

Procedure for making vital statistics entries and forwarding and storing printouts

Passed 22.06.2010 No 9

The Regulation is established on the basis of subsection 2(2) and subsections 7(9) and (10) of the [Vital Statistics Registration Act](#).

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Regulation

The Regulation provides for the requirements for making vital statistics entries (hereinafter *entries*) and forwarding and storing printouts of entries.

§ 2. Verification of identity

(1) Upon performing the procedures provided for in the Regulation, including upon submitting applications for vital statistics entries and delivering documents, the identity of the participants in the proceedings shall be verified on the basis of documents stipulated in paragraphs 2(2)1) to 8) or section 4 of the Identity Documents Act or on the basis of a foreign travel document of an alien, except in the case of submitting an application confirmed by digital signature.

(2) The identity of persons of less than 15 years of age, who have not been issued a document referred to in subsection (1), shall be verified on the basis of a birth certificate and the statements of their legal representative and, if necessary, on the basis of other evidence.

§ 3. Use of interpreter in performing vital statistics registrations

(1) If an applicant is not proficient in Estonian and the official does not translate the issues related to the registration himself or herself, the vital statistics official shall inform the applicant of the possibility to engage an interpreter in the performance of the registration.

(2) The costs of engaging an interpreter shall be borne by the applicant.

(3) An interpreter shall orally translate the contents of the application to perform a vital statistics registration (hereinafter the *application*) to the applicant. The applicant shall confirm the correctness of the data with his or her signature on the application. The language, into which the application was translated, and the personal details of the interpreter shall be noted on the application. The interpreter shall confirm the note with his or her signature.

(4) In the event of any doubts as to the correctness of the translation, a vital statistics official may reject the participation of the interpreter engaged by the applicant in the proceedings. If necessary, the term of the proceedings shall be extended until the engagement of a reliable interpreter by the applicant.

§ 4. Requirements for applications

Applications shall be completed in Estonian and in legible handwriting. Applications shall be completed in dark ink, which ensures the preservation of the data and allows the application to be stored electronically.

§ 5. Term for accepting application for processing

(1) An application shall be accepted for processing at a vital statistics office on the date of submission of the application to the vital statistics office. An application submitted by post, electronically or through an Estonian consular office shall be accepted for processing on the working day following its receipt at the vital statistics office at the latest.

(2) If the person submitting an application fails to provide the data required by law in the application or fails to submit all the required documents or if the application does not meet the requirements established in the Vital Statistics Registration Act and this Regulation or the application contains other deficiencies, the vital statistics office shall grant the applicant a reasonable term for eliminating the deficiencies, explaining that in the event of failure to eliminate the deficiencies the vital statistics office may refuse to review the application.

(3) If obvious grounds for refusal to make a vital statistics entry are manifested upon the submission of an application, the vital statistics official may refuse to accept the

application, explaining the reasons for the refusal to accept the application to the applicant.

§ 6. Registration of application

- (1) Applications shall be registered in the Population Register.
- (2) If the registration of an application is temporarily impossible, the application shall be marked with “Received, (date)”. The application shall be registered in the Population Register at the first opportunity.
- (3) An application for marriage submitted to a minister of religion shall be registered in the Population Register by the local county government.
- (4) A procedural file shall be opened for registering an application in the Population Register. The numeration of the procedural files is national, regardless of the types of entry.
- (5) An application registered in the Population Register shall not be re-registered upon forwarding the application to another vital statistics office for processing.

§ 7. Electronic storage of application and underlying documents

- (1) An application and the documents annexed thereto and forming the basis for a vital statistics entry (hereinafter the underlying documents) shall be stored electronically in the Population Register.
- (2) If the underlying document is a document of a foreign country, the original document and translations of the document shall be stored. In the case of foreign documents confirmed by a certificate (*apostille*) the certificate shall not be stored electronically.
- (3) Upon any amendments to an application, the application for amendments shall also be stored electronically.
- (4) If the data contained in the document underlying the entry required for the performance of the procedure have already been entered into the Population Register or the entry of the data is ordered from another vital statistics office in accordance with the procedure established in section 11 of this Regulation, the vital statistics office that ordered the entry of the data shall not electronically store the documents submitted in hard copy as documents underlying the entry.
- (5) A decision of refusal to make an entry shall be stored electronically in the relevant procedural file of the vital statistics registration, on which the decision of refusal is made.

