

## 10 Estonia

### 10.1 Travel agents

#### General introduction

The activities of travel agents in Estonia are mainly governed by the Tourism Act (Turismiseadus).<sup>134</sup>

According to the Tourism Act travel services are a type of tourism services. The list of travel services is as follows:

- 1) the provision of passenger services, except taxi service;
- 2) the intermediation of passenger services;
- 3) the provision and intermediation of visa services;
- 4) the intermediation of travel-related insurance services;
- 5) the intermediation of accommodation services;
- 6) the intermediation of catering services;
- 7) the intermediation of accommodation and catering services;
- 8) the intermediation of accommodation and medical rehabilitation services;
- 9) the intermediation of conference services;
- 10) the intermediation of tour-guide services and services of guide-interpreters and tour escorts;
- 11) the intermediation of leisure services;
- 12) the provision or intermediation of transport vehicle rental services.

The travel services may be offered and provided by companies or sole proprietors, but also by agencies, foundations and non-profit associations.

---

<sup>134</sup> Passed 15 November 2000 (State Gazette - RT I 2000, 95, 607) and entered into force 1 March 2001, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=1036425>.

To operate as a travel undertaking (travel agent) the person has to:

- register with the register of economic activities (majandustegevuse register)<sup>135</sup> and
- provide a sufficient security.

### Submission of documents

A travel undertaking shall submit a registration application to the register, and this application shall set out at least the following information:

- the name of the undertaking;
- registry code or personal identification code or, in the absence of the latter, date of birth;
- address and other details of the travel undertaking;
- the address of the place of business or addresses of the places of business and other contact details;
- the areas of activity of the travel services provider;
- the amount and term of validity of the security and details of the undertaking which issued the document certifying the existence of the security;
- the name, official title and details of the person who signed the registration application.

The registration application may be submitted in a written form or digitally.

The forms of applications<sup>136</sup> are available at the Registry's website: [www.mkm.ee/mtr](http://www.mkm.ee/mtr).

The written applications shall be submitted to the Ministry of Economic Affairs and Communications at the address Harju 11, 15072 Tallinn, Estonia. Digitally signed applications shall be sent at the e-mail address [info@mkm.ee](mailto:info@mkm.ee). These documents must be signed using an electronic signature created by an Estonian eID card.

Before submitting the application, the state fee in the sum of 300 kroons<sup>137</sup> must be paid.

---

<sup>135</sup> Regulated by the Register of Economic Activities Act, passed 11 February 2004 (RT I 2004, 12, 79), entered into force 15 April 2004, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=12766620>. This register is maintained as a single-level digital database.

<sup>136</sup> Regulation No. 65 of the Minister of Economic Affairs and Communications of 07 April 2004 (Appendix to the State Gazette - RTL - 2004, 37, 612), also available at: <https://www.riigiteataja.ee/ert/act.jsp?id=1047391>.

It is important to note that all undertakings which have registered their activities are required to submit, by 15 April each year, confirmation concerning the accuracy of the registration. If an undertaking fails to perform this obligation it will be notified of its failure to perform the obligation and the resulting termination of its registration.

### **Obligation to provide security**

The travel undertakings are required to provide a security and the respective document must be attached to the registration application.

The security is the obligation of an insurance company or credit institution located in Estonia or in a State party to the Agreement of the European Economic Area, to guarantee, in the case of the insolvency<sup>138</sup> of the travel undertaking, the existence of financial resources for:

- 1) return of the travellers to the place of departure, if the package contract includes passenger service;
- 2) accommodation services provided to the traveller during the return of the travellers to the place of departure, if the package contract includes accommodation service;
- 3) return of the price of the package to the consumer upon cancellation of the package or payment of compensation for a part of the package which is cancelled.

