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Port Act

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RT I 2009, 37, 251
entry into force 10.07.2009

Amended by the following acts

Reception	Publication	Enforcement
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 shall enter into force on the day specified in the decision of the Council of the European Union on the annulment of the exception established for the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council of the European Union 13.07.2010. a decision No. 2010/416/EU (OJ L 196, 28.07.2010, pp. 24–26).
08.12.2010	RT I, 22.12.2010, 1	02.01.2011, the word "vessel traffic" was completely replaced by the word "water traffic"
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; effective date changed 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, partially 01.01.2014 and 01.11.2014; effective date partially changed 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, titles of ministers replaced on the basis of § 107 ³ subsection 4 of the Government of the Republic Act.
02/08/2017	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, the law replaced the words "Waterways Board" with the word "Transport Board" in the corresponding case
11.05.2021	RT I, 31.05.2021, 1	01.06.2021, partially 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
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Ministry of the Environment" has been replaced by the word "Climate Ministry" in the corresponding case.

Chapter 1 general settings

§ 1. Scope of the Act

(1) This Act stipulates:

1) the requirements for water traffic safety and security and environmental protection for the provision of port services and for the port manager and port operator;

2) the complaint resolution procedure resulting from the application of Regulation (EU) 2017/352 of the European Parliament and of the Council, which establishes a framework for the provision of port services and common standards for the financial transparency of ports (OJ L 57, 03.03.2017, pages 1–18);

3) in seaports related to state supervision and in navigable inland waters and navigable estuaries of adjacent water bodies (hereinafter *navigable inland waters*);

4) responsibility for the violation of the requirements specified in point 1 of this subsection.

[RT I, 15.03.2019, 4 - enters into force. 24/03/2019]

(2) Differences in the application of this Act:

- 1) this Act does not apply to a mooring facility installed or built for personal use by a natural person outside of his economic or professional activity;
- 2) Chapter 2 of this Act does not apply to a small port where paid port services are not provided, with the exception of the provisions of § 4 subsection 5 regarding the entrance road and § 4 subsection 8, and Chapters 3 and 6, unless otherwise provided in this Act;
[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]
- 3) Chapters 2–5, 7 and 9 of this Act do not apply to a port with national defense tasks, except § 30 subsection 3;
- 4) Chapter 3, § 25 subsections 2–12 and § 26–29 of this Act shall not apply to a port with state administrative tasks;
- 5) this Act shall apply to a port designated as a permanent or temporary object of national defense with the differences arising from the National Defense Act.
[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

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(2) The entrepreneur pays the supervision fee on the basis and according to the procedure provided in the Competition Act.
[RT I, 30.12.2021, 1 - enters into force. 01.01.2022]

(3) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

§ 2. Definitions

For the purposes of this Act, the following are:

- 1) port – a land and water area adapted for the mooring of watercraft and used for the provision of port services, and the buildings necessary for the intended use of the port are located there (hereinafter *port building*);
- 2) port water area (hereinafter referred to as *water area*) – a delimited part of the waterway, which is necessary for organizing the safe mooring of watercraft and where the port operator is responsible for meeting the safety, security and environmental protection requirements of water traffic;
- 3) port manager – a person who organizes the operation of the port as a whole;
- 4) port operator - a person who provides port services on the basis of a contract concluded with the port manager;
- 5) port navigation marking – navigation marking necessary for entering the port, leaving the port and water traffic within the port;
- 6) port regulations – operating, navigation, environmental, safety and other requirements for the provision of port services and information about the port;
- 7) harbor master - a person who organizes safe water traffic and safe parking of watercraft in the harbor;
- 8) port security officer – a person who organizes the fulfillment of security requirements in the port;
- 9) port facility - the place of cooperation and interface between the ship and the port designated to meet the security requirements on the land area or water area of the port (hereinafter both together with *the port area*), which includes, if necessary, the port territory, water area and access road;
- 10) interface between a ship and a port – a mutual influence that occurs when the ship is directly and directly related to an activity that includes the movement of people or goods or the provision of port services to or from the ship;
- 11) port facility security officer – a person who organizes the fulfillment of port facility security requirements;
- 12) security company - a company that can perform the tasks provided for in this Act, that has an activity license for the provision of security services within the meaning of the Security Act and the activity license provided for in § 18 of this Act;
[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]
- 13) security level – risk level, according to which protective and security measures are implemented to prevent a security incident;
- 14) security incident - an incident, act or circumstance that may threaten the security of the ship, the interface between the ship and the port or the port and the port facility;
- 15) port entrance road (hereinafter *the entrance road*) – a part of the waterway that allows a vessel to enter and leave the port and where it is necessary to organize water traffic. The entry road is also considered the common entrance road of the ports and the entrance road that passes through the water area of another port;
[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]
- 16) port with national defense functions - a port intended only for the mooring and servicing of warships and naval auxiliary ships;
- 17) port with state administrative tasks – a port intended only for mooring and servicing ships performing state administrative tasks;
- 18) small port - a port or part of a port where port services are provided for watercraft with a total length of 24 meters and less;
[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]
- 19) ship waste - all waste generated during the operation of a watercraft or during loading, unloading and cleaning operations, including cargo waste, and which are part of the International Convention for the Prevention of Pollution from Ships (hereinafter *MARPOL*) I, II, IV, V and to the scope of application of Annex VI, and waste caught passively with fishing gear during commercial fishing;
[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]
- 20) cargo waste - after loading, unloading and completion of cleaning work on the deck of the watercraft, cargo residues remaining in the cargo space or container, including the residues of loading and unloading, with the exception of cargo dust that remains on the deck after sweeping, or dust on the outer surfaces of the ship;
[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]
- 21) garbage - any type of food, domestic and other waste generated during the normal operation of a watercraft as defined in MARPOL Annex V, which needs to be continuously or periodically disposed of, with the exception of raw fish and its parts and substances defined or referred to in other MARPOL Annexes;
- 22) waste water - liquid or other waste discharged through any type of toilet, urinal, bidet or WC drain hole as defined in Annex IV of MARPOL, liquid discharged through a wash tub, washing pipe or drain hole in a medical room (dispensary, hospital section), liquid discharged from a room containing live animals or listed above other wastewater mixed with discharged liquids or waste;
- 23) cargo-related waste - any materials that have become waste as a result of securing or handling cargo on board a watercraft, including, for example, packing wood, pallets, lining and packaging materials, plywood, paper, cardboard, steel cables and slings and the like;

24) port reception equipment - stationary, anchored or mobile equipment that can be used to receive ship waste.

[RT I, 03.01.2022, 3- by force. 13.01.2022]

§ 3. Port service

(1) The following activities carried out in the port are considered port services:

- 1) enabling the mooring of watercraft;
- 2) loading and unloading of watercraft;
- 3) organization of boarding and disembarking of passengers;
- 4) organization of water traffic on the water area and access road;
- 5) towing watercraft and breaking ice in the water area;
- 6) bunkering of a watercraft;

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

7) acceptance of ship waste.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(2) Those activities specified in subsection 1 of this section that are not provided to other persons are also considered port services.

Chapter 2

WATER TRAFFIC SAFETY REQUIREMENTS FOR THE PROVISION OF PORT SERVICES

§ 4. Aquatorium and driveway

(1) The port must have an assigned water area.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(2) The port manager must ensure the depths published in the navigational information in the water area and the access road and the measurement of the depths in accordance with the procedure established on the basis of the Maritime Safety Act.

(3) The port manager organizes the management and maintenance of the access road, the water area and the port buildings necessary for mooring, the establishment, installation, maintenance, modification and removal of the navigation markings of the port, monitors the correctness of the data published in the navigation information, is responsible for the correctness of the data submitted by him and ensures that the changed data is forwarded without delay to the Transport Board for publication in the navigation information .

