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Aviation Act¹

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RT I 1999, 26, 376
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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 will enter 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 part01.01.2014 and 01.11.2014
13.02.2014	RT I, 13.03.2014, 1	23.03.2014, in part01.04.2014
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 107 ³ (4) of the Government of the Republic Act.
28.01.2015	RT I, 26.02.2015, 2	01.03.2015, in part01.11.2015 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

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application 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]

(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. Validity of Act

(1) The provisions of this Act are implemented in civil and state aviation, unless otherwise provided by law or an international agreement. Unless otherwise provided in this Act, it also extends to defence aviation and to flight operations of the aircraft of the armed forces of a state being a party to an agreement following the

principle of collective self-defence entered into with the Republic of Estonia whose aim is national defence to an extent that does not hinder the performance of national defence duties.

(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.

(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 will not be 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 Government of the Republic will establish the procedure for the use of Estonian airspace and the Tallinn flight information region and for provision of air navigation services, and will establish flight restrictions.

(2) The Civil Aviation 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 movements in the Tallinn flight information region are 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, pp 1–66).

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

(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 will be established by a regulation of the minister responsible for the field.

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

(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 will be decided upon on the basis of 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, will be issued by the minister responsible for the field 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 will be established by the minister responsible for the field.

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

(6) The Civil Aviation Administration may grant a permit to an aircraft which does not comply with the requirements set out in subsection (4) of this section if 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 responsible for the field if such flights do not endanger the environment or other aircraft. Restrictions to state aircraft for supersonic flights will be established by the Government of the Republic.

§ 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) A state aircraft is an aircraft which is used in Defence Forces, customs or police services.

(4) Aircraft which is not used in services set out in subsection (3) of this section is deemed to be civil aircraft.

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

(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) If 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 Civil Aviation 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]

§ 7. State administration of civil aviation

(1) The Government of the Republic, the Ministry of Economic Affairs and Communications and the Civil Aviation Administration exercise the state administration of civil aviation within the scope of competence provided for in this Act.

(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 will be published in the official publication called the *Civil Aviation Administration Gazette*.

(3) In Estonia the Joint Implementation Procedures (JIP) of the Joint Aviation Authorities (JAA) apply.

(4) In order to ensure the safety of flight operations, the Director General of the Civil Aviation 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 Civil Aviation Administration may issue general precepts to the persons engaged in aviation.

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

(6) The Civil Aviation 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 Civil Aviation 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. 1–9).
[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 Civil Aviation Administration is a competent authority within the meaning of the implementing regulations adopted on the basis 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, 19.03.2008, pp 1–49), unless otherwise provided by this Act or legislation adopted on the basis thereof.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(11) The Civil Aviation Administration grants the exemptions specified in Article 14(4) of Regulation (EC) No 216/2008 of the European Parliament and of the Council.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

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

(1) The Civil Aviation Administration carries out inspections of the conformity of civil aircraft, air operators, production organisations, maintenance organisations and air navigation service providers 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, 26.02.2015, 2 – entry into force 01.03.2015]

(2) In the case of absence of the competence required for the performance of the inspection specified in subsection (1) of this section, the Civil Aviation 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 Civil Aviation Administration specified in subsection (2) of this section will submit an inspection report to the Civil Aviation Administration. The costs related to such inspection will be paid by the operator, organisation or service provider.

(4) The Civil Aviation 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 Civil Aviation Administration assesses the compliance of the person performing the inspection with the requirements provided for in Section B of Annex I (Part-M) and Section B of Annex II (Part-145) to Commission Regulation (EU) No 1321/2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, pp 1–194), Part 21 of the Annex to Commission Regulation (EC) No 748/2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.08.2012, p 1–85), and Annex I to Regulation (EC) No 550/2004 of the European Parliament and of the Council.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(6) In order to approve a person performing the inspection of conformity, an application must be submitted to the Civil Aviation 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 Civil Aviation Administration may request supplementary information in order to verify the conformity of an applicant to the requirements.

(8) The Civil Aviation Administration will make 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 Civil Aviation Administration will refuse to approve an applicant if 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 if 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 defence 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 Defence Forces in cooperation with the Civil Aviation Administration. Air navigation services to national defence flights and upon training for such purposes is ensured by the Defence Forces in cooperation with undertakings that provide certified air navigation services.

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

(2) The procedure for the use of Estonian airspace upon ensuring the inviolability and protection of Estonian airspace and upon preparing for such purposes and the procedure for cooperation between civil aviation and defence aviation upon the use of Estonian airspace will be established by the Government of the Republic.

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

(3) The minister responsible for the field will establish aviation regulations of the Defence Forces in consultation with the minister responsible for the field laying down the requirements for the aircraft of the Defence Forces, the operation thereof and the facilities connected with it, the requirements for persons engaged in defence aviation and the procedure for the investigation of aircraft accidents and aircraft incidents involving the aircraft of the Defence Forces. The provisions of this Act apply to the procedure for the investigation of aircraft accidents and aircraft incidents involving the aircraft of the Defence Forces to an extent which does not hinder the performance of national defence duties.

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

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

§ 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 will establish a committee for the management of the use of airspace at the Ministry of Economic Affairs and Communications.

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

(2) The committee will comprise representatives of the Ministry of Economic Affairs and Communications, the Ministry of Defence, the Ministry of the Interior, the Defence Forces and the Civil Aviation Administration. The committee may involve representatives of other administrative agencies and other specialists in the performance of its functions.

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(3) The committee will monitor the implementation of the principles of the use of airspace in Estonia and make proposals for the implementation of these principles.

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

(4) The functions of an airspace management cell specified in Article 5 of Commission Regulation (EC) No 2150/2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, pp 20–25) are performed on the basis of subsection 34 (5) of this Act by a certified air navigation service provider who provides the air traffic control service in the Tallinn flight information region.

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

§ 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 Economic Affairs and Communications and the Civil Aviation Administration whose competence includes the development and implementation of aviation safety measures.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 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 will be prepared and implemented by the Ministry of Economic Affairs and Communications in cooperation with the relevant authorities and undertakings.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

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

(1) Where, for the purpose of complying with aviation safety requirements arising from Regulation (EC) No 216/2008 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 Civil Aviation Administration for authorisation in order to use such methods.

(2) To obtain the authorisation, the applicant submits an application to the Civil Aviation 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 (EC) No 216/2008 of the European Parliament and of the Council.

(3) The Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration grants the authorisation where the application of the alternative methods ensures compliance with the aviation safety requirements applicable to the person under Regulation (EC) No 216/2008 of the European Parliament and of the Council, its implementing regulations, this Act and legislation passed on the basis thereof.

(5) The Civil Aviation 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 (EC) No 216/2008 of the European Parliament and of the Council, its implementing regulations, this Act and legislation passed on the basis thereof.

(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 Civil Aviation 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 (EC) No 216/2008 of the European Parliament and of the Council, its implementing regulations, this Act and legislation passed on the basis thereof.

(8) The Civil Aviation 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]

Chapter 2

MANUFACTURE, MAINTENANCE, AIRWORTHINESS AND ENVIRONMENTAL ELIGIBILITY OF AIRCRAFT

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

§ 8. EASA aircraft production and maintenance organisation and certificate thereof

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

(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 4(1) of Regulation (EC) No 216/2008 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 Civil Aviation Administration.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(2) The procedure for the issue, amendment, suspension and revocation of certificates of EASA aircraft production or maintenance organisations will be established by the minister responsible for the field.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(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]

(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]

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

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

(1) An EASA aircraft is airworthy if 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 if it meets the requirements established in Annex I to Commission Regulation (EU) No 1321/2014, which is certified by an airworthiness review certificate.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(3) Continuing airworthiness management organisation means a person who meets the requirements established in Annex I to Commission Regulation (EU) No 1321/2014, which is certified by a continuing airworthiness management organisation approval certificate.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

(4) An EASA aircraft may be operated if 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]

(5) The procedure for the issue, amendment, suspension and revocation of certificates specified in subsections (1) – (3) of this section will be established by the minister responsible for the field.

