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Rescue Act

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Amended by the following acts

Passed	Published	Entry into force
15.12.2010	RT I, 30.12.2010, 1	01.01.2011
16.12.2010	RT I, 30.12.2010, 2	01.01.2011
09.02.2011	RT I, 04.03.2011, 1	01.04.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, in part 01.01.2014 and 01.11.2014; in Chapters 4–8 ‘rescue service agency’ is substituted for “Rescue Board”
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, date of entry into force changed to 01.07.2016 [RT I, 17.12.2015, 1]
17.12.2014	RT I, 31.12.2014, 4	01.01.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, in part 01.07.2016
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
07.12.2016	RT I, 15.12.2016, 2	01.01.2017
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
06.12.2017	RT I, 28.12.2017, 8	01.01.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
17.06.2020	RT I, 03.07.2020, 1	15.07.2020
15.12.2020	RT I, 30.12.2020, 2	01.03.2021
11.05.2022	RT I, 27.05.2022, 2	01.07.2022
12.09.2022	RT I, 20.09.2022, 1	30.09.2022
23.11.2022	RT I, 16.12.2022, 3	01.01.2023

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) The Rescue Act provides for the functions, organisation and rights of a rescue service agency, the involvement of the Defence Forces and the Defence League in the performance of the functions of a rescue service agency, and the rights and obligations of persons participating voluntarily in the activity of a rescue service agency.

[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

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

(3) The specifications of the organisation of the activity of a rescue service agency are provided by the State of Emergency Act and the Emergency Act.

(4) This Act does not govern provision of health care services that is governed by the Health Services Organisation Act.

§ 2. Fundamentals of activity of rescue service agency

(1) The aim of the activity of a rescue service agency is to establish and maintain a safe living environment, prevent threats and render prompt and professional assistance.

(2) The activity of a rescue service agency is aimed at preventing rescue events endangering the life, health and property of persons and the environment, at ascertaining a threat, at countering a threat, and at alleviating the effects of a rescue event, unless otherwise provided by other Acts.

(3) The fundamentals of planning the activity of a rescue service agency are regional hazards. A hazard is deemed to be a person, phenomenon, process, object or other indicator or an interaction between them, based on the regional location and frequency of which it may be deemed likely that a threat will arise.

(4) Volunteers may participate in the activities of the Rescue Board on the grounds and in accordance with the rules provided in Chapter 7 of this Act.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(4¹) Volunteers who meet the requirements for employment in civil service as provided in the Civil Service Act may participate in the activities of the Emergency Response Centre, except in the processing of emergency notifications, unless it constitutes assessment of risk upon processing of a foreign language emergency notification.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

(4²) The organisation of work of volunteers participating in the activities of the Emergency Response Centre is established by a directive of the Director General of the Emergency Response Centre.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

(5) The Rescue Board may enter into a civil law contract with a legal person for organising the activities of a voluntary rescuer participating in rescue work and prevention work.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

(5¹) The Emergency Response Centre may enter into a civil law contract with a legal person in order to involve a volunteer in the performance of a function provided in subsection 4¹ of this section.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

(6) In its activity and when taking measures a rescue service agency is to follow the principle of lawfulness, proportionality and expediency. Rescue service agency measures are applied with regard to persons who pose a threat or who are in danger themselves.

§ 3. Definitions

(1) For the purposes of this Act, a rescue event is an unexpected situation which, through physical or chemical processes, directly endangers the life, health or property of persons or the environment in the case of a fire, natural disaster, explosion, traffic accident, environmental pollution or other similar situation.

(1¹) For the purposes of this Act, rescue work is immediately applied, unavoidable and urgent activities upon the occurrence of a rescue event, upon countering and eliminating a threat and upon alleviating the effects of a rescue event.

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(1²) For the purposes of this Act, explosive ordnance disposal is an activity related to countering a bomb threat, an ammunition threat and a threat of explosion.

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(1³) For the purposes of this Act, prevention work means raising people's awareness and readiness in order to prevent and prepare for a rescue event, collecting information about a rescue event that has taken place and about people's awareness and readiness, and analysing such information.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2) [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) For the purposes of this Act, the definitions specified in § 2 of the Fire Safety Act and the definitions specified in the Law Enforcement Act are used within the meaning provided therein.

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

(4) For the purposes of this Act, crisis information service means a service provided by the Emergency Response Centre for notifying the public due to an exceptional event, the purpose of which is to provide information and instructions on conduct as requested by a state or local authority and, if necessary, information about presumed victims in an event that made the provision of the crisis information service necessary, above all in the case of an extensive fire, explosion or collapse, a serious transport, radiation or nuclear accident, a terrorist attack, a mass shooting or a mass disorder involving numerous casualties.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

Chapter 2

RESCUE SERVICE AGENCIES AND FUNCTIONS OF RESCUE SERVICE AGENCIES

§ 4. Rescue service agencies

(1) Rescue service agencies are:

- 1) the Rescue Board;
- 2) the Emergency Response Centre.

(2) [Repealed – RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 5. Functions of rescue service agency

(1) The functions of the Rescue Board are:

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

1) performance of rescue work on land and inland water bodies, unless otherwise provided by other Acts;

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

1¹) participation in the performance of search and rescue operations provided for in clause 4 of subsection 1 of §3 of the Police and Border Guard Act in the offshore area of the sea if there is an immediate threat to the life or health of a person;

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

2) performance of explosive ordnance disposal on land and inland water bodies;

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

3) supervision over compliance with requirements provided by the Fire Safety Act and legislation established on the basis thereof, and over compliance with requirements prescribed by other Acts for ensuring fire safety;

3¹) determination of the cause of a fire in cases specified by the Rescue Board, based on the strategic goals and functions of the agency;

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

4) prevention work;

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

5) [repealed – RT I, 29.12.2011, 1 – entry into force 01.01.2012]

6) preparation for an emergency and ensuring a response thereto on the basis of the Emergency Act;

7) approval of a detailed and a comprehensive plan;

8) approval of or refusal to approve a draft building permit or a draft occupancy and use permit, submitted pursuant to the Building Code, within ten days after the date of submission of the draft if fire safety requirements have been established to the construction work by legislation;

[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

9) performance of other functions arising from the law and legislation passed on the basis thereof.

(1¹) The functions of the Emergency Response Centre are:

1) receipt of an emergency call to the emergency phone number 112 or information received in another manner, ascertainment of need for assistance, assessment of risk, dispatch of the Rescue Board for the performance of rescue work and disposal of explosive ordnance, dispatch of emergency medical staff for the provision of emergency medical care, and forwarding of information in the competence of the police to the Police and Border Guard Board for further processing (hereinafter *processing of emergency notification*);

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

1¹) processing of help and information notifications, including provision of the crisis information service to state and local authorities, considering the competence and authorisation of the Emergency Response Centre;

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

2) performance of other functions arising from the law and legislation passed on the basis thereof.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Occupational health and safety requirements for rescue work and explosive ordnance disposal are established by the Director General of the Rescue Board.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3) The procedure for cooperation between state and local government authorities as well as persons participating in a rescue event are established by a regulation of the Government of the Republic.

