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Road Transport Act¹

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RT I 2000, 54, 346

Entered into force in accordance with § 36

Amended by the following acts

Passed	Published	Entry into force
21.03.2002	RT I 2002, 32, 190	18.04.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
20.11.2003	RT I 2002, 102, 601	01.01.2003
17.12.2003	RT I 2003, 88, 591	01.01.2004
14.04.2004	RT I 2004, 30, 205	07.05.2004
20.04.2006	RT I 2006, 21, 162	01.06.2006
16.10.2008	RT I 2008, 47, 262	01.01.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
27.01.2010	RT I 2010, 9, 41	08.03.2010
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).
17.06.2010	RT I 2010, 44, 261	01.01.2011, date of entry into force amended 01.07.2011
16.12.2010	RT I, 30.12.2010, 2	01.01.2011
23.12.2010	RT I, 31.12.2010, 3	01.07.2011, in part 01.01.2011
15.02.2012	RT I, 02.03.2012, 5	12.03.2012
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.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the grounds for the organisation of national and international road transport, including the grounds for the organisation of occupational training of drivers.
[RT I 2008, 47, 262 – entry into force 01.01.2009]

(1¹) The provisions of Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, pp 51–71) serve as the grounds for admission of a road transport operator (hereinafter *carrier*) and engaging in the field of activity, taking account of the provisions of this Act.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(1²) The provisions of Regulation (EC) No 1072/2009 of the European Parliament and of the Council on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, pp 72–87) serve as the grounds for the organisations of the international road haulage of goods, including cabotage.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(1³) The provisions Article 5(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, pp 88–105) serve as the ground for the organisation of own-account international road transport operations, taking account of the provisions of this Act.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(2) This Act does not regulate the organisation of road transport involving the vehicles of the Defence Forces, the Defence League and foreign missions.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(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.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

(4) The General Part of the Economic Activities Code Act applies to the commencement, pursuance and termination of the economic activities of an operator regulated by this Act, taking account of the specifications provided for in Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 of the European Parliament and of the Council as well as in this Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 2. Definitions

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

In addition to the definitions given in Article 2 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council and Article 2 of Regulation (EC) No 1072/2009, this Act uses the following definitions:
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

1) 'road transport' means the carriage of passengers or goods using a designated vehicle, including an unladen journey in conjunction with such carriage;

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

2) 'road transport for hire or reward' means the carriage of passengers or goods for which the carrier receives reward in any form;

3) 'own-account road transport' means the carriage of passengers or goods for which the carrier does not receive reward;

4) 'national road transport' means the carriage of passengers or goods within Estonia;

5) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

6) 'carrier' means an operator entered in the commercial register or a person entered in the register of non-profit associations and foundations, which holds a Community licence.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

Chapter 2 ROAD TRANSPORT FOR HIRE OR REWARD

§ 3. General provisions

(1) The provisions of this chapter apply in the event of the carriage of goods for hire or reward using a motor vehicle or road train which is owned or used under a usage contract by a carrier and which has a gross vehicle weight of more than 3500 kilograms.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(2) The carriage of passengers for hire or reward is regulated by the Public Transport Act. Sections 21, 21¹, 22, 27 and 28 of this Act also apply to the carriage of passenger for hire or reward.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 4. Community licence and certified copy thereof

(1) To organise the carriage of goods for hire, the carrier must hold a Community licence and a certified copy thereof regarding each power-driven vehicle used by the carrier, unless otherwise provided for in this Act, international agreement or legislation of the European Union.

(2) ‘Community licence’ (hereinafter also *licence*) means a document specified in Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, which certifies the right of the holder to organise the carriage of goods for hire or reward.

(3) ‘Certified copy of Community licence’ (hereinafter *certified copy of licence*) means a document specified in Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, which certifies the licence holder’s right to use the vehicle with the registration number indicated on the certified copy of the licence for the carriage of goods for hire or reward as authorised in the licence.

(4) In order to engage in the carriage of goods for hire or reward between the member states of the European Union (hereinafter *EU*) and European Economic Area (hereinafter *EEA*) as well as in cabotage operations specified in Chapter III of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, the driver who is not a citizen or a long-term resident of a member state of the EU or EEA must, for the purposes of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.01.2004, p 44), hold, in addition to a certified copy of the Community licence, a driver attestation specified in Article 5 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, which certifies the right of the person specified in the driver attestation to engage in the carriage of goods for hire or reward.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 4¹. Carriage without Community licence obligation

(1) International carriage specified in Article 1(5) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council does not require a licence or a certified copy thereof.

(2) A licence and a certified copy thereof are not required for the following national transport operations:

- 1) carriage of snow and ice in conjunction with snow-clearing or de-icing;
- 2) carriage of agricultural products, firewood or wood chips by an agricultural producer to a buyer or processor within the radius of 75 kilometres from the place of business of the agricultural producer;
- 3) carriage of the deceased;
- 4) carriage of waste, effluent, wastewater and garbage;
- 5) carriage of concrete or other construction mixtures by a mixer truck;
- 6) carriage of mail in the course of provision of the postal service;
- 7) carriage of vehicles which have suffered damage or breakdown;
- 8) carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters
- 9) carriage by a road train that consists of an M₁ category vehicle and an O₁ or O₂ category trailer, whereby the maximum mass does not exceed 3500 kilograms;
- 10) carriage by a road train that consists of a special-purpose power-driven vehicle that is not designated for the carriage of goods and an O₁ or O₂ category trailer;
- 11) carriage of vehicles designated for the organisation of sports events or for competing as well as carriage of animals and equipment by a motor vehicle or a road train whose maximum mass does not exceed 6000 kilograms.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 5. Requirements for applicant for and holder of Community licence and certified copy thereof

(1) The financial standing of an applicant for and the holder of a certified copy of the licence must comply with the requirements established in paragraphs 1 and 3 or 2 and 3 of Article 7 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(2) A licence applicant and holder must designate at least one transport manager who satisfies the requirements set out in Article 4 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council and in § 7 of this Act. The transport manager may also be a self-employed person.

