

# National Defence Act

Passed 11.02.2015

Amended by the following legal instruments [\(hide\)](#)

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## **Chapter 1 General provisions**

### **§ 1. Scope of application of Act**

(1) This Act provides for the peace-time and war-time organisation of national defence and the organisation of mobilisation and demobilisation, the participation of the Republic of Estonia in the international military co-operation and the defence of national defence objects.

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

(3) The provisions of other acts apply to the implementation of the peace-time and war-time organisation of national defence, taking account of the specifications provided for in this Act.

### **§ 2. Purpose of national defence and achievement thereof**

(1) The purpose of national defence is to preserve the independence and sovereignty of the state of Estonia, the inseparable and indivisible integrity of its land, territorial waters and airspace and the constitutional order.

(2) On the basis of and pursuant to the procedure provided for by this Act the whole of society and the resources and stocks of the state shall be implemented for achievement of the national defence goals.

## **Chapter 2 National Defence Council and planning of national defence**

### **§ 3. National Defence Council**

(1) The National Defence Council is an advisory body to the President of the Republic on national defence issues.

(2) The National Defence Council discusses matters of significant importance to national defence and provides opinions on such matters.

(3) The President of the Republic shall form the National Defence Council which consists of the President of the Riigikogu, the Chairman of the National Defence Committee and the Foreign Affairs Committee of the Riigikogu, the Prime Minister, the ministers responsible for the areas related to national defence and the Commander of the Defence Forces.

(4) The rules of procedure of the National Defence Council shall be approved and the meetings thereof shall be chaired by the President of the Republic.

#### **§ 4. Security Committee of Government of Republic**

(1) The Security Committee of the Government of the Republic (hereinafter Security Committee) shall:

- 1) coordinate the activities of the authorities of executive power upon planning, development and organisation of national defence;
- 2) perform other tasks imposed by the Security Authorities Act and other acts and assigned thereto by the Government of the Republic.

(2) The statutes of the Security Committee, which provide for more specific tasks and rules of procedure of the Security Committee, shall be established by a regulation of the Government of the Republic.

(3) The composition of the Security Committee, which consists of ministers responsible for the areas related to national defence, shall be approved by the Government of the Republic.

(4) The activities of the Security Committee shall be directed by the Prime Minister.

#### **§ 5. National defence tasks**

(1) National defence tasks are tasks necessary to achieve the national defence goals, which are related to the area of government of the ministry, main functions of other authority of executive power or local government and an area of activity or objective of a legal person.

(2) The national defence tasks of a ministry and other authority of executive power shall be established by an act or the national defence action plan or shall be assigned as additional tasks during increased defence readiness, a state of war, mobilisation and demobilisation by a resolution of the Government of the Republic to the extent and in the procedure provided for in this Act.

(3) The national defence tasks of a legal person shall be provided for in an act governing the area of activity, objective or tasks thereof. The national defence tasks of a legal person, except for the local government, may also be assigned on the basis of law by a resolution of the Government of the Republic or governmental authority.

(4) A ministry, other authority of executive power, local government and other legal person with national defence tasks (hereinafter authority and person with national defence tasks) shall

ensure the existence of the resources and stocks necessary for the performance of national defence tasks thereof.

(5) During increased defence readiness, a state of war, mobilisation and demobilisation the state assets may be redistributed, transferring thereof into control of the Defence Forces or other administrator of state assets for the performance of national defence tasks.

(6) The procedure for redistribution of state assets shall be established by a regulation of the Government of the Republic.

#### **§ 6. National defence strategic development documents and national defence action plan**

(1) Strategic development documents in the area of national defence and the national defence action plan shall be drawn up for coherent planning of national defence.

(2) The national defence action plan is a document, which determines, taking account of risk scenarios, the integrated national defence capabilities and needs of the authorities of executive power and, on the basis of which it is possible to assign national defence tasks to authorities and persons, including the tasks to reorganise their activities and redistribute resources. The objective of the national defence action plan is the prevention and combating of the threat to the security of the state and the functioning of the state at this time.

#### **§ 7. Preparation and establishment of strategic development documents and defence action plan**

(1) Preparation, implementation and amendment of national defence strategic development documents is based on the procedure for preparation, implementation and amendment of strategic development documents provided for in the State Budget Act and the legislation established on the basis thereof taking account of the specifications provided for in this section.

[RT I, 13.06.2017, 6 - entry into force 14.06.2017]

(1<sup>1</sup>) The obligation to submit it to the Riigikogu for discussion provided for in subsection 20 (2) of the State Budget Act does not apply to the development plan containing state secret in the area of national defence. Before submission of the development plan in the area or the draft legislation on the amendment thereof to the Government of the Republic for approval the Prime Minister shall hear the opinion of the National Defence Committee of the Riigikogu.

[RT I, 13.06.2017, 6 - entry into force 14.06.2017]

(2) The national defence strategic documents and national defence action plan are prepared under the guidance of the Security Committee which shall have the right to request the ministries preparation of the documents and participation therein.

(3) The preparation of the national defence strategic documents and national defence action plan shall be coordinated by the Government Office which shall have the right to exercise supervision over the performance of the objectives determined in the documents.

(4) The Government of the Republic shall establish the national defence action plan for the period provided for in the regulation issued on the basis of subsection (5) of this section.

(5) The procedure for preparation, implementation, reporting, assessment and amendment of the national defence action plan shall be established by a regulation of the Government of the Republic.

### **Chapter 3 General and increased defence readiness, state of war, mobilisation and demobilisation**

#### **Division 1 General defence readiness, increased defence readiness and state of war and management of organisation of increased defence readiness and handling of state of war**

##### **§ 8. General defence readiness, increased defence readiness, state of emergency and state of war**

(1) The general defence readiness, increased defence readiness, a state of emergency or a state of war is established in the state depending upon the level of threat in order to ensure the readiness of the state to prevent and combat the threat to the security of the state.

(2) The State of Emergency Act shall be applied to a state of emergency.

##### **§ 9. Management of organisation of increased defence readiness and handling of state of war**

(1) The Prime Minister shall direct the organisation of increased defence readiness and handling of a state of war.

(2) The Government of the Republic, the Prime Minister, the Commander of the Defence Forces and a minister responsible for internal security may issue administrative acts for organisation of

increased defence readiness and handling of a state of war, which are absolutely necessary to prevent or combat a threat to national security quickly.

(3) The Prime Minister may give to a member of the rural municipality or city government, a head, official and member of staff of the state and local government authority as well as to a minister responsible for internal security and a minister responsible for organisation of national defence during a state of war orders concerning organisation of increased defence readiness and settlement of a state of war if the competent body does not do this or does not do it in the right time and these are absolutely necessary to prevent or combat the threat to national security. Upon giving an order the competence of the authority and person shall be taken account of, as well as the possibility to execute the order.

(4) During the period of increased defence readiness and a state of war the Prime Minister may repeal an administrative act of the rural municipality and city government, rural municipality and city council and a head of a state and local government authority and issue a new administrative act on their behalf if the competent body does not do this or does not do it in the right time and the administrative act or a failure to issue thereof impedes directly the organisation of internal security or the military defence of the state or otherwise endangers the prevention or combating of the threat to national security.

(5) A minister responsible for internal security and the Commander of the Defence Forces may give orders during a state of war to a member of the rural municipality or city government, a head, official and member of staff of the state and local government authority concerning settlement of a state of war if these are absolutely necessary for organisation of the internal security of the state or military defence of the state respectively. Upon giving an order the competence of the authority and a person shall be taken account of, as well as the possibility to execute the order.

(6) During a state of war a minister responsible for internal security and a minister responsible for organisation of national defence may repeal an administrative act of the rural municipality and city government, rural municipality and city council and a head of a state and local government authority if the competent body does not do this and the administrative act impedes directly the organisation of internal security or military defence of the state respectively.

**§ 10. Limitation of fundamental rights and freedoms of persons during increased defence readiness, state of war, mobilisation and demobilisation**

(1) During increased defence readiness, a state of war, mobilisation and demobilisation absolutely necessary measures limiting fundamental rights and freedoms of a person (hereinafter restrictive measure) may be established and applied on the basis of law, including on the conditions provided for in §§ 15, 19, 20, subsection 24 (1) and subsection 28 (2) of this Act and in the procedure provided for in this section.

(2) Restrictive measures shall be established by an administrative act specified in subsection 9 (2) of this Act, which sets out:

1) the authorities and persons entitled to apply restrictive measure and their public authority powers;

2) activities permitted for application of restrictive measure and requirements for application of measure;

3) where necessary, persons or categories of persons with regard to whom restrictive measure is applied or not applied;

4) where possible, the time period and area of application of a restrictive measure.

(3) An administrative act on establishing restrictive measure shall become invalid and new administrative acts with the same purpose may not be issued if increased defence readiness, a state of war, mobilisation and demobilisation terminate or the objective of the restrictive measure is achieved.

**§ 11. Entry into force and publication of legislation related to increased defence readiness, state of war, mobilisation and demobilisation**

(1) An administrative act issued for organisation of increased defence readiness, mobilisation and demobilisation and settlement of a state of war, including an administrative act on application of restrictive measures, shall enter into force upon notification of the direct executor thereof or publication thereof in a national mass medium unless other term or procedure is provided for in the legislation. This administrative act shall also be published in Riigi Teataja.

(2) An order of the Government of the Republic on increased defence readiness, a resolution of the Riigikogu on declaration of a state of war, ordering mobilisation and demobilisation and

approval of and termination of approval of increased defence readiness, the decision of the President of the Republic on declaration of a state of war and ordering mobilisation, as well as an administrative act issued for organisation of increased defence readiness, mobilisation and demobilisation and settlement of a state of war shall be published in an unaltered state as follows unless other term or procedure is provided for in the legislation:

- 1) in Riigi Teataja at the latest on the day following the submission thereof for publication;
- 2) immediately in a national mass medium.

## **Division 2 Defence readiness**

### **§ 12. General and increased defence readiness**

(1) General defence readiness is the defence readiness level of the state by which an authority and person with national defence tasks performs the tasks related to their ordinary main activities and prepares for acting during other defence levels of the state and mobilisation and demobilisation.

(2) Increased defence readiness is the defence readiness level of the state by which an authority and person with national defence tasks performs additional tasks in addition to the tasks related to their ordinary main activities in the case of the increased threat to the security of the Republic of Estonia and for participation in an operation specified in clause 30 1) of this Act in order to counter the threat and ensure the functioning of the state.

### **§ 13. Increased defence readiness**

(1) In the case of an increased threat to the security of the Republic of Estonia and for participation in the operation specified in clause 30 1) of this Act the Government of the Republic may decide by an order to increase general defence readiness. The decision is made on the basis of the assessment of threat.

(2) The Government of the Republic shall immediately notify the Riigikogu and the President of the Republic of the decision to increase the defence readiness and the reasons thereof. The increase of defence readiness shall be approved by the Riigikogu.