The amount of the security is calculated on the basis of the total annual sales of packages planned by a travel undertaking and its area of activity:

- 1) offer for sale and sale of packages which include travel services provided in Estonia – the amount of the security must equal 1 % of the total sales of packages but not less than 100,000 kroons;<sup>139</sup>
- 2) organising, offer for sale and sale of packages which include travel services provided outside of Estonia and charter flights – the amount of the security must equal 3 % of the total sales of packages but not less than 500,000 kroons;<sup>140</sup>
- 3) organising, offer for sale and sale of packages which include travel services provided outside of Estonia, except for charter flights, or offer for sale and sale of packages organised by foreign tour operators – the amount of the security must equal 1 % of the total sales of packages but not less than 200,000 kroons;<sup>141</sup>

<sup>137</sup> Ca EUR 19.

<sup>138</sup> The travel undertaking is deemed to be insolvent if the undertaking is unable to perform the obligations arising from a packet contract.

<sup>139</sup> Ca EUR 6391.

<sup>140</sup> Ca EUR 31956.

<sup>141</sup> Ca EUR 12782.

4) offer for sale and sale of packages organised by other travel undertakings which include travel services provided outside of Estonia – the amount of the security must equal 1 % of the total sales of packages but not less than 100,000 kroons;<sup>142</sup>

Securities are not required for the sale of individual travel services or packages which include travel services within Estonia.

If a travel undertaking operates in several areas of activity, the minimum amount of security will be the minimum amount prescribed for the area of activity for which the largest amount is prescribed.

The size of a security is immediately increased if, during the validity of the security, the actual total sales of packages exceed the planned amount based on which the security was determined.

Travel undertakings must submit a report on the sale of packages to the Consumer Protection Board (Tarbijakaistemet) on a quarterly basis, by the 20th date from the end of each/the financial quarter. The Minister of Economic Affairs and Communications has established the standard format for such report.<sup>143</sup>

#### Professional associations of travel agents

The main professional association of travel undertakings, the Estonian Association of Travel Agents (Eesti Tursimisfirmade Liit), is a voluntary organisation of Estonian travel agencies and tour operators, and has been active since 1990. Insurance companies, hotels, tourism organisations, but also foreign travel companies are allowed to join as co-members.

The aim of the organisation is to protect its members' economic interests and improve the quality of tourism services generally. Although there are several professional standards established for the travel services area<sup>144</sup> the Association does not grant professional qualification certificates, nor does any other organisation<sup>145</sup>.

<sup>142</sup> Ca EUR 6391.

<sup>143</sup> RTL 2004, 45, 765, also available at: <https://www.riigiteataja.ee/ert/act.jsp?id=736923>.

<sup>144</sup> The professional standards have been approved for tour escort, tour operator, tour consultant and tour guide. The entire list of professional standards approved by professional councils in Estonia is available at the website of Estonian Qualification Authority (Kutsekoda) – <http://www.kutsekoda.ee>.

<sup>145</sup> The entire list of organisations, authorised to grant professional certificates is available at the website of Estonian Qualification Authority (Kutsekoda): <http://www.kutsekoda.ee>. The Estonian Association of Travel Agents does not belong to this list.

The contact information of the Association is as follows:

Estonian Association of Travel Agents

Address: Pärnu mnt 20

10141 Tallinn

Estonia

Phone: + (372) 631 3013

+ (372) 641 1426

Fax: + (372) 631 3622

E-mail: [info@etfl.ee](mailto:info@etfl.ee)

Website: [www.etfl.ee](http://www.etfl.ee)

The Estonian Parliament has approved The National Development Plan for Tourism for 2007-2013<sup>146</sup> by its decision from 22 November 2006, which emphasises the importance of tourism education. However, the development plan does not refer to the need for additional licensing or qualification rules with respect to travel agents.

As Estonian law provides for the electronic submission of registration applications, it can be said that theoretically the point of single contact within the meaning of the Services Directive<sup>147</sup> with respect to travel agents is effective in Estonia.

However, as in practice the Estonian ID-card is required to create digitally signed documents, persons not holding Estonian ID-card cannot use this opportunity due to technical and security reasons.<sup>148</sup>

---

<sup>146</sup> RT I 2006, 53, 400, also available at: <https://www.riigiteataja.ee/ert/act.jsp?id=12755212>.

<sup>147</sup> EU Directive 2006/123/EC on services in the internal market

<sup>148</sup> Please see below, section 10.4.

