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Unlawfully Expropriated Property Valuation and Compensation Act

Passed 19.05.1993
RT 1993, 30, 509
Entry into force 15.06.1993

Amended by the following acts

Passed	Published	Entry into force
12.01.1994	RT I 1994, 8, 106	27.01.1994
28.06.1994	RT I 1994, 51, 859	25.07.1994
30.06.1994	RT I 1994, 54, 905	01.08.1994
22.02.1995	RT I 1995, 29, 357	27.03.1995
29.01.1997	RT I 1997, 13, 210	02.03.1997
14.01.1998	RT I 1998, 12, 153	16.02.1998
17.02.1999	RT I 1999, 23, 354	19.03.1999
14.06.2000	RT I 2000, 51, 324	10.07.2000
14.11.2001	RT I 2001, 93, 565	01.02.2002
13.03.2002	RT I 2002, 28, 157	01.04.2002
09.02.2005	RT I 2005, 12, 51	24.02.2005
26.01.2006	RT I 2006, 7, 40	04.02.2006
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
10.06.2010	RT I 2010, 41, 242	01.09.2010
10.12.2013	RT I, 27.12.2013, 6	01.01.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act starting from the wording in force as of 1 July 2014.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.11.2018	RT I, 12.12.2018, 2	22.12.2018

Part I

PROCEDURE FOR VALUATION OF PROPERTY

§ 1. Purpose of Act

(1) This Act determines the bases and procedure for valuation of unlawfully expropriated property being the object of ownership reform (hereinafter the property) and the method and extent of compensation thereof.

(2) The bases and procedure for valuation of unlawfully expropriated land and the natural objects attached thereto and collectivised property, and the method and extent of compensation thereof shall be determined by separate Acts.

§ 2. Need of valuation of property at time of expropriation

The value of property at the time of expropriation shall be determined in case of compensation for property if:

1) property is not subject to return according to subsection 12 (3) of the Republic of Estonia Principles of Ownership Reform Act;

2) [Repealed - RT I 1997, 13, 210 – entry into force 02.03.1997]

2¹) property has been destroyed;

3) on the basis of subsection 12 (2) of the Republic of Estonia Principles of Ownership Reform Act, a person to whom the property is returned shall pay compensation to other entitled subjects and an agreement specified in subsection 11 (1) of this Act has not been reached with regard to the size, method and procedure of payment and other conditions of the compensation;

4) property consists of stocks or share certificates.

§ 3. Supporting documents of value of property at time of expropriation

The value of property at the time of expropriation can be supported by documents issued not earlier than three years and not later than six months as of the moment of unlawful expropriation. In case of several documents issued within the given term, the document issued closest to the moment of unlawful expropriation of property shall be preferred in case of other equal circumstances.

§ 4. Valuation of construction works, ships and machinery in production buildings at time of expropriation by expert committee

(1) If the documents specified in section 3 of this Act are absent with regard to the value of construction works, ships and machinery in production buildings at the time of expropriation whereas documents describing the size, composition and intended purpose of property exist, the value of property at the time of expropriation shall be determined, at the request and expense of the entitled subject, by expert committees consisting of three members formed by the Ministry of Finance.

[RT I, 12.12.2018, 2 - entry into force 22.12.2018]

(2) The rural municipality or city government shall, at the request of the entitled subject, decide on the conduct of expert evaluation and appoint an expert committee from the expert committees formed by the Ministry of Finance.

[RT I, 12.12.2018, 2 - entry into force 22.12.2018]

(3) The expert committee shall determine the value of construction works, ships and machinery in production buildings at the time of expropriation pursuant to the procedure established by the minister responsible for the area based on the value of similar property at the time of expropriation.

(4) The expert committee shall draw an expert's report, setting out the value of property at the time of expropriation, the data being the basis for and justifying the valuation, the data describing the property and other necessary data and calculations.

(5) The membership of the expert committee shall include at least one person who is entitled to inspect construction works according to the Building Act.

