

OPERATING PROCEDURE FOR THE AS TALLINNA SADAM (PORT OF TALLINN) MUUGA FREE ZONE

1 General provisions

- 1.1 The basis for preparing the operating procedure (hereinafter **operating procedure**) of AS Tallinna Sadam (hereinafter **possessor**) Muuga free zone is:
 - 1.1.1 Regulation (EU) No. 952/2013 of the European Parliament and of the Council laying down the Union Customs Code;
 - 1.1.2 Commission Implementing Regulation No. 2015/2447 (EU) laying down detailed rules for implementing certain provisions of the Union Customs Code;
 - 1.1.3 Commission Delegated Regulation No. 2015/2446 supplementing certain provisions of the Union Customs Code;
 - 1.1.4 Customs Act;
 - 1.1.5 Minister of Finance Regulation No. 58 of 03.07.2017, "Additional instructions for temporary storage, customs warehousing and activity in free zone";
 - 1.1.6 Government of the Republic order No. 181 of 22.06.2017, "Muuga free zone";
 - 1.1.7 Agreement concluded between Tax and Customs Board (hereinafter **MTA**) and possessor on 18.04.2012 regarding installation and use of the automatic number identification system (hereinafter **ANTS**);
 - 1.1.8 procedure for entering port areas (accessible on the possessor's website <https://www.ts.ee/turvalisus/>);
 - 1.1.9 an agreement under which the holder <https://www.ts.ee/turvalisus/> grants the rights to use the electronic permit system (hereinafter the **Permit System**) belonging to it.
- 1.2 The operating procedure applies to all persons who have MTA permission or endorsement for activity (industry, commerce and service) on the Muuga free zone territory (hereinafter **free zone**) who arrive, are present and exit the free zone, and goods and means of transport transported into and out of the free zone.
- 1.3 Goods shall be considered to include non-EU goods that most undergo customs formalities both upon entering and exiting the free zone, and EU goods, which is goods for the purposes of the free zone.
- 1.4 Regular shipping services are considered pursuant to the Union Customs Code to be shipping services between EU ports specified in the relevant line permit, and whose origin and destination port are not located in the free zone or the ship does not call at third country ports (hereinafter **regular shipping service**).
- 1.5 Entrance of persons, means of transport and goods to the free zone by land from elsewhere on the Union Customs Territory and exiting from the free zone via land to elsewhere on the Union Customs Territory shall take place without exception via the free zone entrances and exits set forth in the operating procedure (hereinafter **entrances**). The entrances may be classified as freight entrances and/or official entrances.
- 1.6 Upon entering or exiting a free zone, a permit in the possessor's permit system is required pursuant to the procedure set forth in Annex 3 to this operating procedure.
- 1.7 Within the free zone boundaries, gates have been installed for rescue services, which are closed and equipped with barricades and cannot be used as entrances (marked PP on the Map).
- 1.8 The customs service performs supervision over the free zone and entrances and the MTA enforces customs-related legal acts. At entrances, customs supervision is exercised on the basis

of technical solutions at entrances (Annex 1) agreed upon between the MTA, the possessor, AS Eesti Raudtee (hereinafter **ER**) and HHLA TK Estonia AS (hereinafter **HHLA**).

- 1.9 The operating procedure for Muuga free zone has been endorsed by Eesti Raudtee AS and HHLA.
- 1.10 The operating procedure shall come into effect upon signing. The agreement entered into on 09.10.2018 "Operating procedure for the AS Tallinna Sadam Muuga free zone" becomes valid with the operating procedure's entry into force.
- 1.11 Annexes:
 - 1.11.1 Annex 1. Technical solutions at entrances (restricted-access document);
 - 1.11.2 Annex 2. Muuga free zone map;
 - 1.11.3 Annex 3. Procedure for use of permit system.

