

Issuer:	Riigikogu
Type:	act
In force from:	01.07.2016
In force until:	31.12.2016
Translation published:	14.06.2016

Rescue Act

Passed 05.05.2010
RT I 2010, 24, 115
Entry into force 01.09.2010

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, partially 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 § 107 ³ (4) 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, partially 01.07.2016
09.12.2015	RT I, 30.12.2015, 1	18.01.2016

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) The Rescue Act provides 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 account of 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) Voluntary rescuers may participate voluntarily in the activity of a rescue service agency on the bases of and pursuant to the procedure provided for in Chapter 7 of this Act.

(5) A rescue service agency may enter into civil law contracts with legal persons for organising the activity of voluntary rescuers participating in rescue work and prevention work.

(6) In its activity and when taking measures a rescue service agency shall 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 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]

(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 section 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]

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) The Rescue Board and the Emergency Response Centre are government authorities within the area of government of the Ministry of the Interior.

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

§ 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 3 (1) 4) 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;

4) prevention of a rescue event (hereinafter *prevention work*);

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 and processing of an emergency call to the emergency phone number 112 or information received in another manner, giving of a risk assessment and an order to respond to the Rescue Board and a provider of emergency medical care for the performance of rescue work, for the disposal of explosive ordnance and for the provision of emergency medical care, and forwarding of information to the Police and Border Guard Board (hereinafter *processing of emergency notification*);
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

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 shall be 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 shall be established by the Government of the Republic by a regulation.

(3¹) The performance of the function provided for in clause (1) 1¹) of this section shall be based on the principle of fastest aid provided for in subsection 3 (4¹) 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 means necessary for processing emergency notifications shall be established by the Government of the Republic by a regulation.

§ 6. Incident commander

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

(2) Explosive ordnance disposal shall be 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 account of the competence and powers of those authorities and persons.

Chapter 3 PROCESSING OF PERSONAL DATA

Division 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]

Division 2

Database of Rescue Service Agency

§ 9. Database of rescue service agency

(1) The Ministry of the Interior shall establish a database for the collection of data related to operations and proceedings related to the functions of a rescue service agency for the efficient and speedy performance of the functions of a rescue service agency and for the performance of efficient supervision.

(2) The official name of the database shall be the *rescue information system*.

§ 10. Chief processor of rescue information system

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

The chief processor of the rescue information system shall be the Rescue Board.

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

§ 11. Structure of rescue information system and data to be entered therein

(1) The rescue information system shall consist of the following datasets:

- 1) the dataset of common information objects;
- 2) the dataset of processing of an emergency notification;
- 3) the dataset of rescue work;
- 4) the dataset of explosive ordnance disposal;
- 5) the dataset of supervision and prevention work;
- 6) the dataset of offence proceedings.

(2) The detailed composition of the data to be entered in the rescue information system shall be provided for in the statutes on the maintenance of the rescue information system.

(3) The following have the right to obtain data from the rescue information system:

1) a rescue service agency – from all the datasets in the database in order to perform the functions imposed on the rescue service agency by law;

2) the Ministry of the Interior – from all the datasets in the database in order to collect, analyse and forward operatively transmitted information concerning the field of internal security;

3) the Police and Border Guard Board – from all the datasets in the database in order to perform the functions imposed on the police by law;

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

4) the Health Board – from the dataset of processing of an emergency notification in order to perform the functions imposed by the Health Services Organisation Act;

5) a prosecutor's office – from the dataset of supervision and prevention work in order to ensure that criminal proceedings are directed;

6) the Ministry of Economic Affairs and Communications – from the dataset of supervision and prevention work in order to perform the functions imposed by law;

7) the Technical Surveillance Authority – from the dataset of rescue work and the dataset of supervision and prevention work in order to perform the functions imposed by law;

[RT I, 30.12.2010, 1 – entry into force 01.01.2011]

8) the Road Administration – from the dataset of emergency notifications in order to perform the functions imposed by law.

