

Issuer: Government of the Republic:
Type: regulation
Text type: original single text
In force from: 5 February 2016
In force until: In force
Publication citation: RT I, 02.02.2016, 2

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Procedure for the granting of clearance for a warship of a foreign state to enter the territorial and internal waters and for the granting of clearance for a national aircraft of a foreign state to enter the airspace

Passed on 28 January 2016, No. 13

This Regulation is enacted under subsection 43 (2) of the [National Defence Act](#).

1. General provisions

§ 1. Scope of application of the Regulation

(1) This Regulation governs the granting of clearance for a warship of a foreign state to enter the territorial or inland waters of Estonia or a section of a transboundary water body held by Estonia (hereinafter: ship clearance) or for a national aircraft of a foreign state to enter Estonian airspace or land on or fly over the territory of Estonia (hereinafter: *air traffic control clearance*).

(2) The procedure laid down in this Regulation shall be complied with to the extent that an international agreement does not stipulate otherwise.

(3) An aircraft of a Member State of the North Atlantic Treaty Organization involved in protecting Estonian airspace or in securing its inviolability may enter Estonian airspace, land on or fly over Estonian territory without the application of the provisions in this Regulation. A warship of a Member State of the North Atlantic Treaty Organization involved in protecting Estonian airspace or in securing its inviolability may enter the territorial or inland waters of Estonia or a section of a transboundary water body held by Estonia without the application of the provisions in this Regulation.

§ 2. Ship or air traffic control clearance

(1) ship or air traffic control clearance shall be the basis on which a warship or aircraft of a foreign state may enter the territory of Estonia.

(2) ship or air traffic control clearance may be for single or multiple entries.

(3) By virtue of ship or air traffic control clearance for multiple entries, a warship of a foreign state shall be provided with the entitlement to enter the territorial or inland waters of Estonia or a section of a transboundary water body held by Estonia, or an aircraft of a foreign state shall be provided with the entitlement to enter Estonian airspace or land on or fly over the territory of Estonia for the duration of up to one year.

(4) No ship clearance shall be needed for peaceful transient sailing through the territorial seas.

§ 3. Entitlement to submit an application

In order to obtain ship or air traffic control clearance, an application may be submitted by the Defence Forces, a foreign state or an international organisation. An application for ship or air traffic control clearance shall be submitted to the Ministry of Defence.

Chapter 2: Procedure for the granting of ship clearance for a warship of a foreign state

§ 4. Application for ship clearance

(1) For entry by a warship of a foreign state into the territorial or inland waters of Estonia or a section of a transboundary water body held by Estonia, an application shall be submitted at least seven working days before the proposed entry.

(2) Exceptionally, for compelling reasons, an application for ship clearance may be submitted without observation of the deadline laid down in subsection (1).

(3) The form for applying for ship clearance is provided in Annex 1.

§ 5. Submission of an application for the delivery of an opinion

(1) The Ministry of Defence shall forward the application from a warship of a foreign state to the Defence Forces and the Police and Border Guard Board within one working day and, where applicable, other relevant government agencies for the delivery of opinions, also setting the deadline for a reply.

(2) Upon the entry of a warship of a foreign state arriving from the area of an epidemic into the territorial or inland waters of Estonia or a section of a transboundary water body held by Estonia, the master of the vessel shall submit to the Ministry of Defence the annex to the maritime health declaration in accordance with subsection 3 (2) of Regulation No. 298 of the Government of the Republic of 27 November 2003, "Procedure and requirements for controlling the spread of dangerous infectious diseases on Estonia's national border", which the Ministry of Defence shall forward within one working day from its receipt to the Health Board for the delivery of an opinion, also setting the deadline for a reply.

(3) Opinions shall be delivered by the heads of the agencies specified in subsections (1) and (2) or by persons authorised by them. Failing the submission of an opinion by the deadline, the party to have delivered the opinion shall be deemed to have consented to the granting of ship clearance.

§ 6. Granting of ship clearance

(1) The Ministry of Defence shall verify the information provided on the application, and a decision to grant or refuse ship clearance shall be made within one working day from the receipt of opinions from the agencies specified in subsections 5 (1) and (2). Conditions may be imposed on ship clearance.

(2) For a warship of a Member State of the North Atlantic Treaty Organization, ship clearance may be granted within 24 hours from the receipt of an application, without the application of the provisions in § 5.

§ 7. Notification about the granting or refusal of clearance

The Ministry of Defence shall give notice of the granting or refusal of ship clearance immediately to the foreign state or international organisation that submitted the application, the Defence Forces, the Police and Border Guard Board and, where applicable, other relevant government agencies.

§ 8. Arrival in Estonia under ship clearance for multiple entries

In the case of ship clearance for multiple entries, the foreign state or international organisation shall notify the Police and Border Guard Board of the proposed entry two working days in advance. Where applicable, the Police and Border Guard Board shall forward the information received to the Defence Forces and other relevant government agencies within one working day.

§ 9. Granting of ship clearance for a warship within the contingent of the standing maritime unit of the North Atlantic Treaty Organization

(1) By November 1 of each year, the Defence Forces shall submit to the Ministry of Defence an application concerning vessels in the contingent of the standing maritime unit of the North Atlantic Treaty Organization during the following year. The Defence Forces shall notify the Ministry of Defence immediately about any changes in the contingent of the above standing maritime unit.

