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Aviation Act¹

Passed 17.02.1999
 RT I 1999, 26, 376
 Entry into force 01.09.1999

Amended by the following acts

Passed	Published	Entry into force
17.10.2001	RT I 2001, 87, 525	01.01.2002
15.05.2002	RT I 2002, 47, 297	01.01.2003
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
12.02.2003	RT I 2003, 23, 138	15.04.2003
12.02.2003	RT I 2003, 23, 143	15.03.2003, in part 01.06.2004
17.12.2003	RT I 2003, 88, 594	08.01.2004
24.03.2004	RT I 2004, 25, 169	26.04.2004
14.04.2004	RT I 2004, 30, 208	01.05.2004
10.11.2004	RT I 2004, 81, 541	10.12.2004
08.12.2004	RT I 2004, 87, 593	01.01.2005
05.05.2005	RT I 2005, 29, 216	27.05.2005, in part 15.07.2005, 01.08.2005, 01.01.2006 and 01.03.2006
19.04.2006	RT I 2006, 21, 159	01.06.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
24.01.2007	RT I 2007, 10, 47	07.02.2007
24.01.2007	RT I 2007, 12, 66	01.01.2008
19.06.2008	RT I 2008, 27, 179	01.07.2008
01.07.2008	RT III 2008, 33, 223	01.07.2008
19.11.2008	RT I 2008, 52, 290	22.12.2008
17.12.2008	RT I 2009, 4, 25	26.01.2009
18.12.2008	RT I 2009, 4, 26	26.01.2009
17.12.2008	RT I 2009, 5, 35	01.07.2009
21.05.2009	RT I 2009, 30, 178	01.10.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
11.11.2009	RT I 2009, 57, 381	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
09.12.2009	RT I 2009, 64, 420	07.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date specified in the decision of the Council of the European Union regarding the abrogation of the derogation established in favour of the Republic of Estonia on the ground provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Decision No 2010/416/EU of the Council of the European Union of

		13 July 2010 (OJ L 196, 28.07.2010, pp 24-26).
05.05.2010	RT I 2010, 24, 115	01.09.2010
27.01.2011	RT I, 23.02.2011, 1	01.09.2011
23.02.2011	RT I, 23.03.2011, 2	02.04.2011
12.10.2011	RT I, 28.10.2011, 1	07.11.2011
07.12.2011	RT I, 20.12.2011, 3	01.01.2012
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, in part 01.01.2014 and 01.11.2014
13.02.2014	RT I, 13.03.2014, 1	23.03.2014, in part 01.04.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of 107 ³ of the Government of the Republic Act.
28.01.2015	RT I, 26.02.2015, 2	01.03.2015, in part 01.11.2015 and 01.01.2017
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015
15.10.2015	RT I, 21.10.2015, 1	22.10.2015
19.04.2016	RT I, 03.05.2016, 4	13.05.2016
15.06.2016	RT I, 05.07.2016, 1	01.01.2017
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
14.02.2018	RT I, 07.03.2018, 1	15.03.2018, the words 'state fee must be paid' have been replaced with the words 'state fee ... is paid at the rate provided for in the State Fees Act' throughout the Act.
02.05.2018	RT I, 22.05.2018, 1	23.05.2018
16.05.2018	RT I, 29.05.2018, 1	01.07.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
18.12.2019	RT I, 08.01.2020, 1	17.01.2020
25.11.2020	RT I, 10.12.2020, 1	01.01.2021, the words 'Civil Aviation Administration' have been replaced with the words 'Transport Administration' throughout the Act, except in subsection 3 of § 7 and § 61 ²
08.12.2021	RT I, 30.12.2021, 1	01.01.2022
18.05.2022	RT I, 08.06.2022, 2	18.06.2022
30.05.2022	RT I, 20.06.2022, 2	01.01.2023
08.06.2022	RT I, 20.06.2022, 63	27.06.2022
08.06.2022	RT I, 29.06.2022, 1	09.07.2022
08.02.2023	RT I, 01.03.2023, 2	01.07.2024
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words "Ministry of Rural Affairs" replaced with words "Ministry of Regional Affairs and Agriculture" throughout the Act on the basis of subsection 7 of § 105.19 of the Government of the Republic Act.
06.03.2024	RT I, 20.03.2024, 1	21.03.2024
12.06.2024	RT I, 27.06.2024, 2	28.06.2024
25.09.2024	RT I, 08.10.2024, 1	18.10.2024
19.11.2024	RT I, 04.12.2024, 1	01.01.2025
10.12.2025	RT I, 30.12.2025, 4	01.01.2026

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of regulation of Act

(1) This Act provides the grounds for the organisation of flight operations, aviation security and the ensuring of aviation safety.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The fields of activity associated with the operation, manning, manufacture and maintenance of aircraft, the provision of air navigation services, the operation of aerodromes and heliports, and the training of aviation specialists are deemed to be aviation activities.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2¹) An undertaking pays a regulatory enforcement fee on the grounds and in accordance with the rules provided by the Competition Act.

[RT I, 30.12.2021, 1 – entry into force 01.01.2022]

(3) 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.

(4) The General Part of the Economic Activities Code Act applies to the commencement, carrying out and termination of the economic activities of an undertaking regulated by this Act, taking account of the variations arising from this Act and the legislation of the European Union.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 2. Scope of application of Act

[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(1) This Act applies in civil aviation and to state aircraft unless otherwise provided by law or an international agreement.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(1¹) This Act applies to the personnel and organisations engaged in state aircraft insofar as aviation activities of state aircraft specified in subsection 3 of § 5 of this Act are concerned.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(2) The provisions of this Act extend to:

- 1) Estonian and foreign aircraft in Estonian airspace;
- 2) Estonian aircraft outside Estonian airspace to the extent and in accordance with the procedure provided for in international agreements.

(2¹) Subsection 1 of § 4, §§ 4¹, 5, 6¹, 7², 7³, 22¹, 22² and 37⁴, subsections 1 and 2 of § 46² and Chapter 7³ of this Act apply to military aviation unless otherwise provided by law or an international agreement.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(2²) Sections I and II of Chapter III of Regulation (EU) 2018/1139 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1–122) apply to the operation of state aircraft in the possession of the Police and Border Guard Board and to public servants and operating licences related thereto.

[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(3) This Act and legislation arising therefrom extend to transport conducted with Estonian aircraft in the airspace of any foreign state, unless otherwise provided by law or unless this Act or legislation arising therefrom is in conflict with an Act of a foreign state, which is implemented by mutual agreement with such state or in accordance with generally recognised principles of international law.

(4) By mutual agreement with a foreign state, the Government of the Republic may implement the provisions of this Act with regard to aircraft that are entered in the register of the foreign state but leased or put into use by Estonian operators in any other manner.

(5) By mutual agreement with a foreign state, the Government of the Republic may establish that the provisions of this Act are not implemented with regard to aircraft that are registered in Estonia but leased or put into use by foreign operators in any other manner.

[RT I 2004, 81, 541 – entry into force 10.12.2004]

§ 3. Estonian airspace and Tallinn Flight Information Region

(1) Estonian airspace is the airspace above the land, territorial waters and inland waters of Estonia and above the parts of transboundary water bodies that belong to Estonia.

(2) The Tallinn Flight Information Region is the portion of airspace in which Estonia provides air navigation services under bilateral agreements approved by the International Civil Aviation Organisation.

[RT I 2003, 23, 143 – entry into force 15.03.2003]

§ 4. Use of Estonian airspace and Tallinn Flight Information Region

(1) The procedure for the use of Estonian airspace and the Tallinn Flight Information Region and for the provision of air navigation services is established by a regulation of the Government of the Republic.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(2) The Transport Administration organises the use of Estonian airspace and the Tallinn Flight Information Region and certified air navigation service providers ensure the provision of air navigation services in civil aviation.

[RT I 2007, 10, 47 – entry into force 07.02.2007]

(3) Aircraft traffic in Estonian airspace is governed by the national rules of the air and the rules of the air provided for in Commission Implementing Regulation (EU) No 923/2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1–66) and in Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45–71).

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(3¹) National rules of the air as well as exceptions and differences from the rules of the air provided for in the Commission Implementing Regulation (EU) No 923/2012 are established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(3²) The requirements for operating state unmanned aircraft are established by a regulation of the minister in charge of the policy sector unless the aircraft is a military aviation aircraft.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(4) Aircraft which have Estonian nationality, nationality of a member state of the International Civil Aviation Organisation or nationality of a foreign state which has entered into an agreement to this effect with Estonia may be flown in the Tallinn Flight Information Region.

(5) Issue of permit for entry into Estonian airspace of foreign state aircraft, for their landing on Estonian territory or for their flying over the territory is decided upon based on the National Defence Act.

[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(5¹) A permit for an aircraft making a flight related to the state visit of a head of state or of a member of the government of a foreign state or a flight related to another official visit which is significant politically or another diplomatic mission for entry into Estonian airspace, for landing on Estonian territory or for flying over the territory, which is not processed on the basis of subsection 5 of this section, is issued by the minister in charge of the policy sector or an official authorised thereby.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(5²) The procedure for issue of flight permits to foreign aircraft related to an official visit or a diplomatic mission is established by the minister in charge of the policy sector.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(6) The Transport Administration may grant a permit to an aircraft which does not comply with the requirements set out in subsection 4 of this section where the flight of the aircraft is associated with the performance of medical, emergency, search or rescue work.

(7) Permission to civil aircraft for supersonic flights in Estonian airspace or the Tallinn Flight Information Region may be granted by the minister in charge of the policy sector where such flights do not endanger the environment or other aircraft. Restrictions to state aircraft for supersonic flights are established by the Government of the Republic.

§ 4¹. Restriction of use of Estonian airspace

(1) Flight restrictions to aircraft as well as the geographical zones of unmanned aircraft systems (hereinafter *geographical area*) for restricting the traffic of unmanned aircraft for the purposes of aviation safety, guaranteeing national security and public order and environmental protection are established by an order of the Government of the Republic.

(2) A temporary geographical area for restricting unmanned aircraft flights may be established:

- 1) by the Police and Border Guard Board to guarantee public order or security or perform other functions arising from Acts;
- 2) by the Estonian Internal Security Service to guarantee national security or perform other functions arising from Acts;
- 3) by the Rescue Board to perform the functions arising from the Rescue Act;
- 4) by the Estonian Defence Forces to perform the functions arising from the Estonian Defence Forces Organisation Act or other Acts;
- 5) by the Tax and Customs Board to guarantee the performance of a customs control operation or the conduct of offence proceedings where the function cannot be performed otherwise.

(3) The procedure for the establishment and termination of a temporary geographical area and for the notification thereof is established by a regulation of the Government of the Republic.

(4) A licence is required to fly in the area with flight restrictions or the geographical area established on the basis of subsection 1 or in the temporary geographical area established on the basis of subsection 2 of this section.

(5) The licence provided in subsection 4 of this section is not granted where:

- 1) the area with flight restrictions, geographical area or temporary geographical area is a no-fly zone;
- 2) the aircraft endangers or may endanger the guaranteeing of national security or public order in the area with flight restrictions, geographical area or temporary geographical area or the activity of a governmental authority in performing its function, including the traffic of an aircraft of the governmental authority;
- 3) in case of flying in the area with flight restrictions in a nature conservation area, the purpose of establishing the flight restriction cannot be fulfilled;
- 4) the purpose of the flight of the aircraft cannot be identified.

(6) The grant of the licence provided in subsection 4 of this section may be refused where:

- 1) the aircraft pilot or remote pilot has been convicted of a wilfully committed criminal offence and the records have not been deleted from the criminal records database;
- 2) the aircraft pilot or remote pilot has been convicted of violation of the flight rules or of the operation requirements for unmanned aircraft and the records have not been deleted from the criminal records database;
- 3) flying in the geographical area may affect the security of an object guarded by the Police and Border Guard Board or the Estonian Defence Forces or of a security authority;
- 4) false information was knowingly submitted in the application for the licence.

(7) The licence specified in subsection 4 is granted by the governmental authority specified in the order established on the basis of subsection 1 or the governmental authority specified in subsection 2 of this section.

(8) The issuers of the licence specified in subsection 4 of this section and the procedure for the application for and the grant of the licence are established by a regulation of the Government of the Republic.

(9) A list of the governmental authorities that need not apply for the licence specified in subsection 4 of this section is established by a regulation of the Government of the Republic.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 5. Aircraft

(1) An aircraft is any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the surface of the earth or water.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) Aircraft are divided into state aircraft and civil aircraft.

(3) State aircraft means an aircraft of an authority having the powers of a public authority or an aircraft operated on its behalf in public interests and under the control and responsibility of the state where such aircraft is used for the performance of the duties related to military defence, the customs, the police, search and rescue operations, resolution of a rescue event, border and coast guarding or other similar operations or services.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(3¹) Military aviation aircraft means the aircraft in the possession of a governmental authority in the area of government of the Ministry of Defence or in the possession of the Estonian Defence League which is used for the purposes of military defence of the state.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(3²) The term defined in subsection 3 of this section also applies to state authorities of foreign states and the term defined in subsection 3¹ of this section also applies to aircraft in the possession of armed forces of foreign states.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(4) [Repealed – RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(5) An abnormal aircraft is an aircraft the operation of which differs from the operation of usual aircraft in terms of its maintenance, flight characteristics or piloting.

(6) [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

(7) [Repealed – RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 6. Nationality of aircraft

(1) Aircraft registered in Estonia have Estonian nationality.

(2) Where an aircraft operated in accordance with an agreement is not entered in the national civil aircraft register of the state which is the principal place of business of the operator, the Transport Administration may conclude an agreement in accordance with Article 83bis of the 1944 Chicago Convention on International Civil Aviation for transfer of the functions and obligations arising from the aforementioned Convention to the state which is the principal place of business of the operator.
[RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 6¹. Military aviation

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(1) [Repealed – RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(2) Military aviation means aviation activities of governmental authorities in the area of government of the Ministry of Defence, the Estonian Defence League and armed forces of foreign states or aviation activities carried out on their behalf and under their supervision.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 7. State administration of civil aviation

(1) The Government of the Republic, the Ministry of Climate and the Transport Administration exercise the state administration of civil aviation within the scope of competence provided for in this Act.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(2) In Estonia “The Joint Aviation Requirements” (JAR) issued on the basis of the Arrangements concerning the Development, the Acceptance and the Implementation of Joint Aviation Requirements of 1990 apply. The translations of the Joint Aviation Requirements are published in the official publication called the *Transport Administration Gazette*.

(3) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) In order to ensure the safety of flight operations, the Director General of the Transport Administration may establish temporary restrictions in respect of the persons engaged in aviation until the reasons of danger are established.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(5) In order to ensure the safety of flight operations and aviation security, the Director General of the Transport Administration may issue general compliance notices to the persons engaged in aviation.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(6) The Transport Administration is an appropriate authority within the meaning of Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.04.2008, pp 72–84), and it coordinates activities in the area of aviation security for the purpose of adherence to the EU legislation relating to aviation security and the aviation security standards of the International Civil Aviation Organisation.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(7) The Transport Administration is a national supervisory authority (NSA) within the meaning of Regulation (EC) No 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 096, 31.03.2004, pp 1–9), and Regulation (EC) No 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 096, 31.03.2004, pp [RT I 2007, 10, 47 – entry into force 07.02.2007]

(8) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(9) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(10) The Transport Administration is a competent authority within the meaning of the implementation regulations adopted on the basis of Regulation (EU) 2018/1139 of the European Parliament and of the Council, unless otherwise provided by this Act or legislation adopted on the basis thereof.
[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(11) The Transport Administration grants the exemptions specified in Article 71 of Regulation (EU) 2018/1139 of the European Parliament and of the Council.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(11¹) The application decision specified in Article 2(6) of Regulation (EU) 2018/1139 of the European Parliament and of the Council is established on the proposal of the Transport Administration by a directive of the minister in charge of the policy sector.
[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(11²) Upon making the application decision provided in subsection 11¹ of this section, in addition to the principles of making the application decision provided in Regulation (EU) 2018/1139 of the European Parliament and of the Council, the following circumstances must be taken into account:

1) the application decision must contribute to, or create the conditions for, maintaining or improving the level of aviation safety;

2) the application decision is economically justified, taking into account, *inter alia*, the financing needs of the tasks under the application decision and the costs of supervision;

3) the quality of aviation supervision is not adversely affected by the application decision.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(12) The frequency coordinator of the International Civil Aviation Organisation in Estonia is the authority responsible for coordinating the frequencies for the radio communication, navigation or surveillance equipment used for air traffic management.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 7¹. Inspection of conformity and approval of persons performing inspection

(1) The Transport Administration carries out inspections of the conformity of civil aircraft, air operators, production organisations, maintenance organisations, continuing airworthiness management organisations, training organisations, flight procedure developers, aerodrome operators, aero-medical centres, air navigation service providers, air traffic management service providers and flight simulation training devices with the national and international requirements for the purpose of granting the licences and certificates to be granted under this Act and making administrative decisions.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) In the case of absence of the competence required for the performance of the inspection specified in subsection 1 of this section, the Transport Administration may approve a person who complies with competency requirements as a person performing the inspection of conformity.

(3) After the inspection of conformity, the person approved by the Transport Administration specified in subsection 2 of this section submits an inspection report to the Transport Administration. The costs related to such inspection are paid by the operator, organisation or service provider.

(4) The Transport Administration issues the licences and certificates and makes administrative decisions on the basis of the inspection report specified in subsection 3 of this section.

(5) Recognition is a procedure in the course of which the Transport Administration assesses the compliance of the person performing the inspection with the requirements provided for in Regulation (EU) 2018/1139 of the European Parliament and of the Council, its implementing regulations, Regulation (EC) No 550/2004 of the European Parliament and of the Council and this Act.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) In order to approve a person performing the inspection of conformity, an application must be submitted to the Transport Administration which contains the following information and documents:

- 1) the applicant's name, registry code and contact details;
- 2) documents certifying the qualification, knowledge, experience in compliance with the corresponding legislation specified in subsection 5 of this section and the relevant initial vocational training and continuing vocational training in accordance with the approved area.

(7) In addition to the information specified in subsection 6 of this section, the Transport Administration may request supplementary information in order to verify the conformity of an applicant to the requirements.

(8) The Transport Administration makes a decision on approval within 30 days as of the submission of the application. The term for making a decision may be extended by the term for submission of supplementary information provided for in subsection 7 of this section.

(9) The Transport Administration refuses to approve an applicant where the applicant does not conform to the requirements provided for in subsection 5 of this section.

(10) The decision on approval is valid for two years.

(11) A decision on approval may be revoked where the person performing the inspection of conformity fails to comply with the requirements specified in subsection 5 of this section.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 7². Use of Estonian airspace for national defence and military aviation

[RT I 2004, 81, 541 – entry into force 10.12.2004]

(1) The use of Estonian airspace for national defence purposes is organised by the Estonian Defence Forces in cooperation with the Transport Administration. Air navigation services to national defence flights and upon training for such purposes is ensured by the Estonian Defence Forces in cooperation with undertakings that provide certified air navigation services.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(2) [Repealed – RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(3) Military aviation regulation is established by a regulation of the minister in charge of the national defence policy sector, setting out:

- 1) the classification of military aviation aircraft;
- 2) the requirements for military aviation aircraft, their airworthiness and continuing airworthiness, maintenance, operation and air operations as well as the related personnel and training;
- 3) aerodromes and their sections as well as equipment, staff and organisations controlled and operated by a governmental authority in the area of government of the Ministry of Defence or by the Estonian Defence League;
- 4) the rules of the air for operational air traffic;
- 5) the procedure for investigating aviation accidents and incidents involving military aviation aircraft;
- 6) the procedure for organising military aviation supervision.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(4) [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

(5) The procedure for the use of Estonian airspace upon ensuring the inviolability, guarding and protection of Estonian airspace and upon preparing for this is established by the Commander of the Estonian Defence Forces by means of the airspace control plan.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(6) During increased defence readiness, a state of emergency or a state of war, the Estonian Defence Forces may give orders to certified air navigation service providers providing air traffic services in order to guarantee the inviolability, guarding and protection of Estonian airspace.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 7³. Committee for management of use of airspace and airspace management cell

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(1) In order to ensure the flexible use of Estonian airspace for civil and national defence purposes, the Government of the Republic establishes a committee for the management of the use of airspace at the Ministry of Climate.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(2) The committee comprises representatives of the Ministry of Climate, the Ministry of Defence, the Ministry of the Interior, the Estonian Defence Forces and the Transport Administration. The committee may involve representatives of other administrative agencies and other specialists in the performance of its functions.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(3) The committee monitors the implementation of the principles of flexible use of airspace in Estonia and makes proposals for the implementation of these principles.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(3¹) The committee does not perform its functions during increased defence readiness, a state of emergency and a state of war.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(4) The persons performing the functions of the joint civil military airspace management cell specified in the second paragraph of Article 5(1) of Commission Regulation (EC) No 2150/2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, p. 20–25) shall be appointed by the minister in charge of the policy sector.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 7⁴. State aviation safety programme

(1) The purpose of the state aviation safety programme is the management of fields relating to aviation safety at the national level for the purpose of raising the level of safety of civil aviation. The topics covered by the aviation safety programme include safety policy and objectives, management of safety risks, safety assurance and safety promotion.

(2) The national aviation safety programme is implemented by the Ministry of Climate and the Transport Administration whose competence includes the development and implementation of aviation safety measures.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

§ 7⁵. National facilitation programme

(1) The purpose of the national facilitation programme is to simplify the formalities relating to border crossing of aircraft engaged in international flights and the of their travellers, crews, cargo, mail and stores.

(2) The national facilitation programme is prepared and implemented by the Ministry of Climate in cooperation with the relevant authorities and undertakings.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

§ 7⁶. Authorisation to apply alternative methods for compliance with requirements

(1) Where, for the purpose of complying with aviation safety requirements arising from Regulation (EU) 2018/1139 of the European Parliament and of the Council and its implementing regulations, a person intends to apply alternative methods instead of the accepted compliance methods devised by the European Aviation Safety Agency, the person must apply to the Transport Administration for authorisation in order to use such methods.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) To obtain the authorisation, the applicant submits an application to the Transport Administration and descriptions and analyses of the alternative methods along with risk assessments in accordance with the requirements provided for in the implementing regulations of Regulation (EU) 2018/1139 of the European Parliament and of the Council.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The Transport Administration makes a decision to grant or refuse authorisation to apply the alternative compliance methods within 90 days after the application and all the required information has been submitted. The Transport Administration may extend the time limit for deciding the application once by up to 90 days where it is necessary due to the complexity of the individual case.

(4) The Transport Administration grants the authorisation where the application of the alternative methods ensures compliance with the aviation safety requirements applicable to the person under Regulation (EU) 2018/1139 of the European Parliament and of the Council, its implementing regulations, this Act and legislation adopted on the basis thereof.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) The Transport Administration refuses the authorisation where the application of the alternative methods does not ensure compliance with the aviation safety requirements applicable to the person under Regulation (EU) 2018/1139 of the European Parliament and of the Council, its implementing regulations, this Act and legislation adopted on the basis thereof.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) A state fee for reviewing an application for authorisation to apply alternative compliance methods and for holding the authorisation is paid at the rate provided for in the State Fees Act.

(7) The Transport Administration revokes authorisation to apply alternative compliance methods where the methods applied by the person do not ensure compliance with the aviation safety requirements applicable to the person under Regulation (EU) 2018/1139 of the European Parliament and of the Council, its implementing regulations, this Act and legislation adopted on the basis thereof.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(8) The Transport Administration may revoke authorisation to apply alternative compliance methods where the circumstances that served as the basis for granting the authorisation have changed.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 7⁷. Inspection of conformity with requirements, grant of licences and certificates and their recognition in military aviation

[Repealed – RT I, 27.06.2024, 2 – entry into force 28.06.2024]

Chapter 2 MANUFACTURE, MAINTENANCE, AIRWORTHINESS AND ENVIRONMENTAL ELIGIBILITY OF AIRCRAFT

[RT I, 08.06.2022, 2 - entry into force 18.06.2022]

§ 8. Certificates of EASA aircraft production organisation and maintenance organisation

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) The production or maintenance organisation of an aircraft falling within the limits of the competence of the European Aviation Safety Agency (EASA) specified in Article 2(1) of Regulation (EU) 2018/1139 of the European Parliament and of the Council (hereinafter *EASA aircraft*) is an organisation certified to manufacture or maintain an EASA aircraft or a component thereof, which has the required structure, installations, facilities and equipment, staff with sufficient knowledge, skills and experience as well as a quality system in order to perform work within the scope approved under the certificate issued by the Transport Administration.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) An EASA aircraft production or maintenance organisation must comply with the requirements established by Commission Regulations (EU) No 748/2012 and (EU) No 1321/2014.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(3¹) The Transport Administration decides the granting or refusal of a certificate of the production organisation under Commission Regulation (EU) No 748/2012 and of the maintenance organisation under Commission Regulation (EU) No 1321/2014 within 90 days after the submission of the application. The Transport Administration may extend the time limit for making the decision once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3²) The holder of a certificate submits an application for amendment of the certificate immediately to the Transport Administration, where the data serving as a basis for the grant of the certificate have changed. The Transport Administration decides the amendment of the certificate within the time limit specified in subsection 3¹ of this section.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) A state fee must be paid for reviewing the initial application for a certificate of an EASA aircraft production or maintenance organisation, for reviewing an application for amendment of a certificate, and for maintaining the certificates of the aforementioned organisations.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 8¹. Limitation, suspension, revalidation and revocation of certificates of EASA aircraft production organisation and maintenance organisation

(1) The Transport Administration may limit, suspend or revoke a certificate of the EASA aircraft producer organisation or maintenance organisation:

- 1) where the holder of a certificate violates the requirements provided for in aviation legislation; or
- 2) in order to ensure air safety.

(2) A certificate may be suspended for up to six months.

(3) Where the holder of a certificate has not eliminated the deficiencies that served as the basis for the suspension of the certificate within the period of suspension of the certificate or does not comply with the requirements serving as the basis for the issue of the certificate, the Transport Administration revokes the certificate.

(4) Where the holder of a certificate proves that the basis for the suspension or limitation of the certificate has been eliminated or has ceased to exist, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of a certificate with the relevant requirements before revalidating the certificate.

(5) In the event of surrender of a certificate, the Transport Administration revokes the certificate. The holder of a certificate must notify the Transport Administration of the date of surrender in writing at least 30 calendar days before the surrender of the certificate. The Transport Administration revokes the certificate as at the date of surrender notified by the holder of the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 9. Airworthiness and continuing airworthiness of EASA aircraft and continuing airworthiness and combined airworthiness management organisation

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) An EASA aircraft is airworthy where it complies with the requirements established in the Annex to Commission Regulation (EU) No 748/2012, which is certified by a certificate of airworthiness or a restricted certificate of airworthiness.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) An EASA aircraft is continuously airworthy where it meets the requirements established in Annexes I and Vb to Commission Regulation (EU) No 1321/2014, which is certified by an airworthiness review certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) Continuing airworthiness management organisation means a person who meets the requirements established in Annex I, Va or Vd to Commission Regulation (EU) No 1321/2014, which is certified by a continuing airworthiness management organisation approval certificate or a combined airworthiness management organisation approval certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) An EASA aircraft may be operated where the aircraft has a valid certificate of airworthiness and an airworthiness review certificate.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4¹) The certificates specified in subsections 1 and 3 of this section are issued by the Transport Administration. The certificate specified in subsection 2 of this section is issued by the Transport Administration or a continuing airworthiness management organisation which is entitled to issue the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4²) The Transport Administration decides the granting or refusal of the certificate specified in subsections 1–3 of this section within 90 days after the submission of the application. The Transport Administration may extend the time limit for making the decision once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4³) The holder of a certificate specified in subsections 1–3 of this section is required to immediately submit an application for amendment of the certificate to the Transport Administration where the data serving as a basis for the certificate have changed. The Transport Administration decides the amendment of the certificate within the time limit provided for in subsection 4² of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁴) The Transport Administration may limit, suspend or revoke the certificate specified in subsections 1–3 of this section in the following cases:

- 1) the holder of a certificate violates the requirements provided for in aviation legislation; or
- 2) in the interests of ensuring air safety.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁵) A certificate may be suspended for up to six months.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁶) Where the holder of a certificate has not eliminated the deficiencies that served as the basis for the suspension of the certificate within the period of suspension of the certificate or does not comply with the requirements serving as the basis for the issue of the certificate, the Transport Administration revokes the certificate.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁷) Where the holder of a certificate proves that the basis for the suspension or limitation of the certificate has been eliminated or has ceased to exist, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of a certificate with the relevant requirements before revalidating the certificate.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁸) In the event of surrender of a certificate, the Transport Administration revokes the certificate. The holder of a certificate must notify the Transport Administration of the date of surrender of the certificate in writing at least 30 calendar days before the surrender of the certificate. The Transport Administration revokes the certificate as at the date of surrender notified by the holder of the certificate.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) A state fee is paid for the review of an application for a certificate of airworthiness or a restricted certificate of airworthiness, the review of an application for an airworthiness review certificate or for the extension of its validity, the review of an application for a continuing airworthiness management organisation approval certificate and a combined airworthiness management organisation approval certificate and the review of an application for amendment of the specified certificates and for maintaining such certificates at the rate provided for in the State Fees Act.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 9¹. Continuing airworthiness of non-EASA aircraft

(1) An aircraft specified in Article 2(3)d of Regulation (EU) 2018/1139 of the European Parliament and of the Council (hereinafter *non-EASA aircraft*) continues to be airworthy where it is maintained and its continued airworthiness is managed in accordance with the established requirements and it has a valid certificate of airworthiness.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The operator of a non-EASA aircraft is responsible for the continuing airworthiness of the aircraft and ensures that flights are performed with it only where the non-EASA aircraft is airworthy and all the requirements for the maintenance and management of airworthiness of the non-EASA aircraft are followed.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9². Tasks related to management of continuing airworthiness of non-EASA aircraft

(1) The continuing airworthiness of a non-EASA aircraft, including the serviceability of the operational and emergency equipment, is ensured by:

- 1) a pre-flight inspection of the non-EASA aircraft;
- 2) rectification of the defects and malfunctions that affect the safe operation of the non-EASA aircraft, taking into account the minimum equipment list of the non-EASA aircraft;
- 3) maintenance in accordance with the maintenance programme;
- 4) meeting the airworthiness requirements in force, including, *inter alia*, the airworthiness directives and operation directives affecting airworthiness, which have been issued by the competent authority of the state of manufacture or the state of design and to the general compliance notices of the Director General of the Transport Administration;
- 5) performance of modification and repairs in accordance with the maintenance data of the non-EASA aircraft, which includes, *inter alia*, the airworthiness requirements and the data issued by the type design approval holder of the non-EASA aircraft or component;
- 6) the performance of flight tests, when necessary.

(2) The owner of a non-EASA aircraft may contract a continuing airworthiness management organisation to perform the task of managing continuing airworthiness specified in subsection 1 of this section. In such an event the continuing airworthiness management organisation assumes responsibility for the appropriate performance of these tasks.

(3) The continuing airworthiness management tasks of the aircraft specified in Article 3(j) of Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1–49) are performed by a continuing airworthiness management organisation.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 9³. Pre-flight inspection of non-EASA aircraft

(1) A pre-flight inspection of a non-EASA aircraft is carried out on the basis of the flight manual or maintenance programme of the type design approval holder of the non-EASA aircraft or that of the production organisation or manufacturer of the non-EASA aircraft, in order to be certain that the non-EASA aircraft is ready for the flight.

(2) The activities relating to a pre-flight inspection are established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9⁴. Maintenance of non-EASA aircraft, maintenance programme and approval thereof

(1) ‘Maintenance’ means any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of a pre-flight inspection of a non-EASA aircraft.

(2) Upon carrying out maintenance, all the relevant requirements arising from the maintenance data of the non-EASA aircraft must be fulfilled.

(3) A component installed on a non-EASA aircraft, the lifetime of which is expressed in calendar time, landings or cycles must not exceed the service life limit specified in the maintenance programme, unless the Transport Administration grants permission to exceed the life limit.

(4) The maintenance of a non-EASA aircraft is managed in accordance with the maintenance programme of the non-EASA aircraft. The maintenance programme and the amendments thereto must be approved by the Transport Administration.

(5) The maintenance programme must comply with the following requirements:

- 1) contain details, including frequency, of all maintenance to be carried out, including any specific tasks linked to specific operations;
- 2) specify the person who issues a certificate of release to service;
- 3) comply with the maintenance data of the non-EASA aircraft.

(6) The Transport Administration refuses to approve the maintenance programme and amendments thereto where the programme does not comply with the requirements provided for in subsection 5 of this section.

(7) The list of topics covered by the maintenance programme and the requirements for the drafting of the maintenance programme are established by a regulation of the minister in charge of the policy sector.

(8) More detailed requirements for the maintenance of non-EASA aircraft and components are established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9⁵. Modification and repair of non-EASA aircraft

(1) The modifications and repairs of a non-EASA aircraft are carried out in accordance with the maintenance data.

(2) Where a non-EASA aircraft does not have any maintenance data for the planned modifications and repairs, the data approved by the Transport Administration may be used.

(3) The data specified in subsection 2 of this section must contain the following:

- 1) application for the modification and repair;
- 2) drawings, descriptions and guidelines relating to the modification and repair;
- 3) where necessary, a document that contains calculations and a description of the tests and alterations of the balancing of the non-EASA aircraft, in order to demonstrate that the alteration ensures continuing airworthiness;
- 4) where necessary, an annex to the flight manual of the non-EASA aircraft;
- 5) where necessary, a list of additional work.

