

EMERGENCY ACT  
Passed 15 June 2009

Chapter 1  
GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the legal bases for crisis management, including preparing for emergencies and responding to emergencies as well as ensuring the continuous operation of vital services. This Act also regulates the declaration of, the response to and the termination of emergency situations and the use of the Defence Forces and the National Defence League in responding to emergencies, performing rescue operations and ensuring security.

(2) This Act applies in a emergency situation and a state of war to the extent to which the Emergency situation Act and the State of War Act do not stipulate otherwise.

(3) This Act does not regulate the preparation for emergencies arising from military threat, and responding to emergencies.

(4) The responsibilities and authorities of state and local government agencies (hereinafter agencies) and persons established in other legal acts also apply upon preparing for emergencies and responding to emergencies, unless stipulated otherwise in this Act.

§ 2. Emergencies and crisis management

(1) Emergency is an event or a chain of events, which endangers the life or health of many people or causes significant proprietary damage or significant environmental damage or severe and extensive disruptions in the continuous operation of vital services and responding to which requires the prompt co-ordinated activities of several agencies or the persons engaged by them.

(2) Crisis management is a system of measures, which includes preventing emergencies, preparing for emergencies, responding to emergencies and mitigating the consequences of emergencies.

§ 3. Crisis management committee of the Government of the Republic

(1) The Government of the Republic shall form a permanent crisis management committee of the Government of the Republic.

(2) The crisis management committee of the Government of the Republic shall:

1) monitor and analyse the national crisis management system, including the preparation for emergencies, responding to emergencies and ensuring the continuous operation of vital services;

2) analyse the probability of the occurrence of emergencies and make proposals to the Government of the Republic and competent agencies in respect of preparing for emergencies, responding to emergencies and organising the continuous operation of vital services;

- 3) assist agencies responding to emergencies with national effect or of particular severity in the organisation of exchange of information and the co-ordination of the response to the emergency;
- 4) assist the emergency situation response co-ordinator in the co-ordination of the response to the emergency due to which the emergency situation was declared, if necessary, and perform other duties assigned by the emergency situation response co-ordinator;
- 5) provide an opinion on the guidelines for preparing emergency risk assessments;
- 6) provide an opinion on the guidelines for preparing continuous operation risk assessments;
- 7) provide an opinion on the guidelines for preparing emergency response plans;
- 8) provide an opinion on the guidelines for preparing continuous operation plans ;
- 9) approve the risk assessment summaries of emergencies;
- 10) provide an opinion on the need to declare or terminate an emergency situation to the Government of the Republic;
- 11) make proposals to the Government of the Republic and the emergency situation response co-ordinator to implement measures established in legal acts during emergency, if necessary;
- 12) make a proposal to the Government of the Republic to apply for international assistance for responding to an emergency, if necessary;
- 13) inform the public of the emergency on the bases and in accordance with the procedure established by the Government of the Republic;
- 14) fulfil other duties arising from the law and the statutes.

(3) The Minister of the Interior is the chairman of the crisis management committee of the Government of the Republic.

(4) The Government of the Republic shall establish the statutes and approve the staff of the crisis management committee of the Government of the Republic.

#### § 4. Regional crisis management committee

(1) The local rescue service agencies of the Rescue Board shall form permanent regional crisis management committees to operate in their respective regions.

(2) Regional crisis management committee shall:

- 1) monitor and analyse the crisis management system, including the preparation for emergencies, responding to emergencies and ensuring the continuous operation of vital services in the region;
- 2) analyse the probability of the occurrence of emergencies and make proposals to the crisis management committee of the Government of the Republic and competent agencies in respect of preparing for emergencies, responding to emergencies and organising the continuous operation of vital services in the region;
- 3) review the part of the emergency risk assessment concerning the area of activity of the crisis management committee;
- 4) assist the emergency situation response co-ordinator in the co-ordination of the response to the emergency due to which the emergency situation was declared, if necessary, and perform other duties assigned by the emergency situation response co-ordinator;
- 5) assist agencies responding to emergencies with regional effect in the organisation of exchange of information and the co-ordination of the response to the emergency;
- 6) decide the organisation of regional crisis management exercises;
- 7) inform the public of the emergency on the bases and in accordance with the procedure established by the Government of the Republic;

- 8) form a territorial crisis management committee, if necessary, appointing its chairman, approving its statutes and staff;
- 9) perform other tasks arising from the law and the statutes.

(3) The head of the local rescue service agency is the chairman of the regional crisis management committee.

(4) The Minister of the Interior shall establish the statutes and approve the staff of the regional crisis management committee.

#### § 5. Crisis management committee of the local government

(1) Rural municipality or city governments shall form a permanent crisis management committee of the local government to operate in the territory of the local government.

(2) Local government units with less than 40,000 inhabitants may form a joint crisis management committee with one or several local government units.

(3) The crisis management committee of the local government shall:

- 1) monitor and analyse the crisis management system, including the preparation for emergencies, responding to emergencies and ensuring the continuous operation of vital services and the functioning of the duties and competences established in section 6 of the Local Government Organisation Act for emergencies in the local government unit;
- 2) analyse the probability of the occurrence of emergencies and make proposals to the crisis management committee of the Government of the Republic, the regional crisis management committee and competent agencies in respect of preparing for emergencies, responding to emergencies and organising the continuous operation of vital services in the local government unit;
- 3) review the part of the emergency risk assessment concerning the area of activity of the crisis management committee;
- 4) assist the emergency situation response co-ordinator in the co-ordination of the response to the emergency due to which the emergency situation was declared, if necessary, and perform other duties assigned by the emergency situation response co-ordinator;
- 5) assist agencies responding to emergencies in the organisation of exchange of information and the co-ordination of the response to the emergency, if necessary;
- 6) decide the organisation of local government crisis management exercises;
- 7) inform the public of the emergency on the bases and in accordance with the procedure established by the Government of the Republic;
- 8) perform other tasks arising from the law and the statutes.

(4) County municipality mayors or city mayors are chairmen of the crisis management committees of local governments.

