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Law of Ship Flag and Ship Registers Act

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RT I 1998, 23, 321

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Amended by the following acts

Passed	Published	Entry into force
17.06.1998	RT I 1998, 59, 941	10.07.1998
13.01.1999	RT I 1999, 10, 149	15.02.1999
20.06.2000	RT I 2000, 55, 365	12.07.2000
06.06.2001	RT I 2001, 56, 336	07.07.2001
14.11.2001	RT I 2001, 93, 565	01.02.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
15.01.2003	RT I 2003, 13, 66	20.02.2003, in part 01.05.2004
17.12.2003	RT I 2003, 88, 594	08.01.2004
14.04.2004	RT I 2004, 30, 208	01.05.2004
22.02.2005	RT I 2005, 15, 85	01.01.2006
12.05.2005	RT I 2005, 31, 227	01.07.2005
16.05.2005	RT I 2005, 39, 308	01.01.2006
12.10.2005	RT I 2005, 57, 450	01.01.2006
22.11.2007	RT I 2007, 66, 408	01.01.2008
27.02.2008	RT I 2008, 13, 88	24.03.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
20.05.2009	RT I 2009, 29, 175	01.07.2009
11.11.2009	RT I 2009, 57, 381	01.01.2010
08.12.2010	RT I, 22.12.2010, 1	02.01.2011
05.12.2013	RT I, 23.12.2013, 1	01.01.2014, in part 01.01.2015 and 01.01.2020
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, in part 01.07.2014 and 03.02.2015
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers are replaced starting with the version in force from 1 July 2014, pursuant to subsection 4 of § 107 ³ of the Government of the Republic Act.
20.11.2014	RT I, 05.12.2014, 3	03.02.2015
20.04.2017	RT I, 09.05.2017, 1	01.07.2017
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
13.02.2019	RT I, 04.03.2019, 1	01.07.2020 - enters into force on 1 January of the year following a positive decision by the European Commission pursuant to Article 4 (3) or Article 9 (3) of Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the

18.02.2020
25.11.2020

RT I, 28.02.2020, 2
RT I, 10.12.2020, 1

23.02.2022

RT I, 08.03.2022, 1

European Union (OJ 24.9.2015, p. 9–29). If the European Commission takes its decision after 1 October of the (current) calendar year, the entry into force shall take place on 1 January of the second calendar year following the taking of the decision; the time of entry into force has been changed in part [RT I, 28.02.2020, 2]

01.07.2020

01.01.2021, words "Maritime Administration" replaced with words "Transport Administration" throughout the Act (except in § 100).

15.03.2022

Part 1 LAW OF SHIP FLAG

Chapter 1 FLYING NATIONAL FLAG OF ESTONIA

§ 1. Obligation to fly national flag

(1) The national flag of Estonia shall be flown by ships, the owner or the bareboat charterer (hereinafter the *charterer*) whereof is the Republic of Estonia, a local authority or other legal person in public law. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 2. Right to fly national flag

(1) The national flag of Estonia may be flown by seagoing vessels, the owner or charterer whereof is
1) an Estonian citizen, or
2) a legal person in private law registered in Estonia. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) A seagoing vessel in shared ownership may fly the national flag of Estonia if the greater share of the seagoing vessel is owned by a person or persons specified in subsection 1. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2¹) The right granted to the persons specified in subsections 1 and 2 of this section shall extend also the citizens of the Contracting States of the European Economic Area (hereinafter the *Contracting States*) and legal persons in private law registered pursuant to the laws of the Contracting States whose seat and business establishment is in a Contracting State provided that they:

1) have a business establishment in Estonia, considering that the ship herself is not deemed to be a business establishment, or

2) are responsible persons within the meaning of § 4² of this Act that have a business establishment in Estonia. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2²) In addition to the right to fly the national flag of Estonia provided for in this section, a ship may fly the national flag of Estonia also in other cases provided by law. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(4) The right to fly the national flag of Estonia shall not be granted to a ship which under a relevant regulation of the Council of the European Union has been included in the list of ships that have been found to carry out illegal, unreported and unregulated fishing.

[RT I 2008, 13, 88 – entry into force 24.03.2008]

§ 2¹. Obligation to hoist national flag of Estonia at the stern

A ship to which an Estonian document on nationality has been issued shall hoist the national flag of Estonia at the stern on her arrival in port and on her departure from port.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 3. Master of Estonian ship

(1) The master of a seagoing vessel flying the national flag of Estonia and engaged in domestic voyages or regular service from an Estonian port may only be an Estonian citizen or a citizen of a Contracting State.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) The master of a seagoing vessel flying the national flag of Estonia specified in subsection 1 of this section may also be a citizen of a state not specified in subsection 1 of this section if that state grants a similar right to the citizens of Estonia by an international agreement.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 4. Estonian owners and partners and foreign persons equal to such owners and partners

[Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 4¹. Authorised representative in register acts

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) In carrying out the register acts specified in Chapter 2 of Part 1, Subchapter 2 of Chapter 7 of Part 2 and Chapter 9 of Part 2 of this Act, or in receipt of a document on nationality of a ship, the owner or charterer of the ship may be represented by an authorised representative.

(2) Appointment of an authorised representative shall be certified by a notarised power of attorney. The power of attorney shall be submitted before carrying out the act. For the purposes of this Act, a digitally signed power of attorney shall be deemed equal to a notarised power of attorney.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 4². Responsible person

(1) A responsible person is a person who is responsible for compliance with the technical, social and administrative requirements applicable to ships in Estonia, and who complies with the requirements established for an operator within the meaning of the Maritime Safety Act.

(2) A responsible person complies with the requirements specified in subsection 1 of this section if:

- 1) they have a valid document of compliance (DOC) specified in subsection 1² of § 6 of the Maritime Safety Act, issued by the Transport Administration, or
- 2) they submit a written confirmation regarding their compliance with the requirements if holding the document specified in clause 1 of this subsection is not required the International Convention on the Safety of Life at Sea of 1974.

(3) A ship entered in the ship registry or in the register of bareboat chartered ships must have a responsible person.

(4) The following ships need not have a responsible person:

- 1) seagoing vessels with an overall length of up to 24 metres;
- 2) ships which perform state administrative duties;
- 3) inland vessels and non-propelled floating vessels;
- 4) ships under construction and non-propelled floating vessels under construction;
- 5) ships entered in the ship registry which have been chartered out.

(5) The responsible person of a ship entered in the first register of bareboat chartered ships must have a business establishment in Estonia, considering that the ship herself is not deemed to be a business establishment.

(6) If the owner of a ship entered in the ship registry does not have a place of residence or business establishment in Estonia, the responsible person of the ship must have a business establishment in Estonia.

(7) Appointment of a responsible person shall be certified by a notarised power of attorney. For the purposes of this Act, a digitally signed power of attorney shall be deemed equal to a notarised power of attorney.

(8) A notice issued by the Transport Administration shall be deemed delivered to a person specified in § 1 and § 2 of this Act if it has been delivered to a responsible person.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 5. Seagoing vessel and inland vessel

(1) A seagoing vessel is a ship which is intended for operating at sea.

(2) An inland vessel is a ship which is intended for operating on inland waters.

[RT I 2005, 31, 227 – entry into force 01.07.2005]

§ 6. Law of flag for inland vessels

If an inland vessel crosses the Estonian state border, the requirements set out in this Act for seagoing vessels to obtain the right to fly the national flag of Estonia shall be met by the inland vessel in order to fly the national flag of Estonia.

[RT I 2005, 31, 227 – entry into force 01.07.2005]

§ 7. Prohibition on use of unregistered ship

The use of unregistered ships is prohibited.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 8. Burden of proof

Shipowners and bareboat charterers are required to prove the circumstances which are the basis for a permit to fly the national flag of Estonia on their ships.

§ 8¹. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to administrative proceedings provided for in this Act, taking account of the specifications set forth in this Act. The Administrative Procedure Act does not apply to the proceedings related to the ship registry.

[RT I 2003, 13, 66 – entry into force 20.02.2003]

Chapter 2 DOCUMENTS ON NATIONALITY

§ 9. Categories and content of documents on nationality, and hoisting national flag of Estonia

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) Certificates of seagoing vessels, certificates of nationality, certificates of inland vessels, ship's letters, certificates of nationality of bareboat chartered ships and provisional certificates of nationality are documents on nationality.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) A document on nationality certifies that a ship is permitted to fly the national flag of Estonia.

(3) A document on nationality shall contain a reference to the provision of law pursuant to which the ship is permitted to fly the national flag of Estonia.

(4) It is not permitted to hoist the national flag of Estonia on a ship before a document on nationality is issued to the ship.

[RT I 2005, 31, 227 – entry into force 01.07.2005]

§ 10. Issue of documents on nationality

(1) The Transport Administration or a notary shall issue certificates of seagoing vessels and certificates of inland vessels for seagoing vessels and inland vessels registered in the ship registry. Ship's letters shall be issued for ships which perform state administrative duties.

