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Land Reform Act

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RT 1991, 34, 426
entry into force 01.11.1991

Amended by the following acts

Reception	Publication	Enforcement
12.03.1992	RT 1992, 10, 145	12.03.1992
15.04.1993	RT I 1993, 20, 354	28.04.1993
27.10.1993	RT I 1993, 72, 1021	01.12.1993
07.12.1993	RT I 1993, 79, 1182	29.12.1993
09.02.1994	RT I 1994, 13, 231	05.03.1994
28.06.1994	RT I 1994, 51, 859	25.07.1994
09.11.1994	RT I 1994, 86, 1488	01.01.1995
14.12.1994	RT I 1994, 94, 1609	29.12.1994
full text RT in hard copy	RT I 1995, 10, 113	
30.04.1996	RT I 1996, 36, 738	07.06.1996
full text RT in hard copy	RT I 1996, 41, 796	
29.01.1997	RT I 1997, 13, 210	02.03.1997
24/04/1997	RT I 1997, 37, 570	26/05/1997
23.10.1997	RT I 1997, 81, 1363	30.11.1997, partially 01.01.1998
01.12.1997	RT I 1997, 93, 1556	03.01.1998
14.01.1998	RT I 1998, 12, 153	16.02.1998
16.11.1998	RT I 1998, 103, 1698	10.12.1998
17.02.1999	RT I 1999, 25, 366	22.03.1999
18.02.1999	RT I 1999, 27, 390	27.03.1999
28.10.1999	RT I 1999, 84, 765	16.11.1999
08.12.1999	RT I 1999, 95, 840	01.01.2000
13.06.2000	RT I 2000, 54, 347	16.07.2000
full text RT in hard copy	RT I 2000, 70, 441	
15.11.2000	RT I 2000, 88, 576	29.11.2000
06.03.2001	RT I 2001, 31, 171	29.03.2001
02.05.2001	RT I 2001, 48, 265	01.11.2001, partially 01.06.2001
full text RT in hard copy	RT I 2001, 52, 304	
14.11.2001	RT I 2001, 93, 565	01.02.2002
24.01.2002	RT I 2002, 11, 59	02.02.2002
15.05.2002	RT I 2002, 47, 297	01.01.2003
21.05.2002	RT I 2002, 47, 298	16.06.2002
13.11.2002	RT I 2002, 99, 579	01.01.2003
13.11.2002	RT I 2002, 100, 586	01.01.2003
12.02.2003	RT I 2003, 26, 155	15.03.2003, partly in accordance with § 41
14.04.2004	RT I 2004, 30, 208	01.05.2004
21.04.2004	RT I 2004, 38, 258	10.05.2004
26.10.2005	RT I 2005, 61, 476	27.11.2005
26.01.2006	RT I 2006, 7, 40	04.02.2006
07.06.2006	RT I 2006, 30, 232	01.01.2007
19.06.2008	RT I 2008, 34, 211	01.08.2008
25.02.2009	RT I 2009, 18, 107	28.03.2009
14.05.2009	RT I 2009, 26, 162	06.06.2009

Reception	Publication	Enforcement
11/11/2009	RT I 2009, 57, 381	01.01.2010
09.12.2009	RT I 2009, 61, 404	17.12.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011 shall enter into force on the day specified in the decision of the Council of the European Union on the annulment of the exception established for the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council of the European Union 13.07.2010. a decision No. 2010/416/EU (OJ L 196, 28.07.2010, pp. 24–26).
17.06.2010	RT I 2010, 38, 231	01.07.2010
10.06.2010	RT I 2010, 41, 242	01.09.2010
27.02.2013	RT I, 15.03.2013, 26	20.03.2013
19.12.2013	RT I, 14.01.2014, 1	24.01.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, on the basis of paragraph 4 § 107³ of the Act on the Government of the Republic, the titles of the ministers replaced from the revision effective on July 1, 2014.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, partially 01.07.2015
07.06.2016	RT I, 28.06.2016, 1	01.07.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018, partially 14.07.2017
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
21.11.2018	RT I, 12.12.2018, 2	22.12.2018
06.05.2020	RT I, 19.05.2020, 2	29/05/2020
24.11.2021	RT I, 08.12.2021, 2	01.01.2022
08.02.2023	RT I, 23.02.2023, 1	01.04.2023

Part I
general settings

§ 1. Tasks of the law

The Land Reform Act determines the basis for the reorganization of land relations (land reform).

§ 2. Purpose of land reform

The aim of the land reform is to transform the relationships based on national land ownership into relationships based mainly on private ownership of land, based on the continuity of the rights of former owners and the interests of current land users protected by law, and to create prerequisites for more efficient use of land.

§ 3. Content of land reform

(1) In the course of land reform, land illegally expropriated to the former owners or their legal successors is returned or compensated, land is given for a fee or free of charge to the ownership of a private person, a public legal person or a local government unit, and the land to be left in state ownership is determined.

(2) In the course of the land reform, the owner of the building shall be granted the right to build buildings or usufruct on the grounds provided for in this Act.
[RT I 2005, 61, 476 - entered into force. 27.11.2005]

§ 4. Land reform as part of property reform

Land reform as a part of property reform is carried out under the conditions and procedures stipulated in the Law on the Foundations of the Property Reform of the Republic of Estonia (hereinafter *the Foundations*) and this law. The Principles apply to land reform, unless otherwise provided by this Act.

II. part
LAND RESTRICTION AND COMPENSATION

§ 5. Persons who have the right to demand land return or compensation (entitled subjects)

(1) The following have the right to demand the return or compensation of land:
1) natural persons whose land was illegally expropriated, if they had the citizenship of the Republic of Estonia on June 16, 1940, or if they lived permanently in Estonia at the time the Fundamentals came into force (June 20, 1991) in the territory of the Republic;
2) natural persons who are the heirs of the persons referred to in point 1 of this subsection in accordance with § 8 of the Basic Principles. If the former owner is dead and there are no persons specified in § 8 of the Basic Principles, his sisters and brothers have the right to demand the return or compensation of the land in equal shares and their descending relatives, if their parent is dead (regardless of the time of death), in equal shares, with the right to claim the return or compensation of the land to which their parent would have been entitled;
3) organizations whose land was illegally expropriated, according to § 9 of the Foundation;
4) persons to whom the right of claim has been assigned or who have inherited it on the basis of §§ 19[1] and 19[2] of this Act .

(2) The persons to whom the land was transferred, or their legal successors, have the right to claim the return or compensation of the land, which the owners transferred after June 16, 1940, in accordance with subsection 1 of this section.

(3) The issues of return and compensation of former plot lease land (derelict land) are regulated by a separate law.

§ 6. Land to be returned

(1) The land shall be returned within the former borders, unless otherwise determined by this Act or by the requirements of planning and land management or by an agreement between border neighbors entitled to rights. The land will be returned based on plan and map material in accordance with the procedure established by the Government of the Republic. If this is not possible due to insufficient plan and map material, or if the entitled subject does not wish to be returned based on the plan and map material, the surveying of the cadastral unit is carried out. Due to planning or land management requirements, the area of the land unit to be returned may differ from the area of the land to be returned by up to +/- 8 percent, but not more than 5 ha. In such a case and in the event that the land was returned within the former boundaries, but the area measured before the illegal alienation of the land differs from the area determined when the land was returned, no additional compensation is paid and the entitled subject is not obliged to pay additionally for the land. When the land is returned, rezoning or planning may be carried out in accordance with the law, and the land is returned based on the approved rezoning plan or established detailed planning.

(2) The land shall not be returned, either in part or in full, if:

1) the entitled subject does not demand the return of the land, but wants compensation for it;

2) at the time of the adoption of this law, the land has been given to another natural person for natural use in a legal manner on the basis of the Agricultural Act of the Estonian SSR (ENSV Teataja, 1989, 39, 611; RT I 1993, 72/73, 1021; 1994, 30, 465), in accordance with this law to § 8 and the person having the right of use has started the intended use of the land before April 1, 1996;

3) buildings or facilities belonging to another person are located on the land, including buildings or facilities of a gardening, cottage, housing or garage cooperative within the circular boundary of the cooperative, and there is no agreement on the establishment of building rights or usufruct, leasing or in any other way in accordance with §§ 7, 9 and 10;

4) the land is left in state ownership in accordance with § 31 subsection 1 points 1 to 5, 7, 10 and 13 of this Act or is transferred to municipal ownership in accordance with § 28 subsection 1 points 1, 3 and 4 of this law;
[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

5) [invalid]

6) the location of illegally expropriated land cannot be determined.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

(3) For the purposes of this Act, a building is a complete thing firmly connected to the subsoil and built as a result of human activity, as well as an unfinished building. A building is a building or facility. A building is a building with an interior space separated from the outside environment by a roof and other external boundaries. A facility is a structure that is not a building. The provisions regarding the facility apply to plantations with varietal breeding, scientific or cultural value, including dendroparks and gardens. The list of said plantations is confirmed by the Government of the Republic. The provisions regarding the facility also apply to the buildings and the park of the former manor complex with cultural value, if they have been recognized as cultural monuments on the grounds and in the manner stipulated in the Heritage Protection Act.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

(3^{1}) Roads and utility networks and facilities that enable the appropriate use of the returned land are not facilities within the meaning of this Act. Temporary buildings and structures, as well as dilapidated and out-of-use buildings or buildings that significantly damage the landscape are not considered as buildings. The last-mentioned buildings will be removed by the owner by the specified deadline. Buildings not eliminated by the deadline become an important part of the plot during the land reform.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

(3^{2}) For the purposes of this Act, a residential building is a building of which at least 20 percent of the total area is intended for permanent residence and the remaining part for agricultural production or other purpose related to the residential building. The provisions regarding a residential building also apply to an unfinished residential building that meets the characteristics of the building provided for in subsection 3 of this section. Compliance of an unfinished building with the characteristics of a residential building provided for in this paragraph is determined on the basis of the construction design of the building. An unfinished residential building that does not meet the characteristics of a building provided for in subsection 3 of this section is treated as another building in this Act.
[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

(3^{3}) The minimum necessary and sufficient amount of land under the building and surrounding the building, which ensures the purposeful use, maintenance, safe operation and physical preservation of the building, is determined as the land necessary to service the building (complex of buildings). If the same piece of land can be included among the land needed to service several buildings, the corresponding piece of land will be divided as equally as possible, taking into account both the surface area and the value, as well as land management and other requirements. When determining the land needed to service the building, legally prepared and approved construction projects are taken into account, which justify the need to build an extension to this building or to build another building related to this building, if this does not harm the interests of the subject entitled to return the land.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(4) The land shall be partially returned only if it is in accordance with the requirements of the planning and land management and if:

1) full return is not possible on the grounds provided in points 2 to 4 of subsection 2 of this section or § 14;

2) the entitled subject requests the return of up to 2 ha to the building belonging to him;

3) the entitled subject does not wish to return the land located within the protected area;

4) the entitled subject requests the return of the solvent piece.
[RT I 2006, 7, 40 - entry into force. 04.02.2006]

§ 7. Return of land located within the city limits

(1) Illegally expropriated land located within the city limits shall not be returned if the land belongs to another person's buildings or structures as a plot of land or as land necessary for service and if the entitled subject and the current owner of the building do not agree

on the establishment of building rights on the land in favor of the owner of the building, the transfer of the building to the entitled subject or other in a way.

(2) The agreement to establish the building right on the land must be notarized and contain the obligation of the entitled subject to establish the building right in favor of the owner of the building when the land is returned. The agreement must contain important terms of the building right, including the fee and term of the building right. In other respects, the provisions of § 15 of the Act on the Implementation of the Property Rights Act apply to the establishment of the building right. The co-owner of the building, who is the legal subject, can agree to establish the owner's building right. On the basis of the local government's real estate application, a note is entered in the land register to ensure the establishment of the building right.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(3) In the event of an agreement on the transfer of the building, the land shall be returned to the entitled subject after the transfer of ownership of the building. If the residential property is transferred with the condition of lifetime maintenance, the transferor has the right, after entering the residential land in the land register, to require the entitled subject to establish a personal right of use to the residential property. On the basis of the notarized application of the transferor of the residential property, a note is entered in the land register to ensure the establishment of personal right of use.

(4) The provisions of this section apply to densely populated areas. Densely populated areas within the meaning of this law are land areas designated as densely populated areas by established planning. If there is no general plan or it is not possible to determine a densely populated area on the basis of the county plan, densely populated areas are considered densely populated areas for which general plans of cities and towns, detailed planning projects, general plan schemes of enterprise groups, projects for planning and building of rural settlements and other planning projects that are not have been revoked. Densely populated areas are also areas designated as densely populated areas by the county governor on the proposal of the local government council before January 1, 2018.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(5) The size and boundaries of the land needed to serve the building are determined by the local government in accordance with the planning and land management requirements, in accordance with the procedure established by the Government of the Republic , generally without drawing up a detailed plan. The local government may decide to determine the size and boundaries of the land needed to serve the building with a detailed plan, the extent of land privatization provided for in this Act is taken into account when preparing it.

(5 1) All the land in the lawful use of the owner of the residence is included in the land necessary for servicing the residence. Land use is considered legal if:
1) the decision to provide land for use has been adopted by a competent body or official before the entry into force of the Principles, or
2) the use of land is evidenced by a receipt for the payment of land rent (land tax) or another document issued before the entry into force of the Principles.

(5 2) The land required to service other buildings is determined if the plot has not been determined or if changing the size and boundaries of the plot is expedient due to the requirements of planning and land management.

(6) [Repealed - RT I 2005, 61, 476 - entry into force. 27.11.2005]

§ 8. Return and distribution of land granted for original use on the basis of the Farm Act of the Estonian SSR

(1) Land, which has been granted for original use as farmland in a legal manner on the basis of the Farm Act of the Estonian SSR, is not subject to return, unless the entitled subject and the farmer agree otherwise or if the intended use of the land has not been started in accordance with § 6 2 of this Act. to paragraph 2.

(2) From the farm land given to another person, a residential place up to 2 ha in size shall be returned to the entitled subject, if its return is not otherwise possible. The size and boundaries of the housing site are determined by the local government in accordance with the requirements of planning and land management in accordance with the procedure established by the Government of the Republic.

(3) Up to 2 ha of land may be separated from the farm land, which the owner of the building has the right to privatize with the right of pre-emption in accordance with this Act, if the privatization of this land is not otherwise possible or if the owner of the farm and the owner of the building do not agree otherwise.

(4) If the intended use of the land legally granted for original use on the basis of the Farm Act of the Estonian SSR has not been started before April 1, 1996, the Director General of the Land Administration decides to terminate the land use right.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 9. Return of the land located outside the city limits, on which the buildings of a natural person are located

(1) If a building owned by another natural person is located on illegally expropriated land located outside the city limits and if the entitled subject and the owner of the building do not agree on the establishment of building rights in favor of the owner of the building or on the transfer of the building to the entitled subject, the illegally expropriated land shall not be returned: 1) at the
residence until to the extent of 2 ha, unless the entitled subject agrees otherwise with the owner of the building;
2) at the cottage and the garden house to the extent of land use without a deadline until now, but not more than 1 ha, unless the entitled subject agrees otherwise with the owner of the building;
3) at another building to the extent of the land needed to service the building.

(1 1) If both residences owned by other natural persons and a residence belonging to the entitled subject are located on the illegally expropriated land, and if the owners of the residences and the entitled subject do not agree otherwise, the land shall be divided between the owners of the residences and the entitled subject in as equal parts as possible.

(2) If the owner of a dwelling located on illegally expropriated land wants to buy more than 2 ha of land and the entitled subject wants to return the land, and they do not reach an agreement within the deadline set by the local government, up to 50 ha will be privatized to

the owner of the dwelling at the expense of free adjoining land. If the owner of a residential building can privatize less than 20 ha of land at the expense of neighboring lands, he has the right to privatize additional land at the expense of the property to be returned, in the part lacking 20 ha, but not more than the land remains for the entitled subject. In the absence of free adjoining lands, the land is divided between the entitled subject and the owner of the dwelling in as equal parts as possible, while the owner of the dwelling does not have the right to claim more than 20 ha of land. If several residential buildings are located on illegally expropriated land, the owners of which wish to privatize more than 2 ha of land, if there is no or little free land, they can privatize up to half of the land at the expense of illegally expropriated land, but not more than 20 ha in total. When privatizing land on the basis of this subsection, the condition is taken into account that the property is formed next to a residential building and the rights of another person who has the right of pre-emption are not violated.

(2 1) If the buildings forming a single complex with a residence located outside the city limits are located on the lands of several former properties subject to return and the owner of the residence and the entitled subjects do not agree otherwise, the land to be privatized with the right of first refusal is assigned to the residence from the land of the former property on which the residence is located. The land necessary for the purposeful use of the building remaining on the property is privatized from the other former property to be returned to the owner of the residence, while the land required for production is not included in the aforementioned land. If the residential building is located on the lands of several former real estates subject to return and the owner of the residential building and the entitled subjects do not agree otherwise, the land to be privatized with the right of first refusal is assigned to the residential building at the expense of several former real estates in proportion to the size of the former real estates.

