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Emergency Act

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Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act provides for the legal bases for crisis management, including preparing for and resolving an emergency as well as ensuring the continuity of vital services. This Act also governs the declaration, resolution and termination of an emergency situation, the involvement of the Defence Forces and the Defence League in resolving an emergency that has led to the declaration of an emergency situation, and state supervision and liability.

(2) This Act is applied during a state of emergency, increased defence readiness and a state of war insofar as not otherwise provided by the State of Emergency Act and the National Defence Act.

(3) This Act does not govern preparing for combating a threat to national security or the constitutional order.

(4) The competence and powers, provided for in other legislation, of state and local government authorities (hereinafter *authority*) and persons also apply upon preparing for and resolving an emergency, unless otherwise provided by this Act.

(5) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking into account the specifications provided for in this Act.

§ 2. Definitions

(1) An emergency is an event or a chain of events or an interruption of a vital service which endangers the life or health of many people, causes major proprietary damage, major environmental damage or severe and extensive interferences with the continuity of vital services and resolution of which requires the prompt coordinated activities of several authorities or persons involved by them, the application of a command organisation different from usual and the involvement of more persons and means than usual.

(2) A risk of an emergency is a situation where on the basis of an objective assessment of the circumstances it may be considered likely that an event or a chain of events or an interference with a vital service may escalate into an emergency in the near future.

(3) For the purposes of this Act, crisis management is a system of measures which includes preventing, preparing for and resolving an emergency.

(4) A vital service is a service that has an overwhelming impact on the functioning of society and the interruption of which is an immediate threat to the life or health of people or to the operation of another vital

service or service of general interest. A vital service is regarded in its entirety together with a building, piece of equipment, staff, reserves and other similar facilities indispensable to the operation of the vital service.

(5) The continuity of a vital service is the capability of the provider of the vital service to ensure continuous operation and to restore continuous operation after an interruption of the vital service.

§ 3. Principles of crisis management

(1) Every authority and person is liable for the performance of crisis management duties in their area of activity.

(2) Every authority and person shall also perform duties related to their principal activities during an emergency and an emergency situation, unless otherwise provided by this Act or other legislation.

(3) Crisis management duties are performed according to the principle of subsidiarity at the lowest possible required level.

(4) In preventing, preparing for and resolving emergencies, authorities and persons shall cooperate and assist one another.

Chapter 2 Organisation of Crisis Management

§ 4. Crisis Management Committee of the Government of the Republic

(1) The Government of the Republic forms a permanent Crisis Management Committee of the Government of the Republic.

(2) The Crisis Management Committee of the Government of the Republic:

- 1) coordinates the performance of the crisis management duties of authorities of executive power, where necessary imposes on them duties for preventing and preparing for emergencies and monitors the performance of duties imposed;
- 2) performs other duties arising from legislation and its statutes.

(3) The composition, management, duties and rules of procedure of the Crisis Management Committee of the Government of the Republic are provided for in its statutes established by a regulation of the Government of the Republic.

§ 5. Regional crisis management committee

(1) The minister responsible for the coordination of crisis management forms four permanent regional crisis management committees.

(2) A regional crisis management committee:

- 1) coordinates, in the region, the performance of crisis management duties of regional structural units of authorities of executive power and local authorities;
- 2) forms a permanent or ad hoc territorial or field subcommittee, if necessary;
- 3) performs other duties arising from the law and its statutes.

(3) The composition, management, duties and rules of procedure of a regional crisis management committee are provided for in its statutes established by a regulation of the minister responsible for the coordination of crisis management.

§ 6. Crisis management committee of local authority

(1) A rural municipality or city government forms a permanent crisis management committee of the local authority in the territory of the local authority.

(2) A rural municipality or city government may form a joint crisis management committee with one or several local authorities.

(3) A crisis management committee of local authority:

- 1) coordinates crisis management within the local authority;
- 2) submits to the regional crisis management committee annual summaries of the activities of the crisis management committee of the local authority and the schedule of work for next year;
- 3) performs other duties arising from the law and its statutes.

(4) The chairman of a crisis management committee of local authority is the rural municipality mayor or the city mayor who approves the composition of the crisis management committee.

(5) The duties and rules of procedure of a crisis management committee of local authority are provided for in its statutes which are established by the rural municipality or city government.

(6) The crisis management committees of local authorities obtain the approval of the Rescue Board for the draft statutes referred to in subsection (5) of this section.

§ 7. Duties of the Ministry of the Interior in coordinating crisis management

For the purpose of coordinating the field of crisis management, the Ministry of the Interior:

- 1) develops the national crisis management policy and plans its execution;
- 2) counsels authorities and guides their activities in the organisation of crisis management;
- 3) under § 45 of this Act, supervises the performance of duties imposed on authorities by this Act and draws up and presents to the Government of the Republic overviews of the performance of duties status;
- 4) organises the work of the Crisis Management Committee of the Government of the Republic;
- 5) performs other crisis management duties arising from legislation.

§ 8. Duties of Ministries in organising crisis management

Ministries organise crisis management in their area of government.

Chapter 3 Preventing, Preparing for and Resolving Emergencies

§ 9. Emergency risk assessment

(1) The Government of the Republic establishes by a regulation a list of events that could lead to an emergency and that are subject to a risk assessment and designates the authorities in charge of preparing an emergency risk assessment.

(2) An emergency risk assessment is a document in which the probability and consequences of an emergency are assessed and proposals for preventing an emergency are made.

(3) The requirements for an emergency risk assessment and the procedure for the preparation of a risk assessment are established by a regulation of the minister responsible for the coordination of crisis management.