[RT I, 09.05.2017, 1 – entry into force 01.07.2017]

(1¹) The Transport Administration shall issue certificates of nationality of bareboat chartered ships to ships entered in the register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) If a ship which pursuant to § 1 or § 2 of this Act is required to fly or may fly the national flag of Estonia is abroad and the shipowner cannot submit an application for a document on nationality in Estonia, or the application is too costly or time-consuming, a consular officer of the Estonian representation shall issue a provisional certificate of nationality for the ship at the request of the shipowner. The consular officer of the Estonian representation shall forward a copy of the provisional certificate of nationality and copies of the documents which are the basis therefor immediately to the Transport Administration and to the court that maintains the ship registry. A provisional certificate of nationality issued by a consular officer of the Estonian representation is valid until the issue of a permanent document on nationality but for not over six months. [RT I, 21.06.2014, 8 – entry into force 01.01.2015]

(3) If the circumstances specified in subsection 1 of § 23 or subsection 1 of § 93¹ of this Act appear, a provisional certificate of nationality shall be issued by the Transport Administration. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(4) Upon application for a provisional certificate of nationality, the same information shall be submitted as upon registration of a ship. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 11. Certificates of seagoing vessels and certificates of inland vessels

Certificates of seagoing vessels and certificates of inland vessels shall set out all the information contained in the register part.

§ 12. Entries in certificates of seagoing vessels and certificates of inland vessels

An entry made in the ship registry shall promptly be indicated in the certificate of seagoing vessel or certificate of inland vessel. [RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 13. Certificate of nationality

(1) At the request of the owner of a seagoing vessel, a certificate of nationality which contains the data prescribed in clauses 1–7 of subsection 1 of § 42 shall be issued in addition to a certificate of seagoing vessel. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) A state fee shall be paid for the review of an application for a certificate of nationality. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 13¹. Certificate of nationality of bareboat chartered ship

(1) The following data shall be entered in a certificate of nationality of a bareboat chartered ship issued to a ship registered in the register of bareboat chartered ships (hereinafter the *bareboat chartered ship*):

- 1) the data specified in clauses 1–7 of subsection 1 of § 42 of this Act, except the type of main engines of the ship, the place of build and the size of the shares in shared ownership;
- 2) the length, width and depth of the ship;
- 3) the name, personal identification code or registry code and place of residence or seat of the charterer;
- 4) the state of initial registration of the ship;
- 5) a reference to the provision of this Act under which the certificate of nationality is issued;
- 6) the term of validity of the certificate of nationality, the date and place of issue thereof.

(2) A notation shall be made in the certificate of nationality of a bareboat chartered ship stating that the ship has been entered in the register of bareboat chartered ships and cannot be encumbered with limited real rights in this register.

(3) In case of a sub-charter, a new certificate of nationality of a bareboat chartered ship shall be issued to the ship, and the data of the sub-charterer of the bareboat chartered ship and the term of the sub-charter party shall be additionally entered in the certificate.

(4) A state fee shall be paid for the review of an application for a certificate of nationality to a bareboat chartered ship. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 14. Provisional certificates of nationality

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) A provisional certificate of nationality shall contain the data specified in clauses 1, 2, 5 and 6 of subsection 1 of § 13¹ of this Act.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) The provisional certificate of nationality of a bareboat chartered ship shall contain the data specified in subsection 1 of § 13¹ of this Act.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) A provisional certificate of nationality issued pursuant to § 23 shall contain a notation that the certificate is issued for the first trip of transfer. The route and planned duration of the journey shall be indicated on the provisional certificate of nationality.

(4) The number under which the ship is registered shall not be entered in a provisional certificate of nationality issued under subsection 2 of § 10 or subsection 1 of § 23 of this Act.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(5) A provisional certificate of nationality issued to a ship specified in subsection 1 of § 24 of this Act shall contain, in addition to the data specified in the same subsection, also a reference to the international agreement underlying the right to fly the national flag of Estonia.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(6) A state fee shall be paid for the review of an application for a provisional certificate of nationality.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 15. [Repealed – RT I 2005, 31, 227 – entry into force 01.07.2005]

§ 16. Ship's letter

The format of ship's letters and the procedure for the issue of ship's letters shall be established by the minister in charge of the policy sector.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 17. Replacement document on nationality

(1) A replacement document on nationality shall be issued if the data entered in a document on nationality have changed. While applying for the issue of a replacement document on nationality, a written application shall be submitted and the initial document on nationality shall be returned.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1¹) If it is difficult to immediately return the initial document on nationality of a bareboat chartered ship due to the ship being underway, the charterer may return the document on nationality to the registrar within two months after the lapse of the document provided that an application in a format which can be reproduced in writing is submitted and the consent of the Transport Administration is obtained.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) A replacement document on nationality shall also be issued if it is proved that the initial document on nationality has been destroyed or lost or become unusable. While applying for a replacement document on nationality, the destruction of the initial document on nationality shall be confirmed in writing, or the losing thereof shall be substantiated in the application, or the document on nationality which has become unusable shall be returned and it shall be struck through with two red diagonal lines and stored in the ship registry file.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) The term of validity of a replacement document on nationality shall remain the same as the term of validity of the initial document on nationality.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(4) A state fee shall be paid for the review of an application for a replacement document on nationality.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 18. Format of document on nationality

(1) Documents on nationality shall be in Estonian and in English.

(2) The format of certificates of seagoing vessels, certificates of nationality and certificates of inland vessels shall be established by the minister in charge of the policy sector.

(3) The format of certificates of nationality of bareboat chartered ships and provisional certificates of nationality shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(4) Upon establishment of the format of documents nationality it can be set forth that the documents on nationality may be supplemented with information not specified in §§ 11, 13 and 14 of this Act.
[RT I 2005, 31, 227 – entry into force 01.07.2005]

Chapter 3

FLYING NATIONAL FLAG OF OTHER STATE

§ 19. Prohibition on flying national flag of other state

(1) Seagoing vessels which pursuant to § 1 of this Act are required to fly the national flag of Estonia shall not fly the national flag of another state at the stern.

(2) A ship for which a document on nationality has been issued shall not fly the national flag of another state.

§ 20. Permit to fly national flag of other state

(1) If a seagoing vessel which has been entered in the ship registry is transferred to another person (charterer) for use in their name for at least one year on the basis of a bareboat charter party, the Transport Administration permits the ship to be entered in the register of another state at the request of the owner, if this is permitted pursuant to the laws of the respective state. The maximum validity of such permit is two years. At the request of the owner, the permit may be renewed for one year at a time.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) It is prohibited to fly the national flag of Estonia at the stern during the term of the permit specified in subsection 1 of this section.

[RT I 2003, 88, 594 – entry into force 08.01.2004]

§ 21. Application for and issue of permit to fly national flag of other state

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) While applying for a permit to fly the national flag of another state, the shipowner shall submit the following documents in Estonian or English, or documents with an official or certified translation into Estonian or English:

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

1) the notarised or digitally signed application of the shipowner;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

2) the written charter party of the ship;

3) the consent of the foreign ship register for dual registration;

4) the certificate of nationality if issued;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

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

(1¹) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1²) The Transport Administration shall issue a permit to fly the national flag of another state within five working days after submission of a proper application.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1³) A permit to fly the national flag of another state shall be issued in Estonian and in English.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1⁴) The Transport Administration shall send a permit to fly the national flag of another state to the registrar of the ship registry not later than on the next working day following the issue of the permit. The registrar of the ship registry shall make a notation concerning the law of ship flag in the ship registry on the basis of the permit to fly the national flag of another state.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) The permit to fly the national flag of another state is valid as of the making the notation concerning the law of ship flag in the ship registry.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) Before applying for the permit to fly the national flag of another state, the shipowner shall pay a state fee for making the notation concerning the law of ship flag.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 22. Extinguishment of right to fly national flag of other state

(1) Upon expiry of the term of the right to fly the national flag of another state, the shipowner shall submit a notarised or digitally signed application to the registrar or the ship registry for deletion of the notation from the ship registry. The documents on nationality and a certificate that the ship has been deleted or will be deleted from a foreign ship register shall be appended to the application. Before submitting the application, the shipowner shall pay a state fee for making the notation concerning the law of ship flag.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) An owner may also apply for the deletion of a notation before extinguishment of the right to fly the national flag of another state.

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

Chapter 4 GRANTING RIGHT TO FLY NATIONAL FLAG OF ESTONIA

§ 23. Ships built in Estonia

(1) A ship built in Estonia to which the right arising from § 1 or § 2 of this Act does not extend may fly the national flag of Estonia during the first trip of transfer on the basis of a provisional certificate of nationality issued by the Transport Administration.

(2) The format of the provisional certificate of nationality specified in subsection 1 of this section shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 24. Right of foreign ship to fly national flag of Estonia

(1) A ship to which the right arising from § 1 or § 2 of this Act does not extend may fly the national flag of Estonia on the basis of an international agreement.

(2) A seagoing vessel with an overall length of at least 12 metres may fly the national flag of Estonia on the basis of the certificate of nationality of a bareboat chartered ship issued by the Transport Administration at the request of the charterer of the ship if:

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

1) the charterer of the ship is one of the persons specified in subsection 1 of § 1 or subsections 1–2² of § 2 of this Act;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

2) the ship has been chartered bareboat for use in the charterer's own name;

3) the shipowner consents to the exchange of flags;

4) the law applicable to the ship does not prohibit flying the national flag of Estonia.

