

Prosecutor's Office Act of Estonia

Passed 22 April 1998

(RT¹ I 1998, 41/42, 625; consolidated text RT I 2004, 66, 457),

entered into force 20 May 1998,

amended by the following Acts:

19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160;

04.05.2005 entered into force 05.06.2005 - RT I 2005, 29, 212;

23.03.2005 entered into force 24.04.2005 - RT I 2005, 20, 127;

28.06.2004 entered into force 01.03.2005 - RT I 2004, 56, 403;

19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329;

28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40;

12.02.2003 entered into force 21.03.2003 - RT I 2003, 26, 159;

29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;

12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350;

06.06.2001 entered into force 30.06.2001 - RT I 2001, 53, 315;

19.04.2000 entered into force 01.07.2000 - RT I 2000, 35, 222;

14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167;

08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 839;

11.02.99 entered into force 24.02.99 - RT I 1999, 18, 303;

25.11.98 entered into force 31.12.98 - RT I 1998, 110, 1812.

Chapter 1

General Provisions

§ 1. Prosecutor's Office

(1) The Prosecutor's Office is a government agency within the area of government of the Ministry of Justice which participates in the planning of surveillance necessary to combat and

detect criminal offences, directs pre-trial criminal procedure and ensures the legality and efficiency thereof, represents public prosecution in court and performs other duties assigned to the Prosecutor's Office by law.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) The Prosecutor's Office is divided into the Public Prosecutor's Office and into district prosecutor's offices subordinate to it.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 2. Prosecutors

(1) Prosecutors are the prosecutors of the Public Prosecutor's Office and the prosecutors of the district prosecutor's offices.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

(2) Prosecutors shall be independent in the performance of their duties and act only pursuant to law and according to their conscience.

Chapter 2

Organisation of Prosecutor's Office

§ 3. Chief Public Prosecutor

(1) The Chief Public Prosecutor shall direct the Prosecutor's Office and perform other duties imposed on him or her by law.

(2) If the Chief Public Prosecutor is temporarily unable to perform his or her duties due to illness or other hindrance, the Minister of Justice shall designate a substitute for him or her from among the prosecutors of the Public Prosecutor's Office.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 4. Public Prosecutor's Office

(1) The prosecutors of the Public Prosecutor's Office shall ensure the legality and efficacy of pre-trial procedure, represent public prosecutions in the courts and perform other duties imposed on them by law.

(2) The prosecutors of the Public Prosecutor's Office are the Chief Public Prosecutor, the leading public prosecutors, public prosecutors and assistant prosecutors.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3) The Public Prosecutor's Office may be divided into departments, which shall be approved by the Minister of Justice. The Chief Public Prosecutor shall designate the public prosecutors and assistant prosecutors who belong to the departments.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 4¹. Leading public prosecutors

(1) Leading public prosecutors direct the departments of the Public Prosecutor's Office and perform other duties imposed on them by law.

(2) Within their area of responsibility, leading public prosecutors have the right to issue orders to district prosecutor's offices.

(3) The Chief Public Prosecutor shall designate substitutes for the leading public prosecutors from among the prosecutors of the Public Prosecutor's Office for the event of temporary inability of the leading public prosecutors to perform their duties due to illness or other hindrance.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 5. District prosecutor's office

(1) The prosecutors of a district prosecutor's office shall ensure the legality and efficacy of pre-trial procedure, represent public prosecutions in the courts and perform other duties imposed on them by law.

(2) The prosecutors of a district prosecutor's office are the leading prosecutor, the senior prosecutors, specialised prosecutors and assistant prosecutors.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3) The location and territorial jurisdiction of a district prosecutor's office shall be established by a regulation of the Government of the Republic.

(4) A district prosecutor's office may be divided into departments, which shall be approved by the Minister of Justice. The leading prosecutor shall appoint the specialised prosecutors, district prosecutors and assistant prosecutors to departments. The leading prosecutor has the right

to transfer a district prosecutor to another regional department within the same territorial jurisdiction without a public competition with his or her consent.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 5¹. Number of prosecutors

The Minister of Justice shall determine the number of prosecutors in the Public Prosecutor's Office and prosecutors in the district prosecutor's offices.

(12.02.2003 entered into force 21.03.2003 - RT I 2003, 26, 159; 28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 5². Leading prosecutor

(1) Leading prosecutors direct the district prosecutor's offices and perform other duties imposed on them by law.

(2) The Chief Public Prosecutor shall designate substitutes for the leading prosecutors for the event of temporary inability of the leading prosecutors to perform their duties due to illness or other hindrance.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 6. Senior prosecutor

(1) Senior prosecutors direct the departments of the district prosecutor's offices and perform other duties imposed on them by law.

(2) The Chief Public Prosecutor shall designate substitutes for the senior prosecutors from among the prosecutors of the district prosecutor's offices for the event of temporary inability of the senior prosecutors to perform their duties due to illness or other hindrance.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 7. Assistant prosecutors

(1) Assistant prosecutors shall act under the supervision of the Chief Public Prosecutor, leading public prosecutor, leading prosecutor, public prosecutor, senior prosecutor, specialised prosecutor or district prosecutor.

(2) Assistant prosecutors shall not perform duties imposed on prosecutors independently in court proceedings regarding criminal matters sent to court pursuant to the general procedure.

(3) Assistant prosecutors shall not be members of the prosecutors' competition and evaluation committee or the prosecutors' disciplinary committee.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 8. Plan for division of duties

(1) After considering the opinion of the prosecutors of the Public Prosecutor's Office, the Chief Public Prosecutor shall determine their division of duties. A senior county or city prosecutor shall determine the division of duties of the county or city prosecutors and assistant prosecutors after considering the opinion of the county or city prosecutors.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) Duties shall be divided according to type of criminal offence, offender or other general criteria. The procedure for the substitution of prosecutors shall also be determined in a plan for the division of duties.