(4) The relevant Ministry decides which of the proposals referred to in subsection (2) of this section need to be applied and takes the activities necessary for preventing an emergency into account in planning the activities within the Ministry's area of government.

(5) If for the performance of their crisis management duties an authority or a local authority analyses risks not listed in the regulation established under subsection (1) of this section, the risk assessment need not be based on the requirements provided for in this section.

§ 10. Risk communication

(1) Risk communication is organised for raising public awareness and increasing readiness for emergencies.

(2) Risk communication means notifying the public of threats that could lead to an emergency and of the consequences of an emergency and giving people conduct instructions to raise awareness of and increase readiness for emergencies.

(3) The Government of the Republic establishes by a regulation a list of those emergencies for which risk communication is organised and designates the authorities responsible for the organisation thereof.

(4) Risk communication for an emergency caused by an interruption with severe consequences or prolonged interruption of a vital service is organised by the authority organising the continuity of the vital service.

§ 11. State's operation stock

(1) The state's operation stock is formed for resolving an emergency on the basis of the emergency risk assessment and the emergency response plan.

(2) For the purposes of this Act, the state's operation stock means the state's resources or resources ensured by contracts for resolving an emergency.

(3) The establishment of the state's operation stock, the person establishing the stock, the purpose, manner and funding of the establishment of the stock as well as the person exercising supervision over the preservation, use and renewal of the stock are decided by an order of the Government of the Republic.

(4) The person establishing the state's operation stock is liable for the preservation, use, audit and renewal of the stock, including replenishment and the organisation of reporting.

§ 12. Reporting of emergency

(1) A natural person is required to immediately call the emergency phone number 112 to report an emergency or a risk of an emergency that has come to their attention, unless there is reason to believe that the authority competent to resolve the emergency has already been informed.

(2) The authority referred to in § 14 (1) of this Act informs the public of an emergency and a risk and resolution thereof and organises interdepartmental exchange of information.

(3) The requirements and the procedure for the performance of the obligations provided for in subsection (2) of this section are established under § 14 (5) of this Act.

§ 13. Obligations of possessor of media and electronic communications undertaking upon informing of emergency

On the basis of existing technological solutions, the Government of the Republic, persons in charge of emergency situation, persons in charge of emergency situation work and authorities referred to in § 14 (1) of this Act may require a possessor of the media and an electronic communications undertaking to announce or communicate, in unaltered form and free of charge, notices concerning a risk of an emergency, an emergency and the resolution thereof, including notices concerning the declaration, alteration or termination of an emergency situation as well as conduct instructions. A notice shall be announced without delay or at the time determined by the person who presented the notice.

§ 14. Coordination of resolution of emergency and cooperation

(1) The resolution of an emergency is coordinated by the following authorities (hereinafter *authority coordinating the resolution of an emergency*):

- 1) an authority of executive power designated by the Government of the Republic or
- 2) an authority organising the continuity of a vital service if an emergency was caused by an interruption with severe consequences or prolonged interruption of the vital service.

(2) The authority of executive power coordinating the resolution of an emergency referred to in § 15 (3) of this Act is designated by a regulation of the Government of the Republic.

(3) The authority coordinating the resolution of an emergency decides whether the situation constitutes an emergency. If the emergency was caused by an interruption with severe consequences or prolonged interruption of a vital service, it is determined whether the situation is an emergency according to a regulation established under § 37 (2) of this Act.

(4) The authority coordinating the resolution of an emergency coordinates the resolution of an emergency according to the provisions of legislation and the emergency response plan.

(5) The requirements and the procedure for coordinating the resolution of an emergency, cooperation between authorities and persons involved in the resolution, informing the public, interdepartmental exchange of information and mass evacuation are established by a regulation of the Government of the Republic.

(6) If necessary, the crisis management committee of local authority assists the authorities resolving an emergency in organising exchange of information and resolving the emergency.

§ 15. Emergency response plan

(1) An emergency response plan is drawn up for resolving an emergency.

(2) An emergency response plan is a cooperation agreement by which the authority coordinating the resolution of an emergency and an authority or person involved in resolving the emergency agree upon the organisation of resolution of the emergency.

(3) The Government of the Republic establishes by a regulation a list of emergencies concerning which a response plan is prepared and designates the authority in charge of the preparation of the emergency response plan.

(4) In addition to that provided for in subsection (3) of this section, an emergency response plan is prepared by an authority organising the continuity of a vital service for resolving an emergency caused by an interruption with severe consequences or prolonged interruption of the vital service.

(5) Emergency response plans are approved by the relevant Ministry and the Ministry of the Interior. The local authority referred to in §36 (4) of this Act obtains the approval of the Rescue Board for the emergency response plan.

(6) The Ministry or the Rescue Board does not approve an emergency response plan if the plan does not meet the requirements, is not in compliance with the actual circumstances or does not allow a sufficiently quick and successful resolution of the emergency.

(7) The authority in charge of the preparation of an emergency response plan and an authority involved in its preparation have the right to information necessary for preparing the plan from other authorities and persons.

(8) The requirements for an emergency response plan and the procedure for the preparation thereof are established by a regulation of the minister responsible for the coordination of crisis management.

§ 16. Organisation of mass evacuation

(1) Mass evacuation is decided by an authority or person within their competence on the bases and pursuant to the procedure provided for in § 26 or § 44 of the Law Enforcement Act or in the situation provided for in § 31 (1) of this Act.

(2) For the purposes of this Act, mass evacuation means the temporary relocation of people from the endangered area to a safe location in the event of an emergency or a risk thereof under subsection (1) of this section.