(3) [Repealed]

(4) [Repealed]

(5) [Repealed]

(6) [Repealed]

(7) Upon transfer of the building specified in subsection 1 of this section, the rightful subject has the right to acquire it, except when the building is transferred to relatives or transferred to the ownership of the local government. The entitled subject's right of pre-emption is valid until the decision is made not to return the land under construction. The right of first refusal does not apply if the building to be transferred is not located within the boundaries of one property.

(8) Before transferring the building, the owner of the building is obliged to notify in writing the intention and conditions of the transfer to the legitimate subject with the right of acquisition. If the entitled subject does not use the right of acquisition within one month, counting from the day of receiving the written notice, the owner of the building has the right to transfer the building at least at the price and conditions stated in the written notice. If the owner of the building alienates the building in violation of the right of acquisition of the rightful subject, the rightful subject may, within two months from the day of becoming aware of the violation, apply to the court for the transfer of all the rights and obligations of the rightful subject to him.

(9) The size and boundaries of non-returnable land and privatized with the right of first refusal on the basis of this section, including the land necessary to service the building, shall be determined by the local government in accordance with the requirements of planning and land management in accordance with the procedure established by the Government of the Republic . The land required to service the building is determined if the plot has not been determined or if changing the size of the plot is expedient due to planning and land management requirements. The land needed for production is not included in the land needed to service the building.

(10) The provisions of subsections 2 and 3 of § 7 of this Act shall apply to the agreement on the establishment of superstructure rights and the transfer of the building in favor of the owner of the building provided for in subsection 1 of this section.

§ 10. Return of land located outside the city limits on which state, local government or legal entity buildings or facilities are located

(1) Outside the city limits, the foundation of the buildings or facilities of the state, local government or legal entity and the land necessary for their service shall not be returned, if the entitled subject and the current owner of the buildings do not agree on the establishment of building rights on the land to the owner of the buildings or on the transfer of the buildings to the entitled subject. In other respects, the provisions of paragraphs 2 and 3 of § 7 of this Act shall apply.

(2) Upon transfer of the building specified in subsection 1 of this section, the entitled subject has the right to acquire it, except in the case of privatization of the building or transfer to the ownership of the local government. The right of first refusal applies to the transfer of the building on the basis of the Agricultural Reform Act of the Republic of Estonia, except for municipalization. The entitled subject's right of pre-emption is valid until the decision is made not to return the land under construction. The right of first refusal does not apply if the building to be transferred is not located within the boundaries of one property. The provisions of § 9, subsection 8 of this Act apply to the transfer of the building.

(3) The size and boundaries of the land needed to service the building shall be determined by the local government in accordance with the requirements of planning and land management in accordance with the procedure established by the Government of the Republic . The land needed for production is not included in the land needed to service the building.

§ 11. Replacement of land

[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 12. Return of land, if a building belonging to a legitimate subject is located on the land

(1) If the building located on the land to be returned is jointly owned by several entitled subjects and the parts of the joint ownership of the building and the parts of the land to be returned to the entitled subjects are not equal, the plot of land or land in lawful use within the city limits and the land located outside the city limits shall be returned to them pursuant to § 9 1 of this Act. to the extent stipulated in paragraph 1, into joint ownership according to the share of each entitled subject in the joint ownership of the building. The land located outside the city limits larger than what is stipulated in subsection 1 of § 9 of this Act shall be returned separately from the land belonging

to the building as a joint property in accordance with the shares of the entitled subjects of the land to be returned, unless they have agreed otherwise at the beginning of the formation of the cadastral unit.

(1[1]) The entitled subject, to whom the land was returned in a larger part than his share, is obliged to pay the debt to the state for the land, to the extent of which his share increased. Debt is the amount of compensation paid or payable to other entitled subjects. The When paying the debt, installment payments may be used under the conditions debt can be paid in cash or in privatization securities.
that apply to the persons specified in § 22 3
subsection 4 of this Act when land is privatized . In privatization securities, the land returned in excess of the claim right can be paid for within the term provided by law. The payment of the debt is secured by a mortgage in favor of the Republic of Estonia. The mortgage agreement and property rights agreement are signed by the local government in a notarized form on behalf of the state.
[RT I, 08.12.2021, 2- by force. 01.01.2022]

(1[2]) If the building located on the land to be returned is owned by one entitled subject and there are several entitled subjects for the return of the land, the plot of land located within the city limits or the land in legal use and the land located outside the city limits are returned to the owner of the building as a separate immovable property, the land belonging to the building or necessary for the service of the building is returned to the corresponding entitled subject right of claim to part of the returned land. The land left over from the real estate formed from the land belonging to the building located outside the city limits or necessary for the service of the building shall be returned as a separate property to the co-ownership of other entitled subjects in accordance with the parts of the right of claim of the entitled subjects from the returned land, unless they agree otherwise in accordance with the provisions of § 14 of this Act.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(1[3]) If a building owned by one entitled subject located outside the city limits is located on a separate piece of the land to be returned and there are several subjects entitled to the return of the land, the land is returned to the owner of the building according to his right of claim to the part of the returned land as a separate immovable land belonging to the building or necessary for the service of the building from this separate piece or if the separate piece is smaller than the part of the claim right of the land to be returned, then to the extent of a piece of land. The land left over from the real estate formed from the land belonging to the building located outside the city limits or necessary for the service of the building is returned as a separate real estate to the joint ownership of all the entitled subjects in accordance with the parts of the right of claim of the entitled subjects from the returned land, with the calculation,

(1[4]) Kui tagastataval maal asuv ehitis on mitme õigustatud subjekti kaasomandis ja mõni kaasomanik ei soovi või tal ei ole õigust maad omandada, on maa tagastamist soovivatel kaasomanikel õigus taotleda ehitise teenindamiseks vajaliku maa tagastamist võrdeliselt neile kuuluvate osadega ehitises, kui kaasomanikud ei lepi kokku teisiti. Kui maa omandamist soovivad kaasomanikud ei soovi ehitise teenindamiseks vajaliku maa tagastamist oma nõudeõiguse osast suurema osana, siis jäetakse tagastamise nõudeta osa maast riigi omandisse ja ehitise teenindamiseks vajalikule maale seatakse kõigi kaasomanike kasuks hoonestusõigus.
[RT I, 15.03.2013, 26 - jõust. 20.03.2013]

(2) If a building jointly owned by the spouses is located on the returned land, the land is returned to the spouse who has the right to demand the return of the land. When the land to be returned is entered in the land register, the second spouse is entered as a joint owner in the land register on the basis of a joint notarized statement of the spouses. If the spouse to whom the land was returned refuses to submit a joint application, the other spouse has the right to demand that he be entered in the land register as the joint owner of the land needed to service the building and that the property be divided.
[RT I 2005, 61, 476 - entered into force. 27.11.2005]

§ 12[1]. Return of land if there is a temporary structure or plantation belonging to another person

(1) A temporary building within the meaning of this Act is:
1) a building not permanently connected to the land erected on the basis of legal land use before the entry into force of this Act;
2) a building erected on the basis of a mineral resource use or mining permit within the valid mountain allocation.

(1[1]) A temporary building that has fallen into disrepair or has fallen out of use is not considered a temporary building in the sense of this law.

(2) A plantation within the meaning of this section is a fruit or berry garden or other plantation with a size of at least 0.25 ha, which was established on the basis of legal land use before the entry into force of this Act, and which is currently organized and used as a plantation, with the exception of the plantation specified in subsection 3 of § 6 of this Act.

(3) If a temporary building or a plantation belonging to another person is located on the land to be returned, the local government determines the size and boundaries of the land necessary to service the building or plantation and gives the parties a deadline to come to an agreement. The parties have the right to agree on the establishment of the building right or usufruct in favor of the owner of the temporary building or plantation, the leasing of land or the assignment of the right to demand the return of land to the owner of the temporary building or plantation, the transfer of the building or plantation to the entitled subject, the moving of the temporary building or plantation or in other ways. The agreement is concluded in notarial form and submitted to the local government.

(4) If the entitled subject and the owner of the temporary building or plantation do not agree by the specified deadline, the land will be returned and left for the use of the owner of the temporary building or plantation until the end of the term of the fixed-term land use right or mineral resource use or mining permit. The owner of a temporary building or plantation erected on the basis of an indefinite land use right shall keep the land in use for up to ten years, from the date of the return decision, but not longer than January 1, 2008. Ownership of a cadastral unit subject to return, on which a plantation owned by another person is located, is transferred upon termination of the land use right. The owner of a temporary building or plantation shall bear the costs related to the formalization of leaving the land for his

use, pay land tax for the land left for his use and a fee equal to the land tax to the person named in the decision to return the land.
[RT I 2005, 61, 476 - entered into force. 27.11.2005]

§ 13. Land compensation

If the land is not returned, either in part or in whole, it will be compensated in accordance with the procedure provided by the Land Valuation Act.

§ 14. Restitution and compensation of land between several entitled subjects

(1) If several entitled subjects demand the return of land, including a place of residence, the land shall be returned to their joint ownership according to their shares, unless the entitled subjects agree otherwise. In order to conclude the agreement, the local government gives the entitled entities a one-month deadline. If the entitled subjects do not sign an agreement within the specified term, the land will be returned to joint ownership. If the entitled subjects agree on the division of the land, the land will be returned in accordance with the agreement of the entitled subjects, and the costs related to the division of the returned land shall be borne by the persons who applied for the division of the land.

(2) Every entitled subject has the right to demand land compensation according to his share.

(3) If any entitled subject wants compensation for his share, or the return procedure has been completed to the extent of the right of claim of any entitled subject and other entitled subjects request its return, the entire property shall be returned in proportion to the parts of the subjects requesting the return of a greater part of their share, unless the entitled subjects agree otherwise . In order to conclude the agreement, the local government gives the entitled entities a one-month deadline. If the entitled subjects do not sign an agreement within the specified term, the land will be returned to joint ownership. If the entitled subjects agree on the division of the land, the land will be returned in accordance with the agreement of the entitled subjects, and the costs related to the division of the returned land shall be borne by the persons who applied for the division of the land.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(4) If the unlawfully expropriated land was jointly owned, the land shall be returned to the joint ownership of the subjects entitled to the parts of the joint ownership according to their shares. If all the entitled subjects of one part of the co-ownership do not claim the land back, or the land return procedure has been completed to the extent of the part of some of the entitled subjects, other entitled subjects of the same part of the co-ownership are entitled to demand the return of that part in excess of the right to claim. If the persons mentioned in the previous sentence do not wish to return the land in excess of their share of the right to claim, or if some part of the co-ownership is not requested back and the entitled subjects of the other parts request its return, the entire property shall be returned to their co-ownership in proportion to the shares of the subjects requesting the return of a larger part of their share, if the entitled subjects do not agree otherwise. In order to conclude the agreement, the local government gives the entitled entities a one-month deadline. If the entitled subjects do not sign an agreement within the specified term, the land will be returned to joint ownership. If the entitled subjects agree on the division of the land, the land will be returned in accordance with the agreement of the entitled subjects, and the costs related to the division of the returned land shall be borne by the persons who applied for the division of the land.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(5) Õigustatud subjekt, kellele maa tagastati tema nõudeõiguse osast suuremas osas, on kohustatud riigile tasuma võla selle maa eest, mille ulatuses tema osa suurenes. Võlg on teistele õigustatud subjektidele makstud või maksmisele kuulunud kompensatsiooni summa. Võla võib tasuda rahas või erastamisväärtpaberites. Erastamisväärtpaberites võib nõudeõiguse osast suuremana tagastatud maa eest tasuda seaduses sätestatud tähtaja jooksul. Võla tasumisel võib kasutada järelmaksu tingimustel, mis kehtivad maa erastamisel käesoleva seaduse § 22^3 4. lõikes nimetatud isikutele. Võla tasumine tagatakse Eesti Vabariigi kasuks seatava hüpoteegiga. Hüpoteegi seadmise lepingu ja asjaõiguslepingu sõlmib riigi nimel notariaalselt tõestatud vormis kohalik omavalitsus.
[RT I, 08.12.2021, 2 - jõust. 01.01.2022]

§ 14 1 . Return, replacement and compensation of co-owned land
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 15. Land return and compensation procedure

(1) Land return and compensation shall be decided by the local government in accordance with the procedure established by the Government of the Republic .

(2) The land shall be returned at the expense of the entitled subject. The land shall be returned at the expense of the state to the persons specified in Clause 1, Clause 1 of § 5 of this Act and their children and spouses. Land shall be returned to the organizations specified in point 3 of subsection 1 of § 5 of this Act at the expense of the state, if the return is made on the basis of plan and map material.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(3) The Ministry of Finance supervises the organization of land restitution.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(4) In 1938 and in the following years, the "Lists of Taxable Land Units", the documentation of Land Land Offices, and the documents specified in § 7 subsection 4 of the Fundamentals are used to prove the ownership of land. In areas where the documentation of the Cadastre Board and the Land Land Offices does not reflect the situation after the land management operations (replotment) completed before June 16, 1940, the ownership of the land can be proved on the basis of the land management plan drawn up in accordance with the procedure in force before the illegal expropriation of the land.

§ 16. Land buyout debt
[Repealed - RT I 1993, 20, 354 - entered into force. 28.04.1993]

§ 17. Restrictions on the distribution of land
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 18. Restrictions on the use of returned or replacement land
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 19. Restrictions on disposal of returned or replacement land and assignment of the right to return or replace land
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 19[1]. Surrender of the right to claim the return of land

(1) The right to claim the return of land may be assigned by the entitled subject to:
1) spouse and dependent relatives and sisters and brothers and their dependent relatives;
2) to a person who has been recognized as a legitimate subject in respect of the same property;
3) to a person whose owned building, as well as a temporary building or plantation is located on illegally expropriated land, the right to demand the return of which is surrendered;
4) to the owner of the neighboring property or the entitled subject of its return;
5) to an Estonian citizen.

(2) In the notional part, the right of claim may be assigned only to the owner of the building located on the returned land, as well as the owner of the temporary building or plantation. If the right of claim belongs to several legitimate subjects, each of them can assign a part of the right of claim.

(3) The agreement on assignment of the right to claim the return of land must be notarized. The assignment of the right of claim is valid for the organizer of the return if he is presented with the contract of assignment of the right of claim or a notarized copy thereof.

(4) The costs related to the return of the land shall be paid by the person who has acquired the right to claim the return of the land, unless he himself has been recognized as a legitimate subject in respect of the same property to whom the land is returned at the expense of the state, or if the person specified in the second sentence of § 15, paragraph 2 of this Act has surrendered the right to claim to a spouse or child.
[RT I 2005, 61, 476 - entered into force. 27.11.2005]

§ 19[2]. Inheritance of the right of claim

(1) [Repealed - RT I 2010, 41, 242 - entry into force. 01.09.2010]

(2) [Repealed - RT I 2010, 41, 242 - entry into force. 01.09.2010]

(3) [Repealed - RT I 2010, 41, 242 - entry into force. 01.09.2010]

(4) If the right to claim the return of land has been inherited and the inheritor was a member of the group of persons specified in the second sentence of subsection 2 of § 15 of this Act, to whom the land is returned at the state's expense, the person who inherited the right of claim also has the right to return the land at the state's expense.
[RT I 2005, 61, 476 - entered into force. 27.11.2005]

III. part
LAND PRIVATIZATION AND COMMISSIONING

[RT I 2005, 61, 476 - entered into force. 27.11.2005]

§ 20. Land subject to privatization and given for usufruct

(1) Land that is not returned, is not left in state ownership, or is not transferred to municipal ownership on the basis of this Act shall be subject to privatization. If the land is requested for state ownership on the basis of § 31, subsection 1, point 8 of this Act or for municipal ownership on the basis of § 28, subsection 2 of this Act, the natural person who applies for privatization of the land with the right of first refusal has the right to acquire the land to the extent provided for in § 22[1] of this Act.

(1[1]) The land specified in subsection 2 of § 81 of the Forest Act (hereinafter *state forest land*) is not subject to privatization and usufruct. The owner of a residential building located in the national forest area has the right to privatize land up to 2 ha, and the owner of another building has the right to privatize the land needed to service the building.

