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Police and Border Guard Act

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RT I 2009, 26, 159

Entry into force 01.01.2010, partially 01.01.2012

Amended by the following acts

| Passed | Published | Entry into force |
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| 26.11.2009 | RT I 2009, 62, 405 | 01.01.2010 |
| 22.04.2010 | RT I 2010, 22, 108 | 01.01.2011, enters into force on the date determined by the Decision of the Council of the European Union on abrogation of a derogation established in respect of the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision No. 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26). |
| 09.06.2010 | RT I 2010, 41, 240 | 01.09.2010 |
| 23.12.2010 | RT I, 31.12.2010, 3 | 01.07.2011 |
| 09.02.2011 | RT I, 04.03.2011, 1 | 01.04.2011 |
| 17.02.2011 | RT I, 21.03.2011, 2 | 01.01.2012 Repealed[RT I, 29.06.2012, 2] |
| 23.02.2011 | RT I, 22.03.2011, 1 | 01.04.2011, partially 01.01.2012 |
| 08.12.2011 | RT I, 22.12.2011, 3 | 23.12.2011 Repealed[RT I, 29.06.2012, 2] |
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| 06.06.2012 | RT I, 27.06.2012, 5 | 01.09.2012 |
| 06.06.2012 | RT I, 29.06.2012, 1 | 01.04.2013 |
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| 13.06.2012 | RT I, 06.07.2012, 1 | 01.04.2013 |
| 13.06.2012 | RT I, 10.07.2012, 2 | 01.04.2013 |
| 14.11.2012 | RT I, 06.12.2012, 1 | 01.01.2013 |
| 20.12.2012 | RT I, 31.12.2012, 4 | 01.01.2013 |
| 14.03.2013 | RT I, 26.03.2013, 2 | 01.04.2013 |
| 12.06.2013 | RT I, 02.07.2013, 1 | 01.09.2013, partially 01.01.2014 |
| 19.02.2014 | RT I, 13.03.2014, 4 | 01.07.2014, partially 23.03.2014 |
| 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. |
| 18.11.2014 | RT I, 02.12.2014, 1 | 12.12.2014; amendment due to partially enter into force on 01.01.2016 omitted [RT I, 31.12.2015, 9] |
| 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] |

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|------------|----------------------|---|
| 17.12.2014 | RT I, 31.12.2014, 4 | 01.01.2015 |
| 06.01.2015 | RT I, 07.01.2015, 8 | 06.01.2015 – To declare unconstitutional and invalid § 106 (1) of the Police and Border Guard Act and § 1 (4) of the Act amending the Police and Border Guard Act in the extent they did not enable to raise the old-age pensions granted to police officers, who retired between 1 January 2010 and 31 December 2012, on the basis of the salaries, on 1 January 2013, of police officers performing similar duties. |
| 18.02.2015 | RT I, 19.03.2015, 2 | 29.03.2015; the words “to office” have been replaced by the words “to position” throughout the text as of § 43. |
| 25.11.2015 | RT I, 17.12.2015, 1 | 20.12.2015, partially |
| 17.12.2015 | RT I, 31.12.2015, 9 | 01.07.2016 |
| 07.12.2016 | RT I, 15.12.2016, 2 | 01.01.2017 |
| 08.02.2017 | RT I, 03.03.2017, 1 | 01.07.2017 |
| 20.04.2017 | RT I, 05.05.2017, 1 | 01.07.2017 |
| 19.06.2017 | RT I, 06.07.2017, 2 | 01.10.2017 |
| 12.04.2021 | RT I, 13.04.2021, 10 | 12.04.2021 - The decision of the Constitutional Review Chamber of the Supreme Court declares subsection 95 (1) and subsection 15 (5) of the Civil Service Act and subsection 40 (3) of the Police and Border Guard Act unconstitutional and invalid insofar as they in combination require the release of a police officer from service if he or she is a suspect in criminal proceedings. |

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application

(1) This Act provides for the functions, rights and organisation of the police and the legal bases of police service.

(2) The police is an institution of executive power within the area of government of the Ministry of the Interior and the main functions thereof are protection of public order, organisation of matters of border management, detection and elimination of marine pollution, organisation of search and rescue operations at sea, and organisation of matters in the area of citizenship and migration.

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

(4) The functions and activity of the police in offence proceedings have been provided for in the Code of Criminal Procedure and in the Code of Misdemeanour Procedure.

(5) The Law Enforcement Act shall apply to the functions and activity of the police upon protection of public order, taking into account the specifications arising from this Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) The Civil Service Act shall extend to the police service with the specifications stemming from this Act.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 2. [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

Chapter 2

FUNCTIONS AND ORGANISATION OF THE POLICE

§ 3. Functions of the Police

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(1) The functions of the police are:

1) prevention of offences provided for in Chapters 9, 12, 13, 16 and 22 of the Penal Code if this duty has not been assigned to another law enforcement agency by law, and protection of public order on the bases and pursuant to the procedure provided for in the Law Enforcement Act;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

2) issue of documents and activity licences on the basis of and pursuant to the procedure provided for in specific laws;

3) organisation of matters in the area of citizenship and migration;

4) performance of search and rescue operations and organisation of detection and elimination of marine pollution in inland maritime waters and territorial waters, in the exclusive economic zone, on Lake Peipsi, Lake Lämmi and Lake Pihkva and on other transboundary water bodies;

[RT I, 27.06.2012, 5 – entry into force 01.09.2012]

5) performance of search operations on land in case of an aircraft accident;

6) organisation of matters in the area of border guard;

7) process of offences and enforcement of punishments on the basis of and pursuant to the procedure provided by law;

8) protection of the President of the Republic and his or her family, and in cases provided by law also of the President whose term of office has expired, the Prime Minister, Heads of Foreign Countries, Heads of Governments, Ministers of Foreign Affairs and persons specified by the Director General of the Police and Border Guard Board on the basis of subsection (3) of this section, and guarding of objects specified by the Government of the Republic on the basis of subsection (4) of this section or by the Director General of the Police and Border Guard Board on the basis of subsection (4²) of this section;

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

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

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) The bases for the organisation of protection of persons and guarding of objects, manners of performance thereof and the procedure for cooperation shall be established by the Government of the Republic by a regulation.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) If necessary, the Director General of the Police and Border Guard Board shall specify, by a directive, the persons being protected, the manners of performance of their protection and the duration thereof.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) A list of objects guarded by the police shall be established by the Government of the Republic by a regulation. The manners of performance of the guarding of the guarded objects specified by the Government of the Republic shall be specified by the minister responsible for the field by a directive.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4¹) The Rescue Board shall participate in the performance of search and rescue operations provided for in clause (1) 4) of this section on the bases and pursuant to the procedure provided by the Rescue Act. The organisation of cooperation between the Police and Border Guard Board and the Rescue Board shall be based on the principle of fastest aid according to which the nearest properly equipped unit shall respond to an event first.

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

(4²) A list of objects guarded by the police on a temporary basis, the manners of performance of the guarding of the objects and the duration thereof shall be determined by a directive of the Director General of the Police and Border Guard Board.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(5) The procedure for search and rescue operations, including for detection and elimination of marine pollution in Estonian maritime waters and on Lake Peipsi, Lake Lämmi and Lake Pihkva as well as on other transboundary water bodies shall be established by the Government of the Republic by a regulation.

[RT I, 27.06.2012, 5 – entry into force 01.09.2012]

(6) The Police and Border Guard Board shall process emergency notifications received by the Police and Border Guard Board in connection with the functions provided for in subsection (1) of this section or by the Emergency Centre.

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

(7) The procedure for processing emergency notifications shall be established by a regulation of the minister responsible for the field.

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

§ 4. Police and Border Guard Board

(1) The Police and Border Guard Board is a governmental authority within the area of government of the Ministry of the Interior. The Police and Border Guard Board is a police authority.

(2) The territorial jurisdiction of the Police and Border Guard Board is the territory of the Republic of Estonia, unless otherwise provided by law or an international agreement.

(3) The Police and Border Guard Board is headed by the Director General.

(4) The Police and Border Guard Board is competent to perform functions assigned to the police. The competence of the Police and Border Guard Board to perform the functions may be defined by a law, a regulation, a directive of the minister responsible for the field and a directive of the Director General of the Police and Border Guard Board by specifying a structural unit of the Police and Border Guard Board, including a territorial or functional structural unit of a prefecture or a house of detention.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(5) The organisation of the criminal police, guarding of the state border, information security, and posts and staff of the Police and Border Guard Board is information intended for internal use within the meaning of the Public Information Act.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 5. Prefecture

(1) A prefecture is a regional structural unit of the Police and Border Guard Board.

(2) A prefecture is headed by a prefect.

(3) A prefecture comprises territorial and functional structural units and houses of detention. Territorial structural units are stations, border guard stations and border checkpoints; and functional structural units are bureaus.

§ 6. Establishment of positions

[Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 6¹. Specification of appointment of officials to position and employment of employees

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(1) In appointment of an official of the Police and Border Guard Board to position and entry into an employment contract with an employee of the Police and Border Guard Board, the provisions of clauses 40 1)–7) and 9) and sections 42 and 43 of this Act shall be applied, depending on the post, also in the case the relevant post is not a position of a police officer, but the performance of functions in the post requires access to:

1) a database, the chief processor of which is the Ministry of the Interior or the Police and Border Guard Board;

2) information provided for in clauses 35 (1) 5¹) and 5²) of the Public Information Act; or

3) sensitive personal data of officials and employees of the Police and Border Guard Board.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(2) An official serving in the position of head of structural unit of the Police and Border Guard Board shall meet the requirements for professional qualification of an official.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) The requirements for professional qualification of head of structural unit of the Police and Border Guard Board, including requirements for education, and the terms and conditions and the procedure for the verification thereof shall be established by the minister responsible for the field by a regulation.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) A list of posts provided for in subsection (1) of this section shall be established by the Director General of the Police and Border Guard Board by a directive.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 6². Competence to organise service

(1) The service of an official of the Police and Border Guard Board, including of a police officer, and the employment of an employee shall be organised, they shall be appointed to and released from position, an

employment contract shall be entered into with them and it shall be terminated or cancelled, their wages shall be determined or their remuneration shall be agreed upon, they shall be transferred from one post to another, their right to exercise public authority shall be suspended or the employee shall be allowed to exercise their right to refuse to work, and an authorisation shall be granted, if the law provides for the requirement of an authorisation of a person having the right to appoint to office, by the Director General of the Police and Border Guard Board or by a person provided for in the statutes of the Police and Border Guard Board.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) In the case provided for in subsection (1) of this section and for the organisation of the work of the Police and Border Guard Board, the Director General of the Police and Border Guard Board or a person provided for in the statutes of the Police and Border Guard Board may issue a directive.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

§ 6³. Competence to exercise disciplinary authority

(1) In the exercise of disciplinary authority with regard to an official of the Police and Border Guard Board who is not a police officer, the provisions of the Civil Service Act shall be applied, taking account of the specifications provided for in this section.

(2) In addition to the provisions of the Civil Service Act, the minister responsible for the field shall have the right to commence disciplinary proceedings with regard to an official specified in subsection (1) of this section and the right to impose a disciplinary punishment on him or her.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

§ 7. Training of police officers

Police officers shall be trained at an institution of professional higher education within the area of government of the Ministry of the Interior (hereinafter *institution of professional higher education for public defence*).

Chapter 2¹ STATE SUPERVISION

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

Division 1 General Provisions

[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 7¹. Right to apply state supervision measure

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
The right to apply the state supervision measures provided by the Law Enforcement Act lies with police officers. Other officials of the Police and Border Guard Board have the right to apply state supervision measures if not otherwise provided by a specific law and the application of the measure is related to the performance of their duties.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 7²–§ 7⁶.[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 7⁷. Cooperation with other persons and authorities and imposition of duty to grant use of thing

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

(1) The police shall cooperate with other persons and authorities within its competence to prevent and counter a threat endangering public order and to eliminate disturbances.

(2) The police shall notify other authorities of a known threat or disturbance within their competence, and shall make a proposal to a relevant administrative authority to apply measures of state supervision, counter the threat or ascertain the disturbance. The police shall have a right to obtain from the relevant administrative authority information about measures applied.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2¹) In carrying out the duty provided for in subsection (2) of this section, the police have the right to communicate to the competent authority personal data in the necessary extent, including sensitive personal data.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) A police officer may impose the duty to grant use of equipment and technical aids if it is unavoidably necessary for search and rescue operations on inland maritime waters and at territorial sea, in the exclusive economic zone, on Lakes Peipsi, Lämmi and Pihkva or on another transboundary waterbody and there are no other options for imposing the duty to grant use of a thing or they would be unreasonably burdensome.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(4) The duty to grant use of a thing ends at the time specified by the person in charge of the search and rescue operations, but no later than at the time the search and rescue operations end.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(5) The person in charge of the search and rescue operations may obligate the owner or possessor of the thing with regard to which the duty to grant use of is imposed to deliver the movable to the location determined for the transfer thereof.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(6) It is required to record in a report the measure of imposing the duty to grant use of a thing provided for in this subsection.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(7) The state shall compensate for expenses which arise due to the imposition of the duty to grant use of a thing under this subsection.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(8) The extent of and the procedure for compensating for expenses provided for in subsection (7) of this section shall be established by a regulation of the Government of the Republic.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

§ 7⁸.–§ 7¹¹. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Division 2

General Supervisory Measures

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

§ 7¹².–§ 7¹⁴. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Division 3

Special Supervisory Measures

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

Subdivision 1

Special Supervisory Measures Regarding Processing of Personal Data

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

§ 7¹⁵.–§ 7²¹. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Subdivision 2

Special Supervisory Measures Applicable with regard to Person Suspected of State of Intoxication

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

§ 7²².–§ 7³⁰. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Subdivision 3

Other Special Supervisory Measures

[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 7³¹.–§ 7⁴⁰. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 7⁴¹. Escort of person detained

(1) Escort of a person detained is the escort of a person detained as a suspect, an arrested person, a person with regard to whom compelled attendance has been applied, a person to be expelled, a detained person or a convicted offender in a house of detention and outside a house of detention under the supervision of armed escort.