(3) A certificate of nationality of a bareboat chartered ship issued on the basis of subsection 2 of this section is a fixed-term document and shall be valid for up to two years. At the request of the charterer, the registration of the ship and the certificate of nationality of a bareboat chartered ship may be renewed for up to two years at a time. A new document on nationality shall be issued upon renewal.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 24¹. Sub-chartering of ships

(1) The sub-chartering of a ship is permitted if, in addition to the provisions of § 24 of this Act, the following conditions are met:

1) the sub-chartering is permitted by the charter party;

2) the sub-charterer complies with the requirements specified in subsection 1 of § 1 or subsections 1–2² of § 2 of this Act;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

3) the sub-charter party terminates not later than upon termination of the charter party;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

4) the sub-chartering is entered in the first or second register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) Upon termination of the sub-charter party, the sub-charterer shall return the document on nationality to the charterer.

[RT I 2003, 13, 66 – entry into force 20.02.2003]

(3) The provisions of this Act shall apply also in case of any subsequent sub-chartering.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

Chapter 5

IDENTIFICATION OF SHIP

§ 25. Name of ship

(1) A ship shall have a name. The name shall be given to the ship by the owner or charterer of the ship. The name of the ship shall be clearly distinguishable from the names of other ships registered in Estonia, unless the ship is entered in the register of bareboat chartered ships of Estonia and the charterer submits a confirmation in a format which can be reproduced in writing indicating that the state of initial registration or the charter party of the ship does not enable to change the name of the ship. The name of the ship shall not be contrary to good morals.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) The word “*Eesti*” [Estonia] or its foreign language equivalents shall not be used in the name of a ship. The name of a ship shall be written in the Estonian-Latin alphabet.

(3) A registrar of ships may refuse to enter a ship in a register with a reasoned explanation if the name of the ship does not comply with the requirements of this Act. In the event of refusal, the shipowner shall be granted a term to bring the name of the ship into accordance with the requirements of this Act.

(4) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(5) The name of a ship shall be marked on the ship pursuant to the procedure established by the minister in charge of the policy sector.

(6) The list of the names of ships registered in Estonia is maintained by the Transport Administration. The owner or charterer of a ship shall obtain the approval of the Transport Administration for a name to be given to the ship or to be changed. The Transport Administration shall not approve a name of a ship which does not comply with the requirements specified in subsection 1 of this section.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(7) The owner or charterer of a ship may submit an application to the Transport Administration for keeping the name of the ship in their name if they wish to register the ship with such name in an Estonian ship register. The approval of the Transport Administration shall first be obtained for the name of the ship. The name of the ship shall be kept in the name of the shipowner or charterer for three years after the date of the approval. The Transport Administration shall issue a respective certificate. The shipowner or charterer shall pay 250 euros to the Transport Administration before submission of the application for keeping the name of the ship and for the issue of the respective certificate.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 26. External registration number of fishing vessel

Permanent unique external registration numbers shall be assigned to fishing vessels. The instructions for formation of external registration numbers of fishing vessels and for marking external registration numbers on vessels shall be established by the minister in charge of the policy sector.

[RT I 2003, 88, 594 – entry into force 08.01.2004]

§ 27. Port of registry

(1) The port of registry of a ship is the port from which the ship mainly operates. The port of registry of a ship flying the national flag of Estonia must be an Estonian port.

(1¹) The name of the settlement where the port is located shall be indicated as the port of registry of a ship.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) If a ship flying the national flag of Estonia does not have a port of registry in Estonia, Tallinn is deemed to be the port of registry of the ship.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(3) The name of the port of registry shall be marked on a ship pursuant to the procedure established by the minister in charge of the policy sector.

[RT I 2003, 88, 594 – entry into force 08.01.2004]

§ 28. Official number of ship

- (1) Upon registration, a permanent unique official number shall be assigned to a ship.
- (2) If a ship is assigned an International Maritime Organisation (IMO) number, such number is also deemed to be an identification mark.
- (3) The procedure for formation of official numbers in ship registers maintained by the Transport Administration shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
- (4) The procedure for formation of official numbers in the ship registry shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 29. Call sign of ship

A call sign shall be assigned to a ship upon issue of a ship station licence to the ship.
[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

Part 2 SHIP REGISTERS

Chapter 6 GENERAL PROVISIONS

§ 30. Estonian ship registers

Separate registers shall be maintained concerning ships and ships under construction. The ship registry comprises the ship register and the register of ships under construction. Separate registers shall also be maintained concerning bareboat chartered ships.
[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 31. Ship register

(1) Seagoing vessels with an overall length of at least 12 metres which pursuant to § 1 or § 2 of this Act are required to fly or may fly the national flag of Estonia shall be entered in the ship register. Inland vessels with an overall length of at least 12 metres owned by natural persons residing in Estonia or legal persons in private law registered in Estonia or legal persons in public law founded in Estonia shall also be entered in the ship register. Sailing yachts and launches shall be entered in the ship register if the overall length of the sailing yacht or launch is at least 24 metres.
[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) At the request of the owners, seagoing vessels and inland vessels which are shorter than the overall length specified in subsection 1 of this section may also be entered in the ship register.

§ 32. Register of ships under construction

(1) Seagoing vessels, inland vessels and non-propelled floating vessels under construction in Estonia, and non-propelled floating vessels situated in Estonia shall be entered in the register of ships under construction.
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(2) The presumed technical characteristics of a seagoing or inland vessel under construction shall be such that the vessel will be eligible for entry in the ship register after completion.

(3) A seagoing or inland vessel under construction may be entered in the register of ships under construction as of the moment when the keel is laid and the structure is permanently marked with a name or number. The same applies to non-propelled floating vessels under construction.
[RT I, 22.12.2010, 1 – entry into force 02.01.2011]

(4) The information specified in subsections 2 and 3 of this section shall be certified by the Transport Administration.

(5) The provisions of this Act and the Law of Maritime Property Act which apply to ships under construction also apply to non-propelled floating vessels.

§ 33. [Repealed – RT I 2005, 31, 227 – entry into force 01.07.2005]

§ 34. First and second register of bareboat chartered ships

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) The Transport Administration maintains the first register of bareboat chartered ships and the second register of bareboat chartered ships.

(2) A ship that meets the conditions specified in subsection 2 of § 24 of this Act and the person responsible for which has a business establishment in Estonia, considering that the ship herself is not deemed to be a business establishment, shall be entered in the first register of bareboat chartered ships at the request of the charterer.

(3) A ship that meets the conditions specified in subsection 2 of § 24 of this Act shall be entered in the second register of bareboat chartered ships at the request of the charterer.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 35. Ship which belongs to state or local government

A ship which belongs to the state or a local government shall be registered in one of the registers specified in this Act at the request of the owner if the ship is transferred to the possession of another person or if the ship is encumbered with a real right. In addition to the information about the owner as provided for in this Act, also information about the administrator of state assets and authorised body, if the latter has been appointed, shall be registered with regard to a ship which belongs to the state.

[RT I 2009, 57, 381 – entry into force 01.01.2010]

§ 36. Form of documents submitted to registers

(1) Documents which are submitted to registers that register ships shall be submitted in Estonian. Documents in a foreign language shall be submitted together with a translation prepared by a sworn translator.

[RT I, 23.12.2013, 1 – entry into force 01.01.2020]

(1¹) Documents which are submitted to the registrar of the first or second register of bareboat chartered ships shall be submitted in Estonian or in English. Documents in any other foreign language shall be submitted with an official or certified translation into Estonian or English.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) Documents which are submitted to registers that register ships shall be submitted as originals or as notarised or officially certified copies, unless otherwise provided by this Act. Notarised or officially certified copies may be electronic. In such case the name and signature of the person issuing the certification and the seal of authority are replaced with the digital signature of the person or digital seal of the authority.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) If a document must be notarised pursuant to this Act, the signatures on the document may be certified, instead of a notary, by an official of a foreign state who has the right to authenticate the identity of the undersigned person. Documents certified in foreign states shall be legalised or authenticated with a certificate (*apostille*), unless otherwise provided by an international agreement, and submitted with an official or certified translation into Estonian or English.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

Chapter 7 SHIP REGISTRY

Subchapter 1 General Provisions

§ 37. Application of Land Register Act

(1) Upon maintenance of the ship registry, the provisions of the Land Register Act shall be applied in so far as this Act does not provide otherwise.

(2) Upon maintenance of the ship registry, the register relating to ships replaces the register relating to land, the ship registry journal replaces the land registry journal and the ship registry file replaces the land registry file.

(3) Upon maintenance of the electronic ship registry, the Transport Administration has the same rights and duties as the state registrar of land cadastre.

§ 38. Register part

An independent register part shall be opened for every ship entered in the ship registry, and a separate number (official number) shall be consecutively assigned thereto. The register part is deemed to be the ship registry with regard to the ship.

§ 38¹. Purpose of ship registry

The ship registry is a database maintained for the purpose of collecting, retaining and disclosing information concerning the creation and transfer of ship ownership and encumbrance of ships with real rights, as well as the transfer, encumbrance, changing the contents or termination of real rights encumbering ships.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

Subchapter 2 Registration of Ship

§ 39. Prerequisite for registration

(1) A ship or a ship under construction shall be registered if the owner, under the conditions and pursuant to the procedure provided by law, submits a notarised application for registration of the ship.

(2) The registration of a ship under construction may also be applied for by a person who may demand the sale of the ship or registration of a maritime mortgage on the basis of an enforcement document.

[RT I 2001, 93, 565 – entry into force 01.02.2002]

(3) The documents constituting the prerequisite for the registration specified in this section shall be submitted to the registrar of the ship registry electronically, by post or through the Transport Administration.

