

Identity documents act (1999)

Chapter 1

General Provisions

§ 1. Scope of application

This Act establishes an identity document requirement and regulates the issue of identity documents to Estonian citizens and aliens by the Republic of Estonia.

§ 2. Identity document

(1) An identity document (hereinafter document) is a document issued by a state agency in which the name, date of birth or personal identification code, and a photograph of the holder are entered, unless otherwise provided by law or legislation established on the basis thereof.

(2) The following documents are issued pursuant to this Act:

- 1) identity cards;
- 2) Estonian passports;
- 3) diplomatic passports;
- 4) seafarer's discharge books;
- 5) alien's passports;
- 6) temporary travel documents;
- 7) travel documents for refugees;
- 8) certificates of record of service on Estonian ships;
- 9) certificates of return;
- 10) permits of return.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

§ 3. Travel document and internal document

(1) A travel document is an Estonian document prescribed by law for crossing the state border or a travel document issued by a foreign state recognised by the Ministry of Foreign Affairs (hereinafter travel document issued by a foreign state).

(2) An internal document is a document which is prescribed for the identification of a person within Estonia and which is not prescribed for crossing the state border, unless otherwise provided by law or an international agreement.

§ 4. Document not specified in this Act

(1) An Estonian citizen or an alien may also prove his or her identity with a document not specified in this Act if the name, photograph, and date of birth or personal identification code of the holder are entered therein and the document is valid. A photograph need not be entered in a document held by an Estonian citizen or an alien under 4 years of age.

(2) Documents issued by the Republic of Estonia and not specified in this Act shall be established by law or legislation issued on the basis thereof. Chapter 3 of this Act does not apply to documents not specified in this Act.

Chapter 2

Identity Document Requirement

§ 5. Identity document requirement for Estonian citizens

(1) An Estonian citizen staying (residing) permanently in Estonia shall hold an identity card.

(2) An Estonian citizen specified in subsection (1) of this section who is under 15 years of age need not hold an identity card.

§ 6. Identity document requirement for aliens staying permanently in Estonia

(1) An alien staying (residing) permanently in Estonia on the basis of a valid residence permit with a period of validity of at least one year shall hold an identity card.

(2) An alien under 15 years of age staying (residing) permanently in Estonia on the basis of a residence permit with a period of validity of at least one year need not hold an identity card if he or she holds a travel document or if his or her name, date of birth, citizenship and photograph and data concerning his or her residence permit are entered in the travel document held by one of his or her parents. A photograph of an alien under 7 years of age need not be entered in the travel document held by one of his or her parents.

(3) Subsections (1) and (2) of this section apply after registration of the birth of an alien residing in Estonia.

§ 7. Identity document requirement for aliens staying temporarily in Estonia

(1) An alien arriving in Estonia, staying temporarily in Estonia or departing from Estonia shall hold a valid travel document issued by a foreign state, an alien's travel document issued by Estonia or a document permitting return issued in a foreign state, unless otherwise prescribed by an international agreement.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(2) An alien under 15 years of age need not hold a travel document or certificate of return if his or her name, date of birth and photograph are entered in the travel document held by a person accompanying him or her. A photograph of an alien under 7 years of age need not be entered in the travel document held by a person accompanying him or her.

§ 8. Identity document requirement upon crossing state border

The identity document requirement upon crossing the state border is provided for in the State Borders Act (RT I 1994, 54, 902; 1997, 77, 1315; 1999, 25, 365; 2000, 86, 550; 2001, 23, 126).

Chapter 3

Issue, Replacement and Revocation of Documents

§ 9. Standard format of documents and data entered in documents

(1) The standard format and technical description of a document and the list of data to be entered in a document shall be established by a regulation of the Government of the Republic.

(2) Data shall not be entered in a document if the entry of such data is not prescribed by an international agreement, law or other legislation of general application established on the basis thereof.

(3) Unless otherwise provided for in this Act, only the following personal data pertaining to the holder of a document may be entered in the document:

- 1) name;
- 2) date and place of birth;
- 3) personal identification code;
- 4) photograph;
- 5) sex;
- 6) citizenship;
- 7) fingerprints or signature;

8) colour of eyes and hair;

9) data provided for in subsection (4) of this section.

