

European Shoah Legacy Institute's Restitution Database Initiative

Questionnaire

I. Basic information regarding the responding agency

Country:	The Republic of Estonia
Office/Ministry:	Estonian Ministry of Foreign Affairs
Title of contact person:	Desk Officer
Name of contact person:	Mr. Silver Kungas
E-mail address of contact person:	Silver.Kungas@mfa.ee
Physical address of Office/Ministry:	Islandi väljak 1, 15049, Tallinn, Estonia
Web address of Office/Ministry:	http://vm.ee/en
Date questionnaire submitted:	16.10.2015

II. Whom may we contact in your country for additional information about the responses below? This may include other individuals / agencies in government, local NGOs / advocacy groups. Please include the individual's name, affiliation, and contact information (e.g., email address).

1. Ministry of Finance. Uku Hänni, Adviser, State Assets Department, uku.hanni@fin.ee
2. Jewish Community of Estonia. Ms Alla Jakobson, Chairman, community@jewish.ee
3.
4.
5.

III. Overview of Immovable Property Restitution/Compensation Regime – Estonia (as of 1 July 2015)

After its independence was restored in 1991, Estonia also reinstated the continuity of the right of ownership. The return of unlawfully expropriated property, or restitution, was made possible by the fact that Estonia regained its independence on the basis of its own legal continuity. The property reform that took place involved all of Estonian society and for the most part happened over a very short time, utilising existing state structures. The impetus behind the property reform was the desire for justice of a people that had just been liberated from Soviet occupation as well as the dream of restoring Estonia to the country it once was. Property reform, which had the support of a majority of the people, created a firm foundation for economic reforms in Estonia and guaranteed a rapid transition to a market economy.

During the first few years of the Soviet occupation in Estonia (1940-41 and after World War II), land, real estate, and industrial and agricultural assets were entirely nationalised and/or collec-

tivised by the Soviet regime. Around the time that national independence was restored in the early 1990s, a majority of Estonian political forces supported the idea that unlawfully expropriated property must be returned to former owners and their successors (re-privatised). The principles of restitution were established by the Parliament in the Principles of Ownership Reform Act adopted in 1991 and the major aspects of the restitution of land in the Land Reform Act of 1991.

The general principles of restitution foresee the return of and compensation for unlawfully expropriated (nationalised, collectivised, abandoned during mass repressions, etc.) property to former owners and their successors, provided that it does not infringe on the interests of other persons that are protected by law. When the natural return of property is regarded as not possible, or the entitled subjects do not claim it back, the state compensates the subject for the property by issuing compensation bonds ⁽¹⁾ – dematerialised securities redeemed by the state mainly through the process of the privatisation of dwellings, land, shares and assets of companies, etc.

The individuals entitled to restitution are the former owners of unlawfully expropriated property and their descendants. Restitution laws state that property will be returned or compensation given to owners that were Estonian citizens or organisations or religious groups that were active in Estonia at the moment of Estonia's occupation, 16 June 1940, assuming that their chartered activity has been restored. Those entitled to restitution may be natural or legal persons as well as local governments or the state itself. The later citizenship and country of residence of the owners of the property and their legal successors or descendants do not matter. The property that is subject to return and compensation was illegally expropriated between 16 June 1940 and 1 June 1981 – this includes the private and communal property confiscated primarily from the Jewish community ⁽²⁾ by Nazi German occupation authorities between 1941 and 1944.

The total number of parties entitled to restitution was 233 400 (18% of the present population of Estonia), among them about 13 000 foreigners. The real procedures of returning and compensating property began in 1991 and by now the massive process of restitution has mostly been completed. Presently about 500 object files out of 140 500 (about 0.4 %) still remain open. There are some complicated restitution proceedings and court cases that may last several more years.

Most of the property to be returned or compensated fell under the category of land ⁽³⁾ (urban, agricultural, forest, etc.), which made up 86% of the total value of all returned or compensated assets. By today 1.50 million hectares of agricultural and forest land and 28 million square meters of urban plots have been returned (about 99.5% of the estimated final target); people have also received compensation for 1.2 million hectares and 107 million square meters of the land that was nationalised in 1940. The compensation value of the land was determined by the land taxation price for 1993. Former farmlands and plots under new urban areas were not returned, only compensated. As a result of extended urbanisation during the last decades a significant portion of agricultural land was not claimed back and remained free for privatisation.

In addition, buildings (mostly dwellings) determined to have retained their original form have been returned together with former plots. Destroyed buildings, ships, and industrial and agricultural assets have mostly been compensated for. The shares of companies were compensat-

ed but other kinds of securities and legal obligations were not.

The most significant social conflict in the process stemmed from the return of rental houses, which placed both the new owners and the tenants in a difficult position. The former needed considerable resources to recover their property, but the latter were often not capable of paying higher rent or moving to another residential space. However, the situation seems to have abated with the help of soft loans and subsidies provided for housing construction and the resettlement of tenants.

Troublesome political and juridical discussions also arose regarding whether the real property of the Baltic Germans who left Soviet-occupied Estonia in 1941 (the so-called post-settlers - *die Nachumsiedler*) should be returned to them on equal grounds with Estonian nationals or not. The problem has technically been settled for the time being. In October 2006 the Supreme Court decided that the former post-settlers must be treated equally to other subjects entitled to restitution – i.e. all persons who were citizens of Estonia on 16 June 1940 and whose property was illegally expropriated. The Court also stated that their restitution claims must be reconsidered by the local commissions and addressed by local governments.