§ 8. Forwarding procedural files upon restrictions to make vital statistics registrations

(1) A vital statistics official, to whom the restriction to perform procedures stipulated in section 14 of the Vital Statistics Registration Act applies, shall register the application and the underlying documents, make a data acquisition entry from the application in the Population Register and thereafter forward the procedural file for making the entry to another vital statistics official of the same vital statistics office, to whom the restriction to perform procedures does not apply.

(2) If none of the vital statistics officials of a rural municipality or city government are allowed to make a vital statistics entry due to the restriction to perform procedures stipulated in section 14 of the Vital Statistics Registration Act, the application and the underlying documents shall be registered and the application and the documents annexed thereto in hard copy shall be forwarded for making the entry to the local county government of the rural municipality or city government. If none of the vital statistics officials of the county government are allowed to perform the procedure, the procedural file shall be forwarded to another county government.

(3) Procedural files shall in the events specified in subsections (1) and (2) of this section be forwarded without undue delay.

§ 9. Transfer of procedural file to another notary

A notary shall upon the manifestation of grounds for the restriction to perform procedures stipulated in section 14 of the Vital Statistics Registration Act transfer the proceedings to another notary. The written consent of the applicant and the other notary is required for the transfer of proceedings. Upon the transfer of proceedings, the procedural file and the application in hard copy together with all the underlying documents shall be handed over.

§ 10. Transfer of proceedings at request of applicant

At the request of an applicant, the vital statistics office or the notary, to whom the application to perform a vital statistics registration has been submitted, shall transfer the proceedings to another vital statistics office or notary. The written consent of the vital statistics office to which the proceedings are to be transferred, is required for the transfer of proceedings. Proceedings can be transferred to a vital statistics office with the same competence to perform vital statistics registrations. Upon the transfer of proceedings, the procedural file and the application in hard copy together with the underlying documents shall be handed over to the vital statistics office or notary continuing the proceedings.

§ 11. Ordering entries of vital statistics document data

(1) If a need arises in the course of performing a vital statistics registration to enter data into the Population Register from a document concerning a vital statistics event that has taken place in Estonia and the first copy of such document is stored at another vital statistics office, the entry of the data shall be ordered from the relevant vital statistics office.

(2) The order referred to in subsection (1) shall be forwarded electronically and the receiver of the order shall enter the data from the document into the Population Register within three working days from the receipt of the order.

(3) As an exception, the data from the document may be entered on the basis of a digital vital statistics document also by the county government, which does not hold the first copy of the document concerning a family event that has taken place in Estonia, but to which the application to perform the vital statistics procedure was submitted.

§ 12. Numeration of entries

Entries shall be numbered in the Population Register on the basis of procedures by calendar year, separately in the records of every vital statistics office.

§ 13. Entries made on paper

(1) An entry on paper stipulated in subsection 7(8) of the Vital Statistics Registration Act can be made upon the registration of births and deaths, the contraction of marriage and divorce of marriage.

(2) Entries made on paper shall be numbered on the basis of the procedure and date separately in every vital statistics office. The number of an entry shall consist of the date and the sequential number of the registration.

(3) Upon transferring an entry made on paper to the Population Register by data acquisition entry, the entry shall be given a Population Register number.

(4) A minister of religion shall number the marriage entries by calendar year. The entry number shall consist of the number assigned to the minister of religion, the general procedure number, the year and the sequential number of the specific procedure. Upon transferring a marriage entry made by a minister of religion to the Population Register by data acquisition entry, the entry shall be given the number of the paper entry in the Population Register.

§ 14. Decision to declare invalid entry made on basis of invalid or void vital statistics act

A decision to declare invalid an entry stipulated in subsection 13(6) of the Vital Statistics Registration shall be drawn up in writing.

§ 15. Payment of state fee

(1) If a state fee is payable for the performance of a vital statistics registration and the state fee is not paid in cash, the applicant shall annex a document verifying the payment of the state fee to the application.