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

(4) A foreign country may be forwarded data included in the datasets specified in subsection (1) of this section for the performance of an obligation arising from the European Union law in the cases and pursuant to the procedure prescribed by international conventions, international agreements or cooperation agreements between state authorities.

§ 12. Entry in rescue information system

An entry in the rescue information system shall be made as follows:

1) data which serves as the basis for processing an emergency notification shall be entered in the rescue information system without delay;

2) data collected in the course of rescue work and explosive ordnance disposal shall be entered in the rescue information system without delay;

3) data on fires shall be entered in the rescue information system within five working days after the information which serves as the basis for entering the data in the rescue information system was received;

4) data on inspection of construction works and on construction activities shall be entered in the rescue information system without delay.

§ 13. Statutes on maintenance of rescue information system

(1) The statutes on the maintenance of the rescue information system shall be established by the minister responsible for the field by a regulation.

- (2) The statutes on the maintenance of the rescue information system shall provide for:
- 1) the purpose of the establishment and the structure;
 - 2) the organisational structure of the maintenance of the rescue information system;
 - 3) an exhaustive list of the data to be entered in the rescue information system;
 - 4) the preservation term of the data entered in the rescue information system;
 - 5) the procedure for and manner of access to the data entered in the rescue information system;
 - 6) the procedure for keeping account of receipt of data and access thereto.

Chapter 4 **STATE SUPERVISION**

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

Division 1

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

§ 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 sections 30, 32, 44, 49, 50 and 51 of the Law Enforcement Act on the bases and pursuant to the procedure 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 section 34 of the Law Enforcement Act on the bases and pursuant to the procedure 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 his or her 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, he or she shall 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 shall 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 for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 3200 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 shall follow the provisions of section 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 his or her 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 section 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 his or her immovable, in his or her 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 for 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]

Division 2

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

§ 24¹. Use of direct coercion

(1) A rescue official of the Rescue Board or a rescue worker on the rescue official's order is allowed to apply physical force, special equipment and service weapons on the bases of and pursuant to the procedure provided by the Law Enforcement 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.

(3) The service weapons of the Rescue Board are firearms.

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

§ 25. Use of explosive and service weapon

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

(1) A rescue official of the Rescue Board may carry and use a firearm and an explosive 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 shall be established by the minister responsible for the field by a regulation.

(3) Locations for blasting explosives shall be determined by the Government of the Republic by an order.

§ 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 account of the specifications provided for in this Act.

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 shall take 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 shall be established by the Government of the Republic by a regulation.

(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 shall have 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 shall have on the territory of the other country the competence and authority according to the international agreement.

(5) The social guarantees established in section 41 of the Rescue Act and in section 16 of the Rescue Service Act extend to a team member who participates in rescue work and explosive ordnance disposal provided for 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]

6¹. peatükk INVOLVEMENT OF DEFENCE FORCES AND DEFENCE LEAGUE IN RESCUE WORK

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

§ 31¹. Involvement of Defence Forces and Defence League in rescue work

(1) The Defence Forces and the Defence League may be involved in rescue work.

(2) The procedure for involving the Defence Forces and the Defence League in rescue work shall be established by a regulation of the Government of the Republic. [RT I, 12.03.2015, 1 - entry into force 01.01.2016]

Chapter 7 PARTICIPATION OF VOLUNTARY RESCUER IN ACTIVITY OF RESCUE BOARD

Division 1 General Provisions

§ 32. Voluntary rescuer

(1) A voluntary rescuer is a person who voluntarily participates in rescue work or prevention work on the bases of and pursuant to the procedure 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 shall follow in his or her activity and upon application of measures the principle of lawfulness, proportionality and expediency. A voluntary rescuer shall apply measures with regard to a person who poses a threat or who is in danger himself or herself.

