

Väljaandja:
Akti liik:
Teksti liik:
Jõustumise kp:
Avaldamismärge:

Vabariigi Valitsus
välisleping
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Eesti Vabariigi ja Püha Tooli vaheline kokkulepe katoliku kiriku õigusliku staatuse kohta Eesti Vabariigis

(õ) 20.02.2009

«Eesti Vabariigi ja Püha Tooli vahelise kokkuleppe katoliku kiriku õigusliku staatuse kohta Eesti Vabariigis»
eelnõu heakskiitmine

Välisministeeriumi teadaanne välislepingu jõustumise kohta

[. . .]

Püha Tool ja Eesti Vabariik, ühise sooviga tugevdada ja edendada sõpruse vaimus omavahelisi juba olemasolevaid suhteid,

ning kavatsedes määratleda omavahelise kokkuleppega katoliku kiriku õiguslikku staatust Eestis,

on kokku leppinud järgnevas:

1. Eesti Vabariik garanteerib katoliku usu avaliku tunnistamise ja praktiseerimise vabaduse.

Katoliku kirikul Eestis on õigus Eesti Vabariigi õigussüsteemi raames täita oma funktsioone ja viia ellu oma missiooni.

2. Katoliku kirik ning iga tema institutsioon, mis kanoonilise õiguse kohaselt on kas avalik-õiguslik või eraõiguslik juriidiline isik, on vastavalt Eesti seadustele ka tsiviilõiguse mõttes juriidiline isik koos kõigi sellest tulenevate õiguste ja kohustustega, alates selle registreerimisest Eesti pädevate võimude poolt.

3. Pühal Toolil on täielik vabadus suhelda ja olla kirjavahetuses katoliku kirikuga Eestis.

4. Katoliku kirikul on õigus kasutada ja omada massikommunikatsioonivahendeid vastavalt Eesti Vabariigi seadustele.

5. Kompetentsel vaimulikul ametivõimul on õigus luua kirikule omaseid struktuure, iseäranis moodustada või muuta vaimulikke juriidilisi isikuid, vastavalt kanoonilisele õigusele ja kooskõlas Eesti õigusaktidega.

Püha Tool valib vabalt piiskopi kantselei või apostelliku administraatori kantselei vaimuliku, kellel võib olla piiskopi ametiaste.

Enne piiskopi või apostelliku administraatori ametisse määramise avalikustamist teavitab Püha Tool viisakusest ja konfidentsiaalselt tsiviilvõime.

6. Oma vaimulikukohustuste täitmisel on piiskopil või apostellikul administraatoril õigus kutsuda Eestisse preestreid, ordude liikmeid ja ilmalikke, kellel pole Eesti kodakondsust ning õigus pöörduda nende nimel Eesti ametivõimude poole elamis- ja tööloa saamiseks kooskõlas Eesti Vabariigi seadustega.

Piiskopi või apostelliku administraatori nõuetekohase taotluse alusel väljastatakse elamis- ja tööloa vastavalt Eesti Vabariigi seadustele.

7. Katoliku kirikul on õigus asutada ning juhatada oma koole vastavalt kanoonilisele õigusele ja Eesti Vabariigi seadustele, mis käsitlevad erakoole.

Katoliiklikele õpilastele garanteeritakse kooskõlas Eesti seadustega nii riiklikus koolisüsteemis kui mitteriiklikes koolides võimalus õppida usuõpetust vastavalt nende usulistele veendumustele.

8. Abielud, mida pühitsetakse katoliku kirikus ja mille sõlmimisel on koostatud perekonnaseisuasutuse abieluakt, on ilmalikult kehtivad.

9. Varaga, majandus- ja rahandusasjadega seotud ebamääraste, lahendamata või vaieldavate küsimuste korral, mis puudutavad katoliku kirikut tervikuna või teatud katoliku kogukondi või institutsioone, moodustavad katoliku kirik ja pädev ametivõim Eesti Vabariigi piires *ad hoc* hiskomisjoni, mille eesmärgiks on leida mõlemale osapoolele vastuvõetavaid lahendusi.

