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Churches and Congregations Act

Passed 12 February 2002

(RTI I 2002, 24, 135),

entered into force 1 July 2002,

amended by the following Act:

25.02.2004 entered into force 25.03.2004 - RT I 2004, 14, 91;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) The purpose of this Act is to provide the procedure for membership of churches, congregations, associations of congregations, monasteries and religious societies and the regulation of their activities in order for freedom of belief as ensured for everyone by the Constitution to be exercised.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 2. Religious associations

(1) Churches, congregations, associations of congregations and monasteries are religious associations.

(2) For the purposes of this Act, a church is an association of at least three voluntarily joined congregations which has an episcopal structure and is doctrinally related to three ecumenical creeds or is divided into at least three congregations and which operates on the basis of its statutes, is managed by an elected or appointed management board and is entered in the register in the cases and pursuant to the procedure prescribed by this Act.

(3) For the purposes of this Act, a congregation is a voluntary association of natural persons who profess the same faith, which operates on the basis of its statutes, is
managed by an elected or appointed management board and is entered in the register in the cases and pursuant to the procedure prescribed by this Act.

(4) For the purposes of this Act, an association of congregations is an association of at least three voluntarily joined congregations which profess the same faith and which operates on the basis of its statutes, is managed by an elected or appointed management board and is entered in the register pursuant to the procedure prescribed by this Act.

(5) For the purposes of this Act, a monastery is a voluntary communal association of natural persons who profess the same faith, which operates on the basis of the statutes of the corresponding church or independent statutes, is managed by an elected or appointed superior of the monastery and is entered in the register in the cases and pursuant to the procedure prescribed by this Act.

§ 3. Main activities of religious associations

(1) The main activities of churches, congregations, associations of congregations, and monasteries include professing and practising their faith, primarily in the form of religious services, meetings and rites, and confessional or ecumenical activities relating to morals, ethics, education, culture, and confessional or ecumenical diaconial and social rehabilitation activities and other activities outside the traditional religious rites and services of the churches or congregations.

(2) The objective or main activity of churches, congregations, associations of congregations and monasteries shall not be the earning of income from economic activity.

(3) The management boards of churches, congregations and associations of congregations and the agencies thereof and the superiors of monasteries have the right to issue legal acts relating to the activities of the religious associations pursuant to the procedure provided for in the statutes.

§ 4. Religious society

(1) A religious society is a voluntary association of natural or legal persons the main activities of which include confessional or ecumenical activities relating to morals, ethics, education, culture and confessional or ecumenical diaconial and social rehabilitation activities outside the traditional forms of religious rites of a church or congregation and which need not be connected with a specific church, association of congregations or congregation.

(2) A religious society shall be entered in the non-profit associations and foundations register pursuant to the procedure prescribed by the Non-profit Associations Act (RT I 1996, 42, 811; 1998, 96, 1515; 1999, 10, 155; 23, 355; 67, 658; 2000, 55, 365; 88, 576; 2001, 56, 336; 93, 565; 2002, 53, 336; 2003, 88, 591). In order to determine compliance of the statutes of a religious society with the requirements provided by law, the chief
judge of the county or city court which maintains the register may suspend proceedings for entry in the register for two months and request the opinion of the ministry whose area of government includes management of issues relating to religious associations or request an expert opinion of a competent agency.

§ 5. Passive legal capacity

(1) A religious association is a legal person in private law to which the Non-profit Associations Act applies in so far as this Act does not provide otherwise.

(2) The statutes of a religious association may prescribe differences from the provisions of the Non-profit Associations Act concerning membership and management if such differences arise from the historical teaching and structure of the religious association.

(3) Transformation of a religious association into a legal person of a different type is prohibited.

(4) The passive legal capacity of a religious association commences as of entry of the religious association in the register of religious associations (hereinafter register) and terminates as of deletion of the religious association from the register.

(5) Congregations which belong to a church or association of congregations but are not entered in the register and monasteries which belong to a church but are not entered in the register are not legal persons.