(2) Prior to and after the escort, a security check shall be performed with regard to the person detained or the person shall be examined pursuant to the procedure provided for in the Law Enforcement Act.
[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The duties and the work procedure of the escort shall be established by the minister responsible for the field by a regulation.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

Subdivision 4 Special Supervisory Measures Related to Cross-Border Pursuit

[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 7⁴². Cross-border pursuit

(1) A police officer in pursuit, on the territory of his or her country, of a person apprehended upon commission of a criminal offence specified in the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p 1–20) or of an accessory to the criminal offence shall be permitted to proceed with the pursuit on the territory of another Member State of the European Union without a previously requested authorisation if:

- 1) due to the urgency of the matter it was not possible to notify competent authorities thereof prior to the entry on the territory of the other Member State; or
- 2) the competent authorities of the other Member State failed to arrive in time at the scene of the event to take over the pursuit.

(2) Subsection (1) of this section shall also be applied in case the person being pursued has escaped from a penal institution while held in custody or serving an imprisonment.

(3) Cross-border pursuit may take place only across land frontiers.

(4) The foreign country where the cross-border pursuit shall be conducted shall be the country of location.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 7⁴³. Procedure for notifying of cross-border pursuit

(1) A police officer shall contact immediately but not later than upon crossing the state border the competent authority of the state on whose territory the cross-border pursuit shall be conducted.

(2) In notifying of the crossing of the state border, the pursuing police officer shall be required to notify the country of location of the following circumstances:

- 1) the time and the place of the presumable crossing of the state border;
- 2) the type and make of the service weapon of the police officer;
- 3) the means of communication.

(3) In notifying of a cross-border pursuit, the competent authority in Estonia is the Police and Border Guard Board.

(4) The procedure for documenting operations of a police officer of a foreign state related to cross-border pursuit on the territory of Estonia shall be established by the minister responsible for the field by a regulation.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 7⁴⁴. Conduct of cross-border pursuit

(1) A person being pursued shall be detained by the police officers of the country of location. In case the competent authorities of the country of location do not demand termination of the pursuit but fail to take over the pursuit quickly enough, the pursuing police officer shall detain the person and hand him or her over to a police officer of the country of location for the establishment of identity or for arrest.

(2) In cross-border pursuit, a police officer:

- 1) shall follow the laws of the country of location and the instructions and orders of the competent authority;
- 2) shall be recognisable by his or her police uniform or use a police vehicle;
- 3) shall present his or her identification in proof of the performance of functions;
- 4) may carry a service weapon and use it only for self-protection;
- 5) may, for ensuring safety, examine the detained person and his or her belongings and take away the items carried by the person;
- 6) may use handcuffs on the detained person in taking him or her to the police authority of the country of location;
- 7) may not enter private premises or another place not intended for public use;
- 8) shall appear in the police authority of the country of location after the termination of the pursuit and notify of the operations performed;

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

9) shall remain at the disposal of the competent authority of the country of location until the circumstances related to the pursuit are sufficiently clear;

10) shall assist, at the request of the competent authority of the country of location, with the conduct of the criminal proceedings after the pursuit, including the court proceedings.

(3) Cross-border pursuit shall be terminated

- 1) when the objective has been achieved;
- 2) when one hour has passed since the crossing of the state border of the country of location;
- 3) on the demand of the country of location.

(4) If the person detained is not a citizen of the country of location, he or she shall be released after the passing of six hours from his or her detention at the latest if the competent authorities of the country of location have not received a request for the arrest of the person for the purposes of extradition or handover of the person. The period from 12 a.m. to 9 a.m. shall not be included in the period of detention.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 7⁴⁵. Police officer of foreign country conducting cross-border pursuit

In case of a criminal offence committed against or by a police officer of a foreign country conducting a cross-border pursuit, he or she shall be deemed equal to a police officer of Estonia.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

Subdivision 5 Processing of Personal Data

[RT I, 22.03.2011, 1 - entry into force 01.04.2011]

§ 7⁴⁶. Processing of personal data for transfer to foreign country

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(1) For the adherence to the law, an international agreement or a legislation of the European Union, the police shall have the right to process personal data and transfer it to a foreign country.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(2) If the processing of personal data in order to adhere to an international agreement or a legislation of the European Union requires the consent of the person, the following shall be disclosed to the person prior to the request for his or her consent:

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

- 1) the name and contact information of the processor of the personal data or of the representative thereof;
- 2) the purpose of the processing of the data;
- 3) the voluntary nature of granting the consent and the legal consequences of not granting the consent.

(3) The consent for the processing of personal data provided for in subsection (2) of this section shall be prepared in writing.

(4) With regard to the consent provided for in this section, the provisions of the Personal Data Protection Act shall not be applied.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 7⁴⁷. Covert processing of personal data

(1) For the adherence to an international agreement or a legislation of the European Union, the police shall have the right to process personal data covertly, that means by concealing the purpose of the processing of personal data from the data subject.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(2) The following data may be processed covertly:

- 1) the person's given name and surname;
- 2) the route and destination of the person's trip;
- 3) the persons in the accompany of the person or the persons travelling in a vehicle, ship or aircraft in whose case it is reasonable to assume that they are connected to the person concerned;

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

- 4) the data on the vehicle, ship, aircraft or container used by the person;

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

- 5) the items carried by the person.

(3) The person shall not have the right to receive information about the fact of covert processing or about the personal data collected about him or her in the course of covert processing.

(4) The procedure for documenting covert collection of personal data shall be established by the minister responsible for the field by a regulation.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 7⁴⁸. Right of data subject to receive information about his or her personal data and issue of personal data

The police shall be required to give to a data subject information within the meaning of the Personal Data Protection Act and issue the required personal data or justify the refusal to issue the data or give the information within thirty days following the day of the receipt of the request.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

Chapter 2²

ENQUIRY TO COMMUNICATIONS UNDERTAKING, SURVEILLANCE ACTIVITIES AND SECRET COOPERATION

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

§ 7⁴⁹. Making enquiry to communications undertaking

(1) The police may make an enquiry to an electronic communications undertaking on the basis specified in clauses 126²(1) 1) and 2) of the Code of Criminal Procedure and with respect to persons specified in clauses 126²(3) 1) and 2) of the Code of Criminal Procedure in order to obtain the following information:

- 1) information necessary to identify an end user related to identification characteristics used in an electronic communications network, except for information related to the fact of message forwarding;
- 2) to an electronic communications undertaking, information specified in subsections 111¹(2) and (3) of the Electronic Communications Act and not specified in subsection (1) of this section.

(2) Making an enquiry specified in clause (1) 2) of this section shall be authorised by the Prosecutor's Office. The authorisation for making an enquiry shall set out the period of time by dates concerning which it is allowed to require information.

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

§ 7⁵⁰. Collection of information for deciding on access of person to surveillance information and on suitability of person for police service

(1) The police may, with the written consent of a person, collect personal data concerning the person by surveillance activity specified in subsection 126³(1) of the Code of Criminal Procedure and by an enquiry to an electronic communications undertaking with respect to information provided for in subsections 111¹(2) and (3) of the Electronic Communications Act if it is necessary in order to decide on the person's access to surveillance

information or to verify information presented in the personal data form for deciding his or her suitability for the police service.

(2) A person shall be notified of surveillance activity referred to in subsection (1) of this section conducted with respect to the person after making of a decision and he or she shall be introduced, at his or her request, information collected by the surveillance activity. Information collected by an enquiry referred to in subsection (1) of this section shall be introduced to the person at his or her request.

[RT I, 05.05.2017, 1 – entry into force 01.07.2017]

§ 7⁵¹. Recruitment for secret cooperation

(1) For ensuring surveillance activities or for collecting information the police may use a person recruited for secret cooperation.

(2) For the purposes of this Act, a person recruited for secret cooperation is a person whose cooperation with the police is not known to third parties.

(3) An authorisation for recruiting a person shall be granted by the Director General of the Police and Border Guard Board or an official authorised thereby.

(4) Only adult persons with their consent may be recruited for secret cooperation, except in the case provided for in subsection 126¹(6) of the Code of Criminal Procedure.

(5) Persons recruited for secret cooperation are required to refrain from forwarding information which is knowingly false or libellous and to maintain the confidentiality of information which has come to their knowledge in the course of cooperation, and also the confidentiality of means, methods and tactics used in surveillance activities.

(6) A person recruited for secret cooperation has the right to refuse performance of surveillance activities concerning persons close to him or her.

(7) Supervision over the activity of a person recruited for secret cooperation shall be performed by the Director General of the Police and Border Guard Board or an official authorised thereby.

(8) The procedure for documenting recruitment of a person shall be established by the minister responsible for the field by a regulation.

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

§ 7⁵². Collection of information for verifying suitability of person for recruitment for secret cooperation and for verifying credibility of information

(1) The police may, with the written consent of a person, collect personal data by surveillance activity specified in subsection 126³(1) and in clause 126³(2) 2) of the Code of Criminal Procedure and by an enquiry to an electronic communications undertaking with respect to information provided for in subsections 111¹(2) and (3) of the Electronic Communications Act if it is necessary in order to decide on the person's suitability for secret cooperation or for verifying the credibility of information.

(2) The surveillance activity specified in clause 126³(2) 2) of the Code of Criminal Procedure is allowed when all other verification means have been exhausted and there is reasonable doubt as to the reliability of the person which may jeopardise the purpose of the secret cooperation, or there is reasonable doubt as to the credibility of information and this may significantly infringe the fundamental rights of persons or influence the course of the criminal proceedings.

(3) An authorisation for performing the surveillance activity specified in subsection 126³(1) of the Code of Criminal Procedure and for making an enquiry for obtaining information provided for in subsections 111¹(2) and (3) of the Electronic Communications Act shall be granted by the Director General of the Police and Border Guard Board or an official authorised thereby.

(4) An authorisation for performing the surveillance activities specified in clause 126³(2) 2) of the Code of Criminal Procedure shall be granted by the county court on the basis of a justified written application of the Director General of the Police and Border Guard Board.

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

§ 7⁵³. Compensation in case person recruited for secret cooperation is killed, has partial or no work ability or suffers bodily injury

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (date of entry into force changed – RT I, 17.12.2015, 1)]

(1) If a person is killed in the performance of duties related to secret cooperation, the state shall pay his or her children, parents, widow or widower and other persons who were maintained by him or her pursuant to the Family Law Act a lump-sum compensation to the extent of 120 times the salary rate corresponding to the lowest salary grade of a police officer.

(2) If a person is established to have partial or no work ability on the basis of the Work Ability Allowance Act as a result of an injury or illness suffered in the performance of duties related to secret cooperation, the state shall pay a single benefit:

- 1) in case of partial work ability – to the extent of 20 times the salary rate corresponding to the lowest salary grade of a police officer;
- 2) in case of no work ability – to the extent of 60 times the salary rate corresponding to the lowest salary grade of a police officer.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (date of entry into force changed – RT I, 17.12.2015, 1)]

(2¹) If necessary, the connection specified in subsection (2) of this section between the level of work ability of a person and an injury or illness as a result of the performance of duties related to secret cooperation 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) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(4¹) The benefit provided for in subsection (2) of this section 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]

(4²) 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]

(4³) 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 (2) 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]

(4⁴) 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]

(4⁵) 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]

(4⁶) 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 amount which serves 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 amount which serves 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]

§ 7⁵⁴. Covert measures

(1) For ensuring the performance of surveillance activities covert measures may be used for the purpose of concealing from a data subject the persons performing the surveillance activity, the purpose of the surveillance activity and the ownership of an immovable and movable used.

(2) The necessary document for taking covert measures shall be issued and the necessary changes in a database or register shall be made, on the basis of a justified application of the Director General of the Police and Border Guard Board or an official authorised thereby, by an administrative authority or a legal person who is competent to issue a document of such type or make changes in the database or register.

§ 7⁵⁵. Simulation

(1) For ensuring the performance of surveillance activities the Police and Border Guard Board may simulate a legal person in private law, its structural unit or body, or a branch of an overseas company.

(2) A person or branch of an overseas company being simulated shall be founded or acquired by the Police and Border Guard Board pursuant to the general procedure with the written consent of the minister responsible for the field. Simulation of a person or branch of an overseas company shall be terminated pursuant to the general procedure and the minister responsible for the field shall be informed of the termination.

(3) The minister responsible for the field shall give a written consent for simulating a person or a branch of an overseas company on the basis of a justified application of the Director General of the Police and Border Guard Board, setting out:

- 1) the need to simulate a person;
- 2) the type of the person being simulated;
- 3) the expenses of simulating a person;
- 4) the duration of simulating a person if it can be determined.

(4) Simulation of a structural unit or body shall be decided by the minister responsible for the field on the basis of circumstances specified in subsection (3) of this section.

(5) A transaction made in the name of a person, structural unit, body, or branch of an overseas company being simulated shall be deemed a transaction made by the authority specified in subsection (1) of this section.

(6) At the beginning of a financial year of each person being simulated the Director General of the Police and Border Guard Board shall present to the minister responsible for the field an overview of the activity of the simulated person, structural unit, body and branch of an overseas company during the previous financial year.

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

§ 7⁵⁶. Use of undercover agent

(1) For performing surveillance activities, for ensuring the performance thereof or for collecting information the police may use an undercover agent.

(2) [Repealed – RT I, 05.05.2017, 1 – entry into force 01.07.2017]

(3) A written authorisation for the use of an undercover agent shall be given by the Director General of the Police and Border Guard Board or an official authorised thereby.

(4) An undercover agent who is a police officer shall have all the duties of a police officer insofar as it does not bring about revealing of the changed identity.

[RT I, 05.05.2017, 1 – entry into force 01.07.2017]

(5) The identity of an undercover agent shall remain secret also after the surveillance activities have been terminated if disclosure may jeopardise the life, health, honour or good name or property of the undercover agent or that of persons close to him or her or his or her further activity as an undercover agent or a police agent.

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

§ 7⁵⁷. Documenting and preserving information collected by surveillance activity

The procedure for documenting and preserving information collected by surveillance activities performed on the basis of this Act shall be established by the minister responsible for the field by a regulation.

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

§ 7⁵⁸. Notification of surveillance activity and introduction of information collected by surveillance activity

(1) With the permission of the Director General of the Police and Border Guard Board or an official authorised thereby, a person need not be notified of surveillance activity performed under this Act on the basis provided for in subsection 126¹³(2) of the Code of Criminal Procedure and information collected by surveillance activity need not be introduced on the basis provided for in subsection 126¹⁴(1) of the Code of Criminal Procedure until the basis ceases to exist.

(2) The procedure for notifying of surveillance activity performed under this Act and for introducing information collected by surveillance activity shall be established by the minister responsible for the field by a regulation.

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

Chapter 3 POLICE DATABASES

Division 1 Police Database

§ 8. Police database

(1) The Ministry of the Interior shall establish a database for the collection of data related to operations and proceedings related to functions of law enforcement and offence proceedings for the efficient and speedy performance of the functions of law enforcement and the criminal police, and for the performance of efficient supervision.