## 10.2 Architects

### General introduction

The activities of architects are regulated by the Planning Act (Planeerimisseadus)<sup>149</sup> but to some extent also by the Building Act (Ehitusseadus).<sup>150</sup> However, the Estonian legislation does not provide a legal definition of the architect and the role and powers of architects can only be inferred from other provisions. Professional standards (including the requirements for qualification) for architects<sup>151</sup> are established by the Union of Estonian Architects (Eesti Arhitektide Liit) pursuant to the Professions Act (Kutseseadus).<sup>152</sup>

According to the Planning Act, the architects with higher education, have a right:

- to prepare a national spatial plan, county plan or comprehensive plan;
- undertake or direct the preparation of detailed plans.

The Building Act specifies that a person who provides certain services with respect to construction – including design – must hold a degree in an appropriate field and have respective work experience. This requirement applies to architects as well.

The persons who have acquired their professional qualifications as architect in a Member State of the European Economic Area or Switzerland and who hold a document issued in the corresponding Member State of the European Economic Area or Switzerland certifying their professional qualifications have the same rights as Estonian architects with regard to planning activities.

The Minister of Economic Affairs and Communications has established the list of documents certifying acquisition of professional qualifications in a Member State of the European Economic Area or Switzerland.<sup>153</sup> The document refers to the Council Directive 85/384/EEC of 10 June 1985 (on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture,

---

<sup>149</sup> Passed 13 November 2002 (RT I 2002, 99, 579), entered into force 1 January 2003, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=12807807>.

<sup>150</sup> Passed 15 May 2002 (RT I 2002, 47, 297), entered into force 1 January 2003, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=12807803>.

<sup>151</sup> Professional standard for Architect and Authorised Architect - see at <http://www.kutsekoda.ee>.

<sup>152</sup> Passed 19 December 2000 (RT I 2001, 3, 7), entered into force 19 January 2000, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=690522>.

<sup>153</sup> Regulation No. 74 of the Minister of Economic Affairs and Communications of 27 December 2002. Passed 15 May 2002, (RT I 2002, 47, 297), entered into force 1 January 2003, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=12807803>.

including measures to facilitate the effective exercise of the right of establishment and freedom to provide services).

A person is permitted to design (but also build, conduct site investigations, exercise owner supervision, perform expert assessments of building design documentation, evaluate construction works and engage in project management) if the person is an undertaking within the meaning of the Commercial Code and has:

- 1) registered with the register of economic activities, and
- 2) a corresponding legal relationship with a competent person - specialist in charge.

As the current study only considers architects as natural persons, the requirements applicable to sole proprietors are relevant.

If a person providing design service is a sole proprietor, he or she must have the competence to act as a specialist in charge. A specialist in charge is a person who:

- 1) is competent to manage and inspect building, design, site investigations, owner supervision, expert assessments of building design documentation, evaluation of construction works or project management activities; and
- 2) advises an undertaking in order to guarantee compliance with the requirements provided for in The Building Act and legislation established on the basis thereof.

In order to build, design, conduct site investigations, exercise owner supervision, perform expert assessments of building design documentation, evaluate construction works or engage in project management activities, a specialist in charge must:

- 1) hold a professional qualification which grants the person the right to organise the distribution of funds or the work of other persons and imposes on him or her the obligation to be responsible for such work, or
- 2) have completed higher education in an appropriate field and have three years' work related experience.

The architect does not need to meet the criteria set for the specialist in charge if:

- he or she does not organise the distribution of funds or the work of other persons and has no obligation to be responsible for such work; and
- he or she operates only within the limits of a profession where he holds a professional qualification.

The professional qualification is granted and professional standards for the architects are approved by the Union of Estonian Architects.

### Submission of documents

The registration application to the register of economic activities must contain:

- the name and registry code of the undertaking, the name of the corresponding register, and the address and other contact details of the undertaking;
- the area of activity (e.g. design) in which the applicant wishes to operate;
- information concerning the specialist in charge;
- information concerning the qualifications of the building contractor and the document certifying such qualifications, if any;
- the name, official title and contact details of the authorised person of the undertaking who signs the registration application.

