

Issuer:	Riigikogu
Type:	act
In force from:	01.01.2019
In force until:	In force
Translation published:	11.01.2019

# Maritime Safety Act<sup>1</sup>

Passed 12.12.2001  
 RT I 2002, 1, 1  
 Entry into force 01.01.2003

Amended by the following acts

Passed	Published	Entry into force
19.06.2002	RT I 2002, 61, 375	01.01.2003
19.06.2002	RT I 2002, 63, 387	01.01.2003
17.12.2003	RT I 2003, 88, 591	01.01.2004
17.12.2003	RT I 2003, 88, 594	08.01.2004
24.03.2004	RT I 2004, 24, 164	25.04.2004
19.05.2004	RT I 2004, 46, 331	05.06.2004
12.05.2005	RT I 2005, 31, 229	03.06.2005, partially01.07.2005
12.10.2005	RT I 2005, 57, 451	18.11.2005
20.04.2006	RT I 2006, 21, 162	01.06.2006
15.10.2008	RT I 2008, 47, 263	16.11.2008
20.05.2009	RT I 2009, 29, 175	01.07.2009
15.06.2009	RT I 2009, 37, 251	10.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
20.10.2009	RT III 2009, 46, 342	20.10.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
20.05.2010	RT I 2010, 31, 158	01.10.2010
17.06.2010	RT I 2010, 44, 261	01.01.2011, the date of entry into force was changed to 01.07.2011
08.12.2010	RT I, 22.12.2010, 1	02.01.2011, partially01.01.2012
22.02.2011	RT I, 17.03.2011, 1	18.03.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; the date of entry into force was changed to 01.07.2014 [RT I, 22.12.2013, 1]
16.06.2011	RT I, 04.07.2011, 2	14.07.2011
07.12.2011	RT I, 20.12.2011, 3	01.01.2012
14.12.2011	RT I, 30.12.2011, 1	01.01.2012
06.06.2012	RT I, 27.06.2012, 5	01.09.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
12.12.2012	RT I, 31.12.2012, 1	01.07.2013, partially01.01.2014
20.02.2013	RT I, 06.03.2013, 1	01.07.2013

15.05.2013	RT I, 30.05.2013, 4	09.06.2013
12.06.2013	RT I, 02.07.2013, 1	01.09.2013, partially 01.01.2014; the date of entry into force was partially changed to 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
11.06.2014	RT I, 29.06.2014, 108	01.07.2014
20.06.2014	RT I, 29.06.2014, 110	09.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers are replaced pursuant to subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
11.12.2014	RT I, 30.12.2014, 3	01.01.2015
18.02.2015	RT I, 12.03.2015, 4	01.10.2015, partially 01.03.2016
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
22.03.2016	RT I, 05.04.2016, 1	15.04.2016
13.06.2018	RT I, 06.07.2018, 1	01.01.2019

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act regulates the maritime safety of ships, recreational craft and other water craft and their navigational safety on navigable inland waters, the security of ships and ensuring the safety of vessel traffic on waterways.

(1<sup>1</sup>) Sections 35<sup>1</sup>– 35<sup>3</sup> and Chapters 15 and 16 of this Act are applied, with regard to registration, also to recreational craft navigating in transboundary waters, ships with the overall length of less than 12 meters and personal watercraft that are not set out in subsection 1 of this section.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) This Act applies to ships, recreational craft and other water craft flying a foreign flag if so provided for in this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) Only subsection 19 (7) and Chapter 11, except subsection 45 (4) of this Act, extend to warships. The Government of the Republic may decide to apply also other provisions of this Act to warships.

(4<sup>1</sup>) Only subsection 19 (7), subsection 20 (5<sup>5</sup>) and Chapter 11, except subsection 45 (4) of this Act, extend to salvage boats.

(4<sup>2</sup>) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) Only Chapters 11 and 16 of this Act extend to water craft of special construction and sailboards.

(6) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6<sup>1</sup>) Resolutions and circulars issued on the basis of those conventions of the International Maritime Organization (hereinafter IMO) to which the Republic of Estonia has acceded are applied in Estonia. The Maritime Administration shall publish said resolutions and circulars on the website of the Maritime Administration and in the *Veeteede Ameti Teataja*. After publication, said resolutions and circulars are mandatory.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) The provisions of the Administrative Procedure Act apply to the administrative proceedings provided for in this Act, taking account of the specifications set out in this Act.  
[RT I, 2005, 31, 229 – entry into force 03.06.2005]

(8) The Product Conformity Act applies to the obligations of the manufacturers, the authorised representatives of manufacturers, importers and distributors of the safety equipment of ships, recreational craft, personal

watercraft, and components thereof, as well as to the safety equipment of ships, to recreational craft, personal watercraft, and components thereof, and to the conformity assessment and market surveillance of recreational craft and personal watercraft, and components thereof, taking account of the specifications provided for in this Act.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## § 2. Definitions

For the purposes of this Act:

1) “water craft” means a vessel intended for navigation in water, including a non-propelled vessel;  
2) “ship” means a water craft used for economic activities, performing state administrative duties or vocational training, except the recreational craft specified in clause 3) of this section. Water craft with an overall length of more than 24 metres which are used for recreational activities are also deemed to be ships;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

3) “recreational craft” means a water craft with an overall length of 2.5 to 24 metres (for example boats, sailing yachts, launches and similar water craft) that is used for recreational activities or sports. Water craft with an overall length of 2.5 to 24 metres that are used for organising recreational voyages for a fee or that are hired for recreational voyages or sports or used for the training of skippers of recreational craft or presented for the purpose of sale, if such a water craft does not carry over 12 passengers (hereinafter the recreational craft used for organising recreational voyages for a fee) are also deemed to be recreational craft. Water craft which are used in competitive sports and training and which are correspondingly marked by a sports federation (for example personal watercraft, sailboards, sailing yachts, sports yachts and similar water craft), water craft of primitive construction (for example dugouts, dories, kayaks, canoes, pedal boats and similar water craft) and water craft of special construction are not deemed to be recreational craft;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

4) “passenger ferry” means a sea-going passenger ship which is fitted with facilities to enable vehicles to roll on and roll off the ship;

5) “high speed passenger craft” means a high speed craft used for economic activities which carries more than 12 passengers as defined in the International Convention on the Safety of Life at Sea of 1974 and the valid Protocols of and amendments to the Convention (hereinafter International Convention on the Safety of Life at Sea);

6) “water craft of special construction” means a water craft with an overall length of up to 24 metres whose characteristics do not meet the requirements and criteria set for the water craft as specified in clauses 3), 7) and 8) of this section, including remote-controlled water craft and experimental craft (for example personal ski machines, powered surfboards and similar water craft);

7) “personal watercraft” means a water craft having a water jet pump and no cockpit and a stationary engine and an overall length of up to 4 metres which is operated from a sitting position, kneeling position or standing position;

8) “sailboard” means a sail-powered water craft whose rigging does not have a fixed connection with the board;

9) “operator” means a person who is in possession of a ship and uses it in the operator’s own name and has been entered in the respective register of ships. An operator is also a person who has taken over the obligations and liability for managing the maritime safety and technical service of a ship from the owner of the ship under a contract pursuant to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (hereinafter ISM Code) established on the basis of the International Convention for the Safety of Life at Sea;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

9<sup>1</sup>) “waterway” means navigable waters in the sea areas and navigable inland waters of Estonia;

[RT I, 2009, 37, 251 – entry into force 10.07.2009]

10) “public waterway” means the part of a waterway that is located outside a port basin and port entrance;

[RT I, 2009, 37, 251 – entry into force 10.07.2009]

10<sup>1</sup>) “fairway” means the part of a waterway that is most suitable for water traffic and has been published in navigational information and, if necessary, marked in nature;

[RT I, 2009, 37, 251 – entry into force 10.07.2009]

11) “navigable inland waters” (hereinafter inland waters) are the River Narva, Lake Peipus, Lake Lämmijärv, Lake Pskov, the River Emajõgi, Lake Võrtsjärv and the River Väike-Emajõgi from Lake Võrtsjärv to Jõgeveste Bridge, the River Pärnu from the estuary to the estuary of the River Reiu, the River Sauga from the estuary to Vana-Pärnu Footbridge, the River Reiu from the estuary to the railway bridge, the River Nasva from the estuary to the latitude 58°13.9’N, the River Kasari from the estuary to Kloostri Bridge, the River Tuudi from the estuary to Kirikuküla Bridge, the River Pirita from the estuary to the latitude 59°27.864’N and the River Purtse from the estuary to the latitude 59°26.059’N;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

12) “recognised organisation” means a society that performs technical supervision of ships and operates pursuant to the legislation in force in Estonia, international conventions and rules established by the society itself, and with whom the Maritime Administration has entered into a contract for the conduct of technical supervision of ships flying the national flag of Estonia and for the issue of certificates to such ships;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

- 13) “classified ship” means a ship which is subject to supervision by a classification society;
- 14) “unclassified ship” means a ship which is subject to supervision by the Maritime Administration;
- 15) “coastal shipping” means shipping in coastal waters not more than 20 nautical miles from the shore but not outside the sea areas of Estonia;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 16) “dangerous goods” means a chemical, or a product, material or finished product containing a chemical, which is carried in packages or in bulk and which, while being handled at a port or transported by sea or inland waters, may endanger human life, harm the health or property of people or damage the environment;
- 17) “ship’s agent” means a legal or natural person who represents an operator;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 18) “recognised security organisation” means an undertaking which develops or approves a ship’s security plan, carries out the ship security risk assessment or carries out ship security verification and operates pursuant to the legislation in force in Estonia and international conventions and meets the requirements of the International Convention on the Safety of Life at Sea and of the International Ship and Port Facility Security Code established on the basis of said Convention, and with whom the Maritime Administration, if the undertaking wishes to obtain approval for the security plans for ships flying the national flag of Estonia or carry out security verification of said ships, enters into an agreement for the approval of security plans for ships flying the national flag of Estonia or carrying out security verification of said ships and for the issue of certificates to such ships;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 19) “regular service” means voyages according to a published timetable or as regularly or as often that apparent regularity manifests itself;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 20) “state of call” means a state in whose port a ship engaged in regular service arrives or whose port the specified ship leaves;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 21) “international shipping” means shipping outside the area of coastal shipping, during which the vessel enters a foreign port, and shipping outside the area of short sea shipping;
- 22) “short sea shipping” means shipping in the Baltic Sea without entering the Kiel Canal and in the Kattegat Strait to the south of the parallel of Cape Skagen;
- 23) “navigation area” means the permitted distance of a ship or recreational craft from a port, place of refuge or shore which, in the case of a restriction, is determined in nautical miles and, on inland waters, in kilometres and upon determination of which, the construction, equipment, stability indicators, safety equipment and supplies of a ship or recreational craft are taken into account;
- 24) “overall length” or “length over all” (L<sub>OA</sub>, in metres) means a distance between the foremost point of the bow and the aftermost point of the stern where the bow includes the watertight hull constructions, forecastle and bulwark, but does not include the bowsprit and guardrail, and the stern includes the watertight hull constructions, transom, poop, trawl ramp and bulwark, but does not include the guardrail, propulsion engine, rudder plate, divers’ ladder and platform;
- 25) “historical ship” means a ship which, in the case of a passenger ship, is older than 35 years and, in the case of other ships, older than 40 years and the ship has not undergone major reconstruction and the majority of the materials used during the construction of the ship have been preserved, or a copy of such ship or type of a vessel which has been constructed of construction materials similar to the original;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 26) “special area” means a delimited water area that is intended for certain activities or an area where an activity is prohibited or in respect of which restrictions are applied;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 27) “place of refuge” means a port, the part of a port, a berth, an anchorage or any other sheltered area intended for accommodating ships attempting to escape distress or ships in distress;  
[RT I, 04.07.2011, 2 – entry into force 14.07.2011]
- 28) “maritime educational institution” means a person organising formal education (vocational education and higher education) and refresher and updating training for crew members and assessing their knowledge and skills;  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]
- 29) “passenger ship” means a ship which carries more than twelve passengers;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 30) “passenger” is a person on board a ship who is not entered in the crew list of the ship. Persons who are taken on board a ship after their rescue at sea, pilots and pilot apprentices and children under one year of age are not deemed to be passengers;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 31) “salvage boat” means water craft adapted for search and rescue work in a body of water;
- 32) “economic activity” means the use of water craft for the purposes of receiving income;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 33) “navigational information” means information given by the Maritime Administration concerning navigational conditions and changes therein on a waterway. Navigational information includes navigational charts and nautical publications, such as sailing directions, lists of aids to navigation, notices to seafarers and navigational warnings and other publications needed for navigation;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 34) “length” (length between perpendiculars) (L, in metres) is 96 per cent of the total length of the theoretical water line unless provided otherwise. The theoretical water line is the line which is at 85 per cent of the least moulded depth measured from the keel line. If the length from the foreside of the stem to the axis of the rudder

stock on that water line is greater, the latter is deemed to be the length. In the case of ships designed with rake of keel, the water line shall be parallel to the theoretical water line;

[RT I, 2005, 31, 229 – entry into force 03.06.2005]

35) “structural conversion of recreational craft” means the replacement of the engine type, replacement of the propulsion engine type, replacement of one propulsion engine for several propulsion engines, conversion of the hull that alters the seaworthiness or maritime safety, and conversion of the hull that significantly affects the stability of recreational craft;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

36) “aid to navigation” means an object that is visually recognisable according to the characteristics published in navigational information and that is constructed, adapted or installed for facilitating navigation;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

37) “aids to navigation system” means a set of aids to navigation in a delimited part of a waterway;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

38) “security level” means the degree of risk, according to which protective and security measures are taken to avoid a security incident;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

39) “security incident” means an incident, act or circumstance that may threaten the security of a ship or a ship/port interface or a port and a port facility;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

40) “sea area of Estonia” means the internal sea, the territorial sea and the exclusive economic zone of Estonia;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

41) “fishing vessel” means a vessel equipped and used for catching fish and other living resources for commercial purposes;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

42) “cruise ship” means a passenger ship that makes organised recreational voyages lasting for at least 60 hours and enters at least two ports in addition to the point of departure and destination of the trip, does not take part in liner shipping, does not carry goods and does not take on board or let go ashore liner passengers during a pleasure voyage;

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

43) “significant wave height” means the mean wave height of the highest third of the waves observed within an indicated period of time.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

## **Chapter 2**

# **MARITIME SAFETY CERTIFICATES. MARITIME SAFETY AUDIT OF OPERATOR. ACTIVITY LICENCE**

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (the date

of entry into force was changed - RT I, 22.12.2013, 1)]

### **§ 3. Issue of certificates**

(1) A ship shall have the original maritime safety certificates prescribed by international conventions and this Act.

(2) Maritime safety certificates and tonnage certificates shall be issued to ships registered or subject to registration in Estonia by the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The conditions for the issue of tonnage certificates for ships with an overall length of less than 24 metres shall be established by the minister responsible for the area.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3<sup>1</sup>) The requirements established pursuant to subsection (3) of this section do not apply to fishing vessels.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3<sup>2</sup>) A ship with an overall length of less than 12 metres, except a fishing vessel, does not need to have a tonnage certificate.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) The Maritime Administration shall recognise certificates and tonnage certificates issued by recognised organisations and activity licences issued by recognised organisations to persons that manufacture products or provide services in any area of activity specified in § 7 of this Act if the certificates, tonnage certificates and activity licences meet the requirements of international conventions and this Act.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(5) The Maritime Administration shall recognise certificates and tonnage certificates issued by a Member State of the European Union and activity licences issued by such state to persons that manufacture products or provide services in any area of activity specified in clauses 7 1) – 5) and 13) of this Act if the certificates and activity licences meet the requirements of international conventions and this Act.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(6) The Maritime Administration may, at the request of a competent authority of another contracting party to an international convention, issue maritime safety certificates to ships flying a foreign flag if the certificates meet the requirements of international conventions.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) A state fee shall be paid for the issue of a maritime safety certificate, inland navigation certificate or tonnage certificate.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(8) A state fee shall be paid for the review of documentation on the basis whereof certificates and documents are issued for ships.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 4. Requirements for ships flying foreign flag**

(1) Upon entering a port located in the territory of the Republic of Estonia, ships flying a foreign flag are required to have the certificates prescribed by the international conventions which apply to such ships.

(2) The requirements of the flag state, taking account of the specifications provided for in this Act, apply to ships flying a foreign flag to which international conventions do not apply. Seaworthiness or worthiness of the ship for navigation on inland waters shall be ensured in accordance with this Act and the requirements established on the basis hereof.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The requirements of the flag state apply to ships flying a foreign flag that provide carriage services or other services only between the ports of Estonia or in a port basin or with departure from an Estonian port and with entrance in the same port. If the requirements of the flag state of such ship are less stringent than the requirements established with regard to a ship flying the national flag of Estonia, the requirements in force in Estonia shall be applied.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) The crew members of ships flying a foreign flag are entitled to file a complaint with the Maritime Administration deriving from the application of the Maritime Labour Convention of the International Labour Organization and the Work in Fishing Convention of the International Labour Organization.  
[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

(5) If the complaint of a crew member of a ship flying a foreign flag cannot be settled on board the ship, and the non-conformities causing the complaint cannot be eliminated by the supervisory operations of the Maritime Administration, the Maritime Administration shall immediately inform the competent authority of the flag state of the ship about it, and shall apply for submission of relevant explanations and a time schedule for elimination of non-conformities within the stipulated period. If nevertheless the non-conformities are not eliminated, the Maritime Administration shall report it to the relevant representative organisations of operators and crew members of the port state and submit a copy of the report including a response received from a competent authority of the flag state to the Director-General of the International Labour Office.  
[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

#### **§ 5. Navigation area of ship**

(1) The navigation area of a ship shall be determined by the Maritime Administration that shall then specify the details of the area in the maritime safety certificates of the ship or in the inland navigation certificate of the ship if the ship is used on inland waters (hereinafter inland navigation certificate).

(2) The Maritime Administration shall recognise an entry made in the maritime safety certificate of a ship concerning the navigation area of the ship as determined by a recognised organisation or a competent authority of a Member State of the European Union if the entry meets the requirements of international conventions and this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 5<sup>1</sup>. Entry of name of ship's agent in pilot bill and ship's general declaration**

If the ship has an agent, the master of the ship shall set out the name of the ship's agent in the pilot bill and the general declaration of the ship that shall be submitted to the Maritime Administration.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 5<sup>2</sup>. Safety Management System**

The obligation to create and use a safety management system and the terms thereof derive from Regulation (EC) No 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (OJ L 64, 04.03.2006, p. 1–36).  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 6. Maritime safety audit of operators and their ships**

(1) The purpose of a maritime safety audit is to determine whether the measures implemented by an operator comply with the requirements of the International Convention on the Safety of Life at Sea.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>1</sup>) Maritime safety audits of operators and their ships shall be carried out in accordance with the requirements of Regulation (EC) No 336/2006 of the European Parliament and of the Council.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>2</sup>) The compliance of an operator with the requirements is certified by a document of compliance (DOC) and the compliance of a ship with the requirements is certified by a safety management certificate (SMC).  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) Maritime safety audits of operators and their ships shall be organised by the Maritime Administration that shall then issue the certificates set out in subsection (1<sup>2</sup>) of this section to this effect to operators and for their ships that have successfully passed the audit.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>1</sup>) A recognised organisation with whom the Maritime Administration has entered into a corresponding contract may carry out a maritime safety audit of operators and their ships and issue corresponding certificates to operators and their ships that have successfully passed the audit.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>2</sup>) Administrative supervision over the performance of administrative duties shall be exercised by the Maritime Administration. The Maritime Administration shall promptly take measures to ensure the performance of an administrative duty if an administrative contract entered into pursuant to subsection (2<sup>1</sup>) of this section is unilaterally terminated or if there is another reason preventing a recognised organisation from continuing the performance of the administrative duty.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The Maritime Administration recognises maritime safety audit certificates issued by a recognised organisation if the certificates meet the requirements of international conventions and this Act.

(4) The procedure for the maritime safety audit of operators and their ships and the format of audit certificates shall be established by the minister responsible for the area.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) If an operator applies for the maritime safety audit of a ship or of the operator in a foreign state, the operator shall reimburse the travel expenses of the supervisory officials of the Maritime Administration which are to be calculated in accordance with the procedure established pursuant to subsection 44 (5) of the Civil Service Act.  
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(6) The operator shall pay a state fee for the maritime safety audit of the operator and the ship and for review of the documentation prior to the audit by the Maritime Administration, within ten working days after the performance of the audit.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 6<sup>1</sup>. Types of maritime safety audits of operators and their ships and conditions of carrying out additional audit**

(1) The maritime safety audits of operators or their ships are classified as follows:

- 1) initial audit;
- 2) annual audit or intermediate audit;
- 3) complete audit;
- 4) audit for issuing an interim certificate;
- 5) additional audit.

(2) An initial, annual or intermediate audit and a complete audit, as well as an audit for issuing an interim certificate shall be carried out in conformity with the requirements provided for in the ISM Code and in Regulation (EC) No 336/2006 of the European Parliament and of the Council.

(3) An additional audit may be carried out if:

- 1) after a marine incident that is dangerous to human life, the ship or the environment, it is necessary to verify the effective and proper functioning of the safety management system;
- 2) it is necessary to verify that the non-conformities found during the previous audit of the operator or the ship have been eliminated; or
- 3) major non-conformities have been found on the ship during the inspection of the ship.

(4) The scope and term of an additional audit shall be established by the Maritime Administration, having previously consulted with the operator. The scope and focus of an additional audit depends on the circumstances. The Maritime Administration shall inform the operator about the need for an additional audit. [RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 6<sup>2</sup>. Non-conformities and major non-conformities found during maritime safety audits of operators and their ships**

(1) A report is prepared regarding non-conformities and major non-conformities found during an audit. The report shall include:

- 1) description of the non-conformities or major non-conformities found;
- 2) measures to be taken and term for eliminating the non-conformities found;
- 3) name, position and signature of the official preparing the report;
- 4) date of preparing the report;
- 5) possibilities, term and procedure for contesting the report;
- 6) signature of the person examining the report.

(2) The Maritime Administration shall establish, subject to approval by the operator, the measures and term for eliminating a non-conformity. The maximum term for eliminating a non-conformity is three months. The operator is responsible for taking measures necessary for eliminating a non-conformity.

(3) If the measures for eliminating a non-conformity are not established during the audit due to the lack of approval by the operator, the operator shall submit the measures to be taken for eliminating the non-conformity to the Maritime Administration for approval within five working days after the non-conformity report was delivered to the operator.

(4) If a major non-conformity is found, the operator or the master of the ship shall immediately take measures to eliminate the reasons for the major non-conformity or minimize such reasons to an extent that would enable to classify the occurrence as a non-conformity.

(5) After eliminating a major non-conformity, the operator shall submit a request for a new audit to the Maritime Administration. The audit is carried out in the same scope as the initially performed audit.

(6) The operator shall submit a report regarding the implementation of the measures taken for eliminating a non-conformity to the Maritime Administration within the term specified in the non-conformity report.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 6<sup>3</sup>. Refusal to issue and renew document of compliance and safety management certificate, and revocation of document of compliance and safety management certificate**

(1) The issue or renewal of a document of compliance or a safety management certificate is refused if a major non-conformity found during a maritime safety audit has not been eliminated.

(2) A document of compliance is revoked if:

- 1) the operator does not apply for the mandatory annual audit within the time-limits provided for in paragraph 13.4 of Part B of Annex 1 of Regulation (EC) No 336/2006 of the European Parliament and of the Council;
- 2) there is a major non-conformity; or
- 3) the operator disclaims liability for the safety management provided for in paragraph 14.2 of Part B of Annex 1 of Regulation (EC) No 336/2006 of the European Parliament and of the Council.

(3) If a document of compliance is revoked and its renewal is refused, it means also revocation of the respective safety management certificate and interim safety management certificate.

(4) A safety management certificate is revoked if:

- 1) the operator does not apply for an intermediate audit of the ship within the time-limits provided for in paragraph 13.8 of Part B of Annex 1 of Regulation (EC) No 336/2006 of the European Parliament and of the Council;
- 2) there is a major non-conformity;
- 3) liability for the safety management of the ship has been transferred to another operator;
- 4) the operator desists from the safety management of the ship; or
- 5) the ship is deleted from a register or starts flying the flag of another state.



[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 7. Licence obligation**

An undertaking shall have an activity licence for operating in the following areas of activity:

- 1) shipbuilding, ship repair and ship conversion;
- 2) manufacturing, inspection, repairs and testing of shipboard installations, ship's machinery and systems;
- 3) in-water inspection and under-water repairs of the underwater hull of ships;
- 4) manufacture, repairs, inspection and testing of radiocommunication equipment, navigation equipment, life saving appliances and fire fighting equipment and fire protection structures of ships, and shore-based maintenance of radiocommunication equipment;
- 5) development of technical documentation for ships and testing of ships;
- 6) survey of loading operations of chemical tankers;
- 7) performance of hydrographic surveys;
- 8) auditing the quality system of maritime educational institutions;
- 9) building, repair, testing and technical surveys of recreational craft;
- 10) organisation of training for skippers of recreational craft;
- 11) organisation of formal education (vocational education and higher education) and refresher and updating training for crew members;

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

- 12) organisation of training for operators of personal watercraft;
- 13) installation and maintenance of security equipment of ships;
- 14) organisation of training for operators, ship security officers, port security officers and port facility security officers;
- 15) shipping agency services.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (the date of entry into force was changed –RT I, 22.12.2013, 1)]

## **§ 8. [Repealed - RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

## **§ 9. Application for activity licence**

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(1) The Maritime Administration shall decide on an application for an activity licence by issuing the activity licence or refusing to issue the activity licence within 20 working days after the day when the application was submitted.

(2) The application for an activity licence shall set out, in addition to as provided in the General Part of the Economic Activities Code Act, the list of technical means to be used, an overview of the activities of the applicant for which the activity licence is applied, and copies of documents certifying the qualification of the specialists of the undertaking (certificates and other such documents).

(3) If the manufacturing plant has issued a licence or certificate for carrying out the maintenance, inspection or repairs of a product to a person, a copy of such licence or certificate shall be appended to the application for the activity licence.

(4) Curricula, lists of technical aids and simulators and list of teaching staff shall be appended to the application while applying for an activity licence for organising formal education (vocational education and higher education) and refresher and updating training for crew members and training for skippers of recreational craft and operators of personal watercraft.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(5) State duty for the review of an application for an activity licence shall be paid within ten working days after the review. The Maritime Administration shall not issue a decision regarding the issue of an activity licence and shall not enter the activity licence in the register before the state duty is paid.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

## **§ 10. Object of verification for activity licence**

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

An activity licence is issued to an undertaking if the undertaking meets the requirements provided for in this Act and in international conventions regulating maritime safety.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

## **§ 10<sup>1</sup>. Refusal of approval**

[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

**§ 10<sup>2</sup>. Change in conditions prevailing during processing of application for approval [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]**

**§ 10<sup>3</sup>. Suspension of validity and revocation of approval decision**

[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

**§ 11. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2012]**

## **Chapter 2<sup>1</sup>** **SHIP SECURITY**

[RT I 2005, 31, 229 - entry into force 03.06.2005]

**§ 11<sup>1</sup>. Security supervision of ships and international ship security certificate**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) Security supervision consists of a survey specified in subsection (2) of this section and of sample checks.

(2) For the purposes of this Act, “security verification” means the audit of the security system of ships, inspection of the shipboard installations and ship's equipment ensuring safety and assessment of the conformity of a security plan with the requirements of the International Convention on the Safety of Life at Sea and the International Ship and Port Facility Security Code established on the basis of said Convention and national legislation.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The Maritime Administration shall exercise supervision over compliance with the requirements related to ship security.

(4) International ship security certificates (hereinafter the security certificate) concerning ships which are registered in Estonia and have successfully undergone security verification shall be issued by the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) A recognised security organisation with whom the Maritime Administration has entered into an administrative contract may conduct security verification of a ship, approve the security plan of a ship and issue a security certificate of a ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5<sup>1</sup>) State supervision over the performance of administrative duties shall be exercised by the Maritime Administration. The Maritime Administration shall promptly take measures to ensure the performance of an administrative duty if an administrative contract entered is unilaterally terminated or if there is another reason preventing a recognised security organisation from continuing the performance of the administrative duty.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) The Maritime Administration recognises security certificates issued by the recognised security organisations or a Member State of the European Union, which comply with the requirements of the International Convention on the Safety of Life at Sea and this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) A ship shall have the original of a security certificate prescribed by the International Convention on the Safety of Life at Sea and the International Ship and Port Facility Security Code established on the basis of said Convention and this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(8) The procedure for carrying out security verifications of ships and the format of the security certificates of ships shall be established by the minister responsible for the area.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(8<sup>1</sup>) If an operator applies for security verification of a ship at a foreign port, the operator shall reimburse the travel expenses of the supervisory officials of the Maritime Administration which are to be calculated in accordance with the procedure established pursuant to subsection 44 (5) of the Civil Service Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(9) Data and information obtained or created in the course of the verification and inspection set out in subsection (2) of this section and security risk assessments and security plans are not public.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(10) An operator shall pay a state fee for security verification and for the review of the security plan and amendments thereto within ten working days after the performance of the verification or review.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 11<sup>2</sup>. Security alert of ship**

A police authority shall receive security alerts from ships flying the national flag of Estonia and shall immediately inform the Maritime Administration about it. If necessary, the Maritime Administration shall inform the foreign state in the vicinity of which the ship that gave the security alert is navigating. After the receipt of information on the security alert given by a ship flying a foreign flag, the Maritime Administration shall immediately give notice of the security alert to the flag state of the ship and, if necessary, to the foreign state in the vicinity of which the ship which gave the security alert is navigating.  
[RT I, 2009, 62, 405 – entry into force 01.01.2010]

### **§ 11<sup>3</sup>. Security level and provision of security information**

(1) The security level of ships flying the national flag of Estonia shall be established by an order of the minister responsible for the area.

(2) The security level shall be established in conformity with requirements of the International Convention on the Safety of Life at Sea and the International Ship and Port Facility Security Code established on the basis of said Convention (hereinafter the ISPS Code) and Regulation (EC) No 725/2004 of the European Parliament and of the Council on enhancing ship and port facility security (OJ L 129, 29.04.2004, pp. 6–91).

(3) The Maritime Administration shall notify the operator about the security level of a ship flying the national flag of Estonia and about a change of the security level.

(4) During the ship's stay in port, the master of the ship shall bring the security level on the ship into conformity with the security level of the port if the security level of the port is higher than the security level established in accordance with subsection (1) of this section.

