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## Weapons Act<sup>1</sup>

Passed 13.06.2001  
 RT I 2001, 65, 377  
 Entry into force 31.03.2002

Amended by the following acts

Passed	Published	Entry into force
17.10.2001	RT I 2001, 88, 531	01.07.2002
18.12.2001	RT I 2001, 102, 673	01.01.2002
13.03.2002	RT I 2002, 29, 175	31.03.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
11.12.2002	RT I 2002, 110, 653	01.04.2003
24.09.2003	RT I 2003, 66, 449	03.11.2003
17.12.2003	RT I 2003, 88, 594	08.01.2004
17.12.2003	RT I 2004, 2, 7	05.02.2004
25.02.2004	RT III 2004, 7, 70	25.02.2004
24.03.2004	RT I 2004, 25, 170	01.05.2004
14.04.2004	RT I 2004, 30, 208	01.05.2004
28.06.2004	RT I 2004, 54, 388	25.06.2004
20.04.2006	RT I 2006, 21, 162	01.06.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
10.01.2007	RT I 2007, 7, 38	05.02.2007
10.01.2007	RT I 2007, 7, 38	01.01.2008
24.01.2007	RT I 2007, 12, 66	01.01.2008
10.01.2007	RT I 2007, 7, 38	27.04.2007
24.01.2007	RT I 2007, 13, 69	15.03.2007
14.02.2007	RT I 2007, 24, 126	01.07.2007
21.11.2007	RT I 2007, 67, 414	28.12.2007
13.12.2007	RT I 2008, 1, 6	14.01.2008
20.12.2007	RT I 2008, 3, 24	17.02.2008
17.12.2008	RT I 2009, 4, 25	26.01.2009
26.03.2009	RT III 2009, 15, 109	26.03.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010; the words “police prefecture” replaced with the words “police authority”.
10.12.2009	RT I 2009, 63, 408	28.12.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/

16.06.2010	RT I 2010, 37, 223	EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
17.06.2010	RT I 2010, 43, 256	09.07.2010
14.12.2010	RT I, 27.12.2010, 7	28.07.2010
		14.12.2010 - the Constitutional Review Chamber of the Supreme Court declares § 43 (3) 2) of the Weapons Act in conjunction with § 36 (1) 6) of the Weapons Act unconstitutional and invalid to the extent it does not allow to consider the person who has been punished pursuant to criminal procedure and the act committed by him or her upon revoking his or her acquisition permit or weapons permit.
23.02.2011	RT I, 21.03.2011, 4	01.06.2011
17.02.2011	RT I, 21.03.2011, 2	01.01.2012 Repealed - [RT I, 29.06.2012, 2]
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
26.04.2011	RT I, 04.05.2011, 6	26.04.2011 - the Constitutional Review Chamber of the Supreme Court declares § 36 (1) 8) of the Weapons Act to be in conflict with § 19 (1) of the Constitution of the Republic of Estonia and invalid to the extent it does not allow to consider the person of a suspect or an accused or the facts which are the essence of the charges upon granting a weapons permit.
07.12.2011	RT I, 22.12.2011, 2	01.01.2012
08.12.2011	RT I, 22.12.2011, 3	23.12.2011 Repealed - [RT I, 29.06.2012, 2]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, partially 01.01.2014 and 01.11.2014; date of entry into force partially amended 01.07.2014 [RT I, 22.12.2013, 1]
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, partially 01.01.2013
28.02.2013	RT I, 20.03.2013, 1	01.04.2013
25.04.2013	RT I, 16.05.2013, 2	01.06.2013
23.05.2013	RT I, 28.05.2013, 8	23.05.2013 - the Constitutional Review Chamber of the Supreme Court declares § 41 (9) of the Weapons Act in conjunction with § 36 (1) 6) of the same Act unconstitutional and invalid to the extent it does not allow to consider the person who has been punished pursuant to criminal procedure and the act committed by him or her upon replacing his or her weapons permit or permit to carry a weapon.
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, partially 01.01.2015 and 01.01.2020
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 <sup>3</sup> (4) of the Government of the Republic Act.
18.02.2015	RT I, 19.03.2015, 2	29.03.2015
11.02.2015	RT I, 04.03.2015, 5	01.04.2015
18.02.2015	RT I, 12.03.2015, 4	01.10.2015, partially 01.03.2016

18.02.2015	RT I, 19.03.2015, 2	29.03.2015
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
14.02.2018	RT I, 09.03.2018, 1	01.07.2018, partially 19.03.2018 and 01.01.2019
13.06.2018	RT I, 29.06.2018, 3	01.07.2018
13.06.2018	RT I, 06.07.2018, 1	01.01.2019
20.11.2018	RT I, 12.12.2018, 1	01.01.2019
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019, partially 14.12.2019

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of Act

(1) For the purpose of ensuring public order and national security, this Act provides for the requirements for the handling of weapons, their components, ammunition and munition, the legal bases, procedure and liability for the grant of permission for weapons, their components, ammunition and munition to be used for civilian purposes, the use thereof for civilian purposes and the removal thereof from civilian use, the requirements for firing ranges and field firing ranges, and the bases and procedure for the exercise of state supervision in such areas.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(1<sup>1</sup>) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking into account the specifications provided for in this Act.

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

(1<sup>2</sup>) The General Part of the Economic Activities Code Act applies to the commencement, pursuit and termination of the economic activities of undertakings governed by this Act, taking into account the specifications provided for in this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(2) [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]

### § 1<sup>1</sup>. Definitions

(1) For the purposes of this Act, weapons are the weapons specified in § 11 of this Act.

(2) For the purposes of this Act, the handling of weapons and ammunition is the manufacture, sale, acquisition, owning, possession, storage, maintenance, carrying, conveyance, transport, import, export, transfer, succession, finding and destruction of weapons and ammunition, and the repair, conversion, dismantling and rental of weapons and the rendering of weapons inoperable.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

### § 2. Scope of application of Act

(1) This Act is not applied to:

1) items which are not constructed as or adapted to be weapons but which can be used as such;

1<sup>1</sup>) objects which are designed for alarm, signalling, life-saving, animal slaughter or tranquillising or for industrial or technical purposes provided that they can be used for the stated purpose only;

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

2) firearms which were manufactured before the year 1870 and replicas thereof, provided the ammunition specified in §§ 19 and 20 of this Act cannot be fired from them;

3) weapons which have been rendered inoperable and for which a document certifying deactivation set out in Annex III to Commission Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable (hereinafter *European Commission Implementing Regulation*) has been issued, unless otherwise provided by this Act;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

3<sup>1</sup>) weapons which have been rendered inoperable before 8 April 2016 and for which a declaration certifying deactivation has been issued under this Act, unless otherwise provided by this Act;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

4) military weapons which have been demilitarised according to the Strategic Goods Act, unless otherwise provided by this Act;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

4<sup>1</sup>) the import to and export from Estonia of military weapons, essential components thereof, ammunition and munition for military purposes under a special authorisation provided for in § 6 of the Strategic Goods Act;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

5) explosives and pyrotechnic articles in matters governed by the Explosives Act, with the exception of ammunition and pyrotechnic articles and munition for military purposes, unless otherwise provided by this Act;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

5<sup>1</sup>) devices which have a chamber and which have been manufactured solely for the purpose of firing blank cartridges or ammunition intended for giving out a pyrotechnic signal;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

6) blade devices which have been manufactured for household or everyday use and which lack the special characteristics specified in § 20 (2) 2) of this Act;

7) weapons collections of national and municipal museums, except in the case provided for in § 25 (10) of this Act;

8) weapons of official and ammunition therefor and munition in the possession of government authorities or the Defence League, unless otherwise provided by this Act;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

9) weapons allotted to the Defence League and ammunition therefor, unless otherwise provided by this Act or the Estonian Defence League Act;

10) weapons of official, and ammunition therefor, carried by an armed cabin crew member or an official of a competent authority of another country who has been involved in the activities of the police or the customs authorities on the basis of an international agreement or legislation of the European Union, except in the case provided for in § 31 of this Act;

11) weapons and ammunition owned by the state and used for the performance of expert analyses by the national forensic institution, except in the case provided for in § 10<sup>1</sup> of this Act.

(2) Chapters 8 and 8<sup>1</sup> of this Act are not applied to firearms deactivated in another country, brought to Estonia for the purpose of permanently possessing them here.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) The provisions of this Act pertaining to the European Union and European Union Member States are also applied to European Economic Area member countries and Switzerland.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 3. Classification of weapons and ammunition according to their field of application and characteristics**

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(1) According to their main field of application, weapons are divided as follows:

1) weapons of official are weapons which are prescribed by law to government authorities exercising public authority, to local government bodies and authorities and courts for the performance of their duties, to institutions of professional higher education for public defence for study purposes and for the performance of their duties as well as to the Defence League for the performance of their duties;

2) civilian weapons are weapons which, in general, are intended for hunting, engagement in corresponding sports, or the ensuring of safety.

(2) Weapons of official are divided as follows:

1) service weapons are weapons which are prescribed to government authorities exercising public authority, to local government bodies and authorities and courts for the performance of their duties and to institutions of professional higher education for public defence for study purposes and for the performance of their duties;

2) weapons of Armed Forces are weapons which are prescribed to authorities within the area of government of the Ministry of Defence for the performance of their duties.

(3) Military weapons are weapons used for military purposes or weapons constructed, manufactured, determined or adapted to be used for military purposes.

(4) Practice weapons are weapons of official which are specifically constructed or adapted for the discharge of a directed non-damaging or slightly damaging projectile and which use non-damaging or slightly damaging ammunition, and firearms used for practice which cannot be fired.

(5) The types of service weapons and their ammunition and munition and the procedure for the handling of and for handing over service weapons, their ammunition and munition and components of firearms shall be established by a regulation of the minister responsible for the field.

(6) The requirements and procedure for the handling of weapons of Armed Forces and their ammunition and munition and the procedure for handing them over shall be established by a regulation of the minister responsible for the organisation of national defence.

(7) The procedure established under subsection (5) of this section shall be applied to the service weapons of the prison service and to the handling and handing over of their ammunition and components, unless otherwise provided by the Imprisonment Act.

(8) Weapons of official, their ammunition and munition and components of firearms may be handed over according to the procedure established under subsections (5) and (6) of this section or § 71 (8) of the Imprisonment Act.

(9) The registry entry regarding a weapon of official indicates according to which procedure the weapon shall be handled and kept record over.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 3<sup>1</sup>. Armed cabin crew member and another country's official's weapon of official and ammunition therefor**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) The following types of weapons of official are allowed for an official of a competent authority of another country who has been involved in the activities of the police or the customs authorities on the basis of an international agreement or legislation of the European Union:

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

- 1) firearms;
- 2) gas weapons;
- 3) cut-and-thrust weapons;
- 4) pneumatic weapons.

(2) The types of weapons of official specified in clauses (1) 1), 3) and 4) of this section are allowed for an armed cabin crew member.

(3) The ammunition for a weapon of official is the ammunition used in the weapons of official listed in subsections (1) and (2) of this section.

(3<sup>1</sup>) An armed cabin crew member's weapon of official and another country's official's weapon of official and its ammunition may be imported to Estonia with the intention of taking the same goods back without altering them only on the basis of a notice issued by the relevant authority in Estonia.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(4) An armed cabin crew member and an official of a competent authority of another country may only use his or her weapon of official if the life of the official or another person is in danger. It is prohibited to use a weapon against a child, an elderly person or a woman who is clearly pregnant, except in order to counter or obstruct their armed or group attack or to disarm them.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5) The subtypes of an armed cabin crew member's and another country's competent authority's official's weapons of official and the procedure for the handling of another country's competent authority's official's weapons of official and their ammunition shall be established by a regulation of the minister responsible for the field.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

### **§ 4. Use of firearms in historical re-enactments or other public cultural events**

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

Firearms may be used in historical re-enactments or other public cultural events, including during filming and in performances, only by a person who holds a weapons permit on the basis of a single permit granted by the Police and Border Guard Board. Only blank cartridges may be used.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 5. Weapons and ammunition which form part of estate**

(1) Persons who come into possession of weapons and ammunition due to the death of the owner thereof are required to promptly hand over the weapons and ammunition to the police pursuant to the procedure established by § 44 (3) and (4) of this Act.

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

- (2) Within three months as of the date of acceptance of a succession, a successor has the right to:
- 1) submit an application for a weapons permit for a bequeathed weapon;
  - 2) submit an application for a bequeathed weapon to be rendered inoperable or for the establishment of its compliance with the deactivation requirements;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]
  - 3) transfer a bequeathed weapon and ammunition pursuant to the procedure provided for in this Act.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3) If a successor is denied a weapons permit for a bequeathed weapon, the successor is required to transfer the weapon and ammunition within three months as of the date of communication of the decision to deny the weapons permit.

(4) Weapons and ammunition which form part of an estate and the use of which is prohibited for civilian purposes but the collection of which is permitted may be transferred, pursuant to the procedure established by this Act, to the state or a person holding a collection permit.

(5) If the owner has not transferred a weapon or ammunition within the period of time established by subsection (2) or (3) of this section, the weapon or ammunition is subject to expropriation.

## **§ 6. Expropriation of weapons and ammunition**

(1) Expropriation is defined in this Act as the taking into state ownership of weapons and ammunition in the cases prescribed by this Act.

(2) Weapons and ammunition shall be expropriated for fair and immediate compensation. Compensation shall be paid to the owner or possessor of or the successor to the weapon or ammunition subject to expropriation.

(3) Expropriation is decided by the Police and Border Guard Board. The expropriation decision shall indicate the basis for expropriation, the amount of compensation payable and the recipient of the compensation. The decision shall be communicated to the recipient of the compensation.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3<sup>1</sup>) If the recipient of compensation does not reside at the address entered in the register and their actual whereabouts are unknown and the expropriation decision cannot be otherwise served on them, an official of the Police and Border Guard Board may publish the decision in the official publication *Ametlikud Teadaanded*.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3<sup>2</sup>) If an expropriation decision is published in the official publication *Ametlikud Teadaanded*, the personal data of the recipient of compensation disclosed are their given name, surname and personal identification code or, in the absence of the latter, their date of birth. The expropriation decision is deemed publicly delivered after the passing of 30 days from the date of its publication in the official publication *Ametlikud Teadaanded* or when the person confirms the receipt of the notice in the information system of *Ametlikud Teadaanded*.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) The procedure for the calculation and payment of compensation payable for weapons and ammunition subject to expropriation shall be established by a regulation of the Government of the Republic.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5) The procedure for the sale of expropriated weapons and ammunition shall be established by a regulation of the minister responsible for the field.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

## **§ 7. Weapons and ammunition in joint ownership**

(1) If, upon the division of the joint property of spouses, one of the spouses retains a weapon or ammunition which is registered in the name of the other spouse, he or she is required to promptly hand over the weapon or ammunition to the police pursuant to the procedure established by § 44 (3) and (4) of this Act.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Within three months as of the creation of the right of ownership to the divided property, the owner has the right to:

- 1) submit an application for a weapons permit for an acquired weapon;
- 2) submit an application for the weapon to be rendered inoperable or for the establishment of its compliance with the deactivation requirements;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 3) transfer the weapon and ammunition within three months pursuant to the procedure established by this Act.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3) If the issue of a weapons permit is denied, the weapon and ammunition shall be transferred within three months as of the date of communication of the decision on denial.

(4) If the owner has not transferred the weapon or ammunition within the period of time established by subsection (2) or (3) of this section, the weapon or ammunition is subject to expropriation.

(5) If a person specified in subsection (1) of this section holds a parallel weapons permit for the same weapon and he or she has conditions for the storage of the weapon which comply with this Act, he or she may keep the weapon and ammunition during the performance of the acts prescribed in subsections (2) and (3) of this section.

#### **§ 8. Weapons and ammunition which form part of bankruptcy estate**

(1) In the event of bankruptcy, the trustee in bankruptcy shall ensure that weapons and ammunition which form part of the bankruptcy estate are stored pursuant to the procedure and under the conditions established by this Act.

(2) Weapons and ammunition which form part of a bankruptcy estate may be transferred under the conditions and pursuant to the procedure established by this Act. A weapon transfer permit shall be issued on the basis of an application by the trustee in bankruptcy.

(3) If weapons or ammunition which form part of a bankruptcy estate cannot be transferred within six months after the declaration of bankruptcy, the weapons and ammunition shall be destroyed pursuant to the procedure provided for in § 83 of this Act.

(4) The requirements provided for in Division 3 of Chapter 11<sup>1</sup> of this Act are applied to military weapons and ammunition and munition for military purposes which form part of a bankruptcy estate.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 8<sup>1</sup>. Weapons and ammunition which are object of enforcement proceedings**

(1) In the course of enforcement proceedings, the bailiff shall ensure that the weapons and ammunition which are the object of the enforcement proceedings are stored pursuant to the procedure and under the conditions established by this Act.

(2) Weapons and ammunition which are the object of enforcement proceedings may be transferred under the conditions and pursuant to the procedure established by this Act. A weapon transfer permit shall be issued on the basis of an application by the bailiff.  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) Military weapons, ammunition and munition for military purposes or essential components thereof may not be seized or sold in enforcement proceedings.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 9. Finding of weapons and ammunition**

(1) A person who has found lost, buried, hidden or discarded weapons or ammunition and who has taken possession thereof shall promptly inform the police of the finding and hand over the weapons or ammunition to the police pursuant to the procedure established by § 44 (3) and (4) of this Act.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) The police shall publicly announce the finding of a weapon or ammunition within seven working days as of the day following the day on which the weapon or ammunition found is handed over to the police.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) If the owner or possessor of a found weapon or found ammunition has not been determined within six months after a public announcement, the finder has the right to gain ownership of the found weapon or ammunition unless it is established that the weapon has previously been used in illegal activities.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) Within three months as of the creation of the right of ownership to the found property, the owner has the right to:

1) submit an application for a weapons permit for an acquired weapon;

2) submit an application for the acquired weapon to be rendered inoperable or for the establishment of its compliance with the deactivation requirements;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

3) transfer the weapon and ammunition pursuant to the procedure established by this Act.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5) If a person is denied a weapons permit for a found weapon, the weapon and ammunition shall be transferred within three months as of the date of communication of the decision on denial.

(6) Found weapons and ammunition the use of which is prohibited for civilian purposes but the collection of which is permitted may be transferred, pursuant to the procedure established by this Act, to the state or a person holding a collection permit.

(7) If the finder of a weapon or ammunition has not transferred the weapon or ammunition within the period of time established by subsection (4) or (5) of this section, the weapon or ammunition is subject to expropriation.

#### **§ 10. Notification of repercussions of handling and use of weapons and of loss and destruction of weapons**

(1) If the handling or use of a weapon results in the death of a person or if a bodily injury or proprietary damage is caused to a person, the possessor of the weapon is required to promptly inform the police of the handling or use of the weapon.

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

(2) For the purposes of this Act, the use of a weapon is a direct and purposeful activity for hitting or damaging an object with a weapon.

(3) The possessor of weapons is required to promptly notify the police of every loss or destruction of a weapon.

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

#### **§ 10<sup>1</sup>. Handling of weapons and ammunition used for expert analyses in forensic institution**

The procedure for the handling of weapons and ammunition in state ownership which the forensic institution uses for expert analyses shall be established by a regulation of the minister responsible for the field.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

## **Chapter 2**

# **CLASSIFICATION OF WEAPONS AND AMMUNITION AND USE OF WEAPONS AND AMMUNITION FOR CIVILIAN PURPOSES. COMPONENTS OF FIREARMS**

[RT I 2010, 43, 256 - entry into force 28.07.2010]

#### **§ 11. Classification of weapons**

Weapons are classified as follows:

1) a firearm is a weapon or device which is intended or which can be adapted to discharge a directed projectile by the action of gas pressure caused as a result of propellant gases, combustion gases or explosive gases;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

2) a gas weapon is a weapon intended to cause short-term damage to living objects by means of irritant gases;

3) a pneumatic weapon is a weapon where the projectile receives an impulse for directed movement from the energy provided by compressed air or other compressed gases;

4) a cut-and-thrust weapon is a weapon intended to damage objects by means of muscular energy and in direct contact with the object to be damaged;

5) a projectile weapon is a weapon where the projectile receives an impulse for directed movement from human bodily energy or by means of a mechanical device;

6) an electric shock weapon is a weapon the effect of which is based on the use of electric energy;

7) an alarm and signal weapon is a device with a cartridge holder which is manufactured to fire only blanks or pyrotechnic signalling rounds and which is not capable of being adapted to expel a shot, bullet or projectile by the action of a combustible propellant;

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

8) an acoustic weapon is a firearm specifically converted or adapted for the sole use of firing blanks, for use mainly in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades or sporting events and training for them.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

#### **§ 12. Classification of firearms**

(1) Firearms are classified on the basis of their length and the length of their barrels as follows:

1) a gun is a firearm with an overall length of over 600 mm and a barrel length of over 300 mm;

2) a pistol is a firearm with an overall length of up to 600 mm (inclusive) and a barrel length of up to 300 mm (inclusive) and in which cartridges may be located in the magazine in one or more rows;

3) a revolver is a firearm with a cylinder and with an overall length of up to 600 mm (inclusive) and a barrel length of up to 300 mm (inclusive), and in which the cylinder simultaneously serves as a magazine and a chamber.

(2) Firearms are classified on the basis of the cartridges used as follows:

1) a firearm where centre-fire cartridges are used as ammunition;

2) a firearm where rimfire cartridges are used as ammunition.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) Firearms are classified by the characteristics of their bore as follows:

- 1) a firearm with a smoothbore barrel is a firearm with a smooth bore without rifling;
- 2) a firearm with a rifled barrel is a firearm with a bore with rifling;
- 3) a combination rifle-shotgun is a firearm with a combination of smoothbore and rifled barrels.

### **§ 13. Classification of gas weapons**

The types of gas weapons are:

- 1) gas spray;
- 2) gas pistols or gas revolvers, which are gas weapons intended to be fired only by means of a gas charge contained in a gas cartridge.

### **§ 14. Classification of pneumatic weapons**

The types of pneumatic weapons are:

- 1) pneumatic guns;
- 2) pneumatic pistols or pneumatic revolvers.

### **§ 15. Classification of cut-and-thrust weapons**

(1) The types of cut-and-thrust weapons are:

- 1) striking weapons (truncheons, telescopic truncheons, chain maces, steel whips, brass knuckles, etc.); [RT I 2009, 4, 25 – entry into force 26.01.2009]
- 2) thrusting weapons (daggers, bayonets, stilettos, etc.);
- 3) thrusting-cutting weapons (hunting knives, diving knives, bayonet knives, etc.);
- 4) thrusting-slashing weapons (swords, etc.).

(2) A truncheon is a striking weapon made of rubber or plastic and intended for self-defence and to prevent an attack by way of causing short-term damage to the attacker.

(3) [Repealed – RT I 2008, 1, 6 – entry into force 14.01.2008]

### **§ 16. Classification of projectile weapons**

The types of projectile weapons are:

- 1) crossbows, which are weapons where the projectile receives an impulse for directed movement by means of a mechanical device;
  - 2) sporting bows;
  - 3) underwater weapons (spearguns and underwater pistols);
  - 4) projectile weapons (projectile darts, projectile spikes, projectile knives).
- [RT I 2009, 4, 25 – entry into force 26.01.2009]

### **§ 17. Classification of ammunition**

(1) The classification of ammunition is based on the parameters of the weapon for which the ammunition is prescribed.

(2) The types of cartridges are:

- 1) [repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]
  - 2) centre-fire cartridges, which are cartridges where the incendiary substance needed to ignite the propellant is contained in the primer cap which is located at the centre of the cartridge base;
  - 3) rimfire cartridges, which are cartridges where the incendiary substance needed to ignite the propellant is located in the rim of the cartridge base;
  - 4) gas weapon cartridges.
- [RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) The components of a cartridge are:

- 1) propellant;
- 2) primer;
- 3) bullet;
- 4) shot;
- 5) cartridge case.

### **§ 18. Weapons and ammunition in unrestricted commerce**

(1) The following are weapons and ammunition in unrestricted commerce:

- 1) gas spray;
- 2) pneumatic weapons of a calibre of up to 4.5 mm (inclusive);
- 2<sup>1</sup>) alarm and signal weapons which comply with the technical requirements established on the basis of this Act and which are incapable of firing by means of a gas charge contained in a gas cartridge;  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]
- 3) hunting knives;
- 3<sup>1</sup>) bayonet knives;  
[RT I 2010, 37, 223 – entry into force 09.07.2010]
- 3<sup>2</sup>) bayonets;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 4) diving knives;
- 5) fencing weapons for sport (épée, sabre, foil, etc.);
- 6) cut-and-thrust weapons related to historical tradition in culture, martial arts or sports (sword, dagger, rapier, etc.), or replicas thereof;
- 7) crossbows;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 8) sporting bows;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 9) underwater weapons.

(2) Bullets, shots and cartridge cases are cartridge components in unrestricted commerce.

(3) This Act only applies to weapons and ammunition therefor in unrestricted commerce to the extent of subsections (4) through (9) of this section and § 10 (1) and § 28 (2) of this Act.  
[RT I 2008, 3, 24 – entry into force 17.02.2008]

(4) Weapons and ammunition therefor in unrestricted commerce shall not be acquired, owned, possessed, carried, stored or conveyed by persons under 18 years of age.

(5) Weapons specified in clauses (1) 2) and 4) through 9) of this section may be possessed, carried, stored or conveyed by persons who engage in corresponding sports and have attained at least ten years of age.

(5<sup>1</sup>) Weapons specified in clause (1) 8) of this section may be used for hunting purposes by a person at least 18 years of age pursuant to the procedure and under the conditions provided by the Hunting Act.  
[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(6) Only gas sprays filled with CS lacrimators CC or pepper gas (capsicin) are permitted. The concentration of the gas used in such sprays shall not exceed 5%.

(7) An activity licence provided for in § 66 of this Act is required for the manufacture and conversion of gas sprays, pneumatic weapons and alarm and signal weapons.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(8) Cut-and-thrust weapons specified in clause (1) 6) of this section may be carried and used with the aim of following historical tradition in culture, martial arts or sports, or to imitate combat which follows such tradition, provided that safety is ensured.

(9) Weapons in unrestricted commerce categorised as cultural objects shall be exported and conveyed in accordance with the Intra-Community Transport, Export and Import of Cultural Objects Act and legislation passed on the basis thereof.  
[RT I 2008, 3, 24 – entry into force 17.02.2008]

## **§ 19. Weapons and ammunition in restricted commerce**

(1) The following are weapons and ammunition in restricted commerce:

- 1) gas weapons, except for the gas sprays specified in § 18 (1) 1);
- 2) pneumatic weapons, except for the pneumatic weapons specified in § 18 (1) 2);
- 3) cut-and-thrust weapons, except for the cut-and-thrust weapons specified in § 18 (1) 3) through 6) and § 20 (2);
- 4) [repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 5) firearms, except for the firearms specified in § 20 (1);
- 6) acoustic weapons.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(1<sup>1</sup>) A military weapon which has been type approved according to § 23 of this Act and which has not been set out in § 20 (1) 5) or 7) or in the list established under subsection (5) of the same section as well as ammunition therefor may also be in restricted commerce.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) Weapons in restricted commerce may be acquired on the basis of an acquisition permit for weapons provided for in § 32 of this Act (hereinafter *acquisition permit*) followed by registration in the name of the

owner or possessor of the weapon, except if the weapon is acquired in order to engage in the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.  
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(3) Ammunition, propellants and primers intended for weapons in restricted commerce may be acquired on the basis of an acquisition permit or a weapons permit provided for in §§ 32 or 34 of this Act, except if the weapon is acquired in order to engage in the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.  
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## **§ 20. Weapons and ammunition prohibited for civilian purposes**

(1) The use of the following firearms is prohibited for civilian purposes:

- 1) firearms disguised as other objects;
- 2) [repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 3) firearms which can be folded (collapsed) or shortened to a greater extent than generally permitted for such type of weapon;
- 4) firearms which can be fired when disassembled;
- 5) automatic firearms which can produce full automatic fire with a single pull on the trigger;
- 6) firearms which do not bear the manufacturer's marking;
- 7) particularly dangerous weapons, grenade launchers and military weapons referred to in § 83<sup>3</sup>(1) 2) through 4) of this Act.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) The use of the following cut-and thrust weapons is prohibited for civilian purposes:

- 1) brass knuckles, knuckle knives, telescopic truncheons, chain maces, and also other objects specifically intended to cause bodily injuries;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]
- 2) cutting, thrusting and striking weapons which are disguised as other objects or hidden within other objects;
- 3) knives with a blade which is ejected by the force of a spring or gravity and which is then locked, and with a blade length of over 8.5 cm or a double-edged blade.

(3) The use of electric shock weapons for civilian purposes is prohibited.

(4) The use of the following ammunition is prohibited for civilian purposes:

- 1) gas pistol and gas revolver cartridges containing neuroparalytic substances or substances which induce skin damage, general intoxication or choking and which may cause damage to health to the extent where medical attention is required to eliminate the consequences of exposure;
- 2) armour-piercing ammunition, which means a firearm cartridge the bullet of which has an armour-piercing hard core;
- 3) ammunition with explosive projectiles, which means a firearm cartridge the bullet of which contains a charge which explodes upon impact with an obstruction;
- 4) ammunition with incendiary projectiles, which means a firearm cartridge the bullet of which contains a substance which ignites upon impact with an obstruction;
- 5) pistol or revolver cartridges with a hollow-pointed bullet;
- 6) ammunition for particularly dangerous weapons, grenade launchers and military weapons referred to in § 83<sup>3</sup>(1) 2) through 4) of this Act.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(5) The list of types of particularly dangerous weapons and ammunition shall be established by a regulation of the minister responsible for the field.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

## **§ 20<sup>1</sup>. Components of firearms**

(1) The components of a firearm are the barrel, frame, receiver, slide, cylinder, bolt, chamber, safety catch, adapter, and other components or spare components of firearms specifically designed for a firearm and essential to its operation.