Information concerning the specialist in charge is comprised of the following:

- 1) name, and personal identification code or, in the absence thereof, date of birth;
- 2) contact details;
- 3) profession and other essential information entered in his or her professional certificate if he or she has a professional certificate;
- 4) in the absence of a professional certificate, the date of issue and the name of the issuer of the document certifying the professional education of the person;
- 5) professional experience.

The registration application can be submitted in a written form or digitally. The forms of applications are available at the Registry's website: [www.mkm.ee/mtr](http://www.mkm.ee/mtr)

Written applications must be submitted to the Ministry of Economic Affairs and Communications at the address Harju 11, 15072 Tallinn, Estonia. Digitally signed applications must be sent to the e-mail address [info@mkm.ee](mailto:info@mkm.ee), and should be signed using the Estonian eID card.

Before submitting the application, the state fee (currently the sum of 300 kroons) must be paid.

The application for qualification must be submitted to the Union of Estonian Architects.



**Professional associations of architects**

The Union of Estonian Architects (Eesti Arhitektide Liit) represents all qualified architects in Estonia and grants professional qualifications to the architects.

An application for professional qualification, including the necessary annexes, must be submitted to the union in a written (paper) form.

The model application form (in Estonian) is available at <http://www.arhliit.ee/uploads/files/blankett.doc>

The application should set out the following:

- name, address and contact details of the applicant;
- copy of passport or ID-card;
- copy of the academic certificate and prior qualification;
- any documents on additional training;
- description of professional activities;
- list of most important works from the last 10 years;
- any illustrative or evidentiary material;
- professional acknowledgements;
- information about the membership in professional organisations.

The applicant has to pay a fee for the application. The professional commission at the union decides on granting the qualification on the basis of the presented works and documents, but it may also require additional information or a personal discussion with the applicant.

The guidelines provide that the application with supplementary documentation should be submitted on paper. However, considering the fact that currently different IT solutions are widely used in the area of design it is often accepted that some materials (e.g. the examples of works, plans and designs) are submitted in their original electronic form.

With regard to future trends, the union has expressed a need to establish more strict requirements for persons applying for professional qualification certificate, such as:

- professional experience of at least 6 years;
- professional higher education.

The union expects that the Building Act will be amended to establish a requirement that every design document has to be approved by an architect who holds a professional qualification certificate issued by the professional council.<sup>154</sup>

The State Architectural Commission (Riiklik Arhitektuurikomisjon)<sup>155</sup> has issued an Estonian architectural policy, which was approved by the Estonian Government in 2002.<sup>156</sup> The union has also passed a programme for implementing this architectural policy.<sup>157</sup> These documents emphasise the necessity to align Estonia's architectural schooling with international norms, and to ensure the recognition of Estonian diplomas abroad. However, the documents do not provide specific measures.

The contact information of the Union of Estonian Architects is as follows:

Eesti Arhitektide Liit  
 Address: Lai 31  
 10133 Tallinn  
 Estonia  
 Phone: + (372) 611 7430  
 Fax: +(372) 611 7431  
 E-mail: [info@arhliit.ee](mailto:info@arhliit.ee)  
 Website: [www.arhliit.ee](http://www.arhliit.ee)

The professional standards for interior architects are approved by the Association of Estonian Interior Architects (Eesti Sisearhitektide Liit).<sup>158</sup> The Association has not published the respective procedure of certification.

From the abovementioned it can be concluded that the qualification of foreign architects is recognised in Estonia.

<sup>154</sup> Norbert Kaareste, Arhitektide liit plaanib karmide kutsenõuetega turgu korrastada, Postimees online 07.06.2007, <http://www.postimees.ee/060707/esileht/siseuudised/270759.php>.

<sup>155</sup> Operates under the Estonian Ministry of Culture.

<sup>156</sup> Passed at the Parliamentary sitting 22.10.2002, protocol no. 43, item no. 5.