Division 2

Acceptance as Voluntary Rescuer and Work Organisation

§ 33. Requirements set for voluntary rescuer

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

(2) The requirements of the qualification and physical preparation of a voluntary rescuer shall be established by the minister responsible for the field by a regulation.

(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 for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act is the Rescue Board.

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

§ 34. Persons who are prohibited from being accepted as voluntary rescuer

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 mental disorder, a severe personality or behaviour disorder;
- 4) who has such a physical disability which prevents him or her from performing the duties of a voluntary rescuer, except for persons participating in prevention work.

§ 35. Medical examination and vaccination of voluntary rescuer

(1) A person wishing to become a voluntary rescuer shall pass a medical examination the purpose of which is to determine that he or she does not have any health disorders specified in clauses 34 2) through 4) of this Act. A person wishing to become a voluntary rescuer need not pass a medical examination if he or she has a medical certificate of a driver of a power-driven vehicle according to which no more than five years have passed since a medical examination.

(2) A medical examination is arranged and a medical certificate is issued by a family doctor, involving medical specialists if need be.

(3) The initial medical examination shall be performed at the expense of the person wishing to become a voluntary rescuer.

(4) The Rescue Board shall guarantee to a voluntary rescuer participating in rescue work vaccination free of charge to the extent of and pursuant to the procedure determined by the Director General of the Rescue Board. Vaccination of a voluntary rescuer is voluntary.

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

(5) The procedure for the medical examination of a voluntary rescuer and the requirements of the content and form of the medical certificate shall be established by the minister responsible for the field by a regulation.

§ 36. Applying for voluntary rescuer

(1) A person wishing to become a voluntary rescuer shall present to the Rescue Board:

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

1) a written application in which he or she undertakes to comply with the requirements arising from the law for a voluntary rescuer;

2) a copy of his or her identity document;

3) a medical certificate;

4) two photos with the dimensions of 4 × 5 cm.

(2) Before acceptance as a voluntary rescuer the compliance of the person wishing to become a voluntary rescuer with the requirements set for a voluntary rescuer is to be verified.

(3) If an application is satisfied, the applicant is accepted as a voluntary rescuer by a decree of the Director General of the Rescue Board or of a person authorised thereby. The applicant shall be notified of satisfaction or non-satisfaction of the application by delivery of a notice.

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

§ 37. Work organisation of voluntary rescuer

(1) A voluntary rescuer shall be assigned, by a decree of the Director General of the Rescue Board or of a person authorised thereby, to a rescue official or shall be included in the staff of the voluntary rescuers unit within the Rescue Board.

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

(2) [Repealed – RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3) The Rescue Board shall keep account of voluntary rescuers.

(4) The work organisation of voluntary rescuers shall be established by the Director General of the Rescue Board.

(5) A voluntary rescuer shall have, by agreement with his or her employer, the right to receive time off for participating in rescue work.

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

(1) The training of a voluntary rescuer shall be 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 him or her:

1) participate in rescue work;

2) enter premises for rescue work and examine the premises on the bases of and pursuant to the procedure provided for in the Law Enforcement Act, taking into account the specifications provided for in sections 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 direct coercion on the bases of and pursuant to the procedure provided for in the Law Enforcement Act, taking into account the specifications provided for in section 24¹ of this Act;

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

(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 bases of and pursuant to the procedure provided for in the Law Enforcement Act, taking into account the specifications provided for in sections 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 direct coercion on the bases of and pursuant to the procedure provided for in the Law Enforcement Act, taking into account the specifications provided for in section 24¹ of this Act;

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

(8) The requirements for training of voluntary rescuer and the procedure for passing evaluations shall be established by the minister responsible for the field by a regulation.

§ 39. Certificate and special sign of voluntary rescuer

(1) A voluntary rescuer shall be awarded a certificate of voluntary rescuer. In performing the functions of a voluntary rescuer, a voluntary rescuer shall wear a special sign with the words “*VABATAHTLIK PÄÄSTJA*” (voluntary rescuer).

