Law on the State Border
Passed in Riigikogu on June 30, 1994
Proclaimed by the President of the Republic by Resolution No. 386 of July 13, 1994
(Riigi Teataja Part I 1994, No. 54, Art. 902) — In force from July 31, 1994

Chapter I
GENERAL PROVISIONS

Article 1. Function of the Law
The present Law shall establish the definition of the state border of Estonia, the procedures for determining the location and marking the border as well as maintaining the border marks, and the regime to be observed on the border.

Article 2. The Estonian State Border
(1) The Estonian state border (hereinafter: border) shall be an unbroken and closed imaginary line together with the vertical plane proceeding along it, delimiting the land area, the territorial waters, bodies of water belonging to Estonia, the soil and the air space of Estonia.

(2) The mainland border of Estonia has been determined by the Tartu Peace Treaty of February 2, 1920 and by other interstate border treaties.

(3) The Estonian aerial and maritime border shall be determined, on the basis of international conventions, by the laws of Estonia and interstate border treaties.

(4) The Estonian maritime border shall proceed along the outland boundary of the Estonian territorial waters.

Article 3. Territorial and Inland Waters and Air Space of Estonia
(1) The Estonian territorial sea shall form the territorial waters of Estonia. The sovereignty of the Republic of Estonia shall extend to the sea bed and the soil under the territorial waters.

(2) The inland waters of Estonia are:
1. the inland sea of Estonia;
2. the water of the harbours of Estonia to the landward side of the imaginary line connecting the peripheral seaward points of harbour constructions;
3. waters of rivers, lakes and other bodies of water all shores of which are located on the territory of Estonia.

(3) The air space of Estonia shall be the air space above the mainland, territorial and inland waters and the parts of border bodies of water belonging to Estonia.

(4) For the purposes of the present Law the border bodies of water shall be rivers, lakes or artificial bodies of water through which the state border proceeds.
Article 4. Location of the State Border
The state border shall proceed:

1) on the mainland — as an imaginary line through the middle of each boundary mark specified by foreign treaties concluded by the Republic of Estonia (hereinafter: foreign treaties);

2) in the sea — along the outland boundary of the territorial sea of Estonia;

3) where the state border intersects a river — as a straight line connecting imaginary points of the border line on either side of the riverbanks;

4) on lakes and other natural bodies of water — as a straight line through the middle of each border mark specified in foreign treaties or along the median of the body of water as gauged at the average water height;

5) on artificial bodies of water — pursuant to the course of the state border before filling of the body of water;

6) on non-navigable border rivers — along the median of the river as determined at the average water-level; on navigable rivers — along the median of the primary shipping lane;

7) on bridges, causeways or other constructions located on the border body of water — along the middle or the technological axis, regardless of the course of the border line on the body of water.

Article 5. Marking of the State Border
(1) The state border shall be marked:

1) on the mainland by permanent, stationary border marks;

2) on border bodies of water by marks either buoyant or, in winter, temporarily installed on the ice.

(2) The shape, construction, elements, dimensions and the order for instalment of the border marks shall be established by the Government of the Republic taking into account the foreign treaties concluded.

Article 6. Border Strip
(1) The border strip on the mainland shall be an area up to a width of 10 meters running parallel to the state border on the inland side of the border line.

(2) In towns or other settlements border stripes shall not be established.

(3) The specified width and conditions of maintenance of the strip shall be established by interstate border treaties.

(4) The border strip shall be the property of the state.

(5) Any kind of activities on the border strip not associated with maintenance and inspection of border marks and the border strip and guarding of the state border shall be prohibited.
Article 7. Control of the State Border

The Government of the Republic shall establish regulations for controlling the state border and maintenance of border marks and buildings in accordance with interstate treaties.

Chapter II

BORDER REGIME

Article 8. Border Regime

1) The following shall be determined by the border regime:
   1) procedures for crossing the state border in regard to private persons and means of transport;
   2) procedures for conveying goods (material assets, *inter alia* items, currency and securities, as well as animals) across the state border;
   3) procedures in regard to floating crafts (hereinafter: vessels) for entering territorial waters and inland sea, movement and sojourn in, and exit therefrom, as well as procedures for movement and sojourn in waters of border bodies of water belonging to Estonia;
   4) procedures in regard to aircraft for entering, movement in and exit from, the air space of Estonia;
   5) procedures in regard to individuals and means of transport for entering, location in and exit from, the border checkpoint, as well as import of goods into, location in and exit from, the checkpoint.

2) The border regime can be used to restrict activities which prevent guarding the state border or disturb the peace on the border, such as use of firearms and explosives, work operations in the immediate vicinity of the border strip, hunting and fishing, grazing herd animals, and using of illumination and open fire.

