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Emergency Act¹

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20.04.2020	RT I, 06.05.2020, 1	07.05.2020
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Chapter 1 General Provisions

§ 1. Scope of application of Act

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

(2) This Act is applied to preparing for a threat to national security and the constitutional order, and during increased defence readiness, a state of emergency and a state of war insofar as not otherwise provided by other Acts.

[RT I, 18.06.2021, 1 – entry into force 28.06.2021]

(3) [Repealed – RT I, 18.06.2021, 1 – entry into force 28.06.2021]

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

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

§ 2. Definitions

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

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

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

(4) A vital service is a service that has an overwhelming impact on the functioning of society and the interruption of which is an immediate threat to the life or health of people or to the operation of another vital service or service of general interest or causes major environmental damage and has a major impact on the economy of the state and national defence. A vital service is regarded in its entirety together with a building, piece of equipment, staff, reserves and other similar facilities indispensable to the operation of the vital service.
[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

§ 3. Principles of crisis management

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

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

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

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

Chapter 2 Organisation of Crisis Management

§ 4. Coordination of crisis management

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

The development and execution of the national crisis management policy are headed by the Government of the Republic.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

§ 5. Organisation of crisis management on regional level

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

(1) The duties of the Rescue Board in organising crisis management on the regional level are the following:

- 1) to consult local authorities in organising crisis management;
- 2) to organise cooperation between authorities of executive power and local authorities in preventing and preparing for emergencies;
- 3) to support the authority coordinating the resolution of an emergency in organising exchange of information, situation awareness and cooperation in the event of a risk of an emergency and in resolving an emergency.

(2) Four permanent regional crisis management committees are to be formed for the purpose of organising cooperation between authorities of executive power and local authorities in preventing, preparing for and resolving emergencies.

(3) A regional crisis management committee is formed, its composition is approved and its rules of procedure are established by a regulation of the Government of the Republic.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

§ 6. Crisis management committee of local authority

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

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

(3) A crisis management committee of local authority:

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

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

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

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

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

[Repealed – RT I, 18.06.2021, 1 – entry into force 01.07.2021]

§ 8. Duties of Ministries in organising crisis management

Ministries organise crisis management in their area of government.

Chapter 3

Preventing, Preparing for and Resolving Emergencies

§ 9. Emergency risk assessment

[Repealed – RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 9¹. National risk analysis

(1) A national risk analysis is prepared for assessing an emergency or another similar situation.

(2) A national risk analysis is a document in which risks that could lead to an emergency or another similar situation are analysed.

(3) For preparing a national risk analysis, the authorities provided in a list established on the basis of subsection 7 of this section, including the Bank of Estonia (Eesti Pank) in collaboration with the Financial Supervision and Resolution Authority (Finantsinspeksioon), analyse and assess risks within the limits of their competence and submit information provided on the basis of subsection 7. Local authorities assess risks and for preparing a national risk analysis submit information provided on the basis of subsection 3 of § 9² of this Act.

(4) A national risk analysis is prepared every four years and its relevance is assessed at least once a year.

(5) The preparation of a national risk analysis is led by the Government Office.

(6) A national risk analysis serves as a basis for an emergency response plan and other documents drawn up for preparing for and resolving an emergency.

(7) A list of information required for preparing a national risk analysis, the requirements and procedure for preparing an analysis, and a list of authorities submitting information are established by a regulation of the Government of the Republic.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 9². Risk analysis of local authority

- (1) A local authority prepares a risk analysis of the local authority, taking into account the national risk analysis specified in § 9¹ of this Act.
- (2) A local authority obtains the approval of the Rescue Board for the risk analysis specified in subsection 1 of this section and presents it to other parties concerned for obtaining their opinion.
- (3) The requirements for preparing a risk analysis of a local authority and the conditions of and procedure for approving it and the frequency of its review are established by a regulation of the Government of the Republic.
[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 9³. Continuity strategy of providers of vital service

- (1) A continuity strategy of providers of a vital service is prepared for enhancing the continuity of providers of a vital service.
- (2) A continuity strategy of providers of a vital service is a document in which long-term goals and measures to be taken for ensuring the continuity of a vital service are described.
- (3) The preparation of a continuity strategy of providers of a vital service is led by the Government Office.
- (4) A list of information required for preparing a continuity strategy of providers of a vital service, the requirements and procedure for preparing a strategy, and a list of authorities preparing a strategy are established by a regulation of the Government of the Republic.
[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 10. Risk communication

- (1) Risk communication is organised for raising public awareness and increasing readiness for emergencies.
- (2) Risk communication means notifying the public of threats that could lead to an emergency and of the consequences of an emergency and giving people conduct instructions to raise awareness of and increase readiness for emergencies.
- (3) The Government of the Republic establishes by a regulation a list of those emergencies for which risk communication is organised and designates the authorities responsible for the organisation thereof.
- (4) Risk communication for an emergency caused by an interruption with severe consequences or prolonged interruption of a vital service is organised by the authority organising the continuity of the vital service.

§ 11. State's operation stock

[Repealed – RT I, 18.06.2021, 1 – entry into force 28.06.2021]

§ 12. Reporting of emergency

- (1) A natural person is required to immediately call the emergency phone number 112 to report an emergency or a risk of an emergency that has come to their attention, unless there is reason to believe that the authority competent to resolve the emergency has already been informed.
- (2) The authority referred to in subsection 1 of § 14 of this Act informs the public of an emergency and a risk and resolution thereof and organises interdepartmental exchange of information.
- (3) The requirements and the procedure for the performance of the obligations provided in subsection 2 of this section are established under subsection 5 of § 14 of this Act.

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

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

§ 13¹. Transmission of immediate public warning

(1) In the case of an impending or already on-going event endangering the life or health of many people or national security, or when it ends, an immediate public warning is transmitted with directions for safe actions, including for sheltering or mass evacuation. The national public warning system EE-ALARM (hereinafter *EE-ALARM*) is used for transmitting an immediate public warning.

(2) For the purposes of this Act, EE-ALARM means a set of protocols, processes and technologies for transmitting an immediate public warning to people.

(3) Preparations for the transmission of an immediate public warning are coordinated by the Estonian Rescue Services Agency. Coordination includes, among other things, the development and updating of the general principles of use of public warning channels, and raising public awareness. Upon coordination of preparations for the transmission of an immediate public warning, the Estonian Rescue Services Agency cooperates with the Emergency Response Centre and other relevant authorities and persons.