(2) The Ministry of Defence shall grant the warship specified on the application submitted under subsection (1) ship clearance for multiple entries for the performance of the functions of the unit. The Ministry of Defence shall notify the Defence Forces about the clearance granted.

(3) If there is clearance as stipulated in subsection (2), the warship of the foreign state shall provide notification about its entry into the territorial or inland waters of Estonia or to a section of a transboundary water body held by Estonia in accordance with the procedure applicable at the North Atlantic Treaty Organization. The Ministry of Defence shall notify the

entry to the Defence Forces, the Police and Border Guard Board and, where applicable, other relevant government agencies.

Chapter 3: Procedure for the granting of air traffic control clearance for an aircraft of a foreign state

§ 10. Application for air traffic control clearance

(1) For an aircraft of a foreign state to be able to enter Estonian airspace or land on or fly over Estonian territory, an application shall be submitted at least seven working days before the proposed entry.

(2) Where warranted, an application for air traffic control clearance may be submitted within a period shorter than stipulated in subsection (1), if the Ministry of Defence has been notified about this previously.

(3) The form for applying for air traffic control clearance is provided in Annex 2.

§ 11. Submission of an application for the delivery of an opinion

(1) The Ministry of Defence shall forward the application for air traffic control clearance within one working day to the Defence Forces and the Police and Border Guard Board and other relevant government agencies for the delivery of opinions and to the provider of the certified air-navigation service providing the regional air control service in the Tallinn flight information region, also setting the deadline for a reply.

(2) In the event of the arrival of an aircraft of a foreign state from the area of an epidemic, the aircraft commander shall submit to the Ministry of Defence the “Health” section of the aviation general declaration in accordance with subsection 3 (5) of Regulation No. 298 of the Government of the Republic of 27 November 2003, “Procedure and requirements for controlling the spread of dangerous infectious diseases on Estonia’s national border”, which the Ministry of Defence shall forward within one working day from its receipt to the Health Board for the delivery of an opinion, also setting the deadline for a reply.

(3) Opinions shall be delivered by the heads of the agencies specified in subsections (1) and (2) or by persons authorised by them. Failing the submission of an opinion by the deadline, the party to have delivered the opinion shall be deemed to have consented to the granting of air traffic control clearance.

§ 12. Granting of air traffic control clearance

(1) The Ministry of Defence shall verify the information provided on the application, and a decision to grant or refuse air traffic control clearance shall be made within one working day from the receipt of the opinions specified in § 11. Conditions may be imposed on air traffic control clearance.

(2) Air traffic control clearance shall be provided for the period indicated on the application. Air traffic control clearance shall take effect 72 hours before the time indicated on the clearance and expire 72 hours after the time indicated on the permit.

(3) For aircraft of a Member State of the North Atlantic Treaty Organization, air traffic control clearance may be granted within 24 hours from the receipt of an application, without the application of the provisions in § 11.

§ 13. Notification about the granting or refusal of clearance

The Ministry of Defence shall notify the granting or refusal of air traffic control clearance immediately to the foreign state or international organisation that submitted the application, the Defence Forces, the Police and Border Guard Board and, where applicable, other relevant government agencies.

§ 14. Arrival in Estonia under air traffic control clearance for multiple entries

If there is air traffic control clearance for multiple entries, the foreign state or international organisation shall not have to provide advance notice about an aircraft of a foreign state entering Estonian airspace or landing on or flying over Estonian territory.

§ 15. Special regulation concerning the granting of air traffic control clearance for multiple entries

(1) Without applying the procedure laid down in this Chapter, every year the Ministry of Defence shall grant air traffic control clearance for national aircraft of Member States of the North Atlantic Treaty Organization and the European Union.

(2) Before issuing air traffic control clearance, the Ministry of Defence shall request the opinion of the provider of the certified air-navigation service providing the regional air control service in the Tallinn flight information region about the issuance of air traffic control clearance for the aircraft of the foreign state.

(3) The Ministry of Defence shall notify clearance granted to the Defence Forces, the Police and Border Guard Board and, where applicable, other relevant government agencies.

(4) If there is air traffic control clearance as stipulated in subsection (1), the foreign state shall not have to provide advance notification about an aircraft entering Estonian airspace or landing on or flying over Estonian territory, except in the case of an aircraft fitted with intelligence, surveillance, target acquisition, reconnaissance or electronic warfare equipment, irrespective of whether it is switched off or not. An aircraft of a foreign state fitted with the above equipment shall notify the Defence Forces one day before the proposed entry to Estonian airspace or landing on or flying over Estonian territory.

(5) In the event of the use of the air traffic control clearance stipulated in subsection (1), any intelligence, surveillance, target acquisition, reconnaissance or electronic warfare equipment of the aircraft shall be switched off for the duration of its presence in the airspace or on the territory of Estonia.

(6) Air traffic control clearance granted under this section shall not apply to an aircraft of a foreign state carrying weapons, ammunition, explosives or other dangerous goods not provided for in the relevant documents of the International Air Transport Association that

govern the transport of dangerous goods or to an aircraft of a foreign state on which, upon entering Estonian airspace or landing on or flying over Estonian territory, intelligence, surveillance, target acquisition, reconnaissance or electronic warfare equipment is switched on.

Taavi Rõivas
Prime Minister

Hannes Hanso
Minister of Defence

Heiki Loot
State Secretary

[Annex 1](#) Form for applying for ship clearance

[Annex 2](#) Form for applying for air traffic control clearance