(2) The official title of the database shall be “information system POLIS” (hereinafter *police database*).

§ 9. Chief and authorised processor of police database

(1) The chief processor of the police database shall be the Police and Border Guard Board.

(2) The authorised processor of the police database shall be the person appointed by the Police and Border Guard Board.

§ 10. Structure of police database and data to be entered in database

(1) The police database shall consist of the following data:

- 1) the data on common information objects;
- 2) the data on offence proceedings;
- 3) the data on the preventive activity of the police;
- 4) the data on the responding activity of the police;
- 5) the data on the activity of the houses of detention of the police;
- 6) the data on search;
- 7) the data on pursuit proceedings;

[RT I 2009, 62, 405 – entry into force 01.01.2010]

8) the administrative activities data related to law enforcement duties.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) The more detailed composition of the data to be entered in the police database shall be provided for in the statutes on the maintenance of the database.

(3) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) The data specified in subsection (1) of this section may be transferred to a foreign country for the fulfilment of an obligation arising from the European Union law in the cases and pursuant to the procedure provided for by an international convention, an international agreement or a cooperation agreement of state authorities.

§ 11. Presentation of data to be entered in police database

(1) Data to be entered in the police database shall be presented by the Police and Border Guard Board.

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

(2) For the achievement of the purpose provided for in subsection 8 (1), data to be entered in the police database shall be presented by other authorities determined in the statutes on the database to the established extent.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 12. Entry in police database

(1) Data shall be entered in the police database by means of software developed for the use thereof.

(2) The persons entitled to enter data in the police database shall be determined by the authority presenting the data.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) Data shall be entered in the police database immediately but not later than within five working days as of the receipt of the information, occurrence of an event or performance of an operation or making of a decision which serve as the basis for the entry of the data in the police database.

(4) Data shall be entered in the police database on the basis of source documents, notices received from persons or information obtained by police activity.

§ 13. Statutes on maintenance of police database

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

(2) The statutes on the maintenance of the police database shall provide for:

- 1) the structure of the database and the organisational structure of the database;
 - 2) an exhaustive list of the data to be entered in the database;
 - 3) the preservation term of the data entered in the database;
 - 4) a list of source documents necessary for entering data in the database;
 - 5) the procedure for the receipt of the data to be entered in the database and for keeping account of access thereto;
 - 5¹) the recipients of data from the database;
- [RT I 2009, 62, 405 – entry into force 01.01.2010]
- 6) the procedure for the examination of the data and for the issue thereof;
 - 7) the procedure for the amendment of incorrect data and for the notification thereof;
 - 8) the basis of and procedure for the expansion and liquidation of the database and for the merger thereof with another database;
 - 9) other requisite conditions arising from legislation.

Division 2 Border Control Database

§ 14. Border control database

(1) The Ministry of the Interior shall establish a database, the objective of which is to keep account of and check the persons and vehicles passing the border control.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) The official title of the database shall be “Border Control Information System” (hereinafter *border control database*).

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

§ 15. Chief and authorised processor of border control database

(1) The chief processor of the border control database shall be the Police and Border Guard Board.

(2) [Repealed – RT I, 02.12.2014, 1 – entry into force 12.12.2014]

§ 16. Categories of data of border control database

(1) The categories of data of the border control database are:

1) border crossing of a person, including passengers’ personal details entered in their travel document and the data concerning their travel document;

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

2) border crossing of a motor vehicle;

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

3) border crossing of a water craft;

4) border crossing of an aircraft;

5) [omitted – RT I, 31.12.2015, 9 – entry into force 01.01.2016]

6) border crossing of a railway vehicle.

[RT I, 02.12.2014, 1 – entry into force 12.12.2014]

(2) The more detailed composition of the data to be entered in the border control database shall be provided for in the statutes on the maintenance of the database.

(3) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) The data specified in subsection (1) of this section may be transferred to a foreign country for the fulfilment of an obligation arising from the European Union law in the cases and pursuant to the procedure provided for by an international convention, an international agreement or a cooperation agreement of state authorities.

§ 17. Presentation of data to be entered in border control database

Data to be entered in the border control database shall be presented by the Police and Border Guard Board, the Tax and Customs Board and a carrier who transports passengers arriving in Estonia and leaving Estonia across the external border by railway or waterway.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

§ 18. Entry in border control database

Data shall be entered in the border control database:

- 1) in the course of the border control of a person or vehicle according to border crossings which have taken place, or
- 2) if the carrier has communicated data concerning passengers carried by railway or waterway.

[RT I, 31.12.2015, 9 – entry into force 01.01.2016]

§ 19. Statutes on maintenance of border control database

(1) The statutes on the maintenance of the border control database shall be established by the minister responsible for the field by a regulation.

(2) The statutes on the maintenance of the border control database shall provide for:

- 1) the structure of the database and the organisational structure of the database;
- 2) an exhaustive list of the data to be entered in the database;
- 3) the preservation term of the data entered in the database;
- 4) a list of source documents necessary for entering data in the database;
- 5) the procedure for the receipt of the data to be entered in the database and for keeping account of access thereto;
- 5¹) the recipients of data from the database;
- 6) the procedure for the examination of the data and for the issue thereof;
- 7) the procedure for the amendment of incorrect data and for the notification thereof;
- 8) the basis of and procedure for the expansion and liquidation of the database and for the merger thereof with another database;
- 9) other requisite conditions arising from legislation.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

Division 3

State Register of Schengen Information System

§ 20. State Register of Schengen Information System

(1) The Ministry of the Interior shall establish a database which is a national section of the Schengen information system.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(2) The official title of the database shall be “national register of the Schengen information system” (hereinafter *register*).

§ 21. Chief and authorised processor of register

(1) The chief processor of the register shall be the Police and Border Guard Board.

(2) The authorised processor of the register shall be the person appointed by the Police and Border Guard Board.

§ 22. Data entered in register

(1) In the register shall be entered data:

- 1) relating to persons wanted for handover or extradition purposes;
- 2) relating to aliens who are not citizens of the European Union, a state within the European Economic Area or the Swiss Confederation, and who are refused entry;
- 3) relating to persons who have disappeared or to persons who, in the interests of their own protection or in order to prevent threats, need to be placed provisionally in a place of safety;
- 4) relating to persons who are wanted witnesses or persons accused or convicted;
- 5) relating to persons, vehicles, ships, aircraft or containers for the performance of discreet surveillance or specific checks;
- 6) in order to ensure the seizure or confiscation or evidence in criminal proceedings.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(2) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 23. Presentation of data to be entered in register

(1) The data specified in clause 22 (1) 1) of this Act shall be presented by the Police and Border Guard Board, the Estonian Internal Security Service, the Prosecutor's Office, the Tax and Customs Board, the court in case of matters in court proceedings and the Ministry of Justice in case of court judgments which have entered into force.

(2) The data specified in clause 22 (1) 2) of this Act shall be presented by the Police and Border Guard Board.

(3) The data specified in clause 22 (1) 3) of this Act shall be presented by the Police and Border Guard Board and the court in case of matters in court proceedings.

(4) The data specified in clause 22 (1) 4) of this Act shall be presented by the Police and Border Guard Board, the Estonian Internal Security Service, the Prosecutor's Office, the Tax and Customs Board and the court in case of matters in court proceedings.

(5) The data specified in clause 22 (1) 5) of this Act shall be presented by the Police and Border Guard Board, the Estonian Internal Security Service, the Prosecutor's Office and the Tax and Customs Board.

(6) The data specified in clause 22 (1) 6) of this Act shall be presented by the Police and Border Guard Board, the Ministry of Foreign Affairs and the Road Administration.

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

§ 24. Entry in register

(1) The data specified in clauses 22 (1) 1) and 5) of this Act shall be entered in the register by the chief processor within 24 hours as of the receipt of the source documents.

(2) The data specified in clauses 22 (1) 2) to 4) and 6) of this Act shall be presented to the chief processor of the register within 24 hours as of the time the basis for the entry in the register of the data arose.

§ 25. Statutes on maintenance of register

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

(2) The statutes on the maintenance of the register shall provide for:

- 1) the structure of the database and the organisational structure of the database;
- 2) an exhaustive list of the data to be entered in the database;
- 3) the preservation term of the data entered in the database;
- 4) a list of source documents necessary for entering data in the database;
- 5) the procedure for the receipt of the data to be entered in the database and for keeping account of access thereto;

5¹) the recipients of data from the database;

[RT I 2009, 62, 405 – entry into force 01.01.2010]

- 6) the procedure for the examination of the data and for the issue thereof;
- 7) the procedure for the amendment of incorrect data and for the notification thereof;
- 8) the basis of and procedure for the expansion and liquidation of the database and for the merger thereof with another database;
- 9) other requisite conditions arising from legislation.

Division 4

Database for Organisation of Guarding of State Border

[RT I, 06.07.2017, 2 - entry into force 01.10.2017]

§ 25¹. Database for Organisation of Guarding of State Border

(1) The minister responsible for the field shall establish the database for the purposes of guarding the state border, ensuring the border regime and having an overview of the situation at the border, including maintaining border peace, in order to discover illegal border crossings, identify objects, plan resources necessary for guarding the state border and obstruct cross-border crime. Data pertaining to guarding the state border shall be processed in the database.

(2) The following shall be entered in the database referred to in subsection (1) of this section:

- 1) data concerning guarding of the state border actions;

- 2) data concerning persons related to guarding of the state border actions;
- 3) surveillance information from technical surveillance and security devices for guarding the state border;
- 4) data concerning activities that obstruct guarding of the state border or disturb border peace.

(3) The statutes of the database referred to in subsection (1) of this section shall be established by a regulation of the minister responsible for the field.

(4) The statutes of the database referred to in subsection (1) of this section shall provide for the official name of the database, the procedure for maintaining the database, the exact composition of data gathered in the database, persons submitting data, periods of time for preserving data and, if necessary, other organisational issues related to maintaining the database.

(5) The chief processor of the database referred to in subsection (1) of this section shall be the Police and Border Guard Board.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

Chapter 4

DIRECT COERCION

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

§ 26.–§ 32⁴. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 5

POLICE SERVICE

Division 1

General Provisions

§ 33. Police service

(1) Police service shall be deemed service in the Police and Border Guard Board, the Estonian Internal Security Service or an institution of professional higher education for public defence in the position of a police officer.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Police service is a special type of public service.

§ 34. Police officer

(1) A police officer is a person in the service of the Police and Border Guard Board, the Estonian Internal Security Service or an institution of professional higher education for public defence in the position of a police officer.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) A border guard official in the border guard service on the basis of the Border Guard Service Act and a police officer in the police service on the basis of the Police Service Act up to the entry into force of this Act shall be deemed a police officer for the purposes of this Act if he or she is appointed to the position of a police officer on the basis of this Act.

§ 35. Position of police officer

(1) The position of a police officer is a position within the staff of an institution or a non-staff position working in which shall be police service (hereinafter *position*).
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(2) Only a student acquiring vocational education on the basis of secondary education and a student acquiring professional higher education in an institution of professional higher education for public defence in the specialty of the police or border guard in full-time studies may be appointed to the position of a non-staff police officer for the duration of their practical training.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(3) [Repealed – RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 36. Service rank

(1) The service rank of a police officer shall be the title given to the police officer in the name of the Republic of Estonia.

(2) A required period of service shall be established for a service rank (hereinafter *period of service for service rank*).

§ 37. Cadet

A cadet is a student acquiring vocational education on the basis of secondary education and a student acquiring professional higher education in an institution of professional higher education for public defence in the specialty of the police or border guard in full-time studies, who is not in the police service.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 37¹. Uniform and identification

(1) A police officer and a cadet shall be given a uniform and identification.

(2) A uniform of a police officer may be given to the following officials and employees of the Police and Border Guard Board not specified in subsection (1) of this section:

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

1) officials and employees in a house of detention;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

2) customer service providers;

3) officials and employees ensuring passage in a building;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

4) officials performing duties arising from the Obligation to Leave and Prohibition on Entry Act;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

5) band members.

(3) The distinguishing marks on the uniform of officials and employees listed in subsection (2) of this section shall be provided for by a regulation specified in subsection (8) of this section.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) The posts specified in subsection (2) of this section, the officials and employees appointed to which shall be given a uniform of a police officer, shall be decided by the Director General of the Police and Border Guard Board.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(5) A police officer shall present identification to a person with regard to whom he or she is performing a function. A police officer in a police uniform shall present identification to the person only on his or her demand.

(6) A police officer may postpone the fulfilment of the obligation specified in subsection (5) of this section if it is unavoidably necessary for countering an immediate threat.

(7) A police officer does not have the obligation specified in subsection (5) of this section if the fulfilment thereof is not possible due to the nature or purpose of the function.

(8) The description of the uniform of a police officer and of the distinguishing marks shall be established by the minister responsible for the field by a regulation. The positions, a police officer appointed to which shall not be given a uniform, shall be decided by the Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service.

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

(8¹) A police officer who performs the duties specified in clause 3 (1) 8) of this Act and who is not granted a uniform of a police officer may be paid compensation.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(8²) The procedure for the payment of compensation for the uniform of a police officer and the limits of compensation shall be established by the minister responsible for the field or under his or her authorisation by the Director General of the Police and Border Guard Board.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(9) The description and form of the identification shall be established by the minister responsible for the field by a regulation.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

Division 2

Employment in Service

§ 38. General requirements for employment in service

An Estonian citizen who has attained 19 years of age, has at least secondary education, has full active legal capacity, is proficient in Estonian to the extent established by law or legislation issued on the basis of the law, and meets the health requirements and requirements for professional qualification of a police officer may be employed in service as a police officer.

§ 39. Requirements for professional qualification of police officer

(1) A police officer shall meet the requirements for professional qualification of a police officer, including requirements for physical preparation and education.

(2) The requirements for professional qualification of a police officer, and the conditions and procedure for the verification thereof shall be established by the minister responsible for the field by a regulation.

