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Administrative Co-operation Act

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28.09.2005	RT I 2005, 54, 430	01.01.2006
08.12.2005	RT I 2005, 70, 540	01.01.2006
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19.06.2008	RT I 2008, 33, 202	01.08.2008
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17.12.2008	RT I 2008, 58, 329	01.01.2009
09.04.2009	RT I 2009, 23, 143	13.05.2009
21.05.2009	RT I 2009, 30, 179	22.06.2009
11.11.2009	RT I 2009, 56, 375	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
20.05.2010	RT I 2010, 31, 158	01.10.2010
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13.01.2011	RT I, 03.02.2011, 1	13.02.2011
17.02.2011	RT I, 10.03.2011, 1	20.03.2011
26.10.2011	RT I, 17.11.2011, 1	27.11.2011
10.05.2012	RT I, 30.05.2012, 1	01.01.2013
13.06.2012	RT I, 27.06.2012, 2	01.07.2012
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
19.06.2013	RT I, 10.07.2013, 1	15.07.2013
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19.02.2014	RT I, 13.03.2014, 4	01.07.2014
26.03.2014	RT I, 11.04.2014, 1	01.10.2014
05.11.2014	RT I, 18.11.2014, 6	19.11.2014
19.11.2014	RT I, 04.12.2014, 3	01.01.2015
19.11.2014	RT I, 13.12.2014, 2	01.01.2016
18.02.2015	RT I, 23.03.2015, 2	01.10.2015
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
14.06.2017	RT I, 30.06.2017, 3	10.07.2017
14.06.2017	RT I, 01.07.2017, 1	01.09.2017
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14.06.2017	RT I, 04.07.2017, 1	01.01.2018
14.06.2017	RT I, 04.07.2017, 2	01.01.2018
06.12.2017	RT I, 28.12.2017, 4	01.01.2018, partly 01.01.2020
13.06.2018	RT I, 29.06.2018, 5	01.08.2018
21.11.2018	RT I, 12.12.2018, 2	22.12.2018
05.12.2018	RT I, 21.12.2018, 3	01.01.2019
05.12.2018	RT I, 22.12.2018, 1	01.01.2019
20.02.2019	RT I, 19.03.2019, 7	01.04.2019
20.02.2019	RT I, 19.03.2019, 12	01.09.2019
17.02.2020	RT I, 28.02.2020, 1	01.03.2020
03.06.2020	RT I, 16.06.2020, 1	01.08.2020
27.10.2021	RT I, 17.11.2021, 1	01.12.2021
19.07.2022	RT I, 09.08.2022, 1	01.07.2023
15.02.2023	RT I, 07.03.2023, 5	01.01.2024
15.02.2023	RT I, 07.03.2023, 6	08.04.2023
22.02.2023	RT I, 11.03.2023, 6	01.05.2023, in part 01.09.2024

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act determines the conditions and procedure for the grant of authority to natural and legal persons to perform public administration duties of the state and of local governments (hereinafter administrative duties) independently and the bases and procedure for the provision of professional assistance between administrative authorities.

(2) This Act does not apply if an administrative authority does not have the right of discretion when deciding on the grant of authority to perform an administrative duty on the basis of an administrative act.

(3) This Act does not apply if, in adherence to subsection 4 of § 3 of this Act, a civil law contract is entered into upon the grant of authority to perform an administrative duty.

(4) Sections 10, 11, 15 and 16 of this Act apply to administrative contracts entered into with legal persons receiving allocations from the state budget provided specifically for them.
[RT I 2004, 53, 367 – entry into force 01.01.2005]

(5) This Act shall not apply if local authorities grant the authority to jointly perform an administrative duty to a joint administrative agency formed in accordance with § 62² of the Local Government Organisation Act.
[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

§ 2. Application of Administrative Procedure Act

The Administrative Procedure Act applies to administrative contracts the object whereof is the grant of authority to perform administrative duties of the state or of local governments, taking account of the specifications of this Act.

Chapter 2 GRANT OF AUTHORITY TO PERFORM ADMINISTRATIVE DUTIES

Subchapter 1 General Provisions

§ 3. Grant of authority to perform administrative duties

(1) A local government, another legal person in public law, a legal person in private law (hereinafter in this Subchapter legal person) or a natural person may be authorised to perform an administrative duty of the state by law, by an administrative act issued on the basis of law or by an administrative contract entered into under the conditions and pursuant to the procedure provided for in this Act on the basis of law.

