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# State Borders Act<sup>1</sup>

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RT I 1994, 54, 902  
Entry into force 31.07.1994

Amended by the following acts

Passed	Published	Entry into force
22.10.1997	RT I 1997, 77, 1315	01.01.1998
15.02.1999	RT I 1999, 25, 365	01.01.2000
08.11.2000	RT I 2000, 86, 550	02.12.2000
14.02.2001	RT I 2001, 23, 126	16.03.2001
19.06.2002	RT I 2002, 58, 363	11.07.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
15.10.2002	RT I 2002, 90, 516	01.12.2002
20.11.2002	RT I 2002, 102, 599	01.05.2004
12.02.2003	RT I 2003, 23, 138	15.04.2003
12.02.2003	RT I 2003, 26, 156	21.03.2003
11.06.2003	RT I 2003, 51, 350	19.07.2003
17.12.2003	RT I 2003, 88, 591	01.01.2004
17.12.2003	RT I 2004, 2, 4	16.01.2004
24.03.2004	RT I 2004, 24, 164	25.04.2004
14.04.2004	RT I 2004, 28, 189	01.05.2004
14.04.2004	RT I 2004, 30, 208	01.05.2004
10.11.2004	RT I 2004, 81, 541	10.12.2004
14.12.2004	RT I 2004, 89, 606	07.01.2005
22.02.2005	RT I 2005, 15, 86	03.04.2005
14.12.2005	RT I 2005, 71, 548	08.01.2006, partially01.03.2006
14.12.2005	RT I 2006, 2, 3	01.07.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006, entry into force upon full accession of Estonia to the common visa area of the European Union partially on 21.12.2007 and partially on 30.03.2008
21.12.2006	RT I 2007, 3, 14	01.07.2007
04.12.2007	RT I 2007, 68, 420	entry into force in correspondence with the accession of Estonia to the common visa area of the European Union partially on 21.12.2007 and partially on 30.03.2008. Council Decision of 6 December 2007 on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Republic of Slovakia, Article 1(1) and (2) (OJ L 323, 8.12.2007)

27.02.2008	RT I 2008, 13, 88	24.03.2008
16.04.2008	RT I 2008, 19, 132	23.05.2008
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 determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
10.06.2010	RT I 2010, 37, 222	30.06.2010, partially 01.01.2011, enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
27.02.2014	RT I, 21.03.2014, 2	01.10.2014, partially 01.05.2014 and 01.01.2015
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 <sup>3</sup> (4) of the Government of the Republic Act
18.11.2014	RT I, 02.12.2014, 1	12.12.2014, amendments due to partially enter into force on 01.01.2016 omitted [RT I, 31.12.2015, 9]
17.12.2014	RT I, 31.12.2014, 4	01.01.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
17.12.2015	RT I, 31.12.2015, 9	01.01.2016
16.03.2016	RT I, 06.04.2016, 1	01.05.2016
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
06.06.2018	RT I, 29.06.2018, 1	01.07.2018

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application

(1) This Act provides for the definition of the Estonian state border, the determination and marking of the location of the state border, the border regime, and the liability for violation of the border regime and illegal crossing of the state border.

(2) Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.04.2006, pp. 1–32) shall be applied to crossing of the internal borders between the Member States of the European Union and the external borders of the European Union. This Act shall be applied to the extent not regulated by the Schengen Borders Code.  
[RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]

## **§ 2. Estonian state border**

(1) The Estonian state border (hereinafter state border) is an uninterrupted and closed imaginary line and the vertical area along the line which delimits the territory and the territorial sea of Estonia, the parts of transboundary water bodies which belong to Estonia, the earth's crust and airspace.

(1<sup>1</sup>) The internal border is common land border, including a river and lake border, of Estonia and a Member State of the European Union.

[RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]

(1<sup>2</sup>) The external border is the sea border and air border of Estonia and a section of the land border, including a river and lake border, which is not the internal border.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) The land border of Estonia has been determined by the Tartu Peace Treaty of 2 February 1920 and by other international border agreements.

(3) The Estonian air and sea border shall be determined pursuant to international conventions by Acts of the Republic of Estonia and by international border agreements.

(4) The Estonian sea border is the external border of the Estonian territorial sea.

## **§ 3. Estonian territorial waters and inland waters and airspace**

(1) The Estonian territorial sea is deemed to be the Estonian territorial waters. The sovereignty of the Republic of Estonia extends to the bottom of the territorial waters and the earth's crust below it.

(2) Estonian inland waters are:

- 1) the Estonian inland maritime waters;
- 2) the waters of Estonian ports which are in the direction of the shore from the imaginary line which unites the points of port facilities which are the closest to the sea;
- 3) the waters of rivers, lakes and other water bodies, all banks of which are located on the territory of Estonia.

(3) The Estonian airspace is the airspace above the territory, territorial waters and inland waters of Estonia and above the parts of transboundary water bodies which belong to Estonia.

(4) For the purposes of this Act, a transboundary water body is a river, lake or artificial water body along which the state border runs.

## **§ 4. Running of state border**

The state border runs:

- 1) on land as an imaginary line through the centres of border markers determined by international agreements of the Republic of Estonia (hereinafter international agreements);
- 2) at sea along the external border of the Estonian territorial sea;
- 3) on a river, crossing the state border, as a straight line which connects the imaginary points of the state border on the banks of the river;
- 4) on a lake and another natural water body as a straight line through the centres of border markers determined by international agreements or along the centreline of the water mirror determined during average water level;
- 5) on an artificial water body according to the running of the state border before the water body is filled;
- 6) on an unnavigable transboundary river along the centreline determined during the average water level of the river, and on a navigable transboundary river along the centreline of the main shipping route;
- 7) on a bridge, dam or other civil engineering works located on a transboundary water body along the centreline or technological axis thereof, regardless of the running of the border line on the water body.

## **§ 5. Marking of state border**

(1) The state border shall be marked:

- 1) on land with permanent border markers;
- 2) on a transboundary water body with floating border markers, and in winter with temporary border markers located on ice.

(2) The shape, constructions, elements and dimensions of border markers and the procedure for the installation thereof shall be established by the Government of the Republic, having regard to the international agreements entered into.

[RT I 2003, 51, 350 – entry into force 19.07.2003]

## **§ 6. Border strip**

(1) On land, a border strip is a territory which is up to 10 metres wide and runs parallel with the state border in the direction of inland from the border line. On a natural border line, a border strip is a strip of land which runs up to the start of and parallel with a straight line connecting bends, in the direction of inland, of a border river or stream or road of the territory and which is up to 10 metres wide in the direction of inland.

(2) In a city or other settlement, a border strip shall be established according to necessity.

(3) The exact width and the procedure for the maintenance of a border strip shall be established by international agreements.

(3<sup>1</sup>) The layout of a border strip and the description of its elements on the section of the external border on land and on transboundary water bodies shall be established by the Government of the Republic by a regulation, having regard to the international agreements entered into.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) The territory of a border strip is the property of the state.

(5) Any activity which is not related to the maintenance and monitoring of border markers and of a border strip and border control or crossing of the internal border is prohibited on a border strip.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

## **§ 7. Maintenance of state border**

(1) The police shall monitor the state of a border strip and border markers, upkeep them and impede unlawful changing of the marking of the state border and border strip. The procedure for the maintenance of border markers and border constructions shall be established by the Government of the Republic by a regulation pursuant to international agreements.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) In order to perform border control, the police shall have the right to install signs, signposts, marks and barriers, which facilitate the border control, the border checks and the ensuring of the border regime and restrict or direct traffic, on the territory of a border crossing point and to the immediate vicinity of the border, coordinating the installation thereof with competent authorities, and on the roads and paths leading to the border and the bank of a transboundary water body, coordinating the installation thereof with competent authorities, local governments and owners of land.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) The shape, constructions, elements, dimensions and procedure for the installation of the signs, signposts and marks specified in subsection (2) of this section shall be established by the minister responsible for the area.  
[RT I 2003, 51, 350 – entry into force 19.07.2003]

# **Chapter 2 BORDER REGIME**

## **§ 8. Border regime**

(1) The border regime shall specify:

- 1) the procedure for the crossing of the state border by persons and means of transport;
- 2) the procedure for the conveyance of goods (property, including things, currency and securities, and also animals) across the state border;
- 3) the procedure for floating vessels (hereinafter *vessels*) to enter, navigate and stay on and exit the territorial sea and inland maritime waters and also Estonian waters of transboundary water bodies;
- 4) the procedure for aircraft to enter the Estonian airspace, move in the airspace and exit the airspace;
- 5) the procedure for persons and means of transport to enter, be at and exit a border crossing point, and for goods to be brought to, be at and be removed from a border crossing point.

