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Public Transport Act

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Passed	Published	Entry into force
11.11.2015	RT I, 25.11.2015, 1	01.01.2016

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act sets out the grounds for the managing public transport by road, railway, waterway and air. Carriage by an automobile, bus, coach, tram or trolleybus is deemed to be carriage by road, carriage by a train or railbus is deemed to be carriage by rail, carriage by a ship, pleasure craft or ferry is deemed to be carriage by water, and carriage by an aircraft is deemed to be carriage by air.

(2) In addition to this Act, Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, pp. 51–71) is followed upon management of passenger transport by buses and coaches.

(3) In addition to this Act, Regulation (EU) No 181/2011 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No. 2006/2004 (OJ L 55, 28.02.2011, pp. 1–12) is followed upon management of passenger transport by buses and coaches.

(4) Upon management of international passenger transport by buses and coaches, this Act is followed to the extent that Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, pp. 88–105), Commission Regulation (EU) No 361/2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.04.2014, pp. 39–54), Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) (OJ L 321, 26.11.2002, pp. 13–43) and other international agreements do not provide otherwise.

(5) Upon management of passenger transport under a public service contract by rail, ferry and road, including upon planning and subsidising it, upon providing the passenger transport service and upon establishing the fare thereof, the provisions of this Act are followed to the extent that Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 03.12.2007, pp. 1–13) does not provide otherwise.

(6) This Act does not regulate the procedure for or conditions of granting, extending, suspending and revoking licences and authorisations for the carriage of passengers by rail, water and air or of licences and authorisations for ambulance transport by all modes of transport, which are regulated by other Acts

(7) The own-account carriage of passengers by road is regulated by the Road Transport Act.

(8) The use of a non-power driven means of transport, a motor assisted cycle or another vehicle falling outside the scope of regulation of this Act for the carriage of passengers by road for a fare is regulated by the legislation of a local authority (hereinafter *local authority*).

(9) The Law of Obligations Act applies to the legal relationship between a carrier and a passenger as well as to the consequences arising therefrom, including to the carriage of passengers under a public service contract, taking account of the specifications provided for in this Act.

(10) The General Part of the Economic Activities Code Act applies to the commencement, carrying out and termination of the economic activities of an operator regulated by this Act, taking account of the specifications provided for in this Act.

(11) The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking account of the specifications provided for in this Act.

§ 2. Public transport

‘Public transport’ means the carriage of passengers for a charge by way of regular services, occasional services or taxi services as well as the carriage of a vehicle and its trailer for a charge on ship, pleasure craft and ferry routes.

§ 3. Bus and coach services and taxi services

(1) ‘Bus and coach services’ means the carriage of passengers by a bus or coach or by an automobile that has six to nine seats.

(2) ‘Taxi services’ means the carriage of passengers by road to the designation requested by a customer or the picking up of the passenger using a public transport vehicle adjusted for taxi services as well as waiting with such a vehicle for the passenger at a taxi stop or at the place agreed with the passenger.

§ 4. Route and regular services

(1) ‘Route’ means a path of movement travelled by a public transport vehicle at intervals prescribed by a timetable.

(2) ‘Rural, urban or county route’ means a route where stops are located primarily in the administrative territory of a rural municipality, city or county. To distinguish between rural, urban and county routes, other indicators characterising the route are taken into account, in particular, the timetable, the main target group of passengers, the main service area and the technical compliance of the public transport vehicle for servicing the route.

(3) ‘Long-distance route’ means a route that is not a rural, urban or county route.

(4) ‘Commercial regular service’ means the carriage of passengers on the basis of an authorisation for a regular service or a contract concluded with a customer, except on the basis of a public service contract.

(5) ‘Special regular services’ means the carriage of workers between home and work and the carriage of school pupils and students to and from the educational institution on the basis of a public service contract or a contract for commercial regular services concluded with a customer and whereby settlements are made between the carrier and the customer.

§ 5. Occasional services

‘Occasional services’ means the carriage of passengers by road, except for regular services and taxi services, and the main characteristic of which is the carriage of groups of passengers constituted on the initiative of the customer or the carrier.

§ 6. Carrier

(1) ‘Carrier’ means an operator entered in the commercial register or a person entered in the register of non-profit associations and foundations, which holds an authorisation or licence for operating in the field of public transport.

(2) A carrier that provides regular services in a local authority that has at least 40 000 residents is a vital service provider for the purposes of subsection 37 (1) of the Emergency Act and must perform the duties set out in subsection 37 (3) of the Emergency Act. Also, such carrier is a provider of a service of general interest for the purposes of the General Part of the Economic Activities Code Act.

(3) A carrier that provides regular services on ferry routes between Estonian mainland and Saaremaa Island, Hiiumaa Island and Muhumaa Island is a provider of the vital service specified in clause 34 (2) 10¹ of the Emergency Act and a provider of a service of general interest for the purposes of the General Part of the Economic Activities Code Act.

§ 7. Public transport vehicle

‘Public transport vehicle’ means a bus, coach, automobile, tram, trolleybus, passenger train, railbus, passenger ship, passenger ferry, pleasure craft, aircraft or any other engine-driven means of transport used for the provision of public transport services;

§ 8. Timetable

‘Timetable’ means a document determining the route of a public transport vehicle, the stopping points where passengers may board and exit, the times of departure from the points of departure and stopping, and the time of arrival at the destination.

§ 9. Ticket

‘Ticket’ means a paper document or a document in another form, including electronic form, which certifies the passenger’s right to be carried.

Chapter 2 Planning and Management of Public Transport

§ 10. Bases for planning and management of public transport

(1) The purpose of planning and managing public transport is to:

- 1) taking into account the social and economic feasibility of the use of resources, ensure that the supply of public transport meets the demand prompted by the need for movement of residents and different social groups thereof, including disabled persons, the elderly, pupils, students, residents of islands and small islands;
- 2) promote the preferential use of public transport vehicles, thereby reducing the negative effects of transport on the environment and the physical harm caused by transport and facilitating the prevention of traffic accidents and congestion;
- 3) reduce social and economic costs on transport, energy and infrastructure incurred by society.

(2) Upon preparing the national plan as well as county, comprehensive and detailed plans, the need to develop public transport and its route network must be taken into account on the basis of the objectives specified in subsection (1) of this section.

§ 11. Objects of public transport infrastructure

(1) ‘Object of public transport infrastructure’ means a bus and coach terminal, railway station, port, passenger terminal, berth, platform, shelter, stopping point, information or communication system, other route facility and equipment as well as inventory designated or required for servicing thereof.

(2) Upon construction of an object of public transport infrastructure, the number and special needs of passengers and the volume and characteristics of transport operations are taken into account. The manager of the object of public transport infrastructure ensures the maintenance of the object and the availability of the information necessary for passengers, including information on timetables, price lists, travel fare concessions, carriers and hotlines.

(3) The manager of a terminal, bus and coach terminal, waiting area of the point of departure or destination of an urban or rural route must ensure equal conditions of use of the terminal, bus and coach terminal or waiting area to the carriers providing regular services, except special regular services.

§ 12. Agencies that plan and manage public transport

Rural municipality and city councils, rural municipality and city governments (hereinafter *local authority bodies*), county governments, the Road Administration, the Ministry of Economic Affairs and Communications and the Government of the Republic plan and manage public transport in accordance with the procedure provided for in this Act or in accordance with the procedure established on the basis of this Act, thereby involving, where necessary, local authority associations, carriers and associations of carriers as well as establishing regional public transport centres.

§ 13. Functions of local authority body

(1) Within its administrative territory, the local authority body:

- 1) directs and coordinates the development of public transport, elaborates and implements relevant development plans financed out of the budget of the local authority, the state budget and earmarked appropriations made by persons in private law;

- 2) organises surveys of the residents' need for movement to clarify the demand for public transport services and the feasibility and possibilities to carry out different transport operations;
- 3) drafts public transport route networks for the rural municipality or city and approves or authorises a rural municipality or city agency to approve the timetables for the rural municipality or urban routes, taking into account the requirements for the preparation of timetables and, where possible, the proposals of the relevant county government and the county and domestic route network;
- 4) manages the planning, construction, maintenance and use of the objects of the public transport infrastructure and takes measures to create preferential traffic conditions for public transport vehicles;
- 5) grants taxi licences, taxi service vehicle cards (hereinafter *vehicle card*), driver's service provider cards (hereinafter *service provider card*) and regular service authorisations for the carriage of passengers by bus or coach on a rural or urban route;
- 6) awards public service contracts to carriers and organises public procurements to select carriers to provide public regular services;
- 7) may submit applications to the county government of its location for the partial financing of public transport in the rural municipality or city from the state budget;
- 8) establishes tariffs per kilometre and transport ticket prices for public regular services on rural or urban routes;
- 9) on the basis of a public service contract, manages the financing of public regular services out of its own budget and other sources of revenue;
- 10) compensates for travel fare concessions established by it;
- 11) together with carriers, ensures adherence to the standards of the public transport service level (if any), the management of the sale of transport tickets, and manages ticket inspection on rural or urban routes;
- 12) manages supervision over compliance with the requirements for taxi licences, vehicle cards, service provider cards and regular service authorisations granted by it as well as over the performance of public service contracts and public law contracts on authorisation for carrying out administrative tasks awarded in accordance with the Administrative Cooperation Act (hereinafter *public law contracts*);
- 13) ensures the availability of information required for passengers, including information on departure times, traffic intervals and hotline numbers at the stopping points of rural or urban routes;
- 14) taking account of traffic safety and intensity, parking facilities and the needs of passengers, may designate municipal taxi stops where only a vehicle that has been granted a vehicle card for the provision of taxi services in the local authority is allowed to wait for a customer.

(2) Where necessary, the local authority body performs the functions specified in subsection (1) of this section in cooperation with an association of other local authority bodies, county governments and local authorities.

(3) By mutual agreement and by agreement with the county government of the location, local authority bodies may from their own budget and from the earmarked subsidies of the state budget subsidise the county routes that connect their administrative territories and routes that exceed the border of the rural municipality or city, but that are considered rural or urban routes based on subsection 4 (2) of this Act.

(4) A rural municipality or city council, or a rural municipality or city government upon authorisation of the rural municipality or city council will assign an agency to perform the functions of the local authority body listed in this section and will determine the procedure for performance of the functions, unless such functions are provided for in other sections of this Act.

(5) The local authority body may allocate a portion of the budgetary funds of the local authority for developing public transport in the county. By agreement with the county government, the local authority body may also subsidise the long-distance routes specified in subsection 4 (3) of this Act.

(6) The rural municipality or city council may establish the requirements for preparation of the timetables of rural or urban routes by a regulation.

§ 14. Functions of county government

(1) The county government:

- 1) directs and coordinates the development of public transport in the county, draws up and implements relevant development plans financed from the state budget, the budgets of local authorities and earmarked appropriations of persons in private law;
- 2) organises surveys of the county residents' need for movement in order to identify the demand for public transport services and the feasibility and possibilities of managing transport operations of a different type;
- 3) drafts a public transport route network connected to the domestic network in the county and, based on the timetables of long-distance routes, the timetables of rural and urban routes and the proposals of relevant local authorities, establishes the timetables of the county routes, and submits to the applicant for an authorisation for a regular service or an applicant for the approval of a timetable a requested written opinion within 15 days from the date of submission of the application;
- 4) manages the planning of the objects of the infrastructure of county routes and takes measures to create preferential traffic conditions for public transport vehicles;
- 5) grants regular service authorisations for carriage by bus or coach on a county route;
- 6) awards public service contracts to carriers and organises public procurements to select carriers to provide public regular services;
- 7) applies for a subsidy from the state budget for finding the public transport in the county and, where necessary, in a rural municipality or city;

- 8) manages the financing of regular services provided on the basis of a public service contract from the state budget and, on the basis of decisions of rural municipality and city councils, from the budgets of the rural municipalities and cities as well as from earmarked appropriations of operators;
- 9) prepares proposals for the tariff per kilometre or the ticket price of regular services provided on the basis of a public service contract on a county route and in the event specified in subsection (3) of this section and submits them to the Road Administration for approval;
- 10) manages the issue and checking of tickets on county routes;
- 11) manages supervision exercised over compliance with the requirements for the authorisation for a regular service granted by it and over the performance of a public service contract and a public law contract concluded by it;
- 12) manages supervision exercised over compliance with the requirements for an authorisation for a regular service of long-distance routes passing through the administrative territory of the county.

(2) If necessary, the county government performs the functions specified in subsection (1) of this section in cooperation with the local authorities of and the association of the local authorities of the county, other local authorities and the Road Administration.

(3) By mutual agreement and by agreement with the Road Administration, county governments may subsidise long-distance routes connecting these counties, which are serviced on the basis of a public service contract, from earmarked appropriations from the state budget. County governments and the Road Administration may agree with local authorities on the extent and conditions of subsidising long-distance routes from the budgets of the local authorities.

(4) The county government may make a proposal to the rural municipality and city councils and the association of the local authorities of the county to allocate a portion of the budgetary funds of the local authorities to the development of public transport in the county and to subsidising county routes and long-distance routes.

§ 15. Regional public transport centre

(1) 'Regional public transport centre' means a company or non-profit association founded by a local authority and the state where the state and the local authority have a majority interest.

(2) Owing to regional characteristics and the need for more practical management of public transport, local authorities and the state may, under a public law contract, authorise a regional public transport centre to perform relevant functions specified in §§ 13 and 14 of this Act and they may provide the public transport centre with funds and other resources necessary for the performance of the functions.

(3) The function of a regional public transport centre is to ensure that the residents of the territory prescribed by the founders of the centre, regardless of the administrative division of such territory, are provided with less expensive and economically more efficient public transport, which is based on an integrated route network, coordinated timetables and an integrated ticket system. The regional public transport centre cannot perform the functions of a carrier.

§ 16. Functions of Road Administration

(1) The Road Administration:

- 1) carries out nationwide public transport surveys;
- 2) participates in planning objects of the infrastructure of long-distance routes and takes measures to create preferential traffic conditions for public transport vehicles;
- 3) in the case of carriage of passengers by bus or coach on a county route and in the event specified in subsection 14 (3) of this Act, coordinates the tariff per kilometre, the ticket price of regular services provided on the basis of a public service contract and the timetables of domestic long-distance routes serviced on the basis of a public service contract;
- 4) advises rural municipality and city governments, county governments and regional transport centres in matters concerning the drafting and implementation of a public bus and coach service contract as well as establishing a route network;
- 5) manages supervision exercised over compliance with the requirements of an authorisation for a regular service granted by it for the carriage of passengers by public bus and coach, requirements for international regular services (including over compliance with the requirements for an international regular service authorisation granted by the Ministry of Economic Affairs and Communications) if, on the basis of clause 17 (1) 2) of this Act, the function of granting international regular service authorisations has been imposed on the Road Administration, and manages supervision exercised over public service contracts awarded for rural and urban regular bus and coach services, provided that earmarked subsidies are paid from the state budget for the performance of the public service obligation;
- 6) sets up the national public transport route network, taking into account the timetables of rural, urban, county and international routes and the proposals of the county governments concerned;
- 7) grants regular service authorisations for the carriage of passengers by bus and coach on a domestic long-distance route and approves the timetables of domestic commercial long-distance routes.