(4) At the request of a parent, the name, date of birth, personal identification code, citizenship and photograph of a child of his or hers who is under 15 years of age shall be entered in the travel document held by an Estonian citizen or an alien. A photograph of a minor under 7 years of age need not be entered in the travel document held by an Estonian citizen or an alien. At the request of the holder of a document, personal data not specified in subsection (3) of this section may be entered on an identity card if such possibility is prescribed by law or other legislation of general application established on the basis thereof.

(5) Information which enables identification and signing and other digital data, the list of which shall be established by a regulation of the Government of the Republic, may be entered in a document.

(08.03.2000 entered into force 15.12.2000 - RT I 2000, 26, 150)

§ 10. Issue of documents

(1) Documents shall be issued only on the basis provided for in this Act.

(2) If the issuer of a document has a justified reason to believe that the issue or replacement of a travel document to a person who is under 15 years of age may damage the interests of the person, the consent of the guardianship authority is required for the issue or replacement of a travel document.

§ 11. Replacement of documents

(1) A document shall be replaced if the basis for issuing (holding) the document has not ceased to exist and:

1) there is a change in the data entered in the document or the data are inaccurate;

2) the document becomes unusable or is destroyed or lost;

3) the visa pages of the travel document are full.

(2) The holder of a document is required to notify the government agency which issued the document of any change in the data entered in the document within one month after the change is effected.

(3) If a document becomes unusable or is lost or destroyed, the holder of the document is required to notify the government agency which issued the document thereof within three working days after the document becomes unusable or is lost or destroyed or within three working days after the date on which the holder becomes aware thereof.

§ 12. Refusal to issue or replace documents

(1) The issue or replacement of a document shall be refused if there is no basis provided by law for the specified activities.

(2) On the proposal of the guardianship authority or in the absence of the consent specified in subsection 10 (2) of this Act, the issue of a travel document to or replacement of a travel document held by a person under 15 years of age may be refused if the issue or replacement of the travel document may damage the interests of the person under 15 years of age.

(3) Subsections (1) and (2) of this section also apply upon the entry of data pertaining to a child in the document held by one of his or her parents.

(4) The issue of a document shall be refused if the person already holds the corresponding type of document and the use of several documents of the same type is not prescribed by law.

§ 13. Return of documents

(1) Upon replacement of a document, the holder of the document is required to return the document to the government agency which issued the document, unless the document has been destroyed or lost. If the basis for issuing (holding) a document ceases to exist, the holder of the document is required to return the document to the government agency which issued the document within three working days after the date on which the basis ceases to exist.

(2) Upon the death or declaration of death of the holder of a document or upon the declaration of the holder of a document as missing, the document shall be returned to the government agency which issued the document.

(3) Upon replacement or revocation of a document in the cases set out in clause 14 4) of this Act, the government agency which issued the document may allow the holder of the returned document to keep the document, after making a corresponding notation in the document.

§ 14. Revocation of documents

A document shall be revoked:

- 1) if the basis for issuing (holding) the document ceases to exist;
- 2) if the document is issued or replaced without legal basis or its period of validity is extended without legal basis;
- 3) if the document or an entry or data contained therein, except data concerning a visa or residence or work permit, are falsified or inaccurate;
- 4) if the document becomes unusable or an entry contained therein is illegible;

5) upon the death of the holder of the document;

6) if the document is lost or destroyed.

§ 15. Organisation of issue, replacement and revocation of documents

(1) The Government of the Republic shall establish by a regulation:

1) the procedure and terms for the issue, replacement and revocation of documents;

2) the list of certificates and data to be submitted upon application for the issue or replacement of a document.

(2) The Minister of Internal Affairs shall establish by a regulation the standard formats of applications for the issue and replacement of identity cards, Estonian passports, alien's passports, temporary travel documents, travel documents for refugees, seafarer's discharge books and certificates of record of service on Estonian ships.

