

Issuer:	Riigikogu
Type:	act
In force from:	01.07.2023
In force until:	31.12.2023
Translation published:	30.06.2023

# Road Transport Act<sup>1</sup>

Passed 19.12.2017  
RT I, 11.01.2018, 1  
Entry into force 01.06.2018

Amended by the following acts

Passed	Published	Entry into force
13.06.2018	RT I, 26.06.2018, 5	06.07.2018, in part 01.01.2019
20.04.2020	RT I, 06.05.2020, 1	07.05.2020
17.06.2020	RT I, 30.06.2020, 8	01.07.2020
25.11.2020	RT I, 10.12.2020, 1	01.01.2021; words "Road Administration" replaced with words "Transport Administration" throughout the Act.
17.03.2021	RT I, 30.03.2021, 1	31.03.2021
16.02.2022	RT I, 10.03.2022, 1	21.03.2022
09.03.2022	RT I, 22.03.2022, 2	01.04.2022, in part 21.05.2022
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words "Ministry of Economic Affairs and Communications" replaced with words "Ministry of Climate" throughout the Act.

## Chapter 1 General Provisions

### § 1. Scope of regulation

(1) This Act establishes the grounds for road transport, training transport managers and drivers, the duties of road haulage undertakings and senders of goods, requirements for cargo safety, requirements for road transport drivers, liability for infringement of the requirements, and the organisation of state supervision.

(2) The organisation of the carriage of passengers for hire or reward is regulated in the Public Transport Act. The provisions of Chapter 6 of this Act, which regulate bilateral transport permits, clauses 3 and 6 of subsection 1 of § 29, subsection 4 of § 30, subsection 3 of § 31, §§ 36–38, the state supervision measures provided for in Chapter 12 regarding bilateral transport permits and the occupational and continuous training of drivers, §§ 55 and 60, the provisions of §§ 61 and 60 in connection with bilateral transport permits, §§ 55 and 60, the provisions of §§ 61 and 62 regarding bilateral transport permits, §§ 67–69 and 73, and subsections 2 and 3 of § 74 of this Act also apply to the carriage of passengers for hire or reward.  
[RT I, 26.06.2018, 5 – entry into force 06.07.2018]

(3) This Act does not apply to the own-account carriage of passengers using an automobile.

(4) This Act does not apply to the Defence Forces, the Defence League or the armed forces of a foreign state staying in Estonia on the basis of the National Defence Act.  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(5) This Act does not apply to carriage for the purpose of performance of national defence tasks or work duties on the basis of the National Defence Act.  
[RT I, 10.03.2022, 1 – entry into force 21.03.2022]

(6) This Act does not apply to the organisation of carriage using a foreign mission's motor vehicle or combination of vehicles.

(7) Upon carriage of goods, this Act and the General Part of the Economic Activities Code Act are followed to the extent that Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, pp 51–71) and Regulation (EC) No 1072/2009 of the European Parliament and of the Council on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, pp 72–87) do not or an international agreement does not provide otherwise.

(8) Upon own-account carriage of passengers by coach or bus, this Act is followed to the extent that Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, pp 88–105) or an international agreement does not provide otherwise.

(9) Provisions regulating carriage contracts apply to a contractual relationship between a sender of goods and a road haulage undertaking.

(10) The Administrative Cooperation Act applies to administrative agreements specified in subsection 1 of § 47 of this Act.

(11) The provisions of the Administrative Procedure Act apply to administrative proceedings specified in this Act, taking into account the variations provided for in this Act.

## **§ 2. Carriage**

(1) 'Carriage' means:

- 1) the transportation of goods by motor vehicle or combination of vehicles and an unladen journey made in conjunction with such carriage (hereinafter also *carriage of goods*);
- 2) the transportation of passengers by coach or bus or by coach or bus that is part of a combination of vehicles and an unladen journey made in conjunction with such carriage (hereinafter also *carriage of passengers*).

(2) 'National carriage' means carriage by road in the territory of Estonia by an Estonian undertaking.

(3) 'Carriage for hire or reward' means the carriage of goods or passengers for a charge.

(4) 'Own-account carriage' means the carriage of goods or passengers without charge.

(5) 'Cabotage operations' means national carriage for hire or reward carried out by an undertaking of one state on a temporary basis between loading and unloading points located in the territory of another state, except for an unladen journey.

## **§ 3. Road haulage undertaking, carrier, foreign carrier, undertaking engaging in own-account carriage and sender of goods**

(1) 'Road haulage undertaking' means an operator organising the carriage of goods for hire or reward or on own account.

(2) 'Carrier' means a person entered in the commercial register or register of non-profit associations and foundations, which holds a Community licence issued on the basis of this Act.

(3) 'Foreign carrier' means an agency or person who is authorised to engage in carriage in accordance with the procedure in force in the respective foreign state.

(4) 'Undertaking engaging in own-account carriage' means a person who organises carriage by road in accordance with the requirements of Chapter 3 of this Act.

(5) For the purposes of this Act, 'sender of goods' means an undertaking who concludes a carriage contract with a road haulage undertaking.

# **Chapter 2**

## **Requirements for Carriage of Goods for Hire or Reward**

### **§ 4. Community licence, certified true copy of Community licence and driver attestation**

(1) 'Community licence' (hereinafter *licence*) means the licence specified in Article 4(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, which certifies its holder's right to engage in the carriage of goods for hire or reward.

(2) ‘Certified true copy of Community licence’ (hereinafter *copy of licence*) means a certified true copy of the licence specified in Article 4(3) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, which certifies the right of the holder of the licence specified in subsection 1 of this section to engage in the carriage of goods for hire or reward using the motor vehicle bearing the registration number written on the copy of the licence.

(3) ‘Driver attestation’ means an attestation specified in Article 5 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, which grants a driver who is neither a national nor a long-term resident of a Member State of the European Union, contracting state of the European Economic Area or the Swiss Confederation within the meaning of Council Directive 2003/109/EC (OJ L 16, 23.01.2004, pp 44–53) and who is at the disposal of the carrier under an employment contract or a contract governed by the law of obligations the right to engage in the carriage of goods for hire or reward between the Member States of the European Union, the contracting states of the European Economic Area and the Swiss Confederation or in cabotage operations provided for in Chapter III of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

## **§ 5. Mandatoriness of licence, copy of licence and driver attestation**

(1) The carriage of goods for hire or reward using a motor vehicle or a combination of vehicles the permissible laden mass of which exceeds 3500 kilograms and the design speed of which exceeds 40 kilometres per hour is prohibited without a valid licence and a copy of the licence, unless otherwise provided for in this Act, international agreement or legislation of the European Union.

(1<sup>1</sup>) The international carriage of goods for hire or reward using a motor vehicle or a combination of vehicles the permissible laden mass of which exceeds 2500 kilograms and the design speed of which exceeds 40 kilometres per hour is prohibited without a valid licence and a copy of the licence, unless otherwise provided for in this Act, international agreement or legislation of the European Union.  
[RT I, 22.03.2022, 2 – entry into force 21.05.2022]

(2) The carriage of goods for hire or reward between the Member States of the European Union, the contracting states of the European Economic Area and the Swiss Confederation as well as cabotage provided for in Chapter III of Regulation (EC) No 1072/2009 of the European Parliament and of the Council is prohibited where the driver engaged in such carriage is neither a national nor a long-term resident of a Member State of the European Union, a contracting state of the European Economic Area or the Swiss Confederation within the meaning of Council Directive 2003/109/EC and lacks a valid driver attestation.

(3) A copy of the licence and the driver attestation is not handed over to another person. Only to a driver who is at the disposal of the carrier under an employment contract or a contract governed by the law of obligations may the carrier specified in a copy of the licence hand over the copy of the licence or grant the right to engage in the carriage of goods for hire or reward using a motor vehicle with regard to which the copy of the licence has been issued. The driver attestation holder may hand over the driver attestation only to the driver specified in the driver attestation who is at the disposal of the holder under an employment contract or a contract governed by the law of obligations.

(4) The licence issued to a carrier and a copy of the licence do not have validity regarding the carrier’s subsidiaries.

(5) Upon ordering the carriage of goods, the sender of goods, the forwarding agent or the main contractor or subcontractor involved in the ordering of the carriage of goods, a member of their management board or other representative to whom the obligation specified in this subsection was delegated, must verify that the road haulage undertaking holds:

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

1) the licence specified in subsection 1 or 1<sup>1</sup> of this section, or

[RT I, 22.03.2022, 2 – entry into force 21.05.2022]

2) the right to engage in the field of the carriage of goods where the carrier is not a carrier of a Member State of the European Union, a contracting state of the European Economic Area or the Swiss Confederation.

(6) To comply with the requirement provided for in subsection 5 of this section, the sender of goods, the forwarding agent or the main contractor or subcontractor involved in the ordering of the carriage of goods has the right to demand that the road haulage undertaking submit the required documents, unless the relevant data is available electronically in a public register.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

## § 6. Carriage without licence

(1) Carriage for hire or reward, which is provided for in Article 1(5) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, does not require the licence, unless otherwise provided for in an international agreement.

(2) In addition to carriage provided for in subsection 1 of this section, the following national carriage may be engaged in without the licence:

- 1) carriage of snow and ice in conjunction with snow-clearing or de-icing;
- 2) carriage of agricultural products by an agricultural producer to a buyer or processor within the radius of 65 kilometres from the place of business of the agricultural producer;
- 3) carriage of firewood or wood chips by a timber industry undertaking to a buyer or processor within the radius of 50 kilometres from the place of business of the timber industry undertaking;
- 4) carriage of the deceased;
- 5) carriage of waste, effluent, wastewater and garbage;
- 6) carriage in a concrete mixer truck;
- 7) carriage in a combination of vehicles that consists of an automobile and a trailer whose laden mass does not exceed 3500 kilograms;
- 8) carriage in a combination of vehicles that consists of a special power-driven vehicle that is not designated for the carriage of goods and a trailer whose laden mass does not exceed 3500 kilograms;
- 9) carriage of vehicles designated for the organisation of a sports event or for competing as well as carriage of a vehicle, animal or equipment by a motor vehicle or combination of vehicles whose laden mass does not exceed 7500 kilograms.

## § 7. Requirements for licence applicant and carrier

(1) A licence applicant must comply with the requirements established in this section and in Article 3(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(2) A licence applicant and a carrier must be registered in the commercial register or in the register of non-profit associations and foundations.

(3) A licence applicant and a carrier must communicate to the licence issuer the address of their establishment in Estonia where the documents specified in Article 5(a) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council are kept, unless the address overlaps with the address of the establishment of the licence applicant and the carrier registered in the commercial register or in the register of non-profit associations and foundations.

(4) A licence applicant and a carrier and a person authorised to manage the applicant or the carrier (hereinafter *chief executive*) must be of good repute. The repute of a licence applicant or a carrier and their chief executive is considered good within the meaning of Article 3(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council where they have not incurred a penalty for:

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

- 1) a criminal offence of the first degree or a wilful criminal offence of the second degree;
- 2) more than once for a misdemeanour provided for in §§ 153<sup>1</sup>, 154, 154<sup>1</sup> or 155<sup>2</sup> of the Taxation Act, §§ 69–73 of the Customs Act, § 6<sup>2</sup> or 6<sup>3</sup> of the Act on the Fiscal Marking of Liquid Fuel, or § 299 or 300 of the Aliens Act, or
- 3) more than once for engaging in the carriage of goods without holding the licence specified in point 5 of Annex IV of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(5) A carrier and their chief executive may be considered not to meet the requirement for good repute where the carrier has, upon carriage for hire or reward or own-account carriage, more than once incurred a penalty for:

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

- 1) a misdemeanour provided for in § 279 of the Penal Code, subsection 3 or, as a dangerous infringement, in subsection 4 of § 66 of this Act or in §§ 202, 208, 210, 210<sup>2</sup>, 210<sup>4</sup>, 210<sup>6</sup>, 213, 216, 217<sup>1</sup>, 225, 243, 243<sup>1</sup>, 244, 261<sup>2</sup> or 261<sup>3</sup> of the Traffic Act, or
- 2) a serious infringement specified in Article 1(6)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, which has been committed in a foreign state.

(6) On the ground provided for in subsection 5 of this section, a decision is made by the Ministry of Climate or, where authorised by it, the Transport Administration or a person specified in subsection 1 of § 47 of this Act, provided that the performance of the function has been delegated to it under an administrative agreement.

(7) Upon assessment of the compliance of a licence applicant and a carrier and their chief executive with the good repute requirement, account is taken of the conviction records of the infringement specified in subsection 4 or 5 of this section, which have not been deleted from the database in accordance with the Criminal Records Database Act, or of the fact that, upon committing the infringement in a foreign state, the time limit for deletion of the conviction data provided for in § 24 of the Criminal Records Database Act, which is calculated from the entry into force of a decision made in the foreign state, has not expired. The fact of whether a licence applicant or a carrier or their chief executive has incurred a penalty in connection with carriage for hire or reward or

own-account carriage is established on the basis of data entered in the criminal records database and the traffic supervision information system in accordance with clauses 1–3 of § 200<sup>2</sup> of the Traffic Act.  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(7<sup>1</sup>) Where the carrier and their chief executive has incurred a penalty for an infringement specified in subsection 5 of this section, their repute can be considered good if a decision is made as a result of the procedure specified in Article 6(2) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council whereby the loss of good repute would constitute a disproportionate response and the reasons for such a decision shall be recorded in the traffic supervision information system.  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(8) The licence applicant must designate and the transport activities of the carrier must effectively and continuously be managed by at least one transport manager specified in Article 4 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council (hereinafter *transport manager*) whose has good repute within the meaning of Article 3(1)(b) and meets the requirements provided for in § 8 of this Act.

