**Response of Estonia to the questionnaire**

**Human Rights Council resolution 29/10 on “Human rights and the regulation of civilian acquisition, possession and use of firearms”**

1. **Does your country have regulations regarding the acquisition, possession and use of firearms by civilians? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.**

**The Weapons Act**[[1]](#footnote-1) (hereinafter also *Act*) establishes the legal bases and procedure for the handling of weapons and ammunition in Estonia, the grant of permission for weapons and ammunition to be used for civilian purposes, the use of weapons and ammunition for civilian purposes and the removal of weapons and ammunition from civilian use, the requirements for firing ranges and field firing ranges, and the bases and procedure for the exercise of state supervision in such areas. There are no policies or any other measures in this regard.

1. **Does your country have specific regulations regarding the** **acquisition, possession and use of firearms by private security companies? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.**

Besides the Weapons Act that regulates the area of weapons and ammunition, there is a **Security Act**[[2]](#footnote-2) that provides the conditions and the procedure for the activities of undertakings providing security services (hereinafter *security firms*), the rights and obligations of security guards, the guarantees for security guards, the conditions and the procedure for organising in-house guarding, the procedure for exercising supervision over the activities of security firms and in-house guarding units, and the liability for violations of this Act.

Chapter 8 of the Security Act regulates the use of weapons, ammunition and special equipment. Paragraph 37 lays down the basic rules for handling weapons by security firms:

**Security Act § 37. Weapons**

(1) The Weapons Act and the procedure provided for in legislation issued on the basis thereof applies to security firms and in-house guarding units in respect of the acquisition, ownership, possession, storage and carrying of weapons and ammunition and in respect of granting the use thereof to employees, taking account of the specifications provided for in this Act.

(2) A security firm may only use weapons that belong to the security firm when providing security services. If an undertaking, state authority or local government authority has an in-house guarding unit, a guard of the unit may use a weapon which belongs to the undertaking or authority while he or she is on duty.

(3) A security guard performing a security task and a guard of an in-house guarding unit performing an in-house guarding task may only use a weapon in cases where the life or health of a person is in danger and where it is not possible to eliminate the danger in any other way and the nature of the danger justifies the use of the weapon.

(4) Records on cases where weapons are used shall be maintained by the person who is responsible for weapons and ammunition at the security firm or at an authority with an in-house guarding unit.

(5) It is prohibited to use a weapon against a child, an elderly person, a person who is clearly disabled or a woman who is clearly pregnant. This prohibition does not apply if it is necessary to use a weapon against such a person to counter or obstruct an attack or a group attack if the attack puts the life or health of the security guard or another person in danger.

### Paragraph **42 of Security Act** imposes the security firm an obligation to inform the police. If the use of a weapon or special equipment in the provision of security services or the performance of a security task or an in-house guarding task causes physical harm to or the death of a person, the security firm or the in-house guarding unit is required to promptly inform the police thereof orally and to submit a written notice within twenty-four hours of the occurrence. The notice shall set out the time and place of the occurrence, the circumstances of the occurrence, the name of the person who used the weapon or special equipment, the name of the person against whom the weapon or special equipment was used, and a description of the consequences arising from the use of the weapon or special equipment.

1. **Does your country have regulations that restrict or prohibit the import and export of firearms or certain types of firearms intended for civilian use?** **Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.**

The import, export and temporary export of weapons, essential components and parts thereof and ammunition shall take place pursuant to the procedure established by Weapons Act, the Customs Act[[3]](#footnote-3), the Strategic Goods Act[[4]](#footnote-4) and the Intra-Community Transport, Export and Import of Cultural Objects Act[[5]](#footnote-5) and legislation issued on the basis thereof. Weapons Act:

### ****§ 59.**** Definition of import, export and temporary export of weapons, essential components thereof and ammunition, and requirement for special permit

(1) The carriage of weapons, essential components thereof and ammunition from a country outside the European Union to Estonia is defined in this Act as the import thereof, and the carriage of weapons, essential components thereof and ammunition from Estonia to a country outside the European Union is defined as the export thereof.

(2) The temporary export of weapons, essential components thereof and ammunition is defined in this Act as temporary export provided for in Article 2 (11) of Regulation (EU) no 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.03.2012, pp. 1–15), within a period not exceeding 24 months.

(3) The import, export and temporary export of weapons, essential components and parts thereof and ammunition shall take place pursuant to the procedure established by this Act, the Customs Act, the Strategic Goods Act and the Intra-Community Transport, Export and Import of Cultural Objects Act and legislation issued on the basis thereof.

(4) Pursuant to this Act, civilian weapons, essential components thereof and ammunition may be imported and temporarily exported only on the basis of a special permit. A special permit is issued to the applicant by the Police and Border Guard Board.

(5) The procedure for the issue and formalisation of a special permit, the list of weapons, essential components of firearms and ammunition imported to Estonia and temporarily exported from Estonia on the basis of a special permit, and the standard format for the permit shall be established by a regulation of the minister responsible for the field.

(6) The import of military weapons and the export and transit of civilian weapons, military weapons, and weapons, essential components and parts thereof as well as ammunition prohibited for civilian purposes, and the provision of services shall take place pursuant to the procedure established by the Strategic Goods Act, except in the cases provided for in § 60 (4) through (7) of this Act.

(7) The Police and Border Guard Board shall send a notification concerning the temporary export of a weapon to the competent authority of the destination country within three working days.

### ****§ 591.**** Quantities permitted for temporary export of weapons and ammunition

In the temporary export of weapons and ammunition, the quantities set out in Article 9 of Regulation (EU) no 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, must be taken into account.

### ****§ 60.**** Import and temporary export of weapons, essential components thereof and ammunition

(1) Weapons, essential components thereof and ammunition may be imported on the basis of a special permit specified in § 59 (4) of this Act for the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.

(2) A natural or legal person may import a weapon, essential component thereof or ammunition to Estonia for the person’s own purpose if the person holds an acquisition permit for the weapon or essential component thereof and a special permit specified in § 59 (4) of this Act.

(3) It is only permitted to import such weapons, essential components thereof and ammunition the type approved model of which, which has been declared a civilian weapon, or a modification of which has been entered in the register of service and civilian weapons.

(4) A natural person may export a weapon registered in the name of the person, essential components thereof and ammunition therefor in order to participate in a sports event, exercise, hunt or other similar event if he or she holds a special permit specified in § 59 (4) of this Act. The weapon and essential components thereof shall be imported to Estonia by the date specified on the permit.

(5) A foreign natural or legal person may import a weapon registered in the name of the person, essential components thereof and ammunition therefor to Estonia in order to participate in a sports event, exercise, hunt or other similar event if the person holds a special permit specified in § 59 (4) of this Act. The imported weapon and essential components thereof shall be exported from Estonia by the date specified on the permit.

(6) A natural or legal person may temporarily export from Estonia a weapon registered in the name of the person or a weapon acquired on the basis of an acquisition permit provided for in § 30 (3) of this Act which is not a military weapon for the purposes of the Strategic Goods Act as well as essential components thereof and ammunition therefor if the person holds a special permit specified in § 59 (4) of this Act. The Strategic Goods Commission may be consulted with upon the issue of the special permit.

(7) An employee of a diplomatic or consular representation who is a foreign citizen, and a foreign citizen belonging to a foreign official delegation or to a delegation having equal status therewith according to the diplomatic practice and a person accompanying such a person may import a weapon registered in the country of their nationality and essential components thereof and ammunition belonging to the weapon into Estonia and export them from Estonia on the basis of a special permit specified in § 59 (4) of this Act granted on the application of the Ministry of Foreign Affairs.

### ****§ 62.**** Conditions for import and temporary export of weapons, essential components thereof and ammunition

(1) Weapons, essential components thereof and ammunition may be imported and temporarily exported through border checkpoints open to international travel where customs authorities are permanently present.

(2) The compliance of imported weapons, essential components thereof and ammunition with the requirements shall be verified in a customs control zone by an authority authorised by the Government of the Republic which, if the requirements are complied with, shall make a notation to this effect on the special permit. If the weapons, essential components thereof or ammunition do not comply with the established requirements, a report shall be prepared which sets out the deficiencies due to which the import is prohibited.

(3) Weapons, essential components thereof and ammunition shall be accurately identifiable on the basis of accompanying documents and a permit. The list shall not differ from the list specified on the permit and the actual amount shall not exceed the amount indicated on the permit.

(4) Imported firearms and essential components thereof shall bear marking which meets the requirements. The marking of a registered firearm shall correspond to the marking set out on the special permit.