(3) Mass evacuation is organised by the Police and Border Guard Board.

(4) The local authority assists in the evacuation of persons and in providing accommodation and food for the evacuees.

(5) In the performance of the function provided for in subsection (3) of this section the Police and Border Guard Board may apply the special measures of state supervision provided for in §§ 30, 32, 35 and 45–52 of the Law Enforcement Act on the bases and pursuant to the procedure provided for in the Law Enforcement Act.

(6) The requirements and the procedure for mass evacuation are established under § 14 (5) of this Act.

§ 17. Combating threat of emergency

§§ 14 and 16 of this Act and the provisions of the regulation established under § 14 (5) of this Act also apply to a threat of an emergency.

§ 18. Crisis management exercises

(1) Crisis management exercises (hereinafter *exercises*) are organised to check the capability to resolve an emergency or to practice it and generally all competent authorities participate in the exercises.

(2) The authority coordinating the resolution of an emergency organises exercises at least once every two years.

(3) At least once every four years the Ministry of the Interior organises an exercise for resolving two or more emergencies or an emergency that has led to the declaration of an emergency situation.

(4) The requirements set for the conduct of exercises and for the organisation of exercises are established by a regulation of the minister responsible for the coordination of crisis management.

(5) The expenses related to organising exercises are covered from the budget of the authority organising the exercises. The expenses of participating in the exercises incurred by authorities involved in the exercises are covered from the budgets of those authorities, unless agreed otherwise.

Chapter 4 Emergency Situation

Division 1

Declaration and Termination of Emergency Situation and Entry into Force and Publication of Legislation

§ 19. Basis and conditions of declaration of emergency situation

(1) The Government of the Republic may declare an emergency situation for resolving an emergency caused by a natural disaster, catastrophe or spread of a communicable disease if it is not possible to resolve the emergency without implementing the command organisation or measures provided for in this Chapter.

(2) For the purposes of this Act, a catastrophe means, above all, a large-scale accident or emergency or another incident with a similar effect caused by human activity, including an interruption with severe consequences or prolonged interruption of a vital service.

(3) A communicable disease is construed within the meaning of the Communicable Diseases Prevention and Control Act and the Infectious Animal Disease Control Act.

§ 20. Declaration of emergency situation

The Government of the Republic declares an emergency situation in the entire country or in the territory of one or several counties or local governments (hereinafter *emergency situation zone*).

§ 21. Order of the Government of the Republic regarding declaration of emergency situation

(1) An order of the Government of the Republic on the declaration of an emergency situation provides for:

- 1) the declaration of an emergency situation;
- 2) the reason for declaring an emergency situation;
- 3) the emergency situation zone;
- 4) the person in charge of emergency situation;
- 5) other important circumstances.

(2) The Government of the Republic may decide by an order to change the circumstances of an emergency situation provided for in clauses (1) 3) through 5) of this section. A change in the circumstances of an emergency situation is not deemed to be a declaration of a new emergency situation.

§ 22. Termination of emergency situation

The Government of the Republic decides the termination of an emergency situation after it is no longer necessary to implement the command organisation or measures provided for in this Chapter to resolve an emergency that has led to the declaration of an emergency situation.

§ 23. Entry into force and publication of legislation related to declaration and termination of emergency situation, changing circumstances of emergency situation and resolving emergency that has led to declaration of emergency situation

(1) An administrative act of the Government of the Republic on resolving an emergency that has led to the declaration of an emergency situation enters into force upon its announcement to the person directly carrying it out or upon its publication in national media, unless the legal instrument provides for a different time or procedure. This legal instrument is also published in Riigi Teataja.

(2) An order of the Government of the Republic on the declaration and termination of an emergency situation and on changing the circumstances of an emergency situation is published unaltered as follows, unless the legal instrument provides for a different time or procedure:

- 1) in Riigi Teataja no later than on the day following its presentation for publication;
- 2) in national media without delay.

Division 2 Coordination of Resolution of Emergency That Has Led to Declaration of Emergency Situation and Emergency Situation Work

§ 24. Person in charge of emergency situation

(1) Upon declaring an emergency situation, the Government of the Republic appoints a minister who will direct and coordinate the resolution of the emergency that has led to the declaration of the emergency situation (hereinafter the *person in charge of emergency situation*).

(2) For resolving an emergency that has led to the declaration of an emergency situation, the person in charge of emergency situation has the right to issue orders to the person in charge of emergency situation work, authorities and other persons fulfilling public administration duties, taking into account the competence and powers of these authorities and persons.

(3) The person in charge of emergency situation is subordinate and accountable to the Government of the Republic.

(4) The crisis management committee of local authority assists, if necessary, the person in charge of emergency situation in resolving an emergency that has led to the declaration of an emergency situation and in organisation of exchange of information and performs duties assigned by the person in charge of emergency situation.

(5) The person in charge of emergency situation issues, within their competence, orders in the form of administrative acts.

(6) If an emergency situation exists at the same time as a state of emergency, the person in charge of emergency situation is subordinate to the person in charge of state of emergency. If an emergency situation exists at the same time as increased defence readiness or a state of war, the person in charge of emergency situation is subordinate to the Prime Minister.

§ 25. Emergency situation work and person in charge of emergency situation work

(1) Emergency situation work means work for resolving an emergency that has led to the declaration of an emergency situation, including work for the provision of assistance to victims and persons in need of assistance as well as work for carrying out mass evacuation.

(2) The person in charge of emergency situation appoints one or several persons in charge of emergency situation work who shall direct the performance of emergency situation work in the emergency situation zone, coordinate ensuring of public order and road safety, and fulfil other duties given by the person in charge of emergency situation.