(4) The Transport Administration does not approve the data of the modification or repairs of an aircraft where the continuing airworthiness of the non-EASA aircraft is not ensured as a result of the modification and repairs.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9⁶. Maintenance staff of non-EASA aircraft

(1) The maintenance of a non-EASA aircraft may be carried out by:

- 1) certifying staff that holds an aircraft maintenance licence issued by the Transport Administration with a relevant type rating in accordance with Part 66 of Annex III to Commission Regulation (EU) No 1321/2014; [RT I, 07.03.2018, 1 – entry into force 15.03.2018]
- 2) certifying staff that holds an aircraft maintenance licence with a relevant type rating issued by a member state of the International Civil Aviation Organisation, which is approved by the Transport Administration;
- 3) the owner of a non-EASA aircraft who holds a pilot licence (hereinafter *pilot-owner*);
- 4) a maintenance organisation holding an approval certificate in accordance with subsection 2 of § 9¹¹ of this Act;
- 5) a certified maintenance organisation accepted by the Transport Administration or supervised by the competent authority of a foreign state and released from the authorisation obligation based on § 22 of the General Part of the Economic Activities Code Act.

(2) A pilot-owner specified in clause 3 of subsection 1 of this Act may carry out maintenance of a non-EASA aircraft whose maximum take-off mass is 2730 kg and that is operated only under the visual flight rules.

(3) Maintenance of the aircraft specified in subsection 3 of § 9² of this Act may be carried out only by the maintenance organisation specified in clause 4 of subsection 1 of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) The maintenance of the components of a non-EASA aircraft may be carried out by:

- 1) a maintenance organisation approved by the Transport Administration in accordance with Part 145 of Annex II to Commission Regulation (EU) No 1321/2014, which has appropriate rating for the maintenance of the given component; [RT I, 07.03.2018, 1 – entry into force 15.03.2018]
- 2) a maintenance organisation holding an approval in accordance with subsection 2 of § 9¹¹ of this Act, which has appropriate rating for the maintenance of the given component;
- 3) a certified maintenance organisation accepted by the Transport Administration or supervised by the competent authority of a foreign state or released from the authorisation obligation based on § 22 of the General Part of the Economic Activities Code Act, which has an appropriate rating for the maintenance of the given component.

(5) A component that has been installed on a non-EASA aircraft and the maintenance of which does not require the removal of the component from the aircraft and the maintenance of which has been described in the maintenance data of the aircraft, may be maintained by a maintenance organisation holding a certificate in accordance with subsection 2 of § 9¹¹ of this Act, which is not rated for component maintenance.

(6) The list of permitted maintenance carried out by a pilot-owner specified in clause 3 of subsection 1 of this section is established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9⁷. Certificate of release to service of non-EASA aircraft and component thereof

(1) A certificate of release to service is issued after the proper completion of the maintenance of a non-EASA aircraft or a component thereof where the issuer of the certificate is convinced that all the required work has been done in accordance with the requirements and the maintenance entries have been made.

(2) The certificate of release to service of an aircraft is issued by:

- 1) certifying staff specified in clauses 1 and 2 of subsection 1 of § 9⁶ of this Act and defined in the maintenance programme;
- 2) certifying staff specified in clauses 1 and 2 of subsection 1 of § 9⁶ of this Act and authorised by the maintenance organisation, or
- 3) the owner-pilot regarding maintenance that the pilot-owner is authorised to carry out under the maintenance programme.

(3) A component certificate of release to service of a non-EASA aircraft is issued by authorised certifying staff of the maintenance organisation.

(4) In order to issue the certificate of release to service of a non-EASA aircraft, the authorised certifying staff of the maintenance organisation must, in addition to the aircraft maintenance licence specified in clauses 1 and 2 of subsection 1 of § 9⁶ of this Act, have:

- 1) at least six months of practical maintenance experience with a non-EASA aircraft of the relevant subcategory in the preceding two-year period;
- 2) knowledge of the maintenance requirements of the maintained non-EASA aircraft and procedures of the maintenance organisation.

(5) To issue the component certificate of release to service of a non-EASA aircraft, authorised certifying staff of the maintenance organisation must have:

- 1) at least three months of practical maintenance experience in maintaining a component of the relevant category rating in the preceding year;
- 2) knowledge of the maintenance requirements of the maintained component and the procedures of the maintenance organisation.

(6) The list of data entered on certificates of release to service of non-EASA aircraft and components is established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9⁸. Continuing airworthiness records of non-EASA aircraft

(1) The continuing airworthiness records of a non-EASA aircraft consist of the following:

- 1) the certificate of release to service;
- 2) the non-EASA aircraft logbook, engine logbook, propeller logbook and auxiliary power unit logbook, and log cards or passports of service life limited components;
- 3) the technical log of the non-EASA aircraft;
- 4) the weight and balance report;
- 5) the flight manual of the non-EASA aircraft.

(2) The owner of the non-EASA aircraft and the continuing airworthiness management organisation are responsible for making all the required entries to airworthiness records.

(3) The list of data to be entered in airworthiness records, the record system and the period of keeping the records is established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9⁹. Requirements for continuing airworthiness management organisation of non-EASA aircraft

(1) The continuing airworthiness management organisation must comply with the following requirements:

- 1) it must have an exposition that it adheres to upon managing continuing airworthiness and that contains instructions, guidance, procedures and rules of operation or work practices, and which covers the scope of work permitted under the certificate of the continuing airworthiness management organisation;
- 2) it must provide the staff with facilities and equipment required for performing their duties;
- 3) it must have valid maintenance data for the performance of its duties;
- 4) it must have competent staff for the performance of its duties;
- 5) it must have maintenance programmes for all non-EASA aircraft whose continued airworthiness it manages.

(2) To meet the requirement specified in clause 4 of subsection 1 of this section, the continuing airworthiness management organisation must have the following responsible persons:

- 1) the accountable manager who, as a representative of the organisation, is responsible for ensuring that continuing airworthiness management is financed and performed in accordance with the established requirements;
- 2) the continuing airworthiness manager who is responsible to the accountable manager for ensuring that the organisation complies with the continuing airworthiness management requirements;
- 3) the person responsible for organisational review and for monitoring the proper compliance with the procedures of the continuing airworthiness management organisation.

(3) The airworthiness manager must have the following knowledge, background and experience:

- 1) the qualifications of an engineer or aircraft maintenance mechanic;
- 2) three years of work experience in the field of maintenance or airworthiness management of non-EASA aircraft;
- 3) thorough knowledge of the exposition of the continuing airworthiness management organisation;
- 4) knowledge of the non-EASA aircraft specified on the certificate of the continuing airworthiness management organisation at least at the level of a familiarisation course of the type of the non-EASA aircraft;
- 5) knowledge of the management of the maintenance of a non-EASA aircraft;
- 6) knowledge of the requirements relating to continuing airworthiness management.

(4) The list of topics covered by the exposition of the continuing airworthiness management organisation is established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9¹⁰. Requirements for maintenance organisation of non-EASA aircraft

(1) The maintenance organisation must comply with the following requirements:

- 1) it must have an exposition that it adheres to upon carrying out maintenance and that contains instructions, guidance, procedures and rules of operation or work practices, and which covers the scope of work permitted under the certificate of the maintenance organisation

2) it must have facilities suitable for carrying out maintenance;
3) it must have sufficient certifying staff for carrying out maintenance in accordance with the certificate and for issuing a certificate of release to service. Subcontractors may be used for the performance of contracted work.

(2) The maintenance organisation must have the following persons:

1) the accountable manager who, as a representative of the organisation, is responsible for ensuring that the financing of the organisation is sufficient for performing proper maintenance in accordance with the certificate;
2) nominated post holders who ensure that the operations of the organisation comply with the established requirements;
3) the person responsible for organisational review and for monitoring the proper compliance with the procedures of the maintenance organisation.

(3) The persons specified in subsection 2 of this section must have relevant knowledge, background and experience relating to the maintenance of the non-EASA aircraft or components thereof.

(4) A staff member who carries out special tasks such as welding, non-destructive testing or inspection must be qualified in accordance with an officially recognised professional standard.

(5) A staff member who maintains the components of a non-EASA aircraft and carries out non-destructive testing or inspection must comply with the qualification requirements set out by the maintenance organisation in the organisation's exposition.

(6) The maintenance organisation must keep records of its certifying staff.

(7) The maintenance organisation must record the maintenance performed and the data thereof.

(8) The list of topics covered by the exposition of the maintenance organisation is established by a regulation of the minister in charge of the policy sector.

(9) The procedure for maintaining records of the certifying staff of the maintenance organisation and the requirements for facilities and equipment are established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9¹¹. Authorisation obligation of continuing airworthiness management organisation and maintenance organisation of non-EASA aircraft

(1) The continuing airworthiness management organisation must hold an airworthiness management approval.

(2) The maintenance organisation must hold a maintenance organisation's certificate in order to carry out maintenance of non-EASA aircraft.

(3) The approval entitles a continuing airworthiness management organisation to manage the continuing airworthiness of non-EASA aircraft specified in the certificate to the extent defined in the continuing airworthiness management exposition of the organisation in the continuing airworthiness management organisation certificate.

(4) The maintenance organisation's approval entitles the organisation to do the following:

1) maintain non-EASA aircraft or their components to the extent permitted in the maintenance organisation's approval, at the locations defined in the approval and in the maintenance organisation's exposition;
2) maintain non-EASA aircraft and their components to the extent permitted in the maintenance organisation's approval outside the maintenance base, provided that such maintenance is required for defect rectification in exceptional circumstances;
3) issue certificates of release to service.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9¹². Application for approval of continuing airworthiness management organisation and maintenance organisation of non-EASA aircraft and review of application

(1) The Transport Administration reviews an application for the approval of a continuing airworthiness management organisation and for the approval of a maintenance organisation and makes a decision to grant or to refuse to grant the certificate within 90 days as of the submission of the application.

(2) In addition to the information required in the General Part of the Economic Activities Code Act, the applicant must submit the following along with an application for the approval of a continuing airworthiness management organisation:

1) the exposition of the airworthiness management organisation;
2) the maintenance programmes of the non-EASA aircraft whose continuing airworthiness the organisation manages.

(3) In addition to the information required in the General Part of the Economic Activities Code Act, the applicant must submit the following along with an application for the approval of a maintenance organisation:

- 1) the manual of the maintenance organisation;
- 2) copies of the contracts concluded with subcontractors.

(4) Where, upon reviewing an application, it becomes evident that the requirements applicable to the applicant have not been fulfilled, the Transport Administration may suspend the time limit of reviewing the application until eliminating the deficiency, but not for more than nine months, informing the applicant thereof.

(5) A state fee must be paid for reviewing an application for the approval of a continuing airworthiness management organisation and a maintenance organisation.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9¹³. Object of verification of approval of non-EASA aircraft continuing airworthiness management organisation and maintenance organisation

(1) The approval of a continuing airworthiness management organisation is granted where the applicant meets the requirements provided for in subsections 1–3 of § 9⁹ of this Act.

(2) The approval of a maintenance organisation is granted where the applicant meets the requirements provided for in subsections 1–5 of § 9¹⁰ of this Act.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9¹⁴. Ramp inspection of aircraft of non-EU states and Member States of European Union

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 9¹⁵. Grounding of aircraft

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 10. Airworthiness review of aircraft

(1) Airworthiness review of aircraft means assessment of the conformity of an aircraft and the documentation thereof to the continuing airworthiness requirements.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1¹) Airworthiness of an EASA aircraft is reviewed in accordance with the provisions of point M.A.901 of Subpart I of Annex I to Commission Regulation (EU) No 1321/2014.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) Airworthiness of an EASA aircraft is reviewed by:

- 1) the Transport Administration;
- 2) a certified continuing airworthiness management organisation that has the relevant right;
- 3) a certified maintenance organisation that has the relevant right;
- 4) a certified combined airworthiness management organisation that has the relevant right;
- 5) certifying staff to whom the Transport Administration has issued an aircraft maintenance licence with a relevant type rating in accordance with Part-66 of Annex III to Commission Regulation (EU) No 1321/2014;
- 6) a person approved by the Transport Administration specified in subsection 2 of § 7¹ of this Act.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2¹) Airworthiness of an EASA aircraft with a maximum take-off mass of up to 2730 kg, including a balloon or sailplane, is reviewed by the Transport Administration where this is applied for by an operator of the aircraft and there is no continuing airworthiness management organisation having the competence of airworthiness review of such aircraft and no person specified in clause 5 of subsection 2 of this section.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4) Airworthiness review certificates demonstrating the conformity of non-EASA aircraft to the continuing airworthiness requirements is granted by the Transport Administration or a continuing airworthiness management organisation which has the right to issue airworthiness review certificates on the basis of the certificate specified in subsection 3 of § 9 of this Act. An airworthiness review certificate is valid for one year.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4¹) An airworthiness certificate demonstrating the conformity of a non-EASA aircraft with the continuing airworthiness requirements is issued by the Transport Administration or by a continuing airworthiness

management organisation acting on the basis of the certificate specified in § 9¹¹ of this Act that has the right to issue airworthiness certificates. The airworthiness certificate is valid for one year.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4²) The owner or operator of a non-EASA aircraft must submit the following documents to the Transport Administration in order to obtain an airworthiness certificate of the non-EASA aircraft:

- 1) the weight and balance report;
- 2) the list of the maintenance data of the aircraft;
- 3) the maintenance programme of the aircraft;
- 4) the flight manual of the aircraft.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4³) The Transport Administration grants a non-EASA aircraft airworthiness certificate or refuses to grant it within 45 days after the submission of the application or, where the application contains deficiencies, after the elimination of the deficiencies.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4⁴) The airworthiness certificate is issued where the non-EASA aircraft and the records of its continuing airworthiness comply with the continuing airworthiness requirements.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4⁵) The Transport Administration revokes an airworthiness certificate or suspends the validity of the certificate where the non-EASA aircraft and its continuing airworthiness records do not comply with the continuing airworthiness requirements.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(5) A state fee must be paid for the airworthiness review of aircraft carried out by the Transport Administration.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 10¹. Requirements for supplementary technical equipment of aircraft

[RT I 2005, 29, 216 – entry into force 27.05.2005]

(1) An operated aircraft, excluding an ultralight aircraft, must be equipped with an emergency locator transmitter (ELT) operating on the frequencies of 121.5 MHz and 406 MHz and which parameters must comply with the requirements of Volume III of Annex 10 to the 1944 Chicago Convention on International Civil Aviation.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) An aeroplane with more than 19 passenger seats must be equipped with at least one automatic emergency locator transmitter and two non-automatic emergency locator transmitters. An aeroplane the initial certificate of airworthiness of which has been issued after 1 July 2008 must be equipped with at least two emergency locator transmitters, from which one must be automatic.

[RT I 2008, 27, 179 – entry into force 01.07.2008]

(3) An aeroplane with up to 19 passenger seats must be equipped with at least one emergency locator transmitter. An aeroplane whose initial certificate of airworthiness has been issued after 1 July 2008 must be equipped with at least one automatic emergency locator transmitter.

[RT I 2008, 27, 179 – entry into force 01.07.2008]

(3¹) A helicopter must be equipped with at least one automatic emergency locator transmitter. A helicopter that is operated on overwater flights must also be equipped with an emergency locator transmitter fitted to a life jacket or life raft.

[RT I 2008, 27, 179 – entry into force 01.07.2008]

(4) All turbo-jet powered and turbo-propeller powered aeroplanes with a maximum take-off mass of more than 5700 kg or with more than 19 passenger seats must be equipped with the Airborne Collision Avoidance System ACAS II.

[RT I 2005, 29, 216 – entry into force 27.05.2005, regarding subsection 1: 1.08.2005]

(5) Upon flying in a controlled airspace and in a flight information zone, except upon flying on a sailplane in an airspace designated therefor, the aircraft must be equipped with a secondary radar transponder that is switched on in the mode of operation A/3+C. The transponder must be used in accordance with the requirements of the International Civil Aviation Organisation and in compliance with the orders of the air traffic service provider.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(6) An aircraft that flies under the instrument flight rules and the maximum take-off mass of which exceeds 5700 kg and the actual airspeed of which exceeds 250 knots, must be equipped with a MODE S transponder.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(7) An aircraft that flies under the visual flight rules and the initial airworthiness certificate of which has been issued after 31 March 2008 must be equipped with a MODE S transponder.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 10². Medical equipment of aircraft

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 11.–§ 14.[Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 15. Environmental eligibility of aircraft

(1) A powered aircraft operated in Estonia is environmentally eligible where the numerical values indicating the noise level and engine emissions of the aircraft comply with established requirements.

(2) The Government of the Republic establishes the environmental eligibility requirements for powered aircraft.

(3) The environmental eligibility of a powered aircraft is proven by a certificate which contains data concerning the aircraft, the standards which constitute the basis for certification and the numerical values indicating the noise level and engine emissions of the aircraft.

(4) The Transport Administration issues certificates of environmental eligibility for powered aircraft.

§ 15¹. Aircraft operator's operating ban

(1) Where the operator of an aircraft fails to adhere to the requirements established in Chapter 7 of the Atmospheric Air Act, the Transport Administration may submit a request to the European Commission to impose an operating ban on the aircraft operator in accordance with Article 16(10) of Directive 2003/87/EC of the European Parliament and of the Council establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp 32–46).
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(2) The application specified in subsection 1 of this section must contain the following:

1) evidence that the aircraft operator has not adhered to the requirements provided for in Chapter 7 of the Atmospheric Air Act;

[RT I, 05.07.2016, 1 – entry into force 01.01.2017]

2) details of the enforcement measures taken with regard to the aircraft operator;

3) the reason for imposing the operating ban;

4) recommendation on the scope and conditions of imposing the operating ban.

(3) Where the European Commission has imposed an operating ban on an aircraft operator, the Transport Administration prohibits the entry of an aircraft belonging to the operator specified in the decision to enter, move in and exit the territory of the Republic of Estonia, taking relevant measures.

(4) After taking the measures specified in subsection 3 of this section, the Transport Administration informs the European Commission and the aircraft operator on whom the operating ban was imposed.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

Chapter 3 AIRCRAFT REGISTERS

[RT I 2008, 52, 290 - entry into force 22.12.2008]

§ 16. Aircraft register

(1) The aircraft register is a database maintained in order to keep records of aircraft, to grant nationality to aircraft and to register registered securities over movables. Military aviation aircraft are not entered in the aircraft register.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(2) The controller of the aircraft register is the Transport Administration.

(3) The statutes of the aircraft register are established by the Government of the Republic.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 17. Entry of aircraft in register

- (1) In order to operate an aircraft, the aircraft must be entered in the register.
- (2) The owner of an aircraft or a person holding an authorisation document issued to the person by the owner may apply for entry of the aircraft in the register.
- (3) A state fee must be paid for the review of an application for the registration of an aircraft.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 18. Requirements for entry of aircraft in aircraft register

- (1) An aircraft is entered in the aircraft register on the basis of an application where:
 - 1) the owner or operator of the aircraft is an Estonian citizen, a person holding a long-term residence permit or the right of permanent residence in Estonia, a legal person registered in Estonia, a local authority or the Estonian state;
 - 2) the aircraft has a permit to fly, a certificate of airworthiness issued in Estonia, or a certificate of airworthiness issued by the appropriate authority of another state and recognised in Estonia;
 - 3) the type of aircraft is either certified on the basis of airworthiness requirements recognised in Estonia or recognised by the Transport Administration.
- (2) An aircraft that does not have a valid certificate of airworthiness or a permit to fly is entered in the aircraft register temporarily for up to three months until the requirements specified in clauses 1–3 of subsection 1 of this section are fulfilled.
- (3) An aircraft that has been entered in the register of another state is not entered in the Estonian aircraft register.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 19. Information contained in aircraft register

- (1) Information concerning aircraft, the owner and operators thereof and any amendments to such information and the registered security over movables established on the aircraft is entered in the aircraft register and, where the aircraft belongs to the state, also information of the manager of state assets and the authorised authority, provided that these have been specified.
[RT I 2009, 57, 381 – entry into force 01.01.2010]
- (1¹) The following information concerning a registered security over movables is entered in the register:
 - 1) the name and date of birth of the pledgee, the registry code in case of a legal person. The registry code need not be indicated, where the person is not subject to entry in a public register;
 - 2) the monetary amount of the registered security over movables;
 - 3) the ranking of the registered security over movables;
 - 4) other information prescribed by law.
[RT I 2009, 30, 178 – entry into force 01.10.2009]
- (2) The owner of an aircraft or a person holding an authorisation document issued to the person by the owner is required to notify the controller of the register promptly of any amendments to the data entered in the register.
[RT I 2008, 52, 290 – entry into force 22.12.2008]
- (3) In the event of a change of ownership of an aircraft, the new owner must notify the Transport Administration thereof within ten days. Documents that certify the right of ownership of the new owner and compliance with the requirements set out in subsection 1 of § 18 of this Act must be appended to the notice.
[RT I 2008, 52, 290 – entry into force 22.12.2008]
- (4) The agreements certifying the transfer of ownership of an aircraft are submitted in writing to the controller of the register for making of register entries. Documents in foreign languages certifying the right of ownership of or encumbrances on an aircraft are submitted to the processor of the register for making of register entries together with translations into Estonian in the required scope and where the processor considers it necessary for the purpose of ensuring the correctness of register entries.
[RT I 2008, 52, 290 – entry into force 22.12.2008]
- (5) Persons who submit information, including information concerning the registered security over movables, to the aircraft register are responsible for the correctness of such information.
[RT I 2008, 52, 290 – entry into force 22.12.2008]
- (6) A state fee must be paid for entry of amendments in a certificate of registration of an aircraft.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 19¹. Access to information entered in aircraft register

- [RT I 2008, 52, 290 – entry into force 22.12.2008]

(1) Data entered in the aircraft register is public. Access to aircraft register is provided on the grounds and in accordance with the procedure prescribed by the Personal Data Protection Act and the Public Information Act. [RT I 2009, 30, 178 – entry into force 01.10.2009]

(2) Everyone has the right to examine information entered in the aircraft register concerning a registered security over movables and to receive extracts therefrom in accordance with the procedure provided by law.

(3) Knowledge of the registration number of aircraft or the name of the person entered in the aircraft register as the owner is sufficient to be granted access to information concerning a registered security over movables.

(4) No one may be excused by ignorance of information entered in the aircraft register concerning a registered security over movables. [RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19². Making of entry concerning registered security over movables

(1) An entry concerning a registered security over movables is made in the aircraft register on the basis of a written petition of the person entered in the aircraft register as the owner and an agreement concerning the establishment of a registered security over movables annexed to the petition.

(2) A person entered in the aircraft register as the owner may withdraw the petition until an order on entry is made. In order to withdraw a petition, a petition in the same form as the original petition must be submitted to the controller of the register, which must also set out the reason for withdrawal of the petition.

(3) A state fee must be paid for making, amendment and deletion of an entry concerning a registered security over movables. [RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19³. Presumption of correctness of information entered in aircraft register concerning registered security over movables

(1) The correctness of information entered in aircraft register concerning registered security over movables is presumed.

(2) Where an entry made in the aircraft register concerning a registered security over movables is deleted, the right of security is presumed to have extinguished. [RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19⁴. Order on an entry

(1) A petition concerning a registered security over movables is adjudicated by an order on entry and the entry is made based on such order.

(2) Where a petition has an omission preventing the making of an entry or where a necessary document is missing, and the omission can be clearly corrected, the controller of the register sets a time limit for elimination of the omission. Where the omissions are not eliminated by the end of the time limit, the controller of the register dismisses the petition by an order.

(3) Where a petition for entry is granted in full, an entry is made in the register without separately recording the order on entry. In such an event, the contents of the entry are deemed to be the order on entry.

(4) Where the controller of the register grants a petition in part, the controller of the register makes an entry concerning the part satisfied and dismiss the rest of the petition by an order. [RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19⁵. Making of entry

Unless otherwise provided by law, an order on entry is executed and an entry is made immediately. [RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19⁶. Appealing against order on entry

(1) The person concerned may file an interim appeal against an order on entry that dismisses a petition for entry or is granted in part, and an order whereby a time limit of more than six months is set for elimination of omissions.

(2) An interim appeal is filed with the registrar in writing within 15 days as of the date on which the order was served, but not later than within five months after making the order on entry.
[RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19⁷. Hearing of interim appeal

(1) The registrar decides on acceptance of an interim appeal immediately after receiving the appeal. The registrar verifies whether the interim appeal is admissible and whether it has been filed in accordance with the requirements of law and within the prescribed time limit.

(2) An interim appeal must comply with the requirements for filing interim appeals with the circuit court of appeal provided for in the Code of Civil Procedure.

(3) The registrar is not required to record acceptance of an interim appeal separately or inform thereof separately.

(4) An interim appeal may be filed against an order by which the acceptance of an interim appeal against is refused. An order made by a circuit court of appeal concerning an interim appeal is not subject to appeal.

(5) Where the registrar finds an interim appeal to be justified, the registrar makes an order to grant the appeal. Where the registrar finds that an interim appeal can be granted only in part, the registrar does not grant the appeal.

(6) Where the registrar does not grant an interim appeal within five days, the registrar sends, without delay, the appeal along with any annexes and related procedural documents appended thereto to the district court within whose judicial district the registrar is located, for hearing and adjudicating. No separate order concerning the dismissal of an interim appeal is made or submitted to the parties to the proceedings.

(7) The district court hears the appeal forwarded by the registrar by applying the provisions of the Code of Civil Procedure concerning orders on entry.
[RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 19⁸. Correction of incorrect entries

(1) The controller of the register corrects on its own initiative spelling mistakes that have no legal meaning.

(2) The controller of the register amends an entry where the order on which the entry is based has been annulled or amended.
[RT I 2009, 30, 178 – entry into force 01.10.2009]

§ 20. Deletion of aircraft from aircraft register

[RT I 2008, 52, 290 – entry into force 22.12.2008]
An aircraft is deleted from the aircraft register where:
[RT I 2008, 52, 290 – entry into force 22.12.2008]

1) so requested by the owner of the aircraft or by a person holding an authorisation document issued to the person by the owner;

2) the aircraft no longer complies with the requirements set out in § 18 of this Act;

3) the aircraft is destroyed, dismantled, or missing and the search therefor has been terminated;

4) three years have passed since the expiry of the airworthiness review certificate or permit to fly of the aircraft and the owner of the aircraft has not submitted an application for extension thereof;

[RT I 2008, 52, 290 – entry into force 22.12.2008]

5) the aircraft has been entered in the register of another state.

§ 21. Certificate of registration of aircraft

(1) Upon the entry of an aircraft in the aircraft register, a certificate of registration of aircraft is issued to the owner of the aircraft or the person holding an authorisation document issued to the person by the owner.

(2) Upon temporary entry of an aircraft in the aircraft register, a temporary certificate of registration of aircraft is issued to the owner of the aircraft or the person holding an authorisation document issued to the person by the owner.

(3) The controller of the register issues certificates of registration of aircraft.

(4) Where the information in the certificate of registration of aircraft changes or an aircraft is deleted from the register, the owner of the aircraft returns the certificate of registration of aircraft to the controller of the register.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 22. Marking of aircraft

(1) Aircraft entered in the aircraft register is marked by a national registration mark that consists of the nationality mark 'ES' and an alphabetic or numeric appendage issued to the aircraft by the controller of the register.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The Government of the Republic establishes the procedure for the marking of aircraft.

§ 22¹. Register of military aviation aircraft

(1) The register of military aviation aircraft is a database maintained in order to keep records of military aviation aircraft and their airworthiness.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(1¹) Military aviation aircraft, except for aircraft of the armed forces of foreign states and unmanned aircraft used only as a target in military training, must be entered in the register of military aviation aircraft for their operation.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(2) The controller of the register of military aviation aircraft is the Ministry of Defence.

(3) The register of military aviation aircraft and the statutes for maintenance thereof are established by the minister in charge of the policy sector.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 22². Marking of military aviation aircraft and use of national identification insignia

(1) Military aviation aircraft registered in the register of military aviation aircraft must be marked with the registration number and the national identification insignia.

(2) The procedure for marking the aircraft registration number, the national identification insignia, the use and marking of the national identification insignia, including the procedure for granting exceptions from marking, are established by the minister in charge of the national defence policy sector by the regulation provided in subsection 3 of § 7² of this Act.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

Chapter 4 PERSONNEL LICENCES

§ 23. Mandatory aviation personnel licences

(1) A person who holds a valid aviation personnel licence issued in Estonia or issued in a foreign state and recognised in Estonia is permitted to operate as an aircraft maintenance specialist, air traffic controller, flight information services officer, or as a flight crew member specified in subsection 2¹ of § 27 of this Act (hereinafter *aviation specialist*).

(2) The Transport Administration organises examinations of aviation specialists, issues aviation personnel licences, recognises aviation personnel licences issued by foreign states and keeps records thereof.

(3) A state fee is paid for the review of an application for an aviation personnel licence, for the review of an application for updating an aviation personnel licence and for a duplicate of an aviation personnel licence, for the making of each new entry on an aviation personnel licence and for the renewal of the entries made on an aviation personnel licence, for the review of an application for a validation certificate in recognition of a foreign aviation personnel licence and for the passing of an exam for an aviation personnel licence in the Transport Administration.

(4) A state fee for exchanging a national aviation personnel licence for an aviation personnel licence that complies with the requirements of Form 26 of the European Aviation Safety Agency (EASA) established by Commission Regulation (EU) No 1321/2014 and Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, pp.1–193) is paid at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 23¹. Aviation radio communication licence and aviation radio communication rules

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(1) Radio communication on the aviation frequencies from 117.975 to 137.000 MHz is permitted to persons to whom an aviation radio communication licence has been issued or on whose aviation personnel licence an entry has been made about the radio communication right (hereinafter *aviation radio communication licence*) in accordance with the conditions entered on the licence.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1¹) An applicant for an aviation radio communication licence must have completed training pursuant to the procedure established on the basis of subsection 3 of this section and must pass an examination with a trainer registered with, declared to or certified by the Transport Administration before starting radio communication on aviation frequencies for the first time.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1²) A student pilot is permitted to conduct radio communication before a solo flight at the responsibility of the instructor without an aviation radio communication licence.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The Transport Administration issues aviation radio communication licences.

[RT I 2003, 23, 143 – entry into force 15.03.2003]

(2¹) An aviation radio communication licence is issued for an unspecified term.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2²) The Transport Administration may revoke an aviation radio communication licence where:

- 1) the holder of a licence has violated the requirements for aviation radio communication;
- 2) the knowledge or skills of the holder of a licence do not comply with the requirements for radio communication.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The procedure for application for and issue of aviation radio communication licences and the requirements for organising radio communication training are established by a regulation of the minister in charge of the policy sector.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) Upon flights in Estonian airspace, bilateral radio communication is governed by the Commission Implementing Regulation (EU) No 923/2012 and the aviation radio communication rules.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) Upon flights in Estonian airspace, Estonian and English are used for radio communication. Above flight level 95, except in control zones and terminal control areas located in the Tallinn Flight Information Region, only English is used.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) The aviation radio communication rules are established by the minister in charge of the policy sector.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(7) A state fee is paid for making an entry about the right of radio communication on an aviation personnel licence or on an aviation radio communication licence or for the review of an application for an aviation radio communication licence at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 23². Aircraft crew member certificate

[RT I 2006, 26, 191 – entry into force 01.08.2006]

(1) In order to facilitate the performance of duties in connection with the crossing of the state border, an aircraft crew member certificate may be issued to:

[RT I 2006, 26, 191 – entry into force 01.08.2006]

1) an aircraft crew member who is working for an air operator registered in Estonia and is an Estonian citizen or an alien who holds the residence permit or the right to reside in Estonia and performs their duties on board of an aircraft and therefore has to cross the state border pursuant to the simplified procedure;

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

2) an official of the Transport Administration carrying out regulatory enforcement and control.

[RT I 2006, 26, 191 – entry into force 01.08.2006]

(2) The Transport Administration issues aircraft crew member certificates. An aircraft crew member certificate is not issued or is revoked where the applicant:

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

2) has not successfully passed the background check specified in § 46⁹ of this Act.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(3) The form of and procedure for issue of aircraft crew member certificates are established by the minister in charge of the policy sector.
[RT I 2006, 26, 191 – entry into force 01.08.2006]

(4) A state fee must be paid for the review of an application for issue of a certificate of an aircraft crew member.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 23³. Level of aviation-specific language proficiency and its validity term

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) The level of aviation-specific language proficiency of a student air traffic controller, an air traffic controller and a flight information services officer must comply with the level of language proficiency provided for in point ATCO.B.030 of Annex I to Commission Regulation (EU) 2015/340 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2005, p. 1–122).

