineffective against creditors. Attachment does not create a mortgage or security right; it preserves the property procedurally while leaving substantive priority to existing registered rights.

Identification of property, verification of encumbrances, entry of restraining notes, and preparation for sale are all conducted through the electronic Land Register and linked systems. Ultimately, enforcement is fulfilled through compulsory auction, increasingly conducted on electronic platforms that integrate directly with enforcement records.

Schematic overview

1. Attachment of Movable Property

Legal basis: Chapter 6 of the CEP: §§ 64–77 — including attachment and sale.

Movable property includes tangible personal property, vehicles, memberships/shares not in a securities register, instruments, and similar proprietary rights governed under the provisions for attachment and sale.

1.1 Attachment process & Enforcement Officer Powers

Statutory Grounds for Attachment

CEP § 64 Attachment of property items that are in the debtor's possession

The enforcement officer may attach movable property that is in the debtor's possession or control and that can be sold to satisfy a claim. Attachment takes effect when the enforcement officer serves the attachment notice to the debtor or person in possession of the property.

Attachment restrains the debtor's ability to dispose of or encumber the property.

Where the enforcement officer has reason to believe that the debtor's property has been passed into the possession of a third party in order to evade attachment, the officer may attach the property in the possession of the third party.

1.2 Enforcement officer's powers

Right to search and seize (CEP § 28)

The enforcement officer may search premises and plots of land in the debtor's possession and the debtor's person (only on a court order and under controlled conditions).

Presence & third parties (CEP § 70 & § 113)

Certain prescribed persons must be present when an attached property list is created (e.g., debtor, third party in possession). Third parties may object to attachment (§ 73).

1.3 Attachment notice (CEP § 75)

The enforcement officer must prepare an attachment notice that identifies the attached property, states the grounds and legal basis and must be served to the debtor or those in possession.

Once served, the notice prevents disposal and encumbrance.

Third-party objections (CEP § 73)

Third parties who claim ownership or rights may submit objections and, if rejected by the enforcement officer, may bring a court claim for release of attachment.

Release of attachment (CEP § 77)

Attachment must be released if:

- the property belongs to a third party;
 - it cannot be sold within a reasonable time;
 - creditor and debtor agree to release;
 - other statutory conditions apply.
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1.4 Digitalisation & access to registered information

Enforcement regime is integrated with **electronic registers and information systems**.

Enforcement Register & electronic attachments (CEP § 63–§ 63¹)

The **Enforcement Register** consolidates enforcement actions and enables electronic service of attachment notices (where electronic service is statutorily available).

Right to require the provision of information (CEP § 26)

The enforcement agent may request data from **state and municipal databases** concerning the debtor's residence, employer and sources of income dependants, property (movables and encumbrances), rights and authorisations recorded in state/local registers.

Information can be obtained **without direct debtor disclosure**, enabling effective preparatory stages for attachment.

Direct database access and system integrations

Automated identification of property

Officers use direct digital channels to ascertain:

- **vehicle records** from the **Motor Register** (e.g., ownership, registration status);
- **commercial ownership data** from the **Commercial Register**;
- **securities positions** from the **Central Securities Depository** system or, where applicable, national securities register;
- **bank account status** via secure electronic communication with credit institution systems for potential levy on bank accounts (though technically separate, it informs where movables should be sought).

This information is obtained via:

- integrated APIs between Enforcement Register and state registers;
- statutory rights under § 26 to request data directly from database controllers;
- secure electronic channels mandated for enforcement officers.

Registers of Encumbrances

Officers can review:

- existing mortgages (Land Register, where immovable sections might be relevant if movables are related);
 - security interests over movables recorded in authorised registers (e.g., pledges where registered);
 - status of registered encumbrances to prioritise enforcement strategy.
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1.5 Digitalisation in attachment workflow

Electronic service

Where statutory provision or technical infrastructure exists:

- attachment notices may be served electronically;
- notifications may be logged in the Enforcement Register with timestamps;
- integration with e-state authentication systems (e.g., ID-card, Mobile-ID, Smart-ID) ensures proper identification of recipients.