10. Juhul kui tulevikus peaksid tekkima raskused seoses nende sätete tõlgendamise või rakendamisega, jõuavad Püha Tool ja Eesti Vabariik kokkuleppe kaudu sõbraliku lahenduseni.

Kui eelpoolnimetatul on Pühale Toolile vastuvõetav, on ministeeriumil au teha ettepanek, et käesolev noot ja Sekretariaadi vastusnoot sellele moodustavad lepingu Eesti Vabariigi ja Püha Tooli vahel, mis jõustub Sekretariaadi vastusnoodi kättesaamise päeval.

[. . .]

Ministry of Foreign Affairs

Republic of Estonia

Secretariat of State of the Holy See
Vatican City
No. 7-2/16740

NOTE VERBAL

The Ministry of Foreign Affairs of the Republic of Estonia presents its compliments to the Secretariat of State of the Holy See and has the pleasure to inform that the Government of the Republic of Estonia gives their consent to the Agreement between the Republic of Estonia and the Holy See on juridical status of the Catholic Church in Estonia, which reads as follows:

"The Holy See and the Republic of Estonia, having in common the desire to strengthen and promote, in a spirit of friendship, the relations already existing between them,

and with the intention of regulating through a common understanding the juridical status of the Catholic Church in Estonia,

have agreed to the following:

1. The Republic of Estonia guarantees freedom to profess and to practise in public the Catholic Religion.

The Catholic Church in Estonia has the right to organize itself and to carry out its mission within the legal framework of the Republic of Estonia.

2. The Catholic Church, as also its institutions, which, in accordance with Canon Law have the status of either public or private juridical persons, shall enjoy juridical personality in civil law, according to the legislation of the Republic of Estonia, together with all the rights and obligations deriving from it, from the date of their registration with the competent Estonian authorities.

3. The Holy See and the Catholic Church in Estonia enjoy complete freedom to communicate and correspond with each other.

4. The Catholic Church has the right of access to the means of mass communication and the right to possess such means, in accordance with the laws of the Republic of Estonia.

5. The competent ecclesiastical authority has the right to create the structures proper to the Church, in particular to erect or modify ecclesiastical juridical persons, in accordance with Canon Law and in respect of Estonian legislation.

The Holy See will freely choose an ecclesiastic for the office of Bishop or of Apostolic Administrator, who may be a Bishop.

Before publishing the appointment of a Bishop or of an Apostolic Administrator, the Holy See will, out of courtesy and in confidence, inform the Civil Authorities.

6. In order to fulfil the duties of his pastoral ministry, the Bishop or the Apostolic Administrator has the right to invite to Estonia priests, members of religious congregations and lay persons who do not have Estonian citizenship and to apply to the Estonian authorities on their behalf for residence and work permits, in conformity with the laws of the Republic of Estonia.

Upon a formal request of the Bishop or of the Apostolic Administrator, a residence and work permit will be issued in accordance with Estonian laws and regulations.

7. The Catholic Church has the right to establish and manage its own schools, in accordance with Canon Law and the legislation of the Republic of Estonia concerning non-state schools.

Catholic students, both within the state-school system and in non-state schools, are guaranteed, according to the provisions of Estonian legislation, the possibility of studying religious subjects appropriate to their denomination and tradition.

8. Marriages celebrated in the Catholic Church, upon registration and for which a certificate of marriage has been issued by the civil registry office, have civil effect.

9. In case of uncertain, unresolved or disputed issues concerning property, economic and fiscal matters, related to the Catholic Church in general, or specific Catholic communities or institutions, the Catholic Church and the competent authority within the Republic of Estonia will constitute an *ad hoc* joint-commission with the task of finding solutions acceptable to both Parties.

10. If difficulties should arise in the future concerning the interpretation or application of these provisions, the Holy See and the Republic of Estonia will proceed by common accord to an amicable solution."

If the foregoing is acceptable to the Holy See, the Ministry has the honour to suggest that this Note and the Secretariat's reply to that effect shall constitute an Agreement between the Republic of Estonia and the Holy See which shall enter into force at the date of the receipt of the Secretariat's reply.

