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# State of Emergency Act

Passed 10.01.1996  
RT I 1996, 8, 165  
Entry into force 16.02.1996

Amended by the following acts

Passed	Published	Entry into force
12.06.2002	RT I 2002, 57, 354	15.08.2002
19.06.2002	RT I 2002, 62, 376	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
06.05.2009	RT I 2009, 27, 165	01.01.2010
15.06.2009	RT I 2009, 39, 260	24.07.2009
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, partially 01.01.2014 and 01.11.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 1073 (4) of the Government of the Republic Act as of the wording which entered into force on 1 July 2014
03.12.2014	RT I, 16.12.2014, 9	17.12.2014; the word “kaitsevägi” (the Defence Forces) has been substituted for the word “Kaitsevägi” throughout the Act
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
20.04.2020	RT I, 06.05.2020, 1	07.05.2020

## Chapter 1 GENERAL PROVISIONS

### § 1. Purpose of Act

This Act provides the following for the elimination of a threat to the constitutional order of Estonia:

- 1) the basis, conditions and procedure for declaration of a state of emergency, and the competence of authorities managing a state of emergency;
- 2) the measures to be implemented during a state of emergency, and the rights, duties and liability of persons during a state of emergency.

### § 2. Basis and conditions for declaration of state of emergency

(1) A state of emergency is declared on the basis of section 129 of the Constitution of the Republic of Estonia in case of a threat to the constitutional order of Estonia.

(2) A state of emergency is declared in case it is not possible to eliminate a threat to the constitutional order of Estonia without the implementation of the measures provided for in this Act.

(3) The Riigikogu may, acting on a proposal of the President of the Republic or the Government of the Republic and by a majority of its members, declare a state of emergency throughout the state, but for no longer than three months.

### **§ 3. Threat to constitutional order of Estonia**

A threat to the constitutional order of Estonia may arise from:

- 1) an attempt to overthrow the constitutional order of Estonia by violence;
- 2) terrorist activity;
- 3) collective coercion involving violence;
- 4) extensive conflict between groups of persons involving violence;
- 5) forceful isolation of an area of the Republic of Estonia;
- 6) prolonged mass disorder involving violence.

[RT I 2009, 39, 260 – entry into force 24.07.2009]

### **§ 4. Restrictions on rights and freedoms of persons during state of emergency**

(1) During a state of emergency, pursuant to section 130 of the Constitution of the Republic of Estonia and in instances and pursuant to the procedure stipulated in Chapter 3 of this Act, it is possible to restrict in the interest of national security and public order the following rights and liberties of persons:

- 1) the right to free self-realisation;
- 2) the right to liberty and security of person;
- 3) the right to freely choose domain of activity, profession and employment;
- 4) the right to freely participate in political parties and some types of non-profit associations;
- 5) the right to freely possess, use and dispose of property;
- 6) the right to inviolability of home;
- 7) the right to freedom of movement and to choice of residence;
- 8) the right to leave Estonia and to settle in Estonia;
- 9) the right to confidentiality of messages sent or received by post, telegraph, telephone or other commonly used means;
- 10) the right to freely access information disseminated for public use;
- 11) the right to access, pursuant to the procedure provided by law, information held by state authorities and local government bodies and in state and local government archives;
- 12) the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means;
- 13) the right to assemble peacefully and to conduct meetings without prior permission.

(1<sup>1</sup>) The obligations undertaken by a treaty on human rights may be derogated from upon restricting fundamental rights and freedoms if this is permitted by the treaty and the restrictions are in accordance with other obligations under international law.

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

(2) Restrictions on rights and freedoms of persons shall not involve:

- 1) torture, cruel or degrading treatment, or a punishment not arising from law;
- 2) deprivation of the right to freedom of thought, conscience and religion;
- 3) arbitrary deprivation of life.

(3) No one shall be deemed guilty of a criminal offence before a conviction by a court against him or her enters into force.

(4) Everyone whose rights and freedoms have been violated has the right of appeal to the courts.

### **§ 5. Compensation for material loss caused upon elimination of threat to constitutional order of Estonia**

Material loss caused upon the elimination of a threat to the constitutional order of Estonia shall be compensated on the bases of and pursuant to the procedure provided by law.

### **§ 6. Validity of legislation during state of emergency**

During a state of emergency, Acts and other legislation are valid in so far as this Act does not provide otherwise.