Digital auctions linked to attachment

Auctions for attached movables are generally conducted on **electronic auction platforms**, where bidders can register and bid digitally.

2. Attachment of claims (third-party garnishment)

2.1 Concept and scope

Legal basis: Chapter 7 CEP – Levies on pecuniary rights (CEP §§ 110–129)

Third-party garnishment applies where the debtor holds a **claim or receivable against a third party**, including but not limited to:

- wages and salaries (employers);
- bank account balances (credit institutions);
- payments under civil or commercial contracts;
- rental income;
- insurance payouts;
- pensions and other recurring payments (subject to statutory protection rules).

The enforcement officer **redirects a legal claim** so that performance is rendered to the enforcement officer instead of the debtor.

2.2 Legal effect of garnishment

Immediate Legal Effect (CEP § 114(4))

Attachment of a claim becomes effective **upon service of the attachment notice on the third party**. From that moment, the third party is **prohibited from paying the debtor**

2.3 Enforcement officer powers in garnishment

Issuance of Attachment Notice (§ 114)

The enforcement officer issues a **formal attachment notice**, which must specify the amount subject to enforcement, the nature of the claim, reference to the enforceable title and an explicit instruction to perform the obligation **to the enforcement officer instead of the debtor**.

Once served, the notice legally replaces the debtor as recipient of payment and creates a binding obligation on the third party.

2.4 Continuous and prospective effect (§ 114(5))

A defining feature of garnishment is its **continuing scope**:

- the attachment covers **existing and future claims of the same type**;
- no new notice is required for each payment cycle;
- the garnishment remains valid **until explicitly revoked**.

This enables **automated, long-term enforcement**, particularly for wages and recurring payments.

2.5 Information gathering powers

The enforcement officer may require the debtor to provide contracts, payment schedules, account identifiers, names and contact details of third parties and documentation evidencing claims or receivables.

If information is incomplete or unreliable, the officer may apply to the court to require the debtor to give an oath regarding their assets and claims.

Third parties are legally obliged to disclose whether they owe obligations to the debtor, comply with the attachment notice and redirect payments as instructed.

Failure to comply exposes the third party to **direct liability** towards the creditor and civil proceedings for damages.

This creates a strong compliance incentive in digitally connected environments (banks, payroll systems).

2.6 Digitalised channels and state register use

Identification of Garnishable Claims (CEP § 26 – Right to require the provision of information)

Before issuing a garnishment notice, enforcement officers may obtain information **directly from state and municipal databases**, including **employer data, sources of income, contractual relationships recorded in registers and legal person affiliations** (board memberships, ownership links).

This information is obtained **without debtor consent** and forms the backbone of proactive garnishment.

2.7 Garnishment of bank-related claims (system-to-system)

Although bank account attachment has a dedicated provision (CEP § 115), it is legally a **sub-type of claim attachment**.

Digital features include:

- electronic service of attachment notices to credit institutions;
- immediate freezing of funds;
- automated redirection of incoming payments;
- confirmation messages returned electronically to the enforcement officer.

The enforcement officer may also obtain:

- confirmation of account existence;
 - identification of protected account types;
 - data required to apply statutory exemptions.
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2.8 Employer-based garnishment (wages and salaries)

Enforcement officers rely on **employment data obtained from state registers**.

Key digital characteristics:

- recurring, automated deductions;
 - updates issued when household composition or income changes (CEP § 134);
 - absolute priority for maintenance claims applied **algorithmically** (CEP § 119).
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2.9 Contingent and future Claims (CEP § 113)

The enforcement officer may attach **conditional claims, future receivables and claims not yet payable (provided they are sufficiently identifiable)**.

2.10 Protection of third parties and legal remedies

1. Third-party objections (CEP § 222)

A third party may challenge the attachment and bring an action for release if they do not owe the debtor or have a superior right.