(3¹) The performance of the function provided in clause 1¹ of subsection 1 of this section must be based on the principle of fastest aid provided in subsection 4¹ of § 3 of the Police and Border Guard Act.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(4) The procedure for processing emergency notifications and the requirements set for the functioning of the processing of emergency notifications are established by a regulation of the minister in charge of the policy sector.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

§ 6. Incident commander

(1) Rescue work is co-ordinated by the incident commander who is a rescue official.

(2) Explosive ordnance disposal is co-ordinated by the incident commander who is a rescue official.

(3) All state and local government authorities and legal persons in private law participating in a rescue event are subject to the incident commander.

(4) The incident commander has the right to give, in rescue work or explosive ordnance disposal, orders to other state and local government authorities and legal persons in private law, taking into account the competence and powers of those authorities and persons.

Chapter 3 PROCESSING OF PERSONAL DATA AND DATABASES

[RT I, 16.12.2022, 3 - entry into force 01.01.2023]

Subchapter 1 Processing of Personal Data

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

§ 7.–§ 8.[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Subchapter 2 Database of Rescue Service Agency

§ 9. Rescue information system

[RT I, 15.12.2016, 2 – entry into force 01.01.2017]

(1) The rescue information system is a database included in the state information system and used for processing:

1) data concerning operations and proceedings related to resolving a rescue event for the purpose of efficient and speedy performance of the functions of the Rescue Board;

2) data concerning people who have died or been injured in the course of a rescue event to identify the circumstances of the rescue event for the purpose of planning prevention work and supervision;

3) data concerning supervision and coordination proceedings for the purpose of verifying compliance with safety requirements and organising supervision;

4) data collected in the course of prevention work, training and notification, and data collected about a site checked with the consent of the person upon safety consultations to a possessor of a housing and about the possessor of the site, including health records, for the purpose of establishing and maintaining a safe living environment, preventing threats and planning the activities of the Rescue Board;

5) data concerning utility systems, including heating systems, and persons submitting data as well as data related to the provision of fire safety services provided in subsection 1¹ of § 2 of the Fire Safety Act for the purpose of ensuring compliance with fire safety requirements.

[RT I, 30.12.2020, 2 – entry into force 01.03.2021]

(2) The following is entered in the rescue information system:

1) data concerning rescue work and explosive ordnance disposal;

- 2) data concerning people who have died or been injured in the course of a rescue event;
- 3) data concerning rescue servants;
- 4) data concerning persons who have participated in a rescue event;
- 5) data concerning supervision and coordination proceedings and prevention work;
- 6) data concerning fire safety consultations to a possessor of a housing and concerning prevention work performed;
- 7) data concerning possessors of sites;
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]
- 8) data concerning utility systems;
[RT I, 30.12.2020, 2 – entry into force 01.03.2021]
- 9) data related to the provision of fire safety services as provided in clause 5 of subsection 1 of this section;
[RT I, 30.12.2020, 2 – entry into force 01.03.2021]
- 10) data concerning persons submitting data.
[RT I, 30.12.2020, 2 – entry into force 01.03.2021]

(2¹) A voluntary rescuer or a person wishing to become a voluntary rescuer is to submit data of a decision on the medical certificate of a driver of a motor vehicle to the rescue information system through the health information system or submit the decision on the medical certificate to the Rescue Board.
[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

(2²) The rescue information system is subject to restriction on access and its data are for internal use, unless otherwise provided by legislation.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2³) In order to make information about risks arising from the living environment available, the following data can be accessed in the rescue information system, except for personal data and other information that is not to be disclosed on the basis of legislation:

- 1) list of precepts that have taken effect as a result of supervision proceedings;
- 2) to the extent provided by the Chemicals Act, data concerning chemical safety that are related to data of both a dangerous enterprise and an enterprise with a major hazard concerning an establishment and their mandatory documents;
- 3) data concerning maintenance of a heating system entered in the rescue information system.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2⁴) Every person has the right to access data entered in the rescue information system concerning a construction work or part thereof linked to them.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2⁵) Data are reflected in the rescue information system in a personalised manner for up to five years or until the end of supervision proceedings if these exceed five years. Data concerning explosive ordnance disposal are retained in the information system for 75 years.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(3) The rescue information system and the statutes thereof are established by a regulation of the minister in charge of the policy sector.

(4) The statutes of the rescue information system provide for the procedure for the maintenance of the rescue information system, the processor of the rescue information system, the detailed composition of data collected in the rescue information system, the persons providing data, the data recipients, the exact deadlines for retaining data and, where necessary, other organisational matters related to the maintenance of the database.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(5) The controller of the rescue information system is the Rescue Board.
[RT I, 15.12.2016, 2 – entry into force 01.01.2017]

(6) The controller of the rescue information system has the right, with the person's consent, to use their contact details entered in the rescue information system to send the following notices related to the activities of the Rescue Board:

- 1) time for next chimney sweeping;
- 2) use of water from a fire water point;
- 3) changes in legislation; and
- 4) other information that increases safety.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 9¹. Database of emergency notifications and help and information notifications

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) The database of emergency notifications and help and information notifications is a database included in the state information system and, for the purpose of protecting the life, health and property of people and the environment, used for processing data, including personal data, to process emergency notifications in order to provide quicker help, and help and information notifications, including for the provision of the crisis information service.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) The following is entered in the database of emergency notifications and help and information notifications:

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

1) data concerning persons who have submitted an emergency notification and persons involved in the relevant event;

2) data concerning persons in need of help, including health records;

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

3) data concerning emergency notifications;

4) data concerning operations related to processing an emergency notification;

5) data concerning the registered users of the service of processing of emergency notifications;

6) data concerning the processors of emergency notifications;

7) data concerning help and information notifications;

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

8) the Emergency Response Centre's voice telephony recordings.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2¹) Whether information about presumed victims needs to be given upon the provision of the crisis information service set out in subsection 4 of § 3 of this Act is decided by the Health Board, the Rescue Board, the Police and Border Guard Board or the Internal Security Service according to their competence.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2²) When deciding whether information needs to be given the agencies referred to in subsection 2¹ of this section are to assess whether or not:

1) the event in question is an exceptional event referred to in subsection 4 of § 3 of this Act, making it proportional to process personal data;

