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Ports Act

Passed 15.06.2009
RT I 2009, 37, 251
Entry into force 10.07.2009

Amended by the following acts

Passed	Published	Entry into force
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 13.07.2010 (OJ L 196, 28.07.2010, p. 24–26).
08.12.2010	RT I, 22.12.2010, 1	02.01.2011, the words "shipping traffic" is substituted throughout the text by the words "water traffic"
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force changed to 01.07.2014 [RT I, 22.12.2013, 1]
16.06.2011	RT I, 04.07.2011, 2	14.07.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, in part 01.01.2014 and 01.11.2014; date of entry into force changed in part 01.07.2014 [RT I, 22.12.2013, 1]
20.02.2013	RT I, 06.03.2013, 1	01.07.2013
15.05.2013	RT I, 30.05.2013, 4	09.06.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
02.05.2018	RT I, 22.05.2018, 1	23.05.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
20.02.2019	RT I, 15.03.2019, 4	24.03.2019
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
25.11.2020	RT I, 10.12.2020, 1	01.01.2021, words "Maritime Administration" replaced with words "Transport Administration" throughout the Act.
11.05.2021	RT I, 31.05.2021, 1	01.06.2021, in part 01.01.2023

08.12.2021	RT I, 30.12.2021, 1	01.01.2022
15.12.2021	RT I, 03.01.2022, 3	13.01.2022
30.05.2022	RT I, 20.06.2022, 2	01.01.2023
08.02.2023	RT I, 01.03.2023, 2	01.07.2024
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words "Ministry of the Environment" replaced with words "Ministry of Climate" throughout the Act on the basis of subsection 6 of § 105.19 of the Government of the Republic Act.
25.09.2024	RT I, 08.10.2024, 1	18.10.2024
26.03.2025	RT I, 17.04.2025, 3	01.05.2025
10.12.2025	RT I, 30.12.2025, 4	01.01.2026

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of Act

(1) This Act provides for:

- 1) the requirements for the provision of port services, and for water traffic safety and security requirements for port authorities and port operators, and environmental protection requirements;
 - 2) the procedure for resolution of complaints as a result of application of Regulation (EU) 2017/352, establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 03.03.2017, p. 1–18);
 - 3) the procedures relating to state supervision in seaports and in ports located on navigable inland waters and navigable estuaries of bordering water bodies (hereinafter *navigable inland waters*);
 - 4) the liability for violation of the requirements specified in clause 1 of this subsection.
- [RT I, 15.03.2019, 4 - entry into force 24.03.2019]

(2) Specifications for application of this Act:

- 1) this Act does not apply to mooring equipment installed or built by a natural person for personal use outside his or her economic or professional activity;
 - 2) Chapter 2 does not apply to small-craft harbours where no port services are provided for a charge, except for the provisions of subsection 5 of § 4 concerning harbour entrances, and subsection 8 of § 4, and Chapters 3 and 6, unless otherwise provided for in this Act;
- [RT I, 31.05.2021, 1 - entry into force 01.06.2021]
- 3) Chapters 2–5, 7 and 9, except for subsection 3 of § 30 of this Act, do not apply to military ports;
 - 4) Chapter 3, subsections 2–12 of § 25 and §§ 26–29 of this Act do not apply to ports which perform state administrative duties;
 - 5) this Act shall apply to harbours designated as permanent or temporary objects with national defence purposes with the following specifications arising from the National Defence Act.
- [RT I, 31.05.2021, 1 - entry into force 01.06.2021]

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

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

(3) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Definitions

For the purposes of this Act:

- 1) port – the land and waters adjusted for berthing of water craft and used for provision of port services and the structures there required for the use of the port for its intended purposes (hereinafter *port structures*);
- 2) port waters (hereinafter *waters*) – a delimited part of waterway which is required for organising safe berthing of water craft and where the port authority is responsible for compliance with the requirements of water traffic safety, security and environmental protection;
- 3) port authority – a person who organises the activities of the port as a whole;
- 4) port operator – a person who provides port services on the basis of a contract entered into with the port authority;
- 5) port's aids to navigation – aids to navigation necessary for entry in the port, departure from the port and intra-port water traffic;
- 6) port rules – operational, navigational, environmental, safety and other requirements for the provision of port services and information about the port;
- 7) harbour master – a person organising safe water traffic and safe entry of water craft in the port;
- 8) port security officer – a person organising compliance with security requirements in the port;

9) port facility – the point of cooperation and interface between ships and the port in the port land area or waters determined for compliance with the security requirements (hereinafter both jointly referred to as *port area*) which, if necessary, also covers the port territory, waters and entrance;

10) ship/port interface – interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship;

11) port facility security officer – a person organising compliance with security requirements of the port facilities;

12) security firm – an undertaking which may perform the duties provided in this Act, which operates in the field of securing or security audit on the basis of the Security Activities Act, and which holds the activity licence provided in § 18 of this Act;

[RT I, 01.03.2023, 2 - entry into force 01.07.2024]

13) security level – the degree of risk according to which protection and security measures are maintained for prevention of security incidents;

14) security incident – an incident, act or circumstance which may threaten the security of a ship, of any port/ship interface or of a port and port facility;

15) entrance to port (hereinafter *entrance*) – a part of the fairway which allows water craft to enter into the port and depart from the port and where it is necessary to organise water traffic for such purpose. Common entrances to ports and entrances which pass through the waters of another port shall be considered as entrances;

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

16) military port – a port which is only intended for berthing and servicing of warships and naval auxiliary ships;

17) port which performs state administrative duties – a port which is only intended for berthing and servicing of ships which perform state administrative duties;

18) small-craft harbour – a port or a part of a port where port services are provided to water craft with an overall length of 24 metres and less;

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

19) waste from ships – all the waste, including cargo residues, which is generated during the operation of a water craft or during loading, unloading and cleaning operations, and which is covered by Annexes I, II, IV, V and VI of the International Convention for the Prevention of Pollution from Ships (hereinafter *MARPOL*), and waste caught passively by fishing gear in commercial fishing;

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

20) cargo residues – remnants remaining on the deck, in the cargo space or tank of a water craft after completion of loading, unloading and cleaning operations, including loading and unloading residues, which remains on deck after sweeping, or dust on the outside of the ship, except for cargo dust;

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

21) garbage – any type of food, household and other waste generated in the normal course of business of a water craft and defined in Annex V to MARPOL, in the case of which continuous and periodic disposal is required, with the exception of fresh fish and parts thereof and substances that are defined or specified in other Annexes to MARPOL;

22) wastewater – liquids or other waste discharged through any type of toilet, urinal, bidet or WC drain, liquid discharged through a washtub, wash pipe or drain in a medical room (dispensary, hospital section), liquid discharges from rooms containing live animals or other garbage mixed with the above listed discharged liquids or waste which are defined in Annex IV to MARPOL;

23) cargo-associated waste – any materials turned into waste on board a water craft as a result of securing or handling cargo, such as dunnage, pallets, lining and packing materials, plywood, paper, cardboard, steel wire ropes and slings and other such materials;

24) port reception facilities – fixed, floating or mobile devices capable of receiving waste from ships.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 3. Port services and auxiliary port services

[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

(1) Port services are considered to include the following port activities:

- 1) enabling berthing of water craft;
- 2) loading and unloading of water craft;
- 3) organisation of passenger embarkation and disembarkation;
- 4) organisation of water traffic in waters and entrances;
- 5) towing of water craft and icebreaking in waters;
- 6) bunkering of water craft.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

7) reception of waste from ships.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(2) Port services are also considered to include such activities specified in subsection 1 of this section which are not provided to other persons.

(3) An auxiliary service of a port is considered to be activities in the port and aimed at the public, depending on the purpose of the port's activities.