(5) Weapons, essential components thereof and ammunition carried to a customs control zone without a special permit specified in § 59 (4) of this Act shall be retained and stored in a customs warehouse until the facts are ascertained. The customs authorities shall ensure that retained weapons, essential components thereof and ammunition are preserved and stored according to the requirements.

Chapter 81 of the Weapons Act states the conveyance of firearms and ammunition within European Union and to countries outside European Union:

### ****§ 621.**** General procedure for conveyance of firearms and ammunition within European Union and to countries outside European Union

(1) A European Firearms Pass which includes, if necessary, a permission of the competent authority of the state to travel from one Member State of the European Union into another with the firearms and the ammunition intended for such firearms specified in the European Firearms Pass is the basis for the conveyance of firearms and ammunition within the territory of the European Union.

(11) The conveyance of firearms and ammunition to countries outside the European Union, which is subject to Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.09.1991, pp. 51–58; OJ special edition 13/11, pp. 3–10), is subject to the procedure established in this Chapter for the conveyance of firearms and ammunition within the European Union.

(2) In Estonia, a European Firearms Pass is issued to a natural person by the Police and Border Guard Board on the basis of the application of the person if a weapons permit or a permit to carry a weapon has been issued to the person pursuant to this Act and the state fee has been paid. A weapon intended for hunting or engaging in the corresponding sports and entered on the weapons permit shall be entered on the European Firearms Pass. A European Firearms Pass shall be issued for the term of up to five years. The validity of a European Firearms Pass is limited by the validity of the weapons permit held by the owner of the weapon, and a Firearms Pass becomes invalid upon the revocation of the weapons permit held by the owner of the weapon.

(3) It is permitted to travel into another Member State with a firearm and the ammunition therefor which are specified on the European Firearms Pass if the person holds a corresponding prior permit issued by a competent authority. In Estonia, the Police and Border Guard Board is the competent authority.

(4) The standard format for European Firearms Passes issued in Estonia and the procedure for the issue of European Firearms Passes shall be established by a regulation of the minister responsible for the field.

(5) A person to whom a European Firearms Pass has been issued need not hold a permit issued by a competent authority of another Member State if the person certifies by an invitation or other evidence that he or she wishes to engage in hunting or shooting sports in the Member State to be visited. In such a case, a person engaged in hunting may have one or several firearms classified in category C or D in his or her possession and a person engaged in shooting sports may have one or several firearms classified in category B, C or D in his or her possession.

(6) The firearms listed in § 20 (1) and the ammunition listed in § 20 (4) of this Act are classified in category A. The firearms provided for in § 19 (1) 5) of this Act are classified in category B, C and D and the detailed list and classification thereof shall be established by a regulation of the minister responsible for the field.

(7) If a Member State has prohibited the import of a specific type of firearms, a corresponding express notation shall be made on the European Firearms Pass. The Police and Border Guard Board shall submit to other Member States a list of firearms which cannot be permitted to its territory without the prior consent thereof.

(8) The provisions of § 60 (4) and (5) of this Act do not apply to citizens of the European Union who hold a European Firearms Pass.

(9) The provisions of this Chapter do not apply to the conveyance of weapons in a weapons collection or to weapons or ammunition the use of which is prohibited for civilian purposes from one Member State into another.

### ****§ 622.**** Procedure for transportation of firearms and ammunition from another Member State of European Union to Estonia

(1) The following recognised documents on the transportation of weapons and ammunition, which are used in the European Union, are the bases for the transportation of weapons and ammunition from another Member State of the European Union to Estonia:

1) a prior permit for the conveyance of firearms within the European Union (hereinafter prior permit);
2) a permit for the conveyance of firearms within the European Union (hereinafter permit); or

3) a declaration on the conveyance of firearms within the European Union (hereinafter declaration).

(2) A natural or legal person (hereinafter applicant) may transport a weapon or ammunition to Estonia for the person’s own purpose if the applicant holds:

1) a weapons permit, or an acquisition permit for the corresponding weapon issued pursuant to the procedure established by this Act;

2) a prior permit specified in clause (1) 1) of this section which is issued to the applicant on the basis of the application thereof by the Police and Border Guard Board; and 3) a permit specified in clause (1) 2) of this section which is issued to the applicant by the country of consignment of the weapon or ammunition on the basis of a prior permit specified in clause (1) 1) of this section. If a weapon has been transported into Estonia, the applicant shall immediately submit the permit to the Police and Border Guard Board.

(3) In order to release weapons and ammunition into free circulation as goods or to test, demonstrate or display weapons and ammunition at an exhibition (hereinafter goods), weapons and ammunition may be transported into Estonia by a person holding: 1) an activity license for the manufacture or sale of weapons, components of firearms or ammunition, or for the conversion or repair of weapons, which is issued pursuant to the procedure established in this Act; 2) a prior permit specified in clause (1) 1) of this section which is issued to the person by the Police and Border Guard Board on the basis of an application of the person; and 3) a declaration specified in clause (1) 3) of this section which is forwarded to the competent authority of the country of consignment of the goods no later than at the date when the goods arrive in Estonia. A copy of the declaration is used as a delivery note of goods and shall accompany the goods until the goods arrive at their stated destination. When the goods have arrived at their stated destination, the person shall immediately submit the copy of the declaration to the Police and Border Guard Board.

(4) The standard format for the documents specified in subsection (1) of this section and the procedure for the issue thereof shall be established by a regulation of the minister responsible for the field.

(5) If necessary, the minister responsible for the field may establish the requirements for information communicated to Member States of the European Union.

(6) The procedure specified in this subsection applies to weapons and ammunition therefor in restricted commerce which are listed in § 19 of this Act.

(7) The documents listed in clauses (1) 1) and 2) of this section are valid for up to one year as of the date of issue thereof, and a state fee shall be paid for the issue thereof.

### ****§ 623.**** Procedure for transportation of firearms and ammunition from Estonia to another Member State of European Union

(1) A natural person may transport a firearm or ammunition acquired in Estonia or registered in the person’s name for the person’s own purpose from Estonia into another Member State of the European Union if he or she holds a permit specified in § 622 (1) 2) of this Act, which is issued to the applicant by the Police and Border Guard Board on the basis of his or her application and a prior permit specified in clause 1) of the same subsection which is issued by the competent authority of the country of destination. The permit is used as a delivery note until the weapon arrives in the country of destination.

(3) Weapons and ammunition may be transported from Estonia to other Member States by a person holding:
1) an activity license for the manufacture or sale of weapons, essential components of firearms, ammunition or laser sights, or for the conversion or repair of weapons, which is issued pursuant to the procedure established by this Act;
2) a permit specified in § 622 (1) 2) of this Act, which is issued by the Police and Border Guard Board on the basis of the corresponding application and a prior permit specified in clause 1) of the same subsection which is issued by the competent authority of the country of destination.

(4) The procedure specified in this subsection applies to weapons and ammunition therefor in restricted commerce which are listed in § 19 of this Act.

(5) Weapons categorised as cultural objects shall be conveyed from Estonia to another Member State of the European Union pursuant to the procedure established by this Act and in accordance with the Intra-Community Transport, Export and Import of Cultural Objects Act and legislation passed on the basis thereof.

1. **Has your country undertaken any regional or international commitment(s) related to the regulation of civilian acquisition, possession or use of firearm? Is so, please list them and give any relevant details.**

Estonia has signed the United Nations Arms Trade Treaty. At the European Union level, acquisition and possession of weapons and related matters are regulated by two Directives: Directive 91/477/EEC and Directive 2008/51/EC. Both of those directives have been implemented into Estonian laws and regulations. There is also the regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, that is taken into account in Estonian regulations.

### What are the types and characteristics of firearms to which civilians can lawfully have access? Are there any limits on the number of firearms which civilians may own? Please provide details of each.

### Weapons Act regulates the types of weapons that are permitted to civilians in Estonia:

### ****§ 29.**** Types of weapons permitted for Estonian citizens

(1) An Estonian citizen may acquire, own and possess the following types of weapons:
1) a person who is at least 18 years of age may acquire, own and possess a sporting firearm, a pneumatic or projectile or cut-and-thrust weapon, except for a truncheon, for engaging in corresponding sports, a hunting firearm for hunting, and a gas weapon and a smoothbore weapon for ensuring safety (protecting himself or herself and his or her property);

2) a person of at least 21 years of age may acquire, own and possess all weapons specified in clause (1) 1) of this section for the same purposes, and a combination or rifled barrel gun, a pistol or a revolver for ensuring safety.