(2) Silencers, laser sights and night sights, which are firearm accessories, are also deemed components of firearms.

(3) A silencer is a device intended to silence sounds created by the discharge of a firearm, which is permitted to be attached to a firearm and used in hunting or at a firing range or field firing range. The right to acquire a silencer arises under a weapons permit.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) A laser sight is a device intended to be installed on firearms where a laser beam is used for sighting. A laser sight may only be acquired, owned and possessed for the purposes of engaging in the corresponding sport.

(5) A night sight is a device intended to be used for sighting in insufficient light and which has an image converter or electronic amplifier. The use of night sights for civilian purposes is prohibited.

[RT I, 22.12.2011, 2 – entry into force 01.01.2012]

### **§ 21. Essential components of firearms**

(1) The essential components of a firearm are the barrel, the frame, the receiver, including both upper and lower receivers, where applicable, the slide, the cylinder, the bolt, the breech block and the adapter, which, being separate objects, are included in the category of the firearm on which they are or are intended to be mounted.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(1<sup>1</sup>) The essential components of a firearm are also unfinished blanks of the components specified in subsection (1) of this section and components which have been rendered inoperable in a non-conforming manner, and also other items which can, by taking advantage of their material or structure, be processed, converted or adapted into a component specified in subsection (1) of this section by using common technical means or tools.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) The procedure for the handling of any given type of firearm as established by this Act also applies to the handling of the essential components of such firearms unless this Act provides directly otherwise.

(3) A bolt is an essential component of a firearm which seals off the chamber and keeps the striker mechanism in respect of the chamber in a position intended for firing.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(4) An adapter is a barrel or changeable mechanism installed within the barrel of a firearm.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 22. [Repealed – RT I 2010, 43, 256 – entry into force 28.07.2010]**

## **Chapter 3 TYPE APPROVAL OF WEAPONS AND AMMUNITION. REGISTRATION OF WEAPONS**

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

### **§ 23. Type approval of weapons and ammunition**

(1) In the course of type approval of weapons and ammunition (hereinafter *type approval*) it is determined whether a particular model of weapon or cartridge or an essential component of a firearm is permitted to be used for civilian purposes, and the field of use is set on the basis of §§ 3 and 25 of this Act.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) An essential component of a firearm is type approved with the model of weapon on which the component is intended to be installed. Modifications of weapons and cartridges, and truncheons and weapons in unrestricted commerce are not subject to type approval.

(3) A weapon is deemed to be a model of weapon if:

- 1) its design and shape as a whole are unique; or
- 2) it is the original prototype of other weapons of the same design and shape manufactured by the same manufacturer and in its name the manufacturer's name or brand name is directly followed by at least one character distinguishing the model of weapon from other weapons of the same manufacturer.

(4) Ammunition is deemed to be a model of ammunition according to the calibre designation of the cartridge which indicates the general design of both the charge of ammunition and the cartridge case or refers to a weapon for the ammunition of which the model of ammunition was originally designed. The synonyms of calibre designations are deemed to be designations of the same model of ammunition.

(5) A firearm, gas weapon or pneumatic weapon is deemed to be a modification of the relevant weapon if:

- 1) the model of the weapon has been type approved;
- 2) the shape of the model of weapon and the modification of the weapon as well as the design and location of the mechanisms thereof are the same, except for specific changes for right-handed or left-handed use and the remaining design is identical to the model and only the calibre designation is different;
- 3) other design thereof is identical to the model of weapon but the dimensions are proportionally smaller;
- 4) other design thereof complies with the model of weapon but the barrel is longer or shorter; or

5) the differences between the model of weapon and the modification of the weapon are expressed in the finish and in the material of the gunstock or the grip or another supporting component.

(6) Cartridges are divided into modifications of cartridges on the basis of different charges of ammunition if:

- 1) the model of the cartridge (according to the calibre designation) has been type approved;
- 2) the design of its bullet is different;
- 3) the diameter of its shots or case-shots is different; or
- 4) it has other charge of ammunition.

(7) In the case of a lack of differences specified in clauses (6) 2) through 4) of this section, smoothbore cartridges with a cartridge case of a different length or material are deemed to be the same model and modification of cartridge.

(8) At the request of an interested party, type approval is performed upon the import of a weapon or ammunition into Estonia, upon the manufacture of a weapon or ammunition in Estonia, upon the transfer of a weapon or ammunition from another field of use, and also after the conversion of a weapon.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(9) At the request of an authority authorised to exercise supervision over the legality of the handling of weapons or to conduct criminal offence proceedings, type approval is performed if:

- 1) the issue, suspension, extension or replacement of permits issued on the basis of this Act is being decided;
- 2) the type of a weapon or ammunition must be determined or verified on the basis of Chapter 2 and §§ 3 and 25 of this Act.

(10) The type approval of a model of weapon and cartridge is performed on the basis of relevant technical documents and technical literature. The authority performing type approval has the right to demand that the person who initiated the type approval submit a specimen of the specific weapon or additional materials.

(11) The data concerning a model of weapon declared to be a civilian weapon as a result of type approval is entered in the list of type approvals in the Register of Service and Civilian Weapons as a model of civilian weapon the use of which is permitted for civilian purposes. The data concerning a modification of weapon is entered in the Register of Service and Civilian Weapons without type approval. On the basis of a registry entry, cartridges concerning which information on the manufacturer and charge of ammunition has been entered in the Register of Service and Civilian Weapons are deemed to be ammunition for a civilian weapon. Models of weapons and ammunition the use of which was permitted for civilian purposes before 31 March 2002 and their modifications are deemed to be type approved unless otherwise determined by a registry entry.

(12) The type approval of models of weapons and cartridges the use of which is prohibited for civilian purposes and their modifications is only performed for registering the collection of the corresponding weapon or cartridge.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(13) The procedure for the performance of type approval shall be established by a regulation of the minister responsible for the field.

(14) Type approval shall be performed by an authority authorised by a regulation of the Government of the Republic.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

## **§ 24. Register of Service and Civilian Weapons**

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(1) Weapons in restricted commerce, all weapons in collections of weapons and cartridges and deactivated weapons and service weapons shall be entered in the Register of Service and Civilian Weapons the purpose of which is to collect and retain information about service and civilian weapons permitted for civilian purposes, collections of weapons and cartridges and deactivated weapons which have arrived in Estonia and which are located in Estonia and about their owners and possessors as well as type approved models of weapons and cartridges and their modifications.

(1<sup>1</sup>) Information on applying for a permit provided for in §§ 26, 32 and 34 of this Act which enables electronic processing of the permit shall be entered in the Register of Service and Civilian Weapons.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) An undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) of this Act shall enter in the Register of Service and Civilian Weapons information that ensures the traceability of military weapons, their essential components, ammunition and munition.

(3) The controller of the Register of Service and Civilian Weapons is the Police and Border Guard Board. The processor is determined in the statutes of the Register.

(4) The statutes of the Register of Service and Civilian Weapons shall be established by a regulation of the minister responsible for the field.

(5) Information concerning weapons, including deactivated firearms, registered in the name of a person in the Register of Service and Civilian Weapons, their owner and permit issued on the basis of this Act has legal effect until such information is deleted.

(6) The following shall not be entered in the Register of Service and Civilian Weapons:

- 1) weapons in unrestricted commerce;
- 2) truncheons;
- 3) weapons manufactured for export;
- 4) weapons in transit;
- 5) cut-and-thrust weapons, pneumatic weapons and electric shock weapons included in service weapons.

(7) A weapon shall be entered in the Register of Service and Civilian Weapons upon its import into Estonia or its delivery from its Estonian producer to the person in Estonia who ordered the weapon and upon each registration of the weapon in the name of the owner or possessor thereof.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018, the wording of subsection (2) is applied as of 1 January 2021.]

## § 24<sup>1</sup>. Register of Weapons of Armed Forces

(1) Weapons of Armed Forces shall be entered in the Register of Weapons of Armed Forces the purpose of which is to keep record of weapons acquired for the Defence Forces for military action and for authorities within the area of government of the Ministry of Defence for the performance of their duties.

(2) The controller of the Register of Weapons of Armed Forces is the Ministry of Defence.

(3) The statutes of the Register of Weapons of Armed Forces shall be established by a regulation of the minister responsible for the organisation of national defence.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## Chapter 4 COLLECTION OF WEAPONS

### § 25. Collections of weapons and cartridges

(1) A collection of weapons and cartridges (hereinafter *collection*) is an organised set of weapons and cartridges with historical or cultural value which is used or which it is possible to use as an exhibition or for research.

(2) A collection may be founded and maintained by an at least 18-year-old citizen of Estonia, alien who holds an Estonian residence permit, or a legal person registered in Estonia on the basis of a collection permit for weapons and cartridges (hereinafter *collection permit*) issued by the Police and Border Guard Board.

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

(3) All firearms, cut-and-thrust weapons, cartridges, essential components of firearms, silencers, and laser and night sights may be collected, with the exception of the following:

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

- 1) brass knuckles, knuckle knives, bayonets, and also other objects specifically intended to cause bodily injuries;
- 2) weapons the effect of which is based on the use of electric energy, radioactive emissions or biological factors;
- 3) ammunition with explosive projectiles, ammunition with incendiary projectiles, ammunition for particularly dangerous weapons, and ammunition containing neuromuscular substances or substances which induce skin damage, general intoxication or choking;

[RT I 2007, 7, 38 – entry into force 27.04.2007]

4) munition;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

5) firearms with a rifled barrel of a calibre exceeding 12.7 mm and ammunition for firearms with a rifled barrel of a calibre exceeding 12.7 mm.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(4) Weapons which are part of a collection shall be registered in the prefecture of the residence or seat of the collector pursuant to the procedure established in § 33 of this Act. Information concerning registered weapons shall be entered on the collection permit.

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

(5) It is prohibited to carry a weapon which is part of a collection, except on the basis of a weapons permit for a weapon or a permit to carry a weapon which is part of a collection and the use of which is permitted for civilian purposes.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(6) Weapons and cartridges which are part of a collection shall be stored, conveyed, transferred and transported under the conditions and pursuant to the procedure established by this Act.

(7) Firearms which are part of a collection shall be stored in a weapons storage room under the conditions and pursuant to the procedure provided for in § 46 of this Act.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(8) Weapons and cartridges which are part of a collection may be exhibited in a weapons storage room. Outside a weapons storage room, weapons and cartridges which are part of a collection may be exhibited on the basis of a single permit issued by the Police and Border Guard Board, which also sets out the conditions for the exhibition of the weapons and cartridges.

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

(9) Exhibited weapons shall be located in locked showcases or showcases which are closed mechanically or they shall be securely attached to the floor, a wall or another structural member of the building. Exhibited cartridges shall be located in locked showcases or showcases which are closed mechanically.

(10) The procedure for the maintenance of weapons collections by state and municipal museums shall be established by a regulation of the minister responsible for the field.

## **§ 26. Collection permit**

(1) A natural or legal person who wishes to found or maintain a collection shall submit a corresponding application to the Police and Border Guard Board. The application shall set out the aim of the collection, the type of the weapons and cartridges to be collected and the conditions in which they will be stored. A natural person shall annex the documents specified in § 35 (2) 2) through 5) of this Act to the application and a legal person shall annex the documents specified in § 37 (2) 2) through 5) of this Act to the application.

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

(2) Before a collection permit is issued to a natural person, the applicant shall pass an examination on his or her knowledge regarding weapons as prescribed in § 35 (5) of this Act.

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

(3) An application shall be reviewed no later than within two months as of the date of submission of all the required documents and payment of the state fee.

(4) An application by a natural person for a collection permit may be denied if any of the circumstances provided for in § 36 (1) of this Act exist, except for those provided for in clause 3) of the same subsection. An application by a legal person for a collection permit may be denied if any of the circumstances provided for in § 40 (1) of this Act exist.

(5) A collection permit shall set out the types of weapons and cartridges permitted to be collected and also the weapons which are part of the collection and which have been registered at the Police and Border Guard Board.

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

(6) A collection permit shall be issued for a term of ten years after which it may be extended for a further similar term.

(7) The Police and Border Guard Board may revoke a collection permit if:

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

- 1) so requested by the owner of the weapons collection;
- 2) the owner of the weapons collection no longer complies with the requirements provided for in this Act;
- 3) the owner of the weapons collection is deceased, declared to be dead or missing, or declared a fugitive by a court or a pre-trial investigation authority;
- 4) the legal person is dissolved;
- 5) the collection permit has been lost;
- 6) the owner of the weapons collection has, on at least two occasions within the past three years, violated the requirements of this Act or legislation issued on the basis thereof with which the owner is required to comply, or has failed to comply with the requirements of a precept issued to the owner.

(8) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

(9) Upon the expiry or revocation of a collection permit, the requirements of § 44 of this Act apply, whereupon the weapons and cartridges to be handed over to the police may be deposited in a weapons storage room of the owner of the collection which shall be sealed by the police.

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

(10) The standard format for collection permits shall be established by a regulation of the minister responsible for the field.

### **§ 27. Acquisition of weapons for collection**

(1) Weapons shall be acquired for collections on the basis of an acquisition permit provided for in § 32 of this Act. An acquisition permit is issued on the basis of a collection permit. Cartridges shall be acquired for a collection on the basis of a collection permit.

(2) An application for an acquisition permit shall be submitted to the Police and Border Guard Board. The application shall set out the type and mark of the weapon to be acquired and, in the case of a registered weapon, also its marking. The following shall be appended to the application:

- 1) a collection permit, which shall be returned to the holder of the permit.
- 2) [repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

(2<sup>1</sup>) Before the submission of an application, the applicant shall pay a state fee.

(3) The procedure established by §§ 35 and 37 of this Act does not extend to the application for an acquisition permit for a weapon to be acquired for a collection.

(4) The import of weapons and ammunition for a weapons collection and the export of weapons and ammunition shall take place pursuant to the procedure established by § 60 (2) and (6) of this Act, and the conveyance of weapons and ammunition shall take place pursuant to the procedure established by § 62<sup>2</sup>(2) and § 62<sup>3</sup>(1) of this Act. The import, export, transit and provision of services of weapons included in the list of strategic goods specified in § 2 (10) of the Strategic Goods Act (hereinafter *weapons which are strategic goods*) and weapons prohibited for civilian purposes and ammunition therefor shall take place pursuant to the procedure established by the Strategic Goods Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Chapter 5 ACQUISITION, OWNING AND POSSESSION OF WEAPONS AND AMMUNITION**

### **§ 28. Purpose of weapons permitted for natural persons**

(1) A natural person may acquire, own or possess a weapon for the following purposes:

- 1) hunting;
- 2) engaging in corresponding sports;
- 3) ensuring safety (protecting himself or herself and his or her property);
- 4) pursuing a profession;
- 5) collecting;
- 6) historical re-enactments or enactment of cultural events.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) The use of a weapon shall not violate the rights of other persons or public order.

### **§ 29. Types of weapons permitted for Estonian citizens**

(1) An Estonian citizen may acquire, own and possess the following types of weapons:

1) a person who is at least 18 years of age may acquire, own and possess a sporting firearm, a pneumatic or projectile or cut-and-thrust weapon, except for a truncheon, for engaging in corresponding sports, a hunting firearm for hunting, and a gas weapon and a smoothbore weapon for ensuring safety (protecting himself or herself and his or her property), and an acoustic weapon for historical re-enactments or enactment of cultural events;

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

2) a person of at least 21 years of age may acquire, own and possess all weapons specified in clause (1) 1) of this section for the same purposes, and a combination or rifled barrel gun, a pistol or a revolver for ensuring safety.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(1<sup>1</sup>) If more than eight firearms acquired for the sole purpose of ensuring safety are owned, the provisions of § 25 (4) through (7) of this Act concerning collection are also applied to such weapons.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) A sporting firearm is a firearm intended to be used in internationally recognised sports involving shooting. A person may acquire, own and possess a sporting firearm, provided he or she is a member of a sports organisation engaged in corresponding sports.

(2<sup>1</sup>) A person may acquire, own and possess a pneumatic, cut-and-thrust or projectile weapon for engaging in corresponding sports, provided he or she is a member of a sports club engaged in corresponding sports or a member of a non-profit association which, according to its articles of association, is also engaged in corresponding sports.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(2<sup>2</sup>) A person may acquire, own and possess an acoustic weapon:

1) for historical re-enactments if the person is a member of a company, non-profit association or foundation which is entered in the Estonian commercial register or non-profit associations and foundations register and an activity of which according to its articles of association is historical re-enactment; or

2) for other cultural purposes if, for the purposes of the Performing Arts Institutions Act, the person is an employee of a performing arts institution or a member of a legal person which is a company, non-profit association or foundation entered in the Estonian commercial register or non-profit associations and foundations register and an activity of which according to its articles of association is organisation of events for the public where it may be necessary to use an acoustic weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(3) A hunting firearm is a gun with a smoothbore barrel, a gun with a rifled barrel or a combination gun, pistol or revolver which is intended for hunting. A gun with a smoothbore or rifled barrel or a combination gun intended for hunting must be equipped with a safety catch which is easy to engage. A person may acquire, own and possess a hunting firearm, provided he or she holds a hunting certificate.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(4) For the purposes of attending a sports event held in Estonia or hunting in Estonia, a person may give a weapon and ammunition registered pursuant to the procedure established by this Act to the disposal of another person for up to five 24-hour periods of time, provided the other person holds a weapons permit issued for such type of hunting firearm or sporting firearm. Upon verification, it must be possible to promptly prove that the weapon and ammunition were given to the disposal of the person by the owner of the weapon. If necessary, an instrument of delivery and receipt shall be prepared, setting out the following:

1) information on the weapon;

2) personal details of the owner and user of the weapon, information on the weapons permit, and contact details;

3) the time the weapon was handed over and received.

(5) The owner of the weapon and the user of the weapon shall prepare and sign the instrument in two original copies, one for the owner of the weapon and the other for the user of the weapon.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

### **§ 30. Types of weapons permitted for aliens**

(1) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) An alien who holds an Estonian residence permit or who resides in Estonia on the basis of a right of residence may acquire, own and possess weapons listed in § 29 (1) of this Act if he or she has been issued with a weapons permit in Estonia on the bases and pursuant to the procedure prescribed in this Act for natural persons.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2<sup>1</sup>) An Estonian weapons permit is issued to an alien who is not a citizen of a Member State of the European Union if there is no suspicion that he or she may endanger the safety or security of the Republic of Estonia.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) An alien who is staying legally in Estonia, who is not specified in subsection (2) of this section and who is at least 18 years of age may, on the basis of an acquisition permit issued by the Police and Border Guard Board, acquire a weapon or ammunition for the purpose of taking the weapon or ammunition out of Estonia on the condition that he or she holds a permit issued by a competent authority of the state of his or her permanent residence for the acquisition of such type of weapon or ammunition and that he or she assumes the obligation to take the weapon or ammunition with him or her upon departure from Estonia.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) An alien who is staying in Estonia for a sports event, exercises or hunting may acquire ammunition on the basis of a written application made by the person who or agency which invited him or her and upon the submission of a temporary weapons import permit. The quantity of ammunition acquired on any single occasion shall not exceed the quantity indicated in § 46 (5) of this Act.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(5) An employee of a diplomatic or consular representation of a foreign state who is a foreign citizen may acquire, own and possess a weapon, except for a truncheon, pursuant to the procedure provided by this Act on the basis of a permit issued by the Police and Border Guard Board on the application of the Ministry of Foreign Affairs and on the condition that he or she holds a weapons permit issued by the state of his or her citizenship.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(6) While attending a sports event, hunting or performing historical re-enactments in Estonia, an alien may use a firearm and ammunition registered in the name of another person pursuant to the procedure established by this Act, provided he or she holds a weapons permit for such type of firearm.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 31. Purpose, types and quantity of weapons permitted for legal persons**

(1) A legal person may acquire, own or possess weapons for the following purposes:

- 1) in-house guarding;
- 2) engaging in corresponding sports or in hunting;
- 3) studying subjects related to weapons;
- 4) collecting;
- 5) providing security services;
- 6) sale, manufacture, storage, conversion or repair of weapons permitted by an activity licence;

[RT I 2007, 7, 38 – entry into force 27.04.2007]

7) historical re-enactments or enactment of cultural events.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) The rights granted to and the obligations imposed on legal persons by this Act also apply to sole proprietors and state and local government authorities.

(3) The following weapons may be acquired and owned for the provision of security services or for in-house guarding:

[RT I 2007, 7, 38 – entry into force 27.04.2007]

- 1) guns with a smoothbore barrel;
- 2) guns with a rifled barrel;
- 3) pistols;
- 4) revolvers;
- 5) gas pistols;
- 6) gas revolvers;
- 7) truncheons.

(4) The quantities of weapons, by type of weapon, permitted for the provision of security services and for in-house guarding shall be determined by the Police and Border Guard Board on the basis of a written application, taking into account the nature of the guarded and protected objects, the degree of threat and the storage conditions for firearms. The total number of firearms and gas weapons and the number of truncheons intended for the provision of security services and for in-house guarding shall not be greater than 10 per cent of the number of employees directly engaged in the guarding or protection of objects.

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

(5) For the purposes of engaging in sports involving shooting, the number of sporting firearms, pneumatic weapons and crossbows owned or possessed shall not exceed 200.

(5<sup>1</sup>) An acoustic weapon may be acquired, owned and possessed:

- 1) for historical re-enactments if the relevant legal person is a company, non-profit association or foundation which is entered in the Estonian commercial register or non-profit associations and foundations register and an activity of which according to its articles of association is historical re-enactment; or
- 2) for other cultural purposes if, for the purposes of the Performing Arts Institutions Act, the relevant person is a performing arts institution or a legal person which is a company, non-profit association or foundation entered in the Estonian commercial register or non-profit associations and foundations register and an activity of which according to its articles of association is organisation of events for the public where it may be necessary to use an acoustic weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(6) For the purposes of hunting, two hunting firearms may be owned or possessed per employee involved in hunting.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(7) For the purposes of studying subjects related to weapons, the number of guns, pistols and revolvers owned or possessed shall not exceed 50.

### **§ 32. Acquisition permit for weapons**

(1) An acquisition permit is required to acquire weapons and ammunition in restricted commerce, except in the cases provided for in §§ 5 and 7 and § 9 (3) of this Act, and to engage in the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.  
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(2) An acquisition permit grants the holder thereof the right to acquire a weapon of the type set out on the permit, and subsequently to store and convey the weapon until it is registered, and also to acquire corresponding ammunition in the quantity specified in § 46 (5) of this Act.  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) An acquisition permit shall be issued to a person who applies for permission to acquire a weapon by the Police and Border Guard Board.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(4) An acquisition permit is only granted for the acquisition of the type of weapon which corresponds to the purpose for which permission to acquire a weapon is applied for.

(5) An acquisition permit consists of Parts A, B, C and D, which have the following purposes:  
1) Part A remains with the seller of the weapon;  
2) Part B is the source document for the registration of the weapon and issue of a weapons permit and shall remain with the prefecture which registers the weapon;  
3) Part C remains with the prefecture which issues the acquisition permit;  
4) Part D remains with the owner of the weapon and gives the owner the right to convey the weapon from the place of its acquisition to a prefecture and the place of its storage and for the storage of the weapon until a weapons permit or special permission to take the weapon out of Estonia is obtained. Part D of an acquisition permit shall be returned to the prefecture when a weapons permit or special permission to take the weapon out of Estonia has been obtained.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(6) On each part of an acquisition permit, the issuer of the permit shall enter information concerning the acquirer of the weapon and the type of weapon and the number of weapons permitted to be acquired. On Parts A, B and D of the acquisition permit, the seller of the weapon shall enter information concerning the weapon being sold and the seller of the weapon.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(7) An acquisition permit is valid for three months as of its date of issue. A permit may be extended for three months if an application for extension is submitted before the expiry of the permit. Upon the expiry of an acquisition permit, a new acquisition permit shall be applied for.

(8) The holder of an acquisition permit is required to promptly notify a police authority if the permit is destroyed or lost.

(9) The standard format for acquisition permits shall be established by a regulation of the minister responsible for the field.

### **§ 33. Registration of weapons**

(1) A person who has acquired a weapon is required to register the weapon at the prefecture of the residence or seat of the person within seven working days as of the date on which the weapon was acquired or, if the weapon was acquired in a foreign state, as of the date of the weapon entering Estonia.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) A weapon shall be registered on the basis of the acquisition permit on which the seller of the weapon has entered information concerning the weapon being sold.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) If a weapon is acquired in any other manner permitted by law, the acquisition permit and a document proving the legality of the acquisition shall be presented for registration of the weapon. An acquisition permit is not required for the registration of a weapon which is succeeded to, found, in joint ownership, or specified in § 34 (9) of this Act.  
[RT I, 20.03.2013, 1 – entry into force 01.04.2013]

(4) Upon the registration of a weapon, the prefecture may require the presentation of the weapon to verify that the information entered on the acquisition permit or other document proving the legality of its acquisition corresponds to the weapon.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4<sup>1</sup>) If a firearm acquired under the Estonian Defence League Act is applied to be entered in the Register of Service and Civilian Weapons, the Defence League shall confirm in writing the owner of the weapon as well as the fact that the weapon will be removed from the Register of Weapons of Armed Forces after its entry in the Register of Service and Civilian Weapons.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(4<sup>2</sup>) The police authority shall inform the Defence League in writing of the entry of a weapon provided for in subsection (41) of this section in the Register of Service and Civilian Weapons.

[RT I, 20.03.2013, 1 – entry into force 01.04.2013]

(5) Upon the registration of a weapon, a register book shall be prepared concerning each owner or possessor of the weapon (hereinafter *weapon register book*).

(6) A weapon register book shall be maintained at the prefecture of the residence or seat of the owner or possessor of the weapon. If the weapons are located at the place of business of the owner or possessor of the weapon and the place of business is located in the jurisdiction of another prefecture, a weapon register book shall also be maintained at the prefecture of the place of business of the owner or possessor.

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

(7) All documents concerning the application for, issue of, refusal to issue, extension, suspension and revocation of the acquisition permit and weapons permit shall be entered in the weapon register book, as well as documentation concerning the acquisition, conversion and transfer of the weapon, verification that the owner or possessor of the weapon meets the requirements provided for in this Act or legislation issued on the basis thereof and inspection of the storage conditions for the weapon.

(8) During the time a weapon is being registered, the owner or possessor of the weapon may deposit the weapon with the police or store the weapon at the residence or seat of the person pursuant to the procedure and under the conditions established by this Act.

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

(9) The provisions of this section do not extend to weapons acquired for the purposes specified in § 31 (1) 6) of this Act.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

#### **§ 34. Weapons permit**

(1) The Police and Border Guard Board issues a weapons permit on paper or electronically on the basis of a verbal decision made by an official to a person:

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

- 1) who has submitted to the Police and Border Guard Board the documents set out in § 35 (2) of this Act;
- 2) concerning whom no circumstances precluding the grant of a weapons permit provided for in § 36 (1) and (4) of this Act have been established;
- 3) who has passed the examination specified in § 35 (5) of this Act.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1<sup>1</sup>) A person applying for a weapons permit for an acoustic weapon for the purpose set out in § 28 (1) 6) of this Act shall submit to the Police and Border Guard Board a statement that the person is:

1) a member of a company, non-profit association or foundation which is entered in the Estonian commercial register or non-profit associations and foundations register and an activity of which according to its articles of association is historical re-enactment; or

2) for the purposes of the Performing Arts Institutions Act, an employee of a performing arts institution or a member of a legal person which is a company, non-profit association or foundation entered in the Estonian commercial register or non-profit associations and foundations register and an activity of which according to its articles of association is organisation of events for the public where it may be necessary to use an acoustic weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) A weapons permit held by a natural person grants the holder of the permit the right to handle the weapon entered on the weapons permit or a weapon of the same type and its ammunition as well as a silencer and a laser sight under the conditions and pursuant to the procedure provided for in this Act and legislation established on the basis thereof. A weapons permit only indicating the type of the weapon grants the holder thereof the right to acquire ammunition for a weapon taken into use on the basis of an instrument of delivery and receipt concerning the grant of use of the weapon.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2<sup>1</sup>) The weapon registered in the name of a person and the type of weapon permitted for the person shall be entered on the weapons permit held by a natural person on the basis of § 11 (1) through (5) and § 12 (1) 1) through 3) of this Act.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) Several weapons permits may be issued for a weapon belonging to a natural person. A weapons permit issued to a natural person who is not the owner of the weapon is called a parallel weapons permit.

(4) A parallel weapons permit shall be granted to one or two natural persons if the owner of the weapon has granted written authorisation for the person or persons specified to use the weapon belonging to the owner.

(5) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(6) A weapons permit held by a legal person grants the holder of the permit the right to acquire corresponding ammunition and silencer, to store and convey (transport) the weapon, silencer and ammunition, and to issue the weapon and ammunition to be carried by its employees or to issue the weapon, silencer and ammunition to be carried by a member of an Estonian shooting sports organisation (hereinafter *shooting sports organisation*) pursuant to the procedure and under the conditions provided for in this Act and legislation issued on the basis thereof.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(7) A weapons permit is valid for up to five years. The term of validity of a weapons permit may not exceed the term of validity of the medical certificate issued to the person. The validity of a parallel weapons permit is limited by the validity of the weapons permit held by the owner of the weapon, and a parallel weapons permit becomes invalid upon the revocation of the weapons permit held by the owner of the weapon or upon a corresponding application of the owner of the weapon. In such a case the person has the right to replace the parallel weapons permit with a weapons permit.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(8) A weapons permit shall be issued for a shorter period of time:

- 1) if so requested by the applicant;
- 2) to a person who is staying in Estonia for less than five years;
- 3) to a legal person whose specified term of activity is less than five years.