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The level of aviation-specific language proficiency of a pilot of an EASA aircraft and non-EASA aircraft, helicopter, airship and powered-lift aircraft must comply with the level of language proficiency provided for in point FCL.055 of Annex I to Commission Regulation (EU) No 1178/2011.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2¹) The level of aviation-specific language proficiency in Estonian is certified by a language proficiency endorsement. A language proficiency endorsement may be entered on an aviation personnel licence where the holder of a licence has an aviation radio communication licence in Estonian and fulfils one of the following conditions:

1) the holder has successfully acquired basic, secondary or higher education in Estonian or has passed the Estonian language state examination at the level C1;

2) the holder has passed the Estonian language state examination at the level B2; or

3) the holder has passed the Estonian language state examination at the level B1.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2²) A language proficiency endorsement is entered on an aviation personnel licence about the following levels of language proficiency:

1) an endorsement of level 6 special language proficiency where the holder of a licence has fulfilled the requirement specified in clause 1 of subsection 2¹ of this section;

2) an endorsement of level 5 special language proficiency where the holder of a licence has fulfilled the requirement specified in clause 2 of subsection 2¹ of this section;

3) an endorsement of level 4 special language proficiency where the holder of a licence has fulfilled the requirement specified in clause 3 of subsection 2¹ of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The aviation-specific language proficiency in Estonian is assessed by an institution having the right to conduct and inspect Estonian language state examinations or by an educational institution providing basic, secondary or higher education in Estonian.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) The Transport Administration recognises the results of assessment of the level of special language proficiency conducted under the supervision of an aviation authority of a country of the European Union or the European Economic Area or of a country that has entered into a bilateral civil aviation safety treaty with EASA.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) Upon issuing or revalidating the special language proficiency endorsement specified in subsection 2² of this section, the term of validity of the entry is set as of the last day of the calendar month of assessment of language proficiency.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(8) Where, in order to extend the term of validity of the language proficiency endorsement of the person specified in subsection 2 of this section, the level of special language proficiency is assessed not earlier than three months before the expiry of the term of validity of the language proficiency endorsement, the validity of the endorsement is extended for the next period as of the date of expiry of the previous period. Where the level of special language proficiency is assessed earlier than three months before the expiry of the term of validity of the language proficiency endorsement, the term of validity of the language proficiency endorsement is set as of the last day of the calendar month of assessment of the level of special language proficiency.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(9) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 23⁴. Tester of aviation-specific English language proficiency

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) The aviation-specific English language proficiency tests are conducted by the aviation-specific language proficiency testers holding a relevant certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The certificate of a tester of aviation-specific English language proficiency is issued by the Transport Administration where the applicant fulfils the requirements corresponding to point FCL.055 of Commission Regulation (EU) No 1178/2011 or point ATCO.B.040 of Commission Regulation (EU) 2015/340.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2¹) A tester of aviation-specific English language proficiency may conduct special language proficiency tests based on the requirements serving as a basis of the issue of the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2²) The Transport Administration decides the granting or refusal of the certificate specified in subsection 2 of this section within 30 days after the submission of the application. The Transport Administration may extend the time limit for making the decision once by up to 30 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) A certificate of a tester of aviation-specific English language proficiency is issued for an unspecified term.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) The Transport Administration refuses to issue a certificate specified in subsection 2 of this section where the applicant fails to submit all the documents specified in the regulation established on the basis of subsection 7 and required to apply for the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) The Transport Administration suspends or revokes a certificate of a tester of aviation-specific English language proficiency where:

1) the bases for revoking aviation personnel licences specified in point ARA.FCL.250(a) of Annex VI to Commission Regulation (EU) No 1178/2011 or point ATCO.AR.D.005(c) of Annex II to Commission Regulation (EU) 2015/340 exist;

2) the tester submits an application for the suspension or termination of the activities thereof to the Transport Administration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5¹) The Transport Administration may suspend or revoke a certificate of a tester of aviation-specific English language proficiency where the tester does not comply with the requirements established on the basis of subsection 7 of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5²) A revoked certificate must be returned to the Transport Administration within three working days after receipt of the revocation decision.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) Where the basis for the suspension of a certificate of a tester of aviation-specific English language proficiency has been eliminated or has ceased to exist and the holder of the certificate proves that they fulfil the requirements that serve as the basis for the issue of the certificate and are able to fulfil the conditions specified on the certificate, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of a certificate with the relevant requirements before revalidating the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) The requirements for application for a certificate of a tester of aviation-specific English language proficiency and the requirements for language proficiency tests are established by a regulation of the minister in charge of the policy sector.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(8) A state fee is paid for the review or amendment of an application for a certificate of a tester of aviation-specific English language proficiency and for maintaining the certificate at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 23⁵. Examiner of aviation-specific language proficiency

[Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 23⁶. Issue of cabin crew attestation

(1) To obtain a cabin crew attestation in accordance with Commission Regulation (EU) No 1178/2011, the applicant submits to the Transport Administration the following documents along with the application:

- 1) a document certifying the completion of the training course;
- 2) a certificate issued by a training organisation or air operator where the training course was not completed in an aviation organisation supervised by the Estonian Transport Administration;
- 3) a cabin crew medical report;
- 4) a copy of the identity document where the applicant is a foreign national.

(2) The Transport Administration makes a decision to grant or refuse the attestation within five days after receiving the application and documents.

(3) The validity of a cabin crew attestation is suspended on the grounds provided for in Commission Regulation (EU) No 1178/2011.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) The Transport Administration restores the validity of a cabin crew attestation where the holder of the attestation certifies that the grounds for suspension have lapsed and the holder of the attestation meets the conditions for issue of the attestation. The Transport Administration revokes a cabin crew attestation where the holder of the attestation has not applied for restoration of the validity of the attestation within three years as of the suspension of its validity.

(5) On the conditions and in accordance with the procedure provided for in the Administrative Cooperation Act, the Transport Administration may conclude an administrative agreement for the purpose of delegating the function of issuing cabin crew certificates.

(6) The Transport Administration carries out regulatory enforcement over the performance of an administrative function.

(7) Where an administrative agreement is terminated unilaterally or there is another reason that impedes the continuance of performance of the administrative function, the further performance of the function is organised by the Transport Administration.

(8) Where the function specified in subsection 5 of this section has been delegated, the person performing the function has the right to charge a fee for issuing the attestation in an amount that does not exceed the rate of the state fee set for reviewing an application for a cabin crew attestation by the Transport Administration.

(9) A state fee is paid for reviewing an application for a cabin crew attestation at the rate provided for in the State Fees Act where the body reviewing the application is the Transport Administration.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 24. Requirements for issue of aviation personnel licences

(1) [Repealed – RT I 2001, 87, 525 – entry into force 01.01.2002]

(2) The minister in charge of the policy sector establishes the requirements for the age and qualifications, training and examination of aviation specialists, and the rules for the issue of aviation personnel licences and recognition of aviation licences issued by foreign states based on the requirements provided for in Annex I to the 1944 Chicago Convention on International Civil Aviation.

[RT I 2005, 29, 216 – entry into force 27.05.2005]

(2¹) The procedure for the issue, extension and revalidation of licences of student air traffic controllers, air traffic controllers and flight information services officers, ratings and endorsements and unit endorsements and the issue of certificates of training organisations and the recognition of licences issued in Member States of the European Union is established by a regulation of the minister in charge of the policy sector.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24¹. Medical fitness and medical examination of aircraft crew member, pilot of light aircraft, air traffic controller and flight information services officer and persons studying or commencing studies in these specialisations, and issue of medical certificates thereto

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1) The medical fitness of an aircraft crew member, pilot of light aircraft and a person studying or commencing studies in any of the specialisations must comply with the medical requirements provided for in Commission Regulation (EU) No 1178/2011 and hold a medical certificate prescribed by legislation.

(2) The medical fitness of a cabin crew member must comply with the requirements provided for in Commission Regulation (EU) No 1178/2011 and be certified by a respective medical report.

(3) The medical fitness of an air traffic controller, student air traffic controller and a person studying or commencing studies in these specialisations must comply with the medical requirements provided for in Commission Regulation (EU) 2015/340 and be certified by a corresponding medical certificate.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) The medical fitness of an applicant for the initial medical certificate of Class 1 under Commission Regulation (EU) No 1178/2011 of an aircraft crew member is assessed and the initial medical certificate is issued by an aero-medical centre.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) The medical fitness of an applicant for the initial medical certificate of Class 2 under Commission Regulation (EU) No 1178/2011 of an aircraft crew member and the initial medical certificate of Class LAPL under Commission Regulation (EU) No 1178/2011 of a pilot of light aircraft is assessed and the initial medical certificate is issued by an aero-medical centre or an aero-medical examiner.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) The medical fitness of an applicant for the initial medical certificate of Class 3 under Commission Regulation (EU) No 2015/340 of an air traffic controller and student air traffic controller is assessed and the initial medical certificate is issued by an aero-medical centre.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) The validity of a medical certificate specified in subsections 4–6 of this section is extended or restored by an aero-medical centre or an aero-medical examiner.

(8) The first and periodical aero-medical examination of a cabin crew member in accordance with Commission Regulation (EU) No 1178/2011 is carried out and a medical report is issued by an aero-medical centre or an aero-medical examiner.

(9) The provisions of this section regarding an air traffic controller apply to the assessment of the compliance of a flight information services officer with medical requirements, the issue of the initial medical certificate to a flight information services officer, and to the extension and restoration of the validity of the medical certificate of a flight information services officer.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(10) Flight information services officer means an aviation specialist who is allowed to transmit air traffic information to the persons who are using it in air traffic in accordance with the flight rules and regulations under own responsibility.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24². Authorisation of medical examiner

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 24³. Qualifications and training of persons who perform duties related to aviation security

[Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 24⁴. [Repealed – RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 24⁵. First aid and medical training of members of crew of aircraft operated for commercial purposes

(1) An aircraft crew member who has been appointed provider of first and medical aid during a flight in the air operator's flight operations manual must be able to provide first and medical aid on board of an aircraft and to use medical equipment.

(2) The operator of an aircraft must ensure and organise training for the aircraft crew member providing first and medical aid before they commence the performance of their duties and the corresponding refresher training thereafter.

(3) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 24⁶. Certificate of aero-medical centre

(1) The Transport Administration decides the granting or refusal of a certificate of an aero-medical centre under Commission Regulations (EU) No 1178/2011 and (EU) No 2015/340 within 90 days after the receipt of an application and documents. The Transport Administration may extend the time limit for deciding the application once by up to 90 days where it is necessary due to the complexity of the individual case. Where an application for the certificate is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(2) A state fee is paid for the review of a certificate of an aero-medical centre, review of an application for amendment of the certificate and holding a certificate of an aero-medical centre at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 24⁷. Certificate of aero-medical examiner

(1) The Transport Administration decides the granting or refusal of a certificate of an aero-medical examiner under Commission Regulations (EU) No 1178/2011 and (EU) No 2015/340 within 90 days after the receipt of an application and documents.

(2) The application of an aero-medical examiner who holds an aero-medical examiner certificate in accordance with Commission Regulation (EU) No 1178/2011 and wishes to obtain competence to carry out medical examinations required for the renewal and revalidation of Class 1 medical certificates is decided by the Transport Administration by extending their competence or refusing to extend their competence within 30 days after the submission of the application and documents.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) To extend the term of validity of an aero-medical examiner certificate compliant with Commission Regulations (EU) No 1178/2011 and (EU) No 2015/340, the applicant submits to the Transport Administration an application at least 30 days before the expiry of the term of validity of the certificate.

(4) A state fee is paid for reviewing an application for an aero-medical examiner certificate, an application for extension of the term of validity of the certificate, an application for amendment of the certificate and an application for extension of the competence of an aero-medical examiner holding an aero-medical examiner certificate that complies with Commission Regulation (EU) No 1178/2011 at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 24⁸. Issue, renewal and revalidation of licences of student air traffic controller, air traffic controller and flight information services officer, related ratings and endorsements, unit endorsements and language proficiency endorsements

(1) The Transport Administration issues a licence of a student air traffic controller and a licence of an air traffic controller and the related ratings and endorsements where the applicant complies with the requirements provided for in Part ATCO of Annex I to Commission Regulation (EU) 2015/340.

(2) The Transport Administration issues, renews and revalidates a unit endorsement where the applicant complies with the requirements provided for in Part ATCO of Annex I to Commission Regulation (EU) 2015/340.

(3) The Transport Administration issues a language proficiency endorsement where the applicant complies with the requirements provided for in Part ATCO of Annex I to Commission Regulation (EU) 2015/340 and renews

or revalidates the endorsement where the requirements provided for in Part ATCO of Commission Regulation (EU) 2015/340 are fulfilled.

(4) The Transport Administration issues a licence of a flight information services officer and related ratings and endorsements where the applicant for a licence of a flight information services officer:

- 1) is at least 18 years of age;
- 2) has completed a training course for flight information services officers approved or accepted by the Transport Administration and passed the assessment of knowledge and skills;
- 3) has completed, within six months before the submission of the application, on-the-job training instruction with a duration of at least two months in the unit where the officer requires an endorsement for providing flight information services for working;
- 4) has a valid Class 3 medical certificate under Commission Regulation (EU) 2015/340;
- 5) has Estonian language proficiency at the level C1 under subsection 1 of § 23³ of this Act and English language proficiency in accordance with the requirements provided for in Commission Regulation (EU) 2015/340;
- 6) holds an aviation radio communication licence for radio communication in Estonian and English.

(5) The on-the-job training instruction specified in clause 3 of subsection 4 of this section must be completed under the instruction of such flight information services officer or air traffic controller who has work experience of at least two years and a valid unit endorsement.

(6) The Transport Administration decides on the issue or renewal of or refusal to issue or renew licences of student air traffic controllers, air traffic controllers and flight information services officers, related ratings and endorsements, unit endorsements or language proficiency endorsements within 14 days after submission of a due application.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24⁹. Issue, renewal and updating of endorsements of on-the-job training instructors of air traffic controllers, synthetic training device instructors and proficiency testers

(1) The Transport Administration issues, renews or updates endorsements of on-the-job training instructors of air traffic controllers, synthetic training device instructors and proficiency testers where its applicant complies with the requirements provided for in Part ATCO of Commission Regulation (EU) 2015/340.

(2) The Transport Administration decides on the issue, renewal or updating of or refusal to issue, renew or update endorsements of on-the-job training instructors of air traffic controllers, synthetic training device instructors and proficiency testers within 14 days after submission of a due application.

(3) If the applicant fails to eliminate the deficiencies in the application specified in subsection 2 of this section or fails to submit additional information during the term set by the Transport Administration, the procedure for reviewing the application is terminated by a decision on refusal to issue, renew or update the corresponding endorsement.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24¹⁰. Application for, issue and amendment of training organisation certificate

(1) A training organisation certificate is issued by the Transport Administration to air traffic controller, pilot and certifying staff training organisations.

(2) For the issue or amendment of a training organisation certificate, the applicant submits an application in compliance with the requirements provided for in point ATCO.OR.B.001(c) of Annex III to Commission Regulation (EU) 2015/340, point 147.A.15(b) of Annex IV to Commission Regulation (EU) No 1321/2014 or point ORA.ATO.105(a) or (b) of Annex VII to Commission Regulation (EU) No 1178/2011.

(3) The Transport Administration decides the granting or refusal of a training organisation certificate or its amendment certificate specified in subsection 1 of this section within 90 days after the submission of the application and all the required documents. The Transport Administration may extend the time limit for making the decision once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(4) A state fee is paid for the review of an application for a training organisation certificate and an application for amendment of the certificate and for maintaining a training organisation certificate at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24¹¹. Limitation, suspension, revalidation and revocation of training organisation certificate

(1) The Transport Administration may limit or suspend the certificate specified in subsection 1 of § 24¹⁰ of this Act where the training organisation does not comply with the requirements serving as the basis for the issue of the certificate or violates the requirements provided for in aviation legislation.

(2) The Transport Administration may revoke a certificate in the event of failure to eliminate the deficiencies within the term specified in the compliance notice.

(3) The Transport Administration revokes a certificate where the holder of the certificate surrenders the certificate. A training organisation must notify the Transport Administration of surrender of a certificate in writing. The Transport Administration revokes the certificate as at the date notified by the training organisation.

(4) Where the holder of a certificate proves that the basis for the suspension or limitation of the certificate has been eliminated or has ceased to exist, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of a certificate with the relevant requirements before revalidating the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24¹². Declaration of training activities

(1) The submission of a declaration in accordance with point DTO.GEN.115 of Commission Regulation (EU) No 1178/2011 is considered as the submission of a notice of economic activities.

(2) A person subject to the duty to declare submits the report on the internal review and the activity report provided for in point DTO.GEN.270 of Commission Regulation (EU) No 1178/2011 about the preceding calendar year to the Transport Administration by 31 March of each calendar year.

(3) In the cases provided for in point DTO.GEN.135 of Commission Regulation (EU) No 1178/2011, the declared training organisation is no longer entitled to provide the training specified in the declaration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 24¹³. Recognition and replacement of student air traffic controller and air traffic controller licences issued in European Union Member State or member state of International Civil Aviation Organisation, related records and documents

(1) The Transport Administration recognises student air traffic controller licences and air traffic controller licences issued in a Member State of the European Union and replaces the licence with the licence issued by the Transport Administration complying with the format provided for in Appendix 1 of Annex II to Commission Regulation (EU) 2015/340 where the person applying for replacement of a licence complies with the requirements for obtaining a student air traffic controller licence or air traffic controller licence.

(2) The Transport Administration may recognise a student air traffic controller licence or air traffic controller licence issued by a member state of the International Civil Aviation Organisation, related records or other documents related thereto where the applicant complies with the requirements equivalent to those provided for in Annexes I and IV to Commission Regulation (EU) 2015/340. In case of recognition of the licence, the Transport Administration replaces it with the licence complying with the format provided for in Appendix 1 of Annex II to Commission Regulation (EU) 2015/340.

(3) In order to obtain recognition of the licence specified in subsection 1 of this section, the applicant submits an application pursuant to the procedure provided for on the basis of subsection 2¹ of § 24 of this Act.

(4) In order to obtain recognition of the licence specified in subsection 2 of this section, the applicant submits an application, a recommendation of an air traffic controller training organisation approved in Estonia and an assessment of the knowledge and skills of the applicant.

(5) On the basis of the application submitted for the recognition of the licence specified in subsection 2 of this section and the required documents and recommendation of the training organisation appended thereto, the Transport Administration assesses the extent to which the earlier experience and qualification are taken into account.

(6) Where it appears, upon processing of the application for the licence specified in subsection 2 of this section, that the applicant does not comply with the requirements of Annexes I and IV to Commission Regulation (EU) 2015/340, the Transport Administration may decide to impose additional conditions on the applicant for the grant of recognition concerning the completing of the training and passing of the examination under the specified Regulation.

(7) The Transport Administration decides on the recognition or replacement or refusal to recognise or replace a student air traffic controller licence or air traffic controller licence within 30 days after submission of a due application.

(8) Where the applicant fails to eliminate the deficiencies in the application or present additional information during the set term, the procedure of reviewing the application is terminated by a decision to refuse to recognise or replace the licence.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 25. Revocation, suspension and revalidation of rights granted by aviation personnel licence and validation certificate

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) The rights granted by an aviation personnel licence or a validation certificate is revoked or suspended where the holder thereof:

1) has violated aviation safety requirements, including piloted an aircraft or performed their functions in a state of intoxication for the purposes of the Law Enforcement Act or in a state exceeding the maximum permitted alcohol level in the bloodstream, operated an aircraft while being ill, tired or otherwise in a state where they cannot perform their functions in a safe manner;

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

2) violates the requirements provided for in aviation legislation;

3) is declared unfit to perform their duties for health reasons;

4) is declared, on the basis of examinations or check-flights, to be unsuitable for the activity specified in the aviation personnel licence or validation certificate in terms of their expertise or skills.

(1¹) The Transport Administration suspends or revokes a student air traffic controller licence or air traffic controller licence or rating or endorsement on the grounds provided for in point ATCO.AR.D.005(c) of Commission Regulation (EU) 2015/340.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1²) The Transport Administration may suspend or revoke a student air traffic controller licence or air traffic controller licence or rating or endorsement on the grounds provided for in points ATCO.AR.D.005 (b) and (e) and ATCO.AR.C.010(b) of Commission Regulation (EU) 2015/340.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1³) In addition to the cases provided for in clause 1 of subsection 1 of this section, the Transport Administration suspends a flight information services officer licence, a related rating or endorsement, a unit endorsement or language proficiency endorsement or revokes the listed ratings or endorsements, where the person:

1) upon application for a licence, rating or endorsement, has knowingly submitted incorrect information which affected the grant of the licence, rating or endorsement and where, upon failure to submit such information, the grant of the licence, rating or endorsement should have been refused;

2) has falsified information on the licence;

3) surrenders the licence.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The Transport Administration may suspend the rights granted by an aviation personnel licence or validation certificate for the time of supervision or misdemeanour proceedings until the end of the proceedings.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The Transport Administration may suspend the rights granted by an aviation personnel licence or validation certificate for up to 12 months where the person has committed a misdemeanour provided for in § 60⁶, 60¹², 60¹⁴, 60¹⁶, 60²⁰, 60²³, 60²⁷ or 60²⁸ of this Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) In case of suspension of the rights granted by an aviation personnel licence or validation certificate, the holder of the aviation personnel licence or validation certificate is required to return the aviation personnel licence or validation certificate to the Transport Administration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) Where the grounds for suspension of an aviation personnel licence or validation certificate have been eliminated or have ceased to exist and the holder of the aviation personnel licence or validation certificate proves that they comply with the relevant requirements, the Transport Administration revalidates the rights granted by the aviation personnel licence or validation certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) Where a suspended aviation personnel licence or validation certificate or the related rights have not been revalidated within the term set in the suspension decision, the Transport Administration revokes the aviation personnel licence or validation certificate or the rights granted thereby.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 25¹. Procedure for suspension of rights granted by aviation personnel licence

[Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 26. Notification of circumstances influencing flight operations

(1) A person holding an aviation personnel licence or a validation certificate is required to notify the Transport Administration of circumstances which may affect their suitability for the activity indicated in the aviation licence or validation certificate.

(2) The Transport Administration organises examination of the state of health of a person holding an aviation personnel licence or validation certificate or check their theoretical knowledge and practical skills where good reasons therefor become evident.

Chapter 5 MANNING OF AIRCRAFT AND DUTIES OF PILOT-IN-COMMAND ON BOARD AIRCRAFT

§ 27. Manning of aircraft

(1) The manning of an aircraft means the staffing of the aircraft with a competent crew which ensures aviation safety.

(2) An aircraft crew member is a person appointed by the owner or operator of the aircraft to perform duties on board of the aircraft during the flight duty period.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2¹) A flight crew member is a crew member of an aircraft who holds a valid aviation personnel licence charged with duties essential to the operation of an aircraft during the flight duty.

(3) The operator of an aircraft must ensure that the aircraft is manned with aviation specialists who hold valid aviation personnel licences and who are authorised to perform professional duties while the aircraft is in flight.

§ 27¹. Working, flight and rest time of civil aircraft crew members

(1) The maximum annual working time, including duty time, must not exceed 2000 hours. The block flying time must not exceed 900 hours a year.

(2) The maximum annual working time must be spread evenly throughout the year.

(3) Civil aircraft crew members are given at least seven days off in each calendar month and at least 96 days off in each calendar year. For the purposes of this section, a 'day off' means a 24-hour period from 00.00 hrs local time.

[RT I 2009, 5, 35 – entry into force 01.07.2009]

(4) Where the shift does not include the flight duty period for the purposes of OPS 1.1095 of Subpart Q of Annex III to Council Regulation (EEC) No 3922/91, the rest period preceding the shift must be at least 11 hours long.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(5) The operator of a civil aircraft ensures that crew members can use their daily rest period of which at least part remains within a 24-hour-period.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(6) Where the performance of an assigned flight duty is directly followed by positioning, the duty period must not exceed 14 hours.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(7) Information about standby is entered in the duty roster or communicated to the crew members in advance.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(8) Where standby is preceded or followed by the performance of an assigned flight duty, it must be followed by a rest period that at least equals the total length of the flight duty and standby periods. The rest period must not be shorter than the minimum rest specified in OPS 1.1110 of Subpart Q of Annex III to Council Regulation (EEC) No 3922/91.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(9) Where a crew member is put on standby due to the delayed departure, which the crew member is informed of before leaving the place of resting, the start of the planned flight duty period is deemed the start of standby.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(10) Where the zone times of the start and end of the shift of a crew member differ by over two hours, the minimum rest period extends to the extent of the difference of these times.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(11) Where a break of at least three hours has been planned for a crew member upon performing an assigned flight duty and resting facilities are ensured for the crew member, the flight duty period may be extended by up to a half of the consecutive rest period. Where a break last at least seven hours and the required resting and sleeping facilities are ensured for the crew member, the flight duty period may be extended by up to two thirds of the consecutive rest period.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(12) The break does not include the time spent on going to the place of resting and boarding the aircraft where it takes over one hour.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(13) Where a break exceeds six hours or falls on at least three hours of the local night time, accommodation must be ensured for the crew member.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(14) The part of the flight duty period preceding or following a break must not exceed ten hours.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(15) Where on a flight with an augmented flight crew the required facilities and conditions for resting are ensured for crew members and the shift does not cover more than three flights, the flight duty period of the flight crew may be extended to up to 16 hours. In the event of a duplicated team the flight duty period may be extended to up to 18 hours.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(16) An air operator certified by the Transport Administration must apply an early type disruptive schedule for the purposes of Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1–148).

[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

§ 28. Pilot-in-command of aircraft

(1) A pilot-in-command of aircraft is a pilot appointed by the owner or operator of an aircraft who directs the work of the crew of the aircraft and is responsible for the operation and safety of the flight.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) A pilot-in-command of aircraft is responsible for the safety of the members of the crew of the aircraft, passengers and cargo on board from the moment the doors of the aircraft are closed, and for the safe operation of the aircraft from the moment the aircraft is brought to move for the purpose of taking off until the stopping of the engines after the end of the flight.

(3) Orders of the pilot-in-command which are associated with the safety of the flight must be followed by all persons on board the aircraft.

(4) A pilot-in-command has the right to refuse to take on board a member of the crew, a passenger or cargo or to remove such persons or cargo from the aircraft before a flight or after landing where flight safety so requires.

§ 29. Duties of pilot-in-command of aircraft

(1) The pilot-in-command must:

1) ensure before a flight that the aircraft is in an airworthy condition and equipped, manned and loaded in compliance with requirements, and that the flight has been prepared for, and to conduct the flight in accordance with the established rules;

2) observe that the prescribed documents are on board the aircraft and that entries in such documents are made in accordance with the established rules;

3) notify the Transport Administration of all circumstances which endanger the airworthiness of the aircraft.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) In addition to the duties provided for in subsection 1 of this section, the pilot-in-command of an aircraft is responsible for recording in writing the results of a search conducted for the purposes of security and the correctness of the data.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 30. Common duties of pilot-in-command of aircraft and crew

The pilot-in-command and crew are required to attend to the aircraft and to the passengers, mail and cargo on board the aircraft.

§ 31. Rights of pilot-in-command of aircraft in event of distress

Where an aircraft is in distress, the pilot-in-command of the aircraft has the right to take any measures necessary in terms of flight safety in order to ensure obedience and order. Each crew member is required to provide necessary assistance to the pilot-in-command. The pilot-in-command also has the right to require such assistance from passengers.

§ 32. Duties of pilot-in-command of aircraft in event of criminal offence or misdemeanour

[RT I 2004, 25, 169 – entry into force 26.04.2004]

(1) Where an act involving elements of a criminal offence or a misdemeanour is committed on board an aircraft, the pilot-in-command must notify the police thereof.
[RT I, 23.02.2011, 1 – entry into force 01.09.2011]

(2) The pilot-in-command must take measures to detain a person suspected of committing an offence or misdemeanour and to deliver the person to the Estonian police, a consular agent of a foreign mission of Estonia or the appropriate authority of a foreign state.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(3) The pilot-in-command must ensure the delivery of the equipment used to commit the offence and other physical evidence to the appropriate authority.
[RT I 2004, 25, 169 – entry into force 26.04.2004]

§ 33. [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

Chapter 6 AERODROMES, HELIPORTS, AERONAUTICAL EQUIPMENT, AIR TRAFFIC MANAGEMENT SERVICE PROVIDERS, AIR NAVIGATION SERVICE PROVIDERS AND FLIGHT PROCEDURE DEVELOPERS

[RT I, 08.06.2022, 2 - entry into force 18.06.2022]

§ 34. Aerodromes, heliports and air navigation service providers

[RT I 2007, 10, 47 – entry into force 07.02.2007]

(1) An aerodrome is a defined area on land or water, including buildings, installations and equipment intended to be used for the arrival and departure of aircraft and for the surface movement of aircraft.

(2) [Repealed – RT I 2003, 23, 143 – entry into force 15.03.2003]

(3) A heliport is an area on land or water, with limited equipment and measurements, including buildings, installations and equipment intended to be used for the arrival and departure of aircraft and for the surface movement of aircraft.

(4) [Repealed – RT I 2007, 10, 47 – entry into force 07.02.2007]

(5) The certified air navigation service provider providing air navigation services in the defined parts of the Tallinn Flight Information Region is appointed by the minister in charge of the policy sector.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(6) In the designated parts of the Tallinn Flight Information Region, a certified air navigation service provider whose aviation meteorological service comprises of weather observation may be appointed by the minister in charge of the policy sector.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 34¹. Immediate vicinity of aerodromes and heliports

(1) The immediate vicinity of an aerodrome or heliport is the area surrounding the aerodrome or heliport where, for the purposes of ensuring the safety of flight operations, elevation limitations are established for construction works, and where other human activity that may affect flight operations is regulated.

(2) The aim for defining the immediate vicinity is to manage the risks involved in the operation of an aerodrome or heliport and in flight operations, to ensure aviation safety and the protection of the residents.

(3) The immediate vicinity of an aerodrome consists of a set of obstacle limitation surfaces and a protection zone. The immediate vicinity of a heliport consists of a set of obstacle limitation surfaces.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4) An obstacle limitation surface is a part of the airspace around an aerodrome or heliport where safe organisation of flight operations of arriving and departing aircraft is ensured. The projections of obstacle limitation surfaces onto the ground form the immediate vicinity of the aerodrome or heliport.

(5) The protection zone is an area prescribed for ensuring the use of the aerodrome for its intended purposes and undisturbed air traffic and alleviation of the damaging effects arising from the aerodrome where the use of an immovable is restricted.

(6) The protection zone of an aerodrome forms a rectangular area extending 150–500 meters from the runway axis to the both sides and 600–2300 meters from runway thresholds towards the terminal control areas.

(6¹) The Transport Administration has the right to grant an exception to reduce the measurements of the protection zone of an aerodrome provided for in subsection 6 of this section at the request of the aerodrome operator in justified cases where this ensures equivalent safety of air traffic. The aerodrome operator annexes a risk analysis to the application.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) The size of the immediate vicinity and the height limitations of an aerodrome depend on the length of the runway, the type of operations and the extent to which the aerodrome is supplied with air traffic control and radio navigation equipment. The dimensions of the immediate vicinity and the height limitations of a heliport depend on the performance class of the helicopter, the type of operations and the extent to which the heliport is supplied with air traffic control and radio navigation equipment. The detailed dimensions of the immediate vicinity and the height limitations are established by the Transport Administration on the basis of the dimensions of the immediate vicinity as well as the minimum and maximum height limitations established on the basis of subsection 8 of this section.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(7¹) The Transport Administration communicates the established dimensions of the immediate vicinity to the Land and Spatial Planning Board for the purpose of entering it in the land cadastre. The local authority must take the dimensions of the immediate proximity into account upon drawing up comprehensive and detailed spatial plans.

[RT I, 04.12.2024, 1 – entry into force 01.01.2025]

(8) The dimensions of the immediate vicinity as well as the minimum and maximum height limitations of an aerodrome, the minimum requirements for the dimensions of the immediate vicinity and height limitations per runway classification, the dimensions of the immediate vicinity as well as the minimum and maximum height limitations of a heliport, and the minimum requirements for the dimensions of the immediate vicinity and height limitations per helicopter performance class are established by a regulation of the minister in charge of the policy sector.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 34². Approval of chart of immediate vicinity of aerodrome and heliport, declaration of object as flight obstacle

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(1) Before issuing a certificate to an aerodrome or a heliport and before the amendment of the aerodrome or heliport operations specifications, the aerodrome or heliport operator must obtain the approval of the Transport Administration for the chart of the immediate vicinity in the digital version.

(2) The Transport Administration verifies the information submitted by the aerodrome or heliport operator concerning the given obstacle limitation surface and protection zone and decides whether to declare the object as a flight obstacle, provided it:

- 1) is located in the area designated for the movement of aircraft at the aerodrome or heliport;
- 2) reaches above the obstacle limitation surfaces of the aerodrome or heliport;
- 3) is located outside the areas specified in clauses 1 and 2 of this subsection but poses a threat to air traffic.

(3) Where a flight obstacle affects safe air traffic or the operation of air traffic control equipment and radio navigation equipment, the Transport Administration establishes restrictions on the aerodrome operations specifications and may demand that the aerodrome or heliport operator mark or light the flight obstacle in accordance with the requirements established in Chapter 6 of Annex 14 to the 1944 Chicago Convention on International Civil Aviation.

(4) The owner of a flight obstacle has the obligation to tolerate the marking or lighting of the flight obstacle.

(5) The aerodrome operator bears the costs of marking or lighting and the costs of the maintenance of the marking or lighting of a flight obstacle.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 35. Planning, building and commencement of use of aerodromes, heliports, and construction works which height exceeds 45 m

(1) [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) Local authorities are required to obtain approval from the Transport Administration for detailed plans that include an aerodrome, a heliport, the immediate vicinity thereof and construction works whose height above ground level exceeds 45 m. Before granting approval, the Transport Administration has the right to perform expert assessment of the detailed plan regarding air navigation, air traffic and aviation safety.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2¹) Upon approval of a detailed plan, the Transport Administration has the right to impose technical conditions arising from the aviation safety requirements and to establish restrictions or permit construction of an obstacle that penetrates the immediate vicinity obstacle limitation surface on the basis of the results of the expert assessment of the detailed plan.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2²) The technical conditions complying with the aviation safety requirements, the restrictions and a decision to permit construction of an obstacle that penetrates the immediate vicinity obstacle limitation surface issued with the approval of a detailed spatial plan is valid for two years. Where the designing of the construction works is not commenced in two years, a new approval is applied for.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(3) Where the existence of a construction works whose height above ground level exceeds 45 m is prescribed in design criteria, the local authority is required to obtain approval from the Transport Administration concerning the design criteria. In the course of coordinating the design criteria, the Transport Administration has the right to perform expert assessment of the design criteria regarding air navigation, air traffic and aviation safety, and also to propose amendments to the design criteria based on air navigation, air traffic and aviation safety considerations. Upon the issue of design criteria, the local authority must take into account any proposals of the Transport Administration.