(2) A sporting firearm is a firearm intended to be used in internationally recognised sports involving shooting. A person may acquire, own and possess a sporting firearm, provided he or she is a member of a sports organisation engaged in corresponding sports.

(21) A person may acquire, own and possess a pneumatic, cut-and-thrust or projectile weapon for engaging in corresponding sports, provided he or she is a member of a sports club engaged in corresponding sports or a member of a non-profit association which, according to its articles of association, is also engaged in corresponding sports.

(3) A hunting firearm is a gun with a smoothbore barrel, a gun with a rifled barrel or a combination gun, pistol or revolver which is intended for hunting. A gun with a smoothbore or rifled barrel or a combination gun intended for hunting must be equipped with a safety catch which is easy to engage. A person may acquire, own and possess a hunting firearm, provided he or she holds a hunting certificate.

(4) For the purposes of attending a sports event held in Estonia or hunting in Estonia, a person may give a weapon and ammunition registered pursuant to the procedure established by this Act to the disposal of another person for up to five 24-hour periods of time, provided the other person holds a weapons permit issued for such type of hunting firearm or sporting firearm. Upon verification, it must be possible to promptly prove that the weapon and ammunition were given to the disposal of the person by the owner of the weapon. If necessary, an instrument of delivery and receipt shall be prepared, setting out the following:

1) information on the weapon;

2) personal details of the owner of the weapon, information on the weapons permit, and contact details;

3) the time the weapon was handed over and received. The owner of the weapon and the user of the weapon shall prepare and sign the instrument in two original copies, one for the owner of the weapon and the other for the user of the weapon.

### ****§ 18.**** Weapons and ammunition in unrestricted commerce

(1) The following are weapons and ammunition in unrestricted commerce:

1) gas spray;
2) pneumatic weapons of a calibre of up to 4.5 mm (inclusive);
3) hunting knives;
31) bayonet knives;

4) diving knives;

5) fencing weapons for sport (épée, sabre, foil, etc.);

6) cut-and-thrust weapons related to historical tradition in culture, martial arts or sports (sword, dagger, rapier, etc.), or replicas thereof;

7) crossbows requiring a draw force of up to 75 kg (inclusive);

8) sporting bows requiring a draw force of up to 45 kg (inclusive);

9) underwater weapons.

(2) Bullets, shots and cartridge cases are cartridge components in unrestricted commerce.

(3) This Act only applies to weapons and ammunition therefor in unrestricted commerce to the extent of subsections (4) through (9) of this section and § 10 (1) and § 28 (2) of this Act.

(4) Weapons and ammunition therefor in unrestricted commerce shall not be acquired, owned, possessed, carried, stored or conveyed by persons under 18 years of age.

(5) Weapons specified in clauses (1) 2) and 4) through 9) of this section may be possessed, carried, stored or conveyed by persons who engage in corresponding sports and have attained at least ten years of age.

(51) Weapons specified in clause (1) 8) of this section may be used for hunting purposes by a person at least 18 years of age pursuant to the procedure and under the conditions provided by the Hunting Act[[6]](#footnote-6).

(6) Only gas sprays filled with CS lacrimators CC or pepper gas (capsicin) are permitted. The concentration of the gas used in such sprays shall not exceed 5%.

(7) An activity licence provided for in § 66 of this Act is required for the manufacture and conversion of gas sprays and pneumatic weapons.

(8) Cut-and-thrust weapons specified in clause (1) 6) of this section may be carried and used with the aim of following historical tradition in culture, martial arts or sports, or to imitate combat which follows such tradition, provided that safety is ensured.

(9) Weapons in unrestricted commerce categorised as cultural objects shall be exported and conveyed in accordance with the Intra-Community Transport, Export and Import of Cultural Objects Act and legislation passed on the basis thereof.

### ****§ 19.**** Weapons and ammunition in restricted commerce

(1) The following are weapons and ammunition in restricted commerce:

1) gas weapons, except for the gas sprays specified in § 18 (1) 1);
2) pneumatic weapons, except for the pneumatic weapons specified in § 18 (1) 2);
3) cut-and-thrust weapons, except for the cut-and-thrust weapons specified in § 18 (1) 3) through 6) and § 20 (2);
4) projectile weapons, except for the projectile weapons specified in § 18 (1) 7) through 9);
5) firearms, except for the firearms specified in § 20 (1).

(2) Weapons in restricted commerce may be acquired on the basis of an acquisition permit for weapons provided for in § 32 of this Act (hereinafter acquisition permit) followed by registration in the name of the owner or possessor of the weapon, except if the weapon is acquired in order to engage in the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.

(3) Ammunition, propellants and primers intended for weapons in restricted commerce may be acquired on the basis of an acquisition permit or a weapons permit provided for in §§ 32 or 34 of this Act, except if the weapon is acquired in order to engage in the manufacture of weapons, components of firearms or ammunition, the sale of weapons, components of firearms or ammunition, or the provision of services for the conversion and repair of weapons and components of firearms.

### ****§ 20.**** Weapons and ammunition prohibited for civilian purposes

(1) The use of the following firearms is prohibited for civilian purposes:

1) firearms disguised as other objects;
2) smoothbore guns with an overall length of less than 840 mm or where the length of each barrel is less than 450 mm;
3) firearms which can be folded (collapsed) or shortened to a greater extent than generally permitted for such type of weapon;
4) firearms which can be fired when disassembled;
5) automatic firearms which can produce full automatic fire with a single pull on the trigger;
6) firearms which do not bear the manufacturer’s marking;
7) particularly dangerous firearms.

(2) The use of the following cut-and thrust weapons is prohibited for civilian purposes:
1) brass knuckles, knuckle knives, bayonets, telescopic truncheons, chain maces, and also other objects specifically intended to cause bodily injuries;
2) cutting, thrusting and striking weapons which are disguised as other objects or hidden within other objects;
3) knives with a blade which is ejected by the force of a spring or gravity and which is then locked, and with a blade length of over 8.5 cm or a double-edged blade.

(3) The use of electric shock weapons for civilian purposes is prohibited.

(4) The use of the following ammunition is prohibited for civilian purposes:

1) gas pistol and gas revolver cartridges containing neuroparalytic substances or substances which induce skin damage, general intoxication or choking and which may cause damage to health to the extent where medical attention is required to eliminate the consequences of exposure;
2) armour-piercing ammunition, which means a firearm cartridge the bullet of which has an armour-piercing hard core;
3) ammunition with explosive projectiles, which means a firearm cartridge the bullet of which contains a charge which explodes upon impact with an obstruction;
4) ammunition with incendiary projectiles, which means a firearm cartridge the bullet of which contains a substance which ignites upon impact with an obstruction;
5) pistol or revolver cartridges with a hollow-pointed bullet;
6) ammunition for particularly dangerous weapons.

(5) The list of types of particularly dangerous weapons and ammunition shall be established by a regulation of the minister responsible for the field.

Currently there are no limitations on the number of firearms which civilians may own.

### Please provide information on how firearms are categorized according to risk factors and how they are legally classified.

### Paragraph **12 of Weapons Act provides the c**lassification of firearms:

**§ 12.** C**lassification of firearms**

(1) Firearms are classified on the basis of their length and the length of their barrels as follows:
1) a gun is a firearm with an overall length of over 600 mm and a barrel length of over 300 mm;
2) a pistol is a firearm with an overall length of up to 600 mm (inclusive) and a barrel length of up to 300 mm (inclusive) and in which cartridges may be located in the magazine in one or more rows;
3) a revolver is a firearm with a cylinder and with an overall length of up to 600 mm (inclusive) and a barrel length of up to 300 mm (inclusive), and in which the cylinder simultaneously serves as a magazine and a chamber.

(2) Firearms are classified on the basis of the cartridges used as follows:

1) a firearm where centre-fire cartridges are used as ammunition;
2) a firearm where rimfire cartridges are used as ammunition.

(3) Firearms are classified by the characteristics of their bore as follows:

1) a firearm with a smoothbore barrel is a firearm with a smooth bore without rifling;
2) a firearm with a rifled barrel is a firearm with a bore with rifling;
3) a combination rifle-shotgun is a firearm with a combination of smoothbore and rifled barrels.