(2) Instead of a document verifying the payment of the state fee, an applicant may add to the application in writing the following data concerning the payment of the state fee:

- 1) name of the person who paid the state fee;
- 2) name of the person for whom the state fee was paid;
- 3) description of the procedure for which the state fee was paid;
- 4) reference number;
- 5) date of payment of the state fee;
- 6) name of the credit institution and the account to which and from which the state fee was paid;
- 7) the amount paid.

(3) In the event stipulated in subsection (1), a vital statistics official shall verify the payment and receipt of the state fee before making the entry.

(4) In the case of an application for marriage submitted to a minister of religion, a county government vital statistics official who registered the application of marriage in the Population Register shall before the contraction of marriage verify the receipt of the state fee.

§ 16. Issue of certified extracts of Population Register data

(1) Certified extracts from the Population Register (hereinafter the *certificate*) shall be printed on white paper.

(2) A first certificate shall upon the request of the applicant be issued by the vital statistics office that made the entry immediately after making the entry. A separate certificate shall be issued to every applicant. As an exception, a first certificate may be issued within up to 14 days from making the entry. After the issuing of the first certificate, the proceedings shall be terminated and the procedural file closed.

(3) A duplicate certificate shall be issued by a county government or a consular official on the basis of a request to issue a certificate of a family event.

(4) First certificates shall be issued free of charge. Duplicate certificates shall be issued for a fee in accordance with the State Fees Act.

(5) First certificates shall be issued in Estonian. Duplicate certificates shall be issued upon the request of an applicant in Estonian, English, German or French.

(6) If a procedural file was forwarded to another vital statistics office due to the restriction to perform vital statistics procedures stipulated in section 14 of the Vital Statistics Registration Act, the first certificate shall be issued by the vital statistics office to which the procedural file was forwarded for making the entry, in accordance with the procedure established in subsection 7(7) of the Vital Statistics Registration Act.

(7) In the case of entries made on paper as stipulated in subsection 7(8) of the Vital Statistics Registration Act, which have not yet been transferred to the Population Register, the certificate shall be marked with “Entry made on paper”.

(8) A notary shall issue first certificate to verify the marriage entries and divorce entries made by the notary.

(9) A minister of religion shall issue first certificates to verify the contraction of marriage confirmed by the minister of religion.

(10) A first certificate issued to verify the contraction of marriage confirmed by a minister of religion may be signed by the minister of religion who contracted the marriage or by the county government vital statistics official who transferred the marriage entry data to the Population Register by data acquisition entry.

§ 17. Issue of extracts

(1) An extract from vital statistics data shall be sent to an applicant who is not present as stipulated in subsection 7(7) of the Vital Statistics Registration Act by ordinary mail to the address specified in the application or in encrypted form to the e-mail address provided in the application.

(2) The provisions of subsection (1) shall also be applied to the issuing of extracts specified in subsection 12(3) of the Vital Statistics Registration Act.

§ 18. Storage of documents related to vital statistics registrations

(1) Applications and the annexed underlying documents in hard copy shall be stored at the vital statistics office where the relevant vital statistics entry is made. A foreign document and the translation of the document shall be returned to the applicant after electronic recording.

(2) Applications for marriage submitted to a minister of religion and reports on the contraction of marriage confirmed by a minister of religion shall be stored at the local county government of the congregation. Marriage entries prepared by a minister of religion shall be stored by the Ministry of the Interior.

(3) An Estonian foreign representation shall store the applications and the underlying documents submitted to it for performing vital statistics procedures in accordance with its rules of procedure.

(4) A notary shall store the applications and the underlying documents submitted to him or her for performing vital statistics procedures in accordance with the procedure for archiving the documents of notaries established in Regulation No 23 of the Minister of Justice of 19 June 2009, “Notaries Regulation”.

Chapter 2 REGISTRATION OF BIRTH

§ 19. Submission of application to register birth

(1) A vital statistics official shall, at the request of an applicant, complete an application to register a birth on the basis of the documents submitted by the applicant, the Population Register Data and the statements of the applicant. The applicant shall check the correctness of the data in the pre-completed application and sign the application.