(3) When the transport manager changes, the licence holder must designate a new transport manager who complies with the requirements specified in subsection (2) of this section and inform the issuer of the licence

thereof within 28 calendar days, also submitting the documents specified in clauses 13 (1) 2) to 4) of this Act regarding the designation of the transport manager, the contract concluded with the carrier and the professional competence.

(4) A licence holder may temporarily, but not for over six months, act without a transport manager if the reason lies in the person's long-term incapacity for work, death or non-compliance with the requirement of good repute.

(5) The repute of a licence applicant and a licence holder is considered good for the purposes of Article 3(1) (b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council if they have not been convicted of a criminal offence of the first degree or, more than once, of a wilful criminal offence of the second degree or a misdemeanour specified in § 120⁴ or 120⁵ of the Waste Act, § 202, 204, 208, 210, 210², 210⁴, 210⁶, 213, 216, 220, 225, 244, 252, 255, 261² or 261³ of the Traffic Act, § 153¹, 154, 154¹ or 155² of the Taxation Act, §§ 73–79 of the Customs Act, § 6² or 6³ of the Fiscal Marking of Liquid Fuel Act, § 300 of the Aliens Act, and § 31¹ of this Act. Upon verifying the conviction of a licence applicant or a licence holder, the records of conviction obtained from abroad regarding serious criminal offences specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council are also taken into account.
[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

(6) The requirement of the good repute of a licence applicant and a licence holder is also fulfilled if they have been convicted of an offence specified in subsection (5) of this section, but the records of conviction have been deleted from the register in accordance with the Criminal Records Database Act or if the term of deletion of the records of conviction set out in § 24 of the Criminal Records Database Act has passed from the enforcement of the decision made on the offence committed abroad.

(7) The repute of a licence applicant and a licence holder who has been convicted of an offence specified in subsection (5) of this section may be considered good if, as a result of the procedure in accordance with the second and third paragraphs of Articles 6(2)(a) and (b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council it is found that the loss of good repute would be disproportionate.

(8) A licence applicant and a licence holder must be registered in the commercial register or in the register of non-profit associations and foundations.

(9) A licence applicant and a licence holder must communicate to the licence issuer the address of their establishment in Estonia where the documents specified in Article 5(a) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council are kept, provided that the address does not overlap with the address of the establishment of the carrier registered in the commercial register or in the register of non-profit associations and foundations. The licence issuer must be informed of a change of the address within at least 28 calendar days as of the change of the data.

(10) After the receipt of the licence, the carrier must have at its disposal at least one vehicle for the certification of which the carrier must have applied for and obtained a certified copy of the licence within at least six months as of the commencement of the term of validity of the licence.

(11) A certified copy of a licence can be applied for with regard to a power-driven vehicle that has been registered in the Republic of Estonia or another member state of the EU or EEA in accordance with the established procedure and that complies with the roadworthiness requirements in force. The applicant for the certified copy of the licence must be the owner or user of the power-driven vehicle based on the registration certificate or usage contract of the vehicle.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 5¹. Requirements for application for driver attestation

(1) An applicant for a driver attestation specified in subsection 4 (4) of this Act must hold a valid licence.

(2) The driver for whom a driver attestation is applied for must work for the carrier under an employment contract or another contractual relationship and must have health insurance for the purposes of subsection 5 (1) or clause 5 (2) 1) or 5) of the Health Insurance Act.

(3) The driver for whom a driver attestation is sought must hold a valid driving licence.

(4) The driver for whom a driver attestation is sought must have completed a driver's occupational training course specified in subsection 27 (1) of this Act and must hold a professional certificate corresponding to the type of the vehicle to be driven or have a respective indication on the driving licence.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 6. Financial standing of applicant for and holder of licence of road transport for hire or reward

[Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 7. Transport manager

(1) A transport manager must be of good repute. They must have professional competence necessary for the organisation of carriage of goods and be responsible, with the holder of the licence, for the organisation of transport operations and compliance with the requirements set for economic activities, organisation of work, remuneration, and regulation of working and rest time related to the organisation of transport operations, and for traffic safety, vehicle safety and environmental protection.

(2) The repute of a transport manager is considered good if:

1) they have not been convicted of a criminal offence of the first degree or, more than once, of a wilful criminal offence of the second degree, a criminal offence specified in § 423 of the Penal Code, a misdemeanour specified in § 120⁴ or 120⁵ of the Waste Act, § 202, 204, 208, 210, 210², 210⁴, 210⁶, 213, 216, 220, 225, 244, 252, 255 or 261³ of the Traffic Act, § 300 of the Aliens Act and § 31¹ of this Act or the records of their conviction have been deleted from the criminal records database in accordance with the Criminal Records Database Act; regarding the conviction of a transport manager, records obtained from abroad regarding serious criminal offences specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council whereby the term of deletion of the records of conviction set out in § 24 of the Criminal Records Database Act has not passed from the enforcement of the decision made on the offence are also taken into account;

[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

2) they have not, as a result of their acts or omissions, caused the offences specified in subsection 5 (5) of this Act for which the carrier has been convicted, or if the carrier's conviction has expired;

3) they have not, as a result of their acts or omissions, caused the revocation of the licence, or if more than five years have passed from such revocation;

4) they have not, as a result of their acts or omissions, caused the making of more than two precepts by the licence issuer to the carrier, or if more than one year has passed from the making of the last precept;

5) they have not been declared non-compliant with the requirement of good repute in a member state of the EU or EEA, with regard to which the licence issuer has obtained a confirmation in accordance with the procedure set out in Article 11(4) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(3) A transport manager is considered to be professionally competent if the transport manager has completed a training course for transport managers of the carriage of goods organised on the basis of a Community licence or a taxi licence in an educational institution recognised by the Ministry of Economic Affairs and Communications, passed the written final examination of the course and holds a respective training certificate.

