

Issuer:	Riigikogu
Type:	act
In force from:	01.01.2015
In force until:	30.04.2019
Translation published:	20.01.2015

Exclusive Economic Zone Act

Passed 28.01.1993
RT 1993, 7, 105
Entry into force 19.02.1993

Amended by the following acts

Passed	Published	Entry into force
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
23.02.2011	RT I, 21.03.2011, 4	01.06.2011
19.06.2014	RT I, 12.07.2014, 1	01.01.2015

Chapter 1 GENERAL PROVISIONS

§ 1. Definition of exclusive economic zone

The exclusive economic zone is the sea area outside the territorial sea which is adjacent to the latter, and the state exercises its sovereign rights and jurisdiction within the exclusive economic zone in accordance with the generally recognised rules of the international law of the sea, international agreements entered into by the Republic of Estonia, and this Act.

§ 2. Sovereign rights and jurisdiction of the state in exclusive economic zone

(1) The sovereign rights of the state in its exclusive economic zone are the rights of exploring, exploiting, conserving and managing the natural resources, whether living or nonliving, of the waters superjacent to the seabed, and of the seabed and the subsoil beneath it, and the right to other activities for the exploration and exploitation of the exclusive economic zone.

(2) The Republic of Estonia has, in its exclusive economic zone, jurisdiction in respect of:

- 1) marine scientific research;
- 2) the protection of the marine environment;
- 3) the construction of artificial islands and installations;
- 4) other economic activities.

(3) The exploitation and protection of the seabed and the subsoil beneath the seabed are regulated by the Continental Shelf Act.

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed by this Act, taking account of the specifications provided for in this Act.
[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 3. Outer limit of exclusive economic zone

The outer limit of the exclusive economic zone is determined by agreements, which are to be ratified by the Riigikogu, between the Republic of Estonia and the states opposite the coast of Estonia or adjacent to it.

§ 4. Freedoms and restrictions

(1) In the exclusive economic zone, every state has the freedom of sea and air traffic, installation of submarine cables and pipelines and other use of the sea provided that the provisions of this Act and other legislation of Estonia and the generally recognised rules of international law are adhered to.

(2) Legal and natural persons of foreign states may fish and catch other living resources, conduct respective research and develop other activities only on the basis of agreements entered into with the Republic of Estonia.

(3) If it is necessary to protect the natural environment or natural resources, restrictions on navigation and economic activities may be established in certain areas of the exclusive economic zone by a decision of the Government of the Republic. The boundaries and marking of such areas and the list of restrictions shall be published in *Notices to Mariners*.

Chapter 2 PROTECTION AND EXPLOITATION OF LIVING RESOURCES

§ 5. Exploration, exploitation and protection of living resources

The exploration, exploitation and protection of the fishery resources and other living resources of the exclusive economic zone is organised exclusively by the Republic of Estonia in conformity to international agreements.

§ 6. Fishing management

(1) For the expedient use and protection of fishery resources, the Government of the Republic of Estonia:

- 1) establishes the procedures for and terms of the use and protection of fishery resources;
- 2) determines the permitted annual quota of catch for species of fish;
- 3) takes measures to ensure expedient fishing and protection of fishery resources, including the procedure for inspection, detention and arrest of fishing vessels;
- 4) permits legal and natural persons of foreign states to fish in its exclusive economic zone according to the capacity determined in the agreements entered into with the given states.

(2) In the exclusive economic zone, legal and natural persons of foreign states shall adhere to the requirements and terms of the protection of living resources established by this Act and other legislation of Estonia and the decisions of the Government of the Republic.

Chapter 3 MARINE SCIENTIFIC RESEARCH

§ 7. Prerequisites for research

(1) Marine scientific research shall be carried out in the exclusive economic zone only with the consent of state authorities whose competence is certified by the Government of the Republic.

(2) Marine scientific research shall be carried out exclusively for peaceful purposes.

(3) Marine scientific research shall not unjustifiably interfere with exercise of the sovereign rights and jurisdiction by the state in its exclusive economic zone.

§ 8. Applying for research permit by foreign organisation

(1) Foreign organisations wishing to conduct research in the exclusive economic zone shall submit an application including information regarding the research to the Ministry of Foreign Affairs, using diplomatic channels, not later than six months before the beginning of the planned research.

(2) Consent for a research may be denied if:

- 1) the research provides information regarding the volume of Estonian natural resources and the opportunities for using them;

- 2) the research plan involves drilling on the continental shelf, use of explosives, dumping harmful substances at sea, or if it compromises the conservation of living or nonliving resources in any other manner;
- 3) the research requires construction of artificial islands and other structures and installations into the sea;
- 4) the application does not contain a sufficient amount of information regarding the nature and objectives of the project;
- 5) the applicant for the research permit has failed to perform obligations to the state deriving from the applicant's previous activities.

(3) If the Ministry of Foreign Affairs has not issued a denial to the applicant within four months after receipt of the application, the applicant may presume that silence implies the consent of Estonia, and may commence research.

(4) It is also presumed that silence implies consent, if the authorised representative of Estonia in an international organisation has approved a decision of the organisation regarding the organising of research in the exclusive economic zone, and the Ministry of Foreign Affairs has not given notice of changing such consent within four months.