(4) The building design documentation of an aerodrome, a heliport or a construction works whose height above ground level exceeds 45 m is approved by the Transport Administration. The Transport Administration has the right to perform expert assessment of detailed plans presented for approval regarding air navigation, air traffic and aviation safety. Upon approval of the building design documentation, the Transport Administration determines the flight operations permitted at the aerodrome or heliport which are entered in the building permit and the permit for use of the construction works.

(4¹) The owner of the construction works or the representative of the owner of the construction works must give the Transport Administration prior notice of completion of the construction works one month before the completion of the construction works.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(5) Permits for the use of aerodromes, heliports and construction works whose height above ground level exceeds 100 m may be issued only with the written consent of the Transport Administration. Before the grant of written consent, the Transport Administration has the right to perform expert assessment of the construction works regarding aviation safety requirements.

(5¹) The use of equipment generating visible laser radiation within the distance of 18 500 m from the reference point of a certified aerodrome or heliport is approved by the Transport Administration.

(5²) When granting approval, the Transport Administration takes into account the following restrictions:

- 1) 3700 m across the runway axis and 3700 m longitudinally from the reference point as well as within the distance of 3700–9300 m above the 1:40 slope, the visible irradiance level of laser beam must not exceed 50 nW/cm²;
- 2) within the distance of 18 500 m from the runway the visible irradiance level of laser beam must not exceed 5 μW/cm²;
- 3) in the event of using a laser beam mitigation method, the adjusted irradiance value is taken into account.

(5³) Before granting the approval referred to in subsection 51 of this section, the Transport Administration has the right to carry out expert assessment of the equipment or project.

(6) The building design documentation of construction works that emit gas, smoke or steam in significant quantities or which reduce visibility in the immediate vicinity of an aerodrome in any other manner and the building design documentation of landfills, livestock production facilities, and fish and meat processing plants located in the immediate vicinity of an aerodrome must be coordinated with the Transport Administration.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(6¹) The detailed plans and building design documentation of wind turbines and wind parks must be coordinated with the Transport Administration, the Ministry of Defence and the Police and Border Guard Board, where relevant. Upon coordination with the Ministry of Defence, the grounds provided for in the Planning Act or Building Code are followed. The Transport Administration, the Ministry of Defence and the Police and Border Guard Board have the right to file justified objections against a detailed plan or building design documentation within 30 days.
[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

(7) [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

(8) In order to conduct an expert assessment specified in subsections 2–5 and 53 of this section, the Transport Administration has the right to involve persons competent to conduct expert assessment or evaluation of detailed plans, building design documentation or construction works (experts). An expert gives their opinion in writing.

(9) The expenses relating to the conduct of an expert assessment specified in subsections 2–5 and 5³ of this section, including the expert's fee, are covered by the person who wishes to build an aerodrome, a heliport or a construction works whose height above the ground level exceeds 45 m or by the owner of such a construction works or by a person who wishes to use the equipment specified in subsection 5¹ of this section.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 35¹. Aerodrome and heliport manuals

[RT I 2008, 27, 179 – entry into force 01.07.2008]

(1) [Repealed – RT I 2008, 27, 179 – entry into force 01.07.2008]

(2) An aerodrome and a heliport must have a manual. An aerodrome or heliport manual is a document that sets out relevant information concerning the facilities, equipment, services, operational procedures, safety management system, organisation and management. The requirements for the content and preparation of aerodrome and heliport manuals are established by the minister in charge of the policy sector.
[RT I 2005, 29, 216 – entry into force 27.05.2005]

(3) [Repealed – RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 35². Activities prohibited in aerodrome protection zone

(1) A possessor of an immovable located within an aerodrome protection zone must not, by act or omission, hinder the use of the aerodrome in accordance with its designated purpose, deteriorate the state of the aerodrome or endanger traffic.

(2) In an aerodrome protection zone, the forests and other woody flora are maintained in accordance with a maintenance schedule approved by the Transport Administration.

(3) Within an aerodrome protection zone, the following is prohibited:

- 1) establishment of a new waste management facility where recovery or disposal operations are performed for which the existence of construction works is not required;
- 2) establishment of industry related to the waste of fishing industry and other animal waste;
- 3) establishment of a fish, poultry or animal farm;
- 4) establishment of cornfields, building of grain dryers, establishment of fruit and berry plantations and planning of other agricultural activities which cause massive bird migrations;
- 5) establishment of an enterprise liable to be affected by major accident;
- 6) production and storage of dangerous chemicals and explosives;
- 7) production operations related to elimination of fumes and pollutants;
- 8) blasting and mining of mineral resources;

9) establishment of new forest plantations, logging and other work, which changes the natural environment substantially, without obtaining the approval of the Transport Administration;

10) planning and construction activities without the approval of the Transport Administration;

11) storage of over 3000 cubic metres of combustible materials without the approval of the Transport Administration;

12) installation of equipment, the operation of which may interfere with the operation of the air traffic control equipment and radio navigation equipment;

13) construction of new residential areas and public buildings (e.g. schools, nursery schools, hospitals and commercial buildings).

(4) Consent for deforestation within an aerodrome protection zone for the purposes of ensuring obstacle limitation surfaces is granted to the owner of an immovable by the minister in charge of the policy sector or a person authorised by the minister in charge of the policy sector, taking into account the written reasoned opinion of the Transport Administration or the owner or operator of the given aerodrome and the maintenance schedule of the protection zone.

(5) An owner or operator of an aerodrome has the right to request the opinion of the Transport Administration where the forest located in the protection zone restricts the visibility necessary for ensuring the safety of air traffic and does not ensure obstacle-free limitation surfaces and the owner of the immovable refuses to apply for consent for deforestation or refuses to deforest, or where other woody flora which, within the meaning of the Forest Act, is not forest restricts the visibility necessary for ensuring the safety of flight operations, and the owner of the immovable refuses to cut the woody flora.

(6) Where the Transport Administration finds that deforestation is necessary for ensuring the safety of flight operations, the Transport Administration has the right to demand that the environmental authority of the location of the immovable grant the owner or operator of the aerodrome consent for deforestation. Where the Transport Administration finds that removal of other woody flora is necessary for ensuring the safety of flight operations, the owner of the aerodrome has the right to remove the woody flora.

(7) In the event of deforestation or removal of other woody flora within the aerodrome protection zone for the purposes of ensuring the safety of flight operations, the owner of an immovable located in the aerodrome protection zone has the right to demand compensation for proprietary damage from the owner or operator of the aerodrome.

(8) The extent, volume and type of the forest or other woody flora to be removed in a protection zone is determined in the maintenance schedule, taking account, where possible, of the interests of the owner of the forest.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 36. Aerodrome and heliport certificates

(1) Where an aerodrome or heliport is used for the organisation of aviation activities, the aerodrome or heliport must have a certificate if the aerodrome or heliport falls within the area of application of Regulation (EU) 2018/1139 of the European Parliament and of the Council or is used in regular commercial aviation operations.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1¹) The certificate certifies compliance of the aerodrome or heliport with the requirements for safe operation of aircraft. Operating specifications form a part of the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1²) Where an aerodrome or heliport does not fall within the area of application of Regulation (EU) 2018/1139 of the European Parliament and of the Council or is not used in regular commercial aviation operations, it does not need to have the certificate specified in subsection 1 of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The minister in charge of the policy sector establishes the procedure for the certification of aerodromes and heliports.

(2¹) The requirements for the erection and operation of non-certified civil aerodromes and the procedure for issuing operating specifications are established by a regulation of the minister in charge of the policy sector.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The Transport Administration certifies aerodromes and heliports and issues corresponding certificates.

(3¹) The operating specifications of non-certified civil aerodromes and heliports are issued by the Transport Administration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) A state fee must be paid for the review of the initial application for or application for amendment of an aerodrome or heliport certificate, for the review of an application for amendment of the operations specification and for an application for the issue of a new certificate upon expiry of the existing certificate.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4¹) A state fee is paid for the review of an application for the issue or amendment of the operating specifications of non-certified civil aerodromes or heliports and for maintaining the operating specifications at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) A state fee is paid for reviewing an application for an aerodrome certificate under Commission Regulation (EU) No 139/2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.02.2014, pp 1–34) and reviewing an application for amendment of the operations specifications and holding the certificate at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 37. Issue of aeronautical equipment certificate

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4¹) An aeronautical equipment certificate which certifies compliance of the equipment with the valid requirements and allows it to be operated is required for the use of aeronautical equipment. All recording equipment, airspace management and air traffic flow management systems, air traffic control systems, aviation-frequency communications equipment, radio navigation and surveillance systems, flight information systems and aerodrome meteorological equipment used for providing air navigation services or air traffic management and installed within the territory of the Republic of Estonia are subject to certification.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4²) An aeronautical equipment certificate is issued by the Transport Administration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4³) The Transport Administration decides the granting or refusal of an aeronautical equipment certificate within 60 days after submission of the application.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁴) Where different aeronautical devices can be treated as a single functional item, the devices are certified as a single equipment unit, concerning which one aeronautical equipment certificate is issued.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁵) The Transport Administration refuses to issue an aeronautical equipment certificate where the aeronautical equipment fails to comply with the requirements regulating the technical condition and operation of the equipment or where incorrect information is submitted in the application.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4⁶) The Transport Administration may refuse to certify aeronavigation equipment as an equipment unit where:

- 1) in case of suspension or revocation of the certificate due to non-functioning of one part of a set of equipment, the provision of air navigation services or air traffic management may be significantly disturbed;
- 2) parts of the set of equipment are designed to perform different functions;
- 3) the devices perform the same function, but their working principles are different.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) The procedure for the issue and amendment of aeronautical equipment certificates and the requirements for the technical condition and operation of aeronautical equipment are established by a regulation of the minister in charge of the policy sector.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) A state fee is paid for the review of an application for the issue of an aeronautical equipment certificate at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 37¹. Suspension, revalidation and revocation of aeronautical equipment certificate

(1) The Transport Administration may suspend an aeronautical equipment certificate where:

- 1) material deficiencies have been detected upon operation of the equipment during supervision;
- 2) the operating procedures and technical condition of the equipment do not comply with the requirements for the issue of the certificate;
- 3) the conditions of the frequency authorisation issued by the Consumer Protection and Technical Regulatory Authority have been amended or the frequency authorisation has been suspended or revoked or it has expired;
- 4) there have been repeated failures in the functioning of the aeronautical equipment within a short period of time.

(2) The Consumer Protection and Technical Regulatory Authority notifies the Transport Administration of amendment of the conditions, suspension, revocation or expiry of the frequency authorisation specified in clause 3 of subsection 1 of this section within three working days.

(3) Where the basis for the suspension of the certificate is eliminated and the holder of the certificate proves that the equipment and its operation comply with the requirements for the technical condition and operation of aeronavigation equipment established on the basis of subsection 5 of § 37 of this Act, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of a certificate with the relevant requirements before revalidating the certificate.

(4) The Transport Administration revokes an aeronautical equipment certificate where:

- 1) the holder of a certificate has not eliminated the deficiencies that served as the basis for the suspension of the certificate within the period of suspension of the certificate and the aeronautical equipment does not comply with the requirements serving as the basis for the issue of the certificate;
- 2) the equipment is not put into service within six months after the issue of the certificate;
- 3) the equipment has been removed from use;
- 4) the equipment has been destroyed beyond repair;
- 5) the holder of a certificate surrenders the certificate.

(5) The holder of a certificate notifies the Transport Administration of the surrender of the aeronautical equipment certificate in writing no less than 15 days prior to the surrender. The Transport Administration revokes the certificate as at the date of surrender notified by the holder of the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 37². Air traffic management service provider certificate, air navigation service provider certificate and flight procedure developer certificate

(1) An air traffic management service provider certificate, air navigation service provider certificate and flight procedure developer certificate certify compliance of the holder of the certificate with the requirements established by Commission Implementing Regulation (EU) 2017/373, laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1–126) as regards the services provided in the annex to the certificate.

(2) An air traffic management service provider certificate, air navigation service provider certificate and flight procedure developer certificate are issued by the Transport Administration;

(3) The Transport Administration decides the granting or refusal of an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate provided for in Commission Implementing Regulation (EU) 2017/373 within 90 days after submission of the application and all required documents, including a description of the management system provided for in point ATM/ANS.OR.B.005 and operations manuals provided for in point ATM/ANS.OR.B.035 of the Commission Implementing Regulation (EU) 2017/373. The Transport Administration may extend the time limit for making a decision on the application once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(4) An application for an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate is refused and the issue of a certificate is refused where:

- 1) the applicant does not comply with the requirements provided for in Commission Implementing Regulation (EU) 2017/373;
- 2) the aeronavigation equipment used for the provision of the service lacks a valid aeronautical equipment certificate;
- 3) incorrect information has been submitted in the application.

(5) The holder of an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate submits an application for amendment of the certificate immediately to the Transport Administration where the data serving as a basis for the issue of the certificate have changed. The Transport Administration decides the amendment of the certificate within the time limit specified in subsection 3 of this section.

(6) A state fee is paid for the review of an application for an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate, an application for amendment of the certificate and for maintaining the certificate at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 37³. Limitation, suspension, revalidation and revocation of air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate

(1) The Transport Administration may limit or suspend an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate where the air traffic management service provider, air navigation service provider or flight procedure developer does not comply with the requirements provided for in Commission Implementing Regulation (EU) 2017/373 or violates the requirements of aviation legislation.

(2) Where the holder of an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate has not eliminated the deficiencies that served as the basis for the suspension of the certificate within the period of suspension of the certificate and does not comply with the requirements serving as the basis for the issue of the certificate, the Transport Administration revokes the certificate.

(3) In the event of surrender of an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate, the Transport Administration revokes the certificate. The holder of a certificate notifies the Transport Administration thereof in writing no less than six months before the surrender of the certificate. The Transport Administration revokes the certificate as at the date of surrender notified by the holder of the certificate.

(4) Where the holder of an air traffic management service provider certificate, air navigation service provider certificate or flight procedure developer certificate proves that the basis for the suspension or limitation of the certificate has been eliminated or has ceased to exist, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of a certificate with the relevant requirements before revalidating the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 37⁴. Provision of air navigation services in military aviation

A certified air navigation service provider may provide air navigation services to operational air traffic of military aviation aircraft if the appropriate air traffic control procedures have been approved by the Estonian Defence Forces.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

Chapter 7 AIR OPERATIONS

[RT I, 07.03.2018, 1 - entry into force 15.03.2018]

§ 38. [Repealed – RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 39. State licences

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 40. Operating licence

(1) The operating licence provided for in Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3–20) is issued, suspended and revoked by the Transport Administration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1¹) In order to obtain an operating licence, an air operator submits an application as well as the data and documents provided for in Regulation (EC) No 1008/2008 of the European Parliament and of the Council to the Transport Administration.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2¹) A state fee must be paid for the review of an application for an operating licence and for the review of an application for making of amendments to an operating licence.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(3) [Repealed – RT I 2005, 29, 216 – entry into force 27.05.2005]

(4) [Repealed – RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 41. [Repealed – RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 42. Deciding of application for air operator certificate

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1) The Transport Administration decides an application for an air operator certificate under Commission Regulation (EU) No 965/2012 by granting or refusing to grant the certificate within 90 days after the submission of the application. The Transport Administration may extend the time limit for deciding the application once by up to 90 days where it is necessary due to the complexity of the individual case. Where an application for the certificate is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(2) A state fee is paid for the review of an application for an air operator certificate, for amendment of operations specifications, for inclusion of a new aircraft type in operations specifications, for specific approval and for operating a helicopter for commercial purposes in a hostile environment, and for maintaining a certificate at the rate provided for in the State Fees Act. No state fee is charged for the review of an application for the deletion of an aircraft registration mark from operations specifications or amendment of the contact details of an air operator therein.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 42¹. [Repealed – RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 42². Conditions for issue of air operator certificate

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42³. Refusal to issue, amend or extend air operator certificate

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42⁴. Limitation, suspension, revalidation and revocation of air operator certificate

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) In addition to failure to comply with the requirements provided for in Commission Regulation (EU) No 965/2012, the Transport Administration may limit, suspend or revoke an air operator certificate in the following cases:

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

- 1) the person holding the certificate violates the requirements provided for in aviation legislation;
- 2) the aviation security programme of the certificate holder is not in compliance with the aviation security requirements.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(2) [Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(3) A certificate may be suspended for up to six months.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(3¹) Where the holder of a certificate proves that the basis for the limitation of the certificate has been eliminated or has ceased to exist, the Transport Administration revalidates the certificate. Where necessary, the Transport Administration verifies the compliance of the holder of the certificate with the relevant requirements before revalidating the certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) Where the person holding a certificate has not eliminated the deficiencies that served as the basis for the suspension of the validity of the certificate within the period of suspension of the validity of the certificate

and does not comply with the requirements serving as the basis for the issue of the certificate, the Transport Administration revokes the certificate.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(5) In the event of surrender of a certificate, the Transport Administration revokes the certificate. The person holding the certificate notifies the Transport Administration in writing of the date of surrender of the certificate at least 30 days before the surrender of the certificate. The certificate is revoked as at the date communicated by the person holding the certificate.

(6) [Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42⁵. Restoration of validity of air operator certificate

(1) Where the basis for the suspension of the certificate has been eliminated or has ceased to exist and the person holding the certificate proves that they meet the requirements that serve as the basis for the issue of the certificate and are still able to comply with the operations specifications of the certificate, the Transport Administration restores the validity of the certificate.

(2) Before the restoration of the validity of the certificate, the Transport Administration or the person specified in § 7¹ verifies the compliance with the requirements specified in subsection 1 of this section, where necessary.
[RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 42⁶. Special status flights

[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(1) [Repealed – RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(2) [Repealed – RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(3) [Repealed – RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(4) Special status flights shall follow the flight status indicators set out in the Eurocontrol Network Manager's IFPS Users Manual and the principles and acceptability of their use.
[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(5) A special status flight may be given priority over other flights by the air traffic services unit, provided that flight safety is not affected, proceeding from the requirements and principles laid down in Commission Implementing Regulation (EU) 2017/373 and the Eurocontrol Network Manager's users manuals.
[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

§ 42⁷. Registration of non-commercial flight operations

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42⁸. Conditions for registration of non-commercial flight operations

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42⁹. Refusal to register non-commercial flight operations, to amend or extend registration certificate and revocation of registration certificate

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42¹⁰. Approval of contractual use of aircraft

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42¹¹. Requirements for equipment and on-board documents of non-EASA aircraft

(1) On board a non-EASA aircraft there must be equipment that ensures the safe operation of the aircraft as well as documents certifying that the aircraft complies with the requirements and is operated in accordance with the established requirements.

(2) Requirements for the equipment and on-board documents of a non-EASA aircraft, except for a very light aircraft, are established by a regulation of the minister in charge of the policy sector.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42¹². Operation of non-EASA aircraft upon specialised operation

(1) The operation of a non-EASA aircraft upon a specialised operation under Commission Regulation (EU) No 965/2012 is allowed where the aircraft operator has staff with the skills and competence required for safe flight operations, aircraft and a proper flight operations manual. Upon operating such an aircraft, the operator must follow the steps and requirements described in the flight operations manual.

(2) To operate a non-EASA aircraft upon a specialised operation, an operating licence is required.

(3) An application for an operating licence is decided by the Transport Administration.

(4) A person who wishes to obtain an operating licence submits in a licence application, in addition to the information specified in the General Part of the Economic Activities Code Act, the flight operations manual and documents on compliance with the requirements specified in subsection 1 of this section.

(5) An operating licence is granted where the applicant has a flight operations manual specified in subsection 1 of this section and the applicant has proven that the requirements specified in the same subsection have been fulfilled.

(6) A flight operations manual is a collection of guidelines, procedures and operating or work organisation regulations aimed at ensuring safe flight operations, which the operator of a non-EASA aircraft making specialised operations adheres to.

(7) Requirements for the contents and preparation of the flight operations manual of an operator of a non-EASA aircraft making specialised operations are established by a regulation of the minister in charge of the policy sector.

(8) An operating licence under this section is not required for a specialised operation made in the framework of an aviation event using a non-EASA aircraft entered in the register of a foreign country.

(9) A state fee for reviewing an application for a licence to operate a non-EASA aircraft in a specialised operation, for amending the licence and for holding the licence is paid at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42¹³. Operation of non-EASA aircraft entered in register of foreign country

(1) A non-EASA aircraft that has been entered in the register of a foreign country may fly in Estonian airspace with the approval of the Transport Administration.

(2) The operator of a non-EASA aircraft entered in the register of a foreign country must submit to the Transport Administration the following data and documents in order to be granted approval to flying in Estonian airspace:

- 1) the name and contact details of the operator;
- 2) the registration certificate of the aircraft;
- 3) a valid certificate of airworthiness that makes a reference to the regulation serving as the basis for certification the submission of which may be required by the Transport Administration;
- 4) a valid airworthiness review certificate, where required in the country of registration;
- 5) a noise certificate, where required in the country of registration;
- 6) a valid aircraft radio licence;
- 7) a certificate of existence of a valid liability insurance contract.

(3) The Transport Administration decides the granting of the approval within ten working days following the proper submission of an application and the documents specified in subsection 2 of this section. The Transport Administration grants the approval for the shorter of up to six months and up to the expiry of the term of validity of the documents specified in subsection 2 of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) The Transport Administration refuses to grant the approval where:

- 1) the applicant for the approval fails to submit all the data and documents specified in subsection 2 of this section;
- 2) the Transport Administration is not convinced that the applicant is able to ensure safe flight operations;
- 3) the operation of the aircraft is limited to the territory of the country of registration.

(5) The Transport Administration may refuse to grant the approval where false information has been submitted upon applying for the approval.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 42¹⁴. Operating licences and operational requirements for state aircraft in possession of Police and Border Guard Board

(1) The principles and procedures of Annex V (Part-SPA), Annex VI (Part-NCC) and Annex VIII (Part-SPO) of Commission Regulation (EU) No 965/2012 apply to the operation of state aircraft in the possession of the Police and Border Guard Board, taking account of the specifications provided in subsection 2 of this section. Specialised operations of the Police and Border Guard Board are subject to the principles of high-risk specialised operations.

(2) Specifications of the principles and procedures referred to in subsection 1 of this section concerning the technical requirements related to air operations of state aircraft in the possession of the Police and Border Guard Board and a list of specialised operations shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

§ 43. [Repealed – RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 44. Amendments to grounds of air operator certificate

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(1) A person holding an air operator certificate must give the Transport Administration prompt written notice of any amendments to the data that constituted the basis for the issue of the certificate.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) The Transport Administration may amend a certificate or the operations specifications of the certificate in order to ensure aviation safety where the carrier or the activity thereof does not comply with the requirements specified in subsection 1 of § 42⁴ of this Act. The person holding the certificate is promptly informed of the amendment of the certificate.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 44¹. Declaration of air operations

(1) The submission of a declaration in accordance with item ORO.DEC.100 of Commission Regulation (EU) No 965/2012 is considered as the submission of a notice of economic activity.

(2) A state fee is paid for the review of an application of a person subject to the duty to declare for a special approval provided for in Annex V (Part-SPA) to Commission Regulation (EU) No 965/2012 at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 44². Authorisation of high-risk commercial specialised operation

(1) The list of high-risk commercial specialised operations in accordance with Commission Regulation (EU) No 965/2012 is established by a regulation of the minister in charge of the policy sector.

(2) A state fee for reviewing an application for authorisation of a high-risk commercial specialised operation, application for amendment of the authorisation and holding of the authorisation is paid at the rate provided for in the State Fees Act.

(3) In addition to the grounds for revocation of authorisation of a high-risk commercial specialised operation provided for in other legal instruments, the authorisation is revoked where the state fee has not been paid for holding the authorisation at the rate and by the due date provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 44³. Local area

For the purposes of Commission Regulation (EU) No 965/2012, ‘local area’ means the area located within the radius of six nautical miles from an aerodrome, heliport or aircraft operating site in a non-controlled airspace.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 44⁴. Operating of helicopter of performance class 3 in hostile environment for commercial purposes

(1) To operate a helicopter of performance class 3 in a hostile environment for commercial purposes, the person must hold authorisation granted by the Transport Administration in accordance with Commission Regulation (EU) No 965/2012.

(2) Hostile environments are the Estonian maritime area, Lake Võrtsjärv and the areas of Lake Peipsi, Lake Lämmijärv and Lake Pihkva under Estonian jurisdiction.

(3) A state fee for reviewing an application for operating a helicopter of performance class 3 in a hostile environment for commercial purposes is paid at the rate provided for in the State Fees Act.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 44⁵. Marginal activity

(1) For the purposes of Commission Regulation (EU) No 965/2012 ‘marginal activity’ means an air operation that accounts for up to ten per cent of the total number of air operations made by the operator in the last calendar year.

(2) The aircraft operator keeps clearly distinguishable accounts of the marginal activity performed.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 44⁶. Introductory flight

(1) An introductory flight for the purposes of Commission Regulation (EU) No 965/2012 may be made where, in addition to the requirements provided for in the Regulation, the following criteria are met:

- 1) the aircraft operator has a list of pilots who have the right to make an introductory flight;
- 2) the aircraft operator has submitted the requirements for making an introductory flight and the Transport Administration has approved them.

(2) The Transport Administration does not approve the requirements for making an introductory flight submitted by the operator where these:

- 1) do not correspond to the objectives of the introductory flight or meet the requirements in force;
- 2) do not describe the introductory flight process;
- 3) do not ensure aviation safety.

(3) Where the Transport Administration establishes that the operator has breached the requirements for making an introductory flight provided by legislation or established by the operator itself, the Transport Administration may withdraw the approval.

(4) The Transport Administration grants approval to the requirements for making an introductory flight submitted by the operator within 30 days after receiving the respective application.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 45. [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 46. Operation of non-scheduled air services to and from non-EU states

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(1) Non-scheduled air services to the territory, in the territory or from the territory of the Republic of Estonia operated by an air operator of a non-EU state must take place in compliance with international agreements or with the approval of the Transport Administration.

(2) An air operator of a non-EU state who applies for approval for the commencement of non-scheduled air services to the territory, in the territory or from the territory of the Republic of Estonia must submit the following documents to the Transport Administration:

- 1) a valid air operator certificate;
- 2) a valid operating licence where it is required by the relevant non-EU state;
- 3) proof of holding a liability insurance contract;
- 4) a valid noise certificate;
- 5) proof of carrying of ACAS II on board of the aircraft in compliance with subsection 4 of § 10¹ of this Act;
- 6) a valid airworthiness certificate.
- 7) a valid airworthiness review certificate of an aircraft where it is required by the corresponding non-EU state;
- 8) the aviation security programme of the air carrier.

(3) An air operator of a non-EU state must certify to the Transport Administration in writing that it follows the requirements established in Regulation (EC) No 261/2004 of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.02.2004, pp 1–8).

(4) The Transport Administration decides the granting of the approval within ten working days following the submission of an application and the documents specified in subsection 2 of this section.

(5) The Transport Administration refuses to grant the approval where:

- 1) the applicant for the approval fails to submit all the documents specified in subsection 2 of this section;

- 2) the applicant for the approval has submitted inaccurate information upon application for the approval;
3) the Transport Administration is not convinced that the air operator is able to ensure safe flight operations.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

Chapter 7¹

AVIATION SECURITY

[RT I 2008, 52, 290 - entry into force 22.12.2008]

§ 46¹. Cooperation in the field of aviation security

(1) The minister in charge of the policy sector forms an advisory committee in the matters concerning aviation security in order to coordinate and improve cooperation in the field of national aviation security.

(2) The committee includes representatives of the Ministry of Climate, the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of the Interior, the Transport Administration, the Estonian Internal Security Service, the Tax and Customs Board, the Police and Border Guard Board, and the Rescue Board. The committee may involve representatives of other administrative agencies and other specialists in the performance of its functions.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(3) An operator of an aerodrome or heliport open for civil aviation forms an aerodrome security committee from the representatives of the undertakings and state agencies operating at the aerodrome or heliport whose function is to coordinate cooperation in the field of aviation security between the operators and state agencies operating in the territory of the aerodrome or heliport.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 46². Functions and liability of state agencies in the field of aviation security

(1) The Estonian Defence Forces organise aviation security in the area of government of the Ministry of Defence.

[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(2) Where an aerodrome or heliport is used by both state and civil aircraft, the operator of the aerodrome or heliport establishes common aviation security measures.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

(3) According to its competence, the Tax and Customs Board ensures the checking of passengers, cabin baggage, baggage, goods and aircraft.

(4) The Police and Border Guard Board:

1) on the ground and in accordance with the procedure set out in the Police and Border Guard Act, ensures public order and the protection of the conducting of security screening procedures at aerodromes;

2) on the ground and in accordance with the procedure set out in the State Borders Act and in the Obligation to Leave and Prohibition on Entry Act or where it arises from a binding international obligation of Estonia, conducts border controls of passengers and aircraft crew members, prevents inadmissible persons from entering the Republic of Estonia, and escorts deportees or receives such persons from an air operator (escorting officer) and hands them over to a corresponding state authority.

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

(5) The function of the Estonian Internal Security Service is to prevent and combat attacks directed against aircraft and aviation safety and respond to emergencies in case of crimes of terrorism within the limits of its competence.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(6) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

(7) On the grounds and in accordance with the procedure set out in the Rescue Act, the Rescue Board carries out search work and explosives disposal in the case of bomb threats or suspected bombs in civil aviation and ensure the exchange of information and alarm services in the event of an emergency.

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

(8) In addition to the functions set out in this Chapter, the Transport Administration performs the following aviation security functions:

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

1) supervises persons in the preparation of aviation security programmes and in developing aviation security procedures and measures;

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

2) ensure that the documents concerning aviation security are available to persons with legitimate interest who need such information for the performance of their duties;

- 3) grant approval to the documents concerning the design of civil aviation facilities, the extension or reconstruction of civil aviation buildings in the matters concerning aviation security;
- 4) approves aviation security training programmes;
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 5) grant approval to taking of weapons and ammunition thereof into the cabin of aircraft used in commercial air transportation;
- 6) prepares and approves the National Civil Aviation Security Programme which contains restricted information for the purposes of the Public Information Act, and updates it.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 46³. Functions and responsibilities of undertakings in the field of aviation security

(1) An air carrier, airport or heliport operator, air navigation service provider, regulated agent, known consignor and regulated supplier of in-flight supplies:

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

- 1) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 2) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 3) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 4) ensures compliance with aviation security requirements in building construction works and reconstructing existing construction works;
- 5) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 6) informs promptly the authority who has the right to impose arrest on a person who unlawfully enters or tries to enter the airside area or the security restricted area at the aerodrome or heliport, as well as on a person who violates the aviation security requirements;
- 7) notifies the Transport Administration of all the problems and violations concerning aviation security known to the undertaking,
- 8) submits the draft documents concerning the design of an aerodrome or heliport, the extension or reconstruction of civil aviation buildings to the Transport Administration for approval.

(2) An undertaking providing aircraft stores or engaged in the cleaning of the cabin of an aircraft or the security restricted area at an aerodrome or heliport must obtain the approval for the security measures from the air operator and the Transport Administration.

(3) In addition to the functions specified in subsection 1 of this section, the operator of an aerodrome or heliport must:

- 1) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 2) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 3) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 4) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 5) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 6) ensures the implementation of access control measures at the airside of an airport or heliport;
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 7) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 8) ensure identification of the persons and vehicles entering the airside area of the aerodrome or heliport or the security restricted area;
- 9) ensure security screening of the persons who are not passengers and the items carried by them before entry of the persons into the security restricted area of the aerodrome or heliport;
- 10) ensure security screening of the departing passengers and the cabin baggage thereof prior to boarding an aircraft which is to depart from the security restricted area;
- 11) ensure security screening of transfer passengers and their cabin baggage and hold baggage prior to boarding an aircraft which is to depart from the security restricted area;
- 12) ensure the protection of the passengers and their cabin baggage which have passed security screening against unlawful interference from the place of screening until boarding an aircraft;
- 13) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 14) ensure security screening of hold baggage prior to being loaded on board an aircraft which is to depart from the security restricted area of the aerodrome or heliport;
- 15) ensure the protection of hold baggage against unlawful access from security screening or the consent of a carrier to carry until departure of the aircraft on board of which the baggage is loaded;
- 16) appoints a competent employee responsible for aviation security and informs the Transport Administration thereof.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4) In addition to the functions specified in subsection 1 of this section, an air operator:

- 1) specifies in the aviation security programme the measures and procedures for ensuring safety on board aircraft in the case a passenger requiring special treatment specified in § 46¹⁵ of this Act travels in the aircraft and, where possible, ensures that the pilot-in-command is informed of such passenger;

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

- 2) ensures proper security check and search of the aircraft and the protection of the aircraft against unauthorised access after the proper security check and search until departure of the aircraft;
 - 3) ensures that every item of the hold baggage carried on board an aircraft is individually identified as accompanied or unaccompanied baggage, is screened properly and accepted for carriage on the given flight;
 - 4) marks its company mail with the indication 'Co-mail' and company materials with the indication 'Co-mat';
 - 5) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
 - 6) ensures that the pilot-in-command of an aircraft is informed of the number of armed persons on board the aircraft and the location of their seats;
 - 7) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
 - 8) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
 - 9) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
 - 10) appoints a competent employee responsible for aviation security and informs the Transport Administration thereof.
- [RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(5) In addition to the functions specified in subsection 1 of this section, an air navigation service provider:

- 1) notifies the appropriate structural unit of the Police and Border Guard Board, the alarm centre, the aerodrome or heliport security service and, in Tallinn, the chief dispatcher of the Tallinn aerodrome, where an aircraft is in distress;

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

- 2) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

3) ensures air traffic control services to an aircraft in distress in the Tallinn Flight Information Region and forwards the information to all the air traffic services on the route and, where possible, to the aerodrome of destination;

- 4) ensures notification of the operator of the aircraft of the potential distress and other circumstances related thereto;

5) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

6) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

7) ensures verification of the reliability of its employee before issuing an aerodrome identification card thereto;

[RT I 2008, 52, 290 – entry into force 22.12.2008]

- 8) appoints a competent employee responsible for aviation security and informs the Transport Administration thereof.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46⁴. Aviation security training

(1) Aviation security training must comply with the requirements provided for in Commission Regulation (EU) No 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, pp 1–142).