(5) The procedure for provision and receipt of security information shall be established by a regulation of the Government of the Republic of Estonia.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 11<sup>4</sup>. Exceptional measures taken in respect of ship for reasons of security**

If, on the basis of information received from security authorities or a risk assessment, a ship constitutes a national security risk, the Maritime Administration may, for reasons of security, take exceptional measures, such as imposition of restrictions on the period during which the ship stays in a port, refusal of access to port, transfer of the ship or expulsion of the ship from a port.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

### **§ 11<sup>5</sup>. Types of security verification and conditions of carrying out additional survey**

(1) The security verifications of ships (hereinafter the security verifications) are classified as follows:

- 1) verification for issuing an interim certificate;
- 2) initial verification;
- 3) intermediate verification;
- 4) complete verification;
- 5) additional verification.

(2) Initial, intermediate and complete verification, as well as verification for issuing an interim certificate shall be carried out in conformity with the requirements provided for in the ISPS Code and Regulation (EC) No 725/2004 of the European Parliament and of the Council.

(3) Additional verification may be carried out in the following cases:

- 1) to verify the effective functioning of the security plan of the ship after a security incident has occurred;
- 2) to verify that any non-compliance found during verification has been eliminated;
- 3) if substantial changes have been made in the security plan of the ship; or
- 4) if any non-compliance has been found at the ship during the inspection of the ship.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(4) The scope and term of additional verification shall be established by the Maritime Administration, having previously consulted with the operator. The scope and focus of additional verification depends on the circumstances. The Maritime Administration shall inform the operator about the need for additional verification.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 11<sup>6</sup>. Non-compliances found during security verifications**

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(1) A report is prepared regarding non-compliances found during security verification, and the report shall include:

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

- 1) description of the non-compliances found;
- [RT I, 30.12.2014, 3 – entry into force 01.01.2015]
- 2) measures to be taken and term for eliminating the non-compliances found;
- 3) name, position and signature of the official preparing the report;
- 4) date of preparing the report;
- 5) possibilities, term and procedure for contesting the report;
- 6) signature of the person examining the report.

(2) The Maritime Administration shall establish, subject to approval by the operator, the measures and term for eliminating any non-conformity. The maximum term for eliminating any non-conformity is three months. The operator is responsible for taking measures necessary for eliminating a non-conformity.

(3) If the measures for eliminating a non-conformity are not established during security verification due to the lack of approval by the operator, the operator shall submit the measures to be taken for eliminating the non-compliance to the Maritime Administration for approval within five working days after the non-compliance report was delivered to the operator.

(4) [Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(5) [Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(6) The operator shall submit a report regarding the implementation of the measures taken for eliminating the non-compliance to the Maritime Administration within the term specified in the non-compliance report.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 11<sup>7</sup>. Refusal to issue and renew security certificate, and revocation of security certificate**

(1) The issue or renewal of a security certificate is refused if a non-compliance is not eliminated during security verification.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(2) A security certificate is revoked if:

1) the operator does not apply for the intermediate survey of the ship within the time-limits provided for in paragraph 19.1.1.3 of Part A of the ISPS Code;

2) [Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

3) liability for the security management of the ship has been transferred to another operator;

4) the operator desists from the security management of the ship; or

5) the ship is deleted from a register or starts flying the flag of another state.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 11<sup>8</sup>. Inspection of security requirements on ships engaged in coastal shipping**

Inspection of security requirements, including review of amendments to the security plan of a ship prepared in a reduced scope, shall be carried out on ships engaged in coastal shipping during the technical surveys provided for in § 13 of this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 11<sup>9</sup>. Categories of ships engaged in coastal shipping to which security requirements are applied**

(1) Ships engaged in coastal shipping that shall meet the security requirements provided for in § 11<sup>10</sup> of this Act, are classified into categories 1 and 2.

(2) The following ships belong to category 1:

1) cargo vessels, oil tankers, chemical tankers and bunker vessels with a gross tonnage of 500 and more;

2) passenger ships and high-speed passenger craft with a gross tonnage of over 500, except the passenger ships of class A, defined pursuant to subsection 32 (7) of this Act;

3) ships with a gross tonnage of less than 500 that carry more than 250 passengers.

(3) Ships that are not specified in subsection (2) of this section, that means passenger ships of class A and ships governed by the requirements of the International Convention on the Safety of Life at Sea, belong to category 2.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 11<sup>10</sup>. Security requirements for ships engaged in coastal shipping**

(1) An operator operating ships in category 1 shall appoint a person who has undergone training for security officers of the operator and who shall ensure that a risk assessment is carried out on the ship and that a security plan of the ship is developed and implemented. The security plan shall be coordinated with the Maritime Administration.

(2) On a ship of category 1 an operator shall appoint, in addition to the person specified in subsection (1) of this section, a person who shall organise the compliance with security requirements on the ship. Such a person is required to have undergone security training organised by the operator.

(3) An operator shall ensure that a security guide is prepared for a ship of category 2. The security guide shall be coordinated with the Maritime Administration.

(4) An operator shall appoint a contact person for security issues on a ship of category 2.

(5) Crew members are required to have examined the security requirements, security plan of the ship or security guide and be aware of the obligations and duties deriving therefrom.

(6) The requirements for controlling an access to a ship, completion of the security declaration, exchange of security information on the ship and organisation of crew members' access to security requirements shall be established by the minister responsible for the area.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 11<sup>11</sup>. Security plan and security guide for ships engaged in coastal shipping**

(1) The security plan of a ship of category 1 shall describe at least the following subjects:

- 1) organisation of security training and exercises;
- 2) organisation of control of access to the ship;
- 3) organisation of monitoring of the deck areas and surroundings of the ship;
- 4) restricted areas and organisation of defining and monitoring of restricted areas;
- 5) measures to be taken in the case of security levels 2 and 3;
- 6) organisation of the completion of the security declaration;
- 7) organisation of ensuring the exchange of security information;
- 8) organisation of the notification of security incidents.

(2) The security plan of a ship in category 2 shall describe at least the following subjects:

- 1) organisation of security training and exercises;
- 2) organisation of control of access to the ship;
- 3) organisation of the completion of the security declaration;
- 4) organisation of ensuring the exchange of security information;
- 5) organisation of the notification of security incidents.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 11<sup>12</sup>. Security training and security exercises for ships engaged in coastal shipping**

(1) The purpose of the security training of a ship engaged in coastal shipping is to verify efficient implementation of the security plan of the ship. The security training of a ship shall be organised in every three months, and security exercises shall be organised according to the requirements of the Maritime Administration.

(2) The requirements for the contents of the security training and security exercises and organisation thereof shall be established by the minister responsible for the area.

## **Chapter 2<sup>2</sup>** **CERTIFICATES ATTESTING CONFORMITY TO REQUIREMENTS FOR WORKING AND LIVING CONDITIONS OF CREW MEMBERS**

[RT I, 29.06.2014, 108 - entry into force 01.07.2014]

#### **§ 11<sup>13</sup>. Issue of maritime labour certificate and work in fishing certificate**

(1) Ships entered in the ship registry or the register of bareboat chartered ships of Estonia shall have a certificate attesting conformity to the requirements for working and living conditions of crew members in

accordance with the Seafarers Employment Act and the Maritime Labour Convention of the International Labour Organization or the Work in Fishing Convention of the International Labour Organization as follows:

- 1) ships with a gross tonnage of 500 or more, engaged in international shipping, except fishing vessels, shall have a maritime labour certificate conforming to the requirements of the Maritime Labour Convention of the International Labour Organization, and the declaration of maritime labour compliance attached to the maritime labour certificate (hereinafter maritime labour certificate);
- 2) fishing vessels with a length of over 24 meters remaining at sea for more than three days and usually navigating outside the area of short sea shipping shall have a work in fishing certificate conforming to the requirements of the Work in Fishing Convention of the International Labour Organization.

(2) An operator may apply for the maritime labour certificate also for a ship not specified in clause (1) 1) of this section if the ship is registered in Estonia.

(3) The Maritime Administration shall issue a maritime labour certificate or a work in fishing certificate for a ship on the basis of an application of the operator after the ship has successfully passed the inspection of the working and living conditions of crew members (hereinafter in this Chapter inspection).

(4) The Maritime Administration has the right to assign, by an administrative contract, the administrative duties of conducting the inspection and issuing maritime labour certificates and work in fishing certificates to a recognised organisation that meets the requirements for competence and independence provided for in international conventions. State supervision over the performance of the administrative duty is exercised by the Maritime Administration that shall immediately take measures to ensure the performance of the administrative duty if the administrative contract is terminated or if there is another reason preventing the recognised organisation from performing the administrative duty.

(5) The Maritime Administration shall recognise maritime labour certificates and work in fishing certificates issued by a recognised organisation, if such certificates conform to the requirements of the Maritime Labour Convention of the International Labour Organization or the Work in Fishing Convention of the International Labour Organization.

(6) A state fee shall be paid for the issue of a maritime labour certificate or work in fishing certificate.  
[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

#### **§ 11<sup>14</sup>. Inspection of working and living conditions of crew members**

(1) The purpose of the inspection is to ensure that the working and living conditions of crew members on a ship would conform to the requirements provided for in the Maritime Labour Convention of the International Labour Organization or the Work in Fishing Convention of the International Labour Organization.

(2) The inspections are classified as follows:

- 1) an initial inspection which shall be conducted before the issue of the maritime labour certificate or work in fishing certificate;
- 2) an interim inspection for approval of the validity of the maritime labour certificate which shall be conducted in the second or third year of validity of the maritime labour certificate;
- 3) an interim inspection for approval of the validity of the work in fishing certificate which shall be conducted within the period of three months before or after the second or third year of validity of the maritime labour certificate;
- 4) a complete inspection which shall be conducted in every five years for the renewal of the maritime labour certificate or work in fishing certificate.

(3) In addition to the inspections provided for in subsection (2) of this section, also the following may be conducted additionally:

- 1) an inspection at the request of the operator for the issue of the interim maritime labour certificate provided for in § 11<sup>16</sup> of this Act;
- 2) an additional inspection during the validity of the maritime labour certificate, the scope and time of conduct whereof shall be determined by the Maritime Administration after prior consultation with the operator.

(4) Upon the inspection, the Maritime Administration shall inspect the following documents and circumstances:

- 1) the age of crew members;
- 2) the medical certificates of crew members;
- 3) the qualification of crew members;
- 4) the seafarer's employment agreement, including the conditions of payment of wages;
- 5) working and rest time;
- 6) the financial security for compensation for the expenses of organisation of homeward voyage;
- 7) use of placement services;
- 8) the manning level of the ship;
- 9) the conditions of accommodation and rest on the ship;
- 10) the food served on board the ship;
- 11) medical assistance on board the ship;
- 12) the procedure for submission and processing of complaints on board the ship, except upon inspection of a fishing vessel provided for in clause 11<sup>13</sup>(1) 2) of this Act.

(5) The Maritime Administration may engage the Labour Inspectorate and Health Board within the limits of their competence in the conduct of the inspection.

(6) A state fee shall be paid for the conduct of the inspection.

(7) If an operator applies for the conduct of the inspection in a foreign state, the operator shall reimburse the travel expenses of the supervisory officials conducting the inspection which are to be calculated in accordance with the procedure established pursuant to subsection 44 (5) of the Civil Service Act.

[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

#### **§ 11<sup>15</sup>. Non-conformity and major non-conformity found during inspection of working and living conditions of crew members conducted for issue, approval of validity and renewal of maritime labour certificate**

(1) A report is prepared regarding non-conformities and major non-conformities found during inspection of working and living conditions of crew members conducted for the issue, approval of validity and renewal of a maritime labour certificate, and the report shall include:

- 1) description of the non-conformities or major non-conformities found;
- 2) measures to be taken and term for eliminating the non-conformities found;
- 3) name, position and signature of the official preparing the report;
- 4) date of preparing the report;
- 5) possibilities, term and procedure for contesting the report;
- 6) signature of the person examining the report.

(2) The Maritime Administration shall establish, subject to approval by the operator, the measures and term for eliminating a non-conformity. The maximum term for eliminating a non-conformity is three months. The operator is responsible for taking measures necessary for eliminating a non-conformity.

(3) If the measures for eliminating a non-conformity are not established during the inspection due to the lack of approval by the operator, the operator shall submit the measures planned to be taken for eliminating the non-conformity to the Maritime Administration for approval within five working days after the non-conformity report was delivered to the operator.

(4) If a major non-conformity is found, the operator or the master of the ship shall immediately take measures to eliminate the reasons for the major non-conformity or minimize such reasons to an extent that would enable to classify the occurrence as a non-conformity.

(5) After eliminating a major non-conformity, the operator shall submit a request for a new inspection which shall be carried out in the same scope as the initially performed inspection.

(6) The operator shall submit a report regarding the implementation of the measures taken for eliminating a non-conformity to the Maritime Administration within the term specified in the non-conformity report.

[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

#### **§ 11<sup>16</sup>. Issue of interim maritime labour certificate**

(1) The Maritime Administration may issue an interim maritime labour certificate at the request of the operator for up to six months:

- 1) for a new ship;
- 2) for a ship exchanging flags;
- 3) for a ship whose operator is being replaced.

(2) A ship is not required to have the declaration of maritime labour compliance set out in clause 11<sup>13</sup>(1) 1) of this Act during the validity of an interim maritime labour certificate.

(3) An interim maritime labour certificate may be issued after the ship has successfully passed an inspection conducted, as far as reasonable and practicable, by the Maritime Administration.

(4) The Maritime Administration shall issue an interim maritime labour certificate after:

- 1) the ship has passed an inspection conducted, as far as reasonable and practicable, by the Maritime Administration;
- 2) the operator has demonstrated that the ship has adequate procedures to conform to the requirements of the Maritime Labour Convention;
- 3) the operator has demonstrated that the master is familiar with the requirements of the Maritime Labour Convention and the responsibilities for implementation thereof;
- 4) the operator has submitted relevant information for obtaining the declaration of maritime labour compliance.

(5) At the request of the operator, the Maritime Administration shall conduct an initial inspection of the ship provided for in clause 11<sup>14</sup>(2) 1) of this Act before the expiry of an interim maritime labour certificate.  
[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

### **§ 11<sup>17</sup>. Format of maritime labour certificate, declaration of maritime labour compliance, interim maritime labour certificate and work in fishing certificate**

(1) Maritime labour certificates, interim maritime labour certificates and work in fishing certificates shall be prepared in Estonian and in English.

(2) The formats of maritime labour certificates, declarations of maritime labour compliance attached to maritime labour certificates, interim maritime labour certificates and work in fishing certificates shall be established by a regulation of the minister responsible for the area s.

(3) Successful passing of an interim inspection is evidenced by a notation of the Maritime Administration in the maritime labour certificate or work in fishing certificate.

(4) Maritime labour certificates, interim maritime labour certificates and work in fishing certificates or copies thereof shall be available to crew members on board the ship.  
[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

### **§ 11<sup>18</sup>. Validity of certificate**

(1) Maritime labour certificates and work in fishing certificates are valid for up to five years after the issue of the certificates.

(2) The Maritime Administration shall revoke a maritime labour certificate or a work in fishing certificate if:

- 1) the results of an inspection do not enable to confirm the conformity of the working and living conditions of crew members to the requirements of the Maritime Labour Convention of the International Labour Organization or the Work in Fishing Convention of the International Labour Organization and the Seafarer Employment Act;
- 2) the operator has not passed an interim inspection on time;
- 3) the ship exchanges flags;
- 4) the operator does not assume responsibility for the operation of the ship;
- 5) the construction or equipment of the ship has been substantially altered.

[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

## **Chapter 3**

# **TECHNICAL SUPERVISION OF MARITIME SAFETY**

### **§ 12. Organisation of technical supervision of ships**

(1) For the purposes of this Act, technical supervision of a ship is inspection of the conformity of the ship, shipboard installations and ship's equipment to the requirements provided for in international conventions and this Act.

(2) Technical supervision consists of the technical survey specified in § 13 of this Act and of sample checks.

(3) Technical supervision of ships registered in Estonia shall be exercised by the Maritime Administration. In addition to the Maritime Administration, a recognised organisation shall exercise technical supervision of ships with a gross tonnage of 500 or more, except for ships that perform state administrative duties and inland vessels.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3<sup>1</sup>) The requirements for recognised organisations and the procedure for the exercise of supervision over recognised organisations shall be established by the minister responsible for the area.

(4) The technical survey of ships registered in Estonia shall be exercised by the Maritime Administration. The Maritime Administration shall not exercise the technical survey necessary for the issue of the seaworthiness certificate or passenger ship certificate to a ship to which recognised organisation issues all maritime safety certificates and to which the Maritime Administration has issued a safety management certificate.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) The technical requirements established regarding recreational craft are applied to ships with an overall length of less than 12 metres, except passenger ships, pilot ships and ships providing port services.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) The requirements of technical survey provided for in clauses 13 (4) 2)–5) of this Act are not applied to ships with an overall length of less than 7 metres, except passenger ships.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]



### § 13. Organisation and classification of technical surveys

(1) The technical survey of a ship shall be organised to the extent and during the terms established by international conventions and this Act. Upon the technical survey of a historical ship, the Maritime Administration may allow derogations if the safety of the ship is ensured.

(2) The classes of technical survey of passenger ships are as follows:

- 1) an initial survey which shall be conducted before the ship is put into service;
- 2) a complete survey which shall be conducted once every twelve months in connection with the issue of certificates or certification of their validity and which shall also include an inspection of the underwater hull of the ship. An inspection of the underwater hull of the ship in dry dock shall be conducted in the course of a complete survey once every five years unless the rules and standards of the recognised organisation require more frequent inspections in dry dock. In the case of ships older than ten years, at least two inspections in dry dock shall be conducted during each five-year period, with an interval of not more than thirty-six months between the inspections unless the rules and standards of the recognised organisation require more frequent inspections in dry dock;
- 3) general or partial additional surveys which shall be conducted depending on the circumstances after a marine casualty, ship conversion or a change in the intended purpose of the ship or before the registration of the ship in Estonia or as the occasion arises;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 4) additional surveys of passenger ferries and high speed passenger craft by the state of call.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>1</sup>) The classes of additional surveys set out in clause (2) 4) of this section are as follows:

- 1) an additional survey carried out before the entry into regular service;
- 2) an annual additional survey that is carried out twelve months after the last additional survey if the ship is already engaged in regular service;
- 3) an annual additional survey that is carried out during the regular service;
- 4) an additional survey that is carried out whenever the ship has undergone substantial modernization or conversion, whenever the operator or the flag of the ship has changed or the ship has been transferred under the supervision of another classification society.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>2</sup>) Additional surveys by a state of call of passenger ferries and high speed passenger craft engaged in international regular service with entrance in an Estonian port and departure from an Estonian port or engaged in internal regular services outside the area of coastal shipping shall be carried out in cooperation between the Maritime Administration and the competent authorities of the state of call and flag state.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The procedure for the conduct of and supervision of additional surveys of passenger ferries and high speed passenger craft by a state of call and the format of a report on the additional survey of a passenger ferry or high speed passenger craft by a state of call shall be established by the minister responsible for the area.

(4) The classes of technical surveys of cargo vessels and fishing vessels and other ships are as follows:

- 1) an initial survey which shall be conducted before the ship is put into service;
- 2) a complete survey which shall be conducted at least once every five years in connection with the issue of certificates;
- 3) an interim survey which shall be conducted instead of the second or third annual survey;
- 4) an annual survey;
- 5) at least two inspections of the underwater hull of the ship which shall be conducted during each five-year period, with an interval of not more than thirty-six months between the inspections unless the rules and standards of the recognised organisation require more frequent inspections. An inspection of the underwater hull of the ship in dry dock shall be conducted in the course of a complete survey once every five years unless the rules and standards of the recognised organisation require more frequent inspections in dry dock. In the case of ships older than ten years, at least two inspections in dry dock shall be conducted during each five-year period, with an interval of not more than thirty-six months between the inspections unless the rules and standards of the recognised organisation require more frequent inspections in dry dock;
- 6) general or partial additional surveys which shall be carried out depending on the circumstances after a marine casualty, ship conversion or a change in the intended purpose of the ship or before the entry of the ship in the Estonian register of ships or as the occasion arises.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) A general or partial additional survey which need not include an inspection in dry dock shall be organised for a ship which has been detained in the course of inspection of the ship in a foreign state on two occasions during the last twelve months, not later than one month after the last detention.

(6) Operators shall ensure that their ships are submitted for technical survey within due term. An operator shall submit an application for the technical survey of a ship in an Estonian port or dock to the Maritime Administration at least five working days and, in order to organise a technical survey in a port or dock of a foreign state, at least two weeks before the requested survey.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) During the time between surveys, the operator is required to inform the Maritime Administration and the classification society conducting the technical supervision of the ship of any damage or failure which is discovered and which affects the seaworthiness of the ship or the worthiness of the ship for navigation on inland waters. If such damage or failure is discovered in a port of a foreign state, the operator shall inform also the competent authority of the foreign state about such damage or failure.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(8) The technical survey of a ship flying the national flag of Estonia shall be conducted in an Estonian port. If the operator applies for the technical survey of a ship staying in a foreign port, the operator shall reimburse the travel expenses of the supervisory officials of the Maritime Administration in compliance with the procedure established pursuant to subsection 44 (5) of the Civil Service Act.  
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(9) An operator shall pay a state fee for the technical survey of a ship within ten working days after the day of the survey. The Maritime Administration shall not issue the form regarding the main technical data of the ship required for registration in Estonia or the seaworthiness certificate or the inland navigation certificate before the state fee is paid.  
[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

#### **§ 14. Submission of technical documentation of ships to Maritime Administration**

(1) The technical documentation of a ship that is to be registered or has been registered in Estonia and which is to be built or converted shall be submitted to the Maritime Administration for review and approval prior to the commencement of building.

(2) The technical documentation of a ship that has been acquired in a foreign state or a ship subject to charter by demise shall be submitted to the Maritime Administration within one month after the registration of the ship in Estonia.

(3) The list of technical documents to be submitted to the Maritime Administration and the procedure for submitting the documents shall be established by the minister responsible for the area.

(4) The operator shall pay a state fee for the review and approval of the technical documentation of a ship specified in subsection (1) of this section within ten working days after the review. The Maritime Administration shall not issue the decision on approval before payment of the state fee.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 15. [Repealed - RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

#### **§ 15<sup>1</sup>. Symbols**

In Estonia, the symbols which are approved by the IMO and published in the *Veeteede Ameti Teataja* and on the website of the Maritime Administration are applied in order to facilitate the operation of ships and dangerous goods and responding to emergencies.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

#### **§ 15<sup>2</sup>. Continuous Synopsis Record**

(1) A ship shall carry a certificate called Continuous Synopsis Record in accordance with the requirements and format provided for in the International Convention on the Safety of Life at Sea.

(2) The Maritime Administration shall issue the certificate Continuous Synopsis Record on the basis of the information received from the operator.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(3) A state fee shall be paid for the issue of the certificate.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **Chapter 4**

# SEAWORTHINESS AND WORTHINESS OF SHIPS FOR NAVIGATION ON INLAND WATERS

## § 16. Seaworthiness and worthiness of ships for navigation on inland waters

A ship is deemed to be seaworthy or to be worthy for navigation on inland waters if it is designed, built, equipped, supplied, manned and loaded pursuant to the requirements for safe navigation at sea and good seamanship or for safe navigation on inland waters and if the technical condition of the ship conforms to the requirements for maritime safety which, when adhered to, help to prevent marine casualties, danger to human life and pollution of the marine environment or inland waters.

## § 17. Seaworthiness certificate and inland navigation certificate

(1) A seaworthiness certificate and a inland navigation certificate are documents issued by the Maritime Administration which certify that the Maritime Administration has conducted a technical survey of a ship pursuant to subsection 13 (4) of this Act and that the ship has been declared seaworthy or worthy for navigation on inland waters pursuant to this Act and that the ship also conforms to other requirements provided for in this Act.

(2) A seaworthiness certificate or a inland navigation certificate shall be issued for a period of five years if a ship has passed the initial survey or a complete survey.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>1</sup>) A seaworthiness certificate or a inland navigation certificate shall not be issued for a ship with an overall length of less than 12 metres. A technical survey report shall be issued for a ship with an overall length of less than 12 metres if the ship has passed an annual survey.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The formats of seaworthiness certificates and inland navigation certificates shall be established by the minister responsible for the area.

(4) The Maritime Administration may endorse the validity of a seaworthiness certificate issued for a classified ship on the basis of certificates issued or endorsed as a result of an annual survey carried out by a recognised organisation unless deficiencies which may result in the ship being detained have been discovered on the basis of the results of technical surveys or port state control of the ship conducted during the two preceding years.

(5) The provisions of subsection (4) of this section do not apply to a general additional survey organised for the entry of a ship in a register.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) The Maritime Administration shall not issue a seaworthiness certificate concerning a ship if the Maritime Administration, in compliance with subsections 3 (1) and (2) of this Act, has issued all the certificates prescribed by the International Convention on the Safety of Life at Sea concerning the ship or has issued a fishing vessel certificate of compliance to a fishing vessel according to subsection 19 (5) of this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6<sup>1</sup>) A seaworthiness certificate shall not be issued for a ship specified in the second sentence of subsection 12 (4) of this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) It is prohibited to use a ship for navigation at sea or on inland waters if the ship does not have a seaworthiness certificate or an inland navigation certificate, except in the case specified in subsection (6) of this section.

(8) If an operator needs to leave a port in order to prepare a ship for a technical survey or repair it in another port, conduct at-sea tests or due to other similar circumstances, and the ship does not have the required maritime safety certificates, the Maritime Administration shall, on the basis of a written application of the operator, issue a single voyage permit to the ship if the seaworthiness of the ship allows this.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(9) A state fee shall be paid for the issue of a single voyage permit.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

§ 17<sup>1</sup>. [Repealed - RT I, 22.12.2010, 1 – entry into force 02.01.2012]

### § 18. Revocation and expiry of maritime safety certificates and inland navigation certificates

(1) The Maritime Administration shall revoke a maritime safety certificate or an inland navigation certificate if:

- 1) the construction of the ship or its shipboard installations is changed to such an extent that the seaworthiness of the ship or its worthiness for navigation on inland waters is reduced;
- 2) the ship or its shipboard installations are damaged in such a manner that the seaworthiness of the ship or its worthiness for navigation on inland waters is reduced and if the damage is not eliminated in the manner prescribed by the Maritime Administration or by a recognised organisation.

(2) The maritime safety certificate or inland navigation certificate of a ship becomes invalid if:

- 1) the ship runs aground or touches the bottom, except in the case where the possibility of touching the bottom has been set out in the custom of the port or the port rules;
- 2) the technical survey prescribed by this Act has not been conducted with regard to the ship;
- 3) the ship is deleted from an Estonian register;
- 4) the ship has been detained in a foreign state on two occasions during the last twelve months pursuant to the procedure provided for in the Paris Memorandum of Understanding on Port State Control (hereinafter Paris MOU) of 26 January 1982 including the valid amendments, and the ship has not undergone the general or partial additional survey one month after the last detention according to subsection 13 (5) of this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### § 19. Requirements for design, building and equipping of ships

(1) Ships shall be designed, built and equipped according to the requirements of international conventions and the rules of classification societies.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The Maritime Administration shall exercise state supervision over the design, building and equipping of ships.

(3) The Maritime Administration shall recognise the competence of a recognised organisation to exercise supervision over the design, building and equipping of ships if this is in accordance with the requirements of international conventions and this Act.

(4) [Repealed – RT I 2004, 24, 164 – entry into force 25.04.2004]

(5) The safety requirements, navigation areas and the formats of a document of compliance, exemption certificate and list of equipment for fishing vessels shall be established by the minister responsible for the area.

(6) Requirements for the equipping and supplying and for the safety of unclassified ships shall be established by the minister responsible for the area.

(6<sup>1</sup>) In the case of an unclassified ship, the Maritime Administration may refrain from applying or apply partially the provisions of Chapters 3, 4, 5, 7 and 10 of this Act if the safety of the ship is ensured. In such case, the Maritime Administration shall take the stability, construction, navigation area and the hydrometeorological conditions of the navigation area of the ship into account.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6<sup>2</sup>) The requirements established pursuant to subsection (6) of this section apply to the equipment of classified ships in so far as the requirements for equipment are not provided for in international conventions or the rules of classification societies.

(7) Requirements for the equipping and supplying, in respect of means of communication and navigation equipment, of warships, border guard ships and other ships which perform state administrative duties shall be established by the Government of the Republic.

(8) Subsection (5) of this section also applies to fishing vessels flying a foreign flag and fishing in the territorial sea and internal sea and on inland waters of Estonia and fishing vessels unloading the caught fish in an Estonian port.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### § 19<sup>1</sup>. Requirements for installation and placing on market of safety equipment of ships

(1) Only safety equipment of ships which conform to the requirements of this Act and the conformity of which is attested pursuant to the procedure prescribed by legislation established pursuant to subsection (3) of this section may be placed on the market or installed on board a ship. Subsection (3) of this section is applied with regard to the equipment of a ship that has been entered or is to be entered in the register in Estonia and is within the scope of regulation of international conventions.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) [Repealed - RT I, 2010, 31, 158 – entry into force 01.10.2010]

(3) Requirements for the safety equipment of ships, the procedure for attestation of the conformity of the safety equipment and for the affixing of markings thereto, the format of conformity marks, the procedure for the testing of the safety equipment and installation of equipment on ships and the format of certificates concerning the safety equipment of ships and the procedure for the issue thereof shall be established by the minister responsible for the area.

(4) After installation of safety equipment on board a ship, the Maritime Administration or a recognised organisation may assess the equipment if international legislation requires testing of the safety equipment on board the ship in order to ensure safety or prevent pollution provided that the tests performed in the course of conformity assessment procedures are not repeated.

(5) The Maritime Administration or a recognised organisation may permit installation of safety equipment with specific technical innovations in the case of which the procedure for attestation of the conformity has not been complied with on board a ship if it has been attested by a test or in any other manner which satisfies the Maritime Administration or the recognised organisation that such equipment is as effective as the equipment the conformity of which has been attested pursuant to the prescribed procedure.

(6) The Maritime Administration or a recognised organisation may permit that additional safety equipment which does not conform to the requirements of international and domestic legislation and does not replace the equipment which conforms to such requirements and regarding which the Maritime Administration or the recognised organisation has issued a corresponding certificate be temporarily installed on board a ship for testing or assessment.

(7) If the safety equipment of a ship has to be replaced outside the ports of Estonia or Member States of the European Union and, due to exceptional circumstances, the safety equipment the conformity of which has been attested pursuant to this Act cannot be installed on board the ship within a reasonable time period or at a reasonable price, other equipment may be installed on board the ship taking account of the following prerequisites:

1) documents which are equivalent to those issued by a notified body must have been issued regarding the safety equipment of the ship provided that an agreement on the mutual recognition of the specified bodies has been entered into between the European Union and the state involved;

2) if the requirement specified in clause 1) of this subsection cannot be complied with, documents issued by a Member State of the IMO that is a state party to the relevant Conventions and concern conformity of the equipment to the relevant IMO requirements must have been issued regarding the safety equipment of the ship.