(1[2]) The land of nature reserves of protected areas, land of target protection and restricted zones, land of conservation areas, land of permanent habitats, as well as land belonging to individual and other objects of protected nature, land of the Natura 2000 network or other land taken under temporary protection in the Heritage Protection Act are not subject to privatization and transfer to use. the land of the designated monuments and heritage protection zones. The owner of a residential building located on the land mentioned in the first sentence of this paragraph has the right to privatize the land up to 2 ha, and the owner of another building has the right to privatize the land needed to service the building. As an exception, the administrator of the protected area or the Heritage Board, taking into account the established protection regime, may allow the land of the conservation area or the land of the target protection or restriction zone of the protected areas, the land of permanent habitat, 1.–2[1][2]. to the extent provided for in paragraph 1 or to the extent provided for in subsection 6 of § 23[3] of this Act.[2] The provisions of the previous sentence shall also be applied to the land specified in § 31 subsection 1 of this Act when an addition is made to an adjoining immovable property belonging to a private person, unless the immovable property with which this land is to be merged is subject to acquisition by the state on the basis of § 20 of the Nature Conservation Act. The land privatized as an exception on the basis of this subsection is not subject to acquisition by the state on the grounds provided in § 20 of the Nature Conservation Act. The corresponding note is entered in the land register and is also mandatory

when transferring ownership.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(2) [Repealed]

(3) If it is not possible or expedient to form an independent property next to the residential or non-residential premises owned as movable property due to land management requirements or construction technical conditions, the owner of the residential or non-residential premises has the right to become the owner of the land on the grounds and in the manner provided in the Residential Privatization Act.
[RT I 2006, 30, 232 - entry into force. 01.01.2007]

§ 21. Entitled subjects of land privatization and land usufructuring

(1) Estonian citizens and items 2-4 of this section. the persons specified in subsection are the legitimate subjects of land privatization with the restrictions arising from this Act.

(1^{1}) Subjects entitled to usufruct of land are natural persons and Estonian private legal entities that meet the conditions set forth in this Act.

(2) A foreigner may privatize the land granted to him for original use on the basis of the Farm Act of the Estonian SSR, the land necessary for servicing the building he owns and the land specified in § 22 subsection 1 3 of this Act. For the purposes of this Act, a foreigner is a natural person who is not an Estonian citizen.
[RT I, 14.01.2014, 1 - enters into force. 24.01.2014]

(3) A foreign legal entity may privatize the land necessary to service the building it owns and the land specified in § 22 subsection 1 of this Act . At the same time, the branch of the foreign company must be registered in the Estonian business register. A foreign country does not have the right to privatize land with the right of first refusal.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(4) An Estonian private legal entity may privatize land if it is entered in the register kept by the keeper of the Estonian business register. A person acting on the basis of the Act on Churches and Congregations, the Act on Non-Profit Organizations or the Act on Foundations and entered in the relevant register may privatize land for a specific purpose in accordance with its statutory activities.

(5) The Government of the Republic shall establish a list of local government units or land areas bordering the state border, border water body or sea coast, as well as other land areas important for national security, where privatization of land by a foreigner or Estonian private legal entity is permitted only if it is not contrary to the public interests or security of the state and local government unit.
[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(6) In the case specified in subsection 5 of this section, the organizer of privatization shall ask for the position of the local government unit where the land is located and the Ministry of the Interior. The minister responsible for the field can authorize the government agency of the Ministry of the Interior to give the opinion of the Ministry of the Interior. If the privatization of land conflicts with the public interests of the local government unit, the Government of the Republic decides on the permissibility of the privatization.
[RT I, 12.12.2018, 2 - enters into force. 22.12.2018]

(7) A foreigner, a foreign country, a foreign legal entity, a local government, a public legal entity, as well as a private legal entity whose shares or parts at least one-third belong to the state or local government may not participate in the privatization of land by auction.
[Effective paragraph 8. from 01.05.2004, with the exception of the special conditions stipulated in subsections 2 and 3 of § 41.]

(8) The rights provided in this Act for Estonian citizens and Estonian legal entities in connection with the privatization and usufructuring of land shall apply to the citizens of the contracting states of the European Economic Area (hereinafter *the contracting state*) or legal entities of the said countries, respectively. The benefits provided for permanent residents of Estonia in the case of land privatization apply to citizens of the treaty countries.
[RT I 2006, 7, 40 - entry into force. 04.02.2006]

§ 22. Ways of land privatization

(1) With the right of pre-emption, land can be privatized by persons to whom the land has been granted for original use on the basis of the Farm Act of the Estonian SSR or who have the right to purchase land as the owner of a building or plantation in accordance with this Act, taking into account the restrictions stipulated in § 21, as well as residential, apartment, garage- , the land of a summer cottage or gardening cooperative in common use by its members, which is not requested back. The owner of the plantation specified in § 12 subsection 1 2 of this Act can privatize the land under the plantation that becomes vacant during the return process with the right of first refusal.

(1^{1}) Land in common use by members of a housing, apartment, garage, cottage or gardening cooperative shall be deemed to be land within the boundaries of the said cooperative's land use rights, which the members of the cooperative use jointly and which is not designated as a plot belonging to the building of the cooperative member or as land necessary for its service .

(1^{2}) [Repealed - RT I, 08.12.2021, 2 - entered into force. 01.01.2022]

(1^{3}) If it is not possible to form an independently usable immovable property on the land bordering a private, municipal or state-owned immovable property (further on *land suitable for merging with the immovable property*) and due to the requirements of planning and land management it is expedient to merge this land with the adjoining immovable property, the owner of the adjoining immovable property has the right apply for the acquisition of this land to merge with your real estate. The acquisition of land suitable for merging

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with real estate is carried out on the basis provided for in Part VI of this Act .
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(2) Land subject to privatization, for which there are no requests for privatization with the right of first refusal, with the exception of agricultural land and forest land, will be privatized at a limited auction if the persons specified in subsection 4 of this section are present. Agricultural land with no requirements for return and privatization with the right of first refusal (hereinafter *free agricultural land*) is
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given to usufructuary in accordance with § 23 of this law . The composition of the cadastral unit formed from vacant agricultural land
3 of this
may, due to the requirements of land management, also include other parcels of commercial land, including forest land § 23
Act
to the extent provided in paragraph 6. Forest land with no requirements for privatization with the right of return and right of first refusal, except for the agricultural land included in the composition of the agricultural land given to usufruct as a result of the land
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management requirements (hereinafter *free forest land*), will be privatized in accordance with § 23 of this law . Due to the requirements of land management, the composition of the cadastral unit formed from vacant forest land may also include other plots of
4 , paragraph 6 of this Act.
land profit land to the extent provided for in the second sentence of § 23 Land subject to privatization, which
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remains unprivatized at a limited auction or is not transferred to usufruct on the basis of § 23 of this Act , with the exception of forest land, shall be privatized at a public auction.

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(2) In densely populated areas, land for which there are no requests for privatization with the right of first refusal shall be privatized by cadastral units.
[RT I, 23.03.2015, 3 - enters into force. 01.07.2015]

(3) In public auctions and limited auctions, the sales contract is concluded with the person who accepts the established sales conditions and offers the highest purchase price.

(4) At a limited auction, the following can buy:
1) land with no residential or designated purpose, to whom the land was not partially or fully returned in the administrative territory of the local government where the land to be privatized is located on the grounds provided for in clauses 2-4 of subsection 2 of § 6 of this Act, and the said land is the local government adopted a decision on partial or full compensation of the land;
2) agricultural, forest, residential and non-purpose land, a person who was not returned land located in a protected area reserve or target protection zone in the administrative territory of the local government where the land to be privatized is located, or to whom the returned land is located either partially or entirely in a protected area reserve located in the administrative territory of the local government where the land to be privatized is located, or in the target protection zone;
3) spouses, whose average age does not exceed 30 years, as well as a family or an individual who have at least three minor children to raise and support, live in the county where the land to be privatized is located;
4) a tenant of a returnable dwelling living in the county where the land to be privatized is located, if the lease agreement was concluded before the entry into force of the Principles on June 20, 1991.
5) [invalidated - RT I 2005, 61, 476 - entry into force. 27.11.2005] 6) [invalidated - RT I 2005, 61, 476 - entry into force. 27.11.2005]

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§ 22 . The extent of land privatization

1 2
(1) Land may be privatized with the right of pre-emption in §§ 7, 8, 9, 10, § 20 1 of this Act . and 1 . paragraph and to the extent provided in § 21, unless this section provides otherwise.

(2) The owner of a dwelling located outside the boundaries of a city or a densely populated area, who is an Estonian citizen, has the right to privatize with the right of pre-emption the land that becomes vacant during the return to the extent of up to 50 ha or within the boundaries of the former property, if it was larger than 50 ha, provided that the property is formed to the residential building, and this does not violate the rights of another person who has the right of first refusal. The real estate may consist of cadastral units immediately adjacent to the residential cadastral unit, if there is an administrative boundary between them or a road, stream or river belonging to another person, a trunk ditch of the land reclamation system or land under other utility networks and facilities.

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(2) A person acting on the basis of the Act on Churches and Congregations, the Act on Non-Profit Organizations or the Act on Foundations and entered in the relevant register may privatize up to 75 ha of land.

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(2) A person engaged in agricultural production has the right, with the consent of the local government, to privatize up to 50 ha of agricultural land that becomes vacant during the return process, next to the livestock building (complex of buildings) that is used for a specific purpose, located outside the boundaries of a city or a densely populated area. The land to be privatized next to the livestock building (complex of buildings) in purposeful use may consist of cadastral units directly adjacent to the cadastral unit of the base of the building mentioned in this sentence, if there is an administrative boundary between them or a road, stream or river belonging to another person, a trunk ditch of the land reclamation system or land under other utility networks and facilities. If several persons apply for privatization of the same piece of land with the right of first refusal and they do not agree between themselves by the deadline set by the local government,
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(3) One person may privatize a total of up to 200 ha of land at a limited auction. The persons specified in subsection 4 of § 22 of this Act can only acquire land once at a limited auction. At a public auction, one person can privatize a total of up to 300 ha of agricultural land, 100 ha of forest land and 3 ha of urban and other settlement land.

(4) If the building is jointly owned, the co-owners have the right to privatize the land with the right of first refusal to the extent and under the conditions provided for in subsections 1 and 2 of this section. Each co-owner has the right to privatize an imaginary part of the land corresponding to the part of the co-ownership of the building. The co-owners of a house located outside the city limits can privatize a total of up to 50 ha of land with the right of pre-emption, or within the boundaries of the former property if it was larger than 50 ha. The size of the land to be privatized, which exceeds 2 ha, is determined by the agreement of the co-owners. If an agreement is not reached, the land will be privatized to the extent provided for in subsection 1 of § 9 of this Act.

(4^{1}) If one of the co-owners of a residential building located outside the city limits does not wish to privatize the land with the right of pre-emption in a part exceeding 2 ha, the other co-owners have the right, taking into account the extent of the land to be privatized with the right of pre-emption provided in this section and other conditions, to privatize more land as a separate cadastral unit accordingly.

(4^{2}) If the building is the joint property of the spouses, the right to privatize the land is in accordance with sections 2 and 2^{2} of this section . to the extent provided for in the paragraph, spouses jointly on the basis of their joint application. If the spouses do not submit a joint application, the land will be privatized to the spouse who is registered as the owner of the building. The second spouse is entered as a joint owner in the land register on the basis of a joint notarized application of the spouses.

(4^{3}) Kui mõni ehitise kaasomanik ei soovi maad omandada või on kaotanud maa ostueesõigusega erastamise õiguse, on erastamise õigust omaval kaasomanikul õigus erastamise korraldaja poolt määratud tähtaja jooksul kas taotleda ehitise teenindamiseks vajaliku maa erastamist ning sellele maale kõigi ehitise kaasomanike kasuks hoonestusõiguse seadmist või nõuda asjaõigusseaduse rakendamise seaduse § 12 alusel ehitiseosa müümist või kaasomandi lõpetamist. Kui maa erastamise õigust omav kaasomanik ei soovi erastada rohkem maad, kui vastab tema osale ehitises, siis jäetakse erastamise nõudeta osa ehitise teenindamiseks vajalikust maast riigi omandisse ja ehitise teenindamiseks vajalikule maale seatakse kõigi ehitise kaasomanike kasuks hoonestusõigus.
[RT I, 15.03.2013, 26 - jõust. 20.03.2013]

(4^{4}) Kui maa ostueesõigusega erastamise menetluse käigus on ehitise kaasomanik kaotanud maa erastamise õiguse ning erastamiseks moodustatud katastriüksus on suurem kui ehitise teenindamiseks vajalik maa, on erastamise õigust omaval kaasomanikul õigus erastada ehitise teenindamiseks vajalikust maast ülejääv maa eraldi katastriüksusena. Kui ükski ehitise kaasomanik ei soovi maad erastada ehitise teenindamiseks vajalikust maast suuremas ulatuses, jäetakse ehitise teenindamiseks vajalikust maast ülejääv maa riigi omandisse.
[RT I, 04.07.2017, 1 - jõust. 01.01.2018]

(5) Kui mõni ehitise kaasomanik on maa tagastamise õigustatud subjekt ja maad taotletakse tagasi, siis tagastatakse ja erastatakse maa käesoleva paragrahvi 1. lõikes sätestatud ulatuses kaasomandisse vastavalt kaasomanike mõttelistele osadele ehitises. Kui mõni ehitise kaasomanik ei ole tähtaegselt esitanud avaldust maa ostueesõigusega erastamiseks, kuid tagastamise ja erastamise eeltoimingute tegemise ajal avaldab soovi maad ostueesõigusega erastada, esitades valla- või linnavalitsusele sellekohase avalduse, tagastatakse ja erastatakse ehitise teenindamiseks vajalik maa vastavalt kaasomanike mõttelistele osadele ehitises. Kui mõni ehitise kaasomanik ei soovi maad omandada või tal ei ole maa omandamise õigust, on teistel kaasomanikel õigus taotleda tema kaasomandi osale vastava ehitise teenindamiseks vajaliku maa osa erastamist või tagastamist võrdeliselt neile kuuluvate mõtteliste osadega ehitises, kui maa omandamist taotlevad kaasomanikud ei lepi kokku teisiti. Kokkuleppe sõlmimiseks annab kohalik omavalitsus kaasomanikele vähemalt ühekuulise tähtaja. Kui teised kaasomanikud ei soovi omandada rohkem maad, kui vastab nende mõttelisele osale ehitises, siis jäetakse erastamise või tagastamise nõudeta osa ehitise teenindamiseks vajalikust maast riigi omandisse ja kõigi ehitise kaasomanike kasuks seatakse hoonestusõigus.
[RT I, 15.03.2013, 26 - jõust. 20.03.2013]

(6) Erastatava maa suuruse ja piirid määrab vastavuses planeeringu ja maakorralduse nõuetega kindlaks kohalik omavalitsus Vabariigi Valitsuse kehtestatud korras. Ehitise teenindamiseks vajalik maa määratakse juhul, kui krunt ei ole kindlaks määratud või kui krundi suuruse ja piiride muutmine on planeeringu ja maakorralduse nõuetest tulenevalt otstarbekas. Tiheasustusega alal asuvale elamule määratakse teenindamiseks vajaliku maa suurus ja piirid käesoleva seaduse § 7 5. ja 5^{1}. lõikes sätestatud alustel.

(7) Aiandus- ja suvilaühistu ringpiiri sees asuv suvila või aiamaja omanikule ostueesõigusega erastatav maa võib koosneda mitmest lahustükist.

§ 22^{2}. Maa erastamise korraldaja

(1) Maa erastamist korraldab Maa-amet (edaspidi *erastamise korraldaja*). Kui riigivara erastamise käigus on erastataval maal asuvad ehitised võõrandanud Eesti Erastamisagentuur või need kuuluvad juriidilisele isikule, kelle aktsiad või osad on müünud Eesti Erastamisagentuur, korraldab kuni 2001. aasta 1. novembrini Eesti Erastamisagentuur selle maa erastamist, mille erastamise toimikud on talle esitatud 2001. aasta 1. juuniks. Kohalik omavalitsus teeb maa erastamisel seaduses ja sellest tulenevates õigusaktides sätestatud erastamise eeltoimingud.
[RT I, 04.07.2017, 1 - jõust. 01.01.2018]

(2) [Kehtetu - RT I, 04.07.2017, 1 - jõust. 01.01.2018]

§ 22^{3}. Erastatava maa eest tasumine

(1) Ostueesõigusega erastatava maa müügihinnaks on 2001. aasta maa maksustamishind. Maa ostueesõigusega erastamisel enne 2002. aasta 1. jaanuari esitatud avalduse alusel on maa müügihinnaks 1993. aasta maa maksustamishind või 1996. aasta maa maksustamishind, kui viimane on madalam kui 1993. aasta maa maksustamishind. Vaba metsamaa, samuti metsamaa katastriüksuse koosseisu arvatud põllumajandusmaa ja sihtotstarbeta maa müügihinnaks ning enampakkumisega erastatava maa alghinnaks on maa erastamise avalduse esitamise ajal kehtinud maa maksustamishind. Metsamaa erastamisel lisatakse maa müügihinnale või

enampakkumisega erastatava maa alghinnale kasvava metsa maksumus.
[RT I, 08.12.2021, 2 - jõust. 01.01.2022]

(2) Elamu, suvila ja aiamaja krundi või teenindamiseks vajaliku maa, sealhulgas elamu, suvila ja aiamaja püstitamiseks antud maa või väljaspool linna elamu juurde maa erastamisel Eesti alalisele elanikule korrutatakse erastatava maa müügihind kuni 2 ha ulatuses koefitsiendiga 0,5. Üks isik saab sooduskoefitsiendiga erastada maad ühe elamu ja ühe suvila või aiamaja juurde. Põllumajandusmaa ostueesõigusega erastamisel äriregistrisse kantud füüsilisest isikust ettevõtjale, kes tegeleb erastatava maa asukohajärgse kohaliku omavalitsuse haldusterritooriumil põllumajandusliku tootmisega, korrutatakse erastatava põllumajandusmaa müügihind koefitsiendiga 0,5. Kui eelmises lauses nimetatud isik erastab põllumajandusmaad elamu juurde ja erastatava maa kogupindala on suurem kui 2 ha, siis maa müügihinna määramiseks korrutatakse esmalt erastatava maa hulka kuuluva põllumajandusmaa müügihind koefitsiendiga 0,5 ja järgnevalt lahutatakse kogu müügihinnast ühe hektari maa keskmine müügihind.
[RT I, 08.12.2021, 2 - jõust. 01.01.2022]

(3) Maa erastamisel võib ostja kuni poole müügihinnast tasuda erastamisväärtpaberites, kui käesoleva paragrahvi 4., 5., 6. ja 6^1. lõikest ei tulene teisiti. Erastamisväärtpaberites võib maa eest tasuda seaduses sätestatud tähtaja jooksul.