(2) A local government may grant the authority to perform an administrative duty assigned to the local government by law or pursuant to law to a legal or natural person by an administrative act issued on the basis of law or by an administrative contract entered into under the conditions and pursuant to the procedure provided for in this Act on the basis of law.

(3) For the purposes of this Act, the performance of administrative duties consists in the performance of administrative duties outside an employment or service relationship or other relationship of subordination with the state or a local government and outside the supervisory control exercised by a government agency or a rural municipality or city administrative agency or body.

(4) Upon grant of authorisation for performance of administrative duties, a civil law contract may be entered into unless only entry into an administrative contract is provided by law, unless the contract regulates the rights or obligations of persons using public services or other third persons, unless the state or a local government is released from its duties, or unless the authority to exercise executive power is used upon performance of the duties. If a contract does not clearly reflect the intention of the parties to enter into a civil law contract, it is presumed to be an administrative contract.

[RT I 2004, 53, 367 – entry into force 18.07.2004]

§ 4. Grant of authority to perform administrative duties which require authority to exercise executive power

The Act regulating the grant of authority to perform administrative duties which require the authority to exercise executive power prescribes the contents of the authority of the executive power and the administrative duties, the agency or body that exercises administrative supervision over the performance of administrative duties and the further organisation of the performance of administrative duties if an administrative contract is terminated unilaterally or if any other reason exists that prevents a legal or natural person from continuing further performance of the administrative duties.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 5. Considerations for grant of authority to perform administrative duties

(1) A legal person or a natural person may be granted the authority to perform an administrative duty if:

1) the performance of the administrative duty by the legal or natural person is economically justified, taking into consideration, inter alia, the costs incurred by the state or a local government for the grant of authority to perform the administrative duty, for possible financing and for administrative supervision;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

2) the grant of authority to perform the administrative duty will not harm the quality of the performance thereof;

3) the grant of authority to perform the administrative duty will not harm public interests or the rights of persons in respect of whom the administrative duty is to be performed.

(2) In order to ensure compliance with the conditions provided for in subsection 1 of this section and before a decision on the grant of authority to perform an administrative duty is made, an official or body entitled to grant the authority to perform the administrative duty shall organise the preparation of an analysis containing economic estimations regarding the conditions for the grant of authority to perform the administrative duty, the accompanying costs to be incurred by the state or a local government, the measures to ensure the consistency and quality of the performance of the administrative duty, and the legal and factual effect arising from the grant of authority to perform the administrative duty on persons in respect of whom the administrative duty is to be performed.

(3) An analysis shall be prepared in writing and the conclusions of the analysis shall be appended to the decision on the grant of authority to perform the administrative duty. The analysis shall be disclosed pursuant to the procedure provided for in the Public Information Act.

§ 6. Competence to grant authority to perform administrative duties of state

(1) Any decision on the grant of authority to perform an administrative duty of the state to a legal or natural person shall be taken by an official entitled to approve the statutes of the state agency that has performed the administrative duty until that time.

(2) Decisions on the grant of authority to perform an administrative duty within the competence of a ministry or the State Chancellery shall be taken by the Government of the Republic.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) If performance of an administrative duty authorised to be performed is not included in the duties of any state agencies as prescribed by law or their statutes, the decision on the grant of authority to perform the administrative duty shall be taken by the minister in whose area of government the administrative duty belongs.

§ 7. Decision on grant of authority to perform administrative duties of state

The following information shall be presented in a decision on the grant of authority to a legal or natural person to perform an administrative duty of the state:

- 1) the name of the local government or other legal person in public law that is being authorised or information on whether the authority to perform the administrative duty is being granted to a natural person or a legal person in private law;
- 2) authority for a competent official to enter into an administrative contract if the decision on the grant of authority to perform the administrative duty is to be taken by the Government of the Republic.

§ 8. Competence to enter into an administrative contract to perform administrative duties of state

Administrative contracts for the grant of authority to perform an administrative duty of the state shall be entered into with a legal or natural person by the head of a government agency whose competence includes deciding on the grant of authority to perform the administrative duty or who has been authorised therefor by the Government of the Republic.