(5) The rural municipality or city government shall establish the statutes and approve the staff of the crisis management committee of the local government. The draft statutes and the staff of the crisis management committee shall be agreed with the local rescue service agency of the Rescue Board.

## Chapter 2

### ORGANISATION OF PREPARATION FOR EMERGENCIES

## Section 1

### Organisation of preparation of emergency risk assessments

#### § 6. Emergency risk assessment

(1) Emergency risk assessment is a document, which describes the following on the national and, if necessary, on the regional and local government level:

- 1) the emergency;
- 2) the threats and hazards causing the emergency;
- 3) the probability of the emergency;
- 4) the consequences of the emergency;
- 5) other important information related to the emergency;
- 6) references to models, source materials and other such information, on the basis of which the risk assessment is prepared.

(2) The Government of the Republic shall by order establish the list of emergencies, concerning which a risk assessment shall be prepared, and appoint competent agencies of executive state power to prepare the emergency risk assessment. The Government of the Republic shall at least once in every two years assess the need to amend the list of emergencies, concerning which a risk assessment has to be prepared.

(3) Competent agencies shall have the right to receive information necessary for preparing the emergency risk assessment from other agencies and persons.

(4) The emergency risk assessment shall be approved by a decree of the head of the agency that directed the preparation thereof.

(5) The agency that directed the preparation of the risk assessment shall submit the emergency risk assessment to the Ministry of the Interior.

(6) The agency that directed the preparation of the emergency risk assessment shall at least once in every two years assess the up-to-date value of the emergency risk assessment and make amendments as necessary. The amendments shall be approved by the Ministry of the Interior.

(7) The guidelines for preparing emergency risk assessments shall be established by a regulation of the Minister of the Interior.

(8) The emergency risk assessment shall be taken into account in the preparation of the development plans of the relevant agencies.

## Section 2

### Organisation of preparation of emergency plans

#### § 7. Emergency plans

(1) An emergency plan is a document, which describes the following on the national and, if necessary, on the regional and local government level:

- 1) the organisation of responding to emergencies;

- 2) the management structure of responding to emergencies;
- 3) the responsibilities of the agencies or persons participating in responding to emergencies;
- 4) the organisation of exchange of information participating in responding to emergencies;
- 5) the organisation of informing the public of emergencies;
- 6) the organisation of international cooperation in responding to emergencies
- 7) other important issues related to responding to emergencies.

(2) The Government of the Republic shall by order establish the list of emergencies, concerning which an emergency plan shall be prepared, and appoint competent agencies of executive state power to prepare the emergency plan. The Government of the Republic shall at least once in every two years assess the need to amend the list of emergencies, concerning which an emergency plan has to be prepared.

(3) Competent agencies shall have the right to receive information necessary for preparing the emergency plan from other agencies and persons.

(4) The emergency plans shall be approved by a regulation of the Government of the Republic.

(5) The agency that directed the preparation of the emergency plan shall at least once in every two years assess the up-to-date value of the emergency plan and make proposals to the Government of the Republic to amend the plan as necessary.

(6) The guidelines for preparing emergency plans shall be established by a regulation of the Minister of the Interior.

### Section 3 Exercises

#### § 8. Exercises

(1) For the purposes of this Act, exercises mean crisis management exercises organised with the aim of assessing the procedures and capability of responding to one or more emergencies, which includes all the competent agencies and consist of in-house exercises and field exercises.

(2) National emergency response exercises shall be conducted at least once in every four years.

(3) The time and the organiser of national emergency response exercises and the emergencies, the procedures and capabilities of which are being assessed, shall be approved by the crisis management committee of the Government of the Republic in agreement with the agency planned to be the organiser of the exercises.

(4) The time and the organiser of regional emergency response exercises and the emergencies, the procedures and capabilities of which are being assessed, shall be approved by the regional crisis management committee in agreement with the agency planned to be the organiser of the exercises.

(5) The time and the organiser of local government emergency response exercises and the emergencies, the procedures and capabilities of which are being assessed, shall be approved by the crisis management committee of the local government in agreement with the agency planned to be the organiser of the exercises.

(6) The Minister of the Interior shall by regulation establish the requirements for the content of the exercises and the frequency of organising regional and local government exercises.

(7) The expenses related to organising exercises shall be covered from the budget of the agency organising the exercises.

(8) The expenses of the agencies involved in the exercises incurred in the participation in the exercises shall be covered from their own funds.

### Chapter 3

## ORGANISATION OF RESPONDING TO EMERGENCIES

### Section 1

#### Informing of Emergencies and Duties of Possessors of Media

##### § 9. Informing of emergencies

(1) Natural persons shall be obligated to immediately notify the emergency helpline 112 of the emergency or the impending risk of emergency they have learnt of, unless there is reason to believe that the agency competent to respond to the emergency has already been notified.

(2) Agencies or legal persons shall be obligated to immediately notify the Minister of the Interior of the emergency that has occurred in the fulfilment of their responsibilities or in their area of activity or of the impending risk of such emergency.

(3) The public shall be immediately notified of the impending risk of the occurrence of an emergency, of the emergency and the response to the emergency, if the failure to inform may endanger the lives or health of people, cause major proprietary damage or otherwise significantly disrupt the ordinary way of life.

(4) The Government of the Republic shall by regulation establish the procedure for fulfilling the obligations set forth in subsection (2) of this section, the requirements for the information to be communicated as well as the organisation of exchange of information between the agencies and persons responding to the emergency.

(5) The Government of the Republic shall by regulation establish the procedure for the fulfilment of the obligations set forth in subsection (3) of this section and the requirements for the information to be communicated.

##### § 10. Duties of possessors of media upon informing of emergencies

The possessors of the media shall in unaltered form and free of charge announce the notices of the Government of the Republic, the crisis management committee, the emergency situation response co-ordinator, the emergency situation operations co-ordinator and the ministries or other agencies responding to the emergency concerning the impending risk of

the occurrence of an emergency, the emergency and the response thereto, including notices concerning the declaration, alteration or termination of the emergency situation.