(9) In the event of a change of the transport manager, the carrier must designate a new transport manager who meets the requirements specified in subsection 8 of this section and notify the issuer of the licence thereof in accordance with the procedure provided for in § 30 of the General Part of the Economic Activities Code Act, thereby also submitting the data and documents specified in clauses 2–5 of subsection 1 of § 13 of this Act.

(10) After obtaining the licence, the carrier must have at its disposal at least one motor vehicle designated for the carriage of goods. To prove it, the carrier must have applied for and obtained a copy of the licence at least within six months from the start of the period of validity of the licence.

(11) A carrier must ensure that a driver engaging in the carriage of goods who is at the disposal of the carrier under an employment contract or a contract governed by the law of obligations follows the requirements applicable to the carriage of goods.

(12) A carrier must ensure that a driver engaging in the carriage of goods who is at the disposal of the carrier under an employment contract or a contract governed by the law of obligations has completed the occupational or continuous training of drivers specified in subsection 1 of § 36 of this Act and training compliant with the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), which is specified in subsections 1 and 2 of § 39 (hereinafter *ADR-compliant training*) where such training is required, and holds a document certifying the completion of such training.

(13) A licence applicant must not have any non-staggered tax arrears that exceed the sum specified in subsection 5 of § 14 of the Taxation Act and the applicant must also not have been declared bankrupt.

## **§ 8. Requirements for transport manager**

(1) A transport manager must meet the requirements established in this section and in Article 4 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(2) A transport manager is responsible for meeting the requirements of the fields specified in Article 6(1) (a) and (b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council for national and international carriage of goods and cabotage operations.  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(3) A transport manager must be of good repute. A transport manager is deemed to be of good repute if the transport manager has not incurred a penalty for:

- 1) of a criminal offence of the first degree;
- 2) a criminal offence provided for in §§ 422–425 of the Penal Code;
- 3) a misdemeanour provided for in § 234, 236 or 237 of the Traffic Act or in § 299 or 300 of the Aliens Act;
- 4) more than once for a wilful criminal offence of the second degree;
- 5) more than once for a criminal offence provided for in § 279 of the Penal Code, or
- 6) more than once for engaging in the carriage of goods without holding the licence specified in point 5 of Annex IV of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(4) A transport manager may be deemed to not meet the requirement of good repute if the transport manager has more than once incurred a penalty for:

- 1) a misdemeanour provided for in §§ 202, 208, 210, 210<sup>2</sup>, 210<sup>4</sup>, 210<sup>6</sup>, 213, 216, 217<sup>1</sup>, 224–226, subsection 3 or 4 of § 227, subsection 1 of § 2431, § 244 or 261<sup>3</sup> of the Traffic Act, or  
[RT I, 26.06.2018, 5 – entry into force 06.07.2018]
- 2) a serious infringement specified in Article 1(6)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, which has been committed in a foreign state.

(5) On the ground provided for in subsection 4 of this section, a decision is made by the Ministry of Climate or, where authorised by it, the Transport Administration or a person specified in subsection 1 of § 47 of this Act, provided that the performance of the function has been delegated to it under an administrative agreement.

(6) Upon assessment of the compliance of a transport manager with the good repute requirement, account is taken of the conviction records of the infringement specified in subsection 3 or 4 of this section, which have not been deleted from the database in accordance with the Criminal Records Database Act, or of the fact that, upon committing the infringement in a foreign state, the time limit for deletion of the conviction data provided for in § 24 of the Criminal Records Database Act, which is calculated from the entry into force of a decision made in the foreign state, has not expired.

(6<sup>1</sup>) Where the transport manager has incurred a penalty for an infringement specified in subsection 4 of this section, their repute can be considered good if a decision is made as a result of the procedure specified in Article 6(2) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council whereby the loss of good repute would constitute a disproportionate response and the reasons for such a decision shall be recorded in the traffic supervision information system.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(7) A transport manager must be occupationally competent. A transport manager is deemed to be occupationally competent where the transport manager has gained the required knowledge of the organisation of carriage, completed training in the field of managing the carriage of goods, passed a written final examination, and holds a respective certificate of occupational competence. A person who meets the requirements provided for in Article 8(2) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council is granted access to transport manager training.

(8) Training in the field of managing the carriage of goods engaged in on the basis of the licence does not need to be completed by a person who in the last ten years has for at least five years managed the transport activities of a carrier, passed a written final examination of training in the field of managing the carriage of goods specified in subsection 7 of this section and holds a respective certificate of occupational competence.

(9) A person who holds a diploma from a university or an institution of professional higher education entailing knowledge of the subjects specified in the curriculum of the training in managing the carriage of goods does not need to complete the training in managing the carriage of goods to the extent that the subjects covered in the studies preceding the receipt of the university diploma or the professional higher education diploma overlap with those to be covered in the training in managing the carriage of goods. The university or the institution of professional higher education that holds a licence to organise training in managing the carriage of goods specified in subsection 3 of § 46 of this Act issues a certificate of occupational competence to a person on the basis of the person's university diploma or professional higher education diploma, provided that the subjects covered in the studies preceding the receipt of the diploma overlap with those to be covered in the training in managing the carriage of goods.

(10) A person who proves that they meet the criteria provided for in Article 9 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council does not have to complete training in managing the carriage of goods based on the licence, take a written final examination of the training or hold a respective certificate of occupational competence.

(11) A person who has acquired foreign professional qualifications can act as a transport manager where their professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Ministry of Climate.

(12) A person who holds a training certificate for national carriage of goods but has not been engaged in the management of the transport operations of a carrier without interruption over the last ten years may on one occasion be designated as a transport manager of a licence applicant or holder on the condition that, within six months as of being designated as the transport manager, the person passes the written final examination of the training in managing the international carriage of goods.

(13) Requirements for the knowledge and skills of a transport manager of the carriage of goods and requirements for the volume and content of transport manager training, the conditions of and procedure for organisation of such training, the curriculum and the list of the curricula and of the universities and institutions of professional higher education whose graduate's diploma serves as the basis for the partial or full exemption of a person from taking the final examination of the training are established by a regulation of the minister in charge of the policy sector.

## **§ 9. Requirements for applicant and holder of copy of licence**

(1) The financial standing of a licence applicant and holder must meet the requirements provided for in Article 7 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

(2) A copy of the licence can be applied for regarding a motor vehicle that has been registered in the motor register or an official register of another Member State of the European Union, contracting state of the European Economic Area or the Swiss Confederation and passed a roadworthiness test.

(3) An applicant for or a holder of a copy of the licence must, according to the registration certificate or a contract of use, be the owner or user of the motor vehicle with regard to which the applicant applies for or the holder holds a copy of the licence.

(4) An applicant for a copy of the licence must not have any non-staggered tax arrears that exceed the sum specified in subsection 5 of § 14 of the Taxation Act and the applicant must also not have been declared bankrupt.

(5) One valid copy of the licence is issued per motor vehicle.

(6) In the case of a copy of the licence, the duties provided for in subsections 6–8 of § 30 of the General Part of the Economic Activities Code Act are not applied.

#### **§ 10. Requirements for applicant for and holder of driver attestation and driver**

(1) An applicant for and holder of a driver attestation must meet the requirements provided for in Article 5(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

(2) A driver for whom a driver attestation is applied for must:

- 1) be at the carrier's disposal on the basis of an employment contract or a contract governed by the law of obligations;
- 2) have valid medical insurance or health insurance;
- 3) hold a valid driving licence specified in subsection 1 of § 96 or subsection 1 of § 99 of the Traffic Act;
- 4) for the purpose of obtaining skills relating to the technical construction of vehicles and the carriage of goods, completed the occupational or continuous training of drivers specified in subsection 1 of § 36 of this Act and must have a document specified in subsection 5 of § 36, which corresponds to the category of the driven motor vehicle or combination of vehicles, or a respective entry on the driving licence.

## **Chapter 3 Requirements for Own-Account Carriage**

#### **§ 11. Requirements for own-account carriage**

(1) [Repealed – RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2) The own-account international carriage of goods must meet the requirements provided for in Article 1(5)(d) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, unless otherwise provided by an international agreement.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2<sup>1</sup>) The own-account national carriage of goods using a motor vehicle or a combination of vehicles the permissible laden mass of which exceeds 3500 kilograms and the design speed of which exceeds 40 kilometres per hour, must meet the requirements provided for in Article 1(5)(d) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(3) The own-account carriage of passengers by coach or bus must meet the requirements provided for in Article 2(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, unless otherwise provided by an international agreement.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(4) An undertaking is required to prove that its own-account carriage of goods meets the requirements provided for in Article 1(5)(d) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council and that its own-account carriage of passengers by coach or bus meets the requirements provided for in Article 2(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council. Where compliance with the requirements is not proven, carriage is deemed to be carriage for hire or reward.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(5) An undertaking organising own-account carriage must ensure that a driver who is at its disposal under an employment contract or a contract governed by the law of obligations and engages in own-account carriage:

- 1) follows the requirements applicable to own-account carriage;
- 2) has completed the occupational and continuous training of drivers specified in subsection 1 of § 36 of this Act and the ADR-compliant training specified in subsections 1 and 2 of § 39 of this Act where the training is required, and holds a document certifying the completion of such training.

## § 12. Certificate of own-account carriage of passengers

(1) An undertaking organising the own-account carriage of passengers between the Member States of the European Union, the contracting states of the European Economic Area and the Swiss Confederation must hold a certificate of the own-account carriage of passengers (hereinafter *certificate*) in accordance with Article 5(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council.

(2) A certificate can be applied for regarding a bus or coach that has been registered in the motor register and passed a roadworthiness test.

(3) An applicant for or a holder of a certificate must, according to the registration certificate or a contract of use, be the owner or user of the bus or coach with regard to which the applicant applies for or the holder holds a certificate.

## Chapter 4 Application for, Issuing of and Returning of Licence, Copy of Licence, Driver Attestation and Certificate, and Suspension of Validity and Withdrawal of Licence, Copy of Licence and Driver Attestation

### § 13. Application for licence, copy of licence, driver attestation and certificate

(1) To apply for the licence, the following data and documents are submitted to the issuer of the licence in addition to those provided for in clauses 1–4 of subsection 2 of § 19 of the General Part of the Economic Activities Code Act:

1) the address of the establishment of the applicant in Estonia where the applicant keeps the documents specified in Article 5(a) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, unless the address overlaps with the address of the establishment of the applicant in the commercial register or in the register of non-profit associations and foundations;

1<sup>1</sup>) the name of the applicant's chief executive and, if the chief executive and the transport manager are not the same person, the chief executive's personal identification code or, upon absence thereof, date of birth and the telephone number and e-mail address as contact details;

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

2) the name and personal identification code of the person designated as a transport manager or, upon absence thereof, the date of birth and the telephone number and e-mail address as contact details;

3) a document certifying the designation of the person as a transport manager, which bears or is accompanied by the signed consent of the transport manager to the designation as a transport manager, unless the transport manager is a self-employed person or a member of the management board of a company or a member of the management board of a person entered in the register of non-profit associations and foundations whose right of representation has not been restricted according to the information available from the commercial register or the register of non-profit associations and foundations;

4) a certificate of occupational competence specified in subsection 7 of § 8 of this Act or a document that proves the compliance of the person with subsection 10 of § 8 of this Act;

5) where the person has been designated as a transport manager on the basis of an employment contract or a contract governed by the law of obligations in accordance with Article 4 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, the document certifying designation as a transport manager specified in clause 3 of this subsection must bear or be accompanied by information of the type, parties, date of conclusion and period of validity of the contract;

6) a written confirmation that the applicant meets the requirements provided for in Article 5(1)(f) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2) To apply for a copy of the licence, the following data and documents are submitted to the issuer of the copy of the licence:

1) a written application;

2) the requested period of validity of the copy of the licence where the applicant would like to get the copy of the licence for a period shorter than provided for in subsections 2–4 of § 17 of this Act;

3) the registration number of the motor vehicle regarding which the copy of the licence is applied for;

4) the documents specified in Article 7(1), (2) of (2a) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council where the data certifying the financial standing of the carrier is not electronically available from the commercial register;

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

5) the registration certificate of the motor vehicle or a copy of the registration certificate where the copy of the licence is applied for regarding a motor vehicle registered in the official register of another Member State of the European Union or a contracting state of the European Economic Area or the Swiss Confederation;

6) a document certifying the passing of a roadworthiness test of the motor vehicle or a copy of the document where the copy of the licence is applied for regarding a motor vehicle registered in the official register of



another Member State of the European Union or a contracting state of the European Economic Area or the Swiss Confederation;

7) the contract of use of the motor vehicle, a copy of the contract or an extract of the contract certified by the parties, which bears at least the names of the parties to the contract, the date of conclusion and the period of validity of the contract and the registration number of the motor vehicle where the applicant is not the owner or user of the motor vehicle based on the data of the motor register or the registration certificate of the motor vehicle.

