



# **Overview of Real Estate Owner's Rights and Obligations in Estonia**

This overview is composed by RASK Attorneys-at-Law. It provides a brief introduction to real estate ownership in Estonia, outlining the key rights and obligations every property owner should be aware of. We have compiled the most important legal and practical information to help both prospective buyers and existing owners navigate the Estonian real estate landscape with confidence. In this pamphlet, you will find an overview of topics such as guidelines for purchasing real estate, property owners' rights, obligations, and much more.

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**RASK.**

# NATURE OF REAL ESTATE IN ESTONIA

The Estonian real estate scene is dynamic and multifaceted, shaped by digital innovation, sustainability values, and changing lifestyle needs. From energy-efficient commercial premises and city residences to tranquil nature retreats, there is a breadth of opportunity. Whether you are an investor, home-seeker, or luxury buyer, understanding the rules applicable to Estonian real estate can help you navigate the market more effectively.

First of all, upon making the purchase decision, the purchaser must be sure of what object they are acquiring and what legal form it has. As a general rule, buildings permanently connected to the land are considered to be essential parts of real estate and are not tradable separately from it. Therefore, selling a building means selling real estate. The only exception to this rule is in case buildings or structures that have been erected to another's land as a means of exercising a right, as well in case buildings or structures that are connected to the land for a temporary purpose only.

Thus, the potential property acquirer needs to be aware of the data related to the immovable and its buildings as reflected in different state registers. In particular, the Land Register reflects ownership and restricted real rights related to the immovable; the Land and Spatial Development Board web map reflects the physical data of the real estate (area, intended use, boundaries, cadastral unit); and the Register of Construction Works contains the technical data of buildings and structures, building permits and use authorisations.



# LAND REGISTER

The Estonian Land Register (in Estonian: Kinnistusraamat) is a secure, digital-first system that plays a central role in property ownership and real estate law. As the data entered in this register is presumed to be accurate and legally binding, the register ensures complete transparency and legal certainty in real estate transactions. The Land Register is managed by the Estonian Land Register Department, under the Centre of Registers and Information Systems (RIK), which is part of the Ministry of Justice.

The Land Register includes key details about every registered property, such as:

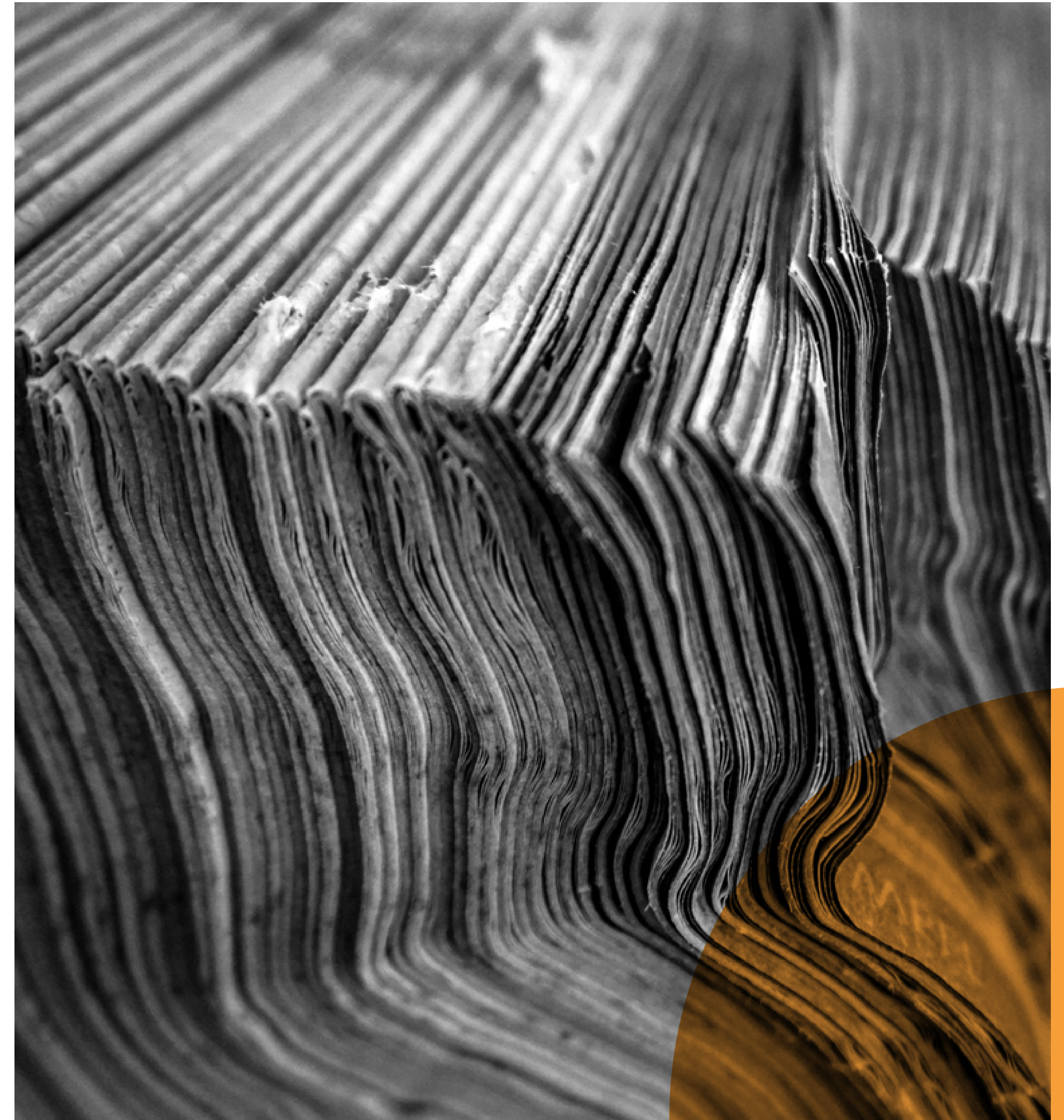
- 1.** Legal descriptions – property location, size, purpose, and cadastral (land unit) information;
- 2.** Ownership – name(s) of the owner(s), basis of acquisition;
- 3.** Encumbrances – servitudes, rights of use and restrictions;
- 4.** Mortgages.