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(2) In addition to the training specified in subsection 1 of this section, the person implementing security measures may be trained in security training organised by the International Civil Aviation Organisation or the European Civil Aviation Conference and carried out by a security instructor approved or certified by them or in security training carried out on the basis of a training programme approved by the appropriate authority of another Member State of the European Union and carried out by an instructor approved or certified by the appropriate authority of the Member State.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 46⁵. Approval of aviation security training programme

(1) The aviation security training programme must cover topics necessary for acquiring the required competencies.

(2) The training programme and the amendments thereto must be approved by the Estonian Transport Administration. The training programme must be updated in the event of changes in the operations of the operator that applies aviation security measures or in other relevant events.

(3) The person who applies for the approval of a training programme or amendments thereto must submit to the Estonian Transport Administration a training programme that contains at least the following:

- 1) the title, subject or field of the training;
- 2) the target group of the training;
- 3) the purpose of the training;
- 4) the source material serving as the basis for preparing the training programme;
- 5) the content of training;
- 6) the duration of the modules and the knowledge and skills acquired in the course thereof;
- 7) the equipment used and the materials distributed;
- 8) the teaching methods;
- 9) the methodology of testing and evaluating knowledge;
- 10) the principles of recording the results.

(4) The Estonian Transport Administration makes a decision to approve or to refuse to approve the training programme within 30 days following the submission of an application or, where the application contains deficiencies, following the elimination of the deficiencies.

(5) The approval decision of the Estonian Transport Administration remains in force for an unspecified term.

(6) The Estonian Transport Administration refuses to approve a training programme where the programme does not contain subjects required for the acquisition of knowledge or skills.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46⁶. Certification of security instructor carrying out aviation security training

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1) A security instructor carrying out aviation security training must hold a valid certificate. A security instructor certificate is issued by the Transport Administration.

(2) A person applying for a security instructor certificate must comply with the requirements applicable to a security instructor who carries out training, which are set out in Commission Regulation (EU) 2015/1998.

(3) A person applying for a security instructor certificate submits to the Transport Administration the following information and documents:

- 1) a standard-format application where the applicant indicates which types of training listed in point 11.2 of Commission Regulation (EU) No 2015/1998 the applicant wishes to carry out;
- 2) a written certificate of completing a background check or a request for conducting a background check;
- 3) a curriculum vitae that indicates the person's qualifications and work experience;
- 4) relevant documents or copies thereof, which certify that the person has the knowledge and skills required for carrying out the training specified in clause 1 of this subsection;
- 5) upon repeated application for the certificate, documents certifying the carrying out of repeat training or receipt of information on developments in relevant fields.

(4) The Transport Administration makes a decision to issue or refuse to issue a security instructor certificate within 30 days after the submission of the application and all the required information and documents or, where there are deficiencies in the application, after the deficiencies have been eliminated.

(5) The Transport Administration issues a security instructor certificate only for carrying out the training courses specified in the application whereby it has been established that the applicant has the required qualifications, work experience, knowledge and skills.

(6) A security instructor certificate is valid for up to five years.

(7) The Transport Administration refuses to issue a certificate where:

- 1) the person does not comply with the requirements established for a security instructor that carries out training specified in Commission Regulation (EU) No 2015/1998;
- 2) the circumstances specified in subsection 4 of § 46⁹ of this Act exist regarding the applicant;
- 3) the person has knowingly submitted false information that could influence the review of the application and which, where not submitted, would result in the refusal to issue the certificate on the ground set out in clause 1 of this subsection.

(8) The Transport Administration may refuse to grant a security instructor certificate where the circumstance specified in subsection 5 of § 46⁹ of this Act exists regarding the applicant.

(9) The Transport Administration revokes the approval decision where the circumstance specified in subsection 4 § 46⁹ of this Act exists regarding a security instructor.

(10) The Transport Administration may suspend or revoke a security instructor certificate where:

- 1) the person does not comply with the requirements established for a security instructor that carries out training specified in Commission Regulation (EU) No 2015/1998;
- 2) the circumstance specified in subsection 5 § 46⁹ of this Act exists regarding the applicant;
- 3) in the course of regulatory enforcement it is identified that the training carried out by the security instructor does not provide the trained person with the required knowledge or skills.

(11) A state fee is paid for the reviewing of a security instructor certificate at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 46⁷. Establishment of restrictions in airport or heliport territory and in adjacent areas

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.5 amended to number 46.7]

(1) The security restricted areas defined in an aerodrome or heliport territory must be approved by the Transport Administration and all the persons performing their duties in an aerodrome or heliport territory must be notified thereof.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) An operator of an aerodrome and the undertakings and administrative agencies operating in the aerodrome are responsible for access to their territory and buildings.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(3) In the area bordering the area of operation (airside) of an aerodrome within five meters from the aerodrome perimeter fence, including on municipal and private land, it is prohibited to construct buildings or install equipment not related to the operation of the airport or to store materials or park vehicles. The parking of vehicles and the storing of materials in the area is permitted in the event of application of additional security measures established by the Estonian Transport Administration.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46⁸. Access documents and general requirements for verification of access documents

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.6 amended to number 46.8]

(1) The Transport Administration and the airport or heliport operator are responsible for the organisation and control of the system of uniform identification cards in the territory of the airport and heliport as well as for issuing airport identification cards in accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council, Commission Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council (OJ L 91, 03.04.2009, p. 7), and Commission Regulation (EU) No 2015/1998.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(2) A person may move in the security restricted area of an aerodrome or heliport on the basis of the following documents:

1) a valid boarding pass issued on the basis of a passenger ticket for the purposes of taking a certain flight together with their identity document;

2) a valid identification card issued by the Transport Administration or aerodrome or heliport operator;

3) a crew member certificate as a document authorising the crossing of the state border upon the performance of their duties.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2¹) An identification card issued to a supervisory official of the Transport Administration certifies that the official is authorised to carry out regulatory enforcement and administrative oversight.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(3) A passenger submits the boarding pass specified in clause 1 of subsection 2 of this section to the person carrying out security screening and their identity document to the person carrying out screening or to the police officer at their request.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) When a passenger is boarding an aircraft, the aircraft operator or a representative thereof verifies the correctness of the boarding of the passenger by checking the boarding pass of the passenger.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(6) In the event of a breach of the security requirements in force at the airport or heliport, the issuer of an identification card has the right to fully or partially suspend the authorisation granted by the identification card or to revoke the identification card.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46⁹. Background check

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.7 amended to number 46.9]

(1) In order to assess the suitability of a person for unescorted access to the security restricted area of an aerodrome or heliport, for obtaining a crew member certificate or a crew identification card or a security instructor certificate and for performing aviation security functions, the Estonian Internal Security Service carries out a background check of the person (hereinafter *check*).

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The check is carried out with regard to a natural person (hereinafter *person checked*) who applies for or holds the following documents or who will start performing or performs the following aviation security functions:

- 1) an identification card granting access to the security restricted area of an aerodrome or heliport without company (hereinafter *airport identification card*);
- 2) an aircraft crew member certificate (hereinafter *crew member certificate*);
- 3) an aircraft crew identification card (hereinafter *crew identification card*);
- 4) application of security screening, access control or other security measures in the security restricted area of the aerodrome or heliport;
- 5) responsibility for the application of security screening, access control or other security measures in the security restricted area of the aerodrome or heliport;
- 6) responsibility for the security of the aerodrome or heliport;
- 7) responsibility for the security of a regulated agent;
- 8) responsibility for the security of a known consignor;
- 9) responsibility for the security of a regulated supplier of in-flight supplies;
- 10) a security instructor certificate;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 11) responsibility for the security of an air operator;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 12) application of security screening, access control or other security measures elsewhere than the security restricted area of an aerodrome or heliport;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 13) responsibility for the application of security screening, access control or other security measures elsewhere than the security restricted area of an aerodrome or heliport;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 14) unaccompanied access to air cargo or air mail, air operator mail, air operator shipments, in-flight supplies or airport supplies to which security measures have been implemented.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2¹) An employer ensures the informing of the person checked about the need to carry out checks and the extent of the check before employing the person checked and, where necessary, also during the employment.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The result of a background check may serve as the basis for:

- 1) refusal to issue or revoking an airport identification card, security instructor certificate, crew member certificate or crew identification card;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 2) refusal to establish an employment or service relationship with the person checked and termination of an employment or service relationship or refusal to use the services of the person checked;
- 3) refusal to grant authorisation or approval granted under this Act or revocation of such authorisation or approval.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4) As a result of the check, the measures specified in subsection 3 of this section must be taken where the following circumstances exist:

- 1) the acts of the person checked are or have been aimed against the national security of the Republic of Estonia;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 2) the person checked is involved in an organisation or movement that by its activities ignores the public order or the purpose of which is to attack flight operations;
- 3) the person checked has limited active legal capacity;
- 4) the person checked is a suspect or accused in respect of a crime provided for in §§ 237–237⁶ of the Penal Code or in a similar crime provided for in Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6–21) or has been punished for the specified crime;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 5) information about the person checked cannot be established about the criminal record, employment or gaps in education during the preceding five years.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) As a result of the check, the measures specified in subsection 3 of this section may be taken where the following circumstances exist:

- 1) the person checked is a participant in criminal proceedings as a suspect or accused, except in the case of crimes provided for in subsection 4 of this section;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 2) the person checked has been convicted of a wilfully committed criminal offence in the last five years and the records have not been deleted from the criminal records database;

- 3) the person checked has multiple misdemeanour convictions and the records have not been deleted from the criminal records database;
- 4) the person checked has wilfully withheld information or given false or forged information in the personal data questionnaire or in documents annexed thereto;
- 5) the person checked is or has been diagnosed with a disorder of consuming narcotic or psychotropic substances or alcohol or an addiction to gambling;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 6) the person checked has a psychical disorder that limits their ability to understand or control their behaviour;
- 7) the person checked has stayed in a foreign state for a long time under circumstances that cannot be identified;
- 8) the person checked has failed to submit the clarifying or additional information or documents required on the basis of subsection 9¹ of this section.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) The Estonian Internal Security Service checks consistently the existence of the circumstances specified in subsections 4 and 5 of this section during the term of validity of an airport identification card, crew member certificate, crew identification card or security instructor certificate and during the period when the person checked performs the functions specified in clauses 4–9 and 11–14 of subsection 2 of this section.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6¹) Where, during the check specified in subsection 6 of this section, the circumstances specified in subsection 4 or 5 of this section appear about the person checked, the Estonian Internal Security Service notifies the relevant person or authority specified in clauses 1–3 of subsection 8 of this section immediately thereof.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6²) Where the document specified in subsection 2 of this section is not issued to the person checked or it is revoked or the person is not allowed to perform or no longer performs the functions specified in subsection 2, the person or authority specified in subsection 8 notifies the Estonian Internal Security Service immediately thereof.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) Where the measures specified in subsection 3 of this section are taken with regard to the person checked, the person is, where possible, appointed to another official position or job or released from service on the basis of this Act and in accordance with the procedure provided for in the Public Service Act or the employment relationship is terminated on the basis of this Act and in accordance with the procedure provided for in the Employment Contracts Act.

(8) For the purpose of carrying out the check, the person checked must submit a personal data questionnaire as follows:
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

- 1) to the operator of the aerodrome or heliport or to the Transport Administration where an airport identification card is applied for;
- 2) to the air operator where a crew identification card is applied for;
- 2¹) in the cases specified in clauses 12–14 of subsection 2 of this section to the employer of the person checked;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 3) to the Transport Administration in all other events specified in subsection 2 of this section.

(8¹) The person checked submits a personal data questionnaire upon applying for the document specified in subsection 2 of this section for the first time or before starting to perform the function.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(8²) The person checked submits a personal data questionnaire again upon applying for the document specified in subsection 2 of this section or in order to perform a function where any of the circumstances specified in subsection 6² of this section have appeared or where the person checked commences employment with another employer.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(9) In the personal data questionnaire the person checked must give their personal data, information about family ties, education and work experience as well as other information that allows for verifying the existence of the circumstances specified in subsections 4 and 5 of this section. Where possible, the person checked submits in the personal data questionnaire information on their place of residence and employer, documents certifying education and conviction data or an official confirmation of absence of convictions with regard to all the countries of residence indicated in the application, except Estonia.

(9¹) At the request of the Estonian Internal Security Service, the person checked submits clarifying or additional information or documents about the circumstances relevant to the matter during the check specified in subsection 6 of this section.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(10) The operator of an aerodrome or heliport, air operator, the employer of the person checked and the Transport Administration forward the documents submitted by the person checked to the Estonian Internal Security Service for the purpose of carrying out a check.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(11) The Estonian Internal Security Service notifies the person or authority specified in subsection 8 of this section in writing of the results of the first check, including the circumstances specified in subsections 4 and 5 of this section, within 15 days after receiving the documents.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(12) Where, for the purposes of carrying out the check, the Estonian Internal Security Service needs to make an enquiry to an international organisation, foreign state or a local authority or an educational institution or the person checked has failed to submit the data or documents requested under subsection 9¹ of this section, the time limit of informing about the results of the check may be extended to up to 45 days.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(12¹) Upon carrying out the check, the Estonian Internal Security Service may apply the provisions of the Security Authorities Act, which govern the processing of personal data.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(12²) Personal data collected for the purpose of carrying out the check are retained for a period of ten years following the completion of the check, expiry of the contract or document serving as the basis for the performance of the task specified in subsection 2 of this section or termination of the checked employment or service relationship. After the expiry of this term, the data are deleted.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(13) The personal data questionnaire form is established by a regulation of the minister in charge of the policy sector.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46¹⁰. Access to aircraft

[Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.8 amended to number 46.10]

§ 46¹¹. Security screening of persons and their baggage

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.9 amended to number 46.11]

(1) The list of articles that are prohibited to be taken to the security restricted area of an aerodrome or heliport or on board an aircraft is displayed in a visible place in the passenger terminal and in screening points of an airport.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) A person is not permitted into security restricted areas of an aerodrome or heliport or on board aircraft where they refuse to undergo screening or where there is reason to believe that they may expose themselves or other persons to danger.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(3) Hand search is conducted in the event the technical equipment required for screening is not in a working order or in the event of a power outage.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(4) Heads of state, the Prime Minister of the Republic of Estonia, the President of the *Riigikogu*, the Minister of Foreign Affairs, the spouses and minor children travelling with them are exempt from security screening. The exemption from security screening applies to persons of foreign states holding an equal position, bodyguards who ensure the protection of the persons listed in this subsection or who travel with them or send them on a trip as well as to the cabin baggage of persons exempt from security screening.
[RT I, 21.10.2015, 1 – entry into force 22.10.2015]

(4¹) At the request of the Director of the Office of the President of the Republic, the Ministry of Foreign Affairs may exempt a guest invited to a visit by the President of the Republic may be exempted from security screening. The President of the *Riigikogu* may exempt a guest of the *Riigikogu* who is on an official visit to the Republic of Estonia from security screening. Upon exemption from security screening, notice must be given in accordance with the procedure set out in § 4³ of this section.
[RT I, 21.10.2015, 1 – entry into force 22.10.2015]

(4²) At the request of a member of the Government of the Republic or the State Secretary, the Ministry of Foreign Affairs may exempt a guest who is on an official visit to the Republic of Estonia from security screening.

[RT I, 21.10.2015, 1 – entry into force 22.10.2015]

(4³) The airport or heliport operator must be informed of the arrival to the security restricted area of a person exempt from security screening by the inviter of the person, where possible, at least 48 hours before the arrival of the person at the airport.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(5) Where it becomes evident upon screening of hold baggage that the baggage may contain prohibited articles and where the passenger cannot be found, the screener has the right to open the baggage in the presence of a representative of the air carrier. In the event of justified doubt, locked baggage may be opened in the presence of a representative of the Police and Border Guard Board or the Tax and Customs Board or with the written consent of the passenger.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(6) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(7) The procurer of security equipment required for screening, which is specified in Regulation (EC) No 300/2008 of the European Parliament and of the Council, is entitled to pre-approve the equipment with the Transport Administration.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46¹². Entities responsible for security measures for cargo, mail and in-flight supplies and approval of such persons

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.10 amended to number 46.12]

(1) In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council, Commission Regulations (EC) No 272/2009 and (EU) No 2015/1998, the known consignor, the regulated agent and the account consignor are responsible for implementing security measures for cargo and mail.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(2) In accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council, Commission Regulations (EC) No 272/2009 and (EU) No 2015/1998, the air carrier, the regulated supplier of in-flight supplies or the known supplier is responsible for implementing security measures for in-flight supplies.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(3) The persons specified in subsections 1 and 2 of this section must comply with the requirements established to them in Commission Regulation (EU) No 2015/1998.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(4) The known consignor, the regulated agent and regulated supplier of in-flight supplies must be approved by the Transport Administration.

(5) A person who applies for approval as a person specified in subsection 4 of this section must, in addition to the information specified in the General Part of the Economic Activities Code Act, submit to the Transport Administration a confirmation of the completion of a background check of the person responsible for security (security manager) or a request for carrying out a background check.

(6) In addition to the information and documents specified in subsection 5 of this section, a person applying for the status of a regulated agent or a regulated supplier of in-flight supplies, must submit the following:

- 1) a security programme;
- 2) a signed 'Declaration of commitments – regulated agent' or 'Declaration of commitments – regulated supplier of in-flight supplies' in accordance with Commission Regulation (EU) No 2015/1998.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(7) Where an application for approval is not reviewed within the prescribed time limit, the approval is not deemed given to the applicant by default upon expiry of the time limit.

(8) The Transport Administration approves a known consignor, a regulated agent and a regulated supplier of in-flight supplies where they comply with the requirements provided for in Commission Regulation (EU) No 2015/1998.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(9) An approval decision remains in force for five years.

(10) An application for renewal of the validity of approval must be submitted at least 60 days before the expiry of the approval and the documents specified in subsections 5 and 6 of this section must be annexed to the application.

(11) The Transport Administration refuses to approve or renew the approval of a known consignor, regulated agent or regulated supplier of in-flight supplies where:

1) the security programme or signed declaration submitted by the person applying for approval as a regulated agent does not comply with the requirements established in point 6.3.1.2(a) of the Annex to Commission Regulation (EU) No 2015/1998;

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

1¹) the security programme or signed declaration submitted by the person applying for approval as a regulated supplier of in-flight supplies does not comply with the requirements established in point 6.3.1.2(a) of the Annex to Commission Regulation (EU) No 2015/1998;

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

2) in the course of the on-site verification of a site it is identified that the known consignor does not apply the requirements set out in Attachment 6-B of Commission Regulation (EU) No 2015/1998;

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

3) in the course of the on-site verification of a site it is identified that the person applying for approval as a regulated agent or regulated supplier of in-flight supplies does not properly take the measures set out in its security programme;

4) the circumstance specified in subsection 4 of § 46⁹ of this Act exists with regard to the person responsible for security (security manager);

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

5) the person has knowingly submitted false information that could influence the reviewing of the application and that, where not submitted, would result in the refusal of the approval on the grounds set out in clauses 1–3 of this subsection;

6) the person does not submit an application for the renewal of the approval at least 60 days before the expiry of the approval.

(12) The Transport Administration may refuse to approve a known consignor, regulated agent or regulated supplier of in-flight supplies or refuse to renew the recognition where the circumstance specified in subsection 5 of § 46⁹ of this Act exists regarding the person responsible for security (security manager).

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(13) The Transport Administration revokes an approval decision where the circumstance specified in subsection 4 of § 46⁹ of this Act exists regarding the person responsible for security (security manager).

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(14) The Transport Administration may revoke the approval where:

1) in the course of regulatory enforcement it is identified that the known consignor does not apply the requirements set out in Attachment 6-B of Commission Regulation (EU) No 2015/1998;

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

2) the circumstance specified in subsection 5 of § 46⁹ of this Act exists with regard to the person responsible for security (security manager);

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

3) in the course of regulatory enforcement it is identified that the regulated agent or the regulated supplier of in-flight supplies does not properly take the measures set out in its security programme.

(15) A state fee must be paid for reviewing an application for the approval of a known consignor, regulated agent and regulated supplier of in-flight supplies as well as for reviewing an application for the renewal of the approval.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46¹³. Security checks of diplomatic mail

[Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.11 amended to number 46.13]

§ 46¹⁴. Firearms and ammunition on board aircraft

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.12 amended to number 46.14]

(1) The firearms carried in a civil aircraft as hold baggage must be unloaded and packaged in a manner that precludes access to the firearms and the use thereof throughout the flight. Where an aircraft operator cannot ensure the inviolability of the aforementioned article during the period specified above, a firearm is not taken on board an aircraft.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) A firearm is carried in an aircraft cabin in compliance with the procedure provided for in the Weapons Act and in accordance with the provisions of the flight operations manual of the air carrier carrying out the operations.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(3) Upon carriage of a firearm and ammunition on an aircraft as hold baggage, the packaging thereof must bear the marking ‘firearm’ or the corresponding pictogram.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46¹⁵. Carriage of passengers requiring special treatment

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.13 amended to number 46.15]

(1) For the purposes of this Act, ‘passenger requiring special treatment’ means:

- 1) a prisoner, a person in detention or custody;
- 2) a person expelled from the country;
- 3) a passenger who may under any other circumstances threaten the aircraft and the persons therein.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) At least 24 hours before the planned flight the person booking the flight must inform the airport operator and air carrier or its representative about the carriage of a passenger requiring special treatment and the carrier or its representative informs the pilot-in-command of the aircraft about the time of the passenger’s flight, sends a risk analysis and, where necessary, the number of the representatives of the law enforcement authority staying on board of the aircraft with a weapon, and the location of their seats.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(3) Where necessary, a passenger requiring special treatment is accompanied by a representative of a law enforcement authority.

[RT I 2008, 50, 290 – entry into force 22.12.2008]

(4) A person expelled from the state may be unaccompanied on board the aircraft where there is adequate reason to presume that the person will not affect the safety of the flight during the flight. Where a person expelled from the state is unaccompanied, the carrier is responsible for the person until the person is handed over to the immigration service of the relevant state.

[RT I 2008, 50, 290 – entry into force 22.12.2008]

(5) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46¹⁶. Supplementary security measures

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.14 amended to number 46.16]

(1) An aerodrome or heliport operator and an air operator must take the supplementary security measures established by the Transport Administration upon the provision of services to all the flights or the flights of certain air operators for a specified or unspecified period of time.

(2) Where possible, the Republic of Estonia takes into account the requests of foreign states to apply supplementary security measures with respect to a specific flight or flights and, where necessary, demands that the state that made the request cover the expenses accompanying the application of the given measures.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 46¹⁷. Reporting of occurrences and of unlawful interference with civil aviation activities

[RT I, 26.02.2015, 2 – entry into force 01.03.2015 – section number 46.15 amended to number 46.17]

(1) The air carrier, airport operator and heliport operator, air navigation service provider, regulated agent, regulated supplier of in-flight supplies, known consignor or any other entity that implements security measures must inform the Transport Administration about a serious security breach or incident or unlawful interference with civil aviation in writing not later than on the next working day and send a report on the results of the internal investigation in the undertaking to the Transport Administration.

(2) The Transport Administration must inform the International Civil Aviation Organisation of an illegal interference with civil aviation within 30 days and the final report of the event must be sent to the International Civil Aviation Organisation immediately after making the final conclusions of the investigation.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 46¹⁸. Qualifications, training and approval of person implementing security measures

(1) The duties of a person implementing security measures are related to the security screening of persons, articles carried by them, cabin baggage, checked-in baggage, co-mat and co-mail, cargo, mail, in-flight supplies

and airport supplies, vehicle screening, access control of the security restricted areas of the airports and heliports, and to undertaking patrols.

(2) A person who independently implements security measures must have the Transport Administration's approval.

(3) The Transport Administration approves a person implementing security measures where the applicant:

- 1) is a permanent resident of Estonia or the European Union or a member state of NATO;
- 2) the applicant is at least 19 years of age;
- 3) the applicant's medical status allows for performing their duties;
- 4) the applicant has at least the level B2 proficiency of the official language in accordance with the Language Act, provided that it is necessary for the performance of the duties;
- 5) the applicant has at least secondary education;
- 6) the applicant has successfully completed a background check;
- 7) to perform their duties, the applicant has competencies corresponding to the requirements established to a person implementing security measures provided for in Commission Regulation (EU) No 2015/1998; [RT I, 07.03.2018, 1 – entry into force 15.03.2018]
- 8) to perform the duties, the applicant has completed training that complies with the requirements of Commission Regulation (EU) No 2015/1998. [RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(4) The requirements established to the health of a security employee under the Security Activities Act are followed upon assessing the medical status of a person, taking into account the nature of the duties assigned to the person. [RT I, 01.03.2023, 2 - entry into force 01.07.2024]

(5) The Transport Administration refuses to approve a person implementing security measures and to renew the approval in the following events:

- 1) the applicant does not comply with the requirements provided for subsection 3 of this section;
- 2) the circumstances specified in subsection 4 of § 46⁹ of this Act exist regarding the applicant; [RT I, 03.05.2016, 4 – entry into force 13.05.2016]
- 3) the applicant has knowingly submitted false information that could influence the review of the application and which, where not submitted, would result in the refusal of the approval or refusal to renew the approval on the ground set out in clause 1 of this subsection.

(6) The Transport Administration may refuse to approve a person implementing security measures or to renew the approval where the circumstance specified in subsection 5 of § 46⁹ of this section exists with regard to the applicant. [RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(7) Where a person implementing security measures carries out the security screening of persons, articles carried by them, cabin baggage, checked-in baggage, co-mat and co-mail, mail, cargo, in-flight supplies and airport supplies as well as the screening of vehicles, the person's approval remains in force for three years.

(8) Where a person implementing security measures controls access to the security restricted areas of an airport or heliport and undertakes patrols, their approval remains in force for five years.

(9) A person implementing the security measures specified in point 11.2 of Commission Regulation (EU) No 2015/1998 must participate in respective repeat training with a frequency that is sufficient to ensure the preservation of the required competencies and the acquisition of new competencies in line with the development of the field of aviation security. [RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(10) The Transport Administration revokes the decision to approve a person implementing security measures where the circumstance specified in subsection 4 of § 46⁹ of this Act exists regarding the person. [RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(11) The approval of a person implementing security measures may be fully or partially be revoked where:

- 1) the person did not complete recurrent training with the prescribed frequency;
- 2) the person does not apply for repeat approval as a person implementing security measures within three months before the expiry of the approval;
- 3) in the course of regulatory enforcement it becomes evident that the person does not have the required level of competencies;
- 4) the medical status of the person does not allow for performing their duties;
- 5) the circumstance specified in subsection 5 of § 46⁹ of this Act exists regarding the person. [RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(12) More detailed requirements for the training of persons implementing security measures as well as the frequency and documenting of carrying out training are established by a regulation of the minister in charge of the policy sector.

(13) A state fee must be paid for reviewing an application for the approval of a person implementing security measures and for the re-approval.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

Chapter 7² **OPERATION OF UNMANNED AIRCRAFT SYSTEM**

[RT I, 08.06.2022, 2 - entry into force 18.06.2022]

§ 46¹⁹. Registration and operation of unmanned aircraft system

(1) Unmanned aircraft systems are registered and operated in conformity with Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45–71).

(2) Operation of an unmanned aircraft system is prohibited without remote pilot competency.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²⁰. Registration of unmanned aircraft system operator

(1) A person who is obliged to register themselves as an unmanned aircraft system operator under Commission Implementing Regulation (EU) 2019/947 registers themselves as an operator in the aviation safety supervision information system.

(2) The Transport Administration issues the registration number of an unmanned aircraft system operator to the person specified in subsection 1 of this section in the aviation safety supervision information system. The registration number is valid for one year and can be extended each year.

(3) A state fee is paid for the issue and extension of the registration number of an unmanned aircraft system operator at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²¹. Remote pilot competency

(1) In order to obtain competency in subcategories A1 and A3 of the open category, a remote pilot must comply with the requirements provided for in point UAS.OPEN.020(4) of Part A of the Annex to Commission Implementing Regulation (EU) 2019/947. The online theoretical knowledge examination described in the specified point is organised in the aviation safety supervision information system of the Transport Administration.

(2) In case of passing the theoretical knowledge examination specified in subsection 1 of this section, the Transport Administration issues a certificate on completing training in subcategories A1 and A3 to the person.

(3) Where a person applies for a remote pilot competency in subcategory A2 of the open category or in the specific subcategory, the person must comply with the requirements provided for in point UAS.OPEN.030(2) of Part A or in point UAS.STS-01.020 or UAS.STS-02.020 of Part B of the Annex to Commission Implementing Regulation (EU) 2019/947. In order to prove remote pilot competency, the required theoretical knowledge examination is organised by the Transport Administration or an unmanned aircraft remote pilot training organisation certified by the Transport Administration (hereinafter *remote pilot training organisation*).

(4) After proving compliance with the requirements of subsection 3 of this section, the Transport Administration issues a remote pilot certificate to the person.

(5) A state fee is paid for the issue of a certificate to a person on the completion of training in subcategories A1 and A3 and for the review of an application for a remote pilot certificate at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²². Suspension, revalidation and revocation of remote pilot training certificate and remote pilot certificate

(1) The Transport Administration may suspend or revoke a remote pilot training certificate or remote pilot certificate where the remote pilot has violated:

- 1) the requirements of legislation regulating aviation;

- 2) the provisions of legislation regulating safety of third persons, processing of personal data and inviolability of private life;
- 3) the requirements provided in point UAS.OPEN.060 of Part A or point UAS.SPEC.060 of Part B of the Annex to Commission Regulation (EU) 2019/947.

(2) Where the basis for the suspension of a remote pilot training certificate or remote pilot certificate has been eliminated or has ceased to exist, the Transport Administration revalidates the remote pilot training certificate or remote pilot certificate.

(3) Where a suspended remote pilot training certificate or remote pilot certificate has not been revalidated within the term set in the suspension decision, the Transport Administration revokes the remote pilot training certificate or remote pilot certificate.

(4) In the event of surrender of a remote pilot training certificate or remote pilot certificate, the Transport Administration revokes it.

(5) Where a remote pilot training certificate or remote pilot certificate is revoked on the basis of subsection 1 of this section, the Transport Administration does not issue a new remote pilot training certificate or remote pilot certificate to the person during six months after revocation of the previous remote pilot training certificate or remote pilot certificate.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²³. Remote pilot training organisation certificate

(1) A remote pilot training organisation certificate for organising remote pilot training is issued by the Transport Administration.

(2) The Transport Administration decides the granting or refusal of a training organisation certificate specified in subsection 1 of this section or its amendment certificate within 90 days after the submission of the application and all the required documents. The Transport Administration may extend the time limit for making the decision once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(3) A remote pilot training organisation organises its activities in accordance with the remote pilot training organisation manual.

(4) A remote pilot training organisation certificate is issued for an unspecified term.

(5) The Transport Administration refuses to issue a remote pilot training organisation certificate where the manual of the applicant does not comply with the requirements established on the basis of subsection 9 of this section or where incorrect information has been submitted in the application.

(6) The Transport Administration may suspend or revoke a remote pilot training organisation certificate where the training organisation no longer complies with the requirements established under subsection 9 of this section.

(7) The Transport Administration revokes a remote pilot training organisation certificate where:

- 1) the holder of a certificate has not eliminated the deficiencies that served as the basis for the suspension of the certificate within the period of suspension of the certificate and does not comply with the requirements serving as the basis for the issue of the certificate;
- 2) the holder of a certificate surrenders the certificate.

(8) The holder of a certificate must notify the Transport Administration of the date of surrender in writing at least 30 calendar days before the surrender of the certificate. The Transport Administration revokes the certificate as at the date of surrender notified by the holder of the certificate.

(9) The requirements for the remote pilot training organisation manual shall be established by a regulation of the minister in charge of the policy sector.

(10) A state fee is paid for the review of an application for a remote pilot training organisation certificate, the review of an application for amendment of the certificate and for maintaining a certificate at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²⁴. Specific category operational declaration and operational authorisation

(1) For the purposes of having approved an operational declaration in the specific category of an unmanned aircraft system defined in Commission Implementing Regulation (EU) 2019/947, an operational declaration complying with the requirements of point UAS.SPEC.020 of Part B of the Annex to the same Implementing Regulation must be submitted to the Transport Administration in the aviation safety supervision information system.

(2) For the purposes of obtaining an operational authorisation in the specific category of an unmanned aircraft system defined in Commission Implementing Regulation (EU) 2019/947, an application complying with the requirements of point UAS.SPEC.030 of Part B of the Annex to the same Implementing Regulation must be submitted to the Transport Administration in the aviation safety supervision information system.

(3) In the event of flights made under an operational declaration or operational authorisation, the operator must have a valid liability insurance contract for insuring the liability of the operator for any third party claims arising upon operation of an unmanned aircraft system.

(4) The Transport Administration makes a decision to approve or to refuse to approve an operational declaration within 30 days following the submission of an application or, where the application contains deficiencies, following the elimination of the deficiencies. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(5) The Transport Administration makes a decision to issue or to refuse to issue an operational authorisation within 90 days following the submission of an application or, where the application contains deficiencies, following the elimination of the deficiencies. The Transport Administration may extend the time limit for making the decision once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(6) The Transport Administration refuses to approve an operational declaration or issue an operational authorisation where the person has knowingly submitted false information that could affect the reviewing of the application and the non-submission of which should bring about the refusal to approve the operational declaration or issue the operational authorisation.

(7) An operational authorisation is issued with a period of validity of up to five years.

(8) A state fee is paid for the review of an operational declaration at the rate provided for in the State Fees Act.