(3) To apply for a driver attestation, the following documents are submitted to the issuer of the driver attestation:

- 1) a written application;
- 2) a document certifying the identity of the driver or a copy thereof;
- 3) the driver's driving licence or a copy thereof;
- 4) the employment contract or a contract governed by the law of obligations concluded between the driver and the carrier or an extract of the contract certified by the parties, which must bear the names of the driver and the carrier, the date of conclusion of the contract and the period of validity of the contract;
- 5) a document certifying the driver's medical or health insurance or a copy thereof;
- 6) a document certifying that the driver has completed occupational or continuous training of drivers or a copy thereof.

(4) To apply for a certificate, the following documents are submitted to the issuer of the certificate:

- 1) a written application;
- 2) the contract of use of the bus or coach, a copy of the contract or an extract of the contract certified by the parties, which bears at least the names of the parties to the contract, the date of conclusion and the period of validity of the contract and the registration number of the bus or coach where the applicant is not the owner or user of the bus or coach based on the data of the motor register or the registration certificate of the bus or coach.

(5) In the case of loss, theft or destruction of the licence, copy of the licence, driver attestation or certificate or a change of the address of the carrier indicated on the document, a new document is issued to the applicant with period of validity that does not exceed the period of validity of the replaced document.

(6) Documents submitted for the purpose of applying for the licence, copy of the licence, driver attestation and certificate as well as the details contained therein are not disclosed to third parties, unless otherwise provided by law, international agreement or legislation of the European Union.

(7) Upon applying for the licence, copy of the licence, driver attestation and certificate, a state fee must be paid at the rate provided for in the State Fees Act, unless a person specified in subsection 1 of § 47 of this Act is authorised to issue the document.

#### **§ 14. Issuer of licence, copy of licence, driver attestation and certificate**

The licence, copy of the licence, driver attestation and certificate is issued by the Transport Administration authorised by the Ministry of Climate or a person specified in subsection 1 of § 47 of this Act where the performance of the function has been delegated to the person under an administrative agreement.

#### **§ 15. Application for licence, copy of licence, driver attestation and certificate**

(1) Upon deciding an application for the licence and a copy of the licence, subsections 1–3 of § 20 of the General Part of the Economic Activities Code Act is followed. Upon expiry of the time limit for deciding an application for the licence and a copy of the licence, neither of the documents is deemed to be issued by default.

(2) An application for a driver attestation and a certificate is decided within 15 calendar days following the submission of all the required data and documents.

(3) If there are deficiencies in the data or documents submitted for application for a driver attestation or certificate, a reasonable time limit is given to the applicant for eliminating the deficiencies. The running of the time limit for deciding the application stops until the deficiency has been eliminated. If the applicant fails to eliminate the deficiency within the time limit, the application may be dismissed.

(4) The licence, a copy of the licence, a driver attestation, a certificate or a decision to refuse to issue these documents is handed over to the applicant in person or sent to the applicant by registered post, registered post with advice of delivery or unregistered post.

(5) With the applicant's consent, a decision to refuse to issue the licence, a copy of the licence, a driver attestation and a certificate may be sent to the applicant electronically.

## **§ 16. Refusal to issue licence, copy of licence, driver attestation and certificate**

- (1) In addition to the grounds provided for in subsection 1 of § 25 of the General Part of the Economic Activities Code Act, the licence is refused where a period of two years has not passed from the withdrawal of the previous licence of the applicant on the ground provided for in subsection 2 of § 19 of this Act.
- (2) The licence is also refused during the period in which the validity of the licence issued to the carrier is suspended on the ground provided for in subsection 1 of § 19 of this Act.
- (3) Where the carrier has abandoned its economic activities, the licence is refused also in the period for which the validity of the applicant's previous licence had been suspended on the ground provided for in subsection 1 of § 19 of this Act.
- (4) In addition to the grounds provided for in subsection 1 of § 25 of the General Part of the Economic Activities Code Act, a copy of the licence is refused where it becomes evident that the applicant does not meet at least one requirement provided for in § 7 of this Act.
- (5) A copy of the licence is refused where a period of one year has not passed from the withdrawal of the previous copy of the licence of the applicant on the ground provided for in subsection 2 of § 19 of this Act.
- (6) A copy of the licence is also refused during the period in which the validity of a copy of the licence issued to the carrier is suspended on the ground provided for in subsection 1 of § 19 of this Act.
- (7) Where the carrier has abandoned its economic activities, a copy of the licence is refused also in the period for which the validity of the applicant's previous copy of the licence had been suspended on the ground provided for in subsection 1 of § 19 of this Act.
- (8) The grounds for refusal to issue a driver attestation:
  - 1) an applicant for a driver attestation does not meet the requirements provided for in Article 5(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.
  - 2) the driver for whom a driver attestation is applied for does not meet at least one of the requirements provided for in subsection 2 of § 10 of this Act;
  - 3) upon issuing a driver attestation it becomes evident that the applicant does not meet at least one of the requirements provided for in § 7 of this Act.
- (9) A certificate is refused where the requirements provided for in subsection 2 or 3 of § 12 of this Act are not met.
- (10) A driver attestation or certificate is refused where the applicant has intentionally given false information that may have influenced the deciding of the application and upon non-submission of which a driver attestation or certificate should be refused.

## **§ 17. Period of validity of licence, copy of licence, driver attestation and certificate**

- (1) The licence is issued for ten years, unless the applicant requests a shorter term.
- (2) A copy of the licence is issued for ten years, unless the applicant requests a shorter term. A copy of the licence is not issued for a period longer than the period of validity of the licence. Where a document specified in Article 7(2) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council was submitted upon application for a copy of the licence, a copy of the licence is not issued for a longer period than the period of validity of the document.
- (3) Where a copy of the licence is applied for regarding a motor vehicle registered in the official register of another Member State of the European Union, a contracting state of the European Economic Area or the Swiss Confederation and the applicant has been indicated on the registration certificate of the motor vehicle as the owner or user, a copy of the licence is issued with the period of validity specified in subsection 2 of this section.
- (4) Where a copy of the licence is applied for a motor vehicle used by the carrier on the basis of a contract of use, the period of validity of the copy of the licence may not be longer than the period of validity of the contract of use of the motor vehicle.  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]
- (5) A driver attestation is issued for five years, unless the applicant requests a shorter term. A driver attestation is not granted for a longer period than the period of validity of the licence issued to the carrier applying for the driver attestation or the period of validity of the documents specified in clauses 2–6 of subsection 3 of § 13 of this Act, which are submitted for application for the driver attestation.
- (6) A certificate is issued for five years, unless the applicant requests a shorter term.

## **§ 18. Form and details of licence, copy of licence, driver attestation and certificate**

(1) The form of the licence and a copy of the licence as well as the data entered on it must comply with Annex II to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. The registration number of the motor vehicle and the commercial registry code of the carrier are indicated in the special comments field of a copy of the licence.

(2) The driver attestation form and the data entered on it must comply with Annex III to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. The European Union's harmonised code '95' specified in Annex I to Directive 2006/126/EC of the European Parliament and of the Council on driving licences (OJ L 403, 30.12.2006, pp 18–60), which certifies that the driver has completed occupational or continuous training of drivers, is entered in the special comments field of the driver attestation form.  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(3) The certificate form and the data entered on it must comply with Annex V to Commission Regulation (EU) No 361/2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.04.2014, pp 39–55).  
[RT I, 26.06.2018, 5 – entry into force 06.07.2018]

## **§ 19. Suspension and withdrawal of licence, copy of licence and driver attestation**

(1) In addition to the grounds provided for in Article 13(3) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, Article 12(1) and (2) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council and subsection 1 of § 43 of the General Part of the Economic Activities Code Act, the validity of the licence or a copy of the licence may be temporarily suspended where:

- 1) the carrier, its transport manager or drivers who are engaging in or who have engaged in the carriage of goods while being at the carrier's disposal under an employment contract or a contract governed by a law of obligations contract have more than once incurred a penalty for a serious infringement specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council upon carriage of goods for hire or reward or own-account carriage of goods whereby the conviction data have not been deleted from the database under the Criminal Records Database Act or it becomes evident that, upon committing the infringement in a foreign state, the time limit for deletion of the conviction data provided for in § 24 of the Criminal Records Database Act, which is calculated from the entry into force of a decision made in the foreign state, has not expired;
- 2) the carrier or its transport manager has upon carriage for hire or reward or own-account carriage incurred, based on § 279 of the Penal Code, a penalty for obstructing state supervision over compliance with the requirements for the working, driving and rest time of a driver, and the conviction data of the infringement have not been deleted from the database under the Criminal Records Database Act;
- 3) the carrier has infringed the requirement provided for in subsection 3 of § 5 of this Act and, according to a precept made regarding the infringement, has failed to eliminate the deficiencies within the prescribed time limit;
- 4) the carrier, its transport manager or drivers who are engaging in or who have engaged in the carriage of goods while being at the carrier's disposal under an employment contract or a contract governed by a law of obligations contract have more than once incurred a penalty or a deterrent fine for an infringement of §§ 261<sup>6</sup>–261<sup>9</sup> of the Traffic Act upon carriage of goods for hire or reward or own-account carriage of goods.  
[RT I, 26.06.2018, 5 – entry into force 01.01.2019]

(2) In addition to the grounds provided for in Article 13(3) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, Article 12(1) and (2) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council and subsection 2 of § 37 of the General Part of the Economic Activities Code Act, the licence or a copy of the licence may be withdrawn where:

- 1) the carrier has not eliminated within the prescribed time limit the deficiencies pointed out in a precept made on the basis of this Act or subsection 4 of § 139 of the Traffic Act;
- 2) the carrier, its transport manager or drivers who are engaging in or who have engaged in the carriage of goods while being at the carrier's disposal under an employment contract or a contract governed by a law of obligations contract have more than once incurred a penalty for a serious infringement specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council upon carriage of goods for hire or reward or own-account carriage of goods whereby the conviction data have not been deleted from the database under the Criminal Records Database Act or it becomes evident that, upon committing the infringement in a foreign state, the time limit for deletion of the conviction data provided for in § 24 of the Criminal Records Database Act, which is calculated from the entry into force of a decision made in the foreign state, has not expired;
- 3) the carrier or its transport manager has upon carriage of goods for hire or reward or own-account carriage of goods incurred, based on § 279 of the Penal Code, more than once a penalty for obstructing state supervision over compliance with the requirements for the working, driving and rest time of a driver, and the conviction data of the infringement have not been deleted from the database under the Criminal Records Database Act;

4) the carrier, its transport manager or drivers who are engaging in or who have engaged in the carriage of goods while being at the carrier's disposal under an employment contract or a contract governed by a law of obligations contract have more than once incurred a penalty or a deterrent fine for an infringement of §§ 261<sup>6</sup>–261<sup>9</sup> of the Traffic Act upon carriage of goods for hire or reward or own-account carriage of goods.  
[RT I, 26.06.2018, 5 – entry into force 01.01.2019]

(2<sup>1</sup>) Data concerning a deterrent fine provided for in clause 4 of subsection 1 and clause 4 of subsection 2 of this section, which have been entered in the e-file system are of legal relevance.  
[RT I, 26.06.2018, 5 – entry into force 01.01.2019]

(3) The grounds for the temporary suspension of the validity of the licence or a copy of the licence provided for in clauses 1 and 2 of subsection 1 of this section and the grounds for withdrawal of the licence or a copy of the licence provided for in clauses 2 and 3 of subsection 2 of this section are not applied where it is found in the course of respective administrative proceedings that temporary suspension of the validity or withdrawal of the licence or a copy of the licence would constitute a disproportionate measure.

(4) The licence or a copy of the licence may be withdrawn also where the holder of the licence or the copy of the licence has not within six months from the first date of validity of the licence or the copy of the licence picked up the licence or the copy of the licence or where it has not been possible to deliver the document to the holder.

(5) The licence may be withdrawn also in the case where, contrary to the requirement provided for in subsection 10 of § 7 of this Act, there is no motor vehicle at the disposal of the carrier with regard to which the carrier had to apply for and obtain a copy of the licence within six months from the start of the period of validity of the licence.

(6) Where the licence is withdrawn, a copy of the licence and a driver attestation issued on the basis of the licence are withdrawn as well, unless the licence is withdrawn in the event of the loss, theft or destruction of the licence specified in subsection 5 of § 13 of this Act, and instead of the lost, stolen or destroyed licence the applicant is issued a new licence the period of validity of which does not exceed that of the replaced licence.

(7) The licence is withdrawn also where the issuer of the licence finds that the carrier has transferred the motor vehicle bearing the registration number indicated on the copy of the licence or that the contract of use of the motor vehicle has terminated.

(8) A copy of the licence may be withdrawn or its validity temporarily suspended also where the correct use, roadworthiness or proper keeping of the motor vehicle or its trailer in accordance with the requirement provided for in subsection 3 of § 31 of this Act is not ensured.  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(9) In addition to the grounds provided for in Articles 7(2) and 12(2) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, a driver attestation is withdrawn where:

- 1) the carrier has applied for the withdrawal of the driver attestation;
- 2) the driver for whom a driver attestation was applied no longer meets at least one of the requirements provided for in subsection 2 of § 10 of this Act.