(8<sup>1</sup>) The validity of a weapons permit issued to an alien holding a temporary residence permit or a temporary right of residence shall not exceed the validity of his or her residence permit or right of residence. Upon the revocation of the residence permit or the termination of the right of residence, the weapons permit shall be revoked.

(9) A person who has been awarded a weapon registered in his or her own name pursuant to the procedure provided by law shall be granted a weapons permit for the weapon without a specified term of validity.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(10) The holder of a weapons permit is required to promptly notify the police in writing if the permit is destroyed or lost.

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

(11) The standard format for weapons permits, including the standard format for parallel weapons permits, shall be established by a regulation of the minister responsible for the field.

### **§ 35. Application by natural person for acquisition permit or weapons permit**

(1) An application submitted by a natural person for an acquisition permit or a weapons permit shall be reviewed by the Police and Border Guard Board no later than within two months as of the date of submission of all the required documents and payment of the state fee.

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

(2) In order to obtain an acquisition permit or a weapons permit, an applicant is required to submit:

1) a written application which sets out the purpose and the mark or type of weapon or the specific weapon which the applicant wishes to acquire and, in the case of an application for a parallel weapons permit, also the owner;

2) documents which prove that the applicant meets the requirements provided for in § 29 or § 30 of this Act;

3) a medical certificate;

[RT I 2007, 7, 38 – entry into force 27.04.2007]

4) two photographs measuring 3×4 cm or grant their consent for the use of their photograph in the database of identity documents;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

5) [repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

6) a document which proves the completion of at least a 16-hour first aid training course carried out by a health care professional who has completed a training course for first aid trainers and who holds a certificate to that effect.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2<sup>1</sup>) Before the submission of an application for an acquisition permit or a weapons permit, the applicant shall pay a state fee.

(3) [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]

(4) An applicant for a parallel weapons permit shall also submit the written consent of the owner of the weapon for the applicant to use the owner's weapon on the basis of a parallel weapons permit.

(5) An acquisition permit or a weapons permit may be issued to a person who has passed an examination consisting of a theory test and a test on handling weapons (hereinafter *weapons examination*). If an acquisition permit or a weapons permit for a gas weapon or an acoustic weapon is applied for, the test on handling weapons need not be taken in the course of the weapons examination. Weapons examination results are valid for one year as of the date of the examination.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(5<sup>1</sup>) The weapons examination shall be taken in Estonian. If the person is not proficient in Estonian, he or she may take the theory test in another language with the assistance of an interpreter, whereas the costs of translation shall be covered by the person who wished to take the examination.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(5<sup>2</sup>) Before taking the weapons examination the person is required to pay a state fee. If only the theory test or the test on handling weapons is taken in the course of the weapons examination, a state fee shall only be paid for that part of the weapons examination.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(6) The requirements and procedure for the weapons examination and the procedure for the grant of an acquisition permit or a weapons permit shall be established by a regulation of the minister responsible for the field.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(7) The requirements provided for in clause (2) 3) and in subsection (5) of this section do not apply to:

- 1) police officers, prison officers and active servicemen who have the right to carry a service or weapon of Armed Forces and who meet the health requirements set for entering police, prison or active service;
- 2) assistant police officers who have been granted the right to carry a firearm on the basis and pursuant to the procedure provided for in § 12 of the Assistant Police Officer Act and who meet the health requirements set for becoming an assistant police officer;
- 3) active members of the Defence League who hold a permit to carry a weapon allotted to the Defence League and who have a current medical certificate provided for in § 35<sup>1</sup> of this Act;
- 4) persons specified in § 30 (3) and (5) of this Act.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(7<sup>1</sup>) When the persons specified in clauses (7) 1) through 3) of this section have submitted the documents set out in clauses (2) 1), 2) and 4) of this section, a document certifying the right to carry a weapon, and a medical certificate or a confirmation issued by an authority concerning compliance with health requirements, they are issued with a decision on the grant of an acquisition permit or a weapons permit on the basis of a verbal decision made by an official. A document confirming the compliance with health requirements must set out its term of validity.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(8) If a holder of a weapons permit wishes to acquire a weapon of the same type during the validity of the weapons permit, the holder is not required to undergo a new medical examination or retake the weapons examination. Considering the length of the firearm as well as of the barrel upon acquiring a firearm of a different type, the holder of a weapons permit is required to pass a test on handling the firearm.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(9) Before taking the test on handling firearms specified in subsection (8) of this section the person is required to pay a state fee.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(10) If an acquisition permit or a weapons permit for a weapon specified in § 19 (1) 1), 2), 3) or 6) of this Act is applied for by a person who holds a weapons permit for the handling of a weapon specified in clause 5) of the same subsection, the weapons examination provided for in subsection (5) of this section need not be taken during the validity of said weapons permit.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(11) If an acquisition permit or a weapons permit for a weapon specified in § 19 (1) 5) of this Act is applied for by a person who holds a weapons permit for the handling of a weapon specified in clause 1), 2), 3) or 6) of the same subsection, the theory test provided for in subsection (5) of this section need not be taken during the validity of said weapons permit.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 35<sup>1</sup>. Medical examination of applicant for acquisition permit or weapons permit**

(1) An applicant for an acquisition permit or a weapons permit shall undergo a medical examination the purpose of which is to verify that he or she does not have any health disorders specified in § 36 (1) 1) through 3) of this Act.

(1<sup>1</sup>) A medical examination must not take place any earlier than three months before applying for an acquisition permit or before applying for a weapons permit if no acquisition permit must be applied for before.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) Medical examinations shall be arranged and medical certificates shall be issued by family physicians with the involvement of medical specialists.

(2<sup>1</sup>) A medical certificate is valid for up to five years.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3) A medical examination shall take place at the expense of the applicant for an acquisition permit or a weapons permit.

(4) The procedure for medical examinations of applicants for an acquisition permit or a weapons permit, the list of health disorders precluding the issue of a permit, and the requirements for the content and format of a medical certificate shall be established by a regulation of the Government of the Republic.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

### **§ 35<sup>2</sup>. Collection of information through surveillance activities and making enquiry to communications undertaking**

(1) If in order to acquire or own a firearm an acquisition permit or a weapons permit is applied for by an alien who holds an Estonian residence permit or who resides in Estonia on the basis of a residence permit, the police may, with the written consent of the applicant, collect personal data concerning the applicant through surveillance activities specified in § 126<sup>3</sup>(1) of the Code of Criminal Procedure and by an enquiry to an electronic communications undertaking for obtaining information provided for in § 111<sup>1</sup>(2) and (3) of the Electronic Communications Act if it is necessary in order to decide on the grant of a permit.

(2) A person shall be notified of the activity prescribed in subsection (1) of this section conducted with respect to the person after making of a decision and he or she shall be introduced, at his or her request, information collected by the activity.  
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

### **§ 36. Circumstances precluding grant of acquisition permit or weapons permit to natural person**

(1) An acquisition permit or a weapons permit shall not be granted to a natural person:

- 1) who suffers from a mental or behavioural disorder caused by the use of narcotic drugs or psychotropic substances;
- 2) who suffers from a severe mental disorder;
- 3) who suffers from a physical disability which prevents him or her from adequately handling the weapon applied for by him or her;
- 4) who evades service in the Defence Forces;
- 5) whose active legal capacity is restricted and to whom, therefore, a guardian has been appointed;
- 6) who has been punished for a criminal offence against life or health, for a criminal offence relating to firearms or ammunition or for a criminal offence committed by using a weapon or by threatening to use a weapon or for a criminal offence provided for in §§ 231–239 or §§ 241, 244, 246, 251, 255, 256 or 424 of the Penal Code;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

- 7) who has been punished pursuant to misdemeanour procedure for violating requirements provided by legislation governing the acquisition, storage, carrying, transport or use of weapons, essential components of firearms or ammunition;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

- 8) who is suspected or accused of a criminal offence against life or health, of a criminal offence relating to firearms or ammunition or of a criminal offence committed by using a weapon or by threatening to use a weapon or of a criminal offence provided for in §§ 231–239 or §§ 241, 244, 246, 251, 255, 256 or 424 of the Penal Code;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

- 9) who, upon applying for an acquisition permit or a weapons permit, has knowingly submitted false information which is of material importance to the decision on whether to issue a permit;

- 10) who lacks the conditions prescribed by this Act for the storage of weapons and ammunition;

[RT I 2007, 7, 38 – entry into force 27.04.2007]

11) who has been punished pursuant to misdemeanour procedure for driving a power-driven vehicle, off-road vehicle or a tram when exceeding maximum permitted level of alcohol in the bloodstream, or for piloting an aircraft, sailing a watercraft or driving a rail vehicle while being intoxicated by alcohol;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

11<sup>1</sup>) who has been punished pursuant to misdemeanour procedure for the unlawful handling of small quantities of a narcotic drug or a psychotropic substance;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

12) [repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

13) [repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

14) who has been punished pursuant to misdemeanour procedure for discarding his conscript service obligation or reservist training;

[RT I 2007, 7, 38 – entry into force 27.04.2007]

14<sup>1</sup>) who fails to participate as a call-up selectee in the assessment of his or her state of health by the medical commission of the Defence Resources Agency, fails to enter conscript service or neglects the obligation to attend reservist training;

[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

15) who is not performing their obligation to provide maintenance to their child.

[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

(1<sup>1</sup>) Clause (1) 15) of this section shall apply if a court ruling made under clause 177<sup>2</sup>(1) 3) and subsection 1772 (2) of the Code of Enforcement Procedure has entered into force in respect of the person.

[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

(1<sup>2</sup>) Clause (1) 10) of this section shall not be applied if the applicant for a parallel weapons permit does not store weapons in their place of storage.

[RT I, 09.03.2018, 1 – entry into force 01.01.2019]

(1<sup>3</sup>) Clause (1) 14<sup>1</sup>) of this section shall be applied if on the basis of an application provided for in § 33<sup>1</sup>(5) or § 71<sup>1</sup>(5) of the Military Service Act an administrative court has given permission to refuse the grant of an acquisition permit or a weapons permit to a person who holds an acquisition permit or a weapons permit.

[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(2) The prohibition provided for in clauses (1) 6), 7), 11), 11<sup>1</sup>) and 14) of this section does not apply to a person if information concerning his or her punishment has been expunged from the criminal records database pursuant to the Criminal Records Database Act, and the prohibition provided for in clause (1) 15) of this section shall be terminated if a court ruling made under subsection 1775 (1) of the Code of Enforcement Procedure has entered into force in respect of the person.

[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

(2<sup>1</sup>) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2<sup>2</sup>) The prohibition provided for in clause (1) 14<sup>1</sup>) of this section shall be terminated when the circumstances of refusing the grant of an acquisition permit or a weapons permit to a person cease to exist and the Defence Resources Agency or the Defence Forces have notified the Police and Border Guard Board thereof and it does not arise otherwise from the ruling of the administrative court.

[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(3) [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]

(4) In addition to the bases for refusal indicated in subsection (1) of this section, an issuer of permits may refuse to grant an acquisition permit or a weapons permit:

1) to a person if less than five years have passed since the revocation of a weapons permit previously issued to the person and if the revocation of the permit was due to the loss of the weapon or a violation of the requirements provided for in legislation regulating the storage, carrying or use of weapons and ammunition;

2) to a person to whom the issue of an acquisition permit has previously been refused if less than two years have passed since the refusal and if the refusal was due to the circumstances specified in clauses (1) 8) through 10) of this section;

3) to a person who is not suitable to acquire or own a weapon due to his or her lifestyle or behaviour which jeopardises the security of himself or herself or other persons;

4) to a person in respect of whom there is reasonable doubt that he or she may endanger the national security of the Republic of Estonia;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

5) to a person who has been punished for an offence committed repeatedly if information concerning his or her punishment has not been expunged from the criminal records database according to the Criminal Records Database Act;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

6) to a person who was declared to be a suspect or an accused in criminal proceedings which were terminated on the basis of § 202, 203<sup>1</sup> or 205 of the Code of Criminal Procedure.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4<sup>1</sup>) In the case provided for in clause (4) 6) of this section, the grant of a permit may be refused until the performance of the obligation imposed on the person under § 202 (2) of the Code of Criminal Procedure or until the expiry of the period of time provided for in § 203<sup>1</sup>(5) or § 205 (2) of the Code of Criminal Procedure. [RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(5) A decision to issue or deny an acquisition permit or a weapons permit shall be communicated to the applicant within ten days as of the date on which the decision is made.

### **§ 36<sup>1</sup>. Application for weapons permit by alien**

(1) An alien specified in § 30 (2) of this Act who wishes to obtain an Estonian weapons permit shall submit the application and documents set out in § 35 (2) of this Act to the Police and Border Guard Board. The Police and Border Guard Board shall review the application within two months as of the date of receipt of all the required documents and payment of the state fee. [RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) If processing an application requires additional clarification of circumstances relevant to the proceedings, the Police and Border Guard Board may extend the time-limit for proceedings by 30 days at a time. The Police and Border Guard Board may also extend the time-limit for proceedings on a reasoned request of the person specified in subsection (1) of this section. [RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(4) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4<sup>1</sup>) An alien specified in § 30 (2) of this Act shall submit a statement issued by a competent authority of the state of his or her citizenship concerning the information provided for in § 36 (1) 6), 7) and 8) of this Act (statement concerning his or her criminal record). [RT I 2007, 7, 38 – entry into force 27.04.2007]

(4<sup>2</sup>) The document specified in subsection (4<sup>1</sup>) of this section shall be legalised or authenticated by a certificate replacing legalisation (Apostille), unless otherwise provided by an international agreement. [RT I 2007, 7, 38 – entry into force 27.04.2007]

(5) Documents in foreign languages which are appended to an application shall be submitted together with a translation into Estonian done by a sworn translator or authenticated by a notary. [RT I, 23.12.2013, 1 – entry into force 01.01.2014]

### **§ 37. Application by legal person for acquisition permit or weapons permit**

(1) An application submitted by a legal person for an acquisition permit or a weapons permit shall be reviewed by the Police and Border Guard Board within two months as of the date of submission of all the required documents and payment of the state fee. [RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) An applicant for an acquisition permit or a weapons permit is required to submit:

- 1) a written application which sets out the reasons as to why the weapons are needed and indicates the purpose, mark or type and number of weapons which the applicant wishes to acquire;
- 2) a copy of a decision made by the legal person concerning the appointment of a person responsible for weapons and ammunition and of his or her substitute;
- 3) a certificate setting out the given name, surname, personal identification code, residence, position and telephone number of the person responsible and of his or her substitute, and information regarding the examination having been passed by such persons;
- 4) the articles of association (statutes) of the legal person;
- 5) [repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]
- 6) a list setting out the given name, surname, personal identification code and residence of the persons who are to carry the weapons and who comply with the requirement established by § 51 (1) of this Act;
- 7) a list of guarded objects which sets out the addresses, contact persons and telephone numbers of the objects if the weapon is applied for in order to provide security services or in-house guarding;
- 8) a description of the place of storage and the storage conditions of the weapons.
- 9) [repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

(2<sup>1</sup>) If a weapons permit or an acquisition permit is applied for providing security services on a ship flying the flag of Estonia entered into the ship registry maintained by Estonian court, the applicant is required to present the name of the guarded ship, the official number of the ship, the name of the owner of the ship, the personal

identification code or registry code of the owner of the ship, the name and phone number of the contact person and the name and phone number of the master of the ship instead of that set out in clause (2) 7) of this section. [RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3) Before applying for an acquisition permit or a weapons permit, the applicant shall pay a state fee. [RT I 2002, 61, 375 – entry into force 01.08.2002]

### **§ 38. Persons responsible for weapons and ammunition of legal person**

(1) A person responsible for the weapons and ammunition of a legal person (hereinafter *person responsible*) shall ensure that the weapons and ammunition of the legal person are handled according to this Act and legislation issued on the basis thereof and that the handling complies with the conditions set out in the corresponding permit.

(2) A person responsible or a substitute therefor must be a citizen of a European Union Member State who is at least 21 years of age and who holds a valid weapons permit or a permit to carry a weapon. [RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 39. Appointment of person responsible and expiry of his or her authority**

(1) A person responsible shall be appointed by a written decision of the legal person. If the legal person has a structural unit within another administrative unit, a person responsible shall also be appointed for weapons and ammunition in the structural unit and the requirements provided for in § 38 (2) of this Act apply to the person. A copy of the decision shall be sent to the Police and Border Guard Board within three working days. [RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) The authority of a person responsible expires upon his or her release from employment or it shall be terminated when the person no longer meets the requirements provided for in § 38 (2) of this Act or he or she has violated the requirements of this Act or legislation established on the basis thereof. A notification of the expiry of authority shall be sent to the Police and Border Guard Board within three working days. [RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) Upon the expiry of the authority of a person responsible, his or her substitute shall be promptly appointed as an acting person responsible and an inventory of weapons and ammunition shall be conducted. A new person responsible shall be appointed no later than within two months as of the expiry of the authority of the former person responsible.

(4) The appointment of a person responsible does not release the management board or body substituting for the management board of a legal person from the responsibility of ensuring that weapons and ammunition related activities comply with this Act and other legislation.

### **§ 40. Circumstances precluding grant of acquisition permit or weapons permit to legal person**

(1) An acquisition permit or a weapons permit shall not be granted to a legal person:

- 1) who, upon applying for a permit, has knowingly submitted false information which is of material importance to the decision on whether to issue a permit;

- 2) who lacks the conditions prescribed by this Act for the storage of weapons and ammunition;

- 3) who, on at least two occasions during the past three years, has violated the procedure for the storage, transport or transfer of weapons or ammunition or the procedure for the registration of weapons or the issue of weapons for carrying;

- 4) who has not complied with a precept issued by a supervisory body concerning compliance with the requirements of this Act and legislation issued on the basis thereof;

- 5) if the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person has been punished in Estonia for a criminal offence against the state or a criminal offence against humanity or international security, except for criminal offences provided for in §§ 245, 247 and 249 of the Penal Code, regardless of whether or not the information concerning the punishment has been deleted from the criminal records database;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

- 6) if there is reason to believe that the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person has committed a criminal offence against humanity or a war crime;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

- 7) if there is information or reason to believe that the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person belongs to a criminal organisation or a terrorist organisation or that they have committed or may commit an act of terrorism or that they are associated with financing or supporting an act of terrorism or with money laundering;

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

8) if there is reason to suspect that the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person may endanger the security of the Republic of Estonia.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(1<sup>1</sup>) The Police and Border Guard Board may refuse to grant an acquisition permit or a weapons permit to a legal person:

1) if the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person is a fugitive or suspected or accused of committing fraud, an offence relating to office or money laundering or tax fraud or a criminal offence relating to explosives, pyrotechnic articles, firearms or ammunition;

2) if the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person is suspected or accused of or has committed a criminal offence relating to narcotics and information concerning their punishment has not been deleted from the criminal records database according to the Criminal Records Database Act;

3) if the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person has been punished pursuant to misdemeanour procedure for committing a misdemeanour relating to office or money laundering or tax fraud or a misdemeanour relating to explosives, pyrotechnic articles, firearms or ammunition and information concerning their punishment has not been deleted from the criminal records database according to the Criminal Records Database Act;

4) if there is reason to believe that the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person has had special training for landing operations or acts of diversion or sabotage or other special training that has provided knowledge and skills which can be directly applied in setting up and training illegal armed units.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(2) A decision to issue or deny an acquisition permit or a weapons permit to a legal person shall be communicated to the applicant within ten days as of the date on which the decision is made.

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

#### **§ 41. Replacement of weapons permit and permit to carry weapon**

(1) A weapons permit shall be replaced on the basis of an application submitted by the holder of the permit and a permit to carry a weapon shall be replaced on the basis of an application submitted by the relevant legal person upon the expiry of the permit, or in the case the permit becomes unusable, or in the case the data concerning the owner of the weapon or the holder of the permit changes, or in the case the permit or weapon is lost or destroyed, or upon a change in the location of the weapons storage room.

(2) Upon the expiry of a parallel weapons permit on the grounds specified in § 34 (7) of this Act and upon the expiry of a permit to carry a weapon on the grounds specified in § 53 (6) of this Act, the holder of the permit has the right to replace the permit with a new weapons permit within three months as of the date of expiry of the permit.

(3) In order for a weapons permit or a permit to carry a weapon to be replaced, the following shall be submitted to the Police and Border Guard Board:

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

1) a written application which sets out the reasons for replacement;

2) the weapons permit to be replaced if issued on paper or permit to carry a weapon to be replaced, except in the case the permit is lost or destroyed;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

3) a photograph measuring 3×4 cm or consent for the use of the photograph in the database of identity documents shall be granted;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

4) a medical certificate in connection with the expiry of the weapons permit or permit to carry a weapon.

(3<sup>1</sup>) If a weapons permit which sets out only the ensuring of safety (self-protection and protection of property) as the purpose of the weapon is replaced due to expiry, the person is required to take the test on handling firearms specified in § 35 (5) of this Act.

[RT I, 09.03.2018, 1 – entry into force 01.01.2019]

(3<sup>2</sup>) Before taking the test on handling firearms specified in § 35 (5) of this Act the person is required to pay a state fee.

[RT I, 09.03.2018, 1 – entry into force 01.01.2019]

(4) The holder of a weapons permit or a permit to carry a weapon shall pay a state fee before the replacement of the permit.

(5) The requirement provided for in clause (3) 4) of this section does not apply to the persons specified in § 35 (7) 1) and 2) of this Act if they present a document certifying their right to carry a weapon and a medical certificate or a confirmation issued by an authority concerning compliance with health requirements. A document confirming the compliance with health requirements must set out its term of validity.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5<sup>1</sup>) The requirement provided for in subsection (3<sup>1</sup>) of this section does not apply to persons specified in § 35 (7) 1) through 3) of this Act if they present a document certifying their right to carry a weapon.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(6) The documents specified in subsection (3) of this section shall be submitted to the Police and Border Guard Board at the following times:

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

- 1) upon the expiry of the weapons permit or permit to carry a weapon—at least one month prior to the expiry;
- 2) in the case the weapons permit or permit to carry a weapon becomes unusable—immediately after the permit becomes unusable;
- 3) in the case the data concerning the owner of the weapon or the holder of the weapons permit or permit to carry a weapon changes or the location of the weapons storage room is changed—within seven working days as of the changing of the data or the location;
- 4) in the case the weapons permit or permit to carry a weapon or the weapon is lost or destroyed—within seven working days as of the receipt of a decision provided for in § 43 (5) of this Act;
- 5) in the case the parallel weapons permit or permit to carry a weapon is replaced with a weapons permit—within three months as of the date of expiry of the permit.

(7) Upon the replacement of a parallel weapons permit, the applicant shall also submit the written consent of the owner of the weapon for his or her weapon to be used on the basis of a parallel weapons permit.

(8) Before the replacement of a weapons permit, the holder of the weapons permit shall prove the existence of the weapons indicated on his or her weapons permit.

(9) A weapons permit or a permit to carry a weapon is issued if there are no circumstances precluding the issue of a permit provided for in § 36 or § 40 of this Act.

(10) In the case a weapons permit or a permit to carry a weapon becomes unusable or is lost or destroyed, or in the case data concerning the weapon or the holder of a weapons permit changes or in the case the location of the weapons storage room is changed, and also in the case a parallel weapons permit or a permit to carry a weapon is replaced with a weapons permit, the new permit shall be issued for the period of validity indicated on the permit to be replaced.

(11) The former weapons permit on paper or permit to carry a weapon shall be preserved in the weapon register book, unless the permit is lost or destroyed.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

#### **§ 42. Formalisation of amendments and changes**

(1) The following shall be formalised at the Police and Border Guard Board:

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

1) amendments to the data concerning a weapon (type, mark, calibre, marking) arising from the conversion of the weapon. Prior permission for the conversion of the weapon is required from the Police and Border Guard Board;

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

2) amendments relating to the change of name of the owner or possessor of the weapon or change of location of the place of storage of the weapons;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

3) amendments to other data subject to entry in the Register of Service and Civilian Weapons.

(2) For the purposes of formalising amendments and changes, the documents specified in § 41 (3) of this Act shall be submitted to the Police and Border Guard Board and a state fee shall be paid. The application shall set out the new data concerning the weapon, the new name and residence or seat of the owner or possessor of the weapon, the new address of the place of storage of the weapon and any other amended or changed data.

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

(3) The Police and Border Guard Board shall make corresponding entries in the weapon register book and the Register of Service and Civilian Weapons and shall issue a new weapons permit.

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

(4) If the owner or possessor of a weapon resettles to the jurisdiction of another prefecture, a corresponding notice shall be made in the weapon register book and the register book together with all materials included therein shall be forwarded to the prefecture of the new residence or seat of the owner or possessor of the weapon.

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

(5) The prefecture of the new residence or seat of the owner or possessor of the weapon shall make the necessary entries in the weapon register book and the Register of Service and Civilian Weapons and promptly notify the prefecture where the weapon was registered in writing of the entries made. The prefecture which receives such a notice shall delete the weapon and its owner or possessor from its records.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

#### **§ 43. Suspension and revocation of acquisition permit or weapons permit**

(1) The Police and Border Guard Board shall suspend an acquisition permit or a weapons permit if:  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

1) the holder of the permit has been punished pursuant to misdemeanour procedure for driving a power-driven vehicle, off-road vehicle or a tram when exceeding maximum permitted level of alcohol in the bloodstream, or for piloting an aircraft, sailing a watercraft or driving a rail vehicle while being intoxicated by alcohol;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

1<sup>1</sup>) the holder of the permit has been punished pursuant to misdemeanour procedure for the unlawful handling of small quantities of a narcotic drug or a psychotropic substance;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

2) the holder of the permit is a fugitive or suspected or accused of a criminal offence against life or health, of a criminal offence relating to firearms or ammunition or of a criminal offence committed by using a weapon or by threatening to use a weapon or of a criminal offence provided for in §§ 231–239 or §§ 241, 244, 246, 251, 255, 256 or 424 of the Penal Code;  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

2<sup>1</sup>) there is reasonable doubt that the holder of the permit may jeopardise the security of himself or herself or other persons by his or her lifestyle or behaviour;  
[RT I 2010, 43, 256 – entry into force 28.07.2010]

3) it is established in the course of an inspection that the holder of the permit lacks the conditions prescribed by this Act for the storage of weapons and ammunition;

4) the legal person has failed, without good reason, to comply with a precept issued by a supervisory body concerning compliance with the requirements of this Act and legislation issued on the basis thereof;

5) the handling or use of the weapon by the person has caused the death of a person or damage to the health of a person or proprietary damage to a person;  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

6) [repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]  
7) if there is another circumstance specified in § 40 (1) 5) through 8) of this Act in respect of the legal person's shareholder or a member of the legal person's supervisory board or management board or another person who has control of the management of the legal person;  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

8) the holder of the permit fails to participate as a call-up selectee in the assessment of his or her state of health by the medical commission of the Defence Resources Agency, fails to enter conscript service or neglects the obligation to attend reservist training.  
[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(1<sup>1</sup>) In the case specified in clauses (1) 1) and 1<sup>1</sup>) of this section, the acquisition permit or weapons permit shall be suspended for a period of six months to one year.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(1<sup>2</sup>) In the cases specified in clause (1) 5) of this section, the weapons permit shall be suspended until the person has passed a new medical examination and a medical certificate has been issued to him or her.  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

(1<sup>3</sup>) The Police and Border Guard Board may suspend an acquisition permit or weapons permit if criminal proceedings against the holder of the permit have been terminated on the basis of § 202, 203<sup>1</sup> or 205 of the Code of Criminal Procedure. The permit may be suspended until the performance of the obligation imposed on the person under § 202 (2) of the Code of Criminal Procedure or until the expiry of the period of time provided for in § 2031 (5) or § 205 (2) of the Code of Criminal Procedure.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(1<sup>4</sup>) A person's weapons permit shall be suspended if a court ruling made under § 177<sup>2</sup>(1) 3) of the Code of Enforcement Procedure has entered into force in respect of the person.  
[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

(1<sup>5</sup>) In the cases provided for in § 40 (1<sup>1</sup>) 1) through 4) of this Act the Police and Border Guard Board may suspend the acquisition permit or a weapons permit of a legal person.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(1<sup>6</sup>) In cases specified in clause (1) 8) of this section, an acquisition permit or a weapons permit is suspended if on the basis of an application provided for in § 33<sup>1</sup>(5) or § 71<sup>1</sup>(5) of the Military Service Act an administrative court has given permission to suspend the acquisition permit or weapons permit.  
[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(2) The suspension of an acquisition permit or a weapons permit is terminated after the circumstances which served as the basis for the suspension cease to exist or upon the revocation of the permit pursuant to the procedure provided for in subsection (3) of this section.

(2<sup>1</sup>) The suspension of a weapons permit provided for in § 1772 (1) 3) of the Code of Enforcement Procedure shall be terminated if a court ruling made under § 1775 (1) of the Code of Enforcement Procedure has entered into force in respect of the person.  
[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

(2<sup>2</sup>) The Police and Border Guard Board terminates the suspension of an acquisition permit or weapons permit specified in subsection (1<sup>6</sup>) of this section when the grounds for suspension cease to exist and the Defence Resources Agency or the Defence Forces have notified the Police and Border Guard Board thereof and it does not arise otherwise from the ruling of the administrative court.  
[RT I, 06.07.2018, 1 – entry into force 01.01.2019]

(3) The Police and Border Guard Board shall revoke an acquisition permit or a weapons permit if:  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

1) so requested by the holder of the permit or the owner of the weapon;  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

2) the holder of the permit no longer meets the requirements established by this Act, or a circumstance specified in § 36 (1) 1) through 7), 9) or 10) or § 40 (1) of this Act arises;

3) the weapon is subject to seizure;

4) the holder of the permit dies or is declared missing;

5) the weapon is lost or destroyed;

6) the weapon has become unusable to an extent which does not enable it to be restored, or if the owner or possessor of the weapon does not wish for the weapon to be restored;

7) the acquisition permit or weapons permit is lost or destroyed;

8) the legal person is dissolved or the agency is liquidated;

9) the owner or possessor of the weapon has, on at least two occasions within the past three years, violated the requirements of this Act or legislation issued on the basis thereof or has failed to comply with the requirements of a precept issued to the owner or possessor.