(2) In addition to the function specified in subsection 1 of this section, the Government of the Republic may, by an order, authorise the Road Administration instead of the county government to perform relevant functions of the county government specified in subsection 14 (1) of this Act and other functions of the county government specified in this Act.

§ 17. Functions of Ministry of Economic Affairs and Communications

(1) The Ministry of Economic Affairs and Communications:

- 1) makes and implements the public transport policy;
- 2) grants regular service authorisations for international long-distance carriage of passengers by bus and coach and approves the timetables of international long-distance routes or delegates the function to the Road Administration;
- 3) manages supervision exercised over the performance of public service contracts and public law contracts concluded by it and the obligations arising from this Act.

(2) The minister responsible for the field may, by a regulation, establish:

- 1) the methodology for calculation of work and service volumes of public transport, which is mandatory for state and local authorities managing public transport and for carriers;
- 2) service level standards for intra-county regular services provided on the basis of a public service contract.

Chapter 3 Public Service Obligation

§ 18. Public service obligation

‘Public service obligation’ means the established requirement of the competent authority to ensure the general-interest public service of carriage of passengers, which a carrier would not, based on its economic interests, provide without compensation or to the same extent or on the same conditions.

§ 19. Competent authorities managing regular services provided under public service contract

(1) The competent authority manages regular services provided under a public service contract. The competent authority is:

- 1) the Ministry of Economic Affairs and Communications regarding the carriage of passengers by rail, including the carriage of passengers within a rural municipality or a city, provided that it is logistically connected to the carriage of passengers by rail managed by the Ministry of Economic Affairs and Communications;
- 2) the Ministry of Economic Affairs and Communications regarding the carriage of passengers by ship, pleasure craft and ferry and on a long-distance route by air, on an international route by air as well as regarding the carriage of vehicles and trailers thereof on a long-distance route by water;
- 3) the Road Administration regarding the carriage of passengers in domestic long-distance and international regular services, except in the event specified in subsection 14 (3) of this section;
- 4) the county government regarding the carriage of passengers on a county route by bus, coach, ship, pleasure craft, ferry and aircraft as well as regarding the carriage of passengers on a route that crosses the county border, but that, on the basis of subsection 4 (2) of this Act, is deemed to be a county route, and regarding long-distance regular services in the event specified in subsection 14 (3);
- 5) the rural municipality government or the city government regarding the intra-rural municipality or intra-city carriage of passengers by bus, coach, tram, trolleybus, ship, pleasure craft or ferry as well as regarding the carriage of passengers on a route that crosses the border of the rural municipality or city, but that, on the basis of subsection 4 (2) of this Act, is deemed to be a rural municipality or city route, and on a county route in the event specified in subsection 13 (3);
- 6) the rural municipality government or the city government regarding the intra-rural municipality or intra-city carriage of passengers, except in the event specified in subsection (1) of this section.

(2) In the case of the carriage of passengers specified in clauses 4) to 6) of subsection (1) of this section, the regional public transport centre may also be the competent authority.

(3) In the event of long-distance regular services specified in clause (1) 4) of this section, a public service contract will be awarded to the carrier by the county government on whose county territory the longest part of a long-distance route connecting bordering counties is located or that is authorised to do so by agreement of the county governments of such counties.

(4) In the event of a county route specified in clause 5) subsection (1) of this section, a public service contract will be awarded to the carrier by the government of the rural municipality or city on whose territory the longest part of the county route connecting the bordering local authorities is located or the rural municipality government or city government which is authorised to do so by the agreement of the governments of these local authorities.

(5) If, as a result of a merger of local authorities, a rural or urban route emerges instead of the former county route, the route will be managed and financed until the expiry of the public service contract in force by the

competent authority that awarded the contract. At the request of the local authority created as a result of the merger, the rural or urban route created within the boundaries of the merged local authority instead of a county route serviced on the basis of a public service contract is managed and financed from the state budget by the county government or the regional public transport centre to the extent of the regular service volume of the county route serviced on the basis of the public service contract and to the extent of a reasonable subsidisation rate for at least four year as of the awarding of the new public service contract.

(6) If, based on subsection 16 (2) of this Act, the Government of the Republic has authorised the Road Administration to perform the functions of the county government relating to the management of regular services provided under a public service contract, the competent authority specified in this section will be the Road Administration instead of the county government.

§ 20. Public service contract

(1) The duty to provide public services can be imposed on a carrier solely under a public service contract between the competent authority and the carrier, except in the event provided for in subsection 22 (1) of this Act.

(2) A public service contract sets out at least the following:

- 1) the public service obligation which includes a list of the routes to be serviced along with a calculation of the distance to be travelled on the routes and a calculation of the cost of the transport service per cost entry;
- 2) the grounds of and procedure for payment of subsidies to regular services;
- 3) the procedure for reporting on the use of the subsidies;
- 4) the granting of use of public transport vehicles and route facilities for the provision of transport services, and requirements concerning the use and return thereof;
- 5) the term of validity of the contract;
- 6) the grounds of and procedure for the expiry or termination and amendment of the contract;
- 7) the conditions for insuring passengers and property;
- 8) sanctions in the event of a breach of the contract.

(3) A public service contract may be awarded for a term of up to ten years. Upon awarding a public service contract for the carriage of passengers by rail and road, the term of validity of the public service contract must be set in accordance with the time limits specified in Regulation (EC) No 1370/2007 of the European Parliament and of the Council.

(4) The competent authority that awards a public service contract has the right to demand that the carrier, for the purpose of ensuring the performance of the public service obligation, provide a proper security for compensation of losses in the event of non-performance of the contract.

§ 21. Procedure for awarding public service contract

(1) The competent authority chooses a carrier in accordance with the Public Procurement Act and taking into account the specifications provided for in this section and, regarding the carriage of passengers by rail and road, in Regulation (EC) No 1370/2007 of the European Parliament and of the Council.

(2) The competent authority must make preparations for the awarding of a public service contract in such a manner that the public service contract awarded as a result of a public procurement organised for finding the provider of passenger carriage services is awarded to the carrier not later than three months before the expiry of the public service contract in force or entry into force of a public service contract concluded between the competent authority and the carrier.

(3) If the actions of the competent authority have been contested in accordance with the procedure provided for in the Public Procurement Act and the public service contract expires before the settlement of a request for review or an appeal or if there is otherwise a direct threat of the interruption of the provision of the service, the competent authority will have the right, upon choosing the economically most advantageous option, to:

- 1) renew the public service contract with the carrier who serviced the route on the same or new conditions until a carrier is found on the grounds provided for in subsections (1) and (2) of this section, but not for more than two years, or
- 2) in the case of the carriage of passengers by rail or road and in the case of the carriage of passengers and vehicles by ship or ferry, directly award a public service contract in accordance with the general principles of public procurement, but not for more than two years.

(4) In addition to the events specified in Articles 5(2) and (5) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council, the public service obligation to provide passenger transport services by road and on inland waterways may be imposed on a carrier by a directly awarded public service contract only on the condition that the passenger carriage service is provided under a directly awarded public service contract to the extent of less than 200 000 kilometres a year by road and to the extent of less than 300 000 kilometres a year on inland waterways and in the territorial waters of the Republic of Estonia. Also, under a directly awarded

public service contract the public service obligation to provide the passenger carriage service by rail may be imposed on the carrier.

(5) If the competent authority has awarded to a carrier a public service contract for the provision of passenger carriage services by road, including a directly awarded public service contract, the competent authority may not award a public service contract directly to the same carrier, except in the events specified in Articles 5(2) and (5) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council. Carriers that, for the purposes of the Competition Act, can be considered one operator are considered to be the same carrier.

(6) Regarding carriage by rail, the competent authority may directly award a public service contract on the basis of Article 5(6) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council.

§ 22. Imposing public service obligation as emergency measure

(1) Based on Article 5(5) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council, the competent authority may, in the event of disruption of the provision of the service or a direct threat thereof, impose the public service obligation, in addition to a carrier carrying passengers by road and rail, also on a carrier carrying passengers and vehicles by ship and ferry, without awarding a public service contract. This measure may be taken only if the renewal of a public service contract specified in clause 21 (3) 1) of this Act or the direct awarding of a public service contract specified in clause 21 (3) 2) of this Act fails.

(2) To impose a public service obligation, the competent authority must inform the carrier about the intention to impose the public service obligation, stating the reasons thereof. The carrier has the right to submit its opinion and counter-arguments along with the reasons within 30 days as of receiving the notice.

(3) The competent authority will make a decision to impose a public service obligation within 30 days after the closing date for the submission of the carrier's opinion and counter-arguments specified in subsection (2) of this section. The competent authority will not impose the public service obligation on compelling grounds.

(4) In the event of imposing the public service obligation, the competent authority must develop a programme of measures for the purpose of continued public service following the expiry of the public service obligation. Within three months following the imposition of the public service obligation, the competent authority must submit the programme of measures for approval as follows:

- 1) the Ministry of Economic Affairs and Communications must submit it to the Government of the Republic;
- 2) a county government and the Road Administration must submit it to the Ministry of Economic Affairs and Communications;
- 3) a rural municipality government or a city government must submit it to the rural municipality council or the city council.

(5) The decision of the competent authority to impose the public service obligation may be contested in the administrative court. For the purpose of ensuring the continued carriage of passengers, the competent authority and the carrier will follow the conditions of the last public service contract in force until a decision is made in the disputed case.

§ 23. Separation of accounting of regular services provided under public service contract from other business operations

(1) A carrier that, in addition to regular services provided under a public service contract, also provides commercial regular services or is engaged in other business operations, must, for the purpose of prevention of cross-subsidisation and purposeful use of the subsidies allocated to the public regular services from the state budget or the budget of the local authority, keep separate accounts of the revenue and expenditure of the regular services provided under the public service contract. The portion of assets related to the public regular services must be accounted in accordance with the generally accepted accounting principles.

(2) The expenditure of regular services provided under a public service contract is covered by the revenue earned from public transport provided under a public service contract, including by ticket revenue, subsidies allocated to public regular services from the state budget or the budget of the local authority and other revenue earned from the performance of the public service obligation. The transfer of revenue to the other business areas of the carrier is prohibited. The adherence to this obligation must be reflected in the accounting of the revenue, expenditure and assets of the carrier.

Chapter 4 Financing of Public Transport

§ 24. Subsidies by state and local authority

Earmarked public transport subsidies may be allocated from the state budget and the local authority budget for the provision of public regular services under a public service contract, acquisition of public transport vehicles, construction and renovation or management of objects of public transport infrastructure, and carrying out public transport surveys.

§ 25. Financing carriage of passengers and vehicles

(1) Subsidies may be allocated from the state budget to the following regular services provided under a public service contract or to other passenger carriage operations financed on the basis of the law, which are carried out:

- 1) by rail;
- 2) by bus or coach;
- 3) ship, pleasure craft and ferry routes that connect the Estonian mainland to the islands and small islands, the island of Saaremaa to the island of Hiiumaa and the island of Saaremaa to the small islands located within the administrative territory of Saare county;
- 4) air routes that connect the Estonian mainland to the islands and small islands, the island of Saaremaa to the island of Hiiumaa and the island of Saaremaa to the small islands located within the administrative territory of Saare county.

(2) Subsidies may be allocated from the budget of a local authority to the following regular services provided under a public service contract or to other passenger carriage operations financed on the basis of the law, which are carried out:

- 1) on a domestic train route;
- 2) on a bus, coach, trolleybus or tram route;
- 3) on an intra-rural municipality or intra-city ship, pleasure craft or ferry route.

(3) In addition to the provisions of subsection (1) of this section, the carriage of vehicles and trailers thereof by water on a county route and a long-distance route under a public service contract may be subsidised from the state budget and, in addition to the activities specified in subsection (2) of this section, a local authority may manage the subsidising of the carriage of vehicles and trailers thereof by water under a public service contract.

(4) If a local authority subsidises county, long-distance or international regular services, the local authority must inform the relevant competent authority specified in clauses 19 (1) 1) to 4) or subsection 19 (2) of this Act.

(5) At the request of a local authority, the state may subsidise from the state budget regular services provided under a public service contract specified in subsection (2) of this section.

§ 26. Planning of subsidising regular services provided under public service contract

Upon planning the subsidising of regular services provided under a public service contract, the actual regular service expenditure and revenue in the previous years and the regular service expenditure and revenue planned for the current year and next year as well as the following statistical and planned indicators and measures arising from national programmes are taken into account:

- 1) regular transport volume, number of passengers and passenger turnover;
- 2) change of the consumer price index;
- 3) change of the revenue base of the state budget arising from tax revenue;
- 4) change of the role of public transport calculated as passenger turnover;
- 5) change of the budgetary revenue base of local authorities;
- 6) amount of the financial subsidy requested from the state budget for public regular services;
- 7) measures applied on the basis of national programmes concerning traffic safety, environmental and health protection and social and regional development;
- 8) conditions of public service contracts;
- 9) other circumstances directly related to the effect which the change in the role of public transport has on the economic and social development of society.

§ 27. Subsidy for acquisition and readjustment of public transport vehicles

The following may be subsidised from the state budget:

- 1) acquisition of buses, coaches, trams and trolleybuses used for regular services under a public service contract;
- 2) acquisition of rolling stock necessary for the carriage of passengers;
- 3) acquisition of ships, pleasure craft and ferries necessary for establishing a connection between the Estonian mainland and the islands and small islands, the island of Saaremaa and the island of Hiiumaa and the island of Saaremaa and the small islands located within the administrative territory of Saare county;
- 4) acquisition of public transport vehicles adjusted to carrying disabled persons or adjustment of public transport vehicles for carrying disabled persons.