(2) The border regime may restrict activity which impedes border control or disturbs border peace, such as use of firearms and explosive substances, working in the immediate vicinity of a border strip, hunting and fishing, grazing of cattle, use of lighting and open fire.

(3) The rights, obligations and restrictions arising from the border regime, unless provided by law or an international agreement, shall be established by the Government of the Republic or an agency authorised thereby, unless otherwise provided by law.

(4) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

## **§ 8<sup>1</sup>. Organisation of entry of vehicles in road border crossing point**

(1) Organisation of entry of vehicles in a road border crossing point is organisation of queuing up of vehicles wishing to cross the state border, waiting in queue, use of the border crossing waiting area and direction to the road border crossing point.

(2) If it is necessary for ensuring road safety, decreasing harmful effect to the natural environment, organising entry of vehicles in a road border crossing point and ensuring public order, the police shall direct a vehicle wishing to cross the state border to the border crossing waiting area by using traffic control devices, if necessary. A vehicle which is not a power-driven vehicle for the purposes of the Traffic Act or a bus providing regular services on a fixed route for the purposes of the Public Transport Act shall not be directed to the waiting area. [RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3) The police may allow a vehicle into a road border crossing point without reserving a place in the queue, waiting in queue and passing the border crossing waiting area if it is necessary for the purposes of public order, national security or public health or if it is due to a work-related need or if it arises from the law, an international agreement or international custom or any other public interest. In such case, no fee shall be charged for using the border crossing waiting area or for reserving a place in the border crossing queue. The task provided for in this subsection may not be transferred to the local government or a legal person in private law. [RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(4) The provider of border crossing waiting area service shall establish rules for the use of the border crossing waiting area, for vehicles waiting in the border crossing queue and for the organisation of direction to the road border crossing point, providing for the procedure for the entry in, departure from and stay in the waiting area. If the provider of border crossing waiting area service is the local government or a legal person in private law, it shall establish the rules for the use of the border crossing waiting area after the approval thereof by the Ministry of the Interior. It is mandatory for a person and a vehicle staying in the waiting area to follow the rules for the use of the border crossing waiting area.

(5) The border crossing waiting area shall be marked as a border crossing waiting area and it shall have permanent pavement which is designed, built and marked in conformity with the requirements prescribed for a public parking area of the relevant load.

(6) If the minister responsible for the area transfers, by a contract under public law, the task of organisation of the border crossing waiting area service to the local government or a legal person governed by private law, the requirements for the service rendered shall be determined in the contract under public law. The provider of border crossing waiting area service may render in the waiting area also other services which are not mandatory for a vehicle or a person wishing to cross the border, and charge an additional fee for the services. [RT I, 31.12.2015, 9 – entry into force 01.01.2016]

## **§ 8<sup>2</sup>. Transfer of task of organisation of entry of vehicles in road border crossing point**

(1) The minister responsible for the area may transfer the task of organisation of queuing up for the waiting area service, waiting in queue, provision of the border crossing waiting area service, and direction to the road border crossing point by a contract under public law to the local government or a legal person in private law.

(2) [Repealed – RT I, 31.12.2015, 9 – entry into force 01.01.2016]

(3) The minister responsible for the area shall conclude the contract under public law with the provider of border crossing waiting area service for a term of five years. If the provider of border crossing waiting area service wishes to conclude the contract under public law for a shorter term, the minister responsible for the area may conclude the contract under public law for a shorter term by way of derogation. If from the law, legislation of the European Union, an international agreement or requirements for application of funds allocated for a specific purpose by the European Union arises an obligation which requires conclusion of the contract under public law for a term longer than five years, the minister responsible for the area may conclude the contract under public law for a term of up to ten years by way of derogation.

(4) State supervision of the performance of the task of organisation of queuing up of vehicles, waiting in queue, use of the border crossing waiting area, and direction to the road border crossing point transferred by a contract under public law shall be performed by the Ministry of the Interior and with the relevant authorisation of the minister responsible for the area by the Police and Border Guard Board. If a contract under public law is terminated unilaterally or if there is any other reason preventing the local government or legal person in private law from further performing the transferred task, entry of vehicles in the road border crossing point shall be organised by the police. [RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(5) The Ministry of the Interior and the Police and Border Guard Board may give to the local government or legal person in private law performing the task on the basis of a contract under public law compulsory instructions in the organisation of entry of vehicles in the road border crossing point. In case of non-satisfactory performance of organisation of entry of vehicles in the road border crossing point, in case of failure to follow compulsory instructions or in other cases provided by the contract under public law, the minister responsible for the area may terminate the contract under public law before the prescribed term pursuant to the procedure provided for therein.[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(6) In deciding on conclusion or non-conclusion of a contract under public law for the transfer of the task of organisation of entry of vehicles in a road border crossing point and in establishing the conditions of the contract, the minister responsible for the area shall proceed from the need and expediency of organisation of a border crossing queue in a specific road border crossing point, from the estimated waiting time for border crossing, from the estimated number of vehicles departing from Estonia through the road border crossing point, from contracts already concluded in connection with the performance of the task of organisation of entry of vehicles in the road border crossing point, and from other relevant circumstances.

(7) [Repealed – RT I, 31.12.2015, 9 – entry into force 01.01.2016]

### **§ 8<sup>3</sup>. Charging for use of border crossing waiting area**

(1) The provider of border crossing waiting area service may charge for the use of the border crossing waiting area a fee which may not exceed 15.97 euros for one border crossing of one vehicle.  
[RT I 2010, 37, 222 – entry into force 01.01.2011]

(2) The fee charged for the use of the border crossing waiting area by a car belonging to category B, BE and B1 may not exceed 6.39 euros for one border crossing of one vehicle.  
[RT I 2010, 37, 222 – entry into force 01.01.2011]

(3) The fee charged for the use of the border crossing waiting area by a motorcycle belonging to category A and A1 may not exceed 3.19 euros for one border crossing of one vehicle.  
[RT I 2010, 37, 222 – entry into force 01.01.2011]

(4) If a vehicle has been directed to the border crossing waiting area but it does not actually use the border crossing waiting area service and is immediately directed to the border crossing point for border crossing, no fee shall be charged for the use of the border crossing waiting area.

(5) In determining the amount of the fee for the use of the border crossing waiting area, the fee may include justified expenses related to the establishment of the border crossing waiting area, maintenance thereof and organisation of provision of such services provision of which in the border crossing waiting area is mandatory. If the provider of border crossing waiting area service is a legal person in private law, the fee charged for the use of the border crossing waiting area may include a reasonable commercial profit. The Government of the Republic may establish by a regulation the maximum permitted commercial profit.

(6) If the minister responsible for the area has transferred by a contract under public law the task of organisation of queuing up of vehicles, waiting in queue, use of the border crossing waiting area, and direction to the road border crossing point to the local government or a legal person in private law, the amount of the fee charged for the use of the border crossing waiting area provided for in subsections (1) to (3) of this section shall be determined in the contract under public law. The amount of the fee agreed on in the contract under public law may vary depending on the category of the vehicle and on the reason for border crossing. The amount of the fee shall be agreed on in the contract under public law for one year at a time and it shall be established separately every year.

(7) For the establishment of the amount of the fee for the use of the border crossing waiting area, the provider of border crossing waiting area service shall present every year to the Ministry of the Interior a justified application indicating the expenses related to the provision of the waiting area service and the expected amount of commercial profit.