2) the conventional channels for giving information to persons close to presumed victims are efficient enough.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2³) In addition to the data specified in clauses 7 and 8 of subsection 2 of this section, the personal data referred to in subsection 2⁴ of this section is processed in the database of emergency notifications and help and information notifications upon the provision of the crisis information service.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2⁴) Upon the provision of the crisis information service, the Emergency Response Centre inquires, through the database of emergency notifications and help and information notifications and on the basis of a decision of an agency referred to in subsection 2¹ of this section, from the health information system information about whether, where and when a presumed victim has received health services in connection with an event referred to in subsection 4 of § 3 of this Act. Upon the provision of the crisis information service the Emergency Response Centre does not process presumed victims' health records.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2⁵) Information about a presumed victim is not issued to the Emergency Response Centre from the health information system if the presumed victim has prohibited in the health information system the issue of their information for the provision of the crisis information service.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2⁶) The Emergency Response Centre does not send an inquiry to the health information system for the information of a presumed victim if an investigative body has prohibited access to or issue of this information in the interests of preventing a criminal offence, apprehending a criminal offender or ascertaining the truth in criminal proceedings.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2⁷) Upon the provision of the crisis information service, information based on an inquiry about a presumed victim is given to a person close to the subject of inquiry who, for the purposes of this Act, means a spouse, registered partner, parent, grandparent, child, grandchild, sister, brother and other person whom can be regarded as entitled to this information based on the person's living arrangement.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2⁸) The bases for identifying the person making an inquiry about a presumed victim through the crisis information service and for verifying their connection to the presumed victim are established by a regulation of the minister in charge of the policy sector.
[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(2⁹) Information in the database of emergency notifications and help and information notifications is reflected in a personalised manner for one year and one month after which the information is made anonymous.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2¹⁰) The database of emergency notifications and help and information notifications is subject to restriction on access and its information is for internal use, unless otherwise provided by legislation.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(3) The database of emergency notifications and help and information notifications is founded and its statutes are established by a regulation of the minister in charge of the policy sector.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(4) The statutes of the database of emergency notifications and help and information notifications provide for the procedure for the maintenance of the database, the processor of the database, the detailed composition of data collected in the database, the persons providing data, the data recipients, the exact deadlines for retaining data and, where necessary, other organisational matters related to the maintenance of the database.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(5) The controller of the database of emergency notifications and help and information notifications is the Emergency Response Centre.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(6) The controller of the database of emergency notifications and help and information notifications has the right to use contact details entered in the database to ask from a person who has called the emergency phone number or sent a short text message for feedback on satisfaction with the service provided.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 9². Automated biometric identification system database

(1) The automated biometric identification system database (hereinafter *ABIS database*) is an electronic database the objective of which, for the purposes of this Act, is to process biometric data obtained by fingerprinting an assistant explosive ordnance disposal technician for the purposes of eliminating the traces left by the assistant explosive ordnance disposal technician on objects of analysis.

(2) Biometric data obtained by fingerprinting an assistant explosive ordnance disposal technician may only be processed for the purposes referred to in subsection 1 of § 36² of this Act.

(3) The ABIS database is founded and its statutes are established by a regulation of the Government of the Republic.

(4) The data controllers of the ABIS database are the Police and Border Guard Board and the Estonian Forensic Science Institute.

(5) Data in the ABIS database are subject to restriction on access and have been classified as information for internal use.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 10.–§ 13.[Repealed – RT I, 15.12.2016, 2 – entry into force 01.01.2017]

Chapter 4 STATE SUPERVISION

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

Subchapter 1

§ 13¹. Special state supervision measures

(1) In order to exercise the state supervision provided by this Act, the Rescue Board may apply the special state supervision measures provided for in §§ 30, 32, 44, 49, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the rules provided by the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) In order to exercise the state supervision provided by this Act, the Emergency Response Centre may apply the special state supervision measure provided for in § 34 of the Law Enforcement Act on the grounds and in accordance with the rules provided by the Law Enforcement Act.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

§ 13². Specifications of state supervision

(1) For avoiding a rescue event, the Rescue Board may prohibit going on the ice of inland water bodies if it poses a threat to the life or health of a person or to the environment.

(1¹) In processing an emergency notification, the Emergency Response Centre may use the information held by the communications undertaking concerning the location of the person who called the emergency phone number 112.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(2) A rescue service agency may enter without the consent of the possessor a fenced or marked immovable, building, dwelling or room in their possession, including open doors and gates or eliminate other obstacles if it is necessary for rescue work or explosive ordnance disposal.

(3) The Rescue Board may enter a possessor's dwelling without the authorisation of the administrative court if it is necessary for rescue work or explosive ordnance disposal.

(4) If the identity of the possessor can be established, they must be notified at the first opportunity of the entry into the premises. If as a result of the entry into the premises a significant proprietary asset is left unsupervised on the premises, the Rescue Board must ensure the supervision of the premises until the arrival of the possessor, another entitled person or the police.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 14. Notification

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

§ 15. Precept and application of administrative coercive measure

(1) A rescue official may issue a precept for elimination of violations of the requirements arising from the legislation or for countering a threat in which the official:

- 1) requires, in the case of a threat which may cause a rescue event with extensive consequences, suspension of the use of the building, activities or operation of a device;
- 2) obligates to do the acts necessary for lawful continuation of the activities or prevention of rescue events.

(2) Upon failure to comply with the precept, a rescue official may impose coercive measures pursuant to the procedure provided in the Substitutional Performance and Non-Compliance Levies Act. The upper limit for a non-compliance levy is 3,200 euros.

[RT I, 30.12.2010, 2 – entry into force 01.01.2011]

§ 16. Restriction of radio communication

(1) The Rescue Board may restrict radio communication for preventing an explosion in an area of explosion risk.

(2) In restricting radio communication the Rescue Board must follow the provisions of § 115 of the Electronic Communications Act.

§ 17. Questioning and requiring of documents

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

§ 18. Establishment of identity

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

§ 19. Engaging person in performance of rescue work

(1) The incident commander may engage a natural person starting from the age of 18 years in the performance of rescue work for performing acts necessary for countering a threat or alleviating the effects of a rescue event if:

- 1) the Rescue Board itself is unable to efficiently perform the rescue work or alleviate the effects thereof due to the nature of the rescue event;
- 2) voluntary rescuers participating voluntarily in the activity of the Rescue Board cannot perform the rescue work in a timely manner or efficiently enough;
- 3) the engagement does not cause a disproportionately great threat to the person engaged in performance of the rescue work or to their property.

(2) A person engaged in the performance of rescue work may not be used for performing operations related to a risk of explosion, to a chemical risk or to a risk of radiation.

(3) In the case provided for in subsection 1 of this section a person may be engaged in the performance of rescue work only insofar as it is unavoidably necessary for the rescue work.

(4) Social guarantees provided for in § 41 of this Act extend to a person specified in subsection 1 of this section.

§ 20. Duty to grant use of thing

(1) The incident commander may take water, sand, gravel and other substances, materials, devices and auxiliary means necessary for rescue work or explosive ordnance disposal if it is unavoidably necessary for the rescue work or explosive ordnance disposal and there are no other options for the duty to grant use or if they would be unreasonably burdensome.

(2) The duty to grant use ends at the time determined by the incident commander but no later than upon the end of the rescue work or explosive ordnance disposal.

(3) The incident commander may require the owner or possessor who has the duty to grant use of a thing to take the movable to the location determined for the transfer thereof.

(4) Recording of the measure provided for in this section is mandatory.

§ 21. Demolition work, excavation work, cutting and making of back-fire as well as blocking of ditches, streams and rivers

(1) The Rescue Board may, without the consent of the possessor, perform on their immovable, in their building or room demolition work, excavation work, cut down trees, make a back-fire, block ditches, streams or rivers and perform other similar necessary activities if it is unavoidably necessary for rescue work or explosive ordnance disposal.

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(2) Recording of the measure provided in this section is mandatory.

§ 22. Prohibition on stay

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

§ 23. Entry into premises

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

§ 24. Examination of premises

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

Subchapter 2

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

§ 24¹. Use of direct coercion and allowed special equipment

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(1) An official of the Rescue Board or a rescue worker on the official's order may use physical force and special equipment on the grounds and in accordance with the rules provided by the Law Enforcement Act, taking into account the specifications provided in this Act.