(4) The training course for transport managers of the carriage of goods organised on the basis of a Community licence does not need to be completed by a person who has at least for five years managed the carriage operations of the carrier and passed the written final examination of the training course specified in subsection (3) of this section.

(5) The training course for transport managers of the carriage of goods organised on the basis of a Community licence does not need to be completed by a person who holds a university diploma or a diploma of an institution of professional higher education in a specialisation that certifies sufficient knowledge of the subjects listed in the curriculum of the training course for transport managers of the carriage of goods organised on the basis of a Community licence.

(6) The training course for transport managers of the carriage of goods organised on the basis of a Community licence does not need to be completed by a person who certifies that they have continuously managed the carriage operations of a carrier of a member state of the EU or EEA over a term of ten year preceding 4 December 2009.

(7) The qualifications requirements for the transport manager of the carriage of goods organised on the basis of a Community licence, the curriculum of the training course, the form of the certificate of professional competence and the list of the universities and institutions of professional higher education as well as of the specialisations taught therein whose diploma awarded to a graduate serves as the basis for their partial or full exemption from the obligation to complete the training course of transport managers and take the written final examination of the training course will be established by the minister responsible for the field.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

Chapter 3 OWN-ACCOUNT ROAD TRANSPORT

§ 8. General provisions

The provisions of this Chapter apply to the own-account carriage of passengers using a motor vehicle having more than nine seats (the driver's seat included) and to the own-account carriage of goods using a motor vehicle or a road train with a maximum mass of more than 3500 kilograms.

[RT I 2008, 47, 262 – entry into force 01.01.2009]

§ 8¹. Requirements for organisation of own-account road transport

(1) To organise the own-account national and international carriage of goods, the operator must fulfil the conditions set out in Article 1(5)(d) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, unless otherwise provided by an international agreement.

(2) To organise the own-account national and international carriage of passengers, the operator must fulfil the conditions set out in Article 2(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, unless otherwise provided by an international agreement.

(3) To engage in the own-account international carriage of passengers between the member states of the EU and EEA, the operator must carry in the vehicle a certificate of own-account carriage of passengers set out in Article 5(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council.

(4) A certificate of own-account carriage of passengers can be applied for a power-driven vehicle that has been registered in the Republic of Estonia in accordance with the established procedure and complies with the roadworthiness requirements in force. An applicant for the certificate of own-account carriage of passengers must be the owner or user of the power-driven vehicle based on the registration certificate or usage contract of the vehicle.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 9. Licence and vehicle card of own-account road transport

[Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 10. Requirements for applicant for and holder of licence of own-account international road transport

[Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

Chapter 4 COMBINED TRANSPORT

§ 11. General provisions

(1) For the purposes of this Act, ‘combined transport’ means the international carriage of goods whereby the motor vehicle, semi-trailer with or without tractor unit, swap body or container of 6.096 meters (20 feet) or more uses the road on the initial or final leg of the journey and, on the other leg, rail or maritime services on the basis of the same accompanying documents. The distance between the start and end point of the section of the journey using rail or maritime services must exceed 100 kilometres as the crow flies.

(2) The initial leg of a combined transport operation is the section of the journey between the point where the goods are loaded and the nearest suitable rail loading station or seaport, and the final leg of a combined transport operation is the section of the journey between the nearest suitable rail unloading station or seaport and the point where the goods are unloaded.

(3) In the case of a maritime transport operation, the length of the section of the journey between the seaports of loading and unloading on the initial or final leg of a combined transport operation must not exceed 150 kilometres as the crow flies.

§ 12. Organisation of combined transport

(1) Where, as a part of a combined transport operation, the consignor carries out the initial leg for its own account within the meaning of subsection 8¹(1) of this Act, the consignee may, notwithstanding the definition given in this Act, carry out for its own account the final leg to transport the goods to their destination. The consignee of the goods must use a motor vehicle owned or used by the consignee under a usage contract and driven by the consignee or an employee of the consignee.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(2) On the basis of an international agreement, carriers organising combined road transport may be released from the obligation to hold the transport permit prescribed by § 21 of this Act.

(3) The accompanying document of a combined transport operation must set out the loading and unloading stations related to the rail leg of the transport operation and the loading and unloading seaports related to the maritime leg of the transport operation. After the completion of the combined transport operation, the representative of each station or port must make an entry to this effect in the accompanying document.

(4) Tax incentives for vehicles used in combined transport are provided by Acts regulating taxation.

Chapter 5

APPLICATION FOR AND GRANTING OF COMMUNITY LICENCE, CERTIFIED COPY THEREOF, DRIVER ATTESTATION AND CERTIFICATE OF OWN-ACCOUNT CARRIAGE OF PASSENGERS

[RT I, 02.03.2012, 5 - entry into force 12.03.2012]

§ 13. Application for Community licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers

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

- 1) an application that, in addition to the address of the seat of the applicant, contains the address in Estonia where the applicant keeps the documents specified in Article 5(a) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, provided that the address does not overlap with the address of the seat of the applicant in the commercial register or in the register of non-profit associations and foundations;
- 2) a document certifying the designation of a transport manager, which bears or is accompanied by the written consent of the transport manager regarding the designation as a transport manager, unless the transport manager is a self-employed person or a member of the management board of a company whose right of representation, according to the information system of the commercial register, is not limited;
- 3) a document certifying the professional competence of the transport manager;
- 4) if, in accordance with Article 4(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, the person has been designated as the transport manager on the basis of an employment contract or, in accordance with Article 4(2) of the same Regulation, on the basis of another contractual relationship, the document specified in subsection (2) of this section, which certifies the designation of the transport manager, must bear or be accompanied by particulars on the type, parties, date of conclusion and term of validity of the concluded contract.