(3) [Repealed – RT I, 26.03.2013, 2 – entry into force 01.04.2013]

§ 40. Persons not to be employed in police service

The following shall not be employed in service:

- 1) a person who has been punished for an intentionally committed criminal offence, irrespective of whether the information concerning punishment has been deleted;
[RT I 2009, 62, 405 – entry into force 01.01.2010]
- 2) a person who has been sentenced to imprisonment, irrespective of whether the information concerning punishment has been deleted;
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]
- 3) a person who is a suspect or accused in criminal proceedings;
[RT I, 13.04.2021, 10 - entry into force 12.04.2021 - The decision of the Constitutional Review Chamber of the Supreme Court declares subsection 95 (1) and subsection 15 (5) of the Civil Service Act and subsection 40 (3) of the Police and Border Guard Act unconstitutional and invalid insofar as they in combination require the release of a police officer from service if he or she is a suspect in criminal proceedings.]
- 4) a person who has been released from public service due to commission of a disciplinary offence and less than a year has passed from the release from service;
- 5) a person who receives a pension, remuneration or other regular compensation from a state which is not a Member State of the European Economic Area or the Swiss Confederation or which does not belong to the North Atlantic Treaty Organisation;
[RT I 2009, 62, 405 – entry into force 01.01.2010]
- 6) a person who has been punished for an offence which includes the necessary elements of an act of corruption specified in the Anti-Corruption Act;
- 7) a person with restricted active legal capacity;
- 8) a person whose state of health does not meet the requirements established on the basis of section 71 of this Act;
[RT I 2009, 62, 405 – entry into force 01.01.2010]
- 9) a person who knowingly presented false information in the personal data form or withheld significant information.

§ 41. Medical surveillance of person applying for employment in police service or acceptance to studies in specialty of police officer

A person applying for employment in the police service or acceptance to studies in the specialty of a police officer shall undergo a medical surveillance prescribed for a police officer.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 42. Collection of information for deciding on employment in service of person

(1) A person applying for employment in the police service shall submit a personal data form to the Police and Border Guard Board or the Estonian Internal Security Service. The personal data form requires data which enables the assessment of the person's suitability for service. In addition, data concerning relatives and relatives by marriage (parents, sister, brother, children, spouse, former spouse), and also the given name and surname, personal identification code (in the absence of a personal identification code, date and place of birth) and contact information of a partner in a relationship resembling marriage may be required.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(2) The format of the personal data form of a person applying for employment in the police service shall be established by the minister responsible for the field by a regulation.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) For the verification of the data presented in the personal data form, the Director General of the Estonian Internal Security Service, the rector of the Estonian Academy of Security Sciences or the Director General of the Police and Border Guard Board, or an official authorised by him or her shall have the right to:

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

1) address state authorities and local government authorities, and also natural and legal persons with an inquiry concerning the personal data of a person applying for employment in service;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

2) talk to the person specified in the personal data form, and also to his or her employer and representatives of his or her educational institution and other persons in order to determine the applicant's moral character and other personal characteristics and, if necessary and with the consent of the person being questioned, take his or her statement in writing;

3) verify whether the person specified in the personal data form has been punished for an intentionally committed criminal offence, whether the person has been sentenced to imprisonment or whether he or she is a suspect or accused in criminal proceedings;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

4) verify personal data from the database of the state, local government or another legal person in public law or legal person in private law.

(4) The authority or person who has received an inquiry specified in subsection (3) of this section shall reply to the inquiry immediately but within ten working days at the latest as of the receipt of the inquiry.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(5) The provisions of this section shall extend also to a person who is applying for acceptance to vocational education studies or professional higher education studies in the specialty of the police or border guard, or for the position of a police officer in an institution of professional higher education for public defence. Personal data for deciding on the suitability for police service of the said person shall be collected by the Police and Border Guard Board.

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

§ 43. Appointment of police officer to position

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) A police officer shall be employed in service by appointment to position.

(2) The Director General of the Police and Border Guard Board shall be appointed to position for a term of five years by the Government of the Republic on the proposal of the minister responsible for the field after having heard the opinion of the Legal Affairs Committee of the Riigikogu.

(3) As the Director General of the Police and Border Guard Board may be appointed a person who has long-term experience in heading a large organisation or long-term managerial experience in the Ministry of the Interior, the Ministry of Justice, the Ministry of Defence, the Police and Border Guard Board, the Estonian Internal Security Service, the Information Board, the Rescue Board, the Tax and Customs Board, the Prosecutor's Office, the prison service or a court.

[RT I, 31.12.2012, 4 – entry into force 01.01.2013]

(4) The Director General of the Estonian Internal Security Service shall be appointed to position for a term of five years by the Government of the Republic on the proposal of the minister responsible for the field after having heard the opinion of the Legal Affairs Committee of the Riigikogu and of the Security Authorities Surveillance Select Committee of the Riigikogu.

(5) As the Director General of the Estonian Internal Security Service may be appointed a person who has been employed, prior to the appointment to position, for at least three years as the Director General, a Deputy Director General or the head of a structural unit of the Police and Border Guard Board or the Estonian Internal Security Service or the head of a surveillance authority, or as the Secretary General, a Deputy Secretary General or the head of a structural unit of the Ministry of the Interior, or as the head, deputy head or a head of department of a government authority within the area of government of the Ministry of the Interior, or as a foreman of a court, as a leading prosecutor, as a leading public prosecutor or as the Prosecutor General or for at least five years as the head or deputy head of another state authority.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(6) The Deputy Director Generals of the Estonian Internal Security Service shall be appointed to position by the minister responsible for the field on the proposal of the Director General of the Estonian Internal Security Service. Other police officers of the Estonian Internal Security Service shall be appointed to position by the Director General of the Estonian Internal Security Service.

(7) As a Deputy Director General and a prefect of the Police and Border Guard Board shall be appointed to position by the minister responsible for the field on the proposal of the Director General of the Police and Border Guard Board. The head of the structural unit training police officers of an institution of professional higher education for public defence shall be appointed to position by the minister responsible for the field on

the proposal of the rector of the Estonian Academy of Security Sciences after having heard the opinion of the Director General of the Police and Border Guard Board.

(8) As a Deputy Director General or a prefect of the Police and Border Guard Board may be appointed a person who has been employed as a Deputy Director General of the Estonian Internal Security Service, as the head of a bureau of the Police and Border Guard Board, as the head, deputy head or a head of department of a government authority within the area of government of the Ministry of the Interior or as a prefect or as the head of a local authority, having executive power, of a government authority, or as the Secretary General, a Deputy Secretary General or the head of a structural unit of the Ministry of the Interior, or for at least three years as a judge, as a prosecutor, as the head or a head of department of a government authority within the area of government of the Ministry of Justice or the Ministry of Defence.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(9) The head of a bureau of the Police and Border Guard Board shall be appointed to position by the Director General of the Police and Border Guard Board.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(10) A person graduating from an institution of professional higher education for public defence in the specialty of the police or border guard shall be appointed to position by the person having the right to appoint to office.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(11) Police officers of an institution of professional higher education for public defence, except for the head of the structural unit training police officers of an institution of professional higher education for public defence, shall be appointed to position by the rector of the Estonian Academy of Security Sciences on the proposal of the head of the structural unit training police officers of an institution of professional higher education for public defence.

(12) A police officer may be appointed to position without public competition.

§ 44. Term of service

(1) A police officer shall be appointed to a vacant position on the staff of an authority for an unspecified term, except in the cases provided for in subsection (2) of this section.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(2) The following shall be appointed to position for a specified term:

1) the Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service – for five years;

2) a prefect, the head of a regional department of the Estonian Internal Security Service and the head of the structural unit training police officers of an institution of professional higher education for public defence – for five years;

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

3) a faculty member of an institution of professional higher education for public defence who is a police officer – for up to five years.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) The following may be appointed to position for a specified term:

1) a police officer who has other higher education or vocational education but who lacks professional training – for the term prescribed for completing professional training;

2) a police officer who does not have professional education or other higher or vocational education, to a position of a specialist – for the term of obtaining professional higher or vocational education;

3) a police officer – for the term of performing a function of temporary nature; and a cadet – for the term of practical training.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) Term of service shall be calculated in months and years.

§ 45. Oath of police officer

(1) A person entering the police service for the first time shall take the following oath of office:

“Upon entry into the police service, I, (given name and surname), shall take an oath to be loyal to the constitutional order of Estonia, comply unwaveringly with legislation and use the authority given to me in a just and impartial manner, and perform the duties in an honest and conscientious manner.”

(2) The oath of office shall be administered by the minister responsible for the field or the Director General of the Police and Border Guard Board or an official authorised thereby or the Director General of the Estonian Internal Security Service or an official authorised thereby.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

- (3) The oath of office shall be taken in a festive manner under the national flag.
- (4) The police officer taking the oath of office shall read out the oath of office and sign the text of the oath of office.
- (5) The signed oath of office shall be preserved together with the service record.
- (6) A cadet shall take the oath of office before the first practical training.

§ 45¹. Fingerprinting of police officer and taking of DNA sample from him or her

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) A police officer servicing scenes of event or a police officer who comes into contact with objects of analysis or examination shall be fingerprinted and a DNA sample shall be taken from him or her for the purposes of eliminating the traces left by the police officer on objects of analysis or examination.

(2) A list of positions where the police officer shall be fingerprinted and from whom a DNA sample shall be taken shall be established by a directive of the Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(3) The information obtained upon fingerprinting a police officer shall be entered in the national fingerprint database and the information obtained as a result of analysing a DNA sample taken from him or her shall be entered in the national DNA register.

(4) The information obtained as a result of fingerprinting a police officer and analysing his or her DNA sample shall be deleted from the national databases after three years have passed from the release of the police officer from the police service. The Police and Border Guard Board and the Estonian Internal Security Service shall notify the Estonian Forensic Science Institute of the need to delete from the national databases the information concerning the police officer.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(5) The procedure for fingerprinting a police officer and taking a police officer's DNA sample and forwarding the information obtained in fingerprinting to the national fingerprint database and DNA samples to the national DNA register under this section shall be established by the minister responsible for the field by a regulation.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 46. Service record of police officer

(1) A service record shall be kept with regard to a police officer wherein the following information shall be entered:

- 1) given name and surname;
- 2) personal identification code;
- 3) date and place of birth;
- 4) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 5) education and area of specialisation;
- 6) [repealed – RT I, 19.03.2015, 2 – entry into force 29.03.2015]
- 7) date and place of taking of the oath of office;
- 8) length of the police service;
- 9) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 10) grant of and change in service rank;
- 11) career, including the basis for release from position with reference to the section, subsection and clause of the applicable Act;
- 12) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 13) incentives, including information concerning bestowal of national decorations;
- 14) disciplinary punishments and deletion thereof.
- 15) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 16) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 17) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

(2) The procedure for keeping the service record of a police officer shall be established by the minister responsible for the field by a regulation.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 47. Formalising appointment to position

(1) An administrative act by which a police officer is appointed to position shall include at least the following information:

- 1) given name, surname and personal identification code of the person being appointed to position;
- 2) name of the authority where the person shall be employed in service;
- 3) service rank of the person being appointed to position;

- 4) office;
 - 5) authorisation for exercising official authority with reference to the provision serving as the basis thereof or to a function of exercise of official authority specified in the Civil Service Act;
 - 6) salary and additional remuneration;
 - 7) date of assumption of office;
 - 8) term of service in case of appointment to position for a specified term;
 - 9) duration of period of probation in case of application thereof;
 - 10) workload in case of part-time work;
 - 11) length of police service or absence thereof as at the date of appointment to position;
 - 12) reference to challenge.
- [RT I, 06.07.2012, 1 – entry into force 01.04.2013]

Division 3

Positions and Service Ranks thereof

[RT I, 22.03.2011, 1 - entry into force 01.01.2012]

§ 48. Positions and service ranks

- (1) Positions shall be positions of a specialist and positions of an executive officer.
 - (2) The positions of a specialist in ascending order are:
 - 1) position of a Junior Specialist;
 - 2) position of a Senior Specialist;
 - 3) position of a Leading Specialist; and
 - 4) position of a Chief Specialist.
 - (3) The service ranks in ascending order are:
 - 1) Junior Constable, Junior Assistant, Junior Inspector;
 - 2) Constable, Assistant, Inspector, Junior Warrant Officer;
 - 3) Senior Constable, Senior Assistant, Senior Inspector, Warrant Officer;
 - 4) Chief Constable, Chief Assistant, Chief Inspector, Senior Warrant Officer;
 - 5) Superintendent, Chief Warrant Officer;
 - 6) Senior Superintendent;
 - 7) Police Lieutenant;
 - 8) Police Captain;
 - 9) Police Major;
 - 10) Police Lieutenant Colonel;
 - 11) Police Colonel;
 - 12) Inspector General of Police; and
 - 13) Police General.
 - (4) The service rank of a Junior Warrant Officer, Warrant Officer, Senior Warrant Officer and Chief Warrant Officer is the service rank of the position of a specialist only on vessels.
 - (5) The service rank of a Junior Assistant, Assistant, Senior Assistant and Chief Assistant is only the service rank of the position of a specialist of the Estonian Internal Security Service.
- [RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 49. Service ranks of position of specialist

- (1) The service ranks of the position of a Junior Specialist are:
 - 1) Junior Constable, Junior Assistant, Junior Inspector;
 - 2) Constable, Assistant, Inspector, Junior Warrant Officer; and
 - 3) Senior Constable, Senior Assistant, Senior Inspector, Warrant Officer.
- (2) The service ranks of the position of a Senior Specialist are:
 - 1) Constable, Assistant, Inspector, Junior Warrant Officer;
 - 2) Senior Constable, Senior Assistant, Senior Inspector, Warrant Officer;
 - 3) Chief Constable, Chief Assistant, Chief Inspector, Senior Warrant Officer;
 - 4) Superintendent, Chief Warrant Officer; and
 - 5) Senior Superintendent.
- (3) The service ranks of the position of a Leading Specialist are:
 - 1) Superintendent, Chief Warrant Officer;
 - 2) Senior Superintendent;
 - 3) Police Lieutenant; and

4) Police Captain.

(4) The service ranks of the position of a Chief Specialist are:

- 1) Senior Superintendent;
- 2) Police Lieutenant;
- 3) Police Captain;
- 4) Police Major; and
- 5) Police Lieutenant Colonel.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 50. Service ranks of position of executive officer

(1) The service ranks of the position of the head of a structural unit of the Police and Border Guard Board and the Estonian Internal Security Service not specified in subsections (2) to (4) of this section are:

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

- 1) Senior Superintendent;
- 2) Police Lieutenant;
- 3) Police Captain;
- 4) Police Major; and
- 5) Police Lieutenant Colonel.

(2) The service ranks of the position of the head of a structural unit of a bureau of the Police and Border Guard Board (except for the head of a structural unit of a bureau of a prefecture), of the head of a structural unit of an aviation group, of the head of a bureau of a prefecture, of the head of a police station and of the head of a structural unit of a regional department of the Estonian Internal Security Service are:

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

- 1) Police Captain;
- 2) Police Major; and
- 3) Police Lieutenant Colonel.

