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**Item 17 of the Provisional Agenda**

**TOPONYMIC GUIDELINES FOR MAP EDITORS AND OTHER EDITORS**

**New Legislation in Estonia Concerning Geographical Names\***

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**\* Submitted by the Place Names Board of Estonia**

## NEW LEGISLATION IN ESTONIA CONCERNING GEOGRAPHICAL NAMES

Submitted by the Place Names Board of Estonia

Since December 11<sup>th</sup>, 1996 Estonia had a Place Names Act that laid down the basic principles in the standardization of Estonia's geographical names. The act incorporated all the main rules for standardization, determining the competence in establishing place names as well as various requirements that the official place names must conform to. Summary of the Place Names Act was given in the Toponymic Guidelines of Estonia in 1997 (presented to the Seventh UNCSGN in 1998, document E/CONF.91/INF/16) and the full translation of the text was provided at the 20th Session of UNGEGN in 2000 (working paper No. 14).

Over the years it had become clear that the Place Names Act needed updating, particularly in respect to legal standardization procedures and the requirements of the National Place Names Register. A working group was set up at the Place Names Board of Estonia to address the issue. A new version of the Place Names Act was submitted to Parliament in 2003. The Act was passed on November 5<sup>th</sup>, 2003 and will enter into force on July 1<sup>st</sup>, 2004.

The main emphasis in the Place Names Act has remained the same. The Act specifies requirements on place names to be used officially. More consideration in the new Act is given to legal procedures, and the needs of the National Place Names Register which is to acquire a central role in collecting all geographical names data. Another important difference with the old (1996) version of the Act is that the Place Names Board will have the statutory right to approve by a resolution official geographical names. This will be done in cases when no other names authorities have initiated procedures to establish a geographical name. It is expected that names for natural features (lakes, rivers, capes, islands, etc.) will be officialized mainly by the resolution of the Place Names Board.

The following is the translation of the official text into English. Translation was done by the Estonian Legal Language Centre (*Eesti Õiguskeele Keskus*, [www.legaltext.ee](http://www.legaltext.ee)).

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### Place Names Act

Passed 5 November 2003,

entered into force 1 July 2004.

#### Chapter 1

#### General Provisions

##### § 1. Scope of application and purpose of Act

- (1) This Act regulates the establishment and use of Estonian place names and the exercise of supervision thereover.
- (2) The purpose of this Act is to ensure the harmonised use of Estonian place names and the protection of place names of cultural and historical value.

##### § 2. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to the administrative procedure prescribed in this Act, taking into account the specifications arising from this Act.

##### § 3. Definitions

- (1) A named feature is a natural or man-made geographic entity.
- (2) An official place name is a place name which is established for a named feature by a legal act

or a place name which is approved by a resolution of the Place Names Board.

(3) An unofficial place name is a place name which has not been established by a legal act or approved by a resolution of the Place Names Board.

(4) A generic term is a component of a place name which designates the type of the named feature.

(5) A qualifying attribute is an additional component of a place name which distinguishes between recurring place names.

(6) The core of a place name is the name of the place without the generic term and the qualifying attribute.

(7) For the purposes of this Act, establishment of a place name is any of the following acts performed by a names authority:

- 1) naming of a named feature which does not have an official name;
- 2) changing of an official place name;
- 3) revocation of an official place name.

## Chapter 2 Establishment of Place Names

### **§ 4. Obligation for place names to be established**

(1) A place name shall have been established for the following named features:

- 1) administrative units;
- 2) rural municipality districts and city districts;
- 3) settlement units;
- 4) streets, squares or other named features which are smaller than settlement units and the name of which is used in addresses;
- 5) railway stations, railway halts, other public transport stops, airfields, airports, ports and lighthouses;
- 6) national roads, local roads and private roads.

(2) A place name may be established for a named feature not covered in subsection (1) of this section if it is necessary to identify the feature using a place name.