(3) A plan for the division of duties may be amended only with good reason.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 9. Supervisory control

(1) The Ministry of Justice shall exercise supervisory control over the Prosecutor's Office. The supervisory control over the Prosecutor's Office exercised by the Ministry of Justice does not extend to the activities of the Prosecutor's Office in pre-trial criminal proceedings.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The Chief Public Prosecutor shall exercise supervisory control in the Prosecutor's Office, and leading prosecutors shall exercise supervisory control in the district prosecutor's offices.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

(3) Persons exercising supervisory control have the right to demand explanations and information from prosecutors under their supervisory control.

§ 10. Substitution

The Chief Public Prosecutor or a leading prosecutor may, with good reason, substitute for a subordinate prosecutor in a criminal proceeding or impose such obligation on another subordinate prosecutor, who shall not be a subordinate of the person substituted. A substitution order shall be in writing, shall set out the extent to which one person substitutes for another and shall justify the need for substitution.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 11. Reporting

(2) The Chief Public Prosecutor shall submit a consolidated activity report of the prosecutor's offices to the Minister of Justice once a year. The term for submission of the reports and the requirements for the reports shall be established by a directive of the Minister of Justice.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 11¹. Administration Department

(1) For the performance of administrative functions, an Administration Department may be formed in the Prosecutor's Office, which shall be approved by the Minister of Justice.

(2) The Administration Department shall be directed by the director of administration.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 12. Statutes of Prosecutor's Office

The Minister of Justice shall approve the statutes of the Prosecutor's Office.

Chapter 3

Prosecutors' Assembly

§ 13. Prosecutors' Assembly

(1) The Prosecutors' Assembly is a meeting of all prosecutors, which shall be convened at least once a year.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329; 23.03.2005 entered into force 24.04.2005 - RT I 2005, 20, 127)

(2) The Prosecutors' Assembly shall:

1) elect a total of two prosecutors from the district prosecutor's offices, and one prosecutor from the Public Prosecutor's Office as members of the prosecutors' competition and evaluation committee;

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

2) elect a total of two prosecutors from the district prosecutor's offices, and two prosecutors from the Public Prosecutor's Office as members of the disciplinary committee;

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

2¹) elect one public prosecutor as a member of the professional suitability assessment committee of the Estonian Bar Association;

(28.06.2004 entered into force 01.03.2005 - RT I 2004, 56, 403)

3) approve the procedures of the Prosecutors' Assembly;

4) hear reports of the Minister of Justice and the Chief Public Prosecutor concerning the activities of the prosecutor's offices;

5) consider issues concerning the activities of the prosecutor's offices and prosecutors' service and shall make proposals for the resolution thereof;

(3) The Chief Public Prosecutor shall convene the Prosecutors' Assembly and direct its activities.

Chapter 4

Prosecutors' Service

Division 1

General Provisions

§ 14. Application of Public Service Act in respect of prosecutors

The Public Service Act (RT I 1995, 16, 228; 1999, 7, 112; 10, 155; 16, 271; 276; 2000, 25, 144; 145; 28, 167; 102, 672; 2001, 7, 17; 18; 17, 78; 24, 133; 42, 233; 47, 260; 2002, 21, 117; 62, 377; 110, 656; 2003, 4, 22; 13, 67; 69; 20, 116; 51, 349; 58, 387; 90, 601) applies to the prosecutors' service unless otherwise provided by this Act.

Division 2

Appointment to Office

§ 15. Requirements for prosecutors

(1) An Estonian citizen with active legal capacity who has attained at least 21 years of age, has acquired education according to an accredited law curriculum of academic studies, is proficient in Estonian to the extent established by or pursuant to law, who is of high moral character and has the necessary abilities and personal characteristics may be appointed as the Chief Public Prosecutor, a leading public prosecutor, leading prosecutor, public prosecutor, senior prosecutor, specialised prosecutor or district prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(1¹) An Estonian citizen with active legal capacity who has attained at least 21 years of age, has completed higher education, is proficient in Estonian to the extent established by or pursuant to law, is of high moral character and has the necessary abilities and personal characteristics may be appointed as an assistant prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) The following shall not be appointed as a prosecutor:

- 1) a person in respect of whom a conviction for an intentionally committed criminal offence has entered into force;
- 2) a person who has been released from the public service for a disciplinary offence;
- 3) a person who has been disbarred from the Estonian Bar Association or expelled from the notarial profession;
- 4) a person closely related by blood (parent, brother, sister, child) or by marriage (spouse, spouse's parent, brother, sister, child) to the prosecutor to whom he or she is directly subordinate;

5) a person who due to his or her state of health is unable to work as a prosecutor. In the case of doubt, a medical committee shall determine the state of health of a person.

(3) A person who has been employed as a prosecutor for one year or as a judge, prosecutor, police officer, sworn advocate or a sworn advocate's senior clerk for three years, or in any other position which requires in-depth knowledge of penal law and procedure may be appointed as a district prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(4) A person who is employed as a prosecutor, except an assistant prosecutor, before appointment to office may be appointed as a specialised prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(5) A person who has been employed as a judge, prosecutor, police officer, sworn advocate or a sworn advocate's senior clerk for three years before appointment to office may be appointed as a leading prosecutor or senior prosecutor. The clerkship period or probationary period of an assistant prosecutor shall not be included in the period of employment as a prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(6) A person who has been employed in a position which requires high qualification in law for at least two years may be appointed as a public prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(7) A person who has been employed in a position which requires high qualification in law for at least two years may be appointed as a leading public prosecutor.