(4) Kogu müügihinna võib tasuda erastamisväärtpaberites:
1) füüsiline isik ostueesõigusega erastatava elamu, suvila ja aiamaja krundi või teenindamiseks vajaliku maa, sealhulgas elamu, suvila ja aiamaja püstitamiseks antud maa ning eluruumi juurde kuuluva maa mõttelise osa eest, ning põllumajandus-, metsa-, sihtotstarbeta ja Eesti NSV taluseaduse alusel põliseks kasutamiseks antud maa eest, samuti aiandus- või suvilaühistu tema liikmete ühiskasutuses oleva maa eest;
2) isik piiratud enampakkumisega erastatava maa eest;
3) isik asunduspiirkonnas erastatava maa eest;
4) äriregistrisse kantud füüsilisest isikust ettevõtja, kes tegeleb maa asukohajärgse kohaliku omavalitsuse haldusterritooriumil põllumajandusliku tootmisega, või äriregistrisse kantud Eesti eraõiguslik juriidiline isik, kelle põhiliseks tegevusalaks on põllumajanduslik tootmine maa asukohajärgse kohaliku omavalitsuse haldusterritooriumil, käesoleva seaduse § 22^1 2^2. lõike alusel erastatava maa eest;
5) korteri- ja elamuühistu erastatava elamumaa eest;
6) isik põllumajandusliku tootmishoone maa eest.

(5) Füüsiline isik, kes ei ole Eesti alaline elanik, ning juriidiline isik, kelle osa- või aktsiakapitalis välismaalaste või välismaise juriidilise isiku osa moodustab üle 50 protsendi, peavad erastatava maa eest tasuma rahas ning ei saa tasumisel kasutada järelmaksu. Maa erastamisel võib füüsiline isik, kes ei ole Eesti alaline elanik, tasuda erastatava maa eest erastamisväärtpaberites talle õigusvastaselt võõrandatud vara eest tasutud kompensatsiooni ulatuses.

(6) Eesti Vabariigi seaduse «Kooperatiivsete, riiklik-kooperatiivsete ja ühiskondlike organisatsioonide vara taasriigistamise ja erastamise kohta» kohustatud subjekt ja Eesti Vabariigi põllumajandusreformi seaduse kohustatud subjekti õigusjärglane võivad ostueesõigusega erastatava maa eest tasuda erastamisväärtpaberites lisaks käesoleva paragrahvi 3. lõikes nimetatud osale ka ülejäänud osa müügihinnast eluruumide erastamisest talle või temaga ühte kontserni kuuluvale äriühingule laekunud summa ulatuses.

(6^1) In addition to the part specified in subsection 3 of this section, the organization specified in point 3 of subsection 1 of § 5 of this Act may pay in privatization securities for land to be privatized with the right of first refusal and in a limited auction, in addition to the part specified in subsection 3 of this section, also the remaining part of the sale price for land illegally transferred to it or to an organization belonging to the same union or church with it. to the extent of received compensation.

(6^2) The persons specified in point 1 of subsection 4 of this section may pay for the land to be privatized with privatization securities as an advance payment before the cadastral unit is formed in accordance with § 22^4 of this law .

(7) When privatizing land, the buyer has the right to pay the sale price in installments:
1) up to 5 years, if the sale price of the land is 1,800 to 19,170 euros;
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]
2) up to 10 years, if the selling price of the land is 19,171 to 319,550 euros;
3) up to 15 years, if the sale price of the land is over 319,550 euros;
4) in the case of privatization of the land provided for in subsection 4 of this section, up to 50 years, with the calculation that the amount to be paid, excluding interest, is not less than 360 euros per year.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(8) At least 10 percent of the purchase price is paid before concluding the sales contract. The payment of the debt is secured by a mortgage.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(9) The sale price of land that is privatized or privatized by a person with the right of first refusal or at a limited auction or as free agricultural or forest land may be reduced or the buyout debt canceled for each child born after June 7, 1996 of the land owner or land privatizer in the amount of up to 1,600 euros, regardless of the conclusion of the purchase and sale agreement of the time. If the unpaid part of the sale price is less than 1,600 euros or the sale price has been paid in full (also as an advance payment), the person mentioned in the previous sentence has the right to demand the return of the overpaid amount, regardless of the time of signing the land purchase-sale agreement. The Government of the Republic shall establish the procedure for the implementation of the incentives provided for in this paragraph .
[RT I 2010, 22, 108 - entry into force. 01.01.2011]

(10) A natural person who has at least four children under the age of 18 to raise and support may reduce the sale price of land with a right of first refusal or limited auction or land to be privatized or privatized as free agricultural or forest land or write off the buyout debt up to 1,600 euros. In the case of land purchase and sale contracts concluded before November 30, 1997, the sale price can be reduced or the buyout debt can be canceled if the landowner had at least four children under 18 to raise and support on the said date. After

November 30, 1997, the land purchase debt can be canceled or the sale price can be reduced, if the said children were raised and supported by the landowner at the time of signing the land purchase and sale agreement, or if the child born after the signing of the purchase and sale agreement is also the fourth child under the age of 18 to be raised and supported by the landowner -year-old children. If the unpaid part of the sale price is less than 1,600 euros or the sale price has been paid in full (also as an advance payment), the person specified in this paragraph has the right to demand the return of the overpaid amount. Establishes the procedure for implementing the benefits provided in this paragraphGovernment of the Republic .
[RT I 2010, 22, 108 - entry into force. 01.01.2011]

(11) If a person has the right to receive a discount both on the basis of subsection 9 and subsection 10 of this section when paying for privatized or land to be privatized, both discounts shall be applied.

(12) In order to receive a discount on the basis of subsections 9 or 10 of this section, an application for reducing the sale price of land, returning the overpaid amount or canceling the buyout debt shall be submitted to the privatization organizer.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(13) The privatization organizer decides on the implementation of the incentives provided for in subsections 9 and 10 of this section. According to the circumstances, the decision must include the following:
1) details of the person who applied for a reduction of the sales price or the cancellation of the purchase debt or the return of the overpaid amount and the object of the sales contract;
2) the legal basis for implementing the discount;
3) the amount to which the sale price or buyout debt is reduced, or the overpaid amount that is returned;
4) details of the land sale contract that is the basis for the emergence of the buyout debt or the return of the paid amount;
5) by what due date and to what extent the amount to be paid will be cleared, if a sales contract has been concluded for the acquisition of land and a payment schedule has been drawn up to pay off the buyout debt;
6) unused part of the amount of benefits.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 22 4 . Advance payment for land privatization

(1) If a person who has the right to privatize land with the right of first refusal wishes to pay an advance payment for the land to be privatized, he shall notify the local government of his wish in writing. The municipality determines the area and price of the land to be privatized on the basis of the list of taxable lands and issues an advance payment notice to the applicant within ten working days. The sale price of the land to be privatized, which is paid in advance, may be reduced in the cases and in the amount provided for in subsections 9-11 of § 22 3 of this Act . If there is more than 0.5 ha of forest land within the boundaries of the property, a certificate of assessment of the land and growing forest is required. In this case, the municipality issues a notification within ten working days after receiving the assessment report. The entire purchase price is paid as an advance payment.

(2) After the formation of the cadastral unit, upon signing the purchase-sale agreement, the sale price of the land to be privatized is determined on the same basis as was valid at the time of payment of the advance payment.

(3) If the sale price of the land specified in the land purchase and sale agreement differs from the amount paid in advance by up to 8 percent, the sale price of the land is considered fully paid.

(4) If the amount paid in advance is more than 8 percent less than the sale price of the land specified in the land purchase and sale agreement, the land privatizer shall pay the difference between the amount paid as advance and the sale price of the land specified in the land purchase and sale agreement in cash or in privatization securities under the conditions and by the deadline specified in the purchase and sale agreement.

(5) Ettemaksuna makstud summat tagasi ei maksta, välja arvatud käesoleva seaduse § 22^3 9.–11. lõikes sätestatud juhul ja juhul, kui ettemaksu tasunud isik ei saa maad temast olenemata põhjusel ostueesõigusega erastada või kui ettemaksu summa ei ole määratud õigesti. Ettemaks tagastatakse vastavalt ettemaksu tasumisel kasutatud maksevahenditele erastamisväärtpaberites või rahas. Pärast erastamisväärtpaberite kasutamise tähtaja lõppu tagastatakse erastamisväärtpaberites tasutud ettemaks kooskõlas erastamisseaduse §-ga 29^1.

(6) Maa eest tasutud ettemaks läheb üle teisele isikule koos maa ostueesõiguse üleminekuga.

(7) [Kehtetu]

(8) Erastatava maa eest saab ettemaksu tasuda Vabariigi Valitsuse kehtestatud korras.
[RT I 2006, 7, 40 - jõust. 04.02.2006]

§ 23. Maa erastamise kord

(1) Maa erastatakse vastavuses planeeringu ja maakorralduse nõuetega. Maa erastamiseks moodustatakse katastriüksus plaani- ja kaardimaterjali alusel. Kui see ei ole võimalik plaani- ja kaardimaterjali puudulikkuse tõttu või kui erastamise õigustatud subjekt ei soovi maad plaani- ja kaardimaterjali alusel erastada, viiakse läbi katastriüksuse mõõdistamine. Vaba metsamaa erastamiseks võib katastripidaja loal katastriüksuse moodustada plaani- ja kaardimaterjali alusel juhul, kui erastatav maa piirneb üksnes riigi maakatastris registreeritud, mõõdistamise teel (välja arvatud aerofotogeodeetiline mõõdistamisviis) moodustatud katastriüksustega.

(1^1) Kui maa erastamiseks moodustatakse katastriüksus mõõdistamise teel ja maa ostueesõigusega erastamise õigust omav isik on saanud ostueesõigusega erastatava maa piiride kulgemise ettepaneku, on erastamise õigust omav isik kohustatud nimetatud ettepaneku alusel tellima katastriüksuse moodustamise tööd vastavat litsentsi omavalt isikult kolme kuu jooksul ettepaneku kättesaamisest arvates ja teavitama tellimuse esitamisest kohalikku omavalitsust kirjalikult kümne päeva jooksul. Kui katastriüksuse moodustamist ei ole võimalik lõpule viia maa erastamise õigust omava isiku tegevuse või tegevusetuse tõttu, määrab valla- või linnavalitsus erastamise õigust omavale isikule tähtaja katastriüksuse moodustamise toimiku valla- või linnavalitsusele esitamiseks. Kui erastamise õigust omav isik mõjuva põhjuseta ei esita tellimust katastriüksuse moodustamiseks nimetatud tähtaja jooksul või ei esita

toimikut määratud tähtpäevaks, kaotab ta maa erastamise õiguse. Sellisel juhul jäetakse ehitise teenindamiseks vajalik maa riigi omandisse ja ehitise omaniku kasuks seatakse hoonestusõigus. Kui erastamise korraldaja teeb vaba metsamaa erastamise õigust omavale isikule ettepaneku tellida katastriüksuse moodustamise tööd vastavat litsentsi omavalt isikult, on erastamise õigust omav isik kohustatud katastriüksuse moodustamise tööd tellima kolme kuu jooksul ettepaneku tegemisest arvates. Kui erastamise õigust omav isik mõjuva põhjuseta ei esita tellimust katastriüksuse moodustamise tööde tegemiseks nimetatud tähtaja jooksul, kaotab ta maa erastamise õiguse.
[RT I, 15.03.2013, 26 - jõust. 20.03.2013]

(2) Õigusvastaselt võõrandatud maa tagastamine otsustatakse pärast seda, kui valla- või linnavalitsuse korraldusega on ostueesõigusega erastatava maa suurus ja piirid kindlaks määratud. Maa erastamine muul käesoleva seaduse §-s 22 sätestatud viisil algatatakse pärast õigusvastaselt võõrandatud maa tagastamise või kompenseerimise otsustamist.

(3) Maa ostueesõigusega erastamise menetluseks vajalikud toimingud tehakse seaduses ja Vabariigi Valitsuse määruses sätestatud tähtaja jooksul.
[RT I, 15.03.2013, 26 - jõust. 20.03.2013]

(3^1) Ehitise omaniku surma korral esitab valla- või linnavalitsus vajaduse korral notarile avalduse pärimismenetluse algatamiseks. Kui kuue kuu jooksul ehitise omaniku surmast arvates ei ole pärija selgunud ja puudub muu pärandvara valitsema õigustatud isik, esitab valla- või linnavalitsus kohtule avalduse pärandvara hoiumeetmete rakendamiseks. Valla- või linnavalitsus võib avalduse esitada ka enne kuue kuu möödumist, kui selleks on mõjuvad põhjused. Nimetatud avalduste esitamisega seotud kulud hüvitatakse kuludokumentide alusel omandireformi reservfondist, välja arvatud juhul, kui kohalik omavalitsus on ise pärija.
[RT I, 15.03.2013, 26 - jõust. 20.03.2013]

(4) Erastamise korraldaja, kuulanud ära kohaliku omavalitsuse seisukoha, otsustab piiratud enampakkumisele kutsutavate isikute ringi.

(4^1) Maa erastamisel käesoleva seaduse § 23^4 alusel või enampakkumisega erastamisel erastatakse maa moodustatud katastriüksuste kaupa, mitte nende kogumina.

(4^2) Maa erastamisel piiratud ja avalikul enampakkumisel on erastamise korraldajal õigus kehtestada enampakkumise osavõtutasu, mille suurus ei või olla suurem kui 60 eurot, ja tagatisraha, mille suurus ei või olla suurem kui 10 protsenti enampakkumisega erastatava maa alghinnast. Osavõtutasu enampakkumisest osavõtnutele ei tagastata. Enampakkumise võitjale, kui temaga sõlmitakse maa ostu-müügileping, tagatisraha ei tagastata ja see võetakse arvesse maa müügihinna tasumisel. Tagatisraha, sealhulgas reserveeritud tagatisraha, ei tagastata isikule, kes põhjustas enampakkumise nurjumise või tulemuste kinnitamata jätmise, samuti enampakkumise võitjale, kui ta mõjuva põhjuseta ei sõlmi maa ostu-müügilepingut kolme kuu jooksul enampakkumise tulemuste kinnitamise päevast arvates.
[RT I 2010, 22, 108 - jõust. 01.01.2011]

(5) Maa erastamine toimub ostja kulul. Erastamiskulude koosseisu ja nende määramise alused kehtestab Vabariigi Valitsus. Maa ostu-müügi-, asjaõigus- ja hüpoteegi seadmise lepingud sõlmib riigi nimel erastamise korraldaja. Maa erastamisel võib ostu-müügi- ja asjaõiguslepingu sõlmida lihtkirjalikus vormis. Kui maa erastatakse järelmaksuga, sõlmitakse maa ostu-müügi-, asjaõigus- ja hüpoteegi seadmise leping notariaalselt tõestatud vormis. Notari tasu tasub ostja. Maa ostu-müügi-, asjaõigus- ja hüpoteegi seadmise leping tuleb sõlmida kolme kuu jooksul maa erastamise otsuse jõustumise või enampakkumise tulemuste kinnitamise päevast arvates. Maa piiratud või avaliku enampakkumise võitja, vaba põllumajandus- ja vaba metsamaa erastamise õigust omav isik või maa ostueesõigusega erastamise õigust omav isik, kes mõjuva põhjuseta ei sõlmi maa ostu-müügilepingut nimetatud tähtaja jooksul, kaotab maa erastamise õiguse. Sellisel juhul jäetakse ehitise teenindamiseks vajalik maa riigi omandisse ja ehitise omaniku kasuks seatakse hoonestusõigus Vabariigi Valitsuse kehtestatud korras.