#### § 11. Organisation of psychological defence

(1) For the purposes of this Act, psychological defence means the activities of the state aimed at ensuring the prevention of the spread of incorrect information and moods causing panic arising from the emergency or the risk of emergency.

(2) The psychological defence plan shall be developed by the State Chancellery and approved by an order of the Government of the Republic.

#### § 12. Directing the responding to emergencies

(1) The responding to emergencies shall be directed by the agency or official of executive state power appointed in the emergency plan.

(2) The agency or person directing the responding to an emergency shall have the right to receive assistance from agencies and officials of executive state power for responding to the emergency on the bases and in accordance with the procedure established in the emergency plan.

### Division 2

#### Emergency situation

##### Subdivision 1

#### Declaration and termination of emergency situation

#### § 13. Basis and conditions of declaring a emergency situation

(1) The Government of the Republic may declare a emergency situation for responding to an emergency arising from a natural disaster, catastrophe or spread of infectious diseases, if responding to the emergency without the implementation of the organisation of management or measures established in this division is not possible.

(2) For the purposes of this Act, catastrophe means a large/scale accident, particularly:

1) extensive chemical, biological or radioactive contamination of environment;

2) extensive fire or explosion;

3) accidents with severe consequences, involving a ship, aircraft, train or other means of transport;

4) a long-term interruption in the continuous operation of the vital services specified in clauses 1 to 3 and 11 to 14 of subsection (2), clauses 3 and 6 of subsection (3), clauses 2 and 4 of subsection (4), clause 2 of subsection (8) and clauses 1 to 3 of subsection 9 of section 34 of this Act, which results in severe consequences.

(3) For the purposes of this Act, infectious disease means an infectious disease in the meaning of the Communicable Diseases Prevention and Control Act and infectious animal disease in the meaning of the Infectious Animal Disease Control Act.

#### § 14. Procedure for declaration of emergency situation

(1) In order to decide the declaration of emergency situation, the Prime Minister or the minister substituting the Prime Minister in his or her absence shall immediately convene a session of the Government of the Republic, where the opinion of the crisis management committee of the Government of the Republic concerning the need to declare emergency situation will be heard.

(2) The Prime Minister or the minister substituting the Prime Minister in his or her absence shall present the draft order of the Government of the Republic regarding the declaration of emergency situation to the Government of the Republic for deciding.

(3) The Government of the Republic shall declare the emergency situation in the entire country or in the territory of the relevant county, the area of activity of the local rescue service agency of the Rescue Board or the local government unit (hereinafter the emergency area).

#### § 15. Order of the Government of the Republic regarding the declaration of emergency situation

(1) The order of the Government of the Republic regarding the declaration of emergency situation shall set forth:

- 1) the declaration of emergency situation;
- 2) the reason for declaring emergency situation;
- 3) the emergency area;
- 4) the emergency situation response co-ordinator;
- 5) the agencies and persons fulfilling public administration duties, who shall be obligated to take measures to respond to the emergency due to which the emergency situation was declared and follow the orders of the emergency situation response co-ordinator;
- 6) other measures to be taken by the Government of the Republic in responding to the emergency due to which the emergency situation was declared;
- 7) the duty of possessors of media to announce the order immediately and in unaltered form.

(2) The order of the Government of the Republic shall enter into force upon being signed, unless a later date has been established in the order itself. The order shall be published immediately in the media.

#### § 16. Procedure for changing the conditions of emergency situation

(1) The Government of the Republic may by order decide to change the conditions of the emergency situation set forth in subsections (3) to (7) of section 1 of § 15 of this Act. A change in the conditions of the emergency situation shall not be considered the declaration of a new emergency situation.

(2) The order of the Government of the Republic regarding the changing of the conditions of the emergency situation shall enter into force upon being signed, unless a later date has been established in the order itself. The order regarding a change in the emergency area or the use of measures restricting the basic rights of persons shall be published immediately in the media.

#### § 17. Procedure for the termination of emergency situation

(1) The Government of the Republic shall decide the termination of emergency situation after responding to the emergency due to which emergency situation was declared, having previously heard the opinion of the crisis management committee of the Government of the Republic.

(2) The order of the Government of the Republic regarding the termination of emergency situation shall enter into force upon being signed, unless a later date has been established in the order itself. The order shall be published immediately in the media.

#### Subdivision 2

Direction of the emergency situation response and emergency situation work

#### § 18. Emergency situation response co-ordinator

(1) Upon declaring emergency situation, the Government of the Republic shall appoint a minister to direct and co-ordinate the response to the emergency due to which emergency situation was declared (hereinafter the emergency situation response co-ordinator).

(2) The emergency situation response co-ordinator shall have the right to issue orders for responding to the emergency arising from the event due to which emergency situation was declared to the co-ordinator of emergency situation work and the state and local government agencies appointed by the Government of the Republic and to other persons fulfilling public administration duties, taking into account the competence and authorities of these agencies and persons.

(3) The emergency situation response co-ordinator shall be subordinate to the Government of the Republic and accountable to the Government of the Republic. The emergency situation response co-ordinator shall make proposals to the Government of the Republic for the performance of the duties and the implementation of measures related to responding to the emergency situation, which are outside his or her competence.

(4) The emergency situation response co-ordinator shall issue orders within his or her competence in the form of administrative acts.

(5) If an emergency situation is declared during a state of emergency, the emergency situation response co-ordinator is subordinate to the state of emergency situation response co-ordinator.

#### § 19. Emergency situation work and co-ordinator of emergency situation work

(1) Emergency situation work is:

- 1) emergency, rescue and restoration work in the event of a natural disaster or catastrophe;
- 2) work to prevent the spread of an infectious disease;
- 3) the provision of assistance to victims in the event of a natural disaster or catastrophe or to prevent the spread of an infectious disease.

(2) The emergency situation response co-ordinator shall appoint one or more co-ordinators of emergency situation work, who shall direct the performance of emergency situation work in the emergency area, co-ordinate the activities to ensure public order and road safety and fulfil other duties given by the emergency situation response co-ordinator.