(2) Parents who are married to each other may submit an application to register the birth of a child via the state portal “eesti.ee” or electronically, digitally signed.

(3) An application to register a birth may be submitted using the method established in subsection (2) on the condition that the healthcare service provider has forwarded the medical birth certificate data to the Population Register.

(4) If the legal representative of a child cannot, for a good reason, submit an application to register the birth of the child to a vital statistics office in person or using a method established in subsection (2), he or she may submit an application, on which the signature of the legal representative has been notarised.

(5) In the event stipulated in subsection (4), the authenticity of the signature of a detained or arrested parent on the application to register the birth of his or her child shall be verified by a notary or the prison director. The authenticity of the signature of a parent held at an expulsion centre on an application to register the birth of his or her child shall be verified by a notary.

(6) An application of acceptance of paternity of a detained or arrested parent or a parent held at an expulsion centre shall be notarised.

§ 20. Submission of application to register birth of child of minor or adult with limited active legal capacity

(1) An application to register the birth of a child of a parent with limited active legal capacity shall be submitted by the legal representative of the child.

(2) If the active legal capacity of a minor parent has been extended for the registration of the birth of a child, the minor parent may submit an application personally.

(3) The consent of the legal representative of a parent with limited active legal capacity shall be added to the application of acceptance of paternity or agreement to accept paternity of the parent.

§ 21. Specifications of birth registration proceedings

(1) If a document certifying the contraction of marriage of the parents not recorded in the Population Register is submitted upon the registration of the birth of a child, the data concerning the marriage shall be entered into the Population Register before registering the birth of the child.

(2) If an application to register the birth of a child is submitted by a guardian and the Population Register contains no data on the establishment of guardianship, the data concerning the establishment of guardianship shall be entered into the Population Register before registering the birth.

(3) If an application to register a birth and the document specified in subsection (1) or (2) is submitted to a rural municipality or city government, the document shall be forwarded to the local county government of the rural municipality or city government for entering the data.

§ 22. Registration of birth of child born as a result of artificial insemination in case the parents are not married to each other

(1) Upon the registration of the birth of a child in case the parents are not married to each other and the child is born as a result of artificial insemination stipulated in section 21 of the Artificial Insemination and Embryo Protection Act, the consent of the man to the artificial insemination of the woman shall replace the application of acceptance of paternity.

(2) In the event specified in subsection (1), the parents shall state upon submitting an application to register the birth of their child, whether they wish to exercise the right of custody jointly or have the right of custody assigned to one parent.

§ 23. Submission of application of acceptance of paternity and agreement to accept paternity before birth of child

(1) If an application of acceptance of paternity and agreement to accept paternity are submitted in the event specified in subsection 26(5) of the Vital Statistics Registration Act during the pregnancy of the woman, the application shall be received, a procedural file opened for registering the birth and the application registered.

(2) The provisions of subsection (1) shall also be applied to the submission of an application of preclusion of filiation from a married man as stipulated in section 85 of the Family Law Act.

§ 24. Assigning personal name to child

(1) Upon the registration of the birth of a child, the child shall be assigned a personal name upon agreement between the parents in accordance with the provisions of section 8 of the Names Act.

(2) If the parents of a child are married and an application to register the birth is submitted by one parent, the simple written agreement of the other parent concerning the name to be assigned to the child shall also be submitted.

§ 25. Data of place of birth of child

(1) If a child is born at an institution providing healthcare services, the location of the healthcare service provider (county and city or rural municipality) shall be entered into the Population Register as the place of birth of the child.

(2) If a child is born outside an institution providing healthcare services, the place of birth confirmed by the healthcare service provider (county and city or rural municipality) shall be entered into the Population Register as the place of birth of the child.

§ 26. Registration of birth of child who dies before registration of birth

If a child is born alive, but dies before the registration of the birth, both an entry of birth and an entry of death shall be made and the applicant shall, upon his or her wish, be issued both a birth certificate and a death certificate.

§ 27. Acceptance of paternity after registration of birth of child

(1) In order to accept paternity after the registration of the birth of a child, an application of acceptance of paternity and the agreement of the mother to the acceptance of paternity shall be submitted to the county government.