(6) A state fee must be paid for reviewing an application for a certificate of airworthiness or a restricted certificate of airworthiness and for an airworthiness review certificate, for reviewing an application for the extension of the validity of an airworthiness review certificate, and for reviewing an application for and for maintaining a continuing airworthiness management organisation approval certificate.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 9¹. Continuing airworthiness of non-EASA aircraft

(1) An aircraft specified in Article 4(4) of Regulation (EC) No 216/2008 of the European Parliament and of the Council (hereinafter *non-EASA aircraft*) continues to be airworthy if it is maintained and its continued airworthiness is managed in accordance with the established requirements and it has a valid certificate of airworthiness.

(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 if 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 precepts of the Director General of the Civil Aviation 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) In case of a non-EASA aircraft with a maximum take-off mass of over 2730 kg, a turbine-powered non-EASA aircraft or a non-EASA aircraft making a specialised operation the owner must ensure that the continuing airworthiness management tasks are performed by a continuing airworthiness management organisation. In such an event the organisation assumes responsibility for the appropriate performance of these tasks.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

§ 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 will be established by a regulation of the minister responsible for the field.
[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 Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration will refuse to approve the maintenance programme and amendments thereto if 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 will be established by a regulation of the minister responsible for the field.

(8) More detailed requirements for the maintenance of non-EASA aircraft and components will be established by a regulation of the minister responsible for the field.
[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) If a non-EASA aircraft does not have any maintenance data for the planned modifications and repairs, the data approved by the Civil Aviation 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 Civil Aviation Administration will not approve the data of the modification and repairs of an aircraft if 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 Civil Aviation 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 a aircraft maintenance licence with a relevant type rating issued by a member state of the International Civil Aviation Organisation, which is approved by the Civil Aviation 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 9¹¹(2) of this Act;
- 5) a certified maintenance organisation accepted by the Civil Aviation 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) Only a certified maintenance organisation specified in clause 4) of subsection (1) of this section is allowed to carry out the maintenance of a non-EASA aircraft with a maximum take-off mass of over 2730 kg, a turbine-powered non-EASA aircraft or a non-EASA aircraft making a specialised operation.
[RT I, 07.03.2018, 1 – entry into force 15.03.2018]

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

- 1) a maintenance organisation approved by the Civil Aviation 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 9¹¹(2) of this Act, which has appropriate rating for the maintenance of the given component;
- 3) a certified maintenance organisation accepted by the Civil Aviation 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 9¹¹(2) 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 will be established by a regulation of the minister responsible for the field.
[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 if 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 9⁶(1) 1) and 2) of this Act and defined in the maintenance programme;
- 2) certifying staff specified in clauses 9⁶(1) 1) and 2) 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 9⁶(1) 1) and 2) 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 will be established by a regulation of the minister responsible for the field.

[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 will be established by a regulation of the minister responsible for the field.

[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 will be established by a regulation of the minister responsible for the field.

[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 will be established by a regulation of the minister responsible for the field.

(9) The procedure for maintaining records of the certifying staff of the maintenance organisation and the requirements for facilities and equipment will be established by a regulation of the minister responsible for the field.

[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) to 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) , to 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 Civil Aviation Administration will review an application for the approval of a continuing airworthiness management organisation and for the approval of a maintenance organisation and make 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) If, upon reviewing an application, it becomes evident that the requirements applicable to the applicant have not been fulfilled, the Civil Aviation 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 if the applicant meets the requirements provided for in subsections 9⁹(1) to (3) of this Act.

(2) The approval of a maintenance organisation will be granted if the applicant meets the requirements provided for in subsections 9¹⁰(1) to (5) 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 annual assessment of the conformity of an aircraft and the documentation thereof to the continuing airworthiness requirements.

(2) The airworthiness of aircraft is reviewed by the Civil Aviation Administration, a continuing airworthiness management organisation or a person approved by the Civil Aviation Administration in accordance with § 7¹ of this Act.

(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 Civil Aviation 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 9 (3) 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) The Civil Aviation Administration issues an airworthiness certificate demonstrating the conformity of non-EASA aircraft with the continuing airworthiness requirements. The airworthiness certificate is valid for one year.

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

(4²) The owner or operator of a non-EASA aircraft must submit the following documents to the Civil Aviation 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 Civil Aviation Administration will grant a non-EASA aircraft airworthiness certificate or refuse to grant it within 45 days after the submission of the application or, if 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 if 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 Civil Aviation Administration revokes an airworthiness certificate or suspends the validity of the certificate if 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 Civil Aviation 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 aeroplane, a sailplane, a powered sailplane, a hot air airship and a balloon, must be equipped with an emergency locator transmitter (ELT) operating on 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 2008, 27, 179 – entry into force 01.07.2008]

(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 if the numerical values indicating the noise level and engine emissions of the aircraft comply with established requirements.

(2) The Government of the Republic will establish 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 Civil Aviation Administration will issue certificates of environmental eligibility for powered aircraft.

§ 15¹. Aircraft operator's operating ban

(1) If the operator of an aircraft fails to adhere to the requirements established in Chapter 7 of the Atmospheric Air Act, the Civil Aviation Administration may, on a proposal of the Ministry of the Environment, 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 scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp. 32–46).

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

(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) If the European Commission has imposed an operating ban on an aircraft operator, the Civil Aviation Administration will prohibit 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 Civil Aviation Administration will inform 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. Aircraft used for the performance of the functions of the Defence Forces will not be entered in the aircraft register.

[RT I 2009, 64, 420 – entry into force 07.01.2010]

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

(3) The statutes of the aircraft register will be 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 will be entered in the aircraft register on the basis of an application if:
- 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 Civil Aviation Administration.
- (2) An aircraft that does not have a valid certificate of airworthiness or a permit to fly will be entered in the aircraft register temporarily for up to three months until the requirements specified in clauses (1) 1) – 3) of this section are fulfilled.
- (3) An aircraft that has been entered in the register of another state will not be 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 will be entered in the aircraft register and, if 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 will be 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, if 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 Civil Aviation 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 18 (1) 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 will be 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 will be submitted to the processor of the register for making of register entries together with translations into Estonian in the required scope and if 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 will be 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 will be 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 will be 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) If an entry made in the aircraft register concerning a registered security over movables is deleted, the right of security will be 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) If a petition has an omission preventing the making of an entry or if a necessary document is missing, and the omission can be clearly corrected, the controller of the register will set a time limit for elimination of the omission. If the omissions are not eliminated by the end of the time limit, the controller of the register will dismiss the petition by an order.

(3) If a petition for entry is granted in full, an entry will be 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) If the controller of the register grants a petition in part, the controller of the register will make 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 will be executed and an entry will be 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 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 appeal against an order will be 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 appeal against order

(1) The registrar will decide on acceptance of an appeal against an order immediately after receiving the appeal. The registrar will verify whether the appeal filed against the order is admissible and whether the appeal has been filed in accordance with the requirements of law and within the prescribed time limit.

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

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

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

(5) If the registrar finds an appeal against an order to be justified, the registrar will make an order to grant the appeal. If the registrar finds that an appeal against an order can be granted only in part, the registrar will not grant the appeal.