2 Entrances

2.1 Entrance A (Põhjaranna tee)

- 2.1.1 The freight entrance may be used 24 hours a day:
 - 2.1.1.1 means of transport using regular shipping (ro-ro) services;
 - 2.1.1.2 means of transport whose purpose of entering or exiting the free zone is to transport goods in or out of the free zone;
 - 2.1.1.3 means of transport laden with goods or constituting goods (EU or non-EU) whose purpose of entering the free zone is to transport goods into or out of the free zone;
 - 2.1.1.4 the means of transport specified in points 2.1.1.2 and 2.1.1.3, the purpose of the departure of which is the transport of goods (e.g. aggregate) out of the free zone through automatic gates, subject to prior approval by customs.
- 2.1.2 using the official entrance is allowed 24 hours a day for persons who work in the free zone and other persons on foot and with means of transport pursuant to the procedure specified in point 1.1.8, if the purpose of entering or exiting the free zone is not to transport goods into or out of the free zone;
- 2.1.3 The MTA shall exercise customs supervision at the entrance in regard to the means of transport specified in points 2.1.1.2 and 2.1.1.3;
- 2.1.4 the possessor shall ensure as-required use of the entrance and the registration of persons and means of transport.

2.2 Entrance B (Veose 5)

- 2.2.1 Use of the official entrance is permitted 24 hours a day for persons who work in the free zone, ship's crew members and other persons on foot and with means of transport pursuant to the procedure specified in point 1.1.8, if the purpose of entering or exiting the free zone is not to transport goods into or out of the free zone, oversized goods must be coordinated with the customs upon departure on each occasion, except for regular shipping services;
- 2.2.2 the possessor shall ensure as-required use of the entrance and the registration of persons and means of transport specified in point 2.2.1.

2.3 Entrance C (Lasti tee 13/1)

- 2.3.1 The freight entrance may be used 24 hours a day:
 - 2.3.1.1 means of transport whose purpose of entering or exiting the free zone is to transport goods in or out of the free zone;

- 2.3.1.2 means of transport laden with goods or constituting goods (EU or non-EU) whose purpose of entering the free zone is to transport goods into or out of the free zone;
 - 2.3.2 using the official entrance is permitted 24 hours a day for persons who work in the free zone, ship's crew members and other persons on foot and with means of transport pursuant to the procedure specified in point 1.1.8, if the purpose of entering or exiting the free zone is not to transport goods into or out of the free zone;
 - 2.3.3 The MTA shall exercise customs supervision at the entrance in regard to the means of transport specified in point 2.3.1;
 - 2.3.4 the possessor shall ensure use of the entrance as required and the registration of persons and means of transport specified in point 2.3.2.
- 2.4 Entrance D (Railway entrance)**
- 2.4.1 The entrance is not used for entering or exiting the free zone by railway transport with goods;
 - 2.4.2 the entrance is opened and closed by the possessor for railway maintenance where necessary;
 - 2.4.3 the possessor ensures that the entrance is used according to requirements.
- 2.5 Entrance E (Main railway entrance)**
- 2.5.1 Using the entrance is permitted 24 hours a day for entering or exiting the free zone by railway transport with or without goods;
 - 2.5.2 the possessor ensures that the entrance is used according to requirements.
 - 2.5.3 The MTA shall exercise customs supervision at the entrance in regard to the means of transport specified in point 2.5.1.
- 2.6 Entrance M (Railway entrance, AS Betoonelement)**
- 2.6.1 Using the entrance is permitted 24 hours a day for entering or exiting the free zone by railway transport with or without goods;
 - 2.6.2 the possessor ensures that the entrance is used according to requirements.
 - 2.6.3 The MTA shall exercise customs supervision at the entrance in regard to the means of transport specified in point 2.5.1.
- 2.7 Entrance R (Muuga railway station entrance at Nuudi tee 19)**
- 2.7.1 The entrance may be used 24 hours a day by:
 - 2.7.1.1 persons who work in the railway station and other persons on foot and with means of transport if the purpose of entering or exiting the free zone is not to transport goods into or out of the free zone;
 - 2.7.2 Persons and means of transport shall pass through the entrance on the following grounds:
 - 2.7.2.1 the vehicle permit issued by the ER security department;
 - 2.7.2.2 The entrance card, i.e. personal permit, issued by the ER security department;
 - 2.7.2.3 the permit issued to a person or company temporarily performing services in the railway station, which has been previously endorsed by ER with the relevant employee who has signed a contract or agreement and with the security department;
 - 2.7.3 The MTA shall exercise customs supervision at the entrance in regard to the means of transport specified in points possessor.2.7.1.1;

- 2.7.4 ER shall ensure the as-required use of the entrance and the registration of persons and means of transport.