(3) In the fulfilment of their duties, the persons in charge of emergency situation work are subordinate to the person in charge of emergency situation.

(4) The persons in charge of emergency situation work issue, within their competence, orders in the form of administrative acts.

(5) The person in charge of emergency situation work is liable for the safety of the work performed under their leadership for resolving an emergency that has led to the declaration of an emergency situation and, if possible, ensures the implementation of measures for the preservation and protection of the nature and objects protected under heritage conservation.

Division 3 Measures Implemented During Emergency Situation

§ 26. Obligation to work

(1) During an emergency situation, the person in charge of emergency situation, the person in charge of emergency situation work and other officials appointed by the person in charge of emergency situation may obligate a natural person to perform emergency situation work if competent authorities or persons involved by them on a voluntary basis are unable to perform it or are unable to perform it in a timely manner.

(2) The obligation to work may be imposed on a natural person if they are at least 18 years of age and capable of performing the work by their knowledge, skills and state of health.

(3) The obligation to work ends at the time determined by the person in charge of emergency situation, the person in charge of emergency situation work or other official appointed by the person in charge of emergency situation, but no later than upon the termination of the emergency situation. A person may be required to perform the obligation to work for no longer than 48 hours.

(4) A natural person required to work must be ensured at least six hours of rest per 24 hours, whereas four hours of rest must be uninterrupted.

(5) The following are not obligated to perform emergency situation work:

- 1) a person with a moderate, severe or profound disability and their caregiver;
- 2) a person with no work ability;

- 3) a pregnant woman;
- 4) a person raising a child with a moderate, severe or profound disability;
- 5) one parent or caregiver of a child under 12 years of age;
- 6) a female person under 35 years of age if the work is performed in the area of ionising radiation hazard;
- 7) a military serviceman;
- 8) a person in a post or employment with national defence work obligation if they are performing national defence work obligation.

§ 27. Expropriation of movable property

(1) The person in charge of emergency situation or the person in charge of emergency situation work may decide the expropriation of fuel, food, medicinal products or other consumable movable property into state ownership if the item is strictly necessary for performing emergency situation work and there are no other alternatives for its timely acquisition or such alternatives would be unreasonably burdensome.

(2) Money or a person's property against which a claim for payment cannot be made in enforcement proceedings is not expropriated pursuant to the procedure provided for in this section.

§ 28. Duty to grant use of item

(1) The person in charge of emergency situation or the person in charge of emergency situation work may decide the imposition of the duty to grant use of an immovable property or part thereof, a building, vehicle, machinery, piece of equipment or other movable property not specified in § 27 of this Act if using the item is strictly necessary for performing emergency situation work and there are no other alternatives for the timely use of the item or such alternatives would be unreasonably burdensome.

(2) The duty to grant use of an item ends at the time determined by the person in charge of emergency situation or the person in charge of emergency situation work, but no later than upon the termination of the emergency situation.

§ 29. Expropriation of item and duty to grant use of item and payment of compensation

(1) An item is expropriated or the duty to grant use of an item is imposed by an official appointed by the person in charge of emergency situation or the person in charge of emergency situation work.

(2) The person in charge of emergency situation, the person in charge of emergency situation work or the official performing the expropriation of an item may require the owner or possessor of the item which is expropriated or with regard to which the duty to grant use of is imposed to deliver the movable property to the location determined for the transfer thereof.

(3) A report concerning the expropriation of an item or the duty to grant use of an item is prepared in two copies. One copy of the report is given to the owner or possessor of the item.

(4) The state pays a person fair compensation for the expropriation of their item or duty to grant use of their item during an emergency situation.

(5) The procedure for the calculation and payment of compensation for the expropriation of an item or duty to grant use of an item during an emergency situation is established by a regulation of the Government of the Republic.

§ 30. Performance of emergency situation work on premises

The person in charge of emergency situation and the person in charge of emergency situation work may decide the performance of emergency situation work in an emergency situation zone on immovable property or in a building or room without the consent of the possessor thereof, including the performance of demolition work, cutting down trees and blocking water bodies, if this is necessary for resolving an emergency that has led to the declaration of an emergency situation.

§ 31. Prohibition on stay and other restrictions on freedom of movement

(1) The Government of the Republic, the person in charge of emergency situation, the person in charge of emergency situation work or an official appointed by the person in charge of emergency situation may require a person to leave the emergency situation zone or part thereof and prohibit the person from staying in the emergency situation zone or part thereof if this is necessary for resolving an emergency that has led to the declaration of an emergency situation (hereinafter *prohibition on stay*). If possible, a person's access to their dwelling or place of work is maintained.

(2) If a prohibition on stay is imposed on an indefinite number of persons as a general order, the person who decided the application of the prohibition on stay shall ensure the designation of the location of the prohibition on stay in a comprehensible manner. Information regarding a prohibition on stay imposed on an indefinite number of persons and covering an area larger than 1 square kilometre shall be immediately published in the media.

(3) The Government of the Republic or the person in charge of emergency situation may impose by an order restrictions on the freedom of movement not specified in subsection (1) of this section in an emergency situation zone if this is necessary for resolving an emergency that has led to the declaration of an emergency situation.

(4) The prohibition on stay specified in subsection (1) of this section, the restriction on the freedom of movement specified in subsection (3) of this section and other restrictions on the freedom of movement remain in force until the time specified in the relevant order but for no longer than until the termination of the emergency situation.

§ 32. Restrictions on holding public meetings and public events

(1) The Government of the Republic or the person in charge of emergency situation may restrict by an order the holding of public meetings and public events in an emergency situation zone or prohibit the holding thereof in an emergency situation zone if it is strictly necessary for resolving an emergency that has led to the declaration of an emergency situation.