<sup>157</sup> [http://www.arhliit.ee/uploads/files/the\\_prog\\_implementing\\_the\\_architectural\\_policy\\_20042008.pdf](http://www.arhliit.ee/uploads/files/the_prog_implementing_the_architectural_policy_20042008.pdf).

<sup>158</sup> <http://www.esl.ee>.

## 10.3 Property agents

### General introduction

Providing real estate services is not subject to a specific license or mandatory registering requirement in Estonia. Basically, the real-estate services may be provided by any undertaking. Accordingly, property agents from other Member States of the European Union wishing to provide their services in Estonia do not have to notify or obtain a permit from the local authorities.

However, the professional association of real estate agents has established a qualification system, which gives professional titles to real estate agents and aims to assure that the quality of services provided by licenced real estate agents meets a certain standard.

A second exception concerns persons who provide property valuations required for taxation, privatisation, expropriation and land readjustment, and compensation for unlawfully expropriated land.<sup>159</sup>

### Submission of documents

The persons providing land valuations for taxation, privatisation, expropriation etc, except public servants whose duties include the valuation of land, must hold a specific activity licence. The procedure of licensing is established by the regulation No 259 of the Estonian Government, of 25 October 1996.<sup>160</sup> According to the procedure the applicants for the licence must have a secondary or higher education, pass a written exam and submit two trial assessments. The application is submitted to the Estonian Land Board (Maa-amet) and it should set out the following:

- name of applicant;
- personal identification code;
- address;
- education (accompanied by the copy of respective document);
- professional experience and the course of professional activities.

---

<sup>159</sup>The Land Valuation Act (Maa hindamise seadus), passed 9 February 1994 (RT I 1994, 13, 231), entered into force 5 March 1994, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=185701>.

<sup>160</sup> RTL 1997, 60, 332, also available at <https://www.riigiteataja.ee/ert/act.jsp?id=25296>.

---

The contact information of the Estonian Land Board is as follows:

Estonian Land Board  
Address: Mustamäe tee 51  
10602 Tallinn  
Estonia  
Telephone: + (372) 66 50600  
Fax: +(372) 66 50 604  
E-mail: [maaamet@maaamet.ee](mailto:maaamet@maaamet.ee)  
Website: <http://www.maaamet.ee>

The procedure does not clarify whether the applications submitted by e-mail or in digitally signed form could also be accepted; in practice only paper forms are used. The licence is valid for 5 years.

#### **Professional associations of real estate agents**

##### **Association of Real Estate Agencies**

The Association of Estonian Real Estate Agencies (Eesti Kinnisvarafirmade Liit) is a non-profit, voluntary and democratic organisation joining legal persons and sole proprietors providing property exchange, development, assessment, management, consulting and other related services.

The Association is a private, non-profit democratic organisation, established on a voluntary basis. The Association has its own code of good practice and a court of honour. The latter is entitled to decide the disputes between the members or the members and their clients.

The contact information of the Association is as follows:

Eesti Kinnisvarafirmade Liit  
Address: Kiriku 6  
10130 Tallinn  
Estonia  
Phone: + (372) 6 41 15 16  
Fax: + (372) 6 46 62 09  
E-Mail: [ekfl@ekfl.ee](mailto:ekfl@ekfl.ee)  
Website: [www.ekfl.ee](http://www.ekfl.ee)

### The Estonian Chamber of Real Estate Brokers

In addition to the association of real estate agencies there is also another professional organisation which unites real estate brokers - the Estonian Chamber of Real Estate Brokers (Eesti Kinnisvaramaaklerite Koda). This is a private organisation which aims to:

- guarantee the quality of the real estate broking service; grant the right to work as real estate broker after the professional examination; and guarantee that the members of the Chamber perform work in compliance with their professional skills and observe good business traditions.
- represent the members of the Chamber and protect their common interests and rights before administrative authorities and in the court of law.

The Estonian Chamber of Real Estate Brokers is authorized to grant professional qualification to real estate brokers. The professional title of a real estate broker who has successfully passed the professional examination is Licensed Real Estate Broker.