(5^1) Maa müügilepingu kohustuslikud tingimused on:
[RT I, 08.12.2021, 2 - jõust. 01.01.2022]
1) ostja kinnitus selle kohta, et seda maatükki erastades vastab ta sooduskoefitsiendi rakendamiseks, maa väljaostuvõla kustutamiseks või müügihinna vähendamiseks vajalikele tingimustele ega ületa käesolevas seaduses sätestatud maa erastamise piirmäärasid;
[RT I, 08.12.2021, 2 - jõust. 01.01.2022]
2) [kehtetu - RT I, 08.12.2021, 2 - jõust. 01.01.2022]
3) ostja kohustus tasuda erastamise korraldaja eriarvele rahas kolmekordne seadusliku müügihinna ning ostu-müügilepingus fikseeritud müügihinna vahe, kui pärast maa ostu-müügilepingu sõlmimist selgub, et ostja ei vastanud sooduskoefitsiendi rakendamiseks, väljaostuvõla kustutamiseks või müügihinna vähendamiseks vajalikele tingimustele.
[RT I, 08.12.2021, 2 - jõust. 01.01.2022]
4) [kehtetu - RT I, 08.12.2021, 2 - jõust. 01.01.2022]
5) [kehtetu - RT I, 08.12.2021, 2 - jõust. 01.01.2022]
6) [kehtetu]
7) [kehtetu]

(5^2) Ostja on kohustatud tasuma erastamise korraldaja erastamise eriarvele rahas kolmekordse müügihinnaga võrdse summa, kui pärast maa ostu-müügilepingu sõlmimist selgub, et ostja ületas vastava maatüki erastamisega käesolevas seaduses sätestatud maa erastamise piirmäära.

(5^3) [Kehtetu - RT I, 08.12.2021, 2 - jõust. 01.01.2022]

(6) Maa erastatakse Vabariigi Valitsuse kehtestatud korras.
[RT I 2006, 30, 232 - jõust. 01.01.2007]

§ 23^1. Vaba põllumajandusmaa erastamine või kasutusvaldusesse andmine
[Kehtetu - RT I 2002, 100, 586 - jõust. 01.01.2003]

§ 23[2]. Vaba metsamaa erastamine
[Kehtetu - RT I 2002, 100, 586 - jõust. 01.01.2003]

§ 23[3]. Vaba põllumajandusmaa kasutusvaldusesse andmine

(1) Vallavalitsus selgitab välja käesoleva seaduse § 22 2. lõikes nimetatud vaba põllumajandusmaa pindala ning, arvestades maa efektiivse kasutamise, planeeringu ja maakorralduse nõudeid, piiritleb plaanil kasutusvaldusesse antavad maatükid. Iga piiritletud maatükk registreeritakse ja tähistatakse plaanil numbriga. Koostatud plaani ja maatükkide registreerimise lehe üks eksemplar jääb omavalitsusse avalikuks tutvumiseks ja teine esitatakse kasutusvalduse seadjale. Kasutusvaldusesse antava vaba põllumajandusmaa plaani ja maatükkide registreerimislehe avalik väljapanek toimub pärast asjakohase loa saamist kasutusvalduse seadjalt. Teade plaani avaliku väljapaneku koha, alguse ja kestuse kohta avaldatakse maakonnalehes, viimase puudumisel vähemalt ühes üleriigilise levikuga päevalehes.
[RT I, 04.07.2017, 1 - jõust. 01.01.2018]

(1[1]) Vaba põllumajandusmaa antakse kasutusvaldusesse Eesti kodanikule või Eesti eraõiguslikule juriidilisele isikule, kes vastavad käesoleva paragrahvi 2. lõikes sätestatud nõuetele.

(2) Vaba põllumajandusmaa kasutusvaldusesse saamiseks esitab äriregistrisse kantud füüsilisest isikust ettevõtja, kes tegeleb põllumajandusliku tootmisega maa asukohajärgse kohaliku omavalitsuse haldusterritooriumil või põllumajandusliku tootmisega naaberomavalitsuse territooriumil ja tema maaomand piirneb kasutusvaldusesse antava maaga, või äriregistrisse kantud Eesti eraõiguslik juriidiline isik, kelle põhiliseks tegevusalaks on põllumajanduslik tootmine maa asukohajärgse kohaliku omavalitsuse haldusterritooriumil, omavalitsusele avalduse maa suuruse ja maatüki numbri(te) nimetamisega. Põllumajandusliku tootmisega tegeleja käesoleva seaduse tähenduses on isik, kes saab tulu omatoodetud põllumajandussaaduste või nendest valmistatud toodete müügist ning omab tootmiseks vajalikku maad või põllumajandusmaa kasutamise õigust. Põllumajandusmaa kasutamise õigusena käesoleva seaduse tähenduses käsitatakse põllumajandusmaa tegelikku kasutamist õiguslikul alusel.

(3) Käesoleva paragrahvi 2. lõikes sätestatud tingimustele vastavad isikud võivad esitada kas ühe avalduse kõikide taotletavate maatükkide kohta või ka eraldi avaldused iga maatüki kohta. Kui vaba põllumajandusmaa kasutusvaldusesse saamiseks esitavad avaldused isikud, kes on põllumajanduslikuks tootmiseks vajaliku maa kaasomanikud, peavad nad igaüks eraldi vastama käesoleva paragrahvi 2. lõikes sätestatud tingimustele ning neil kokku on õigus vaba põllumajandusmaad kasutusvaldusesse saada käesoleva paragrahvi 6. lõikes sätestatud piirmääras. Kui nimetatud isikud tegelevad põllumajandusliku tootmisega mitme kohaliku omavalitsusüksuse haldusterritooriumil, on neil õigus esitada vaba põllumajandusmaa kasutusvaldusesse saamiseks avaldusi mitmele taotletava maa asukohajärgsele vallavalitsusele. Avaldusi võib esitada ühe kuu jooksul pärast käesoleva paragrahvi 1. lõikes nimetatud plaani avaliku väljapaneku perioodi lõppu, kuid mitte hiljem kui 2010. aasta 1. jaanuaril. Avalduse võib saata ka tähitud kirjana. Vallavalitsus on kohustatud esitatud avaldused registreerima.
[RT I 2009, 61, 404 - jõust. 17.12.2009]

(4) Vallavalitsus koostab vaba põllumajandusmaa kasutusvaldusesse taotlejate nimekirja. Nimekiri (maatüki number, suurus, taotleja nimi või nimetus, äriregistri kood) pannakse välja omavalitsuses avalikuks tutvumiseks. Teade nimekirja avaliku väljapaneku koha, alguse ja kestuse kohta avaldatakse maakonnalehes, viimase puudumisel vähemalt ühes üleriigilise levikuga päevalehes.
[RT I 2005, 61, 476 - jõust. 27.11.2005]

(5) Enne vaba põllumajandusmaa kasutusvaldusesse saajate nimekirja kinnitamist on vallavolikogul õigus nõuda taotlejalt põllumajandusliku tootmisega tegelemist tõendavaid dokumente. Kaebusi võib huvitatud isik esitada kümne päeva jooksul, arvates nimekirja avalikustamise kuupäevast. Vallavolikogu lahendab huvitatud isikute kaebused, kinnitab nimekirja ja esitab selle kasutusvalduse seadjale. Vallavolikogu poolt kinnitatavasse nimekirja ei kanta isikuid, kes ei vasta käesolevas seaduses sätestatud nõuetele.
[RT I, 04.07.2017, 1 - jõust. 01.01.2018]

(5[1]) Vallavolikogu kinnitab vaba põllumajandusmaa kasutusvaldusesse saajate nimekirja hiljemalt 2010. aasta 1. mail. Kui enne 2010. aasta 1. maid vastuvõetud vaba põllumajandusmaa kasutusvaldusesse saajate nimekirja kinnitamise otsuse on kohus tühistanud või õigusvastaseks tunnistanud, võib vallavolikogu sama põllumajandusmaa suhtes vastu võtta nimekirja kinnitamise otsuse pärast 2010. aasta 1. maid, kuid mitte hiljem kui kolm kuud pärast kohtulahendi jõustumist.
[RT I 2009, 61, 404 - jõust. 17.12.2009]

(6) Üks isik võib käesoleva paragrahvi alusel kasutusvaldusesse saada kuni 250 ha vaba põllumajandusmaad, mille koosseisu võib maakorraldusnõuetest tulenevalt kuuluda kokku kuni 15 ha metsamaad. Kui käesoleva lõike esimeses lauses sätestatud piirmäära piires ei jätku taotlusi kõigile kohaliku omavalitsuse haldusterritooriumil kasutusvaldusesse antavatele vaba põllumajandusmaa maatükkidele, võib vallavolikogu otsustada anda ühe isiku kasutusvaldusesse rohkem kui 250 ha maad, võimaldades kõigil taotlejatel esitada täiendavaid taotlusi. Vaba põllumajandusmaa kasutusvaldus seatakse ühe isiku kasuks. Kui ühte maatükki soovib kasutusvaldusesse saada mitu isikut ja nad omavahel kohaliku omavalitsuse määratud tähtajaks kokku ei lepi, otsustab maa kasutusvaldusesse andmise kasutusvalduse seadja vallavolikogu ettepanekul. Vallavolikogul on õigus eelistada taotlejat, kes tegelikult kasutab sama maatükki õiguslikul alusel või kelle maaomandiga taotletav maatükk piirneb, või füüsilisest isikust ettevõtjat. Kui kasutusvalduse seadja ei nõustu vallavolikogu ettepanekuga või leiab, et kohaliku omavalitsuse otsus ei ole õiguspärane, saadab ta ettepaneku volikogule tagasi uueks arutamiseks.
[RT I, 04.07.2017, 1 - jõust. 01.01.2018]

(6[1]) Vaba põllumajandusmaa kasutusvaldusesse saamise õigust omav isik, kes on taotlenud vaba põllumajandusmaad kasutusvaldusesse käesoleva paragrahvi 6. lõikes sätestatud piirmäärast suuremas ulatuses, on kohustatud viivitamatult pärast seda, kui talle on saanud teatavaks, et ta on kantud vallavolikogu otsusega kinnitatud vaba põllumajandusmaa kasutusvaldusesse saajate nimekirja käesoleva paragrahvi 6. lõikes sätestatud piirmäära ulatuses, teatama sellest kirjalikult vallavolikogule ja loobuma piirmäära ületava vaba põllumajandusmaa kasutusvaldusesse taotlemisest. Vallavolikogu on kohustatud kustutama nimekirjast isiku, kes on kantud vaba põllumajandusmaa kasutusvaldusesse saajate nimekirja käesoleva paragrahvi 6. lõikes sätestatud piirmäära ületavas osas. Käesoleva paragrahvi 6. lõikes sätestatud piirmäära ületava vaba põllumajandusmaa kasutusvaldusesse andmiseks sõlmitud

tehing on õigustühine.
[RT I 2005, 61, 476 - jõust. 27.11.2005]

(7) [Kehtetu - RT I 2005, 61, 476 - jõust. 27.11.2005]

(8) [Kehtetu - RT I 2005, 61, 476 - jõust. 27.11.2005]

§ 23[4]. Vaba metsamaa erastamine

(1) Vallavalitsus selgitab välja käesoleva seaduse § 22 2. lõikes nimetatud vaba metsamaa pindala ning, arvestades maa efektiivse kasutamise, planeeringu ja maakorralduse nõudeid, piiritleb plaanil erastamisele kuuluvad maatükid. Iga piiritletud maatükk registreeritakse ja tähistatakse plaanil numbriga. Koostatud plaani ja maatükkide registreerimise lehe üks eksemplar jääb omavalitsusse avalikuks tutvumiseks ja teine esitatakse hiljemalt 2003. aasta 1. septembriks maavanemale. Maavanem otsustab loa andmise või sellest keeldumise dokumentide saamisest arvates ühe kuu jooksul. Erastatava vaba metsamaa plaani ja maatükkide registreerimislehe avalik väljapanek toimub pärast maavanemalt asjakohase loa saamist ja kestab üks kuu. Teade plaani avaliku väljapaneku koha, alguse ja kestuse kohta avaldatakse maakonnalehes.

(2) Vaba metsamaa erastamise õigustatud subjekt on Eesti kodanik. Vaba metsamaa erastamiseks võib kohalikule omavalitsusele avalduse esitada äriregistrisse kantud füüsilisest isikust ettevõtja, kes tegeleb maa asukohajärgse kohaliku omavalitsuse haldusterritooriumil põllumajandusliku tootmisega käesoleva seaduse § 23[3] 2. lõike tähenduses või metsamajandusega. Metsamajandusega tegeleja käesoleva seaduse tähenduses on isik, kes maa asukohajärgse kohaliku omavalitsuse territooriumil omab metsamaad koos kasvava metsaga ning on teostanud selles metsas metsaseaduse tähenduses hooldustöid või asunud täitma samas seaduses sätestatud metsa uuendamise kohustust.

(3) Käesoleva paragrahvi 2. lõikes sätestatud tingimustele vastav isik võib esitada kas ühe avalduse kõikide erastamiseks taotletavate metsamaatükkide kohta või eraldi avalduse iga metsamaatüki kohta. Isikud võivad esitada ühise avalduse vaba metsamaa erastamiseks kaasomandisse. Kaasomanikud peavad igaüks eraldi vastama käesoleva paragrahvi 2. lõikes sätestatud tingimustele. Kaasomanikel on õigus kokku erastada metsamaad käesoleva paragrahvi 6. lõikes sätestatud piirmääras. Kui nimetatud isikud tegelevad metsamajandusega mitme kohaliku omavalitsuse haldusterritooriumil, on neil õigus esitada vaba metsamaa erastamise avaldus mitmele taotletava maa asukohajärgsele vallavalitsusele. Avaldusi võib esitada ühe kuu jooksul pärast käesoleva paragrahvi 1. lõikes nimetatud avaliku väljapaneku lõppu. Avalduse võib saata ka tähitud kirjana. Vallavalitsus on kohustatud esitatud avaldused registreerima.

(4) Vallavalitsus koostab vaba metsamaa erastamise taotlejate nimekirja. Nimekiri (maatüki number ja suurus, taotleja nimi, äriregistri kood, taotluse sisu) pannakse välja omavalitsuses avalikuks tutvumiseks. Teade nimekirja avaliku väljapaneku koha, alguse ja kestuse kohta avaldatakse maakonnalehes. Nimekirja avalik väljapanek kestab kümme kalendripäeva.

(5) Kaebusi võib huvitatud isik esitada kümne päeva jooksul, arvates nimekirja avalikustamise kuupäevast. Huvitatud isikute kaebused lahendab vallavolikogu.

(6) Käesoleva paragrahvi alusel võib üks isik erastada kuni 20 ha vaba metsamaad. Maakorralduse nõuetest tulenevalt võib erastatava maa pindala olla kuni 10 ha suurem. Kui ühte maatükki taotleb mitu isikut ja nad omavahel kohaliku omavalitsuse määratud tähtajaks kokku ei lepi, eelistab kohaliku omavalitsuse volikogu naaberkinnistu omanikku, seejärel põllumajandusliku tootmisega tegelejat ja seejärel isikut, kelle omandis on taotlejatest kõige vähem metsamaad.

(7) Vallavolikogu kinnitab metsamaa erastajate nimekirja hiljemalt 2004. aasta 1. aprillil. Isik loetakse vaba metsamaa erastamise õigust omavaks vallavolikogu poolt nimekirja kinnitamisest alates. Vallavolikogu poolt kinnitatavasse nimekirja ei kanta isikuid:
1) kes on viimase kümne aasta jooksul võõrandanud enda omandis olnud metsamaad, välja arvatud abikaasale, alanejatele sugulastele ja vanematele või kui toimus metsamaa müük-ost metsamaa terviklikkuse ja otstarbeka kasutamise tagamiseks;
2) kes on enda omandis olevat metsamaad puudulikult uuendanud või ei ole seda hooldanud metsaseaduse tähenduses;
3) kelle omandis on rohkem kui 100 ha metsamaad.

(8) A person with the right to privatize vacant forest land, who has applied for the privatization of land in an amount greater than the limit specified in subsection 6 of this section, is obliged immediately after he has been informed that he has been included in the list approved by the decision of the municipal council in subsection 6 of this section to the extent of the stipulated limit, report this in writing to the municipal council and refrain from privatizing the land exceeding the limit. The municipal council is obliged to delete from the list a person who is included in the list in a part that exceeds the limit specified in subsection 6 of this section. A transaction concluded for the privatization of land exceeding the limit stipulated in subsection 6 of this section is void.

(9) A person who has privatized forest land on the basis of this section may not alienate this forest land before full payment of the purchase price, but not before five years have passed from the conclusion of the purchase and sale agreement, except to the spouse, relatives and parents, and he may not establish usufruct on this forest land within ten years from the conclusion of the sales contract. Corresponding marks are entered in the land register and are also mandatory during the transfer of ownership.
[RT I 2006, 30, 232 - entry into force. 01.01.2007]

§ 24. Restrictions on the use and disposition of privatized land

[Repealed - RT I 1996, 36, 738 - entry into force. 07.06.1996]

IV. part
MUNICIPAL LAND

§ 25. Transfer of land to municipal ownership

(1) The land specified in § 28 of this Act shall be transferred to the municipal property free of charge.