### **§ 6<sup>1</sup>. Application of Administrative Procedure Act**

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

[RT I 2002, 62, 376 – entry into force 01.08.2002]

## **Chapter 2**

# DECLARATION OF STATE OF EMERGENCY

## § 7. Notification of threat to constitutional order of Estonia

The President of the Republic, the Government of the Republic and the members of the National Defence Council and of the Security Committee of the Government of the Republic shall be promptly notified of a threat to the constitutional order of Estonia.

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

## § 8. Duties of crisis committee of Government of Republic

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

## § 9. Convening of session of Government of Republic in case of threat to constitutional order of Estonia

In order to decide on making a motion to the Riigikogu to declare a state of emergency in case of a threat to the constitutional order of Estonia, the Prime Minister or, in the event of his or her absence, the minister acting in the powers of Prime Minister shall promptly convene a session of the Government of the Republic, during which the opinion of the Security Committee of the Government of the Republic on the need for the declaration of a state of emergency is heard.

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

## § 10. Convening of session of National Defence Council in case of threat to constitutional order of Estonia

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

## § 11. Competence of National Defence Council upon declaration of state of emergency and during state of emergency

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

The National Defence Council shall express opinions and make proposals to the President of the Republic in connection with declaration of a state of emergency and during the state of emergency:

- 1) in issues listed in sections 12–15 of this Act;
- 2) concerning vital national defence issues in connection with the state of emergency requiring immediate resolution.

## § 12. Address for termination of unlawful activity

(1) The President of the Republic or the Government of the Republic may, before making a proposal to the Riigikogu to declare a state of emergency, address the persons or groups of persons whose activity is causing a threat to the constitutional order of Estonia, demanding immediate termination of unlawful activity.

(2) The address referred to in subsection (1) of this section shall be published in mass media. Broadcasters with nation-wide range shall publish the address in unaltered form and promptly.

(3) If the persons or groups of persons specified in subsection (1) of this section do not immediately terminate unlawful activity after the publication of the address in mass media, the President of the Republic or the Government of the Republic shall make a proposal to the Riigikogu to declare a state of emergency.

## § 13. Proposal to declare state of emergency

(1) The President of the Republic or the Government of the Republic shall submit a written proposal to the Riigikogu to declare a state of emergency throughout the state pursuant to section 129 of the Constitution of the Republic of Estonia, but for no longer than three months, indicating the source of the threat to the constitutional order of Estonia.

(2) If the President of the Republic or the Government of the Republic makes a proposal to declare a state of emergency during parliamentary recess, the President of the Republic or the Government of the Republic shall submit a written proposal to the President of the Riigikogu to convene an extraordinary session of the Riigikogu within at least eight hours after making of the proposal.

(3) If the President of the Republic or the Government of the Republic makes a proposal to declare a state of emergency during a regular session of the Riigikogu, the President of the Republic or the Government of the Republic shall submit a written proposal to the President of the Riigikogu to convene an additional sitting of the Riigikogu immediately.

#### **§ 14. Declaration of state of emergency on proposal of President of Republic or Government of Republic**

(1) Upon written proposal of the President of the Republic or the Government of the Republic, the Riigikogu shall declare a state of emergency by a resolution which provides for:

- 1) declaration of a state of emergency throughout the state pursuant to section 129 of the Constitution of the Republic of Estonia;
- 2) the reason for the declaration of a state of emergency;
- 3) the duration of the state of emergency.

(2) A resolution on the declaration of a state of emergency enters into force upon its publication in national mass media. Broadcasters shall publish the resolution in unaltered form and promptly.

(3) The resolution shall be published in the Riigi Teataja on the first working day following the day on which the resolution was made.

#### **§ 15. Involvement of Defence Forces and Defence League in resolving of state of emergency**

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

(1) For the purposes of resolving a state of emergency the Defence Forces and the Defence League may be involved in the performance of the following duties:

- 1) prevention and obstruction of an attack against a public authority and a national defence object;
- 2) obstruction of unlawful activity arising from collective coercion involving violence or from an extensive conflict between groups of persons involving violence;
- 3) obstruction of unlawful activity involving forceful isolation of an area of the Republic of Estonia;
- 4) obstruction of a mass disorder involving violence.

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

(3) A proposal to involve the Defence Forces or the Defence League in the performance of a duty specified in subsection (1) of this section shall be made to the Government of the Republic by the minister responsible for ensuring internal security. The proposal shall be approved beforehand by the minister responsible for organising national defence.

