Sworn Translators Act

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application

This Act provides the bases for the professional activities of sworn translators.

Chapter 2
PROFESSION AND PROFESSIONAL ACTIVITIES OF SWORN TRANSLATORS

§ 2. Sworn translator

(1) Sworn translator is a person who provides the official translation service of documents as professional activity and performs other functions related to translation in the cases provided for in the law.

(2) In Estonia, persons who have been granted the profession of a sworn translator on the bases and pursuant to the procedure provided for in this Act may solely engage in the professional activities of a sworn translator under the professional title of a sworn translator. The profession of a sworn translator is certified by the professional certificate of a sworn translator issued by the Minister of Justice, the data on which have been published on the website of the Ministry of Justice.

(3) Persons having acquired the profession of a sworn translator abroad may also engage in the professional activities of a sworn translator if their qualification has been recognised on the basis of the Recognition of Foreign Professional Qualifications Act.

§ 3. Competence of sworn translators and translation direction

(1) Sworn translators are competent to translate from Estonian into a foreign language and from a foreign language into Estonian (hereinafter translation direction).

(2) A person shall be competent to engage in the professional activities of a sworn translator under the professional title of a sworn translator only on the language direction on which he or she has been granted the professional certificate of a sworn translator.

(3) If a person has been granted the professional certificate of a sworn translator for practicing on translation directions connected with two or more foreign languages, he or she shall also be deemed to be competent to translate from one foreign language specified on the professional certificate into another foreign language specified on the professional certificate.

§ 4. Use of professional title of sworn translator

The professional title of a sworn translator refers to the translation direction of a sworn translator. If a sworn translator is competent to translate on both translation directions connected with a foreign language, his or her professional title refers to the foreign language in question.

§ 5. Professional activities of sworn translators

(1) Upon the provision of the translation service of documents, sworn translators shall:
   1) translate documents (hereinafter sworn translation);
   2) certify the authenticity of copy of a document to be translated, if necessary;
3) certify the authenticity of printout of a document to be translated obtained from a computer network database, if necessary.

(2) Pursuant to the performance of a public function, sworn translators shall be required to translate:
1) acts published in the Riigi Teataja into foreign language on the basis of clause 6 (3) 1) of the Riigi TeatajaAct;
2) international agreements published in the Riigi Teataja Estonian on the basis of clause 6 (3) 2) of the Riigi TeatajaAct.

(3) Within the framework of their professional activities, sworn translators shall advise persons in issues related to the translation of documents.

(4) On the request of a person, a sworn translator shall organise the certification of a document to be translated or a translation with an apostilleby a notary within the framework of his or her professional activities.

§ 6. Ancillary activity of sworn translators
A sworn translator may engage in all ancillary activities which do not damage his or her impartiality and integrity or reliability with regard to the profession of a sworn translator, unless provided otherwise in the law.

§ 7. Mandatory nature of sworn translation
(1) All documents, the translation of which has to be official or certified according to foreign or Estonian legislation shall be translated in Estonia only by sworn translators.

(2) The provisions of subsection (1) of this section shall not be applied if the given translation has been made by a competent foreign official.

(3) The Minister of Justice may establish by a regulation the specific requirements and procedure for sworn translators for the performance of the obligation specified in subsection (1) of this section.

§ 8. Sworn translation
(1) With the sworn translation, the sworn translator assumes liability for the correctness of translation.

(2) Sworn translators shall note the following on the translation:
1) the translation direction;
2) the number, time and place of registration of the translation;
3) his or her name, professional title and number of professional certificate and the time of issue thereof;
4) contact information;
5) other necessary information.

(3) Sworn translators shall sign the translation and affix their seal thereto.

(4) Sworn translation may also be prepared in digital format. In such case, the digital signature of a sworn translator shall replace the sworn translator’s signature and seal.

(5) The specific requirements for the preparation of a sworn translation shall be established by a regulation of the Minister of Justice.

§ 9. Certification of copies and printouts
(1) The certification specified in clauses 5 (1) 2) and 3) of this Act shall be equal to notarial certification.

