

Emergency Situation Act

Passed 10 January 1996
(RT¹ I 1996, 8, 164),
entered into force 16 February 1996,
amended by the following Acts:
19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;
19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;
12.06.2002 entered into force 15.08.2002 - RT I 2002, 57, 354;
16.06.1999 entered into force 01.01.2000 - RT I 1999, 57, 598.

Chapter 1

General Provisions

§ 1. Purpose of Act

This Act provides for the following to allow for implementation of necessary measures in the event of a natural disaster or catastrophe, or to prevent the spread of an infectious disease:

- 1) the basis, conditions and procedure for declaration of an emergency situation and the competence of public authorities responsible for responding to emergency situations;
- 2) the measures which may be implemented during an emergency situation and the rights, duties and liability of persons during an emergency situation.

§ 2. Basis and conditions for declaration of emergency situation

(1) The Government of the Republic declares an emergency situation throughout the state or in a part thereof pursuant to clause 87 8) of the Constitution of the Republic of Estonia in the event of a natural disaster or catastrophe or in order to prevent the spread of an infectious disease.

(2) An emergency situation is declared on the condition that it is necessary to implement extensive measures, including rescue work, promptly in the event of a natural disaster or catastrophe, or in order to prevent the spread of an infectious disease, and that it is not possible to eliminate the danger or assist the victims without implementation of the measures provided for in this Act.

§ 3. Natural disaster

A natural disaster is defined in this Act as an event which causes severe damage, including an unexpected event which causes severe damage, which is caused by the forces of nature and which endangers life, health, or the natural or manufacturing environment.

§ 4. Catastrophe

In this Act, a catastrophe is defined as an unexpected event which causes severe damage, which endangers life, health, or the natural or manufacturing environment and which consists of:

- 1) the chemical, radioactive or other contamination of a locality;
- 2) an industrial accident, including accidents at power stations and mines, and accidents involving gas pipes, telecommunications networks, public utilities networks and power networks;
- 3) an extensive fire or explosion;
- 4) an extensive accident involving a ship, aircraft, train or other means of transport;
- 5) other extensive accidents.

§ 5. Spread of infectious disease

In this Act, the spread of an infectious disease is defined as:

1) a life-threatening infectious disease spreading as an epidemic, including as an infectious animal disease, the consequence of which is a widespread outbreak of illness and against which it is necessary to carry out extensive mitigation;

(16.06.1999 entered into force 01.01.2000 - RT I 1999, 57, 598)

2) the carrying into Estonia of an extremely dangerous infectious disease subject to international notification which is capable of spreading as an epidemic, and in order to prevent the spread of which and to avoid a widespread outbreak of illness it is necessary to carry out immediate and extensive mitigation.

§ 6. Rescue work

For the purposes of this Act, rescue 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.

§ 7. Emergency area

The emergency area is:

1) the territory of the state if an emergency situation is declared throughout the state;

2) the territory of the corresponding county, city or rural municipality if an emergency situation is declared in a part of the territory of the state.

§ 8. Restrictions on rights and freedoms of natural persons during emergency situation

(1) During an emergency situation which is declared regarding a natural disaster or catastrophe, it is permitted, pursuant to the procedure provided for in §§ 18, 19 and 20 of this Act, to:

1) restrict the rights of natural persons to move freely in the emergency area;

2) prohibit natural persons from assembling and conducting meetings in the emergency area, in order to maintain public order and ensure traffic safety;

3) require natural persons to participate in rescue work.

(2) During an emergency situation which is declared in order to prevent the spread of an infectious disease, it is permitted, pursuant to the procedure provided for in §§ 18, 19 and 20 of this Act, to:

1) restrict the rights of natural persons to move freely and to enter Estonia;

2) prohibit natural persons from assembling and conducting meetings in the emergency area;

3) require natural persons to participate in rescue work.

(3) Pursuant to the procedure provided for in § 20 of this Act, the right of a natural person to the inviolability of his or her residential or other space or territory may be restricted to maintain health and public order during rescue work in an emergency area.

(4) Everyone whose rights and freedoms are violated has the right of recourse to the courts.

§ 9. Validity of legislation during emergency situation

- (1) During an emergency situation, Acts and other legislation are valid in so far as this Act does not provide otherwise.
- (2) Legislation which is established during an emergency situation pursuant to §§ 18, 19 and 20 of this Act becomes invalid without separate notification upon termination of the emergency situation.

