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Estonian Defence Forces Organisation Act

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Amended by the following acts

Passed	Published	Entry into force
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26.11.2009	RT I 2009, 62, 405	01.01.2010
27.01.2010	RT I 2010, 7, 29	01.08.2010
05.05.2010	RT I 2010, 24, 115	01.09.2010
16.12.2010	RT I, 31.12.2010, 1	01.01.2011
16.12.2010	RT I, 30.12.2010, 3	01.01.2011
15.06.2011	RT I, 08.07.2011, 8	22.07.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, partially01.01.2013
13.06.2012	RT I, 10.07.2012, 2	01.04.2013, the word 'defence forces' has been replaced by the word 'Defence Forces' throughout the Act
05.12.2012	RT I, 18.12.2012, 1	01.01.2013, partially01.04.2013
28.02.2013	RT I, 20.03.2013, 1	01.04.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides for the legal status and functions of the Estonian Defence Forces (hereinafter Defence Forces), the organisation of the Defence Forces, the bases for commanding the Defence Forces and the bases for the use of force by the Defence Forces.

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

§ 2. Legal status of application of Act

(1) The Defence Forces are a militarily organised governmental authority within the area of government of the Ministry of Defence.

(2) For the performance of its functions, the Defence Forces may use force on the bases of and pursuant to the procedure provided by law.

§ 3. Functions of Defence Forces

(1) The functions of the Defence Forces are the following:

- 1) the military defence of the state and participation in collective self-defence;
- 2) preparation for the military defence of the state and participation in collective self-defence;

3) participation in international military co-operation pursuant to the procedure provided for in the International Military Co-operation Act;
4) participation in the resolution of a state of emergency and an emergency situation and the ensuring of the security on the bases of and pursuant to the procedure provided by law;
[RT I 2009, 39, 262 - entry into force 24.07.2009]

4¹) disposal of ordnance in the internal waters or territorial sea and in the exclusive economic zone;
[RT I 2010, 24, 115 - entry into force 01.09.2010]

4²) demining activities in the territory of the Defence Forces and the Defence League and in the training areas;
[RT I 2010, 24, 115 - entry into force 01.09.2010]

4³) operating an excise warehouse of the Defence Forces;
[RT I, 30.12.2010, 3 - entry into force 01.01.2011]

4⁴) protection of persons on the bases and in the procedure provided for in this Act;
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

5) performance of other functions imposed on the Defence Forces by law.

(2) The Defence Forces may assist the police upon the performance of functions provided for in clauses 3 (1), 4), 5), 6) and 8) of the Police and Border Guard Board Act, except in the cases specified in clause (1) 4) of this section. Upon the provision of assistance the Defence Forces have no right to use direct coercion provided for in Chapter 4 of the Police and Border Guard Board Act. The provision of assistance is permitted only if there is no other way for the police to perform the function.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(3) The procedure for the involvement of the Defence Forces in the performance of the functions specified in subsection (2) of this section shall be established by a regulation of the Government of the Republic.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

§ 4. Military operation

A military operation means the activities of the Defence Forces in order to defend the state by military means or upon participation in an international military operation.

§ 5. Symbols of Defence Forces

(1) The Defence Forces have symbols which are approved pursuant to the procedure established by the Government of the Republic Act and the description of and the procedure for the use of which is established by a regulation of the Minister of Defence.

(2) A structural unit and a subunit of the Defence Forces may have its own symbol the description of and procedure for the use of which is established by the Commander of the Defence Forces with the approval of the State Chancellery.

[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

§ 6. Decorations of Defence Forces

(1) The Defence Forces may have decorations which are approved pursuant to the procedure established by the Government of the Republic Act and the description of and procedure for the bestowal of which is established by a regulation of the Minister of Defence.

(2) A structural unit and subunit of the Defence Forces may have decorations the description of and procedure for use of which is established by the Commander of the Defence Forces with the approval of the State Chancellery.

§ 7. Supervisory control

(1) The Minister of Defence shall exercise supervisory control over the Defence Forces.

(2) The Commander of the Defence Forces shall exercise supervisory control over the activities of the structural units and officials of the Defence Forces.

§ 8. Service in Defence Forces

Service in the Defence Forces shall be organised on the bases and pursuant to the procedure provided for in the Defence Forces Service Act and the Civil Service Act.

§ 9. Number of servants of Defence Forces

(1) The maximum number of positions of military rank in the composition of the Defence Forces shall be determined by an order of the Government of the Republic. The maximum number shall be determined separately for the regular structural units and reserve units of the Defence Forces.

(2) On the basis of the statutes of the Defence Forces and the maximum number of posts of military rank, the Minister of Defence shall, on the proposal of the Commander of the Defence Forces, establish the total number of posts of military rank and other places of service for each structural unit specified in subsection 12 (2) of this Act separately.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(3) [Repealed - RT I 2010, 7, 29 - entry into force 01.08.2012]

§ 10. Composition of Defence Forces

(1) The classification of places of service into posts and places of employment, and the names of places of service and the number thereof by each structural unit separately shall be determined in the composition of the Defence Forces.