§ 6. Seat

(1) The seat of a church, congregation or association of congregations is the place where the management board of the church, congregation or association of congregations is located unless the statutes prescribe otherwise. The seat of a monastery is the place where the building or complex of buildings of the monastery are located.

(2) The management board of a church, congregation or association of congregations shall be located in Estonia regardless of the location of its spiritual centre.

§ 7. Name

(1) The name of a religious association shall be written in Latin letters and include the corresponding word “kirik” [church], “kogudus” [congregation], “koguduste liit” [association of congregations] or “klooster” [monastery] and shall clearly differ from the names of other legal persons entered in the register in Estonia and shall not be misleading with regard to the objectives, scope of activity or legal form.

(2) A religious association may have a name abbreviation set out in the statutes, which is not used by any other religious association registered in Estonia.
(3) A religious association whose interests are damaged by the unauthorised use of its name or name abbreviation may demand termination of the unauthorised use thereof and compensation for damage caused thereby.

Chapter 2

Freedom of Religion of Individual

§ 8. Rights of individual

(1) Every person has the right to freely choose, profess and declare his or her religious beliefs unless it damages public order, health, morals, or the rights or freedoms of others.

(2) No one is required to provide information on his or her religion or membership in congregations, except a suspect, accused, accused at trial or victim in the course of criminal proceedings.

(3) Every person has the right to leave a congregation if he or she notifies the management board of the congregation of his or her decision beforehand. Every person has the right to leave a monastery if he or she notifies the superior of the monastery of his or her decision beforehand.

(4) The guardian of a person who has been divested of active legal capacity does not have the right to change the religion or membership in a congregation of the person.

(5) Members with active legal capacity and of at least eighteen years of age have the right to participate in the election of the management board and officials of a church, congregation or association of congregations, unless a different age limit is provided for in the statutes.

(6) Every person has the right to be buried according to his or her confession.

(7) In the absence of relatives, guardians or curators, and if it is known that a deceased person was a member of a congregation, the congregation of the deceased person shall perform the confessional funeral service.

§ 9. Performance of religious rites in medical institutions, educational institutions, social welfare institutions, custodial institutions and military units

(1) Persons staying in medical institutions, educational institutions, social welfare institutions and custodial institutions and members of the Defence Forces have the right to perform religious rites according to their faith unless this violates public order, health, morals, the rules established in these institutions or the rights of others staying or serving in these institutions.
A religious association shall conduct religious services and religious rites in a medical institution, educational institution or social welfare institution with the permission of the owner or the head of the institution, in a custodial institution with the permission of the director of the prison, in the Defence Forces with the permission of the commanding officer of the military unit and in the National Defence League with the permission of the chief of the unit.

§ 10. Membership of child in congregation

(1) Every person of at least fifteen years of age may independently become a member of a congregation or leave a congregation pursuant to the procedure prescribed in the statutes.

(2) A child who is less than fifteen years of age may be a member of a congregation with the permission of his or her parents or guardian.

Chapter 3

Foundation, Registration, Merger, Division and Dissolution of Religious Associations

§ 11. Foundation of religious associations

(1) In order to found a church, an association of congregations, a congregation which does not belong to a church or association of congregations or a monastery which does not belong to a church, the founders shall enter into a memorandum of association.

(2) A memorandum of association shall set out:

1) the name, seat, address and objectives of the activities of the church, congregation, association of congregations being founded or monastery which does not belong to a church and which is being founded;

2) the names and residences or seats, and the personal identification codes or registry codes of the founders;

3) the obligations of the founders;

4) the names, personal identification codes and residences of the members of the management board.

(3) Upon entry into a memorandum of association, the statutes of the church, congregation or monastery which does not belong to a church or association of congregations shall also be approved as an annex to the memorandum of association.