(2) Land transferred to municipal ownership may be used by the local government only for the intended purpose and purpose specified in the decision to transfer the land to municipal ownership.

(3) Before transferring land transferred to municipal ownership on the basis of this Act and encumbering it with building rights, the necessity of the immovable property for the state must be determined in accordance with § 33 subsection 1 1 of the State Property Act .
[RT I, 23.02.2023, 1 - enters into force. 01.04.2023]

(4) [Repealed - RT I, 23.02.2023, 1 - entered into force. 01.04.2023]

(4 1) [Repealed - RT I, 23.02.2023, 1 - entered into force. 01.04.2023]

(4 2) [Repealed - RT I, 23.02.2023, 1 - entered into force. 01.04.2023]

(5) When forming a cadastral unit for land at the base of water bodies and undeveloped social land and municipally owned roads, streets and railways, a cadastral unit shall not be drawn up.

(5 1) The General Director of the Land Board decides on the transfer of land to municipal ownership determined in accordance with subsection 38 (3) of this Act.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

(6) The procedure for transferring land into municipal ownership shall be established by a regulation of the Government of the Republic .
[RT I, 23.02.2023, 1 - enters into force. 01.04.2023]

§ 26. Second-level local government body as manager of first-level local government municipal land
[Repealed - RT I 1994, 94, 1609 - entry into force. 29.12.1994]

§ 27. Possession, use and disposal of municipal land
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 28. Land given to municipal ownership

(1) [Repealed - RT I, 04.07.2017, 1 - entry into force. 14.07.2017]

(2) [Repealed - RT I, 04.07.2017, 1 - entry into force. 14.07.2017]

(3) Land, which the local government unit did not request to be transferred to municipal ownership by the deadline provided in this Act, shall be transferred to municipal ownership, if the land is not subject to restitution, privatization or remaining in state ownership on the basis of this Act.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

Bush
STATE LAND

§ 29. Leaving land in state ownership

The land specified in subsection 1 of § 31 of this Act shall be retained in state ownership by a decision of the Government of the Republic or a government agency authorized by it. The procedure for leaving land in state ownership, authorized government agencies and the basis for appointing the administrator of state land shall be established by the Government of the Republic . The size and boundaries of the land to be left in state ownership are determined in accordance with the planning and land management requirements without drawing up a specific detailed plan.

§ 30. Administration of state land
[Repealed - RT I 1996, 36, 738 - entry into force. 07.06.1996]

§ 31. Land left in state ownership

(1) Riigi omandisse jäetakse:
1) riigi omandisse jäävate hoonete ja rajatiste alune ning neid teenindav maa;
2) riikliku kaitse all olev ja riikliku kaitse all olevate objektide juurde kuuluv maa, kui kehtestatud kaitserežiim teeb võimatuks maa kasutamise teise isiku poolt;
3) riigi omandisse jäävate veekogude alune maa;
4) sotsiaalmaa;
5) riigikaitsemaa;
6) riigimetsamaa;
7) riigi äriühingute ja riigiasutuste põllumajandusmaa;
8) riigi maareserv;
9) [kehtetu - RT I, 29.06.2018, 1 - jõust. 01.07.2018]
10) teise isiku ehitise teenindamiseks vajalik maa, millele seatakse hoonestusõigus;
11) [kehtetu - RT I 2000, 54, 347 - jõust. 16.07.2000]
12) maa, millele seatakse kasutusvaldus vastavalt käesoleva seaduse §-le 34 1 ;
13) maa, mis antakse välisriigi omandisse, valdusse või kasutusse või mille üleandmises on valitsusdelegatsioonid kirjalikult kokku leppinud.
14) [kehtetu - RT I, 08.12.2021, 2 - jõust. 01.01.2022]

(2) Maa, mida ei tagastata, erastata ega anta munitsipaalomandisse või mis ei ole jäetud riigi omandisse käesoleva paragrahvi 1. lõike alusel, on samuti riigi omandis.

(3) Transfer of land left in state ownership is carried out in accordance with the procedure provided for in the State Property Act, unless otherwise provided by law.

VI. part
LAND TO BE TRANSFERRED TO FOREIGN OWNERSHIP

[RT I 1996, 36, 738 - entry into force. 07.06.1996]

§ 31 1 . Land given to foreign ownership

[Repealed - RT I 1996, 36, 738 - entry into force. 07.06.1996]

VI 1 . part
IMPLEMENTATION OF LAND REFORM ON LAND WHICH IS NOT POSSIBLE TO ESTABLISH AN INDEPENDENT USED REAL ESTATE

[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

§ 31 2 . Land suitable for merging with real estate

(1) Land suitable for merging with real estate is generally considered to be a strip, wedge or wedge-shaped or other irregularly shaped plot of land, or a piece of land without the possibility of independent use due to its small size, which is generally not accessible from a public road and which, as a rule, has arisen in nature during or after the implementation of land reform, mainly in use at different times were due to errors due to different plan or map material or different methods of surveying. The plot of land between the immovable property and a publicly used road owned or possessed by another person and the immovable property can also be considered suitable land for merging with the immovable property, if it is not expedient to include it in the subject land in the opinion of the owner or possessor of the road.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(2) A plot of land that is subject to privatization, return or transfer to municipal ownership as an independently usable land unit or left in state ownership is not considered land suitable for merging with immovable property.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 31 3 . Acquisition of land suitable for incorporation into real estate

(1) The procedure for acquiring land suitable for merging with immovable property begins with the submission of an application by the owner of the adjoining immovable property or the initiation of the procedure by the municipal or city government or the Land Board. The land is added to the immovable property by changing the boundary on the basis provided in the Land Management Act, taking into account the differences provided in this section.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(2) The municipal or city government or the Land Board performs the preliminary steps for the ownership of land suitable for merging with an immovable property, during which it identifies the land suitable for merging with an immovable property and prepares a site plan of the land unit, transferring the boundaries of the land to a printout of the cadastral map, which clearly shows the boundaries and cadastral features of adjoining immovable properties. The municipality or city government will find out whether applications for land return or privatization with right of first refusal have been submitted for land suitable for merging with immovable property, or whether the procedure for leaving the land in state ownership has been initiated, or whether the manager of the state property of the adjoining immovable property is interested in leaving the mentioned land in state ownership, or whether it is expedient to merge the land in the adjoining municipal property with the existing immovable property.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(3) [Repealed - RT I, 04.07.2017, 1 - entry into force. 01.01.2018]

(4) After determining the possibility of making an addition to the immovable property, the land management plan is forwarded and a proposal is made for the acquisition of land to owners of immovable properties whose immovable property can be combined with an addition based on the requirements of the planning and land management. The land acquisition proposal is not made to the owner of the immovable property whose immovable property is subject to acquisition by the state on the basis of § 20 of the Nature Conservation Act. The person who received the proposal has the right to submit an application for the acquisition of land within the deadline set by the person in charge of land management. If the application is not submitted within the specified period, the person is considered to have given up the acquisition of the land.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(5) Based on the requirements of the planning and land management, the person carrying out the land management has the right to decide whether it is expedient to divide or not divide the land suitable for merging with the immovable property.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(6) If land suitable for merging with immovable property is applied for in whole or in part in state ownership or municipal ownership, and its merging with land owned by the state or local government is in accordance with the requirements of planning and land management, the part of the land requested for ownership by the state or local government is not subject to division between other persons wishing to acquire the land .
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(6[1]) The procedural actions specified in subsection 4 of this section shall not be carried out if an addition is made from the land suitable for merging with the immovable property to the immovable property belonging to the state or local government.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(7) On the basis of this section, the costs related to land acquisition shall be borne by the land acquirer.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(8) The purpose of the cadastral unit created as a result of land management shall be the purpose of the real estate to which the addition is added. If the actual use of the land to be added as an extension differs from it, the cadastral unit can be assigned several purposes. The intended purpose of the part to be merged is also indicated in the decision on determining the intended purpose.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(9) Compensation is paid to the Land Board for the land to be acquired, the determination of which is based on the lowest land taxation price determined on the basis of the results of regular land assessments. When acquiring forest land, the cost of the growing forest is added to the compensation, which is determined on the same basis as in the case of privatization with the right of first refusal.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(9[1]) When paying the compensation for the land to be acquired, installment payments can be used in accordance with subsections 7 and 8 of § 22[3] of this Act. In order to ensure the payment of the installment, the immovable property is mortgaged to which the excess is added. Section VIII[2] of this Act applies to the establishment of a mortgage, the payment of a redemption debt and the management of a mortgage. the provisions of
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(10) The procedures for making additions to immovable property bordering on land without independent use, setting deadlines, payment of compensation and other costs for additions, and those performing procedural actions shall be established by a regulation of the Government of the Republic.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(11) If the land area for which the local government has initiated detailed planning includes the land specified in § 31[2] subsection 1 of this Act, the procedure for acquiring this land will be carried out at the same time as the planning procedure, regardless of whether all adjoining immovable properties are located on the planned land area or not.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(12) The amount of compensation to be paid for the land to be acquired, the procedure for payment and the conditions for setting up a mortgage in the case of payment in installments and other important circumstances are determined in the decision made on the basis of § 30 1 subsection 4 of the Land Management Act.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(13) As a result of the land management, the change of the boundaries of the cadastral unit is registered in the land cadastre after the payment of compensation or the conclusion of an installment agreement and the establishment of a mortgage.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(14) The ownership of the land acquired as an addition shall be transferred to the acquirer to the same extent as it had in relation to the immovable property with which the addition is added. As a result of the land arrangement, the immovable property that is part of the spouse's separate property or the addition added to it does not become joint property of the spouses.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(15) If an addition is merged with a state-owned immovable property that has been encumbered with the right to build or usufruct in the course of land reform, the rights and obligations of the builder or usufructuary arising from the said property rights shall extend to the entire formed immovable property.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

VII. part
LAW OF CONTRACTUAL USE OF LAND AND LAW OF BUILDING

§ 32. Provision of land for contractual use

(1) Land left in the ownership of the state is put into use on the basis and according to the procedure provided for in the State Property Act, unless otherwise provided by this Act.

(2) In the course of land reform, land subject to return or privatization with the right of first refusal shall not be put into contractual use, except in the cases provided for in §§ 34[1] and 35[1] of this Act.

§ 33. Subjects of the contractual right to use land
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 34. Use of land based on a lease agreement
[Repealed - RT I 2000, 54, 347 - entry into force. 16.07.2000]

§ 34[1]. Procedure for granting usufruct of land and use of land on the basis of usufruct

(1) Usufructuary may be established in favor of a person who was given land to use on the basis of the Farm Act of the Estonian SSR and who uses this land at the time of applying for usufruct and does not wish to acquire the land.

(2) A person engaged in agricultural production who has acquired the right to usufruct of land on the basis of § 23[3] of this Act shall be granted usufruct of agricultural land for up to 15 years. In order to extend the usufruct for another 15 years, the usufructuary submits a written request to the Land Office no later than three months before the end of the usufruct. The contract will not be extended if the land granted for usufruct is necessary for the exercise of state power, for the local government to fulfill its tasks or for other public purposes.
[RT I, 19.05.2020, 2 - enters into force. 29/05/2020]

(2[1]) The land is given for usufruct in accordance with the requirements of planning and land management. With the permission of the cadastre keeper, a cadastral unit can be formed on the basis of plan and map material for the purpose of giving land for usufruct, only if the land to be given for usufruct only borders on cadastral units registered in the state land cadastre, formed by surveying (except for the aerial photogeodetic surveying method). When land is given for usufruct on the basis of § 23[3] of this Act , land is given for usufruct by cadastral units formed, not as a collection of them.

(3) The person in whose favor the usufruct has been established on the basis of this section has the right to apply for the acquisition of land after two years have passed since the usufruct was established. The transfer of ownership of land granted usufruct is regulated by a separate law, which stipulates the persons entitled to acquire land encumbered with usufruct, the extent and conditions of land acquisition.
[RT I 2009, 18, 107 - entry into force. 28.03.2009]

(3[1]) On the basis of subsection 3 of § 201 of the Property Law Act, the cutting of growing forest by the usufructuary on the land given to usufruct as free agricultural land is excluded. As an exception, the usufructuary may, in accordance with the procedure set by the Government of the Republic and for a fee, cut down the forest growing on the land granted in the usufruct. The land granted for usufruct may not be leased or used by another person.
[RT I 2009, 18, 107 - entry into force. 28.03.2009]

(4) The person in whose favor the usufruct has been established on the basis of this section shall pay only land tax in the first five years, the payment of the usufruct fee shall begin after five years have passed since the usufruct is entered in the land register. The amount of the annual usufruct fee is 2% of the applicable land tax price, but not less than 6.35 euros.
[RT I 2010, 22, 108 - entry into force. 01.01.2011]

(5) The establishment of a usufruct is organized by the Land Board in accordance with the procedure established by the Government of the Republic . The local self-government unit shall perform the preliminary actions provided for in this Act and the legislation arising from it when the land is given into usufruct. On the basis of § 31, paragraph 1, point 12 of this Act, a property rights agreement concluded in simple written form may be submitted simultaneously with the application for entering the land in the land register for the purpose of establishing usufruct. The contract for establishment of usufruct is concluded by the Director General of the Land Board or his authorized person.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(5[1]) The agreement to establish usufruct on land must contain the provisions of the property rights agreement for securing land and land-related property rights. According to the circumstances, the mandatory conditions of land usufructuary contracts are:
1) a confirmation by the land usufructuary that by acquiring free agricultural land, he does not exceed the limit stipulated in subsection 6 of § 23[3] of this Act , or that by acquiring land usufruct, he does not exceed the limit based on the Farm Act of the Estonian SSR, or the extent of the land given to him for use in a manner equal to it;
2) the obligation of the land usufructuary to pay land tax during the duration of the contract;
3) the obligation of the usufructuary of the land to start paying the usufruct fee after five years have passed since the usufruct was entered in the land register;
4) the obligation of the land usufructuary to pay 0.05 percent of the late payment for each day the payment is delayed in case of delay in payment of the usufruct fee;
5) the obligation of the land usufructuary not to give the land for rent or use to another person;
6) the obligation of the land usufructuary to use the land for its intended purpose and in accordance with good agricultural practice;
7) reference to § 201, paragraph 3 of the Property Law Act, on the basis of which the felling of the growing forest on the land granted to usufructuary by the usufructuary is excluded, and 3[1] of this section . to the exception provided for in paragraph;
8) the obligation of the land usufructuary to pay a fine of at least 1,270 euros for improper fulfillment of the obligations specified in points 1, 5, 6 or 7 of this paragraph.
[RT I 2010, 22, 108 - entry into force. 01.01.2011]

(6) The recipient of the usufruct of the land shall bear the costs related to the transfer of the land to the usufruct, the composition and basis of which shall be established by the Government of the Republic.

(6[1]) If the usufructuary does not wish to continue agricultural production, the Land Board terminates the land usufruct contract. The Land Board has the right, simultaneously with the termination of the contract, to conclude a usufruct establishment agreement under the same conditions with one person who continues agricultural production and is a relative of the usufructuary or a spouse living with the usufructuary.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(6^{2}) Instead of a usufructuary who is a natural person, the land granted usufruct may be used by a person who continues agricultural production on the land and is a relative or spouse of the usufructuary or a legal entity, the majority of the total share capital or the total number of votes of which belongs to the usufructuary, based on a written agreement concluded with the usufructuary, to a relative or spouse. The usufructuary informs the usufructuary about the use of the land and forwards the contract within one month after its conclusion.
[RT I, 19.05.2020, 2 - enters into force. 29/05/2020]

(7) In the event of the usufructuary's death, the spouse who lived with the usufructuary may enter into the usufruct establishment agreement in his place. If the usufructuary did not have a spouse living with him or if the spouse does not want to enter into the usufruct establishment agreement, one heir has the right to enter into the usufruct establishment agreement according to the agreement between the heirs.

(8) The Land Board terminates the usufructuary agreement and additionally requires 5^{1} of this section . if necessary, the damage caused by the usufructuary to the settlement fine provided for in clause 8, if the land user:

1) violates this section 3^{1} . the provisions of paragraph;
2) does not use the land for its intended purpose and does not follow good agricultural practices;
3) systematically fails to pay the usufruct fee on time or
4) does not comply with section 6^{2} of this section . to the requirements set out in paragraph
[RT I, 19.05.2020, 2 - enters into force. 29/05/2020]

§ 34^{2} . Extension of the lease agreement

(1) The provisions of the State Assets Act shall apply to use contracts when extending the usufructuary agreement, unless this section provides otherwise.