(10) On the grounds provided for in subsections 1–9 of this section, a decision is made by the Ministry of Climate or, where authorised by it, the Transport Administration or a person specified in subsection 1 of § 47 of this Act, provided that the performance of the function has been delegated to it under an administrative agreement.

## **§ 20. Returning of licence, copy of licence and driver attestation**

(1) Where the validity of the licence or a copy of the licence has been temporarily suspended or the licence, copy of the licence or driver attestation has been withdrawn, the document must be returned to the issuer within five working days following the date of delivery of the decision to suspend or withdraw the document. The returning requirement does not apply where the licence, copy of the licence or driver attestation has been withdrawn due to its loss, theft or destruction.

(2) A copy of the licence must be returned to the issuer of the document within five working days where the carrier has transferred the motor vehicle bearing the registration number indicated on the copy of the licence or where the contract of use of the motor vehicle has terminated.

## **Chapter 5**

## **Declaring Transport Manager Non-compliant with Requirement of Good Repute and Referral of Transport Manager for Examination**

### **§ 21. Declaring transport manager non-compliant with requirement of good repute and referral of transport manager for examination**

(1) The transport manager is declared to be non-compliant with the requirement of good repute for up to three years where at least one of the criteria is met:

- 1) the transport manager does not comply with the requirement provided for in subsection 3 of § 8 of this Act;
- 2) the transport manager has caused the making of more than two precepts to the carrier in the last 12 months;
- 3) the transport manager has caused the withdrawal of the licence issued to the carrier.

(2) The transport management may be declared to be non-compliant with the requirement of good repute for up to three years in the event provided for in subsection 4 of § 8 of this Act.

(3) The transport manager may be referred to the examination specified in subsection 7 of § 8 of this Act where:

- 1) the transport manager has incurred more than once a penalty for an infringement provided for in clause 1 or 2 of subsection 4 of § 8 of this Act;
- 2) the transport manager has caused the making of more than one precept to the carrier in the last 12 months, or
- 3) the transport manager has caused the suspension of the licence issued to the carrier.

(4) On the grounds provided for in subsections 1–3 of this section, a decision is made by the Ministry of Climate or, where authorised by it, the Transport Administration or a person specified in subsection 1 of § 47 of this Act, provided that the performance of the function has been delegated to it under an administrative agreement.

## **Chapter 6 Transport Permit in International Carriage, Requirements for Applicant and Holder, Issue of Transport Permit, Refusal of Transport Permit, Withdrawal of Decision to Issue and Returning of Transport Permit**

### **§ 22. Transport permit for international carriage**

(1) The transport permit for international carriage (hereinafter *transport permit*) is a document that certifies the holder's right to engage in carriage operations between states or in transit on the conditions indicated on the transport permit.

(2) In order to engage in international carriage, a carrier specified in subsection 2 of § 3 of this Act and a carrier specified in subsection 1 of § 6 of the Public Transport Act must hold a valid transport permit of the destination country and the transit country, unless otherwise provided for in an international agreement or legislation of the European Union.

(3) In order to engage in international carriage to Estonia, from Estonia or transit via Estonia, a foreign carrier must hold a valid transport permit in the form established on the basis of subsection 11 of § 25 of this Act, unless otherwise provided for in an international agreement or legislation of the European Union.

(4) Upon determining the conditions and number of transport permits and upon exchanging and using transport permits between states, an international agreement or an agreement made on the basis thereof is followed. A decision of a contracting party arising from the international agreement or the agreement made on the basis thereof is made by the minister in charge of the policy sector.

### **§ 23. Transport permit types**

The transport permit types are:

- 1) bilateral transport permit that grants its holder the right to engage in international carriage operations of various types to the extent of the number indicated in the permit;
- 2) transport permit of the European Conference of Ministers of Transport (hereinafter *ECMT*) of the International Transport Forum is a transport permit that grants its holder the right to engage in international carriage between the member countries of ECMT or via one or more member countries of ECMT and in unladen journeys in the member countries of ECMT;

3) ECMT international removal permit that grants its holder the right to engage in the international removal of goods between the member countries of ECMT or via one or more member countries of ECMT and in unladen journeys in the member countries of ECMT.

#### **§ 24. Requirements for transport permit applicant and holder**

(1) An applicant for and holder of the transport permit for the carriage of goods must hold a valid licence specified in subsection 1 of § 4 of this Act and an applicant for and holder of the transport permit for the carriage of passengers must hold a valid licence specified in subsection 1 of § 39 of the Public Transport Act, unless otherwise provided for in this Act.

(2) An applicant for and holder of the bilateral transport permit, ECMT transport permit and ECMT international removal permit designated for the carriage of goods must have at its disposal at least one motor vehicle designated for the carriage of goods with regard to which a valid copy of the licence has been issued, unless otherwise provided for in this Act.

(3) An applicant for and holder of the bilateral transport permit designated for the carriage of passengers must have at its disposal at least one bus or coach with regard to which a valid certified true copy of the Community licence specified in subsection 2 of § 39 of the Public Transport Act has been issued.

(4) A first-time applicant for an ECMT transport permit must prove that where a copy of the licence has been issued to it regarding a motor vehicle at its disposal, the kilometrage of the motor vehicle in international carriage of goods for hire or reward in the three months preceding the submission of the application was at least 60 000 kilometres in total.

(5) The issuer of an ECMT transport permit does not need to apply the requirement provided for in subsection 4 of this section where, based on the distribution plan specified in subsection 4 of § 25 of this Act, some ECMT transport permits remain unissued for the reason that carriers meeting the requirement provided for in subsection 4 of this section did not apply for them.

(6) Where the number of environmentally friendly motor vehicles at the disposal of an ECMT transport permit holder decreases, the permit holder must immediately notify the issuer of the permit thereof.

(7) An applicant for and holder of an ECMT transport permit and an ECMT international removal permit or its transport manager must not have more than once incurred a penalty for a serious infringement specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council or infringement of the requirements of use of an ECMT transport permit or an ECMT international removal permit whereby the conviction data have not been deleted from the database under the Criminal Records Database Act or it becomes evident that, upon committing the infringement in a foreign state, the time limit for deletion of the conviction data provided for in § 24 of the Criminal Records Database Act, which is calculated from the entry into force of a decision made in the foreign state, has not expired.

(8) The transport permit is not handed over to another person. The transport permit holder may hand the permit over only to a driver engaged in carriage operations who is at the disposal of the permit holder under an employment contract or a contract governed by the law of obligations.

#### **§ 25. Issue of transport permit**

(1) The transport permit is issued by the Transport Administration authorised by the Ministry of Climate or a person specified in subsection 1 of § 47 of this Act where the performance of the function has been delegated to the person under an administrative agreement.

(2) Upon issue of a bilateral transport permit, the issuer of the permit takes into account the number of valid copies of the licence issued to applicants for bilateral transport permits of the same type regarding the same foreign state and the number of unissued bilateral transport permits of the same type regarding the same foreign state, thereby adhering to the principles of distribution of bilateral transport permits.

(3) Where justified and in the event of sufficient availability of bilateral transport permits designated for the carriage of goods, a bilateral transport permit may be issued to an undertaking engaged in own-account carriage based on a respective application.

(4) ECMT transport permits whose quota to be allocated to an ECMT member country is approved by the Council of Ministers of the European Conference of Transport Ministers are issued to applicants for an ECMT permit on the basis of a distribution plan. The distribution plan is approved by a directive of the minister in charge of the policy sector.

(5) Upon drawing up the distribution plan of ECMT transport permits, account is taken of the number of ECMT transport permits allocated to Estonia for environmentally friendly motor vehicles, the number of valid copies of the licence issue to the carrier who has submitted an application for an ECMT transport permit, and the number of the valid copies of the licence issued regarding environmentally friendly motor vehicles used by all the carriers who have submitted an application for an ECMT transport permit.

- (6) An ECMT international removal permit is not issued for a period longer than the period of validity of the licence.
- (7) A transport permit or a decision to refuse to issue it is handed over to the applicant or sent to the applicant by registered post, registered post with advice of delivery or unregistered post.
- (8) A decision to refuse to issue a transport permit may be sent to the applicant electronically with the applicant's consent.
- (9) Documents submitted for applying for a transport permit and the data contained therein are not disclosed to a third party, unless otherwise provided by law, an international agreement or legislation of the European Union.
- (10) Upon application for a transport permit, a state fee must be paid at the rate provided for in the State Fees Act, unless the person specified in subsection 1 of § 47 of this Act has been authorised to issue the transport permit.
- (11) The procedure for application for and issuing of a transport permit, the details given in a transport permit, the procedure for drawing up the ECMT transport permit distribution plan, the form of a bilateral transport permit and the principles of distribution of bilateral transport permits are established by a regulation of the minister in charge of the policy sector.

## **§ 26. Refusal to issue transport permit and withdrawal of decision to issue transport permit**

- (1) A transport permit is refused where:
- 1) the applicant does not meet at least one of the requirements provided for in subsections 1–4 of § 24 of this Act;
  - 2) the applicant has intentionally given false information that may have influenced the deciding of the application and upon non-submission of which a transport permit should be refused;
  - 3) the applicant has not returned a transport permit of any type in accordance with subsection 5 or 6 of § 27 of this Act;
  - 4) relevant transport permits have not been allocated to Estonia, the number of relevant transport permits allocated to Estonia is not sufficient to issue the permits to all applicants or all the relevant transport permits have been issued.
- (2) An ECMT transport permit is refused also where the applicant for an ECMT permit has not followed the requirement provided for in subsection 2 of § 27 of this Act in a previous period of use of an ECMT transport permit.
- (3) An ECMT transport permit or an ECMT international removal permit may be refused where the applicant for an ECMT transport permit or an ECMT international removal permit does not meet the requirement provided for in subsection 7 of § 24 of this Act.
- (4) A decision to issue a transport permit is withdrawn where:
- 1) the transport permit holder does not meet at least one of the requirements provided for in subsections 1–3 of § 24 of this Act;
  - 2) the transport permit holder has, upon applying for the permit, intentionally given false information that may have influenced the deciding of the application and upon non-submission of which the transport permit would have been refused.
- (5) A decision to issue an ECMT transport permit is also withdrawn on the basis of an amendment of the ECMT distribution plan where the number of environmentally friendly motor vehicles at the disposal of the holder of the ECMT transport permit has decreased.
- (6) A decision to issue a transport permit may be withdrawn where:
- 1) the permit holder or its transport manager has more than once incurred a penalty for a serious infringement specified in Article 6(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council or infringement of the requirements of use of the transport permit whereby the conviction data have not been deleted from the database under the Criminal Records Database Act or it becomes evident that, upon committing the infringement in a foreign state, the time limit for deletion of the conviction data provided for in § 24 of the Criminal Records Database Act, which is calculated from the entry into force of a decision made in the foreign state, has not expired;
  - 2) the permit holder has infringed the requirement provided for in subsection 8 of § 24 of this Act and, according to a precept made regarding the infringement, has failed to eliminate the deficiencies within the prescribed time limit.
- (7) A decision to issue an ECMT transport permit may be withdrawn also where the holder of the ECMT permit has not followed the requirement provided for in subsection 2 or 3 of § 27 of this Act during the period of use of the ECMT transport permit.

(8) On the grounds provided for in subsections 1–7 of this section, a decision is made by the Ministry of Climate or, where authorised by it, the Transport Administration or a person specified in subsection 1 of § 47 of this Act, provided that the performance of the function has been delegated to it under an administrative agreement.

#### **§ 27. Use and returning of transport permit**

(1) The holder of a transport permit and the driver are required to fulfil the conditions of use of the transport permit provided for in the international agreement and in agreements made on the basis thereof and the condition indicated in the transport permit.

(2) The holder of an ECMT transport permit must ensure the sufficient use of the ECMT transport permit. For the purpose of the sufficient use of an ECMT transport permit the carrier must carry out at least two laden journeys a month based each ECMT transport permit between the loading and unloading sites of two ECMT member countries of which at least one is not a Member State of the European Union or a contracting state of the European Economic Area or the Swiss Confederation.

(3) On the basis of an ECMT transport permit valid in the territory of an ECMT member country that restricts the use of the ECMT transport permit, the carriage of goods must be engaged in, above all, between the said ECMT member country and another ECMT member country, provided that the person engaging in carries is not a carrier of the latter ECMT member country.

(4) The holder of a bilateral transport permit must, on the basis of the transport permit, engage in carries within two months following the date of issue of the bilateral transport permit.

(5) The transport permit must be returned to the issuer within 15 working days after completion of the carriage indicated in the transport permit, expiry of the period of validity of the transport permit or non-performance of the requirement provided for in subsection 4 of this section.

(6) Upon withdrawal of a decision to issue a transport permit on the grounds provided for in subsections of § 26 of this Act, the transport permit holder must return the transport permit to the issuer within five working days after the delivery of the decision to withdraw the decision to issue the transport permit.

#### **§ 28. Loss, theft and destruction of transport permit**

(1) The issuer of a transport permit must be immediately notified of the loss, theft or destruction of the permit and a respective written explanation must be submitted to the issuer of the permit.

(2) The lost, stolen or destroyed ECMT transport permit may be replaced with an ECMT backup permit by the issuer of the transport permit for the remaining period of validity of the ECMT transport permit. Before the issue of the ECMT backup permit the issuer of the transport permit withdraws the lost, stolen or destroyed ECMT transport permit.