Only the data provided for by law are entered in the Land Register. The purpose of the entries is to create legal clarity, in so far as it makes it possible to identify the owner of the immovable property and to determine

whether the property is encumbered by a restricted real right.

In order to make a change in the Land Register, it is necessary to submit a registration application, notarised or, for simpler transactions, digitally signed and accompanied by the document proving payment of the state fee and other necessary documents listed in the law.

Registration applications are registered in the order they are received. An application received earlier will be examined first and will be entered in the Land Register in order of priority. It should also be borne in mind that the Land Register has a movable queue system – a change in the entry above requires the consent of the person entitled behind. If necessary, a queue can also be reserved.





# REGISTER OF CONSTRUCTION WORKS

The Register of Construction Works (in Estonian: *Ehitisregister*) is a national electronic database that records information on buildings and constructions both under development and in use. The main role of the Register of Construction Works is to keep a record of construction works that are either underway or already in use. It is maintained as a single-level electronic database overseen by the Ministry of Economic Affairs and Communications.

The register includes a comprehensive array of data such as:

1. Essential technical specifications and physical unit information;
2. Location details, including cadastral codes;
3. Building permits and local authority approvals;
4. Occupancy/use permits;
5. Details of building work;
6. Energy performance certificates;
7. Other data related to buildings and construction works.

The register simplifies the process of buying and selling real estate, as it contains the necessary information on buildings. Nevertheless, it is worth checking the technical information on site, as the data from the Register of Construction Works has, according to the law, only informative and statistical significance. Contrary to the above, the regulations, design conditions, notifications, building/occupancy/use permits, and prescriptions reflected in the register have legal significance.

