

SOHJOA

**BALTIC**

**LEGAL IMPLEMENTATION ROADMAP**

**FOR ESTONIA**



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# BALTIC

## Legal Implementation Roadmap for Estonia

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# Joint Legal Implementation Roadmap for Estonia

The EU-funded Project “Sohjoa Baltic” researches, promotes and pilots automated driverless electric minibuses as part of the public transport chain especially for first/last mile connectivity. In this roadmap the Tallinn University of technology and the City of Tallinn give an overview of the legal challenges that arise in Estonia when implementing automated buses in public transportation. Each section summarizes the current legal situation in Estonia.

The areas of law that are being examined are Car registration law (I), Passenger transportation law (II), Personal legal requirements for the driver (III), Data protection law (IV), Liability law (V) and Criminal law (VI).

In the annex a legal inventory of all relevant regulations in Estonia can be found.

# I CAR REGISTRATION LAW

## 1. Necessity and legal basis for the car registration

### THE LEGAL SITUATION IN ESTONIA

#### Traffic Act 76 § section 1:

- A vehicle used in traffic must be registered within five working days after being put into use in Estonia
- The vehicle shall be registered after the pre-registration technical compliance inspection (Road Administration) has been carried out and the vehicle meets requirements.
- The vehicle shall be registered in the name of a natural person with Estonian citizenship or a natural person with a permit or right of residence in Estonia, or a legal person registered in Estonian Business Register or a branch of a foreign company

General requirements for registration (based on traffic Act 76 § section 13 and 14 § and Minister or Economic Affairs and Communications Vehicle Registration decree)

- Documents proving legal acquisition of the vehicle
- In case of a new vehicle, certificate of conformity (EC-Certificate of Conformity i.e. CoC) issued by the manufacturer
- Other documents according to the legislation

A state fee shall be paid for vehicle registration

The Road Administration has the right to verify the accuracy of submitted data before making the register entry, that includes the right to verify data regarding a registration certificate issued by a foreign institution.

# I CAR REGISTRATION LAW

## 2. Non-compliance with the applicable regulations

### THE LEGAL SITUATION IN ESTONIA

As in Germany and Finland, in Estonia an automated driverless vehicle can not obtain a car registration due to its non-compliance with European law (e.g. UNECE rules) as well as regulations of the Estonian road traffic law (Traffic Act).

- Every vehicle must have a responsible driver, but in testing automated vehicles the driver can be either inside or outside the vehicle.

## 3. Issuing a special permit

### THE LEGAL SITUATION IN ESTONIA

Testing of automated vehicles (SAE levels 0–3) is possible in road traffic in Estonia using a test plate certificate.

- These vehicles must have a driver either within the vehicle or acting remotely, who is responsible for the vehicle and takes control of it if necessary.
- Testing can take place on public roads or off-road
- Road Administration can a testing permission for 6 months with a possibility to prolong it
- Road Administration would like manufacturers to follow EU Directive 2007/46 at least in most important parts: how the seats are installed, safety windows, break acceleration, door closing-force, emergency lights, reflectors, lights used in car traffic and where they are installed, kill switch in the bus.

THE APPLICANT MUST ALSO ENCLOSE A TRIAL PLAN SIMILAR TO FINLAND.

The autonomous vehicles expert group is continuing its work on the responsibilities, insurance, privacy, ethics and other related topics in order to reach solutions that will make it possible to let vehicles of higher autonomy (levels 4 and 5 of the SAE International standard J3016) drive on the streets.

# II PASSENGER TRANSPORTATION LAW

## THE LEGAL SITUATION IN ESTONIA

Professional taxi transport or passenger needs a permit

- Taxi transport permit
- Passenger transport permit
- Drivers service permit

# III PERSONAL LEGAL REQUIREMENTS FOR THE VEHICLE OPERATOR

## 1. Driving license

### THE LEGAL SITUATION IN ESTONIA

- Similarly to Germany, a driver of the vehicle must have a driving license.
- The type of driving license is determined according to the weight and length of the vehicle as well as the number of passengers (no special requirements for autonomous vehicles)

## 2. Transport of passengers

### THE LEGAL SITUATION IN ESTONIA

- A driver does not need an additional license: a combination of an appropriate driving license and transport permit is sufficient.

## 3. Standards for the driving behavior of the vehicle operator

### THE LEGAL SITUATION IN ESTONIA

- No specific requirements for autonomous vehicles.
- A driven is legally responsible for following the traffic rules and making sure the vehicle is maintained technically

## 4. Special safety training

### THE LEGAL SITUATION IN ESTONIA

- When applying for a test plate certificate, the organization operating automated vehicles must describe how they have trained or how they will train their stewards / safety drivers.



# IV DATA PROTECTION LAW

## 1. Regulatory framework

### THE LEGAL SITUATION IN ALL EU COUNTRIES

- Since 25th May 2018 the core regulation for data protection is the European regulation GDPR

## 2. Personal data and lawfulness of processing

### THE LEGAL SITUATION IN ALL EU-COUNTRIES

- The legal term “personal data” requires information relating to an identified or identifiable natural person.
- Processing of personal data is inter alia lawful if, the data subject has given consent to the processing or if the processing is necessary for the performance of a task carried out in the public interest.
- Cameras that film faces of individuals either outside or inside the vehicle should only store movement information about the persons that make it technically unfeasible to identify them individually.
- If software applications are used for e.g. the booking system, passengers need to give their consent to the processing of any personal data.

