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Consular Act[1]

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17.06.2010	RT I 2010, 38, 231	01.07.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
08.12.2010	RT I, 21.12.2010, 4	01.01.2011
05.12.2012	RT I, 19.12.2012, 3	01.01.2013
26.09.2013	RT I, 09.10.2013, 1	28.10.2013
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, on the basis of subsection 4 of § 107³ of the Government of the Republic Act the official titles of the ministers have been replaced from the redaction in force from 1 July 2014.
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
12.04.2018	RT I, 21.04.2018, 3	01.05.2018
30.01.2019	RT I, 22.02.2019, 2	01.02.2020
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
03.12.2019	RT I, 18.12.2019, 3	28.12.2019
11.12.2019	RT I, 31.12.2019, 1	06.01.2020
15.06.2021	RT I, 08.07.2021, 1	15.07.2021
23.02.2022	RT I, 12.03.2022, 1	22.03.2022
01.06.2022	RT I, 20.06.2022, 5	30.06.2022
12.06.2024	RT I, 29.06.2024, 3	01.01.2025

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act regulates:
1) protection of the interests and rights of the Estonian state, Estonian citizens and Estonian legal persons in foreign states;
2) provision of consular services and consular assistance to aliens and citizens of foreign states;
3) the functions and operation principles of consular posts;
4) status of consular officers, consular secretaries and honorary consuls and their rights and obligations upon provision of consular services and consular assistance.
[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

(2) For the purposes of this Act, an alien is a person who holds a valid residence permit or has permanent right of residence in Estonia and to whom an Estonian alien’s passport has been issued pursuant to the Identity Documents Act.

(3) For the purposes of this Act, a citizen of a foreign state is a person who is not an Estonian citizen or an alien.

(4) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(5) Consular relations shall be established and organised on the basis of:
1) this Act and other Estonian legislation;
2) the Vienna Convention on Consular Relations, the generally recognised principles and provisions of international law and the international custom and practice;
3) international obligations of Estonia.

§ 2. Consular posts and performance of consular functions

(1) Consular functions are performed according to article 5 of the Vienna Convention on Consular Relations and in accordance with the legislation of Estonia and the receiving state.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

(2) Consular posts are consulates general, consulates or vice-consulates.

(3) A consular post directed by an honorary consul is not a structural unit of the Ministry of Foreign Affairs. If necessary, the consular post directed by the honorary consul may be specified as an honorary consulate general, honorary consulate or honorary vice-consulate.

(4) Consular posts shall be opened and closed by the Ministry of Foreign Affairs.

(5) Structural units of the Ministry of Foreign Affairs located in Estonia shall perform consular functions to the extent prescribed by this Act.

(6) Consular posts, embassies and special missions of the Republic of Estonia perform consular functions according to the statutes established by the minister in charge of the policy sector.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

§ 3. Consular district

(1) A consular district is the territory or an administrative unit of the receiving state which is assigned to a consular post by the minister in charge of the policy sector with the consent of the receiving state.

(2) A consular district of an embassy and a special mission of the Republic of Estonia is the territory of the receiving state. A state which, in addition to the embassy of the Republic of Estonia, also has a consular post which is a structural unit of the Ministry of Foreign Affairs, the consular district of the embassy is limited to an area which is outside of the consular district of the consular post.

(3) In extraordinary circumstances, a representation may perform consular functions outside of the consular district with the consent of the ministry of foreign affairs of the corresponding state.

(4) A representation may perform consular functions in a foreign state which does not have a representation of the Republic of Estonia with the consent of the ministries of foreign affairs of the corresponding states.

§ 4. Co-ordination of activities of consular post

(1) A consular post which is a structural unit of the Ministry of Foreign Affairs shall co-ordinate its activities with the embassy of the Republic of Estonia in the receiving state. If there is no embassy of the Republic of Estonia in the receiving state, the consular post shall co-ordinate its activities with the structural units of the Ministry of Foreign Affairs located in Estonia.

(2) A consular post directed by an honorary consul shall co-ordinate its activities with the representation of the Republic of Estonia in the receiving state. If there is no representation of the Republic of Estonia in the receiving state, the consular post directed by an honorary consul shall co-ordinate its activities with the structural units of the Ministry of Foreign Affairs located in Estonia.

§ 5. Insignia of consular posts

A consular post shall use the national flag of the Republic of Estonia, the sign with the grand national coat of arms of Estonia to indicate the location of the consular post and the seal bearing the national coat of arms of Estonia.

§ 6. Head of consular post

(1) A consular post which is a structural unit of the Ministry of Foreign Affairs is directed by a consul general, consul or the vice-consul. A consular post which is not a structural unit of the Ministry of Foreign Affairs is directed by an honorary consul general, honorary consul or the honorary vice-consul.

(2) The minister in charge of the policy sector shall appoint a consul general, consul or vice-consul as the head of a consular post and recall them in accordance with the Foreign Service Act and the Vienna Convention on Consular Relations.

(3) The minister in charge of the policy sector shall appoint an honorary consul general, honorary consul or honorary vice-consul as the head of a consular post and terminate his or her authority in a accordance with this Act.

§ 7. Letters patent of consul

(1) The letters patent of a consul are a consular commission issued by the minister in charge of the policy sector which certifies appointment of the head of a consular post which is a structural unit of the Ministry of Foreign Affairs to office or appointment of an honorary consul.

(2) The letters patent of a consul shall be issued to the head of a consular post after his or her appointment to office or to an honorary consul after his or her appointment.

(3) The letters patent of a consul shall set out the person's name, the category and class of his or her position and the consular district and seat of the consular post or honorary consul subordinate to him or her.

(4) The format of the letters patent of a consul and the procedure for the issue thereof shall be established by a regulation of the minister in charge of the policy sector.

§ 8. Authorisation

The Ministry of Foreign Affairs shall apply for an authorisation (exequatur) specified in Article 12 of the Vienna Convention on Consular Relations to be issued to the head of the consular post from the receiving state.

§ 8[1]. Liability

(1) The State Liability Act shall be applied with regard to the damage created upon exercise of consular functions by consular officers and honorary consuls. The application for compensation for damage caused by a consular officer or honorary consul shall be submitted to the Ministry of Foreign Affairs.
[RT I, 21.12.2010, 4 – entry into force 01.01.2011]

Chapter 2
CONSULAR OFFICER AND CONSULAR SECRETARY

[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

§ 9. Consular officer

(1) A consular officer is a public servant employed in a diplomatic post who has acquired the qualification or special qualification of a consular officer and whom the secretary general has authorised to perform consular functions.