1. **Who may lawfully possess firearms in your country? Please provide information on (a) whether civilians are required to hold a license or a certificate in order to acquire, own/possess or use a firearm, and (b) what are the minimum requirements for the issuance or renewal of license or a certificate to acquire, own/possess or use firearms.**

In Estonia civilians who want to possess firearms are required to hold a weapons permit. All citizens and aliens who meet the criteria specified in the Weapons Act are allowed to get the permit. Paragraph 34 in the Weapons Act states that the Police and Border Guard Board issues a weapons permit on the basis of a verbal decision made by an official to a person:

1) who has submitted to the Police and Border Guard Board the documents set out in § 35 (2) of this Act;
2) concerning whom no circumstances precluding the grant of a weapons permit provided for in § 36 (1) and (4) of this Act have been established;
3) who has passed the examination specified in § 35 (5) of this Act.

A weapons permit held by a natural person grants the holder of the permit the right to handle a weapon entered on the weapons permit and its ammunition as well as a silencer and a laser sight under the conditions and pursuant to the procedure provided for in this Act and legislation issued on the basis thereof. A weapons permit only indicating the type of the weapon grants the holder thereof the right to acquire ammunition for a weapon taken into use on the basis of an instrument of delivery and receipt concerning the grant of use. The quantity of ammunition acquired on any single occasion shall not exceed the quantity indicated in § 46 (5) of this Act.

The weapon registered in the name of a person and the type of weapon permitted for the person shall be entered on the weapons permit held by a natural person on the basis of § 11 (1) through (5) and § 12 (1) 1) through 3) of this Act.

### ****§ 36.**** Circumstances precluding grant of acquisition permit or weapons permit to natural person

(1) An acquisition permit or a weapons permit shall not be granted to a natural person:

1) who suffers from a mental or behavioural disorder caused by the use of narcotic drugs or psychotropic substances;
2) who suffers from a severe mental disorder;
3) who suffers from a physical disability which prevents him or her from adequately handling the weapon applied for by him or her;
4) who evades service in the Defence Forces;
5) whose active legal capacity is restricted and to whom, therefore, a guardian has been appointed;
6) who has been punished pursuant to criminal procedure;

7) who has been punished pursuant to misdemeanour procedure for violating requirements provided by legislation regulating the acquisition, storage, carrying, transport or use of weapons and ammunition, or for hunting without a hunting certificate;

8) who is a suspect or an accused on grounds arising from criminal proceedings;

9) who, upon applying for an acquisition permit or a weapons permit, has knowingly submitted false information which is of material importance to the decision on whether to issue a permit;
10) who lacks the conditions prescribed by this Act for the storage of weapons and ammunition;

11) who has been punished pursuant to misdemeanour procedure for driving a power-driven vehicle or a tram when exceeding maximum permitted level of alcohol in the bloodstream, or for driving an aircraft, a watercraft or a rail vehicle while being intoxicated by alcohol;

111) who has been punished pursuant to misdemeanour procedure for the illegal use, possession or acquisition of a narcotic drug or a psychotropic substance;
12) who was declared to be a suspect or an accused in criminal proceedings which were terminated on the basis of § 202 of the Code of Criminal Proceedings;

13) who was declared to be a suspect or an accused in criminal proceedings which were terminated on the basis of § 205 of the Code of Criminal Proceedings;

14) who has been punished pursuant to misdemeanour procedure for discarding his conscript service obligation or reservist training.

(2) The prohibition provided for in clauses (1) 6), 7), 11), 111) and 14) of this section does not apply to a person if information concerning his or her punishment has been expunged from the criminal records database pursuant to the Criminal Records Database Act.

(21) The prohibition provided for in clauses (1) 12) and 13) of this section applies to a person until the performance of the obligation imposed on him or her under § 202 (2) of the Code of Criminal Procedure or until the expiry of the period of time provided for in § 205 (2) of the Code of Criminal Procedure.

(4) In addition to the bases for refusal indicated in subsection (1) of this section, an issuer of permits may refuse to grant an acquisition permit or a weapons permit:

1) to a person if less than five years have passed since the revocation of a weapons permit previously issued to the person and if the revocation of the permit was due to the loss of the weapon or a violation of the requirements provided for in legislation regulating the storage, carrying or use of weapons and ammunition;

2) to a person to whom the issue of an acquisition permit has previously been refused if less than two years have passed since the refusal and if the refusal was due to the circumstances specified in clauses (1) 8) through 10) of this section;

3) to a person who is not suitable to acquire or own a weapon due to his or her lifestyle or behaviour which jeopardises the security of himself or herself or other persons.

(5) A decision to issue or deny an acquisition permit or a weapons permit shall be communicated to the applicant within ten days as of the date on which the decision is made.

### ****§ 361.**** Application for weapons permit by alien

(1) An alien specified in § 30 (1) of this Act who wishes to obtain an Estonian weapons permit on the basis of a weapons permit issued by another state shall submit an application for a weapons permit to the Police and Border Guard Board. The Police and Border Guard Board shall review the application no later than within two months as of the date of receipt of all the required documents and payment of the state fee.

(2) The Police and Border Guard Board has the right to demand that an alien who submitted an application specified in subsection (1) of this section submit evidence and documents at his or her disposal which may be relevant to the matter as well as oral or written explanations.

(3) If processing an application requires additional clarification of circumstances relevant to the proceedings, the Police and Border Guard Board may extend the time-limit for proceedings by 30 days at a time. The Police and Border Guard Board may also extend the time-limit for proceedings on a reasoned request of the person specified in subsection (1) of this section.

(4) A weapons permit issued in a foreign state which is legalised or authenticated by a certificate replacing legalisation (apostille) shall be appended to the application specified in subsection (1) of this section, unless otherwise provided by an international agreement.

(41) An alien specified in § 30 (2) of this Act shall submit a statement issued by a competent authority of the state of his or her citizenship concerning the information provided for in § 36 (1) 6), 7) and 8) of this Act (statement concerning his or her criminal record).

(42) The document specified in subsection (41) of this section shall be legalised or authenticated by a certificate replacing legalisation (apostille), unless otherwise provided by an international agreement.

(5) Documents in foreign languages which are appended to an application shall be submitted together with a translation into Estonian done by a sworn translator or authenticated by a notary.

### ****§ 41.**** Replacement of weapons permit and permit to carry a weapon

(1) A weapons permit shall be replaced on the basis of an application submitted by the holder of the permit and a permit to carry a weapon shall be replaced on the basis of an application submitted by the relevant legal person upon the expiry of the permit, or in the case the permit becomes unusable, or in the case the data concerning the owner of the weapon or the holder of the permit changes, or in the case the permit or weapon is lost or destroyed, or upon a change in the location of the weapons storage room.

(2) Upon the expiry of a parallel weapons permit on the grounds specified in § 34 (7) of this Act and upon the expiry of a permit to carry a weapon on the grounds specified in § 53 (6) of this Act, the holder of the permit has the right to replace the permit with a new weapons permit within three months as of the date of expiry of the permit.

(3) In order for a weapons permit or a permit to carry a weapon to be replaced, the following shall be submitted to the Police and Border Guard Board:

1) a written application which sets out the reasons for replacement;

2) the weapons permit or permit to carry a weapon to be replaced, except in the case the permit is lost or destroyed;

3) a photograph measuring 3×4 cm;

4) a medical certificate in connection with the expiry of the weapons permit or permit to carry a weapon.

(4) The holder of a weapons permit or a permit to carry a weapon shall pay a state fee before the replacement of the permit.

(5) The requirement provided for in clause (3) 4) of this section does not apply to the persons specified in § 35 (7) 1) and 2) of this Act if they present a document certifying their right to carry a weapon and a medical certificate or a confirmation issued by an authority concerning compliance with health requirements. A document confirming the compliance with health requirements must set out its term of validity.

(6) The documents specified in subsection (3) of this section shall be submitted to the Police and Border Guard Board at the following times:

1) upon the expiry of the weapons permit or permit to carry a weapon—at least one month prior to the expiry;
2) in the case the weapons permit or permit to carry a weapon becomes unusable—immediately after the permit becomes unusable;
3) in the case the data concerning the owner of the weapon or the holder of the weapons permit or permit to carry a weapon changes or the location of the weapons storage room is changed—within seven working days as of the changing of the data or the location;
4) in the case the weapons permit or permit to carry a weapon or the weapon is lost or destroyed—within seven working days as of the receipt of a decision provided for in § 43 (5) of this Act;
5) in the case the parallel weapons permit or permit to carry a weapon is replaced with a weapons permit—within three months as of the date of expiry of the permit.

(7) Upon the replacement of a parallel weapons permit, the applicant shall also submit the written consent of the owner of the weapon for his or her weapon to be used on the basis of a parallel weapons permit.