[RT I, 01.07.2016, 11 - entry into force 11.07.2016]

(3) After increase of defence readiness an authority and person with national defence tasks shall perform the national defence tasks prescribed for the period of increased defence readiness and



may establish and apply restrictive measures. The selection of the time for national defence tasks and the commencement of implementation thereof shall be based on the procedure determined in the national defence action plan. At the time the Riigikogu discusses the approval of the increase of defence readiness the performance of the national defence tasks prescribed for the period of increased defence readiness and application of restrictive measures shall not be suspended.

(4) Since the decision not to approve the increase of defence readiness the general defence readiness is applied and the performance of national defence tasks prescribed for the period of increased defence readiness and the application of restrictive measures shall be terminated.

(5) The direct material damage caused by the performance of national defence tasks and application of restrictive measures prescribed for the period of increased defence readiness during the period between the decision on increasing the defence readiness and decision not to approve thereof shall be compensated for to the person under the terms and in the procedure provided for in the State Liability Act.

(6) The Riigikogu shall review the approved decision on increasing defence readiness at least every three months. Upon the decrease of a threat the Riigikogu shall decide to terminate the approval. The decision is made on the basis of the assessment of threat.

(7) The general defence readiness shall be applied from the decision of the Riigikogu to terminate the approval and the performance of the national defence tasks and application of restrictive measures prescribed for the period of increased defence readiness shall be terminated.

#### **§ 14. Competence of Government of Republic, Prime Minister and Commander of Defence Forces during increased defence readiness**

(1) During increased defence readiness the Government of the Republic may, in addition to its tasks and rights during the general defence readiness:

- 1) issue administrative acts under the conditions provided for in subsection 9 (2) of this Act;
- 2) establish and apply restrictive measures under the conditions provided for in § 15 of this Act;
- 3) submit to the Riigikogu the act on amendment of the state budget or draft legislation of the

supplementary budget and, where necessary, decide on its implementation until the deciding of the issue by the Riigikogu in the procedure provided for in the State Budget Act.

(2) During increased defence readiness the Prime Minister may, in addition to the tasks and rights during the general defence readiness:

1) issue administrative acts under the conditions provided for in subsection 9 (2) of this Act and orders under the conditions provided for in subsection 9 (3) of this Act;

2) establish and apply restrictive measures under the conditions provided for in § 15 of this Act.

(3) During increased defence readiness the Commander of the Defence Forces, as well as a commander authorised by the Commander of the Defence Forces may, in addition to the tasks and rights during the general defence readiness;

1) issue administrative acts under the conditions provided for in subsection 9 (2) of this Act;

2) establish and apply restrictive measures under the conditions provided for in § 15 of this Act;

3) may disregard an order and regulation of the Government of the Republic, a directive and regulation of the minister, a resolution and regulation of the rural municipality and city council and an order and regulation of the rural municipality and city government as long as it impedes directly the military defence of the state.

(4) The Prime Minister is entitled to require the Commander of the Defence Forces and a commander authorised by the Commander of the Defence Forces to comply with the legislation specified in clause (3) 3) of this section if he or she has been notified of a failure to comply with the legislation by the authority or person issuing thereof and there is reason to believe that the compliance with the legislation does not impede directly the military defence of the state.

#### **§ 15. Limitation of fundamental rights and freedoms of persons during increased defence readiness**

(1) During increased defence readiness the Government of the Republic may impose a prohibition on leaving Estonia on a person with work obligation arising from the employment or service relationship in order to ensure the implementation of work obligation.

(2) During the increased defence readiness a person may be imposed national defence duties for preparation of military activities, as well as for the support of organisation of mobilisation or additional reservist trainings, the redistribution of state assets and performance of national

defence tasks and implementation of the predetermined national defence duties may be organised for the person under the conditions and in the procedure provided for in the National Defence Duties Act.

(3) During increased defence readiness work obligation may be applied to a natural person in the procedure provided for in Chapter 5 Division 1 of this Act.

(4) During increased defence readiness the Government of the Republic, the Prime Minister and the Commander of the Defence Forces, as well as a commander authorised by the Commander of the Defence Forces may require the mass media holder, electronic communications undertaking and other person to publish or forward without charge, in an unaltered state and immediately or at the prescribed time, announcements necessary for preparation of military activities, organisation of mobilisation or additional reservist trainings, implementation of national defence duties and work obligation, redistribution of state assets, performance of national defence tasks and application of restrictive measures and, in the case provided for in this Act, legislation.

#### **§ 16. Lowering increased defence readiness**

(1) Upon the decrease of the threat to security of the state the Government of the Republic shall decide by a directive to lower increased defence readiness. The making of the decision is based on the assessment of threat.

(2) Since the resolution to lower increased defence readiness the general defence readiness shall be in force and the performance of national defence tasks and application of restrictive measures prescribed during increased defence readiness shall be terminated.

### **Division 3 State of war**

#### **§ 17. Declaration of state of war**

(1) The Riigikogu declares a state of war on the proposal of the President of the Republic.

(2) In the case of aggression against the Republic of Estonia, the President of the Republic declares a state of war without awaiting the corresponding resolution of the Riigikogu.

(3) After declaration of a state of war an authority and person with national defence tasks shall commence performance of the national defence tasks prescribed for the period of a state of war and may establish and apply restrictive measures prescribed for the period of a state of war. The

performance of national defence tasks and imposition and application of restrictive measures may be commenced after the proposal to declare a state of war if this is absolutely necessary for quick prevention or combating of the threat to the security of the state. During the time that the Riigikogu is discussing the declaration of a state of war the performance of the national defence tasks and application of restrictive measures prescribed for the period of a state of war shall not be suspended.

(4) In case the Riigikogu decides not to declare a state of war, the performance of national defence tasks and application of restrictive measures prescribed for the period of a state of war shall be terminated.

(5) The direct material damage caused by the performance of national defence tasks and application of restrictive measures prescribed for the period of a state of war during the period between the proposal of the President of the Republic and decision not to declare a state of war shall be compensated for to the person under the terms and in the procedure provided for in the State Liability Act.

#### **§ 18. Competence of Government of Republic, Prime Minister, minister responsible for area of internal security and Commander of Defence Forces during state of war**

(1) During a state of war the Government of the Republic may, in addition to its tasks and rights during general and increased defence readiness:

1) establish and apply restrictive measures under the terms provided for in §§ 19 and 20 of this Act;

2) give orders to the Defence Forces to establish or conclude a truce;

3) establish or conclude a truce or conclude a peace treaty and submit it to the Riigikogu for ratification in the case provided for by law;

4) suspend the execution of a directive and/or regulation of a minister, a decision and/or regulation of the rural and city council and rural and city government or repeal the legislation if it directly impedes the organisation of internal security or military defence of the state or otherwise endangers the prevention or combating of the threat to the security of the state.

(2) During a state of war the Prime Minister may, in addition to its tasks and rights during general and increased defence readiness:

1) establish and apply restrictive measures under the terms provided for in §§ 19 and 20 of this Act;

2) decide other national defence issues that are not in the competence of another authority or person pursuant to the Constitution of the Republic of Estonia or law.

(3) During a state of war the minister responsible for the internal security may:

1) issue administrative acts under the conditions provided for in subsection 9 (2) of this Act and orders under the conditions provided for in subsection 9 (5) of this Act;

2) establish and apply restrictive measures under the conditions provided for in §§ 19 and 20 of this Act.

(4) During a state of war the Commander of the Defence Forces, as well as a commander authorised by the Commander of the Defence Forces may, in addition to the tasks and rights during the general and increased defence readiness:

1) give orders under the conditions provided for in subsection 9 (5) of this Act;

2) establish or conclude a truce and terminate the established or concluded truce if the adversary does not comply with the conditions thereof with its activities.

#### **§ 19. Limitation of fundamental rights and freedoms during state of war**

(1) In case it is absolutely necessary to establish and apply a restrictive measure of limiting the fundamental rights and freedoms of a person, which is not provided for by law, for the prevention or combating of the threat to the national security, the Government of the Republic may apply the measures not provided for by law as long as it is absolutely necessary.

(2) During a state of war the fundamental rights and freedoms which are provided for in §§ 8 and 11–18, subsection 20 (3), §§ 22 and 23, subsections 24 (2) and (4), §§ 25, 27 and 28, subsection 36 (2), §§ 40, 41 and 49 and subsection 51 (1) of the Constitution shall not be restricted.

(3) The Government of the Republic may derogate from the obligations undertaken by a treaty on human rights upon restricting fundamental rights and freedoms if this is permitted by the treaty and the restriction is in accordance with other obligations under international law.

#### **§ 20. Measures restricting fundamental rights and freedoms of persons during state of war**

(1) For the prevention and combating of a threat to the security of the state restrictive measures may be established and applied in addition to the restrictive measures prescribed for the period of increased defence readiness and restrictive measures established on the basis of other legislation in the procedure provided for in this section.

(2) For the prevention of a threat to public order the Government of the Republic may prohibit the holding of public events and meetings, regardless of their objective and venue, until the end of a state of war.

(3) For the prevention of a threat to public order the Government of the Republic may suspend strikes and lock-outs and prohibit the holding thereof, regardless of the body or organisation, until the end of a state of war.

(4) The Government of the Republic may, until the end of a state of war, restrict the sales of movables of certain type or corresponding to certain features, prohibit the export thereof from the state or certain region, as well as determine the compulsory price in the case these movables are necessary to meet the immediate needs of the population or for the supporting of the military defence of the state.

(5) The Government of the Republic may, until the end of a state of war, restrict the use of the means of communication if there is reason to believe that information disseminated by means thereof may pose a threat to military defence of the state or otherwise endanger the security of the state.

(6) The Government of the Republic, the Prime Minister and a minister responsible for internal security may, until the end of a state of war, prohibit communication of data with certain contents in a mass medium, if the disclosure thereof may pose a threat to the military defence of the state or otherwise endanger the security of the state.

(7) The Government of the Republic, the Prime Minister and a minister responsible for internal security may, until the end of a state of war, suspend the provision of media services and publication of a periodical if there is a reason to believe that the information disclosed by means thereof may pose a threat to military defence of the state or otherwise endanger the security of the state.

## **§ 21. Ending of state of war**

A state of war shall end by declaring the end of a state of war by the Riigikogu on the proposal of the President of the Republic.

## **Division 4 Mobilisation and demobilisation**

### **§ 22. Goal of mobilisation**

(1) Mobilisation is a set of activities during which the readiness for military activities of the wartime units of the Defence Forces is ensured.

(2) During the mobilisation the persons liable to national defence obligation and active members of the Estonian Defence League (hereinafter Defence League) with no national defence obligation appointed to a wartime post of military rank (hereinafter wartime post) shall be obliged to perform the tasks of a wartime post and volunteers shall be taken to military service.

(3) National defence duties and work obligation shall be implemented for the support of mobilisation, state assets shall be redistributed and an authority and person with national defence tasks shall perform his or her national defence tasks. The resources and reserves which are necessary for the performance of the national defence tasks may be taken into use for organisation of mobilisation.