(2) The special equipment of an official of the Rescue Board comprises:
1) an explosive device for special purposes, which is not used against people;
2) a service dog.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

§ 25. Handling of explosives and requirements for blasting sites

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(1) An official of the Rescue Board may handle explosives in explosive ordnance disposal for preventing an explosion or the spread of a dangerous substance and for destroying ammunition or for study purposes in explosive ordnance disposal.

(2) The procedure for handling explosives by the Rescue Board and requirements for blasting sites are established by a regulation of the minister in charge of the policy sector.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

§ 26. Use of service dog

(1) The Rescue Board may use a service dog:

- 1) in explosive ordnance disposal for detecting explosives and explosive substances;
- 2) in rescue work for searching for a person and for ascertaining a threat.

(2) In cases specified in subsection 1 of this section the service dog need not wear a muzzle.

(3) Keeping of a service dog is subject to the requirements of the Animal Protection Act, taking into account the specifications provided in this Act.

§ 26¹. Carrying and use of service weapon used by the Rescue Board

(1) The Rescue Board's service weapons are firearms.

(2) A rescue official who has acquired the profession of an explosive ordnance disposal technician may carry a firearm while performing their duties.

(3) A rescue official who has acquired the profession of an explosive ordnance disposal technician may use a firearm while performing their duties only for self-defence without exceeding the limits of self-defence.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

Chapter 5 DIRECT COERCION

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

§ 27.–§ 30.[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 6 PARTICIPATION IN INTERNATIONAL RESCUE WORK AND EXPLOSIVE ORDNANCE DISPOSAL

§ 31. Participation in international rescue work and explosive ordnance disposal

(1) Participation in international rescue work and explosive ordnance disposal outside the territory of the Republic of Estonia takes place on the basis of a request for help submitted under an international rescue agreement or by a Member State of the European Union or on the basis of the Participation in International Civil Missions Act.

(2) The procedure for deciding on participation in international rescue work and explosive ordnance disposal on the basis of a request for help of a Member State of the European Union or on the basis of a request for help submitted according to an international rescue agreement, for sending a team to perform rescue work and explosive ordnance disposal, and for covering costs is established by a regulation of the Government of the Republic.

(3) Under an international agreement the Rescue Board may involve an administrative authority of another country in rescue work and explosive ordnance disposal on the territory of the Republic of Estonia. The involved authority has on the territory of Estonia the competence and authority according to the international agreement.

(4) Under an international agreement the Estonian Rescue Board may be involved in rescue work and explosive ordnance disposal on the territory of another country. The Estonian Rescue Board has on the territory of the other country the competence and authority according to the international agreement.

(5) The social guarantees established in § 41 of the Rescue Act and in § 16 of the Rescue Service Act extend to a team member who participates in rescue work and explosive ordnance disposal provided in subsection 1 of this section and who is not subject to the Participation in International Civil Missions Act.
[RT I, 04.03.2011, 1 – entry into force 01.04.2011]

Chapter 6¹

INVOLVEMENT OF DEFENCE FORCES AND DEFENCE LEAGUE IN RESOLUTION OF RESCUE EVENT

[RT I, 03.03.2017, 1 - entry into force 01.07.2017]

§ 31¹. Involvement of Defence Forces and Defence League in resolution of rescue event

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(1) The Defence Forces and the Defence League may be involved in the resolution of a rescue event.

(2) The procedure for involving the Defence Forces and the Defence League in the resolution of a rescue event is established by a regulation of the Government of the Republic.
[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

Chapter 7

PARTICIPATION OF VOLUNTEER IN ACTIVITIES OF RESCUE BOARD

[RT I, 16.12.2022, 3 - entry into force 01.01.2023]

Subchapter 1

General Provisions

§ 32. Voluntary rescuer

(1) A voluntary rescuer is a person who voluntarily participates in rescue work or prevention work on the grounds and in accordance with the rules provided by law.

(2) For the purposes of this Act, participation in rescue work means performance of rescue work by a voluntary rescuer together with a rescue official or on the order of a rescue official.

(3) A voluntary rescuer must follow in their activity and upon application of measures the principle of lawfulness, proportionality and expediency. A voluntary rescuer applies measures with regard to a person who poses a threat or who is in danger themselves.

§ 32¹. Assistant explosive ordnance disposal technician

(1) An assistant explosive ordnance disposal technician is a person who voluntarily participates in explosive ordnance disposal on the grounds and in accordance with the rules provided by this Act.

(2) For the purposes of this Act, participation of an assistant explosive ordnance disposal technician in explosive ordnance disposal means assisting a rescue official who has acquired the profession of an explosive ordnance disposal technician upon explosive ordnance disposal.

(3) An assistant explosive ordnance disposal technician must follow in their activity and upon application of measures the principle of lawfulness, proportionality and expediency. An assistant explosive ordnance disposal technician applies measures with regard to a person who poses a threat or who is in danger themselves.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

Subchapter 2

Acceptance as Volunteer and Work Organisation

[RT I, 16.12.2022, 3 - entry into force 01.01.2023]

§ 33. Requirements set for volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) A person who is at least 18 years of age and who meets the requirements for the qualification of a voluntary rescuer may be accepted as a voluntary rescuer.

(1¹) A citizen of the Republic of Estonia who is at least 21 years of age and who has acquired at least secondary education and who is proficient in Estonian at least on level B2 and who meets the requirements for the qualification of an assistant explosive ordnance disposal technician may be accepted as an assistant explosive ordnance disposal technician.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) The requirements for the qualification of a voluntary rescuer and an assistant explosive ordnance disposal technician as to personal characteristics, physical preparation, training and state of health, and the conditions of and procedure for verifying compliance therewith are established by a regulation of the minister in charge of the policy sector.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2¹) [Repealed – RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2²) [Repealed – RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(3) A person who has acquired a foreign professional qualification may also be accepted as a voluntary rescuer if the person's professional qualification has been recognised pursuant to the Recognition of Foreign Professional Qualifications Act. The competent authority provided in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Rescue Board.

[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

§ 33¹. Term for retention of data collected for verification of compliance of volunteer with requirements for qualification

Data collected for verification of compliance of a voluntary rescuer and an assistant explosive ordnance disposal technician with the requirements for qualification are retained for ten years after the end of the status of a volunteer.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 34. Persons who are prohibited from being accepted as volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

It is prohibited to accept as a voluntary rescuer a person:

- 1) who has restricted active legal capacity;
- 2) who is addicted to alcohol, narcotic drugs or psychotropic substances;
- 3) who has a severe mental, personality or behaviour disorder;

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

4) who has such a physical disability which prevents them from performing the duties of a voluntary rescuer, except for persons participating in prevention work.