(2) An applicant for a certified copy of a licence must submit the following documents to the issuer of the copy:

- 1) an application;
- 2) a document certifying the compliance of the power-driven vehicle with the roadworthiness requirements or a copy thereof if the certified copy of the licence is applied for a power-driven vehicle registered in another member state of the EU or EEA;
- 3) the documents specified in Article 7(1) or (2) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council if the data certifying the financial standing of the carrier is not electronically available in the information system of the commercial register;
- 4) the registration certificate of the power-driven vehicle or a copy thereof;
- 5) the contract of use of the power-driven vehicle, a copy thereof or an extract of the contract attested by the parties if the applicant is not the owner or user of the vehicle based on the registration certificate of the vehicle. In the event of submission of the attested extract of the contract, it must bear the names of the parties to the contract, the date of conclusion of the contract, the term of validity of the contract and the registration number of the vehicle.

(3) To apply for a driver attestation, the carrier must submit the following documents to the issuer of the driver attestation:

- 1) an application;
- 2) the driver's passport or a copy thereof;
- 3) the driver's driving licence or a copy thereof;
- 4) the employment contract or another contract concluded between the driver and the carrier or an extract of the contract attested by the parties, which must bear the names of the driver and the carrier, the date of conclusion of the contract and the term of validity of the contract;
- 5) a document certifying that the driver has health insurance or a copy thereof;
- 6) a document certifying the completion of professional driver training or a copy thereof if the driver's driving licence does not contain a respective indication.

(4) To apply for a certificate of own-account carriage of passengers, the carrier must submit the following documents to the issuer of the certificate:

- 1) an application;
- 2) the registration certificate of the power-driven vehicle or a copy thereof;
- 3) the contract of use of the power-driven vehicle, a copy thereof or an extract of the contract attested by the parties if the applicant is not the owner or user of the vehicle based on the registration certificate of the vehicle. In the event of submission of the attested extract of the contract, it must bear the names of the parties to the contract, the date of conclusion of the contract, the term of validity of the contract and the registration number of the vehicle.

(5) To apply for a licence, a certified copy thereof, driver attestation or certificate of own-account carriage of passengers, the applicant may also submit the required documents electronically in the digitally signed format.

(6) If a document submitted for the purpose of applying for a licence, a certified copy thereof, driver attestation or certificate of own-account carriage of passengers has deficiencies, a time limit for the elimination of the deficiencies will be sent to the applicant. Within the time limit set for the elimination of the deficiencies, the time limit for the review of the application will be suspended.

(7) If a licence, certified copy thereof, driver attestation or certificate of own-account carriage of passengers is lost, stolen or destroyed or if the information contained in the document changes, the holder of the document must apply for a new document, submitting all the documents required for applying for the document.

(8) Documents submitted for the purpose of applying for a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers are not disclosed to third parties, unless otherwise provided by law, an international agreement or a legal instrument of the European Union.

(9) To obtain a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers, the applicant must pay a state fee, unless the issuer of the document is a non-profit association.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 14. Issuer of Community licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers

(1) Licences, certified copies thereof, driver attestations and certificates of own-account carriage of passengers are issued to applicants by the Ministry of Economic Affairs and Communications. On the basis of an order of the Government of the Republic, a non-profit association may be authorised to issue such documents. The respective public law contract is concluded by the minister responsible for the field.

(2) If a non-profit association is authorised to issue a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers, the non-profit association has the right to charge a fee for issuing a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers, provided that the fee does not exceed the rate of the state fee charged by a state authority for the issue of a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers.

(3) The issuer of a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers has the right to check during the term of validity of the document whether the holder of the document complies with the requirements serving as the basis for the issue of the document. The holder of a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers allow for checking.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 15. Review of application for Community licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers

(1) Upon reviewing an application for a licence, the issuer of the licence verifies whether the applicant has any non-staggered tax arrears and verifies the applicant's data in the commercial register or the register of non-profit associations and foundations as well as in the criminal records database, traffic supervision information system and, where necessary, in the register of economic activities. A decision to grant or refuse to grant a licence and the licence will be handed over to the applicant or sent to the applicant by post within 56 calendar days after the submission of the documents specified in subsection 13 (1) of this Act. In a reasoned case, the licence issuer may extend the time limit for reviewing the application by 28 calendar days.

(2) Upon reviewing an application for a certified copy of a license, the issuer of the certified copy of the license verifies whether the applicant has any non-staggered tax arrears and verifies the applicant's data in the commercial register or the register of non-profit associations and foundations as well as in the criminal records database, traffic supervision information system and, where necessary, in the register of economic activities as well as the data of the vehicle in the motor register. A decision to grant or refuse to grant a certified copy of a licence and the certified copy will be handed over to the applicant or sent to the applicant by post within 15 calendar days after the submission of the documents specified in subsection 13 (2) of this Act.

(3) Upon reviewing an application for a driver attestation, the issuer of the driver attestation verifies the data of the applicant in the register of economic activities. A decision to grant a driver attestation and the driver attestation along with a certified copy thereof or a decision to refuse to issue the documents will be handed over to the applicant or sent to the applicant by post within 15 calendar days after the submission of the documents specified in subsection 13 (3) of this Act.

(4) Upon reviewing an application for a certificate of own-account carriage of passengers, the certificate issuer verifies the data of the applicant in the commercial register or the register of non-profit associations and foundations as well as the data of the vehicle in the motor register. A decision to grant or refuse to grant a certificate of own-account carriage of passengers and the certificate or a decision to refuse to grant the certificate will be handed over to the applicant or sent to the applicant by post within 15 calendar days after the submission of the documents specified in subsection 13 (4) of this Act.

(5) A decision to refuse to grant a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers may be sent to the applicant also electronically.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 16. Refusal to grant Community licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers

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

- 1) the applicant has non-staggered tax arrears or the court has declared the applicant bankrupt;
- 2) the applicant does not comply with a requirement set out in subsections 5 (2) to (11) of this Act;
- 3) the applicant's previous licence was revoked on the basis of clauses 19¹(2) to 6) of this Act less than two years ago;
- 4) the applicant is subject to an occupational ban in the field of road transport imposed by a final judgment in a business-related criminal offence or a prohibition on enterprise or a prohibition on business arising from law or a judicial decision.