§ 9. Decision on grant of authority to perform administrative duties of local government

Decisions on the grant of authority to perform an administrative duty of a local government shall be taken by the council that shall authorise a rural municipality or city government to enter into an administrative contract.

§ 10. Conditions of administrative contracts entered into for performance of administrative duties

An administrative contract shall specify:

- 1) the parties to the contract;
- 2) the administrative duty assigned to the legal or natural person;
- 3) the bases for financing the performance of the administrative duty and the extent of financing if performance of the administrative duty is financed from the state budget or a local government budget;
- 4) the bases and limits for the calculation of fees charged by the legal or natural person if law or local government legislation provides for the possibility of charging persons in respect of whom the administrative duty is performed;
- 5) the government agency or the local government administrative agency or body that exercises administrative supervision over performance of the administrative duty;
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 6) the obligation of the sole proprietor or legal person to submit an annual report;
- 7) the term of the administrative contract if the contract is entered into for a specified term;
- 8) the bases and procedure for termination of the administrative contract, including the term for giving advance notice of termination of the contract if the contract is terminated unilaterally;
- 9) the rights of the supervisory agency or body and the obligations of the legal person and natural person upon termination of the contract in order to ensure consistency of performance of the administrative duty;
- 10) the security provided by the legal person in private law or the natural person for the performance of the administrative contract, and the provisions which enable the security to be collected;
- 11) other conditions arising from law or necessary to organise performance of the administrative duty.

§ 11. Bases and conditions for unilateral termination of administrative contract by state or local government

(1) A contract entered into with a legal person or a natural person for the performance of an administrative duty may be unilaterally terminated:

- 1) if the legal or natural person has repeatedly or materially violated the administrative contract or other legislation regulating the performance of the administrative duty and if this has caused significant damage to a third person or assets of a third person;
- 2) upon repeated failure to comply with a precept of an agency or body that exercises supervision over performance of the administrative duty;
- 3) on another basis provided by law or the administrative contract.

(2) Any decision on termination of an administrative contract on a basis prescribed in subsection 1 of this section shall be taken by the official or body that entered into the administrative contract with the legal or natural person.

(3) An administrative contract shall not prescribe the payment of a compensation arising from termination of the contract to a legal or natural person if the contract is terminated on the basis specified in clause 1 or 2 of subsection 1 of this section.

Subchapter 2

Grant of Authority to Natural Persons or Legal Persons in Private Law to Perform Administrative Duties

§ 12. Reliability of natural person or legal person in private law performing administrative duty

(1) If a natural person or a legal person in private law (hereinafter in this Subchapter person) is granted the authority to perform an administrative duty, the official or body that is entitled to take the decision on the grant of authority shall verify the reliability of the person.

(2) The reliability of a person is assured, inter alia, by the following facts:

- 1) the person has the possibility of using technical means necessary for the performance of the administrative duty, and the person has employees with the required knowledge and skills as well as other prerequisites and experience to perform the administrative duty which the person is authorised to perform;
- 2) no liquidation or bankruptcy proceedings have been initiated with respect to the person;
- 3) no circumstances exist which may cause the permanent insolvency or termination of the activities of the person;
- 4) there is no information in the criminal records database concerning the punishment of the person;
- 5) the person has not materially violated any administrative contracts or public contracts entered into with the person for carrying out the public procurement;
- 6) the person does not have tax arrears, including tax arrears to be paid in instalments, or arrears regarding fees, fines or compulsory insurance payments.

§ 13. Procedure for entry into administrative contract with person

(1) Entry into an administrative contract with a person to grant the person authority to perform an administrative duty shall be based on the conditions for awarding a public service contract and the procedure for organisation of public procurement provided for in the Public Procurement Act, taking into consideration the specifications provided for in this section.