3. Attachment of bank accounts

(CEP § 115; in conjunction with §§ 111–114, § 26, §§ 63–63¹)

3.1 Legal basis: CEP § 115 – Levy on the debtor's account. Supplemented by general rules on attachment of claims (§§ 111–114) and information rights (§ 26)

Attachment of a bank account is legally a **form of third-party garnishment**, where:

- the **debtor's claim against a credit institution** (account balance and payment services) is attached and
- the bank becomes a **statutorily bound third party** obliged to cooperate with enforcement.

This mechanism is one of the **most fully digitalised enforcement measures** in Estonian law.

3.2 Scope of Attachment

Accounts Covered

Attachment applies all **payment and deposit accounts** held with credit institutions operating in Estonia, **accounts in the debtor's name**, regardless of currency or transaction volume and **future incoming funds** credited to the account.

Statutory Exclusions

Certain account types or funds are **protected by law** and excluded from attachment, including:

- accounts reserved for specific statutory purposes (e.g. pre-reserved tax funds);

- amounts subject to minimum subsistence protections (applied through post-attachment exemptions rather than blocking the account entirely).

The enforcement officer must take these limitations into account **when issuing and maintaining the attachment**.

3.3 Enforcement officer powers under CEP § 115

Issuance of Attachment Notice (CEP § 115(2))

The enforcement officer:

- issues an **electronic attachment notice** to the credit institution;
- specifies the enforcement title, amount, and legal basis;
- instructs the bank to freeze and transfer funds to the officer's professional account.

No court involvement is required once enforcement has commenced.

Immediate Legal Effect

Upon receipt of the notice:

- the bank must **immediately block** the debtor's funds up to the attachment amount;
- the debtor loses the right to dispose of the attached balance;
- any payment made to the debtor in breach of the notice does **not discharge** the bank's obligation.

Digital timestamping of receipt is decisive for **priority and compliance**.

Continuous effect (§ 114(5) in conjunction with § 115)

The attachment applies not only to the balance at the time of service, but also to **future incoming payments**.

Bank must automatically transfer incoming funds until the claim is satisfied or the attachment is revoked.

This transforms bank attachment into a **persistent enforcement instrument**, not a one-time freeze.

3.4 Digitalised enforcement workflow

Electronic communication as the default: bank account attachment is conducted **exclusively through secure electronic channels** using **standardised digital message formats** agreed between enforcement authorities and credit institutions.

There is **no paper-based interaction** in standard cases.

Enforcement Register (§§ 63–63¹)

The **Enforcement Register** serves as:

- the authoritative record of the attachment;
- a source of verification for banks;
- a monitoring tool for ongoing compliance.

Key functions:

- logging issuance, modification, and termination of attachment notices;
 - ensuring traceability and auditability;
 - enabling parallel attachments to be managed systematically.
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Information gathering vis-à-vis with credit institutions

Identification of accounts (CEP § 26, § 115(1))

The enforcement officer has the right to obtain from credit institutions:

- confirmation of whether the debtor holds accounts;
- identification of account types (including protected accounts);
- information necessary to apply statutory exemptions correctly.

This information is obtained digitally and without debtor consent.

No prior disclosure by debtor required

The debtor is **not required to disclose bank accounts** before attachment. Register-based and institution-based queries enable **proactive enforcement**.

3.5 Interaction with protected funds and exemptions

Subsistence protection (systemic application)

While the account itself may be attached **statutory minimum subsistence amounts are protected**.

Enforcement officers may **limit transfers, release part of the funds, and issue amended electronic instructions** to the bank.

This protection is implemented **within the digital workflow**, not by manual account or funds management.

Officer's ongoing control

The enforcement officer may **adjust the attachment amount, partially revoke the attachment and terminate the attachment** entirely.

Actions are taken through **electronic instructions** and take effect immediately upon receipt by the bank.

3.6 Liability and compliance of credit institutions

Strict compliance obligation: if a bank **fails to freeze funds, pays the debtor after service of the notice or ignores continuous incoming payments**, it may become **directly liable** towards the creditor under the general rules on third-party liability.