[RT I, 09.05.2017, 1 – entry into force 01.07.2017]

§ 40. Registration of seagoing vessel

[Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 41. Registration of inland vessels

Natural persons permanently residing in Estonia and legal persons in private law registered in Estonia or legal persons in public law founded in Estonia are required to register inland vessels which belong to them. This requirement does not apply to ships with an overall length of less than 12 metres or, in the case of sailing yachts and launches, less than 24 metres.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 41¹. Registration of recreational craft

Registration of recreation craft in a ship register is subject to the requirements applicable to registration of recreational craft provided for in the Maritime Safety Act.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 42. Information submitted for registration of seagoing vessel

(1) In order to register a seagoing vessel, the following documents or documents which contain the following information shall be submitted:

- 1) the name, number or other mark of identification of the ship;
- 2) the type of main engines of the ship, the type of the ship according to its purpose, and the main material of the hull;
- 3) the port of registry;
- 4) the place and year of build and the name of the builder;
- 5) the call sign;
- 6) the International Maritime Organisation (IMO) number if it is evident from the tonnage certificate or other corresponding document, the results of official measurement and the output of the engines;
- 7) data on the owner or shared owners and the size of the shares in the shared ownership, and in the case of a ship of the state, also information about the administrator of state assets and authorised body, if the latter has been appointed;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

¹) in case a responsible person exists, their data and contact details, the document certifying the authorisation of the responsible person together with the number of the document or confirmation specified in subsection 2 of

§ 4² of this Act, a written confirmation that the person has a business establishment in Estonia, unless the owner of a seagoing vessel, including a shared owner, has a business establishment in Estonia, and the digitally signed or notarised consent of the responsible person for being entered as a responsible person in the ship registry, unless the functions of the responsible person are performed by the shipowner;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 8) the legal basis for acquiring ownership, which shall be certified;
 - 9) proof of the right to fly the national flag of Estonia;
 - 10) the manager in the case of a ship co-operative;
 - 11) documents which certify that the ship complies with the safety requirements for ships established in the Republic of Estonia;
 - 12) the provisional certificate of nationality if issued;
 - 13) data regarding payment of the state fee.
- [RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) If a ship has not been measured in Estonia, the submission of a tonnage certificate issued abroad is sufficient.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 43. Information submitted for registration of inland vessel

In order to register an inland vessel, the following documents or documents which contain the following information shall be submitted:

- 1) the name, number or other mark of identification of the ship;
 - 2) the main material of the hull;
 - 3) the port of registry;
 - 4) the place and year of build and the name of the builder;
 - 5) the overall length of the ship and the output of the engines;
 - 6) information about the owner (ownership shall be certified and in the case of several owners the percentage of each owner's share shall be indicated), and in the case of the state, also information about the administrator of state assets and authorised body, if the latter has been appointed;
- [RT I 2009, 57, 381 – entry into force 01.01.2010]
- 7) the legal basis for acquiring ownership, which shall be certified;
 - 8) documents which certify that the ship complies with the safety requirements for ships established in the Republic of Estonia;
 - 9) data regarding payment of the state fee.
- [RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 44. Information submitted for registration of seagoing vessel under construction, inland vessel under construction or non-propelled floating vessel under construction

(1) In order to register a seagoing vessel under construction, an inland vessel under construction or a non-propelled floating vessel under construction, the following documents or documents which contain the following information shall be submitted:

- 1) the name, number or other mark of identification of the seagoing vessel under construction, inland vessel under construction or non-propelled floating vessel under construction;
 - 2) the place of build and the name of the builder;
 - 3) information about the owner (ownership shall be certified), and in the case of the state, also information about the administrator of state assets and authorised body, if the latter has been appointed;
- [RT I 2009, 57, 381 – entry into force 01.01.2010]
- 4) documents which certify that, with regard to technical characteristics, the seagoing vessel or inland vessel will be eligible for entry in the ship register upon completion;
 - 5) data regarding payment of the state fee.
- [RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) If the owner of a seagoing vessel under construction, an inland vessel under construction or a non-propelled floating vessel under construction is not the builder of the vessel, a notarised confirmation from the builder concerning the circumstances under which another person became the owner shall be submitted for registration of the vessel.

§ 45. Information submitted for registration of non-propelled floating vessel

In order to register a non-propelled floating vessel, the following documents or documents which contain the following information shall be submitted:

- 1) the name, number or other mark of identification of the non-propelled floating vessel (it shall be indicated that the vessel is a non-propelled floating vessel);
- 2) the location;
- 3) the place of build;

- 4) information about the owner (ownership shall be certified), and in the case of the state, also information about the administrator of state assets and authorised body, if the latter has been appointed;
[RT I 2009, 57, 381 – entry into force 01.01.2010]
- 5) the basis for the creation of ownership, which shall be certified;
- 6) documents which certify that the non-propelled floating vessel complies with the safety requirements established in the Republic of Estonia;
- 7) data regarding payment of the state fee.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 46. Documents submitted for registration

The detailed list of documents concerning the technical characteristics and safety of ships to be submitted for the registration of ships and ships under construction shall be established by the minister in charge of the policy sector.

[RT I 2003, 88, 594 – entry into force 08.01.2004]

§ 46¹. Certificate of acceptance of registration application

(1) At the request of the applicant, the registry department or the Transport Administration issues a certificate upon acceptance of a registration application to certify the acceptance of the application.

[RT I, 09.05.2017, 1 – entry into force 01.07.2017]

(2) At the request of the applicant, the certificate set out in subsection 1 of this section can be issued also in English.

(3) An automatic confirmation of receipt is sent regarding a registration application sent via the information system of the electronic ship registry to the person filing the application. The automatic confirmation of receipt is not a basis for acknowledgement of the technical and legal correctness of the filed document.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 47. Information entered in ship registry

(1) The information specified in clauses 1–7 and 10 of subsection 1 of § 42, clauses 1–6 of § 43, clauses 1–3 of subsection 1 of § 44 and clauses 1–4 of § 45 of this Act, as well as the data and contact details of the responsible person, a reference to the tonnage certificate, and the date of registration of the ship shall be entered in the ship registry.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) Upon registration of a seagoing vessel or in the case of existence of the conditions specified in § 6 of this Act upon registration of an inland vessel, a reference to the provision of law pursuant to which the ship is permitted to fly the national flag of Estonia shall also be entered in the ship registry. In the case of a seagoing vessel, the call sign assigned to the ship shall also be entered in the ship registry.

(3) If, pursuant to subsection 1 of § 20 of this Act, a seagoing vessel is permitted to fly the national flag of another state, a notation shall be entered in the ship registry that the ship is not permitted to fly the national flag of Estonia for the duration of such permit. Upon revocation of the permit, it shall be set out that the ship is again permitted to fly the national flag of Estonia.

(4) In the case of a ship under construction, a reference to the document specified in subsection 2 of § 44 of this Act and issued by the Transport Administration pursuant to subsection 4 of § 32 of this Act shall be entered in the ship registry.

(5) The person's name and Estonian personal identification code, or in the absence of the Estonian personal identification code, the foreign personal identification code or other identification replacing it and the date of birth (day, month, year) shall be entered in the ship registry. The name of a legal person shall be entered in the ship registry together with the registry code or registration number if the person is subject to entry in the register.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(6) The following contact details shall be entered in the ship registry:

- 1) the registered address of a legal person or the registered address or place of residence of a natural person;
- 2) telephone number with country code;
- 3) e-mail address.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 48. Ship registered abroad

(1) The shipowner is required to ensure deletion of a ship from the ship register of a foreign state within fifteen days as of registration of the ship in the ship registry, and prove it to a court.

(2) In order to ascertain circumstances requiring investigation, a court may make inquiries to the registrars of foreign states.

(3) Upon failure to perform the obligations provided for in subsection 1 of this section, the provisions of § 601 of the Code of Civil Procedure shall be applied.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 49. Ship entered in register of ships under construction

(1) When a ship registered in the register of ships under construction is completed, the shipowner shall apply for the deletion of the ship from the register of ships under construction or for registration in the ship register.

(2) If a ship registered in the register of ships under construction is registered in the ship register, maritime mortgages shall be re-registered together with the ship and they shall retain their current ranking.

§ 50. Objection to registration

If prior to the registration of a ship another person files an objection to the registration of the ship on the grounds that the person is the shipowner, the court may make a notation concerning the objection in the register part upon registration of the ship.

§ 51. Notices to court

(1) The court shall be promptly notified of amendments to the information entered in the ship registry which do not constitute entries within the meaning of real rights.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) Prompt notice shall be given of changes in the circumstances on the basis of which a ship flies the national flag of Estonia. Notice shall also be given of changes in the circumstances on the basis of which a permit to fly the national flag of another state has been issued.

(3) The court shall be promptly notified if a ship is shipwrecked or is deemed to be shipwrecked or if it becomes unusable or loses the right to fly the national flag of Estonia.

(4) In the case of a ship under construction, the court shall be promptly notified of the completion of the ship.

(5) Submitted information shall be certified.

§ 52. Duty to notify

(1) The following persons have the duty to submit the information and give notice of the changes and amendments specified in § 51 of this Act:

1) shipowners;

2) shared owners or managers if the managers have been entered in the ship registry;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

3) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]];

4) the legal representatives of owners, shared owners or managers that are legal persons.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) If several persons have the duty to give notice pursuant to this section, it is sufficient if one of them gives notice. The same applies if several persons are authorised to represent a legal person.