(2) In order to accept paternity, the agreement of the child shall be submitted in addition to the documents specified in subsection (1), if:

- 1) the mother has been deprived of the right of custody to the child;
- 2) the mother is dead;
- 3) the child has come of age.

(3) In the cases specified in paragraphs 1) and 2) of subsection (2), the agreement of the guardian of a child less than 14 years of age to the acceptance of paternity shall be submitted. A child of at least 14 years of age may, with the consent of a guardian, grant his or her agreement to the acceptance of paternity personally.

(4) An acceptance of paternity entry shall be made by the county government. The surname of the child shall be changed at the request of the applicant.

(5) If the acceptance of paternity concerns a child who has become of age, the surname of his or her children and spouse shall be changed in accordance with the procedure established in section 16 of the Names Act.

§ 28. Amendment of birth entry in connection with adoption

(1) In connection with adoption, the county government shall change the name of the child and the details of the parents in the birth entry of the child on the basis of a court ruling and the application of the adoptive parent. At the request of the adoptive parent, the county government shall assign a new personal identification code to the child.

(2) If an adoptive parent does not submit the application specified in subsection (1) to a vital statistics office within one month from the entry into force of the court ruling, the county government shall amend the data of the birth entry of the child on the basis of the court ruling on adoption.

(3) If it is discovered upon entering the data of the court ruling on adoption into the Population Register that the Population Register contains no record of the birth of the child, the county government shall first make an entry of the birth of the child and a data acquisition entry from the birth document of a foreign country.

(4) If the birth of an adopted child has been registered in a foreign country, the county government shall amend the data concerning the adoption in the Population Register on the basis of the court ruling on adoption.

(5) Upon an entry made on a birth registered in Estonia being amended in connection with adoption, a new birth certificate shall be issued with post-adoption data.

(6) At the request of an adult adopted person, data concerning the fact of adoption and the pre-adoption details shall be added to his or her birth certificate in accordance with the provisions of the Family Law Act concerning adoption secrecy.

§ 29. Amendment of Population Register data in connection with change of gender

(1) In order to amend the Population Register data in connection with a change of gender, a person shall submit to the county government a written application for the amendment of gender data and the decision of a medical expert committee on the change of gender.

(2) In the event stipulated in subsection (1), the given name, gender and personal identification code and, at the request of the applicant, the surname of the person shall be amended in the Population Register in accordance with the provisions of section 15 of the Names Act. No other data and vital statistics entries related to the person who has changed his or her gender shall be amended.

(3) The person who has changed his or her gender shall at his or her request be issued an extract from vital statistics data concerning the change of gender.

Chapter 3 REGISTRATION OF DEATH

§ 30. Submission of application to register death

(1) A vital statistics official shall, at the request of an applicant, complete an application to register a death on the basis of the documents submitted by the applicant, the Population Register Data and the statements of the applicant. The applicant shall check the correctness of the data in the pre-completed application and sign the application.

(2) If an application to register a death is submitted by a funeral service provider, the funeral service provider shall in addition to the application to register a death and the underlying documents also submit a document verifying the authorisation to submit the application.

§ 31. Registration of death

(1) If an underlying document for the registration of death provides the time of death with the accuracy of a week, month or year, the first date of the relevant week, month or year shall be entered as the time of death in the Population Register.

(2) If a medical death certificate provides the time of finding the deceased as the time of death, the time of finding marked on the death certificate shall be entered as the time of death in the Population Register.

(3) Upon registering a death, a vital statistics official shall keep the personal identity document of the deceased submitted by the applicant and forward the said document either to the Police and Border Guard Board (personal identification certificate, passport of a citizen of Estonia, passport of an alien, sailor's service log, seafaring certificate, travel document of a refugee, certificate of an asylum seeker) or to the Ministry of Foreign Affairs (diplomatic passport, travel document of a foreign country). The documents shall be forwarded within one month from the submission thereof.

(4) If the deceased person was married according to the data provided by the applicant, but no document verifying the marriage is submitted and the Population Register contains no data concerning the marriage of the deceased person, the death shall be registered, but the data provided in the application concerning the marriage and family status of the deceased person shall be kept in the procedural file and not entered into the Population Register.