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(4) In the case of a shared access road, the port managers organize the management and maintenance of the access road jointly.

(5) The port manager must ensure that construction activities on the water area and access road take place in accordance with the procedure established on the basis of the Maritime Safety Act.

(6) The port manager must ensure passage through the water area without receiving payment for it, if this is the only possible way to a bordering port or a port with a common access road, or if it is not possible to reach a bordering port or a port with a common access road without endangering or damaging the watercraft. Passage does not have to be guaranteed if it entails unreasonable expenses for the port operator obliged to allow passage.

(7) In the case of ports with a common water area, the port managers must agree on the procedure for using the water area, which must be added to the regulations of each relevant port.

(8) The port manager must ensure that the construction, installation, modification, removal and notification of the port's navigation markings comply with the procedure established on the basis of the Maritime Safety Act.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

§ 5. Determining the water area

(1) The water area is determined by the minister responsible for the field. When determining the water area, the minister responsible for the area establishes the boundaries of the water area by decree.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(2) The water area of a port located on a navigable inland water body belonging to a local government unit is determined by the council of the local government unit. When determining the water area, the council establishes the boundaries of the water area by decision.

(3) When determining the water area of the port, the person who determines the water area shall, if necessary, establish additional conditions for organizing the entrance to the port and marking the entrance way in nature.

(4) The designator of the water area may establish other additional conditions for the use of the water area.

§ 6. Application for designation of water area

(1) The application for determining the water area shall be submitted to the Ministry of Climate.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) An application to determine the water area of a port located on a navigable inland water body belonging to a local self-government unit shall be submitted to the municipality or city government.

(3) If several owners of property or plots of land bordering each other apply for the designation of the water area, or if the access road is shared with another port, an application for the designation of the common water area may be submitted.

(4) In the case of an application for the designation of the common water area specified in subsection 3 of this section, an agreement between the applicants regarding the bearing of the work and expenses necessary to ensure safe water traffic and the procedure for using the common water area must be attached to the application.

(5) In order to determine the water area, the applicant must submit with the application:

- 1) the coordinates of the border points of the water area;
- 2) water area plan;
- 3) justification regarding the expediency of the size of the water area;
- 4) a description of the planned water traffic in the water area;
- 5) if the location of the port is specified in the general or detailed plan, an extract from the corresponding plan;
- 6) documents certifying the right of ownership or use of the real estate or land plot of the port area;
- 7) the notarized or digitally signed consent of the owner of the bordering property or plot of land, if the shore border points of the requested water area are located outside the boundaries of the property owned by the applicant or used on other legal grounds, or in the case of a land unit owned by the state, the land unit in the possession of the applicant.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

§ 7. Coordinating the designation of the water area and deciding on the designation

(1) The approval of the Transport Board, which is requested by the Ministry of Climate or the municipality or city government, must be obtained for determining the water area.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) If the water area is designated or its validity is extended by the minister responsible for the field, in addition to the approval specified in subsection 1 of this section, the approval of the municipal or city council must be obtained, unless the location of the port has already been determined by the valid master or detailed plan.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(3) If the port borders another planned or existing port or they have a common access road or the requested water area would affect the safety or security of water traffic in some other way, the Transport Board may propose to determine the common water area or change the boundaries of the requested water area to ensure the safety or security of water traffic. If an agreement ensuring the safety or security of water traffic is not reached regarding the designation of a common water area, or if the applicant does not agree with the proposal to change the borders of the requested water area, the Transport Board may not approve the requested water area.

(4) The decision on the designation or refusal of the water area shall be made within 30 working days after receiving the approvals specified in subsections 1 and 2 of this section.

§ 8. Refusal to determine the water area

Designation of the water area is refused if:

- 1) there is no approval from the Transport Board;
- 2) in the case of a water area designated by the minister responsible for the field, there is no approval of the municipal or city council or the location of the port is not specified in the valid general or detailed plan;

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

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

4) the planned organization of water traffic within the port will disturb water traffic on a public waterway due to the size of the requested water area;

5) the requested water area does not ensure the safe mooring and maneuvering of watercraft;

6) the requested water area or the organization of water traffic within the port does not guarantee passage through the water area, if it is the only possible way to a bordering port or a port with a common entrance or if it is not possible to reach a bordering port or a port with a common entrance without endangering or damaging the watercraft;

7) the shore border points of the requested water area are located outside the boundaries of the property or land unit owned by the applicant or used on other legal grounds and there is no notarized or digitally signed consent of the owner of the adjoining property or plot of land or

[RT I, 31.05.2021, 1 - in force. 01.06.2021]

8) there is a justified public interest in refusing to designate the water area.

§ 9. Changing the boundaries of the water area and invalidating the determination of the water area

(1) The boundaries of the water area are changed and the designation of the water area is declared invalid by the person who designated the water area.

(2) If the water area is designated by the minister responsible for the field, the harbor manager, the Transport Board and the municipal or city council may apply to change the boundaries of the water area or to invalidate the designation of the water area.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(3) The port manager, the Transport Board and the municipal or city government may request to change the boundaries of the water area designated by the municipality or city council or to invalidate the designation of the water area. The application is submitted to the municipality or city government. If the applicant is a municipal or city government, the application is submitted to the municipal or city council.

(4) The boundaries of the designated water area are reviewed if another water area is requested to be designated next to the existing water area and the border points of the requested water area border or overlap with the border points of the existing water area or the existing and the port to be built have a common access road.

(5) The following must be submitted together with the application:

- 1) a justification for changing the borders of the water area or revoking the designation of the water area;
- 2) in the case of changes to the borders of the water area, new coordinates of the border points of the water area;
- 3) an extract from the valid general or detailed plan, if the change of the boundaries of the water area or the invalidation of the designation of the water area results from the plan;
- 4) opinion of the harbor master.

(6) The boundaries of the water area may be changed if:

- 1) the organization of water traffic within the port disturbs water traffic on a public waterway due to the size of the water area;
- 2) the boundaries of the water area do not ensure the safe mooring and maneuvering of watercraft;
- 3) the water area or the organization of water traffic within the port does not guarantee passage through the water area if it is the only possible way to a bordering port or a port with a common entrance or if it is not possible to reach a bordering port or a port with a common entrance without endangering or damaging the watercraft;
- 4) the shore border points of the water area are located outside the boundaries of the property owned by the port manager or used on another legal basis, or in the case of a land unit owned by the state, the land unit in the possession of the port manager and there is no notarized or digitally signed consent of the owner of the adjoining property or plot of land;

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

5) in the case of a shared water area, there is no agreement and procedure for the use of the shared water area specified in § 6 subsection 4 of this Act, or

6) there is a justified public interest in changing the boundaries of the water area.

(7) The designation of the water area is declared invalid if:

1) the circumstance listed in point 1, 2, 3, 5 or 6 of subsection 6 of this section occurs, but changing the boundaries of the water area is not possible;

2) the provision of paid port service is terminated in a small port;

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

3) there is a justified public interest in invalidating the designation of the water area.

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

§ 10. Requirements for the harbor master and certification of the harbor master

(1) The port manager must appoint a port master to the port.

(2) The harbor master must be certified. A harbor master can be an Estonian citizen with at least a secondary education or a citizen of a member state of the European Union or a party to the European Economic Area agreement, who has the necessary knowledge for this job.

(3) The harbor master's certification is based on an application submitted by the port operator to the Transport Board, in which the name, personal identification number, qualification and port name of the candidate for the harbor master are indicated.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(4) The harbor master must speak Estonian at least at the B2 level. The harbor master must also know English at the level necessary to perform his duties.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(5) In addition to the provisions of subsections 2 and 4 of this section, the harbor master must meet the following requirements:

1) in a port serving ships with a total tonnage of 7,500 and more, the harbor master must have a seafaring diploma for the master of a ship with a total tonnage of 3,000 and more;

2) in a port serving ships with a total tonnage of 500-7,500 (excluding), the harbor master must have a seamanship diploma of a chief mate of a ship with a total tonnage of at least 3,000 or a seamanship diploma of a master of a ship with a total tonnage of less than 3,000;

3) in a port serving ships with a total capacity of less than 500, the harbor master must have at least a senior mate's seamanship diploma of a ship with a total capacity of less than 3,000 or a professional certificate of a master of a ship with a total capacity of less than 500.