(6) If the registrar does not satisfy an appeal against an order within five days, the registrar will immediately send the appeal together with any annexes and related procedural documents appended thereto to the county court within whose territorial jurisdiction the registrar is located, for hearing and adjudicating. No separate order concerning the dismissal of an appeal will be made or submitted to the parties to the proceedings.

(7) The county court will hear 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 will on its own initiative correct spelling mistakes that have no legal meaning.

(2) The controller of the register will amend an entry if 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 will be deleted from the aircraft register if:

[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 will be 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 will be 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 will issue certificates of registration of aircraft.

(4) If the information in the certificate of registration of aircraft changes or an aircraft is deleted from the register, the owner of the aircraft will return 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 will be 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 will establish the procedure for the marking of aircraft.

§ 22¹. Register of defence aviation aircraft

(1) The register of defence aviation aircraft is a database maintained in order to keep records of aircraft used for the performance of the functions of the Defence Forces and the Defence League.

[RT I 2009, 64, 420 – entry into force 07.01.2010]

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

(3) The register of defence aviation aircraft and the statutes for maintenance thereof will be established by the minister responsible for the field.

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

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 27 (2¹) of this Act (hereinafter *aviation specialist*).

(2) The Civil Aviation 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 must be paid for the review of an application for an aviation personnel licence, for renewal of an aviation personnel licence and review of an application for a duplicate of an aviation personnel licence, for each new entry made in an aviation personnel licence and for extension of the entries made in an aviation personnel licence, for the review of an application for a validation certificate in recognition of a foreign aviation personnel licence and for passing an exam for an aviation personnel licence in the Civil Aviation 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–C0#3F193) 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) For radio communication on aviation frequencies between 118 000 – 137 000 MHz, a person must hold an aviation radio communication licence which grants the right for the use of radio communication in accordance with the conditions entered on the licence.

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

(2) The Civil Aviation Administration issues aviation radio communication licences.

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

(3) The procedure for issue of aviation radio communication licences will be established by the minister responsible for the field.

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

(4) Upon flights in the Tallinn flight information region, bilateral radio communication is governed by aviation radio communication rules.

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

(5) Aviation radio communication must be ensured in Estonian or English.

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

(6) The aviation radio communication rules will be established by the minister responsible for the field.

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

§ 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 Civil Aviation Administration performing the supervision and control.

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

(2) The Civil Aviation Administration issues aircraft crew member certificates. An aircraft crew member certificate will not be issued or will be revoked if 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 will be established by the minister responsible for the field.

[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. Aviation-specific language proficiency and validity of aviation-specific language proficiency

(1) The aviation-specific language proficiency of an air traffic controller, student air traffic controller, flight information services officer, aircraft pilot and flight navigator conducting radio communication must comply at least with level 4 of the language proficiency rating scale provided for in Annex 1 to the 1944 Chicago Convention on International Civil Aviation.

(2) The aviation-specific English language proficiency of a flight crew member participating in international air operations and an air traffic controller and a student air traffic controller providing international air navigation services must comply at least with level 4 of the language proficiency rating scale provided for in Annex 1 to the 1944 Chicago Convention on International Civil Aviation.

(3) The tests used for determination of the aviation-specific language proficiency must be approved by the Civil Aviation Administration.

(4) The Civil Aviation Administration recognises the results of the aviation-specific language proficiency tests taken under the supervision of an aviation authority of a member state of the International Civil Aviation Organisation.

(5) The aviation-specific language proficiency rating of a person who has passed a proficiency test for the certification of level 4 of the language proficiency rating scale will be valid for three years.

(6) The aviation-specific language proficiency rating of a person who has passed a proficiency test for the certification of level 5 of the language proficiency rating scale will be valid for six years.

(7) The aviation-specific language proficiency rating of a person who has passed a proficiency test for the certification of level 6 of the language proficiency rating scale will be valid for an unspecified term.

(8) If a re-evaluation for the extension of the validity of the aviation-specific language proficiency rating specified in subsections (5) and (6) of this section is taken not earlier than three months before the expiry of the

period of validity of the proficiency rating, the period of the validity of the proficiency rating will be extended for the next period of validity as of the date of expiry of the previous period. If the re-evaluation is taken earlier than three months before the expiry of the period of validity of the proficiency rating, the period of the validity of the proficiency rating will begin as of the date of taking the test.

(9) The requirements for the aviation-specific language proficiency tests and the procedure for the testing thereof, including the procedure for recognition of the aviation-specific language proficiency tests taken under the supervision of an aviation authority of a member state of the International Civil Aviation Organisation, will be established by the minister responsible for the field.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 23⁴. Tester of aviation-specific language proficiency

(1) The aviation-specific language proficiency tests will be conducted by the aviation-specific language proficiency testers by using the aviation-specific language proficiency examiners authorised by the Civil Aviation Administration.

(2) A tester of aviation-specific language proficiency must hold a certificate of a tester of aviation-specific language proficiency issued by the Civil Aviation Administration.

(3) A certificate of a tester of aviation-specific language proficiency will be issued for an initial term of three years. The certificate will be extended for an unspecified term.

(4) The Civil Aviation Administration will refuse to issue a certificate of a tester of aviation-specific language proficiency if the applicant fails to submit all the documents required on the basis of the legislation specified in subsection (7) of this section that are necessary for application for the certificate.

(5) The Civil Aviation Administration may suspend or revoke a certificate of a tester of aviation-specific language proficiency if the tester:

- 1) fails to comply with the instructions for conducting an aviation-specific language proficiency test prepared thereby;
- 2) involves persons without the required authorisation as examiners of language proficiency;
- 3) uses tests not approved by the Civil Aviation Administration;
- 4) fails to comply with the requirements of a precept issued in the course of state supervision exercised by the Civil Aviation Administration, or
- 5) submits an application for the suspension or termination of the activities thereof to the Civil Aviation Administration.

(6) If the basis for the suspension of a certificate of a tester of aviation-specific language proficiency has ceased to exist or have been eliminated, the Civil Aviation Administration will restore the validity of the certificate.

(7) The procedure for the issue, amendment, suspension and revocation a certificate of a tester of aviation-specific language proficiency and the form of the certificate will be established by the minister responsible for the field.

(8) A state fee must be paid for the review of an application for and extension of a certificate of a tester of aviation-specific language proficiency.

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

§ 23⁵. Examiner of aviation-specific language proficiency

(1) In order to examine aviation-specific language proficiency, the examiner must have the corresponding authorisation granted by the Civil Aviation Administration.

(2) The authorisation of an examiner of aviation-specific language proficiency will be valid for three years. An authorisation will be extended for another three-year period at the request of the examiner on the condition that the examiner has participated in at least five aviation-specific language proficiency tests during the period of validity of the previous authorisation.

(3) The following persons who have completed the examiner training may act as examiners of aviation-specific language proficiency:

- 1) an airline pilot with experience in international flight operations and at least level 5 aviation-specific language proficiency;
- 2) an air traffic controller with at least a three-year professional experience and at least level 5 aviation-specific language proficiency, or
- 3) an English philologist with higher education who is proficient in aviation radio communication and aviation terminology in general.

(4) The Civil Aviation Administration will refuse to issue or will revoke an authorisation if the person does not meet the conditions set out in subsection (3) of this section.

(5) The procedure for the issue of and the form of the authorisation of an examiner of aviation-specific language proficiency will be established by the minister responsible for the field.
[RT I 2008, 52, 290 – entry into force 22.12.2008]

§ 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 Civil Aviation 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 Civil Aviation Administration;
- 3) a cabin crew medical report;
- 4) a copy of the identity document where the applicant is a foreign national.