(9) A state fee is paid for the review of an application for an operational authorisation at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²⁵. Certificate of competency of light unmanned aircraft system operator

(1) In order to obtain a certificate of competency of a light unmanned aircraft system operator, a legal person submits an application which contains all the data specified in point UAS.LUC.010(b) of Part C of the Annex to the Commission Implementing Regulation (EU) 2019/947 to the Transport Administration in the aviation safety supervision information system.

(2) The Transport Administration reviews the application and makes a decision to grant or refuse a certificate of competency within 90 days following the submission of an application or, where the application contains deficiencies, following the elimination of the deficiencies. The Transport Administration may extend the time limit for making the decision once by up to 90 days where it is necessary due to the complexity of the case. Where an application is not reviewed within the time limit, the certificate is not deemed granted to the applicant by default upon expiry of the time limit.

(3) The Transport Administration refuses to issue a certificate of competency in the following cases:

- 1) the person does not comply with the requirements set in points UAS.LUC.020, UAS.LUC.030 and UAS.LUC.040 of Part C of the Annex to Commission Implementing Regulation (EU) 2019/947;
- 2) the person has knowingly submitted false information that could affect the reviewing of the application and the non-submission of which should bring about the refusal to grant a certificate of competency.

(4) A state fee is paid for the review of an application for a certificate of competency and for maintaining a certificate of competency at the rate provided for in the State Fees Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 46²⁶. Limitation, suspension, revalidation and revocation of operational authorisation in specific category and certificate of competency of light unmanned aircraft system operator

(1) The Transport Administration limits, suspends or revokes an operational authorisation in a specific category for an unmanned aircraft or a certificate of competency of a light unmanned aircraft system operator in the following cases:

- 1) the person has violated aviation safety requirements;
- 2) the person no longer complies with the requirements for obtaining an operational authorisation in a specific category or a certificate of competency of a light unmanned aircraft system operator;
- 3) the holder of an operational authorisation in a specific category has violated the requirements provided in point UAS.SPEC.050, UAS.SPEC.090 or UAS.SPEC.100 of Part C of the Annex to Commission Implementing Regulation (EU) 2019/947;
- 4) the holder of a certificate of competency of a light unmanned aircraft system operator has violated the requirements provided in point UAS.LUC.020 or UAS.LUC.090 of Part C of the Annex to Commission Implementing Regulation (EU) 2019/947.

(2) An operational authorisation in a specific category or a certificate of competency of a light unmanned aircraft system operator may be suspended for up to six months.

(3) Where the holder of an operational authorisation or certificate of competency has not eliminated the deficiencies that served as the basis for the suspension within the period of suspension or does not comply with the requirements serving as the basis for the issue of the operational authorisation or certificate of competency, the Transport Administration revokes the operational authorisation or certificate of competency.

(4) Where the basis for the suspension of an operational authorisation or certificate of competency has been eliminated or has ceased to exist, the Transport Administration revalidates the operational authorisation or certificate of competency.

(5) Where the basis for the limitation of an operational authorisation or certificate of competency has been eliminated or has ceased to exist, the Transport Administration revalidates the operational authorisation or certificate of competency.

(6) In the event of surrender of an operational authorisation or certificate of competency, the Transport Administration revokes it. The holder of an operational authorisation or certificate of competency must notify the Transport Administration of the date of surrender in writing at least 30 calendar days before the surrender of the operational authorisation or certificate of competency. The Transport Administration revokes the operational authorisation or certificate of competency as at the date of surrender notified by the holder of the operational authorisation or certificate of competency.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

Chapter 7³ **MILITARY AVIATION**

[RT I, 27.06.2024, 2 - entry into force 28.06.2024]

Subchapter 1 **Military Aviation Licences and** **Certificates, their Grant and Recognition**

[RT I, 27.06.2024, 2 - entry into force 28.06.2024]

§ 46²⁷. Competent military aviation authority for grant of appropriate licences and certificates, verification of compliance with requirements and recognition of licences and certificates issued by other authorities and organisations

The Estonian Defence Forces is the competent military aviation authority for the purposes of granting the appropriate licences and certificates and recognising the licences and certificates issued by other authorities and organisations with regard to:

- 1) the military aviation personnel specified in the regulation established on the basis of subsection 3 of § 7² of this Act;
- 2) airworthiness of military aviation aircraft;
- 3) producer organisations engaged in military aviation;
- 4) maintenance organisations engaged in military aviation;

- 5) continuing airworthiness management organisations engaged in military aviation;
 - 6) training organisations engaged in military aviation;
 - 7) military aviation aerodrome facilities;
 - 8) flight simulation training devices required in military aviation.
- [RT I, 27.06.2024, 2 – entry into force 28.06.2024]

§ 46²⁸. Mandatory nature, and grant, of licences and certificates in military aviation

(1) The military aviation personnel specified in the regulation established on the basis of subsection 3 of § 7² of this Act must hold a valid licence as appropriate for engaging in military aviation.

- (2) For the purposes of military aviation, a valid certificate as appropriate must be held:
- 1) for a military aviation aircraft to evidence its airworthiness and continuing airworthiness;
 - 2) by a producer organisation engaged in military aviation where appropriate;
 - 3) by a maintenance organisation engaged in military aviation;
 - 4) by a continuing airworthiness management organisation engaged in military aviation;
 - 5) by a training organisation engaged in military aviation;
 - 6) for a military aviation facility;
 - 7) for a flight simulation training device used in military aviation.

(3) The competent military aviation authority makes a decision on granting a licence or certificate within 30 days after the submission of an application with all the required information.

(4) The procedure for applying for and granting of licences and certificates and for applying for and deciding on the recognition of licences and certificates issued by other authorities and organisations is established by a regulation of the minister in charge of the national defence policy sector.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

§ 46²⁹. Refusal to grant, suspension and revocation of licences and certificates

(1) The competent military aviation authority refuses to grant a licence or certificate if a military aviation personnel member, organisation, facility or flight simulation training device does not comply with the requirements established for the same in the legislation.

(2) A licence or certificate may be suspended if it appears that a military aviation personnel member, organisation, facility or flight simulation training device does not comply with the requirements established for the same in the legislation.

(3) In the case specified in subsection 2 of this section, the licence or certificate is suspended until the requirements are fulfilled within the time limit set for remedying the deficiencies.

(4) If the deficiencies are not remedied within the set time limit, the licence or certificate is revoked.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

§ 46³⁰. Recognition of licences and certificates in military aviation

(1) The competent military aviation authority may recognise a licence or certificate issued by another authority or international organisation where the person's qualification, the organisation, aircraft or flight simulation training device complies with the requirements equivalent to those established for military aviation.

(2) To recognise a licence or certificate, the competent military aviation authority assesses on the basis of the information provided in the application the extent to which the person's prior experience and qualification can be taken into account and whether the requirements established for the person, organisation, flight simulation training device or aircraft by law or other legislation are fulfilled.

(3) As a result of recognition, the competent military aviation authority makes a recognition decision and issues the mandatory military aviation licence or certificate provided in § 46²⁸ of this Act.

(4) Where the person to be recognised or the person's licence or certificate does not comply with the requirements established in the regulation established on the basis of subsection 3 of § 7² of this Act or other legislation, the competent military aviation authority issues a restricted licence or certificate. The restrictions are removed where compliance with the requirements is evidenced and the basis for imposing the restrictions has ceased to exist.

(5) The competent military aviation authority makes a recognition decision and issues a licence or certificate within 30 days after the submission of an application with all the required information.

[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

§ 46³¹. Refusal to recognise licence or certificate in military aviation

The competent military aviation authority refuses to recognise a licence or certificate where the person applying for recognition, the organisation, flight simulation training device or aircraft for which recognition is applied does not comply with the requirements established in the regulation established on the basis of subsection 3 of § 7² of this Act or other legislation and a restricted licence or certificate cannot be issued.
[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

Subchapter 2 Airworthiness of Military Aviation Aircraft, Aviation Security Requirements and Transport of Passengers and Cargo

[RT I, 27.06.2024, 2 - entry into force 28.06.2024]

§ 46³². Airworthiness and continuing airworthiness of military aviation aircraft

A military aviation aircraft is airworthy and continues to be airworthy if it complies with the airworthiness or continuing airworthiness requirements provided by the regulation established on the basis of subsection 3 of § 7² of this Act, which is certified by the airworthiness certificate, restricted airworthiness certificate or airworthiness review certificate for the aircraft issued by the competent military aviation authority.
[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

§ 46³³. Application of aviation security requirements in military aviation

(1) The aviation security requirements provided in this section, including the requirements for pre-flight security checks, apply only to the aerodromes, heliports and unmanned aircraft control centres operated by the Estonian Defence Forces or the Estonian Defence League.

(2) The aviation security requirements in military aviation are established in the regulation established on the basis of subsection 3 of § 7² of this Act and these must conform to the provisions of subsection 2 of § 46² of this Act and to the requirements established for restricted military areas in the Estonian Defence Forces Organisation Act.
[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

§ 46³⁴. Transport of passengers and cargo

The requirements for transport of passengers and cargo and combined transport of passengers and cargo for the purposes of performing the duties of an authority in the area of government of the Ministry of Defence or the duties of the Estonian Defence League are established in the regulation established on the basis of subsection 3 of § 7² of this Act.
[RT I, 27.06.2024, 2 – entry into force 28.06.2024]

Chapter 8 OCCURRENCES

[RT I 2005, 29, 216 - entry into force 27.05.2005]

§ 47. Occurrences and reporting thereof

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(1) An occurrence means:

1) an accident for the purposes of Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, pp 35–50);

2) a serious incident for the purposes of Regulation (EU) No 996/2010 of the European Parliament and of the Council;

3) an incident for the purposes of Regulation (EU) No 996/2010 of the European Parliament and of the Council;

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

4) an occurrence without safety effect.

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(1¹) Occurrences are reported in accordance with Regulation (EU) No 376/2014 of the European Parliament and of the Council on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.04.2014, pp 18-43).
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(2) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(3) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(4) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5) ‘Occurrence without safety effect’ means an occurrence that does not qualify as an accident, serious incident or incident, but that may, in the event of certain coincidences, become one.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5¹) For the purposes of Article 6(3) of Regulation (EU) No 376/2014 of the European Parliament and of the Council, the competent authorities are the Transport Administration and Safety Investigation Bureau.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5²) The persons specified in Article 4(6) of Regulation (EU) No 376/2014 of the European Parliament and of the Council, inform the Transport Administration of all occurrences. In addition to the Transport Administration, the Safety Investigation Bureau is informed of an accident and a serious incident.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5³) The person who reported an occurrence must draw up a report on the occurrence and submit it to the Transport Administration via the European reporting portal or, with the prior approval of the Transport Administration, via the reporting system of the organisation. The report must be drawn up in a format that is compatible with the Aviation Data Reporting Program (ADREP) of the European Coordination Centre for Accident and Incident Reporting Systems (ECCAIRS).
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5⁴) The Transport Administration is the point of contact for the purposes of Article 6(3) of Regulation (EU) No 376/2014 of the European Parliament and of the Council and transfers information on occurrences to the European Central Repository.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5⁵) Occurrences not specified in the implementing regulations of Regulation (EU) No 376/2014 of the European Parliament and of the Council or on which information has been collected via the voluntary reporting system specified in Article 5 of Regulation (EU) No 376/2014 of the European Parliament and of the Council must be reported to the Transport Administration in accordance with the reporting requirements specified in the regulation.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5⁶) The authority responsible for the implementation of Articles 16(6), (9) and (11) of Regulation (EU) No 376/2014 of the European Parliament and of the Council is the Transport Administration.
[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(5⁷) Estonia also applies the requirements of Regulation (EU) No 376/2014 of the European Parliament and of the Council to the aircraft operators specified in point (d) of Article 2(3) of Regulation (EU) 2018/1139 of the European Parliament and of the Council.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(6) [Repealed – RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(7) [Repealed – RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(8) [Repealed – RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(9) [Repealed – RT I, 03.05.2016, 4 – entry into force 13.05.2016]

§ 48. Search and rescue in event of accidents and safety investigation of accidents, serious incidents and incidents

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(1) In the event of an aircraft accident that occurs within the range of five nautical miles from an aerodrome, the possessors of the aerodrome organise the initial search and rescue.
[RT I 2010, 24, 115 – entry into force 01.09.2010]

(1¹) In the event of an aircraft accident in Estonian maritime areas and in the parts of Lake Peipsi, Lake Lämmijärv and Lake Pihkva under Estonian jurisdiction, the Police and Border Guard Board is in charge of the search and rescue operations on the ground of and in accordance with the rules provided in the Police and Border Guard Act unless otherwise provided by international agreements. In the event of an aircraft accident on land, the Police and Border Guard Board carries out search operations on the ground of and in accordance with the rules provided in the Police and Border Guard Act and the Rescue Board carries out rescue operations on the ground of and in accordance with the rules provided in the Rescue Act.
[RT I, 20.06.2022, 2 – entry into force 01.01.2023]

(1²) Search and rescue is organised and carried out in accordance with Annex 12 to the 1944 Chicago Convention on International Civil Aviation
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) The safety investigation of aircraft accidents, serious incidents and incidents occurring in Estonia is organised by the Safety Investigation Bureau, a structural unit of the Ministry of Economic Affairs and Communications. The Safety Investigation Bureau is independent upon conducting safety investigation and making related decisions and follows only Acts and other legislation and international agreements binding upon Estonia. No internal oversight is exercised over the safety investigation activities of the Safety Investigation Bureau. The head of the Safety Investigation Bureau is appointed to office and removed from office by the Government of the Republic on the proposal of the minister in charge of the policy sector. Employees of the Safety Investigation Bureau are appointed to office and removed from office and their employment contracts are concluded and terminated by the head of the Safety Investigation Bureau.
[RT I, 13.03.2014, 1 – entry into force 23.03.2014]

(2¹) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(2²) The safety investigation of aircraft accidents and serious incidents (hereinafter *safety investigation*) is carried out in accordance with Regulation (EU) No 996/2010 of the European Parliament and of the Council.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(2³) With regard to an aircraft incident and an accident or serious incident involving an aircraft specified in point (d) of Article 2(3) of Regulation (EU) 2018/1139 of the European Parliament and of the Council, the Safety Investigation Bureau may initiate a safety investigation, given the gravity of the accident or incident and the possibility to draw conclusions that are necessary for avoiding such accident or incident in the future.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) For the purpose of identifying circumstances requiring special expertise, the Safety Investigation Bureau has the right to involve experts and establish committees. Experts and committees involved in a safety investigation participate therein under the guidance and supervision of the official conducting the safety investigation.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(4) The purpose of a safety investigation is to identify the reasons of an accident, serious incident or incident and to make safety recommendations, in order to prevent such accidents and incidents in the future, not the apportion of blame or liability.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5) The authorities involved in a safety investigation must, within the limits of their competence, provide the Safety Investigation Bureau with the required assistance and allow for conducting the safety investigation for identifying the reasons of an accident, serious incident or incident in accordance with the action plan established by the Safety Investigation Bureau. Where the plan established by the Safety Investigation Bureau is in conflict with the steps of criminal proceedings, the plans of both investigations must be coordinated, taking into account the principles of purposefulness of investigation and the existing possibilities.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5¹) The Safety Investigation Bureau has the preferential right to investigate the flight recorders installed in an aircraft and their recordings.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5²) The rights of an official conducting a safety investigation have been provided for in the Regulation (EU) No 996/2010 of the European Parliament and of the Council.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5³) The official conducting a safety investigation must present their identification upon performance of functions related to office.
[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5⁴) The official conducting a safety investigation has the right to make a compliance notice to an obligated person for the purpose of ensuring the performance of the duties and obligations relating to safety investigation steps. The compliance notice must be in writing and contain the following information:

- 1) the time and place of the compliance notice;
- 2) the substance and legal ground of the compliance notice;
- 3) the time limit for complying with the compliance notice;
- 4) the rate of the preventive fine imposed in the event of failure to comply with the compliance notice;
- 5) a notation on the possibility and time limit of and procedure for appealing against the decision;
- 6) the first name and surname and official title of the official who made the compliance notice.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5⁵) Upon failure to comply with a compliance notice specified in subsection 5⁴ of this section, the official conducting the safety investigation may impose a preventive fine in accordance with the procedure provided for in the Substitutional Performance and Non-compliance Levies Act. The maximum preventive fine payable by a natural person is 1500 euros and the maximum preventive fine payable by a legal person is 60,000 euros.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(6) [Repealed – RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(7) The procedure for safety investigation and registration of aircraft accidents, serious incidents and incidents is established by a regulation of the minister in charge of the policy sector.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

§ 49. Safeguarding of information and evidence

(1) The official conducting a safety investigation has the right to question any persons who possess information relevant to the investigation. The official conducting a safety investigation has the right, independently or in cooperation with the investigation body conducting pre-trial proceedings in a criminal case, to access all the relevant information and documents.

(2) Where an aircraft, goods carried on board the aircraft or other objects belonging thereto are found, and where there is good reason to believe that an aircraft accident has occurred, the removal or transfer of any found objects without the permission of the committee of investigation or expert is prohibited. These requirements do not apply in the event of saving human lives or providing assistance to victims.

(3) A person who has taken objects, documents or other evidence from the scene of an accident into their possession must immediately inform the police authorities or the Safety Investigation Bureau thereof and the authorities or the centre must take measures to preserve the property.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

§ 49¹. Reopening of safety investigation

Where new and important evidence becomes available after the termination of a safety investigation, the Safety Investigation Bureau may reopen the safety investigation.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

§ 50. Safety investigation report

The Safety Investigation Bureau draws up a safety investigation report on the results of a safety investigation and the contents of the report must correspond to the nature and severity of the aircraft accident, serious incident or incident.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

Chapter 8¹ **AVIATION SAFETY SUPERVISION** **INFORMATION SYSTEM**

[RT I 2009, 4, 25 - entry into force 26.01.2009]

§ 50¹. Aviation safety supervision information system

(1) The aviation safety supervision information system is a database where data relating to flight operations is processed for the purpose of providing the Transport Administration with information required for the performance of the functions of management and organisation of safety in the field of aviation arising from Acts and other legislation and for carrying out regulatory enforcement.

(2) The controller of the aviation safety supervision information system is the Transport Administration.

(3) The statutes of maintenance of the aviation safety supervision information system are established by the minister in charge of the policy sector.
[RT I 2009, 4, 25 – entry into force 26.01.2009]

Chapter 8²

AIRPORT CHARGES AND SERVICES IN AIRPORT WITH HIGHEST PASSENGER MOVEMENT

[RT I, 28.10.2011, 1 - entry into force 07.11.2011]

§ 50². Scope of application

(1) This Chapter applies to the airport which is open to commercial air traffic and has the highest passenger movement.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) This Chapter does not apply to charges collected for:

1) the remuneration of *en route* and terminal air navigation services in accordance with Commission Regulation (EC) No 1794/2006 laying down a common charging scheme for air navigation services (OJ L 341, 7.12.2006, pp 3–16);

2) the charges collected for the remuneration of groundhandling services referred to in the Annex to Council Directive 96/67/EC on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, pp 36–45);

3) the charges levied for the funding of assistance to disabled passengers and passengers with reduced mobility referred to in Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, pp 1–9).

§ 50³. Airport operator

(1) Airport operator means a person managing the airport, having the tasks of administering and managing the airport infrastructure based on the legislation and contracts and of coordinating and monitoring the activities of operators present at the airport.

(2) Where several persons operate an airport, each such person is an airport operator.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50⁴. Airport user and airport user committee

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) Airport user means a person who carries passengers, mail or freight by air to or from the airport concerned.

(2) An airport operator forms an airport user committee from airport users.

(3) All airport users have the right to participate in the airport user committee in person or through a representative. Each member of the airport user committee has one vote. No representative shall have more than 49 percent of the votes.

(4) An airport user committee has a chairman and deputy chairman who are elected at a meeting of the airport user committee.

(5) An airport user committee is convened as required, but not less frequently than twice a year. Minutes are taken at the meetings of an airport user committee.

(6) An airport user committee adopts resolutions by the majority of votes of the members participating at the meeting. The matters of adoption or approval of the rules of procedure of the airport [user] committee require the majority of votes of the composition of the airport user committee. Upon an equal division of votes, the chairman or the deputy chairman substituting for the chairman has the deciding vote.

(7) An airport user committee adopts its rules of procedure.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50⁵. Airport charges

(1) 'Airport charges' means levies for services rendered to airport users by the airport operator, which are related to landing, take-off and parking of aircraft, lighting of the airport, processing of passengers and freight, and aviation security (hereinafter *airport services*). The rates of airport service charges are set by the airport operator.

(2) Airport charges are set in such a manner that the following is ensured for the airport operator:

- 1) coverage of justified operating expenses;
- 2) investments requirement for provision of airport services;
- 3) adherence to environmental requirements;
- 4) adherence to quality and safety requirements;
- 5) justified yield on invested capital.

(3) The airport operator must keep separate accounts of revenue and expenditure regarding airport services and its other activities. The principles of distinguishing between the expenditure and revenue of airport services and other activities must be specified by the airport operator in its accounting policies and procedures separately with regard to each airport service. The principles of distinguishing between expenditure and revenue must be objectively justified and it must be possible to assess whether airport charges are reasonably proportionate to the value of the airport services.

(4) Airport charges are calculated on the basis of the justified total expenses of the service which, for the purposes of this Act, include direct expenses relating to the service, capital expenses, a proportionate portion of the justified overheads of the airport operator and a reasonable business profit. Expenses are attributed to the service that caused the emergence of these expenses. The expenditure accounting system of the airport operator must ensure that the expenses of a service do not include expenses that are not necessary for providing the service.

(5) Airport charges must not be discriminating against airport users. Airport charges may be differentiated based on the quality, scope and cost of airport services or based on other relevant, objective and transparent criteria. Airport charges may be differentiated also based on public interests, including environmental issues.

(6) The provisions applicable to discounts set out in subsection 3 of § 59 this Act and subsections 4–8, 10, 12 and 13 of the same section apply to airport charges.

(7) The method of calculation of airport charges is established by a regulation of the minister in charge of the policy sector.

§ 50⁶. Change of airport charges

(1) The airport operator sets new rates of airport charges (hereinafter *rates*) by agreement with airport users, where possible. The airport operator makes a proposal for new rates to the airport users not later than four months before the intended entry into force of the new rates. The airport operator may submit a proposal for new rates to airport users within a term shorter than the specified four-month term in the event of extraordinary circumstances, which the airport operator must explain to the airport users.

(2) The airport operator consults airport users regarding the new rates and, where possible, takes the positions of the airport users into account. Consultations with airport users are minuted.

(3) The airport operator submits its decision on the new rates to airport users and publishes it on its website two months before the intended entry into force of the new rates. Where the airport operator and the airport users have not come to an agreement on the new rates, the airport operator must state the reasons for disregarding the opinions of the airport users in writing to the airport users.

§ 50⁷. Resolution of disputes upon setting new rates

(1) Where the airport operator and airport users have not come to an agreement on the new rates, both the airport operator as well as the airport users may address the Competition Authority with a request to analyse whether the change of the rates is justified. The person who submits the request must explain their positions in the request and annex documents proving their positions to the request.

(2) The Competition Authority takes the initial position on whether the change of the rates is justified within four weeks as the receipt of the request specified in subsection 1 of this section, except where a final decision can be made within the same term. The Competition Authority submits their initial opinion for examination and expression of an opinion both to the airport operator as well as to the airport users.

(3) The Competition Authority makes a final decision on whether the change of the rates is justified within four months after receiving the request specified in subsection 1 of this section. With good reason, the Director General of the Competition Authority or an official authorised by the Director General may extend the term by up to two months, informing at least the person who submitted the request and the airport operator about the extension of the term.

(4) In the event of submission of the application specified in subsection 1 of this section, the airport operator may not set new rates before the Competition Authority has made a final decision regarding whether the change of the rates is justified and declared that the change of the rates is fully or partially justified. The airport operator publishes the new rates that are in compliance with the decision of the Competition Authority on its website and may apply them after two weeks have passed from the publication of the new rates.

§ 50⁸. Annual consultations of airport operator with airport users

(1) The airport operator consults airport users at least once a year regarding rates and, where necessary, the quality of airport services. The airport operator must consult airport users also before making a decision on a new infrastructure project planned for the provision of airport services.

(2) Consultations with airport users are organised on the initiative of the airport operator. The annual consultation specified in subsection 1 of this section is carried out not later than by June 30 of the current year, unless the airport operator and airport users agreed otherwise during their last consultation. Where the airport operator and airport users have concluded a multi-annual consultation agreement, the consultations take place in accordance with the procedure and on the dates specified in the agreement. Consultations are minuted.

(3) As a result of the consultations specified in subsection 1 of this section, the airport operator and airport users can conclude an agreement on the quality of airport services, determining, based on rates, the level of quality of the airport service that the airport user is entitled to user for a specific rate.

§ 50⁹. Information disclosed during consultations

(1) During the consultations provided for in § 50⁸ of this Act, the airport operator must disclose to airport users the information serving as the basis for calculation of rates, which includes at least the following:

- 1) list of various airport services and facilities provided in return for the airport charges in force;
- 2) method of establishing airport charges;
- 3) overall cost structure of facilities and services relating to the airport charges;
- 4) revenue from various airport charges and total price of services provided for airport charges;
- 5) funding of facilities and services relating to the airport charges by the state;
- 6) forecasts relating to airport charges, growth of air traffic and investments at least until the next annual consultations;
- 7) the actual usage of the airport facilities and equipment in the year preceding the consultations;
- 8) the expected impact of the major investments planned on the airport capacity.

(2) Before the annual consultations specified in § 50⁸ of this Act, airport users must submit the following information to the airport operator about themselves:

- 1) traffic forecasts;
- 2) composition of the aircraft fleet and its usage forecasts at least until the next annual consultations;
- 3) development plans at the airport at least until the next annual consultations;
- 4) need for services provided at the airport.

(3) The airport operator and airport users must maintain the confidentiality of the information mutually given by them on the basis of subsections 1 and 2 of this section. This obligation does not apply to information considered public in accordance with law.

§ 50¹⁰. Differentiation of airport services and availability of services in event of limited capacity

(1) The airport operator has the right to differentiate the quality and scope of a specific airport service in order to provide tailored services and a dedicated terminal or part thereof.

(2) Where the number of users who would like to use the tailored airport services or the dedicated terminal or a part thereof exceeds the capacity, the airport operator must develop a procedure that ensures the availability of the limited services or limited-capacity terminal or part thereof to all the airport users on adequate, objective, transparent and non-discriminatory grounds (hereinafter *procedure for ensuring service availability*).

(3) The airport operator must publish the procedure for ensuring service availability on its website.

(4) Where a circumstance described in subsection 2 of this section becomes evident and the airport operator fails to establish the procedure for ensuring service availability or the procedure has been established but it does not comply with the principle set out in subsection 2 of this section, the Director General of the Competition Authority or the official authorised by the Director General has the right to make a compliance notice to the airport operator for establishment of the procedure for ensuring service availability or for bringing the procedure in accordance with the principles established in subsection 2 of this section.

§ 50¹¹. Reviewing complaints of airport users

(1) Where, in the opinion of an airport user, the airport operator breaches the duties and obligations established to the airport operator by this Act and the dispute cannot be resolved by way of negotiations between the airport user and the airport operator, the airport user has the right to file a complaint with the Competition Authority, including where:

- 1) the rates applied by the airport operator do not comply with the requirements provided for in subsections 4 and 5 of § 50⁵ of this Act or with the method established on the basis of subsection 7 of the same section;
- 2) the airport operator breaches the procedure for establishing new rates;
- 3) The airport operator breached the agreement on the quality of the airport service specified in subsection 3 of § 50⁸ of this Act;
- 4) Upon emergence of the circumstance specified in subsection 2 of § 50¹⁰ of this Act, the airport operator has not established the procedure for enduring service availability or the procedure has been established, but it does not follow the principles established in subsection 2 of § 50¹⁰.

(2) Upon reviewing a complaint, the Competition Authority consults with the airport operator as well as the airport user who filed the complaint. The time limit for reviewing the complaint is regulated by subsection 3 of § 50⁷ of this Act.

(3) The Competition Authority dismisses a complaint where:

- 1) the complaint is unfounded and without proof;
- 2) the airport user who submitted it does not, within the time limit set by the Competition Authority, grant the Competition Authority access to the information that is at the disposal of the airport user and necessary for resolving the complaint;
- 3) no breaches are identified in the actions of the airport operator based on the complaint.

(4) Where, based on a complaint, the Competition Authority identifies a breach in the actions of the airport operator and the airport operator fails to eliminate the breach during the consultations provided for in subsection 2 of this section, the Director General of the Competition Authority or an official authorised by the Director General makes a compliance notice to the airport user, demanding the breach be eliminated.

§ 50¹². Rights and duties of Competition Authority upon performance of functions

(1) For performing the functions arising from this Act, the Competition Authority has the right to request information and explanations from the airport operator and airport users as well as the original documents, their drafts and other materials or copies or transcripts thereof, granting a reasonable time limit for submitting them. In the event of submission of a transcript, the Competition Authority has the right to demand the original document for the purpose of verifying the authenticity of the transcript.

(2) At the request of the person who hands over the materials or their representative, the Competition Authority issues them a confirmation of the receipt of the materials and, after the procedural steps have been taken, the Competition Authority must return the original copies of the documents to the person who submitted them.

(3) Section 63 of the Competition Act applies to trade secrets disclosed to the Competition Authority in the course of performance of a function.

§ 50¹³. Annual reports of Competition Authority

By May 1 of the following year, the Competition Authority prepares an annual report on each calendar year, describing its activities upon reviewing complaints specified in subsection 1 of § 50⁷ of this Act and upon resolving the airport users' complaints specified in subsection 1 of § 50¹¹ of this Act as well as compliance notices made to the airport operator. The Competition Authority publishes the annual report on its website. [RT I, 28.10.2011, 1 – entry into force 07.11.2011]

Chapter 8³ **GROUND HANDLING AT AIRPORT**

[RT I, 08.06.2022, 2 - entry into force 18.06.2022]

§ 50¹⁴. Scope of application

(1) This Chapter applies to the provision of ground handling services listed in the Annex to Council Directive 96/67/EC.

(2) Where several airports have one operator, this Chapter applies to each airport separately. [RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50¹⁵. Ground handling

Ground handling means the services listed in the Annex to Council Directive 96/67/EC.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50¹⁶. Self-handling and self-handler

(1) Self-handling means a situation in which an airport user directly provides for himself one or more categories of ground handling services and concludes no contract of any description with a third party for the provision of such services.

(2) Self-handler means an airport user who engages in self-handling at the airport.

(3) Among themselves, airport users are not deemed to be third parties where they are connected to each other through exclusive control, in particular where one airport user has a majority holding in another airport user or one person has a majority holding in several airport users.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50¹⁷. Ground handler

(1) Ground handler means a person who supplies third parties with one or more categories of ground handling services.

(2) Where the number of ground handlers in an airport has been limited on the basis of subsection 1 or 6 of § 50³⁰ of this Act, at least one of the suppliers of the corresponding service shall not be directly or indirectly under the control of the following persons:

- 1) the operator of the same airport;
- 2) an airport user who has carried more than 25 percent of the passengers or freight recorded at the airport during the year preceding that in which those ground handlers were selected;
- 3) a person under whose direct or indirect control the person specified in clause 1 or 2 of this subsection is;
- 4) a person who is under the direct or indirect control of the person specified in clause 1 or 2 of this subsection.

(3) A situation where a competition has been arranged in accordance with the requirements of this Act for finding a ground handler complying with the requirements provided in subsection 2 of this section but a ground handler complying with the conditions of the competition has not been found is not deemed to be violation of the obligation provided in the same subsection.

(4) Operation of an airport open to commercial air traffic which has the highest passenger movement must be harmonised with the requirements provided in subsection 2 and 3 of this section within 12 months after the date when the annual traffic volume of the airport exceeds two million passengers or 50,000 tonnes of freight.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50¹⁸. Requirements for ground handlers and self-handlers

(1) An airport operator may make the right to provide ground handling services dependent on compliance with relevant, objective and non-discriminatory conditions.

(2) Ground handlers and self-handlers must comply with the conditions established by the airport operator, including standard conditions and technical specifications.

(3) The conditions specified in subsection 2 of this section set out, among other things:

- 1) the obligation to have a safety management system in place to ensure the safety of operation of ground handlers and self-handlers;
- 2) the obligation of ground handlers and self-handlers to ensure the working order and safety of the vehicles and equipment used for providing the service and the requirements applied upon bringing such vehicles and equipment to the territory of the airport, upon keeping and using them there and upon moving these therefrom.