2.8 Entrance S (Nuudi tee entrance)

- 2.8.1 The entrance may be used 24 hours a day on the basis of the EMTA approval by:
- 2.8.1.1 means of transport with or without goods, whose purpose of entering or exiting the free zone is to transport goods into or out of the free zone;
 - 2.8.1.2 persons who work in the free zone, ship's crew members and other persons on foot and with means of transport pursuant to the procedure specified in point 1.1.8, if the purpose of entering or exiting the free zone is not to transport goods into or out of the free zone;
- 2.8.2 The MTA shall exercise customs supervision at the entrance in regard to the means of transport specified in points 2.8.1.1;
- 2.8.3 the possessor shall ensure as-required use of the entrance and the registration of persons and means of transport specified in point 2.8.1.2.

2.9 Entrance T (Muuga railway station service entrance)

- 2.9.1 The entrance may be used 24 hours a day by:
- 2.9.1.1 persons who work in the railway station and other persons on foot and with means of transport if the purpose of entering or exiting the free zone is not to transport goods into or out of the free zone;
- 2.9.2 Persons and means of transport shall pass through the entrance on the following grounds:
- 2.9.2.1 the vehicle permit issued by the ER security department;
 - 2.9.2.2 The entrance card, i.e. personal permit, issued by the ER security department;
 - 2.9.2.3 the permit issued to a person or company temporarily performing services in the railway station, which has been previously endorsed by ER with the relevant employee who has signed a contract or agreement and with the security department;
- 2.9.3 ER shall ensure the as-required use of the entrance and the registration of persons and means of transport entering and exiting.

2.10 Regular shipping service entrance (a virtual entrance and exit without physical borders located on Quays No. 13, 14 and 15)

- 2.10.1 The entrance may be used 24 hours a day only by means of transport using regular shipping services.
- 2.10.2 the HHLA ensures that the entrance is used according to requirements.
- 2.10.3 In order to reach regular shipping service entrance, it is necessary to pass through the HHLA entrance at Veose 7. In the case of oversize cargo – Gate No. 440.
- 2.10.4 HHLA shall ensure that the HHLA entrance is used according to requirements only by means of transport using regular shipping services.
- 2.11 Virtual entrance of the HHLA railway terminal (virtual entrance and exit located on a registered immovable without physical borders at Hoidla tee 3)
- 2.11.1 The entrance may be used 24 hours a day only by means of transport using regular shipping services and/or trains;
 - 2.11.2 the HHLA ensures that the entrance is used according to requirements;
 - 2.11.3 in order to get to the entrance, it is necessary to pass through the entrance specified in point 2.10 and/or the railway entrance at Hoidla tee 5;

- 2.11.4 HHLA shall ensure that the railway entrance is used according to requirements only by means of transport using the services of the Amber Train.

3 Obligations

3.1 The possessor undertakes:

- 3.1.1 to organise implementation of the operating procedure in the free zone;
- 3.1.2 to ensure the installation, maintenance and implementation of technical surveillance systems at entrances in possession of the possessor, and the retention of data in the possessor's server pursuant to point 5 of Annex 3;
- 3.1.3 to ensure that the free zone is surrounded by the required fencing unless agreed otherwise;
- 3.1.4 mark all entrances and fences with the appropriate signage, unless otherwise agreed;
- 3.1.5 to ensure the implementation of the procedure set forth in point 1.1.8 at entrances, including:
 - 3.1.5.1 entry of persons and means of transport solely in the case of the existence of the relevant permit;
 - 3.1.5.2 registration of persons and means of transport entering and exiting;
- 3.1.6 to ensure that the MTA has access to the data in the possessor's surveillance and access system;
- 3.1.7 to coordinate proposed amendments to the operating procedure with HHLA, MTA and ER;
- 3.1.8 to notify other persons operating in the free zone who wish to start industrial, commercial or service activity and persons whose activity is not related to storing or processing of goods to be placed in the free zone or free warehouse of the operating procedure and other rules valid in the free zone, including the legal act specified in point 1.1.4.

