

Issuer:	Riigikogu
Type:	act
In force from:	01.02.2020
In force until:	19.07.2020
Translation published:	22.01.2020

## Notary Fees Act

Passed 20.03.1996  
RT I 1996, 23, 456  
Entry into force 19.04.1996

Amended by the following acts

Passed	Published	Entry into force
17.12.1997	RT I 1998, 2, 48	09.01.1998
11.02.1998	RT I 1998, 23, 321	01.07.1998
17.06.1998	RT I 1998, 59, 941	10.07.1998
Published in paper version of Riigi Teataja	RT I 1998, 95, 1512	
17.02.1999	RT I 1999, 27, 380	01.04.1999
23.02.1999	RT I 1999, 29, 400	19.03.1999
06.06.2001	RT I 2001, 56, 336	07.07.2001
14.11.2001	RT I 2001, 93, 565	01.02.2002
19.12.2001	RT I 2002, 3, 6	01.02.2002
15.05.2002	RT I 2002, 47, 297	01.01.2003
05.06.2002	RT I 2002, 53, 336	01.07.2002
15.01.2003	RT I 2003, 13, 64	01.07.2003
29.01.2003	RT I 2003, 18, 100	07.03.2003, partially 01.05.2004
14.04.2004	RT I 2004, 30, 208	01.05.2004
12.10.2005	RT I 2005, 57, 450	01.01.2006
15.12.2005	RT I 2005, 71, 549	01.01.2006
26.01.2006	RT I 2006, 7, 42	04.02.2006
17.01.2008	RT I 2008, 7, 52	01.01.2009
04.06.2008	RT I 2008, 27, 177	10.07.2008
09.12.2008	RT I 2008, 56, 313	24.12.2008
06.05.2009	RT I 2009, 27, 164	08.06.2009, partially 01.01.2010 and 01.07.2010
21.05.2009	RT I 2009, 30, 178	01.10.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
17.06.2010	RT I 2010, 38, 231	01.07.2010, partially 01.08.2010
16.12.2010	RT I, 30.12.2010, 2	01.01.2011
17.02.2011	RT I, 14.03.2011, 3	24.03.2011
05.12.2012	RT I, 19.12.2012, 1	01.01.2013
26.09.2013	RT I, 09.10.2013, 1	28.10.2013

27.02.2014	RT I, 21.03.2014, 3	31.03.2014, partially 01.04.2014 and 01.01.2015
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
16.02.2016	RT I, 10.03.2016, 1	01.07.2016
16.02.2016	RT I, 10.03.2016, 2	20.03.2016
07.12.2016	RT I, 21.12.2016, 1	01.03.2018
20.04.2017	RT I, 09.05.2017, 1	01.07.2017, partially 01.03.2018
31.01.2019	RT I, 22.02.2019, 2	01.02.2020

## **Part 1 GENERAL PROVISIONS**

### **§ 1. Definition of notary fee**

A notary fee means the fee paid to a notary for the performance of a notarial act and related legal or technical services. For the purposes of this Act, a notarial act means a professional act performed or professional service rendered by a notary.

[RT I 2009, 27, 164 – entry into force 08.06.2009]

### **§ 2. Rates for notary fees**

(1) [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]

(2) If a notary fee is established as a frame rate determining only the minimum and maximum rate of the fee, or either the minimum or the maximum rate of the fee, the complexity of the notarial act and of the legal or technical service rendered and the time spent on the performance of the notarial act or rendering the service shall be considered upon determining the notary fee.

(2<sup>1</sup>) If a notarial act performed by remote authentication specified in subsection 1 (3<sup>1</sup>) of the Notarisation Act is also in the list of notarial acts established under subsection 13 (8) of the same Act, 20 euros shall be added to the notary fee.

[RT I, 22.02.2019, 2 – entry into force 01.02.2020]

(3) A notary has the right to charge a fee only to the extent and pursuant to the procedure provided for in this Act. A notary is prohibited from entering into agreements to alter the rates of fees or the procedure for the charging of fees provided for in this Act.

(4) If a notarial act is performed pursuant to § 6 or § 34 of the Notarisation Act, the fee for a notarial act shall also include the notary fee for certification of copy of a notarial instrument to the parties to a transaction.

[RT I 2010, 38, 231 – entry into force 01.07.2010]

## **Part 2 TRANSACTION VALUE**

### **§ 3. Basis for calculation of transaction value**

(1) The value of the thing or right being the object of the notarial act shall be the basis for determining transaction value.

(2) The value of a thing or right as declared by the persons applying for the performance of the notarial act shall be deemed to be the value of the thing or right.

(3) If the value of a thing or right as declared by the persons applying for the performance of the notarial is less than the usual value of the thing or right, transaction value shall be determined based on the assessed value of the land, the size of the mortgage entered in the land register, the amount of insurance coverage for the thing or right, or other reliable information.

(4) The obligations encumbering the thing or right being the object of the transaction shall not be deducted in determining transaction value.

(5) If, on the basis of different information sources, varying transaction values are determined for a thing or right, the notary fee shall be determined on the basis of the transaction value closest to the usual value of the thing or right.

(6) A notary does not have the right to demand additional documents verifying the transaction value of the thing or right from the persons applying for the performance of a notarial act, except in the cases expressly prescribed in this Act and other legal acts.

(7) If the transaction value of a notarial act exceeds 6 390 000 euros, then 6 390 000 euros shall be deemed to be the transaction value in determining a notary fee, unless a lower upper limit is provided by this Act.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 4. Minimum transaction value upon transactions concerning immovables or structures and parts or rights thereof**

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

(1) In determining transaction value, the minimum value of an immovable or structure shall be 6391 euros, the minimum value of a legal share of an immovable or structure shall be 1278 euros and the minimum value of a physical share of an immovable or structure and the legal share belonging to the physical share of the immovable or structure shall be 3800 euros.