(3) The Minister of Foreign Affairs shall establish by a regulation the standard formats of applications for the issue and replacement of diplomatic passports, certificates of return and permits of return, and the procedure for the recognition of travel documents of foreign states.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(4) The Citizenship and Migration Board shall issue, replace and revoke:

1) identity cards;

2) Estonian passports;

3) alien's passports;

4) temporary travel documents;

5) travel documents for refugees;

6) seafarer's discharge books;

7) certificates of record of service on Estonian ships.

(5) The Ministry of Foreign Affairs shall issue, replace and revoke diplomatic passports, certificates of return and permits of return.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(6) The issuer of a document shall identify the person applying for the document. The procedure for identification shall be established by a regulation of the Minister of Internal Affairs.

(08.03.2000 entered into force 15.12.2000 - RT I 2000, 26, 150)

§ 151. Competence to issue, replace and revoke documents

The Minister of Foreign Affairs and the Director General of the Citizenship and Migration Board may authorise a senior or higher official of a corresponding government agency to issue or refuse to issue a document, to replace or refuse to replace a document, or to revoke a document in the name of the government agency.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68)

Chapter 4

Validity and Verification of Documents

§ 16. Validity of documents

A document is valid if it complies with the following requirements:

- 1) the document is issued and data are entered in the document legitimately by a competent agency;
- 2) the document has not expired;
- 3) the document is usable and enables identification of entries made therein, verification of their correctness and ascertainment of the identity of the holder of the document;
- 4) data concerning a valid residence permit are entered in the document (an alien's passport or a travel document for a refugee).

§ 17. Seizure of documents for verification

(1) In the case of justified doubt, the Citizenship and Migration Board, the border guard authority or the police authority may seize a document for verification of the validity thereof. The head of a specified government agency may authorise a senior or higher official of the same government agency to perform the specified act.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68)

(2) Subsection (1) of this section also applies to documents not provided for in this Act. A document held by an alien or a travel document issued by a foreign state may also be seized in order to verify the authenticity of a residence permit, work permit or visa entered therein.

(3) The agency which seizes a document for verification shall:

- 1) immediately issue a certificate to the holder concerning seizure of the document for verification;

2) explain to the holder of the document his or her rights to contest the seizure of the document for verification;

3) verify the validity of the document.

(4) The standard format of a certificate of seizure of a document for verification shall be established by a regulation of the Minister of Internal Affairs.

§ 18. Verification of documents

(1) A document which, upon verification, proves to be valid shall be returned to the holder thereof.

(2) If, in the course of verification, a basis for the revocation of a document becomes evident, the document shall be revoked by a reasoned written decision. The decision shall be made known to the holder of the document.

(3) If, upon verification of a travel document issued by a foreign state, bases for the revocation thereof become evident, the document shall be forwarded to a competent administrative agency of the foreign state on the basis of a reasoned written decision. The decision shall be made known to the holder of the document.

(4) If, upon verification of a document held by an alien, data concerning a residence permit, work permit or visa which have been unlawfully entered therein are detected, the data shall be annulled pursuant to the established procedure and the document shall be returned to the holder.

(5) A document shall be returned or revoked without undue delay, but not later than within five working days after the date of seizure for verification. If verification of a document is complex, the head of the agency which seized the document for verification may extend the term for verification of the document, indicating in writing the reasons for the extension of the term for verification of the document. The holder of the document shall be notified in writing of the extension of the term for verification of the document.

Chapter 5

Identity Cards

§ 19. Basis for issue of identity cards

(1) An identity card is an internal document held by an Estonian citizen staying (residing) permanently in Estonia or an alien staying permanently in Estonia. Identity cards shall be issued to the following:

1) Estonian citizens;

2) aliens staying (residing) permanently in Estonia and to whom residence permits with a period of validity of at least one year have been issued.

(2) Other documents established by this Act shall be issued on the basis of data entered on the identity card of the person concerned. This subsection does not apply to persons who, pursuant to this Act, need not hold an identity card.

§ 191. Digital data to be entered on identity card

(1) A certificate which enables digital identification and a certificate which enables digital signing shall be entered on an identity card. The list of other digital data entered on an identity card shall be approved by the Government of the Republic, having regard to the provisions of subsection 9 (3) of this Act.

(2) If a certificate is entered in a document within the meaning of the Digital Signatures Act (RT I 2000, 26, 150; 92, 597), a description of the limitations on the scope of use shall not be entered in the certificate.