(8) An operator shall promptly inform the Maritime Administration or a recognised organisation of safety equipment replaced due to exceptional circumstances according to subsection (7) of this section, the reasons for replacement of the safety equipment and the technical data relating to the safety equipment. The Maritime Administration or the recognised organisation shall inspect the ship during a survey as regards conformity of the safety equipment installed on the ship due to exceptional circumstances and documents relating to the testing of the equipment to the requirements of international and domestic legislation.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

## **§ 19<sup>2</sup>. Notified body**

(1) For the purposes of this Chapter, a notified body is a conformity assessment authority that has the right to conduct conformity assessment procedures which are necessary to attest the conformity of the safety equipment of a ship.

(2) The provisions of the Product Conformity Act apply to notified bodies, including the issue of activity licence to a notified body, to the revocation or suspension of such licence, and to the operation as a notified body and the exercise of supervision over a notified body.

[RT I 2010, 31, 158 – entry into force 01.10.2010]

# **Chapter 5 PROFESSIONAL TRAINING OF SEAFARERS AND REQUIREMENTS FOR MANNING OF SHIPS**

[RT I, 22.12.2010, 1 - entry into force 02.01.2011]

## **§ 20. Professional training of seafarers**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) The Government of the Republic shall establish the requirements for the training and qualification of crew members, the procedure for the certification of crew members, including the procedure for the issue of certificates of competency, professional certificates and endorsements, the formats of documents that are issued and the procedure for the recognition of certificates of competency, professional certificates and other certificates issued to crew members.

[RT I, 2008, 47, 263 – entry into force 16.11.2008]

(2) The requirements for the training and qualification of crew members of inland vessels, the procedure for the certification of crew members of inland vessels and the formats of certificates of competency and professional certificates of crew members of inland vessels shall be established by the minister responsible for the area.

(3) A maritime educational institution shall have an audited quality system which conforms to the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(3<sup>1</sup>) The quality system is deemed to conform to the requirements if creation of the system is based on the quality system standards of the International Organization for Standardization (ISO) or another standards body or the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(3<sup>2</sup>) The area of use of the quality system shall include the field of formal education (vocational education and higher education) and refresher and updating training for crew members the purpose of which is the award of qualifications provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and the International Convention on the Safety of Life at Sea or the acquisition or assessment of knowledge and skills provided for in said Conventions.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(3<sup>3</sup>) A maritime educational institution which engages in the formal education (vocational education and higher education) and refresher and updating training for crew members, the purpose of which is the award of qualifications not provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and the International Convention on the Safety of Life at Sea or the acquisition of knowledge and skills not provided for in said Conventions need not have a quality system.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(4) A maritime educational institution shall submit a report concerning the external audit of the quality system conducted by a person that has obtained an activity licence for the activity set out in clause 7 (2) 7) of this Act to the Maritime Administration within one month after the conduct of the external audit unless the auditor is the Maritime Administration. The first independent external audit of the quality system shall be conducted within three months after the beginning of training activities or assessment of knowledge and skills.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (the date of entry into force was changed –RT I, 22.12.2013, 1)]

(5) The Maritime Administration recognises a maritime educational institution and exercises supervision over the conformity of training to the requirements of this Act and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5<sup>1</sup>) The Maritime Administration shall issue a certificate of competency or professional certificate to a person who has undergone training at a maritime educational institution that has obtained an activity licence for the activity set out in clause 7 1) of this Act or at a maritime educational institution of a foreign state whose organisation of the training of seafarers is recognised by the IMO, taking account of the provisions of subsection (5<sup>3</sup>) of this section.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(5<sup>2</sup>) A maritime educational institution shall form an examination board to administer exams on completion of the study programme of formal education (vocational education and higher education) and refresher and updating training of the maritime educational institution at student level.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(5<sup>3</sup>) An applicant for a certificate of competency shall have acquired the professional qualification of the corresponding level and higher education, upon acquisition whereof the applicant has acquired the knowledge and practical skills required for working in the chosen position, in order to receive the following certificates of competency:

- 1) a certificate of competency as a chief mate of a ship with a gross tonnage of less than 3000;
- 2) a certificate of competency as a master of a ship with a gross tonnage of less than 3000;
- 3) a certificate of competency as a chief mate of a ship with a gross tonnage of 3000 or more;
- 4) a certificate of competency as a master of a ship with a gross tonnage of 3000 or more;
- 5) a certificate of competency as a second engineer officer of a motor ship with a propulsion power of less than 3000 kW;

6) a certificate of competency as a chief engineer of a motor ship with a propulsion power of less than 3000 kW;

7) a certificate of competency as a second engineer officer of a motor ship with a propulsion power of 3000 kW and more;

8) a certificate of competency as a chief engineer of a motor ship with a propulsion power of 3000 kW and more.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5<sup>4</sup>) The requirements provided for in subsection (5<sup>3</sup>) of this section also apply to persons who have graduated from a maritime educational institution of a foreign state.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5<sup>5</sup>) The requirements for the training and evaluation of operators and crew of salvage boats shall be established by the minister responsible for the area.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5<sup>6</sup>) The Maritime Administration shall assess the knowledge and skills of crew members in the following cases:

1) in case a certificate of competency or professional certificate of an officer of a ship is replaced for a certificate of higher professional qualification;

2) upon the issue of the first certificate of competency or professional certificate if more than five years have passed since the graduation from a maritime educational institution;

3) upon the issue of a certificate of competency or professional certificate to a graduate from a naval educational institution;

4) in other cases set out in the law or in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

[RT I 2008, 47, 263 – entry into force 16.11.2008]

(5<sup>7</sup>) The Maritime Administration may, on the basis of a reasoned written application of the operator, issue a dispensation to the holder of an Estonian certificate of competency or professional certificate, save the radio communication specialist, for up to six months for working on a specific ship in a position that is one rank higher than the position corresponding to the certificate. A dispensation for working as a master or as a chief mate is issued only in the event of *force majeure* and for as short period as possible.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5<sup>8</sup>) An applicant for a certificate of competency or professional certificate shall have acquired the professional qualifications of the corresponding level and secondary education in order to receive the following certificates of competency and professional certificates:

1) a certificate of competency as a watch officer of a ship with a gross tonnage of 500 or more;

2) a certificate of competency as a duty engineer with a propulsion power of 750 kW and more;

3) a certificate of competency as an electro-technical officer of a ship;

4) a certificate of competency as a refrigeration engineer of a ship;

5) a certificate of competency as a second-class radioelectronic;

6) a certificate of competency as a first-class radioelectronic;

7) a certificate of competency as a ship security officer.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) The Maritime Administration shall recognise the certificates of competency, professional certificates, endorsements, health certificates and other certificates that have been duly issued by a Member State of the European Union or a state which is a contracting party to the EEA Agreement.

[RT I 2008, 47, 263 – entry into force 16.11.2008]

(7) A state fee shall be paid for administration of a professional examination for a crew member and for the issue of a certificate of competency and professional certificate, certificate of completion of refresher and updating training and dispensation of a crew member, and a certificate of a deck officer of an inland vessel.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

## **§ 21. General requirements for manning of ship**

(1) A ship shall be manned with specialists who conform to the qualification requirements established with regard to crew members, who hold certificates of competency and professional certificates according to the requirements and who have been entered in the crew list.

(2) A person who has received appropriate training and who has been issued a corresponding certificate of competency, professional certificate or other certificates in the cases prescribed by legislation may work as a crew member in the corresponding position. A ship with an overall length of less than 12 metres may

be navigated by a person who holds a certificate of a skipper of a recreational craft or another certificate of competency or professional certificate as a deck officer.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(3) A certificate of competency or professional certificate as a ship's officer shall include an endorsement issued by the Maritime Administration which gives the holder thereof the right to work in the position indicated in the endorsement.

(4) The minimum crew is the smallest number of specialists necessary for a ship to be used safely.

(5) The requirements for determination of the minimum crew for passenger ships and for ships with a gross tonnage of 20 or more shall be established by the minister responsible for the area.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5<sup>1</sup>) The requirements for determination of the minimum crew for inland vessels shall be established by the minister responsible for the area.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(6) The minimum crew of a passenger ship shall ensure the safety and evacuation of passengers in an emergency. In order for the minimum crew of a ship to be established, the operator shall submit a muster list to the Maritime Administration and organise training exercises on board the ship with the participation of supervisory officials of the Maritime Administration.

(7) The endorsement to a certificate of competency or professional certificate of a ship's officer may be suspended or revoked upon commission of an act which poses a direct threat to navigation.

(8) The endorsement to a certificate of competency or professional certificate is revoked if, in order to be granted the endorsement, the person has submitted a document which is falsified, obtained by fraudulent means or contains false information which was of material importance upon issue of the endorsement, while being aware of the false information. In such case, issue of a new endorsement to the person shall be suspended for one year.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(9) Endorsements to certificates of competency and professional certificates shall be suspended or revoked by the Maritime Administration. The validity of endorsements to certificates of competency or professional certificates may be suspended for up to three years.  
[RT I 22.12.2010 – entry into force 02.01.2011]

(10) The procedure for the suspension and revocation of endorsements to certificates of competency or professional certificates of ship's officers shall be established by the minister responsible for the area.

(11) The certificates of competency and professional certificates certifying the qualifications of crew members shall be kept available in their original form on board the ship on which the holders are serving.

(12) A state fee shall be paid for the issue of an endorsement to a certificate of competency or professional certificate and for an endorsement to a certificate of a deck officer of an inland vessel.  
[RT I 2008, 47, 263 – entry into force 16.11.2008]

## **§ 22. Minimum safe manning certificate**

(1) A minimum safe manning certificate of a ship is a document pursuant to which the minimum crew of the ship is established.

(2) The format of minimum safe manning certificates shall be established by the minister responsible for the area.

(3) Minimum safe manning certificates of ships shall be issued by the Maritime Administration.

(4) The Maritime Administration shall revoke a minimum safe manning certificate if the condition of the technical equipment of the ship does not ensure safety with the minimum crew.  
[RT I 2003, 88, 594 – entry into force 08.01.2004]

## **§ 23. Violation of requirements for minimum safe manning certificate**

(1) A ship is prohibited from leaving the port if a minimum crew has been established for the ship by a minimum safe manning certificate but the number of crew members is smaller than prescribed thereby or if the composition of the crew does not comply with the minimum requirements established for the safe manning of the ship. This requirement does not apply if the ship has been permitted to leave by the competent authority of the flag state of the ship.  
[RT I 22.12.2010 – entry into force 02.01.2011]

(2) The provisions of this section also apply to ships flying a foreign flag.



## **§ 24. Preparation of crew for voyage**

(1) Crew members shall have undergone safety familiarization training and basic safety training before being assigned to a ship. The master shall ensure that the crew members have become familiar with the ship and have the necessary knowledge concerning the construction of the ship, safety requirements and their duties in an emergency.

[RT I 22.12.2010 – entry into force 02.01.2011]

(2) In the event of a change of masters, the operator shall ensure that the master assuming command of the ship has sufficient time, and not less than six hours, to become familiar with the ship. When the master is ready to assume command of the ship, he or she shall make an entry concerning assumption of command in the logbook of the ship.

## **§ 25. Continuation of voyage under exceptional circumstances**

(1) If a ship is not manned pursuant to the minimum safe manning certificate, the master has the right to make a decision to continue a voyage under exceptional circumstances in the following cases:

- 1) the sudden illness or death of a crew member;
- 2) other unforeseeable circumstances if one or several members of the crew cannot be engaged in ship work.

(2) If a master decides to continue a voyage with an incomplete crew, he or she must be convinced that maritime safety is ensured by the crew members who are able to work.

(3) The duration of a voyage with an incomplete crew shall not be longer than is necessary for the ship to reach the nearest port where the ship can be additionally manned.

## **§ 26. State of health and medical examination of persons wishing to enter into seafarer's contract of employment, crew members and persons who commence studies or study at maritime educational institutions**

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(1) Students at a maritime educational institution in the formal educational system, while studying, and crew members, during employment, shall regularly undergo a medical examination to establish their state of health and suitability for work on board a ship (hereinafter regular medical examination).

(2) Persons who commence studies at a maritime educational institution in the formal educational system shall, before commencing studies, undergo a medical examination to establish their state of health and suitability for learning a speciality upon acquisition of which they commence work on board a ship (hereinafter prior medical examination).

(2<sup>1</sup>) A person who commences studies or studies a speciality which does not presume working on board a ship need not undergo a prior medical examination or a regular medical examination.

(3) Persons wishing to enter into a seafarer's contract of employment shall, before entry into the seafarer's contract of employment, undergo a prior medical examination to establish their state of health and suitability for work on board a ship.

(4) The prior medical examination of persons who commence studies at a maritime educational institution in the formal educational system and persons wishing to enter into a seafarer's contract of employment and the regular medical examination of crew members and students at a maritime educational institution in the formal educational system shall be conducted by medical practitioners approved by the Health Board for the conduct of medical examination.

[RT I 2009, 49, 331 – entry into force 01.01.2010]

(5) A medical examination shall be paid for as follows:

1) the expenses for the conduct of a medical examination of persons wishing to enter into a seafarer's employment agreement, and medical examination of crew members shall be covered pursuant to the procedure provided for in subsection 32 (5) of the Seafarers Employment Act;

[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

2) a medical examination of persons who commence studies at a maritime educational institution in the formal educational system shall be paid for by the persons who commence studies;

3) a medical examination of students at a maritime educational institution in the formal educational system shall be paid for by the maritime educational institution.

(6) The state of health of persons wishing to enter into a seafarer's contract of employment, crew members, persons who commence studies at a maritime educational institution in the formal educational system and students at a maritime educational institution in the formal educational system shall conform to the requirements

established for the state of health. Conformity with the requirements established for the state of health is certified by a health certificate issued by an approved medical practitioner.

(6<sup>1</sup>) Compliance with the requirements for the state of health of persons wishing to enter into a seafarer's contract of employment, crew members, persons who commence studies at a maritime educational institution in the formal educational system and students at a maritime educational institution in the formal educational system is also certified by a health certificate issued in a Member State of the European Union or a state which is a contracting party to the EEA Agreement in accordance with the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) The requirements for the state of health, the procedure for the medical examination and the format of health certificates of persons wishing to enter into a seafarer's contract of employment, crew members, persons who commence studies at a maritime educational institution in the formal educational system and students at a maritime educational institution in the formal educational system shall be established by the Government of the Republic.

(8) [Repealed – RT I 2005, 31, 229 – entry into force 03.06.2005]

## **§ 26<sup>1</sup>. Approval of person who conducts medical examination**

(1) The Health Board shall approve the following medical practitioners as persons who conduct medical examination:

[RT I 2009, 49, 331 – entry into force 01.01.2010]

1) persons who are registered in the state register of health care professionals of the Health Board as medical practitioners and have acquired the speciality of specialised medical care regarding which a certificate specified in subsection 3 (2) of the Health Care Services Organisation Act has been issued to the person;

[RT I 2009, 49, 331 – entry into force 01.01.2010]

2) persons who have completed a 18-hour or 30-hour training in maritime medicine for persons who conduct medical examination which is organised by the Ministry of Social Affairs or an authority in its area of government or conducted by the University of Tartu, and the 18-hour training grants the medical practitioner the competence to examine the health of crew members of ships engaged in coastal shipping and inland vessels, and the 30-hour training grants the medical practitioner the competence to examine the health of crew members of vessels of all navigation areas and persons who commence studies and students at a maritime educational institution in the formal educational system.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2) The requirements for training in maritime medicine for persons who conduct medical examination shall be established by the minister responsible for the area.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(3) In order to apply for approval, a medical practitioner shall submit the following documents to the Health Board:

[RT I 2009, 49, 331 – entry into force 01.01.2010]

1) an application for approval as person who conducts a medical examination which sets out the given name, surname, personal identification code, place of employment and contact details;

2) a copy of the certificate certifying completion of the training specified in clause (1) 2) of this section.

(4) The Health Board shall, within twenty working days after receipt of the documents specified in subsection (3) of this section, make an approval decision for an unspecified term which confirms the compliance of the medical practitioner with the requirements provided for in subsection (1) and the right to conduct the medical examination of crew member of ships engaged in coastal shipping and inland vessels or crew members of vessels of all navigation areas and persons who commence studies and students at a maritime educational institution in the formal educational system. The approval decision shall be communicated to the medical practitioner within ten working days after making the approval decision.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(5) The Health Board shall make a decision to refuse the approval of a medical practitioner within twenty working days after receipt of the documents specified in subsection (3) of this section if:

[RT I 2009, 49, 331 – entry into force 01.01.2010]

1) the medical practitioner does not comply with the requirements provided for in subsection (1) of this section;

2) the medical practitioner knowingly submitted false information.

(6) The Health Board shall revoke a decision to approve a medical practitioner if the medical practitioner:

[RT I 2009, 49, 331 – entry into force 01.01.2010]

1) does not comply with the requirements provided for in clause (1) 1) of this section;

2) knowingly submitted false information;

3) has failed to issue a health certificate specified in subsection 26 (6) of this Act within three years;

4) has repeatedly violated the requirements of the procedure for the medical examination provided by legislation established pursuant to subsection 26 (7) of this Act.

(7) A decision to refuse approval or a decision to revoke an approval decision together with the reasons shall be communicated to a medical practitioner within ten working days after making the decision.

(8) A list of approved medical practitioners together with their contact details shall be published on the webpage of the Health Board.

[RT I 2009, 49, 331 – entry into force 01.01.2010]

(9) A medical practitioner may file a challenge against an approval decision, a decision to refuse approval or a decision to revoke an approval decision with the minister responsible for the area.

### **§ 26<sup>2</sup>. Resolution of disputes concerning medical examination**

A person who does not agree with a decision of medical examination may file a challenge against the decision with the Health Board.

[RT I 2009, 49, 331 – entry into force 01.01.2010]

### **§ 27. State of health and medical examination of divers**

(1) Divers shall undergo a medical examination to establish their state of health and suitability for work as a diver. The state of health of a diver shall comply with the requirements set for the state of health of divers and shall be certified by a health certificate issued by a medical practitioner to this effect.

(2) The requirements for the state of health of divers, a list of health examinations included in the prior and regular medical examinations, the extent and frequency of the medical examinations and the procedure for the issue of health certificates shall be established by the Government of the Republic.

### **§ 28. First aid and medical care training for crew members**

(1) One or several crew members who have undergone first aid and medical care training in compliance with the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers shall be assigned to provide first aid and medical care on board a ship.

(2) Other crew members shall receive the appropriate first aid and medical care training necessary for their position.

(3) The study programmes, the extent of training and the qualification requirements for training providers for the first aid and medical care training of crew members shall be established by the minister responsible for the area on the basis of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

### **§ 29. Register of seafarers**

(1) The register of seafarers shall be maintained by the Maritime Administration.

(2) The procedure for the foundation, maintenance and liquidation of the register of seafarers shall be established by the minister responsible for the area.

(3) On the basis of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, the following information shall be entered in the register of seafarers concerning each seafarer:

1) given name, surname, personal identification code or date of birth, citizenship, contact address and telephone number;

2) information on certificates certifying professional education;

3) information on certificates certifying refresher and updating training and formal education;

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

4) information on the certificate of competency or professional certificate and the endorsement thereto, and on dispensation;

5) information contained in the discharge book or certificate of record of service on ships;

6) information concerning mustering;

7) information contained in the health certificate.

(4) A seafarer shall submit certified information concerning his or her mustering onto a ship and discharge from a ship to the register of seafarers and such information shall serve as the basis for calculating the seagoing service of the seafarer.

(5) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **Chapter 6**

# WATCHKEEPING

## § 30. Watchkeeping arrangements

(1) Watchkeeping shall be arranged on a ship to ensure the safety and security of the ship while under way, anchored, berthed or in dry dock. If it is not possible to arrange watchkeeping according to the procedure established pursuant to subsection (3) of this section while the ship is in dry dock due to the lack of premises necessary for watchkeeping or due to any other circumstances, the operator or the master of the ship shall arrange watchkeeping in such manner as to ensure the safety and security of the ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) No crew member shall be intoxicated while performing the watchkeeping duty. A crew member is deemed to be intoxicated if the alcohol content in the blood of the crew member is at least 0.5 milligrams or more per gram of blood or if the alcohol content in the breath exhaled by the crew member is 0.25 milligrams or more per litre of breath. The operator or the employer has the right to establish a lower permitted alcohol content rate or prohibit the use of alcohol by the internal rules.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(3) The watchkeeping procedure on ships shall be established by the minister responsible for the area.

(4) Watchkeeping on a ship shall be arranged by the master of the ship.

(5) If a ship is not in use, the master or operator shall coordinate the watchkeeping arrangements on the ship with the harbour master.

(6) At least a logbook shall be kept on ships with a gross tonnage of 20 – 150. A logbook, engine logbook and radio logbook shall be kept on ships with a gross tonnage of 150 or more.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) The procedure for keeping logbooks, engine logbooks and radio logbooks and the recommended formats thereof shall be established by the minister responsible for the area.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## Chapter 7 PASSENGER SHIPS

### § 31. List of persons on board passenger ship and register of persons

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(1) An operator shall ensure that persons on board a passenger ship shall be entered in a passenger list. The list need not be prepared for a voyage of less than 20 nautical miles and for passenger ships navigating in the inland waters of Estonia.

(2) The operator shall compile a register for maintaining a list of the persons on board a passenger ship and for registration of information (hereinafter the register of persons) and appoint a registrar who shall be responsible for storage of information and communication of information in an emergency or after a marine casualty. Before introduction of a register of persons, it has to be approved by the Maritime Administration on the basis of a respective request of the operator.

(3) Upon approval of a register of persons, the Maritime Administration shall verify the conformity of the register of persons with the requirements established on the basis of subsection (6) of this section. The Maritime Administration shall make a decision on the approval of a register within 30 days after receipt of the request from the operator.

(4) The Maritime Administration shall recognise the approval of a register of persons of a passenger ship by a Member State of the European Union.

(5) The operator shall ensure that the number of persons on board a passenger ship and the information regarding the persons who have given notice of a need for special care or assistance in an emergency shall be communicated to the master and registrar of the register of persons before the ship leaves a port. The master is required to enter the number of persons on board the ship in the logbook of the ship and to inform the harbour master of the number before the ship leaves the port.

(6) A register of persons shall be maintained in such manner as to ensure the usability and availability of data to the users of the register, security of data processing and flexibility of collection of data so that it would not cause any undue delays for persons embarking or disembarking the ship.

(7) The list of data to be entered in the list of persons on board a passenger ship, the procedure for preparing the list and the specified requirements for a register of persons shall be established by a regulation of the minister responsible for the area.

(8) This section shall apply also to operators operating ships flying a foreign flag.  
[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

### **§ 31<sup>1</sup>. Exemption from obligation to maintain list of persons on board passenger ship and to communicate information to register of persons**

(1) At the request of an operator, the Maritime Administration may exempt a passenger ship sailing between two ports in a protected sea areas or undertaking voyages that start and end in the same port without intermediate calls to another port, from the obligation set out in subsection 31 (1) of this Act. Within the meaning of this section, a “protected sea area” area is a sea area sheltered from open sea effects where a ship is at no time more than six nautical miles from a place of refuge where shipwrecked persons can land and in which the proximity of search and rescue facilities is ensured.

(2) At the request of an operator, the Maritime Administration may exempt a passenger ship operating on regular services of up to one hour in a protected sea area from the obligation to communicate information regarding persons on board the passenger ship to the register of persons.

(3) The Maritime Administration shall immediately inform the European Commission of an exemption granted under subsections (1) and (2) of this section, giving substantive reasons therefor.

(4) If regular service is provided in an area where the annual probability of the significant wave height’s exceeding two meters is less than 10%, and if the voyage does not exceed 30 nautical miles from the point of departure or where the primary purpose of the service is to provide regular links to outlying communities for customary purposes, the Maritime Administration may, at the request of an operator, request the European Commission to derogate, wholly or partly, from the obligation set out in subsection 31 (1) of this Act.  
[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

### **§ 32. Passenger ship certificate**

(1) A passenger ship flying the national flag of Estonia shall have a passenger ship certificate issued by the Maritime Administration which certifies that the Maritime Administration has conducted a technical survey of the ship pursuant to subsection 13 (2) of this Act and that the ship has been declared fit to carry passengers pursuant to this Act and the ship also conforms to other requirements provided for in this Act.

(2) The format of passenger ship certificates shall be established by the minister responsible for the area.

(3) The Maritime Administration shall not issue a passenger ship certificate for a ship if the Maritime Administration, in compliance with subsections 3 (1) and (2) of this Act, issues a passenger ship safety certificate for the ship as prescribed by the International Convention on the Safety of Life at Sea or a passenger ship safety certificate for a ship engaged in coastal shipping.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3<sup>1</sup>) A passenger ship certificate shall not be issued for the ship specified in the second sentence of subsection 12 (4) of this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) A seaworthiness certificate need not be issued for a ship for which a passenger ship certificate has been issued.

(5) A passenger ship flying a foreign flag and entering an Estonian port shall have a maritime safety certificate indicating the maximum authorised number of passengers.

(6) A passenger ship shall not take more passengers on board than specified in its passenger ship certificate or passenger ship safety certificate or, in the case of a ship flying a foreign flag, in any other document equivalent to such certificates.

(7) Safety requirements for ships engaged in coastal shipping and the classes and navigation areas of passenger ships and the format of passenger ship safety certificates shall be established by the minister responsible for the area.

(8) The special stability requirements of passenger ferries shall be established by the minister responsible for the area. The issuer of certificates shall make a notation concerning compliance with the special stability requirements on the passenger ship certificates or passenger ship safety certificates of passenger ferries.

(9) Subsections (6)–(8) of this section apply also to ships flying a foreign flag.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

### **§ 33. Expiry and revocation of passenger ship certificates and passenger ship safety certificates**

Passenger ship certificates and passenger ship safety certificates expire or shall be revoked by the Maritime Administration pursuant to § 18 of this Act.  
[RT I 2002, 61, 375 – entry into force 01.01.2003]

## **Chapter 8 SHIPS OF SPECIAL CONSTRUCTION AND HIGH SPEED CRAFT**

[Repealed -RT I, 22.12.2010, 1 - entry into force 02.01.2011]

### **§ 34. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

## **Chapter 9 MARITIME SAFETY REQUIREMENTS AND QUALITY REQUIREMENTS FOR RECREATIONAL CRAFT**

### **§ 35. Placing on market and putting into service of recreational craft, partly completed recreational craft and components of recreational craft**

(1) Components of recreational craft and components placed on the market and installed on recreational craft separately, as specified in subsection (4) of this section, may be placed on the market and put into service if they conform to the requirements of this Act and legislation established on the basis thereof and the conformity is attested pursuant to the prescribed procedure.

(2) Partly completed recreational craft may be placed on the market if the craft conforms to the requirements applicable to recreational craft and the manufacturer of the craft, the authorised representative of the manufacturer or a person who is responsible for placing the partly completed recreational craft on the market declares that the partly completed recreational craft is to be completed by a third party.

(3) [Repealed – RT I 2010, 31, 158 – entry into force 01.10.2010]

(4) The following are deemed to be components of recreational craft:

- 1) ignition-protected equipment for inboard and stern drive petrol engines and petrol tank spaces;
- 2) start-in-gear protection devices for outboard engines;
- 3) steering wheels, steering mechanisms and cable assemblies;
- 4) fuel tanks intended for fixed installations and fuel hoses;
- 5) prefabricated hatches and port lights.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(5) Recreational craft, partly completed recreational craft and components of recreational craft that do not conform to the requirements of this Act may be presented at trade fairs, exhibitions, demonstrations and other public presentations on the condition that they are accompanied by clearly visible information stating that the recreational craft, partly completed recreational craft and components of recreational craft do not conform to the requirements and that they shall not be placed on the market or put into service before they have been brought into conformity with the requirements of this Act.

(6) For the purposes of this Chapter, a notified body is a conformity assessment authority that has the right to conduct conformity assessment procedures which are necessary to attest the conformity of recreational craft or components specified in subsection (4) of this section. The provisions of subsection 19<sup>2</sup>(2) of this Act apply to a notified body.

[RT I 2010, 31, 158 – entry into force 01.10.2010]

(7) Safety and quality requirements for recreational craft, partly completed recreational craft and components of recreational craft, the procedure for the affixing of information and markings thereto and attestation of the conformity thereof shall be established by the minister responsible for the area.

(8) If a recreational craft built for own use which is not placed on the market within five years or a recreational craft put into service before 1 May 2004 in Estonia does not have the required documents and a builder's plate, the Maritime Administration shall determine the overall length, width and depth of the recreational craft and establish the navigation area of the recreational craft, limitations arising from hydrometeorological conditions, the maximum recommended load, the maximum rated engine power and the maximum number of persons permitted on board, and shall enter this information in the survey report established pursuant to subsection 36 (5) of this Act.

[RT I 2010, 31, 158 – entry into force 01.10.2010]

(9) This section also applies to personal watercraft.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

### **§ 35<sup>1</sup>. Registration of recreational craft, ships with overall length of less than 12 metres and personal watercraft**

(1) Recreational craft and ships with an overall length of less than 12 metres shall be registered in the traffic register or ship register and personal watercraft shall be registered in the traffic register in order to navigate at sea and on inland waters. A personal watercraft for competitive sports or a personal watercraft for training which is used only during a competition or during training in a special area shall be registered and marked by a sports federation.

(2) Natural persons permanently residing in Estonia or natural persons who have obtained a residence permit in Estonia and legal persons registered in Estonia are required to enter recreational craft and ships with a home port in Estonia and personal watercraft specified in subsection (1) of this section in the corresponding register. This requirement does not apply if the recreational craft, ships or personal watercraft specified in subsection (1) of this section have been entered in the corresponding register of another state.

(3) If the owner of a recreational craft, a ship with an overall length of less than 12 metres or personal watercraft is not a person specified in subsection (2) of this section, the owner shall appoint a natural person permanently residing in Estonia or a natural person who has obtained a residence permit in Estonia or a legal person registered in Estonia as the authorised user of the water craft who is entered in the register.

(4) If the recreational craft, a ship with an overall length of less than 12 metres or personal watercraft which is to be entered in the traffic register belongs to joint owners, all the owners shall be entered in the traffic register and one owner who is appointed by the owners shall be registered as the authorised user.

(5) Only such recreational craft or a ship with an overall length of less than 12 metres that has been registered in the traffic register or ship register may fly the national flag of Estonia at the stern.