## **Chapter 7 General Conditions of Carriage**

#### **§ 29. Obligation to submit documents certifying right to engage in carriage**

(1) The carrier, foreign carrier or undertaking engaging in own-account carriage must ensure that the driver carries the following documents which the driver must for inspection purposes present to a police officer or another official who inspects the driver on a statutory basis:

- 1) upon engaging in the carriage of goods, a copy of the licence, where required;
- 2) the driver attestation, where required;
- 3) documents arising from an international agreement;
- 4) in the case of own-account carriage of goods, the documents certifying that the own-account carriage of goods meets the requirements provided for in Article 1(5)(d) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, where required;
- 5) in the case of own-account carriage of passengers, the documents certifying that the own-account carriage of passengers meets the requirements provided for in Article 2(5) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, and a certificate, where required;
- 6) document certifying that the driver has completed occupational or continuous training of drivers, where the completion of such training is required under § 36 of this Act;  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 7) upon carriage of a hazardous load, the documents specified in subsection 10 of § 35 of this Act;
- 8) other documents arising from the type of the load.

(2) Where carriage for hire or reward or own-account carriage is engaged in on the basis of a contract of use using a motor vehicle registered in Estonia or another Member State of the European Union or a contracting state of the European Economic Area or the Swiss Confederation and the contractual user of the motor vehicle is not indicated in the registration certificate of the motor vehicle as the user of the motor vehicle, the contractual



user of the motor vehicle must ensure that the driver of the motor vehicle used on the basis of the contract of use carries, in addition to the documents specified in subsection 1 of this section, the following documents which the driver must for inspection purposes present to a police officer or another official who inspects the driver on a statutory basis:

1) the contract of use of the motor vehicle or an extract thereof certified by the parties, which bears the name of the parties to the contract, the date of conclusion of the contract, the period of validity of the contract, and the registration number of the motor vehicle;

2) the employment contract or the contract governed by the law of obligations or the extract of the contract certified by the parties, which bears the names of at least the contractual user of the motor vehicle and the driver, the date of conclusion of the contract, the period of validity of the contract, which proves that the driver is at the disposal of the contractual user of the motor vehicle, unless the driver is the contractual user of the motor vehicle.

(3) Upon the carriage of goods for hire or reward, the driver must carry with them a document, in a format which can be reproduced in writing, which certifies the conclusion of a carriage contract (hereinafter *carriage document*) and is prepared by the sender of goods or the forwarding agent.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(4) The carriage document specified in subsection 3 of this section must include at least the following data:

1) the name and address of the sender of goods;

2) the name and address of an Estonian or foreign carrier;

3) the name and address of the recipient of the goods;

4) the point where the goods are loaded and date of loading;

5) the point where the goods are unloaded;

6) the general name of the goods;

7) the gross mass of the goods or, if the gross mass cannot be determined, the quantity of the goods in other units of measurement.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(5) Upon using electronic carriage documents, the following shall be added to the data provided in subsection 4 of this section:

1) the first name and surname and personal identification code or, upon absence thereof, date of birth of the driver engaging the carriage of goods while being at the disposal of an Estonian carrier;

2) registration numbers of the motor vehicle and its trailer.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

### **§ 30. Exceptions to obligation to carry documents upon national carriage**

(1) Upon national carriage of goods, it is not mandatory to carry a copy of the licence. The existence of a copy of the licence is verified on the basis of the data of the register of economic activities.

(2) Upon national carriage of goods, it is not mandatory to carry the contract of use of the motor vehicle or an extract thereof certified by the parties where the details of the contract of use specified in clause 1 of subsection 2 of § 29 of this Act have been entered in the register of economic activities.

(3) Where the driver carries an identity document, it is not mandatory to carry the driver's employment contract or a contract governed by the law of obligations specified in clause 2 of subsection 2 of § 29 of this Act or to carry an extract thereof certified by the parties upon national carriage. The driver's employment by the contractual user of the motor vehicle is verified on the basis of the employment register.

(4) Where the driver carries an identity document, it is not mandatory to carry a document certifying that the driver has completed occupational and continuous training of drivers upon national carriage. The completion of occupational and continuous training of drivers by a driver is verified on the basis of the details of the motor register.

### **§ 31. Requirements for registration and use of motor vehicle and its trailer for carriage**

(1) The motor vehicle used for the carriage of goods by a carrier or an Estonian undertaking organising the carriage of goods must be registered in the motor register in accordance with the established procedure or in the official register of another Member State of the European Union or contracting state of the European Economic Area or Swiss Confederation, unless otherwise provided for in an international agreement.

(2) The bus or coach used for the own-account carriage of passengers organised by an Estonian undertaking must be registered in the motor register in accordance with the established procedure.

(3) An undertaking specified in Article 2(4) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council must ensure the right use, roadworthiness and proper keeping of the motor vehicle and its trailer.

(4) Upon the carriage of goods for hire or reward and own-account carriage of goods, the motor vehicle or its trailer used on the basis of a contract of use may be used during the period of validity of the contract of use only by the undertaking using the motor vehicle on the basis of the contract of use.

### **§ 32. Requirements for cabotage operations**

(1) When engaging in cabotage operations in the territory of Estonia, a foreign carrier who is a carrier of a Member State of the European Union, contracting state of the European Economic Area or Swiss Confederation and whom the licence requirement specified in Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council must follow the conditions applicable to cabotage operations, which are provided for in Articles 8 and 9 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council. Where the cabotage operations are carried out in the territory of Estonia on conditions other than those provided for in Article 8 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council the carrier must apply for authorisation on the grounds provided for in an international agreement.

(2) A foreign carrier who is not a carrier of a Member State of the European Union, contracting state of the European Economic Area or Swiss Confederation is permitted to engage in cabotage operations in the territory of Estonia on the basis of the authorisation provided for in an international agreement.

### **§ 33. Requirements for combined transport**

(1) 'Combined transport' means the carriage of goods between Member States of the European Union, contracting states of the European Economic Area and Swiss Confederation where the lorry, trailer or combination of vehicles, swap body or container of 6.096 metres (20 feet) or more uses the road on the initial leg of the journey and, on the final leg, based on the same carriage document, uses rail or inland waterway or maritime services (hereinafter both jointly referred to as *waterway*) or vice versa and where the distance between the initial and final point of the journey exceeds 100 km as the crow flies.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2) 'Initial leg of combined transport' means the road section between the point where the goods are loaded and the nearest suitable rail station or seaport. 'Final leg of combined transport' means the road section between the nearest suitable rail station or seaport where the goods are reloaded and the point where the goods are unloaded.

(3) In the case of a waterway, the length of the section of the journey between the port of loading or unloading on the initial or final leg of a combined transport operation must not exceed 150 kilometres as the crow flies.

(4) Where, as a part of a combined transport operation, the sender carries out the initial leg for its own account within the meaning of subsection 2 of § 11 of this Act, the recipient's right to transport the goods to their destination on the final leg is not in conflict with the given provision. In such an event the recipient of the goods must use a lorry owned or used by the recipient under a contract of use and driven by the recipient or an employee of the recipient.

(5) A combined transport operation carried out by a carrier of a Member State of the European Union or contracting state of the European Economic Area or Swiss Confederation is exempt from the transport permit requirement and the cabotage requirements specified in subsection 1 of § 32 of this Act do not apply thereto.

(6) The carriage document for a combined transport operation must set out the loading and unloading stations related to the rail leg of the transport operation and the loading and unloading seaports related to the waterway leg of the transport operation. After completing the combined transport operation, the representative of each station or port must make an entry to this effect in the carriage document, unless the final leg of the combined transport operation is carried out using a trailer belonging to an undertaking engaging in the carriage of goods for own account.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(7) Tax incentives for a lorry or a combination of vehicles used in combined transport are provided for in Acts regulating taxation, where necessary.

### **§ 34. Requirements for sender of goods and road haulage undertaking upon stowing, securing and covering of goods**

(1) The road haulage undertaking must provide the sender of goods with information on the lorry and its trailer, which is necessary for complying with the requirements provided for in subsections 6, 8, 11 and 12 of § 34 of the Traffic Act and established on the basis of subsection 16 thereof.

(2) The forwarding agent must submit to the road haulage undertaking with which it concludes a contract for the carriage of a container or swap body a certificate of the mass of the carried container or swap body.

(3) The sender of goods must stow, secure and cover the goods in a transport-proof manner, taking account of requirements established on the basis of subsections 6, 8, 11, 12 and 13<sup>1</sup> of § 34 of the Traffic Act and established on the basis of subsection 16 thereof.

(4) The sender of goods ensures that the actual mass and dimensions of the goods stowed by it correspond to those set out in the carriage documents and that the actual mass and dimensions of the laden power-driven vehicle, its trailer or combination of vehicles comply with § 80 of the Traffic Act and meet the requirements established on the basis thereof.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(5) Subsection 3 of this section does not apply to the sender of goods where the road haulage undertaking stows, secures or covers the goods under a carriage contract.

(6) Where the road haulage undertaking stows, secures or covers the goods, the sender must provide the road haulage undertaking with information necessary for complying with the requirements provided for in subsections 6, 8, 11 and 12 of § 34 of the Traffic Act and established on the basis of subsection 16 thereof.

(7) Upon classification of infringements of the requirements established regarding the stowing, securing and covering of goods as dangerous, major and minor, Table 1 of Annex III to Directive 2014/47/EU of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC (OJ L 127, 29.04.2014, pp 134–218) is relied on.

### **§ 35. Requirements for carriage of dangerous goods**

(1) ‘Dangerous goods’ means substances and objects that due to their characteristics may damage human health, property or the environment in the transport process. Upon carriage of dangerous goods, the ADR requirements must be followed.

(2) The requirements for the carriage of dangerous goods do not apply to goods the quantity of which does not exceed the permitted limit and which have been packaged in accordance with requirements.

(3) Derogations from the ADR requirements upon national carriage of dangerous goods may be established by a regulation of the minister in charge of the policy sector.

(4) The roadworthiness, equipment and marking of an ADR motor vehicle and its trailer used in traffic must correspond to the type of carriage of dangerous goods.

(5) Where the ADR requirements are mandatory, the motor vehicle and its trailer used for the carriage of dangerous goods must both have passed a roadworthiness test of an ADR vehicle and they must hold a relevant certificate of approval for vehicles carrying certain dangerous goods.

(6) The testing of a motor vehicle and its trailer registered in the motor register for compliance with the roadworthiness requirements applicable to an ADR vehicle is organised and the proper conduct and quality of the test is inspected by the Transport Administration.

(7) The Transport Administration or a company specified in subsection 1 of § 191 of the Traffic Act, provided that the performance of the function has been delegated to it under an administrative agreement, makes a decision on the compliance or non-compliance of a motor vehicle and its trailer registered in the motor register with the additional requirements for an ADR vehicle. The inspection of compliance with the requirements is carried out at the expense of the owner, custodian or user-in-charge of the vehicle.

(8) Upon carriage of dangerous goods, only a crew member who is equipped in accordance with the requirements established on the basis of subsection 17 of this section and carries an identity document may be in the motor vehicle during the carriage of dangerous goods, unless otherwise provided for in the ADR requirements.

(9) The driver transporting dangerous goods must have obtained the required knowledge of the precautions and types of danger, completed occupational training in the carriage of dangerous goods and during the transport operation carry the certificate of a driver transporting dangerous goods (hereinafter *ADR training certificate*).

(10) During carriage of dangerous goods, the driver must carry:

1) the carriage documents whose descriptive part indicates the ADR-compliant name, UN number, danger label number and the packaging group, unless otherwise provided for in the ADR requirements;

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

2) ADR-compliant written instructions for conduct in the case of an accident and an emergency stop;

3) ADR training certificate;

4) certificate of approval for vehicles carrying certain dangerous goods, where required.

(11) Upon using electronic carriage documents, the sender of goods must be authenticated in an online environment or the carriage documents must be digitally signed and upon their use the driver must ensure the electronic availability of the carriage documents to the authority exercising state supervision.

(12) The minister in charge of the policy sector may accede to or conclude a bilateral or multilateral special agreement that is in accordance with ADR Article 4(3) and stipulates that:

- 1) international carriage of certain dangerous goods, which are prohibited under the ADR, may take place in the territory of a state only where certain requirements are complied with, or
- 2) international carriage of such dangerous goods that are permitted under the ADR only where special requirements are complied with may take place in the territory of a state on the conditions that are less stringent than those of an annex to the ADR.

(13) The level of dangerousness of an infringement of the requirements established for the carriage of dangerous goods is considered to be minor where failure to comply with the ADR requirements results in a minor bodily injury or a minor risk of environmental damage.

(14) The level of dangerousness of an infringement of the requirements established for the carriage of dangerous goods is considered to be major where failure to comply with the ADR requirements results in a bodily injury or a risk of environmental damage.

(15) The level of dangerousness of an infringement of the requirements established for the carriage of dangerous goods is considered to be dangerous where failure to comply with the ADR requirements results in death, a bodily injury or a serious risk of environmental damage.

(16) The methods applied by the authority exercising state supervision for the purpose of verifying compliance with the ADR requirements and the division of infringements of requirements for the carriage of dangerous goods into minor, major and dangerous infringements are established by a regulation of the minister in charge of the policy sector.