(8) Before the replacement of a weapons permit, the holder of the weapons permit shall prove the existence of the weapons indicated on his or her weapons permit.

(9) A weapons permit or a permit to carry a weapon is issued if there are no circumstances precluding the issue of a permit provided for in § 36 or § 40 of this Act.

(10) In the case a weapons permit or a permit to carry a weapon becomes unusable or is lost or destroyed, or in the case data concerning the weapon or the holder of a weapons permit changes or in the case the location of the weapons storage room is changed, and also in the case a parallel weapons permit or a permit to carry a weapon is replaced with a weapons permit, the new permit shall be issued for the period of validity indicated on the permit to be replaced.

(11) The former weapons permit or permit to carry a weapon shall be preserved in the weapon register book, unless the permit is lost or destroyed.

### ****§ 42.**** Formalisation of amendments and changes

(1) The following shall be formalised at the Police and Border Guard Board:
1) amendments to the data concerning a weapon (type, mark, calibre, marking) arising from the conversion of the weapon. Prior permission for the conversion of the weapon is required from the Police and Border Guard Board;
2) amendments relating to the change of name of the owner or possessor of the weapon, change of residence or seat due to resettlement to another administrative unit, or change of location of the weapons storage room;
3) amendments to other data subject to entry in the register of service and civilian weapons.

(2) For the purposes of formalising amendments and changes, the documents specified in § 41 (3) of this Act shall be submitted to the Police and Border Guard Board and a state fee shall be paid. The application shall set out the new data concerning the weapon, the new name and residence or seat of the owner or possessor of the weapon, the new address of the place of storage of the weapon and any other amended or changed data.

(3) The Police and Border Guard Board shall make corresponding entries in the weapon register book and the register of service and civilian weapons and shall issue a new weapons permit.

(4) If the owner or possessor of a weapon resettles to the jurisdiction of another prefecture, a corresponding notice shall be made in the weapon register book and the register book together with all materials included therein shall be forwarded to the prefecture of the new residence or seat of the owner or possessor of the weapon.

(5) The prefecture of the new residence or seat of the owner or possessor of the weapon shall make the necessary entries in the weapon register book and the register of service and civilian weapons and promptly notify the prefecture where the weapon was registered in writing of the entries made. The prefecture which receives such a notice shall delete the weapon and its owner or possessor from its records.

### ****§ 43.**** Suspension and revocation of acquisition permit or weapons permit

(1) The Police and Border Guard Board shall suspend an acquisition permit or a weapons permit if:
1) the holder of the permit has been punished pursuant to misdemeanour procedure for driving a power-driven vehicle or a tram when exceeding maximum permitted level of alcohol in the bloodstream, or for driving an aircraft, a watercraft or a rail vehicle while being intoxicated by alcohol;
11) the holder of the permit has been punished pursuant to misdemeanour procedure for the illegal use, possession or acquisition of a narcotic drug or a psychotropic substance;
2) on grounds arising from criminal proceedings, the holder of the permit is a suspect or an accused regarding driving a power-driven vehicle or a tram while being intoxicated, a crime against the person, a crime involving a firearm and ammunition, or a crime committed by using a weapon or any other object used as a weapon or by threatening to use a weapon or any other object used as a weapon;
21) there is reasonable doubt that the holder of the permit may jeopardise the security of himself or herself or other persons by his or her lifestyle or behaviour;
3) it is established in the course of an inspection that the holder of the permit lacks the conditions prescribed by this Act for the storage of weapons and ammunition;
4) the legal person has failed, without good reason, to comply with a precept issued by a supervisory body concerning compliance with the requirements of this Act and legislation issued on the basis thereof;
5) the handling or use of the weapon by the person has caused the death of a person or damage to the health of a person or proprietary damage to a person;

6) criminal proceedings involving the holder of the permit have been terminated on the basis of § 202 or § 205 of the Code of Criminal Procedure.

(11) In the case specified in clause (1) 1) of this section, the acquisition permit or weapons permit shall be suspended for a period of six months to one year.

(12) In the cases specified in clause (1) 5) of this section, the weapons permit shall be suspended until the person has passed a new medical examination and a medical certificate has been issued to him or her.

(13) In the cases specified in clause (1) 6) of this section, the acquisition permit or weapons permit shall be suspended until the performance of the obligation imposed on the person under § 202 (2) of the Code of Criminal Procedure or until the expiry of the period of time provided for in § 205 (2) of the Code of Criminal Procedure.

(2) The suspension of an acquisition permit or a weapons permit is terminated after the circumstances which served as the basis for the suspension cease to exist or upon the revocation of the permit pursuant to the procedure provided for in subsection (3) of this section.

(3) The Police and Border Guard Board shall revoke an acquisition permit or a weapons permit if:
1) so requested by the holder of the permit or the owner of the weapon;
2) the holder of the permit no longer meets the requirements established by this Act, or a circumstance specified in § 36 (1) 1) through 7), 9) or 10) or § 40 (1) of this Act arises;
3) the weapon is subject to seizure;
4) the holder of the permit dies or is declared missing;
5) the weapon is lost or destroyed;
6) the weapon has become unusable to an extent which does not enable it to be restored, or if the owner or possessor of the weapon does not wish for the weapon to be restored;
7) the acquisition permit or weapons permit is lost or destroyed;
8) the legal person is dissolved or the agency is liquidated;
9) the owner or possessor of the weapon has, on at least two occasions within the last three years, violated the requirements of this Act or legislation issued on the basis thereof or has failed to comply with the requirements of a precept issued to the owner or possessor.

(31) The Police and Border Guard Board may revoke an acquisition permit or a weapons permit if the holder of the permit is unsuitable for acquiring or owning a weapon of such type due to a lifestyle or behaviour jeopardising the security of himself or herself or of other persons.

(4) A parallel weapons permit shall be revoked or suspended upon the revocation or suspension of the corresponding weapons permit. A parallel weapons permit may also be revoked on the basis of an application by the owner of the weapon.

(5) The suspension, termination of suspension or revocation of an acquisition permit or a weapons permit shall be formalised by a decision of the Police and Border Guard Board. The decision shall also set out the basis for the suspension, termination of suspension or revocation with a reference to a corresponding provision of law. A copy of the decision shall promptly be sent to the holder of the permit.

### ****§ 44.**** Consequences of expiry, suspension or revocation of acquisition permit or weapons permit

(1) After the expiry, suspension or revocation of an acquisition permit or a weapons permit, the holder of the permit, the owner or possessor of the corresponding weapon or another person who is in possession of the corresponding permit, a European Firearms Pass, the weapon or ammunition therefor is required to hand them over to the police no later than on the last working day on which the permit is valid or on the working day following the date of communication of the decision on revocation or suspension. A weapon and ammunition of a legal person may be deposited in the weapons storage room of the legal person which has been sealed by the police.

(2) Upon the expiry, suspension or revocation of a parallel weapons permit, the holder of the parallel weapons permit shall return the weapon and ammunition to the owner thereof and the parallel weapons permit to the police within the period of time provided for in subsection (1) of this section. If it is not possible to return the weapon and ammunition to the owner thereof, they shall be deposited with the police.

(3) A permit, weapon and ammunition may be handed over at its location or at the police. A weapon or ammunition shall be handed over at its location if it is handed over before the revocation of the acquisition permit or weapons permit by a person who, pursuant to this Act, is not the owner or possessor and who has informed the police of the weapon or ammunition which is in his or her possession.

(4) The handing over and receipt of a weapon and ammunition, and also of an expired or suspended permit, shall be formalised by an instrument of delivery and receipt which sets out the data concerning the weapon, ammunition or permit handed over. The standard format for such instruments shall be established by a regulation of the minister responsible for the field. The instrument shall be prepared in two original copies and signed by the person who hands over the weapon, ammunition or permit and by a representative of the police. One original copy of the instrument shall be retained by the police and the other by the person who hands over the weapon, ammunition or permit.

(5) The police are required to ensure that the received weapon and ammunition are kept in the same condition as recorded in the instrument of delivery and receipt.

(6) In the case an acquisition permit or a weapons permit expires or is revoked, the owner or possessor of the weapon or ammunition has the obligation to transfer the weapon and ammunition within three months as of the date of delivery to a person specified in § 63 (2) 1) and 3) of this Act or commence transfer on the basis of 63 (2) 2) of this Act pursuant to the procedure and under the conditions provided by this Act, except in the case of weapons and ammunition handed over on the basis of a decision of seizure.