(6) The harbor master of a port located on navigable inland waters must meet the requirements set forth in subsections 2 and 4 of this section and hold a professional shipmaster's diploma or professional certificate.

(7) The candidate for harbor master is certified by the Transport Board. The harbor master candidate is certified separately for each port. During the attestation, the candidate's knowledge of port navigation conditions, port regulations and legislation related to port operations is checked.

(8) The harbor master of a small port is not subject to attestation. The harbor master of a small port must have at least a small boat driver's certificate.

(9) A state fee must be paid for submitting a person for certification as a harbor master.

§ 11. Rights and obligations of the harbor master

(1) In order to organize safe water traffic, the harbor master has the right to require persons staying in the harbor to comply with the requirements arising from legislation, harbor regulations and good maritime practice.

(2) The harbor master is obliged to immediately take measures to eliminate deficiencies related to the safety of water traffic and to notify the port manager of the deficiencies.

(3) If necessary, the harbor master shall establish a special procedure for the entry and exit of watercraft from the port and the largest dimensions of the watercraft that may enter the port.

(4) The harbor master coordinates and controls the keeping of records of dangerous cargo transported by watercraft in the port in accordance with legislation and port regulations.

(5) The harbor master must inform the Transport Board about the ship:

1) [invalid - RT I, 31.05.2021, 1 - effective. 01.06.2021] 2) [invalid - 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 threaten the safe operation of the ship or which is an unreasonable threat to the marine environment. [RT I, 04.07.2011, 2 - enters into force. 14.07.2011]

§ 12. Port regulations and port fees

(1) The port must have port regulations. The port's regulations are approved by the port manager. The port manager must ensure that the port regulations are updated.

(2) The regulations of the port must be in Estonian and accessible to persons operating or staying in the port. The regulation of the port serving foreign vessels must be translated into English.

(3) The requirements of the port regulations are mandatory for all persons operating and staying in the port.

(4) The port manager must appropriately inform the persons specified in subsection 3 of this section about the requirements arising from the port regulations.

(5) Information about port fees must be available to interested parties. In a port serving foreign vessels, the information about port fees must be translated into English.

(6) The regulations of the port must describe at least:

- 1) general data of the port;
- 2) organization of watercraft entering the port;
- 3) organization of water traffic in the water area of the port;
- 4) arrangement of watercraft standing in the port;
- 5) order for vessels to leave the port;
- 6) provided port services and the organization of the provision of port services;
- 7) organization of passenger services in the port;
- 8) organization of medical assistance in the port;
- 9) fire safety requirements in the port and organization of rescue operations;
- 10) The procedure for summoning the rescue agency and other assistance-giving or supervising authorities.

[RT I, 29.12.2011, 1 - enters into force. 01.01.2012]

(7) The list of data to be reflected in the port regulations shall be established by the minister responsible for the field by regulation.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

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§ 12 . Obligations of the port operator and port manager in relation to the protection of passengers' rights

The port operator or, in his absence, the port manager must comply with Regulation (EU) No. 1177/2010 of the European Parliament and the Council, which deals with the rights of passengers on sea and inland waterways and which amends Regulation (EC) No. 2006/2004 (OJ L 334, 17.12.2010), when organizing passenger transport services. pages 1–16), resulting obligations.

[RT I, 30.05.2013, 4 - enters into force. 09.06.2013]

Chapter 3 SECURITY REQUIREMENTS FOR THE PROVISION OF PORT SERVICES

§ 13. Application of the chapter, security requirements and ensuring electronic security

[RT I, 03.03.2017, 1 - entered into force. 01.07.2017]

(1) The security requirements set forth in this chapter apply to a port that serves passenger ships sailing in international shipping or ships with a total tonnage of 500 and more.

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

(3) The security requirements for the provision of port services derive from the international convention on the safety of human life at sea and the international code of safety of ships and port facilities established on its basis, as well as Regulation (EC) No. 725/2004 of the European Parliament and of the Council on strengthening the security of ships and port facilities (OJ L 129, 29.04.2004 , pp. 6–91).

(4) The port service provider, which services the vessels specified in subsection 1 of this section, must comply with §§ 7 and 8 of the Cyber Security Act and the requirements established on the basis thereof in order to ensure the security of the network and information system used to provide the service.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

§ 14. Competent authority

(1) The Transport Board is, within the meaning of Regulation (EC) No. 725/2004 of the European Parliament and of the Council, a competent authority and an information mediating authority in relation to ports, and fulfills the duties of the administration.

(2) The Transport Board is a port security information mediating institution within the meaning of Article 12 of Directive 2005/65/EC of the European Parliament and of the Council on strengthening port security (OJ L 310, 25.11.2005, pp. 28–39).

§ 15. Security risk analysis and its implementation

(1) The risk analysis of port and port facility security is carried out by the Transport Office. A risk analysis report is drawn up on the performance of the risk analysis.

(2) The number and limits of port facilities in the port shall be determined by the Transport Board based on the results of the security risk analysis, taking into account the port manager's proposal if necessary.

(3) The Transport Board includes the Rescue Board and the security authority in the security risk analysis and takes into account their proposals when preparing the risk analysis of the port and port facility.

[RT I, 29.12.2011, 1 - enters into force. 01.01.2012]

(4) The port and port facility security risk analysis report must be reviewed and, if necessary, the risk analysis must be re-conducted at least every five years, taking into account changing threats and changes in the port and port facility. A risk analysis must be carried out

as soon as significant structural, operational or other changes take place in the port and the port facility or its surroundings. The port manager and the owner of the port facility must inform the Transport Board of important construction, operational or other changes that have taken place in the port and port facility.

(5) The security risk analysis of the port and port facility must describe the assets related to the security of the port, the infrastructure of the port, the areas of the port, threats to the port and their possible consequences, measures to avoid the threat, and the obligations and activities of the port manager and the owner of the port facility in ensuring security.

(6) The specified list of topics to be reflected in the risk analysis of port and port facility security and the procedure for conducting the risk analysis shall be established by a regulation of the minister responsible for the field .

(7) The port manager or the owner of the port facility shall pay a state fee for carrying out a risk analysis of the security of the port and port facility, respectively. The state fee must be paid within ten working days after the written notification of the risk analysis. The Transport Authority does not issue a security risk analysis report before paying the state fee.

§ 16. Security plan and its preparation

(1) The port manager must ensure that a security plan is drawn up and implemented for the port on the basis of a port security risk analysis. The port manager is responsible for updating the port security plan.

(2) The owner of the port facility must ensure that a port facility security plan has been drawn up and implemented for the port facility in his possession based on the port facility security risk analysis. The owner of the port facility is responsible for updating the security plan of the port facility. If there are several owners of the port facility, they fulfill the obligation set forth in this paragraph jointly.

(3) The port manager or security company prepares the port security plan.

[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

(4) The security plan of the port facility is drawn up by the security manager of the port facility or the security company.

[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

(5) The Transport Board may allow the preparation of a joint security plan for several port facilities.

(6) Port and port facility security plans and changes made to them must be submitted to the Transport Board for approval before their implementation. The security plan of the port facility must be coordinated with the port manager before it is submitted to the Transport Board.

(7) In the event of deficiencies in the security plan, they must be eliminated within the deadline set by the Transport Board.