### **§ 23. Order for mobilisation**

(1) Mobilisation shall be ordered in the case of aggression against the Republic of Estonia or a threat thereof and for the conduct of operation specified in clause 30 1) of this Act.

(2) Mobilisation shall be ordered by the Riigikogu on the proposal of the President of the Republic.

(3) In the case of an aggression against the Republic of Estonia the mobilisation shall be ordered by the President of the Republic without awaiting the resolution of the Riigikogu.

(4) After ordering the mobilisation during the general defence readiness and increased defence readiness the Government of the Republic shall determine by an order the size of the personnel of the Defence Forces participating in military activities or the units of the Defence Forces participating.

### **§ 24. Restriction of fundamental rights and freedoms of persons for preparation and organisation of mobilisation**

(1) For preparation and organisation of mobilisation the Government of the Republic may establish a prohibition on leaving Estonia to a person liable to national defence obligation and an active member of the Defence League with no national defence obligation appointed to a wartime post of military rank.

(2) During mobilisation the measures and work obligation provided for in subsection 15 (2) of this Act may be implemented for the achievement of the goal of mobilisation in the procedure provided for in Chapter 5 Division 1 of this Act.

(3) The applicable restrictive measures shall be in compliance with the goal of mobilisation and shall be necessary for organisation of mobilisation. A restrictive measure may not be applied for longer than it is necessary for the achievement of the goal.

#### **§ 25. Mobilisation register**

(1) The mobilisation register is a database which is intended to keep record of filling wartime posts and material resources used for organisation of military defence of the state.

(2) The database contains:

- 1) data on a wartime unit;
- 2) data on a wartime post;
- 3) data on the supply of a wartime unit.

(3) The statutes of the mobilisation register shall be established by a regulation of the Government of the Republic.

(4) The controller of the mobilisation register is the Estonian Ministry of Defence.

(5) Personal data, including special categories of personal data shall be processed in the mobilisation register.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

#### **§ 26. Goal of demobilisation**

(1) Demobilisation is a set of activities as a result of which the wartime units of the Defence Forces shall be transferred to the state of readiness prior to mobilisation.

(2) During demobilisation active servicemen who had taken up the tasks of a wartime post shall be released from active service or they shall continue performance of the tasks of a peacetime post with military rank (hereinafter peacetime post).



(3) National defence duties and work obligation shall be applied for the support of demobilisation, state assets shall be redistributed and an authority and person with national defence tasks shall perform the national defence tasks thereof. The resources and reserves which are necessary for the performance of national defence tasks may be taken into use for organisation of demobilisation.

#### **§ 27. Order for demobilisation**

(1) Demobilisation shall be ordered by the Riigikogu on the proposal of the President of the Republic.

(2) The order for demobilisation shall terminate mobilisation.

(3) Upon the order for demobilisation the Riigikogu shall decide the duration of demobilisation.

#### **§ 28. Restriction of fundamental rights and freedoms of persons for organisation of demobilisation**

(1) For organisation of demobilisation the measures and obligation to work provided for in subsection 15 (2) of this Act may be implemented in the procedure provided for in Chapter 5 Division 1 of this Act.

(2) The applicable restrictive measures shall be in compliance with the goal of demobilisation and be necessary for organisation of demobilisation. A restrictive measure may not be applied for longer than it is necessary for the achievement of the goal.

### **Chapter 4 International military co-operation**

#### **Division 1 General requirements for international military co-operation**

#### **§ 29. International military co-operation**

(1) Participation in international military co-operation is:

- 1) the using of the Defence Forces in international military operations;
- 2) the participation of the Defence Forces in international military exercises;
- 3) the enabling of the temporary stay of the armed forces of a foreign state in the territory of the Republic of Estonia on the bases and pursuant to the procedure provided for by law;
- 4) the recognition of the status of international military headquarters, participation in the activities of the headquarters and support of the activities of the headquarters;

5) the planning and implementation of the joint defence projects of the Republic of Estonia, an international organisation and a foreign state.

(2) The provisions of this chapter do not apply to a serviceman who is employed in a foreign mission of the Republic of Estonia or a member of the armed forces of a foreign state who is employed in a diplomatic representation or consular authority of a foreign state.

(3) The use of force by the Defence Forces in international military co-operation is exercised pursuant to the procedure provided for in the Estonian Defence Forces Organisation Act.

(4) The transfer and receipt of command authority is conducted pursuant to the procedure provided for in the Estonian Defence Forces Organisation Act.

(5) The Estonian legislation shall apply to a serviceman, another person in the employment relationship with the Defence Forces and their dependants accompanying them who are staying in a foreign state in so far as it is in compliance with a treaty and the generally recognised principles and norms of international law.

(6) The Estonian legislation shall apply to a person who is a member of the armed forces of a foreign state, a civilian employed by and accompanying the armed forces of a foreign state and the dependants thereof who are staying in the territory of the Republic of Estonia in so far as it is in compliance with a treaty and the generally recognised principles and norms of international law.

(7) The relevant administrative authority and official of the armed forces of a foreign state staying in the territory of the Republic of Estonia may exercise disciplinary and criminal jurisdiction in the Republic of Estonia in respect of a member of the armed forces of the foreign state and the dependant thereof if such right has been granted to them by the legislation of such state and if this is in accordance with the relevant treaty and the generally recognised principles and norms of international law.

(8) The Estonian Defence Forces (hereinafter Defence Forces) shall enter into international agreements with the approval of the minister responsible for the organisation of national defence.

### **§ 30. International military operation**

For the purposes of this Act, an international military operation is:

1) a collective self-defence operation organised for the performance of an obligation assumed by

a treaty or assumed legally in any other manner on the basis of the right recognised in Article 51 of the United Nations Charter (hereinafter collective self-defence operation);

2) a military operation organised under the provisions of Chapters VI or VII of the United Nations Charter for the purpose of preservation or restoration of peace and security and other military operation in accordance with the generally recognised principles and norms of international law (hereinafter other international military operation).

### **§ 31. Decision on participation of Defence Forces in international military exercise**

The participation of the Defence Forces in an international military exercise shall be decided by the minister responsible for the organisation of national defence.

### **§ 32. Proceedings of claim for damages**

The procedure for proceedings regarding claims for compensation for damage caused in the course of international military co-operation, compensation for the claims and waiver of compensation for the damage shall be established by a regulation of the Government of the Republic.

## **Division 2 International military co-operation outside territory of Republic of Estonia**

### **§ 33. Use of Defence Forces in collective self-defence operation**

(1) The Riigikogu shall decide on the use of the Defence Forces in a collective self-defence operation as follows by:

1) ratifying a treaty providing for the principle of collective self-defence;

2) making an appropriate decision if the treaty specified in clause 1) of this subsection has not been entered into.

(2) The Government of the Republic shall issue an order to the Defence Forces to commence participation and terminate participation of units in a collective self-defence operation.

(3) The President of the Republic, the Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of the order specified in subsection (2) of this section.

### **§ 34. Use of Defence Forces in other international military operation**

(1) The Riigikogu shall decide on the use of the Defence Forces in another international military operation separately for each individual case, taking account of the exemptions provided for in this section.

(2) The Riigikogu shall not pass a separate resolution on the use of the Defence Forces in another international military operation for each individual case if the obligation to use the Defence Forces is based on a ratified treaty.

(3) The use of the Defence Forces in other international military operation in the composition of the rapid reaction forces of the North-Atlantic Treaty Organisation or a member state thereof and the European Union shall be decided by the Riigikogu prior to the start of the stand-by period of a unit of the Defence Forces. The Riigikogu shall determine the international organisation or a member state in the composition of rapid reaction forces of which the unit of the Defence Forces shall operate and the limit number of servicemen who may participate in a specific international military operation.

[RT I, 29.05.2018, 1 - entry into force 01.07.2018]

(4) The Riigikogu shall determine by a resolution for each year the limit number of servicemen who may participate in another international military operation led by the North-Atlantic Treaty Organisation or a member state thereof, the European Union or the United Nations, upon contributing thereto for the first time. Further use of the Defence Forces in the same operation shall be decided in the general procedure on the basis of subsection (1) of this section.

[RT I, 29.05.2018, 1 - entry into force 01.07.2018]

(5) [Repealed - RT I, 01.04.2016, 1 - entry into force 11.04.2016]

(6) On the basis of the resolution of the Riigikogu or a treaty provided for in subsections (1)-(3) of this section the minister responsible for the organisation of national defence shall, in coordination with the minister responsible for the area of foreign relations, issue an order to the Defence Forces to commence participation or terminate participation in another international military operation. The President of the Republic, the Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of the order.

[RT I, 01.04.2016, 1 - entry into force 11.04.2016]

(6<sup>1</sup>) On the basis of the resolution of the Riigikogu provided for in subsection (4) of this section the Government of the Republic shall issue an order to the Defence Forces to commence participation or terminate participation in another international military operation, taking account of the position of the National Defence Committee of the Riigikogu. The President of the Republic, the Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of the order.

[RT I, 01.04.2016, 1 - entry into force 11.04.2016]

(7) An active serviceman who has been seconded to an international organisation or international military headquarters on the basis of clauses 115 (1) 1)-4) of the Military Service Act may participate in another international military operation in the composition of this international organisation or international military headquarters.

### **Division 3 International military co-operation in territory of Republic of Estonia**

#### **§ 35. Stay of armed forces of foreign state in Estonia**

On the bases provided for in this Act, the armed forces of a foreign state may temporarily stay in the territory of the Republic of Estonia if the purpose thereof is:

- 1) participation in an international military operation;
- 2) participation in an international military exercise;
- 3) participation in the activities of international military headquarters;
- 4) transit;
- 5) planning and implementation of joint defence projects.

#### **§ 36. Arrival and stay of armed forces of foreign state in Republic of Estonia and departure from Republic of Estonia**

(1) A permit issued on the basis of this Act is necessary for the arrival of the armed forces of a foreign state in the Republic of Estonia. The permit may be issued for a single or multiple border-crossing.

(2) On the basis of the permit specified in subsection (1) of this section the Police and Border Guard Board shall make a notation regarding the bases and time for stay in Estonia in the document submitted by a member of the armed forces of a foreign state and his or her dependant upon crossing the border or later at the first opportunity. Upon extension of the permit

specified in subsection (1) of this section or issue of a new permit, the Police and Border Guard Board shall enter a new notation in the document.

(3) A notation specified in subsection (2) of this section shall not be entered in the document submitted by a member of the armed forces of a foreign state and his or her dependant if the purpose of the stay in Estonia of the armed forces of the foreign state is participation in an international military operation or it is impossible for practical reasons.

(4) The format of the notation regarding the basis and time for stay in Estonia entered in the document submitted by a member of the armed forces of a foreign state and his or her dependant upon crossing the border shall be established by a regulation of the minister responsible for internal security.