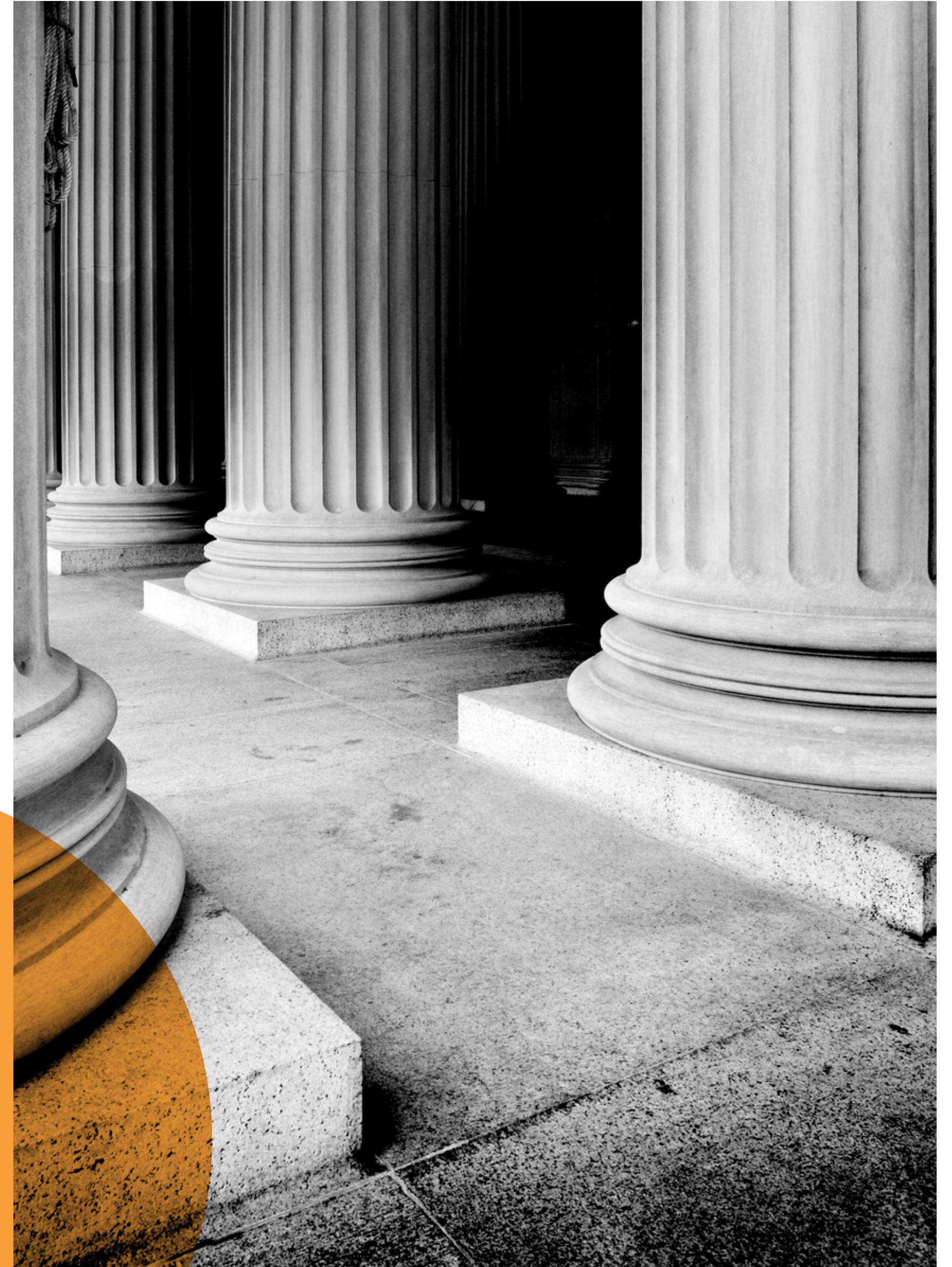


# FORM OF REAL ESTATE TRANSACTIONS

In Estonia, when acquiring real estate, both the contract of obligation to transfer or acquire the real estate and the real right contract for the transfer of ownership must be authenticated by a notary. The notarial form of certification also extends to all contracts aimed at acquiring real estate in the future, e.g. preliminary contracts.

Contracts for the encumbrance of immovable property with a restricted real right (for example, a mortgage) and for the acquisition of a restricted real right must also be authenticated in the same notarial form.

Compliance with the formal requirements is linked to the validity of the transaction. There is a presumption that if the form of the transaction is not complied with, the transaction is null and void.



# GUIDELINES FOR PURCHASING REAL ESTATE

In summary, when buying a property, the purchaser shall proceed as follows:

- 1.** Check the data of the property from the Land Register, Land and Spatial Development Board, and Register of Construction Works;
- 2.** If necessary, organize a technical and/or legal or full audit of the property;
- 3.** Ask a notary to prepare a draft of the notarial sales contract; to mitigate risks and protect your interests, use the additional services of a professional legal advisor when drafting the sales agreement;

- 4.** Sign a notarised property sales contract;
- 5.** Pay the state fee and ask the notary to forward the contract with all annexes to the Land Register.