(8) The security plans of the port and port facility must be updated in accordance with changes in the security risk analysis of the port and port facility and in connection with changes in the security operations, measures, equipment or data related to the security plan.

(9) If the company operating in the port area must have an emergency resolution plan drawn up in accordance with the law or legislation established on its basis, it shall be added to the security plans of the port and port facility.

(10) In accordance with the security risk analysis, the security plans of the port and port facility stipulate the organization of the security of the port, including the security procedures to be followed for each security level, security measures to be implemented and mandatory activities.

(11) The following must be described in the security plans of the port and the port facility:

- 1) the organization of the entrance to the port and the port facility;
- 2) organization of checking identity documents, luggage and cargo;
- 3) cooperation between agencies dealing with cargo, baggage and passenger control;
- 4) actions in case of a suspicious finding or to solve problems related to the person;
- 5) organization of control of activities carried out in an area important from the point of view of security;
- 6) organization of marking of the port and port facility;
- 7) organization of information exchange;
- 8) organization of notification of security incidents to the competent authorities;
- 9) connections of emergency resolution, pollution control and other preventive and countermeasure plans with the security plan;
- 10) organization of security trainings and drills;
- 11) the composition of the security expert group supporting the security of the port and port facility and its working procedure;
- 12) security obligations of the port manager and the owner of the port facility;
- 13) organization of updating the port and port facility security plan.

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

(13) The specified list of topics to be reflected in the port and port facility security plans shall be established by a regulation of the minister responsible for the field .

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

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(15) State fees shall not be charged for adding contact data to the security plan of a port or port facility and for changing them, for changing the data of the security expert group and for adding and changing documents to the security plan, if these documents have been previously approved by another supervisory authority or if the legislation does not require prior approval of these documents.

§ 17. Security drill and security exercise

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

(1) Port security drills and security drills are organized by the port manager, and port facility security drills and security drills are organized by the owner of the port facility.

(2) The purpose of the security drill and security exercise is to check the implementation of the security plan.

(3) One part of the security drill organized in the port and port facility must be the handling of dangerous substances in the respective port and port facility.

(4) In the port and port facility, a security exercise is organized at least every three months to test individual parts of the security plan of the port and port facility.

(5) A security exercise, in which security officers of port facilities take part together with officials exercising state supervision in this area in the port and security officers of ports and, if possible, ships, is organized in the port and port facilities at least once a calendar year, and the time between the organization of security exercises must not be more than 18 months.

(6) The procedure for conducting port and port facility security drills and security drills shall be established by a regulation of the minister responsible for the field .

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

§ 18. Licensing obligation

(1) A security company must have an activity license to perform the duties provided for in this Act.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

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

1

§ 18 . Activity license inspection subject

An activity license is granted if:

1) the entrepreneur meets the requirements set out in point 4.5 of Annex III of Regulation (EC) No. 725/2004 of the European Parliament and of the Council and Annex IV of Directive 2005/65/EC of the European Parliament and of the Council;

2) the entrepreneur has an activity license for the provision of security services issued on the basis of the Security Act;

3) the entrepreneur has employees who meet the qualification requirements.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

2

§ 18 . Applying for an activity permit

The application for an activity license is resolved by the Transport Board.

[RT I, 25.03.2011, 1 - enters into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 19. Port security chief

(1) The port manager must appoint a port security officer.

(2) The port security chief is responsible for the implementation of the port security plan.

(3) In the event of security deficiencies discovered in the port, the port security officer is obliged to immediately take measures to eliminate them and inform the port manager of the deficiencies.

(4) The port security chief coordinates and controls the fulfillment of security requirements in the port in accordance with legislation, the port security plan and port regulations.

§ 20. Port facility security chief

(1) The owner of a port facility must appoint a security officer for each port facility in his possession. The duties of the port facility security officer may be performed by the port security officer.

(2) The port facility security chief is responsible for preparing and implementing the port facility security plan.

(3) The port facility security officer is obliged to immediately take measures to eliminate security deficiencies discovered at the port facility and inform the owner of the port facility and the port security officer of the deficiencies.

(4) The security manager of the port facility coordinates and controls the fulfillment of security requirements in the port facility in accordance with legislation, the port security plan and port regulations.

1

§ 20 . Organizing the training of the security officer of the port and port facility

(1) In order to organize the training of the port and port facility security officer, one must have an activity permit.

(2) The application for an activity permit is resolved by the Transport Board.

(3) In addition to the provisions of the general part of the Code of Economic Activities, the application for an activity license shall submit:

1) the curriculum of the port facility security officer course, which includes the port facility security officer's competency requirements set forth in the international convention on the safety of human life at sea and the international ship and port facility security code established on its basis;

2) list of trainers and copies of documents certifying their qualifications.

(4) A state fee must be paid for reviewing an application for an activity permit.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

§ 21. Requirements for the security officer of the port and port facility

(1) The security officer of a port and port facility may be an Estonian citizen of at least 21 years of age with a secondary education or a citizen of a member state of the European Union or a party to the European Economic Area Agreement, who has completed security

officer training at an enterprise that has received an activity permit.

[RT I, 31.05.2021, 1 - enters into force. 01.01.2023]

(2) The security officer of the port and port facility must have a command of the Estonian language at least at the B2 level and English at the level necessary for the performance of his duties.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(3) A person serving a sentence for a crime or whose criminal record has not been deleted from the criminal record is prohibited from working as a port and port facility security officer.

§ 22. Attestation of the port security officer and port facility security officer

[Repealed - RT I, 31.05.2021, 1 - entered into force. 01.01.2023]

§ 23. Establishing the security level, transmitting security information and maintaining the security declaration

[RT I, 31.05.2021, 1 - entered into force. 01.06.2021]

(1) The security level of the port and port facility is established by the minister responsible for the field. The security level is established in accordance with the requirements of the International Convention on the Safety of Life at Sea and the International Ship and Port Facility Security Code 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 procedure for transmitting and receiving information related to the security of the port and port facility shall be established by the Government of the Republic .

(4) The security declaration is kept in the port facility for three years.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

§ 24. Port facility security certificate and its issuance

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

(1) A security certificate must be issued to the port facility. Without a security certificate, it is prohibited to provide port services to the ships specified in § 13 subsection 1 of this Act.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(2) In order to issue a security certificate, an inspection of the security situation is carried out (hereinafter *security inspection*). The security inspection is the review and inspection of the security system of the port facility, the inspection of devices and equipment that ensure security, and the assessment of the compliance of the actual situation with the provisions of the security plan of the port facility. The security inspection is carried out by the Transport Board.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(3) Security inspections are classified as follows:

- 1) primary inspection;
- 2) regular inspection;
- 3) full inspection;
- 4) extraordinary inspection.

(4) The owner of the port facility:

- 1) informs the employees of the port facility related to the security inspection about the objectives and scope of the inspection;
- 2) appoints his representative for the inspection;
- 3) ensures the availability of evidence required by those conducting the inspection;
- 4) cooperates with the reviewers to ensure that the goals of the review are achieved.

(5) The initial inspection is carried out no later than 30 calendar days after the first coordination of the security plan of the port facility with the Transport Board.

(6) A regular inspection is carried out in the port facility once every five years, between the second and third year, starting from the day the security certificate is issued.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(7) A full inspection is carried out upon the expiration of the validity period of the security certificate, upon its invalidation or upon application for the issuance of a new security certificate.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(8) An extraordinary inspection is carried out if there is a justified need to check the effective functioning of the security plan of the port facility.