(2) An order specified in subsection (1) of this section remains in force until the time prescribed therein but for no longer than until the termination of the emergency situation.

§ 33. Precept and application of administrative coercive measures

(1) The person in charge of emergency situation and the person in charge of emergency situation work have the right to impose by a precept on a provider of a vital service the obligation to provide the vital service in the manner and to the extent set out in the precept if this is necessary for resolving an emergency that has led to the declaration of an emergency situation.

(2) During an emergency situation, the person in charge of emergency situation has the right to impose by a precept on a communications undertaking the obligation to restrict the provision of communications services to the end user or the end user's access to a communications network if this is necessary for resolving an emergency that has led to the declaration of an emergency situation.

(3) If the provider of a vital service does not comply with the precept referred to in subsection (1) of this section in a timely manner or the communications undertaking does not comply with the precept referred to in subsection (2) of this section, the compliance with the precept may be imposed by the measures and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment for each imposition thereof is 9600 euros.

Division 4 Involvement of Defence Forces and Defence League in Resolution of Emergency That Has Led to Declaration of Emergency Situation

§ 34. Involvement of Defence Forces and Defence League

(1) In resolving an emergency that has led to the declaration of an emergency situation, the Defence Forces and the Defence League may be involved in the performance of the following duties:

- 1) performance of emergency situation work;
- 2) regulation of traffic during an emergency situation and ensuring of safety in an emergency situation zone.

(2) The procedure for the involvement of the Defence Forces and the Defence League in the performance of the duty specified in clause (1) 1) of this section is established by a regulation of the Government of the Republic.

(3) The involvement of the Defence Forces or the Defence League in the performance of the duty specified in clause (1) 2) of this section is decided by the Government of the Republic by an order with the approval of the President of the Republic.

(4) A proposal to involve the Defence Forces or the Defence League in the performance of the duty specified in clause (1) 2) of this section is made to the Government of the Republic by the minister responsible for the coordination of crisis management. The proposal shall be approved beforehand by the minister responsible for organisation of national defence.

(5) The Defence Forces and the Defence League may be involved in the performance of the duty specified in clause (1) 2) of this section until the termination of the emergency situation.

(6) The Defence Forces or the Defence League may be involved in the performance of the duties specified in subsection (1) of this section only if the relevant authority is unable to perform the duties or is unable to perform the duties in a timely manner and there are no other means for performing the duties.

(7) An order issued under subsection (3) of this section shall set out:

- 1) the duty in the performance of which the Defence Forces or the Defence League is involved;
- 2) the number or maximum number of military servicemen or active members of the Defence League participating in the performance of the duty;
- 3) the term of involvement of the Defence Forces or the Defence League;
- 4) the territory where the Defence Forces or the Defence League shall perform their duty;
- 5) the official to whom the commander of the military servicemen or active members of the Defence League participating in the performance of the duty is subordinated;
- 6) if necessary, other information.

§ 35. Procedure for involvement of Defence Forces and Defence League

(1) An order issued under § 34 (3) of this Act shall be immediately submitted to the Commander of the Defence Forces or the Commander of the Defence League who shall subordinate the military servicemen or active members of the Defence League participating in the performance of the duties specified in § 34 (1) of this Act through their commander to the official appointed by the Government of the Republic.

(2) The Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of an order issued under § 34 (3) of this Act.

(3) In the performance of the duty specified in § 34 (1) 2) of this Act, the uniform of military servicemen and active members of the Defence League and the designation of vehicles of the Defence Forces and the Defence League are subject to § 16²(3) of the Law Enforcement Act and the regulation established on the basis of § 16²(4) of the Law Enforcement Act.

(4) In the performance of the duty specified in § 34 (1) 2) of this Act, a military serviceman and an active member of the Defence League may apply direct coercion on the bases and pursuant to the procedure prescribed for the police in Chapter 5 of the Law Enforcement Act.

(5) Only military servicemen and active members of the Defence League who have completed the training necessary for the performance of the duty specified in § 34 (1) 2) of this Act may be involved in the performance of said duty.

Chapter 5 Organisation of Continuity of Vital Services

§ 36. List of vital services and authorities organising continuity thereof

(1) The Ministry of Economic Affairs and Communications shall organise the continuity of the following vital services:

- 1) electricity supply;
- 2) natural gas supply;
- 3) liquid fuel supply;
- 4) ensuring the operability of national roads;
- 5) phone service;
- 6) mobile phone service;
- 7) data transmission service;
- 8) digital identification and digital signing.

(2) The Ministry of Social Affairs shall organise the continuity of emergency care for the purposes of the Health Services Organisation Act.

(3) The Bank of Estonia shall organise the continuity of the following vital services:

- 1) payment services;
- 2) cash circulation.

(4) Local authorities who organise services provided by a provider of a vital service and on whose territory lives over 10,000 residents organise in their administrative territory the continuity of the following vital services:

- 1) district heating;
- 2) ensuring the operability of local roads;
- 3) water supply and sewerage.

§ 37. Obligations of authorities organising continuity of vital services

(1) The authorities organising the continuity of vital services:

- 1) coordinate the ensuring of the continuity of the vital service, considering the risk dependency of vital services;
- 2) advise providers of vital services;
- 3) exercise supervision over ensuring the continuity of vital services, including over the implementation of measures that prevent interruptions of vital services;
- 4) approve the continuity risk analyses and plans of providers of vital services according to § 40 of this Act;
- 5) coordinate the resolution of an emergency, prepare an emergency response plan and organise risk communication and crisis management exercises according to Chapter 3 of this Act.