(2) The Civil Aviation 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 and in accordance with the procedure provided for in § 25¹ of this Act.

(4) The Civil Aviation 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 Civil Aviation Administration revokes a cabin crew attestation where the holder of the attestation has not applies 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 Civil Aviation Administration may conclude an administrative contract for the purpose of delegating the function of issuing cabin crew certificates.

(6) The Civil Aviation Administration exercises supervision over the performance of the administrative function.

(7) Where the administrative contract 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 responsible for the field will establish 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]

(3) A state fee is paid for the review of an initial application for a certificate of an aviation personnel training organisation, review of an application for amendment of the certificate 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]

§ 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, a student air traffic controller and a person studying or commencing studies in this specialisation must comply with the medical requirements provided for in 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, 06.03.2005, pp. 1–122) and it must be certified by a respective medical certificate.

(4) The compliance of the initial medical certificate of Class 1 under Commission Regulation (EU) No 1178/2011 of an aircraft crew member is assessed and the initial health certificate is issued by an aero-medical centre.

(5) The compliance of the initial medical certificate of Class 2 under Commission Regulation (EU) No 1178/2011 of an aircraft crew member and the compliance of the initial medical certificate of Class LAPL under Commission Regulation (EU) No 1178/2011 is assessed and the initial health certificate is issued by an aero-medical centre or an aero-medical examiner.

(6) The compliance of the initial medical certificate of Class 3 under Commission Regulation (EU) No 2015/340 of an air traffic controller and a student air traffic controller is assessed and the initial health certificate is issued by an aero-medical centre.

(7) The validity of a medical certificate specified in subsections (4) to (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]

§ 24². Authorisation of medical examiners

[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 Civil Aviation 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 Civil Aviation 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 as 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 Civil Aviation 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 Civil Aviation Administration decides 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 extension and restoration of the validity of Class 1 medical certificates, extending their competence or refusing to extend their competence within 30 days after the submission of the application and documents.

(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 Civil Aviation 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]

§ 25. Revocation or suspension of rights granted by aviation personnel licence

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

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

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

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.

(2) The Civil Aviation Administration may suspend the rights granted by an aviation personnel licence or a validation certificate for the time a departmental investigation is conducted and until completion of the investigation.

(3) The Civil Aviation Administration may suspend the rights granted by an aviation personnel licence 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, 07.03.2018, 1 – entry into force 15.03.2018]

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

(1) A decision to suspend the rights granted by an aviation personnel licence must set out the following:

1) the time and place of the decision;

2) the given name, surname and position of the person who made the decision and the name and address of the agency;

3) the given name, surname and residence of the person who piloted the aircraft;

4) the type, make and registration marks of the aircraft;

5) the term of and reasons for, the factual and legal basis of the suspension of the rights granted by an aviation personnel licence;

6) the signature of the person who made the decision.

(2) A decision will be made in two original copies, one of which will be given to the person, whose aviation personnel licence is suspended, immediately after the decision is signed. The aforementioned person will sign and mark the date of receipt of the decision on the other original copy to certify the receipt of the decision.

(3) The rights granted by an aviation personnel licence will be suspended as of communication of the decision.

(4) The rights granted by an aviation licence will be restored after the grounds specified in subsections 25 (1) and (2) cease to exist or after expiry of the term specified in clause (1) 5) of this section and the rights will be restored in accordance with the rules for the issue of aviation personnel licences to aviation specialists.

(5) Upon suspension of the rights granted by an aviation personnel licence, the holder of the aviation personnel licence is required to hand their aviation personnel licence to the person who made the decision regarding suspension or to another official designated thereby.
[RT I 2005, 29, 216 – entry into force 27.05.2005]

§ 26. Notification of circumstances influencing flight operations

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

(2) The Civil Aviation Administration will organise 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 if 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 will be 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) If 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) If 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) If 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) If 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 will be deemed as the start of standby.

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

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

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

(11) If 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. If 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 if it takes over one hour.

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

(13) If 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) If 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 Civil Aviation Administration must apply an early type disruptive schedule for the purposes of Commission Regulation (EU) No 965/2012.

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

§ 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 if 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 Civil Aviation 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

If 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) If 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 AND AIR NAVIGATION SERVICE PROVIDERS

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

§ 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 will be appointed by the minister responsible for the field.

[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 responsible for the field.

§ 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.

(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 will be established by the Civil Aviation 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 Civil Aviation Administration will communicate the established dimensions of the immediate vicinity to the Land 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, 26.02.2015, 2 – entry into force 01.03.2015]

(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 will be established by a regulation of the minister responsible for the field.

[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 Civil Aviation Administration for the chart of the immediate vicinity in the digital version.

(2) The Civil Aviation Administration will verify the information submitted by the aerodrome or heliport operator concerning the given obstacle limitation surface and protection zone and decide 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) If a flight obstacle affects safe air traffic or the operation of air traffic control equipment and radio navigation equipment, the Civil Aviation Administration will establish 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 plan will be valid for two years. If the designing of the construction works is not commenced in two years, a new approval will be applied for.

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

(3) If the existence of a construction works whose height above ground level exceeds 45 m is prescribed in design criteria, the local authority will be required to obtain approval from the Civil Aviation Administration concerning the design criteria. In the course of coordinating the design criteria, the Civil Aviation 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 Civil Aviation Administration.

(4) The building design documentation of an aerodrome, a heliport or a construction works whose height above ground level exceeds 45 m will be approved by the Civil Aviation Administration. The Civil Aviation 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 Civil Aviation Administration will determine the flight operations permitted at the aerodrome or heliport which will be 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 Civil Aviation 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 Civil Aviation Administration. Before the grant of written consent, the Civil Aviation 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 will be approved by the Civil Aviation Administration.

(5²) When granting approval, the Civil Aviation administration will take 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 will give their opinion in writing.

(9) The expenses relating to the conduct of an expert assessment specified in subsections (2) to (5) and (5³) of this section, including the expert's fee, will be 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 will be established by the minister responsible for the field. [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 will be maintained in accordance with a maintenance schedule approved by the Civil Aviation 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 Civil Aviation Administration;
- 10) planning and construction activities without the approval of the Civil Aviation Administration;
- 11) storage of over 3000 cubic metres of combustible materials without the approval of the Civil Aviation 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 will be granted to the owner of an immovable by the minister responsible for the field or a person authorised by the minister responsible for the field, taking into account the written reasoned opinion of the Civil Aviation 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 Civil Aviation Administration if 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 if 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) If the Civil Aviation Administration finds that deforestation is necessary for ensuring the safety of flight operations, the Civil Aviation 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. If the Civil Aviation 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 will be determined in the maintenance schedule, taking account, if 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) In order for an aerodrome or heliport to be used for the organisation of flight operations, a certificate that certifies that the aerodrome or heliport meets the requirements for the safe operation of aircraft will be issued to the aerodrome or heliport. Operating specifications form a part of the certificate. [RT I 2008, 52, 290 – entry into force 22.12.2008]

(2) The minister responsible for the field will establish the procedure for the certification of aerodromes and heliports.

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

(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]

(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. Certificate of air navigation service provider

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

(1) In order to arrange air navigation services in compliance with requirements and to ensure aviation safety, an undertaking must hold a certificate that certifies that the undertaking has personnel with adequate expertise and experience, and the necessary divisions, installations, facilities and equipment for such activities, and that the service provider has established the required procedures.

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

(2) The conditions and the procedure for the certification of air navigation service providers will be established by the minister responsible for the field.