§ 28. Subsidy for construction, renovation and management of objects of public transport infrastructure

The construction, renovation or management of the following objects of public transport infrastructure that support the provision of regular services may be subsidised from the state budget:

- 1) passenger terminals servicing different modes of transport located in cities with significant passenger flows; railway stations and bus and coach terminals of national or regional importance; and sea, river and airport constructions, which are located on Estonian islands or on the Estonian mainland and are intended for the

provision of a connection between the mainland and the islands, in particular, passenger terminals, berths and runways;

2) public transport information and communication systems of national or regional importance.

§ 29. Repayment of subsidies

(1) A recipient of subsidies from the state budget must fully or partially repay the subsidies or the payment of subsidies will be suspended or the subsidies will be set off against the subsidies payable under a public service contract in upcoming periods if:

- 1) the decision to grant the subsidies is based on incomplete, inaccurate or misleading information submitted by the recipient;
- 2) false or insufficient information was submitted concerning the allocation, payment or use of the subsidies and the submission of such information significantly influenced the granting of the subsidies or the conditions established therefor;
- 3) upon separation of regular services provided under a public service contract from other business operations, the requirements established in § 23 of this Act were not fulfilled;
- 4) the recipient of the subsidies has refused to submit the information, documents or other materials required for making a decision on granting or using the subsidies;
- 5) the subsidies have not been used for the intended purpose or the costs incurred are not reasonable within the limits of the public service contract;
- 6) the service has not been provided on the agreed conditions;
- 7) the recipient's profit is unreasonably high and the public service contract was not awarded to the recipient by way of an open procedure;
- 8) the requirements of use of the subsidies have been disregarded in another manner;
- 9) a contractual penalty has been imposed on the recipient for breaches of the conditions of the public service contract.

(2) The payment of subsidies from the state budget will be suspended, the subsidies will be fully or partially be repaid or set off in upcoming periods against the subsidies payable under the public service contract on the basis of an administrative decision of the authority that granted the subsidies or another competent authority provided by law.

§ 30. Procedure for subsidising public transport

(1) The procedure for subsidising public transport from the state budget, reporting on the use of subsidies and repayment of subsidies will be established by a regulation of the minister responsible for the field.

(2) The procedure specified in subsection (1) of this section regulates the calculation of the need for subsidies, submission of corresponding applications by local authorities and county governments and the consolidation of the applications, planning of the corresponding articles of the draft state budget, distribution of the subsidies allocated in the state budget, the supervision of the use thereof, and the repayment of subsidies.

(3) The procedure for subsidising public transport from the budget of a rural municipality or city, reporting on the use of subsidies and repayment of subsidies will be established by a regulation of the rural municipality council or city council.

Chapter 5 Price of Transport Operations

§ 31. Establishment of price of transport operations

(1) The prices of commercial regular services and occasional services are established by the carrier.

(2) The price per kilometre or ticket price of regular services provided under a public service contract is established:

- 1) regarding the carriage of passengers by rail, except the intra-rural municipality or intra-city carriage of passengers, by a regulation of the minister responsible for the field;
- 2) regarding the inter-county carriage of passengers by ship, pleasure craft, ferry or air, by a regulation of the minister responsible for the field;
- 3) regarding the intra-county carriage of passengers by bus, coach, ship, pleasure craft, ferry or air as well as on a long-distance bus route connecting neighbouring counties and on a route that crosses the county border, but that is considered a county route on the basis of subsection 4 (2) of this Act, by an order of the county governor;
- 4) regarding the intra-rural municipality or intra-city carriage of passengers by bus, coach, tram, trolleybus, ship, pleasure craft or ferry or regarding the carriage of passengers on a route that crosses the border of the rural municipality or city, but that, on the basis of subsection 4 (2) of this Act, is deemed to be a rural or urban line, by a regulation of the rural municipality council or the city council;
- 5) regarding the intra-rural municipality or intra-city carriage of passengers by rail, by a regulation of the rural municipality council or city council.

(3) The price of carriage of a vehicle and its trailer under a public service contract, thereby differentiating prices based on the type, measurements, maximum mass or another relevant indicator of the vehicle or trailer, where necessary, is established:

- 1) regarding a long-distance route, by a regulation of the minister responsible for the field;
- 2) regarding a county route, by an order of the county governor;
- 3) regarding a rural or urban route, by a regulation of the rural municipality council or city council.

(4) The county governor coordinates with the Road Administration the price per kilometre and the ticket price of a county bus or coach route serviced under a public service contract and a long-distance bus or coach route connecting neighbouring counties, which is serviced under a public service contract.

(5) If the fare is not agreed on before the start of the journey with an automobile having up to nine seats in the case of the carriage of passengers, the price will form on the basis of subsection 28 (2) of the Law of Obligations Act.

(6) The carrier must notify of a rise in the price of:

1) regular rail, air, ship, pleasure craft or ferry services and of long-distance and international bus or coach services in at least one national newspaper and if the carrier has a website, also on the website, as well as make the information available in a visible place at bus and coach terminals and railway stations or, in the case of water craft, at ports, or in the case of carriage by air, at airports, or, upon absence thereof, at the point of departure and destination and in the public transport vehicle at least ten days before the rise in prices. The owner or manager of these objects of public transport infrastructure must allow for the notification;

2) regular bus or coach services on a rural, urban or county route at least in one newspaper that is the most widespread in the region and if the carrier has a website, also on the website, as well as make the information available in a visible place at the point of departure and destination and in the public transport vehicle at least ten days before the rise in prices.

Chapter 6 Travel Fare Concessions

§ 32. Travel fare concession and proving entitlement thereto

(1) 'Travel fare concession' means the right granted to a particular category of passengers by law or in accordance with the procedure established by law to:

- 1) use a public transport vehicle without charge or for a reduced charge;
- 2) use a public transport vehicle for a full price and receive partial or full monetary compensation for it before or after the journey.

(2) The entitlement to a travel fare concession can be proven by:

- 1) the identity document;
- 2) the student card;
- 3) a certificate of the counselling committee stating that, based on the Basic Schools and Upper Secondary Schools Act, the committee has recommended that the commencement of compulsory school attendance by the child be postponed;
- 4) another document, electronic means or the fact that allows for concluding the entitlement to the travel fare concession.

(3) The entitlement to a travel fare concession arising from the disability of a person can be proven only by:

- 1) a pension certificate issued on the basis of § 35 of the State Pension Insurance Act, which indicates the details of the degree of severity of the disability and the term of the disability;
- 2) the disabled person's card issued on the basis of § 2³ of the Social Benefits for Disabled Persons Act;
- 3) in the case of a person with a severe visual disability, a certificate issued by the Social Insurance Board.

§ 33. Compensation of travel fare concession to passengers from state budget

(1) The rates of compensation for travel fare concessions paid out of the funds allocated from the state budget in accordance with clause 32 (1) 2) of this Act will be prescribed by an Act or another legal instrument adopted on the basis of an Act.

(2) The procedure for payment of the concessions specified in subsection (1) of this section will be established by a regulation of the Government of the Republic or by a regulation of the minister authorised by the Government of the Republic.

§ 34. Free transportation in domestic regular services

On a domestic route, the carrier is required to carry the following persons free of charge by road, water and rail: a child who has not attained the age of seven years by October 1 in the current academic year; a child whose commencement of the compulsory school attendance has been postponed; a disabled person of up to 16 years of age; a person with a profound disability and at least 16 years of age; a person with a severe visual disability; a person accompanying a person with a profound or severe visual disability; or the guide dog or assistant dog accompanying a disabled person. The carrier does not receive any compensation for the carriage of the passengers of these categories.

§ 35. Travel fare concessions in force in commercial regular services

(1) The owner of a state or municipal school can compensate the cost of travelling on a commercial route to the extent of up to 100 per cent of the ticket price to a pupil acquiring basic education, general secondary education or vocational education in the regular study form as well as to a pupil pursuing additional studies on the basis of § 54 of the Basic Schools and Upper Secondary Schools Act. The extent of compensation of travel costs may be differentiated based on the level of education acquired by the pupil and the distance of the place of residence of the pupil from the educational institution. Upon compensation of travel costs, the number of compensated journeys may be established and the compensation of travel costs within the borders of the same settlement or local authority may be limited. The compensation of travel costs must not be compensated to pupils whose travel costs are subject to compensation on other grounds.

(2) The procedure and extent of compensation of travel costs specified in subsection (1) of this section will be established with regard to state schools by a regulation of the minister responsible for the field and with regard to a municipal school by a regulation of the rural municipality council or city council.

§ 36. Travel fare concessions applicable to regular services performed under public service contract

(1) Upon provision of regular services under a public service contract, a pupil specified in subsection 35 (1) of this Act, the person accompanying a person having a profound disability and the person accompanying a disabled person of up to 16 years of age is granted a travel fare concession of up to 100 per cent of the ticket price on an intra-city or other domestic train route, provided that the point of departure and the destination are located within the borders of one city, as well as upon carriage by road and water. The extent of the travel fare concession is established:

- 1) upon carriage of passengers by road, by the rural municipality council or city council for rural or urban routes and by the county governor for a county route;
- 2) upon carriage of passengers by water, by the minister responsible for the field regarding a ship, pleasure craft and ferry route specified in clause 25 (1) 3) of this Act;
- 3) upon carriage of passengers by rail, by a regulation of the rural municipality council or city council regarding the domestic train route commissioned by it.

(2) Upon provision of regular services under a public service contract, the owner of a state or municipal school may also compensate a pupil specified in subsection 35 (1) of this Act for up to 100 per cent of the ticket price on a domestic train route, except on a train route specified in subsection (1) of this section, and on an air route specified in clause 25 (1) 4) of this Act. The procedure for and extent of compensation of travel costs regarding state schools will be established by a regulation of the minister responsible for the field and regarding a municipal school by a regulation of the rural municipality council or city council.

(3) Upon provision of regular services by water under a public service contract, which involves the carriage of vehicle and their trailers on a ship, pleasure craft or ferry route that connects the Estonian mainland to the islands and small islands, the island of Saaremaa to the island of Hiiumaa and the island of Saaremaa to the small islands located within the administrative territory of Saare county, a travel fare concession of up to 50 per cent of the price of carriage is granted to a natural or legal person who, according to the registration certificate of the carried vehicle, is the owner or user-in-charge of the vehicle and whose place of residence registered in the population register or the seat registered in the commercial register, and whereby the point of departure and destination of the route is the given island or small island. The extent of the travel fare concession is established:

- 1) regarding a long-distance route, by a regulation of the minister responsible for the field;
- 2) regarding a county route, by an order of the county governor;
- 3) regarding a rural or urban route, by a regulation of the rural municipality council or city council.

(4) Upon provision of regular services under a public service contract, travel fare concessions may, in addition to the travel fare concession specified in this section, be granted and the rate of the travel fare concession can be raised regarding another group of passengers determined on the basis of general properties, in particular, to persons specified in clause 10 (1) 1) of this Act if the public interest demands it and there is a reasonable and relevant reason for granting the concession. Travel fare concessions granted by a rural municipality council or city council on a county route or long-distance route must be coordinated with the county government concerned or the Road Administration.

(5) The travel fare concessions specified in subsection (4) of this section may be granted by the rural municipality council or the city council or, if authorised by it, by the rural municipality government or the city government, the minister responsible for the field or a regulation of the Government of the Republic or an order of the county governor.

§ 37. Travel fare concessions of repressed person and person equal to repressed person
[Repealed -RT I, 25.11.2015, 1 - entry into force 01.01.2016]

§ 38. Travel fare concessions granted by carrier

(1) Upon provision of regular services under a public service contract, the carrier may grant travel fare concessions to other categories of passengers in addition to the persons specified in §§ 34 and 36 of this Act or increase the rate of concessions only with the consent of the other party to the contract.
[RT I, 25.11.2015, 1 - entry into force 01.01.2016]

(2) Upon provision of international regular services, carriers may grant travel fare concessions in adherence to the requirements arising from international agreements.

(3) Upon provision of commercial regular services and taxi services, the carrier may grant travel fare concessions, but these are not compensated to the carrier.

Chapter 7

Requirements for Carriage of Passengers by Automobile, Bus, Coach, Tram and Trolleybus

§ 39. Community licence and certified true copy of Community licence

(1) 'Community licence' means a document that is specified in Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council and certifies the holder's right to provide domestic and international regular services on the basis of an authorisation for a regular service or contract, domestic and international occasional services as well as other domestic carriage of passengers for a charge, except taxi services.

(2) 'Certified true copy of Community licence' means a document specified in Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council and certifies the right of the holder of a Community licence specified in subsection (1) of this section to use the vehicle bearing the registration number specified in the certified true copy of the Community licence for the carriage of passengers authorised under the Community licence.

§ 40. Documents certifying right to provide regular services

(1) The authorisation for a regular service and the approved timetable certify the carrier's right to provide commercial regular services on the route specified in the authorisation for a regular service on the terms of carriage submitted by the carrier.

(2) The public service contract and the timetable certify the carrier's right to provide regular services on one route or multiple routes on the basis of the public service contract.

(3) A contract for special commercial regular services concluded between a carrier and a customer and an approved timetable certify the right of the carrier to provide special commercial regular services on one route or multiple routes.

§ 41. Mandatoriness of Community licence and certified true copy of Community licence and document certifying right to provide regular services and occasional services

(1) The carriage of passengers for a fare by bus or coach, except the carriage of passengers by trolleybus, is prohibited without a Community licence and a certified true copy of the Community licence.

(2) The carriage of passengers for a fare by an automobile having up to nine seats, except for taxi services, is prohibited without a Community licence and a certified true copy of the Community licence, unless:

- 1) the services are provided by a local authority for the carriage of its residents by way of social transport for the purpose of making the health service, pharmacy service or another similar service more easily available;
- 2) a local authority compensates a natural person for expenses relating to the provision of the transport service using an automobile having up to nine seats, which is required for the performance of the duty of compulsory school attendance by the pupils of the region.

(3) Regular services and the carriage of passengers for a fare, which by nature is comparable with regular services is prohibited without a document specified in § 40 of this Act.

(4) A certified true copy of the Community licence, an authorisation for a regular service and an approved timetable may be handed over only to a person working for the carrier under an employment contract or on another contractual basis.

(5) Unless otherwise provided by an international agreement, upon management of such international occasional services not governed by Regulation (EC) No 1073/2009 of the European Parliament and of the Council, the carrier must hold a transport permit of the country of destination and transit if the transport authorisation is required in this country.

§ 42. Grant of Community licence, certified true copy of Community licence and regular service authorisation, and approval of timetable

(1) A Community licence and a certified true copy of the Community licence is granted by the Ministry of Economic Affairs and Communications or, based on its authorisation, by the Road Administration.