(4) The following are required to join EE-ALARM:

- 1) a possessor of media, an electronic communications undertaking and a possessor of a national mobile application with at least 10,000 end users;
- 2) a possessor of an electronic information screen located in a public space if the presumed number of contacts of the screen during a period of twenty-four hours exceeds 10,000 people (hereinafter *transmitter*).

(5) The transmission of an immediate public warning through EE-ALARM may be decided by a government authority, the person in charge of emergency situation, the person in charge of emergency situation work and, during increased defence readiness, a state of emergency and a state of war, also the Prime Minister.

(6) The Emergency Response Centre relays an immediate public warning to a transmitter usually through EE-ALARM. If there is a failure in EE-ALARM, the Emergency Response Centre will promptly relay it to a transmitter in another manner and the transmitter will promptly transmit it to the public in another agreed manner.

(7) In addition to the provisions of subsections 5 and 9 of this section, EE-ALARM may be used in the following cases:

- 1) by a decision of the Government of the Republic or a government authority appointed thereby, in the exercises specified in subsection 3 of § 18 of this Act;
- 2) by a decision of the Defence Forces, in military training specified in subsections 3 and 3¹ of § 69 of the Military Service Act;
- 3) by a decision of the Estonian Rescue Services Agency, for testing EE-ALARM.

(8) For the purposes of this Act, a siren device means a technological part of EE-ALARM which is a set of interconnected devices with the purpose of sounding an immediate public warning.

(9) The transmission of an immediate public warning through a siren device may be decided by the Estonian Rescue Services Agency, the Defence Forces, the Estonian Internal Security Service, the Police and Border Guard Board, the Environmental Board, the person in charge of emergency situation, the person in charge of emergency situation work and, during increased defence readiness, a state of emergency and a state of war, also the Prime Minister.

(10) The activation of a siren device is organised by the Estonian Rescue Services Agency.

(11) The minister in charge of the internal security policy sector enacts, by regulation:

- 1) the conditions and rules for transmitting an immediate public warning and preparations for transmission;
- 2) the conditions and rules for joining EE-ALARM and reimbursement of related expenses;
- 3) the conditions and rules for the activation, management and testing of a siren device.

[RT I, 02.10.2025, 2 – entry into force 12.10.2025]

§ 14. Coordination of resolution of emergency and cooperation

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

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

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

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

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

(4¹) For resolving an emergency, the authority coordinating the resolution of an emergency may give an authority of executive power, a local authority or another public authority an order, taking into account the competence and powers of these authorities and persons, to:

- 1) issue an administrative act or take measures;
 - 2) cease the taking of measures or prohibit the taking of measures;
 - 3) partially or fully suspend the taking of measures.
- [RT I, 17.05.2020, 1 – entry into force 18.05.2020]

(4²) An order provided in subsection 4¹ of this section must be executed immediately, unless the authority coordinating the resolution of an emergency has set another due date.

[RT I, 18.06.2021, 1 – entry into force 28.06.2021]

(4³) The Administrative Procedure Act is not applied to an order set out in subsection 4¹ of this section.

[RT I, 17.05.2020, 1 – entry into force 18.05.2020]

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

[RT I, 18.06.2021, 1 – entry into force 01.01.2022]

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

§ 15. Emergency response plan

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

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

(3) A list of events that could lead to an emergency and concerning which a response plan is prepared and the requirements and procedure for preparing such a plan are established and the authority in charge of preparing such a plan is designated by a regulation of the Government of the Republic.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

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

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

(8) [Repealed – RT I, 18.06.2021, 1 – entry into force 01.07.2021]

§ 16. Organisation of mass evacuation

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

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

(3) Preparing for and carrying out mass evacuation are organised by the Rescue Board. The Police and Border Guard Board participates in carrying out mass evacuation.
[RT I, 18.06.2021, 1 – entry into force 01.01.2022]

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

(5) In carrying out mass evacuation the Rescue Board may apply the special measures of state supervision provided in §§ 30, 32, 44 and 49 through 51 of the Law Enforcement Act on the basis and pursuant to the procedure provided in the Law Enforcement Act. In carrying out mass evacuation the Police and Border Guard Board may apply the special measures of state supervision provided in §§ 30, 32, 35 and 44 through 52 of the Law Enforcement Act on the basis and pursuant to the procedure provided in the Law Enforcement Act.
[RT I, 18.06.2021, 1 – entry into force 01.01.2022]

(6) The requirements and the procedure for preparing for and carrying out mass evacuation are established under subsection 5 of § 14 of this Act.
[RT I, 18.06.2021, 1 – entry into force 01.01.2022]

§ 16¹. Sheltering

(1) For the purposes of this Act, sheltering means temporary relocation of a person who is in an endangered area during an immediate increased threat to a suitable room or building or staying there for the protection of the person's life or health.

(2) Sheltering is organised by the Estonian Rescue Services Agency. Organisation of sheltering includes preparations for sheltering, including raising public awareness and education. Upon organisation of sheltering, the Estonian Rescue Services Agency cooperates with local authorities and relevant authorities and persons who help to organise sheltering within the limits of their competence.

(3) In order to ensure sheltering, the Estonian Rescue Services Agency and the Police and Border Guard Board may apply the special measures of state supervision provided in §§ 30, 32 and 44–52 of the Law Enforcement Act and direct coercion on the grounds and in accordance with the rules provided in the Law Enforcement Act. The prohibition on stay provided in § 44 of the Law Enforcement Act may be applied over 12 hours with the authorisation of the head of a rescue service of the Estonian Rescue Services Agency or a prefect of the Police and Border Guard Board.

(4) Upon the application of the special measure of state supervision provided in § 48 of the Law Enforcement Act, the Estonian Rescue Services Agency may only examine a person's clothes and an item inside the clothes or worn on the body. Examination of a person's body and body cavities is prohibited.

(5) If in the event of an attack against the Republic of Estonia or an immediate threat thereof the Estonian Rescue Services Agency or the Police and Border Guard Board cannot ensure sheltering, the Defence Forces may apply the measures provided in subsection 3 of this section on the grounds of urgent competence if this is necessary for military defence of the state or for preparation for this.
[RT I, 02.10.2025, 2 – entry into force 12.10.2025]

§ 17. Combating threat of emergency

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

§ 17¹. Civil protection training

(1) The purpose of civil protection training is to increase a person's readiness to independently handle a crisis.