[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

(4) The list of auxiliary port services is established by the minister in charge of the policy sector by a regulation.
[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

§ 3¹. Provider of vital service

(1) A port authority is a provider of vital service specified in clause 8 of subsection 1¹ of § 36 of the Emergency Act where at least one of the following conditions has been met:

- 1) the operation of its port affects the continuity of another vital service or the ensuring of national defence;
- 2) the number of passengers transiting through its port represents a significant proportion of the number of international passengers in Estonia;
- 3) the volume of goods transported through its port represents a significant proportion of the total volume of goods transported through ports in Estonia.

(2) The methods for the designation of port authorities providing a critical service provided in subsection 1 of this section and the ports managed by them are established by a regulation of the minister in charge of the policy sector.

[RT I, 08.10.2024, 1 - entry into force 18.10.2024]

Chapter 2 WATER TRAFFIC SAFETY REQUIREMENTS FOR PROVISION OF PORT SERVICES

§ 4. Waters and entrances

(1) Waters shall be assigned to a port.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(2) A port authority shall ensure the depths published in the navigational information in waters and entrances and the measurement of the depths according to the procedure established on the basis of the Maritime Safety Act.

(3) A port authority organises the administration and maintenance of entrance roads, waters and port structures necessary for berthing, construction, administration, maintenance, changing and cancellation of port's aids to navigation, monitors the accuracy of the data published in the navigational information, is responsible for the correctness of the information submitted by it and ensures immediate communication of changed data to the Transport Administration for the publication of the navigational information.
[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

(4) In the case of a common entrance, the port authorities shall organise the administration and maintenance of the entrance jointly.

(5) A port authority shall ensure that construction activities in waters and entrances are carried out according to the procedure established on the basis of the Maritime Safety Act.

(6) A port authority shall ensure passage through waters without a charge if this is the only route to an adjacent port or a port with a common entrance or if it is impossible to reach the adjacent port or the port with a common entrance without jeopardising or damaging the water craft. No passage shall be ensured if this would result in unreasonable expenses for the port authority obliged to ensure the passage.

(7) In the case of ports with common waters, the port authorities shall agree on the procedure for the use of the waters which shall be appended to the rules of every relevant port.

(8) A port authority ensures compliance of the construction, changing, cancellation of port's aids to navigation and notification of the aids in accordance with the rules established on the basis of the Maritime Safety Act.
[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

§ 5. Designation of waters

(1) The port basin shall be determined by the minister in charge of the policy sector. Upon determining the port basin, the minister in charge of the policy sector shall establish the boundaries of the port basin.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(2) The waters of a port located within a navigable internal water body belonging to a local government shall be designated by the local government council. When designating waters, the boundaries of the waters shall be established by a resolution of the council.

(3) When designating waters, the person designating the waters shall establish, if necessary, additional requirements for the organisation of entrance into the port and marking the entrance in the nature.

(4) The person designating waters may establish other terms and conditions for the use of the waters.

§ 6. Application for designation of waters

(1) An application for designation of waters shall be submitted to the Ministry of Climate.

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

(2) For designation of waters located in a navigable internal water body belonging to a local government, an application shall be submitted to the rural municipality or city government.

(3) If the designation of waters is applied for by several owners of bordering registered immovables or plots of land or the entrance thereof is common with another port, an application may be submitted for the designation of common waters.

(4) In the case of application for the designation of common waters specified in subsection 3 of this section, an agreement between the applicants shall be appended to the application concerning the required works for ensuring safe water traffic and covering the costs thereof and the procedure for the use of common waters.

(5) For the designation of waters, an applicant shall submit together with the application:

- 1) the coordinates of the boundary points of the waters;
- 2) a plan of the waters;
- 3) a justification of the expediency of the size of the waters;
- 4) a description of the water traffic planned in the waters;
- 5) if the general or detailed plan designates the port location, an extract from the respective plan;
- 6) documents certifying the right of ownership or the right of use concerning the registered immovable or plot of land of the port land area;
- 7) a notarised or digitally signed consent of the owner of a bordering registered immovable or plot of land if the shore boundary markers of the waters applied for are outside the registered immovable in the ownership of the applicant or used on any other legal basis or, in the case of a land unit in state ownership, outside the boundaries of the land unit in the possession of the applicant.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 7. Approval of designation of waters and decision concerning designation

(1) The approval of the Transport Administration is required for the designation of waters, and it shall be applied for by the Ministry of Climate or a rural municipality or city government.

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

(2) If the waters are designated or the validity thereof is extended by the minister in charge of the policy sector, the approval of the rural municipality or city government is also required in addition for the approval specified in subsection 1 of this section, except in the case a current general or detailed plan already determines the port location.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(3) Where a port borders on another intended or existing port or they have a common entrance or the waters applied for would affect the water traffic safety or security in another manner, the Transport Administration may make a proposal, for ensuring water traffic safety or security, to designate common waters or to change the boundaries of the waters applied for. If no agreement which ensures water traffic safety or security concerning the designation of common waters is reached or if the applicant does not agree with the proposal for changing the boundaries of the waters applied for, the Transport Administration may refuse to approve the waters applied for.

(4) A decision on designation of waters or refusal to designate waters shall be made within 30 working days as of the receipt of the approval specified in subsections 1 and 2 of this section.

§ 8. Refusal to designate waters

Designation of waters shall be refused if:

- 1) there is no approval of the Transport Administration;
- 2) there is no approval of the rural municipality or city council in the case of waters designated by the minister in charge of the policy sector or the location is not designated in the current general or detailed plan;

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

3) in the case of applying for designation of common waters, there is no agreement specified in subsection 4 of § 6 of this Act and the procedure for the use of common waters;

- 4) the intended organisation of intra-port water traffic disturbs water traffic on public waterway due to the size of the waters applied for;
- 5) the waters applied for do not ensure safe berthing and manoeuvring of water craft;
- 6) the waters applied for or the organisation of intra-port water traffic do not ensure passage through the waters, if this is the only route to an adjacent port or a port with a common entrance or if it is impossible to reach the adjacent port or the port with a common entrance without jeopardising or damaging the water craft;
- 7) the shore boundary markers of the waters applied for are outside the registered immovable or land unit in the ownership of the applicant or used on any other legal basis or there is no notarised or digitally signed consent of the owner of the bordering registered immovable or land unit; or
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]
- 8) there is justified public interest for refusal to designate the waters.

§ 9. Change of boundaries of waters and revocation of designation of waters

(1) The boundaries of waters are changed and the designation of waters is revoked by the person who designated the waters.

(2) If waters are designated by the minister in charge of the policy sector, the port authority, Transport Administration and rural municipality or city council may apply for change of the boundaries of waters or revocation of designation of waters.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(3) A port authority, the Transport Administration and rural municipality or city governments may apply for change of the boundaries of waters designated by a rural municipality or city council or revocation of such designation of the waters. The application shall be submitted to the rural municipality or city government. If the applicant is a rural municipality or city government, the application shall be submitted to the rural municipality or city council.

(4) The boundaries of the waters designated shall be reviewed if designation of another waters is applied for next to the existing waters and the boundary points of the waters applied for border on or cover the existing boundary points of the waters, or the existing port and the port to be constructed have a common entrance.

(5) The application shall be accompanied by:

- 1) the grounds for changing the boundaries of the waters or revocation of the designation of the waters;
- 2) in the case the boundaries of the waters are changed, the coordinates of the new boundary points of the waters;
- 3) an extract from a current general or detailed plan, if the change of the boundaries of the waters or the revocation of the designation of the waters arises from the plan;
- 4) the opinion of the port authority.

(6) The boundaries of the waters may be altered if:

- 1) the organisation of intra-port water traffic disturbs water traffic on public waterway due to the size of the waters;
- 2) the boundaries of the waters do not ensure safe berthing and manoeuvring of water craft;
- 3) the waters or the organisation of intra-port water traffic do not ensure passage through the waters, if this is the only route to an adjacent port or a port with common entrance or if it is impossible to reach the adjacent port or the port with a common entrance without jeopardising or damaging the water craft;
- 4) the shore boundary markers of the waters are outside the registered immovable in the ownership of the port authority or used on any other legal basis or, in the case of a land unit in state ownership, outside the boundaries of the land unit in the possession of the port authority, and there is no notarised or digitally signed consent of the owner of the bordering registered immovable or land;
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]
- 5) in the case of common waters, there is no agreement specified in subsection 4 of § 6 of this Act and the procedure for the use of common waters; or
- 6) there is justified public interest to change the boundaries of the waters.