(2) A public servant employed in a diplomatic post who has undergone the theoretical part of the training for consular officers but who has not acquired the qualification or special qualification of a consular officer, may perform the consular functions specified in this Act during work practice under the supervision of a consular officer. The specified public servant has the rights granted and the obligations assigned to consular officers in Chapters 2, 4 and 5 of this Act.

(3) A public servant employed in a diplomatic post in a representation who has not acquired the qualification or special qualification of a consular officer may, in exceptional cases, provide consular assistance according to Chapter 5 of this Act if there is no consular officer in the representation and the secretary general has authorised the person to provide assistance. The specified public servant shall receive consent for the provision of consular assistance from the consular department of the Ministry of Foreign Affairs.

§ 9[1]. Consular secretary

(1) A consular secretary is a servant employed in a non-diplomatic post, who may provide consular services under the guidance of a consular officer pursuant to this Act.

(2) The provisions of §§ 8[1], 12, 13 and 14 of this Act shall be applied to a consular secretary.
[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

§ 10. Qualification and special qualification of consular officer

(1) The qualification and special qualification of a consular officer is a set of knowledge, skills, experience, values and attitudes necessary for the provision of consular services and consular assistance.

(2) The prerequisites for acquisition of the qualification of a consular officer are the knowledge of international agreements regulating consular relations and legislation in the consular field and skills and knowledge regarding provision of consular assistance and consular services in accordance with this Act.

(3) In addition to that specified in the previous subsection, completion of higher education in law is also a prerequisite for the acquisition of the special qualification of a consular officer.

(4) The qualification and special qualification of a consular officer shall be acquired by corresponding training and passing an examination.

§ 11. Training of consular officer and consular secretary
[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

(1) The training of a consular officer consists of a theoretical part and practical training at a foreign mission. The purpose of training of a consular officer is the acquisition of knowledge and skills which are necessary to acquire the qualification of a consular officer. The training of a consular secretary consists of a theoretical part and further training where necessary.
[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

(2) The procedure for the organisation of training and examinations for consular officers and consular secretaries and for the grant of the qualification of a consular officer shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

§ 12. Registration of consular services and consular assistance

(1) The database of professional acts of a consular officer shall be founded and its statutes shall be established by a regulation of the minister in charge of the policy sector.

(2) The acts performed by a consular officer upon provision of consular services and consular assistance shall be registered in the book concerning professional acts. The book concerning professional acts of a consular officer shall be maintained as a digital database.

(3) The purpose of the database established on the basis of subsection 1 of this section is to enable a consular officer to provide a consular service (hereinafter service), to perform consular assistance (hereinafter act) and to register a service and act. The following personal data may be processed for this purpose:
1) personal data of the applicant for the service or act, including health data and biometric data;
2) the personal data of the relative of the applicant for the service or act or the contact person or family members living with the applicant;
3) personal data of the service provider.

(3^1) Upon identification of a person and verification of a person's identity within the meaning of § 15^5 of the Identity Documents Act, the person's identity data entered in the database of professional acts of a consular officer may be processed.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

(4) The Ministry of Foreign Affairs is the controller of the database concerning professional acts of a consular officer.

(5) The term for the retention of data contained in the database concerning professional acts of a consular officer shall be specified in the statutes of the database.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(6) Biometric data processed for the purpose of identification of a person or verification of a person's identity shall be deleted from the database immediately after the performance of a comparative study.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

§ 12. Automated biometric identification system database

(1) The automated biometric identification system database (hereinafter ABIS database) is an electronic database the purpose of which, within the meaning of this Act, is to process biometric data taken upon the provision of consular services for identification of a person and verification of a person's identity.

(2) Data entered in the ABIS database on the basis of the Identity Documents Act, Citizenship Act, Code of Criminal Procedure, Imprisonment Act, Act on Granting International Protection to Aliens, Aliens Act, Obligation to Leave and Prohibition on Entry Act and Code of Misdemeanour Procedure may be processed in the proceedings provided for in this Act for identification of a person and verification of a person's identity.

(3) Data entered in the ABIS database on the basis of the Acts specified in subsection 2 of this section may be processed for identification of a person and verification of a person's identity for the purposes of ensuring public order and national security only if the person cannot be identified or the person's identity verified based on the data entered in the ABIS database on the basis of this Act.

(4) The provisions of § 15^5 of the Identity Documents Act shall apply to the processing of data entered in the ABIS database.

(5) The ABIS database shall be founded and its statutes established by a regulation of the Government of the Republic.

(6) The controllers of the ABIS database are the Police and Border Guard Board and the Ministry of Foreign Affairs. The processor shall be specified in the statutes of the database.

(7) The composition of data to be entered in the ABIS database and the term for storing thereof shall be prescribed in the statutes of the database.

(8) The data contained in the ABIS database are subject to restrictions on access and have been recognized as information for internal use.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

§ 13. Supervisory control

The minister in charge of the policy sector shall exercise supervisory control over the administrative acts issued upon provision of consular services and consular assistance and the lawfulness of consular acts or shall assign this duty to the secretary general of the Ministry of Foreign Affairs.

§ 14. Archival processing

Records created or received by a consular officer in the course of performance of consular functions shall be preserved in accordance with the Archives Act.

Chapter 3
HONORARY CONSUL

§ 15. Honorary consul and his or her competence

(1) An honorary consul is an official performing consular functions within the limits of his or her competence who is appointed by the minister in charge of the policy sector for a specified or an unspecified term. The minister in charge of the policy sector shall determine the competence of each honorary consul by a directive.
[RT I, 21.12.2010, 4 – entry into force 01.01.2011]

(2) Within the meaning of this Act, an honorary consul general and an honorary vice-consul are also deemed to be honorary consuls.

(3) An honorary consul may be the citizen of a foreign state.

(4) An honorary consul is not in foreign service.

(5) Without the permission of the minister in charge of the policy sector, an honorary consul shall not perform the duties of the honorary consul of another state.

(6) An honorary consul shall take the following written oath of office: „ *Tõotan kohusetundlikult ja Eesti seadusi järgides täpselt täita ülesandeid, milleks mulle usaldatud amet mind kohustab*.“ [I swear to perform the functions which the office entrusted to me requires in a conscientious and accurate manner in adherence with the Estonian legislation.]