[RT I, 18.12.2012, 1 - entry into force 01.04.2013]

(2) The composition of the Defence Forces shall be approved by the Commander of the Defence Forces.

Chapter 2 ORGANISATION OF DEFENCE FORCES

§ 11. Armed services and branches

(1) The Defence Forces are divided into armed services according to the area of activity.

(2) The armed services of the Defence Forces are the Army, the Navy and the Air Force.

(3) An armed service includes branches, distinguished on the basis of their purpose, which are characterised by special armament and battle equipment.

§ 12. Organisation of Defence Forces

(1) The organisation of the Defence Forces, the principal functions and location of the structural units and the rights and obligations of the chiefs of services and commanders of structural units shall be determined in the statutes of the Defence Forces established by the Government of the Republic.

(2) The structural units of the Defence Forces are separate staffs, military units, the Logistics Centre of the Defence Forces, the Military Police of the Estonian Defence Forces, the Estonian National Defence College, the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence and the Special Operations Task Unit of the Defence Forces.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(3) The statutes of the regular structural units shall be established by the Minister of Defence.

§ 13. Military unit

(1) The military units of the Army are a regional command, a brigade and a battalion, and a squadron and a base in the Navy and Air Force.

(2) A military unit consists of a staff and subunits.

(3) The standard sizes and structure of military units, the names of their subunits and their categorisation according to armed services and branches shall be determined in the statutes of the Defence Forces.

(4) The division of military units into high readiness units, rapid reaction units and reaction units shall be determined by the Government of the Republic in the statutes of the Defence Forces.

(5) The requirements for the reaction speed, level of training and equipment of military units shall be established by the Minister of Defence.

§ 14. Peacetime units

(1) Peacetime units and their subunits are divided into regular, task and reserve units.

(2) A regular unit is a military unit with a permanent location, which is completely or partially manned with regular members of the Defence Forces and conscripts.

(3) A regular military unit is specified as a flag unit.

(4) A reserve unit is a unit in the reserve which has been trained on the basis of regular units and has exercised together and which is called for the purposes of reserve training or in the course of mobilisation.

(5) With the approval of the Minister of Defence, the Commander of the Defence Forces may form task units for a specified term for the fulfilment of a specific objective.

§ 15. Wartime units

(1) Wartime military units and the subunits thereof shall be formed in the course of mobilisation on the basis of peacetime units or regular structural units and the Estonian National Defence College.
[RT I 2010, 7, 29 - entry into force 01.08.2010]

(2) The composition of wartime units shall be approved by the order of the Government of the Republic,
[RT I, 31.12.2010, 1 - entry into force 01.01.2011]

(3) The Commander-in-Chief of the Defence Forces may form task units in order to fulfil a specific objective.
[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

§ 16. Regional command

(1) A regional command is a military unit with a specific territorial area of responsibility.

(2) The division of the territory of the Republic of Estonia into the areas of responsibility of regional commands shall be determined by a regulation of the Government of the Republic.

§ 17. Separate headquarters and other structural units of Defence Forces

(1) The Headquarters of the Defence Forces and the armed service headquarters are separate staffs.

(2) Other structural units of the Defence Forces are the Logistics Centre of the Defence Forces, the Military Police of the Estonian Defence Forces, the Estonian National Defence College, the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence and the Special Operations Task Unit of the Defence Forces.
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

§ 18. Headquarters of Defence Forces

(1) The Headquarters of the Defence Forces is a structural unit of the Defence Forces with the following functions:

- 1) provision of advice to the Commander of the Defence Forces and supporting his or her activities;
- 2) planning the activities of the Defence Forces and preparation of the draft budget of the Defence Forces;
- 3) organisation of training of the Defence Forces;
- 4) planning and co-ordination of military operations of the Defence Forces;
- 5) preparation and carrying out the mobilisation of the armed forces;
- 6) organisation of internal control and internal audit in the Defence Forces;
- 7) other functions arising from law and the statutes.

(2) The Headquarters of the Defence Forces is headed by the Chief of the Headquarters of the Defence Forces. The Commander of the Defence Forces shall directly direct the performance of functions specified in clauses (1) and 6) of this section.

§ 19. Headquarters of armed services

(1) An armed services headquarters is a structural unit of the Defence Forces the function of which is to provide advice to the chief of service and support his or her activities, to plan and organise the activities of the service and perform other functions arising from law or the statutes.

(2) An armed service headquarters shall be commanded by the chief of the service headquarters.

§ 20. Logistics Centre of Estonian Defence Forces

The Logistics Centre of the Estonian Defence Forces is a structural unit of the Defence Forces the function of which is to organise logistical support to the Defence Forces and perform other functions arising from law or the statutes.