[RT I 2003, 13, 66 – entry into force 20.02.2003]

§ 53. [Repealed – RT I 2008, 59, 330 – entry into force 01.01.2009]

§ 54. Amendment of information entered in ship registry

If notice is given of changes in the information entered in the ship registry which do not constitute entries within the meaning of real rights, and the changes are sufficiently certified, the court shall amend the information in the ship registry without making a ruling on entry.

[RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 55. Deletion of ship from ship registry

(1) If the circumstances specified in subsection 3 of § 51 of this Act exist, the shipowner shall apply for the deletion of the ship from the ship registry.

(2) The deletion of an inland vessel from the ship registry need not be applied for if the inland vessel has lost the right to fly the national flag of Estonia in accordance with the law of ship flag which applies to seagoing vessels.

(3) A ship whose registration depends on the wishes of the shipowner shall be deleted from the ship registry on the basis of an application of the shipowner or on the basis of the reasons specified in subsection 3 of § 51 of this Act.

(4) The notarised consent of the persons concerned is required for the deletion of a ship from the ship registry.

(5) If a seagoing vessel loses the right to fly the national flag of Estonia but the consent specified in subsection 4 of this section is not obtained, a notation shall be made in the ship register pursuant to which the ship loses the right to fly the national flag of Estonia. The notation is equivalent to the deletion of the ship from the ship registry, with the exception of the entries regarding restricted real rights.

(6) If no entries have been made in the ship registry with regard to a ship for thirty years and if, after hearing the opinion of the Transport Administration, it may be presumed that the ship no longer exists or is no longer used as a ship, the court shall delete the ship from the ship registry unless the ship is encumbered with a restricted real right.

(7) In order to delete a ship from the ship registry, the owner shall submit:

- 1) a notarised application;
- 2) the document on nationality;
- 3) documents certifying the circumstances which are the basis for deletion;
- 4) the notarised consent of the persons concerned;
- 5) data regarding payment of the state fee.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(8) If a ship is deleted from the ship registry because the ship loses the right to fly the national flag of Estonia due to transfer of ownership, the application specified in clause 1 of subsection 7 of this section shall be notarised.

[RT I 2001, 93, 565 – entry into force 01.02.2002]

§ 56. Deletion of ship under construction from ship registry

(1) A ship under construction is deleted from the ship registry on the basis of an application of the owner.

(2) The owner shall apply for the deletion of a ship under construction from the ship registry if it is destroyed or moved to a foreign state.

(3) The notarised consent of the persons concerned is required for deletion.

(4) For the deletion, the owner shall submit:

- 1) a notarised application;
- 2) documents certifying the circumstances which are the basis for deletion;
- 3) the notarised consent of the persons concerned;
- 4) data regarding payment of the state fee.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 57. Deletion as an official duty

(1) If the registration of a ship was prohibited due to an essential error, if a seagoing vessel loses the right to fly the national flag of Estonia or if a ship or ship under construction is moved to a foreign state, is shipwrecked or becomes unusable, and if the obligated persons do not apply for the deletion of the ship or ship under construction from the ship registry, a court shall delete the ship from the ship registry as its official duty. The court shall notify the owners entered in the ship registry and other persons concerned of the planned deletion and grant them a term for filing objections. The term shall not be shorter than three months.

(2) If the whereabouts of the persons specified in subsection 1 of this section are not known, a notice with the term for filing objections shall be published in the newspaper in which court notices are published and in at least one nautical newspaper or journal.

(3) If an objection is filed, the court maintaining the register shall decide thereon according to the procedure provided for a calling proceeding.

[RT I 2008, 59, 330 – entry into force 01.01.2009]

(4) A ship may be deleted from the ship registry only if no objections are filed or if the court ruling rejecting the objections has entered into force. If a mortgagee files an objection to the deletion from the ship registry of a ship which has lost the right to fly the national flag of Estonia on the grounds that the mortgage is still in force, a notation shall be made in the ship registry that the ship has lost the right to fly the national flag of Estonia. Such notation is equivalent to the deletion of a ship from the ship registry, with the exception of the entry regarding the maritime mortgage.

[RT I 2008, 59, 330 – entry into force 01.01.2009]

§ 58. Term for making a ruling

(1) A court shall promptly make a ruling on the registration of a ship, amendment of information in the ship registry, or full or partial satisfaction or denial of an application for deletion of a ship from the ship registry.

(2) If there are circumstances which require additional investigation, the court may extend the term specified in subsection 1 of this section by up to thirty days after receipt of the application. For this same purpose, the obligated person may be required by the court, on the basis of a ruling, to submit supplementary documents in addition to those specified in the Act.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(3) If the application contains an omission which prevents registration or deletion, the court may set a term for elimination of the omission. If the omission is not eliminated by the expiry of the term, the person with competence to make the ruling shall deny the application.

[RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 59. Closure of register part

(1) The court that maintains the ship registry shall close a register part if a ship or ship under construction is deleted from the ship registry or if the register part is rewritten.

(2) In addition to the cases provided for in subsection 1 of this section, a register part of the register of ships under construction shall also be closed upon registration of the ship in the ship register.

§ 60. Informing Transport Administration

The courts shall promptly inform the Transport Administration of each registration or deletion of a ship.

Subchapter 3 Registration of Rights

§ 61. Transfer of ownership

If the ownership of a seagoing vessel is transferred, it shall be certified that the ship is also thereafter entitled to fly the national flag of Estonia.

§ 62. Encumbrance of several ships

(1) If several ships are encumbered with one maritime mortgage or one usufruct, the multi-asset security shall be indicated in the register part of each ship. The same applies to the encumbrance of another ship retroactively with an existing encumbrance on one ship.

(2) In the case of deletion of a co-encumbrance, the co-encumbrance shall be deleted from the register part of every ship.

Subchapter 4 Content of Ship Registry

§ 63. Composition of ship registry

A ship registry is composed of:

- 1) a register relating to ships;
- 2) a ship registry journal;
- 3) a ship registry file.

§ 64. Register relating to ships

(1) Entries and information concerning a ship shall be entered in the register part relating to the given ship.

(2) A register part shall have a title and three divisions.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(3) Registers relating to ships shall be maintained electronically. The format of register parts shall be established by the minister in charge of the policy sector.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 65. Title of register part

The number of the register part (the official number of the ship) shall be set out in the title of the register part.
[RT I, 21.06.2014, 8 – entry into force 01.01.2015]

§ 66. First division of register part of ship register

(1) The following shall be entered in the first division “Details about Ship” of a register part of the ship register:
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

- 1) the identification marks of the ship;
- 2) the technical characteristics of the ship;
- 2¹) the data and contact details of the responsible person;
[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]
- 3) the registration and deletion of the ship, and in the case of deletion also the reason for deletion;
- 4) [Repealed – RT I, 05.12.2014, 3 – entry into force 03.02.2015]
- 5) amendments to the recorded information.

(2) The information set out in subsection 1 of this section is not deemed to constitute an entry within the meaning of this Act and the Law of Maritime Property Act.

§ 67. Second division of register part of ship register

The following shall be entered in the second division “Shipowner” of a register part of the ship register:

- 1) the data on the shipowner;
- [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]
- 2) if the ship is in shared ownership, the names of the owners, whether the ship is in joint ownership or common ownership and, in the case of common ownership, the percentages of the shares of the co-owners;
- 3) the ship co-operative and the manager if the ship is owned by a ship co-operative;
- 4) [Repealed – RT I, 05.12.2014, 3 – entry into force 03.02.2015]
- 5) amendments to entries;
- 6) the legal basis of the entry.

§ 68. Third division of register part of ship register

The following shall be entered in the third division “Encumbrances and Restrictions on Ship” of a register part of the ship register:

- 1) the restricted real rights encumbering the ship, restrictions on ship ownership and notations concerning them, including restrictions on persons concerned in exercising their rights;
- 2) restrictions on the shipowner’s right of disposal and notations regarding ownership;
- 3) information regarding the right to fly the national flag;
- 4) in the case of a mortgage, the mortgagee, the monetary amount of the mortgage (the sum of the mortgage) and notations regarding the mortgage.

(2) The information set out in clause 3 of subsection 1 of this section is not an entry within the meaning of this Act or the Law of Maritime Property Act.

(3) A notation regarding the administrator of state assets shall be entered in the division set out in subsection 1 of this section in case of a state-owned ship or a restricted real right held by the state. A notation regarding the administrator of state assets shall be entered and amended on the basis of the application of the administrator of state assets.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 69. First division of register part of register of ships under construction

(1) The following shall be entered in the first division “Ship under Construction” of a register part of the register of ships under construction:

- 1) information identifying the ship under construction;
- 2) the place of build and the name of the builder;
- 3) a reference to the document which certifies the eligibility of the ship under construction for registration;
- 4) the registration and deletion from the register of the ship under construction (in the case of deletion the reason shall be indicated);
- 5) amendments to information.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) The information specified in subsection 1 of this section do not constitute an entry within the meaning of this Act and the Law of Maritime Property Act.

§ 70. Second division of register part of register of ships under construction

The following shall be entered in the second division “Owner of Ship under Construction” of a register part of the register of ships under construction:

1) information about the owner of the ship under construction, and in the case of a foreign shipowner, also information about the representative;

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

1¹) reference to the document which indicates that the owner of the ship under construction is not the builder of the ship, but another person;

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

2) if the ship under construction is in shared ownership, the names of the owners, whether the ship is in joint ownership or common ownership and, in the case of common ownership, the percentages of the shares the of co-owners;

3) the ship co-operative and the manager if the ship under construction is owned by a ship co-operative;

4) [Repealed – RT I, 05.12.2014, 3 – entry into force 03.02.2015]

5) amendments to entries;

6) the legal basis of the entry.