10) [repealed – RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3<sup>1</sup>) The Police and Border Guard Board may revoke an acquisition permit or a weapons permit if the holder of the permit is unsuitable for acquiring or owning a weapon of such type due to a lifestyle or behaviour jeopardising the security of himself or herself or other persons.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3<sup>2</sup>) The Police and Border Guard Board may revoke an acquisition permit or a weapons permit if there is reasonable doubt that the holder of the permit may endanger the national security of the Republic of Estonia.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3<sup>3</sup>) The Police and Border Guard Board may revoke an acquisition permit or a weapons permit if the holder of the permit has been punished for an offence committed repeatedly if information concerning his or her punishment has not been expunged from the criminal records database according to the Criminal Records Database Act.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) A parallel weapons permit shall be revoked or suspended upon the revocation or suspension of the corresponding weapons permit. A parallel weapons permit may also be revoked on the basis of an application by the owner of the weapon.

(5) The suspension, termination of suspension or revocation of an acquisition permit or a weapons permit shall be formalised by a decision of the Police and Border Guard Board. The decision shall also set out the basis for the suspension, termination of suspension or revocation with a reference to a corresponding provision of law. A copy of the decision shall promptly be sent to the holder of the permit.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(6) Subsection (5) of this section shall not be applied to the suspension of a weapons permit and an acquisition permit under § 177<sup>2</sup>(1) 3) of the Code of Enforcement Procedure or to the termination of suspension of a weapons permit and an acquisition permit under § 177<sup>5</sup>(1) of the Code of Enforcement Procedure.  
[RT I, 12.03.2015, 4 – entry into force 01.03.2016]

#### **§ 44. Consequences of expiry, suspension or revocation of acquisition permit or weapons permit**

(1) After the expiry, suspension or revocation of an acquisition permit or a paper weapons permit, the holder of the permit, the owner or possessor of the corresponding weapon or another person who is in possession of the corresponding permit, a European Firearms Pass, the weapon or ammunition therefor is required to hand them over to the police no later than on the last working day on which the permit is valid or on the working day following the date of communication of the decision on revocation or suspension. A weapon and ammunition of a legal person may be deposited in the weapons storage room of the legal person which has been sealed by the police.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) Upon the expiry, suspension or revocation of a parallel weapons permit, the holder of the parallel weapons permit shall return the weapon and ammunition to the owner thereof and the parallel weapons permit to the police within the period of time provided for in subsection (1) of this section. If it is not possible to return the weapon and ammunition to the owner thereof, they shall be deposited with the police.

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

(3) A permit, weapon and ammunition may be handed over at its location or at the police. A weapon or ammunition shall be handed over at its location if it is handed over before the revocation of the acquisition permit or weapons permit by a person who, pursuant to this Act, is not the owner or possessor and who has informed the police of the weapon or ammunition which is in his or her possession.

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

(4) The handing over and receipt of a weapon and ammunition, and also of an expired or suspended permit, shall be formalised by an instrument of delivery and receipt which sets out the data concerning the weapon, ammunition or permit handed over. The standard format for such instruments shall be established by a regulation of the minister responsible for the field. The instrument shall be prepared in two original copies and signed by the person who hands over the weapon, ammunition or permit and by a representative of the police. One original copy of the instrument shall be retained by the police and the other by the person who hands over the weapon, ammunition or permit.

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

(5) The police are required to ensure that the received weapon and ammunition are kept in the same condition as recorded in the instrument of delivery and receipt.

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

(6) In the case an acquisition permit or a weapons permit expires or is revoked, the owner or possessor of the weapon or ammunition has the obligation to transfer the weapon and ammunition within three months as of the date of delivery to a person specified in § 63 (2) 1) and 3) of this Act or commence transfer on the basis of § 63 (2) 2) of this Act pursuant to the procedure and under the conditions provided by this Act, except in the case of weapons and ammunition handed over on the basis of a decision of seizure.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(6<sup>1</sup>) In the case an acquisition permit or a weapons permit is suspended, the owner or possessor of the weapon or ammunition has the right to transfer the weapon and ammunition throughout the suspension pursuant to the procedure and under the conditions provided by this Act. After the basis for the suspension ceases to exist, the police are required to promptly return the weapon and ammunition taken into storage to the owner or possessor thereof.

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

(7) If a complaint is filed with a court or a challenge is filed with the Police and Border Guard Board against a decision to revoke or suspend an acquisition permit or a weapons permit and the court or the Police and Border Guard Board declares the revocation or suspension of the permit to be in conflict with the law, the police shall promptly return the permit, weapon or ammunition to the owner or possessor thereof after the termination of the suspension of the permit or the entry into force of the court judgment. If the decision to revoke an acquisition permit or a weapons permit remains in force, the owner or possessor of the weapon or ammunition has the obligation to transfer the weapon or ammunition pursuant to the procedure established by subsection (6) of this section after the date on which the decision enters into force.

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

(8) If the owner or possessor of a weapon or ammunition which is subject to transfer has not transferred the weapon or ammunition under the conditions provided by subsection (6) of this section, the weapon or ammunition which have been deposited are subject to expropriation.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(9) A weapon or ammunition which is handed over in an inoperable condition shall be destroyed pursuant to the procedure provided for in § 83 of this Act.

## **Chapter 6**

# **STORAGE OF WEAPONS AND AMMUNITION**

### **§ 45. General requirements for storage of weapons and ammunition**

(1) Weapons and ammunition may be stored by a person who holds a weapons permit or an activity licence for the manufacture, sale, repair, conversion or storage of weapons and ammunition as a service.

(2) Weapons and ammunition shall be stored in a place of storage in conditions which ensure their preservation and that they do not pose a danger to the surroundings and which preclude access by unauthorised persons.

(3) Firearms may only be stored in an unloaded state.

(4) Weapons and ammunition shall be stored in the conditions provided for in § 46 of this Act or deposited for temporary storage with a person who holds:

- 1) a weapons permit, or
- 2) an activity licence for the storage of weapons and ammunition as a service.

(5) The temporary deposit of weapons and ammunition with a person who holds a weapons permit shall be formalised by an instrument of delivery and receipt prepared in two original copies one of which shall be retained by the depositor and the other by the depositary. A weapon may be deposited on a temporary basis with a person who holds a weapons permit for up to one 24-hour period of time under the conditions provided for in § 46 (3), (4) and (7) of this Act.

(6) The temporary deposit of weapons and ammunition with a person who holds an activity licence shall be formalised by an instrument of delivery and receipt prepared in two original copies one of which shall be retained by the depositor and the other by the depositary.

(7) The instrument of delivery and receipt specified in subsections (5) and (6) of this Act shall include the following:

- 1) information concerning the deposited weapon and the weapons permit as well as the quantity of ammunition;
- 2) the personal details and contact information of the depositor and the depositary;
- 3) the date of the delivery and receipt.

(8) The requirement provided for in subsection (6) of this section is not applied to the issue, for a short period of time, of a weapon and ammunition taken for storage as a service or to the return thereof, and in the case a weapon and ammunition are taken into storage for a short period of time as a service. The issue, for a short period of time, of a weapon and ammunition deposited with another person as a service is deemed to be the issue of the weapon and ammunition by the person who took them into storage to the person who deposited them for up to five 24-hour periods of time.

(9) The procedure for taking weapons and ammunition into storage for a short period of time as a service, for the issue thereof for a short period of time and for the return thereof shall be established by a regulation of the minister responsible for the field.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

### **§ 46. Storage of weapons and ammunition of natural and legal persons**

(1) A natural person shall store a weapon in a place of storage at his or her place of residence or in a place of storage at an address specified by the person and approved by the Police and Border Guard Board. In addition, a weapon may be stored in up to two temporary places of storage at different addresses approved by the Police and Border Guard Board.

[RT I, 09.03.2018, 1 – entry into force 01.01.2019]

(1<sup>1</sup>) A natural person who has been issued with a parallel weapons permit may store a weapon in a place of storage provided for in subsection (1) of this section or, with the consent of the owner of the weapon, in the place of storage of the latter's weapon.

[RT I, 09.03.2018, 1 – entry into force 01.01.2019]

(2) A legal person shall store a weapon in a place of storage determined by the legal person.

(3) Firearms shall be stored in a place of storage which is a steel cabinet adapted for such a purpose and permanently attached to the floor, a wall or another structural member of the building (hereinafter *weapons safe*).

(4) For the storage of more than eight firearms there shall be a place of storage which is a specially adapted room (hereinafter *weapons storage room*), or a weapons safe for the storage of nine or more firearms.

(5) A natural person is permitted to store ammunition in the following quantities:

1) up to 200 cartridges for firearms owned or possessed by the person for the purpose of ensuring safety;  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

2) up to 100 gas weapon cartridges;

3) up to 300 cartridges per hunting firearm with a rifled barrel;

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

4) up to 300 cartridges per hunting firearm with a smoothbore barrel;

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

5) up to 5000 cartridges for sporting firearms owned or possessed by the person;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

6) up to 1 kilogram of propellant per firearm, but no more than 5 kilograms in total;

7) up to 5000 primers.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(6) Cartridges, propellant and primers shall be stored in a weapons safe in a separately lockable compartment or in a weapons storage room.

(7) Other weapons shall be stored in a place of storage located in a weapons safe or in a lockable drawer or chest.

(8) A weapons safe or a lockable drawer or chest is not required in the case of one weapon and ammunition therefor. In that case the weapon and ammunition shall be stored in a place of storage which is difficult for other parties to discover and access.

(8<sup>1</sup>) An acoustic weapon shall be stored in a place of storage which is difficult for other parties to discover and access. More than one acoustic weapon shall be stored pursuant to the procedure provided for in subsection (3) of this section.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(9) The Police and Border Guard Board shall inspect the compliance with the requirements for the storage of weapons and ammunition of legal persons at least twice a year. The results of such an inspection shall be expressed in an instrument prepared in two original copies, one of which shall be issued to the person subject to inspection and the other shall be included in the weapons register book.

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

(10) The requirements for weapons storage rooms, weapons safes and the storage of propellant and primers as well as other requirements for storage shall be established by a regulation of the minister responsible for the field.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

#### **§ 47. [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]**

#### **§ 48. Storage of weapons and ammunition during sports events and training**

(1) Weapons and ammunition brought to a sports event or to training shall be stored in the weapons storage room of the firing range, if there is a weapons storage room. The owner or possessor of the firing range is responsible for weapons and ammunition stored in the weapons storage room of the firing range.

(2) During a sports event or training, the organiser of the event shall ensure that it is possible to use a storage room to store weapons and ammunition. If no weapons storage room exists, the possessor of a weapon shall ensure the storage and guarding of the weapon during the sports event or training.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) A person who goes shooting shall only take such weapons and such quantity of ammunition from a weapons storage room as he or she needs for this occasion.

(4) The existence of a weapons storage room is not mandatory at a field firing range. The possessor of a weapon is liable for the storage of the weapon and ammunition at a field firing range.

## **Chapter 7**

# CARRYING AND CONVEYANCE OF WEAPONS AND AMMUNITION

## § 49. Carrying of weapons

The carrying of a weapon is defined in this Act as the carrying of a weapon on one's person outside a place of storage.

## § 50. General procedure for carrying weapons and ammunition

(1) Weapons and ammunition may be carried by a person who holds a corresponding weapons permit or permit to carry a weapon. If the person carries his or her identity document, it is not required to carry his or her weapons permit.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) Weapons and ammunition shall be carried in a public place in a concealed manner which precludes them being lost, falling into the hands of other persons or causing accidental damage. The chamber of a carried firearm, except for the chamber of a revolver, shall be empty of cartridges.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) It is prohibited to carry weapons or ammunition:

1) in a state of intoxication;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

2) at meetings, demonstrations, pickets, festivities and other public events, except for persons performing their functions or duties at such public events.

(4) A minister may, by a directive, restrict the carrying of weapons in the ministry, in government authorities within the area of government of the ministry, in state authorities administered by the ministry and at facilities in the possession of such government authorities or state authorities.

(5) [Repealed – RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(6) The carrying of hunting firearms and sporting bows, used as hunting bows for the purposes of § 27 (1) of the Hunting Act, while hunting is regulated by the Hunting Act and legislation issued on the basis thereof.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(7) An acoustic weapon may only be carried in historical re-enactments or other public cultural events. Both going to and coming from a re-enactment or an event, an acoustic weapon shall be conveyed according to § 55 of this Act.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

## § 51. Carrying of weapons registered in name of legal person

(1) A legal person may give a weapon registered in its name to an employee to carry if the employee holds a permit to carry a weapon. A shooting sports organisation may give a weapon registered in its name to its member to carry if the member holds a permit to carry a weapon.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(2) An employee is given a weapon to carry for the performance of his or her functions or duties, and a member of a shooting sports organisation is given a weapon to carry for engaging in the corresponding sports on the basis of a decision made by the corresponding legal person.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) Generally, an employee shall be issued with a weapon to perform his or her functions or duties for the duration of a working day or a shift, except in the cases where the need to carry a weapon for a longer period of time arises from the nature of the employee's occupational commitments. A list of positions in which the performance of such duties is required shall be established by a decision of the legal person which has been approved beforehand by the Police and Border Guard Board.

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

(4) A person with the right to carry a weapon is prohibited from:

1) carrying a weapon outside working time or when not engaging in sports unless such authorisation is formalised by a decision of the legal person;

2) giving a weapon or a permit to carry a weapon to an unauthorised person.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(5) If a weapon carried by an employee or a member of a shooting sports organisation is lost or destroyed or leaves the possession of the employee or member of a shooting sports organisation in any other manner, the employee or member of a shooting sports organisation is required to promptly inform the police and the person or authority who issued the weapon.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

## **§ 52. Issue of weapon registered in name of legal person to employee and return thereof**

(1) Before issuing a weapon or ammunition, a person who issues weapons and ammunition is required to verify that the person to whom the weapon or ammunition is to be issued holds a permit to carry a weapon.

(1<sup>1</sup>) A person who issues weapons and ammunition shall meet the requirements and conditions established for a person responsible specified in § 38 of this Act.  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

(2) The issue of a weapon or ammunition shall be documented, against a signature, in a ledger for the recording of weapons and ammunition which is bound with string and sealed with the seal of the Police and Border Guard Board (hereinafter *weapons ledger*).  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3) The date and time of the issue and return of a weapon, the type, mark, calibre and marking of the weapon, the number of cartridges, and the given name, surname and position of the employee to whom the weapon is given and of the employee who issues the weapon shall be entered in the weapons ledger.

(4) The employee is required to return the weapon and ammunition after the performance of his or her duties or functions. The person who receives the weapon or ammunition shall make a notation concerning the receipt of the weapon or ammunition in the weapons ledger and confirm the entry with his or her signature.

(5) If an employee carries a personal firearm, it shall be deposited in a weapons storage room or weapons safe of the legal person for the time that the employee carries the weapon of the legal person. The deposit and return of personal firearms shall be entered in the weapons ledger.

(6) Weapons ledgers shall be preserved for five years after the date on which the last entry is made in the ledger.

(7) The standard format for weapons ledgers shall be established by a regulation of the minister responsible for the field.

## **§ 52<sup>1</sup>. Issue of weapon registered in name of shooting sports organisation and return thereof**

(1) A shooting sports organisation shall issue a weapon registered in its name to a person for the purposes of engaging in shooting sports.

(2) The procedure and conditions provided for in § 52 (1) through (4) and (6) of this Act are applied to the issue and return of weapons registered in the name of a shooting sports organisation.  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

## **§ 53. Permit to carry weapon of legal person**

(1) An employee, or a member of a shooting sports organisation, shall be issued with a permit to carry a weapon of the legal person by the Police and Border Guard Board on the application of the legal person if the employee or member of a shooting sports organisation holds a valid weapons permit.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) An application for a permit to carry a weapon shall set out the given name, surname, position, personal identification code and residence of the person and the type and mark of the weapon for which the permit is applied.

(3) The documents specified in § 35 (2) 2) and 3) of this Act, a document certifying that the examination specified in subsection (5) of the same section has been passed and two photographs measuring 3×4 cm shall be annexed to the application. With the person's consent, his or her photograph in the database of identity documents may be used.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) The Police and Border Guard Board shall review an application no later than within two months as of the date of submission of all the required documents.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(5) If an application is satisfied, a permit to carry a weapon shall be issued and a weapon register book provided for in § 33 of this Act shall be opened regarding the holder of the permit.

(6) A permit to carry a weapon is valid for up to five years. A permit to carry a weapon may not be valid for longer than the weapons permit or medical certificate issued to the person.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(6<sup>1</sup>) A permit to carry a weapon shall be suspended and revoked on the bases and pursuant to the procedure provided by § 43 of this Act.  
[RT I 2007, 7, 38 – entry into force 27.04.2007]

(6<sup>2</sup>) A permit to carry a weapon expires when the employee's employment relationship terminates or the member of the shooting sports organisation leaves the shooting sports organisation and when the legal person is dissolved or submits a corresponding application. In such a case the person has the right to replace the permit to carry a weapon with a weapons permit.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(7) The standard format for permits to carry a weapon shall be established by a regulation of the minister responsible for the field.

(8) If a permit to carry a weapon expires or is suspended or revoked, the holder of the permit to carry a weapon is required to return the weapon and ammunition to the owner thereof and the permit to carry a weapon to the police on the last working day on which the permit is valid or on the working day following the date of communication of the decision on revocation or suspension of the permit. If it is not possible to return the weapon or ammunition to the owner thereof, they shall be deposited with the police.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

#### **§ 54. Conveyance of weapons and ammunition**

(1) For the purposes of this Act, the conveyance of weapons and ammunition means the carrying of weapons and ammunition on one's person if it is necessary to transport the weapons and ammunition from one location to another without the aim of using the weapon in the meantime, regardless of the fact of whether this involves the use of a vehicle or not.

(2) The conveyance of weapons and ammunition registered in the name of a legal person which are not issued for carrying to employees thereof and where conveyance involves the use of a means of transport is deemed to be internal transport of weapons.

(3) It is prohibited to send weapons or ammunition by post.

#### **§ 55. Conveyance of weapons and ammunition by natural person**

(1) A natural person who holds an acquisition permit or a weapons permit or a permit specified in § 80 of this Act has the right to convey weapons and ammunition.

(2) A weapon which is conveyed shall be unloaded and disassembled or packed in a manner which precludes the immediate use of the weapon.

(3) The requirements provided for in § 50 (1) through (3) of this Act shall be adhered to upon the conveyance of weapons and ammunition.

## **Chapter 8 TRANSPORT OF WEAPONS AND AMMUNITION AND CARRIAGE OF WEAPONS AND AMMUNITION FROM COUNTRIES OUTSIDE EUROPEAN UNION TO ESTONIA AND FROM ESTONIA TO COUNTRIES OUTSIDE EUROPEAN UNION**

[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

#### **§ 56. Definition of transport of weapons**

(1) Transport of weapons is defined in this Act as the internal and international carriage of weapons and ammunition by air, rail, water or road.

(2) Internal transport of weapons is defined as the transport of weapons and ammunition within Estonia.

(3) Internal transport of weapons shall be conducted pursuant to the Road Transport Act, the Aviation Act, the Merchant Shipping Code and the Railways Act and legislation issued on the basis thereof.

(4) International transport of weapons is defined as the transport of weapons and ammunition which involves the crossing of the state border.

(5) International transport of weapons shall be conducted pursuant to the international transport regulations which are in force concerning the corresponding mode of transport.

#### **§ 57. Additional requirements upon internal transport of weapons**

(1) Natural persons and legal persons who hold a weapons permit, an acquisition permit or an activity licence for the manufacture or sale of weapons may engage in internal transport of weapons.

(2) The owner or possessor of weapons and ammunition shall ensure the guarding and security of the weapons and ammunition upon transport.

(3) Weapons and ammunition shall be transported in the original packaging provided by the manufacturer or packaged in a manner which precludes their immediate use.

(4) It is permitted to transport up to 20 firearms or 10,000 cartridges in a concealed manner by passenger car, but a lorry with a closed cargo space shall be used to transport larger consignments of weapons and cartridges. The doors of the cargo space shall be securely closed and locked.

(5) At least one armed person shall escort a consignment of up to 20 firearms or 10,000 cartridges and at least two armed persons shall escort a consignment of more than 20 firearms or more than 10,000 cartridges. The armed escort may stay in the cabin of the lorry in which the weapons are being carried or in a car accompanying the car in which the weapons are being carried.

(6) The provisions of subsections (4) and (5) of this section do not apply to the transport of sporting firearms registered in the name of a legal person or to ammunition therefor to a firing range in connection with participation in training or a sports event. In this case, a person shall be appointed from among the persons who accompany the transported weapons to be responsible for the transport of the weapons and this person shall be armed.

#### **§ 58. Taking of weapons and ammunition therefor on board aircraft**

The procedure for taking weapons and ammunition therefor into passenger cabins of aircraft used for commercial purposes shall be established by a regulation of the minister responsible for the field.  
[RT I 2003, 88, 594 – entry into force 08.01.2004]

#### **§ 59. Definition of import, export and temporary export of weapons, essential components thereof and ammunition, and requirement for special permit**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) The carriage of weapons, essential components thereof and ammunition from a country outside the European Union to Estonia is defined in this Act as the import thereof, and the carriage of weapons, essential components thereof and ammunition from Estonia to a country outside the European Union is defined as the export thereof.

(2) The temporary export of weapons, essential components thereof and ammunition is defined in this Act as temporary export provided for in Article 2 (11) of Regulation (EU) no 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.03.2012, pp. 1–15), within a period not exceeding 24 months.

(3) The import, export and temporary export of weapons, essential components and parts thereof and ammunition shall take place pursuant to the procedure established by this Act, the Customs Act, the Strategic Goods Act and the Intra-Community Transport, Export and Import of Cultural Objects Act and legislation issued on the basis thereof.

(4) Pursuant to this Act, civilian weapons, essential components thereof and ammunition may be imported and temporarily exported only on the basis of a special permit. A special permit is issued to the applicant by the Police and Border Guard Board, except in the case provided for in § 59<sup>2</sup>(2) of this Act.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(5) A list of weapons, essential components of firearms and ammunition imported to Estonia and temporarily exported from Estonia on the basis of a special permit, and the standard format for the special permit shall be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(6) The import of weapons which are strategic goods, their ammunition and weapons prohibited for civilian purposes and the export and transit of civilian weapons, weapons which are strategic goods and weapons prohibited for civilian purposes, their parts, essential components and ammunition and the provision of relevant services, also the import and export of weapons, their parts, essential components and ammunition intended for a military end user or military end use shall take place pursuant to the procedure provided by the Strategic Goods Act, except in the cases provided for in § 60 (4) through (7) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(7) The Police and Border Guard Board shall send a notification concerning the temporary export of a weapon to the competent authority of the destination country within three working days.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(8) The Police and Border Guard Board shall be promptly notified in writing when a special permit is lost, stolen or destroyed or when it becomes unfit for use.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 59<sup>1</sup>. Quantities permitted for temporary export of weapons and ammunition**

In the temporary export of weapons and ammunition, the quantities set out in Article 9 of Regulation (EU) no 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, must be taken into account.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

### **§ 59<sup>2</sup>. Prohibition on import of weapons, essential components thereof and ammunition therefor**

(1) The import of weapons, essential components thereof or ammunition therefor is prohibited if the prohibition is imposed by a legal instrument which establishes an international sanction.

(2) If a legal instrument which establishes or implements an international sanction permits the import of weapons, essential components thereof or ammunition therefor only if the competent authority has issued a relevant authorisation, an application for a permit shall be submitted to the Strategic Goods Commission who shall decide the grant of the permit for the import of weapons, essential components thereof or ammunition therefor pursuant to the procedure provided for in the Strategic Goods Act.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 60. Import and temporary export of weapons, essential components thereof and ammunition**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) Weapons, essential components thereof and ammunition may be imported on the basis of a special permit specified in § 59 (4) of this Act for the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.

(2) A natural or legal person may import a weapon, essential component thereof or ammunition to Estonia for the person's own purpose if the person holds an acquisition permit for the weapon or essential component thereof and a special permit specified in § 59 (4) of this Act.

(3) It is only permitted to import such weapons, essential components thereof and ammunition the type approved model of which, which has been declared a civilian weapon, or a modification of which has been entered in the Register of Service and Civilian Weapons.

(4) A natural person may export a weapon registered in the name of the person, its essential component and ammunition in order to participate in a sports event, historical re-enactments or hunting if he or she holds a special permit specified in § 59 (4) of this Act. The weapon and its essential component shall be imported to Estonia by the date specified on the permit.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(5) A foreign natural or legal person may import a weapon registered in the name of the person, its essential component and ammunition to Estonia in order to participate in a sports event, historical re-enactments or hunting if he or she holds a special permit specified in § 59 (4) of this Act. The imported weapon and its essential component shall be exported from Estonia by the date specified on the permit.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(6) A natural or legal person may temporarily export from Estonia weapons registered in the name of the person or weapons acquired on the basis of an acquisition permit provided for in § 30 (3) of this Act which are not weapons which are strategic goods or weapons prohibited for civilian purposes as well as their essential components and ammunition if the person holds a special permit specified in § 59 (4) of this Act. The Strategic Goods Commission may be consulted with upon the issue of the special permit.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(7) An employee of a diplomatic or consular representation who is a foreign citizen, and a foreign citizen belonging to a foreign official delegation or to a delegation having equal status therewith according to the diplomatic practice and a person accompanying such a person may import a weapon registered in the country of their nationality and essential components thereof and ammunition belonging to the weapon into Estonia and export them from Estonia on the basis of a special permit specified in § 59 (4) of this Act granted on the application of the Ministry of Foreign Affairs.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

### **§ 60<sup>1</sup>. Applying for special permit**

(1) For obtaining a special permit, an application with additional documents shall be submitted to the Police and Border Guard Board on paper or electronically. The application shall be signed personally by an applicant who is a natural person or by a legal representative of an applicant who is a legal person.

(2) The application shall set out the following information:

- 1) the applicant's name, contact details, natural person's personal identification code or date of birth or legal person's registry code;
- 2) the description of the weapon, essential component of a firearm and ammunition, in case of weapons and ammunition also the type, mark, marking and calibre, in case of transport of a registered weapon the weapon number and the name of the owner of the weapon, in case of export of a weapon the weapon number;
- 3) the quantity of the weapon, essential component of a firearm and ammunition;
- 4) the country from and to where the weapon, essential component of a firearm and ammunition are transported;
- 5) information concerning the supplier;
- 6) information concerning the recipient of the weapon, essential component of a firearm and ammunition, if known;
- 7) information concerning the end user and end use of the weapon, essential component of a firearm and ammunition, if known;
- 8) information concerning the person responsible for transport;
- 9) the desired term of validity of the special permit.

(3) In the case of temporary export of the weapon, essential component of a firearm and ammunition, a copy of the import permit issued by the competent authority of the country of the end user of the weapon, essential component of a firearm and ammunition shall be attached to the application.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 60<sup>2</sup>. Refusal to grant special permit**

(1) The Police and Border Guard Board refuses to grant a special permit if:

- 1) false information or forged documents were submitted upon applying for a special permit;
- 2) the prohibition on import of the weapon, essential component of a firearm or ammunition is provided by a legal instrument which establishes an international sanction;
- 3) there is a suspicion that the import or temporary export of the weapon, essential component of a firearm or ammunition will harm the national security of the Republic of Estonia.

(2) The Police and Border Guard Board may refuse to grant a special permit if:

- 1) during the period of five years preceding the decision to grant a special permit the applicant or a person associated with the applicant has violated legislation on the handling of weapons, essential components of firearms or ammunition or has failed to comply with precepts issued on the basis thereof;
  - 2) during the period of five years preceding the decision to grant a special permit the applicant or a person associated with the applicant has violated a legal instrument which establishes or implements an international sanction;
  - 3) an acquisition permit for a weapon issued to the applicant on the basis of this Act has been revoked;
  - 4) an activity licence issued to the applicant on the basis of this Act has been suspended or revoked.
- [RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 60<sup>3</sup>. Validity, amendment, extension, suspension and revocation of special permit**

(1) The Police and Border Guard Board determines the validity of a special permit on the basis of the information submitted upon applying for the permit, which however shall not be longer than 24 months.

(2) When the customs formalities concerning the weapon, essential component of a firearm or ammunition set out on a special permit have been completed, the special permit is deemed invalid regardless of its term of validity.

(3) If any information set out on a special permit changes, the holder of the special permit is required to file with the Police and Border Guard Board a written reasoned application and relevant documents for amending the special permit.

(4) A special permit shall be amended or extended according to the applicant's application if the application is filed before the expiry of the term of validity of the special permit. If the special permit is extended, the entire term of validity of the special permit may not exceed the period of time provided for in subsection (1) of this section.

(5) If the right to import more weapons, essential components of firearms or ammunition than permitted on the basis of the original permit arises for the applicant, this is not deemed to be amendment of the special permit.