(5) If the Population Register contains no data concerning the deceased person and no personal identification document is submitted upon the registration of death, the personal data of the deceased person shall be entered into the Population Register on the basis of a medical death certificate or a certificate of a police institution.

(6) Upon the registration of the death of an unidentified deceased person, the given name of the deceased person shall be marked as "unidentified" and the surname as "deceased" in the Population Register.

(7) If the burial place of the deceased person is not known upon the registration of death, the burial place data field shall be left empty in the Population Register. If the deceased

person is cremated according to the statements of the applicant, the place of cremation shall not be marked as the place of burial.

(8) If it is discovered upon the registration of death that the deceased person held the sole right of custody to a minor or that the deceased person was a guardian of a person with limited active legal capacity, the vital statistics official shall give notice of the death to the local rural municipality or city government or court of the place of residence of the child or the person under guardianship.

§ 32. Forwarding medical death certificates

(1) A death certificate submitted to a rural municipality or city government upon the registration of death shall be forwarded to the local county government of the rural municipality or city government together with a printout of the death entry.

(2) A county government shall forward the death certificates received from rural municipality and city governments and the death certificates submitted to the county government to the Ministry of the Interior together with printouts of the death entries.

Chapter 4 CONTRACTION OF MARRIAGE

§ 33. Submission of application to contract marriage

In order to contract a marriage, the prospective spouses shall, with both being present in person at the same time, submit a written application to contract marriage and the documents specified in sections 38 and 39 of the Vital Statistics Registration Act to a vital statistics office or a minister of religion with the right to contract marriages.

§ 34. Amendment of application to contract marriage

(1) In order to amend an application to contract marriage, the prospective spouses shall submit a joint application in person and in writing or electronically, digitally signed, to the vital statistics office, to which the application to contract marriage was submitted.

(2) In order to change the proprietary relationship selection made in the application to contract marriage, the prospective spouses shall submit a joint written application in person to the vital statistics office, to which the application to contract marriage was submitted.

§ 35. Selection of proprietary relationship

A vital statistics official shall explain the legal essence of the proprietary relationships of jointness of property, the set-off of assets increment and separateness of property to the prospective spouses, without giving recommendations in the selection of the proprietary relationship.

§ 36. Term of contraction of marriage

(1) Upon accepting an application to contract marriage for processing, the date and time for the contraction of marriage shall be agreed with the applicants in accordance with subsection 41(1) of the Vital Statistics Registration Act. The said date and time shall be marked on the application to contract marriage.

(2) If a vital statistics official has doubts concerning the correctness of the data, excluding statistical data, presented in an application to contract marriage, the term of contraction of marriage shall be extended and the correct data determined. The term may be extended until the term stipulated in subsection 41(2) of the Vital Statistics Registration Act.

§ 37. Refusal to contract marriage

If circumstances, which cannot be eliminated or which are not eliminated, are discovered after the submission of an application to contract marriage and before the certification of the contraction of marriage, a vital statistics official shall make a decision of refusal to contract the marriage. The persons who submitted the application to contract marriage shall be notified of the decision in writing to the address provided in the application.

§ 38. Withdrawal of application to contract marriage

The persons who submitted an application to contract marriage shall give notice of withdrawal of the application to contract marriage in writing to the vital statistics office, to which the application to contract marriage was submitted. Upon withdrawal of an application to contract marriage, the proceedings shall be terminated and the procedural file closed.

§ 39. Failure to appear for contraction of marriage

If the persons who submitted an application to contract marriage fail to appear for the contraction of marriage on the agreed date and fail to give notice of a good reason for not appearing, the proceedings of contraction of marriage shall be terminated and the procedural file closed. Upon a good reason for not appearing, the proceedings shall be reinstated at the request of the prospective spouses and a new time and date for the contraction of marriage shall be agreed. The new term shall not exceed the term stipulated in subsection 41(2) of the Vital Statistics Registration Act, calculated from the submission of the application to contract marriage. A new procedural file shall be opened upon the reinstatement of the proceedings.

§ 40. Signing of protocol of contraction of marriage

(1) The prospective spouses shall sign the protocol of contraction of marriage using their pre-marriage names.