(5) The procedure for notification of the arrival in the Republic of Estonia of armed forces of a foreign state, a member of the armed forces of a foreign state or a dependant thereof, the number of vehicles and amount of goods and the time and place of the planned crossing of the border and transporting over the border shall be established by a regulation of the minister responsible for the organisation of national defence.

**§ 37. Issue of permit for stay in Republic of Estonia to armed forces of foreign state for participation in international military operation organised in territory of Republic of Estonia**

(1) The issue of permit for a temporary stay in the state to the armed forces of a foreign state for participation in an international military operation organised in the territory of the Republic of Estonia shall be decided:

1) by an order of the Government of the Republic if the Republic of Estonia and the relevant foreign state are parties to a treaty containing the principle of collective self-defence;

2) in the absence of a treaty specified in clause 1) of this subsection by a resolution of the Riigikogu.

(2) The President of the Republic, the Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of the resolution issued on the basis of clause (1) 1) of this section.

(3) The President of the Republic and the Government of the Republic shall be immediately notified of the resolution issued on the basis of clause (1) 2) of this section.

(4) The procedure provided for in this section shall also apply to the temporary stay of the armed forces of a foreign state in the territory of the Republic of Estonia with the purpose to participate in an international military operation organised in the territory of another state.

### **§ 38. Issue of permit for stay in territory of Republic of Estonia to armed forces of foreign state in other cases**

(1) Issue of permit for a temporary stay in the state to the armed forces of a foreign state for participation in an international military exercise organised in the territory of the Republic of Estonia shall be decided by a directive of the minister responsible for the organisation of national defence.

(2) Issue of permit for a temporary stay in the state to the armed forces of a foreign state for participation in the activities of international military headquarters in the territory of the Republic of Estonia shall be decided by a directive of the minister responsible for the organisation of national defence.

(3) Issue of a permit for a temporary stay in the territory of the Republic of Estonia to the armed forces of a foreign state for implementation of a joint defence project shall be decided by a directive of the minister responsible for the organisation of national defence.

### **§ 39. Transit of armed forces of foreign state**

(1) For the purposes of this Act, the transit of the armed forces of a foreign state means the stay of the armed forces of a foreign state in the territory of the Republic of Estonia for the purpose of crossing the land territory of the Republic of Estonia, except in the case provided for in subsection 37 (4) of this Act.

(2) If the Republic of Estonia and the relevant foreign state are parties to a treaty containing the principle of collective self-defence, the issue of a permit for the transit of armed forces of a foreign state shall be decided by the minister responsible for the organisation of national defence.

(3) In the absence of a treaty containing the principle of collective self-defence between the Republic of Estonia and a foreign state the issue of a permit for transit to the armed forces shall

be decided by:

1) a directive of the minister responsible for the organisation of national defence if the personnel of the unit is composed of up to 2,000 members;

2) an order of the Government of the Republic if the personnel of the unit is composed of between 2,001 and 5,000 members;

3) a resolution of the Riigikogu if the personnel of the unit is composed of over 5,000 members.

(4) The President of the Republic, the Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of the directive specified in clause (3) 1) of this section and of the order specified in clause (3) 2) of this section.

(5) The Riigikogu may suspend the validity of the directive specified in clause (3) 1) of this section and of the order specified in clause (3) 2) of this section and adopt a new resolution.

#### **§ 40. Right of armed forces of foreign state to use force**

(1) The armed forces of a foreign state staying in the territory of the Republic of Estonia on the basis of § 37 of this Act may use force in the territory of the Republic of Estonia to achieve the objectives of the international military operation.

The armed forces of a foreign state staying in the territory of the Republic of Estonia on the basis of §§ 38 and 39 of this Act may use force if this is necessary for the supporting of the Defence Forces in peacetime to counter an attack against the Estonian state from outside the territory of the Estonian state. The use of force is authorised pursuant to subsection 46 (2) of the Estonian Defence Forces Organisation Act.

(3) In the case of the exercise of the right provided for in subsection (2) of this section the Riigikogu or the Government of the Republic shall immediately adopt a resolution under § 37 of this act concerning further stay of the armed forces of a foreign state in the territory of the Republic of Estonia.

(4) The use of force by the armed forces of a foreign state in the territory of the Republic of Estonia shall be based on treaties, generally recognised principles and norms of international law and the rules of engagement established by an international organisation and the relevant foreign state and the rights granted and the restrictions imposed by the Riigikogu and the Government of the Republic.



#### **§ 41. Legal basis for stay in Republic of Estonia of member of armed forces of foreign state and dependant thereof**

(1) The permit provided for in subsection 36 (1) of this Act forms a legal basis only for the stay in the territory of the Republic of Estonia.

(2) A dependant of a member of the armed forces of a foreign state shall have the right to stay in Estonia together with the member of the armed forces of a foreign state who is staying in Estonia on the basis of the permit provided for in subsection 36 (1) of this Act. The dependant is permitted to stay and be employed in Estonia during the validity of the specified authorisation.

(3) In the case provided for in a treaty the minister responsible for the organisation of national defence may issue a permit to the dependant to stay and be employed in Estonia longer than the period of validity of the permit.

(4) For the purposes of this Act a person is a dependant if this arises from a treaty.

#### **§ 42. Other person participating in international military co-operation**

For compliance with the obligations undertaken by a treaty, the provisions of §§ 35–39 and § 41 of this Act with regard to a member of the armed forces of a foreign state and the dependant thereof shall also apply to a civilian in the employment of and accompanying the armed forces of a foreign state, an employee of a contractor of the armed forces of a foreign state, a member of personnel and a student of an international military educational institution, a member of personnel of international military headquarters, an employee of a contractor of the headquarters and the dependants of the specified persons.

[RT I, 27.06.2017, 1 - entry into force 01.07.2017]

#### **§ 43. Issue of diplomatic clearances for state aircraft and military vessels**

(1) A permit for entry of a foreign military vessel into the Estonian territorial waters or inland waters and a permit for entry into the Estonian airspace, for landing on the Estonian territory or for flying over the territory of a state aircraft of a foreign state shall be issued by the minister responsible for the organisation of national defence or a person authorised thereby.

(2) The procedure for the issue of a permit for entry into the Estonian territorial waters or inland waters to foreign military vessels and permits for entry into the Estonian airspace, landing on the

Estonian territory or flying over the territory to foreign state aircraft shall be established by a regulation of the Government of the Republic.

(3) A permit specified in subsection (1) of this section may be valid for single or multiple entries.

## **Chapter 5 Employment and service relationships**

### **Division 1 Work obligation**

#### **Subdivision 1 General specifications of work obligation**

##### **§ 44. Work obligation**

(1) Work obligation is the obligation of an Estonian citizen or other natural person living in Estonia permanently to perform activities related to national defence if the performing of the work is essential for the performance of national defence tasks or for the support thereof.

(2) For the purposes of this Act work obligation is not the performance by an active serviceman of tasks of a wartime post, conscript service, reserve service and alternative service.

(3) Work obligation is divided into national defence work obligation and temporary work obligation.

(4) National defence work obligation is work obligation arising from the employment or service relationship which is directly related to ensuring the capability of consistent functioning of the national defence tasks, internal security and constitutional order or a vital service.

(5) Temporary work obligation is the one-time support of the exercise of public authority of an authority outside employment or service relationship during the increased defence readiness or a state of war. Temporary work obligation may not be applied to work arising from the relationship between the employer and employee or relationship similar thereto. Professional training or education is not a presumption for the imposition of temporary work obligation.

##### **§ 45. General working time specifications upon performance of temporary work obligation**

(1) During the increased defence readiness and a state of war the Government of the Republic may impose by an order on a person performing work obligation a different organisation of working time, which is different from the provisions of the Employment Contracts Act, the Civil

Service Act and special acts applicable to different type of officials in civil service, and different requirements for the duration of working, rest and on-call time and restrictions on the work performed at the night time and during public holidays.

(2) A person with work obligation shall be ensured one portion of the rest time for at least six hours during each 24 hours, of which four hours of the rest time shall be uninterrupted, and for at least 36 hours of consecutive rest time over a period of seven days.

## **Subdivision 2 National defence work obligation**

### **§ 46. Post or employment with national defence work obligation**

(1) Posts with national defence work obligation are the posts of the President of the Republic, a member of the Government of the Republic, a member of the Riigikogu, a member of the European Parliament, the Auditor General, the Chancellor of Justice, the State Secretary, the Chief Justice of the Supreme Court and a justice of the Supreme Court, chairman of circuit court, county court and administrative court, chairman of the Supervisory Board of Eesti Pank and the Governor of Eesti Pank, rural municipality mayor and city mayor.

(2) In addition to the posts specified in subsection (1) of this section the Government of the Republic may prescribe additional posts or employment with national defence work obligation or formation thereof and may assign the scope of formation thereof at the authority or person with national defence tasks.

(3) A list of additional posts and employment with national defence work obligation and the procedure for drawing up the list, creation and amendment of a post or employment with national defence work obligation and for submission of data shall be established by a regulation of the Government of the Republic.

(4) During the increased defence readiness or a state of war the Government of the Republic may by an order amend the list of national defence posts and employment after previously hearing the opinion of the authority or person with national defence tasks.

### **§ 47. Release from national defence work obligation**

The following shall be released from the national defence work obligation:

- 1) a person under 18 years of age;
- 2) a totally incapacitated person;

3) a person staying in Estonia on the bases provided for in subsections 43 (1) and (2) of the Aliens Act.

#### **§ 48. Creation of national defence work obligation**

(1) The national defence work obligation arises to a person upon commencement of the post with national defence work obligation or upon commencement of employment prescribed in the employment contract or upon assignment of his or her post or employment as a post or employment with national defence work obligation.

(2) A person shall be notified of the creation of the national defence work obligation upon taking up a post or employment with the national defence work obligation or upon assignment of his or her post or employment as a post or employment with national defence work obligation.

(3) Upon employment of a person in several posts or places of employment with national defence work obligation the national defence work obligation is deemed to have been created only in a post or employment where deductions are made upon withholding income tax on the income received for employment in the procedure provided for in subsections 42 (1) and (2) of the Income Tax Act.

#### **§ 49. Remuneration of compliance with national defence work obligation**

(1) An authority and a person with national defence tasks financed from the state budget may unilaterally reduce the salary of an official and remuneration of an employee during the increased defence readiness and a state of war if due to the government finances the budget of the authority and person with national defence tasks is reduced and at the same time it is necessary to continue the performance of tasks or provision of services necessary for the functioning of the state.

(2) An authority and a person with national defence tasks not specified in subsection (1) of this section may unilaterally reduce the remuneration of an employee during the increased defence readiness and a state of war if the reduction of the labour expenses is caused by the necessity to continue the performance of the tasks or provision of services necessary for the functioning of the state regardless of the decrease in the budgetary income.