Examinations are held at least once a year and respective dates are published on the Chamber's homepage [www.maakleritekoda.ee](http://www.maakleritekoda.ee). The application to join the Chamber with supplementary documentation must be submitted at least 21 days prior to the examination date. The application form is available at: <http://www.maakleritekoda.ee/index.php?m=3&s=2>

The applicant must hold a secondary education, have at least 2 years experience (documentary evidence required) in the area of property exchange and good reputation in his/her professional practice.

The Chamber may require presentation of the copies of respective and additional documentation.

The professional qualification may be established by:

- the documentation provided by the applicant;
- professional examination.

The exams are held in Estonian and the aim of the exams is to establish whether the applicant's knowledge complies with professional standards. Successful applicants will be issued a certificate which proves their qualification as Licensed Real Estate Broker.

The issued certificates list is available at the Estonian Qualifications Authority (Kutsekoda) homepage: <http://www.kutsekoda.ee/default.aspx/3/menu/260>

The contact information of the Estonian Chamber of Real Estate Brokers is as follows:

Eesti Kinnisvaramaaklerite Koda  
Address: Õismäe tee 46a  
Tallinn 13512  
Estonia  
Phone: + (372) 6 791 651  
E-mail: [maakleritekoda@maakleritekoda.ee](mailto:maakleritekoda@maakleritekoda.ee)  
Website: [www.maakleritekoda.ee](http://www.maakleritekoda.ee)

### **The Estonian Association of Appraisers**

The third professional organisation is the Estonian Association of Appraisers (Eesti Kinnisvara Hindajate Ühing) which gathers together real property valuers and organises the certification of professional valuers. The Association has established a professional standard for real estate valuers.<sup>161</sup>

Real property valuers are persons, who are engaged in the special branch of economics associated with preparation of or review of and supervision over expert opinions concerning the value of real property and movable property.

Preconditions for application for a professional certificate are:

- economic, technical or other higher education (Bachelor's degree), provided that the study programme included real property-related subjects, or training accepted by the institution assigning the title;
- at least 3 years of professional experience (documentary evidence required) in the field of real property valuation;
- a good reputation and compliance with the professional ethics.

To get the professional title, the applicants must pass respective qualification exam. The applicants must submit following documents to the qualification commission of the Association:

- application;<sup>162</sup>
- identification document (passport, ID-card, drivers licence);

---

<sup>161</sup> The statute of professional standards is available at: <http://www.ekhy.ee/index.php?page=52>.

<sup>162</sup> Respective form is available at: [http://www.ekhy.ee/public/files/hindaja\\_titli\\_avaldu.doc](http://www.ekhy.ee/public/files/hindaja_titli_avaldu.doc)

---

- documents regarding the education, prior professional qualification and additional training;
- description of professional activities (curriculum vitae);
- documentary evidence of examination fee payment;
- samples of prepared written expert opinions (min 3).

The procedural rules<sup>163</sup> do not specify whether the application with supplementing documents can be submitted to the Association electronically; in practice only paper documents are used. According to the Procedure of Professional Exam of Real Estate Valuer<sup>164</sup> the exam is held in Estonian.

The applicants who have passed the professional examination successfully will be given the qualification and title of Certified Valuer (housing) or Certified Real Property Valuer (general).

The contact information of the Association is as follows:

Eesti Kinnisvara Hindajate Ühing

Address: Öismäe tee 46a

13512 Tallinn

Phone: + (372) 6 791 652

E-mail: [ekhy@ekhy.ee](mailto:ekhy@ekhy.ee)

Website : [www.ekhy.ee](http://www.ekhy.ee)

#### **The Association of Estonian Facilities Administrators and Maintenance Professionals**

The Association of Estonian Facilities Administrators and Maintenance Professionals (Eesti Kinnisvarahaldajate- ja Hooldajate Liit) represents persons engaged in real estate maintenance and has established professional standards and is authorised to certify the qualifications of facilities managers and service persons.

The procedure of certification<sup>165</sup> provides detailed requirements to the applicants depending on the specific qualification sought. It is worth mentioning that the applicants should pass specific and compulsory training which is organised by the Association.

---

<sup>163</sup> available at: <http://www.ekhy.ee/index.php?page=53>.