(2) A public body is to organise civil protection training for officials and employees once every two years.

(3) The requirements for civil protection training and trainer are established by a regulation of the minister in charge of the internal security policy sector.
[RT I, 02.10.2025, 2 – entry into force 12.10.2025]

§ 18. Crisis management exercises

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

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

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

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

(4) The requirements set for the conduct of exercises and for the organisation of exercises are established by a regulation of the Government of the Republic.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

Chapter 3¹

Establishment, Management and Use of State's Operation Stockpile

[RT I, 18.06.2021, 1 - entry into force 28.06.2021]

§ 18¹. State's operation stockpile

(1) State's operation stockpile (hereinafter *stockpile*) is established and managed and the release thereof is organised by a state-owned company whose activities as specified in its statutes are aimed at establishing and managing a stockpile (hereinafter *stockpile manager*).

(2) A stockpile means goods that are necessary for resolving an emergency or combating a risk thereof and for ensuring the state's security of supply, national security and subsistence to the population and that are in the ownership of the stockpile manager or the acquisition or use of which has been ensured by contracts entered into by the stockpile manager beforehand.

(3) The bases for establishing a stockpile are:

- 1) a decision of the stockpile manager;
- 2) a law; or
- 3) a decision of the Government of the Republic.

(4) The expenses of establishing, managing and releasing a stockpile are covered from state budget funds or funds received from the sale of the stockpile, unless otherwise provided by law.

[RT I, 09.08.2022, 1 – entry into force 01.05.2023]

(5) The establishment, management and release of liquid fuel stocks included in a stockpile are governed by the Liquid Fuel Stocks Act.

(6) The establishment, management and release of a health care stockpile included in a stockpile are governed by the Health Services Organisation Act.

[RT I, 18.06.2021, 1 – entry into force 28.06.2021]

§ 18². Maintaining stockpile

(1) A stockpile must be maintained in a manner that ensures the availability thereof in its place of storage for the purpose of resolving an emergency or a risk thereof and for ensuring the state's security of supply, national security and subsistence to the population.

(2) A stockpile is to be maintained in Estonia, unless the Government of the Republic decides otherwise.

(3) The stockpile manager is to maintain the stockpile in its ownership or is to transfer the stockpile or part thereof for storage to a legal person under a deposit contract.

(4) The deposit contract referred to in subsection 3 of this section must set out at least:

- 1) the address of the stockpile location;
- 2) a feature permitting identification of the stockpile;
- 3) the conditions of maintaining the stockpile;
- 4) the conditions of renewing the stockpile;
- 5) the technical conditions for releasing the stockpile from the place of storage;

- 6) the procedure for inspecting the maintenance of the stockpile;
- 7) the contract period.

(5) In order to perform its obligation to establish and manage a stockpile, the stockpile manager may enter into a fixed-term agreement under which a legal person assumes the obligation to establish and manage the stockpile or part thereof and the stockpile manager has the right to acquire the stockpile covered by the agreement under agreed terms and conditions (hereinafter *delegated stockpile*).

(6) In addition to that provided in subsection 4 of this section, the agreement on delegated stockpile must set out:

- 1) the right of the stockpile manager to acquire the stockpile covered by the agreement at any given time during the entire term of the agreement;
 - 2) a requirement that in the event of acquisition of the stockpile the availability of the stockpile to the stockpile manager is ensured during the period set out in the agreement;
 - 3) the method for determining the price payable for acquiring the stockpile.
- [RT I, 18.06.2021, 1 – entry into force 28.06.2021]

§ 18³. Release of stockpile

(1) The release of a stockpile is decided by the Government of the Republic.

(2) In a situation possibly posing a risk to public order, national security or public health, requiring immediate action against the risk, release of the stockpile may be decided by the minister responsible for managing the stockpile who must promptly inform the Government of the Republic thereof.

(3) The decision referred to in subsections 1 and 2 of this section must set out:

- 1) the reason for the release of the stockpile;
- 2) a list and the quantity of the stockpile released;
- 3) the conditions for the release of the stockpile;
- 4) the conditions for replenishment of the stockpile released.

(4) A procedure for release of the stockpile is established by a regulation of the minister responsible for managing the stockpile.

[RT I, 09.08.2022, 1 – entry into force 01.05.2023]

§ 18⁴. Data and statistical summaries concerning stockpile

(1) The stockpile manager must keep detailed and constant records of the stockpile.

(2) The stockpile records must contain information regarding the location of the storage facilities and, for each storage facility, information concerning the composition, quantity, date of expiry and owner of the stockpile.

(3) By 25 February and 25 August each year, the stockpile manager is to submit to the Ministry of Economic Affairs and Communications information about the composition, quantity, dates of expiry, locations and owners of the stockpile as per the last day of the preceding period of six months. Where necessary, the stockpile manager is to submit, at the request of the Ministry of Economic Affairs and Communications, additional information about the stockpile.

[RT I, 18.06.2021, 1 – entry into force 28.06.2021]

§ 18⁵. Renewal and reduction of stockpile

In the event of renewal and reduction of the stockpile in the ownership of a stockpile manager, the stockpile is to be sold at the market price, except if the stockpile is reduced in the event provided in § 18³ of this Act.

[RT I, 18.06.2021, 1 – entry into force 28.06.2021]

§ 18⁶. Right to information

In order to fulfil their duties under this Act, the stockpile manager has the right to obtain information from:

- 1) state authorities;
- 2) local authorities;
- 3) legal persons in public law;
- 4) holders of public office.

[RT I, 18.06.2021, 1 – entry into force 28.06.2021]

Chapter 4

Emergency Situation

Subchapter 1 Declaration and Termination of Emergency Situation and Entry into Force and Publication of Legislation

§ 19. Basis and conditions of declaration of emergency situation

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

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

(3) A communicable disease is construed within the meaning of the Communicable Diseases Prevention and Control Act and an infectious animal disease within the meaning of the Veterinary Act.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

§ 20. Declaration of emergency situation

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

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

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

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

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

§ 22. Termination of emergency situation

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

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

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

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

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

Subchapter 2

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

§ 24. Person in charge of emergency situation

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

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

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

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

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

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

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

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

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

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

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

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

Subchapter 3 Measures Implemented During Emergency Situation

§ 26. Obligation to work

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

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

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

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

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

- 1) a person with a moderate, severe or profound disability and their caregiver;
- 2) a person with no work ability;
- 3) a pregnant woman;
- 4) a person raising a child with a moderate, severe or profound disability;
- 5) one parent or caregiver of a child under 12 years of age;
- 6) a female person under 35 years of age if the work is performed in the area of ionising radiation hazard;
- 7) a military serviceman;
- 8) a person in a post or employment with national defence work obligation if they are performing national defence work obligation.