§ 21. Military Police of Estonian Defence Forces

(1) The Military Police of the Estonian Defence Forces is a structural unit of the Defence Forces whose functions are the exercise of supervision over discipline in the Defence Forces, the conduct of proceedings regarding offences within the limits of its competence and, on the basis of the assessment of hazards, the

protection of foreign defence ministers, the managerial staff of foreign troops, the managerial staff of civilian and military headquarters of the North-Atlantic Treaty Organisations, the Minister of Defence and the Commander of the Defence Forces and other persons designated on the basis of subsection (1¹) of this section and the performance of other functions arising from the law or the statutes.
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(1¹) The protected persons not specified in subsection (1) of this section shall be designated, where necessary, by a directive of the Minister of Defence.
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(1²) The bases of organisation and ways of execution of the protection of protected persons by the Military Police of the Estonian Defence Forces shall be established by the Minister of Defence.
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(2) The rights and obligations of the Military Police of the Estonian Defence Forces upon performance of its functions shall be provided by law.

§ 22. Estonian National Defence College

(1) The Estonian National Defence College is a structural unit of the Defence Forces, the function of which is to provide military education.

(2) The Estonian National Defence College is a national defence applied higher education institution within the meaning of *the* Applied Higher Education Institution Act.
[RT I 2010, 7, 29 - entry into force 01.08.2010]

§ 22¹. Estonian Contingency of NATO Cooperative Cyber Defence Centre of Excellence

(1) The Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence is a structural unit of the Defence Forces, whose function is to participate in the research, development, analysis and training activities of the NATO Cooperative Cyber Defence Centre of Excellence and the participation in the drawing up and application of doctrines.

(2) A staff member of the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence who is not in active service shall be employed on the basis of the employment contract.
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

§ 22². Special Operations Task Unit of the Defence Forces

(1) The Special Operations Task Unit of the Defence Forces is a structural unit of the Defence Forces whose function is the planning, preparation and execution of special operations within its competence and the performance of other functions arising from the law or the statutes.

(2) A special operation is part of the activities of the Defence Forces which is executed by a unit which is formed, supplied and trained for that purpose in support of other units or separately, using tactics and methods which are different from that of other units.
[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

Chapter 3 COMMANDING OF DEFENCE FORCES

§ 23. Bases for commanding Defence Forces

(1) During peacetime, the Defence Forces are commanded on the principle of single command by the Commander of the Defence Forces who is subordinate to the Minister of Defence. The Minister of Defence does not have the command authority in respect of the Commander of the Defence Forces within the meaning of § 27 of this Act.
[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

(2) The Chief of Staff of the Defence Forces, chiefs of services, the Chief of the Military Police of the Estonian Defence Forces, the Commander of the Logistics Centre of the Defence Forces, the Commandant of the Estonian National Defence College, the Commander of the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence, the Commander of the Special Operations Task Unit of the Defence Forces, the Inspector General of the Defence Forces, the Comptroller General of the Defence Forces and the

commanders of military units specified in the statutes of the Defence Forces are in the immediate subordination of the Commander of the Defence Forces.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(3) The chief of an armed service headquarters and the commanders of military units included in the armed service, except the commanders of military units specified in subsections (2) and (5) of this section, are in the immediate subordination of the chief of service.

(4) The commanders of regional commands are subordinate to the Chief of the Army.

(5) The commanders of military units set out in the statutes of the Defence Forces are in the immediate subordination of the commander of a regional command and a brigade.

§ 24. Duties of Commander of Defence Forces

The Commander of the Defence Forces shall:

1) direct the activities of the Defence Forces and organise the performance of functions within the competence of the Defence Forces;

2) represent the Defence Forces and issue authorisations to represent the Defence Forces; [RT I 2010, 7, 29 - entry into force 01.08.2010]

3) enter into and terminate active service contracts and appoint members of the Defence forces to and release them from positions within the limits of his or her competence pursuant to the procedure provided for in the Defence Forces Service Act;

4) appoint officials of the Defence Forces to and release them from office and enter into, amend and terminate contracts of employment with the support staff of the agency or authorise the chief of service or the commander of a structural unit to perform the specified functions;

5) submit the draft budget of the Defence Forces to the Minister of Defence;

6) organise the accounting of the Defence Forces or grant authorisations for the organisation of accounting pursuant to the procedure provided for in the statutes of the Defence Forces;

7) dispose of the budgetary funds of the Defence Forces or grant authorisations for the disposal of the budgetary funds pursuant to the procedure provided for in the statutes of the Defence Forces;

8) manage the use of state assets granted into the possession of the Defence Forces in accordance with the State Assets Act;

9) organise the protection of state secrets in the Defence Forces in compliance with legislation;

10) be responsible for the accurate and purposeful implementation of legislation governing the activities of the Defence Forces and the purposeful use of budgetary funds and report to the Minister of Defence;

11) inspect and exercise supervisory control over the activities of the structural units and officials of the Defence Forces;

12) perform other duties arising from legislation.

§ 25. Chief of service

An armed service shall be commanded by the chief of the service, who organises performance of the tasks of the military units included in the armed service and performs other functions arising from legislation.

§ 26. Commanders

(1) A commander is a military serviceman who directs the activities of members of the Defence Forces serving in his or her subordination.