3) The rights, obligations and restrictions proceeding from the border regime, unless otherwise established by the law or foreign treaties, shall be established by the Government of the Republic or a board authorized thereby, unless otherwise enacted by the law.

4) The rights and obligations of the Border Guard in safeguarding the border regime shall be established by the Law on Border Guard.

Article 9. Crossing the State Border

1) Persons and means of transport arriving in or departing from Estonia may cross the state border, and goods may be conveyed into or from Estonia across the state border through the border check points established for the international traffic by the Government of the Republic.

2) Exceptions to the procedure established in the first paragraph of the present Article may be made proceeding from the present Law or other legal acts. The procedure mentioned shall neither apply to the aircraft which traverse nonstop the airspace of Estonia nor to foreign vessels in pacific transit through the territorial waters or in sailing from the Gulf of Finland to the Gulf of Livonia (Riga) and vice versa.
(3) Upon arriving in Estonia the vessels and aircraft which have crossed the Estonian state border shall proceed in the set order to harbours or airports provided for international traffic.

(4) It shall be prohibited to load or unload goods, and for persons to alight from a ship or an aircraft which has crossed the border, in the interval between the state border and the border checkpoint. This prohibition shall not apply to piloting, to rescue operations or in case of an accident.

(5) Persons, means of transport and goods which have arrived from a foreign country to a border checkpoint and to whom or which no permission for crossing the border was issued, shall be subject to detention or seizure and deportation to the country form or through which they arrived in Estonia, according to the order established by the laws and interstate treaties.

**Article 10. Border Checkpoints**

(1) A border checkpoint shall be a part of a stretch of highway, of the territory of a railway station, a river or coastal harbour or an airport opened to international traffic, where the border control and other inspection connected to the crossing of the border shall be performed.

(2) The procedures for the construction and opening of border checkpoints shall be established by the Government of the Republic.

**Article 11. Border and Customs Control**

(1) When crossing the state border, persons and means of transport, and goods conveyed across the border, shall be subject to the border and Customs control. When necessary, sanitary, quarantine, veterinary, phytosanitary and other types of examination prescribed by foreign treaties and legal acts of Estonia, may be performed on the state border.

(2) Persons shall be admitted into Estonia on the basis of an internationally recognized travel document or a document of similar value used for substitution.

(3) The list of documents forming the basis for the means of transport crossing the state border and goods to be conveyed across the state border, shall be established by the Government of the Republic.

(4) Through interstate treaties or a law, simplified procedures for crossing the border may be established for a specific category of people.

**Article 12. Crossing the Aerial Border**

(1) Aircraft shall cross the state border of Estonia following the air routes established by the Government of the Republic in accordance with foreign treaties and the procedure prescribed by the Government of the Republic.

(2) An aircraft may cross the border outside the established air routes solely with a permit granted by a board authorized by the Government of the Republic.

(3) Persons on board an aircraft forced to land shall, if necessary, be transported to a border checkpoint for border control or the inspection shall be performed on the landing site. In that case, the aircraft may resume flight upon permit from a board authorized by the Government of the Republic.
(4) Forced crossing of the state border by an aircraft due to a technical malfunction, accident, natural disaster or any other unavoidable circumstances shall not be considered border violation. In accordance with established procedure, the captain of such a flight shall be obligated to furnish the board authorized by the Government of the Republic with the information concerning the deviation from his course.

Article 13. Pacific Transit Through Territorial Sea

(1) Pacific transit through the territorial sea of Estonia shall be permitted.

(2) A warship of a foreign state or any other vessel performing national function, may pacifically cross the territorial sea provided that the state notifies the Government of Estonia through diplomatic channels at least 48 hours before the vessel’s scheduled transit. The notification shall include the name of the ship, the type and other required distinguishing characteristics, the beginning and end as well as the origin and terminus of transit. This provision shall not apply to the ships engaged in rescue service or salvage operations.

(3) A nuclear vessel of a foreign state may cross the territorial sea provided that the foreign state submits an application through diplomatic channels to the Government of the Republic at least 30 days prior to the scheduled transit. The Government of the Republic shall announce thoroughfare or denial thereof at least 14 days prior to the scheduled transit.

(4) The passage of a foreign vessel through the territorial sea shall be deemed pacific unless by the passage the security of Estonia is jeopardized or the procedures for pacific transit established by the United Nations 1982 Maritime Rights Convention has been violated.

(5) When in pacific transit through the territorial sea, a vessel shall have a right to stop when caused to do so by accident, force majeure or rescue operation. The captain of the foreign vessel shall have the obligation to notify a rescue centre or a Boarder Guard establishment of the deviation from the arrangements for the pacific transit.

(6) A foreign submarine of any kind must cross the Estonian territorial sea on the surface and must hoist its national colours.