(6) The Police and Border Guard Board shall refuse to extend a special permit if the information submitted upon applying for the special permit has changed or if at least one of the circumstances provided for in § 60<sup>2</sup>(1) of this Act exists.

(7) The Police and Border Guard Board suspends a special permit if:

- 1) so requested by the holder of the special permit;
- 2) the special permit issued is lost or stolen;
- 3) an activity licence issued to the holder of the special permit on the basis of this Act has been suspended.

(8) The Police and Border Guard Board revokes a special permit if:

- 1) so requested by the holder of the special permit;
- 2) an activity licence issued to the holder of the special permit on the basis of this Act has been revoked;
- 3) any of the circumstances provided for in § 60<sup>2</sup>(1) of this Act exist;
- 4) the legal person holding the special permit is dissolved or natural person dies.

(9) The Police and Border Guard Board may suspend or revoke a special permit if:

- 1) the holder of the special permit or a person associated with the holder of the special permit fails to comply with the requirements of the special permit or the requirements provided by this Act or legislation established on the basis thereof or any precepts issued on the basis thereof;
- 2) any of the circumstances provided for in § 60<sup>2</sup>(2) 1) through 3) of this Act become evident.

(10) Upon the expiry of a special permit it shall be returned to the Police and Border Guard Board within three working days.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

#### **§ 61. [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]**

#### **§ 62. Conditions for import and temporary export of weapons, essential components thereof and ammunition**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) Weapons, essential components thereof and ammunition may be imported and temporarily exported through border checkpoints open to international travel where customs authorities are permanently present.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1<sup>1</sup>) The compliance of imported and temporarily exported weapons, essential components of firearms and ammunition with the requirements shall be verified at a border crossing point by the Tax and Customs Board which, if the requirements are complied with, shall make a notation to this effect on the special permit. If the weapons, essential components thereof or ammunition do not comply with the established requirements, a report shall be prepared which sets out the deficiencies due to which the import or temporary export is prohibited.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) Weapons, essential components thereof and ammunition shall be accurately identifiable on the basis of accompanying documents and a permit. The list shall not differ from the list specified on the permit and the actual amount shall not exceed the amount indicated on the permit.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(4) Imported firearms and essential components thereof shall bear marking which meets the requirements. The marking of a registered firearm shall correspond to the marking set out on the special permit.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5) Weapons, essential components thereof and ammunition carried to a border crossing point without a special permit specified in § 59 (4) of this Act shall be retained until the facts are ascertained. The customs authorities shall ensure that retained weapons, essential components thereof and ammunition are preserved and stored according to the requirements.

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

## **Chapter 8<sup>1</sup>**

# **CONVEYANCE OF FIREARMS AND AMMUNITION WITHIN EUROPEAN UNION AND TO COUNTRIES OUTSIDE EUROPEAN UNION**

[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

### **§ 62<sup>1</sup>. General procedure for conveyance of firearms and ammunition within European Union and to countries outside European Union**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) A European Firearms Pass which includes, if necessary, a permission of the competent authority of the state to travel from one Member State of the European Union into another with the firearms and the ammunition intended for such firearms specified in the European Firearms Pass is the basis for the conveyance of firearms and ammunition within the territory of the European Union.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1<sup>1</sup>) The conveyance of firearms and ammunition to countries outside the European Union, which is subject to Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.09.1991, pp. 51–58; OJ special edition 13/11, pp. 3–10), is subject to the procedure established in this Chapter for the conveyance of firearms and ammunition within the European Union.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) In Estonia, a European Firearms Pass is issued to a natural person by the Police and Border Guard Board on the basis of the application of the person if a weapons permit or a permit to carry a weapon has been issued to the person pursuant to this Act and the state fee has been paid. A weapon intended for hunting, engaging in the corresponding sports or historical re-enactments and entered on the weapons permit shall be entered on the European Firearms Pass. A European Firearms Pass shall be issued for the term of up to five years. The validity of a European Firearms Pass is limited by the validity of the weapons permit held by the owner of the weapon, and a Firearms Pass becomes invalid upon the revocation of the weapons permit held by the owner of the weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(3) It is permitted to travel into another Member State with a firearm and the ammunition therefor which are specified on the European Firearms Pass if the person holds a corresponding prior permit issued by a competent authority. In Estonia, the Police and Border Guard Board is the competent authority.

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

(4) The standard format for European Firearms Passes issued in Estonia and the procedure for the issue of European Firearms Passes shall be established by a regulation of the minister responsible for the field.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(5) A person to whom a European Firearms Pass has been issued need not hold a permit issued by a competent authority of another Member State if the person certifies by an invitation or other evidence that he or she wishes to engage in hunting or shooting sports in the Member State to be visited. In such a case, a person engaged in hunting may have one or several firearms classified in category C or D in his or her possession and a person engaged in shooting sports may have one or several firearms classified in category B, C or D in his or her possession.

[RT I 2010, 43, 256 – entry into force 28.07.2010]

(6) The firearms listed in § 20 (1) and the ammunition listed in § 20 (4) of this Act are classified in category A. The firearms provided for in § 19 (1) 5) of this Act are classified in category B, C and D and the detailed list and classification thereof shall be established by a regulation of the minister responsible for the field.

(7) If a Member State has prohibited the import of a specific type of firearms, a corresponding express notation shall be made on the European Firearms Pass. The Police and Border Guard Board shall submit to other Member States a list of firearms which cannot be permitted to its territory without the prior consent thereof.

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

(8) The provisions of § 60 (4) and (5) of this Act do not apply to citizens of the European Union who hold a European Firearms Pass.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(9) The provisions of this Chapter do not apply to the conveyance of weapons in a weapons collection or to weapons or ammunition the use of which is prohibited for civilian purposes from one Member State into another.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

### **§ 62<sup>2</sup>. Procedure for transportation of firearms and ammunition from another Member State of European Union to Estonia**

(1) The following recognised documents on the transportation of weapons and ammunition, which are used in the European Union, are the bases for the transportation of weapons and ammunition from another Member State of the European Union to Estonia:

- 1) a prior permit for the conveyance of firearms within the European Union (hereinafter *prior permit*);
- 2) a permit for the conveyance of firearms within the European Union (hereinafter *permit*); or
- 3) a declaration on the conveyance of firearms within the European Union (hereinafter *declaration*).

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) A natural or legal person (hereinafter *applicant*) may transport a weapon or ammunition to Estonia for the person's own purpose if the applicant holds:

1) a weapons permit, or an acquisition permit for the corresponding weapon issued pursuant to the procedure established by this Act;

2) a prior permit specified in clause (1) 1) of this section which is issued to the applicant on the basis of the application thereof by the Police and Border Guard Board; and

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

3) a permit specified in clause (1) 2) of this section which is issued to the applicant by the country of consignment of the weapon or ammunition on the basis of a prior permit specified in clause (1) 1) of this section. If a weapon has been transported into Estonia, the applicant shall immediately submit the permit to the Police and Border Guard Board.

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

(3) In order to release weapons and ammunition into free circulation as goods or to test, demonstrate or display weapons and ammunition at an exhibition (hereinafter *goods*), weapons and ammunition may be transported into Estonia by a person holding:

[RT I 2010, 43, 256 – entry into force 28.07.2010]

1) an activity licence for the manufacture or sale of weapons, components of firearms or ammunition, or for the conversion or repair of weapons, which is issued pursuant to the procedure established in this Act;

[RT I 2010, 43, 256 – entry into force 28.07.2010]

2) a prior permit specified in clause (1) 1) of this section which is issued to the person by the Police and Border Guard Board on the basis of an application of the person; and

[RT I 2010, 43, 256 – entry into force 28.07.2010]

3) a declaration specified in clause (1) 3) of this section which is forwarded to the competent authority of the country of consignment of the goods no later than at the date when the goods arrive in Estonia. A copy of the declaration is used as a delivery note of goods and shall accompany the goods until the goods arrive at their stated destination. When the goods have arrived at their stated destination, the person shall immediately submit the copy of the declaration to the Police and Border Guard Board.

[RT I 2010, 43, 256 – entry into force 28.07.2010]

(4) The standard format for the documents specified in subsection (1) of this section and the procedure for the issue thereof shall be established by a regulation of the minister responsible for the field.

(5) If necessary, the minister responsible for the field may establish the requirements for information communicated to Member States of the European Union.

(6) The procedure specified in this subsection applies to weapons and ammunition therefor in restricted commerce which are listed in § 19 of this Act.

(7) The documents listed in clauses (1) 1) and 2) of this section are valid for up to one year as of the date of issue thereof, and a state fee shall be paid for the issue thereof.

### **§ 62<sup>3</sup>. Procedure for transportation of firearms and ammunition from Estonia to another Member State of European Union**

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(1) A natural person may transport a firearm or ammunition acquired in Estonia or registered in the person's name for the person's own purpose from Estonia into another Member State of the European Union if he or she holds a permit specified in § 622 (1) 2) of this Act, which is issued to the applicant by the Police and

Border Guard Board on the basis of his or her application and a prior permit specified in clause 1) of the same subsection which is issued by the competent authority of the country of destination. The permit is used as a delivery note until the weapon arrives in the country of destination.  
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) [Repealed – RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) Weapons and ammunition may be transported from Estonia to other Member States by a person holding:  
1) an activity licence for the manufacture or sale of weapons, essential components of firearms, ammunition or laser sights, or for the conversion or repair of weapons, which is issued pursuant to the procedure established by this Act;

2) a permit specified in § 62<sup>2</sup>(1) 2) of this Act, which is issued by the Police and Border Guard Board on the basis of the corresponding application and a prior permit specified in clause 1) of the same subsection which is issued by the competent authority of the country of destination.

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

(4) The procedure specified in this subsection applies to weapons and ammunition therefor in restricted commerce which are listed in § 19 of this Act.

(5) Weapons categorised as cultural objects shall be conveyed from Estonia to another Member State of the European Union pursuant to the procedure established by this Act and in accordance with the Intra-Community Transport, Export and Import of Cultural Objects Act and legislation passed on the basis thereof.

[RT I 2008, 3, 24 – entry into force 17.02.2008]

## **Chapter 9**

### **TRANSFER OF WEAPONS AND AMMUNITION**

#### **§ 63. General procedure for transfer of weapons and ammunition**

(1) Transfer of weapons and ammunition is defined in this Act as the transfer of the right of ownership to weapons and ammunition to another natural or legal person or to the state or a local government.

(2) An owner or possessor of a weapon may transfer the weapon:

- 1) to a person who holds an acquisition permit for the corresponding weapon;
- 2) by way of commission sale through a person who holds an activity licence for the sale of weapons;
- 3) to a person holding an activity licence for the sale, manufacture, conversion or repair of weapons.

(3) Ammunition may be transferred through persons specified in clauses (2) 2) and 3) of this section or to a person who holds a weapons permit for the corresponding weapon.

#### **§ 64. Transfer of weapon to person holding acquisition permit**

(1) A weapon shall be transferred to a person holding an acquisition permit in the presence of a competent official of the Police and Border Guard Board at the Police and Border Guard Board or the location of the weapon.

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

(2) The transfer of a weapon shall be formalised on the basis of a written application by the owner or possessor of the weapon. The application shall set out information concerning the weapon and the person to whom the weapon is to be transferred. The weapons permit or other document in proof of the legality of its ownership shall be annexed to the application.

#### **§ 65. Transfer of weapon to person holding corresponding activity licence or through such person**

In the cases specified in § 63 (2) 2) and 3) of this Act, a weapon shall be transferred on the basis of a permit provided for in § 80 of this Act and under the conditions set out therein.

## **Chapter 10**

### **ACTIVITY LICENCES IN AREAS OF ACTIVITY RELATED TO WEAPONS AND AMMUNITION**

#### **§ 66. Authorisation obligation**

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

(1) An activity licence is required for engaging in the following areas of activity:

1) sale of weapons, essential components of firearms or ammunition;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

1<sup>1</sup>) manufacture of weapons, essential components of firearms or ammunition;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

2) conversion and repair of weapons as a service;

3) use of a firing range or field firing range for the provision of fee-charging services;

4) rental of weapons as a service at a firing range;

5) storage of weapons and ammunition as a service;

6) manufacture and conversion of gas sprays, pneumatic weapons, and alarm and signal weapons.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) A person who holds an activity licence issued by another Contracting Party to the EEA Agreement shall also hold an activity licence specified in subsection (1) of this section.

(3) An activity licence is issued for the term of one to five years or for the duration of the performance of a temporary obligation or duty if it takes less than a year.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

### **§ 67. Subject of review of activity licence**

(1) An activity licence is issued to an undertaking if the following requirements are met:

1) the undertaking is a citizen of a Contracting Party to the EEA Agreement and has active legal capacity, or is a legal person founded in a Contracting Party to the EEA Agreement;

2) the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has not been punished for a criminal offence against the state, except for criminal offences provided for in §§ 245, 247 and 249 of the Penal Code, or for a criminal offence against humanity or international security, regardless of whether or not the information concerning the punishment has been deleted from the criminal records database;

3) there is no reason to believe that the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has committed a criminal offence against humanity or a war crime;

4) there is no reason to believe that the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person belongs to a criminal organisation or a terrorist organisation or that they have committed or may commit an act of terrorism or that they are associated with financing or supporting an act of terrorism or with money laundering;

5) the person responsible of the undertaking meets the requirements provided for in §§ 38 and 39 of this Act;

6) upon applying for an activity licence for operating a firing range or a field firing range, the firing range or the field firing range complies with the health, environmental protection and fire safety requirements.

(2) An activity licence may be issued to an undertaking subject to the following secondary conditions if:

1) the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person is not a fugitive or suspected or accused of committing fraud, an offence relating to office or money laundering or tax fraud or a criminal offence relating to explosives, pyrotechnic articles, firearms or ammunition or they have no criminal record for said offences;

2) the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has no criminal record for a criminal offence relating to narcotics;

3) the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has no criminal record for the commission of a misdemeanour relating to office or money laundering or tax fraud or a misdemeanour relating to explosives, pyrotechnic articles, firearms or ammunition;

4) the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has no criminal record for a criminal offence for which they have been sentenced to more than one year of imprisonment;

5) the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has not been repeatedly punished for criminal offences;

6) there is no reason to believe that the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person has had special training for landing operations or acts of diversion or sabotage or other special training that has provided knowledge and skills which can be directly applied in setting up and training illegal armed units;

7) there is no reason to suspect that the undertaking's shareholder or a member of the undertaking's supervisory board or management board or another person who has control of the management of the legal person may endanger the security of the Republic of Estonia.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 67<sup>1</sup>. Collection of information through surveillance activities and making enquiry to communications undertaking**

(1) The police may, with the written consent of the applicant for an activity licence, collect personal data concerning the applicant through surveillance activities specified in § 126<sup>3</sup>(1) of the Code of Criminal Procedure and by an enquiry to an electronic communications undertaking for obtaining information provided for in § 1111 (2) and (3) of the Electronic Communications Act if it is necessary in order to decide on the grant of an activity licence.

(2) A person shall be notified of the activity specified in subsection (1) of this section conducted with respect to the person after making of a decision and at his or her request he or she shall be introduced information collected by the activity.

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

### **§ 68. Applying for activity licence**

(1) An application for an activity licence is adjudicated by the Police and Border Guard Board.

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

(2) In addition to the information provided for in the General Part of the Economic Activities Code Act, an application for an activity licence shall include the following information and documents:

1) a list of partners and shareholders who hold over 5% of the share capital in the company applying for the activity licence, and a list of the members of the management board and supervisory board of the company which sets out the given name, surname, personal identification code or in the absence thereof date of birth, and residence of natural persons and the full name, seat and commercial registry code of the legal person;

2) information concerning the person responsible and his or her substitute (given name, surname, personal identification code or in the absence thereof date of birth, residence and telephone number), and certification that the corresponding examination has been passed;

3) a list of employees who are involved in the handling of weapons and ammunition, which sets out their given name, surname, residence and personal identification code or in the absence thereof date of birth;

4) the address and telephone number of the weapons storage room and the means used in order to ensure the security and guarding of the room, or a copy of a contract for the rental of a weapons storage room entered into for the period of validity of the activity licence.

(3) Upon applying for an activity licence for operating a firing range or a field firing range, the following documents shall be annexed to the application for the activity licence:

1) a noise measurement report;

2) the layout and perspective view.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

### **§ 69. Specifications for applying for activity licence**

In adjudicating an application for an activity licence, the principle of entry into force of an activity licence by default provided for in the General Part of the Economic Activities Code Act is not applied.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

### **§ 70. Bases for suspension and revocation of activity licences**

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

### **§ 71. Consequences of suspension or revocation of activity licences**

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

(2) Weapons and ammunition in the possession of the holder of an activity licence at the time of the suspension of the activity licence shall be deposited with the police, or the security and guarding of the weapons and ammunition shall be ensured until the end of the period of suspension of the activity licence.

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

(3) Weapons and ammunition in the possession of the holder of an activity licence at the time of the revocation of the activity licence shall be deposited with the police, or the proper security and guarding of the weapons and ammunition shall be ensured until the weapons and ammunition are transferred or destroyed pursuant to the procedure established by this Act.

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

(4) Weapons and ammunition shall be deposited, transported, stored, guarded, protected and returned at the expense of the holder of the activity licence.

(5) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(6) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

#### **§ 72. Inspection of legality of activities of holders of activity licences**

(1) The Police and Border Guard Board shall inspect the legality of the weapons and ammunition related activities of the holders of activity licences at least twice a year. Other offices and authorities may be involved in inspections as necessary.

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

(2) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

(3) A report shall be prepared concerning the inspection results, one copy of which shall be given to the holder of the activity licence and the other shall remain with the person who conducts the inspection.

## **Chapter 11 MANUFACTURE, MARKING, SALE, REPAIR AND CONVERSION OF WEAPONS AND AMMUNITION, RENDERING OF WEAPONS AND AMMUNITION INOPERABLE AND ESTABLISHMENT OF COMPLIANCE WITH DEACTIVATION REQUIREMENTS, AND DISMANTLING AND DESTRUCTION OF WEAPONS AND AMMUNITION**

[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

#### **§ 73. Manufacture of weapons and ammunition**

(1) Weapons, components of firearms and ammunition shall be manufactured according to the specifications indicated on the activity licence.

(2) The Explosives Act and § 73<sup>1</sup>(2) and (4) of this Act apply to the industrial production of ammunition containing explosive or pyrotechnic substances.

(3) A person engaging in the manufacture of weapons or components of firearms is required to:

- 1) store the basic products and materials used for the manufacture as well as unfinished and finished products in a place and in conditions which ensure their preservation and that they do not pose a danger to the surroundings;
- 2) ensure the quality and safety of the products according to the requirements.

(4) The requirements of this section and § 73<sup>1</sup> of this Act do not apply to the home production of cartridges from basic components by natural persons for the purposes of hunting or sporting. Home-produced cartridges shall not be transferred.

[RT I 2010, 43, 256 – entry into force 28.07.2010]

#### **§ 73<sup>1</sup>. Marking of weapons and ammunition**

(1) A person engaging in the manufacture of weapons or essential components of firearms or a person who has imported an essential component of a weapon or firearm to Estonia is required to mark a firearm or an essential component of a firearm with a marking according to the requirements in such a manner that the removal of the marking would be technically complicated or impossible.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(2) A person engaging in the manufacture of ammunition is required to mark every individual package of ammunition with a marking according to the requirements.

(3) When a weapon of Armed Forces or a service weapon or a weapon allotted to the Defence League is transferred to be used for civilian purposes, the firearm shall be marked with a marking according to the requirements.

[RT I, 20.03.2013, 1 – entry into force 01.04.2013]

(4) The requirements for the marking of firearms, essential components of firearms, acoustic weapons, deactivated weapons and ammunition shall be established by a regulation of the Government of the Republic.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

## **§ 74. Sale of weapons and ammunition**

(1) A person who holds an activity licence for the sale of weapons or ammunition is required:

1) to demand that a purchaser of a weapon present an identity document and an acquisition permit for the given type of weapon issued on the basis of this Act or the Defence League Act and to demand that a purchaser of ammunition present an identity document and a weapons permit issued on the basis of this Act or the Defence League Act;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

2) to demand the presentation of a transfer permit in the case of a weapon which is given for commission sale;

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

3) if a weapon is taken for sale on the basis of a transfer permit, to inform the Police and Border Guard Board within three working days as of the date on which the weapon is taken for sale;

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

4) to store weapons and ammunition which are taken for sale in a place and in conditions which comply with the established requirements;

5) to forward information concerning a sold weapon and the person who purchased the weapon to the Police and Border Guard Board within three working days after the sale of the weapon;

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

6) to forward information concerning a weapon sold and the person who purchased the weapon to the Defence League within three working days after the sale of the weapon if the weapon is sold on the basis of an acquisition permit for an active member's personal weapon provided for in § 46 of the Defence League Act.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(1<sup>1</sup>) A person who holds an activity licence for the sale of weapons or ammunition shall enter on the acquisition permit for an active member's personal weapon established in § 46 (5) of the Defence League Act information concerning the weapon sold and the person who sold it.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) It is prohibited to:

1) sell a weapon to a person who does not present an identity document or an acquisition permit for the given type of weapon;

2) sell a weapon in unrestricted commerce to a person of less than 18 years of age;

3) knowingly sell a defective weapon or defective ammunition;

4) sell weapons or cartridges which have not been type approved, except for weapons taken for commission sale.

(3) The requirements for the points of sale of weapons and ammunition shall be established by a regulation of the minister responsible for the field.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

## **§ 75. Keeping of records regarding weapons and ammunition upon sale thereof**

(1) A person who manufactures or sells weapons, components of firearms or ammunition on the basis of an activity licence is required to keep separate records of the manufacture and sale of weapons, essential components of firearms, silencers, laser sights and ammunition.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) Records shall be kept in a weapons ledger and an ammunition ledger bound with string and sealed with the seal of the Police and Border Guard Board. The standard format for weapons ledgers and ammunition ledgers shall be established by a regulation of the minister responsible for the field.

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

(3) Weapons, essential components of firearms, silencers, laser sights and ammunition manufactured or acquired with the aim of being sold shall be specified on one side of a weapons ledger or an ammunition ledger, and weapons, essential components of firearms, silencers, laser sights and ammunition sold shall be specified on the other side of the ledger.

[RT I 2010, 43, 256 – entry into force 28.07.2010]

(4) A weapons ledger and an ammunition ledger shall be preserved until the expiry or revocation of the activity licence. Upon the expiry or revocation of the activity licence, a person who manufactures or sells weapons, essential components of firearms, silencers, laser sights and ammunition is required to hand the weapons ledger and ammunition ledger over to the police no later than on the last day of validity of the activity licence.

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

(5) Information entered in a weapons ledger and an ammunition ledger may only be disclosed to persons with corresponding inspection rights or to persons who have been granted access to such documents by any other Act.

(6) The holder of an activity licence is required to immediately notify the police of the disappearance of a weapon for sale.

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

#### **§ 76. Repair of weapons**

(1) The repair of weapons is defined in this Act as the elimination of a defect on a weapon in a manner which does not involve essential changes being made to the characteristics of the weapon.

(2) A weapon may be repaired by the owner thereof or by a person who holds a corresponding activity licence.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

#### **§ 77. Conversion of weapons**

(1) The conversion of weapons is defined in this Act as the changing of a weapon in a manner which involves essential changes being made to the characteristics of the weapon.

(2) Weapons may only be converted on the basis of a weapons conversion permit provided for in § 80 of this Act.

(3) The Police and Border Guard Board may refuse to issue a weapons conversion permit if the request to convert a weapon is unfounded, or if it is requested that the weapon be converted in a manner as a result of which the weapon would no longer have its original characteristics and if the owner or possessor of the weapon does not hold a corresponding weapons permit.

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

(4) The weapons conversion permit shall indicate the extent to which the weapon may be converted.

(5) If an essential component of a weapon bearing the number of the weapon is substituted during the conversion of the weapon, the Police and Border Guard Board shall be promptly notified thereof.

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

#### **§ 78. Rendering of weapons inoperable**

(1) A weapon is rendered inoperable by the mechanical processing of any of the essential components of the firearm as a result of which the weapon loses the capacity to be fired.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) Weapons may be rendered inoperable by persons who hold an activity licence for the repair or conversion of weapons solely on the basis of a permit for rendering weapons inoperable provided for in § 80 of this Act.

(2<sup>1</sup>) Weapons are rendered inoperable pursuant to Annex I to the European Commission Implementing Regulation.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3<sup>1</sup>) [Repealed – RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(4) [Repealed – RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5) The usable components of a weapon rendered inoperable shall be handled pursuant to the procedure provided by this Act.

[RT I, 22.12.2011, 2 – entry into force 01.01.2012]

(6) A person who holds an activity licence for the repair or conversion of weapons shall mark a weapon rendered inoperable with a marking according to Annex II to the European Commission Implementing Regulation.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(7) A person who holds an activity licence for the repair or conversion of weapons shall prepare a declaration confirming a weapon's deactivation, which describes the actions performed upon rendering the weapon or essential component of a firearm inoperable according to Annex I to the European Commission Implementing Regulation.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(8) The format of the declaration confirming a weapon's deactivation shall be established by a regulation of the minister responsible for the field.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 78<sup>1</sup>. Establishment of compliance with deactivation requirements**

(1) A weapon deactivated in another country shall meet the requirements provided for in Annex I to the European Commission Implementing Regulation.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) A person who has brought to Estonia a weapon deactivated in another country which lacks the certificate provided for in Annex III to the European Commission Implementing Regulation must submit to the Police and Border Guard Board an application for the establishment of the compliance of the weapon with the deactivation requirements within 30 days as of the time the weapon was brought to Estonia.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(5) The permit for the establishment of the compliance of a weapon deactivated in another country with the deactivation requirements shall be granted by the Police and Border Guard Board on the application of the owner or possessor of the weapon. The requirements provided for in § 80 (4) and (6) through (8) of this Act are applied to such permit.

(6) When applying for a permit specified in subsection (5) of this section a person shall submit to the Police and Border Guard Board the following information and documents:

- 1) information on the owner or possessor, including natural person's given name and surname, personal identification code, place of residence and phone number, and legal person's name, registry code or registration number, address and phone number;
- 2) the type and marking of the weapon;
- 3) a copy of a certificate issued in the other country for the deactivated weapon, if such certificate exists.

(7) The compliance of a weapon with the deactivation requirements is verified by a person who holds an activity licence for the repair or conversion of weapons.

(8) If a person who holds an activity licence for the repair or conversion of weapons establishes that a weapon deactivated in another country meets the deactivation requirements in part, the owner of the weapon may apply for a weapons transfer permit, weapons conversion permit, permit for rendering the weapon inoperable or weapon dismantling permit provided for in § 80 of this Act.

(9) [Repealed – RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 78<sup>2</sup>. Declaration of deactivated weapon**

(1) After a person who holds an activity licence for the repair or conversion of weapons has deactivated a weapon or has established its compliance with the deactivation requirements the weapon shall be declared deactivated by the Police and Border Guard Board.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) When a weapon is declared deactivated, a certificate confirming the deactivation is issued in accordance with the template set out in Annex III to the European Commission Implementing Regulation.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) Deactivated weapons are entered in the Register of Service and Civilian Weapons.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(4) A weapon brought to Estonia from another country which has been deactivated and for which a certificate in accordance with the template set out in Annex III to the European Commission Implementing Regulation has been issued shall be entered in the Register of Service and Civilian Weapons on the basis of the certificate issued in the other country. A state fee shall be paid before a deactivated weapon is entered in the register.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 78<sup>3</sup>. Change of owner of deactivated weapon**

(1) The change of the owner of a deactivated weapon shall be executed in the Police and Border Guard Board.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) An application shall be filed with the Police and Border Guard Board, setting out the information of the previous and new owner of the deactivated weapon, including natural person's given name, surname, personal identification code or, in the absence thereof, date of birth, place of residence and phone number, and legal

person's name, registry code or registration number, address and phone number, and the type, mark, model and marking of the deactivated weapon.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(3) The Police and Border Guard Board shall make the relevant entries in the Register of Service and Civilian Weapons. A state fee shall be paid before a register entry is made.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 79. Dismantling of weapons**

(1) The dismantling of a weapon is defined in this Act as cessation of the use of the weapon and disassembly of the weapon into its components.

(2) Weapons may be dismantled solely on the basis of a weapons dismantling permit provided for in § 80 of this Act by the owner or possessor of the weapon or by a person who holds an activity licence for the repair or conversion of weapons and with whom the owner or possessor has placed a corresponding order.

(3) Essential components of a firearm which remain usable after the weapon has been dismantled may be used solely for the repair or conversion of weapons. Legal persons shall keep records of usable essential components of weapons pursuant to the procedure established in § 75 of this Act.

(4) Unusable essential components of firearms shall be destroyed pursuant to the procedure provided for in § 83 of this Act.

### **§ 80. Weapons transfer permit, weapons conversion permit, permit for rendering weapons inoperable and weapons dismantling permit**

(1) Weapons transfer permits, weapons conversion permits, permits for rendering weapons inoperable and weapons dismantling permits (hereinafter *permits*) are issued by the Police and Border Guard Board on the application of the owner or possessor of the weapon.

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

(2) An application for a permit shall set out:

1) data concerning the owner or possessor of the weapon: the given name, surname, personal identification code and residence of a natural person, or the name, registry code or registration number, address and telephone number of a legal person;

2) the type, mark, calibre and marking of the weapon;

3) the number, date of issue and date of expiry of the weapons permit;

4) the reason for the application (transfer, conversion, rendering inoperable, dismantling);

5) the manner of realisation of the permit (to whom and in which manner the weapon is to be transferred, the extent to which the weapon is to be converted, and who is to convert the weapon, render it inoperable or dismantle it).