(7) The designation of waters is revoked if:

- 1) the circumstances listed in clauses 1, 2, 3, 5 or 6 of subsection 6 of this section exist but the changing of the boundaries of the waters is impossible;
- 2) provision of port services for a charge is terminated in the small-craft harbour;
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]
- 3) there is justified public interest to repeal the designation of the waters.

(8) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 10. Requirements for harbour masters and evaluation of harbour masters

(1) A port authority shall appoint a harbour master for the port.

(2) A harbour master shall be evaluated. An Estonian citizen or a citizen of a member state of the European Union or the European Economic Area who has at least secondary education and the necessary expertise may be a harbour master.

(3) A harbour master shall be evaluated based on an application submitted to the Transport Administration by the port authority which indicates the name of the candidate for the post of harbour master, his or her personal identification code, qualification and the name of the harbour.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(4) A harbour master shall be proficient in Estonian at least at the B2 level. A harbour master shall also be proficient in English at the level which is necessary to perform his or her employment duties.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(5) In addition to the provisions of subsections 2 and 4 of this section, a harbour master shall comply with the following requirements:

- 1) in ports servicing ships of a gross tonnage of 7500 and more, a harbour master shall hold a certificate of competency of a master of a ship of a gross tonnage of 3000 and more;
- 2) in ports servicing ships of a gross tonnage of 500–7500 (excluded), a harbour master shall hold a certificate of competency as a chief mate of a ship of a gross tonnage of at least 3000 or a certificate of competency of a master of a ship of a gross tonnage of less than 3000;
- 3) in ports servicing ships of a gross tonnage of 500, a harbour master shall hold a certificate of competency as a chief mate of a ship of a gross tonnage of less than 3000 or a professional certificate of a master of a ship of a gross tonnage of less than 500.

(6) A harbour master of a port in navigable inland waters shall comply with the requirements provided for in subsections 2 and 4 of this section and hold a diploma or a professional certificate of a commercial deck officer.

(7) A candidate for the post of a harbour master shall be evaluated by the Transport Administration. A candidate for the post of a harbour master shall be evaluated separately for every port. Upon an evaluation, the knowledge of the candidate of the navigation conditions of the port, port rules and legislation concerning the activities of ports is assessed.

(8) A harbour master of a small-craft harbour is not subject to evaluation. A harbour master of a small-craft harbour shall hold at least a certificate of a skipper of a small craft.

(9) A state fee shall be paid for nomination of a person to evaluation as a harbour master.

§ 11. Rights and obligations of harbour masters

(1) For the purpose of organisation of safe water traffic, a harbour master has the right to demand compliance by persons staying in the port with the requirements arising from legislation, port rules and good seamanship.

(2) In the case of any deficiencies relating to water traffic safety, a harbour master is obliged to immediately take measures for elimination thereof and notify the port authority of the deficiencies.

(3) If necessary, a harbour master establishes a special procedure for entrance in and exit of water craft from the port and the biggest dimensions of water craft which may enter the port.

(4) A harbour master coordinates and controls the maintenance of records concerning hazardous cargo carried by water craft in the port according to the legislation and the port rules.

(5) A harbour master shall notify the Transport Administration of a ship:

1) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]

2) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]

3) which is in the port and which has obvious deviations from the requirements, which may endanger safe navigation of the ship or which is an unjustifiable risk to the marine environment.

[RT I, 04.07.2011, 2 - entry into force 14.07.2011]

§ 12. Port rules and port dues

(1) A port shall have port rules. Port rules are approved by the port authority. The port authority shall ensure updating of the port rules.

(2) Port rules shall be in the Estonian language and accessible by all the persons operating or staying in the port. The port rules of a port servicing foreign water craft shall be translated into English.

(3) Requirements of the port rules are mandatory for all the persons operating and staying in the port.

(4) A port authority shall appropriately inform the persons specified in subsection 3 of this section of the requirements arising from port rules.

(5) The information concerning port dues shall be accessible to interested persons. The information concerning port dues shall be translated into English in a port servicing foreign water craft.

(6) The port rules shall describe at least:

- 1) the general details of the port;
- 2) the procedure for entrance to the port by water craft;
- 3) the procedure for water traffic in the waters;
- 4) the procedure for water craft standing in the port;
- 5) the procedure for water craft exiting the port;
- 6) the port services provided and the organisation of the provision of port services;
- 7) the procedure for provision of services to passengers in the port;
- 8) the procedure for provision of medical care in the port;
- 9) fire safety requirements in the port and the procedure for rescue works;
- 10) the procedure for calling the Rescue Board and other agencies which provide assistance or exercise supervision.

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

(7) The list of information included in the port rules is established by a regulation of the minister in charge of the policy sector.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 1¹. Obligations of port operators and port authorities in connection with protection of rights of passengers

A port operator or in the absence thereof the port authority shall comply upon organisation of passenger transport service with the obligations arising from Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending the Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1–16).

[RT I, 30.05.2013, 4 - entry into force 09.06.2013]

Chapter 3 SECURITY REQUIREMENTS FOR PROVISION OF PORT SERVICES

§ 13. Application of Chapter, security requirements and ensuring electronic security

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

(1) The security requirements provided for in this Chapter apply to ports which service passenger ships in international marine navigation or ships of a gross tonnage of 500 and more.

(2) [Repealed – RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(3) The security requirements for provision of port services arise from the international convention on the safety of life at sea and the international ships and port facility security code established on the basis thereof, and Regulation (EC) No. 725/2004 of the European Parliament and of the Council on enhancing ships and port facility security (OJ L 129, 29.04.2004, p. 6–91).

(4) [Repealed – RT I, 30.12.2025, 4 - entry into force 01.01.2026]

§ 14. Competent authority

(1) For the purposes of Regulation (EC) No 725/2004 of the European Parliament and of the Council, the Transport Administration is a competent authority concerning ports and a focal point for maritime security and performs the functions of an administration.

(2) For the purposes of Article 12 of Directive 2005/65/EC of the European Parliament and of the Council on enhancing port security (OJ L 310, 25.11.2005, p. 28–39), the Transport Administration is a focal point for port security.

§ 15. Security assessment and carrying out thereof

(1) The security assessment of ports and port facilities is carried out by the Transport Administration. An assessment report shall be prepared on the carrying out of an assessment.

(2) The number of port facilities and the boundaries thereof in a port shall be determined by the Transport Administration on the basis of the results of the security assessment taking into consideration, if necessary, the proposal of the port authority.

(3) The Transport Administration shall involve the Rescue Board and a security authority in the carrying out of a security assessment and take their proposals into consideration upon preparation of an assessment of the port and port facilities.

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

(4) A port and port facility security assessment report shall be reviewed and, if necessary, the assessment shall be carried out again at least every five years, taking into consideration the changing threats and changes in the port and port facilities. The assessment shall be carried out immediately if any important changes are made in the construction, organisation of work or any other changes are made in the port and port facilities or the vicinity thereof. The port authority and port facility authority shall notify the Transport Administration of important changes in the construction, organisation of work or other changes are made in the port or port facilities.

(5) The port and port facility security assessment shall describe the assets relating to port security, port infrastructure, port areas, threats originating from the port and their potential consequences, measures for reduction of threats and the obligations and activities of the port authority and port facility authority upon ensuring security.

(6) A detailed list of the topics covered by a port and port facilities security assessments and the procedure for the carrying out of the assessment shall be established by a regulation of the minister in charge of the policy sector.

(7) A port authority or port facility authority respectively shall pay a state fee for the carrying out of the port and port facilities security assessments. The state fee shall be paid within ten working days as of notifying in writing of the carrying out of the assessments. The Transport Administration shall not issue a security assessment report prior to the settlement of the state fee.