(3) Certification service providers specified in subsection 18 (1) of the Digital Signatures Act shall issue certificates specified in subsection (1) of this section.

(12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 338)

§ 20. Period of validity of identity card

(1) Identity cards with a period of validity of up to ten years shall be issued to Estonian citizens or aliens who hold valid residence permits in Estonia.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(2) The period of validity of an identity card held by an alien shall not exceed the period of validity of his or her residence permit.

(3) The period of validity of digital data entered on an identity card shall be established by a regulation of the Government of the Republic. The period of validity of digital data shall not exceed the period of validity of an identity card. The expiry of the period of validity of digital data shall not be the basis for the expiry of an identity card.

(12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 338)

Chapter 6

Travel Documents Held by Estonian Citizens

§ 21. Estonian passport

(1) An Estonian passport shall be issued to an Estonian citizen of at least 15 years of age on the basis of a personal application.

(2) An Estonian passport may be issued to an Estonian citizen under 15 years of age on the basis of an application of his or her legal representative if he or she travels to a

foreign state separately from the parent in whose travel document data pertaining to him or her are entered or if he or she travels to a foreign state together with parents in whose travel documents data pertaining to him or her are not entered.

(3) A second Estonian passport (additional passport) may be issued in addition to a previously issued valid Estonian passport to an Estonian citizen who proves the existence of a justified personal or work-related need.

§ 22. Diplomatic passport

(1) A diplomatic passport shall be issued to:

- 1) the President of the Republic;
- 2) family members of the President of the Republic;
- 3) former Presidents of the Republic and their spouses.

(2) For the performance of functions in a foreign state, a diplomatic passport shall be issued to:

- 1) the Chairman and Deputy Chairmen of the Riigikogu²;
- 2) members of the Riigikogu who are members of a state delegation or represent the state as officials;
- 3) members of the Government of the Republic;
- 4) the State Secretary;
- 5) the Chief Justice of the Supreme Court;
- 6) the Legal Chancellor;
- 7) the Auditor General;
- 8) diplomats on assignments abroad and their family members;
- 9) diplomats who are staying in a foreign state on assignments of the Ministry of Foreign Affairs;
- 10) the President of the Bank of Estonia;
- 11) the Commander of the Armed Forces.

(3) The Government of the Republic may, on the proposal of the Minister of Foreign Affairs, decide to issue diplomatic passports to be used only once to other persons if this is necessary for the performance of duties of the state and complies with international custom.

(4) For the purposes of this section, family members are deemed to be spouses and children of up to 18 years of age.

(5) Persons listed in clauses (2) 1)-7), 10) and 11) of this section are required to return their diplomatic passports to the Ministry of Foreign Affairs within one month after they are released from office.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(51) Upon release from office, diplomats listed in clauses (2) 8) and 9) of this section are required to immediately return their diplomatic passports to the Ministry of Foreign Affairs.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(52) The family members of diplomats specified in clause (2) 8) of this section who are on assignments abroad are required to deposit their diplomatic passports in the Ministry of Foreign Affairs while in Estonia. After assignments abroad, the family members of diplomats on assignments abroad are required to return their diplomatic passports to the Ministry of Foreign Affairs within one week.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(53) Persons specified in subsection (3) of this section are required to return their diplomatic passports within one week after they have ceased to perform the duties of the state.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

(6) If necessary, the Ministry of Foreign Affairs may issue additional diplomatic passports.

§ 23. Seafarer's discharge book

A seafarer who is an Estonian citizen shall be issued a seafarer's discharge book which complies with the requirements of the "Convention concerning Seafarers' National Identity Documents" (RT II 1996, 38, 142) of the International Labour Organisation (ILO).

§ 24. Period of validity of travel document held by Estonian citizen

(1) Estonian passports shall be issued with a period of validity of up to ten years.

(2) Estonian passports with a period of validity of up to five years shall be issued to Estonian citizens under 15 years of age.

(3) An additional passport shall be issued with a period of validity of up to three years, but for not longer than the period of validity of the previously issued Estonian passport.