(4) A congregation which wishes to belong to a church or association of congregations shall be founded and the management board thereof shall be elected pursuant to the
statutes of the corresponding church or association of congregations unless the specified statutes prescribe adoption of independent statutes for the congregation. Minutes shall be taken of the foundation meeting. The list of founders of the congregation which sets out the residences and personal identification codes of the founders together with the signatures of the founders shall be annexed to the minutes.

(5) All founders shall sign the memorandum of association of a congregation which does not belong to a church or association of congregations or a monastery which does not belong to a church.

(6) The memorandum of association of a church or association of congregations and the statutes approved thereby shall be notarially certified; a representative of a founder may sign the memorandum of association.

(7) A monastery which belongs to a church shall be founded pursuant to the procedure prescribed in the statutes of the corresponding church and minutes shall be taken of the foundation meeting. The list of founders of the monastery which sets out the residences and personal identification codes of the founders together with the signatures of the founders shall be annexed to the minutes.

§ 12. Statutes

(1) The statutes of a religious association shall contain the following information:

1) the name and seat;

2) the objective and doctrinal bases of the activities;

3) obligatory religious rites;

4) the structure of management bodies and supervisory bodies and the procedure for the foundation, competence and terms of authority thereof;

5) the procedure for the election or appointment of members of the management board and restrictions on the right of representation;

6) the status, hierarchy, service relationships and professional attire of the ministers of religion;

7) the procedure for the formation, use and disposal of assets;

8) the bases and procedure for the adoption and amendment of the statutes;

9) the bases and procedure for termination of activities;
10) the conditions of and procedure for membership in the religious association and for leaving and exclusion from the religious association;

11) the rights and obligations of members or the procedure for the establishment of obligations for members.

(2) If a church or an association of congregations amends the statutes thereof and such amendment involves transformation of the church into an association of congregations or transformation of the association of congregations into a church, representatives of all congregations which belong to the corresponding church or association of congregations must be in favour of the specified decision and sign the decision. The signatures on the decision shall be notarially authenticated.

(3) An amendment of the statutes of a religious association enters into force as of the making of a corresponding entry in the register.

(4) A religious association may have departments and agencies if this is prescribed in the statutes. Departments and agencies are not legal persons. The bodies of departments and agencies and their competence shall be prescribed in the statutes.

§ 13. Application for entry in register

(1) A congregation with at least twelve adult members who have active legal capacity shall be entered in the register.

(2) In order to enter a religious association in the register, the management board of the religious association shall submit an application which sets out the information specified in subsection 15 (1) of this Act and which is signed by all members of the management board.

(3) The following shall be appended to the application:

1) the memorandum of association and the statutes approved thereby, or the minutes of the foundation meeting and the statutes approved by the management board of the corresponding church or association of congregations;

2) the notarially authenticated specimen signatures of the members of the management board;

3) telecommunications numbers (telephone, facsimile, etc);

4) proof of payment of the state fee.

(4) A monastery which belongs to a church or a congregation which belongs to a church or association of congregations and which is a legal person pursuant to the statutes thereof or the statutes of the church or association of congregations, shall be entered in
the register with the same court where the church or association of congregations is entered in the register. The documents concerning the congregation or monastery specified in subsections (2) and (3) of this section shall be submitted to the register by the management board of the corresponding church or association of congregations.

(5) If the congregations or monasteries which belong to a church or association of congregations are not legal persons pursuant to the statutes of the corresponding church or association of congregations, the management board of the church or association of congregations shall submit, together with an application for the entry thereof in the register and the annexes to the application, a list of the congregations and monasteries thereof to the register on the basis of the territory of the church or congregations. The list shall set out the name, address and date of first mention or foundation of each congregation and monastery.

(6) Any other application submitted to the register shall be signed by at least one member of the management board pursuant to the procedure established in the statutes.

(7) Signatures on an application submitted to the register shall be notarially authenticated.

§ 14. Suspension of proceedings for entry in register and refusal to enter in register

(1) In order to determine compliance of a religious association with the requirements provided by law, the chief judge of the county or city court which maintains the register may suspend proceedings for entry in the register for two months and request the opinion of the ministry whose area of government includes management of issues relating to religious associations or request an expert opinion of a competent agency.