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

(2) In determining transaction value, the minimum value of a right shall be 3800 euros, unless otherwise provided in this Act.

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

#### **§ 5. Document containing several transactions**

(1) If a document contains several transactions, the value of such transactions shall be added up. If the amount of notary fees to be charged for the authentication of transactions is calculated on the basis of different full fee coefficients, the notary fees shall be calculated for each transaction value separately.

(2) If a transaction for the transfer of an immovable is authenticated simultaneously with encumbrance of the same immovable with a mortgage, a personal right of use in residential building or a real encumbrance, the transaction value of the transfer shall be two thirds of the value of the immovable, except in the case provided in subsection 9 (3) of this Act.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

#### **§ 6. Altering transactions and changing parties to transactions**

(1) In authenticating an alteration in a transaction, the amount of the change in the value of the thing or right being the object of the transaction which is altered shall be transaction value, but not less than one tenth of the value of the transaction altered.

(2) If a person is replaced in a transaction, one half of the value of the transaction value shall be transaction value. If a person is replaced in a transaction involving several persons, the share in one half of the value of the transaction corresponding to the share of the person in the transaction who is replaced shall be transaction value.

#### **§ 7. Transaction value upon making notation in land register**

Transaction value upon making a notation in the land register or ship register shall be the value of the claim secured by the notation. If the application for making a notation is in one and the same document with the transaction being the basis for the claim secured by the notation, then transaction value need not be determined.

#### **§ 8. Transaction value upon division of immovable, annexation of part of immovable and merger of immovables**

(1) Transaction value upon division of an immovable into several immovables is the value of the new immovable created as a result of the division of the immovable.

(2) Transaction value upon annexation of a part of an immovable to another immovable is the value of the part annexed.

(3) Transaction value upon merger of immovables into one immovable is the value of the immovable merged with the highest value.

#### **§ 9. Transaction value upon ensuring performance of obligation**

(1) The transaction value of the establishment of a pledge, including the establishment and termination (deletion) of mortgage shall be two thirds of the amount of the pledge. If the pledge is related to a claim and the amount of the pledge is not specified, the transaction value shall be the amount of the claim.

(2) Upon encumbrance of a mortgage or any other pledge not related to a claim with a limited real right, the transaction value shall be one half of the amount of the mortgage or pledge.

(3) If a document contains a transaction and a transaction securing the performance of the transaction, transaction value shall be determined on the basis of the transaction with the higher value.

(4) Transaction value upon changing the ranking of a right of security in the register is the value of the right with the smaller value the ranking of which is changed.

[RT I 2006, 7, 42 – entry into force 04.02.2006]

#### **§ 10. Transaction value upon establishment of real servitude**

(1) Transaction value upon establishment of real servitude is the value of the increase in the value of the dominant immovable as a result of the establishment of the real servitude. If the parties have determined the annual value of the real servitude, then transaction value is the sum of the annual values, but not more than for twenty-five years. The minimum annual value is 255 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(2) Transaction upon establishment of a real servitude is the value of the decrease in the value of the servient immovable as a result of the establishment of the real servitude, if it is higher than the transaction value calculated on the basis of subsection (1) of this section.

(3) The minimum transaction value upon establishment of a real servitude is 639 euros.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

#### **§ 11. Transaction value upon creation of usufruct**

(1) Transaction value upon establishment of a temporary usufruct is the sum of the individual annual values of the usufruct, but not more than for twenty-five years.

(2) Transaction value upon establishment of a usufruct for an unspecified term for the benefit of a natural person is the product of the annual value of the usufruct multiplied by a factor related to the age of the usufructuary:

- 1) the annual value multiplied by a factor of 20 if the person is under 36 years of age;
- 2) the annual value multiplied by a factor of 15 if the person is 36-50 years of age;
- 3) the annual value multiplied by a factor of 10 if the person is 51-65 years of age;
- 4) the annual value multiplied by a factor of 5 if the person is 66-75 years of age;
- 5) the annual value multiplied by a factor of 3 if the person is 76 years of age or older.

(3) Transaction value upon establishment of a usufruct for an unspecified term for the benefit of a legal person is the annual value of the usufruct multiplied by a factor of 20.

(4) The minimum annual value of usufruct is four per cent of the object of the usufruct.

(5) The minimum annual value of a usufruct on a ship, ship under construction or non-propelled floating vessel entered in the ship register is one per cent of the value of the object of the usufruct.

#### **§ 12. Transaction value upon establishment of personal right of use**

(1) Transaction value upon establishment of a temporary personal right of use is the sum of the individual annual values of the right of use, but not more than for twenty-five years.

(2) Transaction value upon establishment of a personal right of use on a residential building for an unspecified term is the product of the annual value of the personal right of use multiplied by a factor related to the age of the user:

- 1) the annual value multiplied by a factor of 20 if the person is under 36 years of age;
- 2) the annual value multiplied by a factor of 15 if the person is 36-50 years of age;
- 3) the annual value multiplied by a factor of 10 if the person is 51-65 years of age;
- 4) the annual value multiplied by a factor of 5 if the person is 66-75 years of age;
- 5) annual value multiplied by a factor of 3 if the person is 76 years of age or older.

(3) If a personal right of use in substance corresponds to a real servitude, transaction value shall be determined pursuant to § 10 of this Act.

(4) The minimum annual value of a personal right of use on a residential building is four per cent of the value of the building.

#### **§ 13. Transaction value upon establishment of real encumbrance**

Transaction value upon establishment of a real encumbrance is the sum of the individual annual values of the real encumbrance, but not more than for twenty-five years. The minimum annual value is 255 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 14. Transaction value upon establishment of right of superficies**

(1) Transaction value upon establishment of a right of superficies is the sum of the individual annual values of the payment for the right of superficies, but not more than for twenty-five years.