(4) In the case specified in subsection (1) of this section, the Government of the Republic may not decide to involve the Defence Forces or the Defence League for longer than until the end of the state of emergency. When deciding to use the Defence Forces and the Defence League during a state of emergency under the Law of Enforcement Act, the restriction specified in subsection 16<sup>1</sup>(4) of the Law Enforcement Act shall not be applied.

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

(6) An order issued under subsection (2) of this section shall set out:

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

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

#### **§ 15<sup>1</sup>. Procedure for involvement of Defence Forces and Defence League in resolving of state of emergency**

(1) An order issued under subsection 15 (2) of this Act shall be immediately submitted to the Commander of the Defence Forces or the Commander of the Defence League who shall subordinate a unit of the Defence Forces or of the Defence League, through the head of the unit, in issues related to the performance of the duties specified in subsection 15 (1) of this Act to the official appointed by the Government of the Republic.

(2) The Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of an order issued under subsection 15 (2) of this Act.

(3) In the performance of the duties specified in subsection 15 (1) of this Act, the designation of the vehicle of a serviceman, an active member of the Defence League and of the Defence Forces or the Defence League shall be subject to subsection 16<sup>1</sup>(3) of the Law Enforcement Act and a regulation established on the basis of subsection 16<sup>1</sup>(4) of the Law Enforcement Act.

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

(3<sup>1</sup>) Unless specified otherwise in an order referred to in subsection 15 (2) of this Act, upon performing the duties specified in subsection 15 (1) a serviceman and an active member of the Defence League may, on the order of the police, apply the special measures provided for in sections 28 and 30, subsections 32 (1) through (4), sections 38, 41, 42 and 44, subsections 45 (1) and (5) and sections 46 through 52 of the Law Enforcement Act.

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

(4) In the performance of the duties specified in subsection 15 (1) of this Act, a serviceman and an active member of the Defence League may apply direct coercion on the bases and pursuant to the procedure prescribed for the police in Chapter 5 of the Law Enforcement Act.

(5) Only servicemen or active members of the Defence League who have completed the training necessary for the performance of the duties specified in subsection 15 (1) of this Act may be involved in the performance of said duties.

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

#### **§ 16. Deeming state of emergency as ceased upon declaration of state of war**

A state of emergency is deemed as ceased upon declaration of a state of war.

### **Chapter 3**

## **COMPETENCE OF AUTHORITIES MANAGING STATE OF EMERGENCY, AND MEASURES TO BE IMPLEMENTED AND DUTIES OF PERSONS DURING STATE OF EMERGENCY**

#### **§ 17. Competence of Government of Republic during state of emergency**

(1) During a state of emergency, the Government of the Republic may, for the purpose of eliminating a threat to the constitutional order of Estonia:

- 1) suspend the execution of legislation issued by a state authority or legislation of general application issued by a local government body, promptly notifying the Chancellor of Justice thereof;
- 2) establish restrictions on entry into Estonia and departure from Estonia;
- 3) establish a curfew – prohibition to be in streets and other public places during a specified period of time without an access card specifically issued for this purpose and an identity document;
- 4) establish the types of documents which are required for being in streets and other public places at a time when being in the specified places is prohibited without the corresponding documents, and the format of such documents, if necessary;
- 5) prohibit the organisation of strikes and lock-outs;
- 6) prohibit the organisation of meetings, demonstrations and pickets, and other gatherings of people in public places;
- 7) prohibit the forwarding of certain types of information in the mass media;
- 8) suspend the transmission of radio and television programmes and the issuing of periodicals;
- 9) oblige broadcasters to preserve recordings of transmitted radio and television programmes until the end of the state of emergency;
- 10) submit a draft supplementary budget of a state of emergency to the Riigikogu;
- 11) restrict or prohibit the sale of weapons, toxic substances and alcoholic beverages;
- 12) establish a special procedure for sale of foodstuffs;
- 13) establish a special procedure for sale of motor fuel;
- 14) establish restrictions on the use of modes of communication;
- 15) establish restrictions on the movement of modes of transport;
- 16) prohibit governmental authorities and local government bodies to provide certain types of information;
- 17) provide broadcasters with information relating to the state of emergency for mandatory publication in mass media.

(2) The Government of the Republic may revoke orders of the head of state of emergency and the chief of internal defence.