(2) The granting of Community licences and certified true copies of Community licences may be delegated to a non-profit association by an order of the Government of the Republic. The respective public law contract is concluded by the minister responsible for the field. The non-profit association has the right to charge a fee for reviewing an application for a Community licence and a certified true copy of the Community licence, which does not exceed the state fee rate set for reviewing the application.

(3) An authorisation for a regular service is granted and a timetable, including a special commercial regular service timetable, is approved by:

- 1) the rural municipality council or city council or an agency of the rural municipality or city authorised by it for the carriage of passengers by bus, coach, tram and trolleybus services on a rural or urban route;
- 2) the county government for the carriage of passengers by bus and coach on a county route;
- 3) the Road Administration for the carriage of passengers by bus and coach on a domestic or international long-distance route if the function has been imposed on the Road Administration on the basis of clause 17 (1) 2) of this Act;
- 4) by the Ministry of Economic Affairs and Communications for the carriage of passengers by bus and coach on an international long-distance route;
- 5) by the regional public transport centre on a rural or urban route if it has been authorised thereto in accordance with the procedure established in subsection (4) or (5) of this section.

(4) The granting of regular service authorisations of county routes and the approval of timetables may be delegated to a regional public transport centre on the basis of an order of the Government of the Republic. The respective public law contract is concluded by the county government. The regional public transport centre has the right to charge a fee for reviewing an application for an authorisation for a regular service and approval of a timetable, which does not exceed the state fee rate set for reviewing the application for these documents.

(5) On the basis of a decision of the rural municipality council or city council, the granting of regular service authorisations and the approval of the timetables of rural or urban routes may be delegated to the regional public transport centre. The corresponding public law contract is concluded by the rural municipality government or city government. The regional public transport centre has the right to charge a fee for reviewing an application for an authorisation for a regular service and approval of a timetable, which does not exceed the state fee rate set for reviewing the application for these documents.

§ 43. Requirements for applicant for and holder of Community licence

(1) An applicant for and a holder of a Community licence must comply with the requirements established in this section and in Article 3(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(2) An applicant for and a holder of a Community licence must be registered in the commercial register or in the register of non-profit associations and foundations.

(3) An applicant for and a holder of a Community licence must communicate the address of their establishment in Estonia to the issuer of the Community licence, where their main business documents are kept, unless the address overlaps with the carrier's address in the commercial register or in the register of non-profit associations and foundations. The issuer of the licence must be informed of a change of the address within 28 calendar days.

(4) The repute of an applicant for and a holder of a Community licence is considered good for the purposes of Article 3(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council if they have not been convicted of a criminal offence of the first degree or, more than once, for a wilful criminal offence of the second degree or for a misdemeanour specified in § 31¹ of the Road Transport Act, § 202, 204, 208, 210, 217, 220, 225, 244, 252 or 255 of the Traffic Act, § 153¹, 154, 154¹ or 155² of the Taxation Act, § 6² or 6³ of the Fiscal Marking of Liquid Fuel Act, § 300 of the Aliens Act, §§ 45–47¹ of the Consumer Protection Act, §§ 36 or 37 of the Language Act, or § 86 or § 87 of this Act. Upon verifying the penalties of an applicant for and a holder of a Community licence, the conviction data obtained from abroad on serious criminal offences specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council will also be taken into account.

(5) The requirement of the good repute of an applicant for and a holder of a Community licence is also fulfilled if they have been convicted of an offence specified in subsection (4) of this section, but the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act or if the term

of deletion of the records set out in § 24 of the Criminal Records Database Act has passed from the enforcement of the decision made on the offence committed abroad.

(6) The repute of an applicant for and a holder of a Community licence who has been convicted of an offence specified in subsection (4) of this section may be considered good if, as a result of the proceedings in accordance with the second and third paragraph of Articles 6(2)(a) and (b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council it is found that the loss of good repute would be disproportionate.

(7) An applicant for and a holder of a Community licence must appoint one or several transport manager of good repute for the purposes of Article 3(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council and that complies with the requirements provided for in § 44 of this Act and Article 4 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(8) By way of exception, the owner's equity of an applicant for and a holder of a Community licence who carries passengers by an automobile having up to nine seats does not need to comply with the amounts specified in Article 7(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, but it must be at least 1250 euros per each vehicle used. Also, the financial standing can be proven in accordance with the procedure set out in Articles 7(2) and (3) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

§ 44. Requirements for transport manager

(1) A transport manager must be of good repute. The repute of a transport manager is considered good if:

1) they have not been convicted of a criminal offence of the first degree or a criminal offence specified in subsection 422 (1) or §§ 423–424 of the Penal Code or a misdemeanour specified in subsection 221 (2), subsection 222 (2), §§ 223–226, subsections 227 (3) to (4), subsection 230 (2), §§ 234–237 or subsection 242 (2) of the Traffic Act or the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act;

2) they have no more than once been convicted of a wilful criminal offence of the second degree or a misdemeanour specified in § 31¹ of the Road Transport Act, § 202, 204, 208, 210, 217, 220 or 225, subsection 227 (2) or §§ 244, 252 or 255 of the Traffic Act, § 153¹, 154, 154¹ or 155² of the Taxation Act, § 6² or 6³ of the Fiscal Marking of Liquid Fuel Act, § 300 of the Aliens Act, §§ 45–47¹ of the Consumer Protection Act, § 36 or § 37 of the Language Act, and subsection 86 (1) or subsection 87 (1) of this Act or the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act;

3) they have not caused the making of more than one precept by the licence or regular service authorisation issuer to the carrier within one year from identifying the offence serving as the basis for making the precept;

4) they have not caused the offences specified in subsection 43 (4) of this Act for which the carrier has been convicted or the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act;

5) they have not caused the revocation of the licence or regular service authorisation or more than five years have passed from the revocation.

(2) Upon verifying the penalties of a transport manager, the criminal records obtained from abroad on serious criminal offences specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council will be taken into account in addition to the records provided for in subsection (1) of this section. In this case the requirement of the good repute of the transport manager is also fulfilled if the transport manager has been convicted of an offence committed abroad, but the term of deletion of the records set out in § 24 of the Criminal Records Database Act has passed from the enforcement of the decision made on the offence.

(3) A transport manager is considered to be professionally competent if the transport manager has completed a passenger transport manager training course organised in an educational institution recognised by the Ministry of Economic Affairs and Communications, passed the written final examination of the course and holds a respective training certificate.

(4) A person who has worked as a manager of domestic carriage of passengers with a carrier for at least five years and passed the written final exam of the training course specified in subsection (3) of this section is not required to undergo a transport manager training course.

(5) A person who, as a self-employed person, manages the carriage of passengers on the basis of a Community licence using an automobile with up to nine seats and also acts as a transport manager is considered professionally competent also if the person does not comply with the requirements specified in subsection (3) of this section, but has completed professional driver training in accordance with the Road Transport Act, taken a respective examination and holds the professional certificate of a taxi driver.

(6) A person who holds a university diploma or a diploma of an institution of professional higher education the prerequisite for the awarding of which is knowledge of the subjects specified in the curriculum of the transport manager training course does not have to complete the transport manager training course or take the written

final examination of the course to the extent that the studies completed before receiving the diploma of the university or institution of professional higher education overlaps with the subjects covers in the transport manager training course.

(7) The qualification requirements for the transport manager, the curriculum of the training course, the form of the training certificate and the list of the curricula of universities and institutions of professional higher education whose diploma awarded to a graduate serves as the basis for their partial or full exemption from the obligation to complete the training course of transport managers and take the written final examination of the training course will be established by the minister responsible for the field.

§ 45. Requirements for buses, coaches and automobiles used as public transport vehicles

(1) Buses, coaches and automobiles used as public transport vehicles must be entered in the motor register and pass a roadworthiness test.

(2) Public transport vehicles used for regular services must be designed and built for that purpose and, respectively, be suitable for servicing a rural, urban, county or long-distance route.

(3) Upon carriage of passengers for a charge, except upon carriage of passengers based on a Community licence for a charge using an automobile having up to nine seats, the name of the carrier or the trademark enjoying protection for the purposes of § 5 of the Trade Marks Act and belonging to the carrier or granted use of to the carrier under a contract must be visible on the outer right side of the vehicle. The route number and name must be indicated on a public transport vehicle used for regular services.

(4) The requirements for indicating the name of the carrier, route name and number on a vehicle will be established by a regulation of the minister responsible for the field.

(5) In each public transport vehicle of rural, urban and county routes there must be at least two marked seats for persons specified in § 34 of this Act. Other passengers are required to vacate the seats, if necessary.

(6) Requirements for service quality, including the convenience of passengers and environmental friendliness, may be established by:

- 1) a regulation of the minister responsible for the field regarding buses, coaches and automobiles used for provision of county, long-distance and international regular services;
- 2) a regulation of the rural municipality council or city council regarding buses, coaches and automobiles used for provision of rural or urban regular services.

§ 46. Documents submitted for obtaining Community licence, certified true copy of Community licence, and regular service authorisation, and documents submitted for obtaining approval for timetable

(1) An applicant for a Community licence must submit to the licence issuer the following data and documents:

- 1) an application with the applicant's contact details, including the telephone number, e-mail address and postal address;
- 2) if the applicant is a legal person, the name and registry code; if the applicant is a legal person that is being founded, a foundation document, in particular, the foundation agreement or the foundation resolution or at least a copy thereof authenticated by a notary must be submitted; if the applicant is a self-employed person, the name and registry code of the applicant must be submitted;
- 3) if the applicant wants that the term of validity of the licence or authorisation granted to the applicant be limited in comparison with the term of validity set out in this Act, the requested term of validity of the licence or authorisation must be submitted;
- 4) documents certifying the financial standing as specified in Article 7 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council;
- 5) the name and personal identification code of the transport manager or, upon absence of a personal identification code, the date of birth, contact details (including the telephone number and the e-mail address), the person's consent to the appointment as a transport manager, a document certifying the professional competence of the transport manager, and a document certifying the appointment of the transport manager or a written certificate of the transport manager status if the transport manager is a self-employed person or a legal person's board member having the exclusive right of representation.

(2) A certified true copy of the Community licence can be applied for a power-driven vehicle that has been entered in the motor register and that has passed the roadworthiness test. In addition to the documents specified in clauses 1) and 4) of subsection (1) of this section, an applicant for a certified true copy of the Community licence submits to the issuer thereof the contract of use of the vehicle if the applicant is not the owner of the vehicle or the user of the vehicle based on the registration certificate of the vehicle.

(3) The applicant for an authorisation for a regular service must submit the following documents to the issuer of the authorisation:

- 1) an application with the applicant's contact details, including the telephone number, e-mail address and postal address;
- 2) a written opinion on the timetable specified in clause 1) of subsection (4) of this section by each rural municipality government or city government concerned in respect of a county route and by each county

government and, in the administrative territory of the cities of Tallinn, Tartu, Narva, Kohtla-Järve and Pärnu, by each city government concerned in respect of a domestic long-distance route;

3) draft terms of carriage, except in the event of applying for an international regular service authorisation.

(4) After obtaining an authorisation for a regular service, the terms of carriage specified in clause 3) of subsection (3) of this section must be published on the website of the carrier or an association of carriers or be otherwise freely available. The terms of carriage must set out at least the following:

- 1) the timetable;
- 2) a description of the vehicles used for the provision of transport services;
- 3) the channels of giving information on the sale of travel tickets and transport service;
- 4) the procedure for resolution of complaints and compensation of the ticket price;
- 5) the accessibility of the vehicles to persons with a mobility disability and reduced mobility;
- 6) possibilities of servicing and assisting disabled persons and providing them with information.

(5) An applicant for the approval of the timetable of a route serviced on the basis of an authorisation for a regular service and of a route serviced on the basis of a contract for commercial regular services must submit the following documents to the authority approving the timetable:

- 1) an application with the applicant's contact details, including the telephone number, e-mail address and postal address;
- 2) the timetable with the written opinion of each rural municipality or city government concerned for county routes and the written opinion of each county government concerned for domestic long-distance routes, and in the administrative territories of Tallinn, Tartu, Narva, Kohtla-Järve and Pärnu with the written opinion of the city government concerned;
- 3) the contract between the carrier and the customer in the case of special commercial regular services.

(6) Data entered in a database established on the basis of law, except for data that allows for identifying the applicant and the applicant's contact details, cannot be requested from the applicant and the applicant does not have to submit it. The prohibition also applies to data that can be obtained free of charge from a relevant register of a contracting party of the European Economic Area or for a charge if the applicant confirms that the applicant will bear the costs of acquiring the data.

(7) Before the submission of an application, the applicant for a Community licence, a certified true copy of the Community licence and approval of an authorisation for a regular service or timetable must pay the state fee, unless the issuer or approver of the document is a non-profit association or a regional public transport centre.

(8) If the non-profit association or a regional public transport centre is authorised to grant the Community licence, the certified true copy of the Community licence or the authorisation for a regular service or approve the timetable, the non-profit association or the regional public transport centre will have the right to charge a fee for reviewing the application for granting or approving the document, provided that the rate of the fee does not exceed the state fee rate set for reviewing the application.

(9) The Community licence and the certified true copy of the Community licence or the documents submitted to the issuer of the authorisation for a regular service or the approver of the timetable are not disclosed to third parties, unless otherwise provided by law.

§ 47. Reviewing application for Community licence, certified true copy of Community licence and regular service authorisation, and reviewing application for approval of timetable

(1) The issuer of a Community licence verifies the absence of the applicant's overdue tax exceeding the sum specified in subsection 14 (5) of the Taxation Act (hereinafter *non-staggered tax arrears*), the data of the applicant in the criminal records database and in the traffic supervision information system and, in the case of an operator entered in the commercial register, the data available in the commercial register, and in the case of a legal person entered in the register of non-profit associations and foundations, the data available in the register as well as the data of the transport manager appointed by the carrier providing transport services on the basis of the Community licence. The applicant for the Community licence will be notified of a decision to issue or to refuse to issue the licence by post or electronically within 30 days as of the submission of all the data and documents specified in subsection 46 (1) of this Act.

(2) The issuer of a certified true copy of the Community licence verifies the absence of the applicant's non-staggered tax arrears and, in the case of an operator entered in the commercial register, the data available in the commercial register, and in the case of a legal person entered in the register of non-profit associations and foundations, the data available in the register as well as the data of the vehicle in the motor register. The applicant will be notified of a decision to issue or refuse to issue the certified true copy of the Community licence by post or electronically within 15 days as of the submission of the documents specified in subsection 46 (2) of this Act.