(3) Plots of land (land units), cadastral units and registered immovables are not subject to the naming obligation. Place names shall be established for such features if it is necessary to identify them using place names or if there is a desire for the place name to be entered in the land register as the name of the registered immovable. The term “registered immovable” is used with the same meaning as in the Land Register Act (RT I 1993, 65, 922; 1999, 44, 511; 2001, 21, 113; 31, 171; 56, 336; 93, 565; 2003, 13, 64).

### **§ 5. Names authorities and competence to establish place names**

(1) The following are names authorities:

- 1) the Government of the Republic;
- 2) ministers;
- 3) local governments.

(2) The Government of the Republic shall establish place names for administrative units on the basis of the Territory of Estonia Administrative Division Act (RT I 1995, 29, 356; 1996, 42, 808; 1999, 93, 833; 2002, 34, 207).

(3) Place names shall be established for settlement units pursuant to the procedure established on the basis of the Territory of Estonia Administrative Division Act.

(4) Place names for rural municipality districts, city districts, public transport stops, streets and other named features located in the territory of one local government shall be established by that local government. This provision does not apply in respect of named features covered in subsection (6) of this section.

(5) Depending on the type of named feature, place names shall be established for named features located in the territory of more than one local government or for water area features located outside the territory of local governments either by the Government of the Republic or by the relevant minister according to his or her area of government. This provision does not apply upon establishment

of the name of a county.

(6) If establishment of a named feature is within the competence of the Government of the Republic or a minister, the place name shall be established by the Government of the Republic or the relevant minister.

#### **§ 6. Organisation of establishment of place names**

(1) The establishment of a place name shall be organised and the decision taken by a names authority on its own initiative or on the basis of a written application from a natural person or a legal person.

(2) A place name shall be established by a legal act issued by a names authority. A legal act with which a place name is established shall contain at least the following information:

- 1) the place name (if they exist, both the principal place name and the alternative place name);
- 2) the type of the named feature;
- 3) a description or map of the location of the named feature.

(3) If the Government of the Republic or a minister is to establish a place name, the written opinion of the relevant local government and the Place Names Board shall be sought before the name is established.

(4) A names authority shall send postal notification of its intent to establish a place name for a land unit which is in private ownership or for a named feature which is located within such a unit to the landowner and in so doing shall seek the opinion of the owner. The landowner shall present an opinion in writing within fifteen days as of receiving such notification. Failure to present an opinion within that term is deemed to mean that the consent of the landowner has been obtained.

(5) If a names authority intends to establish a name for a private road, it shall seek approval from the minister who is competent to establish names for national roads.

(6) In order to establish a non-Estonian place name, the local government shall seek the consent of the Minister of Internal Affairs. The Minister of Internal Affairs shall make a decision after he or she has sought the opinion of the Place Names Board. It is not necessary to observe the specified procedure for obtaining approval if the named feature with a non-Estonian place name is located within the territory of a settlement of which the majority of the residents were non-Estonian speakers as at 27 September 1939.

(7) In order to establish an alternative place name, the local government shall seek the consent of the Minister of Internal Affairs. The Minister of Internal Affairs shall make a decision after he or she has sought the opinion of the Place Names Board.

(8) A local government shall publish a draft decision to establish a place name pursuant to the procedure established by the local government council and at least fifteen days before the decision to establish the place name is to be taken.

(9) If establishment of a place name is initiated by a natural person or a legal person, that person shall submit a written application to the names authority which is competent to establish the name in accordance with § 5 of this Act. An application for establishment of a place name shall contain the justification for the choice of place name. If necessary, the written opinion of the relevant local government or the Place Names Board shall be annexed.

(10) A names authority shall refuse to establish a place name if:

- 1) the place name applied for is in contradiction with the requirements of Chapter 3 of this Act;
- 2) the named feature for which the name is applied for is not clearly identifiable.

(11) The provisions concerning open proceedings apply to the establishment of place names, taking account of the specifications provided for in this Act.