(8) No fee shall be charged for the use of the border crossing waiting area or a vehicle shall not be directed to the border crossing waiting area, no place shall be required to be reserved in the border crossing queue or no fee shall be charged for reserving a place in the border crossing queue if charging a fee would restrict excessively the exercise of a fundamental right of a person, hinder excessively the functioning of cross-border cultural or educational cooperation or be in any other manner in contradiction with public interests. The Government of the Republic may establish by a regulation:

- 1) a list of conditions and cases when no fee shall be charged for the use of the border crossing waiting area, and
- 2) a list of conditions and cases when no fee shall be charged for reserving a place in the border crossing queue.

(9) The Government of the Republic may establish by a regulation the specifications provided for in subsection (8) of this section by specifying the road border crossing point.

(10) If the provider of border crossing waiting area service fails to meet the requirements set for the waiting area by legislation or the contract under public law or fails to provide the services prescribed by legislation or the contract under public law, the minister responsible for the area may unilaterally decrease, by a directive, in that waiting area the fee charged for the use of the border crossing waiting area for vehicles based on the state of the waiting area and the services actually provided there until the service provider meets the requirements established by legislation or the contract under public law.  
[RT I 2010, 37, 222 – entry into force 30.06.2010]

#### **§ 8<sup>4</sup>. Database of border crossing queue**

(1) For the purposes of maintaining a border crossing queue, a database of border crossing queue (hereinafter database) which shall be established and the statutes of which shall be approved by the minister responsible for the area by a regulation shall be kept. The database shall be kept as a uniform database of road border crossing points.

(2) The purpose of keeping the database is organisation of a border crossing queue and ensuring of public order by way of queuing up vehicles for border crossing, maintaining the queue, reserving a place in the border crossing queue, requesting border crossing with priority and grant thereof, customs declaration, processing data of a person and goods transported by a vehicle and of the destination of the person, goods and vehicle, and of the owner and user of the vehicle and of the person who registered the vehicle for the queue.

(3) The database shall be organised so that every road border crossing point has a uniform border crossing queue, regardless of whether the border crossing queue has been organised in one or several waiting areas or without a waiting area.

(4) The processor of the database shall be required to enable an owner and user of a vehicle and a person who reserved a place for the vehicle in the border crossing queue to obtain from the database pursuant to the procedure provided for in this Act information concerning at least the place of the vehicle in the queue, the estimated waiting time, the estimated time of border crossing, and direction to the road border crossing point. The content of the data disclosed by the processor of the database to the owner and user of the vehicle and the person who registered the vehicle for the border crossing queue shall be provided for in the statutes of the database.

(5) In cases not provided for in this Act, the issue of data from the database and the content of the issued data shall be decided by the controller of the database or by a person authorised thereby for the said purpose.

(6) If the minister responsible for the area has transferred the task of organisation of entry of vehicles in a road border crossing point to the local government or a legal person in private law, the provider of border crossing waiting area service shall be required to process data of maintenance of a border crossing queue in the database, being its processor.

(7) If at a road border crossing point the border crossing queue has been organised electronically, an owner or user of a vehicle shall be required to reserve a place in the queue, unless otherwise provided by this Act.  
[RT I 2010, 37, 222 – entry into force 30.06.2010]

#### **§ 8<sup>5</sup>. Maintenance of border crossing queue**

(1) A border crossing queue of vehicles shall be organised pursuant to reserving a place for a vehicle in the queue. Vehicles shall wait in the border crossing queue according to the place reserved in the queue.

(2) If a vehicle arrives at a road border crossing point and has not reserved a place in the queue, it shall be directed to reserve a place in the queue, unless otherwise provided by this Act or a regulation issued thereunder.

(3) If a vehicle arrives at a border crossing waiting area or a road border crossing point and has reserved a place in the queue on an incorrect basis, the police or the customs authorities may redirect it to reserve a place in the queue.  
[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(4) A place in the border crossing queue with priority may be reserved:

1) for a vehicle which carries a member of an international delegation or an employee of a foreign diplomatic representation or consular post;

2) for a vehicle the cargo of which is time-sensitive goods for the purposes of the Customs Act;  
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

3) for a vehicle which has a right to cross the border with priority arising from an international agreement or treaty;

4) for a motorcycle in category A or A1; and

5) for a vehicle with regard to which there is another good reason or urgent need for border crossing.

(5) A border crossing queue may be maintained by categories of vehicles and reasons for border crossing, including by authorised economic operators specified in Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 269, 10.10.2013 pp. 1–101). A list of categories of vehicles and reasons for border crossing on the basis of which the border crossing queue is maintained shall be provided for in the statutes of the database.  
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(5<sup>1</sup>) A place in a separate queue for border crossing may be reserved for a vehicle used to carry goods the exporter of which is also the owner of the goods if the exporter and the person who has entered into a contract of carriage with the exporter hold the status of an authorised economic operator and no goods not owned by the authorised economic operators are carried at the same time.  
[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(5<sup>2</sup>) In order to make use of a place in the queue as specified in subsection (5<sup>1</sup>) of this section, the person is required to have given the customs authorities his consent to present information set out in the customs declaration of export to the customs authorities of another country if this is a prerequisite for enabling expedited border crossing in the other country.  
[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(5<sup>3</sup>) The customs authorities may suspend the right to make use of a place in the queue as specified in subsection (5<sup>1</sup>) of this section for up to one year if the authorised economic operator has reserved the place in the queue on an incorrect basis or violated the customs legislation.  
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(6) No border crossing queue shall be maintained with regard to those vehicles which are not power-driven vehicles for the purposes of the Traffic Act or buses providing regular services on a fixed route for the purposes of the Public Transport Act, and data thereof shall not be processed in the database.

(7) The processor of the database shall enable reserving a place for a vehicle in the border crossing queue at least in the following manners:

- 1) by appearing personally at the place specified for that purpose by the processor of the database;
- 2) by phone; and
- 3) on the internet.

(8) In addition to the manners specified in subsection (7) of this section, the processor of the database may create other manners for reserving a place in the border crossing queue.

(9) The processor of the database shall create, on the territory of the local government of the road border crossing point, a possibility for reserving a place for a vehicle in the border crossing queue by appearing personally.

(10) The processor of the database shall enable an owner and user of a vehicle and a person who reserved a place for the vehicle in the border crossing queue to have constant access, via internet, to the information specified in subsection 8<sup>4</sup>(4) of this Act.

(11) The processor of the database shall forward, on its own initiative, the information specified in subsection 8<sup>4</sup>(4) of this Act according to the contact information, specified upon reserving a place in the border crossing queue, by phone or by sending a message to the mobile phone. A person who reserved a place for a vehicle in the border crossing queue shall be able to choose one or both of the aforesaid manners of notification. If the person has chosen both of the manners of notification, the processor of the database may choose, at its own discretion, one of them for forwarding the information.

(12) In addition to notification by phone or by sending a message to the mobile phone, the processor of the database may prescribe also other manners of notification.  
[RT I 2010, 37, 222 – entry into force 30.06.2010]

## **§ 8<sup>6</sup>. Transfer of task of administration of database**

(1) The minister responsible for the area may transfer the task of administration of the database on the basis of a contract under public law to the local government or a legal person in private law.

(2) [Repealed – RT I, 31.12.2015, 9 – entry into force 01.01.2016]

(3) The minister responsible for the area shall conclude the contract under public law with the provider of administration of the database service for a term of five years. If the provider of administration of the database service wishes to conclude the contract under public law for a shorter term, the minister responsible for the area may conclude the contract under public law for a shorter term by way of derogation. If from the law, legislation of the European Union, an international agreement or requirements for application of funds allocated for a specific purpose by the European Union arises an obligation which requires conclusion of the contract under



public law for a term longer than five years, the minister responsible for the area may conclude the contract under public law for a term of up to ten years by way of derogation.