<sup>164</sup> available at: <http://www.ekhy.ee/index.php?page=58>.

<sup>165</sup> available at : [http://www.ekhhl.ee/failid/KINNISVARA\\_KORRASHOID\\_2003\\_P\\_hitekst.doc](http://www.ekhhl.ee/failid/KINNISVARA_KORRASHOID_2003_P_hitekst.doc).

---

The application form is available on the website<sup>166</sup> and can be mailed or faxed to the Association.

The contact information of the Association is as follows:

Eesti Kinnisvarahaldajate ja Hooldajate Liit

Address: Suur-Ameerika 1

10122 Tallinn

Estonia

Phone: + (372) 6 113 933

fax: +(372) 6 113 051

E-mail: [ekhhl@ekhhl.ee](mailto:ekhhl@ekhhl.ee)

Website: [www.ekhhl.ee](http://www.ekhhl.ee)

From the above described it can be concluded that in Estonia the activities of real estate agents are not subject to specific rules. Thus, there are no formal restrictions for foreign property agents to provide real estate services in Estonia.

Every undertaking is entitled to provide services related to real estate, including sale, purchase, exchange, rent or management of property rights and assets.

The natural persons engaged in this area of services may apply for the title of Licensed Real Estate Broker which is given by the professional organisation of real estate brokers. Persons providing real estate valuation services may apply for the title of Certified Valuer which is given by the professional organisation of real estate valuers.

To obtain abovementioned titles the applicants must have the specific qualification and meet certain requirements.

The rules of the professional organisations do not make any exceptions to foreign citizens nor do they set the nationality as a precondition. That means that the citizens of other EU member states are free to apply for the title if they meet the set criteria.

---

<sup>166</sup> [http://www.ekhhl.ee/failid/Kutsetunnistuse\\_avaldu2.doc](http://www.ekhhl.ee/failid/Kutsetunnistuse_avaldu2.doc).



## 10.4 General administrative requirements

Persons desiring to engage in commercial activity in Estonia can choose a legal form of an undertaking for their activities.

According to the Commercial Code (Äriseadustik)<sup>167</sup> the undertakings are :

- companies;
- sole proprietors.

The forms of companies in Estonia are the following:

- general partnership;
- limited partnership;
- private limited company;
- public limited company or commercial association.

A foreign company may operate through its Estonian branch.

A sole proprietor is a natural person. A sole proprietor is entered in the commercial register (äriregister) at his or her request. A sole proprietor must be entered in the commercial register if he or she is registered with the Tax and Customs Board (Maksu- ja Tolliamet) as a taxpayer pursuant to the Value Added Tax Act (that is when its annual turnover exceeds 250,000 kroons). Sole proprietors who are not registered with the commercial register must apply for the registration at the Tax and Customs Board.

Upon entry in the commercial register, an undertaking must specify its planned principal activity and keep the register informed of any changes to the principal activity.

The commercial register is maintained in Estonian and documents in a foreign language must be submitted to a registrar together with notarised translations.

---

<sup>167</sup> Passed 15 February 1995, (RT I 1995, 26/28, 355; consolidated text RT I 2005, 63, 481), entered into force 1 September 1995, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=12894016>.

Petitions and powers of attorney submitted to a registrar must be notarised. However, according to a recent amendment to the Commercial Code digitally signed documents are deemed to be equivalent to notarised applications.

Namely, since the 1st of January 2007 entrepreneurs can submit applications and data to the commercial register through the new e-filing portal (Äriregistri ettevõtjaportaal - Company Registration Portal<sup>168</sup>), i.e. directly to the information system of the register. Digitally filed documents are processed within the next working day at the latest. Persons are identified and procedures are performed by using the Estonian ID-card and digital signature. For some proceedings (e.g. submission of annual reports) the Internet bank link is sufficient. The Company Registration Portal enables persons to register new legal entities, their council members, auditors, means of communications, activity fields, submit annual reports and respective changes, and all necessary proceedings can be performed digitally. The new entry applications can be made via e-filing portal only by the persons who have Estonian ID-code and bank account in Estonia. Documents submitted with the petition must be:

- signed using the DigiDoc software;
- in txt (text), rtf (rich text) or pdf format;
- readable using Microsoft Word or Adobe Reader software.