(6) The procedure for registration of recreational craft, ships with an overall length of less than 12 metres and personal watercraft, including the list of information to be submitted to the register, procedure for amendment of registered information, deletion from the register, issue of registration certificates, registration numbers and registration plates shall be established by the minister responsible for the area.

(7) A state fee shall be paid for registration of personal watercraft, recreational craft and ships with an overall length of less than 12 metres, amendment of registered information and issue of registration plates.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 35<sup>2</sup>. Registration number, registration certificate and demountable registration plate of recreational craft, ships with overall length of less than 12 metres and personal watercraft**

(1) The Estonian Road Administration shall issue a registration certificate and provide a registration number upon registration of a recreational craft, a ship with an overall length of less than 12 metres or a personal watercraft.

(2) If necessary, the Estonian Road Administration shall provide a demountable registration plate. Demountable registration plates can be provided to an undertaking manufacturing recreational craft and ships with an overall length of less than 12 metres or an undertaking with the right of wholesale and retail sale of new recreational craft and ships with an overall length of less than 12 metres.

(3) Demountable registration plates may be used only for a presale test drive of a recreational craft or a ship with an overall length of less than 12 metres that has been taken to Estonia for sale or has been manufactured in Estonia.

(4) A registration number and a demountable registration plate shall be mounted in accordance with requirements.

(5) The format of a registration certificate of recreational craft, ships with an overall length of less than 12 metres and personal watercraft, and the procedure for mounting a registration number and for the use of a demountable registration plate shall be established by the minister responsible for the area.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 35<sup>3</sup>. Refusal to register and deletion from register of recreational craft, ships with overall length of less than 12 metres and personal watercraft**

(1) The Estonian Road Administration shall refuse to register a recreational craft, a ship with an overall length of less than 12 metres or a personal watercraft if:

- 1) the recreational craft or personal watercraft has not undergone a pre-registration survey;
- 2) the technical survey of the ship with an overall length of less than 12 metres or ship that is being re-registered as recreational craft has not been conducted at the Maritime Administration;
- 3) the recreational craft or personal watercraft does not have an identification number or the identification number is damaged, falsified, illegible or unidentifiable;
- 4) the recreational craft or personal watercraft does not have a CE marking;
- 5) the recreational craft does not have a proper declaration of conformity;
- 6) the recreational craft, ship with an overall length of less than 12 metres or personal watercraft has been declared to be fugitive by the police;
- 7) the owner does not hold documents attesting the right of ownership and origin of the recreational craft, ship with an overall length of less than 12 metres or personal watercraft, or such documents are insufficient or comprise elements of falsification;
- 8) the recreational craft built for own use lacks the survey report issued by the Maritime Administration as specified in subsection 36 (6) of this Act; or
- 9) the recreational craft put into service before 1 May 2004 does not have the required documents and a builder's plate or lacks the survey report issued by the Maritime Administration as specified in subsection 36 (6) of this Act.

(2) Recreational craft built for own use cannot be placed on the market for five years after the building thereof.

(3) For deletion from the register, the owner of a recreational craft, a ship with an overall length of less than 12 metres or a personal watercraft shall submit an application to the local office of the Estonian Road Administration in the following cases:

- 1) in case the recreational craft, ship with an overall length of less than 12 metres or personal watercraft is taken out of Estonia due to the owner's change of residence or due to the transfer of the recreational craft, ship with an overall length of less than 12 metres or personal watercraft;
- 2) in case the use of the recreational craft, ship with an overall length of less than 12 metres or personal watercraft is relinquished;
- 3) in case the recreational craft, ship with an overall length of less than 12 metres or personal watercraft is sunk, destructed or becomes unusable.

(4) A recreational craft, a ship with an overall length of less than 12 metres or a personal watercraft may be temporarily deleted from the register upon the application of the owner.

(5) In addition to as provided in subsection (4) of this section, the Estonian Road Administration shall temporarily delete a recreational craft, a ship with an overall length of less than 12 metres or a personal watercraft from the register if the registered owner gives notice of transfer of the ownership of the respective water craft but the transferee does not submit an application for amending the registered information within five working days after acquisition of the water craft.

(6) The recreational craft, ship with an overall length of less than 12 metres or personal watercraft that is temporarily deleted from the register due to the reason set out in subsection (5) of this section shall be deemed to be reinstated in the register after a registration certificate is issued to the new owner on the basis of an application filed for amending the registered information.

### **§ 35<sup>4</sup>. Requirements for technical condition of recreational craft and personal watercraft and for equipment of recreational craft**

(1) The technical condition of recreational craft and personal watercraft which have been or are to be entered in the register in Estonia shall conform to the valid requirements for maritime safety and quality.

(2) The equipment of recreational craft shall be in working order, easily accessible for users and its type and measurements shall conform to the structural category, navigation area and size of the recreational craft.

(3) The owner of a recreational craft or personal watercraft shall be liable for the seaworthiness and worthiness for navigation on inland waters and good technical condition of the recreational craft or personal watercraft.

(4) The owner of a recreational craft and skipper of a recreational craft are responsible for the proper equipping of the recreational craft and for compliance with the safety requirements.

(5) The requirements for the equipment of recreational craft and the categories of recreational craft according to the construction of the recreational craft as well as the safety requirements for the recreational craft used for organising recreational voyages for a fee shall be established by the minister responsible for the area.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]



### **§ 35<sup>5</sup>. Requirements for recreational craft flying foreign flag**

(1) The technical and registration requirements of the flag state, taking account of the specifications provided for in subsection (2) of this section, shall apply to recreational craft flying a foreign flag, nevertheless the seaworthiness and worthiness for navigation on inland waters shall be ensured pursuant to § 16 of this Act in any case.

(2) The requirements of the flag state shall apply to a recreational craft flying a foreign flag that is used for organising recreational voyages for a fee only between Estonian ports or in a port basin or with departure from an Estonian port and with entrance in the same port. If the requirements of the flag state of such recreational craft are less stringent than the requirements established with regard to a recreational craft of the same class flying the national flag of Estonia, the requirements in force in Estonia shall be applied, except the requirements for registration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 35<sup>6</sup>. Requirements for recreational craft used for organising recreational voyages for fee**

(1) A recreational craft used for organising recreational voyages for a fee can be navigated by a person who is at least 18 years of age and holds a certificate of a skipper of recreational craft.

(2) A recreational craft used for organising recreational voyages for a fee further than 5 nautical miles from shore shall have a life raft or rafts and the number of places in such life rafts shall correspond to the number of persons on board.

(3) A recreational craft used for organising recreational voyages for a fee shall have at least one person who is at least 18 years of age and holds a certificate of a skipper of recreational craft per each life raft.

(4) A recreational craft used for organising recreational voyages for a fee further than 5 nautical miles from shore shall have a radio station covering the sea area of the global maritime distress and safety system (GMDSS). A skipper of the recreational craft shall have at least a Restricted Operator's Certificate to use marine communication equipment. A skipper of a recreational craft who does not have the specified certificate may use maritime means of communication only in an emergency.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 36. Technical supervision of recreational craft and personal watercraft**

(1) The technical supervision of recreational craft and personal watercraft consists of technical surveys and sample checks conducted in the course of exercising state supervision.

(2) The technical survey of recreational craft is classified as follows:

- 1) technical survey following the structural conversion of a recreational craft;
- 2) technical survey of a recreational craft built for own use;
- 3) technical survey of a ship that is to be re-registered as a recreational craft;
- 4) technical survey of a recreational craft used for organising recreational voyages for a fee;
- 5) pre-registration survey;
- 6) technical survey of a recreational craft at the owner's request.

(3) The technical survey of a personal watercraft consists in the pre-registration survey.

(4) The conformity to the requirements for the equipment of recreational craft shall be verified in the course of sample checks.

(5) The technical survey shall be conducted as follows:

- 1) the technical survey of a recreational craft shall be conducted by the Maritime Administration or by an authority recognised in accordance with this Act and conducting technical surveys of recreational craft;
- 2) the pre-registration survey of a recreational craft shall be conducted by the Estonian Road Administration and the Maritime Administration. The pre-registration survey of a recreational craft that is to be entered in the register for the first time may be conducted, in addition to the Estonian Road Administration and the Maritime Administration, also by a manufacturer of recreational craft or its authorised representative within the meaning of the Product Conformity Act (hereinafter the manufacturer or its authorised representative) or a distributor or importer recognised by them within the meaning of the Product Conformity Act (hereinafter the distributor or importer) that has entered into a respective agreement with the Estonian Road Administration or by an authority conducting technical surveys of recreational craft and recognised in accordance with this Act;
- 3) if it is not possible to establish all the data to be entered in the register from the documents submitted upon a pre-registration survey of a recreational craft conducted by the Estonian Road Administration or a manufacturer of recreational craft or its authorised representative or a distributor or importer that has entered into a respective

agreement with the Estonian Road Administration, the pre-registration survey shall be conducted by the Maritime Administration;

4) the pre-registration survey of a personal watercraft shall be conducted by the Estonian Road Administration or by a manufacturer of personal watercraft or by an authorised representative of the manufacturer or by a distributor or importer that has entered into a respective agreement with the Estonian Road Administration.

(6) A survey report or a technical data sheet shall be prepared with regard to a technical survey by the authority conducting the survey. In the case of a pre-registration survey, the data of the technical survey shall be entered in the relevant register. The Maritime Administration shall issue a survey report in the case specified in clause (5) 3) of this section.

(7) The technical survey of a recreational craft used for organising recreational voyages for a fee shall be conducted:

- 1) at least once every three years if the recreational craft is less than ten years old;
- 2) at least once every two years if the recreational craft is ten or more years old.

(8) Technical surveys shall be conducted in Estonia. If the owner of a recreational craft applies for the technical survey of the recreational craft staying in a foreign state, the owner shall reimburse the travel expenses of an expert or supervisory official which are to be calculated in accordance with the procedure established pursuant to subsection 44 (5) of the Civil Service Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(9) This section applies regarding sample checks also to recreational craft flying a foreign flag in the sea areas and inland waters of Estonia.

(10) The procedure for the technical survey of recreational craft and personal watercraft and the list of data to be entered in the survey report of the technical survey of recreational craft and personal watercraft shall be established by the minister responsible for the area.

(11) A state fee for the technical survey of a recreational craft used for organising recreational voyages for a fee, the technical survey following the structural conversion of a recreational craft, technical survey of a recreational craft built for own use, technical survey of a ship that is to be re-registered as a recreational craft and technical survey of a recreational craft at the owner's request, and a state fee for an additional technical survey conducted at the Maritime Administration before the registration of a recreational craft shall be paid within ten working days after the survey is conducted. The Maritime Administration shall not issue a survey report or the technical data sheet of the ship before the state fee is paid.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

### **§ 37. Use of recreational craft on waterways**

(1) The use of a recreational craft shall not endanger the persons on board the craft or other users of waterways, and shall not damage the surrounding environment or cause pollution. The skipper of a recreational craft shall be responsible for the safe use of the recreational craft.

(2) When navigating a recreational raft, the skipper of the recreational craft shall carry a document certifying the right to navigate recreational craft if the existence of such document is required, and the registration certificate of the recreational craft.

(3) If the skipper of a recreational craft carries an identity document, it is not mandatory, within the borders of Estonia, to carry the document certifying the right to navigate recreational craft issued in Estonia.

(4) If the skipper of a recreational craft carries an identity document, it is not mandatory to carry the registration certificate of the recreational craft registered in Estonia if the skipper of the recreational craft is entered in the traffic register as the owner, authorised user or user, or if the owner, authorised user or user is present on board the recreational craft.

(5) A recreational craft shall be stopped when it is demanded by a supervisory official. If the stopping manoeuvre is dangerous to the recreational craft in the opinion of the skipper of the recreational craft, the skipper may agree with the supervisory official on the closest safe place and time for inspection.

(6) A certificate of a skipper of a recreational craft issued by a Member State of the European Union or a state which is a contracting party to the EEA Agreement shall be recognised as a document certifying the right to navigate recreational craft of an Estonian citizen or a person with a residence permit in Estonia.

(7) This section is also applied to recreational craft flying a foreign flag, except subsection (2) of this section if the documentary requirements equivalent to those provided for in said subsection are not applicable in the foreign state whose flag the recreational craft is flying.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

§ 37<sup>1</sup>. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

§ 38. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### § 39. Requirements for skippers of recreational craft

(1) The skipper of recreational craft shall have relevant knowledge and skills.

(2) The requirements for the knowledge, skills and training of skippers of recreational craft and for the format of certificates of skippers of recreational craft shall be established by the Government of the Republic. A certificate of a skipper of recreational craft shall set out the permitted navigation area on the basis of the training of the skipper of the recreational craft. Navigation areas are:

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

- 1) sea and inland waters;
- 2) inland waters.

(3) Recreational craft may be navigated by a person who holds a certificate of a skipper of recreational craft, or has professional education as a deck officer or as a deck officer of an inland vessel.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3<sup>1</sup>) A person with professional education as a deck officer may, if he or she wishes so, apply for a certificate of a skipper of recreational craft by submitting an application and the certificate of competency or professional certificate as a deck officer or the certificate of competency as a deck officer of an inland vessel or a document certifying the professional education as a deck officer to a processor of the traffic register. A person holding a certificate of competency or a professional certificate as a deck officer or a certificate of competency as a deck officer of an inland vessel or a person with professional education as a deck officer need not pass an examination for skippers of recreational craft in order to receive a certificate of a skipper of recreational craft.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) The processor of the traffic register shall issue certificates of a skipper of recreational craft to persons who have passed a corresponding examination and are at least 15 years of age and whose state of health corresponds to the requirements for the health of drivers of power-driven vehicles of category B.

(5) A certificate of a skipper of a recreational craft is not required for navigating a water craft with a sail area of up to 25 m<sup>2</sup> or engine power up to 25 kW if the water craft is navigated during the daytime and in adequate visibility at sea not further than 5 nautical miles from shore or on inland waters not further than 9 kilometres from shore.

(6) A person under 15 years of age is not required to hold a certificate of a skipper of a recreational craft for navigating a water craft with a sail area of up to 20 m<sup>2</sup> or engine power up to 10 kW if he or she navigates under the responsibility of his or her legal representative and if the water craft is navigated during the daytime and in adequate visibility at sea not further than 1 nautical mile from shore or on inland waters not further than 2 kilometres from shore.

(7) Maritime communication equipment (VHF, MF, HF radio stations) may be used only by a person who has undergone the corresponding training and holds a Restricted Operator's Certificate or a General Operator's Certificate or a Short Range Certificate. A person who does not hold the specified certificates may use maritime communication equipment only in an emergency.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7<sup>1</sup>) Short Range Certificates are issued by the Maritime Administration.

[RT I, 30.05.2013, 4 – entry into force 09.06.2013]

(8) A state fee shall be paid for the issue of a certificate of a skipper of recreational craft or a duplicate thereof and for the issue of a Short Range Certificate.

[RT I, 30.05.2013, 4 – entry into force 09.06.2013]

### § 39<sup>1</sup>. Requirements for use of personal watercraft

(1) Personal watercraft may be operated by a person of at least 15 years of age who holds a certificate of an operator of personal watercraft or the right to navigate recreational craft. A certificate of an operator of personal watercraft shall be issued by a processor of the traffic register.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>1</sup>) A certificate of an operator of personal watercraft is not required from a person for navigating a personal watercraft for competitive sports or a personal watercraft for training which is correspondingly marked by a

sports federation during a competition or during training if the sports federation has issued to such person a competition licence which shall set out at least the number of the competition licence, the name of the person, his or her personal identification code, and the name and registry code of the sports club.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>2</sup>) A person under 15 years of age is not required to hold a certificate of an operator of personal watercraft for navigating a personal watercraft for competitive sports or a personal watercraft for training which is correspondingly marked by a sports federation during a competition or during training if he or she navigates with the consent of his or her legal representative and the sports federation has issued a licence to such person.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The requirements for the safe use of personal watercraft and for the training of operators of personal watercraft and the format of certificates of operators of personal watercraft shall be established by the minister responsible for the area.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(3) A state fee shall be paid for the issue of a certificate of an operator of personal watercraft or a duplicate thereof.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 39<sup>2</sup>. Suspension of right to navigate recreational craft or personal watercraft, and refusal to grant such right**

(1) The right to navigate recreational craft or personal watercraft is suspended, and the grant of such right is refused upon entry into force of a court ruling made on the basis of clause 177<sup>2</sup>(1) 4) and subsection 177<sup>2</sup>(2) of the Code of Enforcement Procedure.

(2) The suspension of the right to navigate recreational craft or personal watercraft as provided in subsection (1) of this section, and the refusal to grant such right shall terminate upon entry into force of a court ruling made on the basis of subsection 177<sup>5</sup>(1) of the Code of Enforcement Procedure.

[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

### **§ 39<sup>3</sup>. Suspension of right to navigate recreational craft or personal watercraft, and refusal to grant such right**

(1) The Estonian Road Administration shall suspend the right to navigate a recreational craft or personal watercraft and shall refuse to grant such rights and to issue the certificate of a skipper of recreational craft or of an operator of personal watercraft to a person, regarding whom an administrative court has granted respective permission under the petition set out in subsection 33<sup>1</sup>(5) or 71<sup>1</sup>(5) of the Military Service Act.

(2) The following shall be indicated in the decision made in the event specified in subsection (1) of this section:

- 1) time and place of the decision;
- 2) given name, surname and position of the person who made the decision, name and address of the authority;
- 3) given name, surname and residence of the person regarding whom the decision was made;
- 4) bases for and term of suspension of the right to navigate or refusal to grant the right to navigate;
- 5) signature of the person who prepared the decision.

(3) The Estonian Road Administration shall make the decision to suspend the right to navigate a recreational craft or personal watercraft set out in subsection (1) of this section based on the data collected in hearing the person by the Defence Resources Agency, Defence Forces of Estonia or a court, if it is not necessary to obtain additional information. The Estonian Road Administration shall send the decision by registered post with advice of delivery to the address of the person indicated in the population register, any other address known to the Estonian Road Administration or e-mail address of the person, or deliver it to the person against signature under the notice. The Estonian Road Administration may publish the decision in the official publication *Ametlikud Teadaanded* if it is not possible to deliver the decision by any other means. The decision shall be deemed as publicly delivered when ten days have passed since the day of its publication in *Ametlikud Teadaanded* or when the person certifies receipt of the notice in the information system of *Ametlikud Teadaanded*.

(4) The Estonian Road Administration shall reinstate the right to navigate a recreational craft or personal watercraft set out in subsection (1) of this section and terminate the refusal to grant these rights and to issue the certificate of a skipper of recreational craft or of an operator of personal watercraft immediately when the Defence Resources Agency or the Defence Forces of Estonia notify the processor of the traffic register that the basis for the suspension of the right to navigate a recreational craft or personal watercraft has ceased to exist, unless it derives otherwise from a ruling of the administrative court.

[RT I, 06.07.2018, 1 - entry into force 01.01.2019]

**§ 40. [Repealed - RT I 2005, 31, 229 – entry into force 03.06.2005]**

## **Chapter 10**

# LOADING AND UNLOADING OF SHIPS

## § 41. Loading, unloading and ballasting

(1) In order to ensure the safety of a ship and the persons and cargo on board, the ship shall be loaded, unloaded and ballasted in such manner that the stability and floatability of the ship remain within the limits specified in the ship's certificates and documentation.

(2) A ship with a gross tonnage of 20 or more and flying the national flag of Estonia shall carry the information concerning the stability of the ship which is approved by the Maritime Administration.

(3) Cargo shall be stowed and secured pursuant to a cargo securing manual compiled by the operator and approved by the Maritime Administration. Such manual is not required for the carriage of solid or liquid cargo in bulk. A ship flying a foreign flag shall have a cargo securing manual approved by a competent authority of the respective state.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) The Maritime Administration recognises stability information approved by a recognised organisation and an approved cargo securing manual if these meet the requirements of international conventions and this Act.

(4<sup>1</sup>) A supervisory official of the Maritime Administration is entitled to open a container or road transport vehicle that is to be loaded on a ship in order to inspect the securing of cargo inside the container or vehicle, including the stowage and securing of dangerous goods specified in § 42 of this Act, and to suspend the loading of the container or road transport vehicle on the ship until the deficiencies are eliminated if the packaging of the cargo is damaged, if the cargo is insufficiently secured or if the discovered deficiencies pose a threat to navigation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4<sup>2</sup>) This Chapter applies also to ships flying a foreign flag, except the requirements established only for ships flying the national flag of Estonia.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) The requirements for use and the procedure for the survey and testing of the lifting equipment of ships shall be established by the minister responsible for the area.

(6) Additional safety requirements for bulk carriers, the requirements for the safe loading and unloading of bulk carriers, the safety requirements for the terminals for bulk carriers and the procedure for notification of the master of a ship or terminal representatives shall be established by the minister responsible for the area.

[RT I, 2005, 31, 229 – entry into force 03.06.2005]

## § 42. Carriage of dangerous goods and notification of dangerous goods

(1) Dangerous goods shall be carried pursuant to the requirements provided for in Chapters VI and VII of the International Convention on the Safety of Life at Sea and in Annexes I–III to the International Convention for the Prevention of Pollution from Ships.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>1</sup>) This section is applied to dangerous goods that are carried:

1) in packages in conformity with the requirements provided for in Chapter VII of the International Convention on the Safety of Life at Sea and Annex III to the International Convention for the Prevention of Pollution from Ships;

2) as solid goods in bulk in conformity with the requirements provided for in Chapter VII of the International Convention on the Safety of Life at Sea;

3) as liquids in bulk in conformity with the requirements provided for in Chapters VI and VII of the International Convention on the Safety of Life at Sea and Annexes I and II to the International Convention for the Prevention of Pollution from Ships;

4) in bulk in gas carriers in conformity with the requirements provided for in Chapter VII of the International Convention on the Safety of Life at Sea or

5) in conformity with the special requirements for the carriage of radioactive materials provided for in Chapter VII of the International Convention on the Safety of Life at Sea.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(2) Dangerous goods shall not be offered for carriage or taken on board a ship before the master or operator of the ship has received a declaration regarding the dangerous goods and any partial cargo containing dangerous goods (hereinafter the dangerous goods declaration) on paper or in any format which can be reproduced in

writing. The dangerous goods declaration shall be submitted by the consignor of cargo or the authorised representative of the consignor.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(2<sup>1</sup>) If supervision of cargo operations upon unloading of a chemical tanker is required pursuant to Regulation 16 of Annex II to the International Convention for the Prevention of Pollution from Ships, such supervision shall be conducted by a supervisor of loading operations of chemical tankers who is recognised in accordance with this Act or by a supervisory official of the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>2</sup>) The operator shall pay a state fee for supervision of cargo operations of a chemical tanker conducted by a supervisory official of the Maritime Administration within ten working days after the supervision.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>3</sup>) A ship carrying dangerous goods arriving from a port located outside the European Union shall hold a dangerous goods declaration or equivalent information issued by the consignor.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(3) The list of information to be indicated in a dangerous goods declaration, depending on the type of dangerous goods, shall be established by a regulation of the minister responsible for the area.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(4) The consignor of cargo or the authorised representative of the consignor shall be liable for the correctness of information pertaining to the hazardousness of the cargo and for the communication of such information.

(5) The operator, master or agent of a ship leaving an Estonian port with dangerous goods, except of a ship engaged in coastal shipping, shall, before leaving, submit information concerning the ship and dangerous goods to the Maritime Administration according to the procedure established pursuant to subsection (9) of this section.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(6) If the port of destination or the anchorage of a ship carrying dangerous goods and arriving from a port located outside the Member States of the European Union is located in Estonia, the operator, master or ship's agent shall submit, before leaving the port of departure or as soon as the port of destination or the anchorage is known, information concerning the ship and dangerous goods to the Maritime Administration according to the procedure established pursuant to subsection (9) of this section.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(7) [Repealed – RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(8) The ship's agent or, if the ship's agent is not present, the master is required to ensure the correctness and timely communication of information inherent to the cargo and communicated upon notification.

[RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(9) The procedure for notification of dangerous goods and the list of information to be submitted shall be established by the minister responsible for the area.

(10) The master of a ship is required to inform the Maritime Administration of an accident involving dangerous goods on the Estonian waterways. Outside the Estonian sea areas, the master of a ship flying the national flag of Estonia is required to inform the competent authority of the corresponding state and the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(10<sup>1</sup>) In the event of a marine casualty or marine incident, the operator, the master or the owner of the dangerous goods carried on the ship shall submit the dangerous goods declaration or equivalent information to the Maritime Administration at the request of the latter.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(11) The Maritime Administration shall receive information on the dangerous goods arriving and leaving on ships, process and analyse the information concerning dangerous goods, make appropriate summaries, be responsible for the preservation of the information and communicate the information concerning dangerous goods according to the procedure established pursuant to subsection (12) of this section.

(12) The procedure for the communication of information concerning dangerous goods to interested persons shall be established by the minister responsible for the area.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

#### **§ 42<sup>1</sup>. Exemptions from notification of dangerous goods**

(1) The Maritime Administration may exempt a ship from the requirement of notification of dangerous goods if the operator has submitted a respective application and the following prerequisites are met:

- 1) the ship provides a regular service between ports of the Member States of the European Union;

2) the ship provides a regular service at least during one month and the duration of the voyage does not exceed 12 hours;

3) the operator maintains and updates a list of the ships providing regular services and communicates the respective information to the Maritime Administration;

4) information on the ship and dangerous goods regarding each completed voyage is electronically available to the Maritime Administration twenty-four hours a day;

5) the port of destination and the Maritime Administration shall be informed about any deviation, of three hours or more, from the expected time of arrival at the port of destination or at a place where a pilot embarks or disembarks the ship.

(2) If an international regular service is organised between two or more states, and at least one of these states is Estonia, the Maritime Administration may, according to the application of an operator, apply for granting an exemption from other Member States provided that the prerequisites set out in clauses (1) 2)–5) of this section are met.

(3) If the prerequisites for granting an exemption are violated, the Maritime Administration shall immediately discontinue granting the exemption or, in the case provided for in subsection (2) of this section, shall apply for discontinuance thereof from the respective Member State of the European Union.

(4) The Maritime Administration shall communicate a list of the operators and ships regarding which an exemption has been granted and amendments to said list to the European Commission.

(5) The Maritime Administration shall immediately notify an operator of a decision of granting an exemption with regard to a ship and of discontinuance of an exemption.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

### **§ 43. Freeboard of ship**

(1) The freeboard of a ship shall be determined and a load line certificate shall be issued for ships flying the national flag of Estonia. The freeboard of a ship is the height of the board measured vertically from the upper edge of the main deck to the water line at the location of the middle frame of the ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The minimum freeboard for a ship shall be determined and entered in the load line certificate of the ship by the Maritime Administration.

(3) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) If the minimum freeboard of a ship flying a foreign flag is specified in another document, the document may be recognised as a load line certificate if it meets the requirements of international conventions and this Act.

(5) The Maritime Administration recognises a minimum freeboard determined by a recognised organisation and load line marks marked by recognised organisation on the hull of a ship flying the national flag of Estonia if these meet the requirements of international conventions and this Act.

(6) The requirements for determination of a minimum freeboard for ships with an overall length of less than 24 metres shall be established by the minister responsible for the area.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6<sup>1</sup>) The requirements established pursuant to subsection (6) of this section shall be applied to a ship flying the national flag of Estonia.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6<sup>2</sup>) The stability of a ship with an overall length of less than 24 metres that is flying the national flag of Estonia shall correspond to the navigation area provided for in the seaworthiness certificate, inland navigation certificate or passenger ship certificate. The respective calculations of stability shall be approved by a recognised organisation or the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) The Maritime Administration may revoke a load line certificate if significant changes have been made to the principal dimensions of the ship or to the lightweight of the ship.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(8) A state fee shall be paid for the issue of a load line certificate.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 44. Marking of board with load line marks**

(1) Both boards of a ship shall be marked with permanent load line marks indicating the minimum freeboard. The notation "EV" indicates a freeboard determined by the Maritime Administration.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) A ship shall not be loaded higher than the limit marked by the load line mark or the maximum draught permitted by port rules.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

## **Chapter 10<sup>1</sup>** **PREVENTION OF POLLUTION FROM SHIPS**

[RT I, 22.12.2010, 1 - entry into force 02.01.2011]

#### **§ 44<sup>1</sup>. Prevention of pollution from ships**

(1) A ship shall comply with the requirements of the International Convention for the Prevention of Pollution from Ships and the requirements of the regional agreements entered into by Estonia if the latter requirements are more stringent than the requirements provided for in the International Convention for the Prevention of Pollution from Ships, unless otherwise provided for in the respective agreement.

(2) The master of a ship shall inform a police authority about pollution caused by the ship and pollution discovered in accordance with the format provided for in the International Convention for the Prevention of Pollution from Ships, and the police authority shall immediately inform the Maritime Administration and the Environmental Inspectorate about the pollution.

(3) This Chapter is applied also to ships flying a foreign flag.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 44<sup>2</sup>. Anti-fouling systems on ships**

(1) The anti-fouling system on a ship with a gross tonnage of 400 or more shall conform to the requirements of the International Convention on the Control of Harmful Anti-fouling Systems on Ships (hereinafter the AFS-Convention).

(2) An international anti-fouling system certificate is issued for the ships specified in subsection (1) of this section after the inspection of the ship regarding conformity with the requirements of the AFS-Convention. The Maritime Administration shall issue anti-fouling system certificates to unclassified ships and a recognised organisation shall issue international anti-fouling system certificates to classified ships.

(3) A ship of 24 or more metres in length, with a gross tonnage of less than 400 engaged in international voyages and flying the flag of a contracting party to the AFS-Convention shall carry a declaration on the anti-fouling system signed by the operator or a representative of the operator that is accompanied by appropriate documentation.

(4) Subsections (1)–(3) of this section do not apply to fixed or floating platforms, floating storage units (FSUs) and floating production storage and offtake units (FPSOs).

(5) Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships (OJ L 115, 09.05.2003, pp. 1–11) is applied to the use of organotin compounds as biocides in anti-fouling systems on ships.

(6) If the results of an analysis of a sample taken from the anti-fouling system of a ship in the course of state supervision show that the ship does not conform to the requirements of the AFS-Convention or Regulation (EC) No 782/2003 of the European Parliament and of the Council set out in subsection (5) of this section, the operator or the ship's agent shall incur the costs of sampling and analysis.

(7) The procedure for application for, issue and revocation of international anti-fouling system certificates shall be established by a regulation of the minister responsible for the area in conformity with the requirements of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships (OJ L 115, 09.05.2003, pp. 1–11).  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 44<sup>3</sup>. Certificates of environmental safety**

(1) Certificates of environmental safety regarding a ship registered in Estonia shall be issued by the Maritime Administration or a recognised organisation.



