

Regular court proceedings vs Arbitration in Estonia

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Read in this issue:

- Regular court proceedings – pros and cons
- Arbitration proceedings – pros and cons



Regular court proceedings vs Arbitration in Estonia – when to choose which?

Regular court proceedings

Pros:

- Usually cheaper in Estonia, particularly for small and medium cases, as state fee is lower than arbitration court costs
- Three-tier system – right to appeal leaves space to correct mistakes
- Transparency and public nature (if that's important)

Cons:

- Often very lengthy in Estonia (even first instance can take years)
- Judgements are mostly publicly available online
- Only Estonian language accepted (translation costs!)

Arbitration proceedings

NB! A valid arbitration agreement between the parties is a prerequisite for any arbitration proceeding.

Pros:

- Much faster compared to regular court (goal: less than 1 year)
- Confidential, judgements are not published publicly
- High flexibility, parties can *i.a.*, choose arbitrators, rules and language – can be held in English, even with seat in Estonia!

Cons:

- Mostly more expensive (The parties pay the judges' fees and court fees, in addition to the standard costs of the proceedings)
- Very limited right to appeal
- Limited use for disputes with consumers

Bottom line

For smaller domestic B2B disputes with a small budget and no time pressure, Estonian state courts remain highly competitive. For larger, sensitive, or cross-border matters, arbitration is often worth considering – speed and confidentiality frequently outweigh the higher costs.

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