No discretionary assessment. Banks do **not assess the merits** of enforcement: they verify formal validity and execute the attachment automatically.

4. Attachment of earnings (wage garnishment)

4.1 Legal basis - CEP §§ 130–136 – Attachment of earnings. Supplemented by general provisions on attachment of claims (CEP §§ 111–114), information rights (CEP § 26), and priority rules (CEP § 119)

Attachment of earnings is a **specific and highly regulated form of third-party garnishment**, where:

- the debtor's **claim for remuneration** against an employer or payer is attached; and
- the employer (or other payer) becomes a **statutorily obligated third party** required to withhold and transfer attachable amounts.

This mechanism is designed for **long-term, stable, and automated enforcement**.

4.2 Scope of earnings subject to attachment

1. Types of Income Covered (CEP § 130)

Attachment applies to:

- salary and wages;
- bonuses and performance-based remuneration;
- management and board member fees;
- author's fees and similar remuneration;
- pensions and recurring social payments, unless explicitly protected by law.

A defining feature is that **future income is automatically included** and the attachment applies to remuneration payable after service of the notice, without re-issuance.

4.3 Protected portion of earnings

The law ensures **subsistence protection**, whereby a statutory minimum portion of income remains exempt from attachment.

Exemptions depend on factors such as minimum wage, number of dependants and the nature of the claim (especially maintenance).

The enforcement officer must **actively calculate and apply exemptions**, rather than relying on the employer's discretion.

4.4 Enforcement officer powers

Issuance of wage attachment notice (CEP § 130)

The enforcement officer issues an **attachment notice to the employer or payer**.

The notice specifies the **attachable portion of earnings, the enforcement title and payment instructions to the enforcement officer's professional account**.

Upon service the employer is prohibited from paying the attachable portion to the debtor.

Continuous and prospective effect (CEP § 130(1))

A core systemic feature:

- the attachment applies to **all future wages** paid during its validity;
 - no periodic renewal is required;
 - the employer must withhold and transfer amounts **each pay cycle** until termination.
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4.5 Priority rules and maintenance claims

Absolute Priority for Maintenance (CEP § 119(1))

Where enforcement concerns **maintenance claims**:

- wage attachment notices for maintenance are deemed to have arrived **before all other notices**, regardless of actual service time;
 - this priority is mandatory and non-discretionary.
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4.6 Multiple Attachments

If multiple wage attachments exist the enforcement officer determines priority, and deductions are coordinated to avoid exceeding statutory limits.

4.7 Information-gathering and digital identification

Identification of Employer (CEP § 26)

Before issuing a wage attachment, the enforcement officer may obtain employer information directly from **state and municipal databases**, including **current employer(s), employment relationships and payer identity in non-standard remuneration arrangements**.

This information is obtained **digitally** and **without debtor consent**.

4.8 Debtor's duty to provide information (CEP § 133)

The debtor must inform the enforcement officer of **their employer and notify of changes in employment or income**.

Failure to comply may trigger coercive measures and verification through registers and third-party queries.

4.9 Adjustment powers of the enforcement officer

Change in Circumstances (CEP § 134)

If circumstances change (e.g. number of dependants, income level, minimum wage adjustments), the enforcement officer may:

- **amend the attachment notice;**
- adjust the attachable amount;
- issue updated instructions to the employer.

These changes are typically issued electronically and are effective immediately upon receipt.

4.10 Concealed or redirected earnings (CEP § 135)

If the debtor arranges for remuneration to be paid to a third party (e.g. spouse, company); or disguised as another form of payment, the enforcement officer may:

- **re-characterise the payment as the debtor's earnings;** and
 - subject it to attachment as if paid directly to the debtor.
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Employers are not required to assess legality - they execute the notice as issued.

4.11 Termination of wage attachment (CEP § 136)

Attachment of earnings ends when the claim is fully satisfied, enforcement is terminated for other statutory reasons, or the enforcement officer issues a **revocation notice**.

Termination is communicated electronically and is effective immediately upon receipt by the employer.