(61) In the case an acquisition permit or a weapons permit is suspended, the owner or possessor of the weapon or ammunition has the right to transfer the weapon and ammunition throughout the suspension pursuant to the procedure and under the conditions provided by this Act. After the basis for the suspension ceases to exist, the police are required to promptly return the weapon and ammunition taken into storage to the owner or possessor thereof.

(7) If a complaint is filed with a court or a challenge is filed with the Police and Border Guard Board against a decision to revoke or suspend an acquisition permit or a weapons permit and the court or the Police and Border Guard Board declares the revocation or suspension of the permit to be in conflict with the law, the police shall promptly return the permit, weapon or ammunition to the owner or possessor thereof after the termination of the suspension of the permit or the entry into force of the court judgment. If the decision to revoke an acquisition permit or a weapons permit remains in force, the owner or possessor of the weapon or ammunition has the obligation to transfer the weapon or ammunition pursuant to the procedure established by subsection (6) of this section after the date on which the decision enters into force.

(8) If the owner or possessor of a weapon or ammunition which is subject to transfer has not transferred the weapon or ammunition under the conditions provided by subsection (6) of this section, the weapon or ammunition which have been deposited are subject to expropriation.

(9) A weapon or ammunition which is handed over in a condition incapable of firing shall be destroyed pursuant to the procedure provided for in § 83 of this Act.

1. **For what purpose does the domestic legislative or regulatory framework allow civilians to have access to firearm(s)? Can civilians carry firearms in public places.**

According to § 28 of the Weapons Act a natural person may acquire, own or possess a weapon for the following purposes:

1) hunting;

2) engaging in corresponding sports;

3) ensuring safety (protecting himself or herself and his or her property);

4) pursuing a profession;

5) collecting.

### Weapons and ammunition shall be carried together with a corresponding weapons permit or a permit to carry a weapon (Weapons Act **§ 50.** General procedure for carrying weapons). Weapons and ammunition shall be carried in a public place in a concealed manner which precludes them being lost, falling into the hands of other persons or causing accidental damage. The chamber of a carried firearm, except for the chamber of a revolver, shall be empty of cartridges.

### It is prohibited to carry weapons or ammunition:

### 1) while intoxicated by alcohol or under the influence of narcotic drugs or psychotropic substances;

### 2) at meetings, demonstrations, pickets, festivities and other public events, except for persons performing their functions or duties at such public events.

A minister may, by a directive, restrict the carrying of weapons in the ministry, in government authorities within the area of government of the ministry, in state authorities administered by the ministry and at facilities in the possession of such government authorities or state authorities.

The carrying of hunting firearms and sporting bows, used as hunting bows for the purposes of § 27 (1) of the Hunting Act, while hunting, is regulated by the Hunting Act and legislation issued on the basis thereof.

1. **What are the conditions for possession of firearms by civilians (e.g safe storage requirements, reporting of theft or loss of firearm)?**

### **Weapons Act § 45 states g**eneral requirements for storage of weapons and ammunition:

**§ 45. General requirements for storage of weapons and ammunition**

(1) Weapons and ammunition may be stored by a person who holds a weapons permit or an activity licence for the manufacture, sale, repair, conversion or storage of weapons and ammunition as a service.

(2) Weapons and ammunition shall be stored in a place of storage in conditions which ensure their preservation and that they do not pose a danger to the surroundings and which preclude access by unauthorised persons.

(3) Firearms may only be stored in an unloaded state.

(4) Weapons and ammunition shall be stored in the conditions provided for in § 46 of this Act or deposited for temporary storage with a person who holds:
1) a weapons permit, or
2) an activity licence for the storage of weapons and ammunition as a service.

(5) The temporary deposit of weapons and ammunition with a person who holds a weapons permit shall be formalised by an instrument of delivery and receipt prepared in two original copies one of which shall be retained by the depositor and the other by the depositary. A weapon may be deposited on a temporary basis with a person who holds a weapons permit for up to one 24-hour period of time under the conditions provided for in § 46 (3), (4) and (7) of this Act.

(6) The temporary deposit of weapons and ammunition with a person who holds an activity licence shall be formalised by an instrument of delivery and receipt prepared in two original copies one of which shall be retained by the depositor and the other by the depositary.

(7) The instrument of delivery and receipt specified in subsections (5) and (6) of this Act shall include the following:

1) information concerning the deposited weapon and the weapons permit as well as the quantity of ammunition;

2) the personal details and contact information of the depositor and the depositary;

3) the date of the delivery and receipt.

(8) The requirement provided for in subsection (6) of this section is not applied to the issue, for a short period of time, of a weapon and ammunition taken for storage as a service or to the return thereof, and in the case a weapon and ammunition are taken into storage for a short period of time as a service. The issue, for a short period of time, of a weapon and ammunition deposited with another person as a service is deemed to be the issue of the weapon and ammunition by the person who took them into storage to the person who deposited them for up to five 24-hour periods of time.

(9) The procedure for taking weapons and ammunition into storage for a short period of time as a service, for the issue thereof for a short period of time and for the return thereof shall be established by a regulation of the minister responsible for the field.

### ****§ 46.**** Storage of weapons and ammunition of natural and legal persons

(1) A natural person shall store a weapon in a place of storage at his or her place of residence or in a place of storage at an address specified by the person and approved by the Police and Border Guard Board.

(2) A legal person shall store a weapon in a place of storage determined by the legal person.

(3) Firearms shall be stored in a place of storage which is a steel cabinet adapted for such a purpose and permanently attached to the floor, a wall or another structural member of the building (hereinafter weapons safe).

(4) For the storage of more than eight firearms there shall be a place of storage which is a specially adapted room (hereinafter weapons storage room), or a weapons safe for the storage of nine or more firearms.

(5) A natural person is permitted to store ammunition in the following quantities:
1) up to 100 pistol or revolver cartridges;
2) up to 100 gas weapon cartridges;
3) up to 300 cartridges per hunting firearm with a rifled barrel;

4) up to 300 cartridges per hunting firearm with a smoothbore barrel;

5) up to 1000 cartridges per sporting firearm;
6) up to 1 kilogram of propellant per firearm, but no more than 5 kilograms in total;
7) up to 1000 primers.

(6) Cartridges, propellant and primers shall be stored in a weapons safe in a separately lockable compartment or in a weapons storage room.

(7) Other weapons shall be stored in a place of storage located in a weapons safe or in a lockable drawer or chest.

(8) A weapons safe or a lockable drawer or chest is not required in the case of one weapon and ammunition therefor. In that case the weapon and ammunition shall be stored in a place of storage which is difficult for other parties to discover and access.

(9) The Police and Border Guard Board shall inspect the compliance with the requirements for the storage of weapons and ammunition of legal persons at least twice a year. The results of such an inspection shall be expressed in an instrument prepared in two original copies, one of which shall be issued to the person subject to inspection and the other shall be included in the weapons register book.

(10) The requirements for weapons storage rooms, weapons safes and the storage of propellant and primers as well as other requirements for storage shall be established by a regulation of the minister responsible for the field.

According to § 10 (3) of the Weapons Act the possessor of weapons is required to promptly notify the police of every loss or destruction of a weapon.

1. **Is there a system to keep a record of firearms acquired or owned by civilians?**

### **According to § 24 of the Weapons Act a**ll weapons the use of which is permitted for civilian purposes and all weapons in collections of weapons and cartridges shall be entered in the register of service and civilian weapons. The following shall not be entered in the register of service and civilian weapons:1) weapons in unrestricted commerce;2) truncheons;3) weapons manufactured for export;4) weapons in transit consignments.

A weapon shall be entered in the register of service and civilian weapons upon its import into Estonia or its delivery from its Estonian producer to the person in Estonia who ordered the weapon and upon each registration of the weapon in the name of the owner or possessor thereof.

A firearm acquired by an active member of the Defence League on the basis of the Estonian Defence League Act may be entered in the Estonian Defence Forces and Defence League Weapons Register.

1. **What are the conditions for the transfer of ownership of firearms between civilians?**

### **Weapons Act § 63 states the g**eneral procedure for transfer of weapons and ammunition:

### ****§ 63.****  General procedure for transfer of weapons and ammunition

(1) Transfer of weapons and ammunition is defined in this Act as the transfer of the right of ownership to weapons and ammunition to another natural or legal person or to the state or a local government.

(2) An owner or possessor of a weapon may transfer the weapon:
1) to a person who holds an acquisition permit for the corresponding weapon;
2) by way of commission sale through a person who holds an activity licence for the sale of weapons;
3) to a person holding an activity licence for the sale, manufacture, conversion or repair of weapons.