§ 71. Third division of register part of register of ships under construction

The same information shall be entered in the third division “Encumbrances and Restrictions on Ship” of a register part of the register of ships under construction as in the third division of the ship register.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 72. Replacement part of register

(1) If a register part is destroyed, lost or damaged, a court shall establish a replacement part.

(2) The procedure is commenced on the basis of a request by the judge or assistant judge who registered the ship or on the basis of an application of a person concerned. At least three months before the hearing of the content of the request or application, the court shall publish a notice in the official publication *Amelikud Teadaanded*, which sets out the content of the request or application.

(3) The establishment of a replacement part shall not be decided by the assistant judge or judge who has registered the ship.

§ 73. [Repealed – RT I 2005, 31, 227 – entry into force 01.07.2005]

§ 74. Ship registry journal

(1) Registration applications which express the desire for an entry to be made shall be registered in the ship registry journal.

(2) The date of acceptance of the application, the official number of the ship concerned, the date the ruling was made, the term granted for the elimination of omissions by the ruling, the date of receipt of supporting documents, the date of making, entry and notification of the ruling on entry, the signatures of the persons who register the ship, the value of the transaction and the state fee shall also be entered in the ship registry journal. [RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 75. Ship registry file

(1) A ship registry file shall be established for a ship, which is denoted by the number of the register part for the ship.

(2) Documents placed in a ship registry file shall be numbered consecutively.

(3) Documents which are the basis for an entry or which are referred to in an entry shall be placed in the ship registry file. A document may be issued from a ship registry file only if an officially authenticated transcript remains in the ship registry file.

(4) If a document pertains to entries of several register parts, the document shall be placed in one of the ship registry files concerned. A reference to the document shall be made in the other ship registry files.

(5) The courts shall ensure the conformity of transcripts of register parts and other documents in ship registry files with the source documents.

[RT I 2001, 93, 565 – entry into force 01.02.2002]

§ 76. Storage of ship registry

The procedure for the storage of the ship registry shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 77. Procedure for maintenance of ship registry

(1) The ship registry shall be maintained by land registry department of Tartu County Court.

[RT I, 21.06.2014, 8 – entry into force 03.02.2015]

(2) The minister in charge of the policy sector shall establish the procedure for maintenance of the ship registry.

(3) The minister in charge of the policy sector may establish a procedure for accessing information in the ship registry via a computer network.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(3¹) The provisions of the Public Information Act regarding databases, with the specifications provided in this Act, are applied to the ship registry and maintenance thereof.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(4) A notarised application, an authorisation document for submission of an application, and a consent for making, amending and deletion of an entry are deemed to be equal to a digitally signed application, authorisation document or consent in the procedure of registration of a ship.

[RT I 2005, 57, 450 – entry into force 01.01.2006]

§ 77¹. Controller and processor of ship registry

The Ministry of Justice is the controller, and Tartu County Court registration department, the Transport Administration and the Centre of Registers and Information Systems are the processors of the ship registry.

[RT I, 09.05.2017, 1 – entry into force 01.07.2017]

Chapter 8

[Repealed – RT I 2005, 31, 227 – entry into force 01.07.2005]

Chapter 9

FIRST AND SECOND REGISTER OF BAREBOAT CHARTERED SHIPS

[RT I, 04.03.2019, 1 - entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 89. Subordination of bareboat chartered ships to legal order of Republic of Estonia

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) The real rights of bareboat chartered ships are determined by the law of the state of their initial registration.

(2) Bareboat chartered ships are subject to Estonian public law. The safety requirements for ships applicable in the Republic of Estonia apply to bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 90. Access to first and second register of bareboat chartered ships

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) The data entered in the first and second register of bareboat chartered ships are public. Shipowners, charterers of ships, competent state authorities, and persons with a legitimate interest therein may access the documents contained in a ship registry file.

(2) The persons specified in subsection 1 of this section have the right to obtain officially certified transcripts from the first and second register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 91. Competence of Transport Administration

All acts concerning the maintenance of the first and second register of bareboat chartered ships shall be carried out on the basis of the decisions of the Transport Administration.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 91¹. Right to register ship in first and second register of bareboat chartered ships

The right to register a ship in the first or second register of bareboat chartered ships exists in the cases provided for in subsection 1 of § 1 and subsections 1–2² of § 2 of this Act.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 92. Information and documents to be submitted for registration of bareboat chartered ship and renewal of registration

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) In order to register a ship in the first register of bareboat chartered ships, the charterer shall submit a written or digitally signed application and the following documents or documents which contain the following data:

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 1) the name and former names of the ship;
- [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]
- 2) the main material of the hull, the type of main engines, and the type of the ship according to its purpose;
- 3) the port of registry;
- 4) the name of the builder, and the place and year of build;
- 5) the International Maritime Organisation (IMO) number if it is in the tonnage certificate or other corresponding document;
- 6) the results of official measurement and the output of the main engines according to the official tonnage certificate;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 7) the Safety Management Certificate (SMC) or interim Safety Management Certificate (interim SMC) for a ship for which the Safety Management Certificate is required, or documents certifying the seaworthiness of a ship for which the Safety Management Certificate is not required;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 7¹) the classification certificate issued by a recognised organisation for a ship for which the classification certificate is required and which is not a ship specified in subsection 1 of § 1 of this Act;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 8) the charter party and in case of sub-charter, the sub-charter party;
- [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]
- 9) the consent of the state of initial registration for registration of the ship in the Estonian register of bareboat chartered ships;

- 10) the notarised or digitally signed consent of the shipowner for registration of the ship in the register of bareboat chartered ships, if the consent of the shipowner is not set out in the charter party;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 11) the call sign of the ship;
- [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 12) at the request of the registrar, a document certifying that the charterer is a citizen of a Contracting State or a legal person in private law registered under the law of a Contracting State, whose seat and business establishment are in the Contracting State, unless the registrar can obtain these documents free of charge from a respective register of the other Contracting State within a reasonable period of time;

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

- 13) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

- 14) the name, personal identification code or date of birth in the absence of a personal identification code of the owner or shared owners, charterer and responsible person of the ship; in the case of a legal person, its registry code or registration number;

- 15) the contact details specified in subsection 6 of § 47 of this Act of the owner or shared owners, charterer and responsible person of the ship;

- 16) the document certifying the authorisation of the responsible person, and the digitally signed or notarised consent of the responsible person for being entered in the register of bareboat chartered ships as a responsible person, unless the functions of the responsible person are performed by the shipowner or charterer;

- 17) the number of the document or the confirmation specified in subsection 2 of § 4² of this Act;

- 18) the written confirmation of the charterer that the responsible person has a business establishment in Estonia;

- 19) the written confirmation of the charterer that as far as they know there are no circumstances specified in clauses 2–4 of subsection 2 of § 96¹ of this Act.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1¹) In order to register a ship in the second register of bareboat chartered ships, the charterer shall submit the application and documents specified in subsection 1 of this section, except the confirmation specified in clause 18.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1²) The documents specified in subsections 1 and 1¹ of this section may be submitted as copies. In case copies of documents are submitted, the registrar may request also the documents which meet the formal requirements specified in subsection 2 of § 36 of this Act from the charterer.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1³) If the data specified in subsections 1 and 1¹ of this section are available to the registrar via a recognised organisation or ship register of the state of initial registration, the registrar may rely on the respective data upon registration of the ship, instead of the documents specified in subsections 1 and 1¹ of this section.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) In order to renew a registration in the first or second register of bareboat chartered ships, the charterer shall submit a written or digitally signed application, and where needed, new documents specified in subsections 1 and 1¹ of this section if the previously submitted documents have expired or if the data therein have changed.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 92¹. Additional technical survey of ship before deciding on entry of ship in register

The Transport Administration may carry out an additional technical survey of a ship pursuant to § 13 of the Maritime Safety Act before deciding on the entry of the ship in the register.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 92². Payment of state fee and registry fee for registration of ship and renewal of registration

(1) The charterer shall pay the state fee for registration of a ship in the first register of bareboat chartered ships or for renewal of a registration and for review of an application for a document on nationality.

(2) The charterer shall pay the registry fee for registration of a ship in the second register of bareboat chartered ships, for provision of register services or for renewal of a registration, and for review of an application for a document on nationality related to the registration or renewal thereof at the rate and pursuant to the procedure provided for in § 92³ and 92⁵ of this Act.

(3) No state fee shall be charged for re-registration of a ship from the second register of bareboat chartered ship into the first register of bareboat chartered ships together with the issue of a certificate of nationality of a bareboat chartered ship.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 92³. Registry fee

(1) The registry fee shall be paid every year. The registry fee shall be paid for a year of validity of the registration prior to the submission of an application for registration of the ship and for each subsequent year of validity at least ten days prior to the start of the respective year of validity.

(2) A ship is not entered in the second register of bareboat chartered ships before the registry fee is paid.

(3) Upon failure to pay the registry fee for a ship registered in the second register of bareboat chartered ships, the provision of a register service to the ship is discontinued, the registration of the ship is not renewed, and the registrar may delete the ship from the second register of bareboat chartered ships.