(2) The description and the requirements for the continuity of a vital service are established by the head of the authority organising the continuity of the vital service or a body of the respective local authority by a regulation.

(3) A regulation established under subsection (2) of this section shall provide for:

- 1) the description of the service, meaning to which part of the service the requirements for the continuity of vital services apply;
- 2) requirements for the level of service and also for the readiness to provide services during an interruption of other vital services and in an emergency or in another similar situation;
- 3) requirements for the prevention of interruptions of vital services;
- 4) the time permitted for an interruption of vital services, the organisation of restoration of vital services and, if necessary, restoration priorities;
- 5) if necessary, requirements for outsourcing services in support of the principal activities of the provider of a vital service;
- 6) the conditions which constitute an emergency caused by an extensive interruption or an interruption with severe consequences of a vital service if the resolution of the emergency is organised by the authority organising the continuity of the vital service;
- 7) the organisation of reporting of an emergency or a risk thereof;
- 8) other significant requirements for ensuring the continuity of the vital service.

(4) The requirements referred to in clause (3) 2) of this section include, above all, the following:

- 1) which processes, buildings, equipment, other means and staff are required to ensure the provision of the service during an emergency or another similar situation and, if necessary, to satisfy the increased need for the service during such time;
- 2) which important measures must be applied by the provider of the vital service to reduce the dependency of its services on important vital services, suppliers and other contract partners.

(5) The duties specified in clauses (1) 2) through 5) of this section may be performed by a Board or Inspectorate appointed by and within the area of government of an authority referred to in § 36 (1) and (2) of this Act or by an authority appointed by a local authority specified in § 36 (4) of this Act.

§ 38. Appointment of provider of vital service and obligations thereof

(1) A provider of a vital service is a legal person whose competence includes the fulfilment of a public administration duty defined as a vital service in § 36 of this Act or a person operating as an undertaking providing a vital service in the case specified in subsection (2) of this section.

(1¹) The Register of Civil Assets shall keep accounts over providers of vital services.
[RT I, 03.04.2018, 1 - entry into force 01.07.2018]

(2) The conditions in case of fulfilment of which a person operating as an undertaking is considered a provider of a vital service are determined by law.

(3) A provider of a vital service is required to:

- 1) prepare the continuity risk assessment and plan of the vital service provided thereby according to §§ 39 and 40 of this Act;
- 2) implement measures that prevent interruptions of the vital service, including reduce the dependency on other vital services, essential contract partners, suppliers and information systems through duplicating technical systems, contracts, staff and other means important to the provision of the service, using alternative solutions, having and stocking necessary resources and other similar actions;
- 3) ensure the capability to guarantee the continuity of and to quickly restore the service provided thereby during an emergency or another similar situation, including in the event of a technical failure or an interruption of the supply or another vital service;
- 4) immediately notify the authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act of an interruption of the vital service, a risk of an interruption, an event significantly interfering with the continuity of the vital service or an impending risk of such an event;
- 5) participate in resolving an emergency according to the emergency response plan;
- 6) provide the authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act with information on the provision of the vital service at the request thereof;

7) organise exercises in order to verify the continuity of the vital service provided thereby at least once every two years;

8) perform other obligations provided by legislation for ensuring the continuity of the vital service.

§ 39. Continuity risk assessment and plan of vital service

(1) The provider of a vital service prepares a continuity risk assessment and plan for planning the ensuring of the continuity of the vital service, for risk assessment and for restoring the continuity (hereinafter *continuity risk assessment and plan*).

(2) A continuity risk assessment of a vital service describes the risks causing an interruption of the service, the probability of the risks, the consequences of an interruption and other significant circumstances.

(3) A continuity plan of a vital service describes the measures to be taken to restore the service in case of an interruption of the vital service and to alleviate the consequences of an interruption as well as other significant circumstances.

(4) If a vital service is provided by several providers of the vital service, they may prepare a joint continuity risk assessment and plan under the guidance of the authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act.

(5) The requirements for the continuity risk assessment and plan and the requirements and the procedure for preparing the risk assessment and the plan and for implementing the plan shall be established by a regulation of the minister responsible for the coordination of crisis management.

§ 40. Approval of continuity risk assessment and plan of vital service

(1) The provider of a vital service submits the continuity risk assessment and plan for approval to the authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act.

(2) The authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act verifies the compliance of the continuity risk assessment and plan with the requirements provided by law and approves the continuity risk assessment and plan within 30 days after receiving the continuity risk assessment and plan.

(3) The authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act may extend the deadline for the approval of the continuity risk assessment and plan by 30 days with good reason.

(4) The authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act sends the continuity plan to an authority who will be involved or probably involved in the restoration of the vital service in case of an interruption of the service for obtaining the opinion of that authority. The Bank of Estonia sends the continuity risk assessment and plan of the provider of the vital services referred to in § 36 (3) of this Act to the Financial Supervision Authority for giving an opinion.

(5) The authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act does not approve a continuity risk assessment and plan if the filed documents do not meet the requirements, the descriptions and assessments in the documents are insufficient, they do not comply with actual circumstances or on the basis of the documents it is not possible to sufficiently ensure the continuity of the vital service.

(6) The authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act sends the continuity risk assessment and plan to the Ministry of the Interior for its information if the Ministry of the Interior needs it for the performance of its functions. The Ministry of the Interior has the right to receive details about the information presented in the continuity risk assessment and plan.

(7) Authorities and persons shall keep information given to them confidential, concerning which the provider of a vital service has informed that it constitutes a business secret.