#### **§ 7. Bases for changing and revocation of official place names**

(1) An official place name shall be changed if:

- 1) it is in contradiction with the requirements of Chapter 3 of this Act;
- 2) the various forms of the place name in use need harmonising.

(2) An official place name may be changed if:

- 1) in actual use, an unofficial place name is preferred and it meets the requirements of Chapter 3;
- 2) there is a desire to restore a historical Estonian place name;
- 3) the place name in use is misleading due to a change in the named feature or the planned area;

- 4) there is another good reason therefor.
- (3) In order to change a place name for a reason not covered in subsections (1) and (2) of this section, the names authority, with the exception of the Government of the Republic, shall seek the consent of the Minister of Internal Affairs. The Minister of Internal Affairs shall make a decision after he or she has sought the opinion of the Place Names Board.
- (4) The names authority is required to initiate proceedings to change a place name within thirty days as of becoming aware of any of the circumstances specified in subsection (1) of this section.
- (5) An official place name may be revoked if:
  - 1) in the process of planning, the named feature has been lost;
  - 2) the named feature has ceased to exist.
- (6) A place name shall be changed or revoked with a legal act issued by the names authority.

#### **§ 8. Notification of establishment of place names**

Within ten days, a names authority shall send a legal act to establish a place name to:

- 1) the Place Names Board;
- 2) the authorised processor of the national place names register (hereinafter register).

### Chapter 3 Requirements for Place Names

#### **§ 9. Language of place names**

- (1) Estonian place names shall be in Estonian.
- (2) The procedure for determining whether place names are in Estonian shall be established by a regulation of the Government of the Republic.
- (3) Exceptions to the language of place names are permitted if they are historically or culturally justified. In order to prevent corruption of or unjustified changes to indigenous place names, the language of the residents of the area in question as at 27 September 1939 shall be taken into account when making an exception.
- (4) In international professional and business communication, the cores and qualifying attributes of Estonian place names shall be identical to those used in Estonia. As an exception, a translation of the country name "*Eesti*" [Estonia] and of the names of interstate bodies of water may be used.

#### **§ 10. Orthography of place names**

- (1) Place names shall be documented in the Estonian-Roman alphabet.
- (2) If a place name is rendered in a non-Roman alphabet, the spelling of the name shall be in accordance with an official character table regulating the transcription and transliteration of names. If a place name is transcribed into the alphabet of a language for which there is no character table, the spelling of the name shall be approved on the basis of expert analysis carried out by the Office of Onomastic Expertise.
- (3) The spelling of a place name shall be in accordance with the rules of Estonian orthography and may reflect the local dialectal sound structure of the name.
- (4) The spelling of a non-Estonian place name shall be in accordance with the rules of orthography of the relevant language. If the spelling of a place name originates from a non-Roman alphabet, the spelling shall be in accordance with the official character table.
- (5) If one and the same place name is established for different named features, the spelling of the cores of the name shall be identical.
- (6) The character tables regulating the transcription and transliteration of place names shall be established by a regulation of the Minister of Education and Research.

#### **§ 11. Principal and alternative place names**

- (1) A named feature shall have one official name, except in the cases specified in subsections (2) and (3) of this section.
- (2) A named feature which is not an administrative unit, a street or a square may have two official names, of which one is the principal name and the other is an alternative name.
- (3) Principal and alternative names may be established for historically and culturally justified

reasons if the aim is to preserve:

- 1) the non-Estonian place name of a named feature which already has an Estonian name or for which an Estonian name is also to be established;
- 2) a second Estonian name.
- (4) If clause (3) 1) of this section is applied, the principal and alternative place names shall be selected as follows:
  - 1) if the named feature is located within the territory of a settlement of which the majority of the residents were Estonian speakers as at 27 September 1939, the Estonian name shall be established as the principal name;
  - 2) if the named feature is located within the territory of a settlement of which the majority of the residents were non-Estonian speakers as at 27 September 1939, the non-Estonian name shall be established as the principal name. As an exception, a nationally recognised Estonian name may be established as the principal name if its use has been rooted in history.
- (5) The spelling of a place name written using the orthography of an Estonian dialect which has a separate literary standard may be established as an alternative name.