(3) The issuer of an authorisation for a regular service checks the absence of the applicant's non-staggered tax arrears. The issuer of the authorisation for a regular service communicates a decision to grant or refuse

to grant the authorisation to the applicant by post or electronically within 30 days as of the submission of all the documents specified in subsection 46 (3) of this Act. If it is necessary to gather additional information in order to review the application for the authorisation for a regular service, the time limit for the review of the application may be extended by up to 30 days. The applicant is informed of the extension of the time limit by post or electronically.

(4) The authorisation for a regular service of international routes whose point of departure or destination or stopping point is located outside the Member States of the European Union is granted by the Ministry of Economic Affairs and Communications within 15 days after obtaining the authorisation for a regular service from the competent authorities of all the states concerned.

(5) The form of the international regular service authorisation specified in subsection (4) of this section will be established by a regulation of the minister responsible for the field, taking account of the provisions of the international agreement.

(6) The applicant for the Community licence will be notified of a decision to issue or to refuse to issue the licence by post or electronically within 30 calendar days as of the submission of all the data and documents specified in subsection 46 (4) of this Act. If it is necessary to gather additional information in order to review the application for the approval of the timetable, the time limit for reviewing the application may be extended by up to 30 days. The applicant is informed of the extension of the time limit by post or electronically.

(7) If there are any deficiencies in the documents submitted for obtaining the Community licence, the certified true copy of the Community licence or the authorisation for a regular service or for obtaining the approval of the timetable, a reasonable time limit will be set to the applicant for eliminating the deficiencies. The time limit set for reviewing the application will be suspended until the deficiencies have been eliminated. If the applicant fails to eliminate the deficiencies within the time limit, the application may be dismissed.

§ 48. Refusal to grant Community licence, certified true copy of Community licence and regular service authorisation, and refusal to approve timetable

(1) The issuer of a Community licence may refuse to issue the licence if:

- 1) the applicant is subject to a prohibition on operation or disqualification from the practice of commercial activities imposed by a final judgment in a criminal case or to a prohibition on business arising from law or a judicial decision or the applicant has non-staggered tax arrears or the applicant has been declared bankrupt;
- 2) the reason for the revocation of the previous Community licence of the applicant lies in a violation of the requirements established by legislation and less than two years has passed therefrom;
- 3) the applicant or, in the event of application for the Community licence, the transport manager does not comply with the requirements established to the applicant or to the transport manager;
- 4) a driver employed by the applicant has, in relation to professional activities, been convicted of a criminal offence specified in §§ 422–424 of the Penal Code or a misdemeanour specified in subsection 221 (2), subsection 222 (2), §§ 223–226, subsections 227 (2) to (4), subsection 230 (2), § 234, §§ 236 and 237, subsection 242 (2) of the Traffic Act or § 88, subsection 89 (1) or § 90 of this Act and the records have not been deleted from the criminal records database in accordance with the Criminal Records Database Act. In the event of application for the Community licence, the criminal records on transport and traffic offences obtained from abroad are taken into account, unless the term of deletion of the records provided for in § 24 of the Criminal Records Database Act has not passed from the making of the decision made regarding the offence committed abroad;
- 5) a precept on the grounds set out in subsection 53 (1) of this Act has been made to the applicant and the applicant has not complied therewith;
- 6) the applicant has knowingly given false information that could affect the deciding of the application.

(2) The issuer of a certified true copy of the Community licence may refuse to issue the copy if:

- 1) the applicant does not comply with the requirements established to the applicant or the applicant has non-staggered tax arrears;
- 2) according to the registration certificate or contract of use of the vehicle, the applicant is not the owner or user of the vehicle for which a certified true copy of the Community licence is applied for;
- 3) the vehicle for which a certified true copy of the Community licence is applied for has not been entered in the motor register or passed the roadworthiness test;
- 4) the applicant has knowingly given false information that could affect the deciding of the application.

(3) The granting of an authorisation for a regular service or the approval of the timetable of a commercial route serviced on the basis of an authorisation for a regular service may be refused on the grounds set out in subsection (1) of this section or when:

- 1) the route for the servicing of which the authorisation for a regular service or the approval of the timetable is applied for disturbs the regular services that are already being provided or that are being planned to provide under a public service contract and information thereon has been published in the Official Journal of the European Union in accordance with Article 7(2) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council;
- 2) the route for the servicing of which the authorisation for a regular service or the approval of the timetable is requested is being serviced by more than one carrier on the same travel route and, assessing the possible impact of the implementation of the submitted terms of carriage, the service provided on the requested route is on the

whole not equal to or better than the existing service, including the service provided by the applicant to date on the same route;

3) the granting of the regular service on the submitted terms of carriage or the change of the timetable jeopardises the sustainable provision of the existing transport service for passengers, taking into account the stability and availability of the transport service, passenger safety and travel comfortableness as well as the objectives specified in subsection 10 (1) of this Act on the whole;

4) the applicant's regular service authorisation has been revoked within two years as of the granting of the authorisation for a regular service and less than two years has passed therefrom;

5) a precept on the grounds set out in subsection 53 (2) of this Act has been made to the applicant and the applicant has not complied therewith.

(4) If an authorisation for a regular service is refused on the ground specified in clause 4) of subsection (3) of this section, the granting of an authorisation for a regular service on the same travel route will be refused in the event of the first revocation of the authorisation for a regular service and the granting of each regular service authorisation will be refused in the event of each consecutive revocation of the authorisation for a regular service.

(5) The approval of the timetable of a special commercial route may be refused on the grounds set out in subsection (1) of this section or if a precept has been made to the applicant on the grounds set out in subsection 53 (2) of this Act and the applicant has failed to comply therewith.

§ 49. Informing of commencement of regular services and change of timetable

(1) If a carrier wishes to change the timetable, the carrier must submit a respective application at least 90 days before the entry into force of the planned change.

(2) Upon provision of long-distance regular services, the carrier must inform all county governments concerned about the commencement of the provision of the services or about making a change in the timetable at least ten days in advance. The county governments must immediately inform all the local authorities concerned.

(3) Upon provision of county regular services, the carrier must inform all county governments concerned about the commencement of the provision of the services or about making a change in the timetable at least ten days in advance.

(4) The time limits for submission of the application and notification set out in subsections (1) to (3) of this section may be shortened by agreement between the carrier and the issuer.

§ 50. Term of validity of Community licence, certified true copy of Community licence and regular service authorisation

(1) A Community licence is granted for ten years, unless the applicant requests a shorter term.

(2) A certified true copy of a Community licence is issued for ten years, but not for longer than the term of validity of the Community licence. Upon revocation or expiry of the Community licence, the validity of the certified true copy of the Community licence will terminate. Upon using a vehicle under a contract of use, the validity of a certified true copy of a Community licence will terminate upon expiry of the contract of use.

(3) An authorisation for a regular service is granted for five years, unless the applicant requests a shorter term. An authorisation for a regular service cannot be applied for with regard to a domestic route for a term shorter than two years. An authorisation for a regular service may, to a reasoned extent, be granted for a shorter term of validity if the route for the servicing of which the authorisation is applied for disturbs regular services that are planned to be provided under a public service contract and information thereon has been published in the Official Journal of the European Union in accordance with Article 7(2) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council.

(4) An authorisation for a regular service is valid only during the term of validity of a Community licence. If the Community licence expires before the authorisation for a regular service, the carrier must, before the expiry of the Community licence, submit a new application for the Community licence in accordance with the procedure established by this Act.

§ 51. Particulars of Community licence, certified true copy of Community licence, timetable and regular service authorisation

(1) The model of a Community licence and certified true copy of a Community licence and the data entered on them must comply with Annex II to Regulation (EC) No 1073/2009 of the European Parliament and of the Council. The licence plate of the vehicle is entered in the comments field of the certified true copy of the Community licence.

- (2) The following is indicated in the timetable:
- 1) the name of the carrier servicing the route;
 - 2) the name of the route;
 - 3) the number of the route, except upon applying for authorisation for a new route;
 - 4) where necessary, the number of the standing places and seats of the bus or coach servicing the route;
 - 5) the date of entry into force of the timetable – filled in by the competent authority or an authority authorised by the competent authority;
 - 6) the names of the stops of public transport vehicles registered in the public transport vehicles for the entry and exit of passengers on county routes and long-distance routes;
 - 7) the distances between stops and the summarised distance from the point of departure to the destination of the route;
 - 8) the departure times of the route from stops and the arrival times of the route in the case of stopping times exceeding five minutes;
 - 9) the period of servicing the route (whether round the year or in a certain period) and the frequency of servicing the route (whether on a daily basis or on certain days);
 - 10) other data, where necessary.

(3) The timetable may provide for derogations from the procedure for the entry and exit of passengers and for the departure and arrival times; the timetable may also set out other terms or data relating to the provision of the transport service, which serve as the basis for the approval of the timetable.

(4) The form of the domestic regular service authorisation will be established by a regulation of the minister responsible for the field.

§ 52. Carrier's obligation to carry upon provision of regular services

(1) The carrier is required to provide the services specified in the authorisation for a regular service in accordance with the timetable approved by the issuer of the authorisation and other terms of carriage established upon applying for the authorisation, thereby ensuring passenger safety. The carrier does not need to follow the timetable if it is necessary due to poor road conditions, road work or other circumstances beyond the control of the carrier for the purpose of ensuring the safety of passengers or road users or the preservation of the baggage.

(2) Amendment of the terms of carriage of an authorisation for a regular service may be applied for after a period of two years has passed from the time when the authorisation was granted or the terms were amended. An application submitted before the passing of the period may be dismissed, unless:

- 1) all the requested amendments increase the stability or availability of the transport service, passenger safety or travel comfortableness or otherwise contribute to the improvement of the quality of the transport service;
- 2) upon provision of the transport service, circumstances beyond the control of the carrier, due to which the safe servicing of the route or the servicing of the route in accordance with the timetable cannot be ensured, have become evident.

(3) In the case of domestic commercial regular services, the carrier is required to commence carriage in accordance with the approved timetable as of the date indicated on the timetable, but not later than 90 days from the date of granting the authorisation for a regular service.

(4) In the case of international commercial regular services, the carrier is required to commence carriage in accordance with the coordinated timetable within 90 days from the date of receipt of the authorisation for regular services of all the states concerned.

(5) By agreement between the issuer of the authorisation for a regular service and the carrier, the closing date of commencement of carriage indicated in the international regular service authorisation may be set to a date later following the time limit specified in subsection (4) of this section, but not to a date that is more than 270 days from the date of receipt of the authorisation for a regular services of all the states concerned.

(6) In the case of bus and coach services, the point of departure and the destination of a county route and a long-distance route (except for that of a special route) must be located at the terminal or bus and coach terminal or, upon absence thereof, at a designated and marked stopping point. Taking into account the interests of passengers and the need for better traffic management, the point of departure and destination may be in major transport hubs such as a port, airport or railway station or elsewhere, provided that it has been coordinated with the rural municipality government or the city government and, where necessary, also with the owner or manager of the transport hub in advance.

§ 53. Suspension of Community licence, certified true copy of Community licence and regular service authorisation and revocation thereof

(1) The issuer of a Community licence and a certified true copy of the Community licence may make a precept to its holder for the elimination of deficiencies or suspend the validity of the Community licence and the certified true copy of the Community licence for a fixed term or revoke it if:

- 1) the licence holder or the transport manager does not meet the requirements established to it;
- 2) the data of the licence holder do not match the contents of the licence;
- 3) a driver of a public transport vehicle employed by the licence holder has in the professional capacity been convicted of a criminal offence provided for in §§ 422–424 of the Penal Code or a misdemeanour provided

for in subsection 221 (2), subsection 222 (2), §§ 223–226, subsections 227 (2) to (4), subsection 230 (2), §§ 234–237 or subsection 242 (2) of the Traffic Act and the records of the have not been deleted from the criminal records database in accordance with the Criminal Records Database Act. In the event of application for a Community licence, the criminal records on transport and traffic offences obtained from abroad are taken into account, unless the term of deletion of the records provided for in § 24 of the Criminal Records Database Act has not passed from the making of the decision made regarding the offence committed abroad;

4) upon applying for a Community licence or a certified true copy of the Community licence, the applicant has knowingly given false information that influenced the deciding of the application.

(2) The issuer of an authorisation for a regular service may, in addition to the grounds provided for in clauses 1) and 3) of subsection (1) of this section, make a precept to the holder of the authorisation for the elimination of deficiencies or suspend the validity of the authorisation for a fixed term or revoke the authorisation if the holder thereof has not complied with the terms of carriage.

(3) If the issuer of a Community licence revokes the Community licences of a carrier providing commercial regular services or providing regular services under a public service contract, the issuer of the Community licence must within five working days from the revocation inform the issuer of the authorisation for a regular service or the customer of the services thereof. After the revocation of the Community licence, the issuer of the authorisation for a regular service will immediately revoke the carrier's regular service authorisation as well.

(4) The issuer of a Community licence, a certified true copy of the Community licence or an authorisation for a regular service may also revoke the document at the request of its holder. If the holder of a Community licence holds an authorisation for a regular service, the licence holder must immediately inform the licence issuer about the submission of the application.

(5) If a carrier requests the revocation of its regular service authorisation, the carrier must submit an application of the issuer of the authorisation at least 90 days in advance, unless the issuer and holder of the authorisation agree on a shorter term. In addition, in the event of the revocation of the authorisation for a regular service regarding a long-distance route the carrier must inform the county governments concerned and, on a county route, the local authorities concerned at least 90 days in advance.

(6) If the validity of a Community licence, certified true copy of a Community licence or regular service authorisation has been suspended or it has been revoked, the document must be returned to the issuer immediately, but not later than within five working days.

(7) If as a result of checks it becomes evident that a carrier does not comply with the requirement of good economic standing but economic indicators characterising the carrier's operations certify that the carrier will be able to comply with the requirement of good economic standing in the future, the issuer of the Community licence has the right not to suspend the licence and to allow the carrier to manage the carriage of passengers, however, for not longer than for one year as of the time when it became evident that the carrier will be able to comply with the requirement of good economic standing in the future.

(8) The fulfilment of requirements arising from international agreements and the application of limitations on international carriage by bus and coach is managed by the Ministry of Economic Affairs and Communications. If the management of transport on the basis of a Community licence is in conflict with an international agreement, the Ministry of Economic Affairs and Communications may issue a precept to the licence holder for eliminating the defects, temporarily suspend the validity of a Community licence, revoke a Community licence or make a proposal to the issuer of a Community licence to revoke the Community licence.

Chapter 8

Requirements for Taxi Services

§ 54. Documents certifying the right to provide taxi services

(1) A taxi licence certifies the right of the carrier to provide taxi services.