(4) A diplomatic passport shall be issued:

- 1) with a period of validity of up to five years to the President of the Republic and his or her spouse;
- 2) with a period of validity of up to five years to a minor child of the President of the Republic, but for not longer than until he or she becomes an adult;
- 3) with a period of validity of up to ten years to former Presidents of the Republic and their spouses;
- 4) with a period of validity of up to four years to members of the Riigikogu, members of the Government of the Republic, and the State Secretary;
- 5) to the Chief Justice of the Supreme Court, which expires upon the termination of his or her authority;
- 6) with a period of validity of up to seven years to the Legal Chancellor;
- 7) with a period of validity of up to five years to the Auditor General;
- 8) with a period of validity of up to five years to diplomats;
- 9) to the President of the Bank of Estonia, which expires upon the termination of his or her authority;
- 10) to the Commander of the Armed Forces, which expires upon the termination of his or her authority;
- 11) with a period of validity of up to one year to persons specified in subsection 22 (3) of this Act.

(5) A seafarer's discharge book shall be issued with a period of validity of up to ten years.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

§ 25. Scope of application of travel documents

(1) Travel documents held by Estonian citizens or aliens shall have unlimited scope of application.

(2) The government agency which issued a travel document may, on the proposal of a prosecutor, restrict the scope of application of the travel document if a preventive measure in the form of a signed undertaking not to leave the place of residence, or personal surety or security is imposed on the holder of the document in a criminal matter.

Chapter 7

Documents Held by Aliens

§ 26. Status of alien's passport

(1) An alien's passport is a travel document issued to an alien by the Republic of Estonia in which data concerning the residence permit and, if necessary, work permit of the alien are entered.

(2) An alien's passport does not grant the holder thereof the right to the protection of a foreign mission of Estonia unless otherwise provided by law or an international agreement.

§ 27. Basis for issue of alien's passport

(1) An alien's passport shall, on the basis of a personal application, be issued to an alien who holds a valid residence permit in Estonia if it is proved that the alien does not hold a travel document issued by a foreign state and that it is not possible for him or her to obtain a travel document issued by a foreign state.

(2) An alien's passport may be issued to an alien under 15 years of age at the request of his or her legal representative if he or she complies with the conditions established in subsection (1) of this section and travels to a foreign state separately from the person in whose travel document data pertaining to him or her are entered.

(3) In order for an alien's passport to be issued to a citizen of a foreign state, the alien shall submit the consent of a competent administrative agency of his or her country of nationality to the issue of an alien's passport to him or her, or prove that it is not possible to obtain the specified consent.

§ 28. Period of validity of alien's passport

An alien's passport shall be issued with a period of validity of up to ten years, but the period of validity shall not exceed the period of validity of the residence permit issued to the alien.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

§ 29. Status and basis for issue of temporary travel document

(1) A temporary travel document is a travel document issued by the Republic of Estonia to an alien staying in Estonia for departure from and return to Estonia.

(2) A temporary travel document may be issued to an alien who departs or is obliged to depart from Estonia without the right of return if he or she does not hold a valid travel document or a certificate of return issued by a foreign state.

(3) A temporary travel document for a single departure from and return to Estonia may be issued to an alien legally residing in Estonia if he or she does not hold a valid travel document and does not have the right to receive an alien's passport.

(21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148)

(4) A temporary travel document does not grant the holder thereof the right to the protection of a foreign mission of Estonia unless otherwise provided by law or an international agreement.

§ 30. Period of validity of temporary travel document

A temporary travel document shall be issued with a period of validity of up to two years.

§ 31. Status and basis for issue of travel document for refugee

(1) A travel document for a refugee is a travel document issued by the Republic of Estonia to an alien who is granted asylum in Estonia.

(2) A travel document for a refugee does not grant the holder thereof the right to the protection of a foreign mission of Estonia unless otherwise provided by law or an international agreement.

(3) A travel document for a refugee shall comply with the requirements of the Convention relating to the Status of Refugees (RT II 1997, 6, 26).

(4) A travel document for a refugee shall be issued to an alien who is granted asylum in Estonia.

§ 32. Period of validity of travel document for refugee

A travel document for a refugee shall be issued with a period of validity of up to two years, but the period of validity shall not exceed the period of validity of the residence permit issued to the refugee.