(4) If the minister responsible for the area has transferred the task of administration of the database to the local government or a legal person in private law on the basis of a contract under public law, the expenses related to the establishment and administration of the database and the expenses of establishment of access to the data in the database to administrative authorities to whom data is issued for the performance of public law functions shall be incurred by that local government or legal person in private law to whom the minister responsible for the area has transferred the task of administration of the database by the contract under public law.

(5) If for the organisation of entry of vehicles in a road border crossing point, for the fulfilment of requirements arising from legislation or for the purposes of work-related need specified by the Police and Border Guard Board or the Ministry of the Interior development or maintenance work of the database is required, the expenses of the said development or maintenance work shall be incurred by the local government or legal person in private law to whom the task of administration of the database has been transferred by a contract under public law.

(6) State supervision of the performance of the task of administration of the database transferred by a contract under public law shall be performed by the Ministry of the Interior and with the relevant authorisation of the minister responsible for the area by the Police and Border Guard Board. If the contract under public law is terminated unilaterally or if there is any other reason preventing the local government or legal person in private law from further performing the transferred task, the administration of the database shall be organised by the Police and Border Guard Board.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(7) The Ministry of the Interior and the Police and Border Guard Board may give to the local government or legal person in private law performing the task on the basis of a contract under public law compulsory instructions in the administration of the database. In case of non-satisfactory performance of the task of administration of the database, in case of failure to follow compulsory instructions or in other cases provided by the contract under public law, the minister responsible for the area may terminate the contract under public law before the prescribed term pursuant to the procedure provided for therein.[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(8) If the provider of administration of the database service fails to meet the requirements set by legislation or the contract under public law for the administration of the database or services provided or fails to fulfil the obligations established by legislation or the contract under public law, the minister responsible for the area may unilaterally decrease, by a directive, the fee charged in the road border crossing point for reserving a place in the border crossing queue based on the services actually provided until the service provider meets the requirements established by legislation or the contract under public law.

(9) [Repealed – RT I, 31.12.2015, 9 – entry into force 01.01.2016]

## **§ 8<sup>7</sup>. Charging for reserving place in queue**

(1) For reserving a place in the border crossing queue in a road border crossing point, the processor of the database may charge a fee which may not exceed 1.59 euros for one vehicle. If the task of keeping the database has been transferred on the basis of a contract under public law to the local government or a legal person in private law, the amount of the fee shall be agreed on in the contract under public law. The service provided for the said fee shall include at least the services specified in subsection 8<sup>4</sup>(4) of this Act and in subsections 8<sup>5</sup>(7), (10) and (11) of this Act. The service provider may provide also other services, use of which shall not be mandatory for a vehicle or a person wishing to cross the border, and charge an additional fee for the services. [RT I 2010, 37, 222 – entry into force 01.01.2011]

(2) If the minister responsible for the area has transferred the task of administration of the database by a contract under public law to the local government or a legal person in private law, the amount of the fee charged for reserving a place in the border crossing queue specified in this section shall be determined in the contract under public law. The amount of the fee shall be agreed on in the contract under public law for one year at a time and it shall be established separately every year.

(3) For the establishment of the amount of the fee charged for reserving a place in the border crossing queue, the provider of administration of the database service shall present every year to the Ministry of the Interior a justified application indicating the expenses related to the administration of the database and the expected amount of commercial profit.

(4) If the provider of border crossing waiting area service charges for the organisation of entry of vehicles in the road border crossing point a fee provided for in subsections 8<sup>3</sup>(1) to (3) of this Act, a fee for reserving a place in the border crossing queue may be charged only as a part of the said fee.

(5) In determining the amount of the fee for reserving a place in the border crossing queue, justified expenses related to the performance of the tasks arising from this Act may be taken into account. If the processor of the database is a legal person in private law, the fee charged for reserving a place in the border crossing queue may include a reasonable commercial profit. The Government of the Republic may establish by a regulation the maximum permitted commercial profit.  
[RT I 2010, 37, 222 – entry into force 30.06.2010]

#### **§ 8<sup>8</sup>. Performance of task assigned to administrative authority**

For the performance of a task assigned to an administrative authority provided for in this Act, persons who shall act on behalf of the administrative authority in administrative proceedings may be specified within the administrative authority.

[RT I 2010, 37, 222 – entry into force 30.06.2010]

#### **§ 9. Crossing of state border**

(1) Persons and means of transport arriving in or departing from Estonia may cross the external border and goods to be brought into Estonia or goods to be exported out of Estonia may be conveyed across the external border through border crossing points open for international traffic during the operating hours thereof.

(2) Authorisation for the crossing of the external border shall be granted by the police or the customs authorities to a person who has passed the border checks, with regard to whom there are no circumstances excluding the crossing of the external border, and who has met the requirements set for the entry into Estonia, stay in Estonia and departure from Estonia.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(3) Persons may cross the internal border at any place without passing the border checks. Crossing of the internal border shall also be deemed:

1) crossing of the air border of Estonia if arriving from an airport of a Member State of the European Union for internal flights or if going there;

2) crossing of the sea border if arriving by way of regular ferry connection directly from a sea, river or lake port of a Member State of the European Union or if going there.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) Exceptions to the procedure provided for in subsection (1) of this section are allowed in cases provided by legislation of the European Union, an international agreement, this Act or another Act. The said procedure shall also not be extended to aircraft which cross the Estonian airspace without stopping and to foreign vessels which are conducting innocent passage through the territorial sea or proceeding from the Gulf of Finland to the Gulf of Riga and vice versa.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(5) Vessels and aircraft arriving in Estonia which have crossed the Estonian state border shall navigate to a port or airport open for international traffic pursuant to the established procedure.

(6) Without the permission of the customs authorities or the police, the loading and unloading of goods and disembarkation of persons from a train, vessel or aircraft, which has crossed the external border, in an area between the border crossing point and the state border is prohibited, except upon:

1) pilotage;

2) replenishment of motor fuel or motor oil of a vessel;

3) delivery of bilge water, tank washing water and waste oil;

4) saving of human lives and in the event of accidents.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

#### **§ 9<sup>1</sup>. Return from border**

(1) Persons, means of transport and goods which have not been permitted to cross the border and persons who have illegally crossed the external border shall be detained and returned, pursuant to the procedure prescribed by the legislation of the European Union, international agreements and the law, into the state from or through which they arrived in or were conveyed into Estonia, taking account of the specifications provided for in the Citizen of the European Union Act.

[RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]

(1<sup>1</sup>) A police officer shall take fingerprints of an alien who is apprehended in connection with irregular crossing of the border, if he or she is at least 14 years of age, according to the Council Regulation No 2725/2000, and shall transmit the data collected upon the taking of the fingerprints for comparison to the Central Unit of Eurodac according to the Council Regulation No 407/2002.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(1<sup>2</sup>) The data collected upon the taking of fingerprints specified in subsection (1<sup>1</sup>) of this section shall be entered in the national fingerprint database.

(2) The carrier who transported or whose representative transported to a border crossing point a person, means of transport or goods who or which are not permitted to cross the border shall organise and cover the expenses for their return from the border.

[RT I 2005, 71, 548 – entry into force 08.01.2006; 1.03.2006]

## **§ 9<sup>2</sup>. [Repealed – RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]**

## **§ 9<sup>3</sup>. Processing of data communicated to Police and Border Guard Board concerning passengers and travels**

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(1) A carrier who carries passengers arriving in Estonia and leaving Estonia across the external border by air, railway or waterway shall communicate to the Police and Border Guard Board data concerning the travel, the passengers' personal details entered in their travel document and data concerning the passengers' travel document (hereinafter *passenger data*).