(1) The universal dematerialised Privatisation Vouchers (PV) have two different origins: the Popular Capital Obligations (PCO) issued to all residents of the Republic of Estonia according to their length of employment, and the Compensation Bonds (CB) issued as compensation for illegally nationalised property. The freely tradable PVs were noted by the Tallinn Stock Exchange. Their market price has fluctuated within a wide range and was currently about 90 percent of their nominal value during their last few years of use. The PVs have been immobilised since 31 December 2006 and the unutilised vouchers are to be disbursed according to their nominal value. Since then, outstanding compensations have been paid out in cash.

(2) The pre-war Estonian Jewish community was not numerous, but was viably acting under the legal cover of cultural autonomy. According to the last pre-war population accounting the Estonian Jewish community included 4434 persons. During the first Soviet occupation in 1940-1941 roughly 400 Jews were captured, executed or sent to the Soviet forced labor camps. The Jewish national organizations were disbanded and their properties were nationalized. Before the invasion of German occupation forces about 3000 persons of Jewish origin were evacuated from Estonia into rear areas of the Soviet Union. At the beginning of Nazi regime 921 members of the Jewish community had remained in Estonia. Almost all of them were executed by Nazis.

Some examples of the return of illegally expropriated property to Jewish organisations:

- The Estonian Jewish congregation applied for and got back the property located at Karu 16 along with the building of the former Tallinn Jewish Secondary School. The process took place in accordance with the regulations foreseen by law and was completed without obstacles. The Estonian Jewish School (a public school) now functions in the building. The annex built on the property in 1970 was purchased by the Estonian Jewish Community in

1998. Following renovations a temporary synagogue and community centre were opened in the annex. In 2007 a new synagogue was opened on the eastern end of the property.

- The Estonian Jewish congregation applied for the return of the Tallinn synagogue property located at Maakri 5. The Tallinn synagogue, which was damaged in the bombings of March 1944 and destroyed following World War II, was located in an area where the street network and positions of properties have changed significantly (partially on Rävåla Street, where the B-building of the Tallinna Kaubamaja shopping centre is located and behind it). Taking these circumstances into consideration, it was decided to compensate the congregation with Estonian privatisation vouchers.
- The Jewish community of Tartu applied for the return of the property of the Tartu synagogue on Turu Street, the property of the Tartu Jewish School on Aleksandri Street, the property of the old Jewish cemetery on Roosi Street, and the Jewish cemetery in Lohkva in Luunja township. Both cemeteries were returned in accordance with the appropriate procedures. The Tartu synagogue and Tartu Jewish School were destroyed during the war. The property of the Tartu synagogue was compensated with Estonian privatisation vouchers, as the property borders in that area had not remained the same due to changes in the street network. The borders of the Tartu Jewish School had remained the same but the return process was complicated by the fact that the territory was being used by a rescue unit. The Rescue Board was unwilling to give it up because the only access to the rescue unit's building was located on the property that was to be returned. After long negotiations, the property was returned and the Rescue Board then bought it back.

(3) The total land area of Estonia is 4.2 million hectares. Before World War II 3.1 million hectares of land were privately owned and the rest (state forests, wetlands, coastal areas, etc.) belonged to the state.

IV. Questions relating to specific immovable property restitution /compensation regimes in Estonia

<p><u>Restitution/ Compensation Treaties or Agreements</u></p>	<p>Please describe any treaties or agreements between Estonia and other countries, which address restitution and/or compensation for immovable property that was confiscated or otherwise wrongfully taken during the Holocaust era between 1933-1945.</p>	<p>Agreement between the Government of the Republic of Estonia and the Government of the United Kingdom of Great Britain and the Northern Ireland concerning outstanding claims and financial issues.</p>
<p><u>Principles of Ownership Reform Act of 1991</u></p>	<p>Does the Principles of Ownership Reform Act of 1991 apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?</p>	<p>Yes</p>

	<p>What type of property can be claimed pursuant to the Principles of Ownership Reform Act of 1991 (Private, Communal, Heirless?)</p>	<p>Private and communal (non-commercial) property</p>

	Please describe whose immovable property has been returned pursuant to the Principles of Ownership Reform Act of 1991 .	Citizens and non-commercial legal persons of the Republic of Estonia on 16 June 1940 and their successors irrespectively of their present citizenship or residence.
	If properties have been restituted <i>in rem</i> pursuant to the Principles of Ownership Reform Act of 1991 , how many have been restituted and at what value ?	1.5 million hectares of land with inseparably attached natural objects and structures, including ca 12 000 buildings are returned naturally. Value of returned property has not been determined.
	Pursuant to the Principles of Ownership Reform Act of 1991 , who determined whether restitution <i>in rem</i> was possible , and based upon what criteria?	Restitution decisions are made by local governments of the location of property. Restitution <i>in rem</i> is not possible, if: <ul style="list-style-type: none"> - the property is not preserved in its former distinct condition (determined quantitatively on the basis of special criteria), - the property is in the ownership of a natural person in good faith, - the Government of the Republic decides to refuse to return military or cultural objects, objects under state protection, and administrative buildings in the possession of state or local government.
	Pursuant to the Principles of Ownership Reform Act of 1991 , what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?	Not determined. Depending on circumstances, the real value of compensation may vary to a large extent.