(4) The registry fee is paid into the state budget. The payment notice of the registry fee is issued by the Transport Administration.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 92⁴. Inspections covered by registry fee and additional fees

(1) The Transport Administration shall perform the following inspections for the registry fee:

- 1) technical surveys of ships;
- 2) security verifications of ships;
- 3) maritime safety audit of the responsible persons and their ships pursuant to the Maritime Safety Act;
- 4) inspections of ships for the issue of maritime labour certificates, approval of validity and renewal thereof.

(2) The Transport Administration shall issue the following documents for the registry fee and send these by registered mail:

- 1) certificates of ships;
- 2) endorsements to certificates of competency of crewmembers;
- 3) certificates confirming that a request for the receipt of the endorsement specified in clause 2 of this subsection has been submitted to the Transport Administration.

(3) In addition to the registry fee, 200 euros per working hour of a supervisory official of the Transport Administration, but not more than a total of 6,000 euros, shall be paid for an additional survey of ships entered in the second register of bareboat chartered ships or an additional maritime safety audit of the responsible persons, if these are performed on the basis of the request of the charterer or the responsible person.

(4) The inspections specified in subsection 1 of this section are not covered by the registry fee if these are performed by a recognised organisation instead of the Transport Administration.

(5) The registry fee does not cover the travel expenses of supervisory officials of the Transport Administration.

(6) If the applicant wants the documents specified in subsection 2 of this section to be sent by courier service, an additional 70 euros shall be paid for the review of the request for the document.

(7) If an international convention specified in the Maritime Safety Act permits exemption from compliance with the requirements of that convention, and the applicant applies for the granting of exemption, an additional 300 euros shall be paid for the issue of the respective document and sending it by registered mail.

(8) If the applicant wants a replacement certificate of a ship or endorsement to be issued instead of the certificate of the ship or endorsement that has been destroyed or lost or become unusable, a state fee shall be paid for the issue of said documents.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 92⁵. Rates of registry fees

Based on the gross tonnage of ships, the registry fee is as follows:

- 1) ships with a gross tonnage of less than 5000 – 15,000 euros per year;
- 2) ships with a gross tonnage of 5,000 to 19,999 – 20,000 euros per year;
- 3) ships with a gross tonnage of 20,000 and more – 25,000 euros per year.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 93. Data entered in first and second register of bareboat chartered ships and documents included in ship registry file

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) The data on a ship and the owner, charterer and responsible person of the ship shall be entered in the first and the second register of bareboat chartered ships.

(2) The ship registry file of a bareboat chartered ship shall include the documents or copies thereof which constitute a basis for the register entry or referred to in the entry, and other documents related to the registration of the ship, and correspondence or copies thereof, as well as invalid documents on nationality.

(3) The data entered in the first and second register of bareboat chartered ships and the documents included in the ship registry file of a bareboat chartered ship shall be stipulated in the statutes of the first and second register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 93¹. Registration of bareboat chartered ship and provisional certificate of nationality of bareboat chartered ship

(1) If the registrar requests that a charterer submit the documents which would meet the formal requirements specified in subsection 2 of § 36 on the basis of subsection 1² of § 92 of this Act, and the charterer cannot submit these documents right away, the Transport Administration may register the ship in the first register of bareboat chartered ships on the basis of the application specified in subsection 1 of § 92, or register the ship in the second register of bareboat chartered ships on the basis of the application specified in subsection 1¹ of § 92, and issue a provisional certificate of nationality of a bareboat chartered ship for a term of three months to the ship.

[RT I, 28.02.2020, 2 – entry into force 01.07.2020]

(2) A provisional certificate of nationality of a bareboat chartered ship shall be valid until the expiry of the term specified in subsection 1 of this section or until the certificate of nationality of a bareboat chartered ship is issued, if issued before the lapse of the provisional certificate of nationality of a bareboat chartered ship.

(3) After submission of the documents specified in subsection 1 of this section which meet the formal requirements, a certificate of nationality of a bareboat chartered ship shall be issued to the ship, and its term together with the term of the provisional certificate of nationality shall not exceed the term specified in subsection 3 of § 24 of this Act. Where possible, the charterer or sub-charterer shall return the provisional certificate of nationality of the chartered ship upon submission of the documents specified in subsection 1 of

this section which meet the formal requirements. In the case specified in this section, no state fee needs to be paid again for the issue of the certificate of nationality of a bareboat chartered ship and amendment of the data entered in the register.

(4) An invalid provisional certificate of nationality of a bareboat chartered ship shall be immediately returned to the registrar. If the immediate return of an invalid provisional certificate of nationality of a bareboat chartered ship is difficult due to the ship being underway, the charterer or sub-charterer may return the certificate of nationality to the registrar within two months after the lapse of the provisional certificate of a bareboat chartered ship provided that an application in a format which can be reproduced in writing is submitted and the consent of the registrar is obtained.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 94. Decision-making

[Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 95. Duty to notify

(1) The charterer of a ship shall promptly notify the registrar in writing of any changes in the circumstances on the basis of which the ship granted for the use of the charterer is permitted to fly the national flag of Estonia.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) The charterer shall promptly notify the registrar in writing if the ship is shipwrecked or becomes unusable. Submitted information shall be certified.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) If the registrar suspects that a ship has no right to fly the national flag of Estonia, the registrar may request the owner of the registered ship to provide additional evidence regarding the register in which the ship is to be registered and the right to fly the national flag of Estonia, providing a term of up to 30 days therefor.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 96. Deletion of ship from first and second register of bareboat chartered ships on initiative of charterer

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) [Repealed – RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) A ship is deleted from the register of bareboat chartered ships on the basis of an application of the charterer of the ship.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(3) In order to delete a ship from the first or second register of bareboat chartered ships on the basis of an application of the charterer, the charterer shall submit a written application and return the provisional certificate of nationality of a bareboat chartered ship or the certificate of nationality of a bareboat chartered ship. A state fee shall be paid for the deletion of the ship from the first or second register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(4) At the request of the charterer, the Transport Administration issues a certificate in Estonian and English concerning the deletion of a foreign ship from the register of bareboat chartered ships.

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

(5) A certificate concerning deletion from the register of bareboat chartered ships shall not be issued before the register part is closed and the certificate of nationality is returned to the registrar or the destruction of the issued certificate of nationality is certified or its loss is substantiated.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(6) If it is difficult to immediately return the invalid certificate of nationality of a bareboat chartered ship due to the ship being underway, the charterer or sub-charterer may return the certificate of nationality to the registrar within two weeks after the submission of the application specified in subsection 2 of this section provided that an application in a format which can be reproduced in writing is submitted and the consent of the registrar is obtained.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(7) If a ship is deleted from the second register of bareboat chartered ships on the initiative of the charterer, the registry fee which has already been paid shall not be returned to the charterer.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(8) The format of the certificate concerning deletion from the register of bareboat chartered ships shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 96¹. Deletion of ship from first and second register of bareboat chartered ships on initiative of registrar

(1) The registrar shall delete a ship from the first or second register of bareboat chartered ships if the term of the certificate of nationality lapses and the registration of the ship is not renewed.

(2) The registrar may delete a ship from the first or second register of bareboat chartered ships if:

- 1) the charterer has not submitted all the original documents specified in subsection 1 of § 92 of this Act to the registrar before the lapse of the term of the provisional certificate of nationality of a bareboat chartered ship;
- 2) the bareboat chartered ship has been detained by port State control in the course of controlling at least twice during 24 months;
- 3) the bareboat chartered ship which has been seized or detained by port State control or by a supervisory official of the Transport Administration has left port without permission;
- 4) the owner or charterer of the bareboat chartered ship has been punished for an act which is a crime in the first degree pursuant to the Penal Code of Estonia;
- 4¹) the owner or charterer of the bareboat chartered ship is a subject of financial sanctions within the meaning of the International Sanctions Act or if the registration of the ship in the first or second register of bareboat chartered ships violates international sanctions in any other way;
[RT I, 08.03.2022, 1 – entry into force 15.03.2022]
- 5) the ship has been registered in the first or second register of bareboat chartered ships on the basis of a falsified document or a document containing false data;
- 6) the owner entered in the register has not submitted the evidence specified in subsection 3 of § 95 of this Act to the registrar by the due date;
- 7) the registry fee of a ship registered in the second register of bareboat chartered ships has not been paid by the due date;
- 8) the ship has lost its right to fly the national flag of Estonia;
- 9) the responsible person does not comply with the requirements provided by this Act.

(3) The registrar shall notify the charterer of the planned deletion 30 days in advance. The notification shall be sent to the e-mail address specified in clause 15 of subsection 1 of § 92 of this Act.

(4) After the deletion from the first or the second register of bareboat chartered ships, the charterer shall immediately return to the registrar the provisional certificate of nationality or the certificate of nationality of a bareboat chartered ship issued to the charterer.

(5) At the request of the charterer, the Transport Administration issues the certificate specified in subsection 4 of § 96 of this Act.

(6) If a ship is deleted from the second register of bareboat chartered ships on the initiative of the registrar, the registry fee which has already been paid shall not be returned to the charterer.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 96². Decision-making

(1) The registrar shall make a decision on an application for registration of a ship, renewal of a registration or deletion from the first or second register of bareboat chartered ships within five working days after receipt of a proper application and all the required data and documents. If the application for registration of a ship is granted, the ship shall be entered in the respective register.