(3) In the fulfilment of his or her duties, the co-ordinator of emergency situation work shall be subordinated to the emergency situation response co-ordinator.

(4) The co-ordinator of emergency situation work shall issue orders within his or her competence in the form of administrative acts.

(5) The co-ordinator of emergency situation work shall be responsible for the safety of performing the work directed by him or her in responding to the emergency situation and, if possible, ensure the implementation of measures for the preservation and protection of nature and objects of heritage conservation.

## § 20. Financing of the response to emergency situations

The Government of the Republic shall by regulation establish the bases and procedure for financing the response to the emergency due to which emergency situation was declared.

### Subdivision 3

#### Measures implemented during emergency situations

## § 21. Obligation to work

(1) The emergency situation response co-ordinator, the co-ordinator of emergency situation work or other officials appointed by the emergency situation response co-ordinator may during an emergency situation obligate natural persons to perform emergency situation work, if competent agencies or persons engaged by them on a voluntary basis are unable to perform it or unable to perform it in a timely manner.

(2) A person may be assigned the obligation to work, if he or she is at least 18 years of age and capable to perform the work by his or her knowledge, skills and health condition.

(3) The obligation to work shall end at the time determined by the emergency situation response co-ordinator, the co-ordinator of emergency situation work or other officials appointed by the emergency situation response co-ordinator, but not later than upon the termination of the emergency situation. A person cannot be assigned the obligation to work for longer than 30 days.

(4) The following shall not be obligated to perform emergency situation work:

- 1) persons with a moderate, profound or severe disability and their caregivers;
- 2) pregnant women and mothers of children under 3 years of age;
- 3) persons raising a child with a moderate, profound or severe disability;
- 4) one parent or custodian of a child under 12 years of age;
- 5) female persons under 30 years of age, if the work is performed in the area of ionising radiation hazard;
- 6) members of the Defence Forces in active service.

(5) The Government of the Republic may by regulation establish a more specific procedure for the assignment of the obligation to work to natural persons during emergency situations.

## § 22. Expropriation of movables

(1) The emergency situation response co-ordinator or the co-ordinator of emergency situation work may decide the expropriation of fuel, food, medicines or other consumable movables into state ownership, if the movable is strictly necessary for responding to the emergency situation or the elimination of the consequences thereof and other possibilities for its timely acquisition are non-existent or unreasonably onerous.

(2) The procedure set forth in this section shall not be applied to expropriate money or property belonging to persons, against which a claim cannot be filed in an enforcement procedure.

#### § 23. Duty of grant use of things

(1) The emergency situation response co-ordinator or the co-ordinator of emergency situation work may decide the taking of a registered immovable or a part thereof, a building, vehicle, machinery, equipment or other movables not specified in § 22 of this Act into temporary duty of grant use, if the use of the thing is strictly necessary for responding to the emergency situation or the elimination of the consequences thereof and other possibilities for its timely acquisition are non-existent or unreasonably onerous.

(2) The duty of grant use of a thing shall end at the time determined by the emergency situation response co-ordinator or the co-ordinator of emergency situation work, but no later than upon the termination of the emergency situation.

#### § 24. Procedure for expropriation or taking things into duty of grant use

(1) A thing shall be expropriated or taken into duty of grant use by an official appointed by the emergency situation response co-ordinator or the co-ordinator of emergency situation work.

(2) The emergency situation response co-ordinator, the co-ordinator of emergency situation work or the official performing the expropriation of a thing may obligate the owner or possessor of the object of expropriation or duty of grant use to deliver the movable to the location determined for handing it over.

(3) A report shall be drawn up concerning the expropriation or duty of grant use of a thing in two copies. One copy of the report shall be given to the owner or possessor of the thing.

(4) The Government of the Republic may by regulation a more specific procedure for the expropriation and duty of grant use of things during emergency situations.

#### § 25. Entry into property

(1) The emergency situation response co-ordinator, the co-ordinator of emergency situation work or other persons appointed by the emergency situation response co-ordinator or the co-ordinator of emergency situation work may without the consent of the possessor enter an immovable property, building or room, including the opening of doors, gates or eliminating other obstacles, if this is necessary for responding to the emergency due to which emergency situation was declared.

(2) The emergency situation response co-ordinator or the co-ordinator of emergency situation work may decide the performance of emergency situation work in an immovable property, building or room in the emergency area without the consent of the possessor, including the performance of demolition work, cutting down trees and blocking water bodies.

(3) If the identity of the possessor can be determined, he or she must at the first opportunity be notified of entering a fenced or marked immovable, building or room or performing emergency situation work on the property.

(4) A report shall be prepared concerning the entry into a fenced or marked immovable, building or room, if this involved damages to the possessed property as well as concerning the performance of emergency situation work in the property.

#### § 26. Prohibition of stay and other restrictions of freedom of movement

(1) The Government of the Republic, the emergency situation response co-ordinator or the official appointed by the emergency situation response co-ordinator may obligate persons to leave the emergency area or a part thereof and prohibit their stay in the emergency area or a part thereof, if this is necessary for responding to the emergency due to which the emergency situation was declared (prohibition of stay). If possible, the persons' access to their living or working rooms shall be preserved.

(2) If a prohibition of stay is imposed in respect of an undetermined number of persons (as a general order), the entity deciding the application of the prohibition of stay shall ensure the designation of the place of the prohibition of stay in a comprehensible manner. Information regarding a prohibition of stay imposed in respect of an undetermined number of persons and covering an area exceeding 1 km<sup>2</sup>, shall be published immediately in the media.

(3) The Government of the Republic or the emergency situation response co-ordinator may by order impose restrictions not specified in subsection (1) of this section on the freedom of movement in the emergency area, if this is necessary for responding to the emergency due to which the emergency situation was declared. The order shall be published immediately in the media.

(4) The order of the Government of the Republic concerning a prohibition of stay or other restrictions on the freedom of movement shall enter into force upon being signed, unless a later date has been established in the order itself.

(5) The prohibition of stay specified in subsection (1) or subsection (3) of this section or other restrictions on the freedom of movement shall remain in force until the time determined by the entity applying it, but not for longer than until the termination of the emergency situation.