	Pursuant to the Principles of Ownership Reform Act of 1991 , how much has been paid in compensation for immovable property?	543 million € in vouchers, ca 10 million € in cash for immovable and movable property (share of movable property is small and not distinguishable)
	How much of the potential immovable property that could have been restituted/compensated pursuant to the Principles of Ownership Reform Act of 1991 , has been restituted/compensated?	ca 87 % has been returned or compensated.
<u>Land Reform Act of 1991</u>	Does the Land Reform Act of 1991 apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?	Yes
	What type of property can be claimed pursuant to the Land Reform Act of 1991 (Private, Communal, Heirless?)	Private and communal
	Please describe whose immovable property has been returned pursuant to the Land Reform Act of 1991 .	The circle of entitled subjects of restitution is determined in the Principles of Ownership Reform Act of 1991.
	If properties have been restituted <i>in rem</i> pursuant to the Land Reform Act of 1991 how many have been restituted and at what value ?	1.5 million hectares of land with inseparably attached natural objects (e.g forest), buildings and other structures. Value of returned land and accessories is not determined.

	<p>Pursuant to the Land Reform Act of 1991, who determined whether restitution <i>in rem</i> was possible, and based upon what criteria?</p>	<p>Restitution decisions are made by local governments of the location of property.</p> <p>Restitution <i>in rem</i> is not possible, if:</p> <ul style="list-style-type: none"> - the land was granted by law for perpetual use to another natural person, - the buildings or civil engineering works which belong to another person are situated on land,
		<ul style="list-style-type: none"> - pursuant to certain clauses, the land is retained in state ownership or is transferred into municipal ownership.
	<p>Pursuant to the Land Reform Act of 1991, what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?</p>	<p>The compensation value of land is equal to the taxation price of land determined on the ground of market value in 1993. Since that time the zonal market value of land is largely differentiated and the percentage cannot be determined in simple manner.</p>
	<p>Pursuant to the Land Reform Act of 1991, how much has been paid in compensation for immovable property?</p>	<p>Pursuant to the Land Reform Act, 473 million € has been paid for land and forest (compensation for buildings is determined under other legislation)</p>
	<p>How much of the potential immovable property that could have been restituted/compensated pursuant to the Land Reform Act of 1991, has been restituted/compensated?</p>	<p>87%.</p>

<p><u>Additional Legislation Relating to Immovable Property</u></p>	<p>Please describe any other laws in Estonia – in addition to the following:</p> <ol style="list-style-type: none"> 1. Principles of Ownership Reform Act of 1991 and 2. Land Reform Act of 1991 which relate to the restitution or compensation of immovable property confiscated during the Holocaust (Shoah) Era, 1933-1945. 	<ol style="list-style-type: none"> 3. Unlawfully Expropriated Property Valuation and Compensation Act of 1993.
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V. Questions relating to Estonia’s commitments under the Terezin Declaration and its Guidelines and Best Practices

<p><u>Restitution/Compensation Laws</u></p> <p>What measures has Estonia taken to comply with the Terezin Declaration and Guidelines and Best Practices (“GBP”) para. a, which states that “[r]estitution and compensation laws should apply to immovable (real) property which was owned by” –</p>	<p><i>“(i) <u>religious or communal organizations</u> . . . and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> <i>(see Terezin Declaration GBP, para. a)</i></p>	<p>All claims concerning communal property of the Jewish communities and congregations have been satisfied.</p>
	<p><i>“(ii) <u>private individuals or legal persons</u> and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> <i>(see Terezin Declaration GBP, para. a)</i></p>	<p>99.6% of legitimate restitution claims of private persons have been satisfied.</p>

<p style="text-align: center;"><u>Restitution/Compensation Processes</u></p> <p>What measures has Estonia taken to comply with the Terezin Declaration and GBP para. c, which states that the <i>“restitution and compensation process should recognize the lawful owner or holder of other legal property rights as listed in property record files as of the last date before commencement of persecution against them by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) era between 1933 and 1945 including the period of WWII”</i>? (see Terezin Declaration GBP, paras. c, d) –</p>	<p>If the property owner was not an Estonian citizen at the time of the taking?</p> <p>If the claimant was not an Estonian citizen at the time of the filing of the claim?</p> <p>If the claimant was not an Estonian resident at the time of the filing of the claim?</p>	<p>The persons entitled to claim return of or compensation for unlawfully expropriated property are determined in the Principles of Ownership Reform Act, § 7, 8 and 9.</p> <p>The owner’s citizenship or residence at the time of the taking has no legal importance.</p> <p>The residents of Estonia at the time of the filing of the claim are entitled subjects of restitution irrespective of their former or present citizenship.</p>
<p style="text-align: center;"><u>Restitution/Compensation Processes</u></p> <p>What measures has Estonia taken to comply with the Terezin Declaration and GBP para. d, which states that <i>“[t]he property restitution and compensation processes, including the filing of claims, should be accessible, transparent, simple, expeditious, non-discriminatory”</i>? (see Terezin Declaration, and GBP, para. d)</p>	<p>The specified qualities are provided by the common legal acts regulating restitution processes (Principles of Ownership Reform Act of 1991, etc.).</p>	
<p style="text-align: center;"><u>Archival Access</u></p> <p>What measures has Estonia taken to comply with the Terezin Declaration and GBP para. e, which states that claimants <i>“have unfettered and free access to all relevant local, regional, and national archives”</i>? (see Terezin Declaration, and GBP, para. e)</p>	<p>According to the legal acts regulating restitution, claimants have free access to all archives.</p>	
<p style="text-align: center;"><u>In Rem Restitution</u></p> <p>What measures has Estonia taken to comply with the Terezin Declaration and GBP para. h, which states that <i>“[r]estitution in rem is a preferred outcome, especially for publicly held property”</i>? (see Terezin Declaration, and GBP, para. h)</p>	<p>Restitution <i>in rem</i> is a preferred outcome for immovable property irrespective of its ownership form.</p>	