[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(1¹) This section does not apply to the following administrative contracts:

1) administrative contracts granting authorisation to an association of local governments to perform an administrative duty of the state or a local government;

1¹) administrative contracts granting authorisation to perform an administrative duty of the state of local government to a non-profit association, the members whereof can only be local governments pursuant to its articles of association;

1²) administrative contracts specified in subsection 3¹ of § 6¹ of the Local Government Organisation Act;
[RT I, 12.12.2018, 2 – entry into force 22.12.2018]

2) [repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

2¹) [repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

2²) [repealed – RT I, 16.06.2020, 1 – entry into force 01.08.2020]

2³) administrative contracts entered into on the basis of subsection 1 of § 43 of the Higher Education Act;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

3) administrative contracts entered into on the basis of subsection 2¹ of § 22 of the Private Schools Act;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

3¹) administrative contracts entered into on the basis of subsection 4 of § 44 of the Courts Act;
[RT I 2008, 20, 139 – entry into force 01.01.2009]

4) administrative contracts entered into for contracting for health services and emergency medical care within the meaning of the Health Services Organisation Act and legislation established on the bases thereof;
[RT I 2007, 15, 76 – entry into force 01.05.2007]

5) contracts specified in §§ 130 and 131 of the Planning Act;
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

6) administrative contracts specified in subsection 3 of § 14 of the 2004–2006 Structural Assistance Act and administrative contracts specified in subsection 2 of § 11, subsection 3 of § 20, subsections 3 and 4 of § 36 and subsection 1 of § 38 of the 2007–2013 Structural Assistance Act;
[RT I, 03.02.2011, 1 – entry into force 13.02.2011]

7) [Repealed – RT I, 21.12.2018, 3 – entry into force 01.01.2019]

7¹) [omitted – RT I, 30.12.2015, 5 – entry into force 01.01.2016]

8) administrative contracts specified in subsection 9 of § 6 of the Labour Market Measures Act;
[RT I, 07.03.2023, 5 – entry into force 01.01.2024]

9) [Repealed – RT I, 19.03.2019, 7 – entry into force 01.04.2019]

9¹) administrative contracts specified in subsection 1 of § 87⁴ of the Plant Protection Act;
[RT I 2008, 23, 150 – entry into force 01.07.2008]

- 10) administrative contracts specified in subsection 3 of § 78 of the Veterinary Act;
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]
- 11) [Repealed – RT I, 04.12.2014, 3 – entry into force 01.01.2015]
- 12) administrative contracts entered into with an authorised processor of the Health Information System;
[RT I 2008, 3, 22 – entry into force 01.09.2008]
- 13) administrative contracts specified in subsection 2 of § 6 of the Professions Act;
[RT I 2008, 24, 156 – entry into force 01.09.2008]
- 14) administrative contracts specified in § 8 and in subsection 2 of § 19 of the Rural Development and Agricultural Market Regulation Act;
[RT I 2008, 33, 202 – entry into force 01.08.2008]
- 15) [repealed – RT I 2010, 31, 158 – entry into force 01.10.2010]
- 16) administrative contracts specified in subsection 3 of § 29, subsection 8 of § 36, subsection 6² of § 40 and subsection 8 of § 42 of the Hunting Act;
[RT I, 29.06.2018, 5 – entry into force 01.08.2018]
- 17) [repealed – RT I 2010, 37, 222 – entry into force 30.06.2010]
- 18) administrative contracts entered into with the authorised processors of registers concerning the state of health;
[RT I, 10.03.2011, 1 – entry into force 20.03.2011]
- 19) administrative contracts entered into on the basis of subsection 9 of § 6¹, subsection 2² of § 9, subsection 4 of § 9¹ and subsection 2 of § 11¹ of the Sport Act;
[RT I, 28.02.2020, 1 – entry into force 01.03.2020]
- 20) administrative contracts entered into for carrying out alternative service;
[RT I, 10.07.2012, 2 – entry into force 01.04.2013]
- 21) administrative contracts entered into for using a state-owned museum collection on the basis of subsection 2 of § 9 of the Museums Act;
[RT I, 10.07.2013, 1 – entry into force 15.07.2013]
- 21¹) administrative contracts entered into on the basis of subsection 10 of § 79¹ of the Heritage Conservation Act;
[RT I, 11.03.2023, 6 – entry into force 01.09.2024]
- 22) administrative contracts specified in subsection 3 of § 6 of the Forest Act;
[RT I, 11.12.2013, 1 – entry into force 01.01.2014]
- 23) administrative contracts specified in subsection 1 of § 69 of the Motor Third Party Liability Insurance Act;
[RT I, 11.04.2014, 1 – entry into force 01.10.2014]
- 24) administrative contracts specified subsection 2 of § 15 of the Public Transport Act;
[RT I, 23.03.2015, 2 – entry into force 01.10.2015]
- 25) administrative contracts specified subsection 3 of § 190⁴ of the Traffic Act, unless these are public contracts;
[RT I, 04.07.2017, 5 – entry into force 20.12.2017]
- 26) administrative contracts specified in subsection 1 of § 7 of the Procurement, Handling and Transplantation of Cells, Tissues and Organs Act;
[RT I, 28.12.2017, 4 – entry into force 01.01.2020]
- 27) administrative contracts specified in subsection 5 of § 30, subsection 1 of § 121, § 143, subsection 1 of § 184 and § 190 of the Atmospheric Air Protection Act;
[RT I, 22.12.2018, 1 – entry into force 01.01.2019]
- 28) administrative contracts specified in clause 3 of subsection 2 of § 5 of the Environmental Monitoring Act;
[RT I, 22.12.2018, 1 – entry into force 01.01.2019]
- 29) administrative contracts specified in subsection 1 of § 21⁶ of the Environmental Charges Act;
[RT I, 09.08.2022, 1 – entry into force 01.07.2023]
- 30) administrative contracts specified in subsection 6 of § 93 of the Earth's Crust Act.
[RT I, 07.03.2023, 6 – entry into force 08.04.2023]