#### § 27. Restrictions on holding public meetings and public events

(1) The Government of the Republic or the emergency situation response co-ordinator may by order restrict the holding of public events and meetings in the emergency area, if this is strictly necessary for responding to the emergency due to which the emergency situation was declared.

(2) The order specified in subsection (1) of this section shall enter into force upon being signed, unless a later date has been established in the order itself. The order shall be published immediately in the media.

(3) The order specified in subsection (1) of this section shall remain in force until the time prescribed therein, but not for longer than until the termination of the emergency situation.

#### § 28. Isolation and treatment of people with infectious diseases during emergency situations

(1) The isolation and treatment, including involuntary treatment of people with infectious diseases in the emergency area shall be carried out on the bases and in accordance with the procedure established in the Communicable Diseases Prevention and Control Act.

(2) For the purposes of specifying the procedure established in subsection (1), the Government of the Republic may by regulation establish a procedure for the involuntary hospitalisation of people with infectious diseases during emergency situations.

#### § 29. Infectious animal disease control during emergency situations

Besides measures established in this Act, the measures set forth in the Infectious Animal Disease Control Act shall be applied in infectious animal disease control in the emergency area.

#### § 30. Responsibilities of the Police in ensuring the measures imposed during emergency situations

The Police shall provide the emergency situation response co-ordinator, the co-ordinator of emergency situation work or other competent officials professional assistance in the application of enforcement powers to ensure the measures established in this division.

#### Division 3

Use of the Defence Forces or the Defence League in responding to emergencies, in rescue work and ensuring security

#### § 31. Use of the Defence Forces or the Defence League in responding to emergencies, in rescue work and ensuring security

(1) The Defence Forces or the Defence League may be used for the performance of the following duties:

- 1) performing rescue work and emergency situation work;
- 2) regulating traffic during the emergency situation and ensuring security in the emergency area;
- 3) preventing or combating the offences specified in § 237 (acts of terrorism), § 240 (illegal entry into official premises) § 246 (attack against life or health of persons enjoying international immunity) and § 248 (illegal entry into territory, building or premises enjoying diplomatic immunity) of the Penal Code;
- 4) preventing or combating the damaging of objects with high risk of attack;
- 5) temporarily restricting or suspending the crossing of the state border in the event specified in § 7 of the State Borders Act.

(2) The procedure for the use of the Defence Forces or the Defence League for the performance of the duties specified in clause 1 of subsection (1) of this section shall be established by a regulation of the Government of the Republic.

(3) The Government of the Republic shall decide the use of the Defence Forces or the Defence League for the performance of the duties specified in clauses 2 to 5 of subsection (1) of this section by a regulation with the approval of the President of the Republic.

(4) The Minister of the Interior shall make the proposal to the Government of the Republic to use the Defence Forces or the Defence League for the performance of the duties specified in clauses 2 to 5 of subsection (1) of this section. The proposal shall be previously approved by the Minister of Defence.

(5) The Government of the Republic may decide to use the Defence Forces or the Defence League for the performance of the duties specified in clause 2 of subsection (1) of this section until the termination of the emergency situation.

(6) In the events specified in clauses 3 to 5 of subsection (1) of this section, the Government of the Republic cannot decide to use the Defence Forces or the Defence League for longer than 30 days from making the decision. In the events specified in this subsection, the Government of the Republic cannot decide to use the Defence Forces or the Defence League again in responding to the same event.

(7) The use of the Defence Forces or the Defence League for the performance of the duties specified in clauses 2 to 5 of subsection 1 of this section is allowed only in case a competent agency is unable to perform the duty or unable to perform the duty in a timely manner and there are no other means to perform the duty.

#### § 32. Content of orders

The order specified in subsection 3 of section 31 shall contain the following information:

- 1) the duty, for the performance of which the Defence Forces or the Defence League is used;
- 2) the number or maximum number of the active members of the Defence Forces or the Defence League used;
- 3) the term for the use of the Defence Forces or the Defence League;
- 4) the territory, in which the Defence Forces or the Defence League performs its duty;
- 5) the official or officials to whom the active members of the Defence Forces or the Defence League used shall be subordinated;
- 6) other conditions, if necessary.

#### § 33. Procedure for the use of Defence Forces or Defence League

(1) The order specified in subsection (3) of section 31 of this Act shall be submitted to the commander of the Defence Forces or the commander of the Defence League, who shall subordinate the unit of the Defence Forces or the Defence League in the issues related to the performance of the duty specified in subsection (1) to the official appointed by the Government of the Republic through the commander of the unit.

(2) The Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be given immediate notice of the order specified in subsection (3) of section 31.

(3) During the performance of the duties specified in clauses 2 to 5 of subsection (1) of section 31, active members of the Defence League or members of the Defence Forces shall wear uniform together with a safety jacket with easily visible designation "MAINTENANCE OF LAW AND ORDER". The vehicles of the Defence Forces or the Defence League used in the performance of the duties shall be designated with a sticker "MAINTENANCE OF LAW AND ORDER". The Minister of Defence shall establish the description of the safety jacket and the sticker by regulation.

(4) In the performance of the duties specified in clauses 2 to 5 of subsection (1) of section 31, members of the Defence Forces or active members of the Defence League may use force on the bases and in accordance with the procedure for applying enforcement powers prescribed for police officials.

(5) The duties specified in clauses 2 to 5 of subsection (1) of this section shall be performed by members of the Defence Forces and active members of the Defence League who have completed the relevant training.

#### Chapter 4

#### ORGANISATION OF CONTINUOUS OPERATION OF VITAL SERVICES

##### § 34. Vital services, continuous operation thereof and organiser of continuous operation

(1) The continuous operation of vital services is the capability of consistent functioning of vital services and the ability to restore the consistent functioning of vital services after a disruption.