The Ministry of Foreign Affairs of the Republic of Estonia avails itself of this opportunity to renew to the Secretariat of State of the Holy See the assurances of its highest consideration.

Tallinn, December 23, 1998

[Seal]

Secretaria Status

The Ministry of Foreign Affairs
of the Republic of Estonia
Tallinn
Prot. N°700/99/RS

NOTE VERBALE

The Secretariat of State of His Holiness presents its compliments to the Ministry of Foreign Affairs of the Republic of Estonia and has the honour to acknowledge receipt of the *Note Verbale* Prot N°7-2/16740, of 23 December 1998, with the following text:

"The Ministry of Foreign Affairs of the Republic of Estonia presents its compliments to the Secretariat of State of the Holy See and has the pleasure to inform that the Government of the Republic of Estonia gives their consent to the Agreement between the Republic of Estonia and the Holy See on juridical status of the Catholic Church in Estonia, which reads as follows:

"The Holy See and the Republic of Estonia, having in common the desire to strengthen and promote, in a spirit of friendship, the relations already existing between them,

and with the intention of regulating through a common understanding the juridical status of the Catholic Church in Estonia,

have agreed to the following:

1. The Republic of Estonia guarantees freedom to profess and to practise in public the Catholic Religion.

The Catholic Church in Estonia has the right to organize itself and to carry out its mission within the legal framework of the Republic of Estonia.

2. The Catholic Church, as also its institutions, which, in accordance with Canon Law have the status of either public or private juridical persons, shall enjoy juridical personality in civil law, according to the legislation of the Republic of Estonia, together with all the rights and obligations deriving from it, from the date of their registration with the competent Estonian authorities.

3. The Holy See and the Catholic Church in Estonia enjoy complete freedom to communicate and correspond with each other.

4. The Catholic Church has the right of access to the means of mass communication and the right to possess such means, in accordance with the laws of the Republic of Estonia.

5. The competent ecclesiastical authority has the right to create the structures proper to the Church, in particular to erect or modify ecclesiastical juridical persons, in accordance with Canon Law and in respect of Estonian legislation.

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Before publishing the appointment of a Bishop or of an Apostolic Administrator, the Holy See will, out of courtesy and in confidence, inform the Civil Authorities.

6. In order to fulfil the duties of his pastoral ministry, the Bishop or the Apostolic Administrator has the right to invite to Estonia priests, members of religious congregations and lay persons who do not have Estonian citizenship and to apply to the Estonian authorities on their behalf for residence and work permits, in conformity with the laws of the Republic of Estonia.

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9. In case of uncertain, unresolved or disputed issues concerning property, economic and fiscal matters, related to the Catholic Church in general, or specific Catholic communities or institutions, the Catholic Church and the competent authority within the Republic of Estonia will constitute an *ad hoc* joint-commission with the task of finding solutions acceptable to both Parties.

10. If difficulties should arise in the future concerning the interpretation or application of these provisions, the Holy See and the Republic of Estonia will proceed by common accord to an amicable solution."

If the foregoing is acceptable to the Holy See, the Ministry has the honour to suggest that this Note and the Secretariat's reply to that effect shall constitute an Agreement between the Republic of Estonia and the Holy See which shall enter into force at the date of the receipt of the Secretariat's reply.

The Ministry of Foreign Affairs of the Republic of Estonia avails itself of this opportunity to renew to the Secretariat of State of the Holy See the assurances of its highest consideration."

The Secretariat of State of His Holiness has the honour to communicate the consent of the Holy See to the above Agreement.

The Secretariat of State of His Holiness willingly avails itself of the occasion to renew to the Ministry of Foreign Affairs of the Republic of Estonia the assurances of its highest consideration.

From the Vatican, 15 February 1999.

[Seal]

* Kokkulepe sõlmiti nootide vahetamise teel Eesti Vabariigi Välisministeeriumi (23.12.1998) ja Vatikani Riigisekretariaadi (15.02.1999) vahel.

Õiend

Metaandmetes parandatud akti andja: Vabariigi Valitsus.