Ownership of the real estate is transferred to the purchaser from the moment the corresponding entry is made in the Land Register, not from the moment the contract is concluded.

Please note that a citizen or legal entity of a state which is not a contracting party to the EEA Agreement, or a member state of the Organisation for Economic Cooperation and Development may acquire immovable property containing agricultural or forest land only with certain restrictions set by the law.

In addition, any natural person who is not a citizen of a country that is a contracting party to the EEA Agreement or the United Kingdom of Great Britain and Northern Ireland, or any legal person whose seat is not in such a country, is prohibited from acquiring immovables located in the country's particular border areas, listed by the law.



# RIGHTS OF THE PROPERTY OWNER

The owner of a property is guaranteed by law the protection of their property rights. The right of ownership, which may be held by several persons at the same time (shared ownership, which can be common ownership or joint ownership), includes the right to use, possess and dispose of a property, and to demand the prevention of violation of these rights and elimination of the consequences of violation from all other persons. The rights of the owner may be restricted only by law or by the rights of other persons.

Use of the property refers to the right to use the immovable in daily life — to live in it, farm it or operate a business on it, depending on the property type and agreement.

Possession of the property means having actual physical control over the property, regardless of ownership. It refers to who holds and controls the thing. Possession can be divided into direct and indirect, depending on the rate of control over the property. Direct possession means physical control over the property (e.g. living in it), whereas indirect possession means having legal control without direct physical control over the property (e.g. a lessor owns the property and has indirect possession, but the lessee possesses it, having direct possession).

Disposal of the property constitutes the alteration of a real right in relation to an immovable. Disposal means the legal power to transfer, sell, mortgage, or encumber the property. This is a core right of ownership. As a rule, it is the owner who has the right to dispose of a property.

In case of violation of the possession and/or ownership, the possessor and the owner may use the respective legal remedies provided by law.



# OBLIGATIONS OF THE PROPERTY OWNER

In Estonia, the owner of real estate not only enjoys a broad set of rights but also has important legal obligations under various laws, especially the Law of Property Act, the Building Code, Planning Act, environmental laws and municipal regulations.

The main obligations of the owner can generally be divided as follows:

- **Zoning and Construction.** The owner is obliged to build and renovate their property only in compliance with valid planning requirements and respective official permits.
- **Maintenance and Safety.** The owner is obliged to use the building in a well-maintained manner and in accordance with its intended purpose of use. During its use, the building must be kept in such good repair as is necessary for its safe use.

- **Neighbouring Rights.** The owner is obliged to avoid harming neighbours or their property. At the same time, a property owner shall tolerate a normal influence spreading from another property, provided this does not significantly impair the use of their property or conflict with environmental protection requirements.
- **Environmental Responsibility.** The owner is obliged to follow nature protection, pollution, and waste management rules.
- **Heritage Conservation Areas and Nature Reserves.** The owner is obliged to comply with additional legislative restrictions and obligations if their property is in heritage conservation area or nature reserve.

- **Tax Obligations.** The owner is obliged to pay land tax and local fees, if applicable. Income tax is levied on the sale and rental income of real estate (differences may apply depending on the person receiving the income).
- **Local Property Maintenance Rules.** The owner is obliged to comply with the Property Maintenance Rules established by the local municipality, for example in relation to the maintenance of green areas and snow removal.

In situations where your questions are related to a specific property, a proposed transaction, or a dispute arising from an already concluded contract, it is advisable to contact a professional legal advisor to get comprehensive expert advice.



**HAVE MORE QUESTIONS? WE ARE HERE TO HELP.**

**RAMON RASK**

Co-Head of Construction and Real Estate Practice  
[ramon.rask@rask.ee](mailto:ramon.rask@rask.ee)