(9) After the initial inspection or full inspection, the Transport Board issues a security certificate for the port facility. The certificate is valid for five years, provided that the port facility has passed all required security inspections. A corresponding note is made on the certificate regarding the performance of a regular inspection. An extraordinary inspection is not reflected in the certificate.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(10) A security certificate shall not be issued, the security certificate shall not be marked with the regular inspection provided for in subsection 9 of this section, and the issued security certificate may be declared invalid if the port facility's security system, devices and equipment that ensure security, and the actual situation of the port facility do not correspond to the provisions of the port facility's security plan.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(11) In case of the occurrence of deficiencies specified in subsection 10 of this section, the Transport Board issues a prescription for their elimination. If the order is not fulfilled within the deadline set by the Transport Board, the security certificate will be declared invalid, and a new full inspection must be carried out in order to issue a new certificate.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(12) The procedure for conducting a security inspection of a port facility and issuing a security certificate and the form of the certificate shall be established by a regulation of the minister responsible for the field .

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(13) A state fee must be paid for the initial, regular and full inspection of the port facility.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

Chapter 4

ENVIRONMENTAL PROTECTION REQUIREMENTS FOR THE PROVISION OF PORT SERVICES

§ 25. Acceptance and transfer of ship waste

[RT I, 03.01.2022, 3 - entered into force. 13.01.2022]

(1) The port manager arranges for the reception of ship waste, except for cargo waste, from ships and other watercraft (hereinafter referred to as "vessel" in this chapter) served by this port.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(2) The port manager or port operator handling the cargo is obliged to organize the reception of cargo waste generated during the operation of the ship from the ships served by that port or port operator, including the reception of cargo waste from ships that are being repaired in that port, unless otherwise agreed in accordance with the requirements of legislation or international conventions.

(3) The master of the ship is obliged to hand over all ship waste before leaving the port.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(4) The master of the ship does not have to hand over all ship waste if it is clear from the information provided in the preliminary notification specified in § 27 subsection 1 of this Act that the existing ship's storage facilities are sufficient to store the ship waste that has already accumulated and will accumulate during the planned voyage until it arrives at the port of transfer, except if:

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

1) [invalid - RT I, 03.01.2022, 3 - entry into force. 13.01.2022] 2) the ship waste transfer port or destination port is not known; [RT I, 03.01.2022, 3 - enters into force. 13.01.2022] 3) there is a reason to believe that the proposed transfer port does not have sufficient reception facilities and the ship has been provided with relevant information; 4) it is garbage collected for handover, with the exception of food waste; 5) these are environmentally hazardous chemicals of category X and Y from the pre-washing of transport tanks, except for the cases described in paragraphs 6 and 7 of Rule 16 of Annex II of the International Convention for the Prevention of Marine Pollution from Ships.

1

(4) The storage capacity of the ship's warehouse specified in subsection 4 of this section is considered sufficient if it complies with Directive (EU) 2019/883 of the European Parliament and of the Council, which deals with port reception facilities for the transfer of ship waste and amends Directive 2010/65/EU and which repeals Directive 2000 /59/EU (OJ L 151, 07.06.2019, pages 116–142), to the implementing regulation of the European Commission established on the basis of Article 7 paragraph 4.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(5) If stricter requirements are established by an international convention with respect to the exceptions provided for in subsection 4 of this section, the requirements of the said convention shall apply.

(6) In addition to the provisions of subsection 4 of this section, cargo waste does not have to be handed over if:

1) according to the international convention to prevent marine pollution from ships, the handover is not required;

2) the ship has a written agreement with the operator of the next port of entry, according to which this type of cargo waste is accepted at this port;

3) the new cargo is the same substance as the previous cargo, or if the cargo residues are disposed of by venting at sea, or if an entry is made in the cargo book justifying the leaving of the cargo waste on the ship, and the entry is confirmed by an inspector of chemical tanker loading operations recognized in accordance with the Maritime Safety Act.

(7) [Repealed - RT I, 03.01.2022, 3 - entered into force. 13.01.2022]

(8) The port manager shall ensure the availability of sufficient reception equipment in the port in accordance with the plan for receiving and handling ship waste in order to meet the needs of ships that usually visit the port when receiving ship waste without causing them delays.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(9) Reception facilities are sufficient if they are able to receive this type of ship waste in such a quantity as is usually generated by ships visiting the port, taking into account the work-related needs of the port users, the type of ships visiting the port, the size and geographical location of the port, and in § 29 of this Act provided exceptions regarding the transfer of ship waste.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

1

(9) If the port manager is not directly engaged in waste management, he must have a written contract with the waste receiver who holds the corresponding environmental protection permit and who has sufficient reception equipment in accordance with the ship waste reception and handling plan specified in § 26 subsection 1 of this Act to provide the service.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(10) If the port manager is unable to organize the reception of ship waste due to insufficient reception facilities, the port manager issues a notification to the ship about the insufficient reception facilities.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(11) The master of the ship must inform the Environmental Board and, in a foreign country, the competent authority of the country where the port is located about the alleged deficiencies of the port's reception equipment.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

1

(11) Upon receiving the notification specified in subsection 11 of this section, the Environmental Board shall check the compliance of the reception facilities of the port specified in the notification with the plan for receiving and handling ship waste specified in subsection 26 (1) of this Act.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

2

(11) The Environmental Board informs the International Maritime Organization and the competent authority of the flag state of the ship that submitted the notification specified in subsection 11 of this section of the results of the inspection through the electronic marine information system.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(12) The requirements for submitting information regarding the transfer and acceptance of ship waste shall be established by a regulation of the minister responsible for the field .

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 26. Ship waste reception and handling plan

[RT I, 03.01.2022, 3 - entered into force. 13.01.2022]

(1) The port manager prepares and implements a plan for the proper reception and handling of ship waste. A plan for the reception and handling of ship waste can be drawn up regionally with the participation of all ports, provided that the need for reception facilities and their availability are specified in the plan separately for each port.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

1

(1) When drawing up a plan for the reception and handling of ship waste and making significant changes to the plan, the port manager shall consult with the port users or their representatives, if necessary, the competent authorities of the local government unit, waste handlers, organizations fulfilling the obligations of extended producer responsibility and representatives of civil society.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(2) The plan for the reception and handling of ship waste is submitted by the port manager to the Environmental Board for approval through the port registry.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(3) The plan for receiving and handling ship waste must 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;

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

- 4) after significant changes in port operations.

(4) The ship waste reception and handling plan must contain the following data and descriptions:

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

- 1) assessment of the need for port reception facilities, taking into account the needs of ships that usually visit the port;

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

- 2) a description of the type and capacity of the reception equipment of the port and the location by the quays;

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

- 3) a description of the procedures for receiving and collecting ship waste;

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

- 4) if necessary, description of pre-treatment equipment and processes;

5) description of the system for covering the costs related to the reception of ship waste and the amount of fees for the reception of ship waste;

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

- 6) the procedure for reporting deficiencies in port reception equipment;

7) [invalidated - RT I, 03.01.2022, 3 - entered into force. 13.01.2022] 7¹) description of the procedure for consultation when changing the plan; [RT I, 03.01.2022, 3 - enters into force. 13.01.2022] 8) types and quantities of accepted and handled ship waste; [RT I, 03.01.2022, 3 - enters into force. 13.01.2022] 9) description of the methods showing the amount of acceptable ship waste; [RT I, 03.01.2022, 3 - enters into force. 13.01.2022] 10) references to legislation regulating the transfer of ship waste and a summary of ship waste transfer procedures; [RT I, 03.01.2022, 3 - enters into force. 13.01.2022] 11) contact details of the person or persons responsible for the implementation of the plan; 12) a description of the methods showing the actual use of port reception equipment; 13) description of further processing of ship waste. [RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(5) At the port serving foreign vessels, the information provided in points 2, 3, 5, 8 and 11 of subsection 4 of this section must be translated into English.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(6) The Environmental Board shall not approve the plan for receiving and handling ship waste if it does not meet the requirements set forth in subsections 4 and 5 of this section.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(7) The requirements set forth in subsections 1–6 of this section do not apply to a small port:

- 1) where paid port services are not provided;
- 2) which has joined organized waste transport;
- 3) the keeper of which has ensured that the small ships arriving at the port are informed about the procedure for receiving and handing over ship waste, and
- 4) which has received the Environmental Board's assessment provided for in subsection 9 of this section regarding compliance with the conditions set forth in points 1–3 of this subsection.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(8) The operator of a small port that meets the conditions set forth in points 1-3 of subsection 7 of this section makes the relevant information available in the port register and informs the Environmental Board about the fulfillment of the requirements through the port register.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(9) The Environmental Board assesses whether the small port meets the conditions set forth in clauses 1-3 of subsection 7 of this section, and informs the port operator of its assessment through the port register.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 27. Notification of ship waste and keeping records of ship waste

[RT I, 03.01.2022, 3 - entered into force. 13.01.2022]

(1) If the total tonnage of the ship is 300 or more, the master or the ship's agent submits a preliminary notification to the port of entry via the electronic marine information system regarding the type and quantity of waste delivered at the port and remaining on the ship (hereinafter the *prior notification*):

- 1) at least 24 hours before arrival at the port, if the port of entry is known;
- 2) immediately upon finding out the port of entry, if this information is available less than 24 hours before arrival at the port of entry;
- 3) at the latest upon departure from the previous port of entry, if the journey to the next port lasts less than 24 hours.

(2) Prior notification does not need to be submitted:

- 1) fishing vessel, historic vessel and watercraft used for leisure, the length of which is less than 45 meters;
- 2) military and border guard ship and other ship performing state administration tasks;
- 3) a ship having an exemption certificate specified in § 29 of this Act.

(3) The advance notification shall be kept in a form that enables written reproduction on board the ship at least until departure from the next port of entry.

(4) The port manager shall immediately inform the Environmental Board and the Transport Board through the electronic maritime information system if a ship not mentioned in subsection 2 of this section does not submit a prior notification or does not hand over ship waste, or if other violations of the requirements for the transfer of ship waste are discovered on the ship or there is a suspicion that the said requirements are being violated.

(5) The port manager organizes the accounting of ship waste received from ships on the basis of advance notices and other documents certifying the receipt of ship waste by ship and type of ship waste.

(6) The person appointed by the port manager or the recipient of the waste shall without delay submit the act of transfer of ship waste to the master of the ship via the electronic marine information system regarding the transferred ship waste. The act or the data contained in it are available to the Environmental Board and the Transport Board through the electronic marine information system.

(7) The deed of transfer of ship waste shall be kept on board the ship in a form that enables written reproduction for at least two years.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 28. Fee for receiving ship waste

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

(1) Regardless of the quantity to be delivered and the actual use of the port's reception facilities, the port operator is obliged to accept ship waste for a fee included in the port fee or determined separately (hereinafter referred to as *the waste fee*), with the exception of cargo waste and waste generated by exhaust gas cleaning systems.

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

(3) If the volume of delivered ship waste specified in subsection 1 of this section exceeds the maximum storage volume specified in the preliminary notification, the waste giver or the user of the receiving equipment shall pay a waste fee for the delivered ship waste exceeding the maximum storage volume based on its type and quantity.

(4) The sender of the waste or the user of the receiving equipment shall pay for the transfer of cargo waste and waste generated by exhaust gas cleaning systems based on the type and quantity actually transferred.

(5) The basis for determining the amount of the waste fee shall be established by a regulation of the minister responsible for the field.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 29. Exemption from the submission of prior notification of ship waste and the obligation to hand it over and the payment of the waste fee

[RT I, 03.01.2022, 3 - in force. 13.01.2022]

(1) The Transport Board may exempt a ship visiting an Estonian port from submitting a prior notification, handing over ship waste and paying the waste fee, which makes regular trips on a certain route and visits the port at least once every two weeks, if:

- 1) Evidence is provided to the Transport Board that the delivery of ship waste and the payment of the waste fee are guaranteed at least in one port on the ship's route;
- 2) as a result of granting the exemption, the ship's navigational safety is not reduced, human health is not endangered, working and living conditions on the ship do not deteriorate, and there is no negative impact on the marine environment.

(2) In the application submitted for exemption, it must be proven to the Transport Board that:

- 1) the ship owner has concluded a contract with the port operator or waste handler of at least one port on the ship's route for the transfer of waste, and the ship has acts of transfer of ship waste proving the transfer of ship waste;
- 2) the port manager or waste handler specified in point 1 of this subsection has adequate reception facilities;
- 3) all ports along the ship's route have been notified of the fulfillment of the conditions specified in points 1 and 2 of this paragraph.

(3) For the processing of the application specified in subsection 2 of this section, the applicant shall pay a state fee at the rate specified in the State Fees Act.

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

(5) A ship to which an exemption certificate has been issued must hand over ship waste in the port and pay a waste fee, if the ship does not have sufficient storage capacity to store already accumulated and accumulating ship waste until it reaches the next port of entry.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 30. Elimination of pollution in the water area

(1) Immediate localization and liquidation of pollution must be ensured in the port with appropriate technical means, taking into account the size of the port, the provided port services, the goods handled and the location of the port.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

(2) The port manager, in cooperation with the port operator, organizes the detection and liquidation of pollution in the port. The port manager immediately informs the Emergency Center of the pollution incident. The emergency center forwards the information to the Defense Forces, the Environmental Board, the Police and Border Guard Board and the Transport Board.

[RT I, 20.06.2022, 2 - enters into force. 01.01.2023]

(3) The port manager must prepare a port pollution control plan regarding the detection and liquidation of pollution from the water area.

(4) The port's pollution control plan must describe at least:

- 1) activities in case of pollution;
- 2) a list of technical means used for localization and liquidation of pollution, together with a scheme of their location in the port;
- 3) responsibilities of the port operator in the detection and liquidation of pollution;
- 4) obligations of the port operator in the detection and liquidation of pollution in its field of activity.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

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

(6) More detailed requirements for the content of the port's pollution control plan and pollution control techniques shall be established by the Government of the Republic .

Chapter 5 CARGO HANDLING IN PORT

§ 31. Handling of dangerous cargo

(1) Hazardous cargo is handled in the port in accordance with the requirements of the Chemicals Act and the legislation established on the basis thereof, as well as the requirements of Chapter VII of the International Convention on the Safety of Human Lives at Sea and the International Convention on the Prevention of Marine Pollution from Ships, established on the basis of Appendices I to III of the rules for the international transportation of dangerous cargo.

(2) The port manager or port operator dealing with the handling of dangerous cargo is obliged to ensure control over the importation, storage, storage and transshipment of dangerous cargo into the port. The port manager or port operator dealing with the handling of dangerous cargo must comply with the requirements established for dangerous companies and companies with a risk of a major accident in accordance with the Chemicals Act.

(3) The port operator is obliged to inform the port manager before the introduction, storage, storage and transshipment of dangerous cargo into the port.

(4) The port operator must be notified of incoming dangerous cargo at least ten days in advance, with the consent of the port operator, this deadline can be shortened to 24 hours.

(5) The port manager or port operator dealing with the handling of dangerous cargo must appoint a person responsible for reporting dangerous cargo, handling dangerous cargo, keeping records of dangerous cargo and receiving and sending away dangerous cargo, and forward his contact information to the harbor master.

(6) A person whose immediate task is the handling of dangerous cargo must have completed the necessary training and have a document certifying the completion of the training.

(7) The port manager or port operator must organize training for the persons specified in subsections 5 and 6 of this section at least every five years on the basis of a program approved by the Environmental Board and the Transport Board.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

§ 32. Handling of bulk cargo

(1) The port manager or port operator engaged in the loading and unloading of bulk cargo is obliged to comply with the requirements set forth in the Maritime Safety Act when loading and unloading bulk cargo ships.