§ 9¹. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

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

Chapter 2

Procedure for Declaration and Termination of Emergency Situation

§ 10. Notification of Government of the Republic of natural disaster, catastrophe or spread of infectious disease

State agencies, rural municipality governments and city governments shall inform the Government of the Republic of a natural disaster, catastrophe or the spread of an infectious disease pursuant to the procedure established by the Government of the Republic.

§ 11. Duties of crisis management committee of Government of the Republic

The duties of the crisis management committee established by the Government of the Republic in the implementation of measures regarding a natural disaster, catastrophe or the spread of an infectious disease are:

- 1) to develop state policy and action plans to forecast, prevent and eliminate danger;
- 2) to analyse information and to present the results of such analysis to the Prime Minister together with a plan to forecast, prevent and eliminate danger;
- 3) to give an opinion to the Government of the Republic as to the situation prior to the danger arising, the characteristics, extent and elimination of the danger, and the need for declaration of an emergency situation;
- 4) to give an opinion to the Government of the Republic and to the emergency situation response co-ordinator as to the implementation of measures during an emergency situation, as well as the need for termination of an emergency situation.

§ 12. Procedure for declaration of emergency situation

(1) In order to decide on the declaration of an emergency situation, the Prime Minister or, in the event of his or her absence, the minister substituting for him or her promptly convenes a session of the Government of the Republic, during which the opinion of the crisis management committee of the Government of the Republic on the need for the declaration of an emergency situation is considered.

(2) A draft regulation of the Government of the Republic on the declaration of an emergency situation is presented for consideration to the Government of the Republic by the Prime Minister or, in the event of his or her absence, by the minister substituting for him or her.

(3) The Government of the Republic declares an emergency situation throughout the territory of the state or in the territory of the corresponding county, city or rural municipality.

§ 13. Regulation of Government of the Republic on declaration of emergency situation

(1) The following is provided for in a regulation of the Government of the Republic on the declaration of an emergency situation:

- 1) the declaration of an emergency situation pursuant to clause 87 8) of the Constitution of the Republic of Estonia;
 - 2) the reason for the declaration of an emergency situation;
 - 3) the emergency area;
 - 4) the appointment of a minister as the emergency situation response co-ordinator, who is competent to implement the primary measures to eliminate the danger arising from the event due to which the emergency situation is declared;
 - 5) the government agencies, rural municipality governments and city governments which are required to implement measures to eliminate the danger arising from the event due to which the emergency situation is declared and to assist the victims;
 - 6) other initial measures to be implemented during the emergency situation in the emergency area pursuant to subsection 18 (1) of this Act;
 - 7) the requirement of possessors of the media to publish the regulation promptly and in unaltered form.
- (2) A regulation of the Government of the Republic on the declaration of an emergency situation enters into force as of its publication in the media.

§ 14. Notification of declaration of emergency situation

Possessors of the media shall publish a regulation of the Government of the Republic on the declaration of an emergency situation promptly and in unaltered form.

§ 15. Change of emergency area

- (1) The Government of the Republic may change the emergency area during an emergency situation. Expansion of an emergency area is not deemed to be a declaration of a new emergency situation.
- (2) A change in an emergency area is provided for in a regulation of the Government of the Republic, and the population is notified pursuant to the procedure provided for in § 14 of this Act.
- (3) A regulation of the Government of the Republic on a change in an emergency area enters into force as of its publication in the media.

§ 16. Use of Defence Forces during emergency situation

- (1) On the proposal of the Government of the Republic, the President of the Republic permits, by a resolution, the Government of the Republic to use the Defence Forces and the National Defence League during an emergency situation in order to eliminate the danger arising from the event due to which the emergency situation is declared and to eliminate the consequences of the event.

(12.06.2002 entered into force 15.08.2002 - RT I 2002, 57, 354)

- (2) The Defence Forces are engaged during an emergency situation without military action in the cases and pursuant to the procedure provided for in subsection (3) of this section.
- (3) The use of the Defence Forces in order to eliminate the danger arising from the event due to which an emergency situation is declared consists of:
- 1) the use of the Defence Forces in rescue work,
 - 2) the use of the Defence Forces together with the police and other armed units of the Ministry of Internal Affairs in regulating traffic and ensuring security in the emergency area or crisis area.

§ 17. Procedure for termination of emergency situation

(1) The Government of the Republic, having considered the opinion of the crisis management committee, shall decide on the termination of an emergency situation after elimination of the danger arising from the event due to which the emergency situation is declared.

(2) The termination of an emergency situation shall be provided for in a regulation of the Government of the Republic, and the population shall be notified pursuant to the procedure provided for in § 14 of this Act.