(2) A voluntary rescuer shall, in participating in rescue work or prevention work, present to a person on the person's demand his or her certificate of voluntary rescuer.

(3) The description of the certificate and special sign of a voluntary rescuer and the procedure for awarding and wearing the special sign shall be established by the minister responsible for the field by a regulation.

Division 3

Benefits and Social Guarantees of Voluntary Rescuer

§ 40. Compensation for expenses

(1) The Rescue Board may compensate a voluntary rescuer or a legal person specified in subsection 2 (5) for transport and communication expenses and other necessary expenses accompanying participation in rescue work or prevention work.

(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 shall be established by the minister responsible for the field by a regulation.

§ 41. Social guarantees of voluntary rescuer

(1) In case a voluntary rescuer participating in rescue work is killed or dies as a result of an injury suffered in rescue work, the state shall pay the family members of the voluntary rescuer and persons who were maintained by him or her on the bases of and pursuant to the procedure prescribed by the Family Law Act a lump-sum compensation in a total amount equal to ten years' wages of the person killed or deceased.

(2) If a voluntary rescuer participating in rescue work is killed on the circumstances provided for in subsection (1) of this section, the state shall cover the funeral expenses provided for in section 3 of the State Funeral Benefits Act.

(3) The state shall pay a benefit to a voluntary rescuer involved in rescue work and established to have partial or no work ability as a result of an injury or illness suffered in rescue work, based on the level of work ability established by a first assessment of work ability carried out by the Estonian Unemployment Insurance Fund as follows (hereinafter *maximum benefit*):

- 1) in case of partial work ability – up to his or her two years' wages;
 - 2) in case of no work ability – up to his or her seven years' wages.
- [RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(3¹) If necessary, the connection specified in subsection (3) of this section between the level of work ability of a person and an injury or illness suffered in rescue work shall be established by the Social Insurance Board pursuant to the procedure provided for in § 49¹ of the Civil Service Act.

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

(4) The benefit provided for in subsection (3) shall be paid in parts. The amount of a part depends on the duration of the partial or no work ability established in the first assessment or re-assessment of work ability.

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

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

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

(6) If the level of work ability of a person changes, the further payment of the benefit shall be based on the benefit provided for in subsection (3) of this section corresponding to the level of work ability established in the re-assessment of work ability, taking into account the already paid benefit.

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

(7) If as a result of a re-assessment a person is entitled to a benefit in a lesser amount than has been paid to him or her, the overpaid sum shall not be reclaimed.

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

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

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

(9) If the period of partial or no work ability established in the re-assessment of work ability begins in the calendar year following the first assessment of work ability, the wages which serve as the basis for the calculation of the benefit shall be adjusted by the consumer price index of the year when the partial or no work ability was first established. If the period of partial or no work ability established in the re-assessment of work ability begins later, the wages which serve as the basis for the calculation of the benefit shall be adjusted by the

consumer price indexes as of the year when the partial or no work ability was first established until the year preceding the last re-assessment of work ability.
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(10) One month's wages of a voluntary rescuer participating in rescue work shall be calculated based on the average wages, calculated on the basis of the Employment Contracts Act, of the month preceding the one when he or she was killed or injured.

(11) If a voluntary rescuer participating in rescue work did not work during the period before being killed or injured, the benefit shall be calculated based on the minimum wage at the time the voluntary rescuer was killed or injured.

(12) If a voluntary rescuer participating in rescue work has been injured in rescue work or become ill, his or her medical treatment expenses and costs of medicinal products shall be borne by the state.

(13) The expenses specified in this section shall be covered by the state budget through the budget of the Ministry of the Interior.

(14) The procedure for the calculation, grant and payment of the benefits and expenses provided for in this section and the extent thereof shall be established by the minister responsible for the field by a regulation.