(3) Upon unilateral reduction of the salary and remuneration during the increased defence readiness and a state of war the salary of an official and remuneration of an employee may not

be reduced proportionally more and during a longer period than the budgetary income of an authority or person with national defence tasks has decreased and other possibilities have been exhausted to reduce the expenses of the budgetary expenses. Upon unilateral reduction of the salary and remuneration the salary and remuneration may not be lower than the minimum rate of remuneration established by the Government of the Republic.

(4) After lowering the defence readiness or ending of a state of war an authority and person with national defence tasks are required to find an opportunity within reasonable time to restore the salary of an official and remuneration of an employee in the former amount.

(5) The reduction of the remuneration shall not be permitted if the authority or person with national defence tasks holding a national defence employment, grants a loan to another person, including to its parent or subsidiary company or during the period for which the share of profit is paid, except the grant of a loan to the state or upon the transfer of a share of profit to the state budget.

#### **§ 50. Interruption of holiday**

(1) The declaration of a state of war shall interrupt the holidays of a person with national defence work obligation and the person is required to appear immediately at the seat of his or her employment or post.

(2) The declaration of a state of war shall not interrupt the pregnancy and maternity leave, adoptive parent leave or child care leave.

#### **§ 51. Termination of national defence work obligation**

(1) National defence work obligation shall terminate:

- 1) upon termination of the employment contract or release from the post;
- 2) if the post or employment in which the person is employed is no longer a post or employment with national defence work obligation.

(2) In the case of the release from the post or employment with the national defence work obligation at his or her own request or termination of the employment contract during the increased defence readiness or a state of war the person is required to submit a notice to the employer at least 60 days before the desired release from the post or termination of the employment contract.

(3) A person holding a post or employment with national defence work obligation may require the release from service or termination of the employment contract before the term of notice provided for in subsection (2) of this section due to material violation by the authority or employer, primarily if:

- 1) the person has been degraded or threatened to do so or third parties have been allowed to do so;
- 2) payment of the basic salary or remuneration has been considerably delayed;
- 3) continuing of service or employment is related to a real threat to the person's morals and good name.

(4) A person may require extraordinary release from the post with the national defence work obligation or termination of the employment contract for good reasons, in particular if the employee's state of health or family duties do not allow him or her to perform the prescribed work in his or her post or employment.

(5) A person may require extraordinary release from the post or termination of the employment contract only within reasonable time after he or she became aware of or should have become aware of the fact forming the basis for cancellation.

### **Subdivision 3 Temporary work obligation**

#### **§ 52. Release from temporary work obligation**

(1) The following shall be released from temporary work obligation:

- 1) an alien who has been released from work obligation on the basis of treaties or generally recognized norms of international law;
- 2) a person under 18 years of age;
- 3) a female person during the period when she has the right for pregnancy and maternity leave pursuant to the Employment Contracts Act;
- 4) a totally incapacitated person;
- 5) a person staying in Estonia on the bases provided for in subsections 43(1) and (2) of the Aliens Act;
- 6) one parent or guardian of a minor under 12 years of age;
- 7) a person with a severe or profound disability;

8) a caregiver of a disabled person during the performance of the caregiving obligation;  
9) an active serviceman performing the tasks of a wartime post;  
10) a person employed in a post specified in subsection 46 (1) of this Act if temporary work obligation hinders the compliance with the national defence work obligation.

(2) Clause (1) 6) of this section shall be applied only to a person raising a child or a caregiver.

(3) A person released from temporary work obligation may voluntarily participate in the work done as temporary work.

### **§ 53. Entitled persons for taking decisions on imposition of temporary work obligation**

(1) The imposition of temporary work obligation shall be decided by the head of a government authority or a local government or a person authorised thereby.

(2) Upon deciding on the imposition of temporary work obligation the state of health and other essential facts which may have an effect on the performance of work shall be taken into account.

(3) The person specified in subsection (1) of this section may impose in the interests of the organisation of military defence of the state during the increased defence readiness the temporary work obligation on a person whose national defence obligations do not arise from other act or administrative contract if:

1) there is a direct need to transport persons and property, prepare national defence objects or organise the infrastructure;

2) an authority wishing to implement temporary work obligation is not capable of performing the task on time or efficiently enough on its own or with the help of a person involved as a volunteer and

3) fulfilling temporary work obligation does not create a disproportionately great threat to the person who is performing temporary work or to the property thereof and is not in conflict with other obligations of the person arising from law.

(4) The person shall be notified of the temporary work obligation by oral or written order.

(5) In order to decide on the imposition of the temporary work obligation a government agency or a local government agency may process personal data, including health data.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

### **§ 54. Duration and conditions of temporary work obligation**

(1) The duration of the temporary work obligation is up to 48 hours. The duration of the temporary work obligation may not exceed the time needed for the performance of work or fulfilling the task. The imposition of the temporary work obligation may not be conditional.

(2) The persons may be obligated to appear to perform the temporary work obligation with the necessary tools and vehicles if they exist.

(3) The direct expenses caused by the performance of the temporary work obligation shall be borne by the person imposing temporary work obligation.

#### **§ 55. Support for temporary work obligation**

(1) The entitled persons imposing temporary work obligation shall pay support to the person for the performance of the temporary work obligation.

(2) The extent and procedure for payment of support for temporary work obligation shall be established by a regulation of the Government of the Republic.

#### **§ 56. Termination of temporary work obligation**

(1) Temporary work obligation shall terminate:

- 1) upon the expiry of the term of temporary work obligation;
- 2) on the decision of the person imposing temporary work obligation or a person authorised by him or her;
- 3) upon the death of a person.

(2) The employer may not terminate the employment contract or service relationship with a person on the grounds that the person is performing temporary work obligation.

### **Division 2 Military service**

#### **Subdivision 1 General exceptions to military service**

#### **§ 57. Implementation of military service requirements**

(1) During increased defence readiness, a state of war, mobilisation and demobilisation military service is organised according to the requirements established for military service unless otherwise provided for in this Act.

(2) During additional reservist training and in case of mobilisation the commencement of a serviceman of the performance of the tasks of a wartime post shall be decided by the



Commander of the Defence Forces, taking account of the provisions of the regulation of the Government of the Republic issued on the basis of subsection 23 (4) of this Act.

(3) During a state of war all the servicemen shall commence performance of the tasks of a wartime post, except active servicemen with regard to whom the Commander of the Defence Forces shall make a decision on the continuation of the secondment or the continuation of the suspension of the suspended active service relationship.

(4) During mobilisation and a state of war an active serviceman appointed to a post of the Chief of Staff and a district commander of the Defence League shall perform his or her tasks provided for in the Estonian Defence League Act and legislation issued on the basis thereof to the extent determined by the Commander of the Defence League. During mobilisation and a state of war the Commander of the Defence Forces may partially release the active serviceman holding a peacetime post in the Defence league from the performance of the duties of the wartime post.

(5) During mobilisation and a state of war the Commander of the Defence League shall perform the tasks of his or her wartime post in addition to the tasks arising from the Estonian Defence League Act.

(6) The provisions of §§ 111 and 112 and Chapter 11 of the Military Service Act shall not be applied during a state of war, mobilisation and demobilisation.

(7) Subsection 31 (3), §§ 83–90, § 92, §§ 94–110, subsections 113 (2), (3), (7) and (8), § 114, subsections 116 (3) and (4), subsection 117 (1), subsections 119 (2) and (4), §§ 121–127, subsections 128 (1)–(5), clause 131 (1) 1), §§ 133–156 and § 190 of the Military Service Act shall not be applied to an active serviceman who is performing the tasks of a wartime post.

#### **§ 58. Grant of military rank and change of rank**

(1) § 17, subsections 22 (4)–(6) and (8) and § 25 of the Military Service Act do not apply upon the grant of military rank during a state of war.

(2) During a state of war, mobilisation and demobilisation a military rank may be lowered in addition to the provisions of the Military Service Act upon the entry into force of the conviction.

#### **§ 59. Medical commission and assessment of compliance with health requirements**

(1) The activities of the medical commission of the Defence Resources Agency and the authorisations of the members of the commission shall suspend during the increased defence

readiness and mobilisation as of the decision on the suspension of the entering into conscript service provided for in subsection 60 (2) of this Act and for the period of a state of war.

(2) During additional reservist training, mobilisation and a state of war a doctor shall assess the compliance of the person with the health requirements upon his or her arrival at the place of assembly or place of service.

(3) During mobilisation and a state of war a doctor shall assess the compliance of an active member of the Defence League not liable to national defence obligation with the health requirements for active serviceman upon his or her arrival at the place of assembly or place of service.

(4) Upon the suspension of the activities of the medical commission of the Defence Resources Agency the compliance of the state of health of a person in alternative service and a person applying for national defence obligation with the health requirements of a person liable to mandatory duty to serve in the Defence Forces shall be assessed by the medical commission of the Defence Forces.

#### **§ 60. Organisation of entering into conscript service and alternative service**

(1) Upon declaration of a state of war the entering into conscript service and alternative service shall be suspended.

(2) During the increased defence readiness and mobilisation the suspension of the entering into conscript service shall be decided by the minister responsible for the area. The suspension of the entering into conscript service shall suspend the entering into alternative service.

(3) In the case of the suspension of entering into conscript service the Defence Resources Agency shall terminate the performance of the tasks provided for in subsection 33 (1) of the Military Service Act until the suspension of the entering into conscript service is terminated.

(4) The amendment of the terms of entering into conscript service, the duration of conscript service and the distribution of call-up selectees, expressed in numbers, between the structural units engaged in training of conscripts established by a regulation on the basis of subsection 37

(3) of the Military Service Act before the declaration of the increased defence readiness or mobilisation shall be decided by the minister responsible for the area.

(5) During the increased defence readiness the minister responsible for the area may establish by a regulation additionally, where necessary, the terms of entering conscript service of call-up selectees, the duration of conscript service and the distribution of call-up selectees, expressed in numbers, between the structural units engaged in training of conscripts at the latest 180 days before the term for entering into conscript service.

(6) During the increased defence readiness a call-up selectee shall be notified of the resolution of the Defence Resources Agency on the additional call-up for conscript service, the term of entering into conscript service and the conscript service unit and the duration of conscript service pursuant to subsection (5) of this section at the latest 120 days before the term for entering into conscript service.

(7) In case a resolution has been made about the term and place of service of entering into conscript service or alternative service with regard to a call-up selectee before the suspension of entering into conscript service, his or her entering into conscript service or alternative service shall be postponed by the duration of increased defence readiness or a state of war but not for longer than attaining 28 years of age of a person.

(8) The Defence Resources Agency shall make a decision about the new term for entering into conscript service or alternative service and the place of service and shall notify the call-up selectee thereof.

#### **§ 61. Working and rest time and holidays of serviceman**

(1) In the case of increase of defence readiness and mobilisation the Commander of the Defence Forces shall have the right to interrupt the holidays of a serviceman and call him or her to resume the performance of his or her tasks.