(8) A person who is an experienced and recognised lawyer may be appointed as the Chief Public Prosecutor.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 15¹. Scrutiny of background of persons applying for prosecutor's service

(1) A person who applies for candidate's service shall submit the following to the competition and evaluation committee:

1) the form concerning personal data;

2) declaration of economic interests prescribed for officials as on the first day of the month preceding application.

- (2) In the form concerning personal data, the applicant shall also indicate the given names, surnames, personal identification codes (in the absence of identification code, the date and place of birth) and details of the applicant's relatives and relatives by marriage (parents, sisters, brothers, children, spouse, former spouse).
- (3) The form used to apply for prosecutor's service shall be approved by the Minister of Justice.
- (4) In order to verify the data presented in the form used to apply for prosecutor's service and the declaration of economic interests, the Chief Public Prosecutor and officials of the Prosecutor's Office authorised by the Chief Public Prosecutor have the right to:
- 1) address local government agencies, officials of local governments, legal persons and natural persons by inquiry concerning the personal data of a person applying for prosecutor's service;
 - 2) interview the person indicated in the form concerning personal data, and with employers, representatives of educational institutions and other persons in order to ascertain the moral character and other personal characteristics of the person and if necessary, obtain a written explanation from the interviewed person with his or her permission;
 - 3) ascertain whether the persons specified in subsection (2) of this section participate in a criminal proceeding as a suspect, the accused or the accused at trial.
- (5) An agency or person who receives the inquiry specified in this section shall immediately answer the inquiry.
- (6) The prosecutors' competition and evaluation committee shall immediately inform a person applying for prosecutor's service of the scrutiny conducted with regard to his or her background and enable to examine the materials gathered in the process of the checks.
- (7) If a person intentionally presents incorrect data to the prosecutors' competition and evaluation committee or conceals material information is excluded from the competition by resolution of the prosecutors' competition and evaluation committee.

(06.06.2001 entered into force 30.06.2001 - RT I 2001, 53, 315)

§ 16. Appointment of prosecutors to office

- (1) The Government of the Republic shall appoint the Chief Public Prosecutor to office on the proposal of the Minister of Justice after considering the opinion of the Legal Affairs Committee of the Riigikogu².
 - (2) The Government of the Republic shall appoint the leading public prosecutor to office on the proposal of the Chief Public Prosecutor.
 - (3) The Chief Public Prosecutor shall appoint senior prosecutors to office on the proposal of the leading prosecutors.
 - (4) The Minister of Justice shall appoint public prosecutors to office on the proposal of the prosecutors' competition and evaluation committee.
 - (5) The Chief Public Prosecutor shall appoint specialised prosecutors, district prosecutors and assistant prosecutors to office on the proposal of the prosecutors' competition and evaluation committee.
- (19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)
- (6) A person may be appointed as the Chief Public Prosecutor or a leading prosecutor if he or she gives written consent for such appointment.
 - (7) A person shall not be appointed as a prosecutor if he or she does not meet the requirements for prosecutors. A decision not to appoint a person as a prosecutor shall be justified.
- (28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 16¹. Transfer of prosecutors

- (1) The Minister of Justice has the right to transfer, without a public competition, a leading prosecutor or public prosecutor on the basis of his or her written application to a position of a lower prosecutor to be filled by way of public competition.
- (2) The Chief Public Prosecutor has the right to transfer, without a public competition, a senior prosecutor, specialised prosecutor or district prosecutor on the basis of his or her written application to a position of a lower prosecutor to be filled by way of public competition.
- (3) The Chief Public Prosecutor has the right to transfer a specialised prosecutor, district prosecutor or assistant prosecutor to the same position in another prosecutor's office without a public competition with his or her consent.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(4) If a prosecutor is transferred from one service area to another, the expenses arising from change of residence may be compensated to the prosecutor within two months after moving to the new service area.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(5) The procedure for compensation for expenses specified in subsection (4) of this section shall be established by a regulation of the Minister of Justice.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 17. Prosecutors' term of office

(1) The Chief Public Prosecutor and a leading prosecutor shall be appointed to office for a term of five years.

(2) Leading public prosecutors, public prosecutors, senior prosecutors, specialised prosecutors and assistant prosecutors shall be appointed to office for an unspecified term.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3) A substitute public prosecutor, specialised prosecutor, district prosecutor or assistant prosecutor shall be appointed to office for a specified term until the return to or release from office of the person substituted. The substitute public prosecutor, specialised prosecutor, district prosecutor or assistant prosecutor may, with his or her consent, be appointed to a vacant position of the same or a lower prosecutor for an unspecified term during the substitution and one year after the end of the substitution without a public competition.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 18. Public competition

(1) Public prosecutors, specialised prosecutors, district prosecutors and assistant prosecutors shall be appointed to office on the basis of a public competition.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) The Minister of Justice or the Chief Public Prosecutor authorised to appoint prosecutors to office shall announce a public competition for a position of public prosecutor, specialised prosecutor, district prosecutor and assistant prosecutor in the official publication *Ametlikud Teadaanded*⁵. Applicants shall be given at least two weeks after the date of publication of the notice for submission of their applications.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3) The Chief Public Prosecutor, leading public prosecutors, leading prosecutors and senior prosecutors shall be appointed to office without a public competition.

(4) (Repealed - 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 19. Assessment of participants in public competition

(1) The prosecutors' competition and evaluation committee shall assess the suitability of an applicant for a position.

(2) If a prosecutor applies for a vacant position, the prosecutor to whom the applicant is directly subordinate shall present a reasoned opinion on the applicant to the prosecutors' competition and evaluation committee.