§ 27. Expropriation of movable property

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

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

§ 28. Duty to grant use of item

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

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

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

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

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

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

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

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

§ 30. Performance of emergency situation work on premises

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

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

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

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

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

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

§ 32. Restrictions on holding public meetings and public events

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

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

§ 33. Precept and application of administrative coercive measures

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

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

(3) If the provider of a vital service does not comply with the precept referred to in subsection 1 of this section in a timely manner or the communications undertaking does not comply with the precept referred to in subsection 2 of this section, the compliance with the precept may be imposed by the measures and pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act. The upper limit of non-compliance levy for each imposition thereof is 9600 euros.

Subchapter 3¹ **Employment and Service Relationships in Emergency Situation**

[RT I, 06.05.2020, 1 - entry into force 07.05.2020]

§ 33¹. Obligation to perform additional duties and functions during emergency situation

(1) During an emergency situation and if necessary for resolving the emergency situation, a person authorised to appoint to office and enter into an employment contract or a person authorised thereby may assign to an employee and an official who are in an employment or service relationship with an authority additional one-time duties or functions the obligation for the performance of which does not arise from the job description, employment contract or legislation if the employee or official has the necessary knowledge, skills and experience for performing these duties or functions.

(2) During an emergency situation an employee and an official may be sent, without their consent, to perform a duty or function referred to in subsection 1 of this section to another authority and outside of their permanent job or post if this is necessary for resolving the emergency situation and they have the necessary knowledge, skills and experience for performing this duty or function.

(3) While an employee or an official is performing an additional duty or function provided in subsection 2 of this section, they are fully or partly released from the duties of their permanent job or post and they are required to comply with the guidelines, orders and work organisation of the other authority to the extent necessary for performing the additional duty or function.

(4) For the duration of performance of an additional duty or function provided in subsection 2 of this section, the employee will retain their wages and the official will retain their salary as well as social guarantees arising from legislation that the employee or official has in their permanent job or post.

(5) An employee and an official who perform an additional duty or function outside their permanent place of employment or service must be compensated for additional costs arising from performing duties or functions in another authority.

(6) The obligation specified in subsection 2 of this section is not applied to the following persons:

- 1) a person who requires the assistance of another person because of an intellectual or a physical special need, and their caregiver;
- 2) a person with no work ability;
- 3) a pregnant woman;
- 4) a person raising a child with an intellectual, physical or educational special need;
- 5) one parent or caregiver of a child under 12 years of age.

(7) Assignment of the obligation set out in subsections 1 and 2 of this section must take into account material circumstances that may prevent the employee or official from performing an additional duty or function or from performing it outside their permanent place of employment or service.

[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

§ 33². Specifications of working time during emergency situation

(1) If necessary for resolving an emergency situation, a person authorised to appoint to office and enter into an employment contract or a person authorised thereby may impose on an employee and an official who are in an employment or service relationship with an authority working time different from usual working time, including apply the calculation of summarised working time to the employee and official and change their working time schedule without the consent of the employee or official. The employee and official must be given reasonable advance notice of changes.

(2) Upon application of summarised working time provided in subsection 1 of this section the employee and official must be notified of the conditions of application of summarised working time.

(3) The obligation specified in subsection 1 of this section is not applied to the persons provided in subsection 6 of § 33¹ of this Act.

(4) Imposing the specification provided in subsection 1 of this section must take into account the working and rest time standards provided in the Civil Service Act, the Employment Contracts Act and Acts governing special types of civil service as well as material circumstances that may prevent the application of summarised working time to an employee and an official or the changing of their working time schedule.

[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

Subchapter 4

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

§ 34. Involvement of Defence Forces and Defence League

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

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

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

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

(4) A proposal to involve the Defence Forces or the Defence League in the performance of the duty specified in clause 2 of subsection 1 of this section is made to the Government of the Republic by the minister in whose area of responsibility such an involvement is required. The proposal must be approved beforehand by the minister in charge of the national defence policy sector.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

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

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

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

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

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

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

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

(3¹) Unless otherwise set out in an order referred to in subsection 3 of § 34 of this Act, a serviceman and an active member of the Defence League may, upon performing the duty specified in clause 2 of subsection 1 of § 34, apply:

- 1) the special measures provided in §§ 50 and 51 of the Law Enforcement Act on the order of a rescue service agency;
- 2) the special measures provided in §§ 28 and 30, subsections 1–4 of § 32, §§ 38, 41, 42 and 44, subsections 1 and 5 of § 45 and §§ 46–52 of the Law Enforcement Act on the order of the police.

[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

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

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

Chapter 5 Organisation of Continuity of Vital Services

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

(1) The Ministry of Justice and Digital Affairs organises the continuity of the following vital services:

[RT I, 30.12.2024, 1 - entry into force 01.01.2025]

- 1) [repealed – RT I, 30.06.2023, 1 – entry into force 01.07.2023]
- 2) [repealed – RT I, 30.06.2023, 1 – entry into force 01.07.2023]
- 3) [repealed – RT I, 30.06.2023, 1 – entry into force 01.07.2023]
- 4) [repealed – RT I, 30.06.2023, 1 – entry into force 01.07.2023]
- 5) phone service;
- 6) mobile phone service;
- 7) data transmission service;
- 8) digital identification and digital signing.

(1¹) The Ministry of Climate organises the continuity of the following vital services:

- 1) electricity supply;
 - 2) natural gas supply;
 - 3) liquid fuel supply;
 - 4) ensuring the operability of national roads;
- [RT I, 30.06.2023, 1 – entry into force 01.07.2023]
- 5) operation of aerodromes;
- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]
- 6) operation of an air navigation service;
- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]
- 7) operation of a public railway;
- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]
- 8) operation of ports.
- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(2) The Ministry of Social Affairs organises the continuity of the following vital services:

- 1) operation of health services;
 - 2) supply of medicinal products.
- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(2¹) The Ministry of Culture organises the continuity of the following vital services:

- 1) operation of a public media service;
 - 2) ensuring the operation of a broadcasting network service necessary for the provision of a public media service.
- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

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

(4) A local authority organises in its administrative territory the continuity of the following vital services:

- [RT I, 08.10.2024, 1 – entry into force 18.10.2024]:
- 1) district heating;
 - 2) ensuring the operability of local roads;
 - 3) water supply and sewerage.