§ 33. Status and bases for issue of certificate of record of service on Estonian ships

(1) A certificate of record of service on Estonian ships is a document issued to an alien by the Republic of Estonia.

(2) A seafarer who is an alien and who holds a residence permit in Estonia shall, on the basis of his or her personal application, be issued a certificate of record of service on Estonian ships which complies with the requirements of the "Convention concerning Seafarers' National Identity Documents" of the International Labour Organisation (ILO).

§ 34. Period of validity of certificate of record of service on Estonian ships

A certificate of record of service on Estonian ships shall be issued with a period of validity of up to five years, but the period of validity shall not exceed the period of validity of the residence permit issued to the alien.

Chapter 8

Certificates of Return and Permits of Return

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

§ 35. Basis for issue of certificate of return

A certificate of return shall be issued to an Estonian citizen staying in a foreign state whose travel document becomes unusable or is destroyed or lost.

§ 36. Period of validity of certificate of return

(1) A certificate of return shall be issued with a period of validity of up to three months.

(2) Upon entry into Estonia, a certificate of return shall be returned to the border guard authority who shall forward the certificate to the Ministry of Foreign Affairs.

§ 361. Basis for issue of permit of return

For return to Estonia, a permit of return may be issued to an alien residing in the Republic of Estonia on the basis of a residence permit and whose alien's passport, temporary travel document or travel document for a refugee becomes unusable or is destroyed or lost when he or she is in a foreign state.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

§ 362. Period of validity of permit of return

(1) A permit of return shall be issued with a period of validity of up to one month but considering that after an alien returns to Estonia the temporary residence permit issued to him or her is valid and the alien is able to submit an application for extension of the temporary residence permit.

(2) Upon entry into Estonia, a permit of return shall be returned to the border guard authority who shall forward the permit to the Ministry of Foreign Affairs.

(08.11.2000 entered into force 02.12.2000 - RT I 2000, 86, 550)

Chapter 9

Implementing Provisions

§ 37. Information concerning documents issued on basis of this Act

Information concerning documents issued on the basis of this Act shall be entered in the population register pursuant to the Population Register Act (RT I 2000, 50, 317; 2001, 31, 173). Information concerning documents of aliens illegally staying in Estonia shall be processed pursuant to the procedure provided by a Regulation of the Minister of Internal Affairs established on the basis of the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; 58, 352).

(07.03.2001 entered into force 07.04.2001 - RT I 2001, 31, 173)

§ 38. Validity of previously issued documents

(1) Estonian passports, diplomatic passports and seafarer's discharge books issued pursuant to the Estonian Citizens Identity and Citizenship Documents Act (RT I 1993, 43, 618) are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(2) Alien's passports issued pursuant to the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254; 2001, 16, 68; 58, 352) are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

(3) Temporary travel documents issued pursuant to the Temporary Travel Documents Act (RT I 1994, 41, 658; 1999, 25, 365) are valid until the date of expiry thereof, and the provisions of this Act apply thereto.

§ 39. Implementation of §§ 5 and 6 of this Act

Sections 5 and 6 of this Act are implemented as of 1 January 2002.

§ 40. Commencement of issue of identity cards and of travel documents for refugees

The Government of the Republic shall determine the time for the commencement of the issue of identity cards and of travel documents for refugees within one year after the entry into force of this Act, taking into account the provisions of § 39 of this Act.

§ 41. Amendments to other legislation

(1) Chapter 3 of the Aliens Act is repealed.

(2) The Armed Forces Service Act (RT I 1994, 23, 384; 1995, 18, 240; 62, 1056; 1996, 25, 519; 49, 953; 1997, 95/96, 1575; 1998, 57, 865; 1999, 10, 150) is amended by adding § 102 worded as follows:

"§ 102. Armed forces service certificate

(1) An armed forces service certificate is a document which proves the identity of a member of the armed forces or a reservist, and which proves his or her area of specialisation in the armed forces and his or her military rank and career. In the cases provided by an international agreement, an armed forces service certificate may be used as a travel document.

(2) An armed forces service certificate shall be issued:

1) upon the call-up of persons eligible to be drafted for military service or alternative service;

2) to officers, non-commissioned officers and members of a rank in active service;

3) to reservists.