§ 20. (Repealed - 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 21. (Repealed - 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

Division 3

Benefits Related to Office and Guarantees of Independence

§ 22. Salary

(1) The salary grades corresponding to the official titles of prosecutors are as follows:

- 1) Chief Public Prosecutor, salary grade 8;
- 2) leading public prosecutor, salary grade 7;
- 3) leading prosecutor, salary grade 6;
- 4) public prosecutor, salary grade 5;

- 5) senior prosecutor, salary grade 4;
- 6) specialised senior prosecutor, salary grade 3;
- 7) district prosecutor, salary grade 2;
- 8) assistant prosecutor, salary grade 1.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

- (2) The salary of a prosecutor shall be determined for one year at least.
- (3) The minimum salaries corresponding to the salary grades of prosecutors and remuneration for the performance of additional duties or for more effective work than required provided in subsection 9 (3) of the Public Service Act shall be established by a regulation of the Government of the Republic.

(3¹) Differentiated salary rates may be established within the salary grades corresponding to the positions of prosecutors employed in some regions. The differentiated salary rate and the bases for and specifications concerning application thereof shall be established by a regulation of the Government of the Republic.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

- (4) The grounds for the formation of the salaries of prosecutors shall be established in the salary guide for prosecutor's offices. The salary guide shall be established by a directive of the Minister of Justice.
- (5) Prosecutors shall not be paid additional remuneration prescribed by the Public Service Act with the exception of the remuneration for the performance of additional duties or for more effective work than required provided in subsection 9 (3) of the Act.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 22¹. Prosecutor's holiday

- (1) Prosecutors have the right to receive an annual holiday.
- (2) The duration of a holiday of an assistant prosecutor is 42 calendar days and the duration of a holiday of a prosecutor is 49 calendar days.

(3) Prosecutors do not have the right to receive an additional holiday provided for in the Public Service Act for years of service.

(4) The Chief Public Prosecutor shall approve the holiday schedule of prosecutors in the Public Prosecutor's Office and a leading prosecutor shall approve the holiday schedule of prosecutors in a district prosecutor's office.

(5) The Chief Public Prosecutor and a leading prosecutor may, based on the interests of work management, establish restrictions on the length of holiday and time of holiday taken at a time. In such case, the duration of one continuous part of holiday must be at least 14 calendar days and, at the request of the prosecutor, 21 calendar days. The duration of other parts of the holiday may be shorter.

(19.05.2004 entered into force 01.01.2000 - RT I 2004, 46, 329)

§ 23. (Repealed - 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 23¹. Application of incentive

The Chief Public Prosecutor shall apply incentives with regard to prosecutors.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 24. Compensation for proprietary damage

The state shall compensate a prosecutor and his or her family members for any proprietary damage which they suffer during the performance of the duties of the prosecutor.

§ 25. Prosecutor's old-age pension

(1) A prosecutor who has been employed as a prosecutor for at least twenty-five years has the right to receive a prosecutor's old-age pension when he or she attains the pensionable age.

(2) A person who has been employed as a prosecutor for at least fifteen years and as a judge or police officer for at least ten years prior thereto also has the right to receive a prosecutor's old-age pension.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

(3) The amount of a prosecutor's old-age pension is 65 per cent of the minimum salary rate established by a regulation of the Government of the Republic corresponding to the prosecutor's most recent position without considering the increase of the salary rate due to working in the specific area.

(4) If the minimum salary rate of the position of prosecutor in which the person who receives a prosecutor's old-age pension was employed is changed, the prosecutor's old-age pension shall be recalculated. In such case, the pension shall be paid in the altered amount as of the first day of the following month.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

(5) The portion of a prosecutor's old-age pension which exceeds the general old-age pension shall be paid from the state budget.

(6) A prosecutor's old-age pension shall not be paid during the period of employment as a prosecutor. If a retired prosecutor is employed elsewhere, he or she shall receive the prosecutor's old-age pension in full regardless of the amount of the earnings.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

§ 26. Prosecutors' pension for incapacity for work

(1) A person who becomes permanently incapacitated for work during his or her employment as a prosecutor and whose length of service as a prosecutor is at least fifteen years has the right to receive a prosecutors' pension for incapacity for work.

(2) If a prosecutor becomes permanently incapacitated for work due to the performance of his or her duties as a result of an attack made against him or her or as a result of the prevention of a criminal offence by the prosecutor, he or she has the right to receive a pension for incapacity for work regardless of his or her length of service.

(3) The amount of a prosecutors' pension for incapacity for work is:

1) 65 per cent of the minimum salary rate established by a regulation of the Government of the Republic corresponding to the prosecutor's most recent position without considering the increase of the salary rate due to working in the specific area in the case of a 100 per cent loss of capacity for work;

2) 50 per cent of the minimum salary rate established by a regulation of the Government of the Republic corresponding to the prosecutor's most recent position without considering the increase of the salary rate due to working in the specific area in the case of a 80 to 90 per cent loss of capacity for work;

3) 30 per cent of the minimum salary rate established by a regulation of the Government of the Republic corresponding to the prosecutor's most recent position without considering the increase of the salary rate due to working in the specific area in the case of a 40 to 70 per cent loss of capacity for work;

(4) The prosecutors' pension for incapacity for work shall be recalculated if the percentage of the loss of the capacity for work or the salary of the position based on which the prosecutors' pension for incapacity for work was calculated changes. In such case, the pension shall be paid in the altered amount as of the first day of the following month.

(5) The portion of a prosecutors' pension for incapacity for work which exceeds the general pension for incapacity for work shall be paid from the state budget.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

§ 26¹. Allowance upon attack against prosecutor

(1) If a prosecutor dies for reasons related to service in the prosecutor's office, the state shall pay the family members and persons who were maintained by him or her a single allowance in an amount equal to ten years' salary of the deceased.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

(2) The funeral expenses of a prosecutor who died for reasons related to service in the prosecutor's office shall be borne by the state.