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

- 1) the applicant does not comply with the requirement set out in subsection 5 (1) or (11) of this Act;
- 2) upon verification of the data of the applicant, it becomes evident that the applicant no longer complies with the requirements that serve as the basis for granting the licence.

(3) The issuer of a driver attestation may refuse to issue the driver attestation if:

- 1) the applicant does not meet the requirements set out in subsection 5¹(1) of this Act;
- 2) the applicant no longer meets the requirements serving as the basis for granting the licence;
- 3) the driver for whom the driver attestation is sought does not meet the requirements set out in subsection 5¹(2), (3) or (4) of this Act.

(4) The issuer of a certificate of own-account carriage of passengers may refuse to issue the certificate if, upon verifying the data of the applicant, it becomes evident that the applicant does not meet the requirements set out in subsection 8¹(2) or (4) of this Act.

(5) The granting of a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers may be refused also if the applicant has failed to eliminate the deficiencies contained in the data or documents within the time limit set on the basis of subsection 13 (6) of this Act or has wilfully submitted false data for the purpose of applying for the document or forged documents that may influence the resolution of the application.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 17. Data of Community licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers

(1) The form of the activity licence and the certified copy thereof as well as the data entered in it must comply with Annex II to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. The registration number of the vehicle and the registry code of the carrier are indicated in the special comments field of the certified copy of the licence.

(2) The driver attestation form and the data entered in it must comply with Annex III to Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

(3) The form of the certificate of own-account carriage of passengers and the data entered in it must comply with the certificate form established on the basis of Article 5(5) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council and the data entered in it.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 18. Term of validity of Community licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers

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

(2) A certified copy of a licence is valid only for the term of validity of the licence. If a certified copy of a licence is requested for a power-driven vehicle that has not been registered in the Republic of Estonia but in another member state of the EU or EEA, the copy will be issued for a term of validity that must not exceed that of the contract of use of the vehicle or the term of one year.

(3) A driver attestation is granted for a term of validity that must not exceed the term of validity of the licence granted to the carrier applying for the driver attestation, the term of validity of the documents specified in

clauses 13 (2) 2) to 4) of this Act which were submitted for obtaining the driver attestation or the term of five years.

(4) A certificate of own-account carriage of passengers is granted for ten years, unless the applicant requests a shorter term.

(5) If the validity of a licence, certified copy thereof, driver attestation and certificate of own-account carriage of passengers has been suspended or the documents have been revoked, they must be returned to the issuer within five working days.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 19. Making of precept

The issuer of a licence, certified copy thereof and driver attestation will make a precept for elimination of deficiencies to the holder of the licence, certified copy thereof or driver attestation if, as a result of verification, it becomes evident that:

- 1) the holder of the licence or certified copy thereof no longer fulfils one or several of the effective requirements serving as the basis of the issue of the document;
- 2) the holder of the driver attestation no longer fulfils one or several of the effective requirements serving as the basis of the issue of the document;
- 3) the data of the holder of the licence, certified copy thereof or driver attestation does not correspond to the licence, certified copy thereof or driver attestation.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 19¹. Suspension and revocation of Community licence, certified copy thereof and driver attestation

The issuer of a licence, certified copy thereof and driver attestation may suspend the validity of the licence, certified copy thereof or driver attestation for a specific period or revoke the document if:

- 1) the holder of a licence, certified copy thereof or driver attestation has not, in accordance with a precept specified in § 19 of this Act, eliminated the deficiencies within the prescribed time limit and the holder of the document does not fulfil one or several of the effective requirements that served as the basis for the issue of the document;
- 2) the holder of the licence, certified copy thereof or driver attestation has knowingly given false information upon applying for the document or forged documents that influenced the granting of the licence, certified copy thereof or driver attestation and in the event of failure to submit of which the issuer should have refused to issue the document;
- 3) the licence holder has been deleted from the commercial register, a compulsory dissolution decision has been made regarding the licence holder, a prohibition on business or enterprise has been imposed on the licence holder or the activities of the licence holder in the field of activity specified in the licence are prohibited by a court judgement;
- 4) the licence holder or its transport manager has been convicted of a serious offence specified in Article 6(1) (b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council and the time limit for the deletion of the records of conviction specified in § 24 of the Criminal Records Database Act has not passed from the enforcement of the judgment made thereon and due to which the Ministry of Economic Affairs and Communications has made a proposal to suspend the carrier's licence, certified copy thereof or driver attestation for a fixed term or to revoke the document;
- 5) the licence holder, its transport manager or a driver working for the licence holder has, upon organisation of transport operations, been convicted of a violation of the requirements indicated in a special permit in accordance with subsection 34¹(2) of the Traffic Act upon transporting large or heavy cargo or of carrying out such transport operations without a special permit and whereby the records have not been deleted from the criminal records database in accordance with the Criminal Records Database Act;
- 6) the licence holder or its transport manager has been convicted under § 279 of the Penal Code of obstructing state supervision over the compliance with the requirements of the working, driving and rest time of drivers and whereby the records of conviction have not been deleted from the criminal records database in accordance with the Criminal Records Database Act and, in spite of a request for explanation sent by the Ministry of Economic Affairs and Communications, they do not allow for exercising supervision due to which the Ministry of Economic Affairs and Communications has made a proposal to suspend the carrier's licence or the certified copy thereof for a fixed term or to revoke the document, or
- 7) the holder of the licence, certified copy thereof or driver attestation has submitted a request for the suspension of the validity of the document for a fixed term or for revocation of the document.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 19². Declaring transport manager non-compliant with requirement of good repute

The licence issuer may declare a transport manager to be non-compliant with the requirement of good repute for a fixed term if, upon verifying the data of the transport manager within the term of validity of a Community licence, it becomes evident that:

- 1) the transport manager has been convicted of a serious offence specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council and the time limit for the deletion of the records

of conviction provided for in § 24 of the Criminal Records Database Act has not passed from the performance of the judgment made thereon, or

2) the transport manager has been convicted of the offence specified in clause 7 (2) 1) of this Act and the records of conviction thereof have not been deleted from the register in accordance with the Criminal Records Database Act or there exist the circumstances specified in clauses 7 (2) 2) to 4) of this Act.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

Chapter 6

ORGANISATION OF ROAD TRANSPORT

§ 20. [Repealed – RT I 2002, 53, 336 – entry into force 01.07.2002]

§ 21. Transport permit required for international road transport

(1) A carrier organising international road transport must hold a transport permit issued by the corresponding countries of destination and transit (hereinafter *transport permit*), unless otherwise provided by international agreements.