(2) The Ministry of Economic Affairs and Communication shall organise the continuous operation of the following vital services:

- 1) functioning of electricity supply;
- 2) functioning of gas supply;
- 3) functioning of liquid fuel supply;
- 4) functioning of airports;
- 5) functioning of air navigation services;
- 6) functioning of the management of public railway;
- 7) functioning of railway transport services, incl. public passenger transport;
- 8) functioning of ice-breaking operations;
- 9) functioning of ports;
- 10) functioning of the system for organising shipping traffic;
- 11) functioning of the maintenance of main and basic roads in the country;
- 12) functioning of the telephone network;
- 13) functioning of the mobile telephone network;
- 14) functioning of the data communication network;
- 15) functioning of marine radio communication;
- 16) functioning of the cablecasting network;
- 17) functioning of the broadcasting network;
- 18) functioning of the postal network.

(3) The Ministry of the Interior shall organise the continuous operation of the following vital services:

- 1) functioning of the maintenance of public order;
- 2) functioning of rescue work;
- 3) functioning of the processing of emergency aid messages;
- 4) functioning of air and sea rescue;
- 5) functioning of marine pollution monitoring and control;
- 6) functioning of the operative radio communication network;
- 7) ensuring the functioning of the work of the Riigikogu, the Government of the Republic and the President of the Republic.

(4) The Ministry of Social Affairs shall organise the continuous operation of the following vital services:

- 1) functioning of stationary special medical care;
- 2) functioning of emergency medical care;
- 3) functioning of drinking water safety control;
- 4) functioning of blood donor service.

(5) The Ministry of the Environment shall organise the continuous operation of the following vital services:

- 1) functioning of air monitoring and early warning;
- 2) functioning of hydrological and meteorological monitoring and early warning;
- 3) functioning of the risk of radiation early warning system.

(6) The Ministry of Agriculture shall organise the continuous operation of the functioning of the control of food safety as a vital service.

(7) The Ministry of Finance shall organise the continuous operation of the functioning of payments and settlements, including the collection of state taxes, as a vital service.

(8) The Bank of Estonia shall organise the continuous operation of the following vital services:

- 1) functioning of payments and settlements, including securities payments;
- 2) availability of cash.

(9) Local government units shall organise the continuous operation of the following vital services in their administrative territory:

- 1) functioning of the district heating system and network;
- 2) functioning of the maintenance of rural municipality roads and city streets;
- 3) functioning of water supply and sewerage, including waste water treatment plants;
- 4) functioning of waste management;
- 5) functioning of public transport in the rural municipality or city.

§ 35. Responsibilities of agencies or persons organising the continuous operation of vital services

Agencies or persons organising the continuous operation of vital services shall:

- 1) co-ordinate the activities to ensure the continuous operation of vital services and provide advice to providers of vital services;

- 2) perform itself or appoint a sub-agency to perform supervision over ensuring the continuous operation of vital services;
- 3) present an overview of the status of organising the continuous operation of vital services to the Ministry of the Interior once in every two years. If there are more than two providers of the same vital service, the overview shall contain a description of the measures to mitigate the consequences of a partial or complete interruption of the service as a whole and the measures to restore the continuous operation of the service.

#### § 36. Responsibilities of the Ministry of the Interior in co-ordinating the organisation of continuous operation of vital services

In addition to fulfilling the responsibilities of an organiser of vital services specified in subsection (3) of section 34 of this Act, the Ministry of the Interior shall:

- 1) co-ordinate the fulfilment of the responsibilities established in section 34 of this Act by the agencies organising the continuous operation of vital services;
- 2) develop the policy of ensuring the continuous operation of vital services;
- 3) provide advice to agencies in organising the continuous operation of vital services;
- 4) present an overview of the status of the organisation of the continuous operation of vital services to the Government of the Republic and the crisis management committee of the Government of the Republic once in every two years.

#### § 37. Providers of vital services

(1) A provider of vital services is a state or local government agency or a legal person, whose competence includes the fulfilment of a public administration duty defined as a vital services in section 34 of this Act or a person operating as an entrepreneur providing vital services in the case specified in subsection (2) of this section.

(2) The conditions, upon meeting which persons operating as undertakings shall be considered as providers of vital services shall be determined and the duties of the undertakings in ensuring the continuous operation of vital services shall be established by law.

(3) Providers of vital services shall be obligated to:

- 1) prepare a risk assessment of the continuous operation of the vital services provided by them (hereinafter the continuous operation risk assessment);
- 2) prepare a plan for ensuring the continuous operation of the vital services provided by them (hereinafter the continuous operation plan);
- 3) give immediate notice to the agency organising the vital service or the agency appointed by them of events significantly disturbing the continuous operation of the vital service or an impending risk of the occurrence of such events;
- 4) give the agency organising the vital service of the agency appointed by them to perform supervision over the continuous operation of the vital service information concerning the provision of the vital service upon the agency's request;
- 5) fulfil other responsibilities assigned to them with legal acts to ensure the continuous operation of vital services.

#### § 38. Continuous operation risk assessment

- (1) The continuous operation risk assessment is a document describing the following:
- 1) the risks causing a partial or complete interruption in the provision of vital services;

- 2) the probability of a partial or complete interruption in the provision of vital services;
- 3) the possible consequences of a partial or complete interruption in the provision of vital services;
- 4) other important information.

(2) The continuous operation assessment shall be approved by the head of the agency providing the vital service or, in the case of a legal person, the management board or a substituting body.

(3) The agency or person that prepared the risk assessment shall submit the risk assessment to the agency organising the vital service or a sub-agency appointed by the agency organising the vital service. The agency organising the vital service shall maintain the confidentiality of information, which the person has upon forwarding designated as trade secrets.

(4) The agency or person that has prepared a continuous operation risk assessment shall at least once in every two years assess the up-to-date value of the risk assessment and make amendments as necessary. The amendments shall be made in accordance with the provisions set forth in subsections (2) and (3) of this section.

(5) The Minister of the Interior shall establish the guidelines for preparing the continuous operation risk assessments by regulation.

#### § 39. Continuous operation plan

(1) The continuous operation plan is a document describing the following:

- 1) the measures that need to be taken to prevent partial or complete interruptions in the provision of vital services;
- 2) the measures that need to be taken to mitigate the consequences of partial or complete interruptions in the provision of vital services;
- 3) the measures that need to be taken to restore the continuous operation of vital services in the event of a partial or complete interruption in the provision of vital services;
- 4) other important issues.