(17) The conditions of and procedure for the carriage of dangerous goods, detailed conditions of the roadworthiness requirements, equipment and marking of the motor vehicle and its trailer, the document forms, requirements for the equipment of a crew member, and the detailed conditions of transport operations exempt from complying with the requirements are established by a regulation of the minister in charge of the policy sector.

## **Chapter 8**

### **Requirements for Driver Engaged in Carriage**

#### **§ 36. General requirements for occupational and continuous training of drivers**

(1) The occupational and continuous training of drivers must have been completed by a person who performs transport operations as a driver under an employment contract or a contract governed by the law of obligations or as a self-employed person, unless otherwise provided for in an international agreement.

(2) The occupational and continuous training of drivers must have been completed by:

- 1) a lorry driver upon carriage of goods in a power-driven vehicle of category C or subcategory C1 or in a combination of vehicles of category CE or C1E under the Traffic Act, or
- 2) a bus or coach driver upon carriage of passengers in a power-driven vehicle of category D or subcategory D1 or in a combination of vehicles of category DE or D1E under the Traffic Act.

(3) The requirement for completion of occupational and continuous training of drivers does not apply to a driver who drives a tractor or a trolleybus.

(4) The exception provided for in subsection 3 of this section also applies to a driver who drives a vehicle:

- 1) whose maximum permitted speed does not exceed 45 kilometres per hour;
- 2) used by a rescue service agency, the owner of an ambulance crew and the authority exercising state supervision, or the use of which is under their control;  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 3) that is tested on roads for the purpose of technical development, repairs or maintenance and is a new or rebuilt vehicle that has not yet been put into use;
- 4) that is used for eliminating the threat of an emergency or for resolving a rescue event within the meaning of the Emergency Act, State of Emergency Act or Rescue Act, including a vehicle that is used for non-commercial carriage of humanitarian aid;  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 5) that is used for a driving lesson, driving test, driving instruction in occupational training or continuous training or taking an examination in occupational training or continuous training;  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 6) that is used for non-commercial carriage of passengers and goods;  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 7) that is used for carrying materials, equipment or machinery that the driver is using in their work, provided that driving the vehicle is not the driver's main field of activity;  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

8) that they maintain and for the driving of which a right to drive category D or category D1 vehicles is required and where the driving of the vehicle is not the driver's main field of activity and they take a vehicle without passengers to or from a place of storage of the carrier to or from a nearby place of maintenance or repairs;

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

9) in the course of practical occupational or continuous training, provided that the driver holds the right to drive vehicles of the respective category and is accompanied by a lecturer that holds the right to drive vehicles of the respective category or by a person holding a valid document certifying the completion of occupational or continuous training;

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

10) outside a settlement that, within the meaning of the Territory of Estonia Administrative Division Act, is a city for the purposes of supplying an enterprise belonging to or used by the driver or their company, provided that it is not carriage for hire or reward and driving is not the driver's main field of activity; or

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

11) that is used by an agricultural, horticultural, forestry, livestock farming or fishery undertakings for the transport of their goods in their business operations within the radius of 50 kilometres from the seat of the enterprise, provided that driving is not the driver's main field of activity.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(5) The driver must hold a certificate of competence issued by the Transport Administration or a relevant document recognised by the competent authority of a Member State of the European Union, contracting state of the European Economic Area or Swiss Confederation, which certifies the completion of occupational or continuous training of drivers, or have a respective entry on the driving licence. This subsection does not apply to a driver who is at the disposal of such a foreign carrier who is not a carrier of a Member State of the European Union, contracting state of the European Economic Area or Swiss Confederation.

(6) The completion of occupational or continuous training of drivers is proven on the basis of motor register data, the document specified in subsection 5 of this section or the driver attestation specified in Article 5 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council.

(7) The procedure for occupational and continuous training of drivers, training curricula, requirements for the organisation of the driver training curriculum and curriculum preparation, requirements for driver knowledge and skills, and the form of the certificate of competence are established by a regulation of the minister in charge of the policy sector.

### **§ 37. General requirements for occupational and continuous training of drivers**

(1) The following persons are admitted to occupational training of drivers:

1) a citizen of a Member State of the European Union or a contracting state of the European Economic Area or the Swiss Confederation who has normal residence in Estonia in accordance with Article 12 of Directive 2006/126/EC of the European Parliament and of the Council or a person who holds a temporary right of residence, a temporary residence permit, a resident permit of a long-term resident or a permanent right of residence;

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

2) a person not specified in clause 1 of this subsection who is at the disposal of the carrier or at the disposal of a person registered in the commercial register or in the register of non-profit associations and foundations under an employment contract or a contract governed by the law of obligation.

(2) A person whose normal residence for the purposes of Article 12 of Directive 2006/126/EC of the European Parliament and of the Council is in Estonia or who is at the disposal of the carrier or at the disposal of a person registered in the commercial register or in the register of non-profit associations and foundations under an employment contract or a contract governed by the law of obligations and holds a certificate of competence of the respective category or has an entry on their driving licence is admitted to continuous training of drivers.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(3) To complete the occupational training of drivers specified in clauses 1 and 2 of subsection 2 of § 36 of this Act, a person must have a valid right to drive of the category corresponding to the training or must complete the occupational training that is bound to the receipt of the right to drive under the Traffic Act.

(4) A driver who holds a certificate of competence of the respective category or has a respective entry on their driving licence must complete continuous training in order to extend its validity.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(5) The driver who holds a certificate of competence of a lorry driver or bus or coach driver or has a respective entry on the driving licence must complete continuous training of lorry drivers or bus or coach drivers.

### **§ 38. Issue, refusal to issue and withdrawal of document certifying completion of occupational and continuous training of drivers**

(1) The Transport Administration issues a certificate of competence or makes a respective entry on the driving licence.

(2) The period of validity of the certificate of competence or the respective entry on the driving licence is five years from the date when the person:

- 1) completed the respective occupational or continuous training, or
- 2) submitted an application for the replacement of the driving licence or updating the certificate of competence, provided that the person has completed new continuous training and the previous certificate of competence or a respective entry on the driving licence is valid.

(3) A certificate of competence or the making of a respective entry on the driving licence is refused where the applicant:

- 1) has not completed training complying with the requirements established on the basis of subsection 7 of § 36 of this Act;
- 2) has knowingly given false information that may have influenced the deciding of the application and in the case of non-submission of which the issue of the certificate of competence or the making of the respective entry on the driving licence would have been refused;
- 3) the right to drive a power-driven vehicle has been withdrawn on the basis of § 126 of the Traffic Act, or
- 4) the state fee has not been paid.

(4) The certificate of competence or the driving licence with the respective entry is withdrawn where:

- 1) the person has obtained it by way of fraud or on the basis of a forged document or a document containing false information;
- 2) the person has submitted an application to have it withdrawn, or
- 3) it has been lost, destroyed or stolen.

(5) Where a certificate of competence or a driving licence with a respective entry has been withdrawn, except in the event provided for in clause 2 or 3 of subsection 4 of this section, the document must be returned to the issuer within five working days following the date of the delivery of the decision to withdraw the document. The person has the right to apply for a new driving licence instead of the driving licence with the withdrawn entry on the conditions provided for in the Traffic Act.

(6) A state fee must be paid at the rate provided for in the State Fees Act for the issue of a certificate of competence.

### **§ 39. General requirements for initial qualification, special and continuous training of drivers carrying dangerous goods**

(1) The driver carrying dangerous goods must have completed ADR-compliant initial qualification or continuous training.

(2) In addition to the initial qualification or continuous training specified in subsection 1 of this section, the driver carrying dangerous goods must have completed ADR-compliant special training (hereinafter *special training*) where the driver:

- 1) drives a motor vehicle or a combination of vehicles with a fixed tank, mobile tank, tank-container or a battery vehicle or a combination of battery vehicles;
- 2) carries explosives, or
- 3) carries a radioactive material.

(3) An ADR training certificate certifies the completion of ADR-compliant initial qualification, special or continuous training of drivers.

(4) The document certifying the completion of ADR-compliant initial qualification, special or continuous training of drivers by a driver employed by a carrier of a foreign state that is an ADR contracting state is an ADR training certificate issued by the competent authority of the ADR contracting state.

(5) The driver must carry the certificate specified in subsections 3 and 4 of this section during a transport operation.

(6) The procedure for ADR-compliant initial qualification, special and continuous training of drivers carrying dangerous goods, the curricula of the initial qualification, special and continuous training, the conditions of organisation of an examination, the requirements for the knowledge and skills of the driver, and the form of the ADR training certificate is established by a regulation of the minister in charge of the policy sector.

### **§ 40. Requirements for completion of initial qualification, special and continuous training of drivers carrying dangerous goods**

(1) A person whose normal residence for the purposes Article 12 of Directive 2006/126/EC of the European Parliament and of the Council is in Estonia or who is at the disposal of the carrier or at the disposal of a person

registered in the commercial register or in the register of non-profit associations and foundations under an employment contract or a contract governed by the law of obligation and has held a valid driving licence of category B, C1 or C power-driven vehicles, including a provisional driving licence, for at least two years is admitted to ADR-compliant initial qualification, special and continuous training of drivers carrying dangerous goods.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(2) A driver carrying dangerous goods must, after completing the training specified in subsection 1 or 2 of § 39 of this Act, take the examination organised by the Transport Administration. The special training examination can be taken after the ADR-compliant initial qualification training examination has been passed.

(3) After the ADR-compliant initial qualification and special training has been completed and the relevant examination passed, the Transport Administration issues to the person an ADR training certificate certifying the completion of the training. Where special training is completed and a respective examination is passed after the issue of an ADR training certificate, the Transport Administration issues a new certificate effective until the date of expiry of the initial qualification training certificate.

(4) The driver carrying dangerous goods must complete continuous training and take an examination based on their competence type and the ADR requirements during the period of validity of the ADR training certificate.

(5) A person who has not passed the examination or not taken the examination after completing the training has the right to take a new examination, but not later than two years after completing the ADR-compliant initial qualification, special or continuous training.

(6) Where more than two years have passed from the date of expiry of the validity of the driver's ADR training certificate, the driver can apply for a new certificate after completing the initial qualification training and, where necessary, special training.

#### **§ 41. Issue, refusal to issue and withdrawal of driver's ADR training certificate**

(1) The Transport Administration issues the driver's ADR training certificate.

(2) The period of validity of the driver's ADR training certificate is five years, unless otherwise provided for in the ADR requirements.

(3) The driver's ADR training certificate is refused where the applicant:

- 1) has not passed the examination specified in subsection 2 or 4 of § 40 of this Act;
- 2) has knowingly given false information that may have influenced the deciding of the application and upon non-submission of which the certificate would have been refused, or
- 3) the state fee has not been paid.

(4) The driver's ADR training certificate is withdrawn where:

- 1) the person has obtained it by way of fraud or on the basis of a forged document or a document containing false information;
- 2) the person has submitted an application to have it withdrawn, or
- 3) it has been lost, destroyed or stolen.

(5) Where the driver's ADR training certificate has been withdrawn, except in the event provided for in clause 2 or 3 of subsection 4 of this section, the document must be returned to the issuer within five working days following the date of delivery of the decision to withdraw the document.

(6) A state fee must be paid for the issue of the driver's ADR training certificate at the rate provided for in the State Fees Act.

## **Chapter 9 Bases of Organisation of Driver Training and Transport Manager Training**

#### **§ 42. Training licence obligation**

(1) A training licence is required for operating in the following fields of activity:

- 1) organisation of driver training;
- 2) organisation of training of drivers carrying dangerous goods;
- 3) organisation of training of transport managers.

(2) The holder of a driver training licence may organise the occupational or continuous training of lorry drivers or bus or coach drivers based on the training type specified in subsection 2 of § 36 of this Act.

(3) The holder of a licence granting the right to organise training for drivers carrying dangerous goods may organise the initial qualifying or special training of drivers or relevant continuous training based on the training type specified in subsection 1 or 2 of § 39 of this Act.

(4) The provisions of this Act and of the General Part of the Economic Activities Code Act, which regulate application for an activity licence or authorisation, the deciding of an application, the withdrawal or revocation of an authorisation or an activity licence, notification of a change of details as well as waiver of economic activities also apply to persons and bodies organising training, which are not undertakings for the purposes of subsection 1 of § 5 of the General Part of the Economic Activities Code Act, insofar as the special characteristics thereof provide otherwise.

#### **§ 43. Object of inspection of driver training licence and requirements for training provider**

(1) A driver training licence is issued where, based on the training type, the applicant has the following for the organisation of the occupational or continuous training of lorry drivers or bus or coach drivers:

- 1) a lecturer who meets the requirements provided for in subsection 1 and 2 of § 45 of this Act;
- 2) a curriculum that meets the requirements established on the basis of subsection 7 of § 36 of this Act;
- 3) [Repealed – RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 4) teaching aids, materials and equipment for teaching the courses included in the curriculum.

(2) Where a driver training provider carries out occupational training along with the training of drivers of power-driven vehicles in accordance with the Traffic Act, the training provider must also meet the requirements provided for in the Traffic Act regarding a provider of training of drivers of power-driven vehicles.