(5) The Ministry of Regional Affairs and Agriculture organises the continuity of ensuring a supply of food.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 37. Obligations of authorities organising continuity of vital services

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

- 1) coordinate the ensuring of the continuity of the vital service, considering the risk dependency of vital services;
- 2) advise providers of vital services;
- 3) exercise supervision over ensuring the continuity of vital services, including over the implementation of measures that prevent interruptions of vital services;
- 4) approve the continuity risk analyses and plans of providers of vital services according to § 40 of this Act;
- 4¹) appoint a contact person for organising the performance of their duties and forward the contact person's contact information to the Government Office and also promptly inform the Government Office of any changes in the contact person's information;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

4²) notify of appointment of an authority on the basis of subsection 5 of this section and forward the information of the authority and its contact person to the Government Office and also promptly inform the Government Office of any changes in the information of said authority or its contact person;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

5) coordinate the resolution of an emergency, prepare an emergency response plan and organise risk communication and crisis management exercises according to Chapter 3 of this Act.

(1¹) A local authority forwards the information specified in clauses 4¹ and 4² of subsection 1 of this section to the Rescue Board and also promptly informs the Rescue Board of any changes in the information.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

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

- 1) the description of the service, meaning to which part of the service the requirements for the continuity of vital services apply;
- 2) requirements for the level of service and also for the readiness to provide services during an interruption of other vital services and in an emergency or in another similar situation;
- 3) requirements for the prevention of interruptions of vital services;
- 4) the time permitted for an interruption of vital services, the organisation of restoration of vital services and, if necessary, restoration priorities;
- 5) if necessary, requirements for outsourcing services in support of the principal activities of the provider of a vital service;
- 6) the conditions which constitute an emergency caused by an extensive interruption or an interruption with severe consequences of a vital service if the resolution of the emergency is organised by the authority organising the continuity of the vital service;
- 7) the procedure for reporting an unscheduled interruption of a vital service, a risk of an interruption, an incident significantly disrupting the continuity of a vital service or an impending risk of such an incident, an emergency or a risk thereof (hereinafter *incident*), and the conditions of and procedure for filing a detailed report on an incident;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

7¹) where necessary, the maximum term allowed for complying with the requirements for the continuity of a vital service provided on the basis of subsection 2 of this section starting from the designation of a person as a provider of a vital service;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

8) other significant requirements for ensuring the continuity of the vital service.

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

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

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

(6) The conditions of reporting and of a detailed report specified in clause 7 of subsection 3 of this section must be set based on at least the following:

- 1) the number and proportion of users affected by the incident;
- 2) the duration of the incident;
- 3) the geographical area affected by the incident, taking into account the isolation of the geographical area.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

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

(1¹) Account over providers of a vital service are kept in the register of civil assets. Information necessary for keeping account over providers of a vital service is submitted to the register and information submitted earlier is updated once a year by no later than 31 December by an authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act, taking into account the provisions of subsection 1⁶ of § 38.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(1²) An authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act issues an administrative decision on designation of a person specified in subsection 1 of this section as a provider of a vital service within 30 days after learning that the person meets the conditions of a provider of a vital service.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(1³) In an administrative decision specified in subsection 1² of this section, an authority organising the continuity of a vital service is to set, among other things, a due date by which a provider of a vital service must:

- 1) prepare a risk assessment and plan of the continuity of the vital service according to the provisions of §§ 39 and 40 of this Act, considering that the continuity risk assessment must be prepared within nine months and the continuity plan within ten months after designation as a provider of a vital service;
- 2) organise exercises specified in clause 7 of subsection 3 of this section for the first time;
- 3) comply with the requirements provided on the basis of subsection 2 of § 37 and in § 41 of this Act and in other legislation for ensuring the continuity of the vital service, considering that the time limit for complying with the requirements and the obligation provided in § 41 of this Act is no longer than five years following designation as a provider of a vital service.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(1⁴) Before issuing an administrative decision specified in subsection 1² of this section, an authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act may ask for the opinion of the Information System Authority on setting a time limit for complying with the requirements and obligation provided in subsection 1 of § 41.

[RT I, 22.05.2025, 1 – entry into force 01.06.2025]

(1⁵) A person specified in subsection 1 of this section is no longer considered a provider of a vital service when the person does not meet the conditions of a provider of a vital service and the authority organising the continuity of the vital service has issued a corresponding administrative decision and has notified it to the person. Upon entry into force of the administrative decision the provisions concerning a provider of a vital service are not applied to the person.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(1⁶) An authority organising the continuity of a vital service enters the information provided in subsections 1² and 1⁵ of this section on designation or termination as a provider of a vital service in the register of civil assets within five working days after the administrative decision was notified to the provider of a vital service.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(1⁷) An authority organising the continuity of a vital service forwards an administrative decision specified in subsections 1² and 1⁵ of this section for information to the Information System Authority within five working days after the administrative decision was notified to the provider of a vital service.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

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

- 1) prepare the continuity risk assessment and plan of the vital service provided thereby according to §§ 39 and 40 of this Act;

- 2) implement measures that prevent interruptions of the vital service, including reduce the dependency on other vital services, essential contract partners, suppliers and information systems through duplicating technical systems, contracts, staff and other means important to the provision of the service, using alternative solutions, having and stocking necessary resources and other similar actions;

- 3) ensure the capability to guarantee the continuity of and to quickly restore the service provided thereby during an emergency or another similar situation, including in the event of a technical failure or an interruption of the supply or another vital service;

- 4) immediately, but no later than 24 hours after learning of an incident, notify the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act of an incident specified in clause 7 of subsection 3 of § 37 and file a detailed report within one month after the end of the incident;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

- 5) participate in resolving an emergency according to the emergency response plan;

- 6) provide the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act with information on the provision of the vital service at the request thereof;