(2) The mandatory conditions of the usufruct contract according to the circumstances are:
1) the usufruct fee is a market-based usufruct fee and the obligation to pay the fee arises from the establishment of the usufruct;
2) in the case of a market-based fee of less than ten euros, the usufruct fee is ten euros;
3) the usufructuary has the obligation to pay land tax and other ancillary costs, taxes and charges related to the immovable property;
4) in case of delay in payment of the usufruct fee, the usufructuary must pay 0.05 percent of the late payment amount for each day the payment is delayed;
5) the usufruct fee may be changed five years after the usufruct was established and again five years after the last fee was changed;
6) the usufructuary must use the land for its intended purpose and in accordance with good agricultural practice;
7) growing forest may be felled on the land assigned to usufructuary only with the written consent of the usufructuary, paying the local average state forest sales price for the forest material;
8) the usufructuary may make improvements beyond normal maintenance on the land assigned to the usufruct only with the written consent of the usufructuary;
9) offsets may be made with the usufruct fee to compensate for the costs incurred to improve the matter, if the improvements have been made with the consent of the usufructuary;
10) the usufructuary has the right, after the usufruct has been established, to apply for the acquisition of land in accordance with the Land Acquisition Act granted to usufruct during the land reform;
11) the rights and obligations arising from usufruct may not be performed by another person, with the exception of § 34^{1} 6^{1} ., 6^{2} of this Act . and the person specified in paragraph 7;
12) if the usufructuary violates the provisions of this section, the usufructuary has the right to terminate the usufruct contract and demand a fine in the amount of one year's usufruct fee.

(3) The Land Board decides on the extension of the usufructuary agreement, concludes a property rights agreement in written form with the usufructuary and submits a written application for registration of the usufruct in the land register.
[RT I, 19.05.2020, 2 - enters into force. 29/05/2020]

§ 35. Use of land on the basis of a free use agreement
[Repealed - RT I 1996, 36, 738 - entered into force. 07.06.1996]

§ 35^{1} . Establishing the building right in favor of the owner of the building

(1) The building right is set in favor of the owner of the building who does not want or does not have the right to acquire the land.
[RT I, 14.01.2014, 1 - enters into force. 24.01.2014]

(1^{1}) In the course of land reform, the procedure, terms and conditions for establishing the building right on state land, including the amount of the annual fee for the building right, its modification and payment, shall be established by a regulation of the Government of the Republic .
[RT I, 14.01.2014, 1 - enters into force. 24.01.2014]

(1^{2}) The procedure for establishing the building right shall not be started, and the building right shall not be established on the basis of a building permit, if construction has not started. In this case, the land use right granted for the construction of the building is deemed to have expired.
[RT I, 14.01.2014, 1 - enters into force. 24.01.2014]

(1[3]) The building right is established on the basis of the decision of the Director General of the Land Board.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(2) The owner of a building, in whose favor a procedure has been initiated to establish the building right, has the right to privatize the land belonging to the building after registering the land necessary for servicing the building in the land cadastre, if it is not land that is necessary for the state to fulfill its tasks. The Land Board informs the owner of the building about the conditions for the privatization of the land within two months after the registration of the land unit in the land cadastre and makes a proposal for the privatization of the land. The sale price of the land to be privatized is the 2001 land taxation price. When privatizing land , the benefits specified in subsections 9 and 10 of § 22[3] of this Act cannot be used .
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(2[1]) When paying the sales price in installments, the land acquirer is obliged to pay at least an amount corresponding to the annual fee for the building right, but not less than 360 euros per year. In the last year of installment payment, the amount due may be lower. The amount to be paid before the conclusion of the contract and to be paid in installments and the deadline for the payment of installments are determined in accordance with subsections 7 and 8 of § 22[3] of this Act.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(3) If the owner of the building wishes to privatize the land, he submits a corresponding request within one month after receiving the proposal from the Land Board. Land privatization is decided by the Director General of the Land Board.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(4) The owner of the building has the right to enter into a sale and rem agreement within three months from the entry into force of the land privatization decision. If the owner of the building does not sign the land sale and property right agreement within the specified term, he loses the right to privatize the land and the Land Board continues the procedure for establishing the building right.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(5) On the basis of subsection 2 of this section, the costs related to the privatization of the land necessary for servicing the building and the notary fees associated with the conclusion of contracts shall be borne by the privatizer. The costs associated with the establishment of the building right are paid from the property reform reserve fund.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(6) The composition of the expenses specified in subsection 5 of this section, the limits and the payment procedure shall be established by the Government of the Republic by regulation.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(7) If the land unit designated for privatization with the right of pre-emption, in respect of which the person has lost the right to privatization, is larger than the land required for servicing the building, the Land Board, at the same time as forming the cadastral unit for the land required for servicing the building, initiates the procedure for leaving the land in the state ownership of the land remaining from the land required for servicing the building.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(8) The Land Board submits a decision on the establishment of building rights and an application for the establishment of state-owned land and the establishment of building rights to the real estate department.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(9) In order to ensure the obligation to pay the building right fee, based on the decision of the Director General of the Land Board, a real estate encumbrance in favor of the land owner is entered in the land registry section of the building right. In order to ensure the requirement to change the fee, the note is entered in the real estate registry section of the building right in the same place as the real encumbrance. The developer is obliged to submit to immediate enforcement in order to satisfy the financial claim secured by real encumbrance.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(10) If the building is the joint property of the spouses and the spouses have submitted a joint application, the building right is established in favor of both spouses. If the spouses have not submitted a joint application, the building right is set in favor of the spouse who is registered as the owner of the building. The second spouse is entered as a joint owner in the land register on the basis of a joint notarized application of the spouses. The building right established for owning a building belonging to the spouse's separate property or part of it on state land does not become joint property of the spouses, unless the spouses agree otherwise.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 36. Termination of existing land use

(1) The existing land use right ends with the reformation of land use on the basis provided in this Act or the State Property Act.

(2) [Repealed]

(3) [Repealed]

§ 37. Continuation of natural persons' land use on farm land and land on which their buildings are located
[Repealed - RT I 1993, 72, 1021 - entry into force. 01.12.1993]

VIII. part
ENSURING LAND REFORM

§ 38. Procedure for carrying out land reform

(1) Land reform is carried out by the Government of the Republic through the Land Board and local governments in accordance with the procedure established by the Government of the Republic on the basis of this Act .
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) When carrying out land reform, the Land Board has the right to:
1) control the activities of a state institution or local government body when carrying out land reform;
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]
2) request information and reports from a state institution or a local government body on the implementation of land reform;
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]
3) issue mandatory prescriptions to a state institution or a local government body regarding the implementation of land reform;
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]
4) to provide explanations on the implementation of legislation related to land reform;
5) involve experts from ministries and other state institutions, as well as researchers and practitioners in the relevant field, in solving the problems that arose during the land reform;
6) if the local government unit does not fulfill the task assigned to it by the legal act, including the prescription specified in point 3 of this paragraph, in the implementation of land reform, transfer the right to perform the task to the Land Board.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(3) Käesoleva seaduse §-s 2 sätestatud eesmärgi saavutamiseks ning §-s 3 sätestatud ülesannete täitmiseks võib Maa-amet korraldada erastatava, munitsipaalomandisse antava ja riigi omandisse jäetava maa väljaselgitamist ning esitada dokumente maa kandmiseks maakatastrisse ja kinnistusraamatusse.
[RT I, 04.07.2017, 1 - jõust. 14.07.2017]

(4) Maa erastamise õigust omav isik on kohustatud maa erastamise menetluses tegema Vabariigi Valitsuse kehtestatud tähtaegadel ja korras menetluseks vajalikke toiminguid. Kui maa erastamise õigust omav isik mõjuva põhjuseta ei tee talle kirjalikult teatatud tähtaja jooksul vajalikke toiminguid, loetakse ta erastamisnõudest loobunuks ja erastamismenetlus lõpetatakse, ehitise teenindamiseks vajalik maa jäetakse riigi omandisse ning sellele seatakse Vabariigi Valitsuse poolt kehtestatud korras hoonestusõigus ehitise omaniku kasuks.

(5) If a monitoring procedure has been initiated regarding an administrative act adopted during the land reform, the execution of the administrative act and the procedure for carrying out the land reform related to this administrative act shall be suspended until the results of the monitoring are revealed. The supervisor immediately informs the local government unit and the affected persons of the initiation of the supervision procedure.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 38 1 . Delivery of an administrative act or other document adopted during land reform

The administrative act or other document adopted in the course of the land reform shall be delivered to the party to the proceedings in the manner prescribed by the Administrative Procedure Act. In the case provided for in subsection 1 of § 31 of the Administrative Procedure Act, an administrative act or other document adopted in the course of land reform may be published in Ametlikud Teadaanded.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

§ 39. Submission of land applications

[Repealed - RT 1992, 10, 145 - entry into force. 12.03.1992]

VIII 1 . part
LAND REAR TAX REQUIREMENTS INFORMATION SYSTEM
[RT I, 14.01.2014, 1 - enters into force. 24.01.2014]

§ 39 1 . Establishment of an information system for land installment claims

(1) The land installment claims information system (hereinafter *the database*) is a database belonging to the state information system, which is established to manage the land sale, real estate and mortgage agreements concluded during the implementation of the land reform, as well as the encumbrance of state land, and to more efficiently perform the tasks of the mortgagee and the administrator of state land.

(2) The data collection shall be established and the bylaws for its maintenance shall be established by the minister responsible for the field by regulation.

(3) The responsible processor of the database is the Land Board, and the authorized processor is designated in the statute of the database.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(4) The land transfer and encumbrance agreements concluded during the implementation of the land reform, as well as the data necessary for the management of the state's financial claims arising from these agreements, are entered into the database. A more detailed list of data to be entered into the database is established in the statute of the database.

(5) The processing of personal data in the database is permitted only to the extent necessary to achieve the purpose of establishing the database.
[RT I, 14.01.2014, 1 - enters into force. 24.01.2014]

VIII 2 . part

ARRANGEMENT OF A MORTGAGE, PAYMENT OF FORECLOSURE DEBT AND MANAGEMENT OF LIMITED PROPERTY RIGHTS

[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 39 2 . Setting up a mortgage

(1) In order to ensure the payment of the sale price of the land in installments, the immovable property that is the object of privatization or restitution is mortgaged in favor of the Republic of Estonia.

(2) In the case of acquisition of land suitable for annexation to immovable property with an installment payment, the immovable property to which the addition is annexed is encumbered in favor of the Republic of Estonia, and the mortgage is entered in the first free place in the land registry of the adjoining immovable property, or payment of the installment payment is ensured by an existing mortgage set up in favor of the Republic of Estonia.

(3) The amount of the mortgage must guarantee at least 1.2 times the amount of the demand for payment in installments for the land, i.e. the buyout debt.

(4) In accordance with the circumstances, the mandatory conditions of the mortgage agreement are:
1) the agreement of the parties, which stipulates the obligation of the owner of the real estate to submit to immediate enforcement to satisfy the claim secured by the mortgage, for which a note is entered in the land register;
2) the buyer's obligation to pay the entire redemption debt in case of transfer of the immovable property, except for the case provided for in § 39 3 subsection 8 of this Act, for which a note is entered in the land register;
3) the buyer's obligation to avoid a decrease in the value of the mortgaged immovable property and to prevent the mortgagee's rights from being damaged in any other way;
4) the buyer's obligation not to cut down the forest growing on the mortgaged land without the mortgagor's permission and to submit the forest management plan stipulated in the Forestry Act to the mortgagor or his authorized representative when applying for a permit;
5) the buyer's obligation to pay a fine of at least EUR 1,270 for improper performance of the obligations specified in points 3 and 4 of this paragraph.

(5) When establishing the mortgage specified in subsection 1 of this section, it may not be agreed that the requirement provided for in § 332 subsection 1 of the Property Law Act does not apply to the mortgage to be established.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(6) The costs related to the conclusion of the mortgage agreement, the transfer, modification and assignment of the mortgage and the release of the real estate from the mortgage, including notary fees and state fees, shall be paid by the owner of the real estate encumbered by the mortgage, unless the limited property right is terminated and deleted on the basis of the application for attachment of the Land Board in accordance with § 39 5 subsection 1 of this Act.
[RT I, 23.02.2023, 1 - entry into force. 01.04.2023]

§ 39 3 . Payment of the redemption debt and becoming collectable

(1) In order to pay off the buyout debt, a payment schedule is drawn up in accordance with the provisions of subsections 7 and 8 of § 22 3 of this Act .

(2) When acquiring land, VI 1 of this Act . on the basis provided in the section, the payment schedule is drawn up in accordance with the clause of § 22 3, paragraph 7 of this Act, on the basis of which the installment payment conditions were determined for the purchase of the immovable property with which the land to be acquired is merged.

(3) The installment payment of the buyout debt begins no later than six months after the conclusion of the sales contract. The arrears must be paid at least twice a year in equal parts by the due dates specified in the payment schedule.

(4) Ten percent interest per year is calculated on the annual amount to be paid according to the payment schedule, five percent per year in the case of privatization of the land specified in § 22 3 subsection 4 and § 35 1 subsection 2 of this Act.

(5) In case of delay in payment, the buyer shall pay a late payment on the unpaid amount within the term at the rate specified in the Law of Obligations Act for late payment, but no more than 0.05 percent for each day the payment is delayed. In the case of late payment, the buyer's late payment is reduced first, the liquidated damages second, the interest third, and the purchase price debt last.

(6) The owner of the land may fully or partially pay the buyout debt before the deadline specified in the payment schedule. No interest is calculated on the amount paid before the due date. In the case of partial early payment, as well as in the cases specified in subsections 9 and 10 of § 22 3 of this Act, the cancellation of the buyout debt starts from the last payment fixed in the payment schedule, the annual amount to be paid is not recalculated and payment continues according to the payment schedule. If the person clearly expresses the will to pay several consecutive scheduled payments, the debt claims are deleted in the order in which they become due.

(7) In case of reduction of the mortgage amount or in case of release from the mortgage of the immovable property arising as a result of the division of the immovable property, a new payment schedule shall be drawn up for the payment of the outstanding buyout debt by

3 of this Act, based on the amount of the unpaid buyout that time under the conditions stipulated in clauses 1-3 of subsection 7 of § 22 debt.

(8) In the course of the land reform, upon the transfer of a mortgaged real estate in favor of the Republic of Estonia, the redemption debt becomes enforceable. The corresponding note is entered in the third section of the real estate register on the basis of the Land Board's confirmation application. The mortgagee has the right to give consent for the transfer of the redemption debt to the acquirer of the immovable property when the immovable property is transferred, if the mortgaged immovable property is transferred directly to a relative, sister, brother, spouse, registered life partner or a person who takes over the debt obligations of the owner of the immovable property as a result of enforcement proceedings or insolvency proceedings.

(9) In the case of transfer of the land buyout debt incurred on the basis of this Act to the new owner of the land, the payment schedule is changed with the calculation that the annual amount to be paid would be at least 360 euros. This paragraph does not apply if the buyout debt is transferred to the heir of the immovable or if the annual amount to be paid is greater than 360 euros.

(10) The Land Board supervises the payment of the buyout debt.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 39 4 . Rights and obligations of the mortgagee

(1) In the case of a mortgage established in favor of the Republic of Estonia during the land reform, the Land Board performs the tasks of the mortgagee.

(2) In order to release from the mortgage the immovable property formed upon the division of the mortgaged immovable property, the ordinary value of the immovable property secured by the mortgage is determined for the installment claim. The mortgagor may allow the division of the immovable property without assessment, if the division is in the public interest or does not harm the interests of the state. With the consent of the mortgagor, the immovable property formed upon division may be released from the mortgage and only the immovable property whose value covers 1.2 times the amount of the claim secured by the mortgage may be left encumbered by the mortgage.

(3) The mortgagee may refuse to give the consent specified in § 39 3 subsection 8 of this Act if less than 360 euros of the claim secured by the mortgage is outstanding or if there is reason to assume that the acquirer of the immovable property is unable to fulfill the state debt obligation or the transfer of the redemption debt may otherwise harm the interests.

(4) The mortgagee has the right to reduce the mortgage amount if at least 30 percent of the redemption debt has been paid and the unpaid amount is greater than 720 euros.

2 of this Act or refuse to do so within three weeks (5) The mortgagor shall grant the permission specified in Clause 4, Clause 4 of § 39 of receiving the application and documents specified in the same provision.

The mortgagee has the right to refuse permission if, as a result of felling, the value of the immovable would fall below 1.2 times the amount of the claim secured by the mortgage.

(6) In the event of a decrease in the value of the immovable property below 1.2 times the amount of the claim secured by the mortgage, the mortgagor is obliged to implement all measures provided by law to prevent the decrease in the value of the mortgaged immovable property.

(7) If the value of the mortgaged immovable property decreases below the amount provided by law, the mortgagee has the right to cancel the installment agreement, demand full payment of the unpaid buyout debt and cancellation of the mortgage or additional security, including the mortgage of the immovable property that was not the subject of privatization or restitution.

(8) The mortgagor has the right to cancel the installment agreement in an emergency, if the debtor who is a natural person has not paid at least two consecutive installments, or the amount owed corresponds to at least the sum of two installments of the installment payment, or if the debtor who is a legal entity has an unpaid installment of the installment payment, the payment of which has been over three months past due.