<u>Genuine and Adequate Compensation</u>		
<p>What measures has Estonia taken to comply with the Terezin Declaration and GBP para. h, which urge compensation to be “<i>genuinely fair and adequate</i>”? (see Terezin Declaration, and GBP, para. h)</p>		<p>The amount of compensation is determined on the basis of the value of the property at the time of disposal or in accordance with taxation price at a reference date (in the case of land).</p>
<p><u>Forms of Compensation</u></p> <p>If compensation for immovable property in Estonia is issued in the form of government vouchers (securities) (see Terezin Declaration, and GBP, para. h) -</p>	<p>May a claimant sell the voucher?</p>	<p>Yes</p>
	<p>May a claimant trade the vouchers on the stock exchange?</p>	<p>Vouchers were (until 2007) freely tradable on the stock exchange.</p>
	<p>What limitations are there, if any, on the type of immovable property that may be purchased with the vouchers?</p>	<p>Vouchers can be used only in privatization programs. All types of immovable property may be purchased with the vouchers, but the use of vouchers may be more or less restricted, depending on specific objects of privatization (assets of companies, dwellings, residential plots, arable land etc.) and entitled subjects. (100% or 50% of the price may be paid in vouchers, or only cash is allowed to use).</p>
<u>Prompt Decisions</u>		
<p>What measures has Estonia taken to comply with the Terezin Declaration and GBP paras. f and h, which state that “[d]ecisions should be prompt” and “[t]ransfer of property title or payment of compensation should be effected promptly”? (see Terezin Declaration, and GBP, para. f, h)</p>		<p>Procedural time limits are set by law. As a general rule, restitution or compensation decision must be taken within three months since approval of the application. In practice, archival searches, cadastral measurements, inheritance proceedings etc. may take considerably more time.</p>

<p style="text-align: center;"><u>Heirless Property</u></p> <p>What measures has Estonia taken to comply with the Terezin Declaration and GBP para. j, which encourages states to “<i>create solutions for the restitution and compensation of heirless or unclaimed property from victims of persecution by Nazis, Fascists and their collaborators</i>”? (see Terezin Declaration, and GBP, para. j)</p>	<p>Heirless property has not been an object of restitution. The Estonian Government has not decided yet, in which way the commitments of Terezin Declaration concerning heirless property could be implemented.</p>
<p style="text-align: center;"><u>Heirless Property</u></p> <p>Has Estonia conducted a survey to assess the total amount of heirless property located in the country? (see Terezin Declaration, and GBP, para. j)</p>	<p>Only rough estimates have been made (concerning immovable property).</p>
<p style="text-align: center;"><u>Heirless Property</u></p> <p>Who, or what organization, if any, has been designated as the proper recipient of Jewish heirless property, which is still retained by Estonia for any reason? (see Terezin Declaration, and GBP, para. j)</p>	<p>Not designated.</p>
<p style="text-align: center;"><u>Heirless Property</u></p> <p>If an organization, person, or group of persons have been designated as the proper recipients of Jewish heirless property in Estonia, what properties have been restituted or compensated to them to date? (see Terezin Declaration, and GBP, para. j)</p>	<p>Heirless property has not been an object of restitution or compensation.</p>
<p style="text-align: center;"><u>Communal Property</u></p> <p>What provisions have been made in Estonia for the return of Jewish communal property? (see Terezin Declaration, and GBP, paras. a, b, k)</p>	<p>All restitution claims of Jewish communities and congregations have been satisfied in full.</p>

Communal Property

Please describe all **Jewish communal property in Estonia** that has been returned. (*see Terezin Declaration, and GBP, paras. a, b, k*)

The Estonian Jewish congregation applied for and got back the property located at Karu 16 along with the building of the former Tallinn Jewish Secondary School. The process took place in accordance with the regulations foreseen by law and was completed without obstacles.

The Estonian Jewish School (a public school) now functions in the building. The annex built on the property in 1970 was purchased by the Estonian Jewish Community in 1998. Following renovations a temporary synagogue and community centre were opened in the annex. In 2007 a new synagogue was opened on the eastern end of the property.

The Estonian Jewish congregation applied for the return of the Tallinn synagogue property located at Maakri 5. The Tallinn synagogue, which was damaged in the bombings of March 1944 and destroyed following World War II, was located in an area where the street network and positions of properties have changed significantly (partially on Rävala Street, where the B-building of the Tallinna Kaubamaja shopping centre is located and behind it). Taking these circumstances into consideration, it was decided to compensate the congregation with Estonian privatisation vouchers.