3.2 The MTA undertakes:

- 3.2.1 to notify the possessor by e-mail at muuga@ts.ee of persons who have received permit or permission for economic activity, 3 working days after they were granted the corresponding right;
- 3.2.2 to comply with the procedure for entering port areas.

(signed digitally)

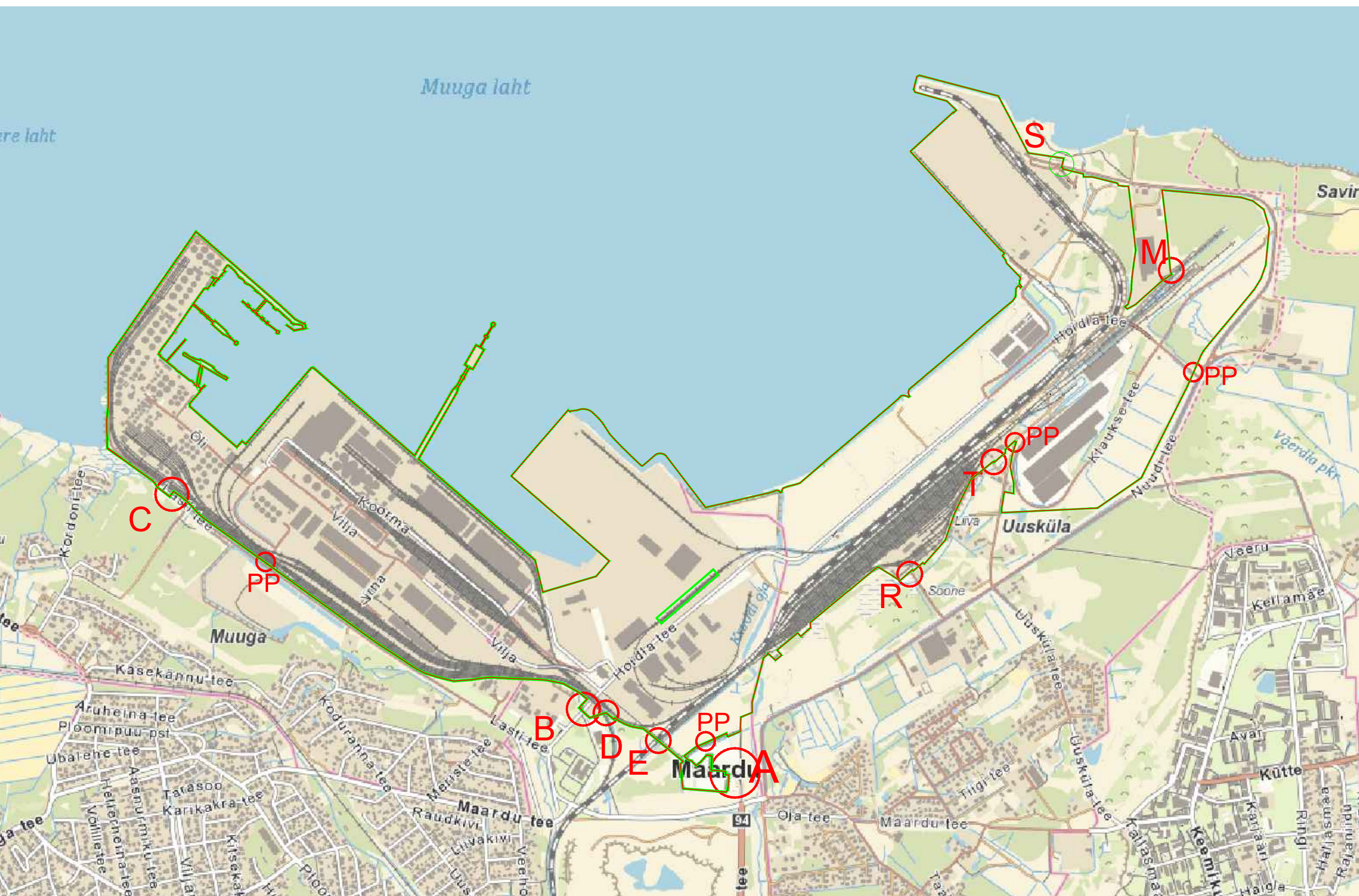
Valdo Kalm
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(signed digitally)