§ 16. Security plan and preparation thereof

(1) A port authority shall ensure that a security plan concerning the port is prepared and implemented on the basis of the port security assessment. The port authority shall be responsible for updating the port security plan.

(2) A port facility authority shall ensure that a port facility security plan is prepared and implemented concerning the facility in its possession on the basis of the port facility security assessment. The port facility authority shall be responsible for the updating of the port facility security plan. In the case of several port facility authorities, they shall jointly perform the duty provided for in this subsection.

(3) A port security plan is prepared by a port authority or a security firm.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(4) A port facility security plan is prepared by a port facility security officer or a security firm.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(5) The Transport Administration may allow the preparation of a common security plan concerning several port facilities.

(6) Port and port facility security plans and the amendments made thereto shall be submitted for approval to the Transport Administration prior to the implementation thereof. The port facility security plan shall be approved by the port authority prior to the submission thereof to the Transport Administration.

(7) If there are deficiencies in a security plan, they shall be rectified within the time limit determined by the Transport Administration.

(8) Port and port facility security plans shall be updated according to the changes in the port and port facility security assessment and in connection with any changes in the security procedures, measures, equipment or data relating to the security plan.

(9) If an operator operating in the port area must have drawn up an emergency plan according to law or legislation established on the basis thereof, it shall be added to the port and port facility security plan.

(10) A port and port facility security plan provides the port security arrangements on the basis of the security assessment, including the security operations, implemented security measures and mandatory activities for each security level.

(11) A port and port facility security plan shall describe:

- 1) the arrangements for entrance to the port and port facilities;
- 2) the arrangements for inspection of identification documents, baggage and cargo;
- 3) the cooperation between the agencies handling cargo, baggage and passenger control;
- 4) the actions in the case of suspicious findings or for solving problems relating to persons;

- 5) the arrangements for inspection of activities conducted in a region important from the point of view of security;
- 6) the arrangements for marking the port and port facilities;
- 7) the arrangements for exchange of information;
- 8) the arrangements for notification of competent authorities of security incidents;
- 9) the relations of the emergency, pollution control and other preventive and response action plans with the security plan;
- 10) the organisation of security related training and exercises;
- 11) the composition of the security expert group supporting the security of the port and port facilities and the rules of procedure thereof;
- 12) the security responsibilities of the port authority and port facility authority;
- 13) the arrangements for updating the security plan of the port and port facilities.

(12) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(13) [Repealed –RT I, 17.04.2025, 3 - entry into force 01.05.2025]

(14) A state fee shall be paid for the review of port and port facility security plans and the changes made therein.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(15) A state fee is not charged for adding contact details to port or port facility security plans and changing thereof, for changing the details of security expert groups and for adding documents to security plans and charging thereof, if these documents have been previously approved by another supervisory authority or if the prior approval of such documents is not required on the basis of legislation.

§ 17. Security drills and security exercises

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(1) Security drills and security exercises of ports are organised by the port authority and security drills and security exercises of port facilities by the port facility authority.

(2) The objective of security drills and security exercises is to check the implementation of the security plan.

(3) One part of security drills organised in ports and port facilities must include handling of hazardous substances in the respective port and port facility.

(4) For testing individual parts of security plans in ports and port facilities, security drills shall be organised in the port and port facility at least every three months.

(5) Security exercises involving security officers of port facilities together with officials exercising state supervision in this field in the port and the security officers of ports and, if possible, ships shall be organised in the port and port facilities at least once per calendar year, and the period between organizing security exercises shall not exceed 18 months.

(6) The procedure for conducting security drills and security exercises in ports and port facilities shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 18. Authorisation obligation

(1) A security firm shall hold an activity licence for the performance of the functions provided for in this Act.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

(2) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 18¹. Object of control of activity licence

An activity licence is granted if:

1) the operator complies with the requirements provided for in clause 4.5 of Annex III to Regulation (EC) No. 725/2004 and Annex IV of Directive 2005/65/EC of the European Parliament and of the Council;

2) the undertaking operates in the field of security or security auditing on the basis of the Security Activities Act;

[RT I, 01.03.2023, 2 - entry into force 01.07.2024]

3) the staff of the operator complies with the qualification requirements.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 18². Application for activity licence

Applications for activity licences are handled by the Transport Administration.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 19. Port security officers

- (1) A port authority shall designate a port security officer.
- (2) A port security officer is responsible for the implementation of the port security plan.
- (3) In the case of security related deficiencies discovered in the port, the port security officer is required to immediately take measures for the elimination of the deficiencies and notify the port authority of the deficiencies.
- (4) A port security officer shall coordinate and verify compliance with the security requirements at the port according to the legislation, the port security plan and the port rules.

§ 20. Port facility security officers

- (1) A port facility authority shall designate a security officer for each port facility in the possession thereof. The duties of a port facility security officer may be performed by a port security officer.
- (2) A port facility security officer is responsible for the preparation and implementation of the port facility security plan.
- (3) In the case of security related deficiencies discovered in the port facility, the port facility security officer is required to immediately take measures for the elimination of the deficiencies and notify the port facility authority and the port security officer of the deficiencies.
- (4) A port facility security officer shall coordinate and verify compliance with the security requirements in the port facility according to the legislation, the port security plan and the port rules.

§ 20¹. Organisation of training for security officers of ports and port facilities

- (1) Organisation of training for security officers of ports and port facilities requires an activity licence.
- (2) Applications for licences shall be adjudicated by the Transport Administration.
- (3) The following shall be appended to applications of licences in addition to that provided in the General Part of the Economic Activities Code Act:
 - 1) the study programme of courses for port security officers which includes the requirements for the competence of security officers of ports provided in the International Convention on the Safety of Life at Sea and the International Safety Code for Vessels and Port Constructions established on the basis thereof;
 - 2) the list of training providers and copies of their qualification documents.
- (4) A state fee shall be paid for review of applications for operating licences.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 21. Requirements for port and port facility security officers

- (1) An Estonian citizen or a citizen of a member state of the European Union or the European Economic Area who is at least 21 years of age and has at least secondary education and who has undergone a security officer training in an authorised undertaking may be a port and port facility security officer.
[RT I, 31.05.2021, 1 - entry into force 01.01.2023]
- (2) A port and port facility security officer shall be proficient in Estonian at least at the level B2 and in English at the level which is necessary to perform his or her employment duties.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]
- (3) A person is prohibited from working as a port and port facility security officer if the person is serving a sentence for a criminal offence or if information concerning a punishment for a criminal offence committed by him or her has not been deleted from the criminal records database.

§ 22. Evaluation of port security officers and port facility security officers

[Repealed –RT I, 31.05.2021, 1 - entry into force 01.01.2023]

§ 23. Establishment of security level, submission of security information and maintaining of security declarations

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

- (1) The minister in charge of the policy sector shall establish the security level of ports and port facilities. The security level is established in accordance with the requirements of the International Convention for the Safety

of Life at Sea and the International Ship and Port Facility Security Code established on the basis thereof and Regulation (EC) No 725/2004 of the European Parliament and of the Council.

(2) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(3) The Government of the Republic shall establish the procedure for the communication and receipt of the security information of ports and port facilities.

(4) Security declarations shall be maintained at port facilities for the term of three years.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 24. Port facility security certificate and issue thereof

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(1) A security certificate shall have to be issued to a port facility. It is prohibited to provide port services without a security certificate to any ships specified in subsection 1 of § 13 of this Act.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(2) A security situation survey shall be conducted for the issue of a security certificate (hereinafter *security survey*). The security survey includes the security inspection and check of the security system of the port facility, check of appliances and equipment ensuring security and assessment of conformity of the actual situation with the provisions of the port facility security plan. The security survey shall be conducted by the Transport Administration.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(3) Security surveys are classified as follows:
1) the initial survey;
2) regular survey;
3) full survey;
4) special survey.