- (3) An armed forces service certificate shall be issued for an unspecified term.
- (4) Unless otherwise provided by an international agreement, it is not permitted to carry an armed forces service certificate upon departure from Estonia. As an exception, the Ministry of Defence may issue a single permit for a specified term or a single permanent permit to carry an armed forces service certificate upon departure from Estonia.
- (5) The Government of the Republic shall determine the standard format of armed forces service certificates. The Ministry of Defence and the military units shall organise the issue of armed forces service certificates. An armed forces service certificate shall be issued on the basis of the data entered on the identity document held by the person concerned and provided for in the Identity Documents Act, and on the basis of data from the Ministry of Defence and the military unit.
- (6) Upon permanent settlement in a foreign state, an armed forces service certificate shall be returned to the Ministry of Defence, a county or city national defence department or a military unit.
- (7) If an armed forces service certificate held by a member of the armed forces or by a reservist is lost, becomes unusable or is destroyed, the member of the armed forces or the reservist is required to notify the agency which issued the armed forces service certificate thereof within three days after the certificate is lost, becomes unusable or is destroyed or within three days after the date on which the holder becomes aware thereof.
- (8) Upon a change in the data entered in an armed forces service certificate held by a member of the armed forces or a reservist, the member of the armed forces or the reservist is required to submit the armed forces service certificate for amendment to the agency which issued the certificate within seven days after the change is effected."
- (3) The State Borders Act (RT I 1994, 54, 902; 1997, 77, 1315; 1999, 25, 365; 2000, 86, 550; 2001, 23, 126) is amended as follows:
- 1) subsection 11 (2) is repealed;
 - 2) the Act is amended by adding §§ 111 and 112 worded as follows:
- "§ 111. Identity document requirement upon crossing state border
- (1) An Estonian citizen crossing the state border upon departure from Estonia shall hold a travel document. An Estonian citizen crossing the state border upon arrival in Estonia shall hold a travel document, certificate of return or other document which is prescribed for visiting a foreign state by an international agreement.
 - (2) Upon arrival in Estonia, an Estonian citizen who does not hold a document required in subsection (1) of this section is permitted to cross the state border if his or her identity and citizenship are proved on the basis of other documents.

(3) An alien crossing the state border shall hold a valid travel document issued by a foreign state, or an alien's travel document or a certificate of return issued by the Republic of Estonia in which data concerning his or her visa or residence permit are entered, unless otherwise provided by law or an international agreement.

§ 112. Identity document requirement of minor upon crossing state border

(1) Upon crossing the state border, an Estonian citizen under 15 years of age need not hold a travel document or a certificate of return if his or her name, date of birth, citizenship and photograph are entered in the travel document held by his or her parent who is accompanying him or her upon arrival in Estonia or departure from Estonia. If the Estonian citizen is under 7 years of age, his or her photograph need not be entered in the travel document held by the person accompanying him or her.

(2) An alien under 15 years of age need not hold a travel document if he or she enters Estonia, stays in Estonia and departs from Estonia accompanied by a person in whose travel document his or her name, date of birth and photograph and data concerning his or her visa or residence permit, if a visa or residence permit requirement applies to the alien in Estonia, are entered. If the minor is under 7 years of age, his or her photograph need not be entered in the travel document held by the person accompanying him or her."

(4) The Refugees Act (RT I 1997, 19, 306; 1999, 18, 301; 25, 365; 2001 16, 68) is amended as follows:

1) subsection 18 (1) is amended and worded as follows:

"(1) A travel document for a refugee shall be issued to a refugee on the bases provided for in the Identity Documents Act."

2) subsection 18 (3) is repealed.

§ 42. Repeal of legislation

(1) The Estonian Citizens Identity and Citizenship Documents Act (RT I 1993, 43, 618) is repealed.

(2) The Temporary Travel Documents Act (RT I 1994, 41, 658; 1999, 25, 365) is repealed.

§ 43. Entry into force of Act

This Act enters into force on 1 January 2000.

1RT =Riigi Teataja=State Gazette

2Riigikogu = the parliament of Estonia