(7) An honorary consul shall not receive remuneration from the Estonian state for the performance of his or her duties.

§ 16. Organisation of activities of honorary consul

A list of documents submitted upon applying for the position of honorary consul and the procedure for nomination as a candidate for honorary consul, appointment as an honorary consul, appointment of an honorary consul as the head of a consular post and for the termination of his or her authority shall be established by a regulation of the minister in charge of the policy sector.

§ 17. Requirements for candidates for honorary consul

(1) A candidate for honorary consul (hereinafter candidate) may be a person of good reputation who is a well-known social, economic or cultural figure or well-known in any other area of activity in the receiving state and who is able to perform consular functions and, if necessary, to direct a consular post.

(2) A candidate shall not be in state public service, with the exception of academic work at an educational or research institution.

§ 18. Consular functions of honorary consul and performance of these functions

(1) An honorary consul shall perform consular functions according to this Act and the Vienna Convention on Consular Relations to the extent determined by the minister in charge of the policy sector according to the instructions of the structural units of the Ministry of Foreign Affairs located in Estonia and the representation located in the receiving state.

(2) A person designated by the minister in charge of the policy sector shall exercise supervision over the legal instruments issued by an honorary consul upon provision of consular services and the lawfulness of consular acts.

(3) An honorary consul shall submit a report to the Ministry of Foreign Affairs on the acts performed upon provision of consular services and consular assistance and performance of other consular functions according to the instructions of the Ministry of Foreign Affairs.

(4) Records created or received by an honorary consul in the course of performance of consular functions shall be preserved in accordance with the Archives Act.

§ 19. Administrative duties of honorary consul

(1) A consular post directed by an honorary consul has independent administration and separate calculation of service fees.

(2) An honorary consul shall cover the expenses related to the consular post.

(3) An honorary consul shall establish the organisation of work of a consular post directed thereby and shall ensure dignified provision of services. If the minister in charge of the policy sector so requests, an honorary consul is required, at his or her own expense, to enable matters to be administered in Estonian.

(4) An honorary consul shall ensure that the Ministry of Foreign Affairs is aware of the correct details and opening hours of a consular post and shall co-ordinate the changes in the seat of the consular post with the Ministry of Foreign Affairs.

§ 20. Obligations of Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs shall organise ordering and sending of the insignia to an honorary consul and the transfer of the consular archives to a person designated by the Ministry of Foreign Affairs and, if necessary, shall bear the costs relating to diplomatic mail.

(2) The Ministry of Foreign Affairs may grant to an honorary consul use of the assets necessary for the activities of the consular post directed by the honorary consul.

(3) The Ministry of Foreign Affairs shall provide an honorary consul with the necessary information and instructions necessary for the lawful performance of his or her consular functions.

§ 21. Absence of honorary consul

(1) If an honorary consul leaves a consular district or, for any other reason, is temporarily unable to perform the functions assigned thereto, he or she shall immediately notify the competent official of the Ministry of Foreign Affairs thereof.

(2) In the absence of an honorary consul, no consular services and consular assistance shall be provided.

§ 22. Suspension and restoration of authority of honorary consul

The minister in charge of the policy sector shall suspend and restore the authority of an honorary consul on the basis of the application of the honorary consul. The authority shall be suspended for up to five years.

§ 23. Extension of authorisation of honorary consul granted for specified term

The authorisation of an honorary consul granted for a specified term shall be extended by a directive of the minister in charge of the policy sector.

§ 24. Termination of authority of honorary consul

(1) The authority of an honorary consul shall terminate upon:
1) revocation of the consular patent;
2) expiry of the term of the authority or
3) the death of the honorary consul.

(2) The minister in charge of the policy sector shall revoke a consular patent by a directive if:
1) the honorary consul has submitted a corresponding application;
2) so requested by the receiving state of the consular post;
3) the honorary consul is no longer trustworthy;
4) in the opinion of the minister in charge of the policy sector, the honorary consul is unable to perform the functions assigned thereto;
5) a judgment of conviction in a criminal matter has entered into force with regard to the honorary consul;
6) the name of the honorary consul, the class of his or her position, the district or seat of the consular post changes;
7) five years have passed since suspension of the authority and the authority has not been restored or
8) the need for an honorary consul has ceased to exist.

(3) The Ministry of Foreign Affairs shall inform an honorary consul and the receiving state of the consular post of termination of the authority of the honorary consul.

§ 25. Obligations of honorary consul upon suspension and termination of authority

Upon suspension and termination of authority, an honorary consul shall transfer the administration of the consular post, including the consular archives, insignia and the assets granted for use to the consular post to the person designated by the Ministry of Foreign Affairs.

Chapter 4
PROVISION OF CONSULAR SERVICES

§ 26. Consular service

(1) Consular services are public services which are provided by consular officers, consular secretaries and honorary consuls in accordance with legislation.
[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

(2) A consular secretary may provide consular services specified in subsections 1^1, 2 and 3 of § 27, subsection 2 of § 30^1, clauses 3 and 4 of subsection 1 of § 33, subsection 1 of § 34, subsection 2 of § 35, subsection 1 of § 37, subsections 1 and 2 of § 38, subsection 2 of § 47, subsection 3 of § $47^1$and subsection 2 of § 48 of this Act. The competence of a consular secretary upon provision of consular services shall be determined by his or her job description or employment contract.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

(3) Consular services are provided to a foreign citizen in the foreign mission of the Republic of Estonia in the consular district in which the foreign citizen has a registered residence.
[RT I, 20.06.2022, 5 – entry into force. 30.06.2022]

(4) A consular officer or a consular secretary may, if there is ajustified need, provide consular services to a foreign citizen who is legally staying in the consular district but does not reside there, including if there is no foreign mission of the Republic of Estonia in the country of residence of the foreign citizen.
[RT I, 20.06.2022, 5 – entry into force. 30.06.2022]

(5) The minister in charge of the policy sector may, if there is a justified need, restrict by a directive or temporarily suspend the provision of consular services specified in this Chapter at a consular post and at the embassy of the Republic of Estonia.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

§ 27. Forwarding of applications for issue of Estonian passports, identity cards and digital identity cards and issue of passports, identity cards and digital identity cards

(1) A consular officer shall forward applications for the issue of Estonian passports, identity cards and digital identity cards for processing to the Police and Border Guard Board in accordance with the Identity Documents Act.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(1[1]) If an application for the issue of the Estonian passport or identity card is submitted in the self-service environment of the Police and Border Guard Board, the consular officer takes fingerprint of the applicant and forwards the fingerprints taken on the course of fingerprinting to the Police and Border Guard Board for processing in accordance with the Identity Documents Act.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

(2) A consular officer or an honorary consul shall issue an Estonian passport to an Estonian citizen staying in a foreign state in accordance with the Identity Documents Act.