The Jewish community of Tartu applied for the return of the property of the Tartu synagogue on Turu

<p align="center"><u>Communal Property</u></p> <p>Please describe any Jewish communal property that remains in the possession of the Estonian state. (<i>see Terezin Declaration, and GBP, paras. a, b, k</i>)</p>	<p>Being examined in cooperation with the Estonian Jewish Community.</p>
<p align="center"><u>Current Mechanisms</u></p> <p>Are there currently any legal or administrative mechanisms in Estonia by which a claimant (Estonian or non-Estonian citizen) can seek restitution and/or compensation of immovable property seized between 1933 and 1945? If yes, please identify. (<i>see Terezin Declaration, and GBP paras. d, k</i>)</p>	<p>Entitled subjects of ownership reform were entitled to submit applications for return of or compensation for unlawfully expropriated property until 17 January 1992. Documents that the applicants have concerning the ownership, composition and value of property can be added later.</p>
<p align="center"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Does Estonia currently view its commitments under the Terezin Declaration and Guidelines and Best Practices (“GBP”) as being fulfilled? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>Commitments concerning the restitution of or compensation for private and communal immovable property are fulfilled, with the exception of heirless property.</p>
<p align="center"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>What specifically has Estonia done to fulfill its commitments under the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>Fulfillment of Terezin Declaration commitments has been discussed with Jewish community organization.</p>
<p align="center"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Since Estonia’s signing of the Terezin Declaration in 2009, what new laws or regulations, if any, have been passed and/or enacted, which promote the goals of the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP</i>)</p>	<p>New regulations have not been passed or enacted.</p>

[If your country has more than one law that relates to Shoah era restitution/compensation of immovable property, please complete Sections VI-XIII of the Questionnaire for each law**].**

VI. Legislation / Regulation relating to restitution and/or compensation of Shoah era immovable property – Basic information (pursuant to Terezin Declaration, Guidelines and Best Practices (“GBP”), para. k)

Territory:	Estonia
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Title:

Principles of Ownership Reform Act (*abbreviated form – ORAS*)

Text (original language):

Eesti Vabariigi omandireformi aluste seadus

Vastu võetud 13.06.1991

[RT 1991, 21, 257](#)

jõustumine 20.06.1991

Muudetud järgmiste aktidega

Vastuvõtmise Avaldamine Jõustumine

18.12.1991 [RT 1991, 45, 565](#) 18.12.1991

04.05.1992 [RT 1992, 19, 275](#) 06.06.1992

12.08.1992 [RT 1992, 33, 420](#) 12.08.1992

09.03.1993 [RT 1993, 15, 253](#) 24.03.1993

10.03.1993 [RT 1993, 15, 254](#) 24.03.1993

02.06.1993 [RT I 1993, 35, 545](#) 21.06.1993

02.06.1993 [RT I 1993, 35, 546](#) 21.06.1993

17.06.1993 [RT I 1993, 45, 639](#) 24.07.1993

09.02.1994 [RT I 1994, 13, 231](#) 05.03.1994

22.03.1994 [RT I 1994, 24, 395](#) 16.04.1994

13.04.1994 [RT I 1994, 33, 507](#) 15.05.1994

tervikttekst RT paberkandjal [RT I 1994, 38, 617](#)

11.05.1994 [RT I 1994, 40, 653](#) 16.06.1994

28.06.1994 [RT I 1994, 51, 859](#) 25.07.1994

14.12.1994 [RT I 1994, 94, 1609](#) 29.12.1994

15.12.1994 [RT I 1995, 2, 5](#) 01.01.1995

27.06.1995 [RT I 1995, 60, 1017](#) 27.07.1995

29.01.1997 [RT I 1997, 13, 210](#) 02.03.1997

tervikttekst RT paberkandjal [RT I 1997, 27, 391](#)

08.10.1997 [RT I 1997, 74, 1230](#) 06.11.1997

14.01.1998 [RT I 1998, 12, 153](#) 16.02.1998

19.05.1998 [RT I 1998, 51, 758](#) 19.06.1998

30.09.1998 [RT I 1998, 86, 1434](#) 30.09.1998

16.11.1998 [RT I 1998, 103, 1697](#) 10.12.1998

17.02.1999 [RT I 1999, 23, 354](#) 19.03.1999

17.03.1999 [RT III 1999, 9, 90](#) 17.03.1999

14.10.1999 [RT I 1999, 82, 751](#) 14.11.1999

15.12.1999 [RT I 1999, 96, 847](#) 01.01.2000

31.05.2000 [RT I 2000, 47, 288](#) 26.06.2000

14.06.2000 [RT I 2000, 51, 324](#) 10.07.2000

02.05.2001 [RT I 2001, 48, 265](#) 01.11.2001, osaliselt 01.07.2001

14.11.2001 [RT I 2001, 93, 565](#) 01.02.2002

05.06.2002 [RT I 2002, 53, 336](#) 01.07.2002

28.10.2002 [RT III 2002, 28, 308](#) 28.10.2002

20.07.2004 [RT I 2004, 85, 577](#) 26.12.2004

02.12.2004 [RT III 2004, 35, 362](#) 02.12.2004

26.01.2006 [RT I 2006, 7, 40](#) 04.02.2006

12.04.2006 [RT III 2006, 13, 123](#) 12.04.2006

04.05.2006 [RT I 2006, 25, 184](#) 11.06.2006

Leht 2 / 12 Eesti Vabariigi omandireformi aluste seadus

11.11.2009 [RT I 2009, 57, 381](#) 01.01.2010

10.06.2010 [RT I 2010, 41, 242](#) 01.09.2010

27.02.2013 [RT I, 15.03.2013, 26](#) 20.03.2013

10.12.2013 [RT I, 27.12.2013, 6](#) 01.01.2014

19.06.2014 [RT I, 29.06.2014, 109](#) 01.07.2014, Vabariigi Valitsuse

seaduse § 107³ lõike 4 alusel

asendatud ministrite ametinimetused

alates 2014. aasta 1. juulil jõus

olevast redaktsioonist.