(2) The minimum transaction value upon establishment of a right of superficies is:

- 1) in the case of an unimproved immovable, 80 per cent of the of the assessed value of the land;
- 2) in the case of an improved immovable, 80 per cent of the of the assessed value of the land and the value of the building.

#### **§ 15. Transaction value upon establishment of right of pre-emption**

Transaction value upon establishment of a right of pre-emption is one quarter of the transaction value of the immovable.

#### **§ 16. Transaction value upon entry into residential lease contract, commercial lease contract, deposit contract or contract on use of property without charge**

(1) Transaction value upon entry into a residential lease contract, commercial lease contract, deposit contract or contract on use of property without charge is the value of the obligation arising from the contract during the term of the contract, but not more than for fifteen years.

(2) Transaction value upon entry into a residential lease contract, commercial lease contract, deposit contract or contract on use of property without charge concluded for an unspecified term is the annual value of the obligation arising from the contract multiplied by a factor of 5.

(3) The minimum annual value of a residential lease contract, commercial lease contract, deposit contract or contract on use of property without charge is 63.90 euros.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

#### **§ 17. Transaction value upon entry into barter agreement**

Transaction value upon entry into a barter agreement is the value of the exchanged goods with the higher value.

#### **§ 17<sup>1</sup>. Transaction value upon entry into agreement on payment of support**

Transaction value upon entry into agreement on payment of support is the sum of the support payable, but not more than for one year.

#### **§ 17<sup>2</sup>. Transaction value in case of lottery or drawing lots**

Transaction value in the case of a lottery or drawing lots is the value of the thing or right on which lottery is played or the value of the thing on which lots are drawn.

#### **§ 17<sup>3</sup>. Transaction value upon preparation of inventory**

Transaction value upon preparation of an inventory is the value of the assets listed in the inventory.

#### **§ 17<sup>4</sup>. Transaction value upon conduct of auction**

The transaction value upon conduct of an auction is the value of the object of the auction.

#### **§ 18. Notarial acts related to companies**

(1) Transaction value of a memorandum of association or foundation resolution of a private limited company, public limited company or commercial association shall also include the transaction value of the articles of association approved as an appendix to the memorandum of association or foundation resolution and shall be equal to the planned amount of the share capital.

(2) Transaction value upon entry into merger agreement between companies is the amount of the share capital of the acquiring company or of the company founded as a result of the merger or the amount of the contribution of the partners.

(2<sup>1</sup>) Transaction value upon entry into merger agreement between a company and a natural person is the amount of the share capitals of the companies being acquired.

[RT I, 21.03.2014, 3 – entry into force 01.01.2015]

(3) Transaction value upon entry into a division agreement between companies or transaction value of a division plan of a company is the amount of the share capitals of the acquired companies and/or the contribution of the partners.

(4) Transaction value of minutes prepared on a resolution of a body of a company is one fourth of the amount of the share capital or of the contribution of the partners.  
[RT I 2009, 27, 164 – entry into force 08.06.2009]

(5) The minimum transaction value upon founding, merger and division of companies and amending or termination of the transactions of the companies is 127 euros and the maximum transaction value is 639 euros in the case of partnerships and limited partnerships, 639 116 euros in the case of private limited companies and 6 390 000 euros in the case of public limited companies. If the transaction value is lower than the minimum transaction value or exceeds the maximum transaction value, it is deemed upon determining a notary fee that the transaction value corresponds to the minimum transaction value or the maximum transaction value. The provisions of this subsection shall also be applied upon determining the transaction value of merger agreement between a company and a natural person.  
[RT I, 21.03.2014, 3 – entry into force 01.01.2015]

(6) In cases where it is not possible to determine the value of the transactions specified in this section, then transaction value shall be the minimum transaction value provided for in subsection (5) of this section, and the provisions of § 6 and subsection 28 (1) of this Act do not apply.

### § 19. Transaction value upon shared ownership

(1) Transaction value upon division of property in common ownership or determining conditions of use of the property is the value of the property divided or concerning which the conditions of use are determined.

(2) Transaction value upon entry into a marital property contract or contract on division of joint property is the value of the property being the object of the contract. The minimum transaction value upon transactions concerning marital property is 6391 euros.  
[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

(3) Transaction value upon authentication of a certificate of ownership is the value of the property indicated in the certificate.  
[RT I 2010, 38, 231 – entry into force 01.07.2010]

### § 20. Notarial acts related to succession

(1) [Repealed - RT I 2008, 7, 52 – entry into force 01.01.2009]

(1<sup>1</sup>) The transaction value upon authentication of a certificate of legatee is the value of the thing given as legacy indicated in the certificate.  
[RT I 2010, 38, 231 – entry into force 01.07.2010]

(1<sup>2</sup>) [Repealed - RT I 2010, 38, 231 – entry into force 01.07.2010]

(2) [Repealed - RT I 2008, 7, 52 – entry into force 01.01.2009]

### § 21. [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]

## Part 3 CALCULATION OF NOTARY FEE ON BASIS OF TRANSACTION VALUE

### § 22. Table of transaction values and full fees

(1) A notary fee is calculated on the basis of transaction value pursuant to the table of transaction values and full fees provided for in this section in euros.