(2) The procedure for the organisation of public procurement shall apply to an administrative contract entered into pursuant to subsection 1 of this section, regardless of the cost of contracting for the performance of an administrative duty as prescribed in the administrative contract.
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(3) When qualifying tenderers, the person that organises the public procurement is required to verify that the tenderers comply with the requirements provided for in this Act.
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(4) The provisions of Chapters 8 and 9 of the Public Procurement Act do not apply to the administrative contracts specified in subsection 1 of this section.
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(5) The procedure prescribed in the Public Procurement Act for submission of a contract notice, indicative notice and submission of a notice of the award of a public contract to the public procurement register shall not apply to the entry into an administrative contract on the basis of subsection 1 of this section upon organisation of public procurement. The contract notice for entry into an administrative contract and the respective notice of the award of a public contract shall be published in the official publication *Ametlikud Teadaanded*, considering the terms provided for in the Public Procurement Act.
[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

§ 14. Performance of administrative duty through legal person in private law in which state or local government has holding

(1) The authority to perform an administrative duty shall be granted by a resolution of the Government of the Republic if authority is granted to a state company, a state foundation or a company in which the state has a majority interest.

(2) The authority to perform an administrative duty shall be granted by a decision of a local government council if authority is granted to a company the sole partner or shareholder whereof is the corresponding local government, a company in which the corresponding local government has a majority interest or a foundation the sole founder whereof is the corresponding local government.

(3) The provisions of § 13 of this Act apply to entering into an administrative contract for the grant of authority to perform an administrative duty to a person specified in subsection 1 or 2 of this section. The negotiated procedure without prior publication of a contract notice provided for in the Public Procurement Act is applied upon entry into the administrative contract.

[RT I 2007, 15, 76 – entry into force 01.05.2007]

§ 15. Restrictions on activities of persons performing administrative duties

(1) The consent of a supervisory agency or body specified in an administrative contract is necessary for:

- 1) the merger of a legal person in private law with another legal person or the division or transformation of a legal person in private law unless this involves termination of the legal person in private law that is a party to the administrative contract and such termination is the basis for termination of the administrative contract;
- 2) the transfer of the assets of a person or investment or the taking of a loan to the extent prescribed in the administrative contract;
- 3) entry into a transaction which involves a transfer of ownership or possession of an enterprise or a part of the enterprise of a person;
- 4) a reduction in the share capital of a company by an amount equal to at least the minimum rate provided for in the administrative contract, which shall not exceed one tenth of the size of the share capital;
- 5) other acts specified in the administrative contract.

(2) Permission for an act specified in subsection 1 of this section shall be granted by a supervisory agency or body within ten days as of the submission of an application unless a longer term is prescribed in the administrative contract.

(3) A supervisory agency or body specified in an administrative contract shall be notified of:

- 1) a transfer of the right of ownership of shares in a company if it results in the shareholder or partner acquiring at least the number of votes required to prevent adoption of resolutions at the general meeting of the company on amendment of the articles of association, on an increase or reduction in share capital, or on the dissolution, merger, division or transformation of the company;
- 2) the grant of the right to manage a general partnership or limited partnership to a partner of the general partnership or limited partnership or the election or appointment of a new member to the supervisory board or management board of another legal person in private law;
- 3) changes in the area of activity or objective specified in the articles of association of the person or in the commercial register;
- 4) other acts or circumstances specified in the contract.