#### **§ 12. Restrictions on use of identical place names**

- (1) None of the following shall have identical place names:
  - 1) administrative units;
  - 2) settlement units located within the boundaries of one rural municipality or one city;
  - 3) named features located within the boundaries of one settlement unit.
- (2) Named features have identical names if the full forms of the place names, together with the generic term, are identical.

#### **§ 13. Requirements for selection of place names**

- (1) Upon establishment of a place name, a name which is well recognised and widespread in the locality or which is of historical or cultural value shall be preferred.
- (2) If it is not possible to establish a place name on the basis of the principle specified in subsection (1) of this section, the following shall be preferred upon establishment of the place name:
  - 1) place names which are connected to the locality;
  - 2) place names which are connected to the characteristics of the named feature;
  - 3) place names of national significance.
- (3) A commemorative name is a place name established in the memory or honour of a person.
- (4) The name of a person shall not be used as a commemorative name during the lifetime of that person. The procedure for establishing commemorative names shall be established by a regulation of the Government of the Republic.
- (5) Numbers and any other non-alphabetical signs shall not be used as place names. Following the entry into force of this Act, numbers and other such non-alphabetical signs shall not be used as qualifying attributes either.
- (6) The following shall be avoided upon establishment of a place name:
  - 1) place names which are identical or misleadingly similar;
  - 2) place names with a vulgar or derogatory meaning;
  - 3) place names which are incompatible with the history and culture of Estonia.
- (7) In order to avoid identical place names when an existing place name is being changed, the preference upon establishment of the new place name shall be to amend or modify in some other way the existing place name such that the place name established is clearly distinguishable.
- (8) Upon division of a named feature with a historically and culturally important name which is well recognised in the locality, it is not permitted for a completely new name to be established for the historical core of the named feature. If the restrictions on the use of identical place names preclude an old name from being used, a name composed of the core and the qualifying attribute of the old name shall be used.

#### **§ 14. Use of official place names**

(1) Official place names entered in the register shall be used in documents of state authorities or local government authorities or bodies, in information on residence or location entered in state or local government databases, in the dissemination of information, on public signs, on signposts, in notices and on geographical maps. Exceptions to this requirement may be made in the cases set out in subsection 16 (1) of this Act. This provision does not apply in respect of maps concerning history and cultural history.

(2) In reference books and textbooks, the official Estonian place name shall primarily be used. The unofficial or non-Estonian spelling of the name may be added.

(3) If a principal place name and an alternative place name have been established for a named feature, both names shall be used in the requisite information on documents of state authorities or local government authorities or bodies and on geographical maps, public signs and signposts in the order in which they are set out in the register. This provision does not apply in respect of maps concerning history and cultural history.

#### **§ 15. Use of unofficial place names**

(1) An unofficial place name may be used if subsection 14 (1) of this Act does not require the use of an official place name or if an official name has not been established for the named feature.

(2) The use of unofficial place names in public information shall not be misleading.

#### **§ 16. Specifications regarding use of official names**

(1) The generic term, qualifying attribute or other part of a place name may be shortened or omitted if the place name is used:

- 1) on a geographical map;
- 2) on a public sign;
- 3) on a signpost;
- 4) in information on residence or location.

(2) The procedure for shortening or omitting the generic term, qualifying attribute or other part of a place name shall be established by a regulation of the Minister of Internal Affairs.

### Chapter 5 National Place Names Register

#### **§ 17. General principles of operation of national place names register**

(1) The purpose of the establishment and use of the register is to record and collect information on Estonian place names, to process and preserve such information and to make it available to users such that the use of place names becomes better organised.

(2) The register shall be established, the statutes for maintenance thereof shall be approved and the authorised processor of the register shall be appointed by the Government of the Republic pursuant to the procedure provided for in the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 2002, 61, 375; 63, 387; 2003, 18, 107; 26, 158), taking account of the specifications of this Chapter.