Transaction value up to	Full fee	Transaction value up to	Full fee	Transaction value up to	Full fee
32	1.60	35 151	59.75	242 865	371.30
64	3	38 347	64.55	249 255	380.90
96	4.50	41 543	69.35	255 650	390.50
128	6	44 738	74.10	262 040	400
256	10.80	47 934	78.90	268 430	409.50
383	14.50	51 129	83.70	274 820	419.25
511	17.35	54 325	88.50	281 220	428.80

639	19.15	57 520	93.30	287 610	438.40
1 278	19.80	60 716	98.10	294 000	448
1 917	20.40	63 912	102.90	300 390	457.60
2 556	21	70 303	112.50	306 780	467.15
3 196	21.75	76 694	122.10	313 170	476.75
3 835	22.35	83 085	131.65	319 560	486.35
4 474	23	89 480	141.20	332 340	505.50
5 113	23.65	95 870	150.80	345 130	524.70
5 752	24.25	102 260	160.40	357 910	543.85
6 391	24.90	108 650	170	370 690	563.05
7 669	25	115 040	179.55	383 470	582.20
8 948	25.45	121 435	189.15	396 260	601.40
10 226	25.70	127 825	198.75	409 040	620.55
11 504	26	134 215	208.35	421 820	639.75
12 782	26.20	140 605	217.90	434 600	658.90
14 061	28.10	147 000	227.50	447 390	678.10
15 338	30	153 390	237.10	460 170	697.25
16 617	32	159 780	246.65	472 950	716.40
17 895	33.85	166 170	256.25	485 730	735.60
19 173	35.75	172 565	265.85	498 510	754.75
20 452	37.70	178 955	275.45	511 300	773.95
21 730	39.60	185 345	285	524 100	793.10
23 008	41.50	191 735	294.60	536 860	812.30
24 287	43.50	198 130	304.20	549 640	831.45
25 565	45.40	204 520	313.80	562 430	850.65
26 843	47.30	210 910	323.35	575 210	869.80
28 121	49.15	217 300	332.95	587 990	889
29 399	51.10	223 690	342.55	600 770	908.15
30 678	53	230 085	352.10	613 560	927.35
31 956	55	236 475	361.70	626 340	946.50
				639 120	958.65

(2) Up to 1 278 235 euros – 958.65 euros + 0.14% per cent of the amount of the transaction value exceeding 639 120 euros;  
up to 1 917 350 euros – 1853.40 euros + 0.12% per cent of the amount of the transaction value exceeding 1 278 235 euros;  
up to 2 556 470 euros – 2620.35 euros + 0.1% per cent of the amount of the transaction value exceeding 1 917 350 euros;  
up to 3 195 585 euros – 3259.45 euros + 0.08% per cent of the amount of the transaction value exceeding 2 556 470 euros;  
up to 6 391 165 euros – 3770.75 euros + 0.05% per cent of the amount of the transaction value exceeding 3 195 585 euros;  
over 6 391 165 euros – 5368.55 euros + 0.02% per cent of the amount of the transaction value exceeding 6 391 165 euros.  
[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

### § 23. Notary fee for authentication of transaction

Unless the provisions of this Act provide otherwise, a notary fee for authentication of transaction shall be:

- 1) in the case of a unilateral transaction, a single full fee;
- 2) in the case of a bilateral or multilateral transaction, the double full fee.

### § 24. [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]

### § 25. Authentication of real right contract

If a transaction under the law of obligations being the basis for a real right contract, including an agreement of transfer of ownership of a ship, is already authenticated, the notary fee for the authentication of the real right contract or the agreement of transfer of ownership of a ship shall be 19.10 euros. If the real right contract

and registration application are in one and the same document with the respective transaction under the law of obligations, then no fee shall be charged for the authentication of the real right contract and registration application.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 26. Authentication of residential privatisation contracts**

A notary fee for the authentication of a residential privatisation contract shall be one per cent of the transaction value, but not less than 6.39 euros and not more than the notary fee on the basis of the table of transaction values and full fees provided for in § 22 of this Act.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

#### **§ 27. [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]**

#### **§ 28. Authentication of agreement on termination of transaction and cancellation of authorisation**

(1) A notary fee for the authentication of an agreement on the termination of a bilateral or multilateral transaction shall be one half of the full fee.

(2) A notary fee for the authentication of the cancellation of an authorisation shall be one half of the notary fee charged for the authentication of the authorisation.

#### **§ 28<sup>1</sup>. Transactions concerning ship register and registered security over movables**

[RT I 2009, 30, 178 – entry into force 01.10.2009]

(1) A notary fee for authentication of an agreement to transfer ownership of a ship, ship under construction or non-propelled floating vessel shall be one quarter of the full fee, but not less than 63.90 euros.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

(2) A notary fee for authentication of an agreement to establish a maritime mortgage and contract on surrender of owner mortgage shall be one quarter of the full fee, but not less than 63.90 euros.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

(3) A notary fee for authentication of an agreement to establish a registered security over movables and contract on surrender of owner mortgage shall be one quarter of the full fee, but not less than 63.90 euros.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

#### **§ 28<sup>2</sup>. [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]**

#### **§ 28<sup>3</sup>. Preparation and authentication of inventory**

A notary fee for the preparation and authentication of an inventory shall be a single full fee, but not less than 47.90 euros for every hour of the duration of the performance of the notarial act.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

#### **§ 28<sup>4</sup>. [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]**

#### **§ 29. Notary fee for performing other notarial acts**

(1) A notary fee shall be a single full fee in the case of:

1) authentication of a certificate of right of ownership;

[RT I 2010, 38, 231 – entry into force 01.07.2010]

1<sup>1</sup>) authentication of a certificate of legatee;

[RT I 2010, 38, 231 – entry into force 01.07.2010]

1<sup>2</sup>) [Repealed - RT I 2010, 38, 231 – entry into force 01.07.2010]

2) [Repealed - RT I 2008, 7, 52 – entry into force 01.01.2009]

3) [Repealed - RT I 2008, 7, 52 – entry into force 01.01.2009]