(3) A consular officer or an honorary consul shall issue an identity card and a digital identity card to an Estonian citizen staying in a foreign state in accordance with the Identity Documents Act. The list of honorary consuls who are entitled to issue identity cards and digital identity cards shall be established by a directive of the minister in charge of the policy sector in co-ordination with the minister in charge of the policy sector.
[RT I, 29.06.2014, 109 – entry into force 01.07.2014, "The Minister of Foreign Affairs" in the middle of the second sentence and "the Minister of the Interior" at the end of the second sentence is substituted for "the minister in charge of the policy sector" on the basis of subsection 4 of § 107[3] of the Government of the Republic Act.]

§ 27[1]. Procedures related to certificates enabling digital identification and digital signature

(1) A consular officer shall restore the validity of the certificate with suspended validity entered into the identity card, residence permit card, digital identity card and diplomatic identity card pursuant to the Identity Documents Act.

(2) A consular officer shall issue new security codes of the certificate entered into the document to the holder of an identity card, residence permit card, digital identity card and diplomatic identity card, who is staying in a foreign state.
[RT I, 31.12.2019, 1 – entry into force 06.01.2020]

§ 28. Organisation of exercise of right to vote

A consular officer or an honorary consul shall organise elections in the consular district in accordance with the Riigikogu Election Act and the European Parliament Election Act.

§ 29. Holding of referendum

A consular officer or an honorary consul shall organise referendums in the consular district in accordance with the Referendum Act.

§ 30. Act of attestation

(1) A consular officer may perform an act of attestation specified in Subchapter 2 of Chapter 3 of the Notarisation Act in the form of authentication if there is a justified need for the act to be performed in the representation of the Republic of Estonia and if the act is directly related to an Estonian citizen, an Estonian legal person, or property situated in Estonia.

(2) A consular officer with special qualifications may, in addition to the acts specified in subsection 1 of this section, perform acts of attestation in the form of certification at the request of a person if there is a justified need for the act to be performed at the representation of the Republic of Estonia and if the act is directly related to an Estonian citizen, an Estonian legal person, or property situated in Estonia. A consular officer with special qualifications may perform the acts specified in clauses 1 and 3 subsection 3 of § 29 and clause 6 of subsection 3 of § 32 of the Notaries Act, as well as certify applications for the initiation of succession proceedings, on acceptance of the succession and on the renunciation of succession.
[RT I 2010, 38, 231 – entry into force 01.07.2010]

(3) The acts specified in subsections 1–2 of this section shall be performed in accordance with the Notarisation Act, taking account of the following specifications:
1) subsection 2 of § 2 of the Notarisation Act does not apply;
2) clause 4 of subsection 1 of § 3 of the Notarisation Act does not apply;
3) certificates concerning data entered in registers shall be issued and printouts from registers shall be authenticated only if the consular officer has access to the corresponding register through a computer network;
4) the act specified in clause 6 of subsection 3 of § 32 of the Notaries Act shall be performed if the person who is to take the oath is an Estonian citizen;
[RT I 2010, 38, 231 – entry into force 01.07.2010]

(3[1]) Before certification of an application for initiation of succession proceedings a consular officer shall verify information in the succession register concerning the fact whether succession proceedings in the same succession matter have already been initiated. If on the basis of the succession register the succession proceedings in the same succession matter have already been initiated, the consular officer shall refuse to certify the application for the initiation of the succession proceedings.
[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

(3^{2}) The application for the acceptance or renunciation of a succession shall be forwarded to the notary conducting the succession proceedings immediately after verification. The application for initiation of succession proceedings shall be immediately forwarded by the consular officer to the Estonian notary specified by the applicant.
[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

(4) The duty to maintain professional secrecy applies to consular officers in accordance with § 3 of the Notaries Act.

(5) Acts specified in subsections 1–2 of this section have the same meaning as notarial acts of attestation.

(6) A state fee shall be paid for the performance of acts of attestation.

§ 30^{1}. Remote authentication acts

(1) Remote authentication acts specified in subsection 3^{1}of § 1 of the Notarisation Act may be performed via a video bridge in the premises of a foreign mission of the Republic of Estonia.

(2) In order to perform remote authentication acts the identity of the participant in the act shall be established in the foreign mission.

(3) A state fee shall be paid for the performance of remote authentication acts at the rate provided for in the State Fees Act and the notary fee at the rate provided for in the Notary Fees Act.

(4) The remote authentication procedure shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 22.02.2019, 2 – entry into force 01.02.2020]

§ 31. Act of attestation performed with consent of Ministry of Foreign Affairs

(1) Consular officers without special qualifications may perform acts of attestation specified in subsection 2 of § 30 of this Act in exceptional cases at the written request of an Estonian citizen who stays at a penal institution of a foreign state or whose state of health does not allow him or her to leave a foreign state or address a notary of the receiving state in order to receive the service. The consular department of the Ministry of Foreign Affairs shall grant its consent for such act of attestation.

(2) The procedure for performing acts of attestation and for receiving the consent of the consular department of the Ministry of Foreign Affairs shall be established by a regulation of the minister in charge of the policy sector.

(3) A state fee shall be paid for the performance of acts of attestation with the consent of the Ministry of Foreign Affairs.

§ 32. Provision of translation services

(1) A consular officer or an honorary consul may translate a public document issued in a foreign state or in Estonia on the condition that he or she is sufficiently proficient in both of the languages concerned, there is justified need for the translation and the act is directly related to an Estonian citizen, an Estonian legal person, or property situated in Estonia.

(2) A state fee shall be paid for the provision of translation services. An honorary consul may charge a service fee for the translation services within the limits of the state fee rates established by the State Fees Act.