(2) The Maritime Administration recognises certificates of environmental safety that conform to the requirements of international conventions and this Act and have been issued by a recognised organisation or by a Member State of the European Union.

(3) A state fee shall be paid for the issue of a certificate of the environmental safety of a ship and for the review of documentation on which basis such a certificate is issued.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **Chapter 11**

# **WATER TRAFFIC SAFETY ON WATERWAYS**

### **§ 45. Navigation on waterways**

(1) Navigation by a water craft at sea or on inland waters connected with the sea shall be conducted at safe speed and in adherence to the requirements of the Convention on the International Regulations for Preventing Collisions at Sea. Navigation on other inland waters shall be conducted in adherence to the inland navigation rules.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The inland navigation rules shall be established by the minister responsible for the area.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The owner of a water craft or a person authorised by the owner is required to ensure that the safety and the technical condition of the water craft conform to the requirements.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(4) The skipper of a recreational craft or operator of any other water craft shall not be intoxicated while navigating at sea or on inland waters.

(4<sup>1</sup>) The skipper of a recreational craft or operator of any other water craft is deemed to be intoxicated in the following cases:

1) the alcohol content in the blood of the skipper of a recreational craft or operator of any other water craft is at least 0.5 milligrams or more per gram of blood or the alcohol content in the breath exhaled by the skipper of a recreational craft or operator of any other water craft is 0.25 milligrams or more per litre of breath;

2) the alcohol content in the blood of the operator of a personal watercraft is at least 0.2 milligrams or more per gram of blood or the alcohol content in the breath exhaled by the operator of a personal watercraft is 0.1 milligrams or more per litre of breath;

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(4<sup>2</sup>) The owner of the recreational craft or other water craft has the right to establish a lower permitted alcohol content rate or prohibit the use of alcohol.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(5) The Maritime Administration may establish temporary restrictions to ensure the safety of vessel traffic on public waterways.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5<sup>1</sup>) On the basis of the actual ice conditions, the Maritime Administration may establish limitations on ships serviced by an ice breaker during the winter navigation period, taking account of the ice class, main engine power or, if necessary, other indicators of the ships and the Maritime Administration also has the right to suspend servicing of any port by an ice breaker if the Maritime Administration informs the port authority, the master of the ship and the ship's agent thereof and ensures that the ships which have terminated work in the port shall leave when the actual ice conditions allow this.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) An object endangering or hindering water traffic shall be removed from the waterway or the costs related thereto shall be incurred by the owner or installer of the object. The removal of objects endangering or hindering water traffic from fairways, except from a port basin or port entrance, shall be organised by the Maritime Administration. The port authority shall organise the removal of objects endangering or hindering water traffic from a port basin and port entrance. The Maritime Administration shall inform the users of waterways about the objects endangering or hindering water traffic in public waterways, and shall organise the removal of said objects if possible.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) Scientific equipment and other equipment and objects necessary for research work may be installed on waterways only with the written permission of the Maritime Administration. An object installed without the written permission of the Maritime Administration is deemed to be endangering or hindering water traffic.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(8) Any activities that may damage an overhead transmission line, a cable or pipeline route disclosed in navigational information are prohibited at a distance of less than 0.5 nautical miles from the overhead transmission line, cable or pipeline route if the ship is at sea and less than 100 metres from the overhead transmission line, cable or pipeline route if the ship is on inland waters.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(8<sup>1</sup>) In case there are traffic separation schemes marked on a navigation chart, all the users of waterways shall comply with Rule 10 of the Convention on the International Regulations for Preventing Collisions at Sea in such traffic separation scheme and in the vicinity thereof.

(9) Written permission is required from the Maritime Administration for activities which obstruct water traffic on public waterways and which are not regulated by the requirements of the Convention on the International Regulations for Preventing Collisions at Sea or inland navigation rules. Written permission is required from the Maritime Administration for activities which obstruct water traffic on fairways. In order to obtain permission, the person who organises the activities shall, not later than 30 days before the planned activities, submit to the Maritime Administration a written application which specifies the planned activity, and the region and duration of the activity. The Maritime Administration shall issue the permission or refuse to issue the permission and shall indicate the reasons for refusal to issue the permission within seven working days after the submission of the application. Upon the issue of the permission, the Maritime Administration shall inform the users of waterways about the activity obstructing water traffic. The Maritime Administration shall refuse to issue the permission if the planned activity compromises maritime safety or security.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(10) Masters of ships, skippers of recreational craft and operators of other water craft are required to inform the Maritime Administration at the earliest possible opportunity of any aids to navigation which have been damaged or removed, if the lighting of any aids to navigation system does not function, if any aids to navigation have drifted away from their intended position and if any other danger is discovered on waterways, and to inform a police authority of any pollution discovered.  
[RT I, 2009, 62, 405 – entry into force 01.01.2010]

(11) It is prohibited to fasten a water craft to an aid to navigation or to damage an aid to navigation in any other way.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(12) In the case of damage to an overhead transmission line, cable, pipeline or other hydrotechnical structure, the master of the ship or the skipper of the recreational craft or operator of other water craft is required to promptly notify a police authority and the Maritime Administration and, if possible, also the possessor of the respective facility.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(13) This section is also applied to ships, recreational craft and other water craft flying a foreign flag.

#### **§ 46. [Repealed – RT I 2005, 31, 229 – entry into force 01.07.2005]**

#### **§ 47. Navigational information and management of waterways**

(1) The Maritime Administration shall organise the collection and processing of information characterising navigational conditions and, on the basis thereof, the preparation, publication and communication of navigational information to the users of waterways.

(2) The State Infocommunication Foundation shall ensure the communication of navigational warnings to the users of waterways over the radio.

(3) The Maritime Administration shall organise the hydrographic surveys of public waterways and inland waters.

(4) The Maritime Administration shall organise the planning, construction and management of the aids to navigation system and fairways on public waterways. The Maritime Administration shall inform the users of waterways of the location of fairways, their parameters and markings and changes thereto.

(5) The procedure for conducting hydrographic surveys shall be established by the minister responsible for the area.

(6) The requirements and procedure for the planning, construction, installation, changing and supervision of the aids to navigation system and for the provision of information on the aids to navigation system shall be established by the minister responsible for the area.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 47<sup>1</sup>. Special areas and places of refuge**

(1) In order to ensure water traffic safety, the Maritime Administration shall determine the special areas and the conditions applicable in the special areas. In the cases provided for by legislation or for performing duties deriving from law on waterways for any other purpose than for water traffic safety, the applicant for the planned special area shall coordinate the special area and the conditions to be established there with the Maritime Administration and, when the special area is established, shall inform the Maritime Administration about it.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The Government of the Republic shall establish the places of refuge on the proposal of the minister responsible for the area.  
[RT I, 2005, 31, 229 – entry into force 03.06.2005]

(3) A police authority shall decide to send a ship to a place of refuge and shall obtain the approval of the Maritime Administration and the Environmental Inspectorate therefor. If necessary, the police authority shall provide the Maritime Assistance Service (MAS) in accordance with the requirements of the International Convention on the Safety of Life at Sea to ships in distress.  
[RT I, 2009, 62, 405 – entry into force 01.01.2010]

(4) The Maritime Administration shall inform the users of waterways of the special areas and places of refuge and of the conditions established in the special areas.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 48. Construction activities on waterways and in vicinity of aids to navigation and restrictions on use of immovable property ownership in the required sector of visibility of aids to navigation**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) Construction activities on waterways and in the immediate vicinity of aids to navigation or in the required sector of visibility thereof shall be limited if the construction activities reduce maritime safety or safe navigation on inland waters.

(2) The procedure for construction activities on waterways and in the immediate vicinity of aids to navigation or in the required sector of visibility thereof shall be established by the minister responsible for the area.

(3) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) It is prohibited to install any lights in the vicinity of aids to navigation or in the required sector of visibility thereof if the lights make it difficult to distinguish aids to navigation. All such lights shall be removed at the precept of the Maritime Administration or at the request of the harbour master.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) Bridges, overhead transmission lines, underwater cables, pipelines or other similar facilities shall be marked on waterways by the owner at the request of the Maritime Administration.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) The Maritime Administration has the right to delimit or remove vegetation growing in the required sector of visibility of an aid to navigation without the consent of the owner or possessor of the immovable if such vegetation obstructs the visibility of the aid to navigation. The Maritime Administration shall inform the owner or possessor of the immovable about the need to delimit or remove the vegetation in advance.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 49. Safe towage**

(1) All measures shall be taken on a ship or recreational craft towing in Estonian waters to ensure the safety of the towing ship or recreational craft and of the towed ship or recreational craft or other towed object.

(2) The requirements for towage shall be established by the minister responsible for the area.

(3) This section is also applied to ships and recreational craft flying a foreign flag.  
[RT I, 2003, 88, 594 – entry into force 08.01.2004]

## **§ 49<sup>1</sup>. Hydrometeorological services**

The Estonian Institute for Meteorology and Hydrology is required to prepare the weather observations, weather forecasts, storm warnings, ice prognoses and ice maps regarding the sea areas and inland waters of Estonia and

communicate the specified information without charge to the Maritime Administration and for publication to the State Infocommunication Foundation and the *Eesti Raadio*.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 50. Ice breaking activities**

(1) The procedure for ice breaking activities shall be established by the minister responsible for the area.

(1<sup>1</sup>) Ice breaking activities are deemed to be high risk activities which are carried out upon mutual agreement of an ice breaker and the master of a ship being assisted. Proprietary damage caused to the ice breaker and the ship assisted by the ice breaker in the course of ice breaking activities shall be borne by the person who sustained damage, unless the person who sustained damage proves that the damage was caused intentionally.

(2) This section is also applied to ships flying a foreign flag.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

## **Chapter 11<sup>1</sup> FAIRWAY DUES**

[RT I, 31.12.2012, 1 - entry into force 01.07.2013]

#### **§ 50<sup>1</sup>. Fairway dues**

(1) Fairway dues are dues for navigational organisation, and the use of icebreaking and information services on public waterways, as well as for the use of the infrastructure installed on public waterways to ensure maritime safety.

(2) Fairway dues shall be paid upon arrival of a ship at an Estonian port or a roadstead of an Estonian port. Fairway dues shall be paid for all ships irrespective of their flag state.

(3) Fairway dues shall be paid by the operator or the ship's agent.

(4) Fairway dues shall be paid into the state budget. The Maritime Administration shall calculate fairway dues and issue corresponding payment notices.  
[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

#### **§ 50<sup>2</sup>. Payer of dues**

[Repealed - RT I, 31.12.2012, 1 – entry into force 01.07.2013]

#### **§ 50<sup>3</sup>. Receipt of dues**

[Repealed - RT I, 31.12.2012, 1 – entry into force 01.07.2013]

#### **§ 50<sup>4</sup>. Calculation of fairway dues**

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(1) The Maritime Administration shall calculate fairway dues upon arrival of a ship at a port or a roadstead of a port once every twenty-four hours if at the roadstead of the port the ship is loaded, unloaded, supplied with provisions (food, water etc.), repaired, or the ship is associated with commercial activities in any other similar manner.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(1<sup>1</sup>) If, after arrival at a port or roadstead of a port a ship leaves for another port or a roadstead of another port in the same region of ports, fairway dues shall be calculated for one arrival. The regions of ports are the following:

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

1) the eastern part of the Gulf of Finland, including the ports east of the meridian 25°30'E;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

2) the western part of the Gulf of Finland, including the ports between the meridians 24°00'E and 25°30'E;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

3) Western Estonia, including the ports west of the meridian 24°00'E, excluding the ports specified in clause 4) of this subsection;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

4) the Gulf of Riga, including the ports east of the meridian 23°55'E and the ports on the island of Ruhnu.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>2</sup>) If, within a period of twenty-four hours, a ship enters several ports or roadsteads of several ports within different regions of ports, the Maritime Administration shall calculate fairway dues for one arrival.  
[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(1<sup>3</sup>) [Repealed - RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(2) The Maritime Administration shall submit to the operator or the ship's agent a payment notice concerning the fairway dues subject to payment, prepared on the basis of the ship's general declaration or the pilot bill. A payment notice for a calendar month regarding a ship providing a regular service shall be submitted by the fifth day of the following month, and a payment notice regarding other ships shall be submitted within 30 days after the date of arrival of the ship at a port or roadstead of a port.  
[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(1<sup>1</sup>) A payment notice regarding a ship providing a regular service and entering an Estonian port five or more times per month shall be prepared for no more than five entries per month. Payment notices for more than five entries shall be prepared during the following months, but for no more than five entries per month. For the last month in a calendar year, the payment notice concerning the fairway dues shall be prepared for all entries subject to payment.  
[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(2<sup>2</sup>) If a ship providing a regular service is replaced with another ship, the total number of entries made by such ships shall be calculated for the purpose of reducing the fairway due, and first of all, the entries made in the course of the regular service provided during a calendar year by the ship with a higher fairway due rate shall be taken into account as the times payable for under in subsection 50<sup>10</sup>(1) of this Act. If the ship with the higher fairway due rate has entered a port less times than the number provided for in subsection 50<sup>10</sup>(1) of this Act, the fairway due payable for the remaining times shall be calculated according to the rate applicable to the ship with the second highest fairway due rate. If a payment notice has been prepared for a ship with the smaller fairway due rate before the replacement of the ship, but the fairway due with the higher rate is payable for the full calendar year, a setoff of fairway dues shall be made not later than in the last month of the calendar year, and a fairway due shall be added to the payment notice in the amount by which the fairway due was previously calculated less. This subsection is applied to the ships of one and the same operator.  
[RT I, 29.06.2014, 110 – entry into force 09.07.2014]

(2<sup>3</sup>) If according to the timetable referred to in subsection 50<sup>10</sup>(1<sup>2</sup>) of this Act, fairway dues shall be paid at a lower rate than for 60 times during a calendar year pursuant to clause 50<sup>10</sup>(1) 1) of this Act, the Maritime Administration shall prepare payment notices pursuant to the procedure provided in the first sentence of subsection 50<sup>4</sup>(2<sup>1</sup>) until the maximum number of entries made by the respective ship and payable for during a calendar year is achieved. If the timetable is changed during a calendar year, and therefore the fairway dues payable for the passenger ship during the calendar year pursuant to clause 50<sup>10</sup>(1) 1) change, a setoff of fairway dues shall be made not later than in the last month of the calendar year, and a fairway due shall be added to the payment notice in the amount by which the fairway dues were previously calculated less, or the overpaid amount shall be returned.  
[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(3) A payment notice shall set out:

- 1) the given name, surname and position of the official preparing the payment notice;
- 2) the date of preparation of the payment notice;
- 3) the name and address of the payer;
- 4) the amount of fairway dues subject to payment;

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

5) the legal and factual basis for the notice, including the bases for the calculation of the amount of the fairway dues, reduction or increase of the due rate;

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

6) the due date for payment;

7) a warning concerning the obligation to pay a fine for delay and the commencement of compulsory enforcement in case of failure to pay fairway dues by the due date.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(4) The term for payment of fairway dues is 30 days after the date of receipt of a payment notice, unless otherwise provided for in this Act.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(5) Fairway dues for ships providing a regular service shall be paid by the 25th day of the following month.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

### **§ 50<sup>5</sup>. Rates of fairway dues**

(1) Fairway dues shall be calculated on the basis of a ship's gross tonnage (GT) which is multiplied by the unit price.

(2) The unit price for a cruise ship is 0.12 euro.

(3) The unit price for other types of ship is the following, on the basis of ice class:

- 1) 1A Super or an equivalent ice class – 0.28 euro;
- 2) 1A or an equivalent ice class – 0.30 euro;
- 3) other ice class or no ice class – 0.35 euro.

(4) The maximum amount of fairway dues per one voyage is 20,000 euros for a tanker, 12,000 euros for a cruise ship and 15,000 euros for other types of ships.

[RT I, 31.12.2012, 1 – entry into force 01.01.2014]

### **§ 50<sup>6</sup>. Payment of fairway dues**

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(1) An operator or a ship's agent is required to transfer the fairway dues to the bank account specified in the payment notice by the due date indicated in the payment notice.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(2) The Maritime Administration shall submit a statement of holdings concerning receipt of dues to the operator or ship's agent at his or her request.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

### **§ 50<sup>7</sup>. Fine for delay and compulsory enforcement**

[RT I 2008, 47, 263 – entry into force 16.11.2008]

(1) If an operator or a ship's agent has not paid fairway dues by the due date, the operator or ship's agent is required to pay a fine for delay at the rate of 0.05 per cent per day on the overdue amount, but the total amount shall not exceed the fairway dues indicated in the payment notice submitted to the operator or ship's agent by the Maritime Administration.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(2) A payment notice on which the payment of fairway dues is based is an administrative act for the performance of a financial obligation in public law within the meaning of clause 2 (1) 21) of the Code of Enforcement Procedure. If an operator or ship's agent fails to pay fairway dues by the due date, the Maritime Administration has the right to submit the payment notice for compulsory enforcement within seven years after the due date of payment.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

### **§ 50<sup>8</sup>. Obligation of port authority**

[RT I 2009, 37, 251 – entry into force 10.07.2009]

(1) A port authority is required to present to the Maritime Administration the timetables of ships providing a regular service according to timetables.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(2) The timetable for the coming calendar month shall be presented not later than on the last working day of the current month.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

### **§ 50<sup>9</sup>. Exemptions**

(1) The following are exempted from payment of fairway dues:

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

- 1) ships performing administrative duties and owned by the Republic of Estonia;
- 2) military vessels of the Republic of Estonia;
- 3) floating hospitals, training vessels and ships engaged in research in Estonia;
- 4) ships participating in international non-commercial cooperation programmes in which Estonia is involved;
- 5) foreign ships which arrive for a state visit;
- 6) ships which arrive in order to transport sick persons, survivors of a marine casualty or the deceased;
- 7) fishing vessels;
- 8) ships providing a connection between the Estonian mainland and the islands, including mail ships;
- 9) ships bunkering at a roadstead and ships delivering bilge water, tank washing water and waste oil if they do not enter Estonian ports;

10) ships which stay only at a roadstead to find refuge from storm.

(2) [Repealed - RT I, 31.12.2012, 1 – entry into force 01.07.2013]

### **§ 50<sup>10</sup>. Reduction of due rates**

(1) Fairway dues shall be paid during a calendar year for a maximum of:

1) 60 times by a passenger ship, whereas for a half of the number of entries made by a passenger ship providing a regular service, but not for over 60 times;

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

2) 3 times by a cruise ship;

3) 10 times by other types of ship.

(1<sup>1</sup>) In order to apply the specification provided for in subsection 50<sup>4</sup>(2<sup>2</sup>) of this Act upon replacement of a ship providing a regular service with another ship, the operator shall immediately inform the Maritime Administration about the necessity for replacement of the ship providing a regular service.

[RT I, 29.06.2014, 110 – entry into force 09.07.2014]

(1<sup>2</sup>) If fairway dues shall be paid for less than 60 times during a calendar year for a passenger ship providing a regular service pursuant to clause (1) 1) of this section, the operator of the passenger ship or the ship's agent shall submit a timetable for the voyages planned for the given calendar year to the Maritime Administration not later than by the end of the calendar month preceding the voyages undertaken pursuant to the timetable. If the timetable is changed during the calendar year, the operator or the ship's agent shall immediately inform the Maritime Administration about the respective changes.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(2) 30 per cent of the rate of the fairway dues shall be paid for a ship on a roadstead if the ship does not enter a port.

(3) If a port is not serviced by icebreakers on the basis of § 50 (1) of this Act, an operator or ship's agent shall pay 70 per cent of the rate of the fairway dues provided for in § 50<sup>5</sup> of this Act.

(4) 50 per cent of the rate of the fairway dues shall be paid for a ship that has arrived to undergo repairs in case the ship is not loaded or unloaded and does not take on board or let go ashore passengers.

(5) The fairway dues for double hull oil tankers with segregated ballast tanks shall be calculated on the basis of the reduced gross tonnage of the ship which is set out in the tonnage certificate issued pursuant to the International Convention on Tonnage Measurement of Ships of 1969. The reduced gross tonnage shall be taken into account if a corresponding notation is entered in the section "Notations" of the tonnage certificate of the ship.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

**§ 50<sup>11</sup>. [Repealed - RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

## **Chapter 12 VESSEL TRAFFIC MANAGEMENT SYSTEM**

### **§ 51. Purpose of vessel traffic management system**

(1) The purpose of the vessel traffic management system is to improve the safety of vessel traffic and reduce environmental risks on public waterways.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The operation of the system set out in subsection (1) of this section shall be organised by the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>1</sup>) The Maritime Administration shall record the information collected in the course of organising vessel traffic. The collected information shall be stored at least for 30 days.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>2</sup>) The working area of the vessel traffic management system is divided into the vessel traffic services area and the area of the ship reporting system in the Gulf of Finland.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>3</sup>) The vessel traffic services area is the part of the Estonian sea area where vessel traffic services are provided according to the requirements and recommendations of the IMO and the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA).  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>4</sup>) The area of the ship reporting system in the Gulf of Finland is the part of the sea area where the ship reporting system is applied in conformity with the International Convention on the Safety of Life at Sea and agreements approved by the IMO.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The boundaries of the working area of the vessel traffic management system, the traffic rules and the procedures for communication of notices and information therein shall be established by the minister responsible for the area.

(4) An Estonian citizen who has the qualification of a deck officer of a ship with a gross tonnage of at least 500 or more, who is proficient in the English language at advanced level and who has passed a corresponding examination may work as an operator of the vessel traffic management system.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4<sup>1</sup>) The qualification levels of operators of the vessel traffic management system are the operator and the supervisor of the vessel traffic management system.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4<sup>2</sup>) The Maritime Administration issues the professional certificates and discharge books of operators of the vessel traffic management system. A professional certificate and discharge book are issued on the prerequisite that a person has undergone vocational training and successfully passed the qualification examination for an operator of the vessel traffic management system. The Maritime Administration shall enter the information regarding the training and the examination results in the discharge book on the basis of the information received from the training provider.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) The training and qualification requirements for operators of the vessel traffic management system, the format of professional certificates and the procedure for the issue thereof and the procedure for the evaluation of operators shall be established by the minister responsible for the area.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) The qualification examinations for operators of the vessel traffic management system shall be organised and professional certificates shall be issued by the Maritime Administration.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) A state fee shall be paid for the issue of a professional certificate, discharge book or endorsement to the discharge book of an operator and supervisor of the vessel traffic management system.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

**§ 51<sup>1</sup>. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

## **§ 52. Organisation of work of vessel traffic management system**

(1) When entering the vessel traffic services area, the master of a ship with an overall length of more than 24 metres is required to inform the operator of the vessel traffic management system and communicate information concerning his or her ship pursuant to the procedure established on the basis of subsection 51 (3) of this Act.

(2) Within the area of the ship reporting system in the Gulf of Finland, it is mandatory for the following ships to submit reports and communicate information to the operator of the vessel traffic management system:

- 1) ships with a gross tonnage of 300 or more;
- 2) ships with a gross tonnage of less than 300 if the ship is not under command, with limited maneuvering ability or anchored in the area of the traffic separation scheme or the navigation equipment of the ship is not in working order.

(3) The operator of the vessel traffic management system shall provide the master of the ship with information concerning the navigational conditions within the area of the vessel traffic management system. At the request of the master of the ship, the operator may provide assistance in navigation via the vessel traffic management system. Advice provided by the operator does not release the master of the ship from liability.

(4) A police authority has the right to detain a ship in order to clarify the reasons for violations if the master of the ship fails to inform the operator of the vessel traffic management system of the ship's entry into the area of the vessel traffic management system, violates the navigation rules or ignores the calls of the operator of the vessel traffic management system.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]



### **§ 53. Liability for violation of rules of vessel traffic management system**

(1) The Maritime Administration may, pursuant to subsection 21 (9) of this Act, suspend the endorsement to the certificate of competency or professional certificate of the master of a ship flying the national flag of Estonia for an intentional violation of the procedure for forwarding notices or reports in the vessel traffic management system or of navigation rules.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) Information concerning a violation, by the master of a ship flying a foreign flag, of the navigation rules or the procedure for forwarding notices or reports in the area of a vessel traffic management system shall be forwarded to the competent authority of the flag state of the ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The Maritime Administration may suspend or revoke the professional certificate of an operator of the vessel traffic management system if the operator of the vessel traffic management system, whether intentionally or by mistake, has forwarded information to the master of a ship as a result of which a near casualty arose or a marine casualty took place.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) An operator of the vessel traffic management system is liable for any information communicated by him or her whether intentionally or due to negligence to the master of a ship if the information caused or could have caused a marine casualty.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) This Chapter is also applied to ships flying a foreign flag.

[RT I, 2005, 31, 229 – entry into force 03.06.2005]

## **Chapter 12<sup>1</sup>** **MONITORING OF SHIPS**

[RT I 2005, 31, 229 - entry into force 03.06.2005]

### **§ 53<sup>1</sup>. Automatic Identification System**

(1) A passenger ship, a ship with a gross tonnage of 300 or more which enters an Estonian port and navigates in the area of the vessel traffic management system, save the exception provided for in subsection (3) of this section, shall be equipped with the class A Automatic Identification System (hereinafter AIS) equipment which conforms to the requirements established pursuant to subsection 19<sup>1</sup>(3) of this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>1</sup>) A fishing vessel with an overall length of more than 15 metres, flying the flag of a Member State of the European Union or operating in the territorial sea or internal sea or unloading its catch in an Estonian port, shall be equipped with the Class A AIS equipment which conforms to the requirements established pursuant to subsection 19<sup>1</sup>(3) of this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The AIS equipment of a ship shall contain currently valid data and shall be switched on, unless international agreements prescribe the protection of navigational information.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) The AIS equipment is not compulsory for passenger ships with a gross tonnage of less than 300 and operating within the area of coastal shipping.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

### **§ 53<sup>2</sup>. Voyage data recorder**

(1) A passenger ship entering an Estonian port and a ship with a gross tonnage of 3000 or more which has been constructed after 1 July 2002 shall be fitted with a voyage data recorder which conforms to the relevant requirements of the IMO and to Standard No 61996 of the International Electrotechnical Commission.

(2) The following ships constructed before 1 July 2002 which enter Estonian ports shall, not later than by the dates specified in this subsection, be fitted with a voyage data recorder conforming to the requirements:

1) cargo vessels with a gross tonnage of 20 000 or more, by 1 January 2007 or by an earlier date specified by the IMO;

2) cargo vessels with a gross tonnage of 3000 or more and with a gross tonnage of less than 20 000, by 1 January 2008 or by an earlier date specified by the IMO.

(3) A voyage data recorder is not compulsory for passenger ships operating within the area of coastal shipping. [RT I 2005, 31, 229 – entry into force 03.06.2005]

## **Chapter 12<sup>2</sup>**

### **NOTIFICATION OF ARRIVAL AND DEPARTURE OF SHIP**

[RT I, 04.07.2011, 2 - entry into force 14.07.2011]

#### **§ 53<sup>3</sup>. Notification of arrival and departure of ships**

(1) The operator, master or ship's agent shall forward a notice of arrival of a ship at an Estonian port accompanied by relevant information to the Maritime Administration twenty-four hours before the arrival of the ship. The notice need not be forwarded regarding a ship engaged in coastal shipping.

(2) Regarding a ship flying a foreign flag subject to expanded inspection, the operator, master or ship's agent shall forward a notice of arrival of the ship at an Estonian port accompanied by relevant information to the Maritime Administration seventy-two hours before the arrival of the ship.

(3) The information set out in subsection (1) of this section can be communicated immediately after the departure from a previous port if the steaming time is less than twenty-four hours or as soon as such information is available if the port of call is not known or if the port of call is changed during the voyage.

(4) The operator, master or agent of a ship flying a foreign flag shall communicate to the Maritime Administration the time of berthing of the ship and the time of her departure from the port within one hour after the berthing or departure.

(5) The operator, master or ship's agent shall inform the Maritime Administration about the departure of the ship from a repair yard four hours before the departure of the ship.

(6) The information set out in subsections (1)–(5) of this section shall be communicated via the Electronic Maritime Document Exchange. If the Electronic Maritime Document Exchange does not function, the information can be communicated in another manner.

(7) The list of information to be submitted upon notification of the arrival of a ship shall be established by a regulation of the minister responsible for the area.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

#### **§ 53<sup>4</sup>. Exemptions from forwarding of notice of arrival at port**

(1) The Maritime Administration may exempt a ship from the requirement for notification of arrival at a port as specified in subsections 53<sup>3</sup>(1)–(3) of this Act. The requirements and procedure provided for in § 42<sup>1</sup> of this Act are applied to making such an exemption.

(2) The Maritime Administration shall forward a list of the operators regarding whom and the ships regarding which an exemption has been made, as well as any amendments to such list, to the European Commission.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

## **Chapter 13**

### **PILOTAGE OF SHIP**

#### **§ 54. Purpose of pilotage**

(1) Compulsory pilotage of ships is conducted in the internal sea and in the vicinity of ports, in port basins and between ports to ensure the safe navigation of ships.

(2) This Chapter is also applied to ships flying a foreign flag.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

#### **§ 55. Places where pilot embarks or disembarks ship**

(1) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The procedure for pilotage and the places where a pilot embarks or disembarks a ship shall be established by the minister responsible for the area.