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(2) The list of data concerning passengers carried by air and railway, and the procedure and format for communicating such data shall be established by a regulation of the minister responsible for the field.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(3) A carrier who carries passengers arriving in Estonia and leaving Estonia across the Estonian border by waterway shall communicate the data specified in subsection (1) of this section to the Police and Border Guard Board pursuant to the procedure provided for on the basis of clause 14 (2) 1) of this Act.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(4) The data specified in subsection (1) of this section may be processed by an authority competent to perform this task for the purposes of ensuring public order and national security, preventing illegal immigration and improving border checks.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(5) The carrier shall inform the passengers in a clear and understandable manner of the communication of the data specified in subsection (1) of this section to the Police and Border Guard Board, the time limit for retaining the data, the processing of the data for the purposes specified in subsection (4) of this section, and the rights related to the protection of personal data.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(6) The carrier shall delete the passenger data communicated to the Police and Border Guard Board within 24 hours.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(7) The Police and Border Guard Board may retain the data specified in subsection (1) of this section for up to 24 hours, unless the data must be retained longer for performing tasks related to the purposes provided for in subsection (4) of this section.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

## **§ 9<sup>4</sup>. Border control**

(1) Border control is border checks and border surveillance by the police on land, at sea and on transboundary water bodies for the purposes of preventing, detecting and hindering border crossing taking place at a place and time not prescribed therefor and cross-border crime, including illegal conveyance of persons and goods from a non-Community country to Estonia and from Estonia to a non-Community country at the territorial sea and in inland maritime waters and on transboundary water bodies, and verification of legal bases for stay in the country.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) Border control at sea and on transboundary water bodies includes the ensuring of the legal regime of the exclusive economic zone, checking on passage of vessels through the territorial sea, and entry and departure thereof in and from the inland maritime waters, a port and the Estonian waters of transboundary water bodies.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) Performing the border control, the police shall participate in guarding of the airspace.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) For border control the police may travel without hindrance on foot and by vehicles on temporary or private roads adjacent to the state border and transboundary water bodies or leading there and on shore paths and private land without the consent of the owner or possessor.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

#### **§ 9<sup>5</sup>. State border surveillance with technical devices**

(1) In performing state border surveillance and ensuring the border regime, the police may use relevant technical, including electronic devices for the purposes of detecting an illegal border crossing, identifying objects, ensuring safety in border crossing points and combating cross-border crime.

(2) Recordings made with the technical and electronic devices specified in this section shall be kept for not longer than one year, unless otherwise provided by law. Information collected and analysed by technical and electronic devices is for internal use.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

#### **§ 9<sup>6</sup>. Restrictions on movement and stay of persons in area near border**

(1) The police shall have the right to restrict the movement and stay of persons in an area near the border.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) Due to dangerous weather conditions, a police officer specified by the Director General of the Police and Border Guard Board shall have the right to prohibit, on temporary bases, persons from going on transboundary water bodies and inland maritime waters or on the ice thereof for navigation or traffic.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(3) Stay on the dry riverbed of the River Narva from the dam of the reservoir to the railway bridge is prohibited. Stay on the River Narva, in the Narva reservoir, on Lake Vaniku, Lake Pattina, Lake Kriiva and Lake Pabra as well as on the islets therein during the period of time from half an hour after sunset until half an hour before sunrise is prohibited without police permission.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

(4) Going to and staying on the islands in the River Narva and Narva reservoir is permitted only with the approval of the police.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(5) Going by a water craft or other means of transport on the River Narva, Narva reservoir, Lake Lämmi and Lake Pihkva, Lake Vaniku, Lake Pattina, Lake Kriiva and Lake Pabra or on the ice thereof and return therefrom shall be registered at the border guard station. Going by a water craft or other means of transport on Lake Peipsi or on the ice thereof farther than one kilometre from the shore and return therefrom shall be registered at the border guard station.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

#### **§ 9<sup>7</sup>. Communication and processing of booking information**

(1) A carrier who carries passengers arriving in Estonia and leaving Estonia through the Estonian airspace (hereinafter *air carrier*) shall communicate to the Police and Border Guard Board air passengers' booking information (hereinafter *booking information*).

(2) Booking information is information concerning air passengers and flights which air carriers collect from passengers for booking purposes. Booking information includes, above all, information concerning bookings and actions related thereto, personal details of an air passenger and persons travelling with them, general flight information, contact details of air passengers and details on payments for bookings.

(3) When air passengers are booking a flight and purchasing a ticket, the air carrier or a person authorised thereby shall inform them in a clear and understandable manner of the air carrier's obligation to communicate the booking information to the Police and Border Guard Board, of the time limit for preserving the booking information, of the processing of the booking information for the purposes specified in subsection (4) of this section, and of the rights related to the protection of personal data.

(4) Booking information details may be processed by investigative bodies listed in subsection 31 (1) of the Code of Criminal Procedure for the purpose of processing, discovering or preventing acts of terrorism or other serious criminal offences.

(5) For the purposes of this Act, acts of terrorism and other serious criminal offences are deemed to be criminal offences listed in § 126<sup>2</sup>(2) of the Code of Criminal Procedure.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

## **§ 9<sup>8</sup>. Booking information database**

(1) A database for processing booking information details (hereinafter *booking information database*) shall be set up for processing booking information for the purpose of processing, discovering and preventing acts of terrorism and other serious criminal offences.

(2) A passenger's personal details, the details concerning the flight, the data on the passenger's travel document and the results of an analysis of the booking information shall be entered in the booking information database. A detailed list of data in said data categories shall be provided by the statutes of the database.

(3) Data communicated along with the booking information but not listed in subsection (2) of this section shall be immediately deleted.

(4) Booking information shall be preserved for five years as of the entry of the data in the booking information database. Personalised data are available in the booking information database for two years, after that the data shall be given a pseudonym.

(5) By giving personalised data a pseudonym the information concerning an air passenger and their flight is made anonymous by concealing in the database those fields that enable the identification of the person of the air passenger whom the data concerns.

(6) Data which have been given a pseudonym may be personalised with the permission of the controller of the booking information database only upon a justified application of a body specified in subsection 9<sup>7</sup>(4) of this Act based on a single case if it is necessary for processing, discovering or preventing acts of terrorism or other serious criminal offences.

(7) The detailed procedure for giving booking information a pseudonym and for personalising data that have been given a pseudonym shall be provided by the statutes of the database.

(8) For processing, discovering or preventing acts of terrorism or other serious criminal offences, data collected under subsection 9<sup>3</sup>(1) of this Act may be preserved in the booking information database on the conditions and for the periods of time provided for in subsection (4) of this section.

(9) The booking information database shall be set up and its statutes shall be established by a regulation of the minister responsible for the area.

(10) The controller of the database is the Police and Border Guard Board. A processor of the database shall be determined in the statutes of the database.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

## **§ 9<sup>9</sup>. Person's right to information on booking information collected regarding them**

(1) In processing acts of terrorism and other serious criminal offences, the provisions of the Code of Criminal Procedure shall apply to the processing of personal data.

(2) A person's right to information and personal data regarding the person from the booking information database shall be restricted if it may obstruct the discovery and prevention of acts of terrorism and other serious criminal offences. The refusal to give out data or information shall be decided by the controller.

(3) The controller is required to justify the refusal to issue data or give out information within five working days following the receipt of an application.

(4) The detailed procedure for access of persons to the data in the booking information database shall be provided by the statutes of the booking information database.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

## **§ 10. Border crossing point**

(1) A border crossing point is a delimited and marked part of a road section or water body, or of the facility and territory of a railway station, airport, river, lake or sea port which is open for international traffic and where border checks are performed.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) Construction, reconstruction and maintenance of border crossing points in ports, airports and railway stations shall be organised by the owner or possessor of the corresponding civil engineering works in coordination with the police and the customs authorities. Construction and administration of border crossing points located on roads or a part of a water body shall be organised by the Ministry of Finance.

(3) The police shall have the right to obtain for use free of charge premises necessary for the operation of a border crossing point in compliance with occupational safety and health requirements in a port, airport and railway station from the possessor thereof, as well as a marked and delimited controlled area, and a berth for a police vessel. The management costs of a road border crossing point shall be covered by the Tax and Customs Board.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) The list of border crossing points open for international traffic shall be established by the Government of the Republic.