(7) The deck armaments and other weapons of a foreign vessel in transit thorough the territorial sea must be arranged in transport position and be covered, and fishing and related gear stowed.

(8) In territorial waters where the shipping lanes and diagrams partitioning ship traffic have been established, foreign vessels shall be obliged to follow these lanes or use those diagrams while in movement.

(9) The Government of the Republic shall have the right to restrict the entry and sojourn of foreign civilian and warships, or to prohibit it entirely in some regions of the territorial and inland sea.

Article 14. Entry into Inland Sea and Harbours

(1) Foreign civilian vessels may enter, pass through or exit the inland sea:
1) in order to enter an Estonian harbour;
2) in order to exit an Estonian harbour;
3) in order to travel from the Gulf of Finland to the Gulf of Livonia (Riga) and vice versa;
4) in order to save human lives, prevent an accident or reduce damage caused by an accident;
5) due to force majeure.

(2) The Government of the Republic or a board authorized by it, proceeding from the present Law and other legal acts, shall establish:
1) procedures for foreign vessels for entering and exiting the inland sea and harbours;
2) a list of harbours opened to international shipping traffic;
3) procedures for serving travellers and servicing transports while in port and while at anchor;
4) procedure for maintaining communication between a vessel and coast and for granting leave to crew members;
5) a list of hazardous substances not permitted to be transported as transit goods.

(3) Foreign vessels which have on board nuclear generators, nuclear weapons or radioactive cargo may not enter the inland sea, with the exception of the cases established by paragraph 5 of this Article.

(4) In the inland sea, foreign vessels may only move along shipping lanes, if established, and as conducted by national piloting. This requirement does not apply to stipulations established for each respective cruise ship.

(5) In order for a foreign warship or any other vessel performing national function to enter the inland sea, that state must submit an application through diplomatic channels to the Government of the Republic at least 14 days prior to the scheduled entry. The application shall include the ship's name, type, list of persons on board and other information prescribed by legal acts of Estonia. The Government shall announce its decision seven days prior to the scheduled entry. This provision shall not apply for vessels saving human lives or engaged in cleaning up sea contamination.

Article 15. Movement of Foreign Vessels on Border Bodies of Water when Crossing the State Border

The movement of foreign vessels when crossing the state border on border bodies of water, unaccompanied by entry into Estonian harbours, shall be regulated by interstate treaties.

Article 16. Crossing the State Border During Rescue Operations

The procedures for crossing the state border in order to carry out rescue work in case of a natural disaster or other catastrophe or accident, shall be established by the Government of the Republic in accordance with foreign treaties.
Article 17. Temporary Restriction or Suspension of Crossing the State Border

(1) In the interests of national security, or in order to prevent the spread of contagious disease to either Estonian or foreign territory, or at the desire of a foreign state, the Government of the Republic shall have the right:

1) to restrict temporarily or suspend border crossing;
2) to establish quarantine in regard to persons and domestic animals and birds as well as in regard to conveying animal feed and fertilizers and other shipments across the state border.

(2) The Government of the Republic shall notify all interested states of a restriction of border crossing or closing of the state border.

Chapter III

FINAL PROVISIONS

Article 18. Guarding and Defending the State Border
The state border shall be guarded and defended by the Border Guard and the Defence Forces pursuant to the jurisdiction of each.

Article 19. Responsibility for Violation of State Border

(1) Persons guilty of violating the border regime shall be subject to administrative or criminal liability as provided by the law.

(2) Aliens having crossed the state border illegally but who have not committed a criminal act in their actions, shall be deported as provided by the law.

Article 20. Settlement of Border Questions

(1) In settling the border questions with neighbouring states the Republic of Estonia shall proceed from the Constitution, interstate treaties and internationally recognized standards.

(2) Cooperation in border affairs shall be organized and border incidents be resolved by the Estonian border representatives. The statute for border representatives shall be confirmed by the Government of the Republic.

(3) If matters on cooperation in border affairs and border incidents could not be settled through the participation of an Estonian border representative the disputes shall be resolved through diplomatic channels.

Article 21. Application of Foreign Treaties
The norms of a foreign treaty shall be applied in the case the norms established by the foreign treaty ratified by the Riigikogu [State Assembly] are in contradiction with the present Law.

Article 22. Status of the Provisional Control Line

(1) The provisional control line is an unbroken imaginary line and the vertical plane passing along it, separating the Estonian territory under the jurisdiction of Estonia from the part of Estonia not under its jurisdiction.
(2) The stipulations established by the present Law on guarding, defending and crossing of the state border, and the procedures, regime, and liability for violation of the border regime, shall all apply to the temporary control line cited in paragraph 1 of this Article.

**Article 23. Invalidation of Prior Legal Acts**

The following shall hereby be invalidated:


Chairman of the State Assembly  Õlo NUGIS