§ 33. Vital statistics registration

(1) A consular officer shall perform vital statistics registration pursuant to the conditions and procedure provided for in the Vital Statistics Registration Act as follows:
1) issue of certificates of marriage ability;
2) issue of a repeat family event certificate;
[RT I, 29.06.2024, 3 - entry into force 01.01.2025]
2^{1}) issue of a multilingual standard form and a repeat family event certificate or a certificate of marital capacity added thereto on the basis of Regulation (EU) 2016/1191 of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.07.2016, pp 1-136);
[RT I, 29.06.2024, 3 - entry into force 01.01.2025]
2^{2}) issue of extracts from the administrative act issued by the minister in charge of the policy sector or the person authorised thereby, which is the basis for granting a new personal name;

[RT I, 29.06.2024, 3 - entry into force 01.01.2025]
3) amendment of the vital statistics information entered into the population register by the same representation;
4) making entries of data acquisition on the basis of the documents on vital statistics prepared in a foreign state.

(2) A state fee is paid at the rate provided in the State Fees Act for the issue of a certificate of marital capacity, a repeat family event certificate and the multilingual standard form specified in clause 2^1 of subsection 1 of this section and the repeat family event certificate or certificate of marital capacity added thereto and for the issue of an extract specified in clause 2^2 of subsection 1 of this section.
[RT I, 29.06.2024, 3 - entry into force 01.01.2025]

§ 34. Issue of driving licence, international driving licence, provisional driving licence and duplicates

(1) A consular officer or an honorary consul shall issue an Estonian driving licence, international driving licence, provisional driving licence or duplicate to an Estonian citizen staying in a foreign state in accordance with the Traffic Act.
[RT I, 19.12.2012, 3 – entry into force 01.01.2013]

(2) A state fee shall be paid upon application for the issue of a driving licence, international driving licence and provisional driving licence through a representation.
[RT I, 19.12.2012, 3 – entry into force 01.01.2013]

§ 35. Release from citizenship

(1) A consular officer shall forward an application, and the other required documents, from an Estonian citizen residing in a foreign state for his or her release from Estonian citizenship for processing to the Police and Border Guard Board in accordance with the Citizenship Act.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) A consular officer shall issue the documents prescribed by law to a person applying for release from citizenship, reclaim the documents proving Estonian citizenship and forward them to the Police and Border Guard Board in accordance with the Citizenship Act.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 36. Acts with regard to Estonian ship

(1) A consular officer shall register messages transmitted by the captain of a ship flying the national flag of the Republic of Estonia concerning the ship and the crew while in port in the consular district.

(2) A consular officer shall issue a provisional certificate of nationality to an Estonian ship and extend the term of validity of ship's papers pursuant to the Law of Ship Flag and Registers of Ships Act.

(3) A state fee shall be paid for the issue of a provisional certificate of nationality and extension of the term of validity of ship's papers.

§ 37. Registration of temporary stay and permanent residence in foreign state

(1) A consular officer or an honorary consul shall register information regarding an Estonian citizen or an alien staying temporarily or residing permanently in a foreign state at the request of the person.

(1^1) Where the compliance of the data provided in an application submitted in a secure online environment with the established requirements has been automatically verified through databases, the permanent residence is registered without a decision of the consular officer.
[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(2) The procedure for the registration of information regarding an Estonian citizen or an alien staying temporarily or residing permanently in a foreign state and the forms of registration applications shall be established by a regulation of the minister in charge of the policy sector in co-ordination with the minister in charge of the policy sector.
[RT I, 29.06.2014, 109 – entry into force 01.07.2014, “The Minister of Foreign Affairs” in the middle of the sentence and “the Minister of the Regional Affairs” at the end of the sentence is substituted for “the minister in charge of the policy sector” on the basis of subsection 4 of § 107^3 of the Government of the Republic Act.]

§ 38. Acts in population register

(1) A consular officer or an honorary consul shall enter or forward information regarding an Estonian citizen or an alien staying temporarily or residing permanently in a foreign state in the Estonian population register in accordance with the Population Register Act.

(2) A consular officer shall, upon provision of consular services to Estonian citizens and aliens, verify information regarding a person entered in the Estonian population register and shall correct and amend the

information on the basis of the submitted source documents or shall forward the source documents or the authenticated copies thereof for the correction and amendment of entries in the Estonian population register in accordance with the Population Register Act.

(3) A consular officer issues to a person:
1) an extract of the data in the population register specified in subsection 1 of § 45 of the Population Register Act;
2) a multilingual standard form and an extract of the data in the population register added thereto based on Regulation (EU) 2016/1191 of the European Parliament and of the Council;
3) in the case of a legitimate interest of the person, the data in the population register.
[RT I, 29.06.2024, 3 - entry into force. 01.01.2025

(4) In the cases specified in clauses 1–3 of subsection 3 of this section, a state fee is paid for the issue of the data at the rate provided in the State Fees Act.
[RT I, 29.06.2024, 3 - entry into force 01.01.2025]

§ 39. Issue of certificates

(1) At the written request of a person, a consular officer may issue a certificate to the person regarding circumstances known to the consular officer.

(2) At the written request of a person, an honorary consul may issue a certificate concerning circumstances known to him or her if there is a justified need for the certificate and shall co-ordinate the issue of the certificate with a representation of the Republic of Estonia or the consular department of the Ministry of Foreign Affairs. The honorary consul shall be personally liable for the correctness of the certificate.

(3) A state fee shall be paid for the issue of a certificate. An honorary consul may charge a service fee for the issue of a certificate within the limits of the state fee rates established by the State Fees Act.

§ 40. Official authentication

A consular officer shall officially authenticate a signature, copy, printout or extract pursuant to the Administrative Procedure Act.

§ 41. Ordering of public document

(1) At the written request of a person, a consular officer or an honorary consul shall order a public document from an Estonian agency.

(2) The list of information prescribed on an application for the ordering of public documents shall be established by a regulation of the minister in charge of the policy sector unless another procedure or format is prescribed by an international agreement or pursuant to law.

(3) A state fee shall be paid for the ordering of a public document through a representation. An honorary consul may charge a service fee for the ordering of a public document within the limits of the state fee rates established by the State Fees Act.

§ 42. Ordering of authentication of public document by certificate (*apostille)*

(1) At the written request of a person, a consular officer or an honorary consul shall order the authentication of a public document by a certificate (*apostille*) in accordance with the Act on Accession to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

(2) A state fee shall be paid for the ordering of authentication of a public document by a certificate (*apostille*). An honorary consul may charge a service fee for the ordering of authentication of a public document by a certificate (*apostille*) within the limits of the state fee rates established by the State Fees Act.

