

Estonia – national procedures for mutual legal assistance on laundering, search, seizure and confiscation of proceeds of crime (ETS No. 141)

Updated 30/10/2018

The information contained in this table should be updated on a yearly basis.

Procedure for search (asset-tracing) and seizure	
The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance (including freezing and seizure):	Office of the Prosecutor General Wismari 7, 15188 Tallinn, Estonia Tel: +372 6139 400 Fax: +372 6139402 E-mail: info@prokuratuur.ee
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	Ministry of Justice Suur-Ameerika 1, 10122 Tallinn, Estonia Tel: +372 6208192 Fax: +372 6208109 E-mail: info@just.ee
Channels of communication for the request for mutual legal assistance (directly, or other):	Direct contacts.
Means of communication (e.g. by post, fax, e-mail ¹):	Post, fax or e-mail.
Language requirements:	Estonian and/or English
Double criminality requirement, if applicable:	Double criminality required

¹ Please indicate if encryption or electronic signature is required.

Other requirements: for example a link between the proceeds and the criminal offence, or that a request for the confiscation judgment or measure will be made later, or that leave is given by a judge for the seizure of assets/goods:	Link between proceeds and criminal offence should be identified. In case of seizure of third persons property there is a need for information how third person can complain the decision about seizure in the requesting country.
Modalities/requirements for the execution of MLA requests for investigative assistance (search, tracing, special investigative techniques), existence of a central register of real estate/ bank accounts, duration of preservation of bank data, etc.:	<p>Description of the offence must be comprehensive. For searches there is a need to indicate what kind of items (evidence) we are looking for.</p> <p>Register for real estate exists, no registers for bank information.</p> <p>No time limits for preservation of bank accounts or other assets</p>
Limitation of use of evidence obtained:	No limitations
Modalities/requirements related to the execution of provisional measures (freezing, prejudgment seizing) including lifting of these measures (possibilities to seize (im)movable properties) and applicable time limits, if any:	Description of the offence must be very detailed. Aim of freezing should be indicated. Possibilities to seize all assets, including immovable and movable assets. No time limits for seizure
Available asset management system including preservative measures, ,(for example prejudgment selling), concerning the seized goods:	A court order for seizure shall be entered to the register, no future possibilities for selling of assets until the seizure will be revoked and removed from register
Procedure for confiscation/ Recognition of foreign decisions. Recovery of confiscated assets.	

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for Confiscation/ recognition of foreign judgments/decisions/measures:	Office of the Prosecutor General Wismari 7, 15188 Tallinn, Estonia Tel: +372 Fax: +372 6139402 E-mail: info@prokuratuur.ee
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	Ministry of Justice Tõnismägi 5a, 15191 Tallinn, Estonia Tel: +372 6208192 Fax: +372 6208109 E-mail: info@just.ee
Channels of communication for the request for mutual legal assistance (directly, or other):	Direct contacts.
Means of communication (e.g. by post, fax, e-mail ²):	Post, fax or e-mail.
Language requirements:	Estonian and/or English
Document requirements and modalities/requirements for the procedure of confiscation:	Request and judgement(s).
Other requirements, if applicable: For example: a link between the proceeds and the criminal offence. In case of money laundering, what are the requirements for the predicate offence(s):	Link between the proceeds and the criminal offence is required.

² Please indicate if encryption or electronic signature is required.

Procedure /possibilities to trace assets/proceeds when a (foreign) confiscation order is already given:	Predicate offence must be identified
Procedure for sharing of assets, if applicable:	Request must be contain reasons why assets must be returned to the requesting state, otherwise assets will stay to the requested state.
Where applicable, limitations to the possibility for the requesting state to serve judicial documents directly to the persons concerned:	No limitations
Other particularly relevant information on special types of assistance	
Non Conviction Based Confiscation:	Not possible
MLA regarding liability of legal persons (criminal, civil or administrative):	Possible
Other information (for example, extended confiscation, confiscation for the purpose of victims):	Extended confiscation is not possible. The aim of confiscation is not ensure civil action, but there is a possibility to deduct a sum of civil action from the confiscated assets.
Links to national legislation, national guides on procedure:	https://www.riigiteataja.ee/en/eli/531052016002/consolide