(2) The procedure for preparation of certification acts specified in clauses 5 (1) 2) and 3) of this Act shall be established by a regulation of the Minister of Justice.

§ 10. Right to use representation of national coat of arms
(1) Sworn translators shall have a seal bearing the small national coat of arms of the Republic of Estonia with the name and professional title of the sworn translator.

(2) The requirements for a sworn translator’s seal and the procedure for taking into use, preservation and revocation of a sworn translator’s seal and the destruction of an invalid seal shall be established by a regulation of the Minister of Justice.

§ 11. Duty to maintain confidentiality
(1) A sworn translator is required to maintain the confidentiality of information which he or she receives in connection with the professional activities of a sworn translator. The duty of a sworn translator to maintain confidentiality remains also after he or she has been deprived of the profession of a sworn translator.
(2) The duty to maintain confidentiality also extends to the auxiliary staff of a sworn translator and other persons who have access to the information specified in subsection (1) of this section.

(3) A person at whose request a sworn translator made the translation or the legal successor or representative of the person may release a sworn translator from the duty to maintain the confidentiality on the basis of a written consent.

(4) Disclosure of data to the following bodies is not deemed to be violation of the duty to maintain confidentiality:

1) to courts;
2) to bodies conducting extra-judicial proceedings, investigative bodies and Prosecutor’s Office in misdemeanour or criminal proceedings;
3) to persons exercising supervision on the basis of § 28 of this Act;
4) to other persons entitled to receive information pursuant to the law or the disclosure of information to whom is necessary by reason for the performance of functions arising from the law.

§ 12. Submission of data of sworn translator

(1) A sworn translator shall communicate his or her business address, office hours, telecommunication number and other necessary information to the Ministry of Justice and shall notify the Ministry of Justice without delay of any changes in the information.

(2) The Ministry of Justice maintains the list of sworn translators with the data on professional certificates and shall make thereof available to the public on its website together with the data specified in subsection (1) of this section.

(3) The Ministry of Justice shall make available to the public information on the person specified in subsection 2 (3) of this Act which the person has submitted for publishing.

§ 13. Place of business of sworn translator

The place of business of a sworn translator shall be in Estonia.

§ 14. Sworn translator’s fee

(1) Sworn translator’s fee for the acts specified in subsections 5 (1) and (4) of this Act shall be an agreed fee. The fee shall be agreed between the sworn translator and the person requesting the service before the provision of service in a format which can be reproduced in writing.

(2) Failure to observe the format requirement provided for in subsection (1) of this section does not mean that the agreement being the basis for the provision of sworn translator’s service is void.

(3) The procedure for appointment and performance of translation works specified in subsection 5 (2) of this Act and the rates of remuneration shall be established by a regulation of the Minister of Justice.

(4) The activity specified in subsection 5 (3) of this Act shall be an obligation accompanying the professional activities of a sworn translator for which the sworn translator shall not receive a separate fee.

§ 15. Liability of sworn translator

(1) A sworn translator shall be personally liable for material damage wrongfully caused in the course of his or her professional activities.

(2) An agreement excluding the sworn translator’s liability for damage caused intentionally or by gross negligence shall be void.

Chapter 3
GRANT OF PROFESSION OF SWORN TRANSLATOR,
SUSPENSION OF PROFESSIONAL ACTIVITIES
AND DEPRIVATION OF PROFESSION

§ 16. Requirements for sworn translators

The following person may become a sworn translator:

1) a person with active legal capacity;
2) a person who has acquired at least a nationally recognised Bachelor’s degree or a qualification corresponding thereto for the purposes of subsection 28 (2) of the Republic of Estonia Education Act or a foreign qualification corresponding thereto;
3) a person who has not been deprived of the profession of a sworn translator on the basis of clause 24 (1) 5) or clause (2) 1) or clause 28 (3) 3) of this Act;
4) a person who has not been punished for an intentionally committed criminal offence which would damage the reliability of the profession of a sworn translator;
5) a person who is honest and of high moral character.