4) authentication of minutes prepared on resolutions of a body of a company, but not less than 63.90 euros, and also not less than 63.90 euros for every following hour of the duration of the performance of the notarial act, but not more than 319.50 euros in total;

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

5) authentication of agreement on surrender of owner mortgage;

6) authentication of a real right contract on re-registration of right of security in a structure as a mortgage;

7) authentication of a preliminary contract;

[RT I 2005, 57, 450 – entry into force 01.01.2006]

8) authentication of a contract under the law of obligations if an authenticated preliminary contract has been concluded between the same parties concerning the same object.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

(2) [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]



(3) A notary fee shall be one quarter of the full fee in the case of:

1) depositing money or securities with a notary as a notarial act, but not less than 6.39 euros;

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

2) authentication of a transaction on changing the ranking of a right of security in the register;

3) authentication of an application for entry of a notation in the land register or ship register, but not less than 3 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

4) [Repealed - RT I 2009, 27, 164 – entry into force 08.06.2009]

### **§ 30. Notary fee for cancelled notarial act**

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

(1) A notary fee for the preparation of a draft notarial instrument, if it is not followed by the performance of the notarial act, shall be one half of the fee for the performance of the notarial act but not more than 1000 euros.

(2) The fee specified in subsection (1) of this section shall be paid by the person having applied for the performance of a notarial act or the person in whose interests the notary has been acting, provided that the notary has notified him or her of the obligation to pay the fee before the preparation of the draft.

(3) If a notary has charged a fee for the preparation of a draft notarial instrument and it is followed by the performance of an act by the same notary, the fee already paid for the draft notarial instrument shall be deducted from the notary fee upon authentication of the transaction.

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

## **Part 4 NOTARY FEE NOT CONTINGENT ON TRANSACTION VALUE**

### **§ 31. Notarial acts with fixed fee rates**

The following notarial acts have a fixed fee rate:

1) authentication of an authorisation document or application for receipt of a pension, allowance, support or grant or for the transfer thereof into the bank account of another person – 3.19 euros;

2) authentication of another authorisation document submitted by a natural person – 25.50 euros;

3) authentication of an authorisation document submitted by a legal person – 49.20 euros;

4) authentication of a suretyship to secure a study loan – 15.95 euros;

5) certification that a person is alive – 14.35 euros;

6) certification of the presence of a person at a certain place – 15.95 euros;

7) certification that the person and a person in a photograph are the same – 11.50 euros;

8) certification of the date of the submission of a document – 14.35 euros;

9) preparation of a draft application to be certified – 18.20 euros;

9<sup>1</sup>) preparation of a draft application to be submitted to the land registry department or registration department of a court, certification of the signature of the person submitting the application and issue of a digital copy of the application or submission of data on the beneficial owner at the request of a legal person – 35.75 euros. In case of several applicants, the fee for certification of the signature of a person – 6.35 euros shall be added to the fee starting from the second person;

[RT I, 22.02.2019, 2 – entry into force 01.02.2020]

10) authentication of a registration application to be submitted in order to register apartment ownerships upon privatisation – 12.75 euros per one object of apartment ownership;

11) authentication of a unilateral application in case of which transaction value is not determined – 42.15 euros;

11<sup>1</sup>) authentication of a bilateral or multilateral application in case of which transaction value is not determined – 84.30 euros;

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

12) certification of a signature or a specimen signature – 12.75 euros;

13) preparation, on behalf of the applicant, of an appeal against court ruling made concerning a petition on registration application – 31.95 up to 159.75 euros;

14) certification of a copy of or extract and also printout from a document – 3.19 euros per page but not more than 31.95 euros in total;

14<sup>1</sup>) enabling the inspection of data entered in a register maintained by the land registry department or registration department, in the marital property register or the succession register, or the inspection of documents preserved in a register maintained by the land registry department or registration department or in the marital property register or the succession register – 3.20 euros per one inquiry or inspection of a document;