(3) The chief processor of the register is the Ministry of Internal Affairs.

#### **§ 18. Information in register**

(1) Official place names and information characterising relevant named features shall be entered in the register. The classification of named features shall be established by a regulation of the Minister of Internal Affairs.

(2) Unofficial place names, as historically or culturally significant place names or spellings, and information characterising relevant named features may also be entered in the register.

(3) Information shall be submitted to the authorised processor of the register pursuant to the procedure provided for in the statutes for maintenance of the register. Any natural or legal person may apply for a place name to be entered in the register if that person submits information to the authorised processor of the register concerning the place name and the type of named feature and a description or map of the location of the feature.

- (4) The authorised processor of the register has the right to refuse to enter a place name in the register if the place name is not in accordance with law and the authorised processor may initiate a place name dispute pursuant to Chapter 7 of this Act. In the event of refusal, the names authority or the person who applied for the place name to be entered in the register and the Place Names Board shall be informed in writing.
- (5) The procedure for submitting information to the register and the procedure and form for issuing information from the register shall be established by a regulation of the Minister of Internal Affairs.
- (6) Information contained in the register shall be published on a website.

#### **§ 19. Interbase cross-usage of information**

In order to perform the functions of the register assigned thereto by law, the authorised processor of the register is permitted to make inquiries and obtain information from other databases and to communicate information to other databases.

### Chapter 6 Place Names Board and Office of Onomastic Expertise

#### **§ 20. Place Names Board and membership thereof**

The Government of the Republic shall establish the Place Names Board, consisting of eleven to fifteen members, appoint the chair and members of the Place Names Board on the proposal of the Minister of Internal Affairs, and approve the statutes of the Place Names Board.

#### **§ 21. Functions of Place Names Board**

The Place Names Board shall perform the following functions:

- 1) approve, by a resolution, official place names for named features for which place names have not been established by a names authority and where it is necessary for an official place name to be established or where a corresponding application is made by an interested party;
- 2) advise names authorities and, at their request, provide an opinion;
- 3) if necessary, make proposals to names authorities through the Minister of Internal Affairs for the establishment of place names;
- 4) monitor the use of official place names and, if necessary, make proposals through the Minister of Internal Affairs to bring names into conformity with the requirements of legal acts;
- 5) make proposals through the Minister of Internal Affairs for the amendment of legal acts regulating the establishment and use of place names;
- 6) participate in the preparation, organisation and publication of gazetteers of place names;
- 7) resolve extra-judicial name disputes;
- 8) perform other functions arising from its statutes.

#### **§ 22. Rights of Place Names Board**

- (1) The Place Names Board has the right to obtain the information and documents necessary to perform its functions from state and local government authorities and bodies and from other legal and natural persons.
- (2) The Place Names Board may demand written justification for the choice of a place name from the names authority.

#### **§ 23. Office of Onomastic Expertise**

- (1) The Office of Onomastic Expertise shall perform the following functions:
  - 1) provide expert opinions in matters concerning place names;
  - 2) organise studies commissioned by the Place Names Board or the names authorities.
- (2) The Government of the Republic shall, on the proposal of the Minister of Internal Affairs, designate a research institution with scientific staff specialising in onomastics as the Office of Onomastic Expertise.

### Chapter 7



## Name Disputes and Supervision

### **§ 24. Name disputes**

- (1) Disputes which arise over the establishment or use of a place name may be resolved pursuant to the procedure provided by law either extra-judicially or in an administrative court.
- (2) The body which hears extra-judicial disputes is the Place Names Board if the parties to the name dispute are local governments or a local government and a natural or legal person.
- (3) Name disputes which arise between governmental authorities or authorities authorised thereby shall be resolved by the Government of the Republic or by way of subordination.