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

- 7¹) designate a contact person for organising the performance of the duties provided by this Act and forward their contact information to the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

- 7²) once a year, submit to the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act an overview of measures taken and to be taken to avoid an interruption and a disruption of the vital service and to reach the service level required on the basis of subsection 2 of § 37;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

- 7³) organise training for employees to raise their awareness of the continuity of the vital service, measures taken, and actions in an emergency or another similar situation or in the event of a risk thereof;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

7⁴) notify the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act of an incident that has or might have a significant impact on providers of vital services and on the continuity of the provision of vital services in one or more Member States of the European Union;

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

§ 39. Continuity risk assessment and plan of vital service

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

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

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

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

(5) The requirements for the continuity risk analysis and plan and the requirements and the procedure for preparing the risk analysis and the plan and for implementing the plan are established by a regulation of the Government of the Republic.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

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

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

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

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

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

(6) The authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act sends the continuity risk analysis and plan to the Government Office at the latter's request. The Government Office has the right to receive details about the information presented in the continuity risk analysis and plan.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

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

[RT I, 09.08.2022, 2 – entry into force 01.09.2022]

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

[RT I, 09.08.2022, 2 – entry into force 01.09.2022]

(10) An authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act forwards the risk assessment and plan of the continuity of the vital services specified in clauses 1 and 2 of subsection 1¹ of § 36, before approval, to the Competition Authority for giving their opinion.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 41. Ensuring electronic security of provision of vital service

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

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

(2) If the data or equipment essential for ensuring the continuity of a vital service are located in a foreign country, the provider of the vital service must ensure the continuity of the vital service by duplicate means and technologically alternative solutions while the usual electronic communications service or network used to access the data or equipment located in the foreign country is not operational.

[RT I, 22.05.2025, 1 – entry into force 01.06.2025]

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

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

§ 41¹. Background check upon ensuring continuity of vital service

(1) The objective of a background check is to ensure the reliability of persons who perform, on a contractual or another basis, significant tasks related to:

- 1) the development or administration of an information system that ensures the continuity of a vital service and also of an access or surveillance system of an infrastructure that ensures continuity;
- 2) enabling access to a territory, premises, information or control systems required for ensuring the continuity of a vital service;
- 3) the planning of the continuity of a vital service, investments or risk management.

(2) A provider of a vital service is required to determine in detail in their continuity risk assessment the tasks specified in subsection 1 of this section significant from the perspective of ensuring the continuity of the vital service concerning which it meets the purpose to conduct a background check on the natural person performing the tasks.

(3) A provider of a vital service may conduct a background check solely in respect of a natural person entrusted with the performance of a task determined on the basis of subsection 2 of this section and approved in the continuity risk assessment according to subsection 2 of § 40 of this Act.

(4) When conducting a background check, the person's identity and information on the person's previous convictions are checked. A provider of a vital service is required to check the information before the person starts performing a task determined on the basis of subsection 2 of this section and after every two years during the performance of the task.

(5) If there is reasonable doubt that a person may be subject to restrictions on working provided in subsections 1 and 2 of § 41² of this Act, or the person's liability increases upon the performance of a task, a background check may be conducted more frequently than after every two years.

(6) A provider of a vital service is required to notify the person checked of the basis for and objective of the background check and of the processing of their personal data before conducting the first background check.

(7) A provider of a vital service checks information on any previous convictions for the purpose of conducting a background check by using a background check service.

(8) The background check service processes a person's general data, a person's employment data and information on any previous convictions. The background check service data are retained for two years.

(9) The controller of the background check service is the Government Office.

(10) Detailed requirements for the background check service, including the tasks of the controller and processor of the service, a detailed data composition, providers of data and data to be received, the conditions of enabling access to the service and other organisational matters are established by a regulation of the Government of the Republic.

(11) The provisions of this section are also applied to an employee of a legal person in a contractual relationship with the provider of a vital service, who is entrusted with the performance of a task determined on the basis of subsection 2 of this section.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 41². Restrictions on working upon ensuring continuity of vital service

(1) A provider of a vital service may not assign the tasks determined on the basis of subsection 2 of § 41¹ of this Act to a person who has been punished for a criminal offence provided in Chapters 8 and 15 of the Penal Code or for a similar criminal offence provided in Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.03.2017, pp 6–21) if information concerning punishment for this criminal offence has not been deleted from the criminal records database pursuant to the Criminal Records Database Act.

(2) A provider of a vital service is required to check whether it is appropriate to assign a task determined on the basis of subsection 2 of § 41¹ of this Act to a person who has been punished for a criminal offence committed intentionally concerning which information on punishment has not been deleted from the criminal records database pursuant to the Criminal Records Database Act.

(3) In the event provided in subsection 2 of this section a provider of a vital service may assess a person's reliability considering solely information on any previous convictions important from the perspective of performance of a determined task.

(4) If any of the circumstances provided in subsections 1 and 2 of this section occur, a provider of a vital service has the right to demand replacement of the employee of a legal person in a contractual relationship with the provider or performance of a task determined on the basis of subsection 2 of § 41¹ of this Act in another proper manner.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 41³. Processing of personal data by provider of vital service upon conduct of background check

(1) For the purpose of conducting a background check, a provider of a vital service has the right to obtain:

- 1) general data of a person checked and data of their identity document, including the right to obtain these data from a person who is in a contractual relationship with the provider of a vital service and whose employee performs a task determined on the basis of subsection 2 of § 41¹ of this Act;
- 2) from the criminal records database information on the person's previous convictions.

(2) In the event of criminal offences specified in Chapters 8 and 15 of the Penal Code, the criminal records database only issues information on the existence of current punishments.

(3) In the event of criminal offences specified in subsection 2 of § 41² of this Act, the criminal records database issues information on current punishments. Information is only issued if the criminal records database includes no current punishments for criminal offences specified in Chapters 8 and 15 of the Penal Code.

(4) Before conducting the first background check, a provider of a vital service is to check the identity of a person performing a task determined on the basis of subsection 2 of § 41¹ of this Act on the basis of their identity document.

(5) A provider of a vital service may require a person performing a task determined on the basis of subsection 2 of § 41¹ of this Act to produce a document concerning whether a foreign law enforcement authority has punished them pursuant to criminal procedure if this is necessary for verifying the circumstances provided in subsections 1 and 2 of § 41².