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

(3) The Civil Aviation Administration will certify air navigation service providers and issue the corresponding certificates.

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

(4) The Civil Aviation Administration will certify air traffic control equipment and radio navigation equipment and issue corresponding certificates.

(5) The procedure for the certification of air traffic control equipment and radio navigation equipment and issue of certificates will be established by the minister responsible for the field.

(6) 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.

(7) A state fee must be paid for the review of an application for an air traffic control and radio navigation equipment certificate, review of the initial application for and application for amendment of an air navigation service provider certificate and for the issue of a new air navigation service provider certificate upon expiry of the existing one.

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

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 of the air operator specified 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, pp. 3–20) will be issued by the minister responsible for the field.

[RT I 2009, 64, 420 – entry into force 07.01.2010]

(2) The procedure for the issue, suspension and revocation of operating licences will be established by the Government of the Republic.

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

(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 Civil Aviation 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 Civil Aviation 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 as granted to the applicant by default upon expiry of the time limit.

(2) A state fee for reviewing 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 holding a certificate is paid at the rate provided for in the State Fees Act. No state fee is charged for reviewing an application for

amendment of the registration certificate of an aircraft and the contact details of an air operator in the operations specifications.

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

§ 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. Suspension or revocation of air operator certificate

(1) In addition to failure to comply with the requirements provided for in Commission Regulation (EU) No 965/2012, the Civil Aviation Administration may suspend the validity of an air operator certificate or revoke the certificate in the following events:

- 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]

(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 Civil Aviation 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 Civil Aviation Administration will revoke the certificate. The person holding the certificate will notify the Civil Aviation Administration in writing of the date of surrender of the certificate at least 30 days before the surrender of the certificate. The certificate will be 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) If 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 Civil Aviation Administration will restore the validity of the certificate.

(2) Before the restoration of the validity of the certificate, the Civil Aviation Administration or the person specified in § 7¹ will verify the compliance with the requirements specified in subsection (1) of this section, if necessary.

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

§ 42⁶. Operational service flight operations

(1) A state agency whose field of activity includes operational service flight operations in civil aviation with an obligation to react will organise its flight operations in accordance with this Act and the manuals providing for the rules of procedure of flight operations, which are approved beforehand by the Civil Aviation Administration.

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

(2) The air traffic service unit may give preference over other flights to a flight having the special operational service status, provided that it does not affect aviation safety.

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

(3) The following flights are considered flights having the special operational service status:

1) a medical flight, including a flight to a person in need of help;
2) a flight related to a search and rescue operation;
3) a military flight or a flight related to the performance of the functions of the Police and Border Guard Board or the functions of the Security Police Board.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4) In the event of a special status flight, the flight plan must include a relevant abbreviation indicating the flight status:

1) 'HOSP' means a medical flight, including a flight to a person in need of help;
2) 'SAR' means a flight related to a search and rescue operation;
3) 'STATE' means a military flight or a flight related to the performance of the functions of the Police and Border Guard Board or the functions of the Security Police Board.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

§ 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 responsible for the field.
[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 Civil Aviation 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 responsible for the field.

(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 Civil Aviation Administration.

(2) The operator of a non-EASA aircraft entered in the register of a foreign country must submit to the Civil Aviation 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 Civil Aviation 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 Civil Aviation 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.

(4) The Civil Aviation 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 Civil Aviation 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 Civil Aviation 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]

§ 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 Civil Aviation 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 Civil Aviation Administration may amend a certificate or the operations specifications of the certificate in order to ensure aviation safety if the carrier or the activity thereof does not comply with the requirements specified in subsection 42⁴(1) of this Act. The person holding the certificate will be 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 reviewing an application for a special approval in accordance with Annex V (Part-SPA) to Commission Regulation (EU) No 965/2012 at the rate provided for in the State Fees Act.

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

§ 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 responsible for the field.

(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 Civil Aviation Administration in accordance with Commission Regulation (EU) No 965/2012.

(2) Hostile environments are the Estonian sea area, Lake Võrtsjärv and the areas of Lake Peipus, Lake Lämmijärv and Lake Pskov, which are 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 been 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 Civil Aviation Administration has approved them.

(2) The Civil Aviation 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 Civil Aviation Administration establishes that the operator has breached the requirements for making an introductory flight provided by legislation or established by the operator itself, the Civil Aviation Administration may withdraw the approval.

(4) The Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration:

- 1) a valid air operator certificate;
- 2) a valid operating licence if 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 10¹(4) of this Act;
- 6) a valid airworthiness certificate.
- 7) a valid airworthiness review certificate of an aircraft if 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration will refuse to grant the approval if:

- 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 Civil Aviation 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 responsible for the field will form 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 will include representatives of the Ministry of Economic Affairs and Communications, the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of the Interior, the Civil Aviation Administration, the Security Police Board, 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 2009, 62, 405 – entry into force 01.01.2010]

(3) An operator of an aerodrome or heliport open for civil aviation will form 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) At the aerodromes or heliports jointly used by state and civil aviation, the operator of the aerodrome or heliport will establish joint aviation security measures.

(3) According to its competence, the Tax and Customs Board will ensure the checking of passengers, cabin baggage, baggage, goods and aircraft.

(4) The Police and Border Guard Board will:

- 1) on the ground and in accordance with the procedure set out in the Police and Border Guard Act, ensure 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 if it arises from a binding international obligation of Estonia, conduct border controls of passengers and aircraft crew members, prevent inadmissible persons from entering the Republic of Estonia, and escort deportees or receive such persons from an air operator (escorting officer) and hand them over to a corresponding state authority.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) The function of the Security Police Board 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.

(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 will carry 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 Civil Aviation 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]

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

6) inform 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) notify the Civil Aviation Administration of all the problems and violations concerning aviation security known to the undertaking,

8) submit the draft documents concerning the design of an aerodrome or heliport, the extension or reconstruction of civil aviation buildings to the Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 will:
- 1) specify 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, ensure that the pilot-in-command is informed of such passenger;
- [RT I, 07.03.2018, 1 – entry into force 15.03.2018]
- 2) ensure 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) ensure 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) mark 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) ensure 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 Civil Aviation 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 will:
- 1) notify the Joint Rescue Coordination Centre, the Rescue Board Control Centre, the aerodrome or heliport security service and, in Tallinn, the chief dispatcher of the Tallinn aerodrome, if an aircraft is in distress;
 - 2) [Repealed – RT I, 26.02.2015, 2 – entry into force 01.03.2015]
 - 3) ensure air traffic control services to an aircraft in distress in the Tallinn flight information region and will forward the information to all the air traffic services on the route and, if possible, to the aerodrome of destination;
 - 4) ensure 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) ensure 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration makes a decision to approve or to refuse to approve the training programme within 30 days following the submission of an application or, if the application contains deficiencies, following the elimination of the deficiencies.

(5) The approval decision of the Estonian Civil Aviation Administration remains in force for an unspecified term.

(6) The Estonian Civil Aviation Administration will refuse to approve a training programme if 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 46⁹(4) 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, if not submitted, would result in the refusal to issue the certificate on the ground set out in clause 1) of this subsection.

(8) The Civil Aviation Administration may refuse to grant a security instructor certificate if the circumstance specified in subsection 46⁹(5) of this Act exists regarding the applicant.

(9) The Civil Aviation Administration revokes the approval decision where the circumstance specified in subsection 46⁹(4) of this Act exists regarding a security instructor.

(10) The Civil Aviation 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 46⁹(5) of this Act exists regarding the applicant;
- 3) in the course of state supervision 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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.

(2¹) An identification card issued to a supervisory official of the Civil Aviation Administration certifies that the official is authorised to exercise state and administrative supervision.