(2) It is prohibited to accept as an assistant explosive ordnance disposal technician a person:

1) who has been punished for an intentional criminal offence in the first degree, irrespective of whether the information concerning punishment has been deleted;

2) who has a criminal record for an intentional criminal offence;

3) who is a suspect or an accused in criminal proceedings;

4) who is addicted to alcohol, narcotic drugs or psychotropic substances or who has a severe mental, personality or behaviour disorder;

5) who has a health disorder that prevents them from performing the duties of an assistant explosive ordnance disposal technician;

6) who due to their conduct is not fit for performing the duties of an assistant explosive ordnance disposal technician and whose conduct or lifestyle may put the safety of the person or of another person at risk.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 35. Vaccination of volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

The Rescue Board is to guarantee to a voluntary rescuer and an assistant explosive ordnance disposal technician vaccination free of charge to the extent and pursuant to the procedure determined by the Rescue Board.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 36. Acceptance as volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) Acceptance as a volunteer is organised by the Rescue Board.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) Before acceptance as a volunteer the compliance of the person wishing to become a voluntary rescuer or an assistant explosive ordnance disposal technician with the requirements set for a voluntary rescuer or an assistant explosive ordnance disposal technician is to be verified.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(3) [Repealed – RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(4) Data identified in the course of a verification specified in subsection 2 of this section and in § 36¹ of this Act may serve as the basis for refusal to accept a person as a voluntary rescuer or an assistant explosive ordnance disposal technician.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(5) The data specified in subsection 4 of this section and the reasons for refusal and the facts which serve as the basis for refusal are not disclosed insofar as may be inevitably necessary in order to ensure:

- 1) national security;
- 2) national defence;
- 3) public order;
- 4) countering, discovery or processing of an offence or enforcement of a sanction;
- 5) protection of a data subject or protection of the rights and freedoms of other persons.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 36¹. Background check of assistant explosive ordnance disposal technician

(1) Compliance of an assistant explosive ordnance disposal technician with the requirements provided in clauses 1–3 and 6 of subsection 2 of § 34 of this Act is verified by the Police and Border Guard Board.

(2) In order to assess suitability of an assistant explosive ordnance disposal technician, the identity of the person may be established and personal data, including special categories of personal data, may be processed and the following data may be collected:

- 1) contact details, data concerning place of residence, data concerning nationality and identity document, and data concerning place of employment;
- 2) data concerning sanctions imposed on the person, criminal record, release from sanction and enforcement of sanction;
- 3) data concerning criminal proceedings initiated against the person where the person has been declared to be a suspect or an accused, and concerning decisions in such matters;
- 4) data concerning the person's involvement with an organisation or movement which discards public order with its activities or the activities of which are aimed at the violent changing of the sovereignty and independence of the Republic of Estonia, violent breach of territorial integrity, violent seizure of power, or violent changing of the constitutional order of Estonia;
- 5) data concerning the person's crossing of the external border and stay in a foreign state in order to establish the person's stay in a foreign state which has been entered on the list established under subsection 3 of § 19 of the State Secrets and Classified Information of Foreign States Act and for which a notification requirement specified in subsection 2 of the same section applies;
- 6) data concerning the person's involvement with a foreign state's intelligence or security services.

(3) For verification of the data specified in subsection 2 of this section the Police and Border Guard Board has the right to:

- 1) contact state and local government agencies as well as natural and legal persons with an inquiry into the personal data of the person being checked;
- 2) interview the person being checked as well as representatives of the employer or educational institution thereof and other persons in order to identify the moral character and personal qualities of the person being checked and, where appropriate, take a written statement from the person with the consent thereof;

3) verify personal data in a database of the state, local government or other legal person governed by public law or private law;

4) obtain data from the archive of the Criminal Records Database;

5) process personal data intended for the public and publicly available.

(4) Data collected about a person for a background check are retained for five years after the end of the background check or in the event of a legal dispute arising after release from the status of a volunteer until the settlement thereof.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 36². Fingerprinting of assistant explosive ordnance disposal technician and taking of DNA sample from them

(1) An assistant explosive ordnance disposal technician is fingerprinted and a DNA sample is taken from them to eliminate traces left by them on objects of analysis.

(2) When fingerprinting, fingerprints from both hands and palm prints and writer's palm prints are taken from an assistant explosive ordnance disposal technician.

(3) Biometric data obtained by fingerprinting an assistant explosive ordnance disposal technician are entered in the ABIS database, pseudonymised biographical data of the assistant explosive ordnance disposal technician and information about obtaining the dactyloscopic data and information about taking their DNA sample and the data obtained as a result of analysing the DNA sample are entered in the national offence proceedings biometric register.

(4) The information obtained as a result of fingerprinting an assistant explosive ordnance disposal technician and analysing their DNA sample is deleted from the national registers after three years from the release of the assistant explosive ordnance disposal technician from the status of a volunteer. The Rescue Board notifies the Estonian Forensic Science Institute of the need to delete the information concerning the assistant explosive ordnance disposal technician from the national registers.

(5) An assistant explosive ordnance disposal technician is fingerprinted, a DNA sample is taken from them and information obtained as a result of the fingerprinting and the DNA sample are forwarded in accordance with the rules established on the basis of subsection 5 of § 7³ of the Rescue Service Act.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 37. Work organisation of volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) The Rescue Board assigns a voluntary rescuer and an assistant explosive ordnance disposal technician to a rescue official.

(2) The Rescue Board must keep account of voluntary rescuers and assistant explosive ordnance disposal technicians.

(3) The work organisation of voluntary rescuers and assistant explosive ordnance disposal technicians is established by the Rescue Board.

(4) By agreement with their employer, a voluntary rescuer and an assistant explosive ordnance disposal technician have the right to receive time off for participating in rescue work and explosive ordnance disposal.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 38. Voluntary rescuer's training, participation in rescue work and prevention work, and applicable measures

(1) The training of a voluntary rescuer is organised by the Rescue Board.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Training of a voluntary rescuer comprises two stages.

(3) In the course of first stage training of a voluntary rescuer basic knowledge and skills necessary for the work of a voluntary rescuer are acquired. First stage training lasts for at least 16 hours and ends with an evaluation.

(4) A voluntary rescuer who has completed first stage training may, on the order of a rescue official and together with them:

1) participate in rescue work;

2) enter premises for rescue work and examine the premises on the grounds and in accordance with the rules provided in the Law Enforcement Act, taking into account the specifications provided in §§ 13¹ and 13² of this Act;

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

3) in the course of a rescue event, use physical force on the grounds and in accordance with the rules provided in the Law Enforcement Act.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(5) A voluntary rescuer may participate independently in prevention work after completing first stage training.

(6) A precondition for second stage training of a voluntary rescuer is the successful completion of first stage training. Second stage training lasts for at least 36 hours and knowledge and skills necessary for independently performing an assignment are acquired in the course of the training. The training ends with an evaluation.

[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(7) A voluntary rescuer who has completed second stage training may independently on the order of a rescue official:

- 1) participate in rescue work;
- 2) enter premises for rescue work and examine the premises on the grounds and in accordance with the rules provided in the Law Enforcement Act, taking into account the specifications provided for in §§ 13¹ and 13² of this Act;

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

3) in the course of a rescue event, use physical force on the grounds and in accordance with the rules provided in the Law Enforcement Act.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

(8) The procedure for the training of voluntary rescuers and conduct of evaluations is established by a regulation of the minister in charge of the policy sector.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

§ 38¹. Assistant explosive ordnance disposal technician's training, participation in explosive ordnance disposal, and applicable measures

(1) A person wishing to become an assistant explosive ordnance disposal technician must complete training in the course of which knowledge and skills necessary for the performance of the duty provided in subsection 2 of § 32¹ of this Act are acquired.

(2) In completing the training specified in subsection 1 of this section the person's earlier learning and work experience is taken into account. When taking experience into account, the Rescue Board may consider the training partly or fully completed.