§ 43. Legalisation of public document

(1) Upon legalisation of a public document, a consular officer shall authenticate the signature and, if necessary, the seal or stamp on a public document.

(2) A consular officer shall legalise public documents issued in foreign states which are used in Estonia and public documents issued in Estonia which are used in a foreign state.

(3) A consular officer shall legalise a public document if he or she has a specimen signature of the signatory and, if necessary, the specimen impression of the seal or stamp, or a confirmation of a competent agency on the

basis of which the consular officer is convinced that the person who issued the document has acted within the limits of his or her competence.

(4) A consular officer shall refuse to legalise a public document if:
1) the public document is falsified;
2) the original document issued in a foreign state has not been legalised in accordance with customary international law;
3) the content of the public document is untrue;
4) according to an international agreement, the public document is valid without any further attestation;
5) circumstances exist which imply that unauthorised changes have been made to the original content of the public document;
6) the public document is spoiled;
7) the public document was issued for a specified term and is no longer valid;
8) there is reason to believe that the person who authenticated the public document was not competent to do so;
9) the public document has been legalised for use in another state;
10) the public document has been legalised by another Estonian consular officer.

(5) The procedure for legalising public documents and the format of the corresponding applications shall be established by a regulation of the minister in charge of the policy sector.

(6) A state fee shall be paid for the review of an application for the legalisation of a public document.

§ 44. Forwarding of documents

(1) At the written request of a person, a consular officer or an honorary consul shall forward a document to an Estonian agency or person, unless a different procedure is prescribed by an international agreement or pursuant to an Act.

(2) A list of information prescribed on an application for the forwarding of a document shall be established by a regulation of the minister in charge of the policy sector.

(3) A state fee shall be paid for the forwarding of a document. An honorary consul may charge a service fee for the forwarding of a document within the limits of the state fee rates established by the State Fees Act.

§ 45. Issue of visas

A consular officer shall process visa applications and issue visas in accordance with the Aliens Act and other legislation.

§ 46. Issue of visa pursuant to international agreement and legislation of European Union

A representation of the Republic of Estonia may process and issue a visa for travelling into another Schengen member state pursuant to an international agreement or EU legislation with the knowledge of the receiving state and on the condition that the receiving state has no objections thereto. A representation of a Schengen member state may process a visa application and issue a visa for travelling into Estonia pursuant to an international agreement or EU legislation with the knowledge of the receiving state and on the condition that the receiving state has no objections thereto.

§ 47. Forwarding of application for residence permit, right of residence and work permit and issue of residence permit and document in proof of right of residence

(1) A consular officer shall forward an application for a residence and work permit or the right of residence of a citizen of a foreign state for processing to the Police and Border Guard Board in accordance with the Aliens Act and the Citizen of European Union Act.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) A consular officer shall issue a residence card in accordance with the Aliens Act or the Citizen of European Union Act and the Identity Documents Act.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 47[1]. Forwarding of application for issue of residence card and issue of residence card

(1) A consular officer shall forward an application for the issue of residence card of a citizen of a foreign state who has a temporary right of residence or a permanent right of residence whose place of residence is registered in a foreign state on the basis of the Population Register for processing to the Police and Border Guard Board in accordance with the Aliens Act or the Citizen of European Union Act and the Identity Documents Act.

(2) A consular officer shall forward an application of a citizen of a foreign state holding a temporary residence permit or residence permit for a long-term resident, whose place of residence is registered in a foreign state, for commencement of proceedings of a residence card to the Police and Border Guard Board pursuant to the Aliens Act or the Citizen of the European Union Act and the Identity Documents Act.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(3) A consular officer shall issue the residence card to the citizen of a foreign state who is staying in a foreign state in accordance with the Identity Documents Act.
[RT I, 09.12.2010, 1 – entry into force 01.01.2011]

§ 48. Forwarding of application for issue of digital identity card and issue of digital identity card

(1) A consular officer shall forward an application for the issue of a digital identity card for a citizen of a foreign state or an alien to the Police and Border Guard Board in accordance with the Identity Documents Act.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) A consular officer shall issue a digital identity card to a citizen of a foreign state staying in a foreign state and an alien in accordance with the Identity Documents Act.

§ 49. Issue of document by way of professional assistance

A consular officer or an honorary consul has the right to issue other documents issued on the basis of law and perform necessary acts by way of professional assistance in accordance with the Administrative Co-operation Act.

§ 50. Collection of evidence and delivery of procedural documents

(1) A consular officer may collect evidence in a foreign state on the basis of an order of an Estonian court pursuant to the procedure prescribed in procedural law and, among other things, to hear witnesses unless this is prohibited according to the legislation of the foreign state. On the basis of an order of an Estonian court, a consular officer may also deliver procedural documents in a foreign state unless this is prohibited according to the legislation of the foreign state.

(2) A consular officer shall prepare a document regarding collection or delivery of evidence and shall forward the document to a court.

§ 51. Application for diplomatic clearance and flight permit

(1) A consular officer shall accept applications for flight permits for foreign aircraft and forward them to the competent authority in Estonia in accordance with the Aviation Act and the National Defence Act. The consular officer shall forward responses to the relevant foreign authority.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) A consular officer shall accept applications for diplomatic clearance for foreign ships and forward them to the competent authority in Estonia in accordance with the State Borders Act. The consular officer shall forward responses to the relevant foreign authority.

Chapter 5
PROVISION OF CONSULAR ASSISTANCE

§ 52. Provision of consular assistance

(1) A consular officer or an honorary consul shall provide consultation and assistance to persons in distress in the consular district in order for them to contact their families or other persons close to them or return to Estonia or in order for their rights to be protected or hospitalisation or other issues to be arranged for them.

(2) For the purposes of this Act, a person in distress is an Estonian citizen, an unrepresented citizen of a Member State of the European Union or an alien who finds himself or herself in a temporary emergency situation as a result of an accident, an illness, falling victim to a crime or other circumstances and who is unable to resolve the situation by himself or herself.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(3) An alien is not deemed to be a person in distress if the alien is at the same time a citizen of the receiving state, a person with unspecified citizenship which is documented in the receiving state or a resident of the receiving state.