(2) The declaration of a state of war shall interrupt the holidays of all the servicemen and the servicemen are required to report immediately at the location of the wartime post or at another location he or she has been notified of.

(3) The increase of defence readiness, declaration of a state of war and mobilisation shall not interrupt pregnancy, maternity, adoptive parent's or child care leave.

(4) The organisation of work of an active serviceman who is performing the tasks of a wartime post and the procedure for working and rest time shall be established by the Commander of the Defence Forces.

(5) An active serviceman shall be ensured reasonable rest time during the service.

(6) The period of performing the tasks of a wartime post shall not be calculated into the period which is a basis for the right of granting the annual holidays of the peacetime post of an active serviceman.

## **§ 62. Service-related guarantees**

(1) The Defence Forces shall guarantee catering, personal equipment, accommodation and medical aid to an active serviceman who is performing the tasks of a wartime post during a state of war, mobilisation and demobilisation, taking account of the location, nature, duration and other conditions of the performance of the service tasks.

(2) The Defence Forces shall guarantee medical aid to an active serviceman who is performing the tasks of a peacetime post during a state of war, mobilisation and demobilisation, taking account of the location, nature, duration and other conditions of the performance of the service tasks.

(3) A person in alternative service shall be guaranteed during a state of war, mobilisation and demobilisation, where necessary, health care services, medical equipment and medicines on the basis of the Health Insurance Act.

(4) The burial of a serviceman who died due to the performance of service tasks during a state of war, mobilisation and demobilisation shall be organised by the Defence Forces.

(5) After a state of war has been declared ended or termination of demobilisation the guarantees specified in §§ 111–112, §§ 193–196 and §§ 198–201 of the Military Service Act shall be guaranteed in correspondence with the existence of state funds and other facts.

(6) The guarantees to family members of a serviceman, person in alternative service, person released from military service and a serviceman who died or has received permanent health damage due to the performance of service tasks, limits or extent of guarantees and the procedure for payment of guarantees after a state of war has been declared ended or demobilisation ordered shall be established by an order of the Government of the Republic.

## **§ 62<sup>1</sup>. Processing of personal data upon organization of military service**

(1) In order to perform the functions provided for in this Chapter, the relevant authority may process the personal data of a person liable to national defence obligation, a serviceman, a person applying for national defence obligation, a person volunteering to military service, including special categories of personal data.

(2) The processing of personal data is based on the provisions of the Military Service Act.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

## **Subdivision 2 Conscript service and alternative service**

### **§ 63. Continuation of conscript service**

(1) During the increased defence readiness, mobilisation and demobilisation the conscripts shall continue conscript service until they are released therefrom.

(2) During the increased defence readiness, mobilisation and demobilisation the duration of the conscript service established on the basis of subsection 46 (2) of the Military Service Act may be extended in the interests of national defence up to 12 months if a shorter duration of conscript service has been established previously.

(3) During the increased defence readiness, mobilisation and demobilisation the duration of conscript service may be reduced or conscript service may be terminated in the interests of national defence.

(4) During the increased defence readiness, mobilisation and demobilisation the extension of the duration of conscript service, reduction of conscript service or termination of conscript service shall be decided by an order of the Government of the Republic.

### **§ 64. Termination of conscript service during state of war**

(1) After the declaration of a state of war the conscript service of a conscript is deemed terminated and the conscript shall be appointed within three working days to a wartime post or released from military service. The conscript appointed to a wartime post shall be considered an active serviceman.

(2) The Defence Forces shall notify the Defence Resources Agency of the release of the conscript or appointment to a wartime post.

### **§ 65. Continuation of alternative service**

(1) During the increased defence readiness, a state of war, mobilisation and demobilisation alternative service is organised pursuant to the requirements established with regard to alternative service in the Military Service Act unless otherwise provided for in this Act.

(2) A person in alternative service serving in alternative service during the increased defence readiness, a state of war, mobilisation and demobilisation shall continue service at the place of service of a person in alternative service until the release from alternative service.

(3) During the increased defence readiness, a state of war, mobilisation or demobilisation the duration of alternative service may be reduced or alternative service terminated.

(4) During the increased defence readiness, a state of war, mobilisation or demobilisation the reduction of alternative service or termination thereof shall be decided by an order of the Government of the Republic.

(5) If the activities of the place of service of a person in alternative service are suspended or terminated during the increased defence readiness, a state of war, mobilisation or demobilisation, the person in alternative service is required to immediately notify thereof the Defence Resources Agency, who shall appoint a new place of service.

(6) The Defence Resources Agency shall have the right to change the place of service of a person in alternative service during the increased defence readiness and during a state of war.

### **Subdivision 3 Reserve service**

#### **§ 66. Call-up for reservist training**

(1) During the increased defence readiness, mobilisation and demobilisation the holding of a reservist training established on the basis of subsection 73 (3) of the Military Service Act shall be decided by the Commander of the Defence Forces.

(2) A person in reserve who has received a call-up notice for participation in the reservist training before the declaration of the increased defence readiness, mobilisation or demobilisation shall be notified of the cancellation of the reservist training in one manner of calling-up to an additional reservist training provided for in this Act.

(3) During a state of war persons in reserve shall not be invited to the reservist training.

(4) A person in reserve who has received a call-up notice to the reservist training before a state of war has been declared is not required during a state of war to report at the place of the

reservist training at the time set out in the call-up notice and the call-up notice shall be invalid as of the beginning of the state of war.

#### **§ 67. Specifications of terminating reservist training**

During the increased defence readiness and mobilisation the Commander of the Defence Forces may decide on the release from reserve service of a reservist before the termination of the reservist training.

#### **§ 68. Organisation of additional reservist training**

(1) Additional reservist trainings may be organised for persons in reserve for checking the mobilisation readiness.

(2) The number of reservists participating in an additional reservist training and the duration of the additional reservist training shall be established by an order of the Government of the Republic.

(3) The participation in an additional reservist training shall be deemed reserve service.

(4) Active servicemen who take up tasks of a wartime post during the additional reservist training shall be appointed by the Commander of the Defence Forces.

(5) The period of additional reservist training shall not be included in the duration of the reservist trainings provided for in subsection 69 (1) and subsection 73 (1) of the Military Service Act and upon the call-up for participation in the additional reservist training the term provided for in subsection 73 (2) of the Military Service Act shall not be taken account of.

(6) The duration of an additional reservist training is up to 60 days.

(7) The Defence Forces may involve the Defence League in the organisation of an additional reservist training.

#### **§ 69. Call-up for additional reservist training**

(1) A person in reserve shall be notified of the call-up for participation in an additional reservist training in one of the following ways:

- 1) a call-up notice shall be handed over against signature, delivered by mail or electronically;
- 2) the notice is published in at least one of the national newspapers;
- 3) the notice is broadcast in television and radio programmes for at least three times between

7.00 and 22.00, leaving an interval of at least one hour between each broadcast;

4) the notification is disclosed on the Internet.

(2) Upon publication of the notice in a newspaper, on television and radio programmes and on the Internet only the name may be indicated of a unit for the posts of military rank on the staff of which the persons in reserve with regard to whom the call up for additional reservist training is valid have been appointed.

(3) Upon forwarding the call-up notice for additional reservist training in a manner specified in subsection (1) of this section the notice is deemed to have been delivered to a person in reserve.

#### **§ 70. Release from additional reservist training**

(1) The following persons in reserve are released from obligation to participate in additional reservist training:

1) a person who is employed in a post or place of employment with national defence work obligation;

2) a person who is under custody;

3) a person who is serving the sentence of imprisonment;

4) a person who is not able to participate in the additional reservist training due to his state of health on the basis of the decision of the doctor appointed by the commander of a structural unit authorised by the Commander of the Defence Forces.

(2) The Commander of the Defence Forces or a commander authorised thereby may release a natural person who is engaged in producing agricultural products, except for fishery products, listed in Appendix I to the Treaty on the Functioning of the European Union, from the participation in an additional reservist training taking place within the period from 1 April to 1 October if:

1) there is an obvious need for the person to participate in agricultural work in Estonia during the period of the additional reservist training and

2) the participation in additional reservist training may endanger the continuation of the agricultural production of the person.

(3) If a person in reserve who is called up for an additional reservist training is detained or is under arrest, he or she is required to report to the Defence Forces immediately after release from detention or arrest.



### **§ 71. Guarantees of reservist during additional reservist training**

(1) A reservist who is participating in an additional reservist training shall be paid allowance for the period of additional reservist training to the extent provided for in the regulation of the Government of the Republic established on the basis of subsection 80 (6) of the Military Service Act.

(2) A reservist who is participating in an additional reservist training shall be guaranteed free transportation, accommodation and catering.

(3) A person in reserve who has participated in an additional reservist training shall be reimbursed travel expenses in the procedure established on the basis of subsection 80 (2) of the Military Service Act.

### **§ 72. Termination of additional reservist training**

(1) Participation in an additional reservist training shall terminate:

1) upon termination of the additional reservist training;

2) if a reservist is not able to participate in the additional reservist training due to his state of health on the basis of the decision of the doctor appointed by the commander of a structural unit authorised by the Commander of the Defence Forces;

3) upon the death of a reservist;

4) if a reservist is declared missing;

5) if a court judgment enters into force sentencing a reservist to imprisonment.

(2) Upon the death of a reservist the participation in the additional reservist training is deemed to have terminated as of the day following the death thereof.

(3) In the case a reservist has been declared missing, when the Police and Border Guard Board have not been able of to establish his or her location within 12 months, the participation in the additional reservist training is deemed to have terminated as of the day when the Police and Border Guard Board was notified of the person missing.

## **Subdivision 4Active service**

### **§ 73. Acceptance of person liable to national defence obligation for performance of tasks of wartime post**

(1) During a state of war and mobilisation a person liable to national defence obligation shall be accepted for performance of tasks of a wartime post if he is a person who:

- 1) has full active legal capacity;
- 2) is proficient in the Estonian language as mother tongue or at least at proficiency Level B1;
- 3) has graduated from the second stage of the basic school;
- 4) complies with the health requirements of an active serviceman for the performance of service tasks;
- 5) has the required skills and training;
- 6) is at least 18 years of age.

(2) A person liable to national defence obligation accepted for the performance of the tasks of a wartime post on the basis of subsection (1) of this section shall be considered, upon commencement of the post, accepted for active service for an unspecified period.

(3) The procedure for acceptance of a person liable to national defence obligation for the performance of the tasks of wartime post shall be established by the Commander of the Defence Forces.

#### **§ 74. Acceptance of person not liable to national defence obligation for performance of tasks of wartime post**

(1) During a state of war and mobilisation an active member of the Defence League who is not liable to national defence obligation, has previously been appointed to a wartime post in the procedure provided for in the Defence League Act, is in compliance with the requirements provided for in subsection 73 (1) of this Act and has not attained the retirement age provided for in the State Pension Insurance Act, may be accepted for active service for an unspecified term on the basis of a written application.