(2) The continuous operation plan shall be approved by the head of the agency providing the relevant service or, in the case of a legal person, by the management board or a substituting body.

(3) The agency or person that has prepared a continuous operation plan shall submit the continuous operation plan to the agency organising the vital service or a sub-agency appointed by the agency organising the vital service. The agency organising the vital service shall maintain the confidentiality of information, which the person has upon forwarding designated as trade secrets.

(4) The agency or person that has prepared a continuous operation plan shall at least once in every two years assess the up-to-date value of the continuous operation plan and make amendments as necessary. The amendments shall be made in accordance with the provisions set forth in subsections (2) and (3) of this section.

(5) The Minister of the Interior shall establish guidelines for preparing continuous operation plans by regulation.

#### § 40. Ensuring the electronic security of the provision of vital services

(1) Providers of vital services shall be obligated to ensure the continuous application of security measures in regards to the information systems used for the provision of vital services and the related information assets.

(2) The Government of the Republic shall establish the security measures for vital service information systems and the related information assets by regulation.

#### § 41. Objects of high risk of attack

(1) An object of high risk of attack is the territory, building or equipment used for the provision of vital services, the physical damage to or destruction of which would significantly disturb the continuous operation of the entire vital service and which are therefore highly likely to be attacked.

(2) The Government of the Republic shall establish the list of objects with high risk of attack by order.

(3) Possessors of objects with high risk of attack shall be obligated to:

- 1) ensure the continuous application of physical protection measures on the site;
- 2) cover the risk of a physical attack on the object in the continuous operation risk assessment;
- 3) take account of the physical protection measures of the object in the continuous operation plan;
- 4) give the Police immediate notice of circumstances on the site or in the immediate vicinity, which may indicate a threat of a physical attack.

(4) The Government of the Republic shall establish the physical protection measures of objects of high risk of attack by regulation.

#### § 42. State operation stockpile

(1) The state operation stockpile means physical or contractually secured resources to be used in an emergency to mitigate the consequences of the emergency or to mitigate the consequences of interruptions in the continuous operation of vital services.

(2) The following shall be formed to mitigate the consequences of emergencies:

- 1) the state health care stockpile;
- 2) the state food stockpile.

(3) The Government of the Republic may decide the formation of a state stockpile not specified in subsection (2) of this section to ensure the continuous operation of vital services or to mitigate the consequences of emergencies.

(4) The state healthcare stockpile shall be formed by the Ministry of Social Affairs or an agency in the area of governance of the Ministry of Social Affairs appointed by a decree of the Minister of Social Affairs. The state food stockpile shall be formed by the Ministry of Agriculture or an agency in the area of governance of the Ministry of Agriculture appointed

by a decree of the Minister of Agriculture. Other stockpiles shall be formed by state agencies appointed by orders of the Government of the Republic. Entities forming the state operation stockpiles shall be responsible for the organisation of the storage, use, control, and renewal and reporting of the stockpile.

(5) The state operation stockpiles shall be formed as physical or contractually secured resources. The state operation stockpiles shall be formed as physical resources, if the timely and smooth utilisation of the stockpile as a contractually secured resource would not be possible considering the emergency risk assessment and response plan. Contracts to secure resources shall be concluded by the agencies forming the state operation stockpiles.

(6) The assortment and quantities of the resources included in a state operation stockpile shall be determined by the head of the agency forming the state operation stockpile in agreement with the crisis management committee of the Government of the Republic.

(7) The Government of the Republic shall establish the procedure for the storage, use, control and renewal and reporting of state operation stockpiles by regulation.

## Chapter 5

### COMPENSATION OF EXPENSES AND SOCIAL GUARANTEES FOR PERSONS

#### § 43. Conditions of compensating damages incurred during emergency situations

(1) The state shall compensate persons for the expenses incurred due to the expropriation or duty of grant use of their property during emergency situations.

(2) The state shall not compensate:

- 1) the damages caused by the effects of a natural disaster, catastrophe or the spread of an infectious disease;
- 2) the expenditure of an owner or possessor at fault for the event due to which an emergency situation was declared;
- 3) the value of substances and materials which belong to an owner, if such substances and materials are used to save property owned by the owner;
- 4) the damages caused with the work specified in subsection (2) of section 25 of this Act.

(3) The Government of the Republic shall establish the procedure for the compensation of the expenses incurred by persons due to the expropriation or duty of grant use of their property during emergency situations by regulation.

#### § 44. Remuneration of natural persons engaged during emergency situations

(1) The state shall pay natural persons engaged in emergency situation work on a voluntary or compulsory basis (hereinafter persons engaged in emergency situation work) wages for the amount of time worked.

(2) The Government of the Republic shall establish the extent of and procedure for the payment of wages to persons engaged in emergency situation work by regulation.

(3) Subsections (1) and (2) of this section are not implemented, if the employer continues to pay the current wages of the worker while the worker is engaged in fulfilling the obligation to work.

#### § 45. Social guarantees for natural persons engaged during emergency situations

(1) Upon the death of a person engaged in emergency situation work or as a result of an injury received during emergency work, the state shall pay the family members who were maintained by the deceased a single benefit in an amount equal to ten years of the wages of the person.

(2) For conducting the funeral of a person who has died due to engagement in emergency situation work or as a result of an injury received during emergency situation work, the state shall pay an allowance to the family members of the deceased and the persons who were maintained by the deceased on the bases and in accordance with the procedure prescribed in the Family Act.

(3) Upon a person engaged in emergency situation work being declared incapacitated for work, the person shall be paid a single benefit as follows:

- 1) partial loss of capacity for work – in the extent of two years of the wages of the person;
- 2) complete loss of capacity for work – in the extent of seven years of the wages of the person.

(4) Upon the payment of the benefits, the wages of one month shall be calculated on the basis of the average wages calculated on the basis of the Wages Act. In order to calculate the annual wages, the monthly wages are multiplied by 12.