(2) A transport permit gives the carrier the right to engage in international road transport between Estonia and the state specified in the permit, through the territory of such state or between the state specified in the permit and a third state.

(3) A transport permit is issued and used in line with international agreements. The procedure for application and granting of transport permits will be established by the minister responsible for the field.

(4) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(5) The applicant for a transport permit must pay the state fee, unless the issuer of the documents is a non-profit association.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(6) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(7) A transport permit is issued to the applicant by the Ministry of Economic Affairs and Communications. By an order of the Government of the Republic, a non-profit association may be authorised to issue transport permits. The respective public law contract is concluded by the minister responsible for the field.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(8) If a non-profit association has been authorised to issue transport permits specified in subsection (7) of this section, the non-profit association has the right to charge a fee for the issue of a transport permit, provided that the fee does not exceed the rate of the state fee charged by a state authority for the issue of transport permit.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(9) The issuer of transport permits may refuse to issue a transport permit, withdraw a transport permit or revoke a transport permit if the carrier:

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

1) during verification of the data on the carrier it becomes evident that the carrier no longer complies with the requirements that served as the basis for the issue of the document;

2) the carrier has submitted false information upon application for the document;

3) the carrier fails to return a transport permit of any type within the term prescribed by law, or

4) during the current calendar year, the carrier has repeatedly violated the provisions of the agreements on international road transport or this Act or has committed a violation the consequences of which harmed the reputation of Estonia.

[RT I 2008, 47, 262 – entry into force 01.01.2009]

§ 21¹. Right to transfer certified copy of Community licence, driver attestation and transport permit

A certified copy of a Community licence, driver attestation or transport permit may be transferred by a carrier only to a driver working for the carrier under an employment contract or on the basis of another legal relationship.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 22. Obligation to produce documents to certify right to engage in road transport for inspection

(1) A driver must carry the following documents and produce such documents to a police officer or another official conducting an inspection of the driver in accordance with law:

- 1) relevant documents arising from the Traffic Act and the Public Transport Act;
- 2) a certified copy of a Community licence required under subsection 4 (1) of this Act;
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]
- 3) relevant documents arising from international agreements;
- 4) the driver's certificate of occupational training, if required and, depending on the type of transport operation, certificate to drive a vehicle carrying hazardous loads or an emergency vehicle;
[RT I 2004, 30, 205 – entry into force 07.05.2004]
- 5) the driver attestation required under subsection 4 (4) of this Act;
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]
- 6) in case of own-account road transport, documents that certify that the requirements specified in subsection 8¹(1) of this section are complied with upon carriage of passengers and the requirements specified in subsections 8¹(1) and (2) are complied with upon carriage of goods;
[RT I 2008, 47, 262 – entry into force 01.01.2009]
- 7) the certificate of own-account carriage of passengers required under subsection 8¹(3) of this Act;
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]
- 8) other documents arising from the type of goods.
[RT I 2008, 47, 262 – entry into force 01.01.2009]

(2) If goods are carried between the EU and EEA member states for hire or reward or for own account using a power-driven vehicle used on the basis of a usage contract and the user of the vehicle has not been indicated on the registration certificate of the vehicle as a user of the vehicle, the driver of the power-driven vehicle used on the basis of the usage contract must, in addition to the documents specified in subsection (1) of this section, carry the following documents:

- 1) the usage contract of the power-driven vehicle or an extract thereof attested by the parties, which must indicate the names of the owner or possessor and user of the vehicle, the date of conclusion of the contract, the term of validity of the contract and the registration number of the vehicle;
- 2) the driver's employment contract or another contract or an extract of the contract attested by the parties, which certifies that the driver works for the user of the vehicle, unless the driver is the user of the vehicle. The attested extract of the contract must bear the names of the user of the vehicle and the driver, the date of conclusion of the contract and the term of validity of the contract.
[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 23. Rules

(1) The minister responsible for the field has the right to establish:

- 1) rules for the carriage of different types of goods;
- 2) rules for the loading and fastening of goods.

(2) The rights and obligations of parties to a contract of carriage arising from the contract cannot be regulated by rules specified in subsection (1) of this section.
[RT I 2002, 102, 601 – entry into force 01.01.2003]

§ 24. Prices and tariffs

The prices and tariffs for the carriage of goods by road transport are determined by agreement of the parties.

§ 25. Requirements for vehicle

(1) The roadworthiness of a vehicle used in road transport must conform to the requirements provided for in the Traffic Act.

(2)

The motor vehicle used in road transport must be registered either in the Republic of Estonia or another member state of the EU or EEA in accordance with the established procedure.

Trailers that have been entered in the motor register or registered or put into service in accordance with international agreements may be used in road transport.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(3) A power-driven vehicle used on the basis of a usage contract upon carriage of goods for hire or reward or for own account between the member states of the EU and EEA may be used during the term of validity of the usage contract only by the carrier using the power-drive vehicle under the usage contract.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 26. Requirements for cabotage operations

(1) Upon organisation, in the territory of the Republic of Estonia, of cabotage operations using a truck registered in a member state of the EU or EEA and used by a carrier founded in a member state of the EU or EEA, the carrier must fulfil the terms and conditions established in Article 8 and 9 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council. This subsection does not apply to a truck used by a carrier founded in the Republic of Estonia.