(2) A registrar shall not enter a religious association in the register if:

1) the statutes or other documents submitted by the religious association are not in compliance with the requirements of law;

2) the activities of the religious association damage public order, health, morals, or the rights and freedoms of others.

(3) Upon refusal to enter a religious association in the register, the registrar shall indicate the reason for the refusal.

§ 15. Entry of information in register and change thereof

(1) The following shall be entered in the register:

1) the name of the religious association;

2) the seat and address of the religious association;
3) the date of the first mention or foundation of the religious association;

4) the date of adoption of the statutes;

5) the names, personal identification codes and residences of the members of the management board;

6) the specifications for the right of representation of the management board pursuant to § 24 of this Act;

7) other information provided by law.

(2) Upon changes in the information entered in the register, the management board of the religious association shall submit an application for entry of the changes in the register. The application shall be submitted pursuant to the procedure provided for in subsections 13 (4)-(7) of this Act.

(3) If a congregation or monastery joins a church or an association of congregations or if a congregation or monastery leaves or is excluded therefrom, the management board of the corresponding church or association of congregations shall submit to the register documents pursuant to the procedure set out in subsection 13 (4) of this Act or an amended list pursuant to the procedure set out in subsection 13 (5) of this Act.

§ 16. Merger, division and dissolution

(1) Merger, division and dissolution of a religious association shall be carried out pursuant to the procedure prescribed for non-profit associations in the Non-profit Associations Act, unless otherwise provided by the statutes or this Act, and the register shall be notified thereof pursuant to subsections 13 (4)-(7) of this Act.

(2) A religious association shall be dissolved and liquidated:

1) on the bases and pursuant to the procedure prescribed in the statutes;

2) if the number of congregations or members of the religious association falls below the number specified by this Act or the statutes;

3) upon the declaration of bankruptcy of the religious association;

4) on the bases and pursuant to the procedure provided for in subsection (3) of this section.

(3) The minister whose area of government includes management of issues relating to religious associations shall request compulsory dissolution of a religious association from a court if:
1) the activities or statutes of the religious association are contrary to law or the Constitution;

2) facts specified in clause 14 (2) 2) of this Act become evident in the activities of the religious association;

3) the activities of the religious association are not in compliance with the objectives set out in the statutes;

4) economic activity becomes the main activity of the religious association.

Chapter 4

Register of Religious Associations

§ 17. Maintenance of register

(1) The register of religious associations is a part of the non-profit associations and foundations register with regard to which the provisions of legislation concerning the non-profit associations and foundations register apply unless otherwise provided for in this Act.

(2) The register of religious associations shall be maintained on the religious associations located in Estonia.

(3) The registration departments of county and city courts (hereinafter registrars) shall maintain the register of religious associations of the religious associations located in their jurisdiction.

(4) Congregations and monasteries which belong to a church or association of congregations shall be entered in the register of religious associations according to the location of the church or association of congregations.

§ 18. Restrictions relating to public files and registry files

(1) Documents which a religious association submits to the registrar pursuant to law are maintained in the public file concerning the religious association.

(2) A registry file of a religious association may be examined by a person with a legitimate interest. Documents containing sensitive personal data may be examined pursuant to the procedure prescribed by the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833; 2000, 50, 317; 92, 597; 104, 685; 2001, 50, 283).

§ 19. Entries of registry card of religious association
(1) The form of registry cards of the card register of religious associations shall be established by a regulation of the Minister of Justice.

(2) The following information shall be entered on a registry card:

1) the registry code and consecutive numbers of registry entries;

2) the name;

3) the seat and address;

4) the date of the first mention or foundation;

5) the date of adoption and amendment of the statutes;

6) information on the members of the management board;

7) the right of representation of the members of the management board and the liquidators if such right differs from the general rule prescribed by law;

8) the merger or division;

9) the dissolution;

10) information on the liquidators;

11) information on the trustee in bankruptcy;

12) the declaration of bankruptcy and termination of bankruptcy proceedings;

13) the deletion from the register;

14) information on the depositary of documents of a liquidated religious association;

15) the date of entry, and the signature, name and title of the person executing the judgment on entry and of the person competent to make the judgment on entry;

16) references to earlier and later entries, and notations.