(2) If a prospective spouse is, on the basis of his or her statement or the observations of the vital statistics official, unable to see sufficiently or otherwise unable to sign the protocol in own hand, section 10 of the Vital Statistics Registration Act shall be applied.

Chapter 5 CERTIFICATE OF CAPACITY FOR MARRIAGE

§ 41. Issue of certificate of capacity for marriage

(1) A minor shall be issued a certificate of capacity for marriage, if his or her active legal capacity has been extended by court for performing the procedures necessary for the contraction of marriage and for exercising the rights and fulfilling the obligations related to marriage.

(2) An adult with limited active legal capacity shall be issued a certificate of capacity for marriage, if it is stated in the court ruling appointing a guardian that the person understands the legal consequences of marriage.

(3) A certificate of capacity for marriage may also be issued to an authorised representative of an applicant.

(4) If the person whom the applicant wishes to marry is a subject of the Population Register, his or her capacity for marriage shall be verified from the Population Register and the data from the Population Register shall be entered onto the certificate of capacity for marriage.

(5) If the person whom the applicant wishes to marry is not a subject of the Population Register, his or her given name, surname and other data prescribed in subsection 9(5) and 40(2) of the Vital Statistics Registration Act shall be entered onto the certificate of capacity for marriage from the application to issue the said certificate.

(6) A citizen of Estonia or a resident of Estonia, who has, according to Population Register data, lived in Estonia for less than 1 year or lived outside Estonia for more than 2 months, shall be issued a vital statistics office letter containing the details of the certificate of capacity for marriage, with a note of the period the person has lived in Estonia.

Chapter 6 DIVORCE OF MARRIAGE

§ 42. Application for divorce of marriage submitted separately

(1) If a spouse is, for a good reason, unable to appear at a vital statistics office to submit a joint application for divorce of marriage and submits a separate notarised application in accordance with subsection 44(4) of the Vital Statistics Registration Act, a procedural file for the divorce of marriage shall be opened upon the registration of the application first

submitted to the vital statistics office. The term of the proceedings of divorce of marriage shall be calculated from the submission of the last application.

(2) A notarised application for divorce of marriage and an application for divorce of marriage submitted in person by the other spouse shall be submitted to the same vital statistics office.

§ 43. Determining term of divorce of marriage

(1) Upon the submission of an application for divorce of marriage, the date for the divorce of marriage shall be agreed with the applicants in accordance with the provisions of subsection 45(1) of the Vital Statistics Registration Act. The date of the divorce shall be marked on the application for divorce of marriage.

(2) Notice of the date of the divorce shall be given to both spouses. If a spouse is, for a good reason, unable to appear at a vital statistics office to submit a joint application for divorce of marriage and submits a separate notarised application, the spouse who submitted the application in person shall be notified of the date of the divorce of marriage and both spouses shall be thereby considered notified of the date of the divorce.

§ 44. Signing pre-completed divorce entry form

If a spouse is, on the basis of his or her statements or observation of the vital statistics official, unable to see sufficiently or is otherwise unable to sign the pre-completed divorce entry form in own hand, section 10 of the Vital Statistics Registration Act shall be applied.

§ 45. Termination of proceedings of divorce of marriage

If the spouses fail to appear at a vital statistics office for the divorce of marriage on the agreed date and fail to give notice of the reason for not appearing, they shall be considered not to have submitted the application and the proceedings of divorce of marriage shall be terminated and the procedural file closed.

Chapter 7 DATA ACQUISITION FROM FOREIGN DOCUMENTS

§ 46. Entry of data from foreign documents into Population Register

(1) The data from a foreign document drawn up concerning a family event that has taken place in a foreign country (hereinafter the *foreign document*) shall be entered into the Population Register by the county government, consular official or notary, to whom the foreign document was submitted.

(2) If a foreign document is submitted to a rural municipality or city government, the document shall be recorded electronically and forwarded by e-mail to the local county government of the rural municipality or city government for entering into the Population Register.

(3) A county government shall enter the data from a foreign document into the Population Register within 3 working days from the receipt of the foreign document.