(3) Ammunition may be transferred through persons specified in clauses (2) 2) and 3) of this section or to a person who holds a weapons permit for the corresponding weapon.

### ****§ 64.**** Transfer of weapon to person holding acquisition permit

(1) A weapon shall be transferred to a person holding an acquisition permit in the presence of a competent official of the Police and Border Guard Board at the Police and Border Guard Board or the location of the weapon.

(2) The transfer of a weapon shall be formalised on the basis of a written application by the owner or possessor of the weapon. The application shall set out information concerning the weapon and the person to whom the weapon is to be transferred. The weapons permit or other document in proof of the legality of its ownership shall be annexed to the application.

### ****§ 65.**** Transfer of weapon to person holding corresponding activity licence or through such person

In the cases specified in § 63 (2) 2) and 3) of this Act, a weapon shall be transferred on the basis of a permit provided for in § 80 of this Act and under the conditions set out therein.

1. **What measures are in place to regulate private entities engaged in selling firearms to civilians in the domestic market? What conditions are private entities required to fulfil in order to qualify for a license to sell firearms?**

### According to chapter 10 of Weapons Act a person who is interested in being engaged in selling, repair, rendering etc. of firearms is entitled to have a activity license.

### ****§ 66.**** Authorisation obligation

(1) An activity licence is required for engaging in the following areas of activity:
1) sale of weapons, essential components of firearms, firearm accessories or ammunition;

11) manufacture of weapons, essential components of firearms, firearm accessories or ammunition;

2) conversion and repair of weapons as a service;
3) use of a firing range or field firing range for the provision of fee-charging services;
4) rental of weapons as a service at a firing range;
5) storage of weapons and ammunition as a service;
6) manufacture and conversion of gas sprays and pneumatic weapons.

(2) A person who holds an activity licence issued by another Contracting Party to the EEA Agreement shall also hold an activity licence specified in subsection (1) of this section.

(3) An activity licence is issued for the term of one to five years or for the duration of the performance of a temporary obligation or duty if it takes less than a year.

### ****§ 67.**** Subject of review of activity licence

An undertaking shall be issued with an activity licence if the undertaking meets the following requirements:
1) the undertaking is a citizen of a Contracting Party to the EEA Agreement and has active legal capacity, or is a legal person founded in a Contracting Party to the EEA Agreement;
2) the person responsible of the undertaking meets the requirements provided for in §§ 38 and 39 of this Act;
3) the undertaking applying for an activity licence for the manufacture or sale of weapons or ammunition or the conversion or repair of weapons is not engaged in the provision of security services or private detective services;
4) upon applying for an activity licence for operating a firing range or a field firing range, the firing range or the field firing range complies with the health, environmental protection and fire safety requirements.

### ****§ 671.**** Collection of information through surveillance activities and making enquiry to communications undertaking

(1) The police may, with the written consent of the applicant for an activity licence, collect personal data concerning the applicant through surveillance activities specified in § 1263 (1) of the Code of Criminal Procedure and by an enquiry to an electronic communications undertaking for obtaining information provided for in § 1111 (2) and (3) of the Electronic Communications Act if it is necessary in order to decide on the grant of an activity licence.

(2) A person shall be notified of the activity specified in subsection (1) of this section conducted with respect to the person after making of a decision and at his or her request he or she shall be introduced information collected by the activity.

### ****§ 68.**** Applying for activity licence

(1) An application for an activity licence is adjudicated by the Police and Border Guard Board.

(2) In addition to the information provided for in the General Part of the Economic Activities Code Act, an application for an activity licence shall include the following information and documents:
1) a list of partners and shareholders who hold over 5% of the share capital in the company applying for the activity licence, and a list of the members of the management board and supervisory board of the company which sets out the given name, surname, personal identification code or in the absence thereof date of birth, and residence of natural persons and the full name, seat and commercial registry code of the legal person;

2) information concerning the person responsible and his or her substitute (given name, surname, personal identification code or in the absence thereof date of birth, residence and telephone number), and certification that the corresponding examination has been passed;

3) a list of employees who are involved in the handling of weapons and ammunition, which sets out their given name, surname, residence and personal identification code or in the absence thereof date of birth;

4) the address and telephone number of the weapons storage room and the means used in order to ensure the security and guarding of the room, or a copy of a contract for the rental of a weapons storage room entered into for the period of validity of the activity licence.

(3) Upon applying for an activity licence for operating a firing range or a field firing range, the following documents shall be annexed to the application for the activity licence:

1) a noise measurement report;

2) the layout and perspective view.

### ****§ 69.****  Specifications for applying for activity licence

In adjudicating an application for an activity licence, the principle of entry into force of an activity licence by default provided for in the General Part of the Economic Activities Code Act is not applied.

### ****§ 71.**** Consequences of suspension or revocation of activity licences

(2) Weapons and ammunition in the possession of the holder of an activity licence at the time of the suspension of the activity licence shall be deposited with the police, or the security and guarding of the weapons and ammunition shall be ensured until the end of the period of suspension of the activity licence.

(3) Weapons and ammunition in the possession of the holder of an activity licence at the time of the revocation of the activity licence shall be deposited with the police, or the proper security and guarding of the weapons and ammunition shall be ensured until the weapons and ammunition are transferred or destroyed pursuant to the procedure established by this Act.

(4) Weapons and ammunition shall be deposited, transported, stored, guarded, protected and returned at the expense of the holder of the activity licence.

### ****§ 72.**** Inspection of legality of activities of holders of activity licences

(1) The Police and Border Guard Board shall inspect the legality of the weapons and ammunition related activities of the holders of activity licences at least twice a year. Other offices and authorities may be involved in inspections as necessary.

(3) A report shall be prepared concerning the inspection results, one copy of which shall be given to the holder of the activity licence and the other shall remain with the person who conducts the inspection.

1. **How does your country monitor and enforce existing regulation of civilian access to firearms? What sanctions, if any, does your domestic legislation provide for: (a) illegal possession, (b) possession of prohibited firearms or of a number of firearms exceeding what the law allows, (c) lack of permission or license required for possessing a firearm?**

State supervision over the handling of weapons, components of firearms and ammunition the use of which is permitted for civilian purposes is exercised by the Police and Border Guard Board, and state supervision over the legality of the import, export and conveyance of weapons and ammunition is exercised by the Tax and Customs Board.

Officials authorised to exercise administrative supervision over compliance with Weapons Act and legislation issued on the basis thereof have the right to:

1) inspect weapons, components of firearms and ammunition and places where weapons, components of firearms and ammunition are stored, manufactured, sold, rented, repaired, converted, dismantled or destroyed;

2) demand that the handlers of military and service weapons present documents and written or oral information needed for supervision purposes;

3) issue precepts for the elimination of detected violations and verify compliance with such precepts;
4) take other measures prescribed by Acts and legislation issued on the basis thereof in order to ensure compliance with this Act.

Chapter 131 of the Weapons Act states the liability:

### ****§ 891.**** Violation of requirements for handling of or procedure for keeping records and registration of weapons, essential components of firearms or ammunition, or requirements for handling weapons rendered incapable of firing which do not meet requirements

(1) Violation of the requirements for the carrying, storage, handing over, manufacture, conversion, repair, sale, rental or transport of weapons, essential components of firearms or ammunition, or violation of other requirements for the handling of weapons, essential components of firearms or ammunition, or violation of the procedure for keeping records and registration of weapons, essential components of firearms or ammunition, or violation of the requirements for the handling of weapons rendered incapable of firing which do not meet requirements
is punishable by a fine of up to 300 fine units[[7]](#footnote-7) or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

### ****§ 894.**** Violation of requirements for handing over weapons and ammunition

(1) Failure to hand over weapons or ammunition to the police within the prescribed period of time by a person whose acquisition permit or weapons permit has expired or has been suspended or revoked, or failure to hand over weapons or ammunition to the owner thereof within the prescribed period of time by a person whose parallel weapons permit has expired or has been suspended or revoked
is punishable by a fine of up to 200 fine units or by detention.

(2) Failure to hand over weapons or ammunition to the police within the prescribed period of time by a legal person whose acquisition permit or weapons permit has expired or has been suspended or revoked
is punishable by a fine of up to 2000 euros.

### ****§ 895.**** Violation of requirement to return acquisition permit, weapon, weapons permit or parallel weapons permit

(1) Failure to return an expired, suspended or revoked acquisition permit, weapons permit or parallel weapons permit to the police or the holder thereof within the prescribed period of time
is punishable by a fine of up to 50 fine units.