(4) If a person has been unlawfully deprived of his or her liberty, the consular officer shall notify the competent authorities of the consular district and Estonia thereof, organise communication between the person in distress and his or her family, other persons close to him or her and the authorities of the consular district, and monitor the settlement of the issue in the authorities of the consular district.

§ 53. Provision of consular assistance to unrepresented citizen of Member State of European Union in third state

[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(1) A representation of the Republic of Estonia provides consular assistance to an unrepresented citizen in distress of a Member State of the European Union who is applying for consular assistance.

(2) A citizen of a Member State of the European Union is unrepresented if his or her country of nationality does not have a foreign representation in a third country or if the foreign representation or honorary consul there cannot provide consular assistance in the particular case.

(3) An unrepresented citizen of a Member State of the European Union shall be provided consular assistance under the same terms as to an Estonia citizen, except as provided in subsections 3–5 of § 64 of this Act.

(4) A consular officer shall immediately consult the ministry of foreign affairs or foreign representation of the country of nationality of the unrepresented citizen of a Member State of the European Union, forwarding all the relevant information, including the identity of the person and possible costs of the consular assistance. If this is not an urgent case, they consult before provision of assistance.

(5) Estonia shall assign the consular assistance case of an unrepresented citizen of a Member State of the European Union to his or her country of nationality as soon as the country of nationality has made the appropriate application and confirmed that they shall provide consular assistance to their citizen.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(6) A consular officer issues a European Union certificate of return to an unrepresented citizen of a Member State of the European Union in accordance with the Identity Documents Act.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

§ 54. Provision of consular assistance pursuant to international agreements

Pursuant to an international agreement, a representation of the Republic of Estonia may provide consular assistance to a citizen of a foreign state with the knowledge of the receiving state and on the condition that the receiving state has no objections thereto. In a foreign state where Estonia does not have a representation, the representation of the foreign state may provide consular assistance to an Estonian citizen pursuant to an international agreement with the knowledge of the receiving state and on the condition that the receiving state has no objections thereto.

§ 55. Provision of assistance in event of natural disaster, catastrophe, act of terrorism, war or armed conflict

(1) In the event of a natural disaster, catastrophe, act of terrorism, war or armed conflict which poses a threat to the life or safety of a person in distress in the territory of a foreign state, the consular officer or honorary consul shall attempt to maintain continual contact with the person in distress and help the person in distress return to Estonia or leave the crisis area.

(2) If necessary, the Government of the Republic shall arrange for the return of the person in distress to Estonia or his or her evacuation from the crisis area on the proposal of the Ministry of Foreign Affairs.

§ 56. Provision of assistance to victims of crime

A consular officer or an honorary consul shall assist a person in distress who has fallen victim to a crime in finding medical and legal assistance. If necessary, the consular officer or honorary consul shall organise communication between the person in distress and the law enforcement authorities of the receiving state.

§ 57. Assistance in event of accident and illness

(1) A consular officer or an honorary consul shall organise immediate notification of a person's family or other persons close to him or her and the Ministry of Foreign Affairs of any case of serious injury to or illness of a person in distress.

(2) If a person in distress has to be brought to Estonia due to his or her condition, the consular officer or honorary consul shall provide consultation and assistance to the person's family or other persons close to him or her in organising the person's travel to Estonia.

§ 58. Provision of assistance in event of death

(1) A consular officer or an honorary consul shall organise immediate notification of a person's family or other persons close to him or her and the Ministry of Foreign Affairs of the death of an Estonian citizen or an alien.

(2) If the remains of a person have to be brought to Estonia, the consular officer or honorary consul shall provide consultation and assistance to the person's family or other persons close to him or her in organising the person's travel to Estonia.

§ 59. Sending remains of person to Estonia

(1) A consular officer or an honorary consul shall, after having verified the lawfulness of the contents of a coffin or urn, seal the coffin or urn to be sent to Estonia at the written request of the person accompanying the coffin or urn.

(2) A consular officer or an honorary consul shall submit a certificate confirming the sealing of the urn or coffin to the person accompanying the urn or coffin.

(3) The conditions and procedure for the application for sealing urns and coffins and the format of the certificate shall be established by a regulation of the minister in charge of the policy sector.

(4) A state fee shall be paid for the issue of a certificate confirming the sealing of a coffin or urn. An honorary consul may charge a service fee for the issue of a certificate confirming the sealing of a coffin or urn within the limits of the state fee rates established by the State Fees Act.

§ 60. Protection of rights of persons with restricted active legal capacity

A consular officer or an honorary consul shall protect the rights and legal interests of a person in distress with restricted active legal capacity who stays in the consular district during absence of the legal representative of such person without authorisation.

§ 61. Protection of rights of persons who have been detained or are serving sentence

(1) A consular officer or an honorary consul shall meet an Estonian citizen or alien who has been detained or is serving sentence in the consular district at the reasoned request of the person, his or her authorised representative, family or other persons close to him or her.

(2) A consular officer or an honorary consul shall represent an Estonian citizen or alien who has been detained or is serving sentence in the agencies of the consular district at the request of the person and in justified cases.

(3) A consular officer or an honorary consul shall monitor that the basic rights of an Estonian citizen or alien who has been detained or is serving sentence are guaranteed.

§ 62. Issue of certificate of return

(1) A consular officer or an honorary consul shall issue a certificate of return to an Estonian citizen pursuant to the Identity Documents Act.

(2) A state fee shall be paid for the issue of a certificate of return. An honorary consul may charge a service fee for the issue of a certificate of return within the limits of the state fee rates established by the State Fees Act.
[RT I, 31.12.2019, 1 – entry into force 06.01.2020]

§ 63. Issue of permit of return

(1) A consular officer or an honorary consul shall issue a permit of return to an alien pursuant to the Identity Documents Act.

(2) A state fee shall be paid for the issue of a permit of return. An honorary consul may charge a service fee for the issue of a permit of return within the limits of the state fee rates established by the State Fees Act.
[RT I, 31.12.2019, 1 – entry into force 06.01.2020]

§ 64. Provision of financial assistance

(1) A consular officer or an honorary consul shall organise the provision of financial assistance on the basis of a written application from a person in distress on the condition that the person provides sufficient security.

(2) If a person in distress fails to provide security, the consular officer may provide financial assistance on the basis of a reasoned standard application from the person in distress and with the consent of the Ministry of Foreign Affairs.

(3) Financial assistance provided to a person in distress without security shall be refunded to the state within ninety days as of the date of receipt of the financial assistance unless otherwise prescribed by this Act.