(5) The amount of benefit for persons engaged in emergency situation work shall be calculated on the basis of the minimum wage applicable at the time of awarding the benefit, if the person was not employed in the period preceding the awarding of the benefit.

(6) The benefit shall be paid to the received in equal parts over up to three years.

(7) The provisions set forth in section 30 of the State budget Act shall be applied to applying for and awarding the benefits payable upon the death of persons engaged in emergency situation work or upon them being declared permanently and partially incapacitated for work.

(8) If a person engaged in emergency situation work is injured or falls ill, the state shall cover his or her treatment and medicine expenses.

(9) The Minister of the Interior shall establish the procedure for the calculation, awarding and payment of the benefits and expenses prescribed in this section by regulation.

(10) The provisions of subsections (1) to (9) of this section shall not be applied, if the natural person engaged in emergency situation work caused his or her death or damage to health by:

- 1) alcohol, drug or psychotropic intoxication;
- 2) suicide or attempted suicide;
- 3) intentional self-injury, which is not causally related to a condition of illness.

§ 46. Social guarantees for natural persons engaged in the fulfilment of the obligation to work during emergency situations

(1) Upon the death of a person in the course of fulfilling the obligation to work during an emergency situation, the state shall pay the family members who were maintained by the deceased a single benefit in an amount equal to ten years of the average monthly wages in Estonia. The funeral of the deceased shall be conducted at the expense of the state.

(2) The state shall pay a person who develops a severe or profound disability due to the fulfilment of the obligation to work a single benefit in an amount equal to five years of the average monthly wages in Estonia.

(3) The state shall pay a person who develops a moderate disability due to the fulfilment of the obligation to work a single benefit in an amount equal to one year of the average monthly wages in Estonia.

(4) The benefit shall be paid to the received in equal parts over up to three years.

## Chapter 6 SUPERVISION

§ 47. Supervision competence

(1) Supervisory control over compliance with this Act and legal acts issued on the basis thereof shall be exercised pursuant to the procedure provided for in the Government of the Republic Act and in other legal acts.

(2) In addition to the provision set forth in subsection (1) of this section, supervision over compliance with this Act and the legal acts established in the basis thereof shall be performed as follows:

- 1) supervision over compliance with sections 37 to 39 and the legal acts established on the basis thereof shall be performed by agencies organising vital services, or their sub-agencies. The Financial Inspectorate shall perform supervision over compliance with sections 36 to 38 and the legal acts established on the basis thereof by subjects of financial supervision;
- 2) the Ministry of Economic Affairs and Communication or an agency appointed by them in the area of governance of the Ministry shall perform supervision over compliance with section 40 and the legal acts established on the basis thereof;
- 3) the Security Police Board shall perform supervision over compliance with section 41 and the legal acts established on the basis thereof.

§ 48. Authorities of supervisors

Officials performing supervision pursuant to subsection (2) of section 47 of this Act shall in the performance of supervision have the right to:

- 1) receive information necessary for performing supervision from providers of vital services;
- 2) enter, upon justified need and for the purposes of performing supervision the territory, building or room of the agency, enterprise or object of high risk of attack together with a representative of the possessor.

§ 49. Precept and penalty payment

(1) Upon a violation of this Act and the requirements established on the basis thereof or upon obstructing the performance of supervision, the supervision official shall have the right to issue the agency or person providing vital services with a precept to eliminate the violation and cease obstructing the performance of supervision.

(2) Upon failure to comply with the precept set forth in subsection (1) of this section, the supervisory agency may apply penalty payment in accordance with the procedure established in the Substitutive Enforcement and Penalty Payment Act. The maximum amount of the penalty payment is 30,000 kroons per every event.

## Chapter 7 LIABILITY

### § 50. Violation of requirements of preparation for emergencies

Failure to perform the obligations related to the preparation of an emergency risk assessment or emergency response plan, organising exercises or organising vital services by a worker or employee of a competent agency is punishable by a fine of up to 100 fine units.

### § 51. Violation of obligations of providers of vital services

(1) Failure to perform the obligations established for providers of vital services in clauses 1 to 4 of subsection (3) of section 37 of this Act by a worker or employee of the provider of vital services is punishable by a fine of up to 100 fine units.

(2) The same offence, if a legal person commits it, is punishable by a fine of up to 100,000 kroons.

### § 52. Violation of requirements of electronic security in the provision of vital services

(1) Failure to comply with the requirements of electronic security in the provision of vital services by a worker or employee of the provider of vital services is punishable by a fine of up to 200 fine units.

(2) The same offence, if a legal person commits it, is punishable by a fine of up to 100,000 kroons.

### § 53. Violation of requirements of physical protection of objects with high risk of attack

(1) Failure to comply with the requirements of physical protection of objects with high risk of attack by a worker or employee of the provider of vital services is punishable by a fine of up to 200 fine units.

(2) The same offence, if a legal person commits it, is punishable by a fine of up to 100,000 kroons.

### § 54. Unlawful use of state operation stockpile

(1) The unlawful use of the state operation stockpile by a worker or employee of the keeper of the state operation stockpile is punishable by a fine of up to 300 fine units.

(2) The same offence, if a legal person commits it, is punishable by a fine of up to 300,000 kroons.

#### § 55. Violation of requirements established during emergency situations

(1) Failure to comply with a lawful order of the emergency situation response co-ordinator, the co-ordinator of emergency situation work or the person appointed by the emergency situation response co-ordinator or a violation of an obligation established on the basis of sections 21 to 25 of this Act or a violation of the requirements of infectious disease control or infectious animal disease control is punishable by a fine of up to 300 fine units.

(2) The same offence, if a legal person commits it, is punishable by a fine of up to 300,000 kroons.

#### § 56. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the misdemeanours provided for in sections 50 to 55 of this Act.

(2) The Police Prefecture shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in sections 50 to 52 and 54 to 55 of this Act.

(3) The Security Police Board shall conduct extra-judicial proceedings in the matters of the misdemeanour provided for in section 53 of this Act.