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

(3) A passenger will submit 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 of the aircraft operator will verify the correctness of the boarding of the passenger by checking the identity document and boarding pass of the passenger.

(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 and for performing aviation security functions, the Security Police Board will carry out a background check of the person (hereinafter *check*).

(2) The check will be 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) performance of the functions of a security instructor.

(3) The result of a background check may serve as the basis for:

- 1) refusal to issue an airport identification card, crew member certificate or crew identification card or for revocation thereof;
- 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 if the following circumstances exist:

- 1) the acts of the person checked are aimed against the national security of the Republic of Estonia;
- 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.

(5) As a result of the check, the measures specified in subsection (3) of this section may be taken if the following circumstances exist:

- 1) the person checked is a party to criminal proceedings as a suspect or accused;
- 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 addicted to a narcotic or psychotropic substance, alcohol or gambling;
- 6) the person checked has a psychological 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.

(6) The Security Police Board has the right to check the existence of the circumstances specified in subsections (4) and (5) of this section also during the term of validity of an airport identification card, crew member certificate or crew identification card or during the period when the person checked performs the aviation security functions listed in clauses 4) to 10) of subsection (2) of this section.

(7) If the measures specified in subsection (3) of this section are taken with regard to the person checked, the person will be, if 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 will be 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, except in the event specified in subsection (6) of this section, the person checked must submit a personal data questionnaire as follows:

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

- 1) to the operator of the aerodrome or heliport or to the Civil Aviation Administration if an airport identification card is applied for;
- 2) to the air operator if a crew identification card is applied for;
- 3) to the Civil Aviation Administration in all other events specified in subsection (2) of this section.

(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. If possible, the person checked will submit 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.

(10) The operator of the aerodrome and heliport, air operator and the Civil Aviation Administration will submit the documents of the person checked to the Security Police Board for the purpose of carrying out a background check.

(11) Within 15 days after receiving the documents, the Security Police Board will inform the aerodrome and heliport operator, air operator and the Civil Aviation Administration in writing about the circumstances specified in subsections (4) and (5) of this section, which have been identified in the course of the check.

(12) If the Security Police Board needs to make an enquiry to an international organisation, foreign state or a local authority or an educational institution, the time limit of informing about the results of the check may be extended to up to 45 days.

(12¹) Upon carrying out the check, the Security Police Board 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 will be established by a regulation of the minister responsible for the field.

[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 will be displayed in a visible place in the passenger terminal and in screening points of an airport.

(2) A person will not be permitted into security restricted areas of an aerodrome or heliport or on board aircraft if they refuse to undergo screening or if there is reason to believe that they may expose themselves or other persons to danger.

(3) Hand search will be conducted in the event the technical equipment required for screening is not in a working order or in the event of a power outage.

(4) The heads of states, the Prime Minister of the Republic of Estonia, the President of the *Riigikogu*, the Minister of Foreign Affairs, the spouses and minor children and bodyguards of the aforementioned persons travelling with them are exempt from security screening. Persons of foreign states with a similar position and the cabin baggage of the persons listed in this subsection are exempt from security screening as well.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4¹) The President of the *Riigikogu* may exempt from security screening the guests of the *Riigikogu* who are on an official visit to the Republic of Estonia, notifying thereof in accordance with the procedure set out in subsection (4³) of this section.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(4²) At the request of a member of the Government of the Republic, guests who are on an official visit to the Republic of Estonia may be exempted from security screening by an order of the Prime Minister.
[RT I, 26.02.2015, 2 – entry into force 01.03.2015]

(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) If it becomes evident upon screening of hold baggage that the baggage may contain prohibited articles and if the passenger cannot be found, the screener will have 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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) If an application for approval is not reviewed within the prescribed time limit, the approval will not be deemed as given to the applicant by default upon expiry of the time limit.

(8) The Civil Aviation Administration approves a known consignor, a regulated agent and a regulated supplier of in-flight supplies if 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 subsection (5) and (6) of this section must be annexed to the application.

(11) The Civil Aviation Administration will refuse to approve or renew the approval of a known consignor, regulated agent or regulated supplier of in-flight supplies if:

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 46⁹(4) of this Act exists with regard to the person responsible for security (security manager);

5) the person has knowingly submitted false information that could influence the reviewing of the application and that, if not submitted, would result in the refusal of the approval on the grounds set out in clauses 1) to 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 Civil Aviation Administration may refuse to approve a known consignor, regulated agent or regulated supplier of in-flight supplies or refuse to renew the recognition if the circumstance specified in subsection 46⁹(5) of this Act exists regarding the person responsible for security (security manager).

(13) The Civil Aviation Administration will revoke an approval decision if the circumstance specified in subsection 46⁹(4) of this Act exists regarding the person responsible for security (security manager).

(14) The Civil Aviation Administration may revoke the approval if:

1) in the course of state supervision 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 46⁹(5) of this Act exists with regard to the person responsible for security (security manager);

3) it is identified in the course of state supervision 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. If an aircraft operator cannot ensure the inviolability of the aforementioned article during the period specified above, a firearm will not be 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 will inform the pilot-in-command of the aircraft about the time of the passenger's flight, send 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) If necessary, a passenger requiring special treatment will be accompanied by a representative of a law enforcement authority.

(4) A person expelled from the state may be unaccompanied on board the aircraft if there is adequate reason to presume that the person will not affect the safety of the flight during the flight. If a person expelled from the state is unaccompanied, the carrier will be responsible for the person until the person is handed over to the immigration service of the relevant state.

(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 Civil Aviation 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) If possible, the Republic of Estonia will take into account the requests of foreign states to apply supplementary security measures with respect to a specific flight or flights and, if necessary, will require 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 Civil Aviation 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 Civil Aviation Administration.

(2) The Civil Aviation 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 Civil Aviation Administration's approval.

(3) The Civil Aviation Administration will approve a person implementing security measures if 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 Act are followed upon assessing the medical status of a person, taking into account the nature of the duties assigned to the person.

(5) The Civil Aviation 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 46⁷(4) of this Act exist regarding the applicant;
- 3) the applicant has knowingly submitted false information that could influence the review of the application and which, if 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 Civil Aviation Administration may refuse to approve a person implementing security measures or to renew the approval if the circumstance specified in subsection 46⁹(5) of this section exists with regard to the applicant.

(7) If 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 will remain in force for three years.

(8) If a person implementing security measures controls access to the security restricted areas of an airport or heliport and undertakes patrols, their approval will remain 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 Civil Aviation Administration will revoke the decision to approve a person implementing security measures if the circumstance specified in subsection 46⁹(4) of this Act exists regarding the person.

(11) The approval of a person implementing security measures may be fully or partially be revoked if:

- 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 state supervision, 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 46⁹(5) of this Act exists regarding the person.

(12) More detailed requirements for the training of persons implementing security measures as well as the frequency and documenting of carrying out training will be established by a regulation of the minister responsible for the field.

(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 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;

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 Civil Aviation 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 Civil Aviation Administration of all occurrences. In addition to the Civil Aviation 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 Civil Aviation Administration via the European reporting portal or, with the prior approval of the Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation 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 Annex II to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

[RT I, 03.05.2016, 4 – entry into force 13.05.2016]

(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 will 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 part of Lakes Peipsi, Lämmijärv and Pihkva under Estonian jurisdiction, the Police and Border Guard Board will carry out search and rescue on the ground and in accordance with the procedure set out 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 will perform search work and the Rescue Board will perform rescue work on the ground and in accordance with the procedure set out in the Police and Border Guard Act.