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

- 14<sup>2</sup>) enabling the inspection of the land registry file or registry file or documents of the marital property register – 9.60 euros;  
[RT I, 09.05.2017, 1 - entry into force 01.03.2018]
- 14<sup>3</sup>) certification and issue of printout of data from a register maintained by the land registry department or registration department or the marital property register or the succession register – 3.20 euros, regardless of the number of pages;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 14<sup>4</sup>) certification and issue of printout of a document preserved in a register maintained by the land registry department or registration department or the marital property register or the succession register – 6.35 euros, regardless of the number of pages;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 14<sup>5</sup>) digital certification and issue of printout of data from a register maintained by the land registry department or registration department or the marital property register or the succession register – 4.80 euros, regardless of the data volume;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 14<sup>6</sup>) digital certification and issue of printout of a document preserved in a register maintained by the land registry department or registration department or the marital property register or the succession register – 6.35 euros;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 14<sup>7</sup>) making inquiries on data concerning wills or succession contracts entered in foreign registries – 7 euros per one inquiry;  
[RT I, 09.10.2013, 1 - entry into force 28.10.2013]
- 14<sup>8</sup>) making on an entry in the marital property register – 25 euros;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 14<sup>9</sup>) amendment or deletion of an entry in the marital property register – 10 euros;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 15) issue of a digital copy, regardless of the data volume – 12.75 euros;
- 16) certification of a document with an *apostille* – 22.35 euros;
- 17) issue of a certificate concerning the legal force of notarial instrument in the Republic of Estonia and a certificate concerning a notarial instrument to be executed in the Republic of Estonia – 10 euros;  
[RT I, 10.03.2016, 2 - entry into force 20.03.2016]
- 17<sup>1</sup>) authentication of an agreement specified in subsection 14 (3) or (4) of the Conciliation Act – 51.13 euros;  
[RT I, 14.03.2011, 3 – entry into force 24.03.2011]
- 18) depositing documents (except wills) as a notarial act, for depositing each document during one month – 24.90 euros;
- 19) preparation of notice or application specified in subsection 30 (4) of the Notaries Act – 31.95 up to 76.65 euros;
- 20) authentication of a sea protest – 78.60 euros;
- 21) authentication of an agreement on partial release of combined mortgage – 42.15 euros;
- 22) authentication of a decision on the foundation of a foundation, also the authentication of the articles of association to be approved as an annex thereto, and the authentication of a merger agreement or division agreement or a division plan of a foundation – 77.30 euros;
- 23) authentication of the resolutions of a body of a foundation – 69 euros;
- 24) authentication of a memorandum of association of a non-profit association, also the authentication of the articles of association to be approved as an annex thereto, and authentication of the minutes of a meeting of a non-profit association – 0.60 euros per each member of a non-profit association but not less than 31.95 euros and not more than 127.80 euros in total;
- 25) submission of an annual report to a court maintaining the register – 25.55 euros;
- 26) opening of a bank account in the name of a public limited company or a private limited company – 12.75 euros;
- 27) authentication of a will – 32.55 euros;
- 28) authentication of depositing a will in a closed envelope – 32.55 euros;
- 28<sup>1</sup>) authentication of an application for withdrawal of a will deposited with a notary – 16.29 euros;
- 28<sup>2</sup>) opening of a will deposited with a notary if the will is opened by a notary not conducting the succession proceedings – 32.55 euros;  
[RT I, 09.10.2013, 1 – entry into force 28.10.2013]
- 29) authentication of a reciprocal will of spouses – 41.50 euros;
- 29<sup>1</sup>) preparation and submission of a notice concerning the revocation of a reciprocal will of spouses – 25 euros;  
[RT I, 09.10.2013, 1 – entry into force 28.10.2013]
- 30) authentication of an application for accepting succession – 65.15 euros;
- 31) authentication of an application for renouncing succession – 6.35 euros;
- 32) authentication of an application for initiation of succession proceedings – 63.90 euros;
- 32<sup>1</sup>) authentication of an application for a European succession certificate – 42 euros;  
[RT I, 10.03.2016, 2 - entry into force 20.03.2016]
- 33) identification of successors and issue of a succession certificate – 102.25 euros;
- 33<sup>1</sup>) authentication of a European succession certificate – 51 euros;  
[RT I, 10.03.2016, 2 - entry into force 20.03.2016]

- 34) conducting calling proceedings provided for in the Law of Succession Act – 25.55 euros;  
 35) authentication of an application for acceptance or renunciation of the duty of executor of a will – 12.75 euros;  
 36) issue of the certificate of executor of will – 12.75 euros;  
 37) authentication of an application for making supplementary inquiries concerning the rights and obligations of a successor – 12.75 euros;  
 38) authentication of a certificate of recipient of compulsory portion – 12.75 euros;  
 39) authentication of a common application submitted for authentication of a certificate of right of ownership – 42.15 euros.  
 [RT I, 30.12.2010, 2 – entry into force 01.01.2011]  
 40) submission of a notice or application to an economic administrative authority, receipt of documents or other data from an economic administrative authority and submission thereof to an undertaking – 15 euros;  
 [RT I, 29.06.2014, 1 – entry into force 01.07.2014]  
 41) authentication of delivery of an administrative act – 35 euros;  
 [RT I, 29.06.2014, 1 – entry into force 01.07.2014]  
 42) entry of data in the register of economic activities – 25 euros.  
 [RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 31<sup>1</sup>. Document containing several transactions in succession proceedings**

If an application for acceptance of succession or renunciation of succession or an application for a European succession certificate is contained in the application for initiation of succession proceedings, a fee shall be charged only for the initiation of succession proceedings.  
 [RT I, 10.03.2016, 2 - entry into force 20.03.2016]

### **§ 31<sup>2</sup>. Fee for submission of registration application**

If additional documents necessary for making an entry need to be submitted to the land registry department of a court or to the registration department together with the copy of a registration application or additionally, a fee shall be charged only for the issue of a digitally certified copy of a registration application to the land registry department or to the registration department.  
 [RT I 2010, 38, 231 – entry into force 01.07.2010]

### **§ 31<sup>3</sup>. Fee for acts performed in succession proceedings**

(1) No separate fee shall be charged for making an entry in the succession register in connection with a notarial act.

(2) No fee shall be charged for inspection of the data entered in the succession register if a person wishes to inspect the data entered in the succession register simultaneously with the initiation of succession proceedings or if the data entered in the succession register need to be inspected in the course of conducting the succession proceedings.

(3) If one document contains several declarations of intent, the notary fee shall be charged separately for each declaration of intent.

[RT I, 09.10.2013, 1 – entry into force 28.10.2013]

### **§ 32. Notary fee for issue of certificates**

The rate of a notary fee for the issue of a certificate is the minimum full fee provided for in the table of transaction values and full fees, unless another rate of a fee is provided for in this Act.

### **§ 33. [Repealed - RT I 2005, 71, 549 – entry into force 01.01.2006]**

### **§ 33<sup>1</sup>. Fee for notarial services**

The fee for notarial services provided for in § 32 of the Notaries Act shall be an agreed fee, except in the case if conciliation service is provided through the Conciliation and Arbitration Court of the Chamber of Notaries.