(3) If a prosecutor is declared permanently incapacitated for work for reasons related to service in the prosecutor's office, he or she shall be paid a single allowance in an amount equal to his or her:

1) one year's salary in the case of partial loss of capacity for work which did not result in release from police service;

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

2) two year's salary in the case of partial loss of capacity for work which resulted in release from service;

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

3) seven years' salary in the case of total loss of capacity for work.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

(4) A prosecutor to whom, in connection with the service in the prosecutor's office, health damage is caused which does not result in permanent incapacity for work, shall be paid a single allowance in an amount equal to his or her one month's salary.

(19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

(5) The cost of medical examination, treatment and medicinal products of a prosecutor who becomes ill or to whom health damage is caused in connection with the service in the prosecutor's office shall be borne by the state.

(6) The procedure for calculation and payment of the allowances and costs provided for in this section shall be established by a regulation of the Government of the Republic.

(28.01.2004 entered into force 01.03.2001 - RT I 2004, 7, 40)

§ 27. (Repealed - 06.06.2001 entered into force 30.06.2001 - RT I 2001, 53, 315)

Division 4

Duties

§ 28. Obligation of professional secrecy

A prosecutor shall not disclose information which becomes known to him or her in connection with the performance of his or her duties if this may prejudice the administration of justice. The obligation of professional secrecy has an unspecified term.

§ 29. Duty to supervise

(1) Prosecutors are required to supervise trainees on the orders of the Chief Public Prosecutor or leading prosecutors.

(2) No prosecutor shall be required to supervise more than one trainee at a time.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 30. Restrictions on service of prosecutors

(1) Prosecutors shall not be employed elsewhere outside of their professional duties, except for teaching or research.

(2) A prosecutor shall not be a founder, managing partner, member of the management board or supervisory board of a commercial undertaking, director of a branch of a foreign commercial undertaking, or a member of a political party.

Division 5

Disciplinary Liability

§ 31. Disciplinary penalties

(1) A disciplinary penalty may be imposed on a prosecutor for a disciplinary offence.

(2) Disciplinary penalties are:

- 1) a reprimand;
- 2) a fine of up to one month's salary;
- 3) a reduction of salary;
- 4) release from service.

§ 32. Reduction of salary

As a disciplinary punishment, a prosecutor's salary may be reduced by not more than one quarter and for not longer than one year.

§ 33. Disciplinary committee

- (1) The prosecutors' disciplinary committee shall consider disciplinary offences committed by prosecutors.
- (2) The disciplinary committee shall be comprised of two prosecutors of the Public Prosecutor's Office, a total of two prosecutors from the district prosecutor's offices, and one judge elected by the Court *en banc*. The disciplinary committee shall be elected for three years. (19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329; 19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)
- (3) The disciplinary committee shall elect the chairman of the disciplinary committee and his or her substitutes from among its members who are prosecutors.
- (4) The Minister of Justice shall approve the procedures of the disciplinary committee.

§ 34. Right to impose disciplinary penalties

- (1) The following have the right to impose disciplinary penalties on a prosecutor:
 - 1) the Minister of Justice on the proposal of the prosecutors' disciplinary committee on all prosecutors;
 - 2) the Chief Public Prosecutor on the proposal of the prosecutors' disciplinary committee on all prosecutors.(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)
- (1¹) The Chief Public Prosecutor does not have the right to impose the penalty specified in clause 31 (2) 4) of this Act to prosecutors appointed to office by the Minister of Justice. (19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)
- (2) The Government of the Republic shall decide the release of the Chief Public Prosecutor from service as a disciplinary punishment on the proposal of the Minister of Justice within one month.

§ 35. Initiation of disciplinary proceedings

- (1) Disciplinary proceedings shall be initiated if elements of a disciplinary offence become evident. (19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) The following have the right to initiate disciplinary proceedings:

- 1) the Minister of Justice and the Chief Public Prosecutor against all prosecutors;
- 2) a leading prosecutor against prosecutors who serve in his or her subordination.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

(3) A person who initiates disciplinary proceedings may gather evidence and demand explanations which are necessary to adjudicate the disciplinary matter. It is compulsory to demand explanations from the prosecutor against whom disciplinary proceedings are initiated.

The Minister of Justice may assign the task of gathering evidence and demanding explanations to the Chief Public Prosecutor; the Chief Public Prosecutor or a leading prosecutor may assign such task to the prosecutor directly subordinate to him or her. The task cannot be assigned to a prosecutor who is a member of the disciplinary committee.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

(4) A person who initiates disciplinary proceedings may suspend the prosecutor for the time of the disciplinary proceedings. During the suspension, the prosecutor shall continue to receive his or her salary together with additional remuneration.

(12.02.2003 entered into force 21.03.2003 - RT I 2003, 26, 159)

(5) If, in the course of disciplinary proceedings, all the necessary evidence and explanations have been collected, a person who initiates disciplinary proceedings or a prosecutor designated thereby shall prepare a disciplinary charge.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 36. Disciplinary charge

(1) A disciplinary charge is a written document, which shall set out:

- 1) the given name, surname and title of the accused;
- 2) the description and time of commission of the offence;
- 3) the evidence proving commission of the offence;
- 4) the person who brings the charge, the date and place of preparation of the charge.

(2) A disciplinary charge shall not be brought and a disciplinary proceeding shall be terminated if more than one year has passed from the commission of the disciplinary offence.

§ 37. Preparation for session of disciplinary committee

(1) The chairman of the disciplinary committee shall determine the time and place of sessions of the disciplinary committee.