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 41⁴. Vital service provider of particular European Union significance

(1) A vital service provider of particular European Union significance is a person designated as a provider of a vital service on the basis of subsection 1² of § 38 of this Act who provides, among other things, the same or similar vital services to or in six or more Member States of the European Union and who has been

designated as a vital service provider of particular European Union significance on the conditions and pursuant to the procedure provided in this section (hereinafter *vital service provider of particular European Union significance*).

(2) An authority organising the continuity of a vital service notifies a provider of a vital service of their compliance with the characteristics of a vital service provider of particular European Union significance within 15 days as of learning of the conditions provided in subsection 1 of this section.

(3) Within 15 days after receiving a notification specified in subsection 2 of this section, a provider of a vital service submits to the authority organising the continuity of the vital service information concerning in which Member State of the European Union they provide vital services and which vital services they provide.

(4) An authority organising the continuity of a vital service forwards the information provided in subsection 3 of this section to the Government Office within 15 days after receiving the information. The Government Office forwards said information to the European Commission who will decide on compliance of the provider of a vital service with the characteristics provided in subsection 1 of this section.

(5) An authority organising the continuity of a vital service forwards to a provider of a vital service the decision of the European Commission on their designation as a vital service provider of particular European Union significance and notifies the provider of a vital service of the accompanying obligations and the date from which those obligations apply to them.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 41⁵. Advisory mission

(1) An advisory mission means checking by the European Commission of compliance with the requirements for ensuring the continuity of a vital service and of measures taken for ensuring continuity at a vital service provider of particular European Union significance (hereinafter *advisory mission*).

(2) An advisory mission is organised on the initiative of the European Commission or on a reasoned request from a Member State(s) of the European Union or an authority organising the continuity of a vital service. The authority organising the continuity of a vital service must agree to the advisory mission.

(3) An authority organising the continuity of a vital service issues to the European Commission for organising an advisory mission the following information:

- 1) the relevant parts of the continuity risk assessment prepared by the vital service provider of particular European Union significance;
- 2) a list of measures taken for ensuring the continuity of a vital service of particular European Union significance;
- 3) information identified in supervision proceedings in respect of the vital service provider of particular European Union significance and measures taken in the course of supervision.

(4) A vital service provider of particular European Union significance and the authority organising the continuity of their vital service provide the authorised representatives of the European Commission for an advisory mission with access to information, premises and systems necessary for organising the advisory mission and ensuring the continuity of the vital service, unless it would pose a threat to national security.

(5) Within the time limit set by the European Commission, an authority organising the continuity of a vital service submits to the European Commission and the Member States of the European Union where the vital service provider of particular European Union significance provides a service an overview of measures taken or changed at the vital service provider of particular European Union significance following the advisory mission.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 41⁶. Co-operation between authorities, notification and reporting

(1) An authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act, the Information System Authority, the Rescue Board and the Government Office co-operate in every way and exchange with each other information on the continuity of providers of a vital service, risks affecting them, measures taken to ensure their continuity and incidents that have taken place, likewise relevant information needed for supervision proceedings. Authorities and persons are to keep information given to them confidential, which has been declared to constitute a business or professional secret.

(2) The Financial Supervision and Resolution Authority and the Information System Authority mutually exchange information on the continuity of providers of a vital service who provide the vital services specified in subsection 3 of § 36 of this Act, risks affecting them, measures taken to ensure their continuity and incidents that have taken place, likewise relevant information needed for supervision proceedings, considering the restrictions arising from the Financial Supervision Authority Act.

(3) Once a year, a local authority submits to the Rescue Board a summary report on incidents specified in clause 7 of subsection 3 of § 37 of this Act and related to providers of the vital service organised by the local authority, including information on the number and nature of incidents and measures taken.

(4) Where an incident has or might have a significant impact on the continuity of the provision of vital services in one or more Member States of the European Union, the authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act whose area of responsibility includes the affected provider of a vital service is to promptly or within up to 24 hours inform the Government Office of the incident, who in turn is to promptly inform the European Commission.

(5) An authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act must inform the point of contact of another Member State of the European Union of an incident where this has or might have a significant impact on providers of a vital service and the continuity of the provision of vital services in that Member State of the European Union.

(6) Once a year, the authorities specified in subsection 1 of this section submit to the Government Office a summary report on incidents specified in clause 7 of subsection 3 of § 37 of this Act and related to providers of a vital service, including information on the number and nature of incidents and measures taken. A summary report on vital services organised by local authorities is submitted by the Rescue Board. On the basis of the information received the Government Office draws up an aggregate report and submits it to the European Commission.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

Chapter 6

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

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

The state does not compensate for:

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

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

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

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

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

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

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

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

[RT I, 06.07.2023, 6 – entry into force 01.01.2024]

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

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

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

- 1) in case of partial work ability – their two years' wages or salary;

2) in case of no work ability – their seven years' wages or salary.

(5) If necessary, the relation referred to in subsection 4 of this section between a person's level of work ability and injury suffered or illness developed as a result of the performance of duties during emergency situation work is established by the Estonian National Social Insurance Board pursuant to the procedure provided in § 49¹ of the Civil Service Act.

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

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

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

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

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

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

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

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

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

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

(16) The procedure for the calculation, grant and payment of benefit and expenses prescribed in this section is established by a regulation of the Government of the Republic.
[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

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

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

Chapter 7

Supervision

§ 45. Supervisory competence

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

- 1) [repealed – RT I, 18.06.2021, 1 entry into force 01.07.2021]
- 2) [repealed – RT I, 18.06.2021, 1 – entry into force 28.06.2021]
- 3) administrative or state supervision over compliance with the requirements established in §§ 38–40, subsection 2 of § 41, subsections 3 and 4 of § 41¹ and subsection 1 of § 41² and on the basis of subsection 2 of §

37 and subsection 5 of § 39 of this Act is exercised by the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37; in regard to subjects of financial supervision, administrative or state supervision over compliance with the requirements established in §§ 38–40 and on the basis of subsection 2 of § 41, subsections 3 and 4 of § 41¹, subsection 2 of § 37 and subsection 5 of § 39 is exercised by the Financial Supervision and Resolution Authority;

[RT I, 22.05.2025, 1 – entry into force 01.06.2025]

4) [repealed – RT I, 22.05.2025, 1 – entry into force 01.06.2025]

5) administrative supervision over performance of duties assigned to local authorities by this Act and legislation established on the basis thereof is exercised by the Rescue Board.