(3) The service ranks of a prefect, of the head of a structural unit of the Estonian Internal Security Service, of the head of a bureau of the Police and Border Guard Board and of an aviation group, and of the head of the structural unit training police officers of an institution of professional higher education for public defence are:

- 1) Police Major;
- 2) Police Lieutenant Colonel; and
- 3) Police Colonel.

(4) The service ranks of a Deputy Director General of the Police and Border Guard Board and of a Deputy Director General of the Estonian Internal Security Service are:

- 1) Police Lieutenant Colonel;
- 2) Police Colonel; and
- 3) Inspector General of Police.

(5) The service ranks of the Director General of the Police and Border Guard Board and of the Director General of the Estonian Internal Security Service are:

- 1) Police Colonel;
- 2) Inspector General of Police; and
- 3) Police General.

(6) The service ranks of the position of a deputy executive officer are the same as the service ranks of the position of an executive officer.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

Division 4

Service Ranks of Police Officer, and Appointment and Transfer to Position

[RT I, 22.03.2011, 1 - entry into force 01.01.2012]

§ 51. Grant of service rank upon appointment to position upon employment in police service

(1) Upon appointment to position upon employment in the police service, a police officer shall be granted, in general, the service rank which is the lowest of the service ranks of the relevant position.

(2) If upon employment in the police service, to a position shall be appointed a person who has been employed in the police service and who has been granted a service rank on the basis of this Act or who has been promoted in his or her service rank and whose service rank of a police officer is higher than the lowest service rank of that position, he or she shall, in general, resume the police service with the current service rank.

(3) Upon appointment to position upon employment in the police service, a police officer may be granted a service rank higher than the lowest service rank of that position if it arises from the nature of the service and is necessary for the performance of functions in that position.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 52. Change in service rank

Change in a service rank is promotion or demotion in the service rank.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 53. Promotion in service rank of police officer

(1) Promotion in the service rank of a police officer is grant of a higher service rank than the current service rank to the police officer.

(2) The conditions of promotion in the service rank of a police officer shall be the following:

- 1) the police officer has obtained the education corresponding to the necessary level;
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]
- 2) the police officer has met the requirements for professional qualification of a police officer; and
- 3) the service of the police officer is impeccable.

(3) A police officer may be promoted in the service rank if:

- 1) he or she has fulfilled the conditions of promotion in the service rank;
- 2) the service ranks of the position enable promotion; and
- 3) the period of service for his or her service rank has expired.

(4) In general, a police officer shall be promoted in the service rank by one rank.

(5) A police officer may be promoted in the service rank by more than one service rank if it arises from the nature of the service and is necessary for the performance of functions in that position.

(6) A police officer may be promoted in the service rank regardless of the expiry of the period of service for the service rank if it arises from the nature of the service and is necessary for the performance of functions in that position.

(7) A police officer may be promoted in the service rank up to the highest service rank of his or her position.

(7¹) A police officer appointed to or employed in a position in an international organisation or a position created within the framework of international cooperation or participating in an international civil mission may be promoted in service rank regardless of subsections (2) to (7) and (8) of this section for the duration of his or her service or employment in the position in the international organisation or in the position created within the framework of international cooperation or participation in the international civil mission if it is necessary for the performance of functions or duties.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(8) A police officer shall not be promoted in the service rank during the time the police officer is serving a disciplinary punishment.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 54. Period of service for service rank

(1) The period of service for a rank is:

- 1) three years from the service rank of a Junior Constable, Junior Assistant and Junior Inspector to the service rank of a Police Captain, and
- 2) four years from the service rank of a Police Major to the service rank of a Police General.

(2) The period of service for a rank shall be calculated from the date determined in the directive granting a service rank or directive of promotion in service rank.

(3) The period of service for a rank shall include the time when the right of the police officer to exercise public authority was suspended.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) The period of service for a rank shall not include the time when the police officer was demoted in service rank.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

(5) The period of temporary promotion in service rank shall be included in the period of service for a rank of the police officer before the temporary promotion in service rank.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 55. Demotion in service rank of police officer

(1) Demotion in the service rank of a police officer is grant of the next service rank in descending order after the current service rank to a police officer.

(2) A police officer may be demoted in service rank only as a disciplinary punishment.

(3) The service rank shall be restored after the passing of one year from the demotion in service rank.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 56. Competence to grant service rank of police officer and to change service rank

(1) The minister responsible for the field shall grant and change the service ranks of police officers who are appointed to office by the Government of the Republic or the minister responsible for the field.

(2) The service ranks of police officers not specified in subsection (1) of this section shall be granted and changed by the Director General of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service and the rector of an institution of professional higher education for public defence, respectively, unless otherwise prescribed by this Act.

(3) In the situation referred to in subsection 51 (1) of this Act, the service rank shall be granted by a person who has the right to appoint to office.

(4) If pursuant to subsection 51 (3) of this Act it is justified to grant to a police officer upon his or her appointment to position upon employment in the police service a service rank higher than the lowest service rank of that position, then that service rank shall be granted to the police officer by the Director General of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service or the rector of an institution of professional higher education for public defence, respectively.

(5) If pursuant to subsection 53 (5) or subsection 58 (3) of this Act it is justified to promote a police officer in the service rank by more than one service rank at a time, the police officer shall be promoted in the service rank by the Director General of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service or the rector of an institution of professional higher education for public defence, respectively.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 57. Transfer to position without police officer's consent

(1) A police officer may be transferred without his or her consent in the same authority to such a position, one service rank of which corresponds to his or her service rank of a police officer if it does not bring about a change in his or her place of residence.

(2) A police officer in the position of a specialist may be transferred on the conditions specified in subsection (1) of this section to a position which is not lower by more than one position from the police officer's current position in the list provided for in subsection 48 (2) of this Act.

(3) A police officer in the position of an executive officer may be transferred on the conditions specified in subsection (1) of this section only to a position of an executive officer, of a Chief Specialist or of a Leading Specialist.

(4) The person having the right to transfer shall be required to notify the police officer of the transfer to another position without his or her consent in writing at least one month in advance.

(5) A police officer who was transferred shall be paid his or her former wages if the wages in the new position is lower than his or her former wages.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 58. Transfer to position with police officer's consent

(1) A police officer may be transferred to a position, the service rank of which does not correspond to his or her service rank of a police officer only with his or her consent.

(2) If a police officer is transferred to a position, the lowest service rank of which is higher than his or her service rank of a police officer, his or her service rank of a police officer shall, in general, remain the same and he or she shall be promoted in the service rank pursuant to the general procedure.

(3) If a police officer is transferred to a position, the lowest service rank of which is higher than his or her service rank of a police officer, the police officer may be promoted in the service rank, irrespective of the period

of service for his or her current service rank, to meet the lowest service rank of that position or a higher service rank if it arises from the nature of the service and is necessary for the performance of functions in that position.

(4) If a police officer is transferred to a position, the highest service rank of which is lower than his or her service rank of a police officer, the police officer shall not be demoted in the service rank, but the latter will remain the same.

(5) An official who has been employed in service in the position of the head of a structural unit in the Police and Border Guard Board, in the Estonian Internal Security Service or of the structural unit training police officers of an institution of professional higher education for public defence may be appointed or transferred only to the position of an executive officer, of a Chief Specialist or of a Leading Specialist.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 59. Level of professional qualification of position

[Repealed – RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 60. Legal status of cadet

(1) For the duration of practical training, a cadet shall be appointed to the position of a non-staff police officer under clause 44 (3) 3) of this Act. During practical training, sections 44, 45, 48–51 and 53–60 of the Civil Service Act, Chapter 2¹ of this Act and Chapter 5 of the Law Enforcement Act as well as sections 71, 74, 76–78¹ and 83–92 of this Act shall be extended to the cadet.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(2) Social guarantees, rights and liability pursuant to Chapter 2¹ of this Act and Chapter 5 of the Law Enforcement Act, sections 71, 74, 76–78¹ and 83–92 of this Act and section 49 of the Civil Service Act prescribed for a police officer shall be extended to the cadet if he or she was involved by an administrative act or if he or she commenced on his or her own initiative or at the request of a victim performance of functions of the police.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(3) The basis for calculating the benefit prescribed in subsections 49 (7) and (10) of the Civil Service Act shall be the salary rate corresponding to the first salary grade of a police officer applicable on the date the cadet was killed or injured.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(4) A cadet shall be paid a scholarship, including during practical training. No remuneration shall be paid for the period of practical training. The amount of scholarship and the terms and conditions and the procedure for the payment thereof shall be established by the minister responsible for the field by a regulation.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 61. Police officer guarantees of police officer working and studying in institution of professional higher education for public defence

(1) [Repealed – RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) A police officer who is in the service in an institution of professional higher education for public defence for a specified period of time shall, upon the expiry of the period of time, resume his or her police service in the position in which he or she served prior to the appointment to the position of a police officer in the institution of professional higher education for public defence, or he or she shall be transferred to a position, one service rank of which corresponds to his or her service rank of a police officer.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) For the transfer specified in subsection (2) of this section to a position, one service rank of which corresponds to the police officer's service rank of a police officer, the consent of the police officer is not required.

(4) The right of a police officer referred to full-time studies in an institution of professional higher education for public defence in the specialty of the police or border guard to exercise public authority shall be suspended for the duration of the studies and his or her wages of a police officer shall be retained during the studies.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 62. Performance of functions of absent police officer

(1) The Director General of the Police and Border Guard Board or a person provided for in the statutes of the Police and Border Guard Board or the Director General of the Estonian Internal Security Service may

impose for up to six months but not for longer than two consecutive terms the functions of a temporarily absent police officer or of a vacant position of a police officer on another police officer, releasing the latter from the performance of his or her functions.

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

(2) The functions of a temporarily absent police officer or of a vacant position of a police officer may be imposed on a police officer under subsection (1) of this section for more than two months in a calendar year only with his or her written consent.

(3) A police officer who is substituting an absent police officer under subsection (1) of this section shall be paid the degree of wages and the service rank remuneration of the position of the absent police officer which the substitute is entitled to. If the degree of wages of the absent police officer is lower than the degree of wages of the substitute, the current wages of the substitute shall be retained.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

Division 4¹

Employment in Service and Employment in another Authority and International Organisation

[RT I, 22.03.2011, 1 - entry into force 01.01.2012]

§ 63. Police officer's appointment to and employment in another position in governmental authority, in authority administered by governmental authority and in international organisation

(1) A police officer may, with his or her consent, be appointed to or employed in a position in a governmental authority, in an authority administered by a governmental authority or in an international organisation, or appointed to or employed in a position created within the framework of international cooperation, including participation in an international civil mission, which requires professional training of a police officer but is not a position of a police officer (hereinafter in this Division *another position*). Another position within the meaning of this Division shall also be a position in a governmental authority, in an authority administered by a governmental authority or in an international organisation, or a position created within the framework of international cooperation, which requires professional training of a police officer but is not a position of a police officer if the police officer has been transferred thereto during service or employment in the host authority.

(2) An authority where the right of the police officer to exercise public authority is suspended in connection with employment in service or employment in a position in a governmental authority, in an authority administered by a governmental authority or in an international organisation, or employment in service or employment in a position created within the framework of international cooperation shall be, within the meaning of this Division, a posting authority (hereinafter in this Division *posting authority*).

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) A governmental authority, an authority administered by a governmental authority or an international organisation where the police officer is employed or is employed in service in another position shall be, within the meaning of this Division, a host authority (hereinafter in this Division *host authority*).

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 64. Term of service and employment of police officer in host authority in another position

(1) The term of service and employment of a police officer in a host authority in another position shall be subject to subsection 33 (4) of the Civil Service Act, unless otherwise provided by this Act.

(2) The term of service of a police officer appointed to or employed in a position in an international organisation or a position created within the framework of international cooperation or participating in an international civil mission may be extended more than once if it is necessary for the performance of functions or duties.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 65. Suspension of right of police officer to exercise public authority in connection with appointment to or employment in another position in host authority

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) In case a police officer is appointed to or employed in another position, his or her right to exercise public authority shall be suspended until the police officer returns to his or her position or is released from the police service.

(2) In case of appointment of a police officer to position or employment in another position, the police officer may be transferred, prior to the suspension of his or her right to exercise public authority and without his or her consent, within the same authority to a position of a posted police officer.

(3) A position of a posted police officer within the meaning of this Act shall be a position of a police officer within the posts of the authority which a police officer shall be appointed to for the term of service or employment in a host authority.

(4) If the structure of the posting authority lacks a position of a posted police officer which corresponds to the police officer's current position in the posting authority and is a position of the same level, the police officer shall not be released from his or her current position and his or her right to exercise public authority in his or her current position shall be suspended.

(5) In the case the right of a police officer involved in an international civil mission to exercise public authority is suspended, the police officer will still have the right to use his or her identification in the host authority and carry a service weapon and wear a uniform if it is necessary for the performance of the mission tasks.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 66. Organisation of suspension of police officer's right to exercise public authority in relation to appointment to another position and employment in host authority

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) In case a police officer is posted to another position, the host authority shall appoint the police officer to position or employ him or her, and the posting authority shall suspend his or her right to exercise public authority until the expiry of the term of his or her employment in the other position.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) The posting authority shall have a right to refuse to suspend the right of the police officer to exercise public authority.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) Subsection (2) of this section shall not be applied if the host authority is the Ministry of the Interior.

(4) [Repealed – RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 67. Specifications of organisation of police officer's holiday

(1) If a police officer's right to exercise public authority is suspended in connection with appointment to or employment in another position in a host authority, his or her unused annual holiday shall be compensated for in money upon the suspension of the right to exercise public authority.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(2) If a police officer's right to exercise public authority has been suspended in connection with appointment to or employment in another position in a host authority, the period of the suspension of the right to exercise public authority shall not be included in the period of service for which the police officer is entitled to annual and additional holiday.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 67¹. Police officer's legal status during service and employment in another position in host authority

(1) A police officer whose right to exercise public authority has been suspended in connection with appointment to position or employment in another position in a host authority shall be a police officer, and the regulatory framework applicable to a police officer shall be applied with regard to him or her, taking account of the specifications arising from this Act and the nature of suspension of the right to exercise public authority.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) Divisions 6 and 7 of Chapter 5 of this Act and clauses 1) and 2) of section 86 and sections 87–92 of this Act shall not be applicable with regard to a police officer appointed to or employed in another position, unless otherwise provided for in this Act.