## **§ 11. Border checks**

(1) All persons, means of transport, goods and other tangible assets shall be subject to border checks upon crossing of the external border or conveyance across the external border. Border checks shall consist of checking of crossing of the state border by persons and means of transport, customs control and, where necessary, security control, sanitary, veterinary or plant health control and other types of control established by other legislation of the European Union, international agreements and Estonian legislation.

(2) In border checks, upon checking of crossing of the state border, the police shall check persons and establish whether a person may be granted authorisation to cross the state border. Checking of persons shall include checking of a person's documents, bases for stay, baggage and means of transport.

(3) For the checking of crossing of the state border, the police may enter a means of transport, including a water craft without the consent of the possessor.

(4) Upon the crossing of the external border, all persons shall be required to give explanations concerning their identity at the request of a police officer. Furthermore, a third-country national shall give explanations concerning the circumstances of his or her entry in a Member State of the European Union, stay in a Member State and departure from a Member State, and substantiate them, taking account of the specifications provided by the legislation of the European Union, international agreements or law.

(5) At the request of a police officer, a third-country national shall present, upon crossing of the state border, a health insurance contract if the obligation to be in possession of it is provided by law or legislation of general application issued thereunder.

(6) For the purposes of this Act, a third-country national is a third-country national within the meaning of the Schengen Borders Code.

(7) The police shall assist within their competence the customs authorities and in accordance with the customs legislation shall carry out customs control in border crossing points where no permanent customs control exists. While carrying out customs control, the police may apply the state supervision measures provided for in sections 61, 63, 64 and 65 and in subsection (1) of section 67 of the Customs Act.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(8) If, in case of increased defence readiness or mobilisation or during a state of emergency or state of war, a prohibition on departure from Estonia has been established with regard to a person liable to service in the Defence Forces, the police shall have the authority to check whether a prohibition or a restriction on departure has been established with regard to a national leaving Estonia. The police shall apply the prohibition or restriction on the basis of the register of persons liable to service in the Defence Forces.

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

(9) A police officer shall affix, according to the Schengen Borders Code, on the travel document of a third-country national a stamp authorising crossing of the border if such national has been granted authorisation to cross the external border.

(10) The stamp specified in subsection (9) of this section shall not be affixed on the travel document of a national of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation. No entry or exit stamp shall be affixed on the travel documents of family members who are accompanying or joining a national of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation if they present a residence permit or card issued by a competent authority of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation.

(11) Upon crossing of the state border, the police shall have the right to prohibit the entry of persons in the country on the bases of and pursuant to the procedure provided by the Obligation to Leave and Prohibition on Entry Act, the Citizen of European Union Act and the Schengen Borders Code.

(12) A simplified procedure for crossing the external border may be established by an international agreement or the law for persons of certain category.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(13) The rights and obligations of the police, listed in this section, related to checking the crossing of the state border by persons and means of transport extend to the customs authorities.  
[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

#### **§ 11<sup>1</sup>. Document requirement upon crossing of state border**

(1) An Estonian citizen and a citizen of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation crossing the external border upon departure from Estonia or arrival in Estonia shall carry a valid travel document or another document which is prescribed for crossing of the external border by an international agreement. In cases provided by an international agreement, the external border may be crossed with a valid identity card issued by the Republic of Estonia, a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation.  
[RT I, 21.03.2014, 2 – entry into force 01.10.2014]

(1<sup>1</sup>) Upon crossing the internal border, an Estonian citizen and a citizen of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation has an obligation to carry a valid travel document or identity card issued by the Republic of Estonia, a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation.  
[RT I, 21.03.2014, 2 – entry into force 01.10.2014]

(2) Upon arrival in Estonia, an Estonian citizen who is not in possession of a document specified in subsections (1) and (1<sup>1</sup>) of this section shall be permitted to cross the state border if his or her identity and nationality are proved on the basis of other documents.  
[RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]

(3) A third-country national crossing the state border shall be in possession of a valid travel document issued by a foreign state or an international organisation, or an alien's travel document or a permit of return issued by the Republic of Estonia in which data concerning his or her visa has been entered, or he or she shall present upon checking, in addition to the travel document, a document in proof of the residence permit or right of residence, unless otherwise provided by legislation of the European Union, an international agreement or the law.  
[RT I, 21.03.2014, 2 – entry into force 01.10.2014]

(3<sup>1</sup>) A third-country national who lacks a legal basis or valid travel document for entry into Estonia and who wishes to apply for international protection in Estonia or a residence permit on the basis of temporary protection shall be permitted to enter Estonia after the submission of an application for international protection or for a residence permit on the basis of temporary protection to the Police and Border Guard Board if no circumstances provided for in clause 1) of section 20<sup>1</sup> and clauses 1) to 3) of subsection (1) of section 21 of the Act on Granting International Protection to Aliens become evident.  
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

(4) [Repealed – RT I, 21.03.2014, 2 – entry into force 01.10.2014]

(5) Upon arrival in Estonia, a family member of a national of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation who is not a national of a Member State of the European Union, a Member State of the European Economic Area or the Swiss Confederation shall be in possession of a valid travel document and shall have a legal basis for staying in Estonia as provided for in the Citizen of European Union Act.  
[RT I, 21.03.2014, 2 – entry into force 01.10.2014]

(6) By way of derogation, the state border may be crossed without a document provided for in this section by a person who is being extradited or handed over to Estonia or who is being extradited or handed over by Estonia by way of international cooperation in criminal proceedings.  
[RT I 2008, 19, 132 – entry into force 23.05.2008]

#### **§ 11<sup>2</sup>. Document requirement of minor who is third-country national upon crossing of state border**

[RT I, 21.03.2014, 2 – entry into force 01.10.2014]

(1) Upon crossing of a state border, a third-country national under 15 years of age need not be in possession of a travel document if his or her name, date of birth and data concerning his or her visa or residence permit or right of residence and photograph have been entered in the valid travel document of a person accompanying him or her, unless otherwise provided by law, legislation of the European Union or an international agreement.

(2) A photograph need not be entered in the travel document of an accompanying person if the minor who is a third-country national is under seven years of age.

(3) A third-country national who is a minor and who lacks a legal basis or a valid travel document for entry into Estonia and who wishes to apply for international protection in Estonia or a residence permit on the basis of temporary protection shall be permitted to enter Estonia after the submission of an application for international protection or for a residence permit on the basis of temporary protection to the Police and Border Guard Board if no circumstances provided for in clause 1) of section 20<sup>1</sup> and clauses 1) to 3) of subsection (1) of section 21 of the Act on Granting International Protection to Aliens become evident.  
[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

### **§ 11<sup>3</sup>. Introduction of border checks and border control at internal border**

(1) The Government of the Republic may introduce border checks and border control at the internal border for ensuring public order or national security or for preventing or solving a situation which may endanger public health.

(2) In a situation which may endanger public order, national security or public health and which requires immediate actions against the threat, the minister responsible for the area may decide the introduction of border checks and border control at the internal border until the decision of the Government of the Republic.

(3) Upon introducing border checks and border control at the internal border, border checks and border control shall be performed and necessary measures shall be applied as upon crossing of the external border.

(4) The border checks and border control at the internal border, the extent and duration of the border checks and border control, the open border crossing points, and the relevant notification of the public, the European Commission and the Member States shall be established by the Government of the Republic by a regulation. The regulation of the Government of the Republic on the introduction of border checks and border control at the internal border may prescribe the entry into force of the regulation as of the publication thereof in the media.

(5) After the termination of the border checks and border control introduced at the internal border, the Ministry of the Interior shall prepare a relevant report which shall be submitted, after the approval by the Government of the Republic, to the European Parliament, the Council of the European Union and the European Commission.