Chapter 5

Minister of Religion and Management Board

§ 20. Minister of religion
(1) A person who has the right to vote in local government elections may be a minister of religion of a religious association. Other requirements for a minister of religion shall be established by the religious association.

(2) The management board of a religious association has the right to invite a minister of religion from outside Estonia and apply for a work and residence permit for the minister of religion who is an alien pursuant to the provisions of the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; RT III 2001, 7, 75; RT I 2001, 58, 352; 68, 407; 2002, 56, 351; 63, 387; 90, 521; 102, 599; 2003, 4, 20; 88, 594; 2004, 2, 2; 19, 134) and other legislation.

§ 21. Professional attire of minister of religion

(1) Only a person to whom a religious association has granted the corresponding permission has the right to wear the professional attire of a minister of religion prescribed in the statutes of the religious association. The specified restriction does not apply if ordinary clothing is the professional attire of the minister of religion.

(2) A religious association whose interests are damaged by the unauthorised use of the professional attire of its minister of religion may demand termination of the unauthorised use of the professional attire of the minister of religion and compensation for damage caused thereby.

§ 22. Confessional secret

A minister of religion shall not disclose information which has become known to him or her in the course of a private confession or pastoral conversation or the identity of a person who makes the private confession to or has a pastoral conversation with the minister of religion.

§ 23. Management board

(1) A church, congregation and association of congregations shall have a management board. The minimum and maximum number of members of the management board shall be prescribed in the statutes.

(2) A person who has the right to vote in local government elections may be a member of a management board.

(3) Within the meaning of this Act, the superior of a monastery is deemed to be the management board of the monastery.

§ 24. Right of representation of management board and liability of members of management board
The provisions of the Non-profit Associations Act apply to the right of representation of a management board and the liability of members of the management board unless otherwise provided for in the statutes.

Chapter 6

Assets of Religious Association

§ 25. Proprietary rights and obligations

(1) Churches, congregations and associations of congregations have the right to charge a membership fee from their members pursuant to the procedure provided for in the statutes.

(2) A religious association has the right to charge a fee for religious rites, organise donations for specific purposes, accept donations and estate and receive income from its assets.

(3) A religious association may pledge, grant use of or transfer cultural monuments which belong to the assets of the religious association on the basis of a resolution of the management board, having regard to the requirements established by the Heritage Conservation Act (RT I 2002, 27, 153; 47, 297; 53, 336; 63, 387). Congregations which belong to a church or association of congregations shall exercise such right with the permission of the management board of the church or association of congregations pursuant to the procedure prescribed in or established on the basis of the statutes.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) The statutes of a church or association of congregations may provide that the congregations which belong to a church or association of congregations may grant use of immovables, encumber immovables with a restricted real right or transfer immovables with the permission of the management board of the church or association of congregations pursuant to the procedure prescribed in or established on the basis of the statutes.


§ 26. Supervision

(1) A review or audit may be called for pursuant to the procedure established in the statutes.
(2) The members of the management board and of other bodies shall allow controllers or auditors to examine all documents necessary for conduct of a review or audit and shall provide necessary information.

(3) Controllers and auditors shall prepare a report concerning the results of a review or audit and present the report to the body which called for the review or audit.

§ 27. Use of assets remaining upon termination of activities of religious association

(1) Upon dissolution of a congregation or monastery which belongs to a church or association of congregations, the assets remaining after satisfaction of the claims of obligees are transferred to the corresponding church or association of congregations.

(2) Upon termination of the activities pursuant the statutes, of a church, an association of congregations, a congregation or monastery which does not belong to a church or association of congregations, the assets remaining after satisfaction of the claims of obligees are transferred to the state and may be used only for charitable or educational purposes.