(2) 'Vehicle card' means a document given to a carrier holding a taxi licence, which certifies the right to use the vehicle specified in the vehicle card for the provision of taxi services.

(3) A service provider card proves the right to work as a driver providing taxi services.

(4) The provision of taxi services or other passenger carriage services for a charge using a vehicle that has at least one feature of a taxi is prohibited without a taxi licence, vehicle card and service provider card.

§ 55. Granting of taxi licence, vehicle card and service provider card

(1) A taxi licence and, based thereon, a vehicle card is granted to a carrier and a service provider card is granted to a driver by the rural municipality government or the city government or an agency authorised by the rural municipality government or the city government on whose administrative territory the carrier or the driver wishes to provide the transport service (hereinafter *service area*). By mutual agreement between rural municipality governments or city governments, the administrative territory of another local authority may also be the service area.

(2) The granting of taxi licences, vehicle cards and service provider cards may be delegated to a non-profit association or to a regional public transport centre on the basis of a decision of the rural municipality council or the city council. A corresponding public law contract is concluded by the rural municipality government or city government. The non-profit association or the regional public transport centre has the right to charge a fee for the granting of a taxi licence, vehicle card and service provider card, provided that the fee does not exceed the state fee rate prescribed for reviewing an application for the documents.

§ 56. Requirements for applicant and holder of taxi licence

(1) An applicant for and a holder of a taxi licence must be of good repute. Repute is considered good if they have not been convicted of a criminal offence of the first degree or if they have no more than once been convicted of a wilful criminal offence of the second degree or a misdemeanour specified in § 31¹ of the Road Transport Act, § 202, 204, 208, 210, 220, 225, 244, 252 or 255 of the Traffic Act, § 153¹, 154, 154¹ or 155² of the Taxation Act, § 6² or 6³ of the Fiscal Marking of Liquid Fuel Act, § 300 of the Aliens Act, §§ 45–47¹ of the Consumer Protection Act, §§ 36 and 37 of the Language Act, and §§ 86, 87, 89 or 90 of this Act or the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act. Repute is also considered good if the applicant for or holder of a taxi licence has been convicted of these offences, but as a result of the proceedings it is found based on the circumstances identified in the given case that the loss of good repute would be disproportionate.

(2) An applicant for and a holder of a taxi licence must have a good economic standing. The economic standing is considered good if the court has not declared their bankruptcy and they do not have any non-staggered tax arrears.

§ 57. Requirements for applicant and holder of service provider card

(1) An applicant for and a holder of a service provider card must:

- 1) have a valid right to drive at least a category B power-driven vehicle;
- 2) have completed a taxi driver training course specified in clause 27 (1) 3) of the Road Transport Act;
- 3) have at least level B1 proficiency in Estonian;
- 4) comply with the requirement of good repute.

(2) The repute of an applicant for and a holder of a service provider card is considered good if:

1) they have not been convicted of a criminal offence of the first degree or a criminal offence specified in §§ 422–424 of the Penal Code or a misdemeanour specified in § 201, subsection 221 (2), subsection 222 (2), §§ 223–226, subsections 227 (3) to (4), subsection 230 (2), §§ 234–237 or subsection 242 (2) of the Traffic Act or the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act;

2) they have not more than once been convicted of a wilful criminal offence of the second degree or for a criminal offence provided for in § 423 of the Penal Code or for a misdemeanour provided for in § 154¹ or § 155² of the Taxation Act, § 6² or § 6³ of the Fiscal Marking of Liquid Fuel Act, § 75 of the General Part of the Economic Activities Code Act, §§ 45–47¹ of the Consumer Protection Act, § 36 or § 37 of the Language Act, and §§ 88, subsection 89 (1) or subsection 90 (1) of this Act or the records have been deleted from the criminal records database in accordance with the Criminal Records Database Act. Repute is also considered good if the applicant for or holder of a service provider card has been convicted of these offences, but as a result of the proceedings it is found based on the circumstances identified in the given case that the loss of good repute would be disproportionate.

(3) A person who holds a provisional driving licence or a licence with the limited right to drive as specified in subsection 96 (1) of the Traffic Act does not have the right to obtain a service provider card.

§ 58. Documents submitted for obtaining taxi licence, vehicle card and service provider card

(1) The applicant for a taxi licence must submit to the licence issuer the following data and documents:

- 1) an application with the applicant's contact details, including the telephone number, e-mail address and postal address;
- 2) if the applicant is a legal person, the name and registry code; if the applicant is a legal person that is being founded, a foundation document, in particular, the foundation agreement or the foundation resolution or at least a copy thereof authenticated by a notary must be submitted; if the applicant is a self-employed person, the name and registry code of the applicant must be submitted;

3) if the applicant wants that the term of validity of the licence granted to the applicant be limited in comparison with the term of validity set out in this Act, the requested term of validity of the licence must be submitted.

(2) A vehicle card can be applied for a power-driven vehicle that has been entered in the motor register and complies with the requirements provided for on the basis of subsection 64 (10) of this Act. The roadworthiness test must be passed not later than by the time of granting the vehicle card. In addition to the document specified in clause 1) of subsection (1) of this section, the applicant for a vehicle card must submit the following to the issuer of the vehicle card:

- 1) the contract of use of the vehicle if the applicant is not the owner of the vehicle or a user of the vehicle specified in the registration certificate;
- 2) the taximeter adaptation certificate which may be submitted immediately before the granting of the vehicle card.

(3) The applicant for a service provider card must submit to card issuer the following data and documents:

- 1) an application with the applicant's contact details, including the telephone number, e-mail address and postal address;
- 2) the driving licence, unless it has been entered in the Estonian motor register;
- 3) a certificate certifying the completion of a taxi driver training course specified in clause 27 (1) 3) of the Road Transport Act;
- 4) a document certifying at least level B1 proficiency in Estonian;
- 5) a photo that complies with the requirements established on the basis of subsection 15 (7) of the Identity Documents Act.

(4) Data entered in a database established on the basis of law, except for data that allows for identifying the applicant and the applicant's contact details, cannot be requested from the applicant and the applicant does not have to submit it. The prohibition also applies to data that can be obtained free of charge from a relevant register of a contracting party of the European Economic Area or for a charge if the applicant confirms that the applicant will bear the costs of acquiring the data.

(5) Before submitting an application, the applicant for a taxi licence, vehicle card and service provider card must pay a state fee, unless the issuer or approver of the document is a non-profit association or a regional public transport centre.

(6) If a non-profit association or a regional public transport centre is authorised to grant taxi licences, vehicle cards or service provider cards, the non-profit association or the regional public transport centre has the right to charge a fee for granting or approving the document, provided that the amount of the fee does not exceed the state fee rate prescribed for reviewing an application for these documents.

(7) Documents submitted to the issuer of taxi licences, vehicle cards or service provider cards are not subject to disclosure to third parties, unless otherwise provided by law.

§ 59. Reviewing of application for taxi licence, vehicle card and service provider card

(1) The issuer of a taxi licence verifies whether the applicant has any non-staggered tax arrears, verifies the data of the applicant in the criminal records database and, if the applicant is an operator entered in the commercial register, verifies the data available in the commercial register and, if the applicant is a legal person entered in the register of non-profit associations and foundations, verifies the data of the applicant entered in the respective register. The applicant for the taxi licence will be notified of a decision to grant or to refuse to grant the licence by post or electronically within 30 days as of the submission of all the data and documents specified in subsection 58 (1) of this Act.

(2) The issuer of a vehicle card verifies whether the applicant has any non-staggered tax arrears, verifies the existence of the applicant's taxi licence in the register of economic activities and, if the applicant is an operator entered in the commercial register, verifies the data available in the commercial register and, if the applicant is a legal person entered in the register of non-profit associations and foundations, verifies the data of the applicant entered in the respective register. The applicant for a vehicle card will be notified of a decision to grant or to refuse to grant the card by post or electronically within seven days as of the submission of all the documents specified in subsection 58 (2) of this Act.

(3) The issuer of a service provider card verifies the data of the applicant in the motor register and in the criminal records database. The applicant for the service provider card will be notified of a decision to grant or to refuse to grant the card by post or electronically within 15 days as of the submission of all the documents specified in subsection 58 (3) of this Act.

(4) If the documents submitted for obtaining a taxi licence, vehicle card or service provider card contain deficiencies, the applicant will be granted a reasonable time limit for eliminating the deficiencies. The time limit

set for reviewing the application will be suspended until the deficiencies have been eliminated. If the applicant fails to eliminate the deficiencies within the time limit, the application may be dismissed.

§ 60. Refusal to grant taxi licence, vehicle card and service provider card

(1) The issuer of a taxi licence may refuse to issue the licence if:

- 1) the applicant is subject to a prohibition on operation or disqualification from the practice of commercial activities imposed by a final judgment in a criminal case or to a prohibition on business arising from law or a judicial decision or the applicant has non-staggered tax arrears or the applicant has been declared bankrupt;
- 2) the reason for the revocation of the previous taxi licence of the applicant lies in a violation of the requirements established by law and less than two years has passed therefrom;
- 3) the applicant does not meet the requirements established to the applicant;
- 4) a driver employed by the applicant has, in relation to professional activities, been convicted of a criminal offence provided for in §§ 422–424 of the Penal Code or a misdemeanour provided for in subsection 221 (2), subsection 222 (2), §§ 223–226, subsections 227 (2) to (4), subsection 230 (2), § 234, §§ 236 and 237, subsection 242 (2) of the Traffic Act or § 88, subsection 89 (1) or § 90 of this Act and the criminal records have not been deleted from the database in accordance with the Criminal Records Database Act;
- 5) a precept on the grounds set out in subsection 63 (1) of this Act has been made to the applicant and the applicant has not complied therewith;
- 6) the applicant has knowingly given false information that could affect the deciding of the application.

(2) The issuer of a vehicle card may refuse to issue the card if:

- 1) the applicant does not comply with the requirements established to the applicant or the applicant has non-staggered tax arrears;
- 2) according to the registration certificate or contract of use of the vehicle, the applicant is not the owner or user of the vehicle for which the vehicle card is applied for;
- 3) the vehicle for which the vehicle card is applied for has not been entered in the motor register or passed the roadworthiness test;
- 4) upon applying for the vehicle card, the taximeter adaptation certificate sets out services that are not included in the list established by the rural municipality government or the city government on the basis of clause 66 (3) 3) of this Act, as well as if the journey commencement fee, the fare per kilometre or the time fee indicated in the taximeter adaptation certificate exceeds the maximum permitted rate established on the basis of clause 66 (3) 3) of this Act;
- 5) the applicant has knowingly given false information that could affect the deciding of the application.

(3) The issuer of a service provider card may refuse to issue the card if:

- 1) the applicant does not meet the requirements established to the applicant;
- 2) the applicant has knowingly given false information that could affect the deciding of the application.

§ 61. Term of validity of taxi licence, vehicle card and service provider card

(1) A taxi licence is granted for an unspecified term, unless the applicant requests it for a fixed term.

(2) A vehicle card is granted for an unspecified term, unless the applicant requests it for a fixed term. The vehicle card is not granted for a term exceeding the term of validity of the taxi licence. Upon revocation or expiry of the taxi licence, the validity of the vehicle card will terminate. Upon using the vehicle under a contract of use, the term of validity of the vehicle card will terminate upon termination of the contract of use.

(3) A service provider card is granted for an unspecified term, unless the applicant requests it for a fixed term.

§ 62. Particulars of taxi licence, vehicle card and service provider card

(1) The following is published on a taxi licence in the register of economic activities:

- 1) the name and registry code of the carrier;
- 2) the registered office of the carrier;
- 3) the name of the licence issuer;
- 4) the number of the licence;
- 5) the date of granting the licence;
- 6) the term of validity of the licence;
- 7) the service area.

(2) In addition to the data specified in clauses 1) and 2) of subsection (1) of this section, the following information is published on a vehicle card in the register of economic activities:

- 1) the number of the taxi licence;
- 2) the make and model of the vehicle;
- 3) the registration number of the vehicle;
- 4) the number of seats;
- 5) the name of the owner or user-in-charge of the vehicle;
- 6) the name of the issuer of the vehicle card;
- 7) the number of the vehicle card;
- 8) the date of granting the vehicle card;
- 9) the term of validity of the vehicle card.

(3) The service provider's photo and the data on the form established on the basis of subsection (4) of this section are indicated on the service provider card. This data is also published on the service provider card in the national public transport register.

(4) The form of the service provider card will be established by a regulation of the minister responsible for the field.

§ 63. Suspension and revocation of taxi licence, vehicle card and service provider card

(1) The issuer of a taxi licence and a vehicle card may make a precept to the holder to eliminate deficiencies or may suspend the validity of the taxi licence and the vehicle card for a fixed term or revoke the taxi licence and vehicle card if:

- 1) the licence holder does not meet the requirements established to the holder;
- 2) the data of the holder of the licence or the vehicle card do not match with those indicated on the licence or the vehicle card;
- 3) a driver of a public transport vehicle employed by the licence holder under an employment contract or another contractual basis has in the professional capacity been convicted of a criminal offence provided for in §§ 422–424 of the Penal Code or a misdemeanour provided for in subsection 221 (2), subsection 222 (2), §§ 223–226, subsections 227 (2) to (4), subsection 230 (2), §§ 234–237 or subsection 242 (2) of the Traffic Act and the records have not been deleted from the criminal records database in accordance with the Criminal Records Database Act;
- 4) upon applying for the taxi licence or the vehicle card, the holder thereof has knowingly submitted false information that influenced the deciding of the application.

(2) The issuer of a service provider card may make a precept to the service provider card holder to eliminate deficiencies or may suspend the validity of the service provider card for a fixed term or may revoke the card if:

- 1) the card holder does not meet the requirements provided for in § 57 of this Act;
- 2) upon applying for the card, the holder thereof has knowingly submitted false information that influenced the deciding of the application.

(3) The issuer of a taxi licence, vehicle card or service provider card may revoke the document also on the initiative of the holder.

(4) If the validity of a service card has been suspended or the card has been revoked, the document must be returned to the issuer immediately, but not later than within five working days.

(5) If as a result of checks it becomes evident that a carrier does not comply with the requirement of good economic standing but economic indicators characterising the carrier's operations certify that the carrier will be able to comply with the requirement of good economic standing in the future, the issuer of the taxi licence has the right not to suspend the licence and to allow the carrier to manage the carriage of passengers, however, for not longer than for one year as of the time when it became evident that the carrier will be able to comply with the requirement of good economic standing in the future.