(2) The port keeper or port operator, who deals with the loading and unloading of bulk carriers, which are subject to the procedure established on the basis of § 41 (6) of the Maritime Safety Act, must ensure that a proper quality management system has been created and implemented in his company. The quality management system must be certified according to EVS-EN ISO 9001 and audited according to EVS-EN ISO 19011 or equivalent standards.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

1

5 . chapter

PORT SERVICE PROVISION AND ENSURING PORT FINANCIAL TRANSPARENCY IN THE SEA PORT OF THE TRANS-EUROPEAN TRANSPORT NETWORK

[RT I, 15.03.2019, 4 - enters into force. 24/03/2019]

1

§ 32 . Scope

This chapter applies to Regulation (EU) No. 1315/2013 of the European Parliament and Council on Union guidelines for the development of the pan-European transport network and repealing Decision No. 661/2010/EU (OJ L 348, 20.12.2013, pp. 1–128) listed in Annex II in relation to the seaports of the pan-European transport network.

[RT I, 15.03.2019, 4 - enters into force. 24/03/2019]

2

§ 32 . Consultations

(1) The port manager consults with the target groups specified in Article 15 of Regulation (EU) 2017/352 of the European Parliament and of the Council in the areas within his competence specified in the same article, if he plans to make changes in the organization of these areas.

(2) Consultations are organized at the initiative of the port manager. The port manager records the progress and content of the consultations.

[RT I, 15.03.2019, 4 - enters into force. 24/03/2019]

3

§ 32 . Resolution of complaints

(1) Complaints resulting from the application of Regulation (EU) 2017/352 of the European Parliament and of the Council shall be resolved by the Competition Authority.

(2) When resolving the complaint, the Competition Authority has the right to demand relevant information from the party. The information shall be submitted within the deadline set by the Competition Authority, which shall not exceed one month and may be extended by two weeks in justified cases.

(3) The Competition Authority makes a decision on the complaint within three months of receiving the relevant information. By decision, the Competition Authority dismisses the complaint or makes an injunction to eliminate the violation.

(4) The Competition Authority shall dismiss the complaint if:

- 1) the complaint is unsubstantiated or unsubstantiated;
- 2) the complainant does not allow the Competition Authority access to the information at his disposal, which is necessary to resolve the complaint, by the last set deadline;
- 3) based on the complaint, no violation is detected in the activities of the port operator.

(5) In the event of failure to comply with the injunction specified in subsection 3 of this section, the Competition Authority may impose a penalty of up to 3,500 euros in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Act.

[RT I, 15.03.2019, 4 - enters into force. 24/03/2019]

Chapter 6

PORT WITH NATIONAL DEFENSE TASKS

§ 33. Port with national defense tasks

(1) The Government of the Republic appoints by order a port with national defense tasks and a port with national defense tasks on the proposal of the minister responsible for the water area.

(2) The port with the tasks of national defense is closed for commercial shipping and related activities.

(3) On the basis of subsection 1 of this section, in order to designate a port owned by a private person as a port with national defense tasks, the Ministry of Defense must have a corresponding agreement concluded with the owner of the land area of the port on the use

of the port. In the case of the existence of an agreement and the designation of a port as a port with national defense tasks, the Ministry of Defense is deemed to be the keeper of such a 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, at the proposal of the minister responsible for the field, to establish by order restrictions on port services provided in another port for the period when ships performing national defense duties are in the port. The costs incurred by the port in connection with the imposed restrictions shall be borne by the person imposing the restriction.

§ 34. Harbor master of a port with National Defense duties

(1) The harbor master of a port with national defense duties is appointed to the position and dismissed from the position by the commander of the navy.

(2) In order to appoint a harbor master for a port with the duties of the National Defense, the candidate for the harbor master is certified in accordance with the Defense Service Act.

§ 35. Regulations of ports with national defense duties

(1) The rules of the port with the tasks of the National Defense shall be established by the commander of the defense forces or a commander authorized by him.

(2) The regulations of the port with National Defense duties must describe at least:

- 1) general data of the port;
- 2) organization of watercraft entering the port;
- 3) organization of water traffic in the water area of the port;
- 4) arrangement of watercraft parking in the port;
- 5) order for vessels to leave the port;
- 6) organization of medical assistance in the port;
- 7) fire safety requirements in the port and organization of rescue operations;
- 8) The procedure for summoning the rescue agency and other assistance-giving or supervising authorities.

[RT I, 29.12.2011, 1 - enters into force. 01.01.2012]

§ 36. Port security chief with National Defense duties

(1) The chief of security of the port with the duties of the National Defense is appointed to the position and dismissed from the position by the commander of the navy.

(2) The security officer of the port with the duties of the National Defense shall be certified in accordance with the Defense Service Act.

Chapter 7 PORT REGISTER

§ 37. Port register

(1) The port register is a database that keeps records of ports in order to ensure that state authorities have the necessary data for the performance of the sectoral management and organization tasks of water traffic safety, security and environmental protection arising from laws and other legislation, and for the exercise of state supervision.

(2) The port must be entered in the port register. The application for port registration in the port register is submitted by the port manager.

(3) The responsible processor of the port register is the Ministry of Climate. The port register is kept electronically.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(4) The detailed composition of the basic regulations for keeping the port register and the data to be entered in the register listed in § 38 subsection 1 of this Act shall be established by a regulation of the Government of the Republic .

§ 38. Data entered in the port register

(1) The following information about the port shall be entered in the port register:

- 1) personal or registry code and contact details of the port operator;
- 2) general information about the port, including the mission of the port and the main functions of the port;
- 3) port location data, including geographic coordinates;
- 4) data on the water area;
- 5) data on the land area of the port;
- 6) data on port buildings, floating quays and port facilities;
- 7) data on the security system of the port and port facility;

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

- 8) data on technical facilities of the port;
- 9) data on port navigation markings;
- 10) data on provided port services and port operators;
- 11) data on the groups of goods handled in the port;
- 12) data on the types and size of vessels served in the port;
- 13) data on the auxiliary fleet of the port;
- 14) data on the navigation period;
- 15) data on receiving ship waste in the port;

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

- 16) data on the execution of the environmental impact assessment and its results;

17) data on the state supervision carried out in the port, including the results of the state supervision and prescriptions issued by the official performing the state supervision;

18) if necessary, other information about the port that is consistent with the purpose of the register.

(2) The data entered in the port register are public, taking into account the restrictions arising from the law. Public data entered in the port register will be made available on the port register's website.

§ 39. Data providers to the port register

(1) Data are submitted to the port register by the port manager and, in the case of the data specified in clause 17 of § 38 (1) of this Act, by the supervisory authority performing state supervision in the port.

(2) If the data entered in the port register changes, the data provider must immediately submit the changed data to the Transport Authority or, if possible, make an entry in the port register himself.

(3) The data provider to the port register is responsible for the correctness of the data provided.

§ 40. Port registration in the port register

(1) In order to register a port in the port register, the port manager submits the data listed in clauses 1-16 of § 38 (1) of this Act to the Transport Board.

(2) The Transport Agency has the right to request additional documents and additional data if it is in accordance with the purpose of the register and is necessary for entering the port in the register.

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

(4) A state fee must be paid for port registration. A state fee shall be paid for changing a register entry, except for deleting a port from the port register, for changing a register entry made by the port manager, and for registering a small port specified in Clause 2, Clause 2 of § 1 of this Act.

(5) The list of data to be reflected in the port's registration application shall be established by regulation of the minister responsible for the field .

