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

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Amended by the following legal instruments

Passed	Published	Entry into force
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18.07.2022	RT I, 21.07.2022, 1	01.01.2023

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

Chapter 1. General Provisions

§ 1. Scope of application of the Regulation

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

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

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

§ 2. Diplomatic clearance

(1) Diplomatic clearance is the basis on which a military ship or an aircraft of a foreign state may enter the territory of Estonia.

(2) Diplomatic clearance may be for single or multiple entries.

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

(4) No diplomatic clearance is needed for peaceful transient sailing through the territorial seas.

§ 3. Entitlement to submit application

In order to obtain diplomatic clearance, an application may be submitted by the Defence Forces, a foreign state or an international organisation. An application for diplomatic clearance is submitted to the Ministry of Defence.

Chapter 2. Procedure for Granting of Diplomatic Clearance for Military Ship of Foreign State

§ 4. Application for diplomatic clearance

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

[RT I, 28.06.2017, 41 – entry into force 01.01.2017]

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

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

§ 5. Submission of application for delivery of opinion

(1) The Ministry of Defence forwards the application from a military ship of a foreign state to the Defence Forces and, where applicable, other relevant government agencies within one working day from its receipt for the delivery of opinions, also setting the deadline for a reply. [RT I, 21.07.2022, 1 – entry into force 01.01.2023]

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

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

§ 6. Granting of diplomatic clearance

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

(2) For a military ship of a Member State of the North Atlantic Treaty Organization, diplomatic clearance may be granted within one working day from the receipt of an application, without applying the provisions in § 5.

§ 7. Notification about granting or refusal of diplomatic clearance

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

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

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

§ 9. Granting of diplomatic clearance for military ship within contingent of standing maritime unit of North Atlantic Treaty Organization

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

(2) The Ministry of Defence grants the military ship specified on the application submitted under subsection 1 diplomatic clearance for multiple entries for the performance of the functions of the unit. The Ministry of Defence notifies the Defence Forces about the diplomatic clearance granted.

(3) If there is diplomatic clearance as stipulated in subsection 2, the military ship of a foreign state is to provide notification about its entry into the territorial or inland waters of Estonia or to a section of a transboundary water body held by Estonia in accordance with the procedure applicable at the North Atlantic Treaty Organization. The Ministry of Defence notifies the Defence Forces, the Police and Border Guard Board and, where applicable, other relevant government agencies of the entry.

Chapter 3.

Procedure for Granting of Diplomatic Clearance for Aircraft of Foreign State

§ 10. Application for diplomatic clearance

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

[RT I, 28.06.2017, 41 – entry into force 01.07.2017]

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

(3) The form for applying for diplomatic clearance is provided in Annex 2.

(4) The form for applying for diplomatic clearance to be submitted by a European Union Member State who has signed the Technical Arrangement ‘Cross-border movement permission procedures for air traffic in Europe’ is provided in Annex 3.

[RT I, 24.05.2022, 3 – entry into force 27.05.2022]

§ 11. Submission of application for delivery of opinion

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

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

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

§ 12. Granting of diplomatic clearance

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

(2) Diplomatic clearance is provided for the period indicated on the application. Diplomatic clearance takes effect 72 hours before the time indicated on the diplomatic clearance and expires 72 hours after the time indicated on the diplomatic clearance.

(3) For aircrafts of a Member State of the North Atlantic Treaty Organization, diplomatic clearance may be granted within one working day from the receipt of an application, without applying the provisions in § 11.

§ 13. Notification about granting or refusal of diplomatic clearance

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

§ 14. Arrival in Estonia under diplomatic clearance for multiple entries

In the case of diplomatic clearance for multiple entries, the foreign state or international organisation need not provide advance notice of an aircraft of a foreign state entering Estonian airspace or landing on or flying over Estonian territory.

§ 15. Special regulation concerning granting of diplomatic clearance for multiple entries

(1) Without applying the procedure laid down in this Chapter, every calendar year the Ministry of Defence grants diplomatic clearance for national aircraft of Member States of the North Atlantic Treaty Organization and the European Union and for aircraft belonging to the North Atlantic Treaty Organization.

[RT I, 24.05.2022, 3 – entry into force 27.05.2022]

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

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

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

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

(6) Diplomatic clearance granted under this section does not apply to an aircraft of a foreign state carrying weapons, ammunition, explosives or other dangerous goods not provided for in the relevant documents of the International Air Transport Association that govern the transport of dangerous goods, or to an aircraft of a foreign state on which, upon entering Estonian airspace or landing on or flying over Estonian territory, intelligence, surveillance, target acquisition, reconnaissance or electronic warfare equipment is switched on.

(7) An aircraft belonging to the North Atlantic Treaty Organization may fly with intelligence, surveillance and reconnaissance equipment switched on. An aircraft belonging to the North Atlantic Treaty Organization that is fitted with and on which the above equipment is switched on is to notify the Ministry of Defence one day before the proposed entry to Estonian airspace or landing on or flying over Estonian territory.

[RT I, 24.05.2022, 3 – entry into force 27.05.2022]

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

[Annex 2](#) Form for applying for diplomatic clearance

Annex 3 Form for applying for European Union diplomatic clearance

[RT I, 24.05.2022, 3 – entry into force 27.05.2022]