18.02.2015 [RT I, 23.03.2015, 3](#) 01.07.2015

Text (English):

Republic of Estonia Principles of Ownership Reform Act

Passed 13.06.1991

RT 1991, 21, 257

Entry into force 20.06.1991

Amended by the following acts

Passed Published Entry into force

18.12.1991 RT 1991, 45, 565 18.12.1991

04.05.1992 RT 1992, 19, 275 06.06.1992

12.08.1992 RT 1992, 33, 420 12.08.1992

09.03.1993 RT 1993, 15, 253 24.03.1993

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17.06.1993 RT I 1993, 45, 639 24.07.1993

09.02.1994 RT I 1994, 13, 231 05.03.1994

22.03.1994 RT I 1994, 24, 395 16.04.1994

13.04.1994 RT I 1994, 33, 507 15.05.1994

consolidated text on paper RT RT I 1994, 38, 617

11.05.1994 RT I 1994, 40, 653 16.06.1994

28.06.1994 RT I 1994, 51, 859 25.07.1994

14.12.1994 RT I 1994, 94, 1609 29.12.1994

15.12.1994 RT I 1995, 2, 5 01.01.1995

27.06.1995 RT I 1995, 60, 1017 27.07.1995

29.01.1997 RT I 1997, 13, 210 02.03.1997

consolidated text on paper RT RT I 1997, 27, 391

08.10.1997 RT I 1997, 74, 1230 06.11.1997

14.01.1998 RT I 1998, 12, 153 16.02.1998

19.05.1998 RT I 1998, 51, 758 19.06.1998

30.09.1998 RT I 1998, 86, 1434 30.09.1998

16.11.1998 RT I 1998, 103, 1697 10.12.1998

17.02.1999 RT I 1999, 23, 354 19.03.1999

17.03.1999 RT III 1999, 9, 90 17.03.1999

14.10.1999 RT I 1999, 82, 751 14.11.1999

15.12.1999 RT I 1999, 96, 847 01.01.2000

31.05.2000 RT I 2000, 47, 288 26.06.2000

14.06.2000 RT I 2000, 51, 324 10.07.2000

02.05.2001 RT I 2001, 48, 265 01.11.2001, partially 01.07.2001

14.11.2001 RT I 2001, 93, 565 01.02.2002

05.06.2002 RT I 2002, 53, 336 01.07.2002

28.10.2002 RT III 2002, 28, 308 28.10.2002

20.07.2004 RT I 2004, 85, 577 26.12.2004

02.12.2004 RT III 2004, 35, 362 02.12.2004

26.01.2006 RT I 2006, 7, 40 04.02.2006

12.04.2006 RT III 2006, 13, 123 12.04.2006

04.05.2006 RT I 2006, 25, 184 11.06.2006

11.11.2009 RT I 2009, 57, 381 01.01.2010

Page 2 / 13 Republic of Estonia Principles of Ownership Reform Act

10.06.2010 RT I 2010, 41, 242 01.09.2010

27.02.2013 RT I, 15.03.2013, 26 20.03.2013

10.12.2013 RT I, 27.12.2013, 6 01.01.2014

19.06.2014 RT I, 29.06.2014, 109 01.07.2014, the titles of ministers

substituted on the basis of

subsection 107³ (4) of the

Government of the Republic Act

in the wording in force as of 1 July

2014.

18.02.2015 RT I, 23.03.2015, 3 01.07.2015

Date of passage:	13.06.1991
Date of entry into force:	20.06.1991
Promulgating authority:	President of the Republic
Citation(s):	RT 1991, 21, 257; RT I, 23.03.2015, 97
URL:	https://www.riigiteataja.ee/akt/123032015097
Other:	

VII. Scope of this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c, d, g, h, k)

What type of recovery is permitted?	Restitution? If yes, describe scope of possible recovery.	Objects of restitution are unlawfully expropriated land with inseparably attached natural objects, construction works, ships entered in the register of ships, agricultural inventory, machinery in production buildings. (<i>ORAS</i> , § 11)
	Compensation? If yes, describe scope of possible recovery.	Objects of compensation are unlawfully expropriated land with inseparably attached natural objects, construction works, ships entered in the register of ships, agricultural inventory, machinery in production buildings, stocks and share certificates. (<i>ORAS</i> , § 11)
Other?		
What time period does the law cover?	Pre-1945? If yes, for which years?	From 16 June 1940.
	Post-1945? If yes, for which years?	Until 1 June 1980.
Other?		
The whole period: 16 June 1940 – 1 June 1981.		
What type of property can be claimed?	Movable property? If yes, describe scope of property that may be claimed.	Ships entered in the register of ships, agricultural inventory, machinery in production buildings, stocks and share certificates. Unlawfully repressed persons receive compensation also for assets that are not mentioned above, e.g for home property. (<i>ORAS</i> , § 13, 3)

Immovable property? If yes, describe scope of property that may be claimed.

Unlawfully expropriated land with inseparably attached natural objects, construction works.