(2) A commander has the command authority in respect of members of the Defence Forces subordinate to him or her. In the cases provided for in the Disciplinary Measures in the Defence Forces Act, a commander has disciplinary authority in respect of members of the Defence Forces subordinate to him or her.

(3) An immediate commander is a commander who is closest to a military serviceman and in whose immediate subordination a military serviceman serves.

(4) The direct commanders are an immediate commander and the commanders of a higher level than the immediate commander, in whose subordination a military serviceman serves.

(5) The highest commander of the Defence Forces is the Commander of the Defence Forces.

[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

(6) A commander shall be liable for the lawful and expedient performance of the tasks assigned to him or her or a military serviceman subordinate to him or her and other persons.

(7) A military serviceman is a superior within the meaning of the Civil Service Act in respect of the officials and support staff subordinate to him or her. If a structural unit of the Defence Forces or a part of a unit is directed by an official, he or she is a superior within the meaning of the Civil Service Act in respect of his or her subordinates and his or her official title is "head".

§ 27. Command authority

The command authority is the right and obligation, arising from the position of a commander or delegated by a senior commander, to issue orders within the limits of the commander's competence.

§ 28. Delegation of command authority

(1) A commander may, by an order, temporarily delegate the command authority of a commander of a military unit or subunit who is subordinate to him or her to another military serviceman who is subordinate to him or her.

(2) An order regarding delegation of the command authority shall set out a specific task for the performance of which the command authority is delegated and the period for which the command authority is delegated.

(3) Upon delegation of the command authority, disciplinary authority cannot be delegated. Delegation of the command authority shall not change the permanent structure or composition of a military unit.

(4) Task units and subunits may be formed by delegation of the command authority.

(5) The procedure for delegation of the command authority shall be established by a regulation of the Minister of Defence and the extent of delegation of the command authority may be established by a regulation of the Minister of Defence.

(6) Upon participation in international military cooperation, the command authority shall be delegated to or received from a competent commander of another state or an international organisation on the bases and pursuant to the procedure provided for in the International Military Co-operation Act.

§ 29. Order

(1) An order is a communication, written, oral, or by signal, which conveys instructions of a commander.

(2) An order shall comply with Acts and legislation established on the basis thereof.

(3) An order shall not exceed the extent of the command authority of the issuer of the order.

(4) An order issued orally or in writing shall set out the purpose of the required activity, the specific task and the term for compliance with the order.

(5) If the recipient of an order does not understand the order, he or she is required to ask explanations from the issuer of the order.

(6) An order may be issued for the performance of service duties. In the cases provided for in § 30 of this Act, an order related to special conditions may be issued.

(7) The recipient of an order is required to comply with the received orders without argument. The recipient of an order is also required to comply with all duty related orders even if the obligation to comply with the order does not arise from his or her position.

§ 30. Order related to special conditions

(1) A military serviceman is required to comply with an order related to special conditions if compliance with such order is necessary for the expeditious elimination of the consequences of an accident or, in the event of an accident, in order to save lives or protect the health of persons, or to prevent destruction of or damage to property.

(2) In the cases provided for in subsection (1) of this section, an order shall be issued by a commander or a military serviceman of a higher rank.

§ 31. Special order

(1) A military serviceman who has been appointed to a position or given a duty assuming special authority shall issue orders arising from his or her position or duties to all members of the Defence Forces regardless of their position or rank.

(2) The following have special authority:

- 1) a military serviceman in guard service;
- 2) a military serviceman performing the functions of the Military Police of the Estonian Defence Forces;
- 3) a military serviceman belonging to the crew of a ship or an aircraft in order to ensure safety on board the ship or aircraft.

§ 32. Compliance with order

(1) An order shall be issued by an immediate commander. An order received from a commander higher than the immediate commander shall be complied with and a military serviceman is required to report the receipt of such order to his or her immediate commander at the earliest opportunity.

(2) The recipient of an order shall select the manner of compliance with the order which, in accordance with legislation, allows performance of the task assigned by the order in the most expedient manner within the required term.

(3) If a military serviceman receives two or more orders which are in conflict with each other, he or she shall report the previous orders which are not complied with to the issuer of each subsequent order. If the issuer of the last order demands immediate compliance with his or her order, the recipient of the order shall comply with the order and the issuer of the last order shall be responsible for failure to perform the orders issued before.

§ 33. Void order

(1) An order is void if:

- 1) the order requires commission of an offence;
- 2) the purpose of the order is to degrade the human dignity of the recipient of the order or a third person;
- 3) the order is not issued for purposes related to duty, except in the cases provided for in § 30 of this Act;
- 4) the issuer of the order is not indicated in the order.

(2) A void order shall not be issued.

(3) A void order need not be complied with.

(4) The recipient of a void order shall promptly report the receipt of the order to the immediate commander. If the void order is issued by the immediate commander, the recipient of the order shall promptly report the receipt of the order to the commander of the immediate commander. If the void order is issued by the immediate commander who is the Commander of the Defence Forces, the recipient of the order shall promptly report the receipt of the order to the Minister of Defence.