(2) The person who brings a disciplinary charge and the prosecutor whose disciplinary offence is considered shall be invited to the session. In the case of a disciplinary proceeding initiated against an assistant prosecutor, his or her supervising prosecutor shall also be invited to the session of the disciplinary committee.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 38. Right to examine disciplinary charge materials

(1) A disciplinary charge shall be given to the prosecutor against whom a disciplinary proceeding is initiated at least three days before the session of the disciplinary committee is held.

(2) A prosecutor against whom a disciplinary charge is brought has the right to examine the materials of the disciplinary charge. The materials of a disciplinary charge brought against an assistant prosecutor may also be examined by his or her supervising prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 39. Session of disciplinary committee

(1) The disciplinary committee shall consider a disciplinary offence in a closed session.

(2) The disciplinary committee has a quorum if at least three members of the disciplinary committee, including the chairman, participate in the session.

(3) The chairman of the disciplinary committee shall chair sessions of the disciplinary committee.

(4) A member of the disciplinary committee cannot participate in the consideration of the disciplinary charge brought against him or her.

§ 40. Decision of disciplinary committee

(1) By a decision of the disciplinary committee, a proposal to impose or not to impose a disciplinary penalty shall be made to the Minister of Justice or the Chief Public Prosecutor, or the disciplinary proceeding shall be terminated if there was no disciplinary offence.

(12.02.2003 entered into force 21.03.2003 - RT I 2003, 26, 159)

(2) If it is necessary to gather supplementary evidence, the disciplinary committee shall defer the consideration of the disciplinary offence, determine the time and place of the next session and assign the task of gathering supplementary evidence to one member of the disciplinary committee or the person who brought the disciplinary charge.

(3) The disciplinary committee shall make a decision by a simple majority of the members of the disciplinary committee participating in the session. If the votes are divided equally, the chairman of the disciplinary committee shall cast the deciding vote.

§ 41. Imposition of disciplinary penalties

The Minister of Justice or the Chief Public Prosecutor shall decide the imposition of disciplinary punishments or the making of a proposal specified in subsection 34 (2) of this Act, within one month after receipt of a proposal of the disciplinary committee.

(12.02.2003 entered into force 21.03.2003 - RT I 2003, 26, 159)

§ 42. (Repealed - 11.02.99 entered into force 24.02.99 - RT I 1999, 18, 303)

Division 6

Evaluation

§ 43. Prosecutors' competition and evaluation committee

(1) The prosecutors' competition and evaluation committee shall evaluate persons applying for the position of prosecutor if the position is filled by way of a public competition.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) The prosecutors' competition and evaluation committee shall be comprised of the Chief Public Prosecutor, one prosecutor of the Public Prosecutor's Office, a total of two prosecutors from the district prosecutor's offices, one judge elected by the Court *en banc*, a jurist designated by the Dean of the Law Faculty of the University of Tartu and an official of the Ministry of Justice designated by the Minister of Justice. The term of authority of a member of the prosecutors' competition and evaluation committee, excluding the Chief Public Prosecutor and an official of the Ministry of Justice, shall be three years.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40; 19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

(3) The Chief Public Prosecutor shall be the chairman of the prosecutors' competition and evaluation committee.

(4) The prosecutors' competition and evaluation committee has a quorum if at least five members of the committee, including the chairman, participate in the session.

(5) The Public Prosecutor's Office shall manage the operations of the prosecutors' competition and evaluation committee.

§ 44. Requirements and method of evaluation

The Minister of Justice shall establish the evaluation requirements for prosecutors and the method of evaluation.

Division 7

Release from Service

§ 45. Release from service at own request

A prosecutor may be released from service at his or her own request.

§ 46. (Repealed - 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 47. Release from service due to age

A prosecutor may be released from service when he or she attains sixty-five years of age.

§ 48. Release from service due to bankruptcy

A prosecutor shall be released from service if he or she is declared bankrupt.

§ 49. Release from service for disciplinary offence

A prosecutor shall be released from service for a disciplinary offence pursuant to the procedure provided for in Division 5 of this Act.

§ 50. Release of Chief Public Prosecutor or leading prosecutor from service due to expiry of term of office

(1) Upon the expiry of the term of office of the Chief Public Prosecutor or a leading prosecutor, the Minister of Justice shall release him or her from office and shall appoint him or her as a public prosecutor, specialised prosecutor or district prosecutor without a public competition.

(2) The Chief Public Prosecutor and leading prosecutors may be reappointed to office for a new term of office.

(3) The Chief Public Prosecutor and leading prosecutors may be appointed to a position provided for in subsection (1) of this section or reappointed to office, with their written consent.

(4) If the Chief Public Prosecutor or a leading prosecutor does not consent to be appointed to a position provided for in subsection (1) of this section or if there is no vacant position of county or city prosecutor, he or she shall be released from service.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 51. (Repealed - 19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

Division 8

Engagement of Prosecutors in Performance of Administrative Duties or in Provision of Education in Institutions of Applied Higher Education for Public Defence

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

§ 52. Appointment of prosecutor to position on staff of Public Prosecutor's Office or Ministry of Justice

(1) The Chief Public Prosecutor may appoint a prosecutor, with his or her consent, to a position on the staff of the Public Prosecutor's Office in order to perform the duties relating to international judicial cooperation.

(2) After hearing the opinion of the Chief Public Prosecutor, the Minister of Justice may appoint a prosecutor, with his or her consent, to a position on the staff of the Ministry of Justice

in order to perform the duties of administration of prosecutor's offices or duties relating to international judicial cooperation.

(3) Upon appointing a prosecutor to a position on the staff of the Ministry of Justice, the prosecutor shall retain the benefits related to office prescribed in his or her current position.

(4) A prosecutor who has been employed in the Ministry of Justice on the bases specified in subsection (1) or (2) of this section for at least two years has the right to return to his or her previous position without a public competition. With the consent of the Chief Public Prosecutor, the prosecutor may return to his or her previous position without a public competition also earlier.