# V LIABILITY LAW

## 1. Liability

### THE LEGAL SITUATION IN ESTONIA

- Directive 85/374/EEC on product liability has been implemented in Estonia

## 2. Insurance

### THE LEGAL SITUATION IN ESTONIA

- The use of automated vehicles within public road traffic raises no special insurance requirements
- Estonian automated vehicle testing uses the normal mandatory traffic liability insurance.
- The liability insurer can make a direct claim against the manufacturer if the damage is based on a failure of the automated driving system or the vehicle (similarly to non-automated driving systems)

# VI CRIMINAL LAW

### THE LEGAL SITUATION IN ESTONIA

- Criminal liability in applies in Estonia only to driver (KarS § 422, KarS § 423; KarS § 424).
- Criminal liability does not apply to manufacturer nor any legal entity.

## Annex - Legal Inventory - Relevant Regulations from Estonia

| Title (English)   | Title (Estonian)   | Abbreviation         |
|---|--|----------------------|
| Traffic Act   | Liiklusseadus<br>§ 76 Mootorsõiduki ja selle haagise registreerimine   | Traffic Act          |
| Minister of Economic Affairs and Communications Vehicle Registration decree   | Mootorsõiduki ja selle haagise registreerimise tingimused ja kord  | Decree               |
| Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles   | Euroopa Parlamendi ja nõukogu direktiiv 2007/46/EÜ, 5. september 2007, millega kehtestatakse raamistik mootorsõidukite ja nende haagiste ning selliste sõidukite jaoks mõeldud süsteemide, osade ja eraldi seadmestike kinnituse kohta (raamdirektiiv) (EMPs kohaldatav tekst)   | EU Directive 2007/46 |
| Society of Automotive Engineers (SAE) International standard J3016  | SAE automatiseerituse tasemed  | SAE                  |
| Corrigendum to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016)  | Euroopa Parlamendi ja nõukogu 27. aprilli 2016. aasta määruse (EL) 2016/679 (füüsiliste isikute kaitse kohta isikuandmete töötlemisel ja selliste andmete vaba liikumise ning direktiivi 95/46/EÜ kehtetuks tunnistamise kohta (isikuandmete kaitse üldmäärus)) parandus (ELT L 119, 4.5.2016)   | GDPR                 |
| Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products   | Nõukogu direktiiv, 25. juuli 1985, liikmesriikide tootevastutust käsitlevate õigus- ja haldusnormide ühtlustamise kohta (85/374/EMÜ)   | Directive 85/374/EEC |
| Penal Act § 422.<br>Violation of traffic requirements or vehicle operating rules by driver<br>(1) Violation of traffic requirements or vehicle operating rules by a driver of a motor vehicle, aircraft, water craft, tram or rail vehicle and thereby causing major damage to the health of a person or the death of a person through negligence is punishable by up to five years' imprisonment.<br>(2) The same act, if it causes the death of two or more people, is punishable by three to twelve years' imprisonment. | Karistusseadustik § 422.<br>Sõidukijuhi poolt liiklusnõuete ja sõiduki käitسنõuete rikkumine<br>(1) Mootor-, õhu- või veesõiduki või trammi või raudteeveeremi juhi poolt liiklus- või käitسنõuete rikkumise eest, kui sellega on ettevaatamatusest tekitatud inimesele raske tervisekahjustus või põhjustatud inimese surm, – karistatakse kuni viieaastase vangistusega.<br>(2) Sama teo eest, kui sellega on põhjustatud kahe või enama inimese surm, – karistatakse kolme- kuni kaheteistaastase vangistusega. | KarS § 422           |

| Title (English)   | Title (Estonian)  | Abbreviation            |
|---|---|-------------------------|
| <p>Penal Act § 423.<br/>Violation of traffic requirements or vehicle operating rules by driver through negligence<br/>(1) Violation of traffic requirements or vehicle operating rules by a driver of a motor vehicle, aircraft, water craft, tram or rail vehicle and thereby causing major damage to the health of a person or the death of a person through negligence is punishable by a pecuniary punishment or up to three years' imprisonment.<br/>(2) The same act, if it causes the death of two or more people, is punishable by one to five years' imprisonment.</p> | <p>Karistusseadustik § 423. Sõidukijuhi poolt liiklusnõuete ja sõiduki käitسنõuete rikkumine ettevaatamatusest<br/>(1) Mootor-, õhu- või veesõiduki või trammi või raudteeveeremi juhi poolt liiklus- või käitسنõuete rikkumise eest ettevaatamatusest, kui sellega on tekitatud inimesele raske tervisekahjustus või põhjustatud inimese surm, – karistatakse rahalise karistuse või kuni kolmeaastase vangistusega.<br/>(2) Sama teo eest, kui sellega on põhjustatud kahe või enama inimese surm, – karistatakse ühe- kuni viieaastase vangistusega.</p> | <p>KarS § 423</p>       |
| <p>Penal Act § 424.<br/>Systematic driving of vehicle by person without right to drive<br/>Driving of power-driven vehicles, off-road vehicles or trams by persons without the right to drive power-driven vehicles or trams of the corresponding category, if committed systematically, is punishable by a pecuniary punishment or up to one year of imprisonment.</p>   | <p>Karistusseadustik § 424. Mootorsõiduki, maastikusõiduki ja trammi juhtimine joobeseisundis<br/>Mootorsõiduki, maastikusõiduki või trammi juhtimise eest joobeseisundis – karistatakse rahalise karistuse või kuni kolmeaastase vangistusega.</p>   | <p>KarS § 424</p>       |
| <p>Taxi transport permit</p>  | <p>Taksoveoluba</p>   | <p>Taxi license</p>     |
| <p>Passenger transport permit</p>   | <p>Sõitjateveo luba</p>   | <p>Transport permit</p> |
| <p>Drivers service permit</p>   | <p>Juhi teenindaja kaart</p>  | <p>Service permit</p>   |