(4) A port facility authority shall:
1) inform the port facility staff related to the security survey of the objectives and extent of the survey;
2) appoint its representative for the period of the survey;
3) ensure accessibility of the evidence requested by the persons conducting the survey;
4) co-operate with the persons conducting the survey in order to ensure that the objectives of the survey are achieved.

(5) An initial survey shall be conducted no later than 30 calendar days after the first approval of the port facility security plan by the Transport Administration.

(6) A regular survey of a port facility shall be conducted once every five years, between the second and the third year, as of the date of issues of the security certificate.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(7) A full survey shall be conducted upon expiry of a security certificate, upon revocation of a certificate or upon application for the issue of a new security certificate.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(8) A special survey shall be conducted if there is a justified need to verify the effective functioning of a port facility security plan.

(9) After an initial survey or a full survey, the Transport Administration shall issue a security certificate to the port facility. The certificate is valid for the term of five years on the condition that the port facility has passed all the required security surveys. A respective notice shall be made on the certificate concerning the conduct of a regular survey. Special surveys shall not be recorded on the certificate.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(10) No security certificate is issued, no notice of the regular survey provided for in subsection 9 of this section concerning passing of a regular survey is made on a security certificate and a security certificate issued may be revoked if the port facility security system, the appliances and equipment ensuring security and the actual situation of the port facility do not comply with the provisions of the port facility security plan.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(11) If the deficiencies specified in subsection 10 of this section become evident, the Transport Administration shall issue a precept for the elimination of the deficiencies. If the precept is not complied with within the time limit determined by the Transport Administration, the security certificate is declared invalid and a new full survey shall be conducted for the issue of a new certificate.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(12) The procedure for the conduct of port facility security surveys and issue of security certificates and the format of the certificate shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(13) A state fee shall be paid for initial, regular and full surveys of port facilities.
[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

Chapter 4

ENVIRONMENTAL PROTECTION REQUIREMENTS UPON PROVISION OF PORT SERVICES

§ 25. Receipt and delivery of waste from ships

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1) A port authority organises the reception of waste from ships, except for cargo residues, from ships and other water craft (hereinafter in this Chapter *ship*), which are serviced by this port.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(2) The port authority or port operator handling cargo is required to organise the reception of the cargo residues generated during the operation of ships from the ships which are serviced by such port or port operator, including reception of cargo residues from the ships which are repaired in this port, unless otherwise agreed according to the requirements of the legislation or international conventions.

(3) The master of a ship is required to deliver all the waste from ships before leaving the port.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(4) The master of a ship need not deliver all the waste from ships, where it appears from the information submitted in the advance notification specified in subsection 1 of § 27 of this Act that the existing storage facilities of the ship are sufficient for holding the waste from ships already accumulated and to be accumulated during the intended voyage until the arrival in the port of delivery, with the exception of:

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

- 1) [Repealed –RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 2) the port of delivery of waste from ships or the port of destination is unknown;
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 3) there is reason to believe that the proposed port of transfer does not have sufficient reception facilities and this information has been presented to the ship;
- 4) in the event of garbage collected for transfer, with the exception of food waste;
- 5) in the event of category X and Y environmentally hazardous chemicals from prewash of transportation tanks, with the exception of the cases described in subsections 6 and 7 of Regulation 16 of Annex II to the International Convention on the Prevention of Pollution from Ships.

(4¹) The storage capacity of a ship's storage facility referred to in subsection 4 of this section is considered adequate if it complies with the European Commission Implementing Regulation established under Article 7(4) of the Directive 2019/883 of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC the EC Treaty (OJ L 151, 07.06.2019, pp 116–142).

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(5) If the international convention provides more stringent requirements with respect to the exceptions provided for in subsection 4 of this section, the requirements of the specified convention shall apply.

(6) In addition to the provisions of subsection 4 of this section, no cargo residues need to be transferred, if:

- 1) if the transfer is not required in accordance with the International Convention for the Prevention of Pollution from Ships;

- 2) the ship has a written agreement with the authority of the next port of call pursuant to which this port will receive such type of cargo residues;

- 3) the new cargo is the same substance which was the previous cargo or if the cargo residues are removed by means of ventilation at sea or if an entry is made in the cargo record book which justifies the retaining of the cargo residues on board of the ship and the entry is confirmed by a supervisor of loading operations of chemicals tankers approved pursuant to the Maritime Safety Act.

(7) [Repealed –RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(8) A port authority ensures the availability of adequate reception facilities in the port in accordance with the waste from ships reception and handling plan in order to meet the needs of ships normally visiting the port upon receipt of waste from ships without causing them any delays.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(9) Reception facilities are sufficient if they are able to receive such type of waste from ships in such quantities as is usually generated by the ships calling the port, taking into consideration the needs relating to the operation of the users of the port, the type of ships calling the port, the size and geographical location of the port and the exceptions provided for in § 29 of this Act concerning delivery of waste from ships and cargo residues.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(9¹) If a port authority does not deal directly with waste handling, it must have entered into a written contract with a consignee of waste that holds an appropriate environmental protection permit and has adequate reception facilities for the provision of services specified in subsection 1 of § 26 of this Act.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(10) Where a port authority is unable to organise the reception of waste from ships due to insufficiency of reception facilities, the port authority issues a notification to the ship concerning insufficient reception facilities.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(11) The master of a ship must notify, through the marine electronic information system, the Environmental Board and in foreign states additionally the competent authority of the country of location of the port of alleged deficiencies in the port reception facilities.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(11¹) Upon receipt of the notification specified in subsection 11 of this section, the Environmental Board verifies the compliance of the port reception facilities specified in the notification with the waste from ships reception and handling plan specified in subsection 1 of § 26 of this Act.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(11²) The Environmental Board notifies the International Maritime Organization and the competent authority of the flag state of the ship which submitted the notification specified in subsection 11 of this section of the results of the inspection through the marine electronic information system.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(12) Requirements for provision of information on shipments of waste from ships are established by a regulation of the minister in charge of the policy sector.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 26. Waste from ships reception and handling plan

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1) A port authority prepares and implements a proper waste from ships reception and handling plan. A waste from ships reception and handling plan may be prepared in a regional context with the involvement of all the ports, provided that the need for and availability of the reception facilities is specified separately for each port.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1¹) When preparing a waste from ships reception and handling plan and substantially amending it, a port authority consults the port users or their representatives, where necessary representatives of the competent authorities of the local government, waste handlers, extended producer responsibility organizations and civil society.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(2) A port authority submits the waste from ships reception and handling plan to the Environmental Board for approval through the port register.
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(3) A waste from ships reception and handling plan has to be submitted for approval in the following cases:
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

- 1) before the registration of the port in the port register;
 - 2) in the case of an existing port, before the implementation of the plan;
 - 3) at least every five years;
 - 4) after significant changes in the operation of the port.
- [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(4) A waste from ships reception and handling plan must contain the following information and descriptions:
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

- 1) an assessment of the need for the port reception facilities, taking into consideration the need of the ships normally calling the port;
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 2) a description of the type and capacity of the port reception facilities and their location at the berths;
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 3) a description of the procedures for the reception and collection of waste from ships;
[RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 4) a description of the pre-treatment equipment and processes, if necessary;