[RT I 2002, 62, 376 – entry into force 01.08.2002]

(3) The following shall participate, with the right to speak, in discussing at a session of the Government of the Republic issues relating to the involvement of the Defence Forces and the Defence League and other issues relating to a state of emergency:

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

- 1) the President of the Riigikogu or, in his or her absence, the Vice-President;

2) an authorised representative of the President of the Republic;  
3) the Commander of the Defence Forces or his or her authorised representative;  
4) the Commander of the Defence League or their authorised representative if an issue relating to the involvement of the Defence League is under discussion.  
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(4) A legislation issued by the Government of the Republic regulating a state of emergency enters into force upon its publication in national mass media. Broadcasters shall publish the specified legislation in unaltered form and promptly, unless a different date or procedure is provided for in the legislation.

(5) A legislation issued by the Government of the Republic regulating a state of emergency shall be published in the Riigi Teataja on the first working day following the day on which the legislation was passed, unless a different date or procedure is provided for in the legislation.

## **§ 18. Head of state of emergency**

(1) The Prime Minister or, in the event of his or her absence, the minister acting in the powers of Prime Minister shall be the head of state of emergency.

(2) During a state of emergency, the head of state of emergency may, for the purpose of eliminating a threat to the constitutional order of Estonia:

- 1) give to the chief of internal defence and to heads of governmental authorities and local government bodies orders concerning the activity arising from the state of emergency;
- 2) suspend, until the end of the state of emergency, the service relationship of an official of a state executive power if there is reason to believe that he or she is endangering the constitutional order of Estonia by his or her activity, notifying the Government of the Republic thereof;
- 3) suspend, until the end of the state of emergency, the service relationship of an official of a rural municipality or city government if there is reason to believe that he or she is endangering the constitutional order of Estonia by his or her activity, notifying the corresponding rural municipality or city council thereof;
- 4) transfer an official of a state executive power or of a rural municipality or city government to another position or to another locality until the end of the state of emergency, and assign to the official without his or her consent duties other than those related to the office;
- 5) restrict the freedom of movement in the entire territory of Estonia or in a part thereof;
- 6) provide broadcasters with information relating to the state of emergency for mandatory publication in mass media;
- 7) issue other orders by authorisation of the Government of the Republic.

(3) The head of state of emergency may revoke orders of the chief of internal defence.  
[RT I 2002, 62, 376 – entry into force 01.08.2002]

(4) The head of state of emergency coordinates the use of the Defence Forces and the Defence League under the leadership of the Commander of the Defence Forces in eliminating a threat to the constitutional order of Estonia and in ensuring the internal national security in accordance with subsection 15 (5) of this Act.  
[RT I, 16.12.2014, 9 – entry into force 17.12.2014]

(5) The head of state of emergency shall report on his or her activity to the Riigikogu and the Government of the Republic.

(6) The President of the Republic and the Commander of the Defence Forces or their authorised representatives shall participate in the sitting of the Riigikogu during which the report of the head of state of emergency is heard.

(7) If a state of emergency is declared during an emergency situation, the head of emergency situation is subordinate to the head of state of emergency.

(8) The head of state of emergency issues orders.

## **§ 19. Suspension of activity of non-profit associations and their alliances, including political parties and associations of employees and of employers, during state of emergency**

(1) The head of state of emergency may submit an application to the Supreme Court to suspend the activity of non-profit associations and their alliances, including political parties and associations of employees and of employers, until the end of the state of emergency for the reason that the activity of the association or the alliance thereof or the political party endangers the constitutional order of Estonia.

(2) The Supreme Court shall review an application specified in subsection (1) of this section within three days after receipt of the application.

(3) The Supreme Court shall decide to suspend the activity of an association or an alliance thereof or a political party specified in subsection (1) of this section until the end of the state of emergency or shall deny the application of the head of state of emergency.

## **§ 20. Chief of internal defence**

(1) The minister responsible for the field or, in the event of his or her absence, the minister acting in the powers thereof shall be the chief of internal defence.

(2) The chief of internal defence subordinates to the head of state of emergency and shall lead directly the elimination of a threat to the constitutional order of Estonia.