(8) The authority organising the continuity of the vital service or an authority appointed under § 37 (5) of this Act sends the continuity risk assessment or its changes before approval to the Ministry of Defence for coordination.

[RT I, 03.04.2018, 1 - entry into force 01.07.2018]

(9) If any changes are made in the continuity risk assessment of the vital service or its changes after being coordinated with the Ministry of Defence, the approved continuity risk assessment or its changes are sent to the Ministry of Defence for its information.

[RT I, 03.04.2018, 1 - entry into force 01.07.2018]

§ 41. Ensuring electronic security of provision of vital service

(1) A provider of a vital service shall comply with the requirements provided by and on the basis of §§ 7 and 8 of the Cybersecurity Act to ensure the security of the network and information system used for the provision of the vital service.

[RT I, 22.05.2018, 1 - entry into force 23.05.2018]

(2) If information systems ensuring the operation of a vital service are located in a foreign country, the provider of the vital service is also required to ensure the continuity of the vital service in a manner and by means not dependent on information systems located in foreign countries.

(3) [Repealed -RT I, 22.05.2018, 1 - entry into force 23.05.2018]

(4) [Repealed -RT I, 22.05.2018, 1 - entry into force 01.01.2020]

Chapter 6 Compensation for Damage Caused During Emergency Situation and Social Guarantees of Natural Persons

§ 42. Specifications of compensation for damage caused during emergency situation

The state does not compensate for:

- 1) the expenses of a natural person at fault for an emergency that has led to the declaration of an emergency situation;
- 2) the value of substances and materials which belonged to their owner if such substances and materials were used in the owner's interests;
- 3) damage caused by the work referred to in § 30 of this Act.

§ 43. Remuneration of natural person required to perform emergency situation work

(1) The state pays a natural person required to work under § 26 of this Act (hereinafter *person required to perform emergency situation work*) relief for the amount of time worked.

(2) The extent of and procedure for the payment of relief to a person required to perform emergency situation work are established by a regulation of the Government of the Republic.

(3) Subsection (1) of this section is not applied if the employer continues to pay an employee or official their current wages while they are required to perform emergency situation work.

§ 44. Social guarantees of person required to perform emergency situation work

(1) The employer may not cancel an employment contract with an employee or terminate a service relationship with an official for the reason that the employee or official is required to perform emergency situation work.

(2) If a person required to perform emergency situation work is killed due to such work or dies as a result of an injury suffered in such work, the state pays the persons who were maintained by them under the Family Law Act compensation to a total amount equal to ten years' wages or salary of the person.

(3) For conducting the funeral of a person who has been killed due to emergency situation work or who has died as a result of an injury suffered in emergency situation work, the state pays a benefit to the person who organised the funeral to compensate for expenses incurred. A benefit is paid to compensate for expenses incurred for the transport, cremation or burial and a funeral service of the deceased.

[RT I, 28.12.2017, 8 - entry into force 01.01.2018]

(4) If it is established under the Work Ability Allowance Act that a person required to perform emergency situation work has partial or no work ability as a result of an injury suffered in emergency situation work or an illness developed due to the work, the state pays them compensation based on the level of their work ability established in the first assessment of their work ability by the Estonian Unemployment Insurance Fund as follows:

- 1) in case of partial work ability – their two years' wages or salary;
- 2) in case of no work ability – their seven years' wages or salary.

(5) If necessary, the relation referred to in subsection (4) of this section between a person's level of work ability and injury suffered or illness developed as a result of the performance of duties during emergency situation work

is established by the Estonian National Social Insurance Board pursuant to the procedure provided for in § 49¹ of the Civil Service Act.

(6) Benefit is calculated on the basis of the person's average wages calculated under the Employment Contracts Act.

(7) If a person was not paid wages or salary during the period preceding the grant of compensation, the amount of benefit is calculated on the basis of the minimum wage applicable at the time the benefit is granted.

(8) Benefit is paid in parts. The amount of a part depends on the duration of the partial or no work ability established in the first assessment or re-assessment of work ability.

(9) The total benefit shall not exceed the maximum benefit corresponding to the level of work ability established in the first assessment of work ability.

(10) If the level of a person's work ability changes, the subsequent payment of benefit is based on the rate of benefit provided for in subsection (4) of this section that corresponds to the level of work ability established in the re-assessment of work ability, taking into account the benefit already paid.

(11) If as a result of a re-assessment of work ability a person is entitled to a benefit in a lesser amount than has been paid to the person, the overpaid amount will not be reclaimed.

(12) If a person was no longer paid a benefit in connection with a re-assessment of work ability but their work ability has decreased based on a new re-assessment of work ability, the period of payment of the benefit together with the period for which benefit was not paid may not be in total longer than the period which serves as the basis for the calculation of their maximum benefit.

(13) If the period of partial or no work ability established in the re-assessment of work ability begins in the calendar year following the first assessment of work ability, the wages or salary which serve as the basis for the calculation of the benefit are adjusted by the consumer price index of the year when the partial or no work ability was first established. If the period of partial or no work ability established in the re-assessment of work ability begins later, the wages or salary which serve as the basis for the calculation of the benefit are adjusted by the consumer price indexes as of the year when the partial or no work ability was first established until the year preceding the last re-assessment of work ability.

(14) § 58 of the State Budget Act is applied to applying for and granting the benefit payable in case a person required to perform emergency situation work is killed or declared permanently or partially incapacitated for work.

(15) If a person required to perform emergency situation work has been injured or fallen ill, the person's medical treatment expenses and costs of medicinal products are covered by the state to the extent not covered under the Health Insurance Act.