(3) The provisions of sections 74 of this Act and 49 of the Civil Service Act shall be applied with regard to a police officer appointed to or employed in a position in an international organisation or in a position created within the framework of international cooperation.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(4) Clause 3) of section 86 of this Act shall be applied with regard to a police officer serving or employed in another position in a host authority, and a corresponding disciplinary offence committed by him or her while serving or being employed in the host authority shall be deemed a disciplinary offence committed by a police officer.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67². Organisation of service and employment of police officer in host authority

The regulatory framework applicable with regard to an official or employee of a host authority shall be applied with regard to the organisation of the service or employment of a police officer in the host authority, including with regard to his or her transfer from one position to another.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67³. Police officer's salary in another position in host authority

(1) A police officer whose right to exercise public authority has been suspended in connection with appointment to or employment in another position in a host authority shall be paid by the host authority at the request of the police officer a salary equal to his or her last salary of a position of a police officer.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) The provisions of this section shall not be applied if the host authority is an international organisation, the wages management of which does not enable the application of the provisions of this section.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67⁴. Change in service rank of police officer serving or employed in another position in host authority

(1) The provisions of Division 3 of Chapter 5 of this Act shall be applied with regard to a police officer appointed to or employed in another position, taking account of the specifications provided for in this section.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) While serving or being employed in another position in a host authority, the condition specified in clause 53 (2) 1) of this Act that the official shall have obtained the education corresponding to the necessary level, and the condition specified in clause (2) 2) of the same section that the police officer shall have met the requirements for professional qualification of a police officer shall be comprehended as requirements specified for the position in which the official serves or is employed in the host authority, and the corresponding requirements for the position of a police officer shall not be applied with regard to him or her.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) A condition for promotion in service rank shall not be the condition specified in clause 53 (3) 2) of this Act that the service rank approved for a position of a police officer in a posting authority or host authority enables promotion, but a police officer serving or being employed in a host authority may also be promoted in service rank in case his or her position of a police officer in which his or her right to exercise public authority has been suspended or from which he or she was transferred to the position of a posted police officer does not enable promotion.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) The Director General of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service and the rector of an institution of professional higher education for public defence, respectively, shall have the right to change the service rank of a police officer serving or being employed in another position in a host authority, unless otherwise prescribed by this Act.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(5) [Repealed – RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(5¹) The minister responsible for the field shall have the right to change the service rank of a police officer serving or being employed in the Ministry of the Interior.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(6) [Repealed – RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(7) Considering the nature of the functions of a police officer serving or being employed in the Ministry of the Interior, the minister responsible for the field may establish, by a directive, the highest service rank to which a police officer appointed to the relevant position or employment may be promoted in service rank.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 67⁵. Change in service rank of police officer and border guard official released from police service and border guard service prior to entry into force of this Act

(1) The provisions of Division 3 of Chapter 5 and section 67⁴ of this Act shall be applied with regard to an official who was released from the police service under section 18¹ or section 52 of the Police Service Act or under section 15¹ of the Security Authorities Act, and with regard to an official who was released from the border guard service under section 35 of the Border Guard Service Act, taking account of the specifications provided for in this section, if the official is still in service in that government authority or international organisation, in connection with appointment to which he or she was released from the police service or border guard service.

(2) The title of office of police officer or the border guard rank of border guard official of an official released from the police service or border guard service shall be deemed to correspond to the service rank of a police officer pursuant to the provisions of this Act.

(3) The period of service for the service rank of an official specified in subsection 1 of this section shall be calculated from the grant of his or her last title of office in the police service or from the grant of his or her last border guard rank in the border guard service.

(4) The period of service in that government authority or international organisation, in connection with appointment to which the official was released from the police service or border guard service shall be included in his or her period of service for the service rank of a police officer.

(5) An official appointed to a position in an international organisation or to a position or employment created within the framework of international cooperation may be promoted in service rank also in case he or she has been released from the police service or border guard service and he or she has been granted a pension on the basis of this Act, the Police Service Act, the Border Guard Service Act or the Defence Forces Service Act.

(6) In the case provided for in subsection (5) of this section, the grant of or promotion in service rank after the grant of a pension shall not affect the amount of the pension, and the decision on grant of pension shall not be reviewed.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67⁶. Release of police officer from another position and cancellation of employment contract prior to expiry of term

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

A host authority may release a police officer from position or cancel his or her employment contract before the prescribed term by notifying the police officer and the authority which posted the police officer at least three months in advance, in general.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 67⁷. Resumption of police officer's right to exercise public authority in connection with release from another position

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) Upon the release of a police officer from the service or employment in a host authority, the police officer shall resume the police service in the posting authority or in another authority in a position of a police officer.

(2) If in the posting authority the police officer was transferred for the duration of the suspension of the right to exercise public authority to a position of a posted police officer, the posting authority shall transfer him or her to a position, one service rank of which corresponds to his or her service rank of a police officer. If the transfer to another position brings about a change in the police officer's place of residence, the police officer's consent is required for the transfer.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) If the posting authority lacks a position, one service rank of which corresponds to the police officer's service rank, the police officer shall resume the police service in the position of a posted police officer until such a position becomes vacant or until he or she is transferred to a higher position in the posting authority.

(4) In case a position, one service rank of which corresponds to the police officer's service rank becomes vacant in the posting authority, the police officer shall be entitled to transfer to that position, except to a position of an executive officer.

(5) Only in the case the police officer's right to exercise public authority was suspended in the position of an executive officer or he or she was transferred to a position of a posted police officer from the position of an executive officer, he or she shall be entitled to a position of an executive officer of the same level.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(6) If several police officers are entitled to transfer to the same position under subsection (4) or (5) of this section and they wish to assume that position, the transfer shall be decided by the authority.

(7) Upon a police officer's release from service or employment in a host authority, the police officer may be transferred with his or her consent to another authority to a position of a police officer.

(8) A police officer shall not be entitled to transfer or employment in service in a vacant position, one service rank of which corresponds to the police officer's service rank, or to a higher or lower position in another authority.

(9) The provisions of sections 57 and 58 shall be applied with regard to transfer to a vacant position provided for in this section.

(10) The provisions of this section shall be applied also with regard to an official who was released from the police service under sections 18¹ or 52 of the Police Service Act or under section 15¹ of the Security Authorities Act, and with regard to an official who was released from the border guard service under section 35 of the Border Guard Service Act if he or she is released from the service in that government authority or international organisation, in connection with appointment to which he or she was released from the police service or the border guard service, in connection with resumption of the police service.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67⁸. Transfer of police officer from one host authority to another

(1) Upon a police officer's release from service or employment in a host authority, the police officer may, with his or her consent, be appointed to or employed in a position in another authority which requires the professional training of a police officer but is not a position of a police officer.

(2) In the case provided for in subsection (1) of this section, the authority where the police officer's right to exercise public authority has been suspended shall still be regarded as a posting authority and the authority in which the police officer is appointed to another position as a host authority.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) In the case provided for in subsection (1) of this section, the service or employment in another position in both host authorities shall be deemed uninterrupted service or employment in a host authority in another position.

(4) The provisions of this section shall be applied also with regard to an official who was released from the police service under sections 18¹ or 52 of the Police Service Act or under section 15¹ of the Security Authorities Act, and with regard to an official who was released from the border guard service under section 35 of the Border Guard Service Act if he or she is released from the service in that government authority or international organisation, in connection with appointment to which he or she was released from the police service or the border guard service, in connection with appointment to another position in another authority.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67⁹. Specification upon acting as undercover agent and police agent

A police officer acting as an undercover agent or a police agent shall not bring about the suspension of his or her right to exercise public authority or his or her release from the position of a police officer, and the tasks performed by him or her as an undercover agent or a police agent shall be deemed functions.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 67¹⁰. Specification of calculation of period of service in case of service in Government Office or Ministry of the Interior

(1) The period of service in a position of a higher and senior official related to coordination of the work of security authorities in the Government Office or in a position of a higher or senior official in the Ministry of the Interior shall be included in the period of service of the position in which the police officer was employed prior to the appointment to the relevant position in the Government Office or the Ministry of the Interior.

(2) The guarantee specified in subsection (1) of this section shall be valid with regard to a person specified in that subsection as long as his or her period of service in a position of a higher and senior official related to coordination of the work of security authorities in the Government Office or in a position of a higher or senior official in the Ministry of the Interior has not been interrupted.

(3) The guarantee specified in subsection (1) of this section shall be extended to police officers who were released from the police service in connection with appointment to a position of a higher and senior official related to coordination of the work of the security authorities in the Government Office or in a position of a higher or senior official in the Ministry of the Interior prior to the entry into force of this Act.
[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 67¹¹. Competence

The competence to issue the administrative acts and take the administrative measures provided for in sections 63–67 and 67¹–67¹⁰ of this Act shall lie with the person entitled to appoint to that position in the relevant authority.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

Division 5

Restrictions on Service and Reimbursement of Training Expenses

§ 68. Restrictions on service

A police officer may not be a member of a political party.
[RT I, 29.06.2012, 1 – entry into force 01.04.2013]

§ 69. Reimbursement of training expenses

[Repealed – RT I, 19.03.2015, 2 – entry into force 29.03.2015]

Division 6

Wages, Additional Remuneration, Benefits and Compensations

§ 70. Wages of police officer

(1) The wages of a police officer shall be salary together with additional remuneration provided by law and additional remuneration paid pursuant to law.

(2) The salary of a police officer shall be a degree of wages together with service rank remuneration.

(3) The degree of wages of a police officer shall be the salary rate corresponding to the salary grade of a position and established on the basis of subsection (6) of this section or differentiated on the basis thereof.
[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

| Position | | Salary grade |
|----------|--|--------------|
| 1) | DirectorGeneral of the Police and Border Guard Board, Director General of the EstonianInternal Security Service | 16–17 |
| 2) | DeputyDirector General of the Police and Border Guard Board, Deputy DirectorGeneral of the Estonian Internal Security Service | 15–16 |
| 3) | Positionof a prefect, head of a structural unit of the Estonian Internal SecurityService, head of a bureau of the Police and Border Guard Board, head of anaviation group, and head of the structural unit training police officers ofan institution of professional higher education for public defence | 13–16 |
| 4) | Positionof a head of a structural unit of a bureau of the Police and Border GuardBoard and within an aviation group, head of a bureau of a prefecture, andhead of a structural unit of a regional department of the Estonian InternalSecurity Service | 9–15 |
| 5) | Positionof an executive officer specified in subsection 50 (1) of this Act | 7–14 |
| 6) | ChiefSpecialist | 9–15 |
| 7) | LeadingSpecialist | 7–14 |
| 8) | SeniorSpecialist | 3–9 |
| 9) | JuniorSpecialist | 1–5 |

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

(4) A police officer shall be paid service rank remuneration according to the police officer's service rank.

(5) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(6) The minister responsible for the field shall establish by a regulation the salary rates corresponding to the salary grades of police officers, the bases for differentiation, the amount of the service rank remuneration and the bases for and the extent of the payment of additional remuneration to police officers.
[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(6¹) The minister responsible for the field shall establish a salary guide for police officers which shall prescribe the procedure for the payment and determination of wages, including the procedure for the calculation of remuneration paid for the performance of functions at night-time and on a national holiday, for overtime work and for on-call time.
[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(7) The wages of a police officer shall be determined by the Director General of the Police and Border Guard Board or a person provided for in the statutes of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service or the rector of an institution of professional higher education for public defence by a directive.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(8) The wages of the Director General of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service, a Deputy Director General of the Police and Border Guard Board, a Deputy Director General of the Estonian Internal Security Service and a prefect shall be determined by the minister responsible for the field.

§ 71. Medical surveillance of police officer and health care

(1) The purposes of medical surveillance of a police officer are the discovery of health disorders arising from the service, reduction and prevention of health risks, and establishment of the absence of health disorders hindering the performance of obligations imposed on the police.

(2) The medical surveillance of a police officer, medical examination related to service and vaccination, also the medical surveillance of a person applying for employment in the police service or acceptance to studies in the specialty of a police officer shall be guaranteed from the state budget funds.

(3) The medical surveillance of a police officer shall be organised and the medical certificates shall be issued by an occupational health doctor, involving medical specialist, if necessary.

(4) The requirements for health of a police officer and the procedure for the medical surveillance and the content and form of the medical certificate shall be established by the Government of the Republic by a regulation.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 72. Compensation for travel expenses

[Repealed – RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 73. Compensation upon transfer of police officer to another position

(1) Upon a police officer's transfer or appointment to another position of a police officer if it brings about a change in his or her place of residence, the travel expenses and the costs of transport of property and the moving costs related to the relocation of the police officer and his or her family members shall be compensated for.

(2) The extent of and the procedure for compensating the costs specified in subsection (1) of this section shall be established by the Government of the Republic by a regulation.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 74. Compensation for proprietary damage

(1) Direct proprietary damage caused to a police officer or his or her family members due to the performance of the functions of a police officer shall be compensated for by the state. The damages shall be claimed from the person at fault by way of recourse.

(2) The terms and conditions of and the procedure for compensating for proprietary damage shall be established by the Government of the Republic by a regulation.

§ 75. Compensation in case police officer is killed or incapacitated for work in connection with performance of his or her functions

[Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

Division 7

Working and Rest Time of Police Officer

§ 76. Working time of police officer

(1) The working and rest time of a police officer shall be determined on the basis of the Civil Service Act, taking account of the specifications provided for in this Act.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(1¹) The restrictions provided for in § 41 (1) of the Civil Service Act are not applied to a police officer provided working does not harm the health or safety of the police officer.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) On board a water craft, the rest period of a police officer between working shifts within any 24 hour period may be divided into two parts, one of which shall be at least six hours long, provided working does not harm the health and safety of the police officer.

(3) The duration of a night shift shall be equal to a day shift.

(4) The working time of a police officer shall not exceed on the average 48 hours within the period of seven days per a recording period of up to four months.

(5) A police officer may be required to work outside the scheduled time only with his or her consent, except in the cases prescribed in section 77 of this Act.

(6) A service schedule shall be prepared for recording total working time for either the entire recording period or at least for each calendar month, and it shall be disclosed to the police officer five days prior to the beginning of the recording period or calendar month at the latest.
[RT I 2009, 62, 405 – entry into force 01.01.2010]

(7) In case of recording total working time, the successive rest time of a police officer within the period of fourteen days shall be at least 36 hours if it has been agreed on in a collective agreement.

§ 77. Overtime of police officer

(1) A police officer shall be required to comply with the order of the head of the authority to work overtime, also on days off and public holidays, in the following cases:

- 1) in order to guarantee national security;
- 2) for the purposes of national defence;
- 3) in order to save a human life, perform rescue operations and search for persons;
- 4) in order to prevent a natural disaster, fire, accident or catastrophe or eliminate the consequences thereof;
- 5) in order to perform an urgent function which cannot be suspended or completed due to its particular nature;
- 6) in order to prevent and terminate a mass disorder;
- 7) in other cases provided by law.