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

(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 service supervision 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 responsible for the field. 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*) will be 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 Annex II to Regulation No 216/2008 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, 20.12.2011, 3 – entry into force 01.01.2012]

(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 will 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. If 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 precept to an obligated person for the purpose of ensuring the performance of the duties and obligations relating to safety investigation steps. The precept must be in writing and contain the following information:

- 1) the time and place of the precept;
- 2) the substance and legal ground of the precept;
- 3) the time limit for complying with the precept;
- 4) the rate of the preventive fine imposed in the event of failure to comply with the precept;
- 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 precept.

[RT I, 20.12.2011, 3 – entry into force 01.01.2012]

(5⁵) Upon failure to comply with a precept 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 Substitutive Enforcement and Preventive Fines 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 will be established by a regulation of the minister responsible for the field.
[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) If an aircraft, goods carried on board the aircraft or other objects belonging thereto are found, and if 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 will be 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

If 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 will draw 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 Civil Aviation 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 exercising state supervision.

(2) The controller of the aviation safety supervision information system is the Civil Aviation Administration.

(3) The statutes of maintenance of the aviation safety supervision information system will be established by the minister responsible for the field.

[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 open to commercial air traffic, which has the highest passenger movement (hereinafter in this chapter *airport*).

(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

For the purposes of this chapter, ‘airport operator’ means a company managing the airport, which has the task under legislation and contracts of administering and managing the airport facilities and coordinating the activities of various operators present at the airport.

§ 50⁴. Airport user

(1) For the purposes of this chapter, ‘airport user’ means any person who, using the airport services specified in subsection 50⁵(1) of this Act, carries passengers, mail or freight by air to or from the airport concerned.

(2) Airport users may agree between themselves that the communication with the airport operator under this chapter will be organised via an organisation representing the airport users. The airport users will inform the airport operator about such agreement in writing.

§ 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 will be set by the airport operator.

(2) Airport charges will be 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) to (8), (10), (12) and (13) of the same section apply to airport charges.

(7) The method of calculation of airport charges will be established by a regulation of the minister responsible for the field.

§ 50⁶. Change of airport charges

(1) The airport operator will set new rates of airport charges (hereinafter *rates*) by agreement with airport users, if possible. The airport operator will make 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 will consult airport users regarding the new rates and, if possible, take the positions of the airport users into account. Consultations with airport users will be minuted.

(3) The airport operator will submit its decision on the new rates to airport users and publish it on its website two months before the intended entry into force of the new rates. If 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) If 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 will take 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 will send 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 will make 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 will publish 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 will consult airport users at least once a year regarding rates and, if 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 will be organised on the initiative of the airport operator. The annual consultation specified in subsection (1) of this section will be 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. If the airport operator and airport users have concluded a multi-annual consultation agreement, the consultations will take place in accordance with the procedure and on the dates specified in the agreement. Consultations will be 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) If 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) If 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 will have the right to make a precept 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) If, 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 will have the right to file a complaint with the Competition Authority, including if:

- 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 ensuring 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 will consult 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 will dismiss a complaint if:

- 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) If, 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 will make a precept 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 will issue 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 will prepare 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 precepts made to the airport operator. The Competition Authority will publish the annual report on its website.
[RT I, 28.10.2011, 1 – entry into force 07.11.2011]

Chapter 9

OTHER PROVISIONS CONCERNING AVIATION

§ 51. Special permit and flight permit obtained from Civil Aviation Administration

(1) A special one-off permit must be obtained from the Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration, which prove that the air race or the public aviation event will be 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 Civil Aviation 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 Civil Aviation 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 Civil Aviation Administration will refuse to grant a special permit if the aviation safety is not ensured or if 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 Civil Aviation Administration will issue a permit to fly for the operation of an aircraft specified in Article 4(4) of Regulation (EC) No 216/2008 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, 26.02.2015, 2 – entry into force 01.03.2015]

(3) The flight conditions accompanying a permit to fly specified in subsection (2) of this section will be approved by the Civil Aviation 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 will be established by the minister responsible for the field.

(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 Civil Aviation 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 will establish 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 Civil Aviation 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 will inform the appropriate authority of a party to the Prüm Convention about the assignment of an air marshal to an aircraft.

(2) The notice will be sent to the appropriate authority of the other contracting party at least 72 hours before the respective flight that will arrive at or depart 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 for the purposes of Article 19 of the Prüm Convention is the Information and Analysis Department of the Ministry of the Interior.

(6) The procedure for notification about an air marshal of a foreign state will be established by a regulation of the minister responsible for the field.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

§ 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 a 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 will be established by a regulation of the minister responsible for the field.

[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 if the aircraft is not in an airworthy condition or is not manned, equipped or loaded in compliance with the requirements, or if other circumstances impeding the operation of the aircraft become evident, except in the events specified in subsection 14 (4) of this Act;

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;

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

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 if 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 if 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.

(4) If a person operates an aircraft in the status specified in clause 3) of subsection (1) of this section, the person will be 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.f of Annex IV to Regulation (EC) No 216/2008 of the European Parliament and of the Council;

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) to 4) of subsection (5) of this section are identified by a doctor entered in the register of health care professionals.

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

(7) In the event of suspicion of a medical status affecting air safety, which is specified in clauses 2) to 4) of subsection (5) of this section, the police escorts 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 Civil Aviation 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) If 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 at the time of performance of their duties.

(2) The employer must make certain that employees are not in a state of intoxication for the purposes of the Law Enforcement Act 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.

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

§ 56. Use of abnormal aircraft

(1) The minister responsible for the field 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 responsible for the field will establish 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 will be published in the Aeronautical Information Publication (AIP).

(2) An aeronautical information service provider (hereinafter *AIS*) appointed by the minister responsible for the field, 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 government agencies 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) the Ministry of Economic Affairs and Communications – information concerning the flight operations specified in subsection 1 (2) of this Act, except information specified in clauses 2) – 9) of this subsection.
- 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 defence aviation;
- 3) the Ministry of the Environment – 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;
- 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 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 Civil Aviation Administration will enter 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 Civil Aviation Administration of the person's name, position and contact details.

(8) The requirements for the collection, processing of aeronautical information and aeronautical surveys and the procedure for communication and publication of aeronautical information, including the types of communication of information and the terms of communication and validity of information will be established by the minister responsible for the field.

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

§ 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 Civil Aviation 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 Civil Aviation 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 aviation meteorological service will pay 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 will be established by the minister responsible for the field.

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

§ 57⁴. Flight procedures and certification of developer of flight procedures

(1) Flight procedures are divided into instrument arrival, instrument approach or instrument departure procedures. Flight procedures are developed on the basis of Document 8168 of the International Civil Aviation Organisation “Procedures for Air Navigation Services-Aircraft Operations” (PANS-OPS).

(2) The designer of flight procedures must be certified.

(3) The designer of flight procedures may be a person who:

- 1) has completed training in Document 8168 of the International Civil Aviation Organisation or has staff that has completed the training;
- 2) has sufficient experience in developing flight procedures or has staff with sufficient experience to that end;
- 3) has a quality management system that covers the entire field of development of flight procedures.

(4) The Civil Aviation Administration decides an application for the certificate by granting or refusing to grant the certificate within 45 days from the receipt of the application.

(5) An application for the extension of the validity of a certificate must be submitted at least 45 days before the expiry of the certificate. The application must be accompanied by documents certifying the fulfilment of the requirements provided for in subsection (3) of this section.

(6) If an application for the certificate is not reviewed within the prescribed time limit, the certificate will not be deemed as granted to the applicant by default upon expiry of the time limit.