	Private property? If yes, describe scope of property that may be claimed.	Unlawfully expropriated land with inseparably attached natural objects, construction works, ships entered in the register of ships, agricultural inventory, machinery in production buildings, stocks and share certificates. (Additional rights for unlawfully repressed persons – <i>ORAS</i> § 13, 3.)
	Heirless property? If yes, describe scope of property that may be claimed.	No
	Communal property? If yes, describe scope of property that may be claimed.	Unlawfully expropriated land with inseparably attached natural objects, construction works, ships entered in the register of ships, agricultural inventory, machinery in production buildings, stocks and share certificates.
	Other?	
Who has legal standing to bring a claim?	Citizens? If yes, describe who is eligible to make a claim.	Former owners of unlawfully expropriated property, if they reside permanently in the territory of the Republic of Estonia, or if they were citizens of the Republic of Estonia on 16 June 1940. (<i>ORAS</i> , § 7)
	Noncitizens? If yes, describe who is eligible to make a claim.	Former owners of unlawfully expropriated property, if they reside permanently in the territory of the Republic of Estonia, or if they were citizens of the Republic of Estonia on 16 June 1940. (<i>ORAS</i> , § 7)
	Foreign residents? If yes, describe who is eligible to make a claim.	Former owners of unlawfully expropriated property, if they reside permanently in the territory of the Republic of Estonia, or if they were citizens of the Republic of Estonia on 16 June 1940. (<i>ORAS</i> , § 7)
	Direct heirs? If yes, describe who is eligible to make a claim.	<ol style="list-style-type: none"> 1) Parents, spouse and children of the owner, 2) Grandchildren and other descendants of the former owner if their parent is dead, 3) Adoptive parents and adopted children. (<i>ORAS</i> , § 8)

	Indirect heirs? If yes, describe who is eligible	Brothers and sisters of the former owner and their direct heirs, if the former owner has no direct heirs. (<i>Land Reform Act, § 5, 1</i>)
	to make a claim.	
	Other?	
	Is there a special fund from which these claims are paid?	No. (Claims are paid from the state budget.)
	What is the limitations (prescription) period for making the claims, if any?	Applications for return of or compensation for unlawfully expropriated property were adopted until 17 January 1992 with possibility of restoring the deadline. (<i>ORAS, § 16, 1</i>)

VIII. Identifying claimants (pursuant to Terezin Declaration, and GBP, paras. d, e, g, l)

What measures are available for identifying the current titleholder ?	Evidences of title, entries in the land register, documents certifying the right of inheritance.
What measures have been taken to make government archives accessible to persons seeking property ownership documents?	National archives are freely accessible to persons seeking property ownership documents.
What measures have been taken to publicize the legislation ?	Advertising <i>via</i> the mass media, public information materials, training programs for officials, diplomatic channels etc.

What efforts have been made to reach out to local stakeholders , NGOs or advocacy groups?	Stakeholders and NGOs (Estonian Association of Illegally Repressed Persons MEMENTO, legitimate owners associations) have been involved in the legislative process.	
IX. Claims procedure under this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. d, e, k)		
To what body is a claim made?	Administrative? Judicial / courts?	County government of the location of property
	Other?	
What is the claims procedure ?	How is a claim made? Is there any fee for filing a claim?	Personal application must be submitted to the county government No
	Is prior authorization required?	Unable to answer, as the meaning of „prior authorization“ remains unclear in this context.
	Who decides the validity of the claim?	County (local) committee for return of and compensation for unlawfully expropriated property.
	On what basis is the claim decided?	On the basis of documents appended to application concerning the ownership, composition and value of property.
	What standard of proof is required?	Personally presented or notarized application form, notarized proof of succession, authentic evidence of title, authentic document attesting unlawful expropriation (nationalization, confiscation, collectivization) of property.
	Other?	

What is the appeals procedure ?	Can first instance decisions be appealed?	Yes
	Is there any fee for filing an appeal?	Yes
	To what body?	Administrative court
	What is the standard of review?	Low standard
	Other?	
Is this claims process currently open or closed ?	Applications for return of or compensation for unlawfully expropriated property were adopted until 17 January 1992 (with possibility of restoring the deadline).	
If closed, can late claims be accepted?	Late claims can not be accepted. (Exceptionally, a late claim can be accepted, if it can be proved that an earlier timely application was rejected non-rightfully.)	

X. Administrative regulations relating to this Legislation (pursuant to Terezin Declaration, and GBP, para. k)

Territory:	Estonia
Title:	Government Regulation 05.02.1993 Annex 36 „Procedure for return of the unlawfully expropriated property”

Text (original language):

Õigusvastaselt võõrandatud vara tagastamise kord

Vastu võetud 05.02.1993 nr 36

[RT I 1993, 7, 106](#)

jõustumine 05.02.1993

Muudetud järgmiste aktidega

Vastuvõtmise Avaldamine Jõustumine

13.07.1993 [RT I 1993, 51, 700](#) 20.07.1993

21.09.1993 [RT I 1993, 64, 903](#) 05.10.1993

05.07.1994 [RT I 1994, 52, 881](#) 20.07.1994

06.10.1994 [RT I 1994, 67, 1166](#) 15.10.1994

28.12.1994 [RT I 1995, 5, 44](#) 13.01.1995

08.03.1995 [RT I 1995, 32, 392](#) 25.03.1995

20.01.1998 [RT I 1998, 10, 117](#) 30.01.1998

08.02.2000 [RT I 2000, 11, 67](#) 01.04.2000

31.07.2001 [RT I 2001, 69, 417](#) 06.08.2001

11.06.2002 [RT I 2002, 51, 320](#) 01.07.2002

10.12.2002 [RT I 2002, 101, 597](#) 16.12.2002

16.02.2007 [RT I 2007, 17, 85](#) 02.03.2007

23.08.2010 [RT I 2010, 60, 407](#) 01.01.2011

02.09.2010 [RT I 2010, 63, 460](#) 10.09.2010

02.01.2014 [RT I, 09.01.2014, 1](#) 12.01.2014

30.01.2014 [RT I, 06.02.2014, 1](#) 09.02.2014

I. osa

Üldsätted

1. Käesolev «Õigusvastaselt võõrandatud vara tagastamise kord» (edaspidi *kord*) on kehtestatud [omandireformi](#)

[aluste seaduse](#) paragrahvi 17 lõike 2, [maareformi seaduse](#) paragrahvi 15 lõike 1 ja paragrahvi 38 ning