§ 34. Prohibited order

(1) It is prohibited to issue an order:

- 1) which is in conflict with law;
- 2) which exceeds the extent of the command authority of the issuer of the order;
- 3) which requires acts which the recipient of the order does not have the right to perform;
- 4) the compliance with which is unduly dangerous to the life, health or property of the recipient of the order or other persons.

(2) A prohibited order shall be complied with.

(3) The recipient of a prohibited order shall, after compliance with the order, report the receipt of the order to the immediate commander. If the prohibited order is issued by the immediate commander, the recipient of the order shall report the receipt of the prohibited order to the commander of the immediate commander. If the prohibited order is issued by the immediate commander who is the Commander of the Defence Forces, the recipient of the order shall promptly report the receipt of the order to the Minister of Defence.

§ 35. Liability for consequences of compliance with order

(1) The issuer of an order shall be liable for the consequences of compliance with the order.

(2) In the case specified in clause 33 (1) 1) of this Act, the issuer of an order and the person who complies with the order shall be liable for the consequences of compliance with the order.

(3) In the case specified in clause 33 (1) 4) of this Act, the person who complies with an order shall be liable for the consequences of compliance with the order.

(4) Disciplinary proceedings shall be commenced or criminal charges shall be brought against a commander who issues a prohibited or void order for the issue of such order.

Chapter 4

MILITARY INTELLIGENCE

§ 36. Military intelligence

(1) Within the limits of their competence, the structural units of the Defence Forces shall collect and process information necessary for the military defence of the state or the conduct of an international military operation (hereinafter military intelligence).

(2) The structural units of the Defence Forces shall collect and process information necessary for the prevention of and combating intelligence activities directed against the state only in the cases and pursuant to the procedure prescribed in the State Secrets and Classified Information of Foreign States Act.

§ 37. Authority of Defence Forces upon conduct of military intelligence

(1) In order to conduct military intelligence, the Defence Forces have the right to collect and process:

- 1) signals transmitted or travelling outside the publicly available electronic communications networks located in the territory of the Republic of Estonia;
- 2) pictures or images of the earth or sea and of objects which are located outside of the territory of the Republic of Estonia or have entered the territory of the Republic of Estonia without permission;
- 3) restricted or secret information obtained from other holders of information on the bases provided for in the Public Information Act or the State Secrets and Classified Information of Foreign States Act;
- 4) information obtained in the manner specified in § 39 of this Act or
- 5) information obtained from public sources in any other manner.

(2) The authority of the Defence Forces upon conduct of intelligence in the course of an international military operation within the territory of a foreign state shall be regulated by treaties. In the cases not regulated by treaties and in the course of an international military operation within the territory of a foreign state, the Defence Forces have the right to collect information in the manner provided for in clauses (1) 1), 2) and 5) of this section and by questioning persons and by covert surveillance. Upon collection of information, the principles and norms of international law shall be taken into account.

(3) Only the structural units of the Defence Forces designated in the statutes of the Defence Forces may collect information in the manner specified in clauses (1) 1) and 2) of this section.

§ 38. Methods and means of collection of information

The methods and means which the Defence Forces use upon collection of information pursuant to clauses 37 (1) 1) and 2) of this Act and upon collection of information by covert surveillance pursuant to subsection 37 (2) of this Act shall be determined by a regulation of the Minister of Defence.

§ 39. Professional assistance for conduct of military intelligence

(1) The Commander of the Defence Forces may request, on the bases and pursuant to the procedure for the provision of professional assistance prescribed in the Administrative Co-operation Act, that the Information Board collect the information necessary for the military defence of the state by exercise of the authority provided for in §§ 23, 25 and 26 of the Security Authorities Act.

(2) Assistance shall be provided if the collection of information in another lawful manner is impossible or would involve difficulties on a disproportionate scale and the collected information is essential for the military defence of the state.

(3) The Information Board shall submit a written overview of the authority exercised at the request of the Commander of the Defence Forces and of the information received upon exercise of the authority to the Ministry of Defence once every four months.

§ 40. Notifying persons of means used

The Defence Forces shall notify a person whose fundamental rights are restricted according to the provisions of clause 37 (1) 1) or § 39 of this Act of the measures used in and the circumstances relating to the restriction of fundamental rights immediately if this does not endanger the aim of the restriction, or after such danger has been eliminated.

§ 41. Participation in activities of security authorities

(1) The security authorities shall cooperate with the Defence Forces upon performance of intelligence and counter-intelligence tasks which concern the Defence Forces to the extent provided by law.

(2) The structural units of the Defence Forces and their servants have the right to participate in intelligence and counter-intelligence operations relating to the Defence Forces provided that they are involved by the security authorities.

§ 41¹. Making enquiry to communications undertaking

(1) The Military Police of the Estonian Defence Forces may make an enquiry to telecommunications undertaking on the basis specified in clauses 126²(1) 1) and 2) of the Code of Criminal Procedure and in respect of the persons specified in clauses 126²(3) 1) and 2) of the Code of Criminal Procedure to get the following data:

- 1) the information needed to establish the end-user who is connected to the user identifier used in the electronic communication network, except the data relating to the fact of forwarding a message;
- 2) to the electronic communications undertaking, the information specified in subsections 111¹(2) and (3) of the Electronic Communications Act which is not mentioned in clause 1) of this subsection.