(2<sup>1</sup>) In the case of an inherited weapon, a found weapon, a weapon which has belonged to joint property or a weapon rendered inoperable in another country, an application for a permit shall set out:

1) information on the owner or possessor, including natural person's given name and surname, personal identification code, place of residence and phone number, and legal person's name, registry code or registration number, address and phone number;

2) the type, mark, calibre and marking of the weapon;

3) a copy of a certificate issued in the other country for the deactivated weapon, if such certificate exists.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3) In the absence of a weapons permit, a document in proof of the legality of the ownership of a weapon shall be annexed to an application, and such document shall be returned to the applicant after verification.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) The Police and Border Guard Board shall review an application no later than within one month as of the date of submission of all the required documents.

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

(5) A permit shall not be granted to a person who uses a weapon on the basis of a parallel weapons permit.

(6) An applicant shall be notified of the refusal to issue a permit within three working days after the corresponding decision is made.

(7) A permit is valid for one month during which time the owner of a weapon has the right to transfer the weapon or give it to be sold by commission sale, converted, rendered inoperable or dismantled.

(8) If it is impossible to use a permit within one month, the Police and Border Guard Board shall extend the period of validity of the permit by one month if there is good reason for the application for extension and if the application is submitted before the expiry of the permit.

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

(9) A weapon transfer permit does not limit the time needed for the commission sale of the weapon.

(10) The holder of an activity licence for the sale of weapons has the right to return a weapon to the owner thereof one month after the weapon was given for commission sale. In this case, the seller shall make a notation concerning the return of the weapon on the permit and notify the Police and Border Guard Board in writing within three working days.

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

(11) If a weapons permit is revoked during the time that the weapon is given for sale or conversion, the weapon shall be handed over to the Police and Border Guard Board by the person who sells or converts the weapon.

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

(12) After the conclusion of a transaction, a notation to this effect shall be made on the permit and the permit shall be returned to the Police and Border Guard Board within five working days, and this constitutes the basis for a corresponding notation to be made in the Register of Service and Civilian Weapons.

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

(13) The standard format for permits shall be established by a regulation of the minister responsible for the field.

### **§ 81. Duties of persons engaging in repair or conversion of weapons**

(1) A person who holds an activity licence for the repair or conversion of weapons is required to:

1) demand that a person who brings a weapon for repair present an identity document and a weapons permit;  
2) demand that a person who brings a weapon to be converted, rendered inoperable or dismantled present an identity document and a weapons permit together with a weapons conversion permit, permit for rendering a weapon inoperable or weapons dismantling permit, and that a person who brings a weapon for the establishment of its compliance with the deactivation requirements present an identity document and a permit for the establishment of the compliance of the rendering of the weapon inoperable with the technical requirements;

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

3) communicate information concerning a converted weapon or a dismantled weapon and data concerning the owner or possessor of the weapon to the Police and Border Guard Board within three working days after the weapon is converted or dismantled;

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

3<sup>1</sup>) communicate information on the owner or possessor of a weapon rendered inoperable or of a weapon the compliance of which with the deactivation requirements has been established and send a copy of the declaration confirming deactivation to the Police and Border Guard Board within three working days after the weapon is rendered inoperable or after receiving the declaration specified in § 78<sup>2</sup> of this Act;

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

4) store a received weapon and the essential components of firearms needed for the repair and conversion of weapons pursuant to the procedure and under the conditions provided for in this Act and ensure their preservation;

5) inform the Police and Border Guard Board of any weapon received for conversion, rendering inoperable, dismantling or establishing its compliance with the deactivation requirements within three working days as of the receipt of the weapon.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) It is prohibited to receive a weapon from a person who fails to submit an identity document or a required permit.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

### **§ 82. Keeping of records regarding weapons brought for repair, conversion, rendering inoperable or establishing their compliance with deactivation requirements**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) A person who holds an activity licence for the repair or conversion of weapons is required to keep records regarding weapons which are brought for repair, conversion, rendering inoperable or establishment of their compliance with the deactivation requirements, and also regarding the essential components of firearms needed for the repair or conversion of weapons.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) Records shall be kept in a weapons ledger bound with string and sealed with the seal of the Police and Border Guard Board. The standard format for weapons ledgers shall be established by a regulation of the minister responsible for the field.

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

(3) A weapons ledger shall be preserved until the expiry or revocation of the activity licence.  
[RT I 2010, 43, 256 – entry into force 28.07.2010]

(4) Information entered in a weapons ledger and an ammunition ledger may only be disclosed to persons with corresponding inspection rights or to persons who have been granted access to such documents by any other Act.  
[RT I 2010, 43, 256 – entry into force 28.07.2010]

(5) Upon the expiry or revocation of an activity licence, a person who holds an activity licence for the repair or conversion of weapons is required to hand the weapons ledger over to the police no later than on the last day of validity of the activity licence.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

### **§ 83. Destruction of weapons and ammunition**

(1) The destruction of weapons and ammunition is defined in this Act as the physical destruction of a weapon as a whole and of ammunition.

(2) The following are subject to destruction:

- 1) expropriated weapons and ammunition which cannot be sold in any other manner;
- 2) weapons and ammunition given by the owner thereof for destruction;
- 3) weapons and ammunition confiscated under a court judgment and subject to destruction;
- 4) illegal weapons and ammunition which a person brings to the Police and Border Guard Board or the Estonian Internal Security Service and concerning the illegal handling of which no criminal proceedings are commenced on the basis of § 199 (1) 7) or § 199 (2) of the Code of Criminal Procedure;
- 5) other weapons and ammunition pursuant to the procedure established by law or legislation issued on the basis of law.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(3) Weapons of historical or cultural value are not subject to destruction. A weapon of historical or cultural value is subject to preservation in a weapons collection pursuant to the procedure provided by this Act.  
[RT I, 21.03.2011, 4 – entry into force 01.06.2011]

(4) The owner or possessor of a weapon shall hand over the weapon or ammunition subject to destruction together with an application to this effect to the police who organises the destruction of weapons and ammunition.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(4<sup>1</sup>) The destruction of weapons and ammunition specified in clause (2) 1) of this section is arranged by the Police and Border Guard Board.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(4<sup>2</sup>) The destruction of weapons and ammunition specified in clause (2) 3) of this section is arranged by the authority assigned under the court judgment or by the authority in whose possession the weapons and ammunition are.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(4<sup>3</sup>) The destruction of weapons and ammunition specified in clause (2) 4) of this section is arranged by the Police and Border Guard Board or the Estonian Internal Security Service.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(5) A weapon shall be destroyed by being melted or by being crushed under a suitable press in a manner which precludes the further use of the weapon as a whole and of any of its components.

(6) Ammunition containing explosives shall be destroyed pursuant to the procedure established by the Explosives Act.

(7) Weapons and ammunition shall be destroyed in the presence of an official authorised by the director general of the relevant authority. The owner or possessor of a weapon or representatives of other authorities may be invited to be present at the destruction of the weapon.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(8) A report shall be prepared concerning the destruction of a weapon or ammunition which sets out the type, mark, model, calibre and marking (if there is a marking) of the weapon and ammunition, the quantity of ammunition, and the location, date and manner of destruction. The report shall be prepared in two original copies of which one shall be bound into the weapon register book and the other shall be given to the owner or possessor of the weapon. The report shall be signed by the persons who were present at the destruction of the weapon.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(9) A notice concerning the destruction of a weapon shall be made in the Register of Service and Civilian Weapons.

**§ 83<sup>1</sup>. Requirements for persons involved in manufacture, sale, repair and conversion of weapons and ammunition, rendering of weapons and ammunition inoperable, and dismantling and destruction of weapons and ammunition**

A person who holds a valid weapons permit may engage in the manufacture, sale, repair and conversion of weapons and ammunition, the rendering of weapons and ammunition inoperable, and the dismantling and destruction of weapons and ammunition.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

## **Chapter 11<sup>1</sup>** **HANDLING OF MILITARY WEAPONS, THEIR AMMUNITION AND MUNITION**

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

### **Division 1** **General Provisions**

**§ 83<sup>2</sup>. Handling of military weapons, ammunition and munition**

(1) For the purposes of this Chapter, the handling of military weapons, ammunition, munition and essential components thereof means the manufacture, transfer, acquisition, carrying, storage, conveyance, transport and destruction of military weapons, ammunition and munition or the repair, conversion or dismantling of military weapons or the rendering of military weapons inoperable.

(2) A weapon of official with the characteristics of a military weapon and its ammunition are handled according to the requirements of the regulation established under § 3 (5) or (6) of this Act.

(3) The requirements and procedure for the handling of military weapons, ammunition and munition shall be established by a regulation of the minister responsible for the organisation of national defence.

(4) The provisions of the regulation established under subsection (3) of this section are not applied to government authorities or the Defence League.

(5) The handling of military weapons, ammunition, munition and essential components thereof as economic activities for the purposes of the General Part of the Economic Activities Code Act is only permitted on the basis of an activity licence provided for in § 83<sup>33</sup> of this Act.

(6) The handling of large quantities of ammunition and munition means the handling of ammunition, except for cartridges, or munition in quantities starting from five units or if it contains over 50 grams of an explosive substance or over one kilogram of an explosive or if the munition contains over 300 grams of a pyrotechnic or another chemical substance.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

**§ 83<sup>3</sup>. Classification of military weapons, ammunition and munition**

(1) Military weapons are classified as follows:

- 1) small firearms;
- 2) missile systems;
- 3) heavy weapons;
- 4) other weapons that are not firearms.

(2) For the purposes of this Act, munition, except for ammunition, is a means and a material for military purposes which contain an explosive substance, pyrotechnic substance, incendiary substance or other chemical substance capable of igniting or exploding and which can be used or adapted to damage or destroy the live forces and battle equipment of the enemy, illuminate battle fields, create smoke screens or signal.

(3) For classifying military weapons, ammunition and munition as belonging among the types of military weapons, ammunition or munition provided for in subsection (1) of this Act, the minister responsible for the

organisation of national defence may establish by a regulation a specifying list of military weapons, ammunition and munition.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Division 2**

### **Specifications Applicable Upon Acquisition of Shares of Undertaking Engaged in Handling of Military Weapons, Ammunition and Munition and Upon Acquisition of Such Undertaking**

#### **§ 83<sup>4</sup>. Acquisition of shares of undertaking engaged in handling of military weapons, ammunition and munition and acquisition of such undertaking**

(1) A share of a company engaged in the handling of military weapons, ammunition or munition (hereinafter *undertaking*) may be acquired by any person. Shares are registered. A qualifying holding may be acquired by a person complying with the requirements provided for in this Division pursuant to the procedure provided for in this Division.

(2) For the purposes of this Division, the acquisition of an undertaking means the merger of legal persons or the acquisition of all the shares of the undertaking by a natural or legal person. An undertaking may acquire a qualifying holding in another undertaking according to the set requirements for acquisition.

(3) A qualifying holding is understood to mean the qualifying holding within the meaning of § 9 of the Securities Market Act.

(4) Taking the ownership of voting rights into account and defining the controlled undertaking are based on § 10 of the Securities Market Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>5</sup>. Requirements set for persons acquiring or having qualifying holding**

A qualifying holding in an undertaking may be acquired, held and increased and control over an undertaking may be gained, held and increased by every person who meets the requirements provided for in § 40 (1) 5) through 8) and (1<sup>1</sup>) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>6</sup>. Giving notification of acquisition of shares of undertaking engaged in handling of military weapons, ammunition and munition**

(1) A person who intends to directly or indirectly acquire a qualifying holding in an undertaking engaged in the handling of military weapons, ammunition and munition or to increase such holding so that the proportion of the share capital of the undertaking engaged in the handling of military weapons, ammunition and munition or votes represented by shares exceeds ten per cent, or to conclude a transaction as a result of which the undertaking will become a company controlled thereby (hereinafter *acquirer*) shall notify the Police and Border Guard Board or the Consumer Protection and Technical Regulatory Authority (hereinafter *issuer of activity licence*) of their intention beforehand and submit the information provided for in § 837 (1) of this Act.

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

(2) A person who acquires a holding by way of succession or a gift or another similar transaction is also required to give notification of acquisition of a qualifying holding.

(3) The procedure for notification provided for in § 30 of the General Part of the Economic Activities Code Act is not applied to giving notification of acquisition of a qualifying holding.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>7</sup>. Information submitted upon giving notification of acquisition of holding and verification thereof**

(1) An acquirer of a qualifying holding set out in § 83<sup>6</sup>(1) or (2) of this Act shall notify the issuer of activity license of the size of the holding acquired in an undertaking engaged in the handling of military weapons, ammunition or munition and shall submit the following information:

- 1) the given name, surname, personal identification code or date of birth in the absence of a personal identification code and actual address of residence of the acquirer who is a natural person;
- 2) information on the holding of the acquirer who is a natural person in other legal persons or pools of assets, and information on persons over whom the acquirer has control;
- 3) the name, registered office and registry code of the acquirer who is a legal person or of the legal person administering the pool of assets, and a copy of the articles of association if the acquirer is established outside

Estonia, information on the holding in other legal persons or pools of assets, and information on persons over whom the acquirer has control;

4) a list of the owners or members of the acquirer who is a legal person, information on the number of shares held by or the size of the holding and number of votes of each owner or member in all legal persons or pools of assets, and information on persons who have control over the owners or members of the acquirer who is a legal person;

5) information on the members of the management board and supervisory board of the acquirer who is a legal person, including, for each person, the given name and surname and personal identification code or date of birth in the absence of a personal identification code;

6) if the acquirer is a company belonging to a consolidation group, a description of the structure of the group along with data relating to the sizes of the holdings of the undertakings belonging to the group.

(2) An acquirer who is a legal person established and mainly operating outside Estonia shall submit the information set out in subsection (1) of this section along with the last annual report translated into Estonian or English and certified (Apostille), unless it arises otherwise from an international agreement. An acquirer who is a foreign natural person shall submit in addition to the information set out in subsection (1) of this section their criminal record statement issued by their country of residence translated into Estonian or English and certified (Apostille), unless it arises otherwise from an international agreement.

(3) For specifying and verifying the information set out in subsection (1) of this section, the issuer of activity licence may also require additional information.

(4) Within two working days after receiving the notice and information set out in subsection (1) of this section the issuer of activity licence shall notify the acquirer in writing of the receipt of the notice and information.

(5) The issuer of activity licence shall assess the compliance of the acquirer with the requirements provided for in § 835 of this Act and shall resolve on prohibition on acquisition of holding or granting authorisation for acquisition of holding pursuant to §§ 83<sup>28</sup> and 83<sup>29</sup> of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>8</sup>. Conditions for acquisition of qualifying holding and bases for prohibition on acquisition of qualifying holding**

(1) A qualifying holding may be acquired or increased or the undertaking may be turned into a controlled undertaking if the issuer of activity licence does not prohibit, by its decision, acquisition or increase of a qualifying holding or turning of the undertaking into a controlled undertaking based on the provisions of § 83<sup>7</sup> of this Act and subsection (2) of this section.

(2) The issuer of activity licence may prohibit, by its decision, acquisition and increase of the qualifying holding and gaining control over the undertaking if:

- 1) the acquirer does not conform to the requirements provided for in § 83<sup>5</sup> of this Act;
- 2) the acquirer fails to submit the required information to the issuer of activity licence by the due date;
- 3) the applicant for an activity licence knowingly submits false information, fails to submit information or submits incomplete information;
- 4) on the basis of the information submitted the issuer of activity licence cannot exclude a reasonable doubt that the acquisition is inappropriate and does not comply with the requirements provided for in this Act;
- 5) the undertaking will become an undertaking controlled by a person residing or located outside the European Union and sufficient supervision is not exercised over the person in the country of residence or location of the person or the supervisory authority of the third country has no legal basis or possibility to cooperate with the issuer of activity licence;
- 6) the acquirer is controlled by a person not mentioned to the issuer of activity licence.

(3) If the circumstances specified in subsection (2) of this section become evident after acquisition or increase of qualifying holding or gaining control over the undertaking, the issuer of activity licence may make a decision according to which acquisition of qualified holding or gaining control over the undertaking is deemed to be contrary to this Act.

(4) If the circumstances provided for in subsections (2) or (3) of this section exist, the issuer of activity licence has the right to prohibit, by its decision, the acquirer of a qualifying holding from exercising voting rights or other rights enabling control regarding the undertaking until the making of a decision, or restrict such exercise.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>9</sup>. Consequences of illegal acquisition of holding**

(1) As a result of a transaction by which a qualifying holding is acquired or increased, the person shall not acquire the voting rights determined by the shares and the votes represented by the shares shall not be included in the quorum of the general meeting if:

- 1) the transaction is contrary to a decision made by the issuer of activity licence;
- 2) the issuer of activity licence has made a decision specified in § 83<sup>8</sup> (3) or (4) of this Act;
- 3) the issuer of activity licence has not been informed of the transaction pursuant to the procedure provided for in §§ 836 and 83<sup>7</sup> of this Act;
- 4) the transaction is conducted before acquisition of qualifying holding is permitted pursuant to this Act.

(2) If any of the circumstances specified in subsection (1) of this section exist as a result of a transaction, the person will not have any rights which would entitle the person to gain control over the undertaking.

(3) If voting rights representing a holding acquired or increased by a transaction in the case of which any of the circumstances specified in subsection (1) of this section exist are included in the quorum of the general meeting and influence the adoption of a resolution of the general meeting, the resolution of the general meeting is void.

(4) Upon exercise of the rights enabling control arising from a transaction by which an undertaking is turned into an undertaking controlled by a person and in the case of which any of the circumstances specified in subsection (1) of this section exist, the exercise of said rights is void.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **Division 3**

## **Specifications Applicable in Case of Insolvency of Undertaking Engaged in Handling of Military Weapons, Ammunition and Munition**

#### **§ 83<sup>10</sup>. Giving notification of insolvency problems**

The management board of an undertaking engaged in the handling of military weapons, ammunition or munition is required to notify the issuer of activity licence of the undertaking's solvency problems. The notice must be submitted along with a plan on how the requirements provided by this Act are planned to be complied with in the future.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>11</sup>. Giving notification of bankruptcy and course of bankruptcy proceedings or reorganisation**

(1) Irrespective of its country of location, the court hearing the bankruptcy matter of an undertaking engaged in the handling of military weapons, ammunition or munition or the interim trustee in bankruptcy or the trustee in bankruptcy (hereinafter *trustee*) shall notify the issuer of activity licence if the court:

- 1) appoints an interim trustee in bankruptcy;
- 2) declares the bankruptcy of the undertaking and appoints a trustee in bankruptcy;
- 3) approves the trustee in bankruptcy appointed pursuant to § 61 (2) or (3) or § 68 (3) of the Bankruptcy Act;
- 4) terminates the proceedings by abatement without declaring bankruptcy;
- 5) in order to avoid abatement of the proceedings, determines the option to pay a deposit for covering the costs of the bankruptcy proceedings;
- 6) approves a decision to terminate the activities of the undertaking;
- 7) approves a decision to dissolve the legal person.

(2) The notice specified in subsection (1) of this section shall set out the same information as the Bankruptcy Act requires to be presented in a bankruptcy notice or another notice.

(3) In addition to the persons set out in § 55 (3) 5) of the Bankruptcy Act, the trustee shall also report on their activities and provide information concerning the bankruptcy proceedings to the issuer of activity licence.

(4) A reorganisation adviser is required to notify the issuer of activity licence of the undertaking's decision, activity or transaction if it is suspected of not complying with the requirements provided by this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>12</sup>. Contesting appointment of trustee in bankruptcy**

(1) The issuer of activity licence has the right to apply for the release of a trustee in bankruptcy approved according to § 61 (1) through (3) or § 68 (3) of the Bankruptcy Act at any given time after receiving a notice of approval of the trustee if the issuer of activity licence suspects that the trustee approved by the general meeting of creditors or court does not comply, in the course of the bankruptcy proceedings, with the security requirements provided by law with the diligence expected of an accurate and honest trustee or that the trustee is not a reliable person for conducting the bankruptcy proceedings of an undertaking engaged in the handling of military weapons, ammunition or munition.

(2) In addition to § 68 (2) of the Bankruptcy Act, the court shall also release the trustee on the basis of an application of the issuer of activity licence.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>13</sup>. Validity of activity licence**

(1) An activity licence issued to an undertaking before the undertaking became insolvent shall be valid until the expiry of the activity licence or until the court approves a decision on termination of the activities of the undertaking according to § 129 (6) of the Bankruptcy Act or a decision to dissolve the legal person according to § 130 (2) of the Bankruptcy Act.

(2) If an activity licence becomes invalid during bankruptcy proceedings due to its expiry, the trustee has the right to apply for a new activity licence if all the requirements provided for in Division 6 of this Chapter are met, including the trustee meets the requirements provided for members of the management board of an undertaking. [RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>14</sup>. Exceptions to obligations and rights of trustee**

(1) A trustee shall ensure the storage of military weapons, ammunition, munition and essential components thereof which form part of a bankruptcy estate pursuant to the procedure and on the conditions provided by this Act.

(2) A trustee may sell military weapons, ammunition and munition which form part of a bankruptcy estate only with the consent of the issuer of activity licence to a person who has been granted by this Act the right to acquire, own and possess military weapons, ammunition or munition.

(3) A transaction relating to bankruptcy proceedings, if the transaction is transfer of a military weapon, ammunition, munition or essential components thereof, may not be conducted through a representative if the buyer cannot be identified.

(4) If a trustee uses a representative and an assistant in performing acts and entering into transactions relating to bankruptcy proceedings, the trustee is required to apply for the consent of the issuer of activity licence in addition to the consent of the bankruptcy committee provided for in § 62 (2) of the Bankruptcy Act.

(5) A trustee has the right to conclude with the Police and Border Guard Board, the Defence Forces or an undertaking who holds an activity licence for an activity provided for in § 83<sup>33</sup>(1) 1), 5) or 6) of this Act a contract for storing military weapons, ammunition or munition on their territory, or with the Police and Border Guard Board, the Defence Forces or the Defence League a contract for guarding the territory of a bankrupt company. The consent of the issuer of activity licence must be applied for prior to the conclusion of the contract with the undertaking. [RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>15</sup>. Exceptions to transfer of bankruptcy estate**

(1) Military weapons, ammunition, munition and essential components thereof may be transferred with the consent of the issuer of activity licence and the Strategic Goods Commission only to the armed forces of the state or another undertaking who has the right to handle such goods. The conditions and procedure provided by this Act and the Strategic Goods Act shall be taken into account upon the transfer of military weapons, ammunition, munition and essential components thereof to outside Estonia.

(2) If military weapons, ammunition, munition or essential components thereof cannot be transferred within the period of time provided for in § 8 (3) of this Act, they shall be destroyed. The destruction shall be arranged by the Police and Border Guard Board pursuant to the requirements established under § 8359 of this Act. The costs of destruction shall be covered by the undertaking. [RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>16</sup>. Specification of transfer of undertaking's shares and undertaking**

(1) The shares of an undertaking who handles military weapons, ammunition or munition, which constitute a qualifying holding for the purposes of § 9 of the Securities Market Act, may only be transferred to a person who meets the requirements provided for in § 83<sup>5</sup> of this Act.

(2) For the transfer of an undertaking who handles military weapons, ammunition, munition and essential components thereof or an organisationally independent part thereof it is necessary to apply for the consent of the issuer of activity licence in addition to the consent of the bankruptcy committee set out in § 141 (1) of the Bankruptcy Act.

(3) An undertaking who handles military weapons, ammunition, munition and essential components thereof or an organisationally independent part thereof may only be transferred to a legal person who meets the requirements provided for in § 83<sup>34</sup> of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>17</sup>. Validity of transaction and act**

Failure to apply for the consent of the issuer of activity licence and of the Strategic Goods Commission required by this Act renders the relevant transaction or act null and void.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Division 4**

### **Specifications of Entry into Contract with Contracting Entity**

#### **§ 83<sup>18</sup>. Giving notification of intention to enter into contract with contracting entity located outside Estonia, information submitted and verification of information submitted**

(1) An undertaking engaged in the handling of military weapons, ammunition or munition shall notify the commission provided for in § 8 (1) of the Strategic Goods Act (hereinafter *Strategic Goods Commission*) of the undertaking's intention to enter into a contract with a contracting entity located outside Estonia, and shall submit the information provided for in subsection (4) of this section. It is required to notify of the intention to enter into a contract the purposeful performance of which means that military weapons, ammunition or munition are imported to or exported from Estonia as goods or it is done as provision of service.

(2) Notification of the intention to enter into a contract specified in subsection (1) of this section shall also be given if the contract is entered into through a broker set out in § 49 (1) of the Strategic Goods Act. The Strategic Goods Commission may also be notified of the intention to enter into a contract by the broker if the broker has all the information provided for in subsection (4) of this section.

(3) Giving notification does not substitute for the requirement for the undertaking specified in subsection (1) of this section to apply for a special authorisation provided for in § 6 of the Strategic Goods Act.

(4) The undertaking specified in subsection (1) of this section shall submit in the undertaking's notification to the Strategic Goods Commission at least the following information:

- 1) the name, registry code, address, phone number, e-mail address and website address of the undertaking engaged in the handling of military weapons, ammunition or munition (hereinafter *person giving notification*);
- 2) the name, registry code, address, phone number, e-mail address and website address of the other party to the contract;
- 3) the draft contract or in the absence thereof the purpose, content and term of the contract;
- 4) the planned date of entry into the contract;
- 5) the quantity of the military weapons, ammunition or munition that are the object of the contract;
- 6) the category symbol and number of the list of strategic goods;
- 7) the name, phone number and e-mail address of the contact person and representative of the person giving notification;
- 8) information on the activity licence issued for the handling of military weapons, ammunition or munition: number and date of expiry of the activity licence.

(5) The Strategic Goods Commission has the right to demand the submission of other relevant information in addition to the information set out in subsection (4) of this section.

(6) If within 20 working days after receiving the notification set out in subsection (4) of this section the Strategic Goods Commission has not demanded the submission of other relevant information or prohibited the entry into a contract, the Strategic Goods Commission is deemed to not have any objections to the entry into a contract.

(7) If the Strategic Goods Commission has demanded the submission of other relevant information, the time for reviewing the information submitted together with the notification is extended by the term granted for the submission of other relevant information or by the number of days it takes for the person giving notification to submit the required information.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>19</sup>. Bases for prohibiting entry into contract with contracting entity located outside Estonia**

(1) The Strategic Goods Commission may prohibit the entry into a contract with a contracting entity located outside Estonia on the same circumstances and bases as it would rely on to refuse to grant to a handler of military weapons, ammunition or munition the special authorisation provided for in § 6 of the Strategic Goods Act.

(2) If the person giving notification fails to submit to the Strategic Goods Commission other required relevant information, the Strategic Goods Commission shall prohibit the entry into a contract with a contracting entity located outside Estonia on the basis provided for in § 19 (2) 7) or 8) of the Strategic Goods Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

**§ 83<sup>20</sup>. Consequences of failure to give notification of intention to enter into contract with contracting entity located outside Estonia**

(1) A contract entered into with a contracting entity located outside Estonia for the handling of military weapons, ammunition or munition is null and void if the undertaking fails to notify the Strategic Goods Commission of the intention to enter into a contract or fails to submit to the Strategic Goods Commission any additional information required.

(2) The Strategic Goods Commission may refuse to grant the special authorisation provided for in § 6 of the Strategic Goods Act under § 19 (2) 8) of the same Act due to loss of confidence.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Division 5**

### **Requirements for Undertaking Who Handles Military Weapons, Ammunition and Munition**

**§ 83<sup>21</sup>. Requirements for form of operation**

(1) An undertaking who handles military weapons, ammunition or munition is a public limited company or private limited company entered in the Estonian commercial register as well as a similar legal person founded in a Member State of the European Union, Contracting Party to the EEA Agreement or the Swiss Confederation.

(2) The paid-in share capital of the undertaking who handles military weapons, ammunition or munition shall be no less than 25,000 euros.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

**§ 83<sup>22</sup>. Seat of undertaking**

(1) The seat of an undertaking and the management board thereof shall be in Estonia.

(2) The undertaking's partnership agreement or articles of association shall determine that the undertaking and the management board thereof are in Estonia.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

**§ 83<sup>23</sup>. Requirements for managers**

(1) The managers of an undertaking are deemed to be the members of the undertaking's management board and supervisory board and the undertaking's procurator. The undertaking's manager is also deemed to be another person who performs the duties that are usually performed by a member of the management board.

(2) Only a person who meets the requirements provided for in § 40 (1) 5) through 8) and (1<sup>1</sup>) of this Act may be elected or appointed as manager of an undertaking.

(3) The manager of an undertaking is required to put the preservation of public order and security above the economic interests of the undertaking and those of the manager.

(4) An undertaking is required to notify the issuer of activity licence of the intention to replace a member of the management board, a member of the supervisory board or a procurator, submitting at least 20 working days before deciding on the matter information concerning the possible new member of the management board, member of the supervisory board or procurator according to § 83<sup>29</sup>(1) through (4) of this Act. The information shall be verified according to § 83<sup>28</sup> and 83<sup>29</sup> of this Act.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

**§ 83<sup>24</sup>. Requirements for employees**

(1) An employee of an undertaking may not be a person:

- 1) who has been punished pursuant to criminal or misdemeanour procedure for a criminal offence in the first degree, an offence against the state or an offence relating to narcotics or for an offence committed by using an explosive, a pyrotechnic article, ammunition or a firearm if information concerning their punishment has not been deleted from the criminal records database according to the Criminal Records Database Act;
- 2) who is a fugitive or suspected or accused of committing the criminal offences set out in clause 1) of this subsection;

3) concerning whom there is information or reason to believe that they belong to a criminal organisation or a terrorist organisation or that they have committed or may commit an act of terrorism or that they are associated with financing or supporting an act of terrorism or with money laundering.