(3) A regulation of the Government of the Republic on the termination of an emergency situation enters into force as of its publication in the media, unless another date is provided for in the regulation itself.

Chapter 3

Competence of Public Authorities Responsible for Responding to Emergency Situation, Measures to be Implemented and Duties of Persons during Emergency Situation

§ 18. Competence of Government of the Republic and Prime Minister

(1) In order to implement measures to eliminate the danger arising from the event due to which an emergency situation is declared and to assist the victims, the Government of the Republic shall:

1) declare an emergency situation pursuant to clause 87 8) of the Constitution of the Republic of Estonia, indicating the reason for the declaration of an emergency situation and the emergency area;

2) appoint a minister as the emergency situation response co-ordinator, who is competent to implement the primary measures to eliminate the danger arising from the event due to which the emergency situation is declared;

3) require government agencies and rural municipality governments and city governments to implement measures to eliminate the danger arising from the event due to which the emergency situation is declared and to assist the victims;

4) appoint a rescue work co-ordinator or, if necessary, rescue work co-ordinators;

5) establish, on the basis of subsections 8 (1) and (3) of this Act, the procedure for the implementation of measures which restrict the rights of natural persons, if the emergency situation is declared in the case of a natural disaster or catastrophe;

6) establish, on the basis of subsections 8 (2) and (3) of this Act, the procedure for the implementation of measures which restrict the rights of natural persons, if the emergency situation is declared in order to prevent the spread of an infectious disease;

7) change the emergency area if necessary;

8) establish the procedure for involuntary hospitalisation of persons suffering from an infectious disease and isolation of potentially infected persons if necessary;

9) establish temporary radiation safety standards if necessary;

10) establish the procedure and basis for the financing of measures which are implemented during the emergency situation;

11) establish the procedure for engagement of natural persons in rescue work;

12) establish the procedure for reimbursement and financing of expenses pursuant to subsection 24 (1) of this Act;

13) resolve other issues relating to the measures which are implemented during the emergency situation;

14) provide the possessors of the media with information relating to the emergency situation for mandatory publication in the media.

(2) The Prime Minister co-ordinates the use of the Defence Forces under the direction of the Commander of the Armed Forces during an emergency situation pursuant to § 16 of this Act.

§ 19. Emergency situation response co-ordinator

(1) The emergency situation response co-ordinator directs the elimination of the danger arising from the event due to which an emergency situation is declared and the assistance of the victims.

(2) The emergency situation response co-ordinator:

1) issues orders to the rescue work co-ordinator, government agencies, rural municipality governments and city governments to eliminate the danger arising from the event due to which an emergency situation is declared and to assist the victims;

2) co-operates with the Commander of the Armed Forces in the elimination of the danger arising from the event due to which an emergency situation is declared and in the assistance of the victims pursuant to § 16 and subsection 18 (2) of this Act;

3) makes proposals to the Government of the Republic regarding the decision of matters which are not within his or her competence;

4) provides possessors of the media with information relating to an emergency situation for mandatory publication.

(3) The emergency situation response co-ordinator is accountable to the Government of the Republic.

(4) 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.

(5) The emergency situation response co-ordinator issues orders. The orders of the emergency situation response co-ordinator are mandatory for all persons.

§ 20. Rescue work co-ordinator

(1) The rescue work co-ordinator directs the rescue work in an emergency area and, if necessary, in a crisis area in the case of a natural disaster or catastrophe, or during the prevention of the spread of an infectious disease. The rescue work co-ordinator is subordinate to the emergency situation response co-ordinator.

(2) The rescue work co-ordinator:

1) engages natural persons in rescue work pursuant to the procedure established by the Government of the Republic and pursuant to § 21 of this Act;

2) issues orders to enter any residential or other space or territory in order to carry out rescue work, and to open doors, windows, gates and other constructions for this purpose;

3) issues orders to block rivers, streams, ditches and channels and to carry out other work related to rescue work;

4) issues orders to carry out demolition work, fell trees, take water, sand, gravel and other substances and materials necessary for rescue work regardless of their ownership;

5) issues orders to use equipment and means which belong to natural persons and legal persons in rescue work;

6) issues orders to use telecommunications equipment and networks promptly in rescue work;

7) co-ordinates activities in the emergency area to ensure public order and traffic safety;

8) implements measures in rescue work to preserve and protect nature and objects protected under heritage conservation.

(3) The rescue work co-ordinator issues orders. The orders of the rescue work co-ordinator are mandatory for all persons who participate in rescue work.