[RT I, 18.06.2021, 1 – entry into force 01.07.2021]

(2) [Repealed – RT I, 18.06.2021, 1 – entry into force 01.07.2021]

§ 45¹. Independent audit

(1) An authority organising the continuity of a vital service, an authority appointed thereby under subsection 5 of § 37 of this Act or the Financial Supervision and Resolution Authority may commission, at its own expense, an independent audit or require a provider of a vital service to undergo an independent audit for assessing the continuity of the vital service and the relevance of the measures taken and to cover the costs related to the audit. The independent auditor is selected by agreement of the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act or the Financial Supervision and Resolution Authority and the provider of the vital service.

(2) An authority organising the continuity of a vital service, an authority appointed thereby under subsection 5 of § 37 of this Act or the Financial Supervision and Resolution Authority may require a provider of a vital service to undergo an independent audit specified in subsection 1 of this section and to cover the costs related to the audit upon the occurrence of at least one of the following grounds:

1) the provider of a vital service has failed to submit to the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37 of this Act for approval a continuity risk assessment or plan pursuant to the procedure provided in § 40;

2) the provider of a vital service has failed to comply with the requirements for the continuity of the vital service established on the basis of subsection 2 of § 37 of this Act by the due date set by the authority organising the continuity of the vital service or an authority appointed thereby under subsection 5 of § 37;

3) recurring incidents significantly disrupting the continuity of the vital service have or an emergency has taken place.

(3) A provider of a vital service has fulfilled the obligation to undergo an independent audit specified in subsection 2 of this section if they have passed an equivalent audit at their own initiative or at the request of another person within the past 12 months. An audit passed at the initiative of the provider of a vital service or at the request of another person is considered equivalent in its entirety or only in the overlapping part.

(4) At the request of the authority organising the continuity of a vital service, an authority appointed thereby under subsection 5 of § 37 of this Act or the Financial Supervision and Resolution Authority, a provider of a vital service is required to issue by the set due date and at its own expense the results of an earlier audit and proof of measures taken to ensure the continuity of the vital service.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

§ 46. State supervision

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

§ 47. Rate of non-compliance levy

Upon failure to comply with a precept, the upper limit of penalty payment for each imposition thereof in accordance with the rules provided in the Substitutional Performance and Non-Compliance Levies Act is 30,000 euros.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

Chapter 8

Liability

§ 48. Violation of requirements for preparing for emergency

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

§ 49. Violation of obligations of provider of vital service

(1) Violation of the obligations established for a provider of a vital service in clauses 1–7 and 7⁴ of subsection 3 of § 38 and in subsection 1 of § 41² of this Act is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 400,000 euros.
[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

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

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

§ 51. Violation of requirements established during emergency situation

(1) Disregarding a lawful order given in an emergency situation by the Government of the Republic, the person in charge of emergency situation, the person in charge of emergency situation work or an official appointed by the person in charge of emergency situation is punishable by a fine of up to 300 fine units.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

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

§ 52. Proceedings

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

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

Chapter 9 Implementing Provisions

Subchapter 1 Transitional Provisions

§ 53. Transitional provisions

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

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

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

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

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

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

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

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

(9) The national risk analysis specified in subsection 1 of § 9¹ of this Act is to be prepared by the Government Office by 31 December 2025.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(10) The risk analysis of a local authority specified in subsection 1 of § 9² of this Act is to be prepared by local authorities by 30 June 2025.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(11) The continuity strategy of providers of vital services specified in subsection 1 of § 9³ of this Act is to be prepared by the Government Office by 31 December 2025.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(12) A person who meets the conditions provided in subsection 2 of § 38 of this Act before 18 October 2024 is considered to be a provider of a vital service as of the day the person first met said conditions.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(13) The administrative decision specified in subsection 1² of § 38 of this Act is not prepared on the designation of a person specified in subsection 12 of this section as a provider of a vital service and the due dates for the performance of an obligation provided in subsection 1³ of § 38 are not applied to the person.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(14) An authority organising the continuity of a vital service or an authority appointed thereby under subsection 5 of § 37 of this Act is to submit by no later than 31 December 2024 to the register of civil assets the information specified in subsection 1¹ of § 38 concerning a provider of a vital service who met the conditions provided in subsection 2 of § 38 before 18 October 2024.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(15) An authority organising the continuity of a vital service is to establish a regulation specified in subsection 2 of § 37 and meeting the requirements provided in subsection 3 of § 37 of this Act by 1 July 2025.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(16) An authority organising the continuity of a vital service is to identify providers of a vital service who meet the conditions provided in subsection 2 of § 38 of this Act and is to designate them as providers of a vital service by an administrative decision specified in subsection 1² of § 38 by no later than 28 February 2026.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(17) A continuity risk assessment and plan prepared by a provider of a vital service before 18 October 2024 apply until the approval of a continuity risk assessment and plan specified in subsection 18 of this section according to § 40 of this Act.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(18) A person specified in subsection 12 of this section is to prepare a continuity risk assessment and plan of a vital service that complies with the requirements of this Act and the requirements established on the basis thereof by no later than 31 December 2026.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(19) A provider of a vital service is to conduct a background check specified in § 41¹ of this Act for the first time within six months after approval, according to § 40, of a continuity risk assessment of the vital service that complies with the requirements of the wording of this Act that entered into force on 18 October 2024.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(20) An authority organising the continuity of a vital service who must prepare an emergency response plan for the first time is to prepare it by 31 December 2026.

[RT I, 08.10.2024, 1 – entry into force 18.10.2024]

(21) The transmitter specified in subsection 4 of § 13¹ of this Act is required to join EE-ALARM by 1 July 2028 at the latest.

[RT I, 02.10.2025, 2 – entry into force 12.10.2025]

Subchapter 2

Amendment and Declaration of Invalidity of Acts

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

§ 57. Declaration of invalidity of the Emergency Act

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

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

Subchapter 3

Entry into Force of Act

§ 80. Entry into force of Act

This Act enters into force on 1 July 2017.

¹Directive (EU) 2022/2557 of the European Parliament and of the Council on the resilience of critical entities and repealing Council Directive 2008/114/EC (OJ L 333, 27.12.2022, pp 164–198). [RT I, 08.10.2024, 1 – entry into force 18.10.2024]