(2) The subcontractors and service providers of an undertaking are subject to the same requirements as applied to the employees of an undertaking.

(3) An employee who is directly exposed to an explosive substance upon the handling of ammunition or munition shall meet the health requirements set for a blaster under § 21 (2) of the Explosives Act.

(4) An employee who comes into direct contact with military weapons shall meet the health requirements established under § 35<sup>1</sup>(4) of this Act.

(5) The conformity of a person's state of health with the health requirements provided for in subsections (3) and (4) of this section shall be determined before commencing employment and at regular intervals after every two years during the time of employment by a medical examination and it shall be certified by a health certificate. A medical examination is carried out by an occupational health doctor who shall involve a psychiatrist and, if necessary, other medical specialists. The expenses of medical examinations and issue of health certificates shall be covered by the undertaking.

(6) The employees of an undertaking are required to put the preservation of public order and security above the economic interests of their employer and those of themselves.

(7) An undertaking is required to notify the issuer of activity licence of the intention to replace an employee or employ a new employee, submitting at least 20 working days before deciding on the matter information concerning the possible new employee according to § 8329 (1) through (4) of this Act. The information shall be verified according to § 83<sup>28</sup> and 8329 of this Act.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>25</sup>. Requirements for person responsible**

(1) In the area of activity in their competence, the person responsible shall do, supervise or manage work independently and shall be liable for it, present technical opinions on their own behalf, also on behalf of the undertaking when acting for the benefit of the undertaking, and, if necessary, shall organise the division of resources and the work of others.

(2) The person responsible shall meet the requirements provided for in § 83<sup>24</sup>(1) and (3) through (5) of this Act and their place of employment shall be in Estonia on a permanent basis.

(3) The person responsible is competent if they possess knowledge and skills corresponding to the particular nature of the work (hereinafter *qualification*). The person responsible may not provide misleading information about their qualification nor perform any work for which they are not qualified.

(4) The minister responsible for the organisation of national defence may establish by a regulation recommended requirements for qualification for engaging in areas of activity related to the handling of military weapons and ammunition and munition for military purposes.

(5) If an undertaking is engaged in the handling of ammunition or munition, the qualification of the person responsible shall be assessed pursuant to the procedure provided for in the Explosives Act.

(6) The person responsible may not act as the person responsible for several undertakings at the same time or be liable for several handling sites if the person's workload prevents them from therefore correctly performing their duties.

(7) The person responsible is required to put the preservation of public order and security above the economic interests of their employer and those of the person responsible.

(8) An undertaking is required to notify the issuer of activity licence of the intention to replace the person responsible, submitting to the issuer of activity licence at least 20 working days before deciding on the matter information concerning the possible new person responsible according to § 83<sup>29</sup>(1) through (4) of this Act. The information shall be verified according to § 8328 and 83<sup>29</sup> of this Act.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>26</sup>. Undertaking's internal rules and rules of procedure**

An undertaking who handles military weapons, ammunition or munition shall establish internal rules and rules of procedure that govern the activities of managers, the person responsible and employees, where, among other things, the following shall be set out:

- 1) the procedure for the movement of information and documents in the undertaking;
- 2) the procedure for the preparation and submission of reports;

- 3) the procedure for internal audit;
  - 4) the procedure for keeping record of military weapons, ammunition and munition.
- [RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>27</sup>. Undertaking's liability insurance**

(1) An undertaking who handles military weapons, ammunition or munition shall have liability insurance for the compensation for possible non-contractual or unlawful damage caused to a third party (hereinafter *aggrieved party*) as a result of handling of military weapons, ammunition or munition.

(2) A liability insurance contract shall meet the following conditions:

- 1) the insurance contract is concluded with an insurer who has the right to insure an insurable risk located in Estonia;
- 2) the insurance contract covers at least direct proprietary damage and loss of profit in case of damage to health, bodily injury or causing of death, unless otherwise provided by law;
- 3) an insured event is an unexpected event related to the handling of a military weapon, ammunition or munition that the undertaking is in charge of, which arises from the characteristics of the military weapon, ammunition or munition handled and as a result of which the aggrieved party is caused the damage set out in clause 2) of this subsection.

(3) An undertaking shall choose a sum insured that is reasonable considering the site related to the handling of military weapons, ammunition or munition, the quantity and the manner of handling of military weapons, ammunition or munition, the extent of activities and possible damage arising therefrom and other circumstances. The sum insured shall cover at least the requirements covered by clause (2) 2) of this section and be no lower than 400,000 euros.

(4) A liability insurance contract concluded under this Act need not cover damage caused:

- 1) by the worsening of the quality of the environment through the fault of the undertaking, except for reasonable expenses relating to first rescue operations for elimination of initial damage and prevention of greater damage;
- 2) to property in the possession of the operator, except in the case provided for in subsection (1) of this section;
- 3) due to a defective product in the possession of the aggrieved party whereby the provisions of § 1061 of the Law of Obligations Act apply;
- 4) as a result of an insured event wilfully caused by the aggrieved party.

(5) The insurer has the right to refuse to conclude a liability insurance contract if the undertaking refuses to submit a risk analysis and other evidence that the insurer considers important for identifying the circumstances related to assessing the insurable risk.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Division 6 Background Check**

### **§ 83<sup>28</sup>. Requirement for background check**

(1) A background check is done to verify the compliance with the following requirements provided for in this Act:

- 1) requirements provided for in § 83<sup>5</sup> for a person having a qualifying holding;
- 2) requirements provided for in § 83<sup>23</sup>(2) for managers of an undertaking;
- 3) requirements provided for in § 83<sup>24</sup>(1) and (2) for an employee, a subcontractor and a service provider of an undertaking;
- 4) requirements provided for in § 83<sup>25</sup>(2) for the person liable of an undertaking.

(2) For the purposes of this Act, a background check means the processing of a person's data for the purposes of ensuring public and constitutional order and national security in the following cases:

- 1) to verify the personal economic activity requirement within the subject of review of the activity licence;
- 2) to assess the suitability of the person for acquiring a qualifying holding in an undertaking engaged in the handling of military weapons, ammunition or munition.

(3) The Police and Border Guard Board may forgo checking the background of a person who has a valid security clearance or certificate.

(4) The Police and Border Guard Board has the right to verify the occurrence of the circumstances set out in subsection (1) of this section during the validity of an undertaking's activity licence if a reasonable doubt has arisen in respect of a person who has undergone a background check that while being involved with the

undertaking circumstances have arisen which would preclude allowing them to be employed or them to acquire a qualifying holding.

(5) The Police and Border Guard Board shall notify the Estonian Internal Security Service of a background check. The Estonian Internal Security Service shall forward to the Police and Border Guard Board the information significant for verifying the circumstances specified in subsection (1) of this section, unless it is contradictory to the objectives of the security authority or the conditions of processing of information.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>29</sup>. Information submitted for background check and term of proceedings**

(1) For a background check the person being checked shall fill in a personal profile or submit the information and documents set out in § 83<sup>7</sup>(1) through (3) of this Act to the issuer of activity licence. The Consumer Protection and Technical Regulatory Authority shall forward the information and documents submitted by the person being checked to the Police and Border Guard Board.  
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) In their personal profile a person being checked shall provide their personal data, residence, family ties, education and professional activity and other information that allows checking of the occurrence of the circumstances set out in § 83<sup>28</sup>(1) of this Act.

(3) If a person being checked resides in Estonia, they shall submit along with their personal profile information on their place of residence and employment set out therein and documents proving their education and information concerning their punishments or an official confirmation of lack thereof from all countries of residence set out in the personal profile where they have lived for at least six months, except for Estonia, unless it arises otherwise from an international agreement.

(4) A person living outside Estonia who applies for or who has received a targeted offer to commence employment with the undertaking shall submit along with their personal profile information on their place of residence and employment set out therein and documents proving their education and information concerning their punishments or an official confirmation of lack thereof from all countries of residence set out in the personal profile where they have lived for at least six months. The documents submitted shall be translated into Estonian or English and certified (Apostille), unless it arises otherwise from an international agreement.

(5<sup>1</sup>) Personal data collected for a background check shall be retained for ten years after the check. After the expiry of said period of time the data shall be deleted.  
[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(6) The information specified in subsections (2) through (4) of this section shall be verified within 20 working days as of the receipt of all the information and documents. If the background check requires an inquiry to an international organisation, a foreign country, a local government authority, an educational institution or another relevant authority, the term for notifying of the results of the background check may be extended by up to 40 working days. The Police and Border Guard Board shall notify the issuer of activity licence in writing of circumstances identified by the background check that are specified in § 83<sup>28</sup>(1) of this Act if it is not contradictory to the conditions of processing of information.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>30</sup>. Elimination of deficiencies in information submitted**

(1) If a person being checked fails to provide the required information in the profile or if the information submitted by the person has deficiencies, the person conducting the background check may grant up to five working days for the elimination of deficiencies.

(2) If the person being checked fails to eliminate the deficiencies within said time limit, the person conducting the background check may refuse to review the application or another declaration of intention that prompted the background check and shall notify the undertaking thereof.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>31</sup>. Collection of data by means of surveillance activities, enquiry to communications undertaking and disclosure of personal data**

(1) The Police and Border Guard Board may collect personal data concerning an acquirer of a qualifying holding in an undertaking who handles military weapons, ammunition or munition and concerning an applicant for an activity licence or concerning persons presented after the issue of an activity licence to the applicant for an activity licence by means of surveillance activities specified in § 1263 (1) of the Code of Criminal Procedure and by means of an enquiry to the communications undertaking concerning the information provided for in § 111<sup>1</sup>(2) and (3) of the Electronic Communications Act if this is needed for deciding on allowing the acquisition of a qualifying holding or the issue, suspension or revocation of an activity licence.

(2) Personal data collected in the course of a background check may be disclosed pursuant to the procedure provided for in the Public Information Act to state authorities only for the purpose of background checks or security checks.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>32</sup>. Data processing**

Upon conducting a background check, the person conducting the background check may process the public or restricted information in databases concerning the person being checked as well as data disclosed on a computer network, media, social media, in search engines and databases established on private law bases insofar as necessary to assess the suitability of the addressee of the background check and to assess the compliance with the requirements provided for in §§ 83<sup>5</sup>, 83<sup>19</sup>, 83<sup>23</sup>(2), 83<sup>24</sup>(1) or (2) or 83<sup>25</sup>(2) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Division 7**

# **Activity Licence in Areas of Activity Related to Military Weapons, Ammunition and Munition**

### **§ 83<sup>33</sup>. Authorisation obligation**

(1) An activity licence is required for engaging in the following areas of activity:

- 1) manufacture of military weapons, essential components thereof or munition not containing an explosive substance;
- 2) repair or conversion of military weapons as provision of service;
- 3) transport of military weapons, ammunition or munition;
- 4) manufacture of a vehicle, watercraft, aircraft or another product on which a military weapon is mounted;
- 5) provision of the service of storage of ammunition or munition;
- 6) manufacture of ammunition, or munition containing an explosive substance.

(2) An activity licence for the manufacture of a military weapon, essential component thereof, ammunition or munition also grants the undertaking the right to sell, transport, maintain and repair a self-made military weapon or essential component thereof and to sell and transport self-made ammunition or munition.

(3) An undertaking who holds an activity licence issued by another Contracting Party to the EEA Agreement shall also hold an activity licence specified in subsection (1) of this section. An activity licence is also required if the activity is temporary.

(4) An activity licence is issued for up to five years.

(5) An activity licence is not transferable and the use thereof by another undertaking or person is prohibited.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>34</sup>. Subject of review of activity licence**

An undertaking is issued with an activity licence provided for in § 83<sup>33</sup>(1) 1) through 6) of this Act if the undertaking meets the following requirements:

- 1) the undertaking is a legal person founded in a Member State of the European Union, a Contracting Party to the EEA Agreement or the Swiss Confederation;
- 2) the undertaking's share capital amounts to at least 25,000 euros;
- 3) the undertaking's share capital has been paid in before applying for an activity licence;
- 4) the seat of the undertaking and the management board thereof are in Estonia;
- 5) the undertaking's shareholders, including indirect shareholders, procurator, management board and supervisory board members and another person who has control of the management of the legal person meet the requirements provided for in § 835 and § 83<sup>23</sup>(2) of this Act;
- 6) the undertaking's person responsible meets the requirements provided for in § 83<sup>25</sup>(2) of this Act;
- 7) the undertaking's employees, subcontractor and service provider meet the requirements provided for in § 83<sup>24</sup>(1) and (2) of this Act;
- 8) the undertaking has liability insurance according to the requirements provided for in § 83<sup>27</sup> of this Act;
- 9) the undertaking is not engaged in the provision of security services, except for when applying for the activity licence specified in § 83<sup>33</sup>(1) 3) of this Act;
- 10) the undertaking is not providing private detective services;
- 11) the issue of an activity licence does not create serious danger to public or constitutional order, does not harm international communication or endanger national security.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### § 83<sup>35</sup>. Applying for activity licence

(1) An application for an activity licence provided for in § 83<sup>33</sup>(1) 1) through 4) of this Act shall be adjudicated by a committee formed within the Police and Border Guard Board of representatives of government authorities and an application for an activity licence provided for in clauses 5) and 6) of the same subsection shall be adjudicated by the Consumer Protection and Technical Regulatory Authority through the same committee.  
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) A state fee shall be paid for review of an application for an activity licence.

(3) In addition to the information provided for in the General Part of the Economic Activities Code Act, an application for an activity licence shall include the following information and documents:

- 1) a description of the activity sought by the activity licence, including the quantity of military weapons, their essential components, ammunition and munition;
- 2) a list of the shareholders of the undertaking applying for an activity licence and a list of members of the undertaking's management board and supervisory board setting out a natural person's given name and surname, personal identification code, in the absence of the latter date of birth, and residence, or a legal person's full name, registered office and commercial register code;
- 3) information concerning the person responsible and substitute therefor: given name and surname, personal identification code, in the absence of the latter date of birth, residence, phone number and information concerning the competency of the person responsible;
- 4) a list of employees setting out their given name and surname, residence, personal identification code or in the absence of the latter date of birth;
- 5) a list of subcontractors and service providers setting out the undertaking's full name and registry code and the employees' given name and surname, residence and personal identification code or in the absence of the latter date of birth;
- 6) address and phone number for the handling site;
- 7) a statement of the undertaking's accounting documents confirming the share capital has been paid in;
- 8) if the registered immovable and buildings of the location of the handling site are not owned by the applicant for an activity licence, a copy of a lease or rent agreement for the registered immovable and buildings or another agreement confirming the right to use the registered immovable and buildings, which proves that the applicant for an activity licence has the right to use the registered immovable and buildings on the registered immovable for the activity sought;
- 9) liability insurance information.

(4) Upon first application for an activity licence the information set out in clauses (3) 4) through 6) and 8) of this section need not be submitted in the application, unless such information is known by the time the application is filed.

(5) An undertaking is required to submit the information set out in clauses (3) 4) and 5) of this section at the first opportunity but before concluding an employment contract or another similar contract with an employee or before concluding a contract with a subcontractor or service provider.

(6) In addition to the information listed in clauses (3) 2) through 5) of this section, personal profiles specified in § 83<sup>29</sup>(2) of this Act filled in by the members of the undertaking's management board and supervisory board, the undertaking's person responsible and their substitute, employees, subcontractor and employees of the service provider as well as documents specified in subsections (3) and (4) of the same section must also be submitted.

(7) If an undertaking handles military weapons only at the site or location of the contracting entity, the information provided for in clauses (3) 6) and 8) of this section need not be submitted in an application for an activity licence.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### § 83<sup>36</sup>. Committee

(1) The task of the committee set out in § 83<sup>35</sup>(1) of this Act is to issue, amend, suspend and revoke activity licences.

(2) The committee comprises:

- 1) representatives of the Police and Border Guard Board, the Estonian Internal Security Service, the Consumer Protection and Technical Regulatory Authority and the Defence Forces if an activity licence is applied for an activity specified in § 83<sup>33</sup>(1) 1) through 4) of this Act;  
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]
- 2) representatives of the Consumer Protection and Technical Regulatory Authority, the Police and Border Guard Board, the Estonian Internal Security Service, the Rescue Board and the Defence Forces if an activity licence is applied for an activity specified in § 83<sup>33</sup>(1) 5) and 6) of this Act.  
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(3) The government authorities referred to in subsection (2) of this section shall appoint at least two representatives as members of the committee, one of whom is an alternate member.

(4) The formation of the committee and its rules of procedure and records management procedure shall be established by a directive of the Director General of the Police and Border Guard Board.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>37</sup>. Exceptions to applying for activity licence**

(1) The obligation to enter the reasoning in the register of economic activities set out in § 11 (3) 2) of the General Part of the Economic Activities Code Act is not applied to the adjudication of an application for an activity licence provided for in § 83<sup>33</sup>(1) 1) through 6) of this Act if the administrative act or operation is related to the background check provided for in Chapter 6 of this Act or to verifying the compliance with the requirement of subject of review provided for in § 8334 5) through 7) and 11) of this Act.

(2) The provisions of § 18 (2) of the General Part of the Economic Activities Code Act are not applied to the adjudication of an application for an activity licence provided for in § 83<sup>33</sup>(1) 1) through 6) of this Act.

(3) The entry into force of an activity licence by default provided for in § 20 (4) of the General Part of the Economic Activities Code Act is not applied to the adjudication of an application for an activity licence provided for in § 8333 (1) 1) through 6) of this Act.

(4) An application for an activity licence shall be adjudicated within 80 working days as of the submission of the application. The time limit for adjudication of the application may be extended once by up to 60 working days if it is necessary due to the complexity of the case and the undertaking who submitted the application shall be notified thereof.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>38</sup>. Consequences of expiry, suspension and revocation of activity licences**

(1) In case of expiry, suspension or revocation of an activity licence the holder of the activity licence shall ensure the deposition of military weapons, ammunition and munition in the possession of the holder with an entitled person or the proper guarding and protection thereof until the transfer or destruction of the military weapons, ammunition and munition pursuant to the procedure provided for in this Act or until the end of the suspension of the activity licence or issue of a new activity licence.

(2) Military weapons, ammunition and munition shall be deposited, transported, stored, guarded, protected and returned at the expense of the holder of the activity licence.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>39</sup>. Simultaneous application for several activity licences and validity of activity licence**

(1) If an undertaking's activity also includes the activity provided for in § 66 (1) of this Act, one application for an activity licence shall be submitted according to the requirements provided for in this Chapter.

(2) If in addition to the handling of military weapons an undertaking's activity also includes the handling of ammunition for such military weapons for which an activity licence must be applied for under the Explosives Act, one application for an activity licence shall be submitted to the Police and Border Guard Board. In addition to the information set out in § 83<sup>35</sup>(3) of this Act an application for an activity licence shall also contain the information set out in § 13 of the Explosives Act.

(3) An activity licence for the handling of military weapons, ammunition or munition enters into force at the same time as the operation authorisation provided for in § 83<sup>41</sup>(1) of this Act.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Division 8**

# **Handling Site for Military Weapons, Ammunition, Munition and Operation Authorisation of Undertaking Who Handles Military Weapons, Ammunition and Munition**

## **§ 83<sup>40</sup>. Handling site for military weapons, ammunition and munition**

(1) Military weapons, ammunition and munition may be handled at a site suitable for use for said purpose and in compliance with the requirements provided for under subsection (2) of this section.

(2) The requirements for handling sites for military weapons, ammunition and munition shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>2</sup>(3) of this Act.

(3) The minister responsible for the organisation of national defence may establish by a regulation provided for in § 832 (3) of this Act requirements for the maximum quantities of military weapons, ammunition and munition stored at a handling site and for the safe distance of handling sites.

(4) The issuer of operation authorisation shall be notified of the termination of the handling of military weapons, ammunition or munition no later than two weeks before the handling activities are terminated.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **§ 83<sup>41</sup>. Operation authorisation for handling site for military weapons, ammunition and munition**

(1) A handling site for military weapons, ammunition or munition shall have an operation authorisation.

(2) The operation authorisation referred to in subsection (1) of this section is not required for the activity provided for in § 83<sup>33</sup>(1) 3) of this Act or in case the undertaking provides services only at the location of the contracting entity.

(3) The issuer of operation authorisation shall be notified of any changes that may affect the conditions of issue of operation authorisation.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **§ 83<sup>42</sup>. Subject of review of operation authorisation**

An operation authorisation is issued if:

- 1) the handling site and the handling conditions conform to the requirements provided by legislation;
- 2) the safety and security measures applied ensure the safety of persons and the environment and security;
- 3) the security measures applied ensure public order, constitutional order of the state and national security;
- 4) the location of the handling site does not increase risks to national security;
- 5) the use of a building or part thereof as a handling site conforms to the building's intended purpose.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **§ 83<sup>43</sup>. Secondary conditions of operation authorisation**

Based on an assessment of security risks the issuer of operation authorisation may set out in the operation authorisation as a secondary condition the maximum quantities of military weapons and their essential components, ammunition and munition that are allowed to be manufactured or stored at a specific handling site.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **§ 83<sup>44</sup>. Applying for operation authorisation**

(1) An application for an operation authorisation for the handling of military weapons shall be adjudicated by the Police and Border Guard Board and an application for an operation authorisation for the handling of ammunition or munition provided for in § 83<sup>33</sup>(1) 5) and 6) of this Act shall be adjudicated by the Consumer Protection and Technical Regulatory Authority.  
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) An application for an operation authorisation shall be adjudicated within 60 working days as of the submission of the application. The time limit for adjudication of the application may be extended once by up to 30 working days if it is necessary due to the complexity of the case and the undertaking who submitted the application shall be notified thereof.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(3) If the issuer of operation authorisation fails to adjudicate an application within the time limit or extended time limit provided for in subsection (2) of this section, an operation authorisation is not granted by default.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(4) A state fee shall be paid for review of an application for an operation authorisation.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(5) An application for an operation authorisation only for a handling site for military weapons shall set out the following information and documents:

- 1) address of the handling site and the plan of the handling site and the surrounding site which indicates the danger zone of the handling site as well as the buildings in the danger zone and their purpose;
- 2) quantities of the military weapons stored at the handling site and, where appropriate, quantities of ammunition for said weapons;
- 3) in case of manufacture of military weapons the names of types of the military weapons, the technology used and the maximum annual output;
- 4) description of the measures applied which ensure that third parties have no access to completed military weapons stored or to military weapons pending repair, maintenance, dismantling or conversion or to the components or materials needed for their manufacture, repair or conversion or to the ammunition therefor;
- 5) if the registered immovable and buildings of the location of the handling site are not owned by the applicant for an operation authorisation, a copy of a lease or rent agreement for the registered immovable and buildings or another agreement confirming the right to use the registered immovable and buildings, which proves that the applicant for an operation authorisation has the right to use the registered immovable and buildings on the registered immovable for the activity sought.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(6) In case of handling of ammunition or munition the application for an operation authorisation shall set out information and documents according to the requirements provided for in § 26 (1) of the Explosives Act. An application for an operation authorisation shall be adjudicated pursuant to subsections (7) through (9) of this section and pursuant to the Explosives Act, except for the time limits provided for in § 26 (3) and (4) of the Explosives Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(7) The Police and Border Guard Board shall forward an application for an operation authorisation to the Consumer Protection and Technical Regulatory Authority, the Estonian Internal Security Service, the Defence Forces and the Rescue Board who shall approve or not approve the application for justified reasons within 30 working days as of the date of receipt of the documents. In addition to the authorities referred to in § 26 (3) of the Explosives Act, the Consumer Protection and Technical Regulatory Authority shall also forward the application to the Defence Forces.

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

(8) The Police and Border Guard Board and the Consumer Protection and Technical Regulatory Authority shall notify the local authority of the location of the undertaking of the application for an operation authorisation. The local authority shall give an opinion on the conformity of the planned activities to the applicable plan within 30 working days as of the receipt of the notification.

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

(9) The Police and Border Guard Board or the Consumer Protection and Technical Regulatory Authority shall notify the authorities referred to in subsection (7) of this section and the local authority of the location of the handling site of the issue, suspension and revocation of an operation authorisation.

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

#### **§ 83<sup>45</sup>. Consequences of suspension and revocation of operation authorisations**

(1) If an operation authorisation is suspended, the holder of the operation authorisation shall apply measures necessary for eliminating the deficiencies and ensure compliance with the requirements provided for in § 83<sup>40</sup> of this Act. The holder of the operation authorisation shall cease the handling of military weapons, ammunition or munition until the elimination of the deficiencies.

(2) If the circumstances which served as the basis for the suspension of the operation authorisation are not eliminated or if they do not cease to exist during the period of suspension of the operation authorisation, the issuer of operation authorisation shall revoke the operation authorisation.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 83<sup>46</sup>. Simultaneous application for several operation authorisations**

If in addition to the handling of military weapons an undertaking's activity also includes the handling of ammunition or munition for such military weapons for which an activity licence and an operation authorisation must be applied for under this Act or the Explosives Act, one application for an operation authorisation shall be submitted to the Consumer Protection and Technical Regulatory Authority. In addition to the information set out in § 83<sup>44</sup> of this Act an application for an operation authorisation shall also contain the information set out in § 26 of the Explosives Act.

## **Division 9**

# **Acquisition, Manufacture, Storage, Conveyance, Transport and Destruction of Military Weapons, Ammunition and Munition, Carrying, Repair, Conversion, Deactivation and Dismantling of Military Weapons**

### **§ 83<sup>47</sup>. Acquisition of military weapons, ammunition and munition**

(1) Military weapons and ammunition suitable therefor may only be acquired by government authorities and the Defence League for the performance of their duties.

(2) Only government authorities within the area of government of the Ministry of Defence or the Ministry of the Interior and the Defence League have the right to acquire munition.

(3) The procedure for the acquisition of military weapons, ammunition and munition shall be established by the minister responsible for the field by a regulation provided for in § 3 (5) or (6) of this Act.

(4) Military weapons may also be acquired by a person referred to in § 25 (2) of this Act pursuant to the procedure provided for in this Act. An undertaking may acquire military weapons only for the purpose of conversion thereof or for the purpose of mounting them on a vehicle, watercraft, aircraft or another product being manufactured or converted, provided the undertaking holds an activity licence for the activity provided for in § 83<sup>33</sup>(1) 2) or 4) of this Act.

(5) An undertaking who manufactures military weapons may acquire suitable ammunition only for testing the military weapon, provided the undertaking holds an activity licence for the activity provided for in § 83<sup>33</sup>(1) 1) of this Act and the undertaking has indicated the acquisition of ammunition in the application for an activity licence.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>48</sup>. Carrying of military weapons**

A list of persons who have the right to carry a military weapon and the conditions for carrying a military weapon shall be established by the minister responsible for the field by a regulation provided for in § 3 (5) or (6) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>49</sup>. Manufacture of military weapons, ammunition and munition**

(1) Military weapons and essential components thereof shall be manufactured according to the conditions provided for in this Act and the secondary conditions of an activity licence provided for in § 83<sup>33</sup>(1) of this Act or the secondary conditions of an operation authorisation provided for in § 83<sup>41</sup>(1) and § 8343 of this Act.

(2) Ammunition may be manufactured under an activity licence provided for in § 83<sup>33</sup>(1) 6) of this Act. Munition may be manufactured under an activity licence provided for in § 83<sup>33</sup>(1) 1) or 6) of this Act. The Explosives Act is also applied to the manufacture of ammunition and munition.

(3) The requirements related to the manufacture of military weapons, their essential components, ammunition and munition, including the requirements for handling sites, shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>2</sup>(3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>50</sup>. Storage of ammunition and munition**

(1) Ammunition may be stored by government authorities who own military weapons and the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 5) of this Act in the provision of service.

(2) Munition may be stored by government authorities within the area of government of the Ministry of Defence or the Ministry of the Interior and the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 5) of this Act in the provision of service.

(3) The requirements for the storage of ammunition and munition, including the requirements for handling sites, shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 832 (3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>51</sup>. Conveyance of military weapons, ammunition and munition**

(1) Military weapons and ammunition may be conveyed by government authorities who own military weapons and the Defence League.

(2) Munition may be conveyed by government authorities within the area of government of the Ministry of Defence or the Ministry of the Interior and the Defence League.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>52</sup>. Transport of military weapons, ammunition and munition**

(1) Military weapons and ammunition may be transported by government authorities who own military weapons and the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 3) of this Act in the provision of service.

(2) Munition may be transported by government authorities within the area of government of the Ministry of Defence or the Ministry of the Interior and the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 3) of this Act in the provision of service.

(3) An undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 1), 3) or 6) of this Act shall notify the Police and Border Guard Board before any transport of military weapons, ammunition or munition. The notification shall contain at least the following information:

- 1) the destination of transport and the planned route;
- 2) the name and quantity of the military weapons, ammunition or munition transported;
- 3) the number of persons escorting the transport and their armaments;
- 4) other information of importance for the transport.

(4) The undertaking may not begin transport before the Police and Border Guard Board has granted, after being notified as provided for in subsection (3) of this section, their consent for using the route described in the notification.

(5) The requirements for the transport of military weapons, ammunition and munition shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>2</sup>(3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>53</sup>. Repair of military weapons**

(1) Military weapons may be repaired by the Defence Forces, the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 2) of this Act.

(2) The requirements related to the repair of military weapons, including the requirements for handling sites, shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>2</sup>(3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>54</sup>. Conversion of military weapons**

(1) It is prohibited to convert a military weapon for the purpose of changing its characteristics so that the military weapon will become a weapon the use of which is permitted for civilian purposes.

(2) Military weapons may be converted by the Defence Forces, the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 2) of this Act.

(3) The requirements for the conversion of military weapons and their components, including the requirements for handling sites, shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>2</sup>(3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>55</sup>. Deactivation of military weapons**

(1) Military weapons may be deactivated by the Defence Forces, the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 2) of this Act.