(16) The procedure for the calculation, grant and payment of benefit and expenses prescribed in this section is established by a regulation of the minister responsible for the coordination of crisis management.

(17) Subsections (2) through (16) of this section are not applied if while being killed or suffering an injury the person required to perform emergency situation work:

- 1) committed an offence;
- 2) committed suicide or an attempt thereof;
- 3) caused bodily harm to themselves, which is not causally related to a disease condition or arising from the unlawful behaviour of other person;
- 4) was in a self-inflicted state of intoxication.

Chapter 7 Supervision

§ 45. Supervisory competence

(1) Administrative and state supervision over the compliance with this Act and legislation established on the basis thereof is exercised as follows:

- 1) administrative supervision over the compliance with this Act and legislation established on the basis thereof is exercised by the Ministry of the Interior;
- 2) administrative or state supervision over the preservation, use and renewal of the state's operation stock established under § 11 of this Act is exercised by the authority specified in an order of the Government of the Republic established under § 11 (3) of this Act;
- 3) administrative or state supervision over the compliance with the regulations established under §§ 38–40 and § 37 (2) and § 39 (5) of this Act is exercised by the authority organising the continuity of the vital service or an authority appointed thereby under § 37 (5) of this Act; in regard to subjects of financial supervision,

administrative or state supervision over the compliance with the regulations established under §§ 38–40 and § 37 (2) and § 39 (5) of this Act is exercised by the Financial Supervision Authority;

4) state and administrative supervision over the compliance with the requirements of § 41 of this Act is exercised by the Republic of Estonia Information System Authority within the limits of its competence provided for in the Cybersecurity Act.

[RT I, 22.05.2018, 1 - entry into force 23.05.2018]

(2) The Ministry of the Interior may assign the Rescue Board to exercise administrative supervision provided for in clause (1) 1) of this section over local authorities.

§ 46. State supervision

In order to exercise the state supervision provided by this Act, law enforcement agencies may apply the special measures of state supervision provided for in §§ 30–32, 49 and 50–53 of the Law Enforcement Act on the basis and pursuant to the procedure provided for in the Law Enforcement Act.

§ 47. Rate of penalty payment

Upon failure to comply with a precept, the upper limit of penalty payment for each imposition thereof pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 2000 euros.

Chapter 8 Liability

§ 48. Violation of requirements for preparing for emergency

Failure to perform obligations related to preparing an emergency risk assessment or an emergency response plan, organising exercises or organising a vital service is punishable by a fine of up to 100 fine units.

§ 49. Violation of obligations of provider of vital service

(1) Violation of the obligations established for a provider of a vital service in § 38 (3) 1) through 7) of this Act is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20,000 euros.

§ 50. Violation of requirements of electronic security of provision of vital service

[Repealed -RT I, 22.05.2018, 1 - entry into force 23.05.2018]

§ 51. Violation of requirements established during emergency situation

(1) Disregarding a lawful order of the person in charge of emergency situation, the person in charge of emergency situation work or an official appointed by the person in charge of emergency situation, or disregarding an order given under §§ 26–30 of this Act in an emergency situation zone is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20,000 euros.

§ 52. Proceedings

(1) The body conducting extra-judicial proceedings pertaining to the misdemeanours provided for in §§ 48, 49 and 51 of this Act is the Police and Border Guard Board.

(2) [Repealed -RT I, 22.05.2018, 1 - entry into force 23.05.2018]

Chapter 9 Implementing Provisions

Division 1

Transitional Provisions

§ 53. Transitional provisions

(1) An authority appointed by a regulation established under § 9 (1) of this Act shall prepare a risk assessment that complies with the requirements of this Act and the requirements established on the basis thereof by 1 January 2018.

(2) The need to establish a state's operation stock is assessed after the approval of the risk assessment referred to in subsection (1) of this section, and the Government of the Republic shall establish the order referred to in § 11 (3) of this Act by 1 July 2018. Until 1 July 2018, the state's operation stock established under § 42 of the Emergency Act (RT I 2009, 39, 262) shall be preserved according to the legislation that applied before the entry into force of this Act.

(3) The regulation referred to in § 14 (2) of this Act shall be established by the Government of the Republic by 1 July 2018.

(4) On the basis of the risk assessment referred to in subsection (1) of this section the Government of the Republic shall establish the regulation referred to in § 15 (3) of this Act by 1 July 2018.

(5) An authority appointed by a regulation established under § 15 (3) of this Act and referred to in § 15 (4) of this Act shall prepare an emergency response plan that complies with the requirements of this Act and the requirements established on the basis thereof by 1 July 2019.

(6) Providers of vital services shall prepare a continuity risk assessment and plan of the vital service that comply with the requirements of this Act and the requirements established on the basis thereof by 1 July 2018.

(7) Emergency response plans established before the entry into force of this Act apply until the approval of emergency response plans referred to in subsection (5) of this section.

(8) Continuity risk analyses and plans prepared before the entry into force of this Act apply until the preparation of continuity risk analyses and plans referred to in subsection (6) of this section and until the approval thereof according to § 40 of this Act.

Division 2 Amendment and Declaration of Invalidity of Acts

§ 54. – § 56. Provisions governing the amendment of other Acts are omitted from this translation.

§ 57. Declaration of invalidity of the Emergency Act

The Emergency Act (RT I 2009, 39, 262) is declared invalid.

§ 58. – § 79. Provisions governing the amendment of other Acts are omitted from this translation.

Division 3 Entry into Force of Act

§ 80. Entry into force of Act

This Act enters into force on 1 July 2017.

Eiki Nestor
President of the Riigikogu