(2) It shall not be permitted to require a police officer to work overtime more than eight hours in twenty-four hours. The duration of a shift including overtime shall not exceed 13 hours, except in cases the police officer is involved in guaranteeing national security or it is agreed upon in a collective agreement. The maximum level of overtime for one police officer shall be 300 hours a calendar year and it does not include the overtime in the cases specified in subsection (1) of this section.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 78. On-call time

(1) On-call time is the time when a police officer shall be available for the performance of functions in an agreed location or shall be on board a water craft during the working cycle provided for in subsection 76 (2) of this Act for the performance of functions which cannot be postponed during his or her rest time.

(2) The on-call time of a police officer shall be up to 155 hours per month, and of a police officer serving on a water craft and a crew member of an aircraft and flight performance staff up to 200 hours per month.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(3) On-call time is not included in working time.

(4) Additional remuneration equal to at least ten per cent of the hourly wage rate of a police officer shall be paid to a police officer for on-call time.

(5) The remuneration for commencement of functions during on-call time and the bases for recording on-call time shall be agreed on in a collective agreement.

§ 78¹. Restriction on night work

The restriction on night work specified in the Civil Service Act shall not be applied to a police officer provided working does not harm the health and safety of the officer and the working time does not exceed the restriction specified in section 36 of the Civil Service Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 79. Requiring police officer to work outside the work area of the structural unit of his or her position

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

(1) The Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service may require a police officer to work outside the work area of the structural unit of his or her position and outside his or her functions in the cases provided for in subsection 77 (1) of this Act.

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

(2) Requiring a police officer to work for one day on the basis specified in subsection (1) of this section shall not be deemed official travel and no daily allowance shall be paid to the police officer for the time spent en route and in the destination.

§ 80. Involvement of police officers and cadets of institution of higher professional education for public defence

(1) The Director General of the Police and Border Guard Board shall have the right to involve in service the police officers and cadets of an institution of higher professional education for public defence with the consent of the head of the structural unit training police officers of the institution of higher professional education for public defence in the cases provided for in subsection 77 (1) of this Act.

(2) Involvement of police officers and cadets of an institution of higher professional education for public defence on the basis provided for in subsection (1) of this section shall not be deemed official travel.

§ 81. Holiday of police officer

(1) The duration of the annual holiday of a police officer shall be 35 calendar days.

(2) Annual and other holiday shall be granted to a police officer on the bases of and pursuant to the procedure provided for in this Act and other Acts.

(3) In justified cases a police officer may be granted paid additional holiday up to ten calendar days a year. A claim for such an additional holiday expires after one year as of the end of the service year for which the additional holiday is calculated. If a police officer's right to exercise public authority is suspended due to his or her appointment to another position, employment in a host authority or release from service, additional days of holiday which have not been used and which have not expired are not compensated for in money.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(3¹) [Repealed – RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(4) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(5) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 82. Interruption and deferral of holiday of police officer

(1) A holiday of a police officer, except for pregnancy and maternity leave, parental leave and adoptive parent leave, may be interrupted or deferred without his or her consent if the holiday of the police officer is interrupted and he or she is asked to return to service or his or her holiday is deferred in the cases specified in clauses 77 (1) 1), 2) and 6) of this Act.

(2) Holiday shall be interrupted or deferred by the head of the authority who granted the permission for a police officer to take the holiday. The decision on interruption or deferral of holiday shall be disclosed to the police officer against signature. The decision on interruption or deferral of holiday shall enter into force as of the disclosure thereof.

(3) The part of holiday which is not used due to interruption or deferral of holiday shall be granted during the same calendar year or by agreement with the executive officer:

1) shall be added to the holiday of the following calendar year or

2) shall be granted at another time during the following calendar year.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

Division 8

Disciplinary Authority

§ 83. Disciplinary authority

(1) Disciplinary authority is the right to apply incentives and disciplinary punishments.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) An executive officer shall not have a right to restrict the disciplinary authority of an executive officer subordinate to him or her.

(3) The incentives awarded to and disciplinary punishments imposed on a police officer shall be entered in the service record.

§ 84. Incentives

(1) The following incentives shall be applied to a police officer for long-time service and for outstanding performance of service-related functions or civil duty:

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

- 1) grant of a letter of appreciation;
 - 2) grant of a monetary award;
 - 2¹) grant of a certificate of honour;
- [RT I, 22.03.2011, 1 – entry into force 01.04.2011]
- 3) grant of a valuable gift;
 - 4) grant of an inscribed weapon;
 - 5) award of a honorary decoration of the police.

(2) The classes, description and procedure for bestowal and withdrawal of honorary decorations of the police shall be established by the minister responsible for the field by a regulation.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(3) The incentives specified in subsection (1) of this section shall also be applied to officials and employees of the Police and Border Guard Board and the Estonian Internal Security Service who are not police officers.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(4) As an exception, the incentives provided for in subsection (1) of this section may also be applied with regard to those persons who have not been specified in subsections (1) and (3) of this section.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 85. Right to apply incentive

(1) The Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service shall have the right to apply an incentive to a police officer and to persons specified in subsections 84 (3) and (4) of this Act.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) The head of an institution of higher professional education for public defence shall have the right to apply an incentive under this Act to a police officer and to persons specified in subsection 84 (4) of this Act.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) The minister responsible for the field shall have the right to apply an incentive to every police officer and to persons specified in subsections 84 (3) and (4) of this Act.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) The minister responsible for the field, the Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service shall have the right to apply the incentive specified in clause 84 (1) 4) of this Act.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(5) The right to apply the incentive specified in clause 84 (1) 5) of this Act shall be provided for by the regulation of the minister responsible for the field issued on the basis of subsection 84 (2) of this Act.

(6) The Director General of the Police and Border Guard Board and the Director General of the Estonian Internal Security Service may authorise, by a directive, the head of a structural unit of the authority to apply an incentive to a police officer and to persons specified in subsections 84 (3) and (4) of this Act, by determining in the directive the extent of the application of the incentive.

§ 86. Disciplinary offences of police officer

Disciplinary offences of a police officer are:

- 1) wrongful non-performance or unsatisfactory performance of functions;
- 2) wrongful causing of damage to the property of an administrative agency or wrongful causing of danger of such damage;
- 3) an indecent act – a wrongful act which is in conflict with generally recognised moral standards or ethical standards set for officials, or which discredits an official or administrative agency, regardless of whether the act is committed in or out of service.

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

§ 87. Disciplinary liability of police officer

(1) A police officer who has committed a disciplinary offence shall bear disciplinary liability therefor, meaning the imposition of a disciplinary punishment on him or her in correspondence with the nature and gravity of the offence committed by him or her.

(2) Only a disciplinary punishment provided for in this Act may be imposed on a police officer for a disciplinary offence.

(3) Only one disciplinary punishment may be imposed for each disciplinary offence.

§ 88. Disciplinary punishments

Disciplinary punishments imposed on a police officer are:

- 1) a reprimand;
- 2) a fine of up to ten times his or her daily wages;
- 3) reduction of salary up to 30 per cent for up to three months;
- 4) demotion in service rank by one service rank for one year;
- 5) release from the service on the basis of section 94 of the Civil Service Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 89. Right to impose disciplinary punishment

(1) The right to impose a disciplinary punishment on a police officer shall lie with the person authorised to appoint the police officer to position.

(2) The person specified in section 56 of this Act shall have the right to impose the disciplinary punishment specified in clause 4) of section 88 of this Act.

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

(3) The minister responsible for the field shall have the right to impose a disciplinary punishment on all police officers.

§ 90. Purpose of disciplinary proceedings

(1) The purpose of disciplinary proceedings is to detect a disciplinary offence expeditiously and fully, ascertain the offender and the reasons for the offence. In the event of an accident or illness, the purpose of disciplinary proceedings is to document the circumstances related to the accident or illness.

(2) The first document in which an act with elements of an offence is described shall serve as the basis for the commencement of disciplinary proceedings.

(3) The Civil Service Act shall apply to the terms of imposition of a disciplinary punishment on police officers.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 91. Commencement of disciplinary proceedings

(1) Disciplinary proceedings may be commenced if:

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

- 1) enough factual circumstances concerning commission of a disciplinary offence are known;

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

- 2) an accident or illness has occurred as a result of which the right to payment of a benefit pursuant to the procedure provided for in this Act may arise.

(2) The following shall have the right to commence disciplinary proceedings with regard to subordinate police officers:

- 1) the minister responsible for the field;
- 2) the Director General of the Police and Border Guard Board;

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

3) the head of the structural unit training police officers of an institution of higher professional education for public defence.

(3) The Director General of the Estonian Internal Security Service or a Deputy Director General of the Estonian Internal Security Service determined by him or her shall have the right to commence disciplinary proceedings with regard to police officers of the Estonian Internal Security Service.

§ 92. Disciplinary proceedings

(1) Disciplinary proceedings shall be commenced by a directive whereby the person to conduct and the term for conducting the disciplinary proceedings shall be determined. The directive shall be immediately disclosed to the police officer against whom the disciplinary proceedings were commenced.

(2) The person conducting the disciplinary proceedings shall have the right to request explanations about and gather evidence on the disciplinary offence. It is mandatory to request an explanation from the police officer against whom the disciplinary proceedings were commenced.

(3) Upon conclusion of the disciplinary proceedings, the person conducting the proceedings shall prepare a summary of the disciplinary proceedings in which at least the following shall be noted upon the ascertainment of the disciplinary offence and the person who committed it:

- 1) given name and surname, position and service rank of the police officer who committed the disciplinary offence;
- 2) description and time and place of the commission of the disciplinary offence;
- 3) evidence in proof of the commission of the disciplinary offence;
- 4) reference to the Act providing disciplinary liability and to the provision which the police officer violated by the described act.

(4) The summary of the disciplinary proceedings shall be signed by the person who conducted the proceedings, it shall be immediately forwarded to the executive officer who commenced the disciplinary proceedings and introduced to the police officer against whom the disciplinary proceedings were conducted.

Division 9 Release from Police Service

§ 93. General procedure for release from police service

In addition to the bases for release from service provided for in the Civil Service Act, a police officer shall be released from the police service pursuant to the procedure provided for in sections 94–97 of this Act.

§ 94. Release from police service due to lay-offs

(1) A police officer shall be released from the police service due to lay-offs on the bases provided for in the Civil Service Act.

(2) In case of lay-offs, above all a police officer who represents pursuant to law other officials and employees shall have a preferential right to remain in the service, followed by a police officer who has an impeccable career record and better education, work experience, knowledge and skills and whose position is within the range of posts in the service.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) In case of an impeccable career record and equal education, work experience, knowledge and skills, a police officer who has been employed in the police service for a longer period or who has dependants shall be preferred.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) If the number of positions of police officers is reduced or the Police and Border Guard Board or an institution of higher professional education for public defence is reorganised, the person authorised to appoint a given police officer to office shall have the right to relocate officers by releasing from the service, due to lay-offs, a person whose position is retained and by appointing to this position another police officer whose position is made redundant. Such relocation shall be permitted only if the education, work experience, knowledge and skills of a police officer to be relocated are comparably better than those of the police officer who is laid off.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 95. Release from office of police officers appointed to position for a specified term due to expiry of term of service

An official appointed to position for a specified term on the basis of clauses 44 (2) 1) and 2) of this Act shall be released from position due to the expiry of the term of service, and shall be, by an official specified in section 43 of this Act:

- 1) reappointed with his or her written consent to the current position for a new term of office;
- 2) appointed with his or her written consent to another position;
- 3) released from the police service.

§ 96. Release from police service due to specified age limit

(1) A police officer may serve in the police service until he or she attains the following specified age limit:

- 1) as a specialist until the attainment of the age of 55 years;
- 2) as an executive officer until the attainment of the age of 60 years.

(2) A police officer shall be released from the police service on the first working day of the month following the month of the attainment of the specified age limit set out in subsection (1) of this section.

(3) The Director General of the Police and Border Guard Board or the Director General of the Estonian Internal Security Service or the rector of an institution of professional higher education for public defence may extend the period of service of a police officer for one year at a time until he or she attains the pensionable age provided for in section 7 of the State Pension Insurance Act. In such case, the police officer shall be released from service when he or she attains the general pensionable age.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 97. Compensation paid upon release from police service

(1) Upon release from the police service due to the liquidation of an administrative agency or lay-off of a police officer, compensation shall be paid to the police officer according to the length of his or her police service as follows:

- 1) less than three years – two months' salary;
- 2) three to five years – three months' salary;
- 3) five to ten years – five months' salary;
- 4) more than ten years – ten months' salary.

(2) If a person, released from the police service due to lay-off or the liquidation of an administrative agency, is appointed to position in the Police and Border Guard Board or in the Estonian Internal Security Service before the end of the period for which compensation was paid to him or her pursuant to subsection (1) of this section, he or she shall return the received compensation to the extent corresponding to the period of time by which he or she is reappointed to position in the Police and Border Guard Board or in the Estonian Internal Security Service in the position of a police officer earlier as compared to the period of time which serves as the basis for payment of the compensation.

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

(3) A police officer who has the right to receive compensation for the same period of time on several legal bases upon release from the police service shall be paid only one type of compensation, i.e. the one which is most favourable to him or her.

§ 98. Administrative act for release from service

(1) An administrative act for release from service shall include at least the following information:

- 1) name of the authority;
- 2) given name, surname and personal identification code of the police officer;
- 3) service rank of the police officer;
- 4) title of the position from which the police officer is released;
- 5) reason for release;
- 6) basis for release with reference to the section, subsection and clause of the applicable Act;
- 7) compensation to be paid to the police officer, including compensation for unused days of holiday, if the release brings about the payment of compensation;
- 8) length of police service;
- 9) date of the release from office.