(3) On the order of a rescue official, an assistant explosive ordnance disposal technician may:

- 1) participate in explosive ordnance disposal;
- 2) use a service dog according to clause 1 of subsection 1 of § 26 of this Act.

(4) When participating in explosive ordnance disposal, an assistant explosive ordnance disposal technician may, on the order and together with a rescue official, apply the special measures provided in §§ 44, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the rules provided by the Law Enforcement Act, taking into account the specifications of this Act.

(5) When applying a special measure provided in § 44 of the Law Enforcement Act, an assistant explosive ordnance disposal technician may prohibit a person from staying in a certain place or require them to leave that place or to avoid coming to a certain distance from the place.

(6) The procedure for the training of assistant explosive ordnance disposal technicians and conduct of evaluations is established by a regulation of the minister in charge of the policy sector.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 38². Weapon allowed for assistant explosive ordnance disposal technician and use thereof

(1) An assistant explosive ordnance disposal technician who holds a valid weapons permit provided in § 34 of the Weapons Act may carry a firearm when participating in explosive ordnance disposal. As a firearm, the Rescue Board issues a pistol to the assistant explosive ordnance disposal technician.

(2) When performing a duty of an assistant explosive ordnance disposal technician, an assistant explosive ordnance disposal technician may only use a firearm for self-defence, without exceeding the limits of self-defence.

(3) A weapons permit provided in subsection 1 of this section is not required for carrying and using a firearm if the assistant explosive ordnance disposal technician is:

- 1) a police officer, prison officer or active serviceman who has the right to carry a service weapon or a weapon of the armed forces and who meets the health requirements for enlisting in police, prison or active service;
- 2) an assistant police officer who has been granted the right to carry a firearm on the grounds and in accordance with the rules provided by § 12 of the Assistant Police Officer Act and who meets the health requirements set for an assistant police officer;
- 3) an active member of the Defence League who has a permit to carry a weapon allotted to the Defence League and a valid health certificate provided in § 35¹ of the Weapons Act.

(4) A firearm is issued to an assistant explosive ordnance disposal technician only for the duration of performance of a duty assigned to them. By way of an exception, the Director General of the Rescue Board or an official authorised thereby may allow for a firearm issued to an assistant explosive ordnance disposal technician to be kept at the assistant explosive ordnance disposal technician's place of residence on a permanent basis. This permission is executed as a decree of the Director General of the Rescue Board or written decision of an official authorised thereby.

(5) An assistant explosive ordnance disposal technician is required to immediately notify the Emergency Response Centre of the use of a firearm upon the performance of a duty of an assistant explosive ordnance disposal technician.

(6) The procedure for issuing a firearm to an assistant explosive ordnance disposal technician and storing, returning and carrying a weapon is established by a regulation of the minister in charge of the policy sector. [RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 39. Certificate and special sign of volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) A voluntary rescuer and an assistant explosive ordnance disposal technician are awarded a certificate of voluntary rescuer or assistant explosive ordnance disposal technician. While performing their functions, a voluntary rescuer and an assistant explosive ordnance disposal technician are to wear a special sign.

(2) A voluntary rescuer and an assistant explosive ordnance disposal technician must, in participating in rescue work, prevention work or explosive ordnance disposal, present to a person on the person's demand their certificate of voluntary rescuer or assistant explosive ordnance disposal technician.

(3) The description of the certificate and special sign of a voluntary rescuer and an assistant explosive ordnance disposal technician and the procedure for awarding and wearing the special sign are established by a regulation of the minister in charge of the policy sector. [RT I, 16.12.2022, 3 – entry into force 01.01.2023]

Subchapter 3 Benefits and Social Guarantees of Volunteer

[RT I, 16.12.2022, 3 - entry into force 01.01.2023]

§ 40. Compensation for expenses

(1) The Rescue Board may compensate a voluntary rescuer, an assistant explosive ordnance disposal technician and a legal person specified in subsection 5 of § 2 of this Act for transport, communication and other necessary expenses accompanying participation in the activities of the Rescue Board. [RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) The types of expenses to be compensated by the Rescue Board and the procedure for determining the amount of compensation and for payment thereof are established by the Rescue Board. [RT I, 03.07.2020, 1 – entry into force 15.07.2020]

§ 41. Compensation in case volunteer is killed, dies or their work ability decreases

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) If a voluntary rescuer or an assistant explosive ordnance disposal technician is killed or dies as a result of an accident related to performance of a function of a voluntary rescuer or an assistant explosive ordnance disposal technician or an attack against them or prevention of an offence or countering of a threat by them, their child, parent, widow, widower or partner in a relationship resembling marriage and, for the purposes of the Family Law Act, another person who was maintained by them are paid a lump-sum compensation. [RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) If due to an injury sustained or an illness developed as a result of an accident related to performance of a function of a voluntary rescuer or an assistant explosive ordnance disposal technician or an attack against them or combating of an offence or countering of a threat by them a voluntary rescuer or an assistant explosive ordnance disposal technician is established to have partial or no work ability or temporary loss of work ability

which has not resulted in partial or no work ability, the voluntary rescuer or assistant explosive ordnance disposal technician is paid a benefit.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(3) In the cases specified in subsections 1 and 2 of this section the benefit is paid on the same grounds and in accordance with the same rules as prescribed for payment of a benefit in the cases provided in §§ 49 and 49¹ of the Civil Service Act, considering the specifications provided in this section.

(4) The benefit specified in subsections 1 and 2 of this section is calculated on the basis of the voluntary rescuer's or assistant explosive ordnance disposal technician's average salary or wage that was or is paid to them by their employer. The maximum limit is three times the amount of the last average gross monthly wage published by Statistics Estonia.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(5) If the salary or wage of the voluntary rescuer or assistant explosive ordnance disposal technician provided in subsection 4 of this section is lower than the lowest salary rate of rescuer, the benefits specified in subsections 1 and 2 are paid on the basis of the lowest salary rate of rescuer.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(6) If a voluntary rescuer or an assistant explosive ordnance disposal technician performing the functions of a voluntary rescuer or an assistant explosive ordnance disposal technician did not work during the period before being killed or injured, the benefit specified in subsections 1 and 2 of this section is calculated on the basis of the minimum wage applicable at the time the voluntary rescuer or assistant explosive ordnance disposal technician was killed or injured.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(7) The expenses specified in this section are covered from the state budget through the budget of the area of government of the Ministry of the Interior.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

§ 42. Incitement

Voluntary rescuers, assistant explosive ordnance disposal technicians and other outstanding persons in rescue work may be incited in accordance with the rules provided in Chapter 5 of the Rescue Service Act.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

Subchapter 3¹ Assistant Explosive Ordnance Disposal Technician with Crisis Role

[RT I, 16.12.2022, 3 - entry into force 01.01.2023]

§ 42¹. Assistant explosive ordnance disposal technician with crisis role

(1) A crisis role is assigned to an assistant explosive ordnance disposal technician (hereinafter *assistant explosive ordnance disposal technician with a crisis role*) who gives their consent to assisting the Rescue Board in explosive ordnance disposal during a threat of emergency, an emergency, an emergency situation, a state of emergency, increased defence readiness or a state of war (hereinafter *time of crisis*) and who has the knowledge and skills necessary for the performance of a duty.