(4) The rescue work co-ordinator is responsible for the safe conduct of rescue work.

§ 21. Engagement of natural persons in rescue work during emergency situation

(1) Persons between the ages of eighteen and fifty years may be engaged in rescue work.

(2) The following are exempt from rescue work during an emergency situation:

- 1) pregnant women and mothers of children of up to three years of age;
- 2) persons who are raising disabled children;
- 3) one of the parents or the caregiver of a child under the age of twelve years;
- 4) disabled persons;
- 5) mentally or physically disabled persons and their curators.

(3) During an emergency situation, females under thirty years of age are exempt from rescue work in conditions of dangerous radiation.

§ 22. Duties of rural municipality governments and city governments during emergency situation

During an emergency situation rural municipality governments and city governments:

- 1) execute the orders of the emergency situation response co-ordinator and rescue work co-ordinator in the elimination of the danger arising from the event due to which the emergency situation is declared and the assistance of victims;
- 2) implement measures in rescue work in co-operation with the emergency situation response co-ordinator and rescue work co-ordinator or on their orders.

§ 23. Duties of possessors of the media during emergency situation

Possessors of the media are required to publish information related to an emergency situation and presented by the Government of the Republic or the emergency situation response co-ordinator in unaltered form and promptly, or on the date specified.

Chapter 4

Conditions for Compensation and Social Guarantees for Persons

§ 24. Conditions for compensation

(1) The state shall compensate for the expenditure of an owner or possessor which is caused by the use of substances, materials, equipment or other means in the cases provided for in clauses 20 (2) 4), 5) and 6) of this Act.

(2) The state shall not compensate for:

- 1) damage 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 an event due to which an emergency situation is 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) damage caused to an owner by rescue work carried out on the orders of the rescue work co-ordinator pursuant to clauses 20 (2) 2) and 3) of this Act.

§ 25. Remuneration of natural persons engaged in rescue work during emergency situation

(1) Natural persons engaged by the rescue work co-ordinator in rescue work are paid wages for the amount of time worked.

(2) The wages paid to natural persons engaged by the rescue work co-ordinator in rescue work are compensated for by the state in the amount and pursuant to the procedure established by the Government of the Republic.

(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 rescue work.

(4) Subsections (1)–(3) of this section do not apply to members of the armed forces.

§ 26. Conditions for transfer of workers to rescue work

(1) The conditions provided for in subsections 67 (1) and (3) of the Republic of Estonia Employment Contracts Act (RT 1992, 15/16, 241; RT I 1993, 10, 150; 26, 441; 1995, 14, 170; 16, 228; 1996, 3, 57; 40, 773; 45, 850; 49, 953; 1997, 5/6, 32; 1998, 111, 1829; 1999, 7, 112; 16, 276; 60, 616; 2000, 25, 144; 51, 327; 57, 370; 102, 669; 2001, 17, 78; 42, 233; 53, 311; 2002, 61, 375; 62, 377) apply to the transfer of workers to rescue work on the orders of a rescue work co-ordinator.

(2) The first subsection of this section also applies to categories of workers to whom the Employment Contracts Act does not extend.

§ 27. Social guarantees for persons who work in rescue work

(1) Upon the death of a person in the course of rescue 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 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 becomes disabled in the course of rescue work and is declared a category I or II disabled person 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 becomes disabled in the course of rescue work and is declared a category III disabled person a single benefit in an amount equal to one year of the average monthly wages in Estonia.

(4) At the request of the recipient of a benefit, the benefit is paid out in parts over a specified period of time or at once in full.

§ 28. Procedure for investigation of accidents involving persons during rescue work

The procedure for investigation of accidents involving persons in the course of rescue work shall be established by the Government of the Republic or by the Minister of Social Affairs on the authorisation of the Government of the Republic.

Chapter 5

Liability

§ 28¹. Violation of requirements for epidemic control during emergency situation

Violation of the requirements for epidemic control in an emergency area during an emergency situation is punishable by a fine of up to 200 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 28². Violation of requirements established in emergency situation

Violation of the requirements established in an emergency situation and disregard of a lawful order given by an emergency situation response co-ordinator or rescue work co-ordinator is punishable by a fine of up to 300 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 28³. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 28¹ and 28² of this Act.

(2) The Health Protection Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 28¹ of this Act.

(3) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided for in § 28² of this Act:

1) a police prefecture;

2) the Rescue Board.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 29. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 30. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 31. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 32. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 33. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 34. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

1 RT = Riigi Teataja = State Gazette