§ 64. Requirements for power-driven vehicles used for providing taxi services

(1) Power-driven vehicles used for providing taxi services must be entered in the motor register and pass the roadworthiness test.

(2) The name of the carrier or the trademark enjoying protection for the purposes of § 5 of the Trade Marks Act and belonging to the carrier or granted use of to the carrier under a contract must be visible on the outer right side of a vehicle used for providing taxi services. The requirements for indicating the name of the carrier on a vehicle will be established by a regulation of the minister responsible for the field.

(3) An illuminated sign, price list (hereinafter *taxi features*) and a printer must be installed on a vehicle used for the provision of taxi services.

(4) The requirements for the taxi features and their placement will be established by a regulation of the minister responsible for the field.

(5) A taxi feature cannot be installed on a vehicle for which a vehicle card has not been issued. By way of exception, the taxi features may be installed for the purpose of testing the roadworthiness of a vehicle, provided that an application for a vehicle card has been submitted beforehand. If it is identified in the course of the roadworthiness test that the vehicle is roadworthy, the illuminated sign and the price list must be removed and they cannot be reinstalled before obtaining the vehicle card. If the vehicle is not roadworthy, all taxi features must be removed.

(6) It is prohibited to install a feature imitating a taxi feature on a vehicle. It is also prohibited to provide any service using a vehicle that has a feature imitating a taxi feature.

(7) If no taxi services are provided, the illuminated sign must be removed from the vehicle. If the illuminated sign has not been removed, it will be deemed that the driver is providing taxi services.

(8) The adaptation of a taximeter means the installation of a taximeter that has passed a proper metrology inspection in a power-driven vehicle, the adjustment of the taximeter, verification of the readings of the taximeter, and the sealing of the taximeter and the connections thereof that allow for changing the measurement result, all of which must be performed by a person whose competence has been evaluated in accordance with § 5 of the Metrology Act and who holds a valid competency certificate.

(9) The conditions of and procedure for the adaptation of taximeters, the permitted error limits upon using a taximeter and the value of the transition speed upon switching from the time-based fee to the fare per kilometre and vice versa will be established by a regulation of the minister responsible for the field.

(10) The requirements for service quality, including comfortableness of passengers and environmental friendliness, regarding vehicles used for the provision of taxi services may be established by a regulation of the rural municipality council or the city council.

§ 65. Rights and obligations of parties upon provision of taxi services

(1) Upon provision of taxi services, the driver is required to:

- 1) place their service provider card on the dashboard in a place visible to the passenger;
- 2) switch on the taximeter upon commencement of service. If the passenger orders a taxi outside the service area, the taximeter may be switched on at the border of the service area by agreement with the passenger;
- 3) give the passenger a printed receipt that indicates the name and registry code of the carrier, the registration number of the vehicle, the date of provision of the service, the start and end time, the length of the journey, the prices and discounts used, the volume and cost of the provided service across all the prices and discounts used, and the total cost.

(2) Upon provision of taxi services, the driver is prohibited to:

- 1) service a passenger with a malfunctioning taximeter or printer;
- 2) possess or use accessories that may influence the measuring result or reading of the taximeter.

(3) Upon provision of taxi services, passengers may be serviced outside the service area only if the passenger orders a taxi outside the service area and wishes to travel directly to the service area as well as if the passenger wishes to travel to a destination located outside the service area. After the completion of the servicing of the passenger outside the service area, the servicing of a new passenger cannot be commenced there, unless it takes place immediately after completing the servicing of the previous passenger and the passenger wishes to travel directly to the service area.

(4) Upon provision of taxi services, the passenger pays on the basis of the reading of the taximeter, which is formed on the basis of the price list. If the driver violates the provisions of subsection (1) or (2) of this section, the passenger will have the right to refuse to pay.

(5) Upon travelling outside the service area, the making of a reasonable advance payment may be agreed on. The length of the journey is taken into account upon determining the amount of the advance payment. The driver must give the passenger a receipt on the advance payment.

§ 66. Establishment of price of taxi services

(1) The prices of taxi services are established by the carrier. Only one price may be established for each service.

(2) The prices of taxi services provided on road must be programmed by the carrier into the taximeter installed in the vehicle and the prices must be indicated in the taximeter adaptation certificate and in the price list. It is prohibited to highlight any service price if it may mislead the passenger.

(3) The following may be established by a regulation of the rural municipality council or city council:

- 1) the form of the price list of taxi services, thereby distinguishing between the journey commencement fee, the fare per kilometre or the time-based fee;
- 2) the maximum permitted level of the journey commencement fee, fare per kilometre and time-based fee, thereby taking into account that the carrier must be able to bear the direct costs relating to the provided service, the capital costs and a proportion of its overheads as well as make at least a reasonable operating profit;
- 3) the list of services for which a price may be established, thereby it is permitted to distinguish between daytime and night time services.

Chapter 9

Rights and Obligations of Parties to Carriage Contract upon Carriage by Bus, Coach, Tram and Trolleybus

§ 67. Rights and duties of parties upon provision of regular services

(1) A passenger carried by a bus, coach, trolleybus or tram upon provision of regular services must:

- 1) have a valid ticket for using the public transport vehicle and, where necessary, mark the ticket with a hole puncher or register the ticket or otherwise make the ticket valid in the event of existence of a respective device;
- 2) at the first request of the driver of the public transport vehicle or another person authorised to inspect tickets, present the ticket and the document certifying the entitlement to the travel fare concession. To enjoy a travel fare concession, a document certifying the entitlement to the pupil's travel fare concession does not need to be presented by a child who is clearly below 14 years of age.

(2) Upon provision of regular services, except for special regular services, the passenger must be able to buy a paper ticket in accordance with the requirements provided for in subsections (3) and (4) of this section and the established price. If the passenger is not enabled this, the passenger will have the right to travel without paying the fare.

(3) The ticket number, the price inclusive of value added tax, the amount of value added tax and the area of validity of the ticket must be indicated on a paper ticket issued on a rural or urban route. There must not be any corrections on a ticket.

(4) A paper ticket issued on a county route that is not part of the route network of a city or on a domestic long-distance route or an international long-distance route must legibly indicate the following: the ticket number; the price inclusive of value added tax; the amount of value added tax; the point of departure and destination of the journey or the travel area; the number and name of the route; the time, place and date of departure of the public transport vehicle; the name and address of the carrier; the number of the cash register device. If a ticket is issued manually, the cash device number is not required. There must not be any corrections on a ticket.

§ 68. Withdrawal from carriage contract upon provision of regular services

On a county route or a long-distance route, the passenger has the right to withdraw from a concluded carriage contract and return the ticket within a reasonable time before the departure of the public transport vehicle. The carrier or the person managing the issue of tickets establishes and publishes the procedure for returning tickets and travel fare.

§ 69. Disruption of journey

(1) In the event of the disruption of a journey taking place in the framework of regular services, except on an urban route, the passenger has the right to use other public transport vehicles on the same travel route in order to get to the destination. The carrier that disrupted the journey must pay the carrier that carried the passenger to the destination a reasonable fee at the request of the latter carrier.

(2) In the event of disruption of a journey in the framework of regular services or returning to the point of departure for reasons that the carrier could not control, such as extraordinary road or weather conditions, no fare will be charged from the passenger and the paid fare will be refunded to the passenger. The aforementioned does not apply in the case of an urban route.

§ 70. Determination of bus terminals

The list of bus and coach terminals where, in accordance with Regulation (EU) No 181/2011 of the European Parliament and of the Council, assistance is provided to disabled persons and persons with reduced mobility will be established by a regulation of the minister responsible for the field.

§ 71. Passenger's complaint in event of infringement of Regulation (EC) No 181/2011 of European Parliament and of Council

The carrier will resolve a complaint submitted by a passenger regarding an alleged infringement of Regulation (EC) No 181/2011 of the European Parliament and of the Council in accordance with the procedure provided for in Article 27 of the Regulation. If the carrier has not resolved the passenger's complaint in accordance with the procedure or if the passenger does not consent to the solution suggested by the carrier, the complaint will be resolved in accordance with the procedure provided for in Division 3 of Chapter 5 of the Consumer Protection Act.

§ 72. Carriage of baggage in bus, coach, trolleybus and tram, and keeping of baggage

(1) In addition to handbags, computer bags, tote bags and other similar baggage, the passenger has the right to carry in the passenger compartment of a bus, coach, trolleybus or tram one travel bag, suitcase or another similar piece of cabin baggage as well as movement aids, guide or assistant dog of a disabled person, a baby carriage or a pushchair, and small pets and birds in a proper cage or box or with a proper muzzle or on a proper leash.

(2) In addition to the items listed in subsection (1) of this section, other things of the passenger may be carried in the passenger or baggage compartment of a bus, coach, trolleybus or tram, provided that these are of a reasonable size and in a reasonable quantity.

(3) It is not permitted to carry in the passenger compartment or baggage compartment of a bus, coach, trolleybus or tram any prohibited baggage that could harm the health or property of other persons travelling in the public transport vehicle or smear or otherwise harm the public transport vehicle. Prohibited baggage means, above all, radioactive, explosive, poisonous, corrosive, inflammable, odoriferous or smearing substances as well as substances and things without the required packaging.

(4) The things specified in subsections (1) and (2) must not disturb or jeopardise the driver or passengers of the public transport vehicle, obstruct the entry and exit of passengers, obstruct the movement of passengers in the passenger compartment of the public transport vehicle or ruin the clothes or baggage of passengers.

(5) The carrier keeps unclaimed baggage and things found in the public transport vehicle, except for highly perishable substances, in accordance with the procedure established in the Law of Obligations Act.

(6) The procedure for the acceptance, carriage and release of baggage and the prices of carriage and keeping of baggage upon provision of commercial regular services may be established by the carrier. Upon provision of regular services under a public service contract, these are provided for in the public service contract.

Chapter 10 National Public Transport Register

§ 73. National public transport register

(1) The national public transport register is a database established by the Government of the Republic on a proposal of the minister responsible for the field for the purpose of gathering the timetables and ticket prices of opened bus and coach routes and domestic train, ship and air routes to a single database. The register also keeps account of regular service authorisations granted to carriers, public service contracts concluded and service provider cards issued.

(2) The chief processor of the register is the Ministry of Economic Affairs and Communications and the authorised processor is the Road Administration.

(3) The statutes of the national public transport register will be established by a regulation of the Government of the Republic.

§ 74. Composition of register

(1) The register contains the data of the following:

- 1) regular service authorisations;
- 2) public service contracts;
- 3) timetables;
- 4) public transport stops;
- 5) travel ticket prices;
- 6) travel fare concessions;
- 7) service provider cards;
- 8) other information prescribed by law.

(2) The information in the register is informative and statistical.

§ 75. Persons required to submit information to register

The following persons must submit information to the register:

- 1) regarding rural and urban routes, county routes specified in subsection 13 (3) of this Act, regular service authorisations, public service contracts and the timetables of routes serviced on the basis thereof – the rural municipality councils and city councils concerned or, regarding the granting of regular service authorisations and the approval of timetables – the regional public transport centre;
- 2) regarding the authorisation for a regular services of county routes and the authorisation for a regular services of the long-distance routes specified in subsection 14 (3) of this Act, public service contracts, the timetables of routes serviced on the basis thereof and the public transport stops located in the administrative territory of the county – the county governments and regional public transport centres concerned;

- 3) regarding regular service authorisations and timetables of domestic long-distance bus and coach routes – the Road Administration, except in the case of the long-distance routes specified in subsection 14 (3) of this Act;
- 4) regarding the authorisation for a regular services of international long-distance bus and coach routes and their timetables – the Ministry of Economic Affairs and Communications or the Road Administration, provided that the function of granting international regular service authorisations has been imposed on it on the basis of clause 17 (1) 2) of this Act;
- 5) regarding the timetables of domestic train, ship and air routes, public service contracts, effective ticket prices and travel fare concessions – the carrier;
- 6) regarding the ticket prices and travel fare concessions of bus and coach routes serviced under a public service contract – the competent authority with whom the public service contract has been concluded;
- 7) regarding the ticket prices and travel fare concessions of the bus and coach routes serviced on the basis of an authorisation for a regular service – at the carrier’s own request;
- 8) regarding service provider cards – the rural municipality council or city council, non-profit association or regional public transport centre concerned.

§ 76. Publication of registry data

- (1) The information entered in the register is public and is published on the website of the register.
- (2) Certified extracts of the information in the register are issued by the authorised processor.

Chapter 11 Submission of Information to Registers and Right to Receive Information

§ 77. Submission of information to register of economic activities

- (1) The issuer of a Community licence and of a certified true copy of the Community licence enters the data specified in subsection 51 (1) of this Act and the issuer of a taxi licence and of a vehicle card enters the data specified in subsections 61 (1) and (2) of this Act in the register of economic activities in accordance with the provisions of the General Part of the Economic Activities Code Act.
- (2) The supervision authority specified in subsection 80 (1) of this Act enters the data of a precept in the register of economic activities in accordance with the provisions of the General Part of the Economic Activities Code Act.

§ 78. Obtaining information from registers

To grant, suspend or revoke a Community licence, a certified true copy of the Community licence, a taxi licence, a vehicle card, a service provider card or an authorisation for a regular service as well as to exercise supervision under this Act, the competent authority has the right to receive information from registers in accordance with the procedure established in the Public Information Act and in the Criminal Records Database Act.

§ 79. Right to information and access to accounting documents

- (1) A carrier and its employees are required to immediately provide the Ministry of Economic Affairs and Communications, the Road Administration and another competent authority specified in § 19 of this Act, at their first request, with truthful and complete information for exercising state supervision, planning traffic and carrying out transport surveys.
- (2) The minister responsible for the field, the Director General of the Road Administration or the head of another competent authority specified in § 19 of this Act or a person authorised by these persons has the right to freely access all the accounting documents of a carrier and the accounts of the revenue and expenditure specified in § 23 of this Act as well as the accounting documents of an operator who belongs to the same group as the carrier and the expenditure and revenue of whom is reflected in the accounts of the carrier, provided that it is necessary for the performance of the functions provided for in this Act and in other legislation.

Chapter 12

State Supervision

§ 80. Competence of authority exercising state supervision

(1) The rural municipality government and the city government, the county government, the Road Administration, the Ministry of Economic Affairs and Communications, the Police and Border Guard Board and the Consumer Protection Board exercise supervision over the compliance with the requirements provided for in this Act and legislation established on the basis thereof, in regulations of the European Union, international agreements, the public service contracts and the public law contract.