Margus Vihman
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Raigo Uukkivi
Director General
Tax and Customs Board



PROCEDURE FOR USE OF PERMIT SYSTEM

General part

The permits system (hereinafter **permit system**) in use in ports belonging to the AS Tallinna Sadam (hereinafter **possessor**) structure, including Muuga Harbour, is used at all Muuga free zone entrance points where road transport vehicles enter/exit the free zone.

The procedure does not include entrance to/exit from the free zone via railway entrances (entrances D, E, M, R and T) or the official entrances to the free zone.

1 Means of transport that enter and exit the free zone on the basis of a permit formalised in the permit system on the automatically opening lane of travel at entrance A (hereinafter automatic lane)

1.1 Entering direction:

- 1.1.1 Means of transport as goods or with or without goods (EU or non-EU) whose purpose of entering the free zone is to transport goods in or out of the free zone;
- 1.1.2 Means of transport as goods or with or without goods (EU or non-EU) whose purpose of entering the free zone is not to transport goods in or out of the free zone (including suppliers, couriers, servicing transport, such as waste collection and maintenance works);
- 1.1.3 means of transport that use regular shipping services.

1.2 Exiting direction:

- 1.2.1 means of transport without goods;
- 1.2.2 servicing transport (such as waste collection and maintenance works);
- 1.2.3 means of transport that use regular shipping services;
- 1.2.4 means of transport as goods or with goods (EU, non-EU), whose purpose is to transport goods out of the free zone on condition that the person has the Tax and Customs Board endorsement specified in point 3.2.

2 Means of transport that enter and exit the free zone on the basis of a permit formalised in the permit system on the automatic lane at entrances C and S

2.1 Entering direction:

- 2.1.1 Means of transport without goods, as goods or with goods (EU or non-EU) whose purpose of entering the free zone is to transport goods in or out of the free zone;
- 2.1.2 Means of transport without goods, as goods or with goods (EU or non-EU) whose purpose of entering the free zone is not to transport goods in or out of the free zone (including suppliers, couriers, servicing transport, such as waste collection and maintenance works);

2.2 Exiting direction:

- 2.2.1 means of transport without goods;
- 2.2.2 servicing transport (such as waste collection and maintenance works);
- 2.2.3 means of transport with goods or as goods (EU, non-EU), whose purpose is to transport goods out of the free zone on condition that the person has the Tax and Customs Board endorsement specified in point 3.2.

3 Access to permit system

- 3.1 The contract partner of the possessor may submit to the possessor a request for using the possessor's permit system and for issuing of a permit to the means of transport specified in points 1 and 2.
- 3.2 The Tax and Customs Board shall endorse the granting to the contract partner of the privilege to use the permit system for the issuing of permit specified in points 1.2.4 and 2.2.3 (i.e. in the direction of exiting the free zone with goods) and the issuing of the permit with a longer term of use specified in point 8.2.2. The Tax and Customs Board shall grant the endorsement to applications sent by the possessor to the address Muuga.pp@emta.ee. The grant of user privileges for entering other permits specified in points 1 and 2 shall not be coordinated; however, the information on granting the privileges shall be sent by the possessor to the Tax and Customs Board at ladu@emta.ee.
- 3.3 The possessor and the contract partner of the possessor shall enter into a contract for the use of the permit system (hereinafter the Contract) whereby the contract partner of the possessor assumes responsibility for the compliance with the requirements of the free zone upon the use of the permit system, for the correct use of the permit system and for the correctness of the entered data.

4 Authentication of authorised persons

- 4.1 The contract partner of the possessor shall appoint the persons authorised to use the permit system in Annex 1 to the Contract specified in point 3.3, to whom the possessor shall grant personalised access (username/password) for entering the permit to enter in the permit system.
- 4.2 If the authorised person has not logged into the permit system within 3 months, their access to the permit system shall be closed.