(3) The place where a pilot embarks or disembarks a ship may be in the internal sea if navigation in the area is not complicated. The places where a pilot embarks or disembarks a ship shall be marked in navigational charts and published in the navigational information and sailing directions.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) In areas of vessel traffic where pilotage is not compulsory, the master has the right to require a pilot on board if he or she deems pilotage to be necessary.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

#### **§ 56. Pilotage services**

(1) Pilotage services shall be provided by a company founded by the state.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(2) A port authority may provide pilotage services in a port basin for the shifting or docking of a ship.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) A ship's agent and harbour master shall inform the master of the ship about the necessity for ordering a pilot in the compulsory pilotage area.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 57. Exemption from compulsory pilotage**

(1) The following are exempt from compulsory pilotage in the compulsory pilotage area:

1) ships performing state administrative duties and flying the national flag of Estonia, ships while providing port services, and ships which belong to the dredging fleet flying a foreign flag which are leaving a port basin;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

2) all recreational craft and ships with a gross tonnage of less than 500;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

3) ships whose master, or passenger ships whose master and chief mate have passed the examination for free pilotage and who hold a pilot exemption certificate;

4) ships flying the national flag of Estonia while passing through the Väinameri Sea and Soela Strait, and ships flying the national flag of Estonia and providing regular services in the area of coastal shipping;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

5) ships upon saving human lives, prevention of an accident or reduction of damage arising from an accident;

6) ships which, due to the impact of *force majeure*, cannot use pilotage services;

7) military vessels of the Republic of Estonia;

8) ships arriving at and leaving the anchorage in accordance with the procedure for pilotage established pursuant to subsection 55 (2) of this Act.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(1<sup>1</sup>) The operator of the ship engaged in the provision of port services as specified in clause (1) 1) of this section shall, in order to be granted an exemption, notify the Maritime Administration and the provider of pilotage services set out in subsection 56 (1) of this Act about the name, IMO number, flag state and gross tonnage of the ship at least five working days before starting the provision of port services with said ship in the port.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) Ships flying the national flag of Estonia with a gross tonnage of less than 20 000 are exempt from pilotage in the compulsory pilotage area, except while entering a port and leaving the port and within the port basin.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) Ice breakers providing services to the state, ships flying a foreign flag and providing services to the state, and ships flying a foreign flag which belong to a dredging fleet while leaving a port basin for the period of dredging activities, provided that such ships have made at least ten trips under the guidance of a pilot, are exempt from compulsory pilotage.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) Chemical tankers, liquefied gas carriers and oil tankers with a gross tonnage of over 3000 shall not be exempted from compulsory pilotage.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 57<sup>1</sup>. Pilot exemption certificate and conditions for issue thereof**

(1) A pilot exemption certificate provides a ship with a right to navigate in a compulsory pilotage area without using the pilotage service. The ships specified in clauses 57 (1) 1), 2) and 4)–7) and in subsections 57 (2) and (5) of this Act that are exempt from compulsory pilotage need not have the pilot exemption certificate.

(2) An operator shall file with the Maritime Administration an application for the issue of a pilot exemption certificate to be granted to the master or in the case of a passenger ship to the master and chief mate of the passenger ship.

(3) If a pilot exemption certificate is applied for to the master and chief mate of a passenger ship, the master and chief mate, each in his or her position, is required to have called at the same port at least ten times under the guidance of a pilot during the last twelve months.

(4) If a pilot exemption certificate is applied for to the master, the master is required to have called at the same port at least ten times under the guidance of a pilot during the last twelve months.

(5) Calling at a port within the meaning of subsections (3) and (4) of this section means one entry into and leaving the port, while the ship is manoeuvred only by only the master or chief mate to whom the pilot exemption certificate is applied for.

(6) In order to obtain a pilot exemption certificate, the master or chief mate shall pass an examination for free pilotage. Examinations for free pilotage are organised by the Maritime Administration. The examination for free pilotage consists of a theoretical and practical part. The examination is taken in the Estonian language.

(7) A pilot exemption certificate is valid for five years.

(8) A pilot exemption certificate is valid only in the port regarding which the examination for free pilotage was passed.

(9) The procedure for the issue, renewal, suspension and revocation of a pilot exemption certificate, the procedure for examination of a master and chief mate and the format of the certificate shall be established by the minister responsible for the area.

(10) A state fee shall be paid for administering an examination for free pilotage and for the issue and renewal of a pilot exemption certificate.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 57<sup>2</sup>. Renewal of pilot exemption certificate**

When applying for the renewal of a pilot exemption certificate, the theoretical part of the examination for free pilotage shall be taken for the renewal of the pilot exemption certificate.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 57<sup>3</sup>. Refusal to issue or renew pilot exemption certificate; suspension and revocation of pilot exemption certificate**

(1) The Maritime Administration shall refuse to issue or renew a pilot exemption certificate if:

- 1) the master or chief mate does not conform to the requirements provided for in legislation;
- 2) the master or chief mate does not pass the examination for free pilotage; or
- 3) if in the last twelve months a marine casualty or marine incident has taken place with the ship or the maritime safety requirements regarding free pilotage were violated by the fault of the master or chief mate.

(2) The Maritime Administration may suspend a pilot exemption certificate for up to six months if a marine incident took place or the maritime safety requirements regarding free pilotage were violated as a result of an act or omission of the holder of the pilot exemption certificate.

(3) If the holder of the pilot exemption certificate does not exercise free pilotage for a continuous period of over twelve months, the pilot exemption certificate is automatically suspended.

(4) If a pilot exemption certificate is suspended or automatically suspended, both the theoretical part as well as the practical part of the examination for free pilotage shall be taken in order to reinstate the validity of the pilot exemption certificate.

(5) The Maritime Administration may revoke a pilot exemption certificate if a marine casualty takes place with a ship as a result of an act or omission of the holder of the pilot exemption certificate.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 58. Requirements for pilots and qualification levels of pilots**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) A pilot is a person who is familiar with the circumstances of the given area of vessel traffic and who advises the master of a ship on navigation of the ship. A pilot shall not be a crew member of the piloted ship.

(2) A person who has a certificate of competency as the master or chief mate of a ship with a gross tonnage of 3000 or more or a certificate of competency as the master of a ship with a gross tonnage of less than 3000 may work as a pilot.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>1</sup>) A pilot shall conform to the qualification requirements established with regard to pilots. The conformity of a person to the qualification level of a pilot shall be attested by a professional certificate of a pilot issued by the Maritime Administration.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>2</sup>) The qualification levels of a pilot are classified as follows:

- 1) port pilot – pilotage of ships within a port basin;
- 2) marine pilot – pilotage of ships within a pilotage area depending on the restrictions entered in the professional certificate of the pilot;
- 3) senior marine pilot – pilotage of ships within a pilotage area without restrictions;
- 4) deep-sea pilot – pilotage of ships outside a pilotage area within the Baltic Sea.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(5) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 58<sup>1</sup>. Application for and issue of professional certificate of pilot and raising the qualification level of pilot**

(1) A person applying for the profession of a pilot (hereinafter pilot apprentice) shall conform to the following requirements:

- 1) hold the certificate of competency specified in subsection 58 (2) of this Act;
- 2) be proficient in the Estonian language at level B2 or an equivalent level and be proficient in the English language at a level needed for performing his or her duties;
- 3) shall have undergone at least the course for a restricted operator's certificate (ROC) and a course for using radar and automatic radar blocking aid (ARPA) and hold the respective certificates;
- 4) shall conform to the requirements established for the state of health of a deck officer established pursuant to § 26 (7) of this Act.

(2) A pilot may apply for the profession of a port pilot or marine pilot if he or she has undergone the practical pilotage exercises for pilots which consist in participating in pilotage for at least 150 times, including at least 75 times in practical pilotage under the guidance of a marine pilot or senior marine pilot within a port basin or within the respective pilotage area.

(3) A port pilot may apply for the profession of a marine pilot if he or she has acquired sufficient experience in practical pilotage of ships under the guidance of a marine pilot or senior marine pilot within the respective pilotage area.

(4) A marine pilot may apply for the profession of a senior marine pilot if he or she has worked as a marine pilot in the given pilotage area for at least five years or has performed pilotage at least 1800 times and no marine casualty, marine incident or violation of the maritime safety requirements regarding pilotage has taken place by his or her fault during said time period.

(5) The profession of a deep-sea pilot can be applied for by a person who has worked as a master or chief mate on a ship with a gross tonnage of 3000 or more for at least six years or as a marine pilot for at least six years and who has the profession of a senior marine pilot.

(6) In order to be awarded the profession of a pilot or to raise the qualification level of a pilot, a person has to pass a qualification examination where the knowledge and skills of the pilot apprentice or pilot are examined. The qualification examinations shall be organised by the Maritime Administration.

(7) The professional certificate of a pilot, attesting the conformity of a pilot with the qualification requirements, is valid for five years. The professional certificate shall indicate the pilotage areas, ports, restrictions on pilotage and the term of the certificate. The pilotage areas depend on the level of professional training of the pilot.

- (8) The minister responsible for the area shall establish:
- 1) the procedure for application for the qualification level of a pilot and for the issue, amendment, renewal, suspension and revocation of professional certificates of pilots;
  - 2) the procedure for examination of pilot apprentices and pilots;
  - 3) the study programme in the area of specialisation of pilots;
  - 4) the format of a professional certificate.

(9) A state fee shall be paid for administering a qualification examination of pilots and for the issue of the professional certificate of a pilot.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 58<sup>2</sup>. Alteration of the conditions of professional certificate of pilot**

(1) For altering the pilotage area or other conditions of the professional certificate, a respective application shall be filed with the Maritime Administration.

(2) In order to alter the pilotage area, a pilot is required to practice in the new area at least ten times under the guidance of an appropriate pilot of the new area, and pass the qualification examination. If no marine casualty, marine incident or violation of maritime safety requirements regarding pilotage has taken place by the pilot's fault during the last twelve months while he or she has been operating as a pilot, the qualification examination shall be taken according to a simplified procedure.

(3) In order to eliminate a restriction regarding the gross tonnage of ships established for a marine pilot, the marine pilot is required to practice pilotage of a ship with a greater gross tonnage than the established restriction at least ten times under the guidance of a senior marine pilot.

(4) In order to eliminate a restriction regarding the ports of the pilotage area established for a marine pilot, the marine pilot is required to practice pilotage in the ports of the respective area at least ten times under the guidance of an appropriate pilot.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 58<sup>3</sup>. Renewal of professional certificate of pilot**

(1) Upon expiry of the term of the professional certificate of a pilot, the pilot shall pass the qualification examination for pilots in order to renew the professional certificate.

(2) If no marine casualty, marine incident or violation of the maritime safety requirements regarding pilotage has taken place by the pilot's fault during the last twelve months while he or she has been operating as a pilot, the qualification examination shall be taken according to a simplified procedure.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 58<sup>4</sup>. Refusal to issue or renew professional certificate of pilot; suspension and revocation of professional certificate of pilot**

(1) The Maritime Administration shall refuse to issue the professional certificate of a pilot if:

- 1) in the last twelve months before applying for the professional certificate a marine casualty or a marine incident took place by the fault of the applicant or the maritime safety requirements regarding pilotage were violated by the applicant; or
- 2) the applicant does not pass the qualification examination.

(2) The Maritime Administration shall refuse to renew the professional certificate of a pilot if the applicant does not pass the qualification examination.

(3) The Maritime Administration may suspend the professional certificate of a pilot for up to six months if a marine incident took place or the maritime safety requirements regarding pilotage were violated as a result of an act or omission of the pilot. After the expiry of the suspension of a professional certificate, the holder of the certificate can reinstate the validity of the certificate by passing the qualification examination for pilots.

(4) The Maritime Administration may revoke the professional certificate of a pilot if a marine casualty takes place with a ship, and the pilot is held responsible pursuant to subsection 62 (3) of this Act.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 58<sup>5</sup>. Obligations of employer of pilot**

The employer of a pilot is required to:

- 1) keep account of the pilotage and professional traineeship activities of pilot apprentices;
- 2) submit the documents attesting conformity specified in subsections 58<sup>1</sup>(1)–(5) and 58<sup>2</sup>(2)–(4) of this Act to the Maritime Administration for obtaining the professional certificate of a pilot;
- 3) organise training exercises and evaluate pilots in case a change in the navigational conditions is planned in their pilotage area and before a pilot is sent to a qualification examination;

- 4) when new ports and pilotage areas are introduced, train pilots for pilotage in these ports and pilotage areas, and after evaluation of the pilots by the employer, send the trained pilots to a qualification examination;
  - 5) if a pilot has not worked in the pilotage area for twelve months or more, organise the practice for the pilot in such area at least ten times under the guidance of an appropriate pilot of the area.
- [RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 59. Pilotage of ship**

(1) The instructions provided by a pilot are advisory in nature. The pilot shall give instructions to the master of a ship in a timely manner.

(2) The master and watch officer shall co-operate with the pilot. They shall use all available means to verify the location of the ship.

(3) If the master leaves the navigation bridge, he or she shall notify the pilot of such leave and appoint a person who is responsible for commanding the ship during his or her absence.

(4) If there are several pilots on a ship, one of them shall be the chief pilot who provides information and advice to the master. Upon arrival on a ship, the chief pilot shall inform the master that he or she is the chief pilot.

(5) It is prohibited to interfere with the co-operation between the master and a pilot.

(6) A pilot and the master of the piloted ship shall communicate with one another in English, unless otherwise agreed between the pilot and the master. If the pilot, with the consent of the master of the piloted ship, provides instructions necessary for navigation of the ship directly to the person who is to carry them out or to the master of a tug or of another ship participating in the navigation of the piloted ship, the pilot shall provide such instructions or duplicate them in English, unless otherwise agreed between the pilot and the captain of the piloted ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(7) When entering a compulsory pilotage area located in the vessel traffic services area and leaving a port located in the vessel traffic services area, the master of the ship shall inform the operator of the vessel traffic management system about the name of the holder of the pilot exemption certificate, and for a passenger ship, also the name of the chief mate. Information can be communicated to the operator of the vessel traffic management system also electronically beforehand.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 60. Pilotage of ship under special conditions**

If a pilot cannot go on board due to poor hydrometeorological conditions or for any other reason, the pilot shall, with the consent of the master of the ship, organise the pilotage of the ship from a pilot boat or other ship that is in the minimum safe distance from the piloted ship, except from another ship that is being piloted. Radiocommunication shall be ensured between the pilot and the piloted ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 61. Completion of pilotage**

(1) The pilotage of a ship is complete when the ship:

- 1) is anchored or berthed, or
- 2) has left the compulsory pilotage area.

(2) A pilot may depart from a ship before the ship leaves the compulsory pilotage area due to hydrometeorological conditions or for any other reason if the master agrees thereto, and continue pilotage by means of radiocommunications according to the conditions provided for in § 60 of this Act. A pilot shall be convinced that further navigation of the ship without a pilot on board is safe.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) If a pilot is unable to depart from a ship at the destination of the pilotage for reasons independent of the pilot or if the master wishes the pilotage to be continued, the operator shall incur the costs of returning the pilot to the place of departure.

(4) After pilotage is completed, the master shall set out the following on a pilot bill specified in § 67 of this Act:

- 1) the time when and place where pilotage is completed;
- 2) the nautical miles navigated under pilotage;
- 3) any comments which the master deems necessary.

## **§ 62. Obligations and liability of pilot**

(1) The duty of a pilot is to advise the master on commanding the ship.

(2) A pilot is required:

- 1) to check the draught and freeboard of a ship before arriving on the ship and if the ship is loaded higher than the limit marked by the load line mark or the maximum draught permitted by port rules, inform the Maritime Administration thereof;
- 2) at the request of the master, to present his or her professional certificate of a pilot to the master;
- 3) to examine the checklist of the ship. If the pilot discovers that the condition of the ship differs from the condition corresponding to the entries in the checklist and that the actual condition of the ship reduces maritime safety, he or she is required to promptly notify his or her employer thereof and the employer shall then promptly notify the Maritime Administration of the deficiencies discovered by the pilot;
- 4) before pilotage commences, to submit a pilotage plan and inform the master of the ship of the hydrographic, navigational, meteorological and other conditions in the pilotage area;
- 5) before the ship leaves a port, to verify whether or not the ship has been prohibited from leaving the port;
- 6) to monitor the condition of seamarks and coastal marks in the pilotage area;
- 7) at the earliest opportunity to notify his or her employer, the Maritime Administration and the harbour master of changes and hindrances in the pilotage area which endanger navigation;
- 8) at the earliest opportunity to notify his or her employer, the Maritime Administration and the harbour master of a marine casualty involving the piloted ship or damage caused by the piloted ship to another water craft, port structure, hydrotechnical structure or aid to navigation;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 9) to inform his or her employer, the Maritime Administration and the harbour master of any marine pollution;
- 10) to inform the operator of the vessel traffic management system about commencing pilotage in the vessel traffic services area, method of pilotage and disembarkation from the ship only in case the pilot departs from the ship pursuant to subsection 61 (2) of this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) A pilot is liable for a marine casualty if it is proven that the casualty was caused by an intentional act or omission on the part of the pilot or by erroneous advice provided by the pilot on the basis of which it was impossible for the master of the ship to foresee the marine casualty.

(4) The format for checklists of ships shall be established by the minister responsible for the area.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

## **§ 63. Rights of pilot**

A pilot has the right to:

- 1) obtain information necessary for the pilotage of a ship from the master of the ship and a harbour master;
- 2) use the means of communication and navigation equipment of the ship;
- 3) verify the accuracy of the completion of pilot bills;
- 4) alimentation and accommodation free of charge on ship;
- 5) be accompanied by a pilot apprentice who has the rights of a pilot, except the right to provide information and advice to the master.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 64. Right of pilot to refuse to pilot ship**

(1) Before pilotage commences or during pilotage, a pilot has the right to refuse to pilot a ship if:

- 1) the draught, length or width of the ship is greater than permitted in the given pilotage area;  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]
- 2) the master of the ship does not comply with the justified demands of the pilot;
- 3) the commencement or continuation of pilotage would endanger the piloted ship, persons on board the ship, property on board the ship or other participants in vessel traffic or would reduce the security of the surroundings.

(2) The pilot shall warn the master of any direct navigational danger even if the pilot has refused to pilot the ship.

(3) If the activity of the master is contrary to the procedure in force in the given pilotage area, the pilot shall demand the immediate termination of the violation. If the master refuses, the pilot shall promptly notify his or her employer, the Maritime Administration and the harbour master about the refusal.

(4) A pilot does not have the right to disembark from a ship without the consent of the master before the ship is safely anchored, made fast at a berth, or has left the compulsory pilotage area or until another pilot replaces him or her.

(5) If a pilot refuses to pilot a ship, the pilot shall immediately notify his or her employer and the harbour master about the refusal.



(6) If the master has refused the services of a pilot who is on board the ship in the compulsory pilotage area, the pilot shall stay on the ship until a new pilot arrives.

#### **§ 65. Obligations and liability of master**

(1) The master is required to organise the swift and safe embarkation of a pilot on the ship and the swift and safe disembarkation of the pilot from the ship.

(2) The presence of a pilot on a ship does not release the master from his or her liability to command the ship.

(3) A master who uses the services of a pilot is liable for commanding the ship even if, with his or her consent, the pilot gives instructions which are necessary to command the ship directly to the person who is to carry them out.

(4) The master is liable for the communication of information to the pilot regarding the characteristics and other peculiarities of the ship which are important upon pilotage of the ship.

(5) A master who uses the services of a pilot is liable for the safety of the pilot and pilot apprentice when they embark on the ship, stay on the ship and disembark from the ship.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 66. Right of master to refuse to use services of pilot**

The master may decline to use the advice of a pilot sent to the ship if he or she finds that the advice does not correspond to the actual situation or the pilot is not able to perform his or her duties. In such case, he or she shall request another pilot to be sent to the ship.

#### **§ 67. Pilot bill**

(1) Upon arrival on a ship, a pilot is required to submit a pilot bill to the master who shall complete the bill and confirm it by his or her signature.

(2) The format of pilot bills shall be established by the minister responsible for the area.

(3) [Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

#### **§ 68. Pilotage dues**

(1) Pilotage dues shall be transparent and public. The elements of pilotage dues shall be clearly distinct and the method of calculation of costs shall be available to the public.

(2) An operator shall pay pilotage dues for pilotage provided in compulsory pilotage areas.

(2<sup>1</sup>) The rates and procedure for the payment of pilotage dues shall be established by the provider of pilotage services specified in § 56 of this Act. The rates of pilotage dues shall be cost-oriented and shall ensure reasonable profit.

(3) If a master orders a pilot for the ship in an area of vessel traffic where pilotage is not compulsory and then declines the services of the pilot, the operator shall pay the pilotage dues according to the established tariffs.

(4) Pilotage dues shall not be paid by an operator whose ship is exempt from compulsory pilotage and who does not use pilotage services. The following shall also be exempt from pilotage dues:

- 1) floating hospitals and ships engaged in training and research programmes;
- 2) ships participating in international co-operation programmes;
- 3) foreign ships which arrive for a state visit;
- 4) ships which enter a port in order to transport sick persons, persons who have survived a marine casualty or the deceased to the shore.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5) The person hosting a ship or the person that invited a ship that is exempt from pilotage dues shall pay the pilotage dues for the provision of pilotage services to the ships specified in clauses (4) 1)–3) of this section. In said cases the pilotage dues shall be paid in the amount of 50 per cent of the due rates.

[RT I, 22.12.2010, 1 – entry into force 01.01.2011]

## **§ 68<sup>1</sup>. Special cases of payment of pilotage dues**

(1) Upon pilotage of a tow, the gross tonnage of each ship in the tow shall be indicated in the pilot bill, the pilotage dues shall be calculated on the basis of the gross tonnage of the ships altogether.

(2) The operator of a passenger ship engaged in regular service, ro-ro cargo ship, container ship or a car carrier shall pay pilotage dues in the amount of 50 per cent of the due rates.

(3) The owner of a cruise ship shall pay pilotage dues in the amount of 80 per cent of the due rates.

(4) If a ship arrives at a roadstead to increase the ship's stores (fuel, water, supply of provisions), inspect the underwater hull of the ship or additionally fix the deck cargo, the operator shall pay pilotage dues in the amount of 50 per cent of due rates, provided that the ship does not enter a port or its laytime at the roadstead does not exceed twenty-four hours. Pilotage dues shall be calculated on the basis of the actual pilotage outside a port, on the basis of the gross tonnage of the ship. The pilot bill shall contain a reference to this subsection.

(5) The pilotage dues for oil tankers with segregated ballast tanks shall be calculated on the basis of the reduced gross tonnage of the ship which is set out in the tonnage certificate issued pursuant to the International Convention on Tonnage Measurement of Ships of 1969. The reduced gross tonnage shall be taken into account if a corresponding notation is entered in the section "Notations" of the tonnage certificate of the ship.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

## **Chapter 14 MARINE CASUALTY AND MARINE INCIDENT INVESTIGATION AND SAFETY INVESTIGATION**

[RT I, 05.04.2016, 1 - entry into force 15.04.2016]

### **§ 69. Definition of marine casualty**

(1) A marine casualty is an event or a sequence of events which is directly related to the operation of a ship and which leads to:

- 1) the death of a person;
- 2) physical harm caused to a person which results in the person's incapacity for work for over seventy-two hours during seven twenty-four hour periods after the injury was received;
- 3) the loss of a person from a ship;;
- 4) the loss, presumed loss or abandonment of a ship;
- 5) damage caused to a ship;
- 6) the stranding or disabling of a ship, or involvement of the ship in a collision;
- 7) damage caused to structures on the shore, aids to navigation or hydrotechnical structures; 8) environmental pollution;

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2) The following is not deemed to constitute a marine casualty:

- 1) damage to or the malfunction of a ship or shipboard installations which does not result in loss of the seaworthiness of the ship or loss of the worthiness of the ship for navigation on inland waters unless the certificates of the ship are suspended as a result of a additional survey or an inspection by a recognised organisation or unless the ship requires immediate repairs or unless a structure on the shore or an aid to navigation is taken out of service;
- 2) an event set out in subsection (1) of this section which took place on a ship that had been taken out of service;
- 3) bare cargo loss;
- 4) damage to or the malfunction of a ship or shipboard installations that caused a short-term loss of the seaworthiness of the ship but did not involve other damage to the ship or injury to or death of a person;
- 5) grounding on inland waters if the ship got afloat under own power and without being damaged, and it did not obstruct water traffic.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 69<sup>1</sup>. Classification of marine casualties**

(1) A very serious marine casualty within the meaning of this Act is a marine casualty that involves:

- 1) the loss of a ship;
- 2) death of a person;
- 3) spillage of 10 tons or more of oil into the water;
- 4) spillage of 10 tons or more of oil products into the water;
- 5) spillage of 10 tons or more of environmentally hazardous chemicals of Category Z within the meaning of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) into the water;

6) spillage of 5 tons or more of environmentally hazardous chemicals of Category Y within the meaning of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) into the water;

7) spillage of 0.5 tons or more of environmentally hazardous chemicals of Category X within the meaning of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) into the water.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2) A serious marine casualty is a marine casualty which does not qualify as a very serious marine casualty and which involves a serious trauma or a fire, explosion, collision, grounding, heavy weather damage or ice damage, cracking of the hull or suspected damage to the hull or other such conditions resulting in:

1) immobilization of the main engine, extensive accommodation damage, serious structural damage such as pervasive damage to the underwater hull of the ship that has rendered the ship unseaworthy or unfit to proceed navigation on inland waters;

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

2) environmental damage;

3) damage to the ship necessitating emergency towing or shore assistance.

(3) A less serious marine casualty is a marine casualty which does not qualify as a very serious marine casualty or serious marine casualty.

(4) A marine incident is an event or a sequence of events that does not qualify as a marine casualty and that has occurred in relation to the use of a ship and that endangers or if no measures are taken may endanger the ship, persons on board the ship or other persons or the environment.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 69<sup>2</sup>. Scope of application of investigation and safety investigation**

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1) The investigation of marine casualties and marine incidents (hereinafter investigation) and the safety investigation of marine casualties and marine incidents (hereinafter safety investigation) shall be applied to a marine casualty or marine incident which:

1) is connected with a ship flying the national flag of Estonia;

2) has taken place in the territorial sea, internal sea or inland waters of Estonia; or

3) is connected with other material interests of the Republic of Estonia.

(2) Safety investigation shall not be applied to marine casualties and marine incidents involving only:

1) ships of war and troop ships and ships owned or operated by a Member State of the European Union and performing state administrative duties;

2) ships not propelled by mechanical means, wooden ships of primitive build, and ships used for recreational activities, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes;

3) inland vessels;

4) fishing vessels with a length of less than 15 metres;

5) fixed offshore drilling units.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## **§ 69<sup>3</sup>. Co-operation in safety investigation**

(1) The Safety Investigation Bureau shall conduct the safety investigation in co-operation with the safety investigation authorities of other states, and among other things it may request their assistance or offer its assistance to such authorities with specific expertise, for conducting technical inspections and analyses and providing assessments, and enable a substantially interested safety investigation authority of another state to participate in the safety investigation.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2) If the safety investigation of a marine casualty or marine incident is conducted, in addition to the Safety Investigation Bureau, also by a safety investigation authority of another Member State of the European Union, the Safety Investigation Bureau shall co-operate in order to agree on the lead investigating state, and delimit, among other things, the duties, rights and obligations of the parties. In the course of co-operation, such safety investigation authority of another Member State of the European Union shall be provided with equal rights and access to witnesses and evidence.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(3) While conducting a safety investigation in parallel with another Member State of the European Union with regard to a marine casualty or marine incident, the Safety Investigation Bureau shall co-operate with the safety

investigation authority of the other state in order to reach, as far as possible, shared conclusions. The European Commission shall be notified of a safety investigation conducted in parallel and of the reasons thereof.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(4) If the safety investigation authority of a third country has initiated the safety investigation of a marine casualty or marine incident specified clause 69<sup>2</sup>1) or 3) of this Act, and the Safety Investigation Bureau has been appropriately engaged therein, the Safety Investigation Bureau may decide not to commence a parallel safety investigation, if the safety investigation lead by the third country is conducted in accordance with the IMO Code for the Investigation of Marine Casualties and Incidents.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(5) If the last state of call of a passenger ferry or high speed passenger craft is Estonia, and a marine casualty or marine incident takes place with such ship outside the territorial sea or inland waters of a Member State of the European Union, the safety investigation shall be commenced by the Safety Investigation Bureau of Estonia. The Safety Investigation Bureau of Estonia shall be responsible for the conduct of such safety investigation and for co-operating with other Member States of the European Union until it is agreed which of the states involved is the lead investigating state.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(6) If the Safety Investigation Bureau participates in the safety investigation of a third country, the Safety Investigation Bureau shall notify the European Commission of the marine casualty or marine incident by means of the European database for marine casualties.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## **§ 70. Purpose of investigation and safety investigation**

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]  
The purpose of an investigation and safety investigation is to identify the circumstances, causes and consequences of a marine casualty or marine incident, and if necessary, to provide recommendations in order to prevent such marine casualty or marine incident in the future and to improve maritime safety, not to point out blame or liability.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## **§ 71. Investigative body and initiation of safety investigation**

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1) The safety investigation of a very serious marine casualty shall be conducted by the Safety Investigation Bureau that is a structural unit of the Ministry of Economic Affairs and Communications. In the event of other marine casualties and marine incidents, the Safety Investigation Bureau shall carry out assessment in order to decide whether or not to undertake a safety investigation, taking into account the seriousness of the marine casualty or marine incident, the type of vessel and cargo involved, and the potential for the findings of the safety investigation to lead to the prevention of future casualties and incidents.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1<sup>1</sup>) Where the Safety Investigation Bureau decides not to initiate the safety investigation in the event of a serious marine casualty, it shall state the reasons for this decision and notify the Maritime Administration and, by means of the European database for marine casualties, the European Commission of its decision. The Maritime Administration shall be notified of the initiation or non-initiation of the safety investigation of any other marine casualty or marine incident as soon as possible.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2) [Repealed – RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2<sup>1</sup>) The safety investigation shall be initiated immediately but no later than two months after the occurrence of the marine casualty or marine incident.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(3) In the event of a marine casualty which results in conduct of the investigation of an occupational accident that has happened to a crew member, the Labour Inspectorate shall submit the investigation report to the Maritime Administration and to the Safety Investigation Bureau. In the event of a marine casualty which results in conduct of the investigation due to environmental pollution or danger thereof, the Environmental Inspectorate shall submit the investigation report or summary thereof to the Maritime Administration and Safety Investigation Bureau.  
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(3<sup>1</sup>) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(4) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5) [Repealed – RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(6) The Safety Investigation Bureau shall be independent in conducting the safety investigation and making decisions related thereto, and shall be guided only by laws and other legislation and international agreements binding on Estonia. Supervisory control shall not be exercised over the safety investigation activities of the Safety Investigation Bureau.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(6<sup>1</sup>) The Safety Investigation Bureau has the right to engage experts and establish committees to ascertain the facts that need specific expertise. An expert or a committee engaged in a safety investigation shall participate in the safety investigation under the guidance and surveillance of the official conducting the safety investigation.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(7) The official conducting a safety investigation has the right to:

1) have immediate access to all relevant areas, the place where the marine casualty took place, to the ship, wreck of the ship, structure, cargo, equipment and debris;

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

2) demand that the access of unauthorised persons to the site of the casualty be restricted and prohibit the handling, removal and destruction of objects at the site of the casualty;

3) ensure immediate search and immediate listing of evidence, and to separate the wreck of the ship, debris or other components or substances for investigation or analysis;

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

4) have immediate access to the voyage data recorder and other recorders and their recordings and take control thereof;

5) immediately have at his or her disposal the results of investigation of the deceased victims and results of any analyses of samples taken from the deceased victims;

6) interview witnesses and persons who may have information that is important for the purposes of the safety investigation, in the absence of any person whose interests could be hampering the safety investigation, and demand that information necessary for the safety investigation be confirmed or provided;

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

7) have access, independently or in co-operation with the authority conducting pre-trial proceedings of criminal matters, to all relevant information and documents;

8) have immediate access to the testimony of the persons connected with the operation of the ship and to the results of the analysis of any samples taken from them.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(8) The official conducting a safety investigation shall present his or her identification while performing his or her duties.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(9) The official conducting a safety investigation has the right to issue a precept to an obligated person in order to ensure the performance of duties related to the safety investigation activities. A precept shall be in writing and shall set out the following information:

1) the time and place of the issue of the precept;

2) the contents and legal basis of the precept;

3) the time limits for observing the precept;

4) the rate of the penalty payment applied upon failure to observe the precept;

5) a notation regarding the possibilities, time limits and procedure for contesting the decision;

6) the given name, surname and official title of the official issuing the precept.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(10) Upon failure to observe the precept specified in subsection (9) of this section, the official conducting the safety investigation may apply the penalty payment according to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of the penalty payment shall be 1500 euros for a natural person and 60,000 euros for a legal person.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(11) The procedure for the safety investigation and registration of marine casualties and marine incidents shall be established by a regulation of the minister responsible for the area.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## **§ 71<sup>1</sup>. Investigative body and initiation of investigation**

(1) The Maritime Administration shall organise, on the basis of laws and other legislation and international agreements binding on Estonia, investigation of marine casualties and marine incidents that are not subject to the inquiry of the Safety Investigation Bureau or regarding which the Safety Investigation Bureau has not initiated the safety investigation.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2) The investigation of the Maritime Administration shall be governed by the requirements for conducting a safety investigation as provided for in subsections 71 (6<sup>1</sup>)-(10) of this Act, requirements for reporting of a safety investigation as provided for in subsections 73 (1)-(3) and (5)-(7) of this Act, and the requirement for notification of a safety investigation as provided for in subsection 73 (4) of this Act, except the requirement for sending reports to the European database for marine casualties.