§ 17. Sworn translator’s examination and re-examination

(1) Sworn translator’s examination (hereinafter the examination) is the verification of knowledge, skills and personal characteristics necessary for the professional activities of a sworn translator.

(2) The examination is composed of written examination of legal and linguistic knowledge and the professional suitability interview.

(3) A person who received a negative result in the examination part checking the legal and linguistic knowledge shall have the right to take a re-examination in this examination part provided that the amount of points received in the examination was not smaller than the amount provided for in the regulation established on the basis of subsection (5) of this section.

(4) The examination and re-examination shall be organised by the Ministry of Justice based on the necessity.

(5) The procedure for the conduct and assessment of the sworn translator’s examination and re-examination shall be established by a regulation of the Minister of Justice.

(6) The results of the sworn translator’s examination and re-examination shall be valid for three years after the passing thereof.

§ 18. Allowing persons to take sworn translator’s examination and re-examination

(1) In order to participate in the examination, a person shall submit a written application to the sworn translator’s examination committee (hereinafter the examination committee) in which the person confirms that he or she complies with the conditions specified in § 16 of this Act.

(2) The examination committee shall allow a person to take the examination if there is no reason to assume that the person does not comply with the conditions specified in § 16 of this Act.

(3) The specific conditions for allowing persons to take the sworn translator’s examination and re-examination shall be established by a regulation of the Minister of Justice.

§ 19. Sworn translator’s examination committee

(1) The examination committee shall:
1) decide whether to allow a person to take the examination;
2) conduct the examination;
3) submit to the Minister of Justice the examination results being the basis for granting the profession of a sworn translator.

(2) The following persons may be appointed members of the examination committee:
1) an expert of a relevant foreign language;
2) a person who speaks the relevant foreign language as mother tongue;
3) an expert of Estonian;
4) a person with legal knowledge;
5) a person who has received the profession of a sworn translator in the relevant translation direction;
6) an official of the Ministry of Justice.

(3) The Minister of Justice shall appoint members of the examination committee and chairman of the committee from among the persons specified in subsection (2) of this section each time before the taking place of an examination.

(4) The rules of procedure of sworn translator’s examination committee shall be established by a regulation of the Minister of Justice.

§ 20. Grant of profession of sworn translator

(1) The Minister of Justice shall grant the profession of a sworn translator with a directive to a person who complies with the conditions specified in § 16 of this Act and who has passed the examination and shall issue the professional certificate of a sworn translator to the person.
(2) In order to receive the profession of a sworn translator, the person shall submit a written request to the Minister of Justice.

(3) The format of a professional certificate of a sworn translator and the list of data set out on the professional certificate shall be established by a regulation of the Minister of Justice.

(4) Prior to the receipt of professional certificate of a sworn translator, the person shall take the following oath before the Minister of Justice: "I swear by my honour and my knowledge to be faithful to the Republic of Estonia, to observe its Constitution, to act as a sworn translator in an honest, dignified and impartial manner and to the best of my ability."

(5) If a person having passed the examination has not submitted a request for the receipt of profession of a sworn translator within three years after the examination, he or she has to take a new examination in order to receive the profession of a sworn translator.

§ 21. Commencement of professional activities of sworn translator

(1) A person may engage in the professional activities of a sworn translator after the receipt of professional certificate of a sworn translator and after the publishing of data specified in subsection 12 (1) of this Act on the website of the Ministry of Justice.

(2) A person having received the profession of a sworn translator shall commence the professional activities of a sworn translator within four months after the issue of a professional certificate.

§ 22. Recognition of sworn translator’s qualification acquired in foreign state

(1) A person having acquired the profession of a sworn translator in a foreign state shall be entitled to request the recognition of his or her qualification in Estonia according to the Recognition of Foreign Professional Qualifications Act.

(2) The competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act shall be the Ministry of Justice.