(2) The authorisation for making the enquiry specified in clause (1) 2) of this section shall be granted by the prosecutor's office. The authorisation for making an enquiry shall set out the interval for which the request for information is allowed with an accuracy of date.

[RT I, 29.06.2012, 2 - entry into force 01.01.2013]

§ 41². Enabling access to surveillance information

(1) The Military Police of the Estonian Defence Forces may collect personal information concerning a person who is in military service or wishes to enter the military service by means of surveillance activities specified in subsection 126³(1) of the Code of Criminal Procedure and by means of an enquiry to the communications undertaking about the information specified in subsections 111¹(2) and (3) of the Electronic Communications Act if this is needed for making a decision regarding the access of a person to surveillance information or for employment of a person on a post of military rank in the Military police of the Estonian Defence Forces.

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) A prior written consent of a person is required for the collecting of data provided for in subsection (1) of this section or making an enquiry.

(3) A person shall be notified of the performance of an act specified in subsection (1) of this section with regard to him and the data collected by means of the act shall be introduced at his request.

[RT I, 29.06.2012, 2 - entry into force 01.01.2013]

§ 42. Co-ordination of military intelligence

(1) The activities of the military intelligence and security authorities shall be co-ordinated by a committee specified in subsection 10 (1) of the Security Authorities Act.

(2) The plan regarding the collection and analysis of state security information specified in subsection 9 (2) of the Security Authorities Act shall provide for the functions of the military intelligence and the list of information to be collected, in the order of relevance.

§ 43. Preservation of information and reporting

(1) The Defence Forces shall store the information collected according to clauses 37 (1) 1)-4) and subsection 37 (2) of this Act and, if necessary, clause 37 (1) 5) of this Act in information files. The procedure for keeping, storage and destruction of the files shall be established by a regulation of the Minister of Defence.

(2) The Defence Forces shall, every four months, submit to the Ministry of Defence a written overview of the information collected by the Defence Forces upon conduct of military intelligence and of the methods and means used for obtaining such information.

Chapter 5 USE OF FORCE BY DEFENCE FORCES

§ 44. Use of force by Defence Forces

(1) For the purposes of this Act, use of force means the use of physical force, special equipment, weapons or battle equipment by the Defence Forces in order to defend the state by military means, participate in an international military operation or perform the functions specified in § 49 of this Act.

(2) In accordance with the provisions of this Chapter, the Minister of Defence may provide more detailed instructions on the use of force to the Defence Forces.

§ 45. Use of force by Defence Forces for military defence of state

The Defence Forces shall use force for the military defence of the state:

- 1) during a state of war;
- 2) in peacetime, to counter an attack against the Estonian state from outside the territory of the Estonian state;
- 3) to counter a threat imposed by civil aircraft.

§ 46. Decision to use force for military defence of state by Defence Forces

(1) During a state of war, the Commander-in-Chief of the Defence Force shall make a decision regarding commencement of the use of force by the Defence Forces.

[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

(2) In the case of an attack against the Estonian state from outside the territory of the Estonian state in peacetime, the Minister of Defence or a competent commander shall make a decision regarding commencement of the use of force by the Defence Forces. The circumstances under which a commander is competent to make the decision regarding commencement of the use of force shall be established by a regulation of the Government of the Republic.

(3) Use of prevention measures and force provided for in § 47 of this Act shall be decided by the Minister of Defence or a minister authorised by the Government of the Republic, immediately notifying the President of the Republic thereof.

§ 47. Use of force to counter threat imposed by civil aircraft

(1) The Defence Forces may be used in order to counter a threat imposed by civil aircraft if there is reason to believe that the flight of the civil aircraft has been unlawfully interfered with and this may be used in order to cause damage to persons or property.

(2) In the case specified in subsection (1) of this section, the Defence Forces have the right to force the aircraft to leave the Estonian airspace, compel the aircraft to land or warn the persons who interfere with the flight of the aircraft that force will be used, firing warning shots included.

(3) If the countermeasures specified in subsection (2) of this section fail to give results or the use of the measures is impossible and:

- 1) the aircraft does not follow the current flight plan;
- 2) the aircraft fails to comply with the orders of air traffic controllers or state aircraft pilots and
- 3) visual inspection from state aircraft and other information gives reason to presume that the civil aircraft will be used to launch an attack in order to cause death to persons staying outside of the aircraft, the Defence Forces have the right to use force against the civil aircraft pursuant to the procedure established on the basis of this Act.

(4) Force may be used against civil aircraft only if the attack cannot be prevented by any other means and provided that the damage arising from the use of force is significantly smaller than the possible damage resulting from the attack. The countermeasures shall be applied in a manner which presumably causes the least damage.