5 Logging and retention of logs

- 5.1 The data on the authorised person's application for a permit and modification of the permit shall be logged according to the time.
- 5.2 Events shall be retained on file for 3 years.
- 5.3 Logs shall be stored in electronic form and their authenticity shall be ensured, by making it impossible to delete or misrepresent them.
- 5.4 To ensure authenticity of logs, the logs shall be stored on a separate server to which access is restricted.
- 5.5 The possessor shall ensure that Tax and Customs Board has access to the logs on the basis of query.

6 Use and functioning of the permit system

- 6.1 Entry of data directly into the permit system:
 - 6.1.1 The possessor's contract partner shall sign the Contract and appoint the authorised persons for entering the permits into the permit system in Annex 1 to the Contract.
 - 6.1.2 The possessor shall grant the possessor's contract partner who signed the Contract online access to the permits system.
 - 6.1.3 The possessor shall grant the authorised persons in Annex 1 personal access (username/password) for entering the permit into the permit system.
 - 6.1.4 The possessor's contract partner who signed the Contract shall be responsible for the correctness of the data entered.

- 6.1.5 If the authorised person leaves work, the possessor's contract partner has the obligation to notify the possessor thereof immediately whereupon the possessor shall close the person's access to the permit system.
- 6.1.6 The first time the authorised person enters the permit system, they will be asked to change their password.
- 6.2 Data entry into the possessor's contract partner's information system linked to the permit system:
 - 6.2.1 The possessor's contract partner has designated authorised persons who have the right to enable access to the free zone.
 - 6.2.2 The permits issued by the possessor's contract partner shall be generated on the basis of an automotive transport visit opened in the possessor's contract partner's inventory program. Permits shall be transmitted to the permits system automatically via the interface connection.
 - 6.2.3 Log files shall automatically be generated for later inspection of permits issued (if required by the Tax and Customs Board or possessor).
- 6.3 The functioning of the system in the entering direction at entrance A:
 - 6.3.1 As the means of transport passes through the pre-identification point, the permit system checks for the existence of a permit. If a permit exists, the means of transport is guided to the automatic lane. If a permit exists, the means of transport is guided to the automatic lane.
 - 6.3.2 In the absence of a radiation alarm and in the presence of a permit in the permit system, the permit system opens the automatic lane barrier arm.
- 6.4 The functioning of the system in the exiting direction at entrance A:
 - 6.4.1 As the means of transport passes through the pre-identification point, the permit system checks for the existence of a permit. If a permit exists, the means of transport is guided to the automatic lane. If there is no permit, the means of transport is guided by the Tax and Customs Board to lanes heading in the direction of the exit.
 - 6.4.2 In the absence of a radiation alarm or other risks and when there is a permit in the permit system, the permit system opens the automatic lane barrier.

7 Obligatory fields

- 7.1 All obligatory fields must be filled in on the permit types specified in points 1 and 2. Otherwise, the permit system will not accept the request.

Fields	1.1.1	1.1.2	1.1.3	1.2.1	1.2.2	1.2.3	1.2.4
First name	X	X	X	X	X	X	X
Surname	X	X	X	X	X	X	X
Personal identification code/date of birth	X	X		X	X		X
Vehicle number	X	X	X	X	X	X	X
Company name	X	X		X	X		X

8 Requirements for validity of permits:

- 8.1 Permits entered into the permit system are generally one-offs.
- 8.2 The following may have a longer term of use:
 - 8.2.1 the permits for the servicing transport specified in points 1.1.2 and 1.2.2 and the permits specified in point 2;

- 8.2.2 with the consent of the Tax and Customs Board, the permits specified in points 1.1.1, 1.2.1 and 1.2.4;
- 8.3 One off exit permits shall be valid for 1 hour after the permit is entered into the permit system.
- 8.4 The validity of the permit specified in points 1.1.3 and 1.2.3 for embarking or disembarking regular shipping services shall be time-restricted and shall be agreed between the possessor and the Tax and Customs Board.

9 System malfunctions

- 9.1 In the direction of entering the free zone, the entry of the means of transport shall be ensured by the possessor.
- 9.2 In the direction of exiting the free zone, the exiting of the means of transport shall be ensured by the Tax and Customs Board.