(2) The rural municipality government or the city government exercises supervision over the compliance with the requirements of a rural or urban regular service authorisation, taxi licence, vehicle card and service provider card as well as over those of a public service contract awarded and public law contract concluded by it.

(3) The county government exercises supervision over the compliance with the requirements of a county regular service authorisation and a public service contract awarded and a public law contract concluded by it as well as over those of the authorisation for a regular services of long-distance routes passing through the administrative territory of the county. The county government also exercises supervision over the existence of the passengers' right to travel; thereby one county government may exercise supervision in another county by agreement between the county governments.

(4) The Road Administration exercises supervision over the compliance with the requirements of a long-distance regular service authorisation and county regular service authorisation and over the compliance with the requirements of an international regular service authorisation granted by the Ministry of Economic Affairs and Communications. The Road Administration also exercises supervision over the compliance with the requirements of a public service contract awarded for long-distance regular services and county regular services and over public service contracts awarded for rural and urban regular services, provided that earmarked subsidies are paid out of the state budget for the public service obligation.

(5) The Ministry of Economic Affairs and Communications exercises supervision over the compliance with the requirements of an international regular service authorisation as well as over the compliance with the requirements of public service contracts awarded and public law contracts concluded by it.

(6) The Police and Border Guard Board exercises supervision over documents issued on the basis of this Act and over the compliance of public transport vehicles with the requirements upon carriage by road.

(7) The Consumer Protection Board ensures the implementation of Regulation (EC) No 181/2011 of the European Parliament and of the Council upon regular bus and coach services that fall within the scope of regulation thereof and exercises supervision over the compliance with the regulation and other requirements concerning the consumer's rights.

§ 81. Rights and obligations of authority exercises state supervision

(1) The authority exercising state supervision has the right to:

- 1) exercise supervision freely and without advance notice;
- 2) for the purpose of exercising supervision, to enter premises, a public transport vehicle and a vehicle that has a feature imitating a feature of a public transport vehicle;
- 3) demand the submission of documents and other materials relating to supervision;
- 4) question and identify a person;
- 5) at the time of exercising supervision, use a public transport vehicle on its travel route free of charge;
- 6) exercise supervision over the issue of tickets on routes serviced under a public service contract, using photo and video recording equipment to that end and following the requirements of the Personal Data Protection Act.

(2) Authorities exercising state supervision are authorised to verify the documents specified in this Act as follows:

- 1) police officers – all documents specified in § 83 of this Act;
- 2) rural municipality government or city government officials – documents specified in clauses 83 (1) 1), 3), 4), 6) and 7) and in subsections 49 (3) and (4) of this Act;
- 3) county government officials – documents specified in clauses 83 (1) 1), 3), 4) and 7) and in subsections 83 (3) and (4) of this Act;
- 4) Road Administration officials – all documents specified in § 83 of this Act;
- 5) Consumer Protection Board officials – all documents specified in § 83 of this Act.

(3) The authority exercising state supervision may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30–32, 45, 49, 50 and 52 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(4) The authority exercising state supervision cannot demand that a minor who does not have a ticket exit a public transport vehicle between two stops. On a rural, urban, county or domestic long-distance route, the

authority exercising state supervision cannot demand that a minor exit a public transport vehicle before the minor has reached the destination.

(5) The authority exercising state supervision deems a child who is clearly below 14 years of age and does not have a document certifying their entitlement to the travel fare concession to be entitled to the travel fare concession.

(6) The authority exercising state supervision has the right to make a reasoned proposal to the issuer of a Community licence, taxi licence, certified true copy of the Community licence or vehicle card to suspend its validity or to revoke it and, if the issuer refuses to do so, get an explanation.

(7) The issuer of a Community licence or a taxi licence must verify the compliance of the licence holder with the requirements of § 43 or § 56 of this Act in the criminal records database at least once a year.

(8) If the rural municipality government or city government, the county governor or the minister responsible for the field terminates a public law contract unilaterally or another reason becomes evident which prevents a legal person in private law to continue the performance of an administrative function, the materials related to the performance of the function will be immediately transferred to the authority that concluded the contract and the authority will take immediate steps to ensure the performance of the function.

§ 82. Precept

(1) The authority exercising state supervision has, within the limits of its competence, the right to make a compulsory precept for the purpose of terminating an infringement of the requirements or performance of the duties and obligations provided for in this Act, legislation established on the basis thereof, regulations of the European Union and international agreements.

(2) Upon failure to comply with a precept specified in subsection (1) of this section, the person exercising state supervision may impose a penalty payment in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payments Act. The maximum penalty payment payable by a natural person is 1300 euros and the maximum penalty payment payable by a legal person is 6400 euros. The penalty payment imposed for the purpose of attaining the performance of an obligation or duty must not exceed 6400 euros with regard to a natural person and 32 000 euros with regard to a legal person.

§ 83. Requirement to submit documents

(1) A carrier is required to ensure that the drivers of public transport vehicles produce the following documents to police officers or other officials with inspection rights:

- 1) in domestic commercial regular services – the approved timetable or a copy thereof, which indicates the number of the authorisation for a regular service, the term of validity and the details of the issuer of the authorisation;
- 2) in international commercial regular services, including special services – a certified copy of the Community licence, the authorisation for a regular service and the approved timetable;
- 3) in regular services provided under a public service contract – the approved timetable or a copy thereof, which indicates the number of the public service contract, the date of awarding the contract, the term of validity of the contract, and the details of the parties;
- 4) in domestic special commercial regular services provided on the basis of a contract concluded between a customer and a carrier – the approved timetable or a copy thereof, which indicates the number of the carriage contract, the date of conclusion of the contract, the term of validity of the contract, and the details of the parties;
- 5) in international occasional services – a certified true copy of the Community licence, the control document of international occasional services with a journey form filled in before the commencement of the transport operation; and, in the case of occasional services that are not governed by Regulation (EC) No 1073/2009 of the European Parliament and of the Council – a transport permit of the countries of destination and transit of the carrier, provided that a transport permit is required in these countries and an international agreement does not provide otherwise;
- 6) in taxi services – the service provider card and the taximeter adaptation certificate;
- 7) in the carriage of passengers for a charge with an automobile having up to nine seats on the basis of a Community licence – a certified true copy of the Community licence, except in the event of domestic carriage.

(2) The driver of a public transport vehicle of a foreign country must present to a police officer or another authorised inspection official the relevant documents arising from international agreements.

(3) If the driver of a public transport vehicle and the carrier are different persons, the driver must submit an employment contract or another contract on the basis of which the driver works for the carrier or an extract thereof certified by the employer. The extract of the employment contract or another contract must set out the names of the employer and employee, the date of conclusion of the contract and the period of validity of the contract.

(4) A passenger must submit to a police officer or another authorised inspection official the ticket and a document certifying the travel fare concession entitlement.

§ 84. Disruption of carriage upon absence of documents

In the event of carriage without the documents required in subsections 83 (1) and (2) of this Act as well as without a certified true copy of the Community licence or vehicle card, a police officer or another official authorised under this Act has the right to disrupt such transport operation until the facts due to which the operation was disrupted are identified or cease to exist.

Chapter 13 Liability

§ 85. Travelling without ticket and refusal to pay for taxi ride

(1) The penalty for travelling by bus, coach, tram, trolleybus or passenger train without a valid ticket is a fine of up to 10 fine units.

(2) The penalty for the same act committed on a liner plying a regular maritime or inland waterway route or on aircraft is a fine of up to 50 fine units.

(3) The penalty for refusal to pay the taxi travel fare is a fine of up to 50 fine units.

§ 86. Violation of requirements for carriage by bus, coach, tram, trolleybus or taxi

(1) The penalty for violation of the requirements for carriage by bus, coach, tram, trolleybus or taxi upon management of bus, coach, tram, trolleybus or taxi services is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 87. Management of carriage of passengers for charge without documents prescribed by law

(1) The penalty for management of the carriage of passengers by a bus, coach, tram, trolleybus or automobile for a charge without the documents prescribed by this Act is a fine of up to 300 fine units or detention.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 88. Carriage of passengers for charge without documents prescribed by law

The penalty for the carriage of passengers for a charge by a driver without the documents prescribed by law is a fine of up to 150 fine units.

§ 89. Taxi service and management thereof without proper taximeter or printer

(1) The penalty for the provision or management of the taxi service using a power-driven vehicle that lacks a proper taximeter or a compatible printer or whose taximeter or printer does not function or whose taximeter has not been properly adapted to the vehicle or where there is a device that allows for influencing the measuring result of the taxi meter or that allows for otherwise deceiving the passenger as well as the deliberate damaging of the taximeter used for provision of taxi services or the seals thereof is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 90. Using taxi features or features imitating taxi features on vehicle that does not have vehicle card

(1) The penalty for using taxi features on a vehicle that does not have a vehicle card or for installing them in a vehicle that does not have a vehicle card as well as for using features imitating taxi features on a vehicle or installing them in a vehicle is a fine of up to 150 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 91. Violation of requirements for adaptation of taximeter

(1) The penalty for adaptation of a taximeter without having respective authorisation or violation of the requirements for adaptation is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 92. Failure to provide assistance to disabled person and person with reduced mobility at designated bus and coach terminals and on board buses and coaches

(1) The penalty for failure to comply with the requirements established in Article 13 of Regulation (EU) No 181/2011 of the European Parliament and of the Council is a fine of up to 50 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 93. Failure to provide assistance in event of cancelled or late journey

(1) The penalty for failure to comply with the requirements established in Article 21 of Regulation (EU) No 181/2011 of the European Parliament and of the Council is a fine of up to 50 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 94. Failure to provide information

(1) The penalty for failure to comply with the requirements established in Articles 15, 20 and 24 of Regulation (EU) No 181/2011 of the European Parliament and of the Council is a fine of up to 50 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

§ 95. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided in §§ 85–94 of this Act.

(2) The extra-judicial proceedings of the misdemeanours are conducted by the following authorities:

- 1) proceedings specified in subsection 85 (3) and §§ 87–91 of this Act – the Police and Border Guard Board;
- 2) proceedings specified in §§ 85–91 of this Act – the rural municipality government or city government;
- 3) proceedings specified in §§ 85–88 of this Act – the county government;
- 4) proceedings specified in §§ 85–88 of this Act – the Road Administration;
- 5) proceedings specified in §§ 86, 89, 90 and 92–94 – the Consumer Protection Board.

Chapter 14 Final Provisions

§ 96. Transitional provisions

(1) A Community licence, a certified true copy of the Community licence, a public transport licence, a taxi licence, an international passenger carriage authorisation, a vehicle card for domestic and international bus and coach services, a vehicle card of taxi services as well as an authorisation for a regular service of bus, coach, tram or trolleybus services granted to the carrier in accordance with the requirements in force before the entry into force of this Act remains in force until the date indicated on the licence, authorisation or card.

(2) Public service contracts concluded in accordance with the requirements in force before the entry into force of this Act remain in force until the expiry of the term provided for in the contract.

(3) On the basis of a valid public transport licence, a certified true copy of the Community licence is issued on the condition that the applicant complies with the requirements established in § 43 of this Act. In such an event the certified true copy of the Community licence only entitles the holder to domestic carriage of passengers during the term of validity of the public transport licence and the respective information is entered in the comments field of the certified true copy of the Community licence.

(4) If to an applicant for a Community licence a public transport authorisation has been granted before the entry into force of this Act and less than two years have passed from the revocation of the authorisation and the reason for the revocation is a violation of the requirements established by law, no Community licence will be granted to the applicant.

(5) The carrier whom an authorisation for a regular service was granted before the entry into force of this Act must, within six months from the entry into force of this Act, submit and publish the terms of carriage under which the carrier services the route. In the case of a rural route, the rural municipality government and, in the case of an urban route, the city government and, in the case of a county route, the county government and, in the case of a long-distance route, the Road Administration exercises state supervision over the performance of the obligation based on Chapter 12 of this Act.

(6) Upon granting an authorisation for a regular service on the basis of clauses 48 (3) 2) and 3) of this Act or upon approval of the timetable of a commercial route serviced under an authorisation for a regular service or upon refusal to approve it, the terms of carriage submitted regarding the authorisation for a regular service specified in subsection (5) of this section will be taken into account as of the thirtieth day following their submission.

(7) Within six months from the entry into force of this Act, a person to whom no service provider card has been issued may work as a taxi driver.

(8) If a person has received a training certificate of a person responsible for international carriage of passengers in accordance with the requirements in force before 4 December 2011, the person does not need to complete the transport manager training course, take a written final examination of the training course or hold a respective training certificate. In such an event the training certificate of the person responsible for international carriage of passengers is deemed to be the transport manager training certificate required for carriage by bus and coach.

(9) In the event of carriage by bus and coach, the transport manager training course does not need to be completed or the final examination does not need to be taken by a person who proves that, before 4 December 2009, they have regularly managed the transport operations of a carrier over a period of ten years.

(10) A person who has been issued a training certificate of a person responsible for domestic carriage of passengers in accordance with the requirements in force before the entry into force of this Act may work for a carrier holding a public transport authorisation and engaged solely in domestic transport operations until the public transport authorisation expires. If the person wishes to receive the training certificate of passenger transport managed on the basis of a Community licence, the person does not need to complete the transport manager training course or take the written final examination of the training course to the extent that the subjects covered in the training course preceding the obtaining of the training certificate of the person responsible for domestic passenger transport overlaps with the subjects covered in the transport manager training course.

(11) Information on public transport authorisations granted before 4 December 2011 and entries of the right to manage the international carriage of passengers made to them and information on vehicle cards granted to carriers engaged in the carriage of passengers on the basis of a public transport authorisation are preserved and published in the register of economic activities.

(12) In the case of domestic regular services, the exception according to which the provisions of Regulation (EU) No 181/2011 of the European Parliament and of the Council, with the exception of Article 4(2), Article 9, Article 10(1), point (b) of Article 16(1), Article 16(2), Article 17(1) and (2), and Articles 24 to 28, are not applied until 28 February 2017 on the basis of Article 2(4) of Regulation No 181/2011.

(13) Regular services a significant part of which, including at least one scheduled stop, is outside the European Union, are subject to the exception based on Article 2(5) Regulation (EU) No 181/2011 of the European Parliament and of the Council, according to which the provisions of Regulation No 181/2011 are not applied until 28 February 2017.

§ 97.–§ 100.[Omitted from this text.]

§ 101. Repeal of Public Transport Act

The Public Transport Act (RT I 2000, 10, 58) is hereby repealed.

§ 102. Entry into force of Act

This Act will enter into force on 1 October 2015.

Eiki Nestor
President of the Riigikogu