(2) The competence of an assistant explosive ordnance disposal technician with a crisis role includes assisting a rescue official who has acquired the profession of an explosive ordnance disposal technician, according to subsection 2 of § 32¹ of this Act in a time of crisis.

(3) In a time of crisis, an assistant explosive ordnance disposal technician with a crisis role may, on the order and together with a rescue official, apply physical force on the ground and in accordance with the rules provided by the Law Enforcement Act where this is inevitably necessary for achieving the objective of a special measure provided in subsection 4 of § 38¹ of this Act.

(4) A crisis role may not be assigned to an assistant explosive ordnance disposal technician who holds a post or employment with national defence work obligations or who has been included in the staff of the wartime unit of the Defence Forces.

(5) Before assigning a crisis role to an assistant explosive ordnance disposal technician or before the resumption of a crisis role on the basis of subsection 3 of § 42³ of this Act the Rescue Board has the right to obtain from the employment register information about a person holding a post or employment with national defence work obligations and from the national defence obligation register information about a person having been included in the staff of the wartime unit of the Defence Forces.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 42². Involvement of assistant explosive ordnance disposal technician with crisis role in activities of the Rescue Board

(1) The Government of the Republic decides by an order the involvement of an assistant explosive ordnance disposal technician with a crisis role in the activities of the Rescue Board in a time of crisis for up to 30 days in the cases provided in subsections 1 and 2 of § 42⁴ of this Act.

(2) A proposal to involve an assistant explosive ordnance disposal technician with a crisis role in the activities of the Rescue Board in the events provided in subsections 1 and 2 of § 42⁴ of this Act is made to the Government of the Republic by the minister in charge of the policy sector.

(3) After the expiry of the term specified in subsection 1 of this section the Government of the Republic will review the decision. Where the involvement of the assistant explosive ordnance disposal technician with a crisis role in a time of crisis is still necessary, the Government of the Republic will review the decision after every 30 days and will extend the involvement of the assistant explosive ordnance disposal technician with a crisis role by up to 30 days.

(4) An order issued under subsection 1 of this section must set out:

- 1) the number or maximum number of persons being involved;
- 2) the term of involvement;
- 3) the territory where involvement is required;
- 4) where necessary, other information.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 42³. Specification of status of assistant explosive ordnance disposal technician with crisis role

(1) Where an assistant explosive ordnance disposal technician with a crisis role is included in the staff of the wartime unit of the Defence Forces or they take up a post or employment with national defence work obligations or where national defence obligations are assigned to their post or employment, their status of an assistant explosive ordnance disposal technician with a crisis role is suspended. To suspend the status the person is to file an application with the Rescue Board.

(2) An assistant explosive ordnance disposal technician with a crisis role is not included in the staff of the wartime unit of the Defence Forces, unless it is inevitably necessary for ensuring national security.

(3) The status of an assistant explosive ordnance disposal technician with a crisis role resumes when the person is released from the post or employment with national defence work obligations, their post or employment is no longer considered a post or employment with national defence work obligations, or they are excluded from the staff of the wartime unit of the Defence Forces. To resume the status the person is to file an application with the Rescue Board.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 42⁴. Specification of employment or service relationship with assistant explosive ordnance disposal technician with crisis role

(1) An assistant explosive ordnance disposal technician with a crisis role has the right to refuse work for an employer with whom they have concluded an employment contract when they are involved in the activities of the Rescue Board in a time of crisis.

(2) The right of an assistant explosive ordnance disposal technician with a crisis role appointed to a civil service post to exercise public authority is suspended when they are involved in the activities of the Rescue Board in a time of crisis.

(3) In the cases specified in subsections 1 and 2 of this section an employee must submit to their employer an application concerning refusal to work and an official must submit an application concerning suspension of right to exercise public authority.

(4) An assistant explosive ordnance disposal technician with a crisis role who participates in the activities of the Rescue Board in a time of crisis may be paid compensation. The compensation is calculated on the basis of the last average gross monthly wage published by Statistics Estonia.

(5) In order to receive the compensation provided in subsection 4 of this section an assistant explosive ordnance disposal technician with a crisis role is to submit an application to the Rescue Board within ten working days after the end of participation in the activities of the Rescue Board. The Rescue Board will decide on the payment

of compensation within 14 calendar days after receiving the application and will transfer the compensation to the applicant's bank account or refuse payment of compensation.

(6) Where an employer suffers damage, above all loss of profit, due to the implementation of subsection 1 of this section, they may claim compensation for damage from the state.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

Subchapter 4

Release from Status of Volunteer

[RT I, 16.12.2022, 3 - entry into force 01.01.2023]

§ 43. Release from status of volunteer

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) Release of a voluntary rescuer or an assistant explosive ordnance disposal technician from the status of a volunteer is decided by the Rescue Board:

- 1) on the initiative of the voluntary rescuer or assistant explosive ordnance disposal technician;
- 2) if the voluntary rescuer or assistant explosive ordnance disposal technician does not meet the requirements provided in § 33 of this Act or on the grounds specified in § 34 of this Act;
- 3) in the event of behaviour inappropriate for a voluntary rescuer or an assistant explosive ordnance disposal technician.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1¹) A voluntary rescuer or an assistant explosive ordnance disposal technician is released from the status of a volunteer where a circumstance for release from the status of a volunteer is established in the course of proceedings. The proceedings are subject to the provisions of the Administrative Procedure Act.

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) A decree concerning release of a voluntary rescuer is disclosed by delivery of a notice.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

Chapter 7¹

PARTICIPATION OF VOLUNTEER IN ACTIVITIES OF EMERGENCY RESPONSE CENTRE

[RT I, 27.05.2022, 2 - entry into force 01.07.2022]

§ 43¹. Social guarantees of volunteer participating in activities of Emergency Response Centre and expenses compensated to volunteer

(1) If a volunteer participating in the activities of the Emergency Response Centre dies or their work ability decreases in the performance of the duties of a volunteer, the state pays a benefit on the grounds and in accordance with the rules provided in § 41 of this Act.

(2) The Emergency Response Centre may compensate a volunteer specified in subsection 4¹ of § 2 of this Act or a legal person specified in subsection 5 of § 2 for transport, communication and other relevant expenses accompanying participation in the activities of the Emergency Response Centre.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

§ 43². Background check of volunteer participating in activities of Emergency Response Centre

(1) Compliance of a volunteer participating in the activities of the Emergency Response Centre with the requirements provided in subsection 4¹ of § 2 of this Act is verified by the Police and Border Guard Board.

(2) In order to assess suitability of a voluntary candidate participating in the activities of the Emergency Response Centre, the identity of the person may be established and personal data, including special categories of personal data, may be processed and the following data may be collected:

- 1) contact details, data concerning place of residence, data concerning nationality and identity document, and data concerning place of employment;
- 2) data concerning criminal sanctions imposed on the person, sanctions imposed for a misdemeanour during the past five years, criminal record, release from sanction and enforcement of sanction;

- 3) data concerning criminal proceedings initiated against the person where the person has been declared to be a suspect or an accused, and concerning the final decision terminating the proceedings in such matters;
- 4) data concerning the person's involvement with an organisation or movement which discards public order with its activities or the activities of which are aimed at the violent changing of the sovereignty and independence of the Republic of Estonia, violent breach of territorial integrity, violent seizure of power, or violent changing of the constitutional order of Estonia;
- 5) data concerning the person's crossing of the external border and stay in a foreign state in order to establish the person's stay in a foreign state which has been entered on the list established under subsection 3 of § 19 of the State Secrets and Classified Information of Foreign States Act and for which a notification requirement specified in subsection 2 of the same section applies;
- 6) data concerning the person's involvement with a foreign state's intelligence or security services.