(3) A licence to organise training for drivers carrying dangerous goods is issued where the applicant has:

- 1) a lecturer who meets the requirements provided for in subsections 4–6 of § 45 of this Act;
- 2) a curriculum that meets the requirements established on the basis of subsection 6 of § 39 of this Act;
- 3) teaching aids, materials and equipment for teaching the courses included in the curriculum, equipment for practical first aid training and protective equipment designated for the crew members of the vehicle in ADR-compliant written instructions;
- 4) [Repealed – RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(4) The provider of occupational or continuous training of drivers or training of drivers carrying dangerous goods must publish on its website the training curriculum, the names of the lecturers along with the qualifications and study or work experience certifying their competence, and the details of the training licence issued for the provision of the training.

#### **§ 44. Application for driver training licence**

(1) The Transport Administration decides an application for a training licence.

(2) To apply for a driver training licence, the following data and documents are submitted to the issuer of the licence in addition to those provided for in clauses 1–4 of subsection 2 of § 19 of the General Part of the Economic Activities Code Act:

- 1) [Repealed – RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 2) based on the training type, a lorry driver or bus or coach driver curriculum that meets the requirements established on the basis of subsection 7 of § 36 of this Act;
- 3) the list of teaching aids, materials and equipment for teaching the courses included in the curriculum;
- 4) documents certifying that the lecturer meets the requirements provided for in subsections 1 and 2 of § 45 of this Act;
- 5) the written consent to carry out the training, which has been signed by the lecturer, unless the lecturer is the applicant self-employed person or a member of the management board of the applicant company or a member of the management board of the applicant person entered in the register of non-profit associations and foundations whose right of representation has not been restricted according to the information available from the commercial register or the register of non-profit associations and foundations.  
[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(3) If the holder of a driver training licence applies for the addition of a new training type to the training licence, the data specified in clause 1 of subsection 2 of this section does not need to be submitted.

(4) To apply for a licence to organise training for drivers carrying dangerous goods, the following data and documents are submitted in addition to those provided for in clauses 1–4 of subsection 2 of § 19 of the General Part of the Economic Activities Code Act:

- 1) [Repealed – RT I, 30.06.2020, 8 – entry into force 01.07.2020]
- 2) based on the training type, a curriculum that meets the requirements established on the basis of subsection 6 of § 39 of this Act;
- 3) the list of teaching aids, materials and equipment for teaching the courses included in the curriculum;
- 4) documents certifying that the lecturer meets the requirements provided for in subsections 1 and 2 of § 45 of this Act;



5) the written consent to carry out the training, which has been signed by the lecturer, unless the lecturer is the applicant self-employed person or a member of the management board of the applicant company or a member of the management board of the applicant person entered in the register of non-profit associations and foundations whose right of representation has not been restricted according to the information available from the commercial register or the register of non-profit associations and foundations.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

#### **§ 45. Requirements for lecturer of educational institution organising occupational and continuous training of drivers and training for drivers carrying dangerous loads**

(1) The lecturer of courses of occupational or continuous training of drivers must:

- 1) be familiar with the bases of the course taught;
- 2) have higher education or secondary specialised education based on general secondary education;

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

- 3) have at least one year of work or teaching experience corresponding to the course profile in the last ten years;

- 4) in the last five years, participated in specialised continuous training with duration of at least six academic hours in the last five years in the field taught.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(2) In addition to subsection 1 of this section, the lecturer of the organisation carriage in the occupational or continuous training of drivers must have participated in specialised continuous training with a duration of at least 26 academic hours in a university or institution of professional higher education over a period of five years.

(3) A specialist who does not meet the requirements provided for in subsections 1 and 2 of this section may be involved in the provision of occupational or continuous training for drivers based on the objective of the course included in the occupational or continuous training curriculum.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

(4) The lecturer of courses of initial qualification, special or continuous training for drivers carrying dangerous goods must:

- 1) be familiar with the bases of the course taught;
- 2) have higher education;

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

- 3) have at least one year of work or teaching experience in the field of dangerous goods in the last ten years.

(5) In addition to the requirements provided for in subsection 4 of this section, the lecturer of special training involving explosives of class 1 and object containing them must, in accordance with the ADR requirements, completed specialised training in the field of handling explosives and must have at least one year of work or teaching experience in the field of explosives in the last ten years.

(6) In addition to the requirements provided for in subsection 4 of this section, the lecturer of special training involving radioactive materials of class 7 and object containing them must, in accordance with the ADR requirements, completed specialised training in the field of radiation safety and must have at least one year of work or teaching experience in the field of the radiation practice licence for the purposes of the Radiation Act in the last ten years.

(7) A specialist who does not meet the requirements provided for in subsections 4–6 of this section may be involved in the provision of initial qualification training, special training or continuous training for drivers carrying dangerous goods based on the objective of the course included in the training curriculum.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

#### **§ 46. Organisation of training of transport managers of carriage of goods**

(1) A licence to organise training for transport managers of the carriage of goods is issued where the applicant has:

- 1) the right to provide higher education in the field of transport services;
- 2) a curriculum that meets the requirements established on the basis of subsection 13 of § 8 of this Act;
- 3) the written consent of a lecturer who has professional qualifications and work experience to provide the training, which is signed by the lecturer.

(2) An application for a licence to organise the training of transport managers of the carriage of dangerous goods is decided by the Ministry of Climate or, where authorised by it, the Transport Administration.

(3) To apply for a licence to organise the training of transport managers of the carriage of dangerous goods, the following data and documents are submitted in addition to those provided for in clauses 1–4 of subsection 2 of § 19 of the General Part of the Economic Activities Code Act:

- 1) a curriculum that meets the requirements established on the basis of subsection 13 of § 8 of this Act;

2) the written consent of a lecturer specified in clause 3 of subsection 1 of this section to provide the training.

## **Chapter 10**

### **Authorisation to Perform Administrative Function**

#### **§ 47. Authorisation to perform administrative function and administrative supervision**

(1) The Ministry of Climate may delegate the issue, suspension and withdrawal of licences, copies of licences, driver attestations and certificates, the issue of transport permits and withdrawal of decisions to issue transport permits, the declaration of transport managers to be of good repute, and the verification of compliance of carriers with the requirements for operation in the field to a non-profit association under an administrative agreement.

(2) The Ministry of Climate exercises administrative supervision over the performance of the administrative agreement specified in subsection 1 of this section.

(3) Where the administrative agreement specified in subsection 1 of this section is terminated, the Ministry of Climate or, where authorised by it, the Transport Administration takes over the performance of the administrative agreement.

(4) Where a non-profit association is authorised to issue licences, copies of licences, driver attestations, certificates or transport permits, the non-profit association has the right to charge for reviewing an application for a said document a fee the amount of which exclusive of value added tax does not exceed the rate provided for in the State Fees Act, which a state authority may charge for reviewing an application for the document.

## **Chapter 11**

### **Submission of Data to Register and Right to Receive Information**

#### **§ 48. Entry of data to register and receipt of information from registers**

(1) The issuer of the licence enters the following in the register of economic activities in addition to the data specified in subsection 1 of § 51 of the General Part of the Economic Activities Code Act:

1) data of the carrier and its transport manager, which are provided for in the Annex to Commission Decision 2009/992/EU on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, pp 36–39), except for the data of serious infringements and the data of a transport manager declared to be of good repute;

1<sup>1</sup>) data of the chief executive specified in clause 1<sup>1</sup> of subsection 1 of § 13 of this Act if the chief executive and the transport manager are not the same person;  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

2) registration number and year of manufacture of the motor vehicle and the hologram number of the copy of the licence, where a copy of the licence is issued regarding the motor vehicle;

3) data of the contract of use of the motor vehicle specified in clause 1 of subsection 2 of § 29 of this Act;

4) data of the licence to organise the training of drivers specified in § 42 of this Act and drivers carrying dangerous goods, and the type of training;

5) data of the transport manager training licence specified in subsection 3 of § 46 of this Act;

6) data of the driver and transport manager training curriculum, the lecturer providing the training and data certifying that the lecturer meets the requirements.

(1<sup>1</sup>) In addition to the data specified in subsection 1 of this section, the number of the carrier's employees, including the number of separate drivers, as at 31 December of the preceding year, shall be entered in the register of economic activities every year by 31 March at the latest.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2) The data of a transport manager specified in clause 1 of subsection 1 of this section, who has been declared non-compliant with the requirement of good repute and the start and end date of the period of declaring the transport manager non-compliant is entered in the traffic supervision information system.

(3) In order to issue, refuse to issue, suspend or withdraw a document under this Act or declare a transport manager non-compliant with the requirement of good repute, also in order to exercise state supervision on the basis of this Act, the person conducting the respective proceedings has the right to receive information from registers without charge in accordance with the procedure provided for in the Public Information Act, the Criminal Records Database Act, the Identity Documents Act, the Commercial Code and legislation established on the basis thereof.

## **§ 48<sup>1</sup>. Contact point**

The contact point responsible for the exchange of information described in Article 18(3) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council, and for the administrative cooperation and mutual assistance provided for in paragraphs 4–7 of the same Article, is the Ministry of Climate or, where authorised by it, the Transport Administration.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

# **Chapter 12 State Supervision**

## **§ 49. Authority exercising state supervision**

(1) The Ministry of Climate, the Transport Administration, the Tax and Customs Board, the Labour Inspectorate and a police officer exercise state supervision over compliance with requirements provided for in this Act, legislation established on the basis thereof, a relevant Regulation of the European Union and an international agreement.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2) The Ministry of Climate exercises state supervision over compliance with the road transport requirements within the limits of its competence.

(3) The Transport Administration exercises state supervision over organising occupational and continuous training of drivers, training of drivers carrying dangerous goods, and transport manager training. The Transport Administration also exercises state supervision over compliance with the road transport requirements where it has been given the function to issue licences, licence copies, driver attestations, certificates or transport permits based on subsection 6 of § 7, subsection 5 of § 8, § 14, subsection 10 of § 19, subsection 4 of § 21, subsection 1 of § 25 or subsection 8 of § 25 of this Act.

(4) The Transport Administration may involve the Ministry of Education and Research in exercising state supervision over compliance with the requirements for organisation of the training specified in subsection 3 of this section and upon exercising state supervision the ministry enjoys rights equivalent to those of the Transport Administration.

(5) The Tax and Customs Board exercises state supervision over compliance with the documents specified in clauses 1–4 and 7 of subsection 1 and subsections 3 and 4 of § 29 of this Act as well as with the cargo safety requirements and requirements for the carriage of dangerous goods.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(6) A police officer exercises state supervision over road transport documents, cargo safety and compliance with road transport requirements.

(7) The Labour Inspectorate exercises state supervision over compliance with the requirements of the documents specified in subsections 1–3 of § 5 of this Act by the undertaking.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

## **§ 50. Special measures of state supervision**

(1) The Ministry of Climate and the Transport Administration may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 32, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(2) The Tax and Customs Board and a police officer may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 32, 33, 45 and 49 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act. The Tax and Customs Board may apply direct coercion upon taking the special measures of state supervision provided for in § 49 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

## **§ 51. Specifics of state supervision**

(1) The authority exercising state supervision, which is specified in subsection 2 of § 50 of this Act, has the right to:

1) use a supervision device that records a motor vehicle and whose recording can be used for identifying the driver of the vehicle, where necessary;

2) in the event of a threat, demand that the stowing, securing or covering of the goods be brought into compliance with the Traffic Act or requirements established on the basis thereof.

(2) Recordings specified in clause 1 of subsection 1 of this section are preserved at least for one month, but no more than one year, unless these constitute evidence in offence proceedings;

(3) The authority exercising state supervision specified in subsection 2 of § 50 of this Act has the right to interrupt carriage until the ground for the interruption has lapsed where:

1) the stowing or securing of the goods does not meet or the goods are not covered in accordance with the requirements provided for in the Traffic Act or legislation established on the basis thereof and it constitutes a dangerous infringement for the purposes of the requirements established on the basis of subsection 6 of § 34 of this Act;

2) upon carriage of dangerous goods, a substance prohibited for the purposes of the ADR or unidentifiable during carriage is carried or a motor vehicle or combination of vehicles that does not meet the requirements is used;

3) upon verification of the data of the licence in the register of economic activities or a respective register of a foreign state it is established that the Estonian, European Union, European Economic Area or Swiss Confederation undertaking organising the carriage of goods for hire or reward does not have a valid licence, where required, or the driver engaged in international carriage of goods for hire or reward does not carry with them a valid document specified in clause 1 or 3 of subsection 1 of § 29 of this Act, where required, or

4) upon verification of a copy of the licence or the data thereof in the register of economic activities it is established that the carrier specified in the copy of the licence has handed the copy of the licence over or granted the right to engage in the carriage of goods to a driver who is not at the disposal of the carrier under an employment contract or a contract of the law of obligations.

(4) The following is indicated in a decision to interrupt carriage on the ground provided for in subsection 3 of this section:

1) the time and place of the decision;

2) the position and the first name and surname of the official who made the decision;

3) the driver's first name and surname, personal identification code or date of birth;

4) the place of residence of the driver;

5) the type, make and registration number of the motor vehicle or combination of vehicles;

6) the name and address of the road haulage undertaking;

7) the basis for the interruption of carriage, the start time of the interruption of carriage, and the condition of termination of the interruption;

8) the signature of the person who made the decision.

(5) A decision to interrupt carriage is made in two copies of which one is given to the driver. The driver certifies the receipt of the decision by signing the other copy of the decision and indicating the date of receipt of the decision. If the driver refuses to sign, a respective entry is made in the decision to interrupt carriage.