(3) During a state of emergency, the chief of internal defence may, for the purpose of eliminating a threat to the constitutional order of Estonia:

- 1) apply restrictions on the movement of modes of transport;
  - 2) apply examination of documents in respect of persons who are in streets and other public places during curfew;
  - 3) apply examination of persons and possessions in respect of persons who are in streets and other public places during curfew without an access card and an identity document, if this is required;
  - 4) apply relocation of persons to their place of residence in respect of persons who violate public order and who are not inhabitants of the respective locality;
  - 5) apply examination of persons concerning whom there is information that they possess weapons or explosive substances without a corresponding licence, as well as examination of the possessions, workplaces, dwellings and vehicles of such persons;
  - 6) apply restrictions on the right to confidentiality of messages forwarded by post, telegraph or other commonly used means of such persons in respect of whom there is reason to believe that they endanger the constitutional order of Estonia by their activity;
  - 7) apply deprivation of persons of weapons and toxic and explosive substances for the duration of the state of emergency;
  - 8) apply the restrictions listed in clauses 17 (1) 7)–9) of this Act in respect of broadcasters;
  - 9) make proposals for designating land, construction work or device as a temporary national defence object and for involving the Defence Forces and the Defence League for preventing or obstructing an attack against a national defence object;
- [RT I, 12.03.2015, 1 – entry into force 01.01.2016]
- 10) provide broadcasters with information relating to the state of emergency for mandatory publication.

(4) The chief of internal defence shall ensure:

- 1) implementation of the resolutions of the Riigikogu specified in subsection 19 (3) of this Act;
- 2) compliance with the legislation of the Government of the Republic regulating state of emergency;

(5) The chief of internal defence shall cooperate with heads of governmental authorities and local government bodies in the course of elimination of a threat to the constitutional order of Estonia.

(6) The chief of internal defence shall cooperate with the Commander of the Defence Forces in connection with the use of the Defence Forces and the Defence League for elimination of a threat to the constitutional order of Estonia in accordance with subsection 15 (5) and subsection 18 (4) of this Act.

[RT I, 16.12.2014, 9 – entry into force 17.12.2014]

(7) The chief of internal defence shall report on his or her activity to the Government of the Republic and the head of state of emergency.

(8) The chief of internal defence issues orders.

## **§ 21. Entry into force of orders of head of state of emergency and chief of internal defence**

(1) Orders of the head of state of emergency and the chief of internal defence enter into force, unless a different date or procedure is provided for in the order:

- 1) upon publication of the order in the Riigi Teataja;
- 2) upon publication of the order in national mass media if the order is published in mass media before publication in the Riigi Teataja;
- 3) upon communication of the order to the person who is to execute it directly.

(2) Broadcasters shall publish the orders of the head of state of emergency and the chief of internal defence in mass media in unaltered form and promptly, unless a different date and procedure are provided for in the order.

## **§ 22. Contestation of suspension of service relationship of official in court**

An official whose service relationship has been suspended on the basis of clauses 18 (2) 2) and 3) of this Act has the right to contest the suspension of the service relationship in court.

### **§ 23. Retention of salary for official for time of suspension of service relationship or transfer to another position**

The officials referred to in clauses 18 (2) 2), 3) and 4) of this Act shall continue to receive their prior salary during the suspension of service relationship or transfer to another position.

### **§ 24. Conditions for transfer of official to another position**

(1) The conditions provided for in subsections 67 (3) and (4) of the Republic of Estonia Employment Contracts Act apply to the transfer of an official to another position pursuant to clause 18 (2) 4) of this Act.

(2) Subsection (1) of this section also applies to categories of employees to whom the Republic of Estonia Employment Contracts Act does not extend.

### **§ 25. Obligations of city or rural municipality mayors during state of emergency**

City or rural municipality mayors are required to comply with the orders of the head of state of emergency and the chief of internal defence during a state of emergency.

### **§ 26. Duties of broadcasters during state of emergency**

Broadcasters are required to publish the legislation regulating the state of emergency presented by the Riigikogu, the President of the Republic, the Government of the Republic, the head of state of emergency and the chief of internal defence in unaltered form and promptly, unless a different date and procedure are provided for in the specified legislation.

## **Chapter 4 SPECIFICATIONS OF PROCEEDINGS IN CRIMINAL AND MISDEMEANOUR MATTERS DURING STATE OF EMERGENCY**

[RT I 2009, 39, 260 - entry into force 24.07.2009]

### **§ 27. Proceedings in criminal and misdemeanour matters**

During a state of emergency, proceedings in criminal and misdemeanour matters shall be conducted pursuant to the procedure in force at the time of declaration of the state of emergency, taking into account the specifications provided for in this Act.

[RT I 2009, 39, 260 – entry into force 24.07.2009]

### **§ 28. Restriction of participation of counsel**

Participation of a counsel in proceedings in matters of a criminal offence committed during a state of emergency is permitted in settlement proceedings or in other cases after the preparation of a statement of charges.