(5) The armed forces of a state being a party to an agreement following the principle of collective defence entered into with the Republic of Estonia may be involved in the performance of the tasks specified in this section.

(6) The Government of the Republic shall, by a regulation, establish the procedure for determining a threat imposed by civil aircraft and for responding to such threat and the procedure for the use of force by the Defence Forces to counter a threat imposed by civil aircraft or for threatening to use force.

§ 48. Use of force by Defence Forces upon participation in international military cooperation

The Defence Forces shall use force upon participation in an international military operation on the bases and pursuant to the procedure provided for in the International Military Co-operation Act.

§ 48¹. Use of force in demining activities

Upon performance of functions provided for in clauses 3 4¹) and 42) of this Act the Defence Forces may use auxiliary means on the bases of and pursuant to the procedure prescribed in § 25 of the Rescue Act and a special state supervision measure provided for in § 44 of the Law Enforcement Act on the bases of and in the procedure provided for in the Law Enforcement Act.

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

§ 49. Use of direct coercion by Defence Forces upon performance of other functions

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

(1) The Defence Forces shall apply direct coercion:

- 1) upon ensuring military discipline;
- 2) in the cases provided for in the Emergency Act and during a state of emergency in the cases provided for in the State of Emergency Act;
- 3) upon countering an attack against the restricted military area of the Defence Forces or a military serviceman staying in the restricted military area or to ensure measures provided for in §§ 55 and 56 of this Act;
- 4) upon protecting persons.

(2) Upon performance of the functions provided for in this section the Defence Forces shall use direct coercion on the bases of and pursuant to the procedure provided for in the Law Enforcement Act.

(2¹) The Military Police of the Defence Forces may apply special state supervision measures provided for in §§ 30, 32, 44 and 47 of the Law Enforcement Act in the procedure provided for in the Law Enforcement Act if these are necessary for ensuring the safety of the protected person.

(2²) The Military Police of the Defence Forces may detain a person if this is unavoidable to counter an immediate threat to life or physical inviolability of the protected person. The detained person shall be promptly handed over to the police.

(2³) Upon application of the measures specified in subsections (2¹) and (2²) of this section the Military Police of the Estonian Defence Forces shall comply with the following principles:

- 1) only the measure which is presumably the least detrimental to the person and the public at large shall be used out of several appropriate and necessary measures;
- 2) only such measure shall be applied which is proportionate taking account of the objective pursued with the measure and the situation requiring fast application;
- 3) a measure shall only be applied until achieving its objective or when the objective is no longer possible to achieve.

(3) Special equipment allowed for a military serviceman includes handcuffs, a service dog, means for tying up and a restraint-jacket.

(4) Weapons which a military serviceman may use are a cut-and-thrust weapon, gas weapon and firearm.

(5) The list of self-defence equipment prescribed for a military serviceman upon performance of the functions provided for in this section and subsection 3 (2) of this Act shall be established by a regulation of the Minister of Defence.

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

Chapter 6

RESTRICTED MILITARY AREA OF DEFENCE FORCES

§ 50. Restricted military area of Defence Forces

The restricted military area of the Defence Forces (hereinafter restricted military area) includes:

- 1) the military zone of the Defence Forces;
- 2) the ships, aircraft and vehicles of the Defence Forces;
- 3) the territory which is temporarily designated as a restricted military area by the Commander of the Defence Forces or a commander authorised thereby (hereinafter temporary restricted military area).

§ 51. Marking of restricted military area

(1) A restricted military area shall be marked in a manner comprehensible to unauthorised persons.

(2) The procedure for the marking of a restricted military area shall be established by a regulation of the Minister of Defence.

§ 52. Obligations of person in restricted military area

(1) A person shall not stay in a restricted military area without the permission of a competent military serviceman.

(2) A person staying in a restricted military area shall comply with the orders of a military serviceman.

§ 53. Military zone of Defence Forces

(1) Within the meaning of this Act, the military zone of the Defence Forces is a territory permanently in the possession of the Defence Forces.

(2) An unauthorised person shall not stay in the territory of the training area of the Defence Forces during tactical exercises, trainings, shooting and blasting and when weapons, munitions of war, battle equipment and other equipment is tested and the area is marked accordingly.
[RT I, 20.03.2013, 1 - entry into force 01.04.2013]

(3) Other objects which are not in the possession of the Defence Forces may be designated as the military zone of the Defence Forces by an order of the Government of the Republic provided that the duty to guard or protect these objects has been assigned to the Defence Forces.

§ 54. Temporary restricted military area

(1) The Defence Forces may delimit a territory as a temporary restricted military area if, arising from law, other legislation or a contract, the Defence Forces have the right to stay in the area if, in connection with the performance of their functions, this is strictly necessary in order to ensure the security of the Defence Forces or the safety of third persons.