Chapter 7

Implementation of Act

§ 28. Application of this Act to religious associations

(1) The provisions of §§ 1–3, 5–10, 16 and 20–27 of this Act apply to religious associations founded before 1 July 2002 until entry of the religious associations in the register.

(2) Religious associations entered in the register of churches, congregations and associations of congregations maintained by the Ministry of Internal Affairs may amend and delete data entered in the register pursuant to the procedure in force before the entry into force of this Act until 1 June 2004.

§ 29. Application for entry in register

(1) Religious associations which were founded before 1 July 2002 and are registered with the Ministry of Internal Affairs and which comply with the requirements of this Act shall be entered in the register on the basis of their application.

(2) An application for entry in the register shall set out the information provided for in this Act, and the certificate of registration of the religious association with the Ministry of Internal Affairs together with documents provided for in this Act, except the memorandum of association or the minutes of the foundation meeting, shall be appended to the application.
(3) In order for a religious association to be entered in the register, the statutes of the religious association shall be brought into accordance with the provisions of this Act.

(4) An application for entry in the register shall be reviewed within two months as of submission of the application and all other prescribed documents.

(25.02.2004 entered into force 25.03.2004 - RT I 2004, 14, 91)

§ 30. Notations in registers

(1) Upon entry of a religious association registered with the Ministry of Internal Affairs in the register, a corresponding notation shall be made in the register of churches, congregations and associations of congregations on the basis of a notice from the registrar.

(2) Upon entry of a religious association founded before the entry into force of this Act in the register, a notation concerning the earlier registration with the Ministry of Internal Affairs shall be made in the register, indicating the former registration number.

§ 31. Dissolution

(1) Religious associations registered with the Ministry of Internal Affairs for the entry of which in the register no application has been submitted by 1 July 2004, or whose application for entry in the register submitted within the specified term has been refused are deemed to have undergone compulsory dissolution.

(2) Upon compulsory dissolution resulting from the reasons set out in subsection (1) of this section, the procedure provided for in § 95 of the Non-profit Associations Act applies.

§ 32. Name of religious association

(1) Upon entry of a religious association in the register, the registrar shall make an inquiry to the Ministry of Internal Affairs concerning the existence of the same or a similar name in the register of churches, congregations and associations of congregations.

(2) A name being applied for shall not be entered in the register if such name or a misleadingly similar name has already been registered in the register or the Ministry of Internal Affairs by another religious association.

§ 33. Amendments to State Fees Act

The State Fees Act (RT I 1997, 80, 1344; RT I 2001, 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 18, 97; 23, 131; 24, 135; 27, 151 and 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377; 82, 477;
is amended as follows:

1) clause 31) is added to subsection 3 (2) worded as follows:

“31) acts of the register of religious associations;”;

2) subsection (9) is added to § 18 worded as follows:

“(9) A religious association which has been registered with the Ministry of Internal Affairs before 1 July 2002 is exempt from payment of state fees upon entry of the religious association in the register of religious associations.”;

3) sections 441 and 451 are added to Division 2 of Chapter 6 worded as follows:

“§ 441. Entries in register of religious associations
(1) A state fee of 100 kroons shall be paid for the entry of a religious association in the register.

(2) A state fee of 50 kroons shall be paid for the amendment of data entered in the register of religious associations.

§ 451. Issue of copies from register of religious associations
(1) A state fee of 10 kroons shall be paid for a certified copy of a registry card from the register of religious associations.

(2) A state fee of 5 kroons per page shall be paid for a certified copy of any other document from the register of religious associations.”

§ 34. Repeal of earlier Churches and Congregations Act

The Churches and Congregations Act (RT I 1993, 30, 510; 44, 637; 1994, 28, 425) is repealed.

§ 35. Entry into force of Act

This Act enters into force on 1 July 2002.

1 RT = Riigi Teataja = State Gazette