(6) Expenses related to introduction of border checks and border control at the internal border and incurred by state authorities who participated in the control shall be covered from the reserve of the Government of the Republic by a decision of the Government of the Republic.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

### **§ 11<sup>4</sup>. Measures of state supervision**

(1) In performing state supervision related to ensuring the border regime, including border control and border checks, the police and, in performing state supervision related to border checks, the customs authorities may apply the special state supervision measures specified in sections 30, 32, 45, 49, 52 and 53 of the Law Enforcement Act on the bases and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(2) In ensuring the border regime, the police or the customs authorities shall examine sensuously or by means of a technical device or a service animal a movable, including a water craft and other means of transport pursuant to the procedure provided for in section 49 of the Law Enforcement Act.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(2<sup>1</sup>) In performing state supervision related to border checks, the customs authorities may apply direct coercion on the bases and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(3) In performing border control, the police shall have the right, with regard to a water craft, to demand the departure of the water craft from the inland maritime waters or territorial sea and the territory of a transboundary water body within the jurisdiction of Estonia and from an area prohibited for seafaring, as well as a change of course in order to prevent entry into a prohibited area.

(4) If a person fails to comply with a signal for stopping a water craft, the water craft may be forced to stop by using a weapon or other special equipment pursuant to the procedure provided for in Chapter 5 of the Law Enforcement Act.

(5) The police may pursue a water craft which has violated the law or failed to comply with an order of the police up to the border of the territorial sea of a foreign state if the pursuit has begun in the inland maritime waters or at the territorial sea or in the exclusive economic zone and has not been interrupted. Pursuit may begin after a visible or audible stop signal given within the visual range or earshot of the water craft being pursued.

(6) The police shall not stop nor examine a military vessel. If a military vessel of a foreign state fails to follow the procedure for innocent passage through the territorial sea and fails to comply with a demand to follow it, the police shall:

- 1) demand the immediate departure of the military vessel from the territorial sea;



- 2) document the entry of the military vessel in the territorial sea by technical means;
  - 3) prepare a unilateral act concerning the violation of law.
- [RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **§ 12. Crossing of air border**

(1) Aircraft shall cross the Estonian state border through international airways in accordance with international agreements and pursuant to the procedure provided by the Government of the Republic.

(2) An aircraft may cross the state border outside the established airway only with the permission of an agency authorised by the Government of the Republic.

(3) Persons on board an aircraft which has made a forced landing shall, if necessary, be taken to the border crossing point for border checks or shall be checked at the place of landing. In such case, the aircraft may take off with the permission of an agency authorised by the Government of the Republic.

(4) The crossing of the state border shall not be deemed to be a violation of the border regime if the aircraft crosses the state border due to a technical failure on the aircraft, an emergency, a natural disaster or another urgent situation. The aircraft captain shall be required to notify an agency authorised by the Government of the Republic of the deviation pursuant to the established procedure.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

## **§ 13. Innocent passage through territorial sea**

(1) Innocent passage through the territorial sea of Estonia is permitted.

(1<sup>1</sup>) Passage shall be deemed to be innocent if it does not endanger peace, public order or national security of Estonia.

(1<sup>2</sup>) The passage of a foreign vessel shall be deemed to endanger peace, public order or national security of Estonia if any of the following acts is related to the passage of the vessel through the territorial sea:

- 1) any threat or use of force directed against the sovereignty, territorial integrity or political independence of Estonia or use of force in any other manner in violation of the corresponding generally recognised principles of international law;
- 2) any manoeuvres or training exercises with any kind of weapons;
- 3) activity directed at the collection of information which harms Estonian national defence or national security;
- 4) an act of propaganda which harms Estonian national defence or national security;
- 5) launch or landing of aircraft or taking aircraft on board;
- 6) launch or landing of any military devices or taking any military devices on board;
- 7) loading or unloading of goods or currency or transport of persons in non-compliance with legislation regulating customs, tax, immigration or sanitary rules in Estonia;
- 8) intentional or significant pollution;
- 9) any fishing;
- 10) research or measurement activity;
- 11) any activity the purpose of which is to damage the operation of Estonian communication equipment or other plants and civil engineering works;
- 12) other activity not directly related to the passage.

(2) A foreign military vessel or other foreign vessel used for national non-commercial purposes may innocently pass through the territorial sea if the foreign state notifies the Ministry of Foreign Affairs thereof through diplomatic channels at least 48 hours before the passage of the vessel. The notice shall set out the name, type and other required characteristics of the vessel, the time and place of the beginning and end of the passage. This requirement shall not apply to a vessel engaged in saving human lives or emergency rescue work.

(3) [Repealed – RT I 2001, 23, 126 – entry into force 16.03.2001]

(4) [Repealed – RT I 2001, 23, 126 – entry into force 16.03.2001]

(5) Upon innocent passage through the territorial sea, a vessel may stop in the case of a marine casualty, due to *force majeure*, in order to save human lives or provide assistance to vessels or aircraft in danger or in distress. The captain of the foreign vessel shall be required to notify the police of the deviation from the procedure for innocent passage.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(6) A foreign submarine or another underwater vehicle shall pass through the Estonian territorial sea above water surface and hoist its flag.

(7) Upon passage through the territorial sea, the deck armaments of a foreign vessel shall be fixed in the position for transport and covered, and fishing and other gear shall be placed at the storage facilities.

(8) At the territorial sea where shipping routes and schemes for the separation of shipping traffic have been established, a foreign vessel shall navigate along these routes or use these schemes upon navigation.

(8<sup>1</sup>) The measures ensuring innocent passage shall not in any way restrict the immunity guaranteed for a foreign military vessel or another foreign vessel used for national non-commercial purposes by international law.

(9) The Government of the Republic shall have the right to restrict the entry and stay of a foreign civil or military vessel or prohibit it in some areas of the territorial sea and inland maritime waters.

[RT I 2001, 23, 126 – entry into force 16.03.2001]

#### **§ 14. Entry in inland maritime waters, port and transboundary water body**

[RT I 2003, 51, 350 – entry into force 19.07.2003]

(1) A foreign civil vessel may cross, enter or exit the inland maritime waters:

- 1) in order to proceed to an Estonian port;
- 2) in order to exit an Estonian port;
- 3) in order to sail from the Gulf of Finland to the Gulf of Riga and vice versa;
- 4) in order to save a human life, prevent an accident or reduce damage arising from an accident;
- 5) due to *force majeure*;
- 6) for bunkering.

(1<sup>1</sup>) In cases not specified in subsection (1) of this section, a foreign civil vessel may cross, enter or exit the inland maritime waters with the approval of the Police and Border Guard Board.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(2) Pursuant to this Act and other legislation, the Government of the Republic or an agency authorised thereby shall establish:

- 1) the procedure for vessels and recreational craft to enter and exit the inland maritime waters, ports, and Estonian waters of transboundary water bodies;
- 2) [repealed – RT I 1997, 77, 1315 – entry into force 01.01.1998]
- 3) [repealed – RT I 2003, 51, 350 – entry into force 19.07.2003]
- 4) the procedure for permitting crew members to enter Estonia;
- 5) the list of those hazardous substances which are not allowed to be transported in the inland maritime waters through transit.

(2<sup>1</sup>) The provisions of subsection (2) of this section shall not apply to the specific check procedure for cruise ships, pleasure boats, coastal fishing, inland waterways shipping and other such shipping regulated in the Schengen Borders Code.

[RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]

(3) A foreign vessel with a nuclear engine or which is carrying a nuclear weapon or radioactive substances on board may not enter the inland maritime waters, except in the cases provided for in section 14<sup>1</sup> of this Act.

(3<sup>1</sup>) A foreign vessel which has been entered by a relevant regulation of the Council of the European Union in a list of those vessels which have been confirmed to be engaged in illegal, undisclosed and unregulated fishing may not enter the inland maritime waters for entry in a port and for bunkering, except in case entry in a port or bunkering is necessary due to *force majeure* in order to prevent a greater threat or avoid a danger of pollution.

[RT I 2008, 13, 88 – entry into force 24.03.2008]

(3<sup>2</sup>) If a vessel specified in subsection (3<sup>1</sup>) of this section has entered an Estonian port due to *force majeure* in order to prevent a greater threat or avoid a danger of pollution, the vessel may not stay at the port longer than is minimally necessary in order to prevent the threat or avoid the danger of pollution.