(2) A carrier that has not been founded in a member state of the EU or EEA is not permitted to organise cabotage operations in the territory of the Republic of Estonia, unless otherwise provided by an international agreement.

[RT I, 02.03.2012, 5 - jõust. 12.03.2012]

§ 27. Occupational training of driver

(1) A driver who has undergone a course of occupational training in an educational institution recognised by the Ministry of Economic Affairs and Communications and who has passed the final exam of the course may work on a contractual basis in national or international road transport or provide transport services for hire or reward as a self-employed person in the following cases:

- 1) carriage of goods with a motor vehicle of category C or C1 or a road train of category CE or C1E (hereinafter *truck driver*);
- 2) carriage of passengers with a bus of category D and D1, or DE and D1E (hereinafter *bus driver*);
- 3) carriage of passengers by taxi.

(2) A driver who drives a vehicle carrying hazardous loads or an emergency vehicle on the basis of an employment contract or, based on their employment duties, must have completed an appropriate training course in an educational institution recognised by the Ministry of Economic Affairs and Communications and passed the final exam of the course.

[RT I 2004, 30, 205 – entry into force 07.05.2004]

§ 27¹. Recognition of, refusal to recognise and revocation of recognition of educational institution organising occupational training of drivers

(1) Occupational training of drivers is carried out in an educational institution recognised by the Ministry of Economic Affairs and Communications.

(2) Recognition is a procedure during which the compliance of an educational institution with the requirements provided for in the legislation regulating the occupational training of drivers is assessed.

(3) The following documents and information must be submitted to the Ministry of Economic Affairs and Communications for recognition of an educational institution:

- 1) an application;
- 2) a curriculum which conforms to the requirements for the curricula of a course of occupational training of drivers of motor vehicles specified in the Traffic Act and a course of occupational training of drivers specified in this Act;
- 3) a copy of a licence for training of drivers of power-driven vehicles or information concerning such licence (number and period of validity of the licence and the list of categories of driving rights taught and entered in the licence);
- 4) information concerning the professional qualifications of the lecturers of occupational training of drivers;
- 5) written consent of the lecturers specified in clause 4) of this subsection to commence work.

(4) The Ministry of Economic Affairs and Communications will refuse to recognise an educational institution if:

- 1) the curricula submitted by the educational institution do not comply with the established requirements;
- 2) the educational institution does not hold a licence for the training of drivers of power-driven vehicles;
- 3) the educational institution does not have lecturers in compliance with the requirements, or
- 4) false information was submitted upon application for recognition.

(5) The Ministry of Economic Affairs and Communications will have the right to revoke a recognition granted to an educational institution for organisation of occupational training if:

- 1) false information was submitted upon application for recognition;
- 2) the occupational training of drivers does not comply with the requirements established by the minister responsible for the field on the basis of § 28 of this Act, or
- 3) the educational institution has made a decision to terminate occupational training.

[RT I 2008, 47, 262 – entry into force 01.01.2009]

§ 28. Establishment of qualification requirements for drivers

The rules for the occupational training of drivers and for the training of drivers of vehicles carrying hazardous loads and drivers of emergency vehicles, the curricula of the corresponding training courses, qualification requirements for drivers and the form of certificates of training will be established by the minister responsible for the field.

[RT I 2002, 102, 601 – entry into force 01.01.2003]

Chapter 7

STATE SUPERVISION

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

§ 29.–§ 30.[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 31. State supervision

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

(1) State supervision over the documents specified in this Act is exercised by:

- 1) police officers;
- 2) the Tax and Customs Board;
- 3) assistant police officers.

(2) The 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, 32, 33 and 45 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(3) A police officer and an assistant police officer may inspect the following documents specified in this Act, provided that these are required under this Act, an international agreement or a legal instrument of the European Union:

- 1) a certified copy of a Community licence arising from Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council;
- 2) a transport permit arising from an international agreement;
- 3) a driver attestation arising from Article 5 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council;
- 4) a certificate of own-account carriage of passengers arising from Article 5(5) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council;
- 5) documents certifying the fulfilment of the terms and conditions established in Article 1(5)(d) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council and in Article 2(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council for organisation of own-account road transport;
- 6) a contract of use of a power-driven vehicle specified in clause 22 (2) 1) of this Act or a an attested extract thereof;
- 7) an employment or another contract of the driver specified in clause 22 (2) 2) of this Act or a an attested extract thereof;
- 8) the training certificate of the driver driving a vehicle carrying hazardous goods;
- 9) the occupational training certificate of the driver of a vehicle registered in Estonia;
- 10) the training certificate of the driver of an emergency vehicle registered in Estonia.

(4) A customs official may inspect the following documents, provided that these are required under this Act, an international agreement or a legal instrument of the European Union:

- 1) a certified copy of a Community licence arising from Article of Regulation (EC) No 1072/2009 of the European Parliament and of the Council;
- 2) a transport permit arising from an international agreement.

(5) If, upon engaging in road transport, a driver does not have a document specified in clauses 1) to 4) of subsection (2) and clause 1) or 2) of subsection (4) of this section, the law enforcement authority will have the right to interrupt the journey until identifying or lapse of the circumstances that caused the interruption.