(15) The provisions of this section shall not be applied if, upon becoming injured, a voluntary rescuer participating in rescue work:

- 1) had committed an offence;
- 2) had committed suicide or attempted suicide;
- 3) had caused bodily harm to himself or herself which is not in a cause-and-effect relationship with a medical condition and did not result from unlawful behaviour of other persons;
- 4) was intoxicated by alcohol, a narcotic drug or a psychotropic substance.

(16) After the payment of benefit under this section, the state shall have the right of recourse in the amount paid as benefit with regard to the person at fault. In matters of recourse actions the state shall be represented by the minister responsible for the field or a person authorised by him or her.

§ 42. Incitement

Voluntary rescuers and other outstanding persons in rescue work may be incited pursuant to the procedure provided for in Chapter 5 of the Rescue Service Act.

Division 4 Release from Status of Voluntary Rescuer

§ 43. Release from status of voluntary rescuer

(1) A voluntary rescuer shall be released from the status of a voluntary rescuer by a decree of the Director General of the Rescue Board or of a person authorised thereby:

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

- 1) on the initiative of the voluntary rescuer;
- 2) if the voluntary rescuer does not meet the requirements provided for in section 33 of this Act or on the bases specified in section 34 of this Act;
- 3) in connection with behaviour inappropriate for a voluntary rescuer.

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

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

Chapter 8 EXPENSES

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

(1) The state shall compensate a person for expenses caused by the duty to grant use of a thing on the basis of section 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 shall be established by a regulation of the Government of the Republic.

§ 45. Compensating legal person, voluntary rescuer and natural person engaged in performance of rescue work for expenses related to extensive and prolonged rescue work and explosive ordnance disposal

(1) Expenses, except for loss of profit, caused to a legal person, voluntary rescuer and natural person engaged in performance of rescue work on the basis of section 19 participating in extensive or prolonged rescue work or explosive ordnance disposal shall be compensated from the reserve fund of the Government of the Republic.

(2) The procedure for compensating a legal person, voluntary rescuer and natural person engaged in performance of rescue work for expenses related to extensive or prolonged rescue work or explosive ordnance disposal shall be established by the Government of the Republic by a regulation.

§ 46. Payment of remuneration for participation in extensive and prolonged rescue work

(1) A voluntary rescuer and natural person engaged in performance of rescue work on the basis of section 19 participating in extensive or prolonged rescue work shall be paid from the reserve fund of the Government of the Republic remuneration for the time spent on participating in rescue work.

(2) The extent of and procedure for payment of remuneration to a voluntary rescuer and natural person engaged in performance of rescue work for the time spent on participating in extensive or prolonged rescue work shall be established by the Government of the Republic by a regulation.

§ 47. Compensation for food and drinking water expenses

(1) In case of rescue work or explosive ordnance disposal the duration of which exceeds four hours, the Rescue Board shall guarantee to a rescue servant, voluntary rescuer and natural person engaged in performance of rescue work food and drinking water free of charge.

(2) In case of extensive or prolonged rescue work, the food and drinking water expenses of a rescue servant, voluntary rescuer and natural person engaged in performance of rescue work shall be 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 case of extensive or prolonged rescue work shall be established by the Government of the Republic by a regulation.

§ 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 section 21 of this Act and in the course of the application of the measures specified in sections 49, 50 and 52 of the Law Enforcement Act shall be 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 for in subsection 38 (3) of this Act to complete first stage training and the requirement provided for in subsection 38 (6) for the duration of second stage training does not extend to a person whose length of rescue service calculated on the basis of section 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 for in subsection 38 (6) 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 38 (3) of this Act, the requirement to complete first stage training is not applied with regard to him or her.

(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 38 (6) of this Act to the extent of at least 30 hours, his or her second stage training shall last 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 for 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 for in § 41 of this Act.
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

§ 50.–§ 63.[Omitted from this text.]

§ 64. Entry into force of Act

- (1) This Act shall enter into force on 1 September 2010.
- (2) Sections 50 and 58 of this Act shall enter into force pursuant to the general procedure.