(3) The qualification of a sworn translator acquired in a foreign state shall be evaluated by the committee for recognition of the qualification of a sworn translator pursuant to the procedure provided for in § 17 of the Recognition of Foreign Professional Qualifications Act.

(4) The members of the committee for recognition of the qualification of a sworn translator shall be appointed by the Minister of Justice.

(5) The rules of procedure of the committee for recognition of the qualification of a sworn translator shall be established by a regulation of the Minister of Justice.

§ 23. Suspension of professional activities of sworn translator

(1) The Minister of Justice shall suspend the professional activities of a sworn translator for a specified term in the following circumstances:
1) at the sworn translator’s request;
2) from deciding on the need for evaluation on the basis of clause 28 (3) 2) of this Act until the establishment of the evaluation results;
3) in case of other good reason until the reason ceases to exist.

(2) The Minister of Justice may suspend the professional activities of a sworn translator in the case charges are brought against the sworn translator pursuant to criminal procedure until the proceedings are terminated or the sworn translator is acquitted if the charges brought are connected with the professional activities of a sworn translator.

(3) A sworn translator whose professional activities have been suspended is prohibited from performing the acts specified in § 5 of this Act.

(4) A sworn translator whose professional activities have been suspended on the basis of clause (1) 1) of this Act may perform the acts specified in subsection 5 (2) of this Act.

§ 24. Deprivation of profession of sworn translator

(1) A sworn translator shall be deprived of his or her profession by the Minister of Justice in the following circumstances:
1) at the sworn translator’s request;
2) if the sworn translator does not comply with the conditions specified in § 16 of this Act;
3) on the basis of clause 28 (3) 3) of this Act;
4) in case of failure to pass the evaluation upon re-evaluation, or if a sworn translator fails to appear for the re-evaluation without good reason;
5) if a conviction of a court for a criminal offence related to the professional activities of a sworn translator has entered into force in respect of the sworn translator, and also if any other conviction of a court has entered into force in respect of the sworn translator by which a criminal punishment is imposed on the sworn translator which makes it impossible for the sworn translator to act as a sworn translator.

(2) The Minister of Justice may deprive the profession of a sworn translator:
1) if a conviction of a court for an intentionally committed criminal offence has entered into force in respect of the sworn translator and the continuation of professional activities of a sworn translator would endanger the reliability of the profession of a sworn translator;
2) if the sworn translator does not commence professional activities within four months after the issue of a professional certificate thereto and there is no good reason for it;
3) if the sworn translator constantly engages in activities not allowed for a sworn translator pursuant to the provisions of § 6 of this Act;
4) if other circumstances become evident which make it impossible to act as a sworn translator.

(3) A person who has been deprived of the profession of a sworn translator shall be obliged to deliver the professional certificate of a sworn translator to the Ministry of Justice without delay.

Chapter 4
REGISTRATION OF PROFESSIONAL ACTIVITIES, STATISTICAL REPORTING AND PRESERVATION OF DOCUMENTS OF SWORN TRANSLATORS

§ 25. Registration of professional activities of sworn translator

(1) A sworn translator shall register the acts specified in clause 5 (1) 1) of this Act in the book concerning the professional activities of a sworn translator.

(2) The acts specified in clauses 5 (1) 2) and 3) of this Act shall be registered by the sworn translator together with the acts specified in clause 5 (1) 1) of this Act.

(3) A sworn translator who has been deprived of the profession shall render the book concerning his or her professional activities to the Ministry of Justice. Upon death of a sworn translator it shall be done by the successor of the sworn translator.

(4) The format, procedure for delivery and term of preservation of the book concerning the professional activities of a sworn translator shall be established by a regulation of the Minister of Justice.

§ 26. Statistical reporting of sworn translators

(1) A sworn translator shall submit an annual statistical report to the Minister of Justice on the basis of the data entered in the book concerning the professional activities of a sworn translator.

(2) The list of data reflected in the statistical report specified in subsection (1) of this section and the time and format of submission of the report shall be established by a regulation of the Minister of Justice.