(3[1]) If an Estonian citizen in distress has received financial assistance without security in a foreign representation of another Member State of the European Union pursuant to Council Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC (OJ L 106, 24.04.2015, pp. 1–13), he or she is required to repay it to the Estonian state within 90 days as of the date on which he or she received the claim for repayment.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(4) If the person who received financial assistance without security on the basis specified in subsection 2 or 3[1] of this section fails to repay the money within the term, the minister in charge of the policy sector shall issue a precept for return thereof. The precept of the minister in charge of the policy sector is subject to compulsory enforcement pursuant to the Code of Enforcement Procedure.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(5) On the basis of a reasoned application, the minister in charge of the policy sector may release a person from the obligation to refund money which has been granted to the person by way of financial assistance without security or reduce the sum to be refunded:
1) if the recipient proves his or her insolvency or
2) on the basis of a corresponding request from an Estonian state or local government authority.

(6) The procedure for repayment of the costs of consular assistance, the form of application for financial assistance without security and the form of obligation to repay the costs of consular assistance is established by a regulation of the minister in charge of the policy sector.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(6[1]) Consular protection is dealt with for the purposes of Council Directive (EU) 2015/637.
[RT I, 21.04.2018, 3 – entry into force 01.05.2018]

(7) The decision by a consular officer to provide or to refuse to provide financial assistance without security or the decision by the minister in charge of the policy sector to release a person from the refunding obligation or to reduce the sum to be refunded cannot be contested by way of challenge procedure.

§ 65. Refusal to provide financial assistance without security

A consular officer may refuse to provide financial assistance without security if:
1) the applicant has knowingly submitted false or distorted information or has knowingly concealed information;
2) the applicant has failed to use previous financial assistance for its intended purpose or
3) the applicant has failed to refund previous financial assistance pursuant to the procedure established by the minister in charge of the policy sector and a decision to release the person from the obligation to refund the financial assistance has not been made.

§ 66. Provision of financial assistance to citizen of Member State of European Union

[Repealed – RT I, 21.04.2018, 3 – entry into force 01.05.2018]

Chapter 6
CONSULAR FUNCTIONS OF STRUCTURAL UNITS OF MINISTRY OF FOREIGN AFFAIRS LOCATED IN ESTONIA

§ 67. Consular functions of structural units of Ministry of Foreign Affairs located in Estonia

(1) The structural units of the Ministry of Foreign Affairs located in Estonia shall perform the following consular functions within the limits of their competence:
1) implementation of measures for the protection of the interests and rights of the Estonian state, Estonian citizens and Estonian legal persons in a foreign state;
2) implementation of measures for the provision of consular services and consular assistance to aliens and citizens of foreign states in a foreign state;
3) registration of the temporary stay and permanent residence of Estonian citizens and aliens in a foreign state;
4) acts in the population register;
5) [Repealed – RT I, 20.06.2022, 5 – entry into force 30.06.2022]
6) [Repealed – RT I, 20.06.2022, 5 – entry into force 30.06.2022]
7) legalisation of public documents;
8) forwarding of documents;
9) issue of visas;
10) sending of remains of persons to a foreign state;
11) issue of certificates of return;
12) issue of permits of return;
13) application for diplomatic clearances and flight permits;

14) other consular functions arising from legislation.

(2) The structural units of the Ministry of Foreign Affairs located in Estonia shall provide consular services according to Chapter 4 of this Act and consular assistance according to Chapter 5 of this Act, taking account of the specifications provided for in this Chapter.

§ 68. Ordering of public document
[Repealed – RT I, 20.06.2022, 5 – entry into force 30.06.2022]

§ 69. Ordering of authentication of public document by certificate (*apostille)*
[Repealed – RT I, 20.06.2022, 5 – entry into force 30.06.2022]

§ 70. Forwarding of documents

At the written request of a person or authority, a consular officer forwards a document to an agency of Estonia or a foreign state, unless a different procedure is prescribed by an international agreement or pursuant to an Act.
[RT I, 20.06.2022, 5 – entry into force 30.06.2022]

§ 71. Sending of remains of person to foreign state

A consular officer shall, after having verified the lawfulness of the contents of a coffin or urn, seal the coffin or urn to be sent to a foreign state at the written request of the person accompanying the coffin or urn and on the condition that Estonia does not have a representation of the country of destination.

§ 72. Issue of certificate of return

A consular officer shall issue a certificate of return to an Estonian citizen staying in a foreign state in exceptional cases and on the condition that the person can be identified in the foreign state.

§ 73. Issue of permit of return

A consular officer shall issue a permit of return to an alien staying in a foreign state in exceptional cases and on the condition that the person can be identified in the foreign state.

§ 74. Application for diplomatic clearance and flight permit

(1) A consular officer shall submit an application to the competent authority of a foreign state to obtain diplomatic clearance in accordance with the legislation of the foreign state for a ship performing state functions for the Republic of Estonia to enter into, stay in or depart from the territorial waters or a port of the foreign state.

(2) A consular officer shall submit an application to the competent authority of a foreign state to obtain a permit in accordance with the legislation of the foreign state for an aircraft performing state functions for the Republic of Estonia to enter into the air space, land in the territory, depart from the air space or pass in transit over the territory of the receiving state.

Chapter 7
IMPLEMENTING PROVISIONS

§ 75. Transfer of vital statistics registrations

The first copies of vital statistics registrations prepared in representations before the entry into force of this Act shall be transferred to the Ministry of the Interior Affairs for preservation.

§ 75[1]. Processing of biometric data taken before 1 July 2022

Fingerprint images entered in the database of professional activities of a consular officer shall be entered in the ABIS database not later than on 30 June 2022.
[RT I, 08.07.2021, 1 – entry into force 15.07.2021]

§ 75[2]. Implementation of subsection 11 of § 37 of Act

For the implementation of subsection 1[1] of § 37 of this Act, the technical readiness of the population register is created by 1 January 2024.
[RT I, 12.03.2022, 1 –entry into force 22.03.2022]

§ 76.–§ 92.[Omitted from this text]

§ 93. Entry into force of Act

This Act enters into force on 1 July 2009.

[1]Council Directive (EU) 2015/637 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC (OJ L 106, 24.04.2015, pp. 1–13) [RT I, 21.04.2018, 3 – entry into force 01.05.2018]