(2) If an application for registration of a ship or renewal of a registration has deficiencies, the registrar shall provide a term for elimination of deficiencies to the applicant. If the deficiencies are not eliminated within the term, the registrar shall dismiss the application and the ship shall not be registered or the registration shall not be renewed.

(3) If the person submitting the application does not pay the registry fee for registration of the ship in the second register of bareboat chartered ships, the registrar shall dismiss the application.

(4) If a ship does not pass the additional survey carried out on the basis of § 921 of this Act or if the grounds provided in subsection 2 of § 25 of the International Sanctions Act exist, the registrar denies the application for registration of the ship.

[RT I, 08.03.2022, 1 – entry into force 15.03.2022]

(5) If any of the grounds specified in clauses 2–4 of subsection 2 of § 96¹ of this Act exist, the registrar may deny the application for registration of the ship.

(6) If the registrar dismisses an application for registration of a ship in the second register of bareboat chartered ships or renewal of a registration on the basis of subsection 2 of this section, or denies an application for registration of a ship in the second register of bareboat chartered ships on the basis of subsection 4 of this

section, the paid registry fee, from which 32 euros plus 0.10 euros for every gross tonnage unit, but no more in total than 3200 euros per ship, has been deducted, shall be returned to the person submitting the application. [RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 97. Objective of first and second register of bareboat chartered ships, controller, and statutes of register

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(1) The objective of the first and second register of bareboat chartered ships is to collect, store and publish information and to keep records and exercise supervision over the ships that have been granted the right to fly the national flag of Estonia pursuant to subsection 2 of § 24 of this Act.

(2) The Transport Administration is the controller of the first and second register of bareboat chartered ships.

(3) The first register of bareboat chartered ships and the second register of bareboat chartered ships and the statutes thereof shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

Part 2¹ **LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 97¹. Failure to communicate name of ship by master of ship

Failure by the master of a ship to communicate the name, port of registry, port of departure or port of destination of the ship to a ship which is involved in a collision with his or her ship is punishable by a fine of up to 300 fine units.

§ 97². Violation of requirements for identification of ship

Violation by the master of a ship or a person responsible for commanding a ship of the requirements for identification of the ship is punishable by a fine of up to 200 fine units.

§ 97³. Violation of requirement to fly national flag of Estonia on ship

Unlawful hoisting of the national flag of Estonia on a ship or violation of the requirement to fly the national flag of Estonia on a ship is punishable by a fine of up to 100 fine units.

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

§ 97⁴. Proceedings

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

(2) The Transport Administration is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 97¹–97³ of this Act.

Part 3 **IMPLEMENTATION OF ACT**

§ 98. Implementation of Act

(1) Shipowners and bareboat charterers, whose ships or ships chartered to whom were registered in Estonia pursuant to the procedure which applied until the entry into force of this Act, are required to register their ships pursuant to this Act within two years after the entry into force of this Act. As of the entry into force of this Act, no entries, except deletions, shall be made in the Estonian ship register, Estonian ship book or other existing registers.

(2) Documents which certify the right to fly the national flag of Estonia become invalid two years after the entry into force of this Act.

§ 99. Re-registration of registered security over movables

(1) If a ship is registered in the ship registry, a person in whose name a registered security over the movable is registered in the Estonian ship register has the right to request that the shipowner establish a maritime mortgage in the ship registry to the same extent and with the same ranking. If the ranking of registered security interests

over such movable is not determined, notarised agreements between the pledgees and the shipowner concerning determination of the ranking shall be submitted.

(2) If a ship which is registered in the ship registry is encumbered with a registered security over movables in the Estonian ship register and if the pledgee does not want the ship to be encumbered with a maritime mortgage, the shipowner shall append the consent of the pledgee concerning the discharge of the pledge and waiver of the right provided for in subsection 1 of this section to the application for registration of the ship.

§ 100. Notification of registered security over movables

The Maritime Administration shall submit the list of the registered security interests over movables registered in the Estonian ship register to the registrar of the ship registry by 30 June 1998.

§ 100¹. Transfer of maintenance of ship registry

(1) Maintenance of the ship registry is transferred from the registration department of a court to the land registry department of a court by automatic means.

(2) The procedure for automatic transfer of the ship registry shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 100². Official number of ship

(1) The official number of ship assigned before 3 February 2015 shall remain in force in the existing form.

(2) The official number of ship shall be consecutively assigned to register parts opened in the ship registry from 3 February 2015 onwards.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 100³. Relocation of entries in divisions of register parts

Upon transfer of the maintenance of the ship registry to the land registry department, the entries set out in clauses 1 and 2 of subsection 1 of § 68 of this Act shall be automatically relocated into the third division of the register part.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 100⁴. Verification of information upon transfer of ship registry

(1) The land registry department shall promptly verify all the register parts of the ship registry after taking over the ship registry.

(2) If the ranking and legal contents of entries that are relocated from one division to another do not change, the entitled persons entered in the register part are not informed about the changes.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 100⁵. Liability of state

The state shall be liable for the damages related to the transfer of the maintenance of the ship registry which derive from faults in the maintenance of the ship registry, automated data processing and data processing equipment.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 100⁶. Access to information in ship registry

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

The information in the ship registry can be accessed at the Transport Administration, a notary office or via a respective website.

[RT I, 09.05.2017, 1 – entry into force 01.07.2017]

§ 100⁷. Issue of certificate of ship registry

(1) At the request of an applicant, the Transport Administration issues a certificate certifying that an entry in the ship registry has not been amended or that a certain entry does not appear in the register.

(2) A state fee shall be paid for the issue of the certificate specified in subsection 1 of this section.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 100⁸. Validity of register entries and documents on nationality

(1) If the legal basis for the issue of a certificate of seagoing vessel or certificate of inland vessel or certificate of nationality issued to a ship before 1 July 2020 changes, the register entry and the document on nationality shall not be changed in this respect and they shall remain to be valid.

[RT I, 28.02.2020, 2 – entry into force 01.07.2020]

(2) If the legal basis for the issue of a provisional certificate of nationality issued for a bareboat chartered ship before the due date specified in subsection 1 of this section changes, the register entry and the document on nationality shall not be changed in this respect and they shall remain to be valid until the lapse of the term of the initial document on nationality.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 100⁹. Appointment of responsible person and entry into register

(1) Appointment of a responsible person who complies with the requirements specified in subsection 2 of § 42 of this Act shall be certified to a respective registrar by 1 January 2021 for a ship entered in the ship registry or the register of bareboat chartered ships before the due date set out in subsection 1 of § 100⁸ of this Act, if the appointment of a responsible person is required under § 4² of this Act.

[RT I, 28.02.2020, 2 – entry into force 01.07.2020]

(2) In order to perform the obligation specified in subsection 1 of this section, the owner or charterer of the ship shall submit a written application to the respective registrar for entering the responsible person in the register, and the data and documents regarding the responsible person as specified in clause 7¹ of subsection 1 of § 42 or clauses 14–17 of subsection 1 of § 92 of this Act.

(3) The respective registrar shall enter the responsible person who complies with the requirements in the register within 15 days after receipt of the application and documents. No state fee shall be charged for entering a responsible person in the register.

(4) Upon failure to perform the obligation specified in subsection 1 of this section, a fine may be imposed under § 601 of the Code of Civil Procedure in case of the ship registry, and deletion from the register may be applied in case of the register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 100¹⁰. Transformation of register of bareboat chartered ships into first register of bareboat chartered ships

(1) As of the due date specified in subsection 1 of § 100⁸ of this Act, the register of bareboat chartered ships shall be deemed to constitute the first register of bareboat chartered ships, and the ships registered in the register of bareboat chartered ships before that date shall be deemed to be registered in the first register of bareboat chartered ships.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

(2) For a ship entered in the register of bareboat chartered ships before the due date specified in subsection 1 of § 100⁸ of this Act, a written confirmation shall be submitted to the registrar by 1 March 2021 stating that the ship meets the conditions for registration in the first register of bareboat chartered ships set out in subsection 2 of § 34 of this Act.

[RT I, 28.02.2020, 2 – entry into force 01.07.2020]

(3) If a charterer does not submit the confirmation specified in subsection 2 of this section to the registrar by the due date specified in the same subsection, the ship may continue to be registered in the first register of bareboat chartered ships until the lapse of the term of the certificate of nationality of a bareboat chartered ship, but not for longer than until 30 June 2021.

[RT I, 28.02.2020, 2 – entry into force 01.07.2020]

(4) If the conditions for registration set out in subsection 2 of this section are met, the provisional certificate of nationality issued to a bareboat chartered ship before entry into force of the wording specified in subsection 1 of § 100⁸ of this Act shall be replaced with the certificate of a bareboat chartered ship after the return of the provisional certificate of nationality of bareboat chartered ship. In such case no state fee shall be charged for the issue of the certificate of nationality of a bareboat chartered ship and for amendment of the data entered in the register.

[RT I, 04.03.2019, 1 – entry into force 01.07.2020, the date of entry into force changed [RT I, 28.02.2020, 2]]

§ 101.–§ 106.[Omitted from this text.]

§ 107. Entry into force of Act

(1) This Act enters into force on 1 July 1998.

(2) § 100 and clause 3 of § 101 of this Act enter into force on the tenth day after publication of the Act in the Riigi Teataja.

(3) Subsection 2 of § 4 and § 4¹ of this Act enter into force by a separate Act upon the accession of Estonia to the European Union.

[RT I 2003, 13, 66 – entry into force 20.02.2003]