### **§ 25. Procedure for resolving name disputes**

- (1) The provisions regarding challenge procedure apply to proceedings for the Place Names Board to resolve a name dispute.
- (2) In addition to the cases provided for in the Administrative Procedure Act, a person who finds that the rights of the person have been violated through the incorrect use of a place name also has the right to file a challenge.
- (3) A body resolving a dispute specified in subsection 24 (3) of this Act shall seek the opinion of the Place Names Board before taking a decision.

### **§ 26. Supervision**

- (1) The following authorities shall, within the limits of their competence, exercise supervision over compliance with the requirements provided for in this Act:
  - 1) the governmental authority exercising state linguistic supervision, which shall monitor the official and public use of language in place names;
  - 2) the governmental authority exercising executive power in the field of cartography, including the exercise of state supervision and the application of state enforcement, which shall monitor the use of place names on geographical maps.
- (2) Officials exercising supervision have the right to:
  - 1) monitor compliance with this Act, demand that geographical maps or documents concerning the use of a place name be submitted, check such maps or documents, demand explanations and opinions and obtain information which is of importance to the successful resolution of the matter;
  - 2) issue precepts for the termination of a violation, elimination of the consequences of a violation and prevention of further violations.
- (3) In the event of failure to comply with a precept, the official may apply a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). The upper limit for a penalty payments is 10 000 kroons.

## Chapter 8

### Liability

### **§ 27. Violation of requirements for establishment and use of official place names**

- (1) Violation of the requirements for the use of an official place name in documents of state authorities or local government authorities or bodies, on geographical maps, with the exception of maps concerning history and cultural history, in the dissemination of information, on public signs, on signposts or in notices and in information on residence or location entered in local government databases is punishable by a fine of up to 100 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 10.000 kroons.

§ 28. Violation of requirement to submit information to authorised processor of register  
Failure to submit information prescribed in a legal act to the authorised processor of the register or submission of incorrect information is punishable by a fine of up to 100 fine units.

### **§ 29. Proceedings**

- (1) The provisions of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22) and the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26,

156) apply to the misdemeanours provided for in §§ 27 and 28 of this Act.

(2) The governmental authorities specified in subsection 26 (1) of this Act shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in §§ 27 and 28 of this Act.

## Chapter 9 Implementing Provisions

### **§ 30. Implementation of Place Names Act**

(1) The Place Names Act (RT I 1997, 1, 3; 1998, 59, 941; 1999, 10, 155; 2002, 63, 387; 90, 521) is repealed.

(2) A names authority with the competence prescribed in § 5 of this Act shall submit official place names which were established before the entry into force of this Act and information concerning the relevant named features to the authorised processor of the register not later than by 1 January 2005. Before the information is submitted, the place name shall be brought into conformity with the requirements of Chapter 3 of this Act.

(3) The use of place names in documents of state authorities or local government authorities or bodies, on geographical maps, in the dissemination of information, on public signs, on signposts or in notices shall be brought into conformity with this Act not later than by 1 July 2005. This provision does not apply in respect of maps concerning history and cultural history.

(4) Place names contained in information on residence and location entered in local government databases shall be brought into conformity with this Act not later than by 1 January 2005.

(5) The use of an official place name in the case specified in subsection 14 (3) of this Act shall be brought into conformity with this Act not later than by 1 July 2005.

(6) Not later than by 1 January 2005, the Ministry of Justice shall organise the submission to the authorised processor of the register of an electronic list of the names and addresses of registered immovables which were entered in the land register before the entry into force of this Act. The authorised processor of the register shall verify that the names of registered immovables entered in the land register conform to this Act and shall submit the names of the corresponding registered immovables for entry in the place names register. If registered immovable names appear which are not in conformity with this Act, the authorised processor of the register shall make a proposal to a names authority for the name of the registered immovable to be brought into conformity with this Act. The names authority is required, within one year as of receiving the proposal specified in this subsection, to decide to change or delete the name of the registered immovable and to submit a written application to the land registry department of the court of the location of the registered immovable for the name of the registered immovable to be changed or deleted.

### **§ 31. Entry into force of Act**

This Act enters into force on 1 July 2004.