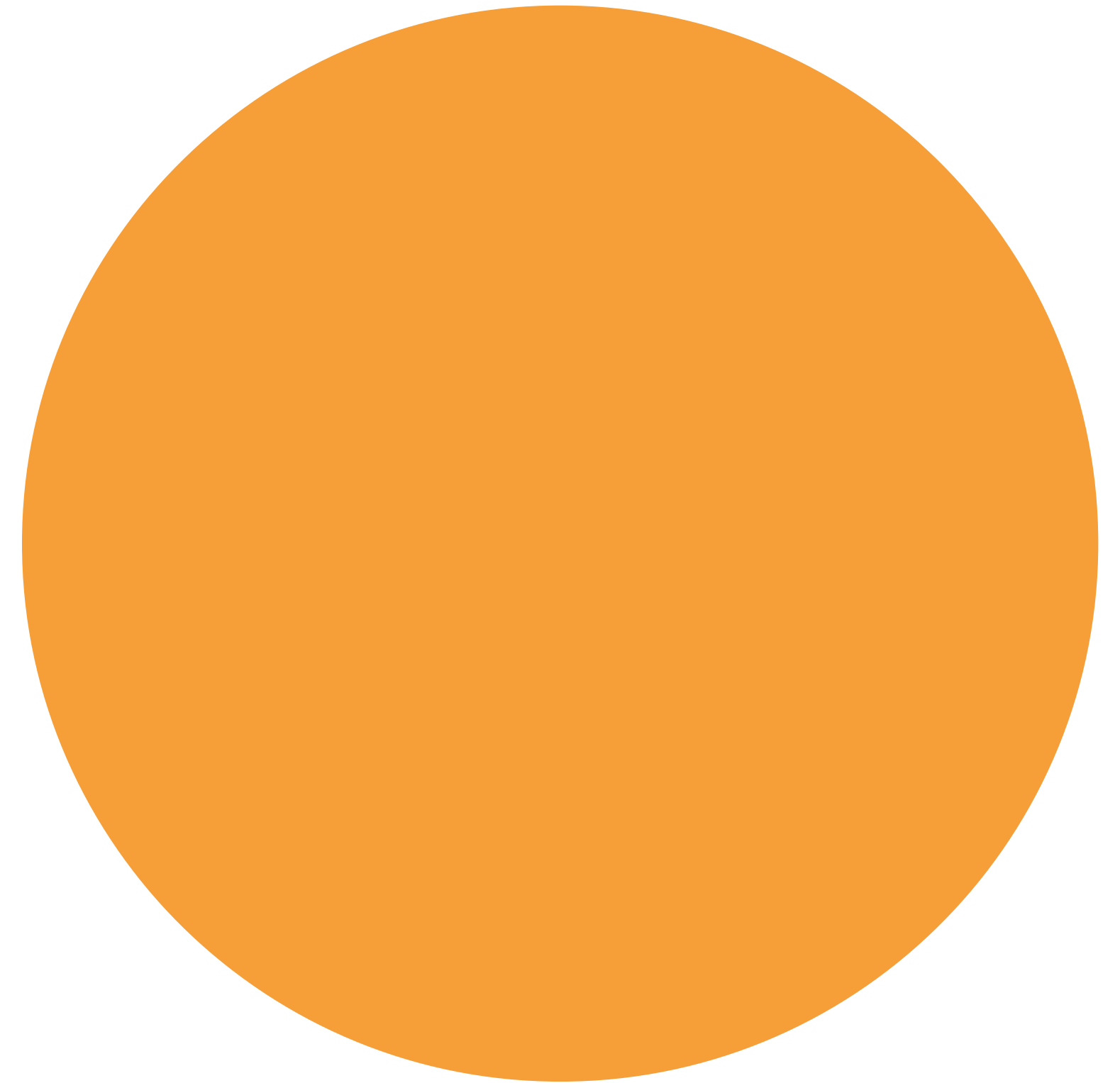
**MARINA LAPIDUS**

Co-Head of Construction and Real Estate Practice  
[marina.lapidus@rask.ee](mailto:marina.lapidus@rask.ee)

RASK Attorneys-at-Law is a top-tier full-service business law firm in Estonia. An experienced and valued advisor in sophisticated transactions and complex dispute resolution proceedings.

The distinct reputation of RASK attorneys is evidenced by the abundance of its loyal clientele as well as the rapidly growing number of new clients, mostly based on recommendations. The firm's client base includes local, regional and international companies, investors, financial institutions, administrative bodies and state authorities.

RASK's attorneys are well known and respected for their genuine dedication and solution-oriented approach when representing the interests of their clients. The firm brings together some of Estonia's top legal experts, offering clients comprehensive and reliable support in even the most complex legal matters.



**RASK.**

RASK Attorneys-at-Law, Ahtri 6, 10151 Tallinn, Estonia  
+372 618 0820, [rask@rask.ee](mailto:rask@rask.ee), [www.rask.ee](http://www.rask.ee)