(5) The period of service in the Ministry of Justice or the Public Prosecutor's Office shall be included in the period of service of a prosecutor in the previous position.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 52¹. Engagement of prosecutors in provision of education in institutions of applied higher education for public defence

If a prosecutor is elected or employed as a teacher of an institution of applied higher education for public defence, the service relationship of the prosecutor in his or her position shall be suspended for the time of employment as a teacher. The time of employment as a teacher shall be included the period of service in the previous position. If the time of employment as a teacher is terminated, the prosecutor has the right to return to his or her previous position.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

§ 52². Engagement of prosecutors in activities of international organisation

(1) With the consent of the Chief Public Prosecutor, a prosecutor may be employed by an international organisation in a position relating to international judicial cooperation or administration of justice. The service relationship of the prosecutor in his or her position shall be suspended for the time of employment in the international organisation.

(2) Within four years after suspension of a service relationship, a prosecutor has the right to return to his or her previous position without a public competition.

(3) The period of service in an international organisation shall be included in the period of service of a prosecutor in the previous position.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

Chapter 5

Implementing Provisions

§ 53. Appointment of prosecutors to office

(1) Prosecutors who are in office on the date of entry into force of this Act shall be appointed by the Minister of Justice as follows:

- 1) a county or city prosecutor as a senior county or city prosecutor;
- 2) a deputy county or city prosecutor as a county or city prosecutor;
- 3) an assistant county or city prosecutor as a county or city prosecutor if he or she has completed an academic higher education in law specified in subsection 15 (1) of this Act;

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

4) an assistant county or city prosecutor as an assistant prosecutor if he or she does not meet the requirement specified in clause 3) of this subsection;

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

5) a prosecutor-designate as an assistant prosecutor.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(2) Assistant prosecutors appointed to office pursuant to clause (1) 4) of this section are not required to undergo a clerkship or probationary period. Assistant prosecutors appointed to office pursuant to clause (1) 5) of this section shall undergo a clerkship. The period of employment as a prosecutor-designate shall be included in the clerkship period.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3) The Government of the Republic shall appoint the Chief Public Prosecutor to office on the proposal of the Minister of Justice within one month after the entry into force of this Act.

Until the appointment of the Chief Public Prosecutor to office, his or her duties shall be

performed by the public prosecutor or acting public prosecutor who is in office on the date of entry into force of this Act.

(4) The Minister of Justice shall appoint public prosecutors to office on the basis of a public competition on the proposal of the evaluation committee within one year after the entry into force of this Act. Until the appointment of public prosecutors to office, the duties of public prosecutors shall be performed by the prosecutors who are in office in the Public Prosecutor's Office on the date of entry into force of this Act.

(5) If a deputy public prosecutor or a prosecutor of the Public Prosecutor's Office who is in office on the date of entry into force of this Act is not appointed as the Chief Public Prosecutor or a public prosecutor, the Minister of Justice shall transfer the prosecutor, with his or her consent, to a vacant position of prosecutor in a county or city prosecutor's office without a public competition. If a prosecutor does not give his or her consent, the Minister of Justice shall release him or her from service due to redundancy.

(6) The Minister of Justice shall appoint all the senior county and city prosecutors to office on the proposal of the prosecutors' competition and evaluation committee for the term provided for in subsection 17 (2) of this Act, within one year after the entry into force of this Act. If a current senior county or city prosecutor who was appointed to office pursuant to clause (1) 1) of this section is not appointed as a senior county or city prosecutor, the Minister of Justice shall transfer the prosecutor, with his or her consent, to a vacant position of prosecutor in a county or city prosecutor's office without a public competition. If a prosecutor does not give his or her consent, the Minister of Justice shall release him or her from service due to redundancy.

(11.02.99 entered into force 24.02.99 - RT I 1999, 18, 303)

(7) The Minister of Justice shall appoint prosecutors to the vacant positions of prosecutor in county and city prosecutor's offices on the basis of a public competition and on the proposal of the evaluation committee, within one year after the entry into force of this Act.

(8) Subsections 15 (3)–(5) of this Act do not apply to the appointments to office provided for in this section.

(9) The period of service of a prosecutor in a position of prosecutor prior to appointment to office pursuant to this section shall be included in his or her period of service in the new position within the meaning of § 15 of this Act.

§ 53¹. Appointment to office of county or city senior prosecutors and county or city prosecutors

(1) County or city senior prosecutors appointed to office prior to 1 March 2004 shall be appointed, upon expiry of their term of office, as senior prosecutors, specialised prosecutors or district prosecutors by the Chief Public Prosecutor.

(2) County or city prosecutors appointed to office prior to 1 March 2004 shall be appointed as district prosecutors by the Chief Public Prosecutor.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 53². Specifications for appointment to office of assistant prosecutors

(04.05.2005 entered into force 05.06.2005 - RT I 2005, 29, 212)

(1) The Chief Public Prosecutor shall appoint assistant prosecutors [*abiprokurör*] appointed to office before 1 April 2004 to office as assistant prosecutors [*prokuröri abi*].

(2) A person who is appointed as an assistant prosecutor pursuant to the procedure provided for in subsection (1) of this section shall continue a clerkship according to the procedure in force at the time when he or she was appointed as assistant prosecutor and the person shall be appointed as a district prosecutor without a public competition after passing the prosecutor's examination.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3) The limitation on the authorisation of assistant prosecutors provided for in subsection 7 (2) of this Act applies in court proceedings regarding criminal matters sent to court pursuant to the general procedure after 1 July 2004.