(4) An airport operator sends the conditions specified in subsection 2 of this section, before approving them, to the airport user committee for examining and expressing an opinion, where the standard conditions or technical specifications apply to ground handling services.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50¹⁹. Continuous service obligation

A ground handler must ensure a continuous service to airport users.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²⁰. Reliability

- (1) Ground handlers and self-handlers must be reliable.
 - (2) Reliability means that commercial operation of an undertaking is pursued in conformity with the relevant legislation and does not harm or jeopardise the operation of the airport, any third persons or the public.
 - (3) Upon assessing whether the requirement of reliability provided in subsections 1 and 2 of this section is complied with, it is assumed that reliability is not ensured in the following cases:
 - 1) an undertaking or its representative has any of the characteristics provided in subsection 1 of § 95 of the Public Procurement Act;
 - 2) an undertaking or its representative has any of the characteristics provided in clauses 1–5 of subsection 4 of § 95 of the Public Procurement Act;
 - 3) an undertaking or a person related thereto through direct or indirect control has substantially or repeatedly violated a ground handling contract previously entered into with the airport operator or a third person so that the violation has resulted in withdrawal from or cancellation of the contract, reduction of the price, compensation for a damage or payment of a contractual penalty;
 - 4) an undertaking or its representative has submitted false information about compliance of ground handlers or self-handlers with the requirements imposed thereon or has failed to submit such information without good reason;
 - 5) an undertaking or its representative has been punished for tax fraud or a criminal offence in the first degree and the information concerning the punishments has not been deleted from the criminal records database;
 - 6) there is a reason to doubt about the reliability of the undertaking based on the previous activities, financial situation or reputation of the undertaking or its representative and the undertaking fails to submit any evidence to allay the doubts.
- [RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²¹. Obligation to ensure sufficient funds

- (1) Ground handlers and self-handlers must have sufficient funds to operate sustainably and in conformity with all applicable requirements.
 - (2) Upon assessing whether the sufficient funds provided in subsection 1 of this section exist, it is assumed that sufficient funds are not ensured in the following cases:
 - 1) the undertaking has tax arrears for which no payment schedule has been arranged within the meaning of the Taxation Act or the legislation of the country of registered office of the undertaking and these exceed the proportion of the sales of the undertaking in the previous calendar year determined by the airport operator;
 - 2) the undertaking delays for more than 30 days with making payments to the airport operator or a third person where such payment is related to the use of the premises, facilities or equipment or buying of the products or services required for ground handling services and the overdue amount exceeds the level determined by the airport operator.
 - (3) An airport operator consults the airport user committee before determining or amending the proportion of tax arrears or the amount of debt specified in subsection 2 of this section.
- [RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²². Obligation to maintain insurance

- (1) Ground handlers and self-handlers must have a valid insurance at all times when engaging in ground handling at the airport.
 - (2) The insurance must cover the reinstatement value of the assets related to ground handling and the obligations to compensate third persons for any possible damage that may arise from ground handling.
 - (3) An airport operator has the right to establish more specific conditions of the obligation to maintain insurance.
- [RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²³. Requirements for employees

The employees of ground handlers and self-handlers must have a command of Estonian or English at the level required for the performance of their duties. An airport operator has the right to require that the employees who communicate with the airport operator or airport visitors upon performing their duties should have a command of Estonian or English at the level that enables efficient communication.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²⁴. Use of subcontractors

- (1) Ground handlers and self-handlers shall inform the airport operator of subcontractors used in ground handling.

(2) The services for the supplying of which the number of self-handlers is limited at the airport may be ordered by a self-handler only from such subcontractors who have the right to supply the corresponding ground handling service to all third persons at the same airport.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²⁵. Ensuring security of network and information system

(1) In order to ensure the security of the relevant network and information system used by the airport operator, ground handlers and self-handlers comply with the requirements of the Cybersecurity Act to the extent that their actions or omissions affect the security of that system.

[RT I, 30.12.2025, 4 – entry into force 01.01.2026]

(2) Ground handlers and self-handlers co-operate with the airport operator upon ensuring the security of the system provided in subsection 1 of this section.

[RT I, 30.12.2025, 4 – entry into force 01.01.2026]

§ 50²⁶. Obligation to provide information

(1) Ground handlers and self-handlers shall provide the airport operator with information related to ground handling to the extent that the airport operator needs such information for organising the work of the airport and for compliance with the requirements provided by the legislation.

(2) An airport operator has the right to require that the information systems of ground handlers or self-handlers should interface, to the extent required to exchange the information specified in subsection 1 of this section, with the information system of the airport operator to which the latter has created general interfacing readiness. Expenses related to interfacing shall be covered by ground handlers or self-handlers unless the parties agree otherwise.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²⁷. Inspection of conformity

(1) An airport operator has the right to inspect the conformity of ground handlers and self-handlers with the requirements provided in this Act and the legislation established on the basis thereof.

(2) Ground handlers and self-handlers shall ensure the access of the airport operator to the items, data carriers and information required for carrying out the inspection.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²⁸. Ground handling contract to be entered into with airport operator

(1) An airport operator shall enter into a contract with ground handlers and self-handlers to arrange the use of immovables and movables that are parts of the airport and the supply of ground handling services.

(2) Where a ground handler fails to perform a contract entered into with an airport user, the airport operator has the right, in order to ensure the functioning of the airport, to temporarily use and allow third persons to use the vehicles, devices, work equipment, employees and premises of the ground handler to organise continued supplying of ground handling services to users of the airport.

(3) In the case provided in subsection 2 of this section, the airport operator pays a reasonable user fee to the ground handler. This may not exceed the fee paid to such ground handler for the same period by the airport users serviced in accordance with subsection 2 of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50²⁹. Ground handling freedom

(1) An airport operator ensures ground handling freedom at the airport when the airport is open for commercial air traffic.

(2) An airport operator need not ensure for third persons the freedom to offer ground handling services at an airport where the annual traffic volume is less than two million passengers or 50,000 tonnes of freight.

(3) An airport operator need not ensure the freedom of self-handling where the annual traffic volume of the airport is less than one million passengers or 25,000 tonnes of freight in case of the following services:

- 1) baggage handling;
- 2) ramp handling;
- 3) fuel and oil handling;

4) physical handling of freight and mail, whether incoming, outgoing or being transferred, between the airport terminal and the aircraft.

(4) Where the airport reaches the freight traffic threshold provided in subsection 2 or 3 of this section, without reaching the corresponding number of passengers, the operator need not ensure the ground handling freedom in case of such ground handling services that are reserved exclusively for passengers.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁰. Restriction of ground handling freedom

(1) The Government of the Republic has the right to establish, by an order, limitations on the number of ground handlers authorised to supply the ground handling services specified in subsection 3 of § 50²⁹ of this Act. Such number may not be limited to fewer than two ground handlers for each ground handling service.

(2) The Government of the Republic has the right to establish, by an order, limitations on the number of self-handlers who have the right to self-handle in case of ground handling services specified in subsection 3 of § 50²⁹ of this Act. Such number may not be limited to fewer than two self-handlers for each ground handling service.

(3) The number ground handlers and self-handlers may be limited on the basis of subsections 1 and 2 of this section where the following would not be ensured without such limitation:

- 1) security of the airport;
- 2) security of the persons in the airport and its immediate vicinity;
- 3) capacity of the airport;
- 4) existence of space required for management and use of the airport; or
- 5) efficient functioning of the airport.

(4) The establishment of restrictions on the basis of subsections 1 and 2 of this section does not limit the number of such ground handlers who supply a service with significant added value where the supply of such service does not hinder the ensuring of the conditions listed in subsection 3 of this section.

(5) The Government of the Republic has the right to limit, by an order, the number of persons specified in subsections 1 and 2 of this section to one ground handler or one self-handler or to prohibit self-handling where, due to deficiencies in the space or capacity of the airport, it is impossible for more persons to supply ground handling services. In such case the Government of the Republic has the right to determine, by an order, the person who has the exclusive right to supply ground handling services to third persons or to engage in self-handling.

(6) In case of ground handling services not specified in subsection 3 of § 50²⁹ of this Act, the Government of the Republic has the right to limit, by an order, the number of persons who have the right to self-handle or supply ground handling services to third persons where, due to deficiencies in the space or capacity of the airport, it is impossible to apply ground handling freedom without restrictions. Such number may not be limited to fewer than two handlers for each ground handling service.

(7) The restrictions established in subsections 5 and 6 of this section shall not:

- 1) extend further than necessary or unduly prejudice the aims of Council Directive 96/67/EC;
- 2) give rise to distortions of competition between ground handlers or self-handlers.

(8) An airport operator and undertakings related thereto through direct or indirect control are deemed to be one service provider upon supplying ground handling services within the meaning of this section.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³¹. Duration of restriction of ground handling freedom

(1) The duration of the restrictions specified in subsections 5 and 6 of § 50³⁰ of this Act may, in case of the persons specified in subsection 1 of the same section, be up to two years and in other cases up to three years. The duration of the restriction may be extended before the expiry of its term where, due to deficiencies in the space or capacity of the airport, it is still impossible for more persons to supply ground handling services.

(2) The Government of the Republic decides on the proposal of the minister in charge of the policy sector the extension of the term by the term specified in subsection 1 of this section no later than three months before the expiry of the term.

(3) In case of persons specified in subsection 1 of § 50³⁰ of this Act, the duration of the restriction may be extended once.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³². Order on restricting ground handling freedom

(1) The order provided in subsections 5 and 6 of § 50³⁰ of this Act sets out the ground handling service or services on which the restriction is imposed.

(2) The order or its explanatory memorandum indicates the deficiencies in the space or capacity of the airport which justify the imposing of the restriction. A plan prepared by the airport operator for eliminating the deficiencies in the space or capacity are annexed to the order.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³³. Communication with European Commission and amendment of restrictions

(1) The minister in charge of the policy sector notifies the European Commission of imposing the restrictions specified in subsections 5 and 6 of § 50³⁰ of this Act and the reasons justifying these no less than three months before entry into force of the restrictions.

(2) At the request of the European Commission, the Government of the Republic may shorten the duration of the restrictions or reduce their extent such that there are no restrictions in the part of the airport where their necessity is not proven in the opinion of the European Commission.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁴. Selection of ground handlers

(1) Where the number of ground handlers in the airport is limited on the basis of subsection 1, 5 or 6 of § 50³⁰ of this Act, ground handlers are selected by competition.

(2) Organisation of a competition is not required where the number of ground handlers has been limited by an order of the Government of the Republic to one ground handler and the airport operator uses the option provided in subsection 5 of this section or where a person who has the exclusive right to supply the service during the validity of the restriction has been determined upon imposing the restriction.

(3) The competition is organised:

- 1) by the airport operator if it does not supply the same ground handling services at the airport and is not directly or indirectly related through control to a supplier of the same services in the same airport and has no ownership interest in the supplier of the same services in the same airport;
- 2) in other cases by the State Shared Service Centre.

(4) An airport operator consults the airport user committee before selecting the winner of the competition. The State Shared Service Centre consults the airport operator and the airport user committee before selecting the winner of the competition.

(5) Where the number of ground handlers is limited at the airport on the basis of subsection 1, 5 or 6 of § 50³⁰ of this Act, the airport operator may:

- 1) supply ground handling services itself without passing the competition provided in this section;
- 2) allow a person who is directly or indirectly under the control of the airport operator to supply ground handling services without passing the competition provided in this section.

(6) Ground handlers are selected for up to seven years. Where a ground handler terminates its activities before the expiry of the term, a new ground handler is selected for a new period of up to seven years.

(7) Upon failure of the competition the organiser of the competition continues to organise competitions at least once a year until a ground handler complying with the conditions of the competition is found.

(8) An airport operator informs the airport user committee of the decisions made on the basis of this section within a reasonable period of time.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁵. Requirements for ground handler competition

(1) Upon organising the competition provided in subsection 1 of § 50³⁴ of this Act, the provisions of the Public Procurement Act concerning the concession contract award procedure are observed.

(2) The competition must comply with the principles provided in § 3 of the Public Procurement Act and be objective. Each person interested in supplying ground handling services must be able to participate in the competition.

(3) The competition is announced in the Official Journal of the European Union.

(4) The organiser of the competition determines the type and volume of the service which is the object of the competition. The organiser of the competition has the right to form packages of various ground handling services where this is reasonable from the viewpoint of functioning of the airport or necessary in order to use the handling volume efficiently.

(5) At the request of an airport operator, the organiser of the competition may include one or several of the following conditions on the supply of individual services or service packages in the conditions of the competition:

- 1) the service may be supplied only in certain areas of the airport;
- 2) the service may be supplied using only certain handling areas or equipment parking areas for this purpose;
- 3) the service must be supplied using a pre-determined handling method;
- 4) the service must be supplied personally, without using any subcontractors.

(6) At the request of an airport operator, the organiser of the competition may include in the conditions of the competition a condition that the winner of the competition has the obligation:

- 1) to supply ground handling services also in an airport which serves peripheral or developing areas of the territory of Estonia and which is of no commercial interest for ground handlers but which is of vital importance to the Estonian state, or
- 2) to supply ground handling services also in such airport which is located on an Estonian island and where the annual traffic volume is no less than 100,000 passengers.

(7) The organiser of the competition notifies the European Commission beforehand of including the condition provided in clause 1 of subsection 6 of this section in the conditions of the competition.

(8) The approval of the European Commission is required for including the condition provided in clause 2 of subsection 6 of this section in the conditions of the competition.

(9) More detailed procedure and conditions of the competition are determined by the organiser of the competition.

(10) The organiser of the competition informs the airport user committee of the planned announcement of the competition, the planned procedure and conditions of the competition and criteria for evaluating tenders as well as the main circumstances relevant to the documents of the competition and their essential contents.

(11) The procedure for notifying the European Commission and asking for an approval of the European Commission in the cases provided in this section, the procedure for notifying the persons interested in participating in the competition about matters related to the competition and the requirements for announcements about the competition to be published in the Official Journal of the European Union shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁶. Selection of self-handlers

(1) Where the number of self-handlers is limited at the airport on the basis of subsection 2, 5 or 6 of § 50³⁰ of this Act (hereinafter in this section *restricted service*), the self-handlers are selected by the airport operator on the basis of relevant, objective, transparent and non-discriminatory criteria. An airport operator does not select a self-handler where the number of self-handlers has been limited by an order of the Government of the Republic to one self-handler and the person who has the exclusive right to engage in self-handling during the validity of the restriction has been determined upon imposing the restriction.

(2) An airport operator grants the right to self-handle in respect of a restricted service to an airport user on the basis of a written application submitted by an airport user.

(3) An airport operator sends a notice about the received application to all airport users. The notice shall not include information about the specific airport user who has submitted the application.

(4) An airport user has the right, within a reasonable period of time after receipt of the notice provided in subsection 3 of this section as set by the airport operator, to submit an application for obtaining the right to self-handle in respect of one or more restricted services. The reasonable period of time for submission of applications shall not be shorter than five working days.

(5) Where the airport operator receives, during the period of time set on the basis of subsection 4 of this section, fewer applications than there are vacant self-handler places allowed for the corresponding restricted service, the airport operator satisfies all the submitted applications that comply with the requirements imposed on self-handlers.

(6) Where the airport operator receives, during the period of time set on the basis of subsection 4 of this section, more applications than there are vacant self-handler places for the corresponding restricted service, the airport operator determines whether all submitted applications comply with the requirements imposed on self-handlers.

Where the number of applications complying with the requirements also exceeds the number of available self-handler places, the airport operator fills the vacant self-handler places by drawing lots.

(7) The drawing of lots provided in subsection 6 of this section is carried out by an airport operator in the presence of a person appointed by the airport user committee no later than within one month after the period of time set on the basis of subsection 4 of this section.

(8) Where an airport user has the right to self-handle in respect of a restricted service at the time of establishment of restrictions on the basis of subsection 2, 5 or 6 of § 50³⁰ of this Act, the right terminates one year after establishment of the restrictions. Where an airport user wishes to continue self-handling after the expiry of the specified term, it submits a written application to the airport operator pursuant to the procedure provided in subsection 2 of this section.

(9) In case of restricted services, self-handlers are selected for up to seven years. Where a self-handler terminates its activities before the expiry of the term, a new self-handler is selected for a new period of up to seven years.

(10) An airport operator informs the airport user committee of the decisions made on the basis of this section within a reasonable period of time.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁷. Access to immovables and movables that are parts of airport

(1) An airport operator shall provide ground handlers and self-handlers with such access to the immovables and movables that are parts of the airport as required for ground handling.

(2) An airport operator establishes the conditions of and fee for access to the immovables and movables that are parts of the airport. The conditions and fee must be relevant, objective, transparent and non-discriminatory. An airport operator consults the airport user committee before establishing the conditions and fee.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁸. Determination of centralised infrastructure

(1) An airport operator determines in the procedure for airport use the infrastructure whose complexity, cost or environmental impact does not allow its division or duplication (hereinafter *centralised infrastructure*). An airport operator consults the airport user committee before determining centralised infrastructure.

(2) Centralised infrastructure means:

- 1) de-icing system;
- 2) baggage sorting system;
- 3) water purification system;
- 4) fuel distribution system;
- 5) flight information system;
- 6) other infrastructure of an airport operator complying with the conditions provided in subsection 1 of this section.

(3) Centralised infrastructure is managed by the airport operator or a person authorised thereby.

(4) The procedure for airport use may establish that ground handlers and self-handlers must use centralised infrastructure.

(5) The conditions of access to centralised infrastructure and the user fee for centralised infrastructure must comply with the provisions of subsection 2 of § 50³⁷ of this Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50³⁹. Requirements for accounting income and expenses

(1) A ground handler keeps separate accounts of the income and expenses of ground handling services and those of its other activities in accordance with the Accounting Act.

(2) Where an airport operator supplies ground handling services, the operator is not permitted to use income earned from airport operation activities for this and vice versa.

(3) Ground handlers submit the annual report for the preceding financial year together with an opinion of a sworn auditor on the conformity of the accounting to the provisions of subsection 1 of this section to the Competition Authority within six months after the end of the financial year.

(4) The Competition Authority verifies that the requirement established in subsection 2 of this section is complied with.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 50⁴⁰. Consultations organised by airport operator

(1) An airport operator organises a meeting with the airport user committee and ground handlers to consult on the implementation of this Chapter at least once a year.

(2) The meeting may be organised as part of an annual or special meeting of the airport user committee, inviting also ground handlers to the meeting.

(3) Where the number of ground handlers has been limited on the basis of subsection 5 of § 50³⁰ of this Act, the matters discussed at the meeting must include the price of such ground handling services on which restrictions have been imposed and the organisation of the supply of such services.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

Chapter 9 OTHER PROVISIONS CONCERNING AVIATION

§ 51. Special permit and flight permit obtained from Transport Administration

(1) A special one-off permit must be obtained from the Transport Administration to organise air races or public aviation events and to conduct flights where it is impossible to follow the rules of the air, or other extraordinary flights. A special one-off permit from the Transport Administration is not required in the case of a flight below the minimum flight altitudes set out in the rules of the air, which is made in accordance with the standard operation procedures by an operator holding authorisation of a high-risk commercial specialised operation.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1¹) To organise an air race or a public aviation event, the applicant for a special permit must submit an application and documents on the form prescribed by the Transport Administration, which prove that the air race or the public aviation event is carried out in a safe manner and that indicate the circumstances relating to the air race or the public aviation event. To conduct a flight whereby it is not possible to follow the rules of the air or to conduct another extraordinary flight, the applicant for a special permit must submit an application and documents on the form prescribed by the Transport Administration, which prove that the rules of the air cannot be followed or indicate reasons for the extraordinary nature of the flight. The application must indicate the extent to which a deviation from the rules of the air or from the ordinary flight parameters is requested. The Transport Administration reviews an application for a special permit within five working days from the submission of the application.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(1²) The Transport Administration refuses to grant a special permit where the aviation safety is not ensured or where the requested deviations from the rules of the air or ordinary flight parameters can be attained by following the rules of the air.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) The Transport Administration issues a permit to fly for the operation of an aircraft specified in point (d) of Article 2(3) of Regulation (EU) 2018/1139 of the European Parliament and of the Council on the conditions and for the purposes established in Subpart P of Part 21 of Annex I to Commission Regulation (EU) No 748/2012.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The flight conditions accompanying a permit to fly specified in subsection 2 of this section are approved by the Transport Administration together with the issue of the permit to fly.

(4) The procedure for the issue, amendment, suspension and revocation of special permits and permits to fly is established by the minister in charge of the policy sector.

(5) A state fee must be paid for the review of an application for a special permit and a permit to fly obtained from the Transport Administration.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 52. Interception into aircraft's flight

(1) In order to ensure aviation safety and in the interests of security and public order, an air traffic controller has the right to demand that a pilot-in-command of an aircraft lands the aircraft at the nearest suitable aerodrome.

(2) The Government of the Republic establishes the procedure for the interception into an aircraft's flight.

§ 53. Domestic air transport

(1) The Convention for the Unification of Certain Rules for International Carriage by Air applies to domestic air transport.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 54. Air transport of hazardous substances

The transport of hazardous substances by civil aircraft is conducted on the basis of written permission from the Transport Administration in accordance with the requirements of the 1944 Chicago Convention on International Civil Aviation.

§ 54¹. Air marshal

An air marshal is a police officer or another competent official who has completed relevant training and who, based on the Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration (hereinafter *Prüm Convention*), is responsible for the on-board security of an aircraft and wears an official weapon and its ammunition.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

§ 54². Notification about air marshal

(1) The national point of contact and coordination informs the appropriate authority of a party to the Prüm Convention about the assignment of an air marshal to an aircraft.

(2) The notice is sent to the appropriate authority of the other contracting party at least 72 hours before the respective flight that arrives at or departs from the airport of the state. Exceptionally, the notice may be sent without following the requirements provided for in this section, but before the landing of the aircraft, provided that an occurrence has happened.

(3) Upon notifying about an air marshal, at least the following information must be given in the notice:

- 1) the period of deployment of the air marshal;
- 2) the planned length of stay of the air marshal in the state;
- 3) the flight number and time;
- 4) the first name and surname of the air marshal, indicating the name of the team leader;
- 5) the number of the travel document of the air marshal;
- 6) the make, type and serial number of the official weapon;
- 7) the type and quantity of ammunition;
- 8) information about the equipment carried.

(4) The details of the notice constitute information for official purposes within the meaning of the Public Information Act.

(5) In Estonia, the national point of contact and coordination within the meaning of Article 19 of the Prüm Convention is the authority appointed on the basis of § 2 of the Act on Accession to Convention between Kingdom of Belgium, Federal Republic of Germany, Kingdom of Spain, French Republic, Grand Duchy of Luxembourg, Kingdom of Netherlands and Republic of Austria on Stepping up of Cross-border Cooperation, Particularly in Combating Terrorism, Cross-border Crime and Illegal Migration.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 54³. Carrying and storage of weapon and ammunition of air marshal of foreign state

(1) A foreign air marshal is not permitted to carry the official weapon and ammunition outside the aircraft, unless they are accompanied by a representative of an appropriate authority.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(2) The storing, keeping and returning of the official weapon and ammunition of a foreign air marshal is arranged by the Police and Border Guard Board.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) The procedure for storing and returning the official weapon and ammunition of a foreign air marshal is established by a regulation of the minister in charge of the policy sector.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

§ 55. Prohibition on use of aircraft

(1) The following is prohibited:

1) for an aircraft to take off where the aircraft is not in an airworthy condition or is not manned, equipped or loaded in compliance with the requirements, or where other circumstances impeding the operation of the aircraft become evident;

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

2) to use a civil aircraft for the carriage of objects or substances prohibited by legislation of the Republic of Estonia;

3) to operate an aircraft in a state of intoxication for the purposes of the Law Enforcement Act or in a state exceeding the maximum permitted alcohol level in the bloodstream;

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

4) to operate an aircraft while ill, tired or otherwise in a state in which the person operating the aircraft is not able to perform their duties safely (hereinafter *medical status affecting air safety*).

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(2) The operator of an aerodrome or a person holding written authorisation from the operator has the right to refuse to provide ground handling for an aircraft where the established payments associated with the most recent landing or stay of the aircraft at or departure of the aircraft from the aerodrome have not been paid or where no security concerning payment thereof has been submitted.

(3) The providers of air traffic control service have the right to refuse to provide the service to an aircraft whose operator has failed to pay for air traffic control services provided earlier, except in the case where failure to provide the service would result in danger to the life and health of persons, or damage to the environment.

(3¹) Where the circumstances listed in subsection 1 of this section appear during supervision, the Transport Administration establishes that the aircraft is grounded.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) Where a person operates an aircraft in the status specified in clause 3 of subsection 1 of this section, the person is referred to an examination of the state of intoxication on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(5) A medical status affecting air safety means:

1) a medical status that does not comply with the medical requirements provided for in Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p 1);

2) another dysfunction that may reduce the ability to operate an aircraft safely;

3) fatigueness for the purposes of point 7.5 of Annex V to Regulation (EU) 2018/1139 of the European Parliament and of the Council;

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

4) medical status caused by a substance reducing or hampering the ability to safely operate an aircraft.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(6) The medical status affecting air safety, which is specified in clause 1 of subsection 5 of this section, is identified by an aero-medical examiner.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(6¹) The medical statuses affecting air safety which are specified in clauses 2–4 of subsection 5 of this section are identified by a doctor registered in the health care organisation information system.

[RT I, 20.06.2022, 63 – entry into force 27.06.2022]

(7) In the event of suspicion of a medical status affecting air safety, which is specified in clauses 2–4 of subsection 5 of this section, the police escort the person to the nearest health service provider that holds an activity licence to provide in-patient health services.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(8) The Transport Administration bears the expenses of identifying the medical status affecting air safety.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(9) Where it has been identified that the medical status of a person affects air safety, the person must compensate for the costs of the examination.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 55¹. State of intoxication prohibiting performance of duties

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(1) An aircraft crew member, air traffic controller, flight information service officer, flight operations officer and aircraft certifying staff must not be in a state of intoxication for the purposes of the Law Enforcement Act or in a state exceeding the maximum permitted alcohol level in the bloodstream at the time of performance of their duties.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1¹) The person specified in subsection 1 of this section is deemed to be intoxicated in the following cases:

- 1) the content of alcohol in one gram of blood of the person is 1.50 milligrams or more or the content of alcohol in one litre of breath exhaled by the person is 0.75 milligrams or more;
- 2) the content of alcohol in one gram of blood of the person is 0.50 milligrams or more or the content of alcohol in one litre of breath exhaled by the person is 0.25 milligrams or more and it is externally perceptible that the person has heavily disturbed or changed bodily or mental functions and reactions due to which the person is evidently not able to perform their duties.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1²) The person specified in subsection 1 of this section is deemed to be in a state exceeding the maximum permitted alcohol level in the bloodstream where the content of alcohol in one gram of blood of the person is 0.20 milligrams or more or the content of alcohol in one litre of breath exhaled by the person is 0.10 milligrams or more.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The employer must make certain that employees are not in a state of intoxication for the purposes of the Law Enforcement Act or in a state exceeding the maximum permitted alcohol level in the bloodstream at the time of performance of their duties. The employer must develop measures and work organisational procedures for the prevention and avoidance of harmful effects arising from the state of intoxication and the state exceeding the maximum permitted alcohol level in the bloodstream.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 56. Use of abnormal aircraft

(1) The minister in charge of the policy sector may establish the rules for the operation of pilotless or non-powered aircraft or of other abnormal aircraft and for the operation of aircraft with a take-off mass of up to 500 kg or without type certification, which differ from the provisions of Chapters 2-7 of this Act on the condition that aviation safety is ensured.

(2) The minister in charge of the policy sector establishes rules that regulate the use of airspace by devices that are designed to fly but cannot be classified as aircraft.

[RT I 2003, 88, 594 – entry into force 08.01.2004]

§ 56¹. Fuel planning for flight

Upon flying in the Tallinn Flight Information Region, the fuel reserve that consists of the following must be included in the required amount of fuel in addition to the fuel quantity required for the flight under the flight manual:

- 1) alternate fuel in the event of flying in accordance with the instrument flight rules;
- 2) fuel designated for extraordinary events, which amounts to at least 5 per cent of the required fuel quantity;
- 3) an additional fuel reserve for a 45-minute flight in the case of a single-engine piston aeroplane;
- 4) an additional fuel reserve for a 30-minute flight in the case of a turbine-powered aeroplane at the height of 1500 feet.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 56². Weighing of aircraft and weight and balance report

(1) Before the initial operation of an aircraft and following alterations and modifications, the maintenance staff of the aircraft must identify the mass and the centre of gravity of the aircraft by way of weighing. Upon weighing, the maintenance data of the aircraft must be followed.

(2) The maintenance staff of an aircraft issues a weight and balance report on the weighing of the aircraft.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 57. [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 57¹. Safety management system

(1) An aerodrome or heliport operated for commercial purposes or where training activities take place and an air traffic service and an undertaking engaged in the maintenance of aircraft must have a safety management system. A safety management system (SMS) is a systematic approach for safety management which comprises

an organisational structure developed for the implementation of the general trends in the field of safety, division of responsibilities in the organisation and the procedures and processes that ensure the safety of the operations of the aerodrome or heliport operator, air traffic service and undertaking engaged in the maintenance of aircraft.

(2) An aerodrome or heliport operator, air traffic service and undertaking engaged in the maintenance of aircraft must organise an audit of the safety management system at least once a year. At least once a year an aerodrome or heliport operator must organise the inspection of the facilities and equipment, which must include the audit and inspection of the functions of the aerodrome or heliport operator and the users of the aerodrome or heliport, including the operators operating at the aerodrome or heliport, the providers of ground handling and other services. An audit report of a safety management system must be prepared by a competent and independent safety expert.

[RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 57². Ensuring aeronautical information service

(1) ‘Aeronautical information’ means information necessary for ensuring the safety, regularity and efficiency of air operations. Aeronautical information is published in the Aeronautical Information Publication (AIP).

(2) An aeronautical information service provider (hereinafter *AIS*) appointed by the minister in charge of the policy sector, which is competent to provide an aeronautical information service and which includes the international NOTAM office, is responsible for the collection, processing, translation into English, auditing, formatting, publication and dissemination of aeronautical information. The NOTAM office is a structural unit of AIS communicating standard format international and national information concerning the telecommunications, navigation and surveillance equipment required for the provision of air traffic services, flight and service procedures and the status of and changes in the provided services.

(3) Aeronautical information is prepared by the persons and governmental authorities under whose jurisdiction the aeronautical information is produced and who, according to their areas of activity, are competent to provide information conforming to the requirements of Annexes 3 and 15 of the 1944 Chicago Convention on International Civil Aviation.

(4) Aeronautical information is prepared by:

1) [Repealed – RT I, 30.06.2023, 1 – entry into force 01.07.2023]

2) the Ministry of Defence – information concerning the prohibited areas, danger areas, restricted areas, including the use of parts of airspace for target practice, blasting operations and training and other information concerning military aviation;

3) the Ministry of Climate – information concerning the flight operations specified in subsection 2 of § 1 of this Act, except information specified in clauses 2 and 4–9 of this subsection, meteorological information in compliance with Annex 3 to the 1944 Chicago Convention on International Civil Aviation, information concerning the migration of birds and establishment of flight restrictions for the purposes of nature protection or research;

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

4) the Ministry of Social Affairs – information concerning health protection related to aviation;

5) the Ministry of the Interior – information concerning flight restrictions related to air search and rescue, target practice, blasting operations, guaranteeing of security and information concerning migration, including information on visas and passports;

6) the Ministry of Finance – information concerning customs requirements;

7) the Ministry of Regional Affairs and Agriculture – information concerning agricultural quarantine requirements upon conveyance of animals, plants, animal and plant produce in the state;

8) aerodrome and heliport operators – information concerning the data related to the aerodrome or heliport, the status equipment, facilities and services necessary for their operations, situation at the aerodrome or heliport, information concerning significant hazards and obstacles that affect flight operations in compliance with Annex 15 to the 1944 Chicago Convention on International Civil Aviation, information concerning the procedures on aerodrome or heliport territory and in surrounding airspace, information concerning sunrise and sunset tables and air traffic charges;

9) aeronautical information service providers – information concerning the services provided, the telecommunications, navigation and surveillance equipment required for the provision of air traffic services, air traffic service routes, flight and service procedures and air traffic charges.

(5) The person preparing aeronautical information is responsible for the integrity, correctness, accuracy, inviolability and timely forwarding of aeronautical information to AIS.

(6) In order to perform the obligations specified in subsection 5 of this section, the person preparing aeronautical information, AIS and the Transport Administration enters into an agreement concerning the conditions for communication of the information.

(7) The person preparing aeronautical information must appoint a person responsible for the performance of the obligations specified in subsection 5 of this section and notify AIS and the Transport Administration of the person’s name, position and contact details.

(8) The procedure for communication and publication of aeronautical information, including the types of communication of information, the time limits for communication and validity of information and the requirements for aeronautical surveys are established by the minister in charge of the policy sector.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 57³. Ensuring aviation meteorological service

(1) ‘Aviation meteorological service’ means providing aircraft operators, aircraft crew members, air traffic service units, aviation search and rescue services, aerodromes and heliports and other persons related to flight operations with meteorological information necessary for the performance of their duties.

(2) The Transport Administration is an aviation meteorological authority that organises the provision of the aviation meteorological service.

(3) An aviation meteorological service provider must coordinate the types and extent of aviation meteorological service and the procedures of the exchange of information between the aviation meteorological service providers with the Transport Administration.

(4) The aviation meteorological service may be provided by:

- 1) certified air navigation service providers, the aviation meteorological service provided by whom is the weather forecast;
- 2) certified air navigation service providers, the aviation meteorological service provided by whom is the weather observation;
- 3) certified aerodrome or heliport operators who do not hold a certificate of an air navigation service provider.

(5) An aviation meteorological service provider must have duly installed appropriate equipment for the provision of the service.

(6) The consumer of an aviation meteorological service pays for the provision of the service according to the extent of the service.

(7) The procedure for the provision and ensuring aviation meteorological service, including the types and scope of aviation meteorological service, the duties of the aviation meteorological authority and the aviation meteorological service providers and the requirements for the content of meteorological service manual and the requirements for meteorological equipment and the installation thereof are established by the minister in charge of the policy sector.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 57⁴. Flight procedures and certification of developer of flight procedures

[Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 57⁵. Qualification certificate of flight simulation training device

(1) In order to obtain a qualification certificate for a flight simulation training device in accordance with Commission Regulation (EU) No 1178/2011, the applicant submits to the Transport Administration an application and documents certifying that the flight simulation training device and the applicant are ready for the use of the device in compliance with requirements, given the technical requirements provided for in the Regulation.

(2) The Transport Administration decides an application for a qualification certificate of a flight simulation training device by granting or refusing to grant the certificate within 90 days from the submission of the application.

(3) The list of documents to be submitted along with an application for a qualification certificate of a flight simulation training device is established by a regulation of the minister in charge of the policy sector.

