Restrictions on successions – special rules

Estonia

1 Under the law of this Member State, do special rules impose, for economic, family or social considerations, restrictions concerning or affecting the succession in respect of immoveable property, certain enterprises or other special categories of assets located in this Member State?

Section 4 of the Law of Succession Act provides that succession is transferred to the heir when the succession is opened. This means that, as a rule, all rights and obligations are transferred to the heir. The only exceptions are those rights and obligations which by their nature are intrinsically linked to the person of the bequestor or which pursuant to law do not transfer from one person to another (section 130(1) of the Law of Succession Act).

On the grounds of public interest, certain types of rights in rem are restricted under the Restrictions on Acquisition of Immovables Act; however, this does not apply to the acquisition of immovables through succession (section 2(1)(6) of the Act).

Restrictions may apply to participation in certain types of company ownership. For example under the Bar Association Act, only barristers may be shareholders in a company of barristers (section 54(1) of the Bar Association Act). If the successor is not a barrister, he or she will be compensated for the value of their share.

The articles of association of a private limited company may also contain a restriction that shares are not transferred to the successor; in such case the successor must also be compensated for the value of their share (Section 153 of the Commercial Code).

2 Under the law of this Member State, do these special rules apply to the succession in respect of the above-mentioned assets irrespective of the law applicable to the succession?

The application of special rules is not dependent on the law applicable to the succession.

3 Under the law of this Member State, do special procedures exist to ensure compliance with the above-mentioned special rules?

No special procedures exist.

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