(2) Failure by a legal person to return an expired, suspended or revoked acquisition permit or weapons permit to the police within the prescribed period of time
is punishable by a fine of up to 640 euros.

### ****§ 8910.**** Carrying weapons or ammunition while intoxicated by alcohol or under influence of narcotic drugs or psychotropic substances

Carrying weapons or ammunition while intoxicated by alcohol or under the influence of narcotic drugs or psychotropic substances
is punishable by a fine of up to 200 fine units or by detention.

### ****§ 8911.**** Unlawful carrying of weapons or ammunition at public events

Carrying of weapons or ammunition at a public event by a person who is not performing his or her duties of employment or service at the event
is punishable by a fine of up to 200 fine units or by detention.

### ****§ 8912.**** Violation of procedure for issue of weapons permits, parallel weapons permits, permits to carry weapons or weapons collection permits

Violation of the procedure for the issue of weapons permits, parallel weapons permits, permits to carry weapons or weapons collection permits by an official issuing such permits
is punishable by a fine of up to 200 fine units.

### ****§ 8913.**** Handling of insignificant quantities of ammunition

Unlawful handling of insignificant quantities of ammunition for a firearm or unlawful handling of gas weapon cartridges
is punishable by a fine of up to 300 fine units or by detention.

Besides sanctions that are stated in Weapons Act there are some sanctions also in **Penal Code**[[8]](#footnote-8) § 418-420:

### ****§ 418.**** Unlawful handling of firearms or essential components thereof or ammunition

(1) Unlawful handling of firearms or essential components thereof or ammunition, except for the unlawful handling of insignificant quantities of ammunition,
is punishable by a pecuniary punishment or up to three years’ imprisonment.

(2) The same act if:
1) committed at least twice;
2) the object of the act is a large quantity of firearms, essential components thereof or ammunition; or
3) the act is committed by a group;
is punishable by a pecuniary punishment or up to five years’ imprisonment.

 (4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

### ****§ 4181.**** Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition

(1) Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition, except for the unlawful handling of insignificant quantities of ammunition,
is punishable by one to five years’ imprisonment.

(2) The same act if:
1) committed at least twice; or
2) the object of the act is a large quantity of firearms, essential components thereof or ammunition,
is punishable by five to fifteen years’ imprisonment.

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

### ****§ 419.**** Negligent storage of firearms

(1) Negligent storage of a firearm, if this causes health damage to another person or results in a criminal offence committed by using such firearm,
is punishable by a pecuniary punishment or up to three years’ imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

### ****§ 420.**** Unlawful handling of silencers, laser sights or night sights of firearms

(1) Unlawful handling of a silencer, laser sight or night sight of a firearm
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

1. **Do the authorities in your country collect data on civilian misuse of firearms? If so, what data is gathered and how is it used?**

The authorities do not collect extra data on civilian misuse of firearms. There is a criminal records database that is a database belonging to the state information system which holds information concerning punished persons and their punishments.

1. **What is the impact of the misuse of firearms by civilians on human rights, in particular the right to life and the right to security? What is the basis of your assessment of this impact?**

The availability and misuse of firearms in our world has dramatic consequences. A misused single firearm can change the fate of an individual or even an entire community. A flood of firearms can shift the entire balance of power in a community, leading to a lack of personal security that destroys the rule of law.

Firearms can be used to facilitate an entire range of human rights abuses, including rape, enforced disappearance, torture, forced displacement etc. Heavily armed individuals also provide the security environment in which atrocities can be committed at will by various other means.

The most visible impact of firearms on human rights is the human carnage, including half a million people killed each year in war, homicides, accidents and suicides. Millions more are disabled or die from untreated injuries inflicted by small arms. The lives of those affected by small arms-related violence are often changed forever due to long‑term disability and ongoing psychological trauma. In addition to the immediate impacts on life and health, small arms-related misuse affects the entire spectrum of civil, political, economic, social and cultural rights.

The growing availability of firearms has been associated with the increased incidence of armed conflict. While accumulations of small arms may not create the conflicts in which they are used, the availability of small arms tends to exacerbate conflicts by increasing the lethality and duration of violence, and by increasing the sense of insecurity which leads to a greater demand for weapons. Some commentators consider the easy availability of small arms to be a “proximate cause” of armed conflict, transforming a potentially violent situation into a full-scale conflict.

1. **What measures are in place to minimize the risk of firearms being misused by civilians?**

State is responsible for taking reasonable steps to prevent, investigate, punish and compensate possible misuses of firearms. In Estonia everyone who wants to possess a firearm shall pass an examination on his or her knowledge regarding weapons. An applicant for an acquisition permit or a weapons permit shall undergo a medical examination the purpose of which is to verify that he or she does not have any health disorders. Besides that, an acquisition permit or a weapons permit shall not be granted to a natural person:

1) who suffers from a mental or behavioural disorder caused by the use of narcotic drugs or psychotropic substances;

2) who suffers from a severe mental disorder;

3) who suffers from a physical disability which prevents him or her from adequately handling the weapon applied for by him or her;

4) who evades service in the Defence Forces;

5) whose active legal capacity is restricted and to whom, therefore, a guardian has been appointed;
6) who has been punished pursuant to criminal procedure;

7) who has been punished pursuant to misdemeanour procedure for violating requirements provided by legislation regulating the acquisition, storage, carrying, transport or use of weapons and ammunition, or for hunting without a hunting certificate;

8) who is a suspect or an accused on grounds arising from criminal proceedings;

9) who, upon applying for an acquisition permit or a weapons permit, has knowingly submitted false information which is of material importance to the decision on whether to issue a permit;
10) who lacks the conditions prescribed by this Act for the storage of weapons and ammunition;

11) who has been punished pursuant to misdemeanour procedure for driving a power-driven vehicle or a tram when exceeding maximum permitted level of alcohol in the bloodstream, or for driving an aircraft, a watercraft or a rail vehicle while being intoxicated by alcohol;

111) who has been punished pursuant to misdemeanour procedure for the illegal use, possession or acquisition of a narcotic drug or a psychotropic substance;

12) who was declared to be a suspect or an accused in criminal proceedings which were terminated on the basis of § 202 of the Code of Criminal Proceedings;

13) who was declared to be a suspect or an accused in criminal proceedings which were terminated on the basis of § 205 of the Code of Criminal Proceedings;

14) who has been punished pursuant to misdemeanour procedure for discarding his conscript service obligation or reservist training.

State supervision over the handling of weapons, components of firearms and ammunition the use of which is permitted for civilian purposes is exercised by the Police and Border Guard Board, and state supervision over the legality of the import, export and conveyance of weapons and ammunition is exercised by the Tax and Customs Board.

1. **What is the impact of the domestic regulation of civilian firearms on the protection of the right to life and security of person? How effective is this regulation in human rights protection?**

Estonian legislation sets the guidelines and borders over the handling of weapons, components of firearms and ammunition the use of which is permitted for civilian purposes. The aspects of the protection of the right to life and security of person have been taken into consideration in the laws and regulations concerning the area of weapons and ammunition.

1. Weapons Act, RT I, 19.03.2015, 18; Entry into force 31.03.2002 - <https://www.riigiteataja.ee/en/eli/526032015003/consolide> [↑](#footnote-ref-1)
2. Security Act, RT I, 23.03.2015, 272; Entry into force 01.05.2004 - <https://www.riigiteataja.ee/en/eli/525062015002/consolide> [↑](#footnote-ref-2)
3. Customs Act, RT I, 02.12.2014, 6; Entry into force 01.05.2004 - <https://www.riigiteataja.ee/en/eli/508012015005/consolide> [↑](#footnote-ref-3)
4. Strategic Goods Act, RT I, 22.12.2011, 2; Entry into force 01.01.2012, partially 30.06.2012 - <https://www.riigiteataja.ee/en/eli/506032015001/consolide> [↑](#footnote-ref-4)
5. Intra-Community Transport, Export and Import of Cultural Objects Act, RT I, 12.07.2014, 88;Entry into force 17.02.2008 - <https://www.riigiteataja.ee/en/eli/520012015007/consolide> [↑](#footnote-ref-5)
6. Hunting Act, RT I, 16.05.2013, 2, entry into force 01.06.2013 - <https://www.riigiteataja.ee/en/eli/530012015001/consolide> [↑](#footnote-ref-6)
7. one fine unit is currently 4 euros. [↑](#footnote-ref-7)
8. Penal Code, RT I, 25.09.2015, 7, Entry into force 01.09.2002 - <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/525092015001/consolide> [↑](#footnote-ref-8)