[RT I 2009, 27, 164 – entry into force 08.06.2009]

### **§ 33<sup>2</sup>. Fee for contraction of marriage, divorce and entry into agreement for designation of law applicable to divorce**

[RT I, 10.03.2016, 1 - entry into force 01.07.2016]

(1) A notary fee for certification of contraction of marriage or divorce shall be 64 euros. The fee shall also include the receipt of an application for contraction of marriage or divorce, the counselling provided for in the law and making of an entry.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>1</sup>) A notary fee for entry into an agreement for designation of law applicable to divorce shall be 64 euros.  
[RT I, 10.03.2016, 1 - entry into force 01.07.2016]

(2) If an application for contraction of marriage, divorce or entry into an agreement for designation of law applicable to divorce has been submitted to a notary and the notary has explained to the applicants the legal consequences pursuant to the procedure provided for in subsection 30 (1) or (1<sup>1</sup>) of the Notaries Act and if it is not followed by the contraction of marriage or divorce or entry into an agreement for designation of applicable law due to reasons independent of the notary, the notary fee shall be 45 euros.  
[RT I, 10.03.2016, 1 - entry into force 01.07.2016]

(3) A notary fee for certification of contraction of marriage outside his or her office or territorial jurisdiction shall be an agreed fee.  
[RT I 2009, 27, 164 – entry into force 01.07.2010]

#### **§ 34. [Repealed - RT I 2006, 7, 42 – entry into force 04.02.2006]**

#### **§ 35. Notary fee for preparation of copies**

(1) A notary fee for preparing a copy shall be:  
1) 0.31 euros per each A3-format page;  
[RT I, 30.12.2010, 2 – entry into force 01.01.2011]  
2) 0.19 euros per each A4-format page.  
[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

(2) No fee is charged for the preparation of a copy not subject to certification and preserved with the notarial document.

#### **§ 36. Reimbursement of expenses related to notarial acts**

(1) A person liable to pay a notary fee shall reimburse to the notary the justified expenses incurred upon the notary for making long distance phone calls, using telefax or post, and other expenses related to the performance of the notarial act.

(2) An additional fee is paid to the notary for the performance of a notarial act outside of the notary's office or outside the working hours of the notary in the amount of 3.80 euros per hour for every hour additionally spent on the performance of the act. For the purposes of this Act, the working hours of a notary shall be from 9 a.m. to 6 p.m. on a working day. If the business hours of a notary's office start earlier than at 9 a.m. or last longer than until 6 p.m., the working hours of the notary shall be longer, respectively.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) The transportation necessary for the performance of a notarial act shall be provided by the person applying for the performance of the act. In cases where the private vehicle of a notary is used, the person applying for the performance of the notarial act shall additionally pay to the notary 3.80 euros for every hour of the use of the vehicle.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 37. Calculation of hourly rate**

If a notary is paid as an hourly fee, the time spent on the performance of the notarial act exceeding an hour or one half an hour shall be rounded to an hour or one half an hour, respectively.

## **Part 5 PAYMENT OF NOTARY FEE**

#### **§ 38. Person liable to pay notary fee**

(1) A person liable to pay a notary fee (hereinafter obligated person) is a person at whose request or in whose interests the notary has been acting or whose declaration of intent the notary has authenticated.

(2) Several obligated persons shall be solidarily liable for the payment of the fee for one and the same notarial act.

(3) The successor shall be liable for the payment of notary fee for notarial acts performed in succession proceedings. Co-successors shall be solidarily liable for the payment of the fee. The person at whose request a notarial act was performed shall be liable for the payment of the fee specified in clause 29 (1) 1<sup>1</sup>) and clauses 31 30)–32) and 35)–38) of this Act. If a co-successor has submitted an application for initiation of succession proceedings, all the co-successors shall be solidarily liable for the payment of the fee provided for in clause 31 32) of this Act.

[RT I 2010, 38, 231 – entry into force 01.07.2010]

(4) The fee for authentication of an application for a European succession certificate provided for in clause 31 32<sup>1</sup>) of this Act shall be paid by the person filing the application. The person at whose request the European succession certificate is authenticated shall be liable for the payment of the fee provided for in clause 31 33<sup>1</sup>) of this Act. If several persons entitled to file an application have jointly filed an application for a European succession certificate, all the applicants shall be solidarily liable for the payment of the fee provided for in clauses 31 32<sup>1</sup>) and 33<sup>1</sup>) of this Act.

[RT I, 10.03.2016, 2 - entry into force 20.03.2016]

### **§ 39. Clarification of notary fee**

(1) The notary is required to clarify to the obligated person the rate of the notary fee and the procedure for the payment and collection of the fee.

(2) The notary who certified or authenticated a transaction or an application is required to communicate to the applicant the amount of the state fee payable for the making of an entry or a notation on the basis of the transaction or application in the land registry department of a court or in a registration department.

[RT I 2003, 18, 100 – entry into force 07.03.2003]

### **§ 40. Collection of notary fee**

(1) The right to collect a notary fee arises for a notary on the day on which the notarial act is completed and right to collect a fee for the performance of technical services and to be reimbursed for other expenses arises immediately after the service is rendered or expense is incurred.

(2) In order to collect a notary fee from the obligated person, a notary is required to submit an invoice which sets out the following:

- 1) the name of the notary, his or her signature, the address of the notary's office and the personal identification code of the notary;
- 2) the number and date of issue of the invoice;
- 3) the name and address of the obligated person;
- 4) the number in the notarial register and in the payment register;
- 5) the transaction value;
- 6) the amount of the notary fee with and without value added tax and references to the provisions of this Act on the basis of which the fee is calculated;
- 7) the amount of value added tax.

(3) A notary is required to specify the amount of the notary fee and value added tax to all notarially prepared documents.

(4) A notary shall be entitled to demand interest on arrears on the basis of subsection 94 (1) and subsection 113 (1) of the Law of Obligations Act from an outstanding amount starting from the moment the notary fee becomes collectable until the proper performance.