(2) During a state of war and mobilisation a person who is in compliance with the requirements provided for in clauses 73 (1) 1) and 3)–6) of this Act and has not attained the retirement age provided for in the State Pension Insurance Act may be accepted for active service for an unspecified term on the basis of a written application.

(3) During active service the same rights and liabilities of an active serviceman liable to national defence obligation shall be extended to a person not liable to national defence obligation

accepted for active service on the basis of subsections (1) and (2) of this section. The Defence Forces shall notify the Defence Resources Agency of the acceptance for active service of a person not liable to national defence obligation.

(4) The data of the person who is deemed accepted for active service on the basis of subsections (1) and (2) of this section shall be entered in the national defence obligation register as the data of a person applying for the national defence obligation.

(5) Upon failure to be accepted for active service or release from active service the data of the person specified in subsections (1) and (2) of this section shall be deleted from the national defence obligation register.

#### **§ 75. Referral and secondment**

(1) During increased defence readiness, a state of war and mobilisation the Commander of the Defence Forces or a commander authorised thereby shall have the right to decide on the termination of secondment and referral of an active serviceman sent on secondment on the basis of §§ 114–117 and referred on the basis of subsection 119 (2) of the Military Service Act and termination of suspension of active service relationship suspended on the basis of clauses 131 (1) 3), 4) and 6)–8) of the Military Service Act.

(2) The Commander of the Defence Forces shall establish the procedure for reimbursement of the expenses related to secondment and referral of an active serviceman who is performing the tasks of a wartime post if the active serviceman is sent:

- 1) on secondment to a foreign state for a short period;
- 2) on secondment to a foreign state for the performance of state functions for longer than six months.

(3) Daily allowance shall not be paid upon the sending on secondment of an active serviceman who is performing the tasks of a wartime post.

#### **§ 76. Restrictions on service**

(1) An active serviceman who has commenced the performance of tasks of a wartime post:

- 1) may not disseminate political views;
- 2) may not participate in the activities of a political party;
- 3) may not be employed at other post or place of employment outside the performance of

service tasks;

4) shall follow the provisions of the Anti-Corruption Act upon the making of an act, decision or transaction;

5) may not go on strike or participate in other pressure activities which may disturb the organisation of the military part of national defence.

(2) A person who has commenced the performance of tasks of a wartime post shall have the right to refuse to perform work outside military service. The right to exercise public authority of a person in civil service shall suspend for the period of the performance of tasks of a wartime post.

#### **§ 77. Salary arrangement of active serviceman**

(1) The salary scale of an active serviceman who has commenced the performance of tasks of a wartime post and the amount of the basic salary of the wartime post of the Commander of the Defence Forces shall be established by a regulation of the minister responsible for the area.

(2) The conditions and procedure for payment of salary shall be established by the Commander of the Defence Forces.

#### **§ 78. Termination of active service**

(1) The active service relationship of an active serviceman who has commenced performance of tasks of a wartime post shall terminate:

- 1) upon death;
- 2) upon becoming a member of the Riigikogu, the European Parliament and the Government of the Republic;
- 3) if he or she does not comply with the health requirements for the performance of service tasks of an active serviceman on the basis of the decision of the medical commission of the Defence Forces;
- 4) on the proposal of the Defence Forces;
- 5) upon being declared missing;
- 6) upon entering into force of a judgment of conviction sentencing the person to punishment which precludes continuation in active service;
- 7) upon attaining the retirement age.

(2) Upon termination of active service an active serviceman who is performing tasks of a wartime post shall be released from active service by the Commander of the Defence Forces or a commander authorised thereby.

(3) In addition to the provisions of subsection (1) of this section an active serviceman who has been appointed to a peacetime post by the Government of the Republic or a minister responsible for the area may be released from the wartime post on the proposal of the Government of the Republic or the minister responsible for the area.

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(4) The release from peacetime post of an active serviceman appointed to the peacetime post by the Government of the Republic or the minister responsible for the area shall enter into force on the date of the release from the wartime post.

[RT I, 29.05.2018, 1 - entry into force 01.07.2018]

(5) Upon the release from active service of an active serviceman who has performed the duties of wartime post during a state of war and mobilisation the Defence Forces shall make the final payment at the latest on the day of the release from active service.

(6) Upon acceptance for active service of a call-up selectee during a state of war and mobilisation he shall not be called up for conscript service after the release from active service and his conscript service is deemed to have terminated in the procedure provided for in the Military Service Act.

### **§ 79. Application of disciplinary penalty**

(1) During a state of war an active serviceman who is performing the tasks of a wartime post may be applied all the disciplinary penalties provided for in subsection 168 (2) of the Military Service Act.

(2) A commander with the authority to impose a disciplinary penalty may exclude an active serviceman from a wartime post for the period of disciplinary proceedings, transferring him or her temporarily to another wartime post or releasing him or her from the performance of tasks.

(3) An active serviceman who is temporarily transferred to another wartime post shall be retained his or her current basic salary for the period of disciplinary proceedings.

(4) If an active serviceman is a suspect or accused of an offence provided for in Chapter 15, Division 2 of Chapter 17 or §§ 435 or 447 of the Penal Code for which at least a five years' imprisonment is prescribed in the Penal Code, the unit commander of the wartime post may transfer the active serviceman to another wartime post, retaining the current salary.

(5) If it is impossible to transfer an active serviceman to another wartime post, he or she may be imposed tasks outside the post and exclude partially or fully from the performance of tasks arising from the post.

**§ 80. Military service after state of war has been declared ended or demobilisation ordered**

(1) An active serviceman who commenced duties of a wartime post during a state of war and mobilisation shall be released from active service on the proposal of the Defence Forces after a state of war has been declared ended or during demobilisation, notifying the person thereof at least 14 days in advance.

(2) A person who was in active service before the declaration of a state of war and ordering mobilisation shall continue in a peacetime post appointed by the Commander of the Defence Forces or a commander authorised thereby. In the absence of a suitable peacetime post the person shall be released from active service on the proposal of the Defence Forces.

(3) A person accepted for active service as a volunteer during a state of war and mobilisation shall be released from active service on the proposal of the Defence Forces, notifying the person thereof at least 14 days in advance.

(4) Upon termination of a state of war or during demobilisation an active serviceman accepted for active service during a state of war and mobilisation may be accepted for a peacetime post in active service on the agreement between the parties for up to five years if the person complies with the requirements of acceptance for active service provided for in § 83 of the Military Service Act and the requirements for the peacetime post provided for in § 92 of the Military Service Act, except for the education and military training required in the peacetime post.

(5) An active serviceman who has been accepted for active service for an unspecified term on the basis of subsection (4) of this section is required to bring his or her education and military

training into compliance with the requirements for a peacetime post within the term of active service as from the appointment to a peacetime post.

(6) In the case of a failure to acquire the education or military training required in the peacetime post the service relationship of an active serviceman shall terminate after the expiry of the term of active service specified in subsection (4) of this section.

(7) A person shall be released from active service without compensation.

### **Subdivision 5 Call-up for military service during mobilisation**

#### **§ 81. Notification of mobilisation order and obligation to report at place of assembly**

(1) A person liable to national defence obligation at the age of 18 years and older and an active member of the Defence League not liable to national defence obligation who is appointed to a wartime post are required to commence performance of tasks of a wartime post by the mobilization order. An active serviceman and a conscript are required to commence performance of tasks of a wartime post by a decision of the Commander of the Defence Forces. The decision of the Commander of the Defence Forces is deemed to be equivalent to the mobilisation order.

(2) The mobilisation order shall be announced in the procedure provided for in subsection 69 (1) of this Act. An active serviceman and a conscript shall be notified of the decision of the Commander of the Defence Forces orally or in a format which can be reproduced in writing.

(3) After the receipt of the mobilisation order a person liable to national defence obligation and an active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post, shall report at the place of assembly which he has been notified of on the date prescribed in the order.

(4) Upon reporting at the place of assembly a person liable to national defence and an active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post, shall have with him all the objects and documents that he has been notified of.

(5) The list of objects and documents to be taken along upon reporting at the place of assembly during mobilisation shall be established by a regulation of the minister responsible for the area.

(6) A person liable to national defence obligation who is staying abroad and an active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post,

is required to report at the place of assembly in Estonia on the date prescribed in the mobilisation order or immediately contact the closest foreign mission of the Republic of Estonia.

(7) A person who has contacted the foreign mission of the Republic of Estonia is required to report by the order thereof at the foreign mission or at another location appointed by the foreign mission.

#### **§ 82. Failure to report at place of assembly**

(1) Upon a failure to report at the place of assembly after receiving the mobilisation order a person liable to national defence obligation and an active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post, are required to immediately notify the Defence Forces or, in the case of staying abroad, a foreign mission of the Republic of Estonia of the reasons which prevent him or her report at the place of assembly or a foreign mission of the Republic of Estonia or other place appointed by the foreign mission.

(2) An obstacle justifying a failure of a person liable to national defence obligation and an active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post, to report at the place of assembly or a foreign mission of the Republic of Estonia or other place appointed by the foreign mission is deemed to be if he or she:

- 1) has a severe illness which makes it impossible to report at the place of assembly;
- 2) is employed in a post or workplace with national defence work obligation;
- 3) is held in custody;
- 4) serving a sentence of imprisonment;
- 5) lacks the possibility to use a means of transport in the case of staying abroad.

(3) A person liable to national defence obligation and an active member of the Defence League not liable to national defence obligation appointed to a wartime post, who has received mobilisation order but has a justified obstacle for failure to report at the place of assembly or a foreign mission of the Republic of Estonia or other place appointed by the foreign mission provided for in subsection (2) of this section is required to notify the Defence Forces or the foreign mission thereof in writing. Notification of a failure to report is not required in the case provided for in clause (2) 1) of this section if the illness does not allow to notify and in the case provided for in clause 3) and 4).



(4) A person who fails to submit the notification provided for in subsection (3) of this section shall be deemed a person in default of reporting at place of assembly.

(5) If the circumstances provided for in subsection (2) of this section cease to exist, a person liable to national defence obligation is required to report immediately at the Defence Forces.

(6) If the circumstances provided for in subsection (2) of this section cease to exist, a person liable to national defence obligation and an active member of the Defence League not liable to national defence obligation, appointed to a wartime post, who have received the mobilisation order, are required to notify immediately the foreign mission of the Republic of Estonia and are required to report at the foreign mission or other place appointed by the foreign mission by the order of the foreign mission.

(7) The Defence Forces or a foreign mission of the Republic of Estonia shall consider a failure to report at the place of assembly or a foreign mission of the Republic of Estonia or other place appointed by the foreign mission of a person liable to national defence obligation and an active member of the Defence League not liable to national defence obligation, appointed to a wartime post, to be grounded or ungrounded on the basis of evidence submitted by him or her.