The share capital must be deposited to the registry's account, non-monetary contributions cannot be used.

Both the e-filing portal and its user manual are available in the Estonian<sup>169</sup> and English language.<sup>170</sup>

### Digital signing

A digital signature has the same legal consequences as a hand-written signature if these consequences are not restricted by law. The legal basis for digital signing is established by the Digital Signatures Act (Digitaalallkirja seadus).<sup>171</sup>

In order to use a digital signature one needs a certificate which includes a key that is uniquely linked to the specific natural person. Currently, the certificates are used with Estonian ID-card.<sup>172</sup>

<sup>168</sup> <https://ekanded.eer.ee/?chlang=eng>.

<sup>169</sup> <https://ekanded.eer.ee/?chlang=est>.

<sup>170</sup> <https://ekanded.eer.ee/?chlang=eng>.

<sup>171</sup> Passed 8 March 2000 (RT I 2000, 26, 150), entered into force 15 December 2000, available at: <https://www.riigiteataja.ee/ert/act.jsp?id=694375>.

<sup>172</sup> The information about digital signing is available at: <http://www.id.ee>.

In case of relations in private law, digital signatures can be used under agreement between the parties. In case of relations in public law, digital signatures are used pursuant to the above Act and legislation issued on the basis thereof.

Certificates issued by a foreign certification service provider are recognised if:

- 1) the issuer meets the requirements set by Estonian law in accordance with the decision of the Estonian chief processor of the certificates' register; or
- 2) the certificates of the foreign certification provider are guaranteed by a local certification service provider; or
- 3) the certificates issued by the foreign certification service provider are recognised by an international agreement entered into by the Republic of Estonia.

In practice, digital signatures are generated only using the Estonian ID card which is issued only to Estonian citizens and permanent residents.

Information about the free software which is used for digital signing and encryption is available on the website of the Ministry of Social Affairs.<sup>173</sup>

## 10.5 Future trends/expectations

So far the implementation of Article 8 of the Services Directive or the Services Directive in general has not been widely discussed in Estonia. However, the electronic application procedures have been established in the state level.

The new e-filing portal is a highly welcome digital solution which basically enables persons to establish a company within one day. However, this opportunity is available only for Estonian ID-card or internet bank account holders because the registrar is not able to automatically verify the personal data of foreign persons. In addition, the system does not support establishment of a public limited company. The e-filing system has gained popularity and according to the statistics from the first half of year 2007 every 5<sup>th</sup> company is established digitally. It is possible that in the future the range of digital services will be increased and links with other registers will be established.<sup>174</sup>

---

<sup>173</sup> <http://www.sk.ee/pages.php/020207010103>.

<sup>174</sup> Gerli Ramler. Iga viies Eesti ettevõtte asutatakse interneti teel. Postimees online, 29.04.2007, <http://www.postimees.ee/290407/esileht/siseuudised/257773.php>.

Nevertheless, private institutions such as professional organisations are not yet technically ready to accept and process digitally signed electronic documents. There is much notification work yet to be done in this field.

## **10.6 Assessment – current status, accessibility to foreign service providers and interoperability**

The Estonian legislation does not set restrictions to the foreign persons to act as travel agents, if they follow the local law in their activities. The same can be said about property agents.

There is a special regulation with respect to the recognition of the qualification foreign architects.

The procedures for application and registering in Estonia are firmly moving towards digital procedures. Digital signatures have been in use from 2000 and acceptable for performing many public procedures. However, private organisations usually do not accept digitally signed or e-mailed documentation.

Generally, registration applications and applications for professional qualification must be submitted in Estonian. For public bodies, certified translations are required for documents which are not in the official state language.

Considering the above, it can be concluded that the key question today with respect to foreign service providers is the recognition of foreign digital signatures. This involves info-technological, technical and security matters and co-operation on the government level.

Currently there is no information to indicate how this issue will be dealt with by governmental institutions in the future.