§ 27. Data media related to professional activities of sworn translators

(1) A sworn translator shall keep the data media related to his or her professional activities separate from other data media in his or her possession in a manner excluding the loss of or damage thereto.

(2) The procedure for return of data media submitted to a sworn translator in the course of translation upon deprivation of the profession of a sworn translator or upon the death or serious illness of a sworn translator shall be established by a regulation of the Minister of Justice.

Chapter 5
SUPERVISION

§ 28. State supervision over professional activities of sworn translators

(1) State supervision over the professional activities of sworn translators shall be exercised by the Ministry of Justice.
(2) A sworn translator shall be obliged to submit the data and documents necessary for exercising supervision.

(3) As a result of exercising the supervision specified in subsection (1) of this section:
1) the person exercising supervision may issue precepts to the sworn translator upon failure to perform or inadequate performance of obligations provided for in the law and require the proper performance of an obligation within a specified term;
2) the Minister of Justice may decide on the evaluation need of a sworn translator if the circumstances established as a result of supervision give reason to believe that the knowledge or skills of a sworn translator need to be verified;
3) the Minister of Justice may decide on the deprivation of profession of a sworn translator if regardless of the issue of precepts specified in clause 1) of this section the sworn translator does not perform an obligation provided for in the law or performs it inadequately.

(4) The Minister of Justice may establish a specific procedure for exercising supervision by a regulation.

§ 29. Evaluation of sworn translators

(1) Upon deciding on the evaluation need, the Minister of Justice shall hear the opinion of the professional association of sworn translators.

(2) Sworn translators may be evaluated if at least three years have passed since the last evaluation thereof.

(3) Evaluation means verification of the skills and knowledge of a sworn translator. The evaluation shall be conducted by an evaluation committee consisting of at least three members.

(4) The persons specified in subsection 19 (2) of this Act may be appointed members of the evaluation committee. The Minister of Justice shall appoint the members of the evaluation committee.

(5) The procedure for evaluation of sworn translators and the rules of procedure of the evaluation committee shall be established by a regulation of the Minister of Justice.

Chapter 6
IMPLEMENTING PROVISIONS

Division 1
Transitional Provisions

§ 30. Equalisation of sworn translation with certified translation

Sworn translation shall be equal to certified translation for the purposes of subsection 2 (1) of the Sworn Translators Act in force prior to entry into force of this Act.

§ 31. Mandatory nature of sworn translation upon translation from Estonian into foreign language

(1) From 1 January 2015 until entry into force of § 7 of this Act, documents the translation of which needs to be official or certified according to foreign legislation shall be translated from Estonian into foreign language only by sworn translators.

(2) The provisions of subsection (1) of this section shall not be applied if the given translation has been made by a competent foreign official.

(3) The Minister of Justice may establish by a regulation the specific requirements and procedure for sworn translators for the performance of the obligation specified in subsection (1) of this section.

§ 32. Issue of new professional certificates

(1) The Minister of Justice shall issue new professional certificates to the sworn translators appointed to office before the entry into force of this Act within one month after entry into force of this Act.

(2) The professional certificates issued before the entry into force of this Act shall be valid until the issue of new professional certificates.
Amendment and Revocation of Acts

§ 33. – § 64. Omitted from this translation

Division 3
Entry Into Force of Act

§ 65. Entry into force

(1) This Act enters into force on 1 January 2014.

(2) Section 31, clause 47 1) and clauses 57 1) and 2) of this Act enter into force on 1 January 2015.

(3) Section 7, clause 33 2), clause 34 2), clauses 35 2) and 4), clause 36 2), clause 37 2), section 38, clause 42 2), clauses 44 2) and 4), clause 45 2), clause 47 2), clause 49 2), clause 50 2), clause 51 2), clause 54 2), clauses 55 2) and 5), clause 57 3), clause 59 3), clause 61 2), clause 62 2), clause 63 2) and clauses 64 1) and 3) of this Act enter into force on 1 January 2020.

Ene Ergma
President of the Riigikogu