(2) A territory may be delimited as a temporary restricted military area only to the extent and as long as this is strictly necessary in order to ensure the security of the Defence Forces or the safety of third persons.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3) A temporary restricted military area shall be marked at the earliest opportunity. The Defence Forces shall inform immediately the police prefecture and the local government of the location of the restricted military area of the creation of such restricted military area and, if possible, also of the term of the arrangement.
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

§ 55. Detention of person

(1) A military serviceman may detain a person staying in the restricted military area if there is a justified reason to believe that he or she:

- 1) stays in the restricted military area unlawfully;
- 2) has committed an offence during entry into or stay in the restricted military area or
- 3) endangers himself or herself or other persons through his or her behaviour.

(2) A person detained on the basis provided for in clause (1) 1) of this section shall be promptly led outside of the restricted military area and released.

(3) A person detained on a basis provided for in clauses (1) 2) or 3) of this section shall be promptly handed over to the police.

§ 56. Examination of person and his or her personal effects

(1) A military serviceman may examine a detained person or an object held by him or her, including means of transport, if there is a reason to believe that the person holds objects or substances with which he or she could endanger himself or herself or others.

(2) A military serviceman has the right to deposit the objects or substances specified in subsection (1) of this section. The objects or substances deposited upon examination of a person and his or her personal effects shall be delivered to the police together with handing over the detained person. Upon release of the person, the objects or substances shall be immediately returned to him or her, unless a permit is required for the possession of such objects or substances and the person does not hold such permit.

Chapter 6¹ **EXCISE WAREHOUSE OF DEFENCE FORCES**

[RT I, 30.12.2010, 3 - entry into force 01.01.2011]

§ 56¹. Excise warehouse of Defence Forces

(1) The excise warehouse of Defence Forces is a state-owned excise warehouse for handling fuel. The Defence Forces represent the state acting as an excise warehouse keeper.

(2) The procedure provided for the transfer of assets in the State Assets Act shall not apply for the transfer of fuel in the excise warehouse of the Defence Forces within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act. The rules for the transfer of such assets shall be established in the rules governing the work organisation of the excise warehouse of the Defence Forces.

(3) The rules for work organisation of the excise warehouse of the Defence Forces shall be established by the Commander of the Defence Forces.
[RT I, 30.12.2010, 3 - entry into force 01.01.2011]

Chapter 7

IMPLEMENTING PROVISIONS

§ 57. Implementation of Act

(1) The structural units of the Defence Forces shall be reorganised into one government agency by 1 January 2009.

(2) The assets in the possession of the structural units of the Defence Forces are deemed to be transferred to the Defence Forces and accepted by the Defence Forces as of 1 January 2009.

(3) If a military serviceman or a servant of a structural unit of the Defence Forces resumes service in a position or support staff position prescribed in the table of organisation of the Defence Forces or if their service or employment relationships are terminated, the provisions of clause 105 (1) 2) of the Defence Forces Service Act, subsection 115 (2) of the Civil Service Act or § 6 of the Republic of Estonia Employment Contracts Act correspondingly apply. If the teaching staff of the National Defence College with whom contracts of employment are entered into are released from service, the compensation provided for in subsection 131 (1) of the Civil Service Act shall not be paid upon their release from service.

(4) The servants of the structural units of the Defence Forces whose duties and official title do not change as a result of merger into one government agency or whose duties do not change after their official title is changed shall continue service in the Defence Forces as of 1 January 2009 and the obligation to conduct a public competition provided for in subsection 29 (1) of the Civil Service Act does not apply to them.

(5) As of 1 January 2009, the Defence Forces are deemed to be the representative of the Republic of Estonia in all legal relationships in which the structural units of the Defence Forces represented the Government of the Republic.

(6) The benefits provided for in subsections 131 (1) and (1²) of the Civil Service Act shall not be paid to a servant of the Headquarters Support and Signal Battalion at the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence who resumes the post established on the staff of the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence on the basis of the employment contract.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(7) The following rights shall be prescribed to a person specified in subsection (6) of this section in the contract of employment:

- 1) the payment of the salary shall continue at least in the amount of the previous salary;
- 2) the basic holiday of 35 calendar days shall be retained;
- 3) upon the increase of the amount of pension on the basis of the Civil Service Act the period worked under the employment contract shall be included into the period worked in civil service during five years as of the entry into employment contract.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(8) The right specified in clauses (7) 2) and 3) of this section shall be retained only in the case the person has been employed uninterruptedly in the post established on the staff of the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence or if the interruption of the employment relationship at the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence does not exceed 90 calendar days.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

(9) If a servant of the Headquarters Support and Signal Battalion at the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence was released from office due to reduction and he or she enters into the employment contract for employment in the post established on the staff the Estonian Contingency of the NATO Cooperative Cyber Defence Centre of Excellence after the benefit provided for in subsection 131 (1) of the Civil Service Act has been paid and before the period has passed for which he or she was paid benefit, he or she shall return the benefit received to the extent corresponding to the period by which the employment contract was entered into earlier compared to the period being the basis for payment of the benefit.

[RT I, 18.12.2012, 1 - entry into force 01.01.2013]

§ 58.–§ 80.[Omitted from this text.]

§ 81. Entry into force of Act

This Act enters into force on 1 January 2009.