(7) The flight procedures designer certificate will be granted if the applicant complies with the requirements provided for in subsection (3) of this section.

(8) The extension of the validity of the certificate will be refused if the person:

- 1) does not comply with the requirements provided for subsection (3) of this section;
- 2) 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 or extend the validity of the certificate;
- 3) 45 days before the expiry of the certificate does not submit an application for the amendment of the certificate for the purpose of extension of the validity of the certificate.

(9) The flight procedures designer certificate remains in force for six years.

(10) A state fee must be paid for reviewing an application for the flight procedures designer certificate, application for the amendment of the certificate and application for the extension of the validity of the certificate.

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

§ 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 Civil Aviation 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 Civil Aviation 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 responsible for the field.

(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. Insurance of third parties

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

§ 58². Insurance of passengers

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

§ 58³. Insurance of luggage and cargo

[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 the rights of travellers.
[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 Civil Aviation 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 will be granted if the applicant has staff with the skills required for carrying out parachuting dropping and the required equipment and if 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 will be established by a regulation of the minister responsible for the field.

(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]

§ 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 are the charges for the services provided at an aerodrome or heliport – landing charge, parking charge, passenger charge, take-off charge and aviation security charge.

(3) The rates of the charges will be 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 will be 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 will be 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 Defence Forces, customs and police;
- 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 if 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 government agency 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 will notify the service provider in advance of the planned flights exempt from service charges and will pay the service provider for the flights exempt from the charges. The failure to perform the notification obligation will 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 will pay 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 will be approved and supervision over proper implementation of these incentive schemes will be exercised by the minister responsible for the field.

(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 government agencies who will 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 electronic security

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]
An aerodrome operator who operates an aerodrome which is open for international scheduled air traffic and the air navigation service provider who ensures air navigation services in the Tallinn flight information region must adhere to the requirements established in subsections 41 (1) and (2) and on the basis of subsection 41 (3) of the Exigent Situation Act.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

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

Chapter 9¹ **STATE AND ADMINISTRATIVE SUPERVISION**

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

§ 60¹. State supervision

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

(1) State and administrative supervision over the implementation of legislation regulating aviation safety, aviation security, flight operations and use of airspace is exercised by the Civil Aviation Administration and by other authorities exercising state supervision provided by law.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) The competence of the Civil Aviation Administration includes state supervision over:

- 1) flight operations of legal persons and natural persons;
- 2) the conformity of constructions works, aerodromes and heliports with the aviation safety requirements;
- 3) air navigation services providers for the safe organisation of air navigation in compliance with the requirements;
- 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, 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 that carries out security training;

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

- 7) correspondence of the aviation personnel licences of aviation specialists to the competence of the specialists;
- 8) the training of aviation specialists and persons engaged in medical expert assessment of aviation specialists;

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

- 9) the developer of flight procedures;

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

- 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]

(3) The competence of the Security Police Board includes state supervision over:

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]

(4) The competence of the Ministry of Economic Affairs and Communications includes state supervision over 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, 29.06.2014, 1 – entry into force 01.07.2014]

(5) The Information System Authority exercises supervision over adherence by the aerodrome operator and the air navigation service provider specified in § 59¹ of this Act to the requirements established in subsections 41 (1) and (2) and on the basis of subsection 41 (3) of the Exigent Situation Act.

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(6) The Consumer Protection and Technical Regulatory Authority is competent to exercise state supervision over the following:

1) the upholding of the 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]

§ 60². Exercise of state and administrative supervision

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

(1) A law enforcement authority may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

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

(1¹) The Security Police Board may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision 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.

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

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(1³) In the course of state and administrative supervision, the Civil Aviation 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 Civil Aviation Administration exercising aviation security supervision and an authorised person of the Civil Aviation Administration may also take part in carrying out the tests.

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

(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, if 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, if as a result of the inspection, it becomes evident that their competence does not conform to the established requirements or if 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 state supervision over adherence to the aviation safety requirements established for construction works, the Civil Aviation Administration must inform the local authority of the results of state supervision.

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

(4¹) The Civil Aviation 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 Security Police Board 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]

§ 60³. Precept and rate of penalty payment

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

(1) The Civil Aviation Administration has the right to issue precepts 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 make a precept 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 precept cannot be made 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 precept to the airport operator for the purpose of bringing the rates of the charges applied by the airport operator or other activities of the airport operator into compliance with the requirements of Chapter 8² of this Act.

(4) The Ministry of Economic Affairs and Communications has the right to issue a precept for the purpose of ensuring 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.

(5) A precept must be complied with immediately and the contesting of the precept will not suspend the compliance therewith.

(6) In the event of failure to comply with a precept the maximum penalty payment imposed in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 3500 euros.

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

(7) In the event of failure to comply with a precept of the Information System Authority the maximum penalty payment imposed in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 2000 euros.

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

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 3200 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 6400 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 3200 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, if 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, if 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 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 60¹⁸. Permitting intoxicated person 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 an intoxicated pilot to pilot the 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]

§ 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 intoxicated person

The penalty for the piloting of an aircraft or providing of air navigation services by an intoxicated person is a fine of up to 300 fine units or by detention.

§ 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, if 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 operations specification set out in an air operator or air navigation service provider certificate or operating without a certificate 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 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]

§ 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, if 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 Civil Aviation 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 Civil Aviation 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

(1) The penalty for violation of the electronic security requirements specified in § 591 of this Act is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 20 000 euros.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

§ 60⁴⁵. Proceedings

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

§ 60⁴⁶. Failure to declare operations subject to duty to declare

(1) The penalty for failure to declare operations subject to the duty to declare 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 3200 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 400 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, 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

(1) Extrajudicial proceedings concerning the misdemeanours provided for in §§ 60⁵–60⁷, 60⁹, 60¹⁰, 60¹²–60²⁰, 60²²–60²⁵, 60²⁷, 60²⁸, 60³¹, 60³⁵, 60³⁹–60⁴², 60⁴⁶ and 60⁴⁷ of this Act are conducted by the Civil Aviation Administration.

(2) Extrajudicial proceedings concerning the misdemeanour provided for in § 60³⁷ of this Act are conducted by the Police and Border Guard Board.

(3) Extrajudicial proceedings concerning the misdemeanour provided for in § 60⁴⁴ of this Act are conducted by the State Information System Authority.

(4) Extrajudicial proceedings concerning the misdemeanours provided for in §§ 60⁴⁹–60⁵¹ of this Act are conducted by the Consumer Protection and Technical Regulatory Authority.
[RT I, 08.01.2020, 1 – entry into force 17.01.2020]

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 will be 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

With the permission of the Civil Aviation Administration, an aircraft with a maximum take-off mass of up to 5700 kg that is not operated in commercial air transportation may be supplied with an automatic emergency locator transmitter capable of transmitting on 121.5 MHz, the parameters of which comply with the provisions of Volume III of Annex 10 to the 1944 Chicago Convention on International Civil Aviation, until 31 December 2008.

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

§ 61³. Specification of airworthiness review

The specification provided for in subsection 7¹(1) of this Act concerning the airworthiness review of aircraft specified in subsection 10 (3) as well as subsection 10 (3) itself will be 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 Civil Aviation 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 will enter into force on 1 September 1999.

¹ Directive 2004/36/EC of the European Parliament and of the Council on the safety of third-country aircraft using Community aerodromes (OJ L 143, 30.04.2004, pp. 76–86); Directive 2009/12/EC of the European Parliament and of the Council on airport charges (OJ L 79, 14.3.2009, pp. 11–16).
[RT I, 03.05.2016, 4 - entry into force 13.05.2016]