[RT I 2009, 39, 260 – entry into force 24.07.2009]

### **§ 29. Detention of person suspected of criminal offence**

(1) During a state of emergency, a person suspected of a criminal offence may be detained without the permission of a court until the preparation of a statement of charges or until the start of settlement negotiations, but for no longer than seven twenty-four hour periods.

(2) An investigative body shall prepare a ruling concerning the detention of a suspect during a state of emergency, and notify the prosecutor within 48 hours. The contents of the ruling shall be communicated to the suspect against signature.

(3) During a state of emergency, a suspect shall be interrogated within three twenty-four hour periods as of the moment of detention.

[RT I 2009, 39, 260 – entry into force 24.07.2009]

### **§ 30. Changing of territorial jurisdiction of hearing of criminal and misdemeanour matters**

During a state of emergency, the Chief Justice of the Supreme Court has the right to change the territorial jurisdiction of the hearing of criminal and misdemeanour matters.

[RT I 2009, 39, 260 – entry into force 24.07.2009]



### **§ 31. Deadline for hearing criminal matters**

(1) During a state of emergency, criminal matters shall be scheduled for hearing within 10 days as of the date of receipt thereof by the court, and a judgment shall be pronounced no later than on the day following the making of the decision.

(2) During a state of emergency, the prohibition to hear several criminal matters simultaneously provided by section 268<sup>1</sup> of the Code of Criminal Procedure does not apply to court hearings.  
[RT I 2009, 39, 260 – entry into force 24.07.2009]

## **Chapter 5 LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.09.2002]

### **§ 32. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]**

### **§ 33. Disregard for legislation regulating state of emergency**

Disregard for legislation issued by the Government of the Republic, the head of state of emergency or the chief of internal defence for the purpose of eliminating a threat to the constitutional order of Estonia pursuant to subsection 17 (1), subsection 18 (2) and subsection 20 (3) of this Act – is punishable by a fine of up to 300 fine units or by detention.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

### **§ 34. Obstruction of activity of official during state of emergency**

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

### **§ 35. Being in street or other public place without required documents during curfew**

A person who is in a street or another public place without the required documents during a curfew – is punished by a fine of up to 100 fine units or by detention.  
[RT I 2002, 63, 387 – entry into force 01.09.2002]

### **§ 35<sup>1</sup>. Procedure**

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The body conducting extra-judicial proceedings pertaining to the misdemeanours provided for in sections 33–35 of this Act is a police authority.  
[RT I 2009, 27, 165 – entry into force 01.01.2010]

**§ 36.–§ 39.**[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

## **Chapter 6 FINAL PROVISIONS**

### **§ 40. Supervision over legality of legislation of general application regulating state of emergency**

(1) Supervision over the conformity of legislation of general application regulating state of emergency passed during a state of emergency with the Constitution and the law is exercised by the Chancellor of Justice.

(2) If the Chancellor of Justice finds that legislation of general application regulating state of emergency passed during a state of emergency or a provision thereof endangers the life or health of natural persons or violates an international agreement which has entered into force by international practice or has been ratified by the Riigikogu, the Chancellor of Justice shall propose to the body which passed the legislation that its force be suspended until the legislation is brought into conformity with the Constitution or the law.

(3) The body which passed legislation of general application shall suspend the legislation or a provision thereof promptly after receiving a proposal referred to in subsection (2) of this section.

(4) If the Chancellor of Justice finds that legislation of general application regulating state of emergency passed during a state of emergency is in conflict with the Constitution or the law, he or she shall propose to

the body which passed the legislation to bring the legislation into conformity with the Constitution or the law immediately.

(5) If the legislation is not brought into conformity with the Constitution or the law within the specified period of time, the Chancellor of Justice shall immediately propose to the Supreme Court to declare the legislation null and void.

(6) The Supreme Court shall deliberate the conformity of the contested legislation of general application with the Constitution and the law immediately.

#### **§ 41. Expiry of validity of legislation**

Legislation which is established during a state of emergency pursuant to sections 17, 18 and 20 of this Act becomes invalid upon the end of the state of emergency without separate notification.

#### **§ 42. Duration of administrative penalty**

(1) After the end of a state of emergency, an administrative detention not served pursuant to sections 33, 34 and 35 of this Act shall be reduced to the maximum limit of administrative detention provided for in the Code of Administrative Offences.

(2) Fines based on sections 33, 34 and 35 of this Act and not paid by the time of the end of a state of emergency are collected in an amount which does not exceed the maximum limit for fines provided for in the Code of Administrative Offences.