5. Attachment of immovable property (real estate)

5.1 Legal basis - CEP §§ 140–153 – Attachment and sale of immovable property. Supplemented by general provisions on enforcement measures (§§ 28, 59), information rights (§ 26), and digital registers (§§ 63–63¹)

Attachment of immovable property is a **formal, register-based enforcement measure** that:

- restricts the debtor's power of disposition;
 - preserves the asset for compulsory sale; and
 - operates primarily through **entries in the Land Register**, rather than physical seizure.
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5.2 Preconditions for attachment

Ownership requirement (CEP § 140)

Immovable property may be attached only if:

- the debtor is the **registered owner** in the Land Register; or
- the debtor is a **universal successor** (e.g. heir) whose succession is legally established.

The enforcement officer relies on **Land Register data as the authoritative source** for ownership verification.

Enforcement officer powers during attachment

Identification and verification of property (CEP § 26)

Before attachment, the enforcement officer may obtain digitally:

- ownership data;
- cadastral identifiers;
- existing mortgages, real rights, and provisional notes;
- pending applications affecting the immovable.

This information is obtained **directly from the Land Register** and related state databases, without debtor involvement.

5.3 Formal attachment procedure

Listing and Identification (CEP § 142(1))

The enforcement officer must:

- identify the immovable property precisely (registry part, cadastral unit);
- list all **essential parts and accessories** belonging to the immovable.

This step is document-based and register-driven.

Prohibition of Disposal (CEP § 142)

Upon attachment the debtor is prohibited from disposing of or encumbering the immovable property. Any attempt to do so is legally ineffective against enforcement.

This prohibition operates **erga omnes** once registered.

Application for Restraining Note (CEP § 145)

The enforcement officer submits a **unilateral electronic application** to the Land Register. The **restraining note** is entered without debtor consent.

The restraining note:

- publicly signals enforcement;
 - prevents registration of dispositions contrary to enforcement;
 - ensures third-party protection and transparency.
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Attachment notice to debtor (CEP § 143)

The enforcement officer prepares a formal attachment notice and notifies the debtor of the attachment and its legal consequences.

Notification may occur electronically where legally permissible.

5.4 Legal effects of attachment

No Automatic Security Right (CEP § 142(3)).

A critical doctrinal point attachment **does not create a right of security**. Priority among creditors continues to be governed by existing registered rights and statutory ranking rules.

Attachment preserves the asset procedurally but does not alter substantive property rights.

Effect against third parties

Once the restraining note is entered third parties are deemed aware of enforcement and later-acquired rights cannot defeat the enforcement process.

Digitalisation and register-based enforcement

Attachment of immovable property is **fundamentally digital**:

- ownership verification;
- entry of restraining notes;
- monitoring of subsequent applications;

are all conducted via the **electronic Land Register**.

The enforcement officer acts as an **authorised professional user** with direct register access.

5.5 Appraisal and valuation (CEP § 144)

Valuation Obligations

Before sale, the enforcement officer must assess the value of the immovable property, considering:

- existing mortgages;
- real servitudes;
- provisional notes and other registered encumbrances.

Valuation relies heavily on **register data and expert appraisal**, rather than debtor statements.

5.6 Sale of immovable property

Default Method: Compulsory Auction (CEP §§ 150–153)

The standard enforcement method is **public compulsory auction**, increasingly conducted through **electronic auction platforms**.

Digital features include **online publication of auction notices, electronic bidder registration and transparent bidding history**.

Joint sale of immovables (CEP § 151)

The enforcement officer may sell multiple immovables jointly if this is likely to produce a higher total yield. This decision is discretionary but must be economically justified.

Separation of movables (CEP § 152)

Movables located on the immovable property:

- may be excluded from the sale;
 - may be sold separately if this improves enforcement efficiency.
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5.7 Taking possession and vacating (CEP § 180(3))

Where enforcement includes a claim to vacate the enforcement officer may remove persons and property from the property. Police assistance may be used if necessary.

Non-sellable items may be destroyed where storage or sale would be unreasonable.