[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

§ 4¹. Valuation of construction works, ships and machinery in production buildings at time of expropriation in absence of documents

If the value of construction works, ships and machinery in production buildings at the time of expropriation cannot be determined pursuant to the procedure specified in section 4 of this Act or if the entitled subject does not apply for an expert evaluation, the value of property at the time of expropriation shall be determined in the extent of the amount determined by the Government of the Republic.

§ 5. Valuation of property at time of expropriation by court proceeding

If the value of property at the time of expropriation cannot be determined pursuant to the procedure specified in section 4 of this Act and the entitled subject does not consent with the flat-rate compensation specified in section

4¹, the entitled subject shall have the right of recourse to the court for the valuation of property at the time of expropriation.

§ 6. Valuation of agricultural inventory at time of expropriation in absence of documents

(1) In the absence of documents certifying the value of agricultural inventory at the time of expropriation, the value shall be determined based on the composition of agricultural inventory, calculated price of a cow and coefficients determined by the minister responsible for the area. The calculated price of a cow is fifty Estonian kroons (Ekr) having applied in the year 1940.
[RT I 2010, 41, 242 – entry into force 01.09.2010]

(2) If the composition of agricultural inventory cannot be certified, the value of agricultural inventory at the time of expropriation shall be deemed to be equal to the calculated price of one cow for every four hectares of farm land.

§ 7. Conversion of value of property at time of expropriation into euros

(1) The value of property at the time of expropriation in kroons having applied in the year 1940 shall be converted into euros with the rate 1 Ekr = 0.64 euros. Value of property at the time of expropriation in foreign currency shall be converted into kroons having applied in the year 1940 on the basis of the coefficients established by the minister responsible for the area.

(2) The value of property at the time of expropriation in the currency of the Soviet Union (roubles) shall be converted into euros on the basis of the coefficients determined by the minister responsible for the area.

(3) The converted value shall be with the accuracy of one euro.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 8. Bodies organising valuation of property

(1) The valuation of property shall be organised by and the determined value shall be approved by the rural municipality or city government who decides on the return of and compensation for property.

(2) The valuation of property specified in the Continuation of Claim for Return of Unlawfully Expropriated Property in Ida-Petseri County and in Viru County to the East of the Narva River Act shall be organised by and the determined value of property shall be approved by the central committee for return of and compensation for unlawfully expropriated property.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(3) The method of valuation of property shall be established by the minister responsible for the area.

§ 9. Covering of costs related to valuation of property

Costs related to the valuation of property shall be covered by the rural municipality or city government from the privatisation proceeds of state and municipal property at the disposal of the rural municipality or city government, unless prescribed otherwise in the law. If the given funds are insufficient, costs shall be covered from the privatisation proceeds of state and municipal property at the disposal of the Government of the Republic.

Part II

EXTENT, METHOD AND PROCEDURE FOR COMPENSATION OF PROPERTY

§ 10. Compensation for property not subject to return

(1) Property not subject to return on the basis of subsection 12(3) of the Republic of Estonia Principles of Ownership Reform Act shall be compensated for in the extent of the value at the time of expropriation converted on the basis of section 7 of this Act.

(2) Increase or decrease in the value of property subject to return shall not be compensated.

§ 11. Compensation for property by entitled subjects to other entitled subjects

(1) In the case specified in subsection 12 (2) of the Republic of Estonia Principles of Ownership Reform Act, a notarised agreement shall be concluded between the entitled subjects, setting out the size of compensation

payable to each entitled subject applying for compensation, method and procedure for payment thereof and other conditions.

(2) If the entitled subjects are unable to reach an agreement specified in subsection (1) of this section, the value of property at the time of expropriation shall be determined based on the present Act. The persons to whom the property is returned shall compensate other entitled subjects for their share within five years as of the date of making the decision to return property. The size of the payable compensation, method and terms of payment and other conditions shall be determined in the decision to return property.