(6) A decision to interrupt carriage enters into force after making it.

(7) Where there is a ground for the interruption of carriage provided for in subsection 3 of this section and it cannot be eliminated in the course of exercising state supervision, the authority exercising state supervision specified in subsection 2 of § 50 of this Act has the right to move the motor vehicle or combination of vehicles to a guarded place of storage in accordance with the procedure provided for in § 92 of the Traffic Act.

## **§ 52. Precept and non-compliance levy**

(1) The authority exercising state supervision specified in § 49 of this Act has the right to make a precept for the purpose of prevention of infringement of the requirements provided for in this Act, legislation established on the basis thereof, relevant regulations of the European Union or international agreements, for the purpose of bringing activities into compliance with the requirements or performance of obligations and termination of obstruction of state supervision, thereby granting a reasonable term for complying with the precept.

(2) Where the occupational and continuous training of drivers or the training of drivers carrying dangerous goods or the transport manager training does not meet the requirements provided for in this Act or legislation established on the basis thereof, the authority exercising state supervision specified in subsection 3 of § 49 of this Act has the right to suspend the training activities of the training provider and prohibit the registration of new study groups until the precept made on the basis of subsection 1 of this section has been complied with.

(3) Where a precept is not complied with, the authority exercising state supervision specified in § 49 of this Act may, within the limits of its competence, impose a non-compliance levy in accordance with the procedure established in the Substitutional Performance and Non-Compliance Levies Act. For the purpose of pressuring a person into performing a duty or obligation, the maximum non-compliance levy payable by a natural person is 6400 euros and the maximum non-compliance levy payable by a legal person is 32 000 euros.

## **Chapter 13**

# Liability

## **§ 53. Organisation of carriage of goods for hire or reward without copy of licence and with suspended licence**

(1) The penalty for organisation of the carriage of goods for hire or reward by a transport manager or by the owner or custodian of a vehicle without a copy of the licence or with a suspended licence is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

## **§ 54. Organisation of carriage of goods for hire or reward without driver attestation**

(1) The penalty for the organisation by the transport manager or the owner or custodian of the motor vehicle of the carriage of goods for hire or reward without a driver attestation is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

## **§ 55. Organisation of carriage without transport permit**

(1) The penalty for the organisation of carriage by the transport manager or the owner or custodian of the motor vehicle without a transport permit is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

## **§ 56. Carriage for hire or reward by driver without copy of licence and with suspended copy of licence**

The penalty for carriage for hire or reward by a driver without a copy of the licence and with a suspended copy of the licence is a fine of up to 200 fine units or detention.

## **§ 57. Failure by driver to submit copy of licence upon carriage of goods for hire or reward**

The penalty for failure by a driver to submit a copy of the licence upon international carriage of goods for hire or reward, where the document has been issued and is valid, is a fine of up to 100 fine units.

## **§ 58. Carriage of goods for hire or reward by driver without driver attestation**

The penalty for the carriage of goods by a driver without a driver attestation is a fine of up to 200 fine units or detention.

## **§ 59. Failure by driver to submit driver attestation upon carriage for hire or reward**

The penalty for failure by a driver to submit a driver attestation upon the carriage of goods for hire or reward, where the document has been issued and is valid, is a fine of up to 100 fine units.

## **§ 60. Carriage by driver without transport permit**

The penalty for carriage by a driver without a transport permit is a fine of up to 200 fine units or detention.

## **§ 61. Infringement of requirements indicated on copy of licence, driver attestation and transport permit**

(1) The penalty for infringement of the requirements specified on a copy of the licence, the driver attestation or the transport permit is a fine of up to 100 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 6400 euros.

## **§ 62. Infringement of prohibition to hand over copy of licence, driver attestation and transport permit and infringement of prohibition to delegate right to engage in carriage of goods**

(1) The penalty for infringement of the prohibition to hand over a copy of the licence, the driver attestation and the transport permit and infringement of the prohibition to delegate the right to engage in the carriage of goods to a person whom it is not permitted to hand over the document or to delegate the right to carry goods is a fine of up to 100 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 6400 euros.

### **§ 63. Failure to comply with requirement established for organisation of own-account carriage**

(1) The penalty for failure to comply with a requirement established for own-account carriage is a fine of up to 50 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

### **§ 64. Failure to submit certificate of own-account carriage of passengers**

(1) The penalty for failure to submit the certificate of own-account carriage of passengers is a fine of up to 50 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

### **§ 65. Infringement of requirements established for cabotage operations**

(1) The penalty for failure to comply with the requirements established for cabotage operations in Regulation (EU) No 1072/2009 of the European Parliament and of the Council or an international agreement is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

### **§ 66. Infringement of requirements established for carriage of dangerous goods**

(1) The penalty for infringement of a requirement established for the carriage of dangerous goods, which constitutes a minor infringement, is a fine of up to 50 fine units.

(2) The penalty for the same act that constitutes a major infringement is a fine of up to 200 fine units or detention.

(3) The penalty for the act provided for in subsection 1 of this section, which constitutes a dangerous infringement, is a fine of up to 300 fine units or detention.

(4) The penalty for the act specified in subsection 1, 2 or 3 of this section, if committed by a legal person, is a fine of up to 32 000 euros.

### **§ 67. Failure by driver in international carriage to submit document certifying completion of occupational or continuous training**

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

The penalty for failure by a driver in international carriage to submit a document certifying the completion of the occupational or continuous training of drivers is a fine of up to 100 fine units.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

### **§ 68. Carriage by driver without document certifying that driver has completed occupational or continuous training of drivers or without respective entry in motor register**

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

The penalty for carriage by a driver without a document certifying that the driver has completed the occupational or continuous training of drivers or without a respective entry in the motor register is a fine of up to 200 fine units or a short-term custodian sentence.

[RT I, 30.06.2020, 8 – entry into force 01.07.2020]

### **§ 69. Allowing driver who has not completed occupational or continuous training of drivers to engage in carriage**

(1) The penalty for allowing by the owner or custodian of the vehicle or by the transport manager to engage in carriage by a driver who has not completed the occupational or continuous training of drivers is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

### **§ 70. Infringement by road hauling undertaking of requirements established to the stowing, securing and covering of goods**

(1) The penalty for infringement by the road haulage undertaking of the requirements established for stowing, securing or covering goods, which constitutes a major infringement under this Act, is a fine of up to 100 fine units.

(2) The penalty for the same act that constitutes a dangerous infringement under this Act is a fine of up to 200 fine units.

(3) The penalty for the act specified in subsection 1 or 2 of this section, if committed by a legal person, is a fine of up to 13 000 euros.

#### **§ 71. Infringement by sender of goods of requirements established to the stowing, securing and covering of goods**

(1) The penalty for infringement by the sender of the goods of the requirements established for stowing, securing or covering goods, which constitutes a major infringement under this Act, is a fine of up to 100 fine units.

(2) The penalty for the same act that constitutes a dangerous infringement under this Act is a fine of up to 200 fine units.

(3) The penalty for the act specified in subsection 1 or 2 of this section, if committed by a legal person, is a fine of up to 13 000 euros.

#### **§ 72. Failure to submit carriage documents or submission of false information on mass or dimensions of goods therein by sender of goods or forwarding agent**

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(1) The penalty for failure by the sender or forwarding agent of goods to submit the carriage documents or for submission of false information therein on the mass or dimensions of the goods by the sender or forwarding agent is a fine of up to 200 fine units.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

#### **§ 72<sup>1</sup>. Failure to submit carriage documents by driver**

The penalty for failure to submit carriage documents by the driver is a fine of up to 100 fine units.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

#### **§ 72<sup>2</sup>. Ordering of non-compliant carriage of goods by sender of goods, forwarding agent and main contractor and subcontractor**

(1) The penalty for ordering the carriage of goods for hire or reward or cabotage operations by the sender of goods, the forwarding agent or the main contractor or subcontractor involved in the ordering of the carriage of goods, a member of their management board or other representative to whom the obligation to order the carriage of goods was delegated, from a person who has no licence for the carriage of goods or a copy of a licence or the right to organise the carriage of goods for hire or reward or cabotage operations, is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 13 000 euros.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

#### **§ 73. Proceedings**

1) regarding the misdemeanours specified in §§ 53–72<sup>2</sup> of this Act – the Police and Border Guard Board;

1) regarding the misdemeanours specified in §§ 53–72<sup>2</sup> of this Act – the Police and Border Guard Board;  
[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

2) regarding the misdemeanours specified in §§ 53–62, 66 and 70–72<sup>2</sup> of this Act – the Tax and Customs Board;

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

3) regarding the misdemeanours specified in §§ 53, 54, 61 and 62 of this Act – the Labour Inspectorate.

[RT I, 22.03.2022, 2 – entry into force 01.04.2022]

## **Chapter 14 Implementing Provisions**

#### **§ 73<sup>1</sup>. Differences of granting documents certifying completion of continuous training for drivers and ADR-compliant continuous training in emergency situation declared by Government of Republic on 12 March 2020**

(1) Where a person cannot complete the continuous training specified in subsections 4 and 5 of § 37 of this Act due to the emergency situation declared by the Government of the Republic on 12 March 2020 (hereinafter

*emergency situation*) and where the validity of their certificate of competence or a respective entry on their driving licence expires between 1 March and 1 November 2020, the Road Administration may issue a new certificate of competence or make a respective entry on the driving licence, which is valid until 30 November 2020.

(2) Where a person cannot complete the continuous training and take the examination specified in subsection 4 of § 40 of this Act due to the emergency situation and where the validity of their ADR training certificate expires between 1 March and 1 November 2020, the Road Administration may issue a new training certificate which is valid until 30 November 2020.

(3) The person is exempt from paying the state fee for the steps specified in subsections 1 and 2 of this section. [RT I, 06.05.2020, 1 – entry into force 07.05.2020]

### **§ 73<sup>2</sup>. Application of exception arising from Regulation (EU) 2021/267 of the European Parliament and of the Council and related to spread of infectious disease**

[RT I, 30.03.2021, 1 – entry into force 31.03.2021]

(1) The use of the non-application exception provided for in Articles 2(9) and 7(5) of Regulation (EU) 2021/267 of the European Parliament and of the Council laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698 (OJ L 60, 22.02.2021, pp 1–20) is decided by a regulation of the minister in charge of the policy sector.

(2) The ministerial regulation specified in subsection 1 of this section may be implemented retroactively as of 23 March 2021.

[RT I, 30.03.2021, 1 – entry into force 31.03.2021]

### **§ 74. Transitional provisions**

(1) Subsection 3 of § 30 of this Act applies as of 1 January 2019.

(2) An occupational certificate of a driver issued before the entry into force of this Act or a respective entry on the driving licence whose period of validity exceeds the period provided for in subsection 2 of § 38 of this Act remains in force until the end of its period of validity.

(3) A driver whom a category D1, D1E, D or DE driving licence has been issued before 10 September 2008 or whom a category C1, C1E, C or CE has been issued before 10 September 2009 is released from the requirement of occupational initial qualification training.

(4) A recognition given to educational institutions by the Ministry of Climate under the Road Transport Act in force until the entry into force of this Act is deemed to be an activity licence to organise driver and transport manager training, taking account of the variation provided for in subsection 5 of this section.

(5) Where a provider of driver or transport manager training specified in subsection 4 of this section does not meet the requirements provided for in § 43 or subsection 4 of § 46 of this Act or the register of economic activities lacks the data specified in clause 6 of subsection 1 of § 48 of this Act, the training provider must, within 180 days following the entry into force of this Act, bring its activities into compliance with the requirements of this Act. The activity licence of the training provider turns invalid where the training provider does not bring its activities into compliance with the requirements.

### **§ 75. Repealing of Act**

The Road Transport Act (RT I 2000, 54, 346) is repealed.

**§ 76.–§ 80.**[Provisions amending other Acts have been omitted from this translation.]

### **§ 81. Entry into force of Act**

(1) This Act enters into force on 1 June 2018.

(2) Section 76 and clauses 3, 18, 20, 23 and 24 of § 80 of this Act enter into force in accordance with the standard procedure.

<sup>1</sup>Directive 2003/59/EC of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.09.2003, pp 4–17), amended by Directives 2004/66/EC (OJ L 168, 01.05.2004, pp 35–67), 2006/103/EC (OJ L 363, 20.12.2006, pp 344–351), 2013/22/EU (OJ L 158, 10.06.2013, pp 356–361) and (EU) 2018/645 (OJ L 112, 02.05.2018, pp 29–41) and Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, pp 1–54); Directive 2006/1/EC of the European Parliament and of the Council on the use of vehicles hired without drivers for the



carriage of goods by road (OJ L 33, 04.02.2006, pp 82–85); Directive 2014/47/EU of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC (OJ L 127, 29.04.2014, pp 134–218); Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods (OJ L 260, 30.09.2008, pp 13–59), amended by Directives 2010/61/EU (OJ L 233, 03.09.2010, pp 27–28), 2012/45/EU (OJ L 332, 04.12.2012, pp 18–19), 2014/103/EU (OJ L 335, 22.11.2014, pp 15–16), (EU) 2016/2309 (OJ L 345, 20.12.2016, pp 48–49) and (EU) 2018/217 (OJ L 42, 15.02.2018, pp 52–53). [RT I, 30.06.2020, 8 – entry into force 01.07.2020]