- 5) a description of the system for covering the costs of receiving waste from ships and the amount of fees for receiving waste from ships;
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 6) the procedure for reporting deficiencies in the port reception facilities;
 7) [Repealed –RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 7¹) a description of the consultation procedure for amending the plan;
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 8) the types and quantities of received and handled waste from ships;
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 9) a description of the methods for determination of the quantities of received waste from ships;
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 10) references to the legislation which regulates delivery of waste from ships and a summary of the procedures for delivery of waste from ships;
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]
- 11) the contact details of the person or persons responsible for the implementation of the plan;
 12) a description of the methods which demonstrate the actual use of port reception facilities;
 13) a description of further processing of waste from ships.
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(5) At a port serving foreign vessels, the information provided for in clauses 2, 3, 5, 8 and 11 of subsection 4 of this section must be translated into English.
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(6) The Environmental Board does not approve a plan for reception and handling of waste from ships, if it does not comply with the requirements provided for in subsections 4 and 5 of this section.
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(7) the provisions of subsections 1–4 of this section do not apply to small-craft harbours:
 1) where no paid port services are provided;
 2) which have subscribed to the organised waste transport services;
 3) which operator has ensured that recreational craft arriving in the port are informed of the procedures for the reception and delivery of waste from ships; and
 4) which have received the assessment of the Environmental Board provided for in subsection 9 of this section regarding compliance with the conditions provided for in clauses 1–3 of this subsection.
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(8) The operator of a small-craft harbour which complies with the conditions provided for in clauses 1–3 of subsection 7 of this section makes the relevant information available in the port register and notifies the Environmental Board of compliance with the requirements through the port register.
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(9) The Environmental Board assesses whether a small-craft harbour complies with the conditions provided for in clauses 1–3 of subsection 7 of this section and notifies the port authority of its assessment through the port register.
 [RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 27. Notification of waste from ships and keeping record of waste from ships

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1) Where the gross tonnage of a ship is 300 or more, the master or the ship's agent submits through the marine electronic information system an advance notification to the port of call of the type and quantity of waste from ships to be delivered to the port (hereinafter *advance notification*):

- 1) at least 24 hours prior to arrival in the port, if the port of call is known;
- 2) immediately when the port of call is known, if such information is available less than 24 hours prior to arrival in the port of call;
- 3) at the latest upon departure from the previous port of call, if the duration of the voyage to the next port is less than 24 hours.

(2) An advance notification need not be submitted by:

- 1) fishing vessels, historic vessels and recreational craft less than 45 meters in length;
- 2) warships and border guard ships and other ships performing public administration functions;
- 3) ships holding an exemption certificate specified in § 29 of this Act.

(3) an advance notification is kept in a form reproducible in writing on board a ship at least until departure from the next port of call.

(4) A port authority notifies the Environmental Board and the Transport Administration immediately through the marine electronic information system if a ship not specified in subsection 2 of this section does not submit

an advance notification or deliver waste from ships or if other violations of requirements for delivery of waste from ships are discovered or suspected.

(5) A port authority organises accounting of waste from ships received from ships on the basis of advance notifications and other documents, which certify reception of waste from ships by ships and types of waste from ships.

(6) A person appointed by a port authority or a consignee of waste immediately submits a report on the delivery of waste from ships to the master of the ship through the marine electronic information system. The report or the data contained therein are available to the Environmental Board and the Transport Administration through the marine electronic information system.

(7) A report on the delivery of waste from ships is kept on board a ship in a form reproducible in writing for at least two years.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 28. Waste from ships reception fee

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1) Irrespective of the quantity to be delivered and the actual use of port reception facilities, a port authority is required to receive waste from ships, excluding cargo residues and waste from exhaust gas cleaning systems, for the fee for reception of waste from ships included in the port dues or determined separately (hereinafter *waste fee*).

(2) The waste fee must cover any direct and indirect costs related to the operation and management of waste from ships reception facilities specified in subsection 1 of this section.

(3) Where the volume of waste from ships specified in subsection 1 of this section exceeds the maximum storage capacity specified in the advance notification, the waste handler or user of the receiving equipment pays a waste fee based on the type and quantity of waste from ships exceeding the maximum storage capacity.

(4) For cargo residues and waste generated by exhaust gas cleaning systems, the deliverer of waste or user of receiving equipment pays on the basis of the type and quantity actually transferred.

(5) The grounds for calculation of the amount of waste fee are established by a regulation of the minister in charge of the policy sector.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 29. Exemption from submission of advance notification of waste from ships and obligation to transfer waste from ships and from payment of waste fee

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1) The Transport Administration may exempt a ship visiting an Estonian port which makes regular voyages on a specified route and visits the port at least once every two weeks from the submission of an advance notification, delivery of waste from ships and payment of a waste fee if:

- 1) evidence is submitted to the Transport Administration that the delivery of waste from ships and payment of the waste fee are ensured in at least one port of the ship's voyage;
- 2) exemption does not have the effect of reducing the maritime safety of the ship, endangering human health, deteriorating the working and living conditions on board or adversely affecting the marine environment.

(2) The following has to be certified to the Administration Board in an application submitted for exemption:

- 1) the shipowner has entered into a contract with at least one port authority or waste handler on the voyage of the ship for the delivery of waste and the ship has waste from ships transfer certificates certifying the delivery of waste from ships;
- 2) the port authority or waste handler referred to in clause 1 of this subsection has adequate reception facilities;
- 3) all ports of the ship's voyage have been notified of compliance with the conditions referred to in clauses 1 and 2 of this subsection.

(3) An applicant pays a state fee for the processing of an application specified in subsection 2 of this section at the rate provided for in the State Fees Act.

(4) Upon granting an exemption to a ship, the Transport Administration issues an exemption certificate in accordance with Annex 5 to Directive (EU) 2019/883 of the European Parliament and of the Council and submits the information on the exemption certificate to the marine electronic information system.

(5) A ship for which an exemption certificate has been issued must transfer waste from ships in the port and pay a waste fee if the ship does not have sufficient storage capacity for the storage of waste from ships until it reaches the next port of call.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 30. Elimination of pollution in waters

(1) A port must ensure, with appropriate technical devices, immediate localisation and liquidation of pollution, taking into consideration the size of the port, the port services provided, the goods handled there and the location of the port.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(2) A port authority, in cooperation with a port operator, organises the detection and elimination of pollution in the port. The port authority immediately informs the Emergency Response Centre of any pollution incidents. The Emergency Response Centre forwards the information to the Defence Forces, the Environmental Board, the Police and Border Guard Board and the Transport Administration.

[RT I, 20.06.2022, 2 - entry into force 01.01.2023]

(3) A port authority shall prepare a port pollution control plan for the detection and liquidation of pollution in waters.

(4) Pollution control plans of ports shall describe at least:

- 1) activities in the event of pollution;
- 2) list of technical devices used for localisation and liquidation of pollution together with schemes of their location in the port;
- 3) obligations of port authorities upon detection and liquidation of pollution;
- 4) obligations of port operators upon detection and liquidation of pollution in their area of activity.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

(5) A port pollution control plan is submitted for approval to the Ministry of Climate every five years and as soon as there are significant changes in the provision of the port services.

[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

(6) More specific requirements for the contents of a port pollution control plan and the pollution control equipment shall be established by the Government of the Republic.

Chapter 5 CARGO HANDLING IN PORTS

§ 31. Handling of dangerous cargo

(1) Dangerous cargo shall be handled in a port according to the requirements of the Chemicals Act and the legislation established on the basis thereof and Chapter VII of the International Convention for the Safety of Life at Sea and the International Maritime Dangerous Goods Code established on the basis of Annexes I to III of the International Convention on the Prevention of Pollution from Ships.

(2) The port authority or port operator engaged in handling of dangerous cargo is obliged to ensure control over transportation of dangerous cargo into the port, warehousing, storage and transshipment thereof. The port authority or port operator engaged in handling of dangerous cargo shall comply with the requirements established with regard to dangerous enterprises and enterprises liable to be affected by major accidents according to the Chemicals Act.

(3) A port operator is obliged to inform the port authority before transportation of dangerous cargo into the port, warehousing, storage and transshipment thereof.

(4) A port authority shall be informed of arriving dangerous cargo at least ten days in advance; with the consent of the port authority this term may be shortened to 24 hours.

(5) A port authority or port operator engaged in handling of dangerous cargo shall appoint a person responsible for notification of dangerous cargo, handling of dangerous cargo, accounting of dangerous cargo and reception and delivery of dangerous cargo and communicate his or her contact details to the harbour master.

(6) The person whose immediate task is the handling of dangerous cargo shall have completed the training necessary for this purpose and have a document certifying the completion of the training.