[RT I 2009, 27, 164 – entry into force 08.06.2009]

### **§ 40<sup>1</sup>. Payment of notary fees in instalments**

(1) A notary has the right to enter into an agreement with a person liable to pay the notary fee concerning payment of the notary fee in instalments.

(2) The period for payment of the notary fee in instalments shall not be longer than six months.

(3) No interest shall be charged on payment of notary fees in instalments.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

### **§ 40<sup>2</sup>. Release from payment of notary fee**

(1) A natural person who, due to his or her financial situation, is unable to pay the notary fee prescribed for the performance of the notarial acts specified in subsection 28 (2), clauses 29 (1) 1) and 1<sup>1</sup>) and clauses 31 1), 2), 9<sup>1</sup>), 16), 27)–34) and 38) of this Act, and if other notarial acts are performed in connection with succession proceedings, is unable to pay the notary fee prescribed for those acts or is able to pay for them only partially, or whose financial situation does not allow meeting basic subsistence needs after paying the notary fee may be released from payment of the notary fee in part or in full. Release from payment of the notary fee may also include the certification of a copy or extract directly connected to such notarial acts, and the compensation of the costs prescribed in § 36 of this Act.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

(2) An application for release from payment of the notary fee shall be submitted within ten days after receiving an invoice from the notary to the county or city court of the residence of the applicant. If an applicant has no residence in Estonia, he or she may submit an application to the county or city court in the territorial jurisdiction of which the applicant is staying.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

(3) Subsection 12 (3) of the State Legal Aid Act applies to applications for release from payment of the notary fee. An application shall set out:

- 1) the name, personal identification code (in the absence thereof, date of birth), address and telecommunications numbers of the applicant;
- 2) an explanation why the applicant needs the notarial act to be performed and what is the benefit that the applicant hopes to gain from such act;
- 3) the extent to which release from payment of the notary fee is requested;
- 4) the reason for which release from payment of the notary fee is requested;
- 5) information concerning payment of the state fee;
- 6) the signature of the applicant, and the date.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

(4) The invoice for the payment of the notary fee, a copy of the notarial instrument, a notice by the applicant concerning his or her financial situation bearing the applicant's signature and if possible, other evidence in proof of the financial situation shall be appended to an application for release from payment of the notary fee. Subsection 13 (4) of the State Legal Aid Act applies to the format of the application. Subsection 13 (2) of the State Legal Aid Act applies to a person who has no residence in Estonia.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

(5) Clauses 7 (1) 2), 3) and 7)–12), § 14 and, in the case of partial release from payment, § 16 of the State Legal Aid Act apply to the review and satisfaction of applications for release from payment of the notary fee.

(6) Subsection 15 (2) of the State Legal Aid Act applies to the grant of release, in part or in full, from payment of the notary fee, or on refusal to grant such release. A copy of the court decision terminating the proceeding in a matter of an application for release from payment of the notary fee shall be sent to the Chamber of Notaries.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

(7) If a person has knowingly submitted incorrect information upon application for release from payment of the notary fee and such person would not have been released from payment of the notary fee in part or in full if he or she had submitted correct information, the Chamber of Notaries has the right to demand that the person compensate the costs related to the release from the payment of the notary fees and pay the interest provided in subsection 29 (2) of the State Legal Aid Act.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

#### **§ 41. Exemption from payment in case of mistake made by notary**

If a document authenticated by a notary needs to be amended or re-authenticated by the notary due to a mistake made him or her, a notary fee shall not be charged for the amendment or re-authentication.

#### **§ 42. Limitation period of claim for payment of notary fee**

The limitation period for a claim for the payment of a notary fee and reimbursement of the expenses is one year as of the date on which the notarial act was completed, the technical service was rendered, other expense was incurred or the court decision made in the matter of an application for release from payment of the notary fee entered into force.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

#### **§ 43. Recalculation of notary fee**

If, after a calculation error is detected and the notary fee is recalculated, the amount of the notary fee turns out to be smaller than the initial notary fee, the notary shall immediately return the overpaid amount to the obligated person.

#### **§ 44. Payment of notary fee in advance**

(1) A person applying for the performance of a notarial act may make an advance payment of the estimated amount of the notary fee in full or in part. The notary shall give the person a receipt certifying the advance payment of the notary fee.

(2) If, after the completion of the notarial act and submission of the invoice, it turns out that the amount of the advance payment is higher than the amount indicated in the invoice, the notary shall immediately return the overpaid amount.

#### **§ 45. Right to withhold documents**

If a person liable to pay the notary fee has not submitted an application for release from payment of the notary fee to a court, the notary has the right to withhold, in order to secure payment for the notarial act, the documents submitted for the performance of the notarial act which are subject to return and the original copies of the notarial instrument prepared in the course of the notarial act until the time the notary fee and the expenses incurred in the course of the act have been paid but not longer than for the duration of the limitation period provided in § 42 of this Act.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

## **Part 6 APPEALS AGAINST NOTARY FEES**

#### **§ 46. Filing of appeals**

An obligated person may, within one month as of the date on which a notary's invoice is submitted to the person, file an appeal with a court according to the location of the notary's office against incorrect calculation of notary fee.

**§ 47. [Repealed - RT I 2002, 53, 336 – entry into force 01.07.2002]**

## **Part 7 IMPLEMENTING PROVISIONS**

#### **§ 48. State fee payable for notarial acts**

For the purposes of this Act, the state fee paid by an official of a foreign mission or a rural municipality or city secretary for the performance of a notarial act is not deemed to be a notary fee.

#### **§ 49. Amendment of Notaries Act**

[Omitted from this text.]

#### **§ 50. Entry into force of Act**

Clause 31 36) of this Act enters into force by a separate Act as of Estonia's accession to the European Union.  
[RT I 2003, 18, 100 – entry into force 07.03.2003]