§ 9. Obligations upon conduct of research

In the exclusive economic zone, the entity conducting marine scientific research shall:

- 1) enable the representatives of Estonia to be present on research vessels and man-made structures, and participate in research work if they desire;
- 2) at the request of competent state authorities, submit to their representatives information, samples, results and estimates obtained by research, and enable them, if they desire, to freely access all research materials and equipment;
- 3) inform competent state authorities immediately of every significant change in the research programme;
- 4) after the completion of the research works, remove all its installations and structures from the sea within a term set by a competent state authority unless agreed otherwise.

§ 10. Suspension and prohibition of research

(1) If a research conducted in the exclusive economic zone appears to be in conflict with this Act or a ratified agreement entered into by the Republic of Estonia, the research may be suspended by a competent state authority. Its continuance shall be allowed only after the elimination of the conflict.

(2) If marine research is conducted in the exclusive economic zone without the consent of a competent state authority or at variance with the information provided with regard to the issues set out in clause 8 (2) 1) of this Act or in substantial deviation from the disclosed plan of research, the research permit shall be revoked immediately.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

Chapter 4 ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES

§ 11. Construction, use and removal of artificial islands, installations and structures

(1) Estonia has, in its exclusive economic zone, the exclusive right to construct artificial islands, installations and structures for the purpose of exploring and exploiting natural resources or for other economic purposes.

(2) The Republic of Estonia has jurisdiction over all the artificial islands, installations and structures located in its exclusive economic zone.

(3) Competent state authorities may, for the purpose of ensuring safe navigation, establish safety zones extending up to a distance of 500 m around artificial islands, installations and structures.

(4) The Government of the Republic establishes the terms for construction of artificial islands, installations and structures in the exclusive economic zone, maintenance and use thereof, marking of safety zones, and terms of any works related thereto, and the procedure for the issue of respective permits.

(5) Seafarers shall be informed about the construction and removal of any artificial islands, installations and structures in the exclusive economic zone in *Notices to Mariners*.

(6) All legal and natural persons shall maintain the working order of the equipment and signal devices which are owned, possessed or used by them, and which ensure the safety of artificial islands, installations and structures.

(7) Pollution of the marine environment beyond the permitted level from artificial islands, installations and structures is prohibited. Artificial islands, installations and structures shall be removed from the sea after their use is discontinued.

Chapter 5

PROTECTION OF MARINE ENVIRONMENT

§ 12. Legal bases

Prevention of pollution of the marine environment, reduction and control of pollution in the exclusive economic zone are carried out in accordance with the international conventions to which the Republic of Estonia has acceded, agreements between the Republic of Estonia and other states, and the legislation of Estonia.

§ 13. Obligations of legal and natural persons

All legal and natural persons operating in the exclusive economic zone shall prevent pollution of the marine environment. Any indications of pollution and accidents shall be immediately reported to a competent state authority and the nearest port of Estonia.

Chapter 5¹

PROTECTION OF CULTURAL MONUMENTS

[RT I, 21.03.2011, 4 - entry into force 01.06.2011]

§ 13¹. Legal bases

The protection of underwater cultural monuments is conducted in accordance with the international agreements of the Republic of Estonia, the Heritage Conservation Act and other legislation of Estonia.
[RT I, 21.03.2011, 4 - entry into force 01.06.2011]

§ 13². Obligations of persons

All legal and natural persons operating in the exclusive economic zone shall avoid any activities that may deteriorate underwater cultural monuments or the protection zones thereof, and inform a competent state authority promptly of any indication of such activities.
[RT I, 21.03.2011, 4 - entry into force 01.06.2011]

Chapter 6

SAFEGUARDING OF LEGAL REGIME

§ 14. Detention and arrest of vessels

(1) In the exclusive economic zone, competent state authorities have the right, in accordance with the norms of the international law of the sea, to obtain information from vessels for the purpose of inspection, and detain them if necessary.

(2) If a vessel does not comply with the legitimate requests of an official representative of Estonia, the latter has the right to pursuit, stop and arrest the vessel if there is sufficient evidence that:

- 1) the vessel has caused pollution beyond the permitted level;
- 2) there has been illegal fishing or collection of other natural resources;
- 3) illegal research has been carried out.

(3) The flag state of the vessel shall be immediately informed of an arrest of the vessel, commencement of court proceedings and the extent of the liability of alleged offenders.

(4) The vessel and the crew shall be released upon payment of sufficient bail or other security. It shall not preclude the administrative or criminal liability of the offenders to the extent prescribed by Estonian laws for similar offences.

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

Chapter 6¹

LIABILITY

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

§ 16¹. Violation of requirements for protection of exclusive economic zone

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

§ 16². Procedure

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

Chapter 7

FINAL PROVISIONS

§ 17. Establishment of procedure for protection of exclusive economic zone

The Government of the Republic determines the competent state authorities and the procedure for the protection of the exclusive economic zone referred to in the provisions of this Act.

§ 18. Inner limit of exclusive economic zone

The basis for determining the inner limit of the exclusive economic zone and the coordinates of the baseline of the territorial sea shall be established by the Riigikogu on the proposal of the Government of the Republic.