§ 12. Compensation of value of property to unlawfully repressed persons

Property specified in subsection 13 (3) of the Republic of Estonia Principles of Ownership Reform Act shall be compensated to unlawfully repressed persons in the extent of 192 euros according to section 14 of this Act. Compensation shall not be paid to persons who have been returned or compensated for unlawfully expropriated property on the basis of Regulation No 81 by the Council of Ministers of Estonian SSR as of 20 February 1989 « Procedure for Return of Property and Compensation for Damages to Victims of Mass Repressions » (ESSR Gazette 1989, 10, 118).
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 13. Compensation for stocks and share certificates

(1) Stocks and share certificates shall be compensated for in the extent of nominal value according to sections 7 and 14 of this Act.

(2) The nominal value of stocks or share certificates shall be certified according to the lists compiled pursuant to Acts specified in subsection 11 (3) of the Republic of Estonia Principles of Ownership Reform Act. If the lists do not include data concerning the nominal value, the latter shall be certified with the documents specified in section 3 of this Act.

(3) If the documents specified in subsection (2) of this section do not include data concerning the nominal value, stocks and share certificates shall be compensated for in the extent of 6.40 euros pursuant to section 14 of this Act.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 14. Method of compensation for property

(1) According to section 17 of the Republic of Estonia Principles of Ownership Reform Act, each entitled subject shall be issued a registered and inheritable security in the extent of compensation receivable by the entitled subject (hereinafter compensation voucher) for which state and municipal property being privatised, including land, dwellings and Compensation Fund bonds can be purchased. The owners of Compensation Fund bonds are entitled to receive interests based on the results of each financial year of the Fund. Compensation vouchers shall be issued until 31 December 2005.

(1¹) If an entitled subject has not been issued a compensation voucher by the term specified in subsection (1) of this section, he or she shall be paid the determined compensation in cash from the reserve funds of ownership reform of the Government of the Republic, or in case of lack of funds therein, from other state budget funds.
[RT I, 27.12.2013, 6 – entry into force 01.01.2014]

(2) [Repealed - RT I 1994, 54, 905 – entry into force 01.08.1994]

(3) [Repealed - RT I 2000, 51, 324 – entry into force 10.07.2000]

(4) The minister responsible for the area may establish, by a regulation, instructions and forms for organising the payment of compensation.
[RT I, 27.12.2013, 6 – entry into force 01.01.2014]

§ 15. Bodies organising compensation for property

(1) Determination of the size of compensation receivable for property shall be organised by the rural municipality or city government deciding the return of and compensation for property and who shall approve the size of the determined compensation.

(2) For property specified in the Continuation of Claim for Return of Unlawfully Expropriated Property in Ida-Petseri County and in Viru County to the East of the Narva River Act, compensation shall be determined the central committee for return of and compensation for unlawfully expropriated property.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(3) Supervision over valuation of property and determination of compensation shall be exercised, pursuant to the procedure established by the Government of the Republic, by the Ministry of Finance, who shall be entitled to apply the measures provided for in the Government of the Republic Act. In the supervision proceedings the Ministry of Finance shall have the right to decide the ordering of expert evaluation and to appoint the expert

committee for determining the value of property at the time of expropriation. In this case the expert evaluation shall be conducted at the expense of the state.

[RT I, 12.12.2018, 2 - entry into force 22.12.2018]

(4) Costs related to the compensation for property shall be covered similar to the provisions of section 9.

§ 16.

(1) This Act enters into force as of the date of publication in the State Gazette.

(2) Determination of compensation for unlawfully expropriated property shall be effected pursuant to the procedure established by the Government of the Republic.

(3) Evaluation certificate issued to a person evaluated pursuant to subsection 4 (5) of this Act before 1 January 2005 shall be deemed to be valid until the person has acquired the right to conduct the evaluation of construction works pursuant to the procedure provided for in the Building Act but not for longer than until 31 December 2005.

[RT I 2005, 12, 51 – entry into force 24.02.2005]