(7) A port authority or port operator shall organise trainings specified in subsections 5 and 6 of this section at least every five years on the basis of the programme approved by the Environmental Board and the Transport Administration.

[RT I, 10.07.2020, 2 - entry into force 01.01.2021]

§ 32. Handling of bulk cargo

(1) The port authority or port operator engaged in loading and unloading of bulk cargo is required to comply with the safety requirements provided for in the Maritime Safety Act when loading and unloading bulk cargo ships.

(2) The port authority or port operator who engages in loading and unloading of bulk cargo ships to which the procedure established on the basis of subsection 6 of § 41 of the Maritime Safety Act applies shall ensure that a proper quality management system has been designed and implemented at their enterprise. The quality management system shall be certified according to EVS-EN ISO 9001 and EVS-EN ISO 19011 or equivalent standards.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

Chapter 5¹

PROVISION OF PORT SERVICES AND GUARANTEEING OF FINANCIAL TRANSPARENCY OF PORTS IN SEAPORTS OF TRANS-EUROPEAN TRANSPORT NETWORK

[RT I, 15.03.2019, 4 - entry into force 24.03.2019]

§ 32¹. Scope of application

This Chapter shall apply to seaports of the trans-European transport network listed in Annex II to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU/EL (OJ L 348, 20.12.2013, p. 1–128).

[RT I, 15.03.2019, 4 - entry into force 24.03.2019]

§ 32². Consultations

(1) A port authority shall consult the target groups specified in Article 15 of Regulation (EU) 2017/352 of the European Parliament and of the Council in its fields of competence specified in the same Article if it intends to make changes in the organisation of these fields.

(2) Consultations shall be organised on the initiative of the port authority. The port authority shall record the course and content of the consultations.

[RT I, 15.03.2019, 4 - entry into force 24.03.2019]

§ 32³. Resolution of complaints

(1) Resolution of any complaints as a result of application of Regulation (EU) No. 2017/352 of the European Parliament and of the Council shall be organised by the Estonian Competition Authority.

(2) Upon resolution of complaints, the Estonian Competition Authority shall have the right to request relevant information from any party. The information shall be submitted during the term determined by the Estonian Competition Authority which shall not exceed one month and which may be extended by two weeks in justified cases.

(3) The Competition Authority shall make a decision concerning the complaint within three months after receiving the relevant information. By its decision, the Competition Authority shall refuse to satisfy the complaint or issue a precept for elimination of the violation.

(4) The Estonian Competition Authority shall refuse to satisfy the complaint if:

- 1) the complaint is unsubstantiated or unproven;
- 2) the person submitting the complaint does not provide access to the Estonian Competition Authority, by the date determined by the latter, to the information in its possession which is required for resolution of the complaint;
- 3) no violations are found in the activities of the port authority based on the complaint.

(5) Upon failure to comply with a precept specified in subsection 3 of this section, the Estonian Competition Authority may impose a non-compliance levy pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act and the upper limit thereof is 3500 euros.

[RT I, 15.03.2019, 4 - entry into force 24.03.2019]

Chapter 6

MILITARY PORTS

§ 33. Military ports

(1) Military ports and military port waters shall be designated by an order of the Government of the Republic on the proposal of the minister in charge of the policy sector.

(2) Military ports are closed for merchant shipping and related activities.

(3) For designating a port in the ownership of a person in private law as a military port on the basis of subsection 1 of this section, the Ministry of Defence shall have entered into a relevant agreement for the use of the port with the owner of the port land area. Upon existence of an agreement and upon designating the port as a military port, the Ministry of Defence shall be deemed to be the port authority of such port.

(4) In addition to the port specified in subsection 1 of this section, the Government of the Republic has the right, in justified cases, to establish by an order, on the proposal of the minister in charge of the policy sector, restrictions to the port services provided in another port for the periods when military ships stay in the port. The expenses incurred by the port in connection with the restrictions established shall be covered by the person who established the restriction.

§ 34. Military port harbour master

(1) A military port harbour master shall be appointed to and released from the post by the Chief of the Navy.

(2) For appointment of a military port harbour master, the candidates for the post of the harbour master shall be evaluated in accordance with the Military Service Act.

§ 35. Military port rules

(1) The military port rules are established by the Commander of the Defence Forces or a chief authorised by the Commander of the Defence Forces.

(2) The military port rules shall describe at least the following:

- 1) the general details of the port;
- 2) the procedure for entrance to the port by water craft;
- 3) the procedure for water traffic in the water area;
- 4) the procedure for water craft standing in the port;
- 5) the procedure for water craft leaving the port;
- 6) the procedure for provision of medical care in the port;
- 7) fire safety requirements in the port and the procedure for rescue works;
- 8) the procedure for calling the Rescue Board and other agencies which provide assistance or exercise supervision.

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

§ 36. Military port security officer

(1) A military port security officer shall be appointed to and released from the post by the Chief of the Navy.

(2) A military port security officer shall be evaluated in accordance with the Military Service Act.

Chapter 7 PORT REGISTER

§ 37. Port register

(1) A port register is a database which maintains a register of ports in order to ensure the information required by state authorities for the performance of the duties of management and organisation in the area of water traffic safety, security and environmental protection arising from law and other legislation and for exercise of state supervision.

(2) Ports shall be entered in the port register. Port authorities submit applications for the registration of the ports in the port register.

(3) The chief processor of the port register is the Ministry of Climate. The port register is maintained electronically.

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

(4) The statutes for the maintenance of the port register and the detailed list of the information subject to entry in the register and listed in subsection 1 of § 38 of this Act shall be established by a regulation of the Government of the Republic.

§ 38. Data to be entered in port register

(1) The following data concerning a port shall be entered in the port register:

- 1) personal identification or registry code and the contact details of the port authority;
- 2) general data concerning the port, including the task of the port and the main functions of the port;
- 3) port location information, including geographical coordinates;
- 4) data concerning the waters;
- 5) data concerning the port land area;
- 6) data concerning the construction works, landing stages and facilities of the port;
- 7) data concerning the security systems of the port and port facilities;

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

- 8) data concerning the technical devices of the port;
- 9) data concerning the port's aids to navigation;
- 10) data concerning the port services provided and the port operators;
- 11) data concerning the categories of goods handled in the port;
- 12) data concerning the types and sizes of the water craft serviced in the port;
- 13) data concerning the auxiliary fleet of the port;
- 14) data concerning the navigational period;
- 15) data concerning reception of waste from ships in the port;

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

- 16) data concerning the environmental impact assessment and the results thereof;
- 17) data concerning the state supervision in the port, including the results of the state supervision and the precepts issued by the official exercising state supervision;
- 18) as appropriate, other data concerning the port according to the objective of the register.

(2) The information entered in the port register is public, taking into consideration the restrictions arising from law. The public information entered in the port register shall be made accessible on the website of the port register.

§ 39. Persons submitting data to port register

(1) Data shall be submitted to the port register by port authorities and in the case of the data specified in clause 17 of subsection 1 of § 38 of this Act by the supervisory authorities exercising state supervision in ports.

(2) Upon any amendments to the data entered in the port register, the persons submitting the data shall immediately submit the amended data to the Transport Administration or, if possible, make an entry themselves in the port register.

(3) The persons submitting data to the port register shall be responsible for the correctness of the submitted data.

§ 40. Registration of port in port register

(1) For registration of a port in the port register, the port authority shall submit to the Transport Administration the data listed in clauses 1–16 of subsection 1 of § 38 of this Act.

(2) The Transport Administration shall have the right to request additional documents and additional information, if this is in accordance with the objective of the register and required for the entry of the port in the register.

(3) The Transport Administration shall register the port in the port register within 30 working days after submission of the data listed in clauses 1–16 of subsection 1 of § 38 of this Act and the additional data and documents specified in subsection 2 of this section.

(4) A state fee shall be paid for the registration of a port. A state fee shall be paid for the amendment of a register entry, with the exception of deletion of a port from the port register, for the amendment of a register entry made by the port authority and for the registration of a small-craft harbour specified in clause 2 of subsection 2 of § 1.