## **Chapter 6 National defence object and protection thereof**

### **§ 83. National defence object**

(1) A national defence object may be land, building or device the attacking, seizure, damage or destruction of which may pose a threat to national security or increased threat to public order and the realisation of the threat may hinder the normal functioning of the state, disturb the organisation of military part of national defence, the ensuring of internal security or the capacity of consistent functioning of a vital service or cause the destruction of national cultural heritage.

(2) National defence objects are divided on the basis of the type of the object into the following categories:

- 1) a national defence object in the use of a public authority;
- 2) a national defence object related to the provision of a vital service;
- 3) a national defence object essential for ensuring public order, including an object the damaging or destruction of which shall cause a threat to the life and health of people, damage to national cultural heritage and the security of the society.

4) a national defence object related to the operation of the military part of national defence, including a construction work that serves national defence purposes within the meaning of the Building Act;

5) a national defence object in the use of a security authority, including a construction work of a security authority within the meaning of the Building Act;

6) a national defence object related to ensuring internal security.

(3) Upon designation of land, construction work or device as a national defence object its category shall also be indicated.

#### **§ 84. Designation as permanent and temporary national defence object**

(1) National defence objects are divided into permanent and temporary national defence objects.

(2) Land, construction work or device shall be designated as a permanent national defence object and its being a national defence object shall be terminated by a regulation of the Government of the Republic.

(3) Land, construction work or device shall be designated as a temporary national defence object by the minister responsible for the area of ensuring internal security.

(4) Land, construction work or device related to the functioning of the military part of national defence or used by a security authority in the area of government of the Estonian Ministry of Defence shall be designated as a temporary national defence object by the minister responsible for the organisation of national defence.

(5) Land, construction work or device may be designated as temporary national defence object for the following terms:

1) for up to 60 days during the general defence readiness;

2) for up to 180 days during increased defence readiness, a state of emergency and a state of war.

(6) After the expiry of the term specified in subsection (5) of this section land, construction work or device cease being a national defence object unless designated as permanent national defence object during the term.

(7) Land, construction work or device may be designated as temporary national defence object for the following purposes:

- 1) in order to find out if it is necessary to designate it as a national defence object;
- 2) in order to protect thereof exceptionally if other protective measures have been exhausted or application of other protective measures would be unreasonably cumbersome compared to the objective set.

#### **§ 85. Organisation of protection of national defence object**

(1) For preparation of the protection of a national defence object the following is laid down:

1) risk analysis which describes potential attacks to a national defence object and other threats, the probability of realisation thereof and consequences;

2) the security plan stating the measures implemented on the object on the basis of the risk analysis for the prevention and hindering of the potential attack and mitigation of the consequences thereof.

(2) Security exercises are conducted for the assessment of the functioning of the security plan.

(3) Minimum measures of physical protection, including guard, shall be implemented to ensure the initial physical protection of the national defence object.

(4) Additional security measures are implemented on the basis of the danger level and security plan to ensure the additional defence of the national defence object.

(5) The requirements and specifications of risk analysis, drawing up security plan, organisation of security trainings and implementation of minimum measures of physical protection and additional security measures which are based on the category or features of a national defence object shall be prescribed in the procedure for protection of the national defence object.

#### **§ 86. Guard and protection of national defence object**

(1) The guarding of the national defence object is organised by the possessor of the national defence object.

(2) The police guarding is implemented on a national defence object if the national defence object is included in the list of objects guarded by the police established by a regulation of the Government of the Republic on the basis of the Police and Border Guard Board Act,.

(3) The Defence Forces guarding is implemented on a national defence object if the national defence object has been designated as the restricted military area of the Defence Forces.

(4) The Defence League guarding may be implemented on a national defence object in the procedure provided for in the Estonian Defence League Act.

(5) The Defence Forces and the Defence League may be involved in the protection of a national defence object on the bases and in the procedure provided for in §§ 16<sup>1</sup> and 16<sup>2</sup> of the Law Enforcement Act.

#### **§ 87. Procedure of national defence object guard**

(1) The procedure for the protection of a national defence object shall be established by a regulation of the Government of the Republic.

(2) The procedure for the protection of the national defence object provides for:

1) the procedure for assignment of land, construction work or device as a national defence object;

2) obligations of the possessor and tasks of the government authorities upon organisation of the protection of the national defence object;

3) the procedure for drawing up risk analysis and security plan for the national defence object;

4) procedure for the conduct of security trainings on the national defence object;

5) minimum measures of physical protection of the national defence object, additional security measures and risk levels of the object and the procedure for amendment thereof;

5<sup>1</sup>) the requirements for the processing of personal data upon application of the safeguards of a national defence object;

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6) where necessary, other requirements for application of safeguards on national defence object.

## **Chapter 7 State and administrative supervision**

#### **§ 88. State and administrative supervision bodies**

(1) The Police and Border Guard Board shall conduct state and administrative supervision over the compliance with the requirements and restrictions established during the increased defence readiness, a state of war, mobilisation and demobilisation applied with regard to persons on the basis of §§ 15, 19, 20, 24 and 28 of this Act.

(2) State and administrative supervision over the compliance with the requirements provided for in §§ 85–87 of this Act shall be conducted by:

- 1) the Estonian Internal Security Service;
- 2) the Defence Forces in case of the national defence objects related to the functioning of the military part of the national defence and in the use of the security authority in the area of government of the Estonian Ministry of Defence.

#### **§ 89. Special measures of state supervision and penalty payment**

(1) A law enforcement body may apply special measures of state supervision provided for in §§ 30–32 and 49–53 of the Law Enforcement Act for the conduct of state supervision provided for in this Act on the bases of and in the procedure provided for in the Law Enforcement Act. The Estonian Internal Security Service and the Defence Forces may apply the provisions on the processing of personal data in the Security Authorities Act or the Defence Forces Organization Act for the purpose of exercising state supervision provided for in this Act.

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(2) Upon failure to comply with the precept the supervisory authority may apply penalty payment in the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment for each imposition thereof is 2,000 euros.

#### **§ 90. Compelled attendance in case of failure to report at military service in case of additional reservist training or mobilisation**

(1) Compelled attendance shall be applied with regard to a person liable to national defence obligation in case of a failure to report at the place of assembly by the term set out in the call-up notice to participate in an additional reservist training or a mobilisation order.

(2) In the course of compelled attendance a person liable to national defence obligation shall be brought to the Defence Forces. Compelled attendance may be applied to a person liable to national defence obligation regardless of the matter of offence initiated with regard to a person liable to national defence obligation.

(3) Compelled attendance may be applied if there is a reason to believe that the person evades the participation in additional reservist training or commencement of the performance of the tasks of wartime post. Compelled attendance shall not be applied with regard persons liable to national

defence obligation who are relieved from additional reservist training or whose failure to report at the place of assembly is deemed justified pursuant to subsection 70 (1) or subsection 82 (2) of this Act.

(4) For compelled attendance the Commander of the Defence Forces or a person authorised by him shall draw up a regulation concerning compelled attendance which sets out:

1) the name, personal identification code or date of birth of the person subject to compelled attendance, the known place of residence or seat and the place of employment or name of the educational institution;

2) the reason of compelled attendance;

3) the term of compliance with the regulation and the place where to take the person.

(5) The regulation on compelled attendance shall be communicated for performance to the Police and Border Guard Board.

(6) The compelled attendance may be executed also by the Defence Forces. The Defence Forces shall immediately notify the Police and Border Guard Board of the execution of compelled attendance.

[RT I, 29.05.2018, 1 - entry into force 01.07.2018]

(7) Special measures of state supervision provided for in §§ 45–51 and direct coercion provided for in Chapter 5 of the Law Enforcement Act may be used upon compelled attendance insofar as this is unavoidable for the achievement of the objective.

(8) A person with regard to whom compelled attendance is applied shall be given an opportunity to inform persons close to him or her of being taken to the Defence Forces.

## **Chapter 8 Liability**

### **§ 91. Failure to comply with administrative act issued for organisation of increased defence readiness, management of state of war, organisation of mobilisation or demobilisation**

(1) Failure to comply with an administrative act establishing restrictions on fundamental rights and freedoms issued for organisation of increased defence readiness or management of a state of war on the basis of §§ 15, 19 and 20 of this Act and organisation of mobilisation or

demobilisation on the basis of § 24 of this Act is punishable by a fine of up to 300 fine units or detention.

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

#### **§ 92. Negligence of obligation to attend additional reservist training**

Negligence of the obligation to attend additional reservist training as a person in reserve is punishable by a fine of up to 300 fine units or by detention.

#### **§ 93. Failure to appear for performance of compulsory work obligation**

(1) Failure to appear without good reason to perform compulsory work obligation is punishable by a fine of up to 300 fine units.

(2) The act provided for in subsection (1) of this section if the person has been punished for the same act earlier is punishable by a detention of up to 30 days.

#### **§ 94. Failure to appear for performance of national defence work obligation**

(1) Failure to appear to perform national defence work obligation is punishable by a fine of up to 300 fine units.

(2) The act provided for in subsection (1) of this section if the person has been punished for the same act earlier is punishable by a detention of up to 30 days.

#### **§ 95. Violation of requirements of physical protection of national defence object**

(1) Violation of requirements for physical protection of a national defence object by an employee or official of the possessor of the national defence object is punishable by a fine of up to 200 fine units.

(2) The same act if committed by a legal person is punishable by a fine of up to 6,400 fine units.

#### **§ 96. Proceeding**

(1) The body conducting extra-judicial proceedings of the misdemeanour provided for in § 91 of this Act is the Police and Border Guard Board.

(2) The body conducting extra-judicial proceedings of the misdemeanour provided for in § 92 of this Act is the Defence Forces.

(3) The body conducting extra-judicial proceedings of the misdemeanour provided for in § 93 of this Act is the local government authority or governmental authority that has imposed the compulsory work obligation.

(4) The body conducting extra-judicial proceedings of the misdemeanour provided for in § 94 of this Act is the ministry in the area of government of which the national defence post or place of employment is located.

(5) The body conducting extra-judicial proceedings of the misdemeanour provided for in § 95 of this Act is:

- 1) the Estonian Internal Security Service;
- 2) the Defence Forces in the case of a national defence object related to the functioning of the military part of the national defence and in the use of the security authority in the area of government of the Estonian Ministry of Defence.

## **Chapter 9 Implementing provisions**

**§ 97. – § 117.** Provisions concerning amendment of other Acts are omitted from this translation

### **§ 118. Repeal of Peacetime National Defence Act.**

The Peacetime National Defence Act shall be repealed.

### **§ 119. Repeal of International Military Co-operation Act**

The International Military Co-operation Act shall be repealed.

**§ 120. – § 127.** Provisions concerning amendment of other Acts are omitted from this translation

### **§ 128. Repeal of Wartime National Defence Act**

The Wartime National Defence Act shall be repealed.

**§ 129. – § 136.** Provisions concerning amendment of other Acts are omitted from this translation

### **§ 137. Entry into force of Act**

The Act shall enter into force on 1 January 2016.

Eiki Nestor

President of the Riigikogu