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

Chapter 7¹ LIABILITY

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 31¹. Carriage of goods for hire or reward without licence

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(1) The organisation of national or international carriage of goods for hire or reward without an licence is punishable by a fine of up to 300 fine units.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 31². Organisation of own-account international road transport without licence or vehicle card

[Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 31³. Failure to produce certified copy of Community licence, driver attestation and transport permit

Failure by the driver to produce, upon provision of international or national road transport services, a certified copy of a Community authorisation, a driver attestation or a transport permit to the inspecting officer is punishable by a fine of up to 100 fine units.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 31⁴. [Repealed – RT I 2008, 47, 262 – entry into force 01.01.2009]

§ 31⁵. Failure to comply with requirements prescribed for organisation of own-account road transport

(1) Failure to comply with any requirement for organisation of own-account road transport specified in § 8¹ of this Act is punishable by a fine of up to 50 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 31⁶. Disregarding requirements of use indicated on certified copy of Community licence, driver attestation and transport permit

(1) The disregarding of the requirements of use indicated on a certified copy of a Community licence, a driver attestation or a transport permit is punishable by a fine of up to 50 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 31⁷. Disregarding requirements for temporary national cabotage operations with truck

(1) The disregarding of the requirements established for cabotage operations by Regulation (EC) No 1072/2009 of the European Parliament and of the Council upon performance of cabotage operations using a truck that is used by a foreign carrier, registered abroad and that is temporarily in Estonia is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 31⁸. Proceedings

[Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 31⁹. Organisation of carriage of goods for hire or reward without certified copy of Community licence

(1) The organisation of national or international carriage of goods for hire or reward without a certified copy of a Community licence is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

§ 31¹⁰. Proceedings

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 31¹¹. Violation of requirements relating to hazardous substances and objects

(1) Violation of the requirements established for the road transport of hazardous substances, objects or waste, provided that the violation involved a minor threat to human health or the environment, is punishable by a fine of up to 50 fine units.

(2) The same act, provided that it involved a medium threat to human health or the environment, is punishable by a fine of up to 100 fine units.

(3) The same act, provided that it involved a heightened threat to human health or the environment, is punishable by a fine of up to 200 fine units.

(4) The act specified in subsection (1), (2) or (3) of this section, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 31¹². Proceedings

The extrajudicial proceedings of the misdemeanours specified in this chapter are the Police and Border Guard Board and the Tax and Customs Board.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 8 SPECIAL PROVISIONS

§ 32. Obligation to submit information

(1) The issuer of a Community licence specified in § 14 of this Act and a certified copy thereof is required to submit to the Statistical Office data on valid licences and on licences issued over the last six months and on the number of the certified copies of these licences as of July 1 and January 1.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(1¹) The issuer of a Community licence specified in § 14 of this Act enters in the register of economic activities the data of the carrier and its transport manager the minimum requirements of which are set out in the Annex to Commission Decision 2009/992/EU on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, pp 36–39), except for the data of serious offences and the data of a transport manager declared non-compliant with the requirements of good repute.

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

(2) The officials specified in subsection 31 (1) of this Act are required to submit information to the Ministry of Economic Affairs and Communications on a semi-annual basis concerning violations of the requirements of this Act by carriers registered in Estonia and other states.

[RT I 2002, 102, 601 – entry into force 01.01.2003]

(3) The Ministry of Economic Affairs and Communications is required to inform the appropriate agency of another state of any violations of the requirements of international agreements on road transport committed in Estonia by carriers of such state.

[RT I 2002, 102, 601 – entry into force 01.01.2003]

Chapter 9 FINAL PROVISIONS

§ 33.–§ 34.[Omitted from this text.]

§ 35. Transitional provisions

(1) Activity licences and licence cards for international road transport issued until 1 October 2001 are valid until the expiry date indicated thereon, but not for longer than until 1 October 2002.

(1¹) Activity licences for international road transport for hire or reward and licence cards issued on the basis thereof and EEC authorisations and certified copies thereof issued on the basis of this Act are valid until the expiry date indicated thereon.

[RT I 2008, 47, 262 – entry into force 01.01.2009]

(1²) Transport permits of national road transport granted on the basis of this Act and vehicle cards granted on the basis thereof remain in force until the term of validity indicated on them.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(1³) A national road transport licence granted under this Act is regulated by clause 2 6) and § 31¹ of this Act and a vehicle card is regulated by §§ 21¹, 22, 31, 31³ and 31⁹ of this Act until the expiry of the term of validity of the licence and vehicle card.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(1⁴) On the basis of a valid licence for the national road transport for hire or reward a certified copy of a Community licence may be granted on the condition that the applicant for the certified copy complies with the

requirements established in § 5 of this Act and the copy is valid only during the term of validity of the national road transport licence. In addition to the vehicle registration number and the carrier's registry code, information on the fact that only national carriage of goods may be engaged in on the basis of the copy must be entered in the special comments section of the certified copy granted on the basis of the valid national road transport licence.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(2) The amount of own funds required upon international road transport is 48 000 kroons per used motor vehicle until 1 October 2002.

(3) Certificates of training in proof of professional competence on the basis of which activity licences for international road traffic are issued prior to the entry into force of this Act are valid until 1 January 2003.

(3¹) A transport manager holding a training certificate for national carriage of goods, who has not been engaged in the management of the transport operations of a carrier without interruption over the last ten years may be designated as a transport manager of an applicant or holder of a Community licence on the condition that, within six months as of being designated as the transport manager, passes the written final examination of the training course of international carriage of goods.

[RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(4) [Repealed – RT I 2004, 30, 205 – entry into force 07.05.2004]

§ 36. Implementation of Act

(1) This Act will enter into force on 1 October 2000.

(2) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(3) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(4) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

(5) The professional competence requirement provided for in subsection 7 (1) of this Act applies in road transport for hire or reward as of 1 October 2001.

(6) The requirement provided for in § 22 of this Act to produce certificates of drivers of emergency vehicles and certificates of occupational training of bus drivers for inspection applies as of 1 January 2006, and the requirement to produce certificates of vocational training of truck drivers and certificates of occupational training of taxi drivers for inspection applies as of 1 January 2007.

(7) The requirement provided for in § 27 of this Act for occupational training of drivers and training of drivers of emergency vehicles applies to drivers and drivers of emergency vehicles to be employed as of 1 July 2003.

(8) [Repealed – RT I, 02.03.2012, 5 – entry into force 12.03.2012]

¹ Directive 2006/1/EC of the European Parliament and of the Council on the use of vehicles hired without drivers for the carriage of goods by road (OJ L 33, 04.02.2006, pp 82–85).

[RT I, 02.03.2012, 5 - entry into force 12.03.2012]