(04.05.2005 entered into force 05.06.2005 - RT I 2005, 29, 212)

§ 54. Prosecutor's salary in Public Prosecutor's Office

- (1) A public prosecutor or acting public prosecutor specified in the second sentence of subsection 53 (3) of this Act shall receive the salary of the Chief Public Prosecutor during the time he or she performs the duties of the Chief Public Prosecutor.
- (2) A deputy public prosecutor specified in the second sentence of subsection 53 (4) of this Act shall receive the salary of a prosecutor who directs a department of the Public Prosecutor's Office during the time he or she performs the duties of a public prosecutor.
- (3) The salary of a prosecutor of the Public Prosecutor's Office specified in the second sentence of subsection 53 (4) of this Act during the time he or she performs the duties of a public prosecutor shall be the salary rate specified in subsection 22 (1) multiplied by 1.15.

§ 54¹. Compensation of difference in wages

- (1) If a prosecutor's basic salary together with individual additional remuneration calculated on the basis of the salary conditions in force for the prosecutor's office as of 1 March 2004 is lower than his or her former salary, including additional remuneration paid for years of service, academic degree, proficiency in foreign languages and processing state secrets or classified media, the prosecutor shall be compensated for the difference in wages by way of additional payments to be made during one year after the transfer of the prosecutor's office to the new salary conditions.
- (2) The additional payments provided in subsection (1) of this section shall be made unless the prosecutor is transferred to another position with a different level of complexity.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 55. Convention of first Prosecutors' Assembly

- (1) The Chief Public Prosecutor shall convene the first Prosecutors' Assembly within one month after appointment to office.
- (2) The first Prosecutors' Assembly shall elect the members of the prosecutors' competition and evaluation committee and of the disciplinary committee from among the prosecutors.
- (3) As long as the representative body of judges has not elected a member of the prosecutors' competition and evaluation committee or the disciplinary committee from among the judges, the Board of the Association of Judges shall do so.

(4) The member of the disciplinary committee and the member of the prosecutors' competition and evaluation committee who are public prosecutors shall be elected after the appointment of public prosecutors to office.

§ 56. (Repealed - 19.04.2006 entered into force 25.05.2006 - RT I 2006, 21, 160)

§ 57. Specifications for application of subsection 15 (1) of this Act

Persons who have completed an academic higher education in law in a university in private law may be appointed as prosecutors if they have completed such higher education on the basis of an accredited curriculum.

§ 57¹. Specifications for application of subsection 17 (2) of this Act

(1) Within two years after 1 March 2004, senior prosecutors shall be appointed for office for a term of three years.

(2) Senior prosecutors appointed to office pursuant to the procedure provided in subsection (1) of this section shall be appointed, upon expiry of their term of office, as senior prosecutors, district prosecutors or specialised prosecutors by the Chief Public Prosecutor.

(28.01.2004 entered into force 01.03.2004 - RT I 2004, 7, 40)

§ 58. Specifications for application of § 22 of this Act

Within ten years after the entry into force of this Act, the Government of the Republic may increase the salary of prosecutors employed in some regions by up to one quarter.

§ 59. Specifications for application of §§ 25 and 26 of this Act

(1) Sections 25 and 26 of this Act apply in respect of persons who are employed as prosecutors on the date of entry into force of this Act or after the entry into force of this Act.

(2) The period of employment as a preliminary investigator of a Prosecutor's Office shall be included in the period of employment as a prosecutor.

(3) The first sentence of subsection 25 (6) of this Act applies to persons whose right to receive a prosecutor's old-age pension arises as of 1 July 2006.

§ 59¹. (Repealed - 06.06.2001 entered into force 30.06.2001 - RT I 2001, 53, 315)

§ 60. (Repealed - 14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167)

§ 61. Oath

Until 31 December 2000, persons applying for the position of prosecutor who have not yet taken an oath shall take a written oath.

§ 62. Amendments to Code of Enforcement Procedure

The Code of Enforcement Procedure (RT I 1993, 49, 693; 2002, 83, 489; 84, 492; 110, 654; 2003, 13, 64; 20, 116; 23, 142; 146; 26, 156; 31, 195; 83, 556; 88, 591) is amended as follows:

1) Section 8¹ is added to the Code and worded as follows:

§ 8¹. Supervision of legality in penal institutions

The supervision of legality in penal institutions shall be exercised by a prosecutor who has the right to:

- 1) monitor at any time and unconditionally compliance with the law in penal institutions and examine documents which are the basis for the imprisonment in a penal institution or taking into custody of a person;
- 2) release promptly a person who is in detention without legal basis;
- 3) question persons in penal institutions, and take oral and written explanations.”;
- 2) in subsections 141 (2) and (9) and subsection 142 (3), the word “public prosecutor” is substituted by the word “Chief Public Prosecutor” in the appropriate case form.

[§§ 63-65 omitted]⁴

§ 66. Repeal of Prosecutor’s Office Act

The Prosecutor’s Office Act (RT 1993, 11, 184; RT I 1994, 10, 134; 16, 290; 40, 654; 68, 1170; 1995, 16, 228; 1996, 89, 1590) is repealed.

§ 67. Entry into force of Act

- (1) This Act enters into force on the day following publication in the *Riigi Teataja*.
- (2) (Repealed - 12.02.2003 entered into force 21.03.2003 - RT I 2003, 26, 159)
- (3) Prosecutors of the county and city prosecutor's offices shall begin to perform the duties which before the entry into force of this Act were performed by the prosecutors who were employed by the Public Prosecutor's Office, within one year after the entry into force of this Act.

¹ RT = *Riigi Teataja* = *State Gazette*

² Riigikogu = the parliament of Estonia

³ *Riigi Teatja Lisa* = *Appendix to the State Gazette*

⁴ Omitted sections amend other legislation

⁵ *Ametlikud Teadaanded* = *Official Notices*