(9) The mortgagee may assign the mortgage to the landowner only if such a condition is stipulated in the mortgage agreement. Assignment of the mortgage cannot be requested if the mortgagor has submitted an application to cancel the mortgage.

(10) In order to avoid damage to the state, the mortgagor has the right to apply legal remedies arising from the law, regardless of whether such a condition is stipulated in the installment and mortgage agreement.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 39 5 . Deletion of limited property right

(1) The limited property right established during the land reform is terminated and deleted from the real estate register on the basis of a digitally signed confirmation application of the Land Board, if:
[RT I, 23.02.2023, 1 - enters into force. 01.04.2023]
1) the usufruct entry has lost any legal meaning or when the term of the usufruct has expired;
2) the claim secured by the mortgage has been satisfied or if the claim has not arisen.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

(2) In the cases specified in subsection 1 of this section, the consent of the affected person is not required to make an entry in the land register.
[RT I, 23.02.2023, 1 - enters into force. 01.04.2023]

IX. part

IMPLEMENTATION PROVISIONS

[RT I 2003, 26, 155 - entry into force. 15.03.2003]

§ 40. Deadlines for completing the land reform
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(1) Applications for privatization of land with the right of first refusal shall be accepted until December 31, 2003, unless an earlier deadline is stipulated by law. Applications for the privatization of land next to a building, which is acquired as movable property and the transferor of which has not submitted an application for land privatization, will be accepted until March 1, 2006, applications for the privatization of land necessary for servicing the building will be accepted until June 1, 2006. The building right will be established on the land necessary to serve the building, for which no application for privatization of the land has been submitted by June 2, 2006, based on the decision of the Director General of the Land Administration and in accordance with the procedure and conditions established by the Government of the Republic.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) Applications for participation in the privatization of land by limited or public auction shall be accepted until December 31, 2003. After the mentioned date, an application for privatization of land at a limited auction will be accepted only if it is submitted as a result of the decision not to return the land provided for in § 22 (4) point 1 or 2 of this Act, and the said decision was adopted after October 1, 2003. Privatization applications submitted on the grounds set forth in the previous sentence will be accepted until March 1, 2006.
[RT I 2005, 61, 476 - entered into force. 27.11.2005]

(3) The municipality or city government prepares a proposal for the course of the boundaries of the land necessary to serve the building no later than December 31, 2015.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(4) The local government submits an application for municipal ownership of the land no later than June 30, 2016.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

(5) By January 31, 2014 at the latest, the municipality or city government shall submit to the county governor a list of buildings for the owner of which a building right is granted on the basis of § 35 1 of this Act, indicating for each building whether an application for building a building right has been submitted or not.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(6) If the person specified in subsection 1 1 of § 35 of this Act has not submitted an application for the establishment of the building right, the municipality or city government or the county governor shall initiate the procedure for establishing the building right no later than January 31, 2015.
[RT I, 15.03.2013, 26 - entered into force. 20.03.2013]

(7) If the owner of the building loses the right to privatize the land with the right of pre-emption, the privatization organizer shall terminate the land privatization procedure and initiate the procedure for establishing the building right.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 40 1. Procedure for applications for municipal ownership of land submitted before July 1, 2016

The procedure for the transfer of land into municipal ownership, the initiation of which was submitted before July 1, 2016, will be completed on the grounds and procedure that have been in effect until now, and the decision to transfer land into municipal ownership will be made by the county governor or the Minister of the Environment until December 31, 2017.
[RT I, 04.07.2017, 1 - enters into force. 14.07.2017]

§ 40 2. Payment of compensation to the state in case of transfer of land transferred to municipal ownership on the basis of § 28 (1) of this Act, which was valid until July 13, 2017

The local government does not have the obligation to pay the compensation provided for in § 25 subsection 4 of this Act, if the land that has been transferred to municipal ownership on the basis of § 28 subsection 1 point 1, 9 or 11 of this Act, which was valid until July 13, 2017, is transferred.
[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

§ 40 3. Submitting a request for extension of usufruct and switching to a market-based usufruct

(1) If the usufruct established on the basis of § 34 1 of this Act ends before August 31, 2020, the usufructuary has the right to submit an application for the extension of the usufruct establishment agreement within three months from the expiration of the usufruct.

(2) If the usufruct established on the basis of § 34 1 of this Act ends before June 1, 2022, the annual usufruct fee is 33 percent in the first year following the extension of the contract, 66 percent in the second year, and 100 percent of the market-based usufruct starting from the third year.
[RT I, 19.05.2020, 2 - enters into force. 29/05/2020]

§ 40 4. Annual fee for the usufruct contract concluded until December 31, 2002

When executing a usufructuary contract concluded on the basis of § 34 1 of the revision of this law valid until December 31, 2002, two percent of the taxable price of the land is considered the local average annual usufructuary fee.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 40 5 . Completion of privatization, municipal ownership and state ownership of land without independent use

If the decision to privatize land without the possibility of independent use, to transfer it to municipal ownership or to leave it in state ownership has been made before the revision of this law entered into force on January 1, 2022, the privatization of land, transfer to municipal ownership or leaving it in state ownership will be completed on the basis and in the order in force at the time of the said decision.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

§ 40 6 . Exemption from payment of compensation to the state in case of transfer of land given to municipal ownership, transfer to usufructuary and encumbrance with the right of building on the basis of the version of this Act valid before April 1, 2023

A local government unit shall not have the obligation to pay the compensation provided for in subsection 4 of § 25 of this Act, which was in force until March 31, 2023, if land that was transferred to municipal property on the basis of this Act before April 1, 2023 is transferred, given usufruct or encumbered with building rights.
[RT I, 23.02.2023, 1 - enters into force. 01.04.2023]

§ 41. Application of the law in connection with joining the European Union

(1) Paragraph 8 of § 21 of this Act shall enter into force from the moment of Estonia's accession to the European Union, except for the special conditions stipulated in subsections 2 and 3 of this section.

(2) Within seven years after Estonia's accession to the European Union, a land unit of more than 2 ha containing a parcel of agricultural land may be privatized or given the right to usufruct with the privilege of privatization only to:
1) an Estonian citizen;
2) to a citizen of a contracting state who has permanently lived in Estonia and has been engaged in the production of agricultural products here in the sense of § 23 3 subsection 2 of this Act for at least the last three years;
3) entered into the business register and registered in it for at least the last three years to a legal entity of Estonia or a contracting state, which has been involved in the production of agricultural products in Estonia for at least the last three years within the meaning of § 23 3 , paragraph 2 of this Act .

(3) Within seven years after Estonia's accession to the European Union, a land unit of more than 2 ha containing a patch of forest land may be privatized only to:
1) an Estonian citizen;
2) to a citizen of a contracting state who has lived permanently in Estonia for at least the last three years.

(4) If the application for privatization of land has been submitted before the entry into force of subsections 2 and 3 of this section under conditions that are more favorable to the person than the conditions stipulated in the said subsections, the conditions that were in force before the entry into force of the said subsections shall be applied to the privatization.

§ 42. Application of prohibition notices in the acquisition of land by the state

On the basis of § 20 subsection 1 2 of the Act , the note entered in the land register about not being subject to land exchange also applies to acquisition by the state. The corresponding note is entered in the land register based on the application of the organizer of the privatization.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 43. Application of the law in the inheritance of the right of claim

(1) If the right to claim for the return of land has expired in accordance with § 19 2 (3) of this Act or § 26 of the Land Reform Act Amendment Act (RT I 2005, 61, 476), but the land return procedure has not been completed, the right to claim is considered restored as of 1 January 2010 from September.

(2) If the right to claim the return of the land has expired in accordance with § 19 2 (3) of this Act or § 26 of the Land Reform Act Amendment Act (RT I 2005, 61, 476) and the procedure for the return of the land has been completed, the city or municipality government where the land is located shall restore the entitled subject upon request or on its own initiative, the right of claim and renews the return procedure if there is a valid reason for this. The application for restoration of the right of claim and renewal of the procedure must be submitted no later than August 31, 2011.

(3) After the completion of the return procedure, but before the submission of the application specified in subsection 2 of this section, the administrative acts issued in relation to the unlawfully expropriated land, as well as the transactions and administrative actions performed, remain valid.

(4) In the event that it is not possible to return the land due to the legally issued administrative act, action or transaction specified in subsection 3 of this section, the land shall be compensated in accordance with the procedure provided for in this Act.
[RT I 2010, 41, 242 - entry into force. 01.09.2010]

§ 44. Transfer of land reform files

The files prepared for the procedures provided for in the Land Reform Act and the legislation issued on its basis are handed over to the Land Board after they have been organized and closed in accordance with the requirements for permanent storage. If, on the basis of § 22 ^{2} subsection 2 of this Act, the county governor has authorized a local government unit to organize the privatization of land with the right of first refusal on behalf of the state and the files are kept in the municipal or city government, the municipal or city government will hand over the files to the Land Office within two years from the completion of the file, but no later than 2019 on December 31.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 45. Note on redemption debt becoming collectable

On the basis of the registration application of the Land Board, the note provided for in § 39 ^{3}, subsection 8 of this Act shall be entered in the third section of the real estate register for all immovable properties that have been mortgaged in favor of the Republic of Estonia during the land reform and whose redemption debt has not been paid. The consent of the owner of the immovable property or other affected persons appearing in the land register is not required to enter a note in the land register and to delete it.
[RT I, 08.12.2021, 2 - enters into force. 01.01.2022]

Excerpt from the Land Reform Act of the Republic of Estonia and the Act on Amendments to Legislation Related to Land Reform (RT I 1997, 81, 1363) regarding the implementation of the Land Reform Act:

III. Application settings

§ 14. (1) § 12 subsection 7, § 13 subsection 7 and § 16 subsection of the Law on the Foundations of Property Reform of the Republic of Estonia (RT 1991, 21, 257; RT I 1997, 27, 391; 74, 1230) shall apply in the procedure for land return and compensation 5 stipulated procedures.

(2) A person who, on the basis of the Land Reform Act, has the right to privatize land with the right of pre-emption and who has not submitted a corresponding application, must submit it by January 1, 1998. If the application has not been submitted by the established deadline, the land necessary to service the building will be left in the state's ownership, and the building right will be set in favor of the owner of the building.

(2 ^{1}) If the building is acquired as movable property after January 1, 1998, the person who acquired the building has the right to privatize the land with the right of first refusal on the basis provided in the Land Reform Act. The person who acquired the building must submit an application for privatization of the land with the right of first refusal within three months from the day of acquisition of the building. If the application has not been submitted by the established deadline, the land necessary to service the building will be left in state ownership and the building right will be set in favor of the owner of the building in accordance with the procedure established by the Government of the Republic.
[RT I 2000, 54, 347]

(2 ^{2}) If the building is acquired as movable property after January 1, 1998, and the transferor of the building has submitted an application for privatization of the land with the right of pre-emption by January 1, 1998 at the latest, the application for privatization of the land with the right of pre-emption submitted by the transferor of the building by January 1, 1998 remains valid also for the building to the new owner. The new owner of the building submits an application within three months from the day of acquisition of the building only if he does not wish to privatize the land. In such a case, the land necessary to service the building is left in state ownership, and the owner of the building is granted the building right in accordance with the procedure established by the Government of the Republic.
[RT I 2000, 54, 347]

(2 ^{3}) If the co-owner of the building has not submitted an application for the privatization of the land with the right of pre-emption by the deadline, but during the preliminary steps of privatization expresses a desire to privatize the land with the right of pre-emption by submitting a corresponding application to the municipality or city government, the land will be privatized according to the shares of the co-owners in the building. If the co-owner mentioned in the previous sentence does not wish to privatize the land with the right of pre-emption, the co-owner who has submitted an application for privatization of the land with the right of pre-emption has the right to either request the privatization of the building's foundation and the land necessary for its service and the establishment of building rights on that land in accordance with the procedure and conditions established by the Government of the Republic for the benefit of all co-owners of the building, or to initiate the Law on the Implementation of the Law on Property (RT I 1993; 72/73, 1021; 1999, 44, 510) procedure for expropriation of a part of a building in accordance with the procedure provided for in § 12.
[RT I 2000, 54, 347]

(3) The procedure for advance payment for land shall be established by the Government of the Republic within one month from the entry into force of this Act.

(4) If a limited auction has been announced before the entry into force of this Act, it will be carried out to its end on the existing basis.

(5) A subject entitled to land restitution, whose land subject to restitution is located in Ida-Petserimaa, can buy land in Põlvamaa or Võrumaa at a limited auction, and a subject whose land subject to restitution is located in Virumaa across the Narva River can buy land in Ida-Virumaa at a limited auction.

(6) A person who used the state land belonging to a privatized building on the basis of a building right or a lease agreement concluded before the entry into force of this Act has the right to apply for the privatization of the land used on the basis of the contract with the right of first refusal, taking into account the restrictions stipulated in § 21 of the Land Reform Act.

(7) With the consent of the entitled subject, the land of the former property may be returned in parts at different times, if the simultaneous return of parts is not possible due to the settlement of disputes, agreements, plans, land management or surveying.

(8) The provisions of § 22^{1} subsections 2 and 2^{2} of the Land Reform Act also extend to a person to whom the land has been returned or privatized with the right of pre-emption before the entry into force of this Act.

(9) § 22^{4} of the Land Reform Act enters into force on January 1, 1998.

Excerpt from the Act on the Amendment of the Land Reform Act (RT I 2005, 61, 476) on the implementation of the Land Reform Act:

II. Implementation of the law

§ 19. If the person who has the right to privatize land with the right of pre-emption has received a proposal for the course of the borders of the land to be privatized with the right of pre-emption drawn up in accordance with the procedure established by the Government of the Republic from the competent person, but has not submitted an order to the person holding the corresponding license for the formation of a cadastral unit based on the said proposal, the person who has the right to privatize is obliged to order the corresponding submit within three months from the entry into force of this Act. If the person with the right to privatization does not submit an order for the formation of a cadastral unit within the specified term without a good reason, he loses the right to privatize the land. In such a case, the land necessary to service the building is left in state ownership, and the owner of the building is granted the building right in accordance with the procedure established by the Government of the Republic.

§ 20. On the basis of § 23^{1} subsection 4 and § 23^{2} subsection 4 of the Land Reform Act, persons with the right to privatization entered in the list of free agricultural and forest land privatizers by the municipal council, who, in accordance with the provisions of the procedure established by the Government of the Republic, have not ordered a cadastral unit in accordance with the proposal made by the organizer of land privatization forming works from a person holding the corresponding license, is required to submit the corresponding order within three months from the entry into force of this Act. If the person who has the right to privatization does not submit an order for the creation of a cadastral unit within the specified term without a good reason, he loses the right to privatize the land.

§ 21. If the law does not provide for an earlier deadline for entering into a purchase and sale agreement for land privatized in a limited or public auction or as free agricultural and forest land, the person who has the right to privatize land has the right to enter into a land purchase and sale agreement within three months from the entry into force of this law. A person with the right to privatize who, without a good reason, does not sign a land purchase and sale agreement within the specified term, loses the right to privatize the land.

§ 22. A person who has the right to privatize land with the right of first refusal, who has not concluded a land purchase-sale agreement, has the right to conclude a land purchase-sale agreement within seven months from the entry into force of this Act. A person with the right to privatize who, without a good reason, does not sign a land purchase and sale agreement within the specified term, loses the right to privatize the land. In such a case, the land necessary to service the building is left in state ownership, and the owner of the building is granted the building right in accordance with the procedure established by the Government of the Republic.

§ 23. The transfer of vacant agricultural land into the usufruct provided for in § 23^{1} of the Land Reform Act will be completed on the basis and procedure in force until now, if the local government council has approved the list of recipients of the land usufruct before January 1, 2003. In accordance with the procedure mentioned in the previous sentence, the procedure for granting the usufruct of vacant agricultural lands, whose list of usufructuary recipients has been approved by the decision of the municipal council before January 1, 2003, but the corresponding decision has been declared illegal or void by the court, will also be completed.

§ 24. The Government of the Republic may establish the procedure for providing the land specified in subsection 2 of § 31 of the Land Reform Act for temporary use and for bearing costs related to the use.

§ 25. Requests for the transfer of land into municipal ownership submitted to the Government of the Republic before the entry into force of this Act shall be resolved on the basis and procedure that have been in effect until now.

§ 26. If the inheritance has opened before the entry into force of this Act and the person entitled to inherit the right of claim or the person who inherited the right of claim has not submitted a certificate of inheritance right to the local government of the location of the unlawfully expropriated land regarding the inheritance of the right of claim, he must submit it within nine months from the entry into force of this Act. If the certificate of the right of inheritance is not submitted within the specified term, the return procedure will be terminated and the compensation procedure will not be started.

§ 27. § 25 subsection 4 of the Land Reform Act shall not be applied in the case of transfer, usufruct or encumbrance of building rights of land given to municipal ownership before the entry into force of this Act.