§ 16. Termination of administrative contract entered into with person performing administrative duties

An administrative contract entered into for the performance of an administrative duty shall be terminated if the person does not meet at least one of the conditions listed in clauses 1–3 of subsection 2 of § 12 of this Act and is unable to eliminate the deficiencies within the specified term.

Chapter 3 PROFESSIONAL ASSISTANCE

§ 17. Professional assistance

(1) On the bases of and pursuant to the procedure provided for in this Act, an administrative authority shall issue an act or take a measure within the limits of its competence at the request of another administrative authority in order to support the performance of a duty of that administrative authority (professional assistance).

(2) The provisions regarding professional assistance do not apply:

- 1) to relationships of subordination;
- 2) if the obligation to provide assistance is provided for an administrative authority by law.

§ 18. Bases for application for and provision of professional assistance

(1) An administrative authority may apply for professional assistance from another administrative authority if:

- 1) the issue of an administrative act or taking of a measure necessary for the performance of a particular administrative duty is not within the competence of the administrative authority;
- 2) information which the administrative authority does not have or is unable to ascertain is required for the performance of a particular administrative duty;
- 3) documents or other evidence in the possession of the other administrative authority are required for the performance of a particular administrative duty;
- 4) the administrative authority is unable to issue an administrative act or take a measure for other reasons;
- 5) the use of professional assistance is economically significantly more advantageous than not using professional assistance.

(2) An administrative authority shall refuse to provide professional assistance if:

- 1) the administrative authority does not have the right to issue an act or take a measure necessary for the provision of professional assistance;
- 2) the purpose of the application for professional assistance is unlawful;
- 3) due to the provision of professional assistance, information could be accessed by persons who are not permitted to transmit the corresponding information pursuant to law.

(3) An administrative authority may refuse to provide professional assistance if:

- 1) significantly lower expenses would arise from the activities of the other administrative authority;
- 2) the provision of professional assistance would excessively impede achievement of own objectives of the administrative authority.

(4) In the event of refusal to provide professional assistance, the administrative authority applying for assistance may address the administrative authority exercising supervisory control over the administrative authority which refuses to provide professional assistance. A decision on the provision of professional assistance shall be taken by the administrative authority exercising administrative supervisory control.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 19. Format of application for professional assistance

(1) The following information shall be set out in an application for professional assistance:

- 1) the purpose of the application for professional assistance and the legality thereof;
- 2) the nature of assistance.

(2) An application for professional assistance shall be in written form.

(3) The format of an application for professional assistance shall be established by the Government of the Republic.

(4) If professional assistance needs to be provided promptly, the administrative authority applying for assistance may submit an application in free form which shall contain the information set out in subsection 1 of this section. The administrative authority applying for professional assistance shall prepare the application according to all the requirements of this Act at the earliest possible opportunity.

§ 20. Compensation for expenses of professional assistance

If the person providing and the person receiving professional assistance are different persons (the state, a local government or other legal person in public law), the person receiving professional assistance shall compensate the person providing professional assistance for the reasonable expenses incurred in the provision of professional assistance.

Chapter 4 IMPLEMENTING PROVISIONS

§ 21. [Omitted from this text]

§ 22. Application of this Act to administrative contracts law entered into prior to entry into force of this Act

An administrative contract the object of which is the grant of authority to perform an administrative duty of the state and which was entered into prior to the entry into force of this Act and is valid on the date of the entry into force of this Act, shall remain valid if the natural person or the legal person in private law to whom the authority to perform the administrative duty of the state is granted conforms to the requirements provided for in this Act. In the event of non-conformity, the person that granted the authority to perform the administrative duty shall terminate the administrative contract unilaterally within six months as of the entry into force of this Act.

§ 23. Implementation of Act

(1) As of 1 January 2004, this Act applies to contracts for the use of allocations from the state budget entered into with legal persons receiving allocations provided specifically for them in the State Budget Act of 2003.

(2) As an exception to § 22 of this Act, the person that grants the authority to perform an administrative duty shall terminate the contracts specified in subsection 1 of this section unilaterally not later than on 1 July 2004.

§ 24. Entry into force of the Act

This Act enters into force on 1 July 2003.