[põllumajandusreformi seaduse](#) paragrahvi 29 alusel.

2. Õigusvastaselt võõrandatud vara (edaspidi *vara*) tagastamisel juhindutakse seadustest, käesolevast korrast

ning muudest õigusaktidest.

3.[Kehtetu - [RT I 1998, 10, 117](#)- jõust. 30.01.1998]

4. Vara tagastamiseks ei tohi kehtestada täiendavaid piiranguid ega lisanõudeid, võrreldes seaduste ning nende

alusel vastuvõetud Vabariigi Valitsuse määrustega.

5. Vara tagastamine toimub vastavalt tagastamise üldkorrale niivõrd, kui võrd see pole reguleeritud vara mõnede

liikide kohta kehtestatud erinormidega.

6. Vastavalt omandireformi aluste seaduse paragrahvile 19 lahendatakse vara tagastamisest tulenevad vaidlused

kohtu korras.

Kohtueelselt lahendavad vara tagastamise menetluse käigus tehtud otsuste peale esitatud kaebusi õigusvastaselt

võõrandatud vara tagastamise ja kompenseerimise maakonnakomisjonid, kes võivad tegutseda ka

lepituskomisjonina.

Leht 2 / 15 Õigusvastaselt võõrandatud vara tagastamise kord

II. osa

Õigusvastaselt võõrandatud vara tagastamise üldkord

7. Vara tagastamise menetlus koosneb järgmistest osadest:

1) vara võõrandamise õigusvastasuse, vara koosseisu ja endise (õigusjärgse) omaniku tuvastamine ning

õigustatud subjektide kindlaksmääramine (vara tagastamist ettevalmistav menetlus);

2) vara tagastamise otsuse vastuvõtmine;

Text (English):	Not available
Date of passage:	05.02.1993
Date of entry into force:	05.02.1993
Promulgating authority:	Government of the Republic
Citation(s):	RT I 1993, 7, 106
URL:	https://www.riigiteataja.ee/akt/29001
Other:	

XI. Key court rulings interpreting this Legislation. Please add additional rows as necessary for additional court decisions (pursuant to Terezin Declaration, and GBP, para. f)

Case 1	Name of claimant(s):	There are no court rulings related to the Holocaust era property
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
Other:		

Case 2	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 3	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	

Case 4	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 5	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	

XII. Statistical Data relating to this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c-h, j, k)

How many claims have been filed ?	Approximately 140500 object files containing 233400 individual accepted claims. (Share of unclaimed real property: 13% of total area of privately owned land in 1940.)
How many claims have been finalized ?	Approximately 140000 object files have been closed, 500 remain open.
How many claims have been accepted ?	Approximately 233400 individual claims
How many claims have been denied ?	Approximately 27400 individual claims
How many rulings have been complied with ?	On average, an object file contains 1.66 individual claims, but for each claimant, several decisions can be made (partial return, separate compensations for land, buildings or movable property). Assuming that 140000 object files have been closed, we suppose that at least 232000 rulings have been complied with (i.e the claims of 232000 entitled subjects have been satisfied).
What is the total number of claims that could have been filed?	Unknown. (The whole land was nationalized in 1940. Hence the total number of claims concerning immovable property that could have been filed is equal to the total number of real estate units registered in the pre-war property register.)
How much has been paid by the relevant government in compensation for private property ?	542 million €
How much has been paid by the relevant government in compensation for communal property ?	8 million €
How much has been paid by the relevant government to date in compensation for heirless property ?	Heirless property has not been an object of compensation.
What is the value of the private property restituted to date?	The value of naturally returned property is not determined, except in cases of partial compensation.
What is the value of communal property restituted to date?	The value of naturally returned property is not determined, except in cases of partial compensation.

What is the value of heirless property restituted to date?	Heirless property has not been an object of compensation.
What percentage of claims awarded have been paid?	99.8%
On average, how long does the claims process take?	On average (median value) 5 years.
On average, what is the total amount of expenses a claimant will incur when pursuing a claim to completion (excluding attorneys' fees)?	Average is non-available. Total amount of expenses varies between 0–500 €, depending on circumstances. (Cadastral measurements – free or 200–500 €, certificate of inheritance – 78 €. After completion of the restitution procedures, also state fee must be paid for acts of the Land Register, depending on transaction value.)
On average, what is the total amount a claimant will pay in attorneys' fees when pursuing a claim to completion?	In regular cases, judicial authorities and attorneys are not involved in the restitution process. Average attorneys' fees in court cases are not available.
What provision has been made for the distribution of heirless property , if any?	Heirless property is not identified and it is not considered in the legal framework of restitution.

XIII. Comments. Is there any other information you feel we should know?