(5) The list of information included in a port registration application is established by a regulation of the minister in charge of the policy sector.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 41. Deletion of port from port register

A port shall be deleted from the port register in the following cases:

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

- 1) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]
 - 2) upon dissolution of the port authority who is a legal person without legal succession;
 - 3) [Repealed –RT I, 31.05.2021, 1 - entry into force 01.06.2021]
 - 4) if provision of port services is terminated in the port.
- [RT I, 31.05.2021, 1 - entry into force 01.06.2021]

Chapter 8

STATE SUPERVISION

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

§ 42. State supervision

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

(1) State supervision over reception of waste from ships from ships and other water craft in ports, the port's waste from ships reception and handling plan and the development and implementation of the pollution control plan, including supervision over compliance with the requirements for provision of food, fuel and other services to ships based on Council Regulation (EC) No 41/2007/EC fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (OJ L 15, 20.01.2007, pp 1–213), in the case of which engagement in illegal fishing is confirmed, is exercised by the Environmental Board.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(2) State supervision over delivery of waste from ships and other craft is exercised by the Environmental Board and the Transport Administration, taking into account among other things the European Commission Implementing Regulation established pursuant to Article 11(2) of Directive (EU) 2019/883.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(3) State supervision over compliance with the requirements established by this Act and legislation established on the basis thereof shall be exercised by the Transport Administration.

(4) State supervision over compliance with the requirements established in § 12¹ shall be exercised by the Consumer Protection and Technical Regulatory Authority.

[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(5) [Repealed – RT I, 30.12.2025, 4 - entry into force 01.01.2026]

§ 43. Specific state supervision measures

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

(1) Law enforcement authorities may apply the special state supervision measures provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act for exercising the state supervision provided for in this Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

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

(2) [Repealed –RT I, 22.05.2018, 1 - entry into force 23.05.2018]

§ 43¹. Specifications concerning state supervision

The Environmental Board may also apply the specific measures specified in §§ 49 and 50 of the Law Enforcement Act in order to determine and prevent any significant danger and eliminate violations.

[RT I, 10.07.2020, 2 - entry into force 01.01.2021]

§ 43². Use of direct coercion

The Environmental Board is authorized to use physical force on the basis and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 10.07.2020, 2 - entry into force 01.01.2021]

§ 44. Coercive fine rates

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

(1) Upon failure to comply with the precept, a law enforcement authority may impose a non-compliance levy pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act. The

upper limit for a coercive fine in the case of a natural person is 960 euros, in the case of a legal person 3200 euros.

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

(2) [Repealed –RT I, 22.05.2018, 1 - entry into force 23.05.2018]

Chapter 9

LIABILITY

§ 45. Provision of port services without designated waters

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

§ 46. Operation of port without evaluated harbour master

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

§ 47. Absence of port rules and failure to update rules

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

§ 48. Violation of security requirements of port and port facility

(1) Violation of the security requirements of a port and port facility 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 32,000 euros.

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

§ 48¹. Violation of electronic safety requirements

[Repealed –RT I, 22.05.2018, 1 - entry into force 23.05.2018]

§ 49. Provision of port services in ports and port facilities without evaluated security officer

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

§ 50. Violation of environmental protection requirements upon provision of port services

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

§ 51. Violation of requirements for notification of waste from ships and dangerous cargo and for transfer and reception of waste from ships and dangerous cargo

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(1) Violation of requirements for notification of waste from ships and dangerous cargo or for transfer and reception of waste from ships and dangerous cargo or failure to submit an information note to a ship or other water craft concerning inadequate reception facilities is punishable by a fine of up to 300 fine units.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

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

§ 52. Failure to develop and implement waste reception and handling plan

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

§ 53. Absence of port pollution control plan and failure to submit pollution control plan for approval

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

§ 54. Violation of requirements for provision of food, fuel and other services in port to ship entered in list of ships engaged in illegal fishing

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

§ 55. Violation of cargo handling requirements

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

§ 56. Violation of port registration requirements

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

§ 56¹. Failure to provide assistance to disabled passengers or passengers with limited mobility in port

(1) Failure to comply with the requirement provided for in Article 10 of Regulation (EU) No. 1177/2010 of the European Parliament and of the Council

is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I, 30.05.2013, 4 - entry into force 09.06.2013]

§ 56². Disregard of requirement to inform passengers of cancelled or delayed departure

(1) Failure to comply with the requirement provided for in Article 16 of Regulation (EU) No. 1177/2010 of the European Parliament and of the Council is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I, 30.05.2013, 4 - entry into force 09.06.2013]

§ 56³. Failure to provide travel information in ports

(1) Failure to comply with the requirement provided for in Article 22 of Regulation (EU) No. 1177/2010 of the European Parliament and of the Council is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I, 30.05.2013, 4 - entry into force 09.06.2013]

§ 57. Proceedings

(1) The Transport Administration is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 48 and 51 of this Act.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1¹) [Repealed –RT I, 22.05.2018, 1 - entry into force 23.05.2018]

(2) The Environmental Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in § 51 of this Act.
[RT I, 10.07.2020, 2 - entry into force 01.01.2021]

(3) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 56¹–56³ of this Act shall be conducted by the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

Chapter 10 IMPLEMENTING PROVISIONS

§ 58. Submission of pollution control plans for approval

Upon the entry into force of this Act, port pollution control plans shall be submitted to the Ministry of the Environment for approval at the latest by 1 January 2010.

§ 59. Implementation of Chapter 7 of this Act

(1) A port entered in the port register prior to entry into force of this Act shall be transferred by the authorised processor of the register to the port register established on the basis of this Act.

(2) The port authority of the port entered in the port register in subsection 1 of this section shall review and update the information in the register at the latest by 1 January 2010.

(3) Ports which are not entered in the port register prior to entry into force of this Act shall be entered in the port register at the latest by 1 January 2010.

§ 60. Application of this Act to existing waters

Waters established prior to entry into force of this Act shall be in force until the amendment thereof on the basis of this Act or until repealed.

§ 60¹. Activity licences issued before 1 June 2021

(1) An activity licence of a port security company issued for an specified term before 1 June 2021 shall become a licence for an unspecified term as of 1 June 2021.

(2) Persons who hold valid activity licences issued before 1 June 2021 for organisation of training for shipowners and chief security officers of ships, ports and port facilities, have the right to act, based on the same activity licence, as of 1 June 2021 in the area of organisation of training for chief security officers of ports and port facilities.

[RT I, 31.05.2021, 1 - entry into force 01.06.2021]

§ 60². Application of clause 3 of subsection 3 of § 26 of this Act to previously approved plans for reception and handling of waste from ships and cargo residues

The five-year term provided for in clause 3 of subsection 3 of § 26 of this Act also applies to plans for reception and handling of waste from ships and cargo residues approved by the Environmental Board before the entry into force of this section if less than three years have passed from the approval thereof by the time of entry into force of this section.

[RT I, 03.01.2022, 3 - entry into force 13.01.2022]

§ 60³. Additions to list of auxiliary port services

The Ministry of Climate is required to assess every calendar year starting from 2026 that the list of auxiliary port services specified in subsection 4 of § 3 of this Act is up-to-date and, where necessary, supplement it.

[RT I, 17.04.2025, 3 - entry into force 01.05.2025]

§ 61.–§ 69.[Omitted from this text.]

¹ Directive 2019/883 of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 07.06.2019, pp 116–142);

Directive 2005/65/EC of the European Parliament and of the Council on enhancing port security (OJ L 310, 25.11.2005, p. 28–39);

Directive 2009/16/EC of the European Parliament and of the Council on port State control (OJ L 131, 28.05.2009, p. 57–100);

Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1–10);

Directive (EU) 2022/2557 of the European Parliament and of the Council on the resilience of critical entities and repealing Council Directive 2008/114/EC (OJ L 333, 27.12.2022, pp 164–198).

[RT I, 08.10.2024, 1 - entry into force 18.10.2024]