(4) A state fee is paid for the review of a qualification certificate of a flight simulation training device, review of an application for amendment of the certificate and holding a qualification certificate at the rate provided for in the State Fees Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 58. Specification of limitation of liability

Arising from Regulation No 785/2004/EC of the European Parliament and of the Council on insurance requirements for air operators and aircraft operators (OJ L 138, 30.04.2004, pp 1–6), in the event of an aircraft with a maximum take-off mass of 2700 kg or less which is not operated for commercial purposes, the sum

insured expressed in special drawing rights SDR as defined by the International Monetary Fund must be at least 100,000 SDRs per passenger in the case of an insured event.
[RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 58¹.–§ 58³. [Repealed – RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 58⁴. Compensation and assistance to passengers in event of denied boarding and of cancellation or long delay of flights

The Consumer Protection and Technical Regulatory Authority ensures the implementation of Regulation (EC) No 261/2004 of the European Parliament and of the Council. Where necessary, the Consumer Protection and Technical Regulatory Authority takes measures necessary for safeguarding travellers' rights.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 58⁵. Protection of rights of air travellers with reduced mobility

The Consumer Protection and Technical Regulatory Authority ensures the implementation of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.07.2006, pp 1–9) as regards flights from and flights to aerodromes situated on the territory of Estonia.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 58⁶. Transparency of pricing

The Consumer Protection and Technical Regulatory Authority ensures the implementation of the requirements for the transparency of pricing established in Chapter IV of Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community.
[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

§ 58⁷. Requirements for organiser of parachute dropping and authorisation obligation

(1) For the purposes of this Act, 'organiser of parachute dropping' means a person who is engaged in organising the parachute dropping from an aircraft.

(2) The organiser of parachute dropping must have a manual describing parachuting operations (hereinafter *parachuting operations manual*), which certifies that the person has staff with the skills required ensuring the safety of parachute dropping, the required equipment and the developed and implemented rules of procedure.

(3) Upon organising parachute dropping, the organiser of parachute dropping must follow the operations and requirements described in the parachuting operations manual.

(4) An authorisation is required for organising parachute dropping.

(5) The Transport Administration reviews an authorisation application.

(6) The person who wishes to organise parachute dropping must, in addition to the information specified in the General Part of the Economic Activities Code Act, submit the parachuting operations manual in the authorisation application.

(7) The authorisation is granted where the applicant has staff with the skills required for carrying out parachuting dropping and the required equipment and where the applicant has established and implemented the rules of procedure.

(8) The form of the parachuting operations manual and the list of topics covered by the manual are established by a regulation of the minister in charge of the policy sector.

(9) A state fee must be paid for reviewing the parachuting operations manual.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 58⁸. National defence duties of certified air navigation service providers

Air traffic management service providers and air navigation service providers have the national defence duty to guarantee, in accordance with the service specified on the certificate, the provision of air traffic management, air traffic, telecommunications, navigation, surveillance or aeronautical information services during increased defence readiness and a state of war.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 58⁹. Provider of vital service

(1) A company that is a certified air navigation service provider and provides air traffic management service and air navigation service is deemed a provider of the vital service specified in clause 6 of subsection 1¹ of § 36 of the Emergency Act

(2) The operator of the Tallinn aerodrome is deemed a provider of the vital service specified in clause 5 of subsection 1¹ of § 36 of the Emergency Act.
[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 59. Charges levied for use of air traffic control services and aerodrome or heliport services

(1) The charges levied for air traffic control services are:

- 1) route charges – charges levied for air traffic control services upon flying under instrument flight rules in the Tallinn Flight Information Region;
- 2) terminal charges – charges levied for air traffic control services upon flying in the terminal control area, control zone or flight information zone of an aerodrome or heliport.

(2) The charges levied for the use of aerodrome or heliport services mean the charges for the services provided at an aerodrome or heliport – landing charge, parking charge, passenger charge, charge for a disabled passenger or passenger with reduced mobility, take-off charge and aviation security charge.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(3) The rates of the charges are established by the service provider. The charges must be determined and discounts granted in accordance with the principles for determining air traffic charges of the European Organisation for the Safety of Air Navigation and Regulation (EC) No 550/2004 of the European Parliament and of the Council and Commission Implementing Regulation (EU) No 391/2013 laying down a common charging scheme for air navigation services (OJ L 128, 09.05.2013, pp 31–58), considering that the amounts of the charges and the conditions for discounts must be clearly determined and apply to all users of the services who comply with the established conditions and must be made available to the public.
[RT I, 26.02.2015, 2 – entry into force 01.01.2017]

(4) The charges must be published in the Aeronautical Information Circular (AIC) at least thirty days before prior to the entry into force thereof and in the aeronautical information publication.

(5) The charges are paid by the aircraft operator, unless otherwise provided by law or contract. At the request of the service provider, the owner of an aircraft must provide information for the identification of the aircraft operator and for the calculation of the charges.

(6) The charges for the use of air traffic control services provided to aircraft landing or taking off and for the use of aerodrome or heliport services are paid before the aircraft leaves the aerodrome or heliport unless otherwise agreed with the service provider.

(7) Upon delay in the payment of the charges, the service provider may demand a fine for the delay and refuse to provide services to the recipient of the services until payment of the debt.

(8) The following are exempt from payment of route charges, terminal charges and charges levied for the use of aerodrome or heliport services:

1) a flight relating to a visit of importance for the Republic of Estonia in terms of foreign policy, provided that the Ministry of Foreign Affairs has confirmed the status of the flight;
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

2) search and rescue flights authorised by the appropriate competent body;

3) humanitarian flights authorised by the appropriate competent body;

4) flights performed for the purposes of ensuring inviolability or protection of Estonian airspace;

5) flights related to the operations of the Estonian Internal Security Service, the Estonian Defence Forces, the Tax and Customs Board, the Police and Border Guard Board and the Rescue Board;

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

6) flights performed for the purpose of checking the telecommunications, surveillance or navigation equipment used or intended to be used upon the provision of air traffic services;

7) return flights to the aerodrome or heliport of departure due to technical reasons or adverse weather conditions;

8) flights performed by foreign state aircraft on the basis of the principle of reciprocity;

9) flights in Estonian airspace performed on the basis of the Open Skies agreement.

(9) The following are exempt from payment of route charges:

- 1) flights performed by aircraft of which the maximum certified take-off mass is less than two tons;

2) flights in the area of the provision of route navigation service where they are performed under visual flight rules;

3) flights performed exclusively for the transport, on official mission, of the heads of state and their immediate family, heads of government, and government ministers or exceptionally, flights related to another official visit which is significant for the Republic of Estonia politically; this must be substantiated by the appropriate status indicator on the flight plan.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(10) The following are exempt from the passenger charge:

- 1) a child under two years of age where the child is travelling without a separate ticket;
- 2) a person who is appointed to check the aircraft or the equipment or crew thereof, or flies to perform such duty;
- 3) crew members of an aircraft in connection with their duties;
- 4) participants in search, rescue or training flights.

(11) Aircraft taking off during the official operational hours of an aerodrome are exempt from take-off charge.

(12) In order to exempt from charges, the relevant information which is the basis for the exemption must be indicated in the flight plan.

(13) A governmental authority into whose area of government the areas of activities related to the flights exempt from charges levied for use air traffic control services and for aerodrome or heliport services belong notifies the service provider in advance of the planned flights exempt from service charges and pays the service provider for the flights exempt from the charges. The failure to perform the notification obligation does not exempt from the obligation to pay for the service.

(13¹) The governmental authority receiving the visit or, in the event of flying over the territory of the Republic of Estonia, the authority that processed the flight permit pays the service provider for the flights specified in clause 1 of subsection 8 and clause 3 of subsection 9 of this section.

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(14) The incentive schemes specified in Article 12 of Commission Regulation (EC) No 1794/2006 are approved and regulatory enforcement over proper implementation of these incentive schemes is exercised by the minister in charge of the policy sector.

(15) In addition to charges levied for air traffic control services, supplementary exemptions and discounts may be prescribed by an incentive scheme by prescribing also the conditions for the application of these exemptions and discounts and the governmental authorities who compensate the service provider for the expenses of the exemptions and discounts.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 59¹. Ensuring system security

[Repealed – RT I, 30.12.2025, 4 – entry into force 01.01.2026]

§ 60. [Repealed – RT I 2008, 52, 290 – entry into force 22.12.2008]

Chapter 9¹ REGULATORY ENFORCEMENT AND ADMINISTRATIVE OVERSIGHT

[RT I, 07.03.2018, 1 - entry into force 15.03.2018]

§ 60¹. Carrying out regulatory enforcement and administrative oversight

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) Regulatory enforcement and administrative oversight over the implementation of legislation regulating aviation safety, aviation security, flight operations and use of airspace is carried out by the Transport Administration and by other authorities carrying out regulatory enforcement provided by law.

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

(2) The competence of the Transport Administration includes regulatory enforcement and administrative oversight regarding:

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

1) flight operations of legal persons and natural persons, including operation of unmanned aircraft;

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

11) the compliance of the operating licence of an air carrier with the requirements provided for in Regulation (EC) No 1008/2008 of the European Parliament and of the Council;

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

- 2) the conformity of constructions works, aerodromes and heliports with the aviation safety requirements;
- 3) air traffic management service providers, air navigation service providers and flight procedure developers;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 3¹) unmanned aircraft traffic management service providers;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 4) the airworthiness and environmental eligibility of aircraft;
- 5) aircraft production and maintenance organisations and continuing airworthiness management organisations;
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 6) the adherence to the aviation security requirements by an undertaking engaged in aviation activities, air navigation service provider, air traffic flow management provider, known supplier of airport supplies, regulated supplier of in-flight supplies, known supplier of in-flight supplies, regulated agent, known consignor, account consignor, haulier and security instructor;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 7) correspondence of the aviation personnel licences of aviation specialists to the competence of the specialists;
- 8) persons engaged in the training of aviation specialists and remote pilots and medical expert assessment of aviation specialists;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 9) [repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 10) flight simulation training device certification requirements;
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 11) organiser of parachute dropping;
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]
- 12) aero-medical centres;
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]
- 13) organisation of air search and rescue work;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 14) ground handling;
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]
- 15) air operations of the Police and Border Guard Board, in accordance with the principles of Regulation (EU) 2018/1139 of the European Parliament and of the Council and Commission Regulation (EU) No 965/2012.
[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(3) The competence of the Estonian Internal Security Service includes regulatory enforcement regarding:

- 1) prevention and combating of attacks directed against aircraft and aviation safety upon performance of functions arising from the Security Authorities Act for the purpose of combating a criminal offence;
- 2) responding to an emergency in the event of a criminal offence of terrorism;
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 3) compliance with the licence requirement provided in subsection 4 of § 4¹ of this Act in the geographical area or temporary geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of the same section.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(4) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) [Repealed – RT I, 30.12.2025, 4 – entry into force 01.01.2026]

(6) The Consumer Protection and Technical Regulatory Authority is competent to carry out regulatory enforcement regarding the following:

- 1) the upholding of the rights of disabled persons and persons with reduced mobility provided for in Regulation (EC) No 1107/2006 of the European Parliament and of the Council in aerodromes situated in the territory of Estonia and in connection with flights from and to such aerodromes;
- 2) adherence to the rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights provided for in Regulation (EC) No 261/2004 of the European Parliament and of the Council;
- 3) adherence to the pricing transparency rules for air services established in Regulation (EC) No 1008/2008 of the European Parliament and of the Council.
[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

(7) The Estonian Defence Forces are competent to carry out administrative oversight regarding compliance with the requirements for military aviation, excluding provision of air navigation services, and regulatory enforcement regarding compliance with the licence requirement provided in subsection 4 of § 4¹ of this Act in the area with flight restrictions, geographical area and temporary geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of the same section.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(8) The Police and Border Guard Board is competent to carry out regulatory enforcement regarding compliance with the licence requirement provided in subsection 4 of § 41 of this Act:

- 1) in the area with flight restrictions, geographical area and temporary geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act;
- 2) in the area with flight restrictions and geographical area where the Transport Administration is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act;
- 3) in the temporary geographical area where the Rescue Board is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act;
- 4) in the geographical area established above a guarded object established on the basis of subsection 4 of § 3 of the Police and Border Guard Act.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(9) The Environmental Board is competent to carry out regulatory enforcement regarding compliance with the licence requirement provided in subsection 4 of § 4¹ of this Act in the area with flight restrictions and geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of the same section.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(10) A prison is competent to carry out regulatory enforcement regarding compliance with the licence requirement provided in subsection 4 of § 4¹ of this Act in the geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of the same section.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(11) The Estonian Foreign Intelligence Service is competent to carry out regulatory enforcement regarding compliance with the licence requirement provided in subsection 4 of § 4¹ of this Act in the geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of the same section.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(12) The Tax and Customs Board is competent to carry out regulatory enforcement regarding compliance with the licence requirement provided in subsection 4 of § 4¹ of this Act in the temporary geographical area where the authority is appointed as the issuer of the licence on the basis of subsection 7 of the same section.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 60². Special measures of regulatory enforcement and administrative oversight

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) A law enforcement authority may, for the purpose of carrying out the regulatory enforcement provided for in this Act, take special measures of regulatory enforcement provided for in §§ 30, 31, 32, 37, 38, 49, 50, 51 and 52 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

[RT I, 20.03.2024, 1 – entry into force 21.03.2024]

(1¹) The Estonian Internal Security Service may, for the purpose of carrying out regulatory enforcement provided for in this Act, take special measures of regulatory enforcement provided for in §§ 30, 31, 32, 33, 34, 35, 35¹, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1²) [Repealed – RT I, 22.05.2018, 1 – entry into force 23.05.2018]

(1³) In the course of regulatory enforcement and administrative oversight, the Transport Administration may, as a special measure of supervision, carry out tests in accordance with Annex II to Regulation (EC) No 300/2008 of the European Parliament and of the Council.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1⁴) The tests specified in subsection 1³ of this section may be carried out by an official of the Transport Administration exercising aviation security supervision and an authorised person of the Transport Administration may also take part in carrying out the tests.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1⁵) A competent supervisory official of the Transport Administration may measure intoxication by alcohol during the check made at the aircraft stand on the basis of point ARO.RAMP.106 of Commission Regulation (EU) No 965/2012 in accordance with the Law Enforcement Act, taking account of the specifications of the specified Regulation.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The law enforcement authority has the right to:

- 1) prohibit or suspend the operation of aircraft or an aerodrome or heliport or any other object related to flight operations, including construction works and equipment which does not conform to the airworthiness

requirements or environmental eligibility requirements, where safe operation, aviation safety, environmental safety or security cannot be ensured;

2) remove a person from the performance of their functions related to flight operations, where as a result of the inspection, it becomes evident that their competence does not conform to the established requirements or where safe operation, aviation safety, environmental safety or security cannot be ensured as a result of the person's act or omission;

3) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(3) In the event of regulatory enforcement regarding adherence to the aviation safety requirements established for construction works, the Transport Administration must inform the local authority of the results of regulatory enforcement.

(4) [Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(4¹) The Transport Administration prepares, approves and updates the national civil aviation security supervision programme the contents of which are deemed to be restricted information for the purposes of the Public Information Act.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(5) The Estonian Internal Security Service is authorised to use direct coercion on the grounds and in accordance with the procedure established in the Law Enforcement Act.

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

(6) Where the Transport Administration exercises supervision over the person specified in subsection 2 of § 60¹ of this Act or a civil aircraft or flight simulation training device in a foreign country, the specified person or the operator of the civil aircraft or flight simulation training device bears the secondment expenses of supervisory officials of the Transport Administration that are calculated pursuant to the procedure established on the basis of subsection 5 of § 44 of the Civil Service Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(7) A law enforcement authority competent to carry out regulatory enforcement in the area with flight restrictions, geographical area or temporary geographical area may force an unmanned aircraft flying in these areas to land in order to prevent immediate threat.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(8) An unmanned aircraft may be forced to land by the use of physical force, firearms or special equipment or by taking over the piloting of the unmanned aircraft by the use of computer equipment on the basis of and pursuant to the procedure provided in the Law Enforcement Act, taking account of the specifications provided in this Act, insofar as it is unavoidably necessary to achieve the objective.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(9) Upon applying direct coercion, the following special equipment may be used:

1) a radiocommunication jammer;

2) laser or other equipment enabling to prevent further flying of the unmanned aircraft;

3) a net;

4) an unmanned aircraft designed or used for colliding with an unmanned aircraft to prevent its further flying;

5) other devices or equipment that are similar in effect to the devices or equipment provided in clauses 1–4 of this subsection.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(10) Upon restricting radiocommunication in order to force an unmanned aircraft to land, the procedure for the restriction of radiocommunication established on the basis of subsection 2 of § 115 of the Electronic Communications Act must be taken into consideration.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

§ 60³. Precept and rate of non-compliance levy

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

(1) The Transport Administration has the right to issue compliance notices for the purpose of ensuring compliance with legislation regulating aviation safety, aviation security, flight operations and use of airspace.

(2) The Consumer Protection and Technical Regulatory Authority has, within the limits of its competence, the right to give a compliance notice to the airport operator for the purpose of ending a violation of the rules and requirements or performance of the obligations provided for in the regulations of the European Union specified in subsection 6 of § 60¹ of this Act. A compliance notice cannot be given for the purpose of settling a dispute between a consumer and a carrier, which arises from a carriage contract.

[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

(3) The Competition Authority has the right to issue a compliance notice to an airport operator for the purpose of bringing the rates of the charges applied by the operator or other activities thereof into compliance with the requirements provided for in Chapter 8² or subsection 2 of § 50³⁹ of this Act. The Competition Authority has the right to issue a compliance notice to a ground handler for the purpose of bringing the activities of the handler into conformity with the requirements provided for in subsection 2 of § 50³⁹ of this Act.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(4) [Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(5) A compliance notice must be complied with immediately and the contesting of the compliance notice does not suspend the compliance therewith.

(6) In the event of failure to comply with a compliance notice the maximum non-compliance levy imposed in accordance with the procedure provided for in the Substitutional Performance and Non-compliance Levies Act is 3500 euros.

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

(7) [Repealed – RT I, 22.05.2018, 1 – entry into force 23.05.2018]

Chapter 9² **LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 60⁴. Damage to signs, installations or facilities of aerodrome, heliport or air navigation service provider or violation of requirements for placement thereof

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60⁵. Violation of placement requirements and illegal placement and construction

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) The penalty for violation of requirements for the placement of the signs, installations or facilities of an aerodrome, heliport or air navigation service provider as well as the placement or construction at an aerodrome, heliport or in immediate vicinity thereof of any signs or installations that are similar to the signs and installations used to distinguish aerodromes or heliports, or construction of structures that are dangerous to the flight of aircraft or construction of structures that encourage birds to gather, or use of pyrotechnics without the permission of the management of an aerodrome or heliport is a fine of up to 300 fine units.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The penalty for the same act committed by a legal person is a fine of up to 3,200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60⁶. Failure to report occurrences

[RT I 2005, 29, 216 – entry into force 27.05.2005]

(1) The penalty for failure by the person with a reporting obligation to report an occurrence is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 6,400 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60⁷. Violation of operation requirements for aerodromes or heliports or requirements for provision of air navigation services

(1) The penalty for violation of the operation requirements for aerodromes or heliports or violation of the requirements established for the provision of air navigation services is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60⁸. Damage to aircraft or equipment thereof

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60⁹. Violation of safety requirements in aircraft

The penalty for failure by a passenger in an aircraft to comply with an order of the pilot-in-command of an aircraft or violation by a passenger in an aircraft of the safety requirements is a fine of up to 50 fine units.

§ 60¹⁰. Violation of requirements for aviation security

(1) The penalty for violation of the requirements for aviation security is a fine of up to 100 fine units.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 3,200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60¹¹. Violation of operations specifications of certificate of air navigation service provider

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60¹². Piloting of aircraft with technical failure or aircraft not airworthy

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

The penalty for piloting an aircraft the operation of which is prohibited due to a technical failure or the operation of an aircraft that does not meet the airworthiness requirements, that has been rebuilt without the respective authorisation, that has not been registered in accordance with the procedure in force or that does not have an airworthiness certificate is a fine of up to 300 fine units.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60¹³. Permitting aircraft with technical failure to be piloted

(1) The penalty for the granting, by an owner or possessor of an aircraft or a person responsible for the technical condition or operation of an aircraft, of permission for an aircraft the operation of which is prohibited due to a technical failure to be piloted is a fine of up to 300 fine units.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60¹⁴. Violation of rules of the air by pilot of aircraft

(1) The penalty for violation of the rules of the air by the pilot of an aircraft is a fine of up to 200 fine units.

(2) The penalty for the same act, where material damage has been caused by it through negligence, is a fine of up to 300 fine units or detention.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60¹⁵. Piloting of aircraft by person without right to pilot

(1) The penalty for the piloting of an aircraft by a person without the right to pilot is a fine of up to 200 fine units.

(2) The penalty for the same act, where committed by a person whose right to pilot an aircraft has been revoked, is a fine of up to 300 fine units.

§ 60¹⁶. Transferring control of aircraft to person without right to pilot

The penalty for transferring control of an aircraft to a person without the right to pilot an aircraft is a fine of up to 200 fine units.

§ 60¹⁷. Permitting operation of aircraft that does not comply with airworthiness requirements

(1) The penalty for the granting, by an owner or possessor of an aircraft or a person responsible for the technical condition or operation of an aircraft, of permission for an aircraft that does not comply with the airworthiness requirements that are in force or an aircraft that has been reconstructed without corresponding authorisation or that has not been registered in accordance with the established procedure or that does not have a certificate of airworthiness to be operated is a fine of up to 300 fine units.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 3,200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60¹⁸. Permitting person in state of intoxication or in state exceeding maximum permitted level of alcohol in bloodstream to pilot aircraft

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) The penalty for the granting, by an owner or possessor of an aircraft or a person responsible for the technical condition or operation of an aircraft, of permission for a pilot in a state of intoxication or in a state exceeding the maximum permitted level of alcohol in the bloodstream to pilot the aircraft is a fine of up to 300 fine units.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60¹⁹. Permitting person without right to pilot aircraft to pilot aircraft

(1) The penalty for the granting, by an owner or possessor of an aircraft or a person responsible for the technical condition or operation of an aircraft, of permission for a person without the right to pilot an aircraft to pilot an aircraft is a fine of up to 300 fine units.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60²⁰. Piloting of aircraft or providing of air navigation services by person in state of intoxication or in state exceeding maximum permitted level of alcohol in bloodstream

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

The penalty for the piloting of an aircraft or providing of air navigation services by a person in a state of intoxication or in a state exceeding the maximum permitted level of alcohol in the bloodstream is a fine of up to 300 fine units or detention.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 60²¹. Evasion by person of examination for state of intoxication to be ascertained

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60²². Provision of air navigation services by person without rating

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

The penalty for provision of air navigation services by a person who does not hold the licence of air traffic controller or flight information services officer of the aerodrome or the required rating, the transfer of the provision of air navigation services to a person who does not hold the licence of the air traffic controller or flight information services officer of the aerodrome or the required rating or permitting such a person to participate in operational work and the issue of a certificate of release to service in respect of an aircraft by person who maintained the aircraft, where the person is not competent to issue such a certificate of release to service, as well as maintenance by a person who does not have the required rating, is a fine of up to 300 fine units.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60²³. Violation of requirements for transportation of dangerous substances or objects by air

[RT I 2004, 25, 169 – entry into force 26.04.2004]

(1) The penalty for violation of the requirements for the transportation of dangerous substances or objects by air is a fine of up to 200 fine units.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60²⁴. Piloting of environmentally hazardous aircraft

The penalty for piloting an aircraft where the level of pollutants in its emissions or the noise emitted exceeds the permitted limit is a fine of up to 300 fine units.

[RT I, 05.07.2016, 1 – entry into force 01.01.2017]

§ 60²⁵. Permitting environmentally hazardous aircraft to be piloted

(1) The penalty for the granting, by an owner or possessor of an aircraft or a person responsible for the technical condition or operation of an aircraft, of permission for an environmentally hazardous aircraft to be piloted is a fine of up to 300 fine units.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60²⁶. Transfer of provision of air navigation services to incompetent person

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60²⁷. Disregard of lawful order given by air traffic controller

The penalty for failure by the pilot-in-command of the aircraft to comply with the lawful orders of the air traffic controller is a fine of up to 300 fine units.

[RT I 2004, 25, 169 – entry into force 26.04.2004]

§ 60²⁸. Failure to use transponder

[RT I 2004, 25, 169 – entry into force 26.04.2004]

(1) The penalty for failure to use a transponder in the controlled airspace without the permission of the appropriate air traffic service unit is a fine of up to 300 fine units.

[RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60²⁹. Operation of aircraft that does not comply with airworthiness requirements

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60³⁰. [Repealed – RT I 2008, 27, 179 – entry into force 01.07.2008]

§ 60³¹. Violation of certificate requirements

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(1) The penalty for violation of the requirements of a certificate issued by the Transport Administration or operating without a certificate is a fine of up to 300 fine units.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60³². Failure to register non-commercial flight operations

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 60³⁴. Issue of certificate of release to service by person without required competence

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 60³⁵. Commercial operation of aircraft without air operator certificate, making of high-risk commercial specialised operation and operation of non-EASA aircraft in specialised operation without authorisation

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(1) The penalty for making a high-risk commercial specialised operation or for operating a non-EASA aircraft in a specialised operation without a valid certificate or authorisation is a fine of up to 300 fine units.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60³⁶. [Repealed – RT I 2009, 4, 25 – entry into force 26.01.2009]

§ 60³⁷. Violation of requirements for carriage and depositing of weapons or ammunition by air marshal of foreign state

The penalty for violation of the requirements for carriage and depositing of weapons or ammunition by an air marshal of a foreign state is a fine of up to 300 fine units.
[RT I 2009, 4, 25 – entry into force 26.01.2009]

§ 60³⁸. [Repealed – RT I 2009, 64, 420 – entry into force 07.01.2010]

§ 60³⁹. Undue wearing of identification card

The penalty for failure to wear an identification card in a visible place at the security restricted area of an aerodrome or heliport by a person holding the identification card is a fine of up to 50 fine units.
[RT I 2009, 64, 420 – entry into force 07.01.2010]

§ 60⁴⁰. Accessing security restricted area without authorisation

(1) The penalty for accessing or enabling access to the security restricted area of an aerodrome or heliport or other parts of the restricted area of the airport without authorisation is a fine of up to 150 fine units.

(2) The penalty for the same act, where committed without accessing the prescribed access point, is a fine of up to 300 fine units.
[RT I 2009, 64, 420 – entry into force 07.01.2010]

§ 60⁴¹. Permitting person not approved by Transport Administration as person taking security measures to implement security measures

[RT I, 26.02.2015, 2 – entry into force 01.03.2015]
The penalty for permitting a person not approved by the Transport Administration as a person implementing security measures to implement security measures is a fine of up to 300 fine units.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 60⁴². Taking prohibited item or substance to security restricted area

The penalty for taking or an attempt to take a weapon, cut-and-thrust weapon, gas weapon, firearm, an essential part of a firearm or replica, ammunition or an explosive device, an essential part of an explosive device or replica to the security restricted area of an aerodrome or heliport without authorisation is a fine of up to 300 fine units.
[RT I 2009, 64, 420 – entry into force 07.01.2010]

§ 60⁴³. Proceedings

[Repealed – RT I, 03.03.2017, 1 – entry into force 01.07.2017]

§ 60⁴⁴. Violation of requirements for electronic security

[Repealed – RT I, 22.05.2018, 1 – entry into force 23.05.2018]

§ 60⁴⁵. Proceedings

[Repealed – RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 60⁴⁶. Failure to declare training or air operations subject to duty to declare

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(1) The penalty for failure to declare training or air operations subject to the duty to declare is a fine of up to 300 fine units.
[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The penalty for the same act committed by a legal person is a fine of up to 3,200 euros.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 60⁴⁷. Infringement of common rules for air traffic flow management

(1) The penalty for infringement of the common rules for air traffic flow management is a fine of up to 300 fine units.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

(2) The penalty for the same act committed by a legal person is a fine of up to 13,000 euros.

[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 60⁴⁸. Proceedings

[Repealed – RT I, 08.01.2020, 1 – entry into force 17.01.2020]

§ 60⁴⁹. Refusal to carry disabled person or person with reduced mobility or failure to provide assistance to disabled person or person with reduced mobility when travelling by air

(1) The penalty for failure to comply with the requirements provided in Article 3, 7, 8 or 10 of Regulation (EU) No 1107/2006 of the European Parliament and of the Council 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 3,200 euros.

[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

§ 60⁵⁰. Failure to inform passenger or failure to provide assistance in event of cancelled or late journey or denied boarding

(1) The penalty for failure to comply with the requirements provided in Article 4, 5, 6 or 14 of Regulation (EU) No 261/2004 of the European Parliament and of the Council 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 10,000 euros.

[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

§ 60⁵¹. Violation of requirement to disclose price of air service

(1) The penalty for failure to comply with the requirements provided in Article 23 of Regulation (EU) No 1008/2008 of the European Parliament and of the Council 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 3,200 euros.

[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

§ 60⁵². Proceedings

[Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 60⁵³. Violation of operation requirements for unmanned aircraft by remote pilot of unmanned aircraft system

(1) The penalty for violation of the operation requirements for unmanned aircraft by a remote pilot of unmanned aircraft system is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 12,000 euros.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 60⁵⁴. Piloting of unmanned aircraft system by person without remote pilot competency

(1) The penalty for the piloting of an unmanned aircraft system by a person without remote pilot competency is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 12,000 euros.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 60⁵⁵. Piloting of unmanned aircraft by person in state of intoxication or in state exceeding maximum permitted level of alcohol in bloodstream

The penalty for the piloting of an unmanned aircraft by a person in a state of intoxication or in a state exceeding the maximum permitted level of alcohol in the bloodstream is a fine of up to 300 fine units.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 60⁵⁶. Proceedings

(1) The out-of-court proceedings authority concerning the misdemeanours provided for in §§ 60⁵–60⁷, 60⁹, 60¹⁰, 60¹²–60²⁰, 60²²–60²⁵, 60²⁷, 60²⁸, 60³¹, 60³⁵, 60³⁹–60⁴², 60⁴⁶, 60⁴⁷ and 60⁵³–60⁵⁵ of this Act is the Transport Administration.

(1¹) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60¹⁴ is the Estonian Defence Forces where the misdemeanour is related to flying without a licence in the area with flight restrictions, geographical area or temporary geographical area where the Estonian Defence Forces or the Estonian Foreign Intelligence Service is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act or in the event of violation of the conditions provided in the licence.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(1²) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60¹⁴ is the Police and Border Guard Board where the misdemeanour is related to flying without a licence in the area with flight restrictions, geographical area or temporary geographical area where the Transport Administration, the Police and Border Guard Board or the Rescue Board is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act or in the event of violation of the conditions provided in the licence.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(1³) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60¹⁴ is the Estonian Internal Security Service where the misdemeanour is related to flying without a licence in the geographical area or temporary geographical area where the Estonian Internal Security Service is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act or in the event of violation of the conditions provided in the licence.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(1⁴) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60¹⁴ is the Environmental Board where the misdemeanour is related to flying without a licence in the area with flight restrictions or geographical area where the Environmental Board is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act or in the event of violation of the conditions provided in the licence.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(1⁵) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60¹⁴ is the prison where the misdemeanour is related to flying without a licence in the geographical area where the prison is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act or in the event of violation of the conditions provided in the licence.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(1⁶) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60¹⁴ is the Tax and Customs Board where the misdemeanour is related to flying without a licence in the temporary geographical area where the Tax and Customs Board is appointed as the issuer of the licence on the basis of subsection 7 of § 4¹ of this Act or in the event of violation of the conditions provided in the licence.

[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(2) The out-of-court proceedings authority concerning the misdemeanour provided for in § 60³⁷ of this Act is the Police and Border Guard Board.

(3) [Repealed – RT I, 30.12.2025, 4 – entry into force 01.01.2026]

(4) The out-of-court proceedings authority concerning the misdemeanours provided for in §§ 60⁴⁹–60⁵¹ of this Act is the Consumer Protection and Technical Regulatory Authority.

[RT I, 08.06.2022, 2 – entry into force 18.06.2022]

Chapter 10

IMPLEMENTING PROVISIONS

§ 61. Bringing aviation documents into compliance with this Act

Regulations, licences, certificates and permits concerning aviation and issued prior to the entry into force of this Act are reviewed, revoked or brought into accordance with this Act within six months after the entry into force of this Act.

§ 61¹. [Repealed – RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 61². Specification of supply with emergency locator transmitter with permission of Civil Aviation Administration

[Repealed – RT I, 08.06.2022, 2 – entry into force 18.06.2022]

§ 61³. Specification of airworthiness review

The specification provided for in subsection 1 of § 7¹ of this Act concerning the airworthiness review of aircraft specified in subsection 3 § 10 as well as subsection 3 § 10 itself is applied as of 1 October 2009. [RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 61⁴. Validity of approval of security instructor carrying out aviation security training

The approval of a security instructor who carries out aviation security training, which has been issued before 15 March 2018 is valid for six months during which time the Transport Administration issues a security instructor certificate to its holder on the basis of a valid security instructor approval. [RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 62. Repeal of Act

[Omitted from this text.]

§ 63. Entry into force of Act

This Act enters into force on 1 September 1999.

¹Directive 2004/36/EC of the European Parliament and of the Council on the safety of third-country aircraft using Community airports (OJ L 143, 30.4.2004, p. 76–86); Directive 2009/12/EC of the European Parliament and of the Council on airport charges (OJ L 70, 14.3.2009, p 11–16); Council Directive 96/67/EC on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36–45); Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6–21); Directive (EU) 2022/2557 of the European Parliament and of the Council on the resilience of critical entities and repealing Council Directive 2008/114/EC (OJ L 333, 27.12.2022, p. 164–198). [RT I, 08.10.2024, 1 – entry into force 18.10.2024]