(2) The technical requirements for deactivating military weapons shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>1</sup>(1) of the Strategic Goods Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>56</sup>. Establishment of compliance of military weapons with deactivation requirements and declaration of deactivated military weapons**

(1) Military weapons deactivated in another country shall meet the deactivation requirements established by a regulation under § 83<sup>1</sup>(1) of the Strategic Goods Act.

(2) The compliance of military weapons deactivated in another country with the deactivation requirements shall be established pursuant to the procedure provided for in the Strategic Goods Act.

(3) Military weapons shall be declared to be deactivated pursuant to the procedure provided for in the Strategic Goods Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>57</sup>. Prohibition on restoring deactivated military weapons**

Deactivated military weapons are prohibited from being reactivated.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>58</sup>. Dismantling of military weapons**

(1) Military weapons may be dismantled by government authorities who own military weapons, the Defence League and an undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 2) of this Act in the provision of service and an undertaking who holds an activity licence provided for in clause 1) of the same subsection in case of self-made weapons.

(2) The requirements related to the dismantling of military weapons, including the requirements for handling sites, shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 83<sup>2</sup>(3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 83<sup>59</sup>. Destruction of military weapons, ammunition and munition**

(1) Military weapons, their essential components, ammunition and munition may be destroyed by government authorities who own military weapons and the Defence League.

(2) An undertaking who holds an activity licence provided for in § 83<sup>33</sup>(1) 1), 2) or 6) of this Act may destroy military weapons, ammunition and munition only under the supervision of the issuer of activity licence or the Defence Forces.

(3) The requirements related to the destruction of military weapons, their essential components, ammunition and munition shall be established by the minister responsible for the organisation of national defence by a regulation provided for in § 832 (3) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **Chapter 12 FIRING RANGES AND FIELD FIRING RANGES**

### **§ 84. Firing ranges and field firing ranges**

(1) For the purposes of this Act, a firing range is a building, room or territory permanently used for shooting competitions or shooting practice.

(2) A field firing range is a place which is suitable or adapted for the temporary organisation of shooting competitions or shooting practice.

(3) In order to construct or establish a firing range or a field firing range, written consent shall be obtained from the local government in the territory of which the firing range or field firing range is to be constructed or established and from the Police and Border Guard Board.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(4) A firing range or a field firing range shall be located, constructed or established and adapted in a manner which ensures the safety of the users of the firing range or field firing range and its surroundings and precludes the entry of unauthorised persons and animals into the shooting area.

(5) A firing range or a field firing range where sports events are organised shall be constructed or established and equipped according to the requirements of the corresponding internationally recognised sports organisation.

(6) Safety requirements, internal procedure rules and the name of the person responsible for shooting activities shall be displayed in a visible place at a firing range or a field firing range.

(7) The safety requirements for firing ranges and field firing ranges and for shooting competitions and shooting practice shall be established by a regulation of the minister responsible for the field.

(8) The definitions and requirements of this section do not apply to firing ranges of the Defence Forces and the Defence League.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(9) The terms used in and the requirements imposed by this section shall not be applied to a firing range or field firing range of an authority who handles service weapons.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 84<sup>1</sup>. Firing range and field firing range of authority who handles service weapons**

(1) A firing range of an authority who handles service weapons is a building permanently used for shooting and training where it is possible to shoot and practice using service weapons and practice weapons.

(2) A field firing range of an authority who handles service weapons is a place which can temporarily be used for the purpose of training for firing service weapons and practice weapons.

(3) The requirements set for a firing range or field firing range of an authority who handles service weapons shall be established by a regulation of the minister responsible for the field.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

#### **§ 85. Training areas and firing ranges of Defence Forces and Defence League**

(1) A training area of the Defence Forces or the Defence League is an area of land or sea which includes the airspace above the area and a training building complex and where units of the Defence Forces and the Defence League organise their tactical training, exercises, shooting and blasting and where weapons, munitions of war, battle equipment and other equipment is tested.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) A firing range of the Defence Forces or the Defence League is a training building permanently used for shooting, where it is possible to practise shooting from hand firearms.

(3) The establishment of a training area of the Defence Forces or the Defence League shall be decided by the Government of the Republic on the proposal of the minister responsible for the field.

(4) The establishment of a firing range of the Defence Forces or the Defence League which is not located within a training area shall be decided by the minister responsible for the field.

(5) The minister responsible for the field shall establish the requirements set for a training area and a firing range of the Defence Forces or the Defence League and the procedure for the use thereof on the proposal of the Commander of the Defence Forces.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

#### **§ 86. Rental and use of weapons at firing ranges**

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(1) Weapons may be rented at a firing range by a person (hereinafter *lender*) who holds an activity licence for the rental of weapons at a firing range. An activity licence is not required in an educational institution or a shooting sports organisation where engagement in shooting sports is included in the articles of association as an activity.

(2) A weapon shall be rented to a person (hereinafter *borrower*) upon the submission of an identity document. The given name, surname and personal identification code of the borrower shall be entered in the weapons ledger on the basis of his or her identity document. A borrower who does not have an identity document because of his or her age shall present his or her student card.

(3) Before borrowing a weapon, a borrower shall examine the safety requirements for the handling of weapons and ammunition and the internal procedure rules of the firing range. The borrower shall sign the weapons ledger to confirm that he or she has reviewed the requirements and rules specified above. The borrower shall be familiarised with these requirements and rules by the person responsible for rental or by a shooting instructor.

(4) The borrowing of a weapon shall be recorded in the weapons ledger, concerning which the borrower shall give his or her signature. The borrower of a weapon is responsible for storing the weapon and for its legal and safe use.

(5) A rented weapon shall only be used at the same firing range under the instruction of a shooting instructor.

(6) Only borrowers who hold a weapons permit or a licence of a shooting instructor, shooting coach or shooting athlete may use a rented weapon independently.

(7) Sporting firearms may be rented to persons who are of at least 16 years of age.

(8) At a firing range of an educational institution, or of a shooting sports organisation operating on the basis of its articles of association, a person who is of at least 12 years of age may be issued with a shooting firearm for use under the direct supervision of a shooting instructor or the person's parent if the parent holds a weapons permit. A parent who holds a weapons permit or a shooting instructor may, on his or her own responsibility and under his or her direct supervision, give his or her own personal firearm and ammunition for use at a firing range to a child of at least 12 years of age.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(9) A borrowed weapon shall be promptly returned to the lender after use. The person who receives the weapon shall make a notation concerning the receipt of the weapon in the weapons ledger and shall confirm the entry with his or her signature. It is prohibited to take a weapon out of a firing range.

### **§ 86<sup>1</sup>. Shooting instructor**

(1) For the purposes of this Act, a shooting instructor is a person who organises shooting competitions or shooting practice and activities related to shooting, and to whom a shooting sports organisation has issued a licence of a shooting instructor. A shooting sports organisation is an Estonian sports organisation recognised by an international sports federation and involved in shooting.

(2) A shooting instructor is required to:

- 1) verify the compliance of a firing range or a field firing range with the safety requirements;
- 2) be acquainted with weapons used for civilian purposes and the areas in which they are used;
- 3) verify the compliance of weapons with the intended purpose of their use;
- 4) monitor and, if necessary, guide the handling of weapons by shooters;
- 5) verify the right to use weapons;
- 6) take necessary measures in the case of an accident.

(3) A licence of a shooting instructor is issued to a person who has completed shooting instructor training and passed a shooting instructor examination. The knowledge and skills of a shooting instructor upon the performance of the duties specified in subsection (2) of this section are checked in the course of the examination. The requirements set for shooting instructor training and the procedure for the shooting instructor examination shall be established by a regulation of the minister responsible for the field.

(4) A licence of a shooting instructor is issued for the term of five years. A shooting sports organisation may revoke a licence of a shooting instructor if the shooting instructor has severely violated the duties specified in subsection (2) of this section.

(5) The procedure for the issue of licences of a shooting instructor and the standard format for licences of a shooting instructor shall be established by a regulation of the minister responsible for the field.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

### **§ 87. Sale of ammunition at firing range**

(1) Ammunition may be sold at a firing range or field firing range by a person who holds an activity licence for the sale of ammunition.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(2) Ammunition may be sold to owners or possessors of weapons on the basis of a weapons permit in the quantities established by § 46 (5) of this Act.

[RT I 2007, 7, 38 – entry into force 27.04.2007]

(3) It is not necessary to present a weapons permit if ammunition is purchased for shooting with a weapon borrowed from a firing range. In this case it is prohibited to take the ammunition out of the firing range and any ammunition not used at the firing range is subject to repurchase.

## **Chapter 12<sup>1</sup>** **REQUIREMENTS FOR ACOUSTIC WEAPONS** **AND ALARM AND SIGNAL WEAPONS**

[RT I, 12.12.2018, 1 - entry into force 01.01.2019]

### **§ 87<sup>1</sup>. Requirements for acoustic weapons**

(1) An acoustic weapon shall comply with the technical requirements established on the basis of this Act.

(2) The technical requirements for acoustic weapons shall be established by a regulation of the minister responsible for the field.

(3) A firearm may be converted into an acoustic weapon by persons who hold an activity licence for the repair or conversion of weapons solely on the basis of a weapons conversion permit specified in § 80 of this Act.

(4) A permit for the establishment of the compliance of a firearm converted into an acoustic weapon before 1 January 2019 or a firearm converted into an acoustic weapon in another country with the requirements established on the basis of subsection (2) of this section shall be granted by the Police and Border Guard Board on the application of the owner or possessor of the weapon. The permit is subject to the requirements provided for in § 80 (4) and (6) through (8) of this Act.

(5) In the case provided for in subsection (4) of this section, the compliance with the requirements shall be established by a person who holds an activity licence for the repair or conversion of weapons.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 87<sup>2</sup>. Person responsible for handling of acoustic weapon**

(1) The person responsible for the handling of an acoustic weapon belonging to a natural person is the owner of the acoustic weapon or, if the acoustic weapon is given for use, a person who holds a weapons permit.

(2) The person responsible for the handling of an acoustic weapon belonging to a legal person is the person provided for in § 38 of this Act or, if the acoustic weapon is given for use, a person who holds a weapons permit or a permit to carry a weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 87<sup>3</sup>. Giving acoustic weapon for use**

(1) In historical re-enactments or other cultural events for the public, a person may give an acoustic weapon registered pursuant to the procedure established by this Act for use to another person who holds a weapons permit for up to five 24-hour periods of time. Upon verification, it must be possible to promptly prove that the acoustic weapon was given for use by the owner of the weapon. If necessary, an instrument of delivery and receipt shall be prepared, setting out the following:

- 1) information on the weapon;
- 2) personal details of the owner and user of the weapon, information on the weapons permit, and contact details;
- 3) the time the weapon was handed over and received.

(2) A person who has not been issued a weapons permit under this Act is allowed to use an acoustic weapon only under the direct supervision of the owner of the weapon or the person responsible.

(3) An acoustic weapon may be given for use to a person only if the person presents his or her identity document.

(4) Record shall be kept over the giving of an acoustic weapon for use. The given name, surname and personal identification code of the user of the weapon shall be entered in the record on the basis of his or her identity document. A person who does not have an identity document because of his or her age shall present his or her student card.

(5) The information specified in subsection (4) of this section shall be retained for six months as of the time the acoustic weapon was given for use.

(6) Before getting an acoustic weapon for use, a person who does not hold a weapons permit issued under this Act shall familiarise himself or herself with the requirements for the handling of weapons and confirm it with his or her signature. Such requirements shall be introduced by the owner of the weapon or the person responsible for the giving of an acoustic weapon for use.  
[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

#### **§ 87<sup>4</sup>. Notifying of use of acoustic weapons in historical re-enactments**

If an acoustic weapon is used in historical re-enactments, the Police and Border Guard Board shall be notified thereof in a format which can be reproduced in writing within a reasonable period of time before the use of the acoustic weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

#### **§ 87<sup>5</sup>. Requirements for alarm and signal weapons**

(1) An alarm and signal weapon shall be incapable of firing by means of a gas charge contained in a gas cartridge.

(2) An alarm and signal weapon shall comply with the technical requirements established on the basis of this Act.

(3) The technical requirements for alarm and signal weapons shall be established by a regulation of the minister responsible for the field.

(4) The compliance of alarm and signal weapons with the technical requirements is verified by the Police and Border Guard Board.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

#### **§ 87<sup>6</sup>. Handling of alarm, signal and acoustic weapons which do not meet requirements**

(1) An alarm and signal weapon which is capable of being adapted to expel a shot, bullet or projectile by the action of a combustible propellant or which does not meet the technical requirements established on the basis of this Act shall be handled pursuant to the procedure for the handling of weapons in restricted commerce established by this Act.

(2) An acoustic weapon which is capable of being adapted to expel a shot, bullet or projectile by the action of a combustible propellant or which does not meet the technical requirements established on the basis of this Act shall be handled pursuant to the procedure for the handling of firearms established by this Act.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

## **Chapter 13 SUPERVISION**

#### **§ 88. Supervision over compliance with this Act**

(1) State supervision over the handling of weapons, components of firearms and ammunition the use of which is permitted for civilian purposes, persons who hold an activity licence under this Act as well as the compliance of firing ranges and field firing ranges with safety requirements shall be exercised by the Police and Border Guard Board, and state supervision over the legality of the import, export and conveyance of weapons and ammunition shall be exercised by the Tax and Customs Board.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(1<sup>1</sup>) State supervision over the handling of military weapons, their essential components and ammunition by a private entity shall be exercised by an official of the Police and Border Guard Board and state supervision over the handling of ammunition and munition shall be exercised by the Consumer Protection and Technical Regulatory Authority.

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

(1<sup>2</sup>) The law enforcement agencies referred to in subsection (1<sup>1</sup>) of this section may also involve in state supervision other members of the committee set out in § 83<sup>36</sup>(2) of this Act.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(2) Administrative supervision and supervisory control over the handling of weapons of Armed Forces and service weapons shall be exercised by authorities authorised by the Government of the Republic.

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

(3) [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **§ 88<sup>1</sup>. Special state supervision measures**

(1) In order to exercise the state supervision provided by this Act, the Tax and Customs Board may apply the special measures provided for in §§ 30, 32, 45, 49, 50 and 51 of the Law Enforcement Act on the bases and pursuant to the procedure provided by the Law Enforcement Act.

(2) In order to exercise the state supervision provided by this Act, the Police and Border Guard Board may apply the special measures provided for in §§ 30, 31, 32, 37, 38, 39, 41, 45, 48, 49, 50, 51, 52 and 53 of the Law Enforcement Act on the bases and pursuant to the procedure provided by the Law Enforcement Act.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) In order to exercise the state supervision provided by this Act, the Consumer Protection and Technical Regulatory Authority may apply the special state supervision measures provided for in §§ 30–32, 37, 38, 44, 47 and 49–52 of the Law Enforcement Act on the bases and pursuant to the procedure provided by the Law Enforcement Act.  
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

### **§ 89. Rights of officials exercising administrative supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]  
Officials authorised to exercise administrative supervision over compliance with this Act and legislation issued on the basis thereof have the right to:

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

1) inspect weapons, components of firearms and ammunition and places where weapons, components of firearms and ammunition are stored, manufactured, sold, rented, repaired, converted, dismantled or destroyed;  
[RT I 2010, 43, 256 – entry into force 28.07.2010]

2) demand that the handlers of weapons of Armed Forces and service weapons present documents and written or oral information needed for supervision purposes;  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

3) issue precepts for the elimination of detected violations and verify compliance with such precepts;  
4) take other measures prescribed by Acts and legislation issued on the basis thereof in order to ensure compliance with this Act.

## **Chapter 13<sup>1</sup> LIABILITY**

### **§ 89<sup>1</sup>. Violation of requirements for handling of or procedure for keeping records and registration of weapons, essential components of firearms or ammunition, or requirements for handling deactivated weapons which do not meet requirements**

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) Violation of the requirements for the carrying, storage, handing over, manufacture, conversion, repair, sale, rental or transport of weapons, essential components of firearms or ammunition, or violation of other requirements for the handling of weapons, essential components of firearms or ammunition, or violation of the procedure for keeping records and registration of weapons, essential components of firearms or ammunition, or violation of the requirements for the handling of deactivated weapons which do not meet requirements is punishable by a fine of up to 300 fine units or by detention.  
[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 89<sup>2</sup>. Unlawful handling of electric shock weapons and cut-and-thrust weapons use of which for civilian purposes is prohibited**

(1) Manufacture, acquisition, possession, storage, sale, carrying, conveyance, transport or other unlawful handling of electric shock weapons and cut-and-thrust weapons the use of which for civilian purposes is prohibited is punishable by a fine of up to 200 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 89<sup>3</sup>. Unlawful handling of gas, pneumatic, projectile and cut-and-thrust weapons**

(1) Unlawful manufacture, conversion, acquisition, possession, sale, carrying, conveyance or other unlawful handling of gas, pneumatic, projectile or cut-and-thrust weapons, except for cut-and-thrust weapons the use of which for civilian purposes is prohibited is punishable by a fine of up to 100 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 1300 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 89<sup>4</sup>. Violation of requirements for handing over weapons and ammunition**

(1) Failure to hand over weapons or ammunition to the police within the prescribed period of time by a person whose acquisition permit or weapons permit has expired or has been suspended or revoked, or failure to hand over weapons or ammunition to the owner thereof within the prescribed period of time by a person whose parallel weapons permit has expired or has been suspended or revoked is punishable by a fine of up to 200 fine units or by detention.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Failure to hand over weapons or ammunition to the police within the prescribed period of time by a legal person whose acquisition permit or weapons permit has expired or has been suspended or revoked is punishable by a fine of up to 2000 euros.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

### **§ 89<sup>5</sup>. Violation of requirement to return acquisition permit, weapon, weapons permit or parallel weapons permit**

(1) Failure to return an expired, suspended or revoked acquisition permit, weapons permit or parallel weapons permit to the police or the holder thereof within the prescribed period of time is punishable by a fine of up to 50 fine units.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Failure by a legal person to return an expired, suspended or revoked acquisition permit or weapons permit to the police within the prescribed period of time is punishable by a fine of up to 640 euros.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

### **§ 89<sup>6</sup>. Obstruction of activities of official exercising state supervision**

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

**§ 89<sup>7</sup>. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]**

**§ 89<sup>8</sup>. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]**

**§ 89<sup>9</sup>. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]**

### **§ 89<sup>10</sup>. Carrying weapons or ammunition in state of intoxication**

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]  
Carrying weapons or ammunition in a state of intoxication is punishable by a fine of up to 200 fine units or by detention.  
[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

### **§ 89<sup>11</sup>. Unlawful carrying of weapons or ammunition at public events**

Carrying of weapons or ammunition at a public event by a person who is not performing his or her duties of employment or service at the event is punishable by a fine of up to 200 fine units or by detention.  
[RT I 2002, 63, 387 – entry into force 01.09.2002]

### **§ 89<sup>12</sup>. Violation of procedure for issue of weapons permits, parallel weapons permits, permits to carry weapons or weapons collection permits**

Violation of the procedure for the issue of weapons permits, parallel weapons permits, permits to carry weapons or weapons collection permits by an official issuing such permits is punishable by a fine of up to 200 fine units.  
[RT I 2002, 63, 387 – entry into force 01.09.2002]

### **§ 89<sup>13</sup>. Handling of insignificant quantities of ammunition**

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

Unlawful handling of insignificant quantities of ammunition for a firearm or unlawful handling of gas weapon cartridges

is punishable by a fine of up to 300 fine units or by detention.

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

### **§ 89<sup>14</sup>. Application of confiscation**

[Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 89<sup>15</sup>. Proceedings**

[Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 89<sup>16</sup>. Failure to provide information on military weapons, their essential components, ammunition and munition**

(1) Failure to provide information on military weapons, their essential components, ammunition or munition is punishable by a fine of up to 250 fine units.

(2) The same act, if committed by a legal person,

is punishable by a fine of up to 20,000 euros.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 89<sup>17</sup>. Failure to notify of intention to enter into contract with contracting entity**

(1) Failure to notify of the intention to enter into a contract with a contracting entity located outside Estonia if it happens for at least for the second time is punishable by a fine of up to 250 fine units.

(2) The same act, if committed by a legal person,

is punishable by a fine of up to 20,000 euros.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 89<sup>18</sup>. Application of confiscation**

[Repealed – RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 89<sup>19</sup>. Proceedings**

[Repealed – RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 89<sup>20</sup>. Unlawful handling of acoustic weapons**

(1) Manufacture, acquisition, possession, sale, carrying, conveyance or other unlawful handling of acoustic weapons

is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,

is punishable by a fine of up to 3200 euros.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

### **§ 89<sup>21</sup>. Application of confiscation**

The Police and Border Guard Board or a court may apply confiscation of a substance or object which was the direct object used to commit misdemeanours provided for in §§ 89<sup>1</sup>–89<sup>4</sup>, 89<sup>10</sup>, 89<sup>11</sup>, 89<sup>13</sup> and 89<sup>20</sup> pursuant to § 83 of the Penal Code.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

## § 89<sup>22</sup>. Proceedings

(1) The body conducting extra-judicial proceedings in matters of misdemeanours provided for in §§ 89<sup>1</sup>–89<sup>5</sup>, 89<sup>10</sup>–89<sup>13</sup>, 89<sup>16</sup>, 89<sup>17</sup> and 89<sup>20</sup> of this Act is the Police and Border Guard Board.

(2) The bodies conducting extra-judicial proceedings in matters of misdemeanours provided for in § 89<sup>1</sup>(1) of this Act are:

- 1) the Ministry of Justice (regarding service weapons);
- 2) the Ministry of Defence (regarding weapons of Armed Forces);
- 3) the Ministry of the Environment (regarding service weapons);
- 4) the Ministry of Finance (regarding service weapons).

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

## Chapter 14 IMPLEMENTING PROVISIONS

### § 90. Validity of activity licences, weapons permits and permits to carry weapon

(1) Activity licences, weapons permits and permits to carry a weapon issued on the basis of legislation which was in force prior to the entry into force of this Act are valid until the expiry thereof.

(2) Activity licences issued on the basis of § 66 (1) 1) and 2) of this Act are valid until the expiry thereof. A person who holds an activity licence for the manufacture and sale of weapons, essential components of firearms, firearm accessories or ammunition and for the conversion and repair of weapons has the right to manufacture, sell, convert or repair components of firearms, respectively, until the expiry of the activity licence.

[RT I 2010, 43, 256 – entry into force 28.07.2010]

### § 91. Specifications for application of Act

(1) A weapon which is not granted type approval according to the manner of handling but which has been registered in the name of a natural person on the basis of legislation which was in force prior to the entry into force of this Act shall be retained by its owner and the owner shall retain his or her existing rights to use the weapon. It is prohibited to use such a weapon on the basis of a parallel weapons permit and such a weapon may only be transferred into state ownership or to an owner of a weapons and cartridges collection.

[RT I 2007, 7, 38 – entry into force 05.02.2007]

(2) An unregistered weapon the collection of which is permitted pursuant to § 25 of this Act shall be registered at the police authority of the residence or seat of the owner or possessor within six months as of the entry into force of this Act.

(3) In order for a weapon specified in subsection (2) of this section to be registered, an application shall be submitted to a police authority which sets out the name, type and number of the weapon (or, in the case of a non-standard weapon, a description thereof) and the circumstances behind the obtaining of the weapon. The provisions of § 33 (1) through (4) of this Act do not apply upon the registration of the weapon.

(4) Before a weapon specified in subsection (2) of this section is registered, the police authority shall assess the truthfulness of the circumstances behind the obtaining of the weapon, verify the compliance of the weapon with the information presented in the application, verify that the weapon specified in the application has not been used in any illegal activities and compare the data concerning the weapon with the data held in the Register of Weapons of Armed Forces and the Register of Service and Civilian Weapons. The police authority has the right to obtain an expert opinion concerning the weapon.

(5) The maintenance of the Register of Service and Civilian Weapons shall be continued pursuant to the procedure established earlier by the Government of the Republic until the commencement of the use of the register specified in § 3 (5) of this Act.

(6) A weapons permit issued to an Estonian citizen who has performed his conscript service obligation (except for alternative service) and who, on 25 June 2004, is not at least 21 years of age is valid until the expiry of the permit.

(7) Weapons permits issued before the entry into force of this Act for pneumatic, cut-and-thrust and projectile weapons specified in § 19 (1) 2) through 4) of this Act are valid until the expiry thereof.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(8) A person who has a projectile dart, projectile spike or projectile knife specified in § 19 (1) 4) of this Act is required to perform the following within three months as of the entry into force of this Act:

- 1) according to § 35 of this Act, submit an application for a weapons permit for the weapon in his or her possession; or
- 2) transfer the weapon pursuant to the procedure established by this Act.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(9) If a person specified in subsection (8) of this section is denied a weapons permit for the weapon, the weapon shall be transferred within three months as of the date of communication of the decision on denial.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(10) If a person specified in subsection (8) of this section has not transferred the weapon within the period of time established by subsection (8) or (9) of this section, the weapon is subject to expropriation.

[RT I 2009, 4, 25 – entry into force 26.01.2009]

(11) Regulations which were applicable before 1 April 2013 and which govern the handling and registration of weapons allotted to the Defence League are valid, to the extent that they are not in conflict with this Act, until they are revoked or until relevant legislation is established on the basis of the Estonian Defence League Act.

[RT I, 20.03.2013, 1 – entry into force 01.04.2013]

(12) An alien who holds an Estonian residence permit or who resides in Estonia on the basis of a right of residence and to whom a weapons permit has been issued under this Act before 1 July 2018 may acquire, own and possess weapons listed in § 29 (1) of this Act until the expiry of the weapons permit for the weapon.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(13) As of 1 July 2019 the requirement provided for in § 29 (1<sup>1</sup>) of this Act is applied to a person who has acquired more than eight firearms for the sole purpose of ensuring safety before 1 July 2018.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(14) The requirement to hold a weapons permit as provided for in § 38 (2) of this Act does not apply to a person who has been designated a person responsible by a written decision of the legal person before 1 July 2018.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(15) A person who owns a weapon which has been rendered inoperable and for which a document confirming deactivation has been issued before 1 July 2018 shall submit to the Police and Border Guard Board an application for entering the deactivated weapon in the Register of Service and Civilian Weapons by no later than on 1 July 2019, setting out the information of the owner of the weapon, including natural person's given name, surname, personal identification code or, in the absence thereof, date of birth, place of residence and phone number, and legal person's name, registry code or registration number, address and phone number, and the type, mark, model and marking of the deactivated weapon, and shall attach to the application a copy of the document confirming deactivation. No state fee shall be paid for making such an entry in the Register of Service and Civilian Weapons.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(16) A person who presents to the Police and Border Guard Board a deactivated weapon without a document confirming deactivation for entry in the Register of Service and Civilian Weapons by no later than on 1 July 2019 shall hand the weapon over to the Police and Border Guard Board and within three months:

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

1) submit an application for the weapon to be rendered inoperable or for the establishment of its compliance with the deactivation requirements or

2) transfer the weapon pursuant to the procedure established by this Act.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(17) If the person referred to in subsection (16) of this section has failed to transfer the weapon handed over to the Police and Border Guard Board, render it inoperable or establish its compliance with the deactivation requirements within three months, the weapon shall be destroyed pursuant to the procedure provided for in § 83 of this Act.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(18) A local government who has granted its consent before 1 July 2018 for constructing or establishing a firing range or a field firing range shall notify the Police and Border Guard Board of any firing ranges or field firing ranges on its territory no later than on 1 December 2018.

[RT I, 09.03.2018, 1 – entry into force 01.07.2018]

(19) The wording of § 24 (2) of this Act which entered into force on 1 July 2018 is applied as of 1 January 2021.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(20) A person who owns an acoustic weapon which he or she has acquired before 1 January 2019 shall submit under § 35 of this Act to the Police and Border Guard Board an application for a weapons permit for the purpose set out in § 28 (1) 6), for entry of that weapon in the Register of Service and Civilian Weapons and for establishment of compliance of the weapon with the requirements provided for in § 87<sup>1</sup>(2) by no later than on

14 March 2021. The application shall set out the given name and surname, personal identification code, place of residence and phone number of the owner or possessor of the weapon and in case of a legal person the latter's name, registry code or registration number, address and phone number, and the type, mark, model and marking of the weapon.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

(21) A person who has in his or her possession the frame, the receiver, including both upper and lower receivers, where applicable, the slide or the breech block specified in § 21 (1) of this Act shall, by no later than on 31 December 2019:

- 1) submit pursuant to § 35 of this Act an application for a weapons permit for the essential component of a firearm in his or her possession;
- 2) transfer the essential component of a firearm pursuant to the procedure provided by this Act; or
- 3) submit an application for deactivation of the essential component of a firearm or for establishment of its compliance with the deactivation requirements on the basis of this Act.

[RT I, 12.12.2018, 1 – entry into force 01.01.2019]

## **Chapter 15**

### **AMENDMENTS TO OTHER ACTS**

§ 92.–§ 97.[Omitted from this text.]

## **Chapter 16**

### **FINAL PROVISIONS**

#### **§ 98. Entry into force of Act**

(1) § 97 of this Act enters into force on the tenth day following its publication in the Riigi Teataja.

(2) This Act enters into force on 31 March 2002.

[RT I 2001, 102, 673 – entry into force 01.01.2002]

<sup>1</sup>Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ L 256, 13.09.1991, pp. 51–58) as amended by Directive 2008/51/EC (OJ L 179, 08.07.2008, pp. 5–11); Directive (EU) 2017/853 of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ L 137, 24.05.2017, pp. 22–39). [RT I, 29.06.2018, 3 – entry into force 01.07.2018]