(3) The Maritime Administration shall carry out investigation of a marine incident involving a recreational craft if it leads to the death of a person. In other cases the Maritime Administration may carry out investigation of a marine incident in case of justified interest or on the basis of a request of the owner of the recreational craft, insurer or police authority if the results of such investigation would help preventing future casualties.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## **§ 72. Notification of marine casualty and marine incident**

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(1) In the event of a marine casualty, the master or operator of a ship flying the national flag of Estonia is required to notify the Maritime Administration and the Safety Investigation Bureau immediately of the circumstances of the casualty. If a marine casualty takes place in the sea areas or inland waters of Estonia, the master, operator or agent of the ship shall immediately notify a police authority and, if the casualty results in pollution or a danger thereof, also the Environmental Inspectorate. The police authority shall immediately notify the Maritime Administration and Safety Investigation Bureau of the marine casualty.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1<sup>1</sup>) If the marine casualty takes place in an Estonian port or port entrance, the harbour master shall immediately notify the Maritime Administration and Safety Investigation Bureau of the marine casualty.  
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(1<sup>2</sup>) The notification set out in subsection (1) of this section shall specify at least the details of the marine casualty, the name of the ship, location of the ship, port of departure and port of destination, number of persons on board the ship, contact details from which information about dangerous goods or contaminating goods carried on board the ship can be obtained, and other information regarding dangerous goods according to the procedure established pursuant to subsection 42 (9) of this Act.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) If a marine casualty that could obstruct vessel traffic takes place on a waterway, the Maritime Administration shall notify the ships in the area of the casualty thereof.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(3) If a marine casualty takes place in the territorial waters, internal sea, exclusive economic zone or inland waters of a foreign state, the master or operator is required, in addition to the obligation specified in subsection (1) of this section, to notify also the foreign mission of the Republic of Estonia in the respective state and the competent authority of the respective state of the marine casualty.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) If a marine incident could have resulted in a marine casualty and emergency measures were taken for the avoidance thereof, the master or operator shall immediately notify the Maritime Administration of the marine incident, and the Maritime Administration shall immediately communicate the respective information to the Safety Investigation Bureau.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(5) The Safety Investigation Bureau shall notify the European Commission of marine casualties and marine incidents by means of the European database for marine casualties.  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

## **§ 72<sup>1</sup>. Obligations of master and operator in respect of safety investigation**

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1) The initial circumstances of a marine casualty or marine incident shall be ascertained by the master of the ship who shall notify the operator thereof according to the procedure established pursuant to subsection 71 (11) of this Act and who shall perform the following acts:  
[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

- 1) in the event of a marine casualty, prepare a report of technical damage in free format;
- 2) collect explanations from persons concerned;
- 3) make extracts from the logbook of the ship, engine logbook and from other documents, if needed, to the extent required by the circumstances of the marine casualty;
- 4) prepare a report describing the circumstances of the marine casualty and rescue work or marine incident, and provide his or her initial opinion about the causes of the marine casualty or marine incident.

(2) When the ship or the crew arrive at an Estonian port, the master shall submit the documents specified in subsection (1) of this section to the Maritime Administration and Safety Investigation Bureau within three working days. If possible, the extracts set out in clause (1) 3) of this section shall be submitted with original documents which shall be returned after verification. To expedite the safety investigation, the documents may be sent by post or by facsimile or by electronic means.

(3) The master of a ship involved in a marine casualty or marine incident shall submit the relevant documents to the Safety Investigation Bureau within five working days after the respective request according to the procedure established pursuant to subsection 71 (11) of this Act. The Safety Investigation Bureau shall decide on the need to submit documents.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(4) The operator shall ensure the submission of the documents specified in subsections (2) and (3) of this section to the Safety Investigation Bureau.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(5) If the data recorded by the voyage data recorder are necessary for conducting the safety investigation, the operator shall ensure immediate access for the Safety Investigation Bureau to such data, and organise the copying or enable the Safety Investigation Bureau to copy the recorded data. The operator shall deliver the software and documentation necessary for deciphering the data that are at his or her disposal to the Safety Investigation Bureau.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(6) [Repealed – RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(7) The provisions of this section apply also to an investigation organised by the Maritime Administration.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

### **§ 73. Safety investigation report**

(1) The Safety Investigation Bureau shall prepare a safety investigation report concerning a marine casualty or marine incident which shall contain safety recommendations.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(2) The Safety Investigation Bureau may prepare a simplified safety investigation report regarding a marine casualty or marine incident, unless it is a very serious marine casualty and it is not possible to provide any recommendations as a result of the safety investigation which would enable preventing the occurrence of such marine casualties or marine incidents in the future.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(3) A safety investigation report shall be published on the website of the Safety Investigation Bureau within twelve months after the day when the casualty took place. If it is not possible to prepare a final report within said time limit, an interim report shall be published within the same period of time.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(4) The Safety Investigation Bureau shall send the safety investigation reports regarding marine casualties and marine incidents to the European database for marine casualties and to the database of the IMO Global Integrated Shipping Information System.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(5) Safety investigation reports shall be publicly available. Personal data concerning persons involved in a marine casualty and witnesses, their letters of explanation, reports and minutes of interviews shall not be publicly available.

(6) Persons and state or local government authorities to whom safety recommendations are addressed in a safety investigation report shall notify the Safety Investigation Bureau about the measures taken or planned measures within three months after receiving the report.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(7) The requirements for the contents of the safety investigation report shall be established by a regulation of the minister responsible for the area.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

### **§ 74. Casualty involving ship flying foreign flag**

[Repealed – RT I, 05.04.2016, 1 – entry into force 15.04.2016]

§ 75. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **Chapter 14<sup>1</sup>** **ELECTRONIC MARITIME DOCUMENT EXCHANGE**

[RT I, 04.07.2011, 2 - entry into force 14.07.2011]

### **§ 75<sup>1</sup>. Electronic Maritime Document Exchange**

(1) The objective of the Electronic Maritime Document Exchange is to facilitate the communication, collection and storage of information regarding maritime transport.

(2) The controller of the Electronic Maritime Document Exchange is the Ministry of Economic Affairs and Communications.

[RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(3) The following shall be entered in the Electronic Maritime Document Exchange in the cases specified in international agreements, legislation of the European Union, laws or legislation enacted on the basis thereof:

- 1) information and documents regarding entry of ships into ports;
- 2) information regarding dangerous goods;
- 3) security information;
- 4) information regarding ship-generated waste and cargo residues;
- 5) information regarding ordering of an icebreaker;
- 6) notification of pollution;
- 7) notification of a marine casualty or marine incident;
- 8) information regarding goods;
- 9) information regarding the pilotage of a ship;
- 10) other information regarding maritime transport.

[RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(4) [Repealed – RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(5) [Repealed – RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(6) In case the Electronic Maritime Document Exchange does not function, the information specified in subsection (3) of this section shall be communicated in another manner.

[RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(7) [Repealed – RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(8) The data collected into the Electronic Maritime Document Exchange shall be stored in correspondence with the objectives of collecting such data but not over seven years.

[RT I, 06.03.2013, 1 – entry into force 01.07.2013]

(9) The Electronic Maritime Document Exchange shall be founded and the procedure for maintenance thereof shall be established by a regulation of the minister responsible for the area.

[RT I, 06.03.2013, 1 – entry into force 01.07.2013]

## **Chapter 15** **STATE SUPERVISION AND** **LIMITATIONS ON USE OF SHIPS**

### **§ 76. State supervisory authorities**

(1) State supervision over the implementation of legislation regulating maritime safety shall be exercised on the basis of this Act by the Maritime Administration and by state supervisory authorities specified in other Acts.

(1<sup>1</sup>) The Maritime Administration has the rights and obligations of a market supervisory authority in respect of safety equipment of ships, recreational craft, partly completed recreational craft, components of recreational craft and personal watercraft which have been placed on market or put into service.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1<sup>2</sup>) The Health Board shall exercise supervision over the activities of approved medical practitioners provided for in this Act pursuant to the procedure provided for in the Health Services Organisation Act.

[RT I 2009, 49, 331 – entry into force 01.01.2010]



(1<sup>3</sup>) The Maritime Administration shall exercise state supervision over the activities of recognised organisations and recognised security organisations.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2) The Maritime Administration is competent to exercise state supervision over the technical condition of ships, safety and security of ships, conformity of the declared depth, aids to navigation and other structures with navigational information and over the activities of undertakings that have obtained an activity licence from the Maritime Administration in all areas of activity with licence obligation. The supervisory officials of the Maritime Administration, police authorities and other supervisory authorities provided by law are competent to exercise state supervision over recreational craft and personal watercraft.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2<sup>1</sup>) The Maritime Administration shall exercise state supervision over the ship repair on unclassified ships.

(2<sup>2</sup>) State supervision over adherence to the requirements provided for with regard to recreational craft and personal watercraft in §§ 35<sup>1</sup>, 35<sup>6</sup>, 37, 39 and 39<sup>1</sup> and subsection 45 (4) of this Act and adherence to the safety requirements regarding recreational craft as provided for in § 35<sup>4</sup> of this Act shall be exercised by police officers.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The format of identification for the supervisory officials of the Maritime Administration shall be established by the minister responsible for the area. Identification for the supervisory officials shall be issued by the Maritime Administration.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(4) The officials exercising state supervision shall be provided with unrestricted access to ports, shipbuilding and ship repair enterprises, maritime educational institutions, other enterprises manufacturing products or providing services in an area of activity specified in § 7 of this Act, and to ships, recreational craft and the ships' compartments for inspection thereof.  
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (the date of entry into force was changed –RT I, 22.12.2013, 1)]

(5) The master of a ship is required to assist officials exercising state supervision at the time of the technical survey or inspection and to provide them with the necessary information.

(5<sup>1</sup>) The operator or master of the ship flying a foreign flag subject to mandatory inspection pursuant to Paris MOU shall ensure reasonable time for carrying out the inspection after the completion of repairs.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(5<sup>2</sup>) The Maritime Administration shall notify the competent authorities of the flag state of the ship and of the state of the port of destination of the ship, if known, of violations of and nonconformities with maritime safety requirements that have become known to the Maritime Administration in the sea areas of Estonia. Other supervisory authorities shall notify the Maritime Administration of such incidents.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(6) The procedure for the port state control and detention of ships flying a foreign flag and the format of port state control reports and detention reports shall be established by the minister responsible for the area.

(6<sup>1</sup>) The qualification requirements for supervisory officials inspecting ships flying a foreign flag shall be established by the minister responsible for the area.

(6<sup>2</sup>) The qualification of supervisory officials exercising supervision over conformity with requirements related to security on ships flying a foreign flag shall conform at least to the qualification requirements established pursuant to subsection (6<sup>1</sup>) of this section.  
[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(7) The salary rate of a supervisory official of the Maritime Administration shall be equal to the highest level of the uniform salary scale for state public servants.

(8) A supervisory official of the Maritime Administration shall wear a uniform and special work clothing. The procedure for providing uniforms and special work clothing to the supervisory officials of the Maritime Administration and procedure for wearing thereof shall be established by the Maritime Administration.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(9) The description of the uniform of the supervisory officials of the Maritime Administration and its distinguishing marks shall be established by the Government of the Republic.

(10) [Repealed – RT I, 2009, 29, 175 – entry into force 01.07.2009]

(11) This Chapter is also applied to ships flying a foreign flag and to recreational craft.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 77. Objective and objects of state supervision**

(1) The objective of state supervision is to:

- 1) ensure the seaworthiness of ships, recreational craft and other water craft and their worthiness for navigation on inland waters;
- 2) prevent ships and recreational craft polluting the marine environment and inland waters and prevent air pollution;
- 3) ensure that the occupational health and safety requirements are adhered to on ships in accordance with the Occupational Health and Safety Act;
- 4) ensure that health protection requirements are adhered to on ships;
- 5) ensure professional training of crew members, deck officers of inland vessels, skippers of recreational craft and operators of personal watercraft in accordance with the requirements;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 6) ensure the conformity of the manufacturing operations of persons who have obtained an activity licence or a part of the manufacturing operations, and of the products manufactured and services provided by said persons;  
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (the date of entry into force was changed –RT I, 22.12.2013, 1)]
- 7) ensure that security requirements are adhered to on ships;
- 8) ensure the conformity of pilotage services.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2) The objects of state supervision are:

- 1) the seaworthiness of the hull, machinery, shipboard installations and equipment of ships and recreational craft;
- 2) the manning of ships and inland vessels according to the requirements;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 3) the loading, unloading and ballasting of ships according to the requirements;
- 4) the conformity of the living environment on ships;
- 5) the conformity of the life saving equipment, fire fighting equipment and emergency equipment on ships and recreational craft;
- 6) the conformity of ships to the occupational health and safety requirements;
- 7) the conformity of ships to health protection requirements;
- 8) the conformity of other organisational and technical aspects of ships;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 9) the design, construction, repair and equipping of ships in accordance with the requirements provided for in §§ 19 and 19<sup>1</sup> of this Act;
- 10) the professional training of crew members, deck officers of inland vessels, skippers of recreational craft and operators of personal watercraft;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 11) the activities of persons in areas of activity with licence obligation;  
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (the date of entry into force was changed –RT I, 22.12.2013, 1)]
- 12) the conformity of ships to security requirements;
- 13) organising the training for operators and ship security officers, port security officers and port facility security officers;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 14) shipping agency activities;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 15) conformity of the declared depth, aids to navigation and other structures with navigational information;  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]
- 16) conformity of pilotage services.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(3) In the time between surveys, state supervisory authorities shall inspect:

- 1) the validity of ships' certificates;
- 2) the completeness and working order of shipboard installations, ships' machinery, life saving equipment and ships' equipment;
- 3) the manning of ships according to the requirements;
- 4) the loading and ballasting of ships according to the requirements;
- 5) adherence to the requirements established for the living environment of the crew on ships;
- 6) the ability of the crew to act in an emergency on ships;
- 7) compliance with environmental safety requirements on ships;
- 8) adherence to other maritime safety requirements;
- 9) adherence to security requirements on ships.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

## § 77<sup>1</sup>. Specific measures of state supervision

(1) A law enforcement agency may apply the specific measures of state supervision provided in §§ 30-32, 37-41, 49 and 50 of the Law Enforcement Act on the bases and according to the procedure provided for in the Law Enforcement Act in order to exercise state supervision provided for in this Act.  
[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(2) Police officers may apply, in addition to the specific measures set out in subsection (1) of this section, also the specific measures of state supervision provided in §§ 42, 52 and 53 of the Law Enforcement Act on the bases and according to the procedure provided for in the Law Enforcement Act in order to exercise state supervision provided for in this Act.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## § 78. Prohibition on ships from leaving port

(1) The supervisory officials of the Maritime Administration may prohibit a ship flying the national flag of Estonia or a ship flying a foreign flag from leaving a port in the following cases:

- 1) the master refuses to let the ship be inspected;
- 2) the ship is not seaworthy or is not worthy for navigation on inland waters;
- 3) the ship is not manned or equipped according to the requirements;
- 4) the ship is not loaded or ballasted or the cargo is not secured according to the requirements;
- 5) the number of passengers on the ship exceeds the maximum authorised number;
- 6) significant violations of occupational health, occupational safety or health protection requirements are discovered on the ship;
- 7) the master refuses to submit the ship's certificates for inspection;
- 8) the ship does not have ship's certificates or they have expired;
- 8<sup>1</sup>) the ship does not have an insurance policy or certificate regarding due liability insurance or other financial security or they have expired;  
[RT I, 30.05.2013, 4 – entry into force 09.06.2013]
- 9) the ship has on deck cargo or grain cargo but lacks a stability calculation;
- 10) the ship lacks a towing calculation for sea towing if such calculation is required, or other towing requirements are violated;
- 11) environmental safety requirements, including the requirements regarding transfer of ship-generated waste and cargo residues, are violated;  
[RT I, 06.03.2013, 1 – entry into force 01.07.2013]
- 12) significant violations of security requirements are discovered on the ship.

(2) A state supervisory authority, pilot or harbour master who discovers any deficiencies specified in subsection (1) of this section shall immediately notify the Maritime Administration thereof.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>1</sup>) If any deficiencies specified in subsection (1) of this section or deficiencies which endanger the ship, persons, another ship or the environment become evident, a supervisory official of the Maritime Administration who has the right and obligation to inspect ships flying a foreign flag and who conforms to the qualification requirements established pursuant to subsection 76 (6<sup>1</sup>) of this Act shall detain the ship or apply a prohibition on use specified in subsection (4) of this section. Detention or prohibition on use specified in subsection (4) is valid until the Maritime Administration has verified that the ship may leave port or use of the ship may be continued. Relocation of the ship to another berth is prohibited without the corresponding permission of the Maritime Administration.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>2</sup>) For the purposes of this Act, detention means prohibition on a ship from leaving port until the deficiencies which caused the detention of the ship are eliminated.

(2<sup>3</sup>) As an exception, if the general condition of a ship clearly does not conform to the requirements of conventions, a supervisory official of the Maritime Administration shall detain the ship and may suspend the inspection until the operator, classification society or the competent authority of the flag state of the ship has applied measures to ensure conformity with the requirements of the corresponding conventions on board the ship.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2<sup>4</sup>) A ship shall be detained if the ship's cargo consists of dangerous liquid bulk or bunker fuel the carriage whereof on board the given ship is prohibited by valid international conventions due to the construction or age of the ship, or if the ship does not have a valid insurance contract or another financial security that corresponds to the provided limit of liability and is necessary for the given cargo or bunker fuel.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(3) The decision of a supervisory official of the Maritime Administration to prohibit a ship from leaving port shall include the basis for the detention of the ship and a precept indicating the deficiencies that shall be eliminated.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(3<sup>1</sup>) If a ship is detained due to circumstances which become evident in the course of inspection, the Maritime Administration shall inform the competent authority of the flag state of the ship promptly in writing of the detention of the ship and shall append a corresponding report which conforms to the format established pursuant to subsection 76 (6) of this Act to the notice. If this is not possible, the notice together with the report shall be sent to a diplomatic representative of the state. The notice shall set out all circumstances which caused the detention. If necessary, notice shall be given also to the classification society which issued certificates to the ship or a person that conducted the survey of the ship.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(4) A state supervisory authority has the right to prohibit the use of a ship's compartments, shipboard installations or work equipment if the condition thereof endangers the life or health of crew members or passengers.

(4<sup>1</sup>) [Repealed – RT I 22.12.2010, 1 – entry into force 02.01.2011]

(5) The Maritime Administration is required to promptly inform the police and harbour master of any prohibition on a ship from leaving port.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(6) A master is required to inform the Maritime Administration if the ship is inspected, deficiencies are discovered or the ship is detained in a foreign port.

(7) After the detention of a ship, the supervisory officials of the Maritime Administration are not required to inspect it outside their working hours in order to release it from detention.

(8) If a ship leaves an Estonian port in violation of the prohibition from leaving port corresponding to subsection (1) of this section or a precept issued according to subsection (4) of this section, the Maritime Administration shall immediately inform the competent authority of the flag state of the ship, Member States of the European Union and Paris MOU member states, and the ship shall be refused of access to Estonian ports. The master of the ship shall be notified of the refusal of access to the ports of the Member States of the European Union and Paris MOU member states.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(9) [Repealed – RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(10) If the ship is released from detention and is permitted to leave the port, the Maritime Administration shall immediately notify the competent authority of the flag state of the ship thereof.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(11) If a ship is detained after the inspection of the ship, the operator shall pay a state fee before a new inspection is conducted.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

## **§ 79. Precept issued by state supervisory authorities**

(1) Supervisory officials of the Maritime Administration or other officials exercising state supervision issue precepts for the elimination of deficiencies discovered in the course of a technical survey or inspection of a ship.

(2) A supervisory official of the Maritime Administration shall indicate the deficiency and the time limits of elimination thereof in the port state control report. If a ship is detained, the port state control report shall also set out references to the provisions of Acts or other legislation that have been violated.

(3) A supervisory official of the Maritime Administration or another official exercising state supervision shall issue a precept for elimination of a violation of the requirements of international conventions, this Act and legislation enacted on the basis thereof, for preventing further violations and for elimination of the consequences of a violation, in which the official shall:

- 1) point out the violation of law and require termination of the violation;
- 2) require taking action necessary for lawful continuance of further activities.

(4) A precept provided for in subsection (3) of this section shall include:

- 1) the basis for the issue of the precept with a reference to the respective provision of legislation;
- 2) the date of the issue of the precept;
- 3) the time limit for observing the precept;
- 4) the rate of the penalty payment applied upon failure to observe the precept;
- 5) the name, position and signature of the official exercising state supervision;
- 6) the possibilities, time limits and procedure for contesting the precept.

(2) Upon failure to observe a precept provided for in subsection (3) of this section, the official exercising state supervision may apply substitutive enforcement or penalty payment according to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of the penalty payment shall be 1000 euros for a natural person and 3200 euros for a legal person.

(3) The format of port state control reports of ships flying the national flag of Estonia shall be established by the minister responsible for the area.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 79<sup>1</sup>. Single crossing to repair yard**

(1) When deficiencies which have caused a detention of a ship become evident and such deficiencies cannot be rectified in the port of inspection, the ship may be allowed, with the approval of the competent authority of the flag state and if the seaworthiness of the ship allows this, to proceed to the nearest repair yard where the ship can be repaired.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(1<sup>1</sup>) If the detention of a bulk carrier or oil tanker was caused by non-conformity with the requirements regarding construction or non-conformity of the documents regarding the construction of the ship, the Maritime Administration may demand that necessary thickness measurement of the hull structure be carried out in the port of detention before the ship is allowed to proceed to the repair yard.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(2) In the case specified in subsection (1) of this section, the Maritime Administration shall inform the competent authorities of the state of the port of destination, the flag state of the ship and, if necessary, of other states associated with the crossing.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(3) The Maritime Administration shall monitor that a ship which, after inspection, is allowed to proceed to the nearest repair yard, arrives at the agreed place. If the ship leaves a port and fails to comply with a precept issued for crossing or does not arrive at the agreed port, the Maritime Administration shall immediately inform the competent authority of the flag state of the ship, the competent authority of the state of the port of destination and of repair of the ship, Member States of the European Union and Paris MOU member states thereof and the ship shall be refused of access to Estonian ports, except ships flying the national flag of Estonia. The master of the ship shall be notified of the refusal of access to the ports of the Member States of the European Union and Paris MOU member states.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 79<sup>2</sup>. Suspension of regular service and prohibition on commencement of regular service of passenger ferry or high speed passenger craft**

(1) The Maritime Administration shall suspend a regular service or prohibit commencement of a regular service of a passenger ferry or a high speed passenger craft if:

1) the ship does not carry the required valid certificates issued by a competent authority of the flag state of the ship or by a recognised organisation according to international conventions or domestic legislation;

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

2) the ship has not been surveyed as required for the issue of certificates;

3) the ship fails to conform to the rules and standards established by the recognised organisation or fails to conform to the requirements of the flag state of the ship as regards the construction, technical condition of the hull, machinery, electrical installations and other equipment;

4) the ship is not fitted with a required voyage data recorder (VDR) for the purpose of providing information for a possible marine casualty investigation;

5) access to the information recorded by the voyage data recorder and other information which, in the event of a marine casualty, enables clarification of the circumstances of the casualty, is not ensured to the state of call or other relevant state;

6) the ship does not conform to the stability requirements established by international agreements and adopted at regional level, if the specified requirements are applicable;

7) in the course of an inspection or additional survey by the state of call, deficiencies have become evident which are dangerous for the passenger ferry, high speed passenger craft or crew members and passengers;

8) the ship does not conform to the safety requirements, the requirements for the carriage of dangerous goods or the requirements for the vessel traffic management system;

9) crew members do not conform to the qualification requirements and this is dangerous for the passenger ferry, high speed passenger craft or crew members and passengers;

10) the flag state of the ship flying a foreign flag has not received the approval of the Maritime Administration for the issue of an exemption certificate regarding the requirements of the Convention on the basis of the International Convention on the Safety of Life at Sea and the valid Protocols of and amendments to the

Convention or for the issue of a permit to operate high speed craft on the basis of the International Code of Safety for High Speed Craft established pursuant to the specified Convention.

(2) The Maritime Administration shall inform the operator of the decision to suspend the regular service of a passenger ferry or high speed passenger craft or the decision to prohibit commencement of a regular service of a passenger ferry or high speed passenger craft promptly in writing and shall specify all reasons.

(3) If the Maritime Administration or the competent authority of the state of call discovers deficiencies on a passenger ferry or high speed passenger craft engaged in a regular service and the deficiencies do not directly endanger the passenger ferry or high speed passenger craft or its crew members and passengers, the measures for elimination of the deficiencies shall be implemented on board the ship promptly or within a reasonable term determined by the Maritime Administration. If elimination of the deficiencies is insufficient, the regular service of the passenger ferry or high speed passenger craft shall be suspended or its commencement shall be prohibited. [RT I 22.12.2010, 1 – entry into force 02.01.2011]

### § 79<sup>3</sup>. Refusal of access to port

(1) The Maritime Administration shall refuse a ship flying a foreign flag of access to Estonian ports and anchorage (hereinafter the refusal of access to port) if:

1) the ship flies the flag of a state appearing in the black list as published in the annual report of the Paris MOU, and has been detained in the port or anchorage of a Paris MOU member state or its regular service has been suspended or its commencement of a regular service has been prohibited by a state of call more than twice in the course of the preceding 36 months; or

2) the ship flies the flag of a state appearing in the grey list as published in the annual report of the Paris MOU, and has been detained in the port or anchorage of a Paris MOU member state or its regular service has been suspended or its commencement of a regular service has been prohibited by a state of call more than twice in the course of the preceding 24 months.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(2) In the case of a *force majeure* and in order to prevent a greater danger and prevent or reduce pollution hazards, the prohibition specified in subsection (1) of this section does not extend to a ship the port of destination whereof is not in Estonia and which proceeds to undergo unexpected repairs with the permission of another state, if the Maritime Administration has been informed thereof beforehand. The prohibition specified in subsection (1) of this section does not apply to a ship which, with the approval of the Maritime Administration, enters an Estonian port for repairs.

(3) The refusal of access to port enters into force as of the moment when the ship leaves the port or anchorage where the ship is detained for the third time and where the decision on the refusal of access to port is made. [RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(3<sup>1</sup>) If a ship has been refused of access to port for three times in the European Union, then next time when the ship is detained in a port or anchorage of the European Union, the ship shall be permanently refused of access to Estonian ports and anchorages.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(4) The Maritime Administration shall immediately notify the master and operator of a ship of the refusal of access to port in writing. The Maritime Administration shall send a copy of the decision on the refusal of access to port to the competent authority of the flag state of the ship, the relevant classification society, the relevant security organisation, Paris MOU member states, Member States of the European Union, European Commission and Paris MOU secretariat and shall enter the data regarding the refusal of access immediately in the information system and database for port state control (hereinafter THETIS).

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(5) Regulation No. 2099/2002/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, pp. 1–5), Regulation No. 1726/2003/EC of the European Parliament and of the Council (OJ L 249, 01.10.2003, pp. 1–4) and Commission Regulation No. 2172/2004/EC (OJ L 371, 18.12.2004, pp. 26–27) amending Regulation No 417/2002/EC of the European Parliament and of the Council on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation No 2978/94/EC (OJ L 64, 07.03.2002, pp. 1–5) apply to the entry into and leaving from Estonian ports of single hull tankers transporting heavy oil products.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

### § 79<sup>4</sup>. Revocation of refusal of access to port

(1) In order to revoke a refusal of access, the owner or operator of a ship shall submit a written application to the Maritime Administration. A certificate issued by the competent authority of the flag state which certifies that the ship fully conforms to the requirements of valid international conventions shall be appended to the application. If necessary, a certificate of the classification society which certifies that the ship conforms to the rules and standards established by the classification society shall be appended to an application for the revocation of a refusal of access.

(2) The Maritime Administration may revoke a refusal of access three months after establishing the refusal of access if the ship undergoes an expanded inspection conducted by the Maritime Administration in an agreed port according to the procedure established pursuant to subsection 76 (6) of this Act.

(3) If a refusal of access has been previously established with regard to a ship in another Member State of the European Union or Estonia, and the refusal of access established by the Maritime Administration is the second refusal of access, the Maritime Administration may revoke the refusal of access established by the Maritime Administration after twelve months if the ship undergoes an expanded inspection conducted by the Maritime Administration in an agreed port according to the procedure established pursuant to subsection 76 (6) of this Act.

(4) If a refusal of access has been previously established with regard to a ship in another Member State of the European Union or Estonia, and the refusal of access established by the Maritime Administration is the third refusal of access, the Maritime Administration may revoke the refusal of access established by the Maritime Administration after twenty-four months provided that:

1) the ship is flying the flag of such a state which, on the basis of its rate of detentions, does not appear in the black list or grey list as published in the annual report of the Paris MOU;

2) the statutory certificates and classification certificates of the ship have been issued by the flag state or by an organisation recognised pursuant to Regulation (EC) No. 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.05.2009, pp. 11–23);

3) the operator has good performance indicators determined on the basis of the rate of the deficiencies and detentions of his or her ships in the European Union and in the Paris MOU member states;

4) the ship undergoes an expanded inspection conducted by the Maritime Administration in an agreed port according to the procedure established pursuant to subsection 76 (6) of this Act.