§ 47. Title of foreign document

(1) The title of a foreign document shall be entered into the Population Register on the basis of the contents of the document.

(2) If a foreign document contains data concerning several family events, these data shall be entered into the Population Register as separate vital statistics entries.

§ 48. Name contained in foreign document

Upon entering names contained in a foreign document into the Population Register, the Names Act and the legal acts issued on the basis thereof shall be applied.

§ 49. Right of custody to child born in foreign country

(1) If the birth of a child is registered in a foreign country where the parents' right of custody to the child are determined, the data concerning the right of custody shall be entered into the Population Register on the basis of the birth document prepared in a foreign country.

(2) If the birth of a child is registered in a foreign country where the right of custody is not determined, the data concerning the right of custody shall be entered into the Population Register in accordance with the provisions of the Family Law Act concerning the right of custody.

Chapter 8 FORWARDING AND STORING PRINTOUTS

§ 50. Requirements established for printouts

(1) A printout of a vital statistics entry shall be printed on A4 paper with the weight of 80g.

(2) A printout shall be printed on both sides of the paper.

§ 51. Forwarding printouts

(1) A rural municipality or city government shall forward the printouts of vital statistics entries made during a calendar month to the county government by the fourth day of the following month at the latest. Entries made on paper and the printouts thereof shall be forwarded to the county government by the fourth day of the month following the month of transfer of the entries made on paper to the Population Register at the latest.

(2) A county government shall forward the printouts forwarded by a rural municipality and city government, the printouts of vital statistics entries made by the county government and the marriage entries prepared by a minister of religion to the Ministry of the Interior by the tenth day of the following month at the latest. Entries made on paper and the printouts thereof shall be forwarded to the Ministry of the Interior by the tenth day of the month following the month of transfer of the entries made on paper to the Population Register at the latest.

(3) A notary shall forward the printouts of vital statistics entries made by the notary to the Ministry of the Interior by the tenth day of the month following the month of making the entry at the latest.

(4) The printouts of entries prepared at a foreign representation shall be forwarded to the Ministry of the Interior by the last working day of the month following the month of making the entry at the latest.

(5) A copy of the document underlying the entry annexed to a printout of a vital statistics entry made on the basis of a foreign document verified by a certificate (*apostille*) shall be forwarded to the Ministry of the Interior without the certificate (*apostille*).

§ 52. Storing printouts

Printouts shall be stored in the person-specific folders of the family archives of the Ministry of the Interior.

Chapter 9 IMPLEMENTING PROVISIONS

§ 53. Registration of death on the basis of court ruling of declaration of death entered into force before 1 July 2020

(1) The registration of death on the basis of a court ruling of declaration of death entered into force before 1 July 2010 shall be performed by county governments.

(2) In the event specified in subsection (1), an application to register death and the court ruling of declaration of death shall be submitted to a county government.

(3) If an application to register death is not submitted to a vital statistics office within one month from the entry into force of the court ruling of declaration of death, the county government shall register the death on the basis of the court ruling of declaration of death.

(4) A death entry shall be made on the basis of the court ruling of declaration of death and the person submitting the application to register death shall at his or her request be issued a death certificate.

§ 54. Registration of marriage divorced by court before 1 January 1995

(1) The registration of divorce of marriage made on the basis of a court ruling before 1 January 1995 shall be performed by county governments.

(2) In the event specified in subsection (1), an application to register the divorce or marriage together with the court ruling and a document verifying the payment of a state fee shall be submitted to a county government. The application may be submitted by one of the spouses.

(3) A divorce of marriage shall be registered by a divorce entry on the basis of the data from the court ruling and the person submitting the application to register the divorce ruling shall at his or her request be issued a divorce certificate.

(4) Upon registering a divorce of marriage in accordance with the procedure established in this section, only the name of the spouse submitting the court ruling may be changed.

(5) If the name of a person has changed after the entry into force of the court ruling specified in subsection (1), the name contained in the court ruling cannot be assumed upon the registration of the court ruling.

§ 55. Entry into force of Regulation

The Regulation shall enter into force on 1 July 2010.

Siim Valmar KIISLER
Minister

Märt KRAFT
Secretary General