(3) For verification of the data specified in subsection 2 of this section the Police and Border Guard Board has the right to:

- 1) contact state and local government agencies as well as natural and legal persons with an inquiry into the personal data of the person being checked;
- 2) interview the person being checked as well as representatives of the employer or educational institution thereof and other persons in order to identify the moral character and other personal qualities of the person being checked and, where appropriate, take a written statement from the person being interviewed with the consent thereof;
- 3) verify personal data in a database of the state, local government or other legal person governed by public law or private law;
- 4) obtain data from the archive of the Criminal Records Database;
- 5) process personal data addressed to the public and available from a public source.

(4) The facts specified in subsection 2 of this section may provide the Emergency Response Centre a basis for refusing to accept a person as a volunteer participating in the activities of the Emergency Response Centre.

(5) The reasons for refusal specified in subsection 4 of this section and the facts which serve as the basis for refusal are not disclosed insofar as may be inevitably necessary in order to ensure:

- 1) national security;
- 2) national defence;
- 3) public order;
- 4) countering, discovery or processing of an offence or enforcement of a sanction;
- 5) protection of a data subject or protection of the rights and freedoms of other persons.

(6) Data collected about a person for a background check are retained for five years after the end of the background check or in the event of a legal dispute arising after release from the status of a volunteer until the settlement of the legal dispute.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

§ 43³. Release from status of volunteer participating in activities of Emergency Response Centre

(1) A volunteer participating in the activities of the Emergency Response Centre is released from the status of a volunteer where it becomes evident that they do not meet the requirement for employment in civil service as provided in the Civil Service Act.

(2) Establishment of circumstances of release from the status of a volunteer at the Emergency Response Centre and release from the status of a volunteer are subject to the provisions of subsection 2 of § 43 of this Act.

[RT I, 27.05.2022, 2 – entry into force 01.07.2022]

Chapter 8 EXPENSES

§ 44. Compensation for expenses caused by duty to grant use of thing

(1) The state compensates a person for expenses caused by the duty to grant use of a thing on the basis of § 20 of this Act. In case of extensive or prolonged rescue work or explosive ordnance disposal, the state may compensate for expenses caused by the duty to grant use of a thing from the reserve fund of the Government of the Republic.

(2) The extent of and procedure for compensation for expenses caused by the duty to grant use of a thing in rescue work or explosive ordnance disposal are established by a regulation of the Government of the Republic.

§ 45. Compensation for expenses related to extensive or prolonged rescue work and explosive ordnance disposal

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) Expenses, except for loss of profit, caused to a legal person, a voluntary rescuer, an assistant explosive ordnance disposal technician and a natural person engaged in performance of rescue work on the basis of § 19 participating in extensive or prolonged rescue work or explosive ordnance disposal are compensated from the reserve fund of the Government of the Republic.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(2) The procedure for compensating a legal person, a voluntary rescuer, an assistant explosive ordnance disposal technician and a natural person engaged in performance of rescue work for expenses related to extensive or prolonged rescue work or explosive ordnance disposal is established by a regulation of the Government of the Republic.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 46. Payment of remuneration for participation in extensive or prolonged rescue work and explosive ordnance disposal

[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

(1) A voluntary rescuer, an assistant explosive ordnance disposal technician and a natural person engaged in performance of rescue work on the basis of § 19 of this Act participating in extensive or prolonged rescue work or explosive ordnance disposal are paid remuneration for the time spent on participating in rescue work or explosive ordnance disposal, for which budgetary funds are allocated to the Rescue Board from the reserve fund of the Government of the Republic.

(2) The extent of and procedure for payment of remuneration to a voluntary rescuer, an assistant explosive ordnance disposal technician and a natural person engaged in performance of rescue work for the time spent on participating in extensive or prolonged rescue work or explosive ordnance disposal are established by a regulation of the Government of the Republic.
[RT I, 16.12.2022, 3 – entry into force 01.01.2023]

§ 47. Compensation for food and drinking water expenses

(1) The Rescue Board must guarantee food and drinking water free of charge to a participant in rescue work or explosive ordnance disposal the duration of which exceeds four hours.

(2) In the event of extensive or prolonged rescue work or explosive ordnance disposal, the food and drinking water expenses of a participant in rescue work or explosive ordnance disposal are compensated from the reserve fund of the Government of the Republic.

(3) The extent of and procedure for compensation for food and drinking water expenses in the event of extensive or prolonged rescue work or explosive ordnance disposal are established by a regulation of the Government of the Republic.
[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

§ 48. Damage caused by accident

Damage caused to a legal or natural person by the Rescue Board in the course of a rescue event by work specified in § 21 of this Act and in the course of the application of the measures specified in §§ 49, 50 and 52 of the Law Enforcement Act is deemed damage caused by an accident.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 9 IMPLEMENTING PROVISIONS

§ 49. Training of voluntary rescuer

(1) The requirement provided in subsection 3 of § 38 of this Act to complete first stage training and the requirement provided in subsection 6 of § 38 for the duration of second stage training does not extend to a person whose length of rescue service calculated on the basis of § 13 of the Rescue Service Act is at least three years. Second stage training of the said persons lasts for at least six hours.

(2) The requirement provided in subsection 6 of § 38 of this Act for experience as a voluntary rescuer does not extend to a person who, prior to the entry into force of this Act, has participated in rescue activities as a volunteer for at least one year.

(3) If a person who has participated in rescue activities as a volunteer has, prior to the entry into force of this Act, completed the training specified in subsection 3 of § 38 of this Act, the requirement to complete first stage training is not applied with regard to them.

(4) If a person who has participated in rescue activities as a volunteer has, prior to the entry into force of this Act, completed the training specified in subsection 6 of § 38 of this Act to the extent of at least 30 hours, their second stage training lasts for at least six hours.

§ 49¹. Person with permanent incapacity for work

A voluntary rescuer involved in rescue work who has been established to be partially incapacitated for work on the basis of the State Pension Insurance Act is deemed to have fulfilled the requirement of partial work ability provided in § 41 of this Act. A voluntary rescuer involved in rescue work who has been established to be totally incapacitated for work on the basis of the State Pension Insurance Act is deemed to have fulfilled the requirement of no work ability provided in § 41 of this Act.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

§ 49². Provision of crisis information service

(1) The Emergency Response Centre is ready to provide the crisis information service to agencies within the area of government of the Ministry of the Interior as of 15 July 2020.

(2) The Emergency Response Centre is ready to provide the crisis information service to state and local authorities as of 1 January 2021.

[RT I, 03.07.2020, 1 – entry into force 15.07.2020]

§ 50.–§ 63.[Omitted from this text.]

§ 64. Entry into force of Act

(1) This Act enters into force on 1 September 2010.

(2) Sections 50 and 58 of this Act enter into force pursuant to the general procedure.