[RT I 2008, 13, 88 – entry into force 24.03.2008]

(4) A foreign vessel may navigate in the inland maritime waters only along the shipping route, if established, and by using a pilot upon pilotage.

(4<sup>1</sup>) The provisions of subsection (4) of this section shall not apply:

- 1) to a vessel meeting the requirements established for a pleasure boat;
- 2) to vessels which enter the inland maritime waters due to *force majeure*, in order to save a human life, in order to prevent an accident or reduce damage arising from an accident;
- 3) if a ship proceeds to the inland maritime waters by the shortest route to take a pilot on board;
- 4) if a ship proceeds to the territorial sea by the shortest route after the pilot has disembarked;
- 5) in other cases provided by an Act regulating maritime safety.

(5) [Repealed – RT I 2001, 23, 126 – entry into force 16.03.2001]

## **§ 14<sup>1</sup>. Diplomatic clearance**

(1) For entry in the inland maritime waters of a foreign vessel with a nuclear engine or which is carrying a nuclear weapon or radioactive substances on board or for entry of another vessel used for national non-commercial purposes, the foreign state shall apply for a diplomatic clearance from the Ministry of Foreign Affairs through diplomatic channels at least 14 calendar days before the planned entry.

(2) The procedure for the application for and grant of a diplomatic clearance and the format of application for diplomatic clearance shall be established by the Government of the Republic.

(3) A vessel which is engaged in saving human lives or elimination of marine pollution need not apply for a diplomatic clearance.

(4) The Ministry of Foreign Affairs or a foreign mission shall notify the foreign state of the decision on application for a diplomatic clearance seven calendar days before the planned entry.

(5) The National Defence Act shall be applied with regard to entry of a foreign military vessel in Estonian territorial waters or inland waters.

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

## **§ 15. Navigation of foreign vessel on transboundary water body with crossing of state border**

Navigation of a foreign vessel on a transboundary water body with the crossing of the state border shall be regulated by international agreements.

[RT I 2003, 51, 350 – entry into force 19.07.2003]

## **§ 16. [Repealed – RT I 2003, 51, 350 – entry into force 19.07.2003]**

## **§ 17. Temporary restriction on or suspension of crossing of state border**

(1) In the interests of national security, in order to ensure public order, prevent and solve a situation which may endanger public health, and also at the request of a foreign state, the Government of the Republic shall have the right to:

- 1) temporarily restrict the crossing of the state border or suspend the crossing of the state border;
- 2) establish quarantine for the crossing of the state border for persons and conveyance of domestic animals, poultry, and also livestock products, plant produce and other cargo across the state border.

(2) In the interests of national security, in order to ensure public order, prevent and solve a situation which may endanger public health, and in a situation which requires immediate action with regard to a threat, and also at the request of a foreign state, the minister responsible for the area may decide the closure of a border crossing point until the decision of the Government of the Republic.

(3) The Government of the Republic shall notify the interested states and the European Parliament, the Council of the European Union and the European Commission of restriction on crossing of the state border or closure of the state border.

[RT I 2007, 68, 420 – entry into force 21.12.2007 and partially 30.03.2008]

# **Chapter 2<sup>1</sup> LIABILITY**

## **§ 17<sup>1</sup>. Violation of border regime**

Violation of the border regime is punishable by a fine of up to 200 fine units.

[RT I 2003, 26, 156 – entry into force 21.03.2003]

## **§ 17<sup>2</sup>. Illegal crossing of state border or temporary control line of Republic of Estonia**

Illegal crossing of the state border or a temporary control line of the Republic of Estonia is punishable by a fine of up to 200 fine units or by detention.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

### **§ 17<sup>3</sup>. Failure to communicate passenger data**

(1) Failure to communicate or incorrect communication or communication of false passenger data provided for in section 9<sup>3</sup> of this Act is punishable by a fine of up to 300 fine units.  
[RT I 2007, 3, 14 – entry into force 01.07.2007]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6,400 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 17<sup>4</sup>. Illegal stay in border strip**

Illegal stay in a border strip is punishable by a fine of up to 200 fine units.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

### **§ 17<sup>5</sup>. Failure to communicate booking information**

(1) Failure to communicate or incorrect communication or communication of false booking information provided for in section 9<sup>7</sup> of this Act is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6,400 euros.

### **§ 17<sup>6</sup>. Proceedings**

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

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

(2) The extra-judicial body conducting proceedings in matters of misdemeanours provided for in sections 17<sup>1</sup> to 17<sup>5</sup> of this Act shall be the Police and Border Guard Board.  
[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

## **Chapter 3 FINAL PROVISIONS**

### **§ 18. Protection of state border**

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(1) The police and the Defence Forces shall guard and protect the state border according to their competence. The Defence Forces shall guard and protect the Estonian airspace.  
[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

(2) The armed forces of a state being a party to an agreement containing the principle of collective self-defence entered into with the Republic of Estonia may be involved in the performance of the task specified in subsection (1) of this section.  
[RT I 2004, 81, 541 – entry into force 10.12.2004]

**§ 18<sup>1</sup>. [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]**

**§ 19. [Repealed – RT I 2003, 51, 350 – entry into force 19.07.2003]**

### **§ 20. Settlement of border issues**

(1) The Republic of Estonia shall base the settlement of border issues with neighbouring states on the Constitution, international agreements and internationally recognised customary practices.

(2) Border co-operation with neighbouring states shall be organised and border incidents shall be settled by Estonian border representatives. The bases of organisation of work of an Estonian border representative shall be established by the minister responsible for the area by a directive.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) If issues of border co-operation or border incidents are not settled with the participation of an Estonian border representative, they shall be settled through diplomatic channels.

## **§ 21. Application of international agreement**

If an international agreement ratified by the Riigikogu establishes standards which differ from this Act, the standards of the international agreement shall be applied.

## **§ 22. Status of temporary control line**

(1) A temporary control line is an uninterrupted imaginary line and the vertical area along the line which separates the territory of Estonia under the jurisdiction of Estonia from the part of Estonia not under the jurisdiction of Estonia. The co-ordinates of the temporary control line shall be determined by a regulation of the Government of the Republic on the basis of the boundaries of administrative units as of 1 November 2014 entered on the state land cadastre map on the basis of the Territory of Estonia Administrative Division Act. The temporary control line cannot be altered by proceedings for altering the boundaries of administrative units provided for in the Territory of Estonia Administrative Division Act.  
[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(2) The conditions and the procedure for the marking and maintenance of the state border and a border strip and for the guarding, protection and crossing of the external border, and the border regime and the liability for violation of the border regime provided for in this Act and the provisions of the Acquisition of Immovables in Public Interest Act concerning the state border shall be extended to the temporary control line specified in subsection (1) of this section.  
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

## **§ 23. [Omitted from this text]**

An extract from the Act on the Amendment of the State Borders Act and Other Acts (RT I 2010, 37, 222) concerning implementation of sections 8<sup>1</sup> to 8<sup>8</sup> of the State Borders Act:  
4. Implementation of Act

(1) If binding commitments have been made on behalf of the Republic of Estonia prior to the entry into force of this Act in connection with organisation of provision of border crossing waiting area service, the Minister of the Interior shall conclude with the relevant local government or legal person in private law a contract under public law for the transfer of the task of organisation of entry of vehicles in a road border crossing point pursuant to the procedure provided by the Administrative Cooperation Act, without following the conditions for conclusion of a public service contract and the procedure for carrying out a procurement procedure provided for in the Public Procurement Act, and without organising a public competition provided for in the Competition Act.

(2) The requirements provided for in this Act for the border crossing waiting area and for the database of border crossing queue shall be implemented after the conclusion and implementation of the corresponding contracts by the Minister of the Interior.  
[RT I 2007, 3, 14 – entry into force 01.07.2007]

<sup>1</sup>Council Directive 2004/82/EC on the obligation of carriers to communicate passenger data (OJ L 261, 06.08.2004, pp. 24–27). [RT I 2007, 3, 14 – entry into force 01.07.2007]