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 41. Deletion of a port from the port register

The port is deleted from the port register in the following cases:

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

1) [invalid - RT I, 31.05.2021, 1 - entry into force. 01.06.2021] 2) upon termination of the port operator from a legal entity without legal succession; 3) [invalid - RT I, 31.05.2021, 1 - entry into force. 01.06.2021] 4) if port services are terminated in the port. [RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

Chapter 8 STATE SUPERVISION

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 42. State supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

(1) State supervision over the reception of ship waste from ships and other watercraft in the port, the development and implementation of the port's ship waste reception and handling plan and the pollution control plan, including the supervision of Council Regulation (EC) No. 41/2007/EC, which determines by 2007 fishing opportunities for fish stocks and groups of fish stocks and the conditions that apply to Community waters and to Community fishing vessels in waters with fishing restrictions (OJ L 15, 20.01.2007, p. 1-213), for vessels that have been confirmed to engage in illegal fishing, food, fuel and other The Environmental Board is responsible for meeting the requirements for provision of services.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(2) State supervision over the transfer of ship waste from ships and other watercraft is carried out by the Environment Agency and the Transport Agency, taking into account, among other things, the provisions of the implementing regulation of the European Commission established on the basis of Article 11(2) of Directive (EU) 2019/883 of the European Parliament and of the Council.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(3) State supervision over the fulfillment of the requirements set forth in this Act and other legislation established on the basis thereof is carried out by the Transport Authority.

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(4) State supervision over the fulfillment of the requirements set forth in § 12 is carried out by the Consumer Protection and Technical Supervision Agency.

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

(5) State supervision over the fulfillment of the requirements of § 13 (4) of this Act is carried out by the State Information System Agency within the limits of competence provided for in the Cyber Security Act.

[RT I, 22.05.2018, 1 - enters into force. 23/05/2018]

§ 43. Special measures of state supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

(1) The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act in order to carry out the state supervision provided for in this Act, on the basis and according to the procedure provided for in the Law Enforcement Act.

[RT I, 03.03.2017, 1 - enters into force. 01.07.2017]

(2) [Repealed - RT I, 22.05.2018, 1 - entry into force. 23/05/2018]

1

§ 43 . Peculiarities of state supervision

The Environmental Board may also apply the special measures provided for in §§ 49 and 50 of the Law on Law Enforcement to identify and eliminate a significant threat and to eliminate disorder.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

2

§ 43 . Use of immediate coercion

The Environmental Board is allowed to use physical force on the basis and according to the procedure provided in the Law on Law Enforcement.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

§ 44. Rate of extortion money

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

(1) In the case of failure to comply with the precept, the law enforcement body may apply substitute enforcement or extortion money in accordance with the procedure provided for in the Substitute Enforcement and Extortion Money Act. The maximum amount of the fine is 960 euros for a natural person, 3200 euros for a legal person.

[RT I, 03.03.2017, 1 - enters into force. 01.07.2017]

(2) [Repealed - RT I, 22.05.2018, 1 - entry into force. 23/05/2018]

Chapter 9 RESPONSIBILITY

§ 45. Provision of port services without a designated water area

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

§ 46. Operation of the port without a certified harbor master

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

§ 47. Absence of port regulations and failure to update the regulations

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

§ 48. Violation of port and port facility security requirements

(1) Violation of the security requirements of the port and port facility - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 32,000 euros.

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

1

§ 48 . Violation of electronic security requirements

[Repealed - RT I, 22.05.2018, 1 - entered into force. 23/05/2018]

§ 49. Provision of port services in the port and port facility by a certified security officer of the port and port facility

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

§ 50. Violation of environmental protection requirements in the provision of port services

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

§ 51. Violation of the requirements for notification of ship waste and dangerous cargo and the transfer and acceptance of ship waste and dangerous cargo

[RT I, 03.01.2022, 3 - entered into force. 13.01.2022]

(1) For notifying a ship or other watercraft about ship waste and dangerous cargo or violating the requirements for the transfer or reception of ship waste and dangerous cargo, or failing to submit a notification to a ship or other watercraft about insufficient reception equipment -

shall be punished by a fine of up to 300 fine units.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with 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 a plan for receiving and handling ship emissions and cargo waste

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

§ 53. Lack of port pollution control plan and non-coordination of pollution control plan

[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 the port of a vessel included in the list of vessels engaged in illegal fishing

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

§ 55. Violation of cargo handling requirements

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

§ 56. Violation of port registration requirements

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

1

§ 56 . Failure to provide assistance to a passenger with disabilities or limited mobility at the port

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

shall be punished with a fine of up to 150 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine of up to 3,200 euros.

[RT I, 30.05.2013, 4 - enters into force. 09.06.2013]

2

§ 56 . Failure to notify the passenger of a canceled or delayed departure

(1) Failure to comply with the requirement set forth in Article 16 of Regulation (EU) No. 1177/2010 of the European Parliament and of the Council -

shall be punished with a fine of up to 150 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine of up to 3,200 euros.

[RT I, 30.05.2013, 4 - enters into force. 09.06.2013]

3

§ 56 . Failure to provide travel information at the port

(1) Failure to comply with the requirement set forth in Article 22 of Regulation (EU) No. 1177/2010 of the European Parliament and of the Council -

shall be punished with a fine of up to 150 fine units.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine of up to 3,200 euros.

[RT I, 30.05.2013, 4 - enters into force. 09.06.2013]

§ 57. Procedure

(1) The transport agency is the non-judicial processor of misdemeanors provided for in §§ 48 and 51 of this Act.

[RT I, 12.07.2014, 1 - enters into force. 01.01.2015]

1

(1) [Repealed - RT I, 22.05.2018, 1 - entered into force. 23/05/2018]

(2) The Environmental Board is the non-judicial investigator of the misdemeanor provided for in § 51 of this Act.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

1 3

(3) The out-of-court procedure for misdemeanors provided for in §§ 56 - 56 of this Act is the Consumer Protection and Technical Supervision Agency.

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

Chapter 10 IMPLEMENTATION PROVISIONS

§ 58. Submission of pollution control plans for approval

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

§ 59. Implementation of Chapter 7 of this Act

(1) The port registered in the port register before the entry into force of this Act shall be transferred by the authorized processor of the register to the port register established on the basis of this Act.

(2) The port manager of a port entered in the port register in subsection 1 of this section must review and update the register data by January 1, 2010 at the latest.

(3) A port that has not been entered into the port register before the entry into force of this Act must be entered into the port register by January 1, 2010 at the latest.

§ 60. Application of this Act to existing water areas

The water area established before the entry into force of this Act is valid until it is changed or revoked on the basis of this Act.

1

§ 60 . Activity permits issued before June 1, 2021

(1) The temporary operating license of the port security company issued before June 1, 2021 will become indefinite as of June 1, 2021.

(2) A person who has a valid operating license for the organization of training for shipowners and ship, port and port facility security officers issued before June 1, 2021, has the right to operate in the field of organization of training for port and port facility security officers as of June 1, 2021, based on the same license.

[RT I, 31.05.2021, 1 - enters into force. 01.06.2021]

2

§ 60 . Application of § 26 subsection 3 point 3 of this Act to previously approved ship waste and cargo waste acceptance and handling plans

The five-year term provided for in point 3 of § 26 (3) of this Act also applies to plans for the acceptance and handling of ship emissions and cargo waste approved by the Environmental Board before the entry into force of this section, less than three years have passed since their approval by the time this section enters into force.

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]

§ 61. – § 69. [Omitted from this text.]

1

Directive (EU) 2019/883 of the European Parliament and of the Council concerning port reception facilities for the transfer of ship waste and 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 strengthening port security (OJ L 310, 25.11.2005, pp. 28–39);
Directive 2009/16/EC of the European Parliament and of the Council concerning port state control (OJ L 131, 28.05.2009, pp. 57–100);
Directive 2010/65/EU of the European Parliament and of the Council, which deals with notification formalities for ships entering and leaving the ports of the Member States and which repeals Directive 2002/6/EC (OJ L 283, 29.10.2010, pp. 1–10).

[RT I, 03.01.2022, 3 - enters into force. 13.01.2022]