(5) If a ship does not meet the criteria provided for in clauses (4) 1)–3) of this section twenty-four months after the third refusal of access was established, the Maritime Administration shall establish a permanent refusal of access for the ship.

(6) The Maritime Administration shall revoke a refusal of access if, as a result of an expanded inspection, the Maritime Administration has verified that the ship fully conforms to the requirements of valid international conventions. The Maritime Administration shall notify the operator and the competent authority of the flag state, the relevant classification society, Paris MOU member states, Member States of the European Union, European Commission and Paris MOU secretariat promptly in writing of revocation of a refusal of access, and shall enter the data regarding the revocation of the refusal of access in the THETIS.

(7) If an operator applies for the conduct of an expanded inspection in a foreign state in order to have the refusal of access revoked, the operator shall reimburse the travel expenses of the supervisory official of the Maritime Administration which are to be calculated in accordance with the procedure established pursuant to subsection 44 (5) of the Civil Service Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(8) A state fee shall be paid for an expanded inspection conducted for the purpose of revocation of a refusal of access.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

## **§ 79<sup>5</sup>. Contestation**

(1) An operator or his or her representative has the right to contest the detention of a ship, refusal of access to port, suspension of a regular service or prohibition on the commencement of a regular service of a passenger ferry or a high speed passenger craft. Contestation does not bring about termination of the detention, refusal of access, suspension of the regular service or prohibition on the commencement of the regular service before the dispute is resolved.

(2) A supervisory official of the Maritime Administration shall inform the master of a ship of the possibility of challenging a detention, refusal of access, suspension of a regular service or prohibition on the commencement of a regular service.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(3) A challenge may be filed with the head of the Maritime Safety Service of the Maritime Administration within thirty days after the date of detention, refusal of access, suspension of a regular service or prohibition on the commencement of a regular service.

(4) If a decision of the Maritime Administration does not satisfy the operator or his or her representative, they have the right to file an action with an administrative court.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(5) If a precept for the detention of a ship or a decision on the refusal of access to port is revoked or amended as a result of the challenge of an operator, the Maritime Administration shall immediately enter the respective change in the THETIS and shall inform the European Commission about it within twenty-four hours.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

#### **§ 79<sup>6</sup>. Removal from navigation of skippers of recreational craft and operators of personal watercraft**

(1) An official exercising state supervision has the right to detain skippers of recreational craft or operators of personal watercraft on a water body and remove them from navigation of a recreational craft or personal watercraft until the basis for removal from navigation ceases to exist if:

- 1) there is sufficient reason to believe that the person is under the influence of a narcotic drug or psychotropic substance;
- 2) there is sufficient reason to believe that the alcohol content in the blood of the person exceeds the prescribed maximum level of alcohol;
- 3) the person does not have the right to navigate recreational craft or personal watercraft.

(2) The recreational craft or personal watercraft, the skipper or operator whereof has been removed from navigation, shall be delivered to the owner or possessor or to a person specified by them or to their legal representative. If necessary, the official shall organise the towage or escort of such recreational craft or personal watercraft to the nearest port at the expense of the person removed from navigation.

(3) The stop signal to a recreational craft or personal watercraft shall be given by a flashing lamp, flag, stop-sign, hand sign, loudspeaker or another way.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 79<sup>7</sup>. Establishment of exceeding prescribed maximum level of alcohol and establishment of consumption of narcotic drug or psychotropic substance**

[Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

## **Chapter 16 LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.01.2003]

#### **§ 80. Violation of traffic requirements in port area**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

#### **§ 80<sup>1</sup>. Violation of refusal of access to port**

(1) Entry of a ship which is refused of access to Estonian ports in a port or permitting the specified ship to enter a port is punishable by a fine of up to 300 fine units.

[RT I 2004, 24, 164 – entry into force 25.04.2004]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 81. Violation of requirements for navigation on waterways**

(1) Violation of the requirements for navigation on waterways is punishable by a fine of up to 300 fine units.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 81<sup>1</sup>. Intentional obstruction of and interference with ship and recreational craft traffic**

(1) Intentional obstruction of and interference with ship and recreational craft traffic is punishable by a fine of up to 300 fine units.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 81<sup>2</sup>. Operation of ship with AIS equipment which is switched off or AIS equipment with currently invalid data**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]



(1) Operation of a ship the AIS equipment whereof is switched off or has currently invalid data is punishable by a fine of up to 300 fine units.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 82. Violation of passenger safety requirements in inland waterway or maritime transport**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) Violation of the procedure for preparation of a list of persons on board a passenger ship, taking on board a ship or a recreational craft a higher number of passengers than permitted or violation of the requirements for the safe embarkation, travelling and disembarkation of passengers is punishable by a fine of up to 300 fine units.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 83. Violation of safe navigation requirements on inland waters**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

#### **§ 84. Diving without appropriate permission**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

#### **§ 85. Violation of procedure for mounting and installing block rafts and timber harbours**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

#### **§ 86. Installation or relocation of aids to navigation and warning signs without approval and violation of requirements and procedure for planning, construction, installation and changing of aids to navigation and for provision of information regarding aids to navigation system**

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) Installation or relocation of aids to navigation and warning signs without the approval of the Maritime Administration or violation of requirements and procedure for planning, construction, installation and changing of aids to navigation and for provision of information regarding the aids to navigation system is punishable by a fine of up to 300 fine units.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 87. Installation of fish corrals or other fishing gear outside the prescribed area**

Installation of fish corrals or other fishing gear outside the prescribed areas is punishable by a fine of up to 300 fine units.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

#### **§ 88. Navigating water craft while intoxicated**

Navigating a water craft while intoxicated is punishable by a fine of up to 300 fine units.

[RT I, 30.12.2014 – entry into force 01.01.2015]

#### **§ 88<sup>1</sup>. Performing watchkeeping duty while intoxicated**

Performing watchkeeping duty while intoxicated is punishable by a fine of up to 300 fine units.

[RT I, 30.12.2014 – entry into force 01.01.2015]

#### **§ 89. Evasion of physical examination for establishment of state of intoxication**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

## **§ 90. Violation of requirements for cargo, including dangerous goods, or items in inland waterway or maritime transport**

(1) Violation of the requirements for cargo, including dangerous goods, or items or failure to communicate information or to communicate information in good time or communication of incorrect information concerning hazardousness of cargo in inland waterway or marine transport is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 16,000 euros.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>1</sup>. Failure to inform master about necessity for ordering pilot**

Failure to inform the master of a ship about the necessity for ordering a pilot in the compulsory pilotage area is punishable by a fine of up to 100 fine units.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>2</sup>. Violation of requirements for pilotage**

Violation of requirements for pilotage is punishable by a fine of up to 100 fine units.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>3</sup>. Failure to notify of arrival and departure of ships and failure to communicate information and submit general declaration**

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(1) Failure to notify of the arrival and departure of a ship and failure to communicate information and submit the general declaration is punishable by a fine of up to 300 fine units.  
[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>4</sup>. Damaging overhead transmission lines, cables, pipeline routes or other hydrotechnical structures and failure to notify of damage; activities that may damage overhead transmission lines, cables, pipeline routes or other hydrotechnical structures**

(1) Damaging an overhead transmission line, cable, pipeline route or other hydrotechnical structure, failure to notify a police authority and the Maritime Administration of the damage, or activities that may damage an overhead transmission line, cable, pipeline route or other hydrotechnical structure are punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>5</sup>. Violation of requirements for prevention of pollution from ships**

(1) Violation of the requirements of the International Convention for the Prevention of Pollution from Ships or violation of the requirements for prevention of pollution from ships is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>6</sup>. Violation of requirements for use of anti-fouling systems on ships**

(1) Violation of the requirements for the use of organotin compounds as biocides in anti-fouling systems on ships or use of forbidden anti-fouling systems on ships is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 16,000 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

## **§ 90<sup>7</sup>. Placing on market of non-conforming recreational craft, partly completed recreational craft and components of recreational craft**

(1) Placing on market of non-conforming recreational craft, partly completed recreational craft or components of recreational craft is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

**§ 91. Violation of requirements for use of means of maritime transport**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 92. Damaging maritime transport signalling or communications installations or equipment**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 93. Violation of requirements for registration and use of recreational craft, ships with overall length of less than 12 meters and personal watercraft**

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) Violation of the requirements for registration or use of recreational craft, ships with the overall length of less than 12 meters and personal watercraft is punishable by a fine of up to 200 fine units.

(2) The same act if it causes:

- 1) patrimonial damage, or
- 2) a danger to human health or to the environment

is punishable by a fine of up to 300 fine units or by detention.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 93<sup>1</sup>. Violation of procedure for technical survey of ship**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 93<sup>2</sup>. Violation of requirements for safe loading and unloading of bulk carriers**

(1) Violation of the requirements for the safe loading and unloading of bulk carriers, the safety requirements for the terminals for bulk carriers or the procedure for the notification of the master of a ship or terminal representatives is punishable by a fine of up to 300 fine units.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

**§ 93<sup>3</sup>. Violation of procedure for maritime safety audit of operators and their ships**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 93<sup>4</sup>. Violation of procedure for port state control and detention of ships flying foreign flag**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 94. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

**§ 94<sup>1</sup>. Violation of maritime safety requirements**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 94<sup>2</sup>. Loading of ship over permitted draught**

Loading a ship over the permitted draught is punishable by a fine of up to 300 fine units.

**§ 94<sup>3</sup>. Failure to prepare ship for voyage**

Failure to prepare a ship for a voyage is punishable by a fine of up to 100 fine units.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

**§ 94<sup>4</sup>. Navigation by ship without ship's documents or with expired documents at sea or on inland waters**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 94<sup>5</sup>. Violation of requirements for keeping logbook, oil record book or engine logbook or radio logbook**

Violation of the requirements for keeping a logbook, oil record book or an engine logbook or radio logbook, or entry of incorrect data in such book is punishable by a fine of up to 100 fine units.

**§ 94<sup>6</sup>. [Repealed - RT I 2005, 31, 229 – entry into force 03.06.2005]**

**§ 94<sup>7</sup>. Violation of navigation rules or procedure for forwarding notices or reports in vessel traffic management system**

Violation of the navigation rules or the procedure for forwarding notices or reports in the vessel traffic management system is punishable by a fine of up to 300 fine units.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

**§ 94<sup>8</sup>. Causing marine casualty during pilotage**

Causing a marine casualty involving the piloted ship by a pilot is punishable by a fine of up to 100 fine units.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 94<sup>9</sup>. Failure to notify of changes in pilotage area which endanger navigation, of marine casualty involving piloted ship or of marine pollution**

Failure to notify one's employer, the Maritime Administration or the harbour master of changes or hindrances in the pilotage area which endanger navigation, of a marine casualty involving the piloted ship during pilotage or of marine pollution is punishable by a fine of up to 100 fine units.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

**§ 94<sup>10</sup>. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

**§ 94<sup>11</sup>. Crossing of borders of navigation area specified in ship's certificate**

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) Crossing of the borders of the navigation area specified in a ship's certificate is punishable by a fine of up to 200 fine units.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

**§ 94<sup>12</sup>. Violation of medical examination requirement upon manning of ship**

(1) Manning a ship with a crew member who has not undergone a medical examination is punishable by a fine of up to 20 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

**§ 94<sup>13</sup>. Navigation without pilot in compulsory pilotage area**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) Navigation without a pilot in a compulsory pilotage area, unless the ship has been exempted from compulsory pilotage, is punishable by a fine of up to 300 fine units.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

**§ 94<sup>14</sup>. Failure to notify of marine casualty, marine incident, damage or failure**

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

(1) Failure to notify of a marine casualty or marine incident or damage or failure affecting the seaworthiness or worthiness of the ship for navigation on inland waters is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I, 05.04.2016, 1 – entry into force 15.04.2016]

### **§ 94<sup>15</sup>. Use of ship or recreational craft without certificates**

(1) Use of a ship or recreational ship used for organising recreational voyages for a fee without the certificates provided for by this Act and other legislation and international conventions or without a technical survey report is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 94<sup>16</sup>. Violation of requirement for activity licence**

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (the date of entry into force was changed –RT I, 22.12.2013, 1)]

(1) Manufacturing of products or provision of services in any area of activity specified in § 7 of this Act without an activity licence issued by the Maritime Administration is punishable by a fine of up to 300 fine units.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

### **§ 94<sup>17</sup>. Violation of safe manning requirement**

(1) Use of a ship which is manned with a crew the size or composition of which does not conform to the requirements established by the minimum safe manning certificate of the ship, with the exception provided for in § 25 of this Act, is punishable by a fine of up to 300 fine units.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 94<sup>18</sup>. Lack of certificate of competency or professional certificate**

Employing, by a legal person, a crew member who does not have the certificate of competency or endorsement to the certificate of competency or professional certificate required for the corresponding position is punishable by a fine of up to 2000 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 94<sup>19</sup>. Repeated detention of ship**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

### **§ 94<sup>20</sup>. Unauthorised activities which obstruct and endanger vessel traffic on public waterways and fairways**

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(1) Unauthorised activities which obstruct or endanger vessel traffic on a public waterway is punishable by a fine of up to 300 fine units.  
[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 94<sup>21</sup>. Violation of requirements for construction activities on waterways and in immediate vicinity of aids to navigation or in required sector of visibility thereof**

(1) Violation of the requirements for construction activities on waterways and in the immediate vicinity of aids to navigation or in the required sector of visibility thereof is punishable by a fine of up to 300 fine units.  
[RT I 2005, 31, 229 – entry into force 03.06.2005]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

**§ 94<sup>22</sup>. Unauthorised installation of scientific equipment and other equipment necessary for research work**

(1) Installation of scientific equipment and other equipment and objects necessary for research work on waterways without a written permission of the Maritime Administration is punishable by a fine of up to 300 fine units.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

**§ 94<sup>23</sup>. [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]**

**§ 94<sup>24</sup>. Navigation of water craft without right to navigate**

Navigating a water craft without a due document certifying the right to navigate is punishable by a fine of up to 200 fine units.

[RT I 22.12.2010, 1 – entry into force 02.01.2011]

**§ 94<sup>25</sup>. Violation of security requirements for ships**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

**§ 94<sup>26</sup>. Proceedings**

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The Maritime Administration is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 80–93<sup>3</sup> and 94<sup>1</sup>–94<sup>25</sup> of this Act.

(3) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) Police authorities are the extra-judicial bodies which conduct proceedings in matters of misdemeanours provided for in §§ 82, 88, 89, 90<sup>5</sup>, 94<sup>4</sup>, 94<sup>11</sup> and 94<sup>24</sup> of this Act.

[RT I, 27.06.2012, 5 – entry into force 01.09.2012]

(4<sup>1</sup>) In addition to as provided for in subsection (2) of this section, also police authorities are the extra-judicial bodies which conduct proceedings regarding recreational craft and personal watercraft in matters of misdemeanours provided for in § 93 of this Act.

(5) This section and §§ 80–94<sup>18</sup>, 94<sup>21</sup>, 94<sup>22</sup>, 94<sup>24</sup> and 94<sup>25</sup> of this Act also apply to ships and recreational craft flying a foreign flag unless the requirements for documents which are not equivalent to the provisions of this Act are applied in the foreign state the flag of which is flown by the recreational craft.

## **Chapter 17 IMPLEMENTING PROVISIONS**

**§ 95. Specifications for application of this Act**

(1) The second sentence of subsection 12 (3) of this Act applies to ships acquired after the entry into force of this Act.

(2) The certificates specified in subsections 17 (2) and 32 (2) of this Act shall be exchanged for new certificates which conform to the new format at the time of the next complete survey of a ship.

(3) The part of Chapter 11<sup>1</sup> concerning navigation dues enters into force on 1 July 2004.

(4) A medical practitioner who, at the time of entry into force of § 26<sup>1</sup> of this Act, conducts the medical examination of the crew members of vessels of all navigation areas, persons who commence studies and students at a maritime educational institution in the formal educational system, has the right to continue the conduct of medical examinations for six months from entry into force of the specified section. The medical practitioner shall apply to the Health Board to be approved within six months from entry into force of § 26<sup>1</sup> of this Act. Upon failure to submit an application within the specified term, the medical practitioner loses the right to conduct the medical examinations. Upon application for approval, the training requirement provided for in clause 26<sup>1</sup>(1) 2) does not apply to the medical practitioner. In order to apply for approval, the medical practitioner shall submit to the Health Board a document issued by a health care provider certifying that, at the time of entry into force of § 26<sup>1</sup> of this Act, the medical practitioner conducts the medical examination of the

crew members of vessels of all navigation areas and persons who commence studies and students at a maritime educational institution in the formal educational system.

(5) A medical practitioner who, by the date of entry into force of § 26<sup>1</sup> of this Act, has completed a 18-hour training in maritime medicine for persons who conduct medical examination which is organised by the Occupational Health Centre, shall apply to be approved by the Health Board within six months after entry into force of § 26<sup>1</sup> of this Act. Upon application for approval, the requirement of a 18-hour training in maritime medicine provided for in clause 26<sup>1</sup>(1) 2) does not apply to the medical practitioner. Approval grants the medical practitioner the right to examine the health of crew members of ships engaged in coastal shipping and vessels navigating on inland waters. In order to apply for approval, the medical practitioner shall submit to the Health Board a copy of the certificate certifying the completion of the training in maritime medicine for persons who conduct medical examination which is organised by the Occupational Health Centre.  
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(6) Tonnage certificates issued for fishing vessels with an overall length of less than 15 meters shall be replaced by tonnage certificates which meet the requirements established pursuant to subsection 3 (3) of this Act by 1 May 2004.

(7) Subsection 20 (5<sup>3</sup>) of this Act does not apply to persons who have graduated from a maritime educational institution or have commenced studies at a maritime educational institution before 1 July 2005.

(8) The Maritime Administration is a competent authority that performs the functions of an administration in respect of ships and crew members within the meaning of the following IMO conventions to which the Republic of Estonia has acceded:

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

1) the International Convention on the Safety of Life at Sea;  
2) the International Convention on Load Lines of 1966 and the valid Protocols of and later amendments to the Convention;

3) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

4) the International Convention on the Tonnage Measurement of Ships of 1969;

5) the International Convention for the Prevention of Pollution from Ships;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

6) the Convention on the International Regulations for Preventing Collisions at Sea;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

7) the International Convention on the Control of Harmful Anti-fouling Systems on Ships;

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

8) the International Convention for Safe Containers.

[RT I, 04.07.2011, 2 – entry into force 14.07.2011]

(9) The Maritime Administration is, within the meaning of Regulation No 725/2004/EC of the European Parliament and of the Council on enhancing ship and port facility security (text with EEA relevance) (OJ L 129, 29.04.2004, p. 6–91), a competent authority for maritime security and a focal point for maritime security and performs the functions of an administration in respect of ships, except the establishment of security levels.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(10) [Repealed – RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(11) Sections 37<sup>1</sup> and 39<sup>1</sup> of this Act enter into force on 1 July 2005.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

(12) [Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(13) [Repealed – RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(14) The seagoing practice undergone on a ship performing state administrative duties in order to obtain the qualification of an officer as provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers shall be included in the seagoing practice needed in order to obtain the certificate of competency or professional certificate of a crew member.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(15) Only subsections 19 (7), 20 (1), except as to granting of qualification to ship's officers as provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978 (hereinafter the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers), subsections 20 (2), 21 (1) and (2), except as to granting of qualification to ship's officers as provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and Chapter 11, except subsection 45 (4) of this Act extend to the ships of police authorities acquired before 1 January 2011 and the crew members thereof.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(16) Clause 35<sup>3</sup>(1) 3) of this Act does not apply to recreational craft put into service before 1 January 2000 in Estonia.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(17) Clause 35<sup>3</sup>(1) 4) of this Act does not apply to recreational craft put into service before 1 May 2004 in Estonia and personal watercraft manufactured before 31 December 2005.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(18) Clause 35<sup>3</sup>(1) 5) of this Act does not apply to recreational craft put into service before 1 May 2004 in Estonia.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(19) The transitional periods for distribution and installation of the equipment listed under Annex A of Council Directive 96/98/EC on marine equipment (OJ L 46, 17.02.1997, pp. 25–26) shall be established on the basis of the periods and requirements set out in Council Directive 96/98/EC and amendments thereto.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

(20) Subsection 20 (5<sup>8</sup>) of this Act does not apply to persons who have graduated from a maritime educational institution or commence studies at a maritime educational institution before 1 January 2011.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(21) Subsection 53<sup>1</sup>(1<sup>1</sup>) of this Act is applied to:

- 1) fishing vessels constructed before 30 November 2010 with an overall length of 24 metres or more and under 45 metres, from 31 May 2012;
- 2) fishing vessels constructed before 30 November 2010 with an overall length of 18 metres or more and under 24 metres, from 31 May 2013;
- 3) fishing vessels constructed before 30 November 2010 with an overall length of 15 metres or more and under 18 metres, from 31 May 2014.

[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(22) In the year 2013, the maximum number of times for payment of fairway dues provided for in subsection 5010 (1) shall be calculated from 1 July.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(23) The fairway dues payable for entries of a ship from 1 July to 31 December 2013 shall be reduced according to the lighthouse dues and navigation dues paid for the ship from 1 January to 30 June 2013. The fairway dues for a chargeable entry shall be reduced by the amount calculated by dividing the lighthouse dues and navigation dues by the number of voyages made during the same period, but not by a bigger number than:

- 1) 60 for a passenger ship;
- 2) 3 for a cruise ship;
- 3) 10 for another ship.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(24) The reduction of the fairway dues provided for in subsection (23) of this section shall be applied to the same number of voyages that were made by the ship from 1 January 2013 to 30 June 2013 but not for a greater number of voyages than:

- 1) 60 for a passenger ship;
- 2) 3 for a cruise ship;
- 3) 10 for another ship.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(25) If the reduction of due rates for one voyage pursuant to subsection (23) of this section exceeds the fairway dues payable for the voyage, the reduction of due rates shall be deemed equal to the fairway dues.

[RT I, 31.12.2012, 1 – entry into force 01.07.2013]

(26) If a passenger ship providing a regular service, for which fairway dues shall be paid for less than 60 times during a calendar year, starts undertaking voyages pursuant to clause 50<sup>10</sup>(1) 1) of this Act in January 2015, the timetable referred to in subsection 50<sup>10</sup>(1<sup>2</sup>) of this Act shall be submitted to the Maritime Administration not later than by 31 January 2015.

[RT I, 30.12.2014, 3 – entry into force 01.01.2015]

## **§ 95<sup>1</sup>. Validity of certificate of skipper of recreational craft and certificate of operator of personal watercraft**

(1) Certificates of skippers of recreational craft issued by the Maritime Administration before 1 July 2005 remain valid together with the restrictions provided therein.



(2) Certificates of skippers of recreational craft issued by the Maritime Administration before 12 April 1999 remain valid together with the restrictions provided therein until 31 December 2006.

(3) Instead of certificates specified in subsections (1) and (2) of this section, a certificate of a skipper of recreational craft specified in subsection 39 (4) of this Act shall be issued at the request of the holder of the certificate as follows:

- 1) a certificate of a skipper of recreational craft whose navigation area is sea and inland waters shall be issued to the skipper of recreational craft whose permitted navigation area was sea and navigable inland waters;
- 2) a certificate of a skipper of recreational craft whose navigation area is sea and inland waters shall be issued to the skipper of recreational craft whose permitted navigation area was sea;
- 3) a certificate of a skipper of recreational craft whose navigation area is inland waters shall be issued to the skipper of recreational craft whose permitted navigation area was navigable inland waters.

(4) Certificates of operators of personal watercraft issued before 1 July 2005 remain valid until 31 December 2006.

(5) In order to change the certificates specified in subsections (2) and (4) of this section, an application shall be submitted not later than by 31 December 2006.

(6) Persons who, from 1 January 1999 until 1 July 2005, have passed an examination for skippers of recreational craft but have not collected their certificate of a skipper of recreational craft have the right to submit an application for the receipt of a certificate of a skipper of recreational craft specified in subsection 39 (4) of this Act until 31 December 2006.

[RT I 2005, 31, 229 – entry into force 03.06.2005]

## **§ 95<sup>2</sup>. Invoices submitted to operators or ships' agents by the Maritime Administration**

(1) If an invoice submitted for the lighthouse dues and navigation dues provided for in § 50<sup>1</sup> of this Act is not paid by an operator or ship's agent, the Maritime Administration has the right to submit the payment notice specified in subsection 50<sup>4</sup>(3) of this Act to the operator or ship's agent. The due date for payment set out in the payment notice shall be 30 days after receipt of the payment notice. [RT III 2009, 46, 342 – entry into force 20.10.2009 – Judgement No. 3-4-1-14-09 of the Constitutional Review Chamber of the Supreme Court of 20.10.2009 declared the part of the first sentence of subsection 95<sup>2</sup>(1) “for the lighthouse dues and ice-breaking dues provided for in clause 6 (1) 13) of the version of the Commercial Shipping Code that was in force until 24 April 2004, and” to be unconstitutional and invalid.]

(2) The dues payable as set out in a payment notice shall be calculated pursuant to the legislation in force at the time of submitting an invoice.

[RT I 2008, 47, 263 – entry into force 16.11.2008]

## **§ 95<sup>3</sup>. Application of requirements for maritime labour certificate and work in fishing certificate**

An operator shall apply for a maritime labour certificate, work in fishing certificate or interim maritime labour certificate not later than by 31 December 2014 for a ship that has been entered in the ship registry or the register of bareboat chartered ships of Estonia before the entry into force of Chapter 2<sup>2</sup> of this Act.

[RT I, 29.06.2014, 108 – entry into force 01.07.2014]

**§ 96.–§ 101.**[Omitted from this text]

## **§ 102. Entry into force of Act**

This Act enters into force on 1 January 2003.

<sup>1</sup>Directive 2003/53/EU of the European Parliament and of the Council on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2003, p. 90-131), amended by Directive 2003/44/EC (OJ L 214, 26.08.2003, pp. 18-35), Directive 1882/2003 (OJ L 284, 31.10.2003, pp. 1-53) and Regulation (EC) No. 1137/2008 (OJ L 311, 21.11.2008, pp.1-54); Directive 2009/15/EC of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.05.2009, pp. 47-56); Directive 2009/16/EC of the European Parliament and of the Council on port State control (OJ L 131, 28.05.2009, pp. 57-100); Commission Directive 96/40/EC establishing a common model for an identity card for inspectors carrying out port State control (OJ L 196, 07.08.1996, pp. 8-9); Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community (OJ L 235, 17.09.1996, p. 31-38), amended by Directive (EC) No. 1882/2003 (OJ L 284, 31.10.2003, pp. 1-53) and Directive No. 1137/2008 (OJ L 311, 21.11.2008, pp. 1-54); Council Directive 96/98/EC on marine equipment (OJ L 46, 17.02.1997, p. 25-56) amended by Directive 98/85/EC (OJ L 315,

25.11.1998, p. 14–34), Directive 2002/75/EC (OJ L 254, 23.09.2002, p. 1–46), Directive 2008/67/EC (OJ L 171, 01.07.2008, pp. 16–62), Directive 2009/26/EU (OJ L 113, 06.05.2009, pp. 1–52), Directive 2010/68/EU (OJ L 305, 20.11.2010, pp. 1–54), Directive 2011/75/EU (OJ L 239, 15.09.2011, pp. 1–51), Directive 2012/32/EU (OJ L 312, 10.11.2012, pp. 1–61), Directive 2013/52/EU (OJ L 304, 14.11.2013, pp. 1–60) and Regulation (EC) No. 596/2009 (OJ L 188, 18.07.2009, pp. 14–92); [RT I, 30.12.2014, 3 – entry into force 01.01.2015] Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (OJ L 34, 09.02.1998, p. 1–29), amended by Directive 1999/19/EC (OJ L 83, 27.03.1999, p. 48–49), Directive 2002/35/EC (OJ L 112, 27.04.2002, p. 21–33) and Directive 2002/84/EC (OJ L 324, 29.11.2002, pp. 53–58), and Regulation (EC) No. 219/2009 (OJ L 87, 31.03.2009, pp. 109–154); Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships (OJ L 163, 25.06.2009, pp. 1–140), amended by Directive 2010/36/EU (OJ L 162, 29.06.2010, pp. 1–135); Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 02.07.1998, p. 35–39), amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, pp. 53–58) and Regulation (EC) No. 1137/2008 (OJ L 311, 21.11.2008, pp. 1–54); Council Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services (OJ L 138, 01.06.1999, p. 1–19), amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, pp. 53–58), Directive 2009/18/EC (OJ L 131, 28.05.2009, pp. 114–127) and Regulation (EC) No. 219/2009 (OJ L 87, 31.03.2009, pp. 109–154); Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81–90), amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, pp. 53–58), Directive 2007/71/EC (OJ L 329, 14.12.2007, pp. 33–36) and Regulation (EC) No. 1137/2008 (OJ L 311, 21.11.2008, pp. 1–54); Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers (OJ L 323, 03.12.2008, pp. 33–61); Directive 2001/96/EC of the European Parliament and of the Council establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (OJ L 13, 16.01.2002, p. 9–20), amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, pp. 53–58), and Regulation (EC) No. 1137/2008 (OJ L 311, 21.11.2008, pp. 1–54); Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 05.08.2002, p. 10–27), amended by Directive 2009/17/EC (OJ L 131, 28.05.2009, pp. 101–113) and Directive 2009/18/EC (OJ L 131, 28.05.2009, pp. 114–127); Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for passenger ferries (OJ L 123, 17.05.2003, p. 22–41), amended by Directive 2005/12/EC (OJ L 48, 19.02.2005, pp. 19–27), and Regulation (EC) No. 1137/2008 (OJ L 311, 21.11.2008, pp. 1–54); Directive 2005/35/EC of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.09.2005, pp. 11–21), amended by Directive 2009/123/EC (OJ L 280, 27.10.2009, pp. 52–55); Directive 2009/21/EC of the European Parliament and of the Council on compliance with flag State requirements (OJ L 131, 28.05.2009, pp. 132–135); Directive 2009/18/EC of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.05.2009, pp. 114–127); Directive 2010/65/EC of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, pp. 1–10); Directive 2013/54/EU of the European Parliament and of the Council concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 (OJ L 329, 10.12.2013, pp. 1–4); Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system (OJ L 308, 29.10.2014, pp. 82–87). [RT I, 05.04.2016, 1 – entry into force 15.04.2016]