(2) A copy of the administrative act for release from service shall be issued to the police officer who was released from service.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

Division 10

Pension Insurance of Police Officer and of Family Members and Dependants thereof

§ 99. Classes of pension

- (1) The classes of state pension of a police officer and his or her family members are:
- 1) superannuated pension;
 - 2) [repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]
 - 3) [repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)].
- (2) The pension insurance of a police officer is subject to the provisions of the State Pension Insurance Act, taking account of the specifications provided for in this Act.
[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]
- (3) A police officer who is entitled to several of the state pensions provided for in this Act or other Acts concurrently shall be granted one class of state pension of his or her choice.
- (4) The pension of a police officer shall not be increased on the basis of section 113 of the Civil Service Act.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 100. Basis for calculation of amount of pension

- (1) The salary which serves as the basis for calculation of the amount of pension of a police officer (hereinafter *salary for calculating pension*) shall be:
- 1) the salary rate corresponding to the salary grade of his or her last position or the differentiated salary rate or his or her most favourable salary rate, from the last five years of service, or the differentiated salary rate according to a position in which he or she served for at least 12 consecutive months, and
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]
 - 2) the service rank remuneration corresponding to his or her last service rank.
[RT I, 31.12.2012, 4 – entry into force 01.01.2013]
- (1¹) Calculation of the amount of pension of a police officer shall be based on the salary rate corresponding to the salary grade of the last position and on the most favourable salary rate from the last five years of service specified in clause (1) 1) of this section, and on the service rank remuneration specified in clause (1) 2) of this section to the extent applicable on the day starting from which the pension is granted, except in the case the pension is calculated on the basis of subsection (2) of this section.
[RT I, 31.12.2012, 4 – entry into force 01.01.2013]
- (2) If the most favourable salary rate of a position chosen pursuant to clause (1) 1) of this section falls within a period of time prior to the entry into force of this Act, the pension shall be calculated on the basis of the last valid Police Service Act or Border Guard Service Act, depending on whether the police officer was in the police service or in the border guard service.
[RT I 2009, 62, 405 – entry into force 01.01.2010]
- (2¹) The calculation of the amount of pension of a police officer shall not be based on the service rank remuneration corresponding to his or her temporary service rank during his or her temporary promotion in service rank.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]
- (3) If an official who was released from the border guard service in connection with appointment to position in another government authority or international organisation retires on the pension of a police officer from service in that government authority or international organisation, in connection with appointment to which he or she was released from the border guard service, and his or her rank of a border guard official has not been brought into conformity with the service rank of a police officer, his or her rank of a border guard official shall be deemed to be in conformity with the relevant service rank of a police officer provided for in subsection 112 (1) of this Act.
[RT I, 22.03.2011, 1 – entry into force 01.04.2011]
- (4) If an official who was released from the police service in connection with appointment to position in a government authority or international organisation retires on the pension of a police officer from service in that government authority or international organisation, in connection with appointment to which he or she was released from the police service, and his or her title of office of a police officer has not been brought into conformity with the service rank of a police officer provided for in this Act, his or her title of office of a police

officer shall be deemed to be in conformity with the relevant service rank of a police officer provided for in subsections 116 (1) and (2) of this Act.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

(5) In the cases provided for in subsections (3) and (4) of this section, the service rank remuneration of the police officer's service rank corresponding to his or her title of office of a police officer or rank of a border guard official shall be deemed an element of the salary which serves as the basis for calculating the official's police pension instead of the service rank remuneration specified in clause (1) 2) of this section.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

§ 101. Superannuated pension

(1) A police officer whose length of police service is at least 20 years, five consecutive years of which precede immediately the attainment of the pension qualifying age, shall have the right to a superannuated pension when he or she attains 55 years of age.

(2) The amount of the pension of a police officer whose length of police service is at least 20 years shall be 50 per cent of his or her salary for calculating pension.

(3) The amount of the pension of a police officer shall be increased, for each year by which the length of the police service exceeds the length of the police service provided for in subsection (2) of this section, by 2.5 per cent of his or her salary for calculating pension. The maximum amount for the superannuated pension shall be 75 per cent of the salary for calculating pension.

(4) The amount of the superannuated pension of the Director General of the Police and Border Guard Board and of the Director General of the Estonian Internal Security Service shall be, regardless of his or her general length of police service or age, 75 per cent of his or her salary for calculating pension as of the day his or her second full term of office expires.

(5) The right to the superannuated pension provided for in this section shall not arise for a person who has been released from the police service:

- 1) upon the entry into force of a judgment of conviction if it imposed on the person a punishment for an intentionally committed criminal offence;
- 2) for a disciplinary offence.

(6) A person who has been convicted of an offence provided for in Chapter 15 or Division 2 of Chapter 17 of the Penal Code for which the Penal Code prescribes imprisonment of at least up to five years shall forfeit the right to the superannuated pension provided for in this section.

(7) If a person was paid a superannuated pension provided for in this section, the payment of the pension shall be terminated as of the month following the month when the court judgment entered into force. If a person forfeits the right to the superannuated pension provided for in this section, he or she maintains the right to request pension on general bases.

(8) The court shall be obligated, within ten working days as of the entry into force of the court judgment, to inform the Social Insurance Board of the fact in connection with which the person forfeits the right to the superannuated pension provided for in this section.

§ 102. Pension for incapacity for work

[Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 103. Survivor's pension of police officer

[Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 104. Grant of pension

(1) A pension shall be granted as of the date on which the right to a pension of the corresponding class arises, as follows:

- 1) in case of applying for a superannuated pension – the date of the attainment of the pensionable age provided by law or release from the police service;
- 2) [repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]
- 3) [repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(2) A pension shall be granted as of the date specified in subsection (1) of this section if an application for the grant of superannuated pension has been submitted within three months as of the time when the right to that pension arose.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(3) If the application for the grant of a pension has been submitted after the expiry of a term provided for in subsection (2) of this section, the pension shall be granted as of the date of submission of the application.

§ 105. Term for grant of pension

(1) A superannuated pension shall be granted for life.

(2) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(3) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 106. Recalculation of pension

(1) The superannuated pension of a police officer, except for the pension calculated on the basis of the salary rate of the current year and the service rank remuneration, shall be indexed by 1 April of each year by the pension index approved by a regulation of the Government of the Republic on the basis of section 26 of the State Pension Insurance Act.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

[RT I, 07.01.2015, 8 – entry into force 06.01.2015—To declare unconstitutional and invalid § 106 (1) of the Police and Border Guard Act and § 1 (4) of the Act amending the Police and Border Guard Act in the extent they did not enable to raise the old-age pensions granted to police officers, who retired between 1 January 2010 and 31 December 2012, on the basis of the salaries, on 1 January 2013, of police officers performing similar duties.]

(2) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(3) A person who receives a pension shall be required, within ten working days, to notify the Social Insurance Board of all circumstances which bring about the recalculation or non-payment of his or her pension.

[RT I, 31.12.2012, 4 – entry into force 01.01.2013]

§ 107. Payment of pension

(1) A pension provided for in this Act shall be paid from state budget funds through the budget of the Ministry of the Interior.

(2) A person who receives a superannuated pension shall be paid the pension in full, regardless of the amount of income he or she receives.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(3) A superannuated pension shall not be paid during service in the Defence Forces, police service or prosecutors' service. A person who continues working in any other profession or position shall be paid the pension of a police officer in full, regardless of the amount of income.

(4) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 108. Bases for calculation of length of police service

(1) The length of the police service shall include:

- 1) the period of service in the position of a police officer;
- 2) the period of service as a specialised diplomat if it was immediately preceded or followed by service in the position of a police officer;
- 3) the period of service which was organised on the basis of sections 18¹ and 52 of the Police Service Act;
- 4) the period of service which was organised on the basis of section 35 of the Border Guard Service Act;
- 5) the period of service on the basis of section 66 of this Act valid until 31 December 2011 and on the basis of Division 4¹ of Chapter 5 of this Act valid as of 1 January 2012 if it was followed by service in the position of a police officer or retirement on a police officer's pension;

[RT I, 22.03.2011, 1 – entry into force 01.01.2012]

6) the period of study in an institution of higher professional education for public defence in the specialty of the police, pre-trial investigation or border guard if it was followed by service in the position of a police officer;

7) the period of time spent in compulsory military service or active service in the Defence Forces or in alternative service in Estonia if it was followed by service in the position of a police officer.

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

(2) Period of service as a prosecutor after 1 July 2004 shall be included in the length of the police service and it shall grant the right to superannuated pension provided for in this Act if the length of the police service prior to the period of prosecutor's service is at least five years.

(3) Regarding a person who was in the border guard service on the basis of the Border Guard Service Act before the entry into force of this Act and who has been appointed to position as a police officer immediately upon the entry into force of and on the basis of this Act, the length of the border guard service calculated on the basis of section 42 of the Border Guard Service Act as at 31 December 2009 shall be included in the length of the police service.

(4) Regarding a person who was in the police service on the basis of the Police Service Act before the entry into force of this Act and who has been appointed to position as a police officer immediately upon the entry into force of and on the basis of this Act, the length of the police service calculated on the basis of subsections 21²(1) to (4) of the Police Service Act as at 31 December 2009 shall be included in the length of the police service.

(5) The length of service of a person, who has been appointed to position as a police officer under this Act and who was released from the border guard service or police service before 1 January 2010, calculated on the basis of section 42 of the Border Guard Service Act or on the basis of subsections 21²(1) to (4) of the Police Service Act shall be included in the length of the police service. The length of service shall be calculated as at the date of release from the last service.

(6) The length of the police service shall include the period of service as a police officer or as a preliminary investigator or senior preliminary investigation official of the National Pre-Trial Investigation Board of the Republic of Estonia from 1 March 1991 until 1 September 1994 multiplied by three by way of preferential arrangement.

(7) The length of the police service shall be calculated in years and months. Upon calculating the amount of pension, the length of the police service of at least six months shall be rounded up to a full year and the length of the police service of less than six months shall be ignored.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

Chapter 5¹

VOLUNTARY MARITIME RESCUE

[RT I, 27.06.2012, 5 - entry into force 01.09.2012]

Division 1

General Provisions

§ 108¹. Voluntary maritime rescuer and his or her participation in police activity

(1) For the purposes of this Act, a voluntary maritime rescuer is a person:

- 1) who is a member of a non-profit association with which the Police and Border Guard Board has concluded a civil law contract for the organisation of maritime rescue operations;
- 2) who has been acknowledged by the Police and Border Guard Board as a voluntary maritime rescuer; and
- 3) who voluntarily participates in the activity of the Police and Border Guard Board on the bases and conditions provided for in this Act.

(2) Participation of a voluntary maritime rescuer in the activity of the police pursuant to this Act is performance of maritime rescue operations by the voluntary maritime rescuer on the assignment of the police independently or together with a police officer.

(3) During participation in the activity of the police a voluntary maritime rescuer is a representative of state powers whose legal order in performance of maritime rescue operations is mandatory for the person being rescued and for other persons concerned.

§ 108². Maritime rescue operations

For the purposes of this Chapter, maritime rescue operations are performance of search and rescue operations in inland maritime waters and territorial waters, in the exclusive economic zone, on Lake Peipsi, Lake Lämmi and Lake Pihkva as well as on other transboundary water bodies for searching and rescuing a person, ship, aircraft or another vehicle which is in an emergency or missing.

§ 108³. Prevention work

For the purposes of this Chapter, prevention work is the activity of a member of a non-profit association for the purposes of preventing a maritime rescue event if the Police and Border Guard Board has concluded a contract with the non-profit association for the performance of such prevention work.

Division 2

Competence of Voluntary Maritime Rescuer, Applicable State Supervision Measures and Direct Coercion

§ 108⁴. Competence of voluntary maritime rescuer

(1) A voluntary maritime rescuer is competent to perform maritime rescue operations on the assignment of the police independently or together with a police officer pursuant to this Act.

(2) On the assignment of the police, maritime rescue operations may be performed together with a police officer by a voluntary maritime rescuer who has completed at least first stage training.

(3) On the assignment of the police, maritime rescue operations may be performed independently by a voluntary maritime rescuer who has completed second stage training.

(4) On the assignment of the police, maritime rescue operations may be performed independently by a voluntary maritime rescuer who has completed first stage training if he or she is operating with a voluntary maritime rescuer who has completed second stage training.

(4¹) In maritime rescue operations, a voluntary maritime rescuer has the right to apply the special state supervision measure provided for in § 7⁷ of this Act in order to impose the duty to grant use of a thing.
[RT I, 31.12.2014, 4 – entry into force 01.01.2015]

(5) A voluntary maritime rescuer has the right to apply in maritime rescue operations the special supervisory measures provided for in §§ 30 and 50 of the Law Enforcement Act on the basis provided for in the Law Enforcement Act.
[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) A voluntary maritime rescuer has the right to use in the course of maritime rescue operations direct coercion, using physical force to influence a person, animal or thing on the bases of and pursuant to the procedure provided for in §§ 76–78 of the Law Enforcement Act.
[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) The Police and Border Guard Board shall give a voluntary maritime rescuer an assignment to perform maritime rescue operations in a format which can be reproduced in writing.

§ 108⁵. Certification of competence of voluntary maritime rescuer

(1) A voluntary maritime rescuer shall certify his or her competence with a certificate of voluntary maritime rescuer.

(2) A voluntary maritime rescuer is not required to present in the performance of maritime rescue operations to a person at the person's request a certificate of voluntary maritime rescuer. If a person requests that a voluntary maritime rescuer present his or her certificate of voluntary maritime rescuer, the voluntary maritime rescuer shall present it after the termination of the maritime rescue operations.

(3) In the performance of the duties of a voluntary maritime rescuer, a voluntary maritime rescuer shall, in general, wear on his or her clothing a special sign which makes it possible to understand that he or she is a voluntary maritime rescuer.

Division 3

Requirements set for Voluntary Maritime Rescuer

§ 108⁶. Requirements set for acknowledgment as voluntary maritime rescuer

(1) A person who is at least 18 years of age, who meets the requirements of professional qualification of voluntary maritime rescuer and the requirements of physical preparation, who is not prohibited from being acknowledged as a voluntary maritime rescuer by this Act, who has completed at least first stage training specified in subsection (2) of this section or appropriate training acknowledged by the Police and Border Guard Board and has passed an evaluation, and whose state of health allows him or her to operate as a voluntary maritime rescuer may be acknowledged as a voluntary maritime rescuer.

(2) Basic knowledge and skills necessary for the work of a voluntary maritime rescuer and knowledge necessary for prevention work for the purposes of preventing a maritime rescue event are acquired in the course of first stage training. First stage training lasts for at least 40 hours and ends with an evaluation.

(3) A precondition for second stage training is completion of first stage training. Profound knowledge for the work of a voluntary maritime rescuer and knowledge and skills for leading units of voluntary maritime rescuers and for planning their search and rescue operations are acquired in the course of second stage training. Second stage training lasts for at least 20 hours and ends with an evaluation.

(4) A voluntary maritime rescuer shall undergo in-service training and pass an evaluation at least every three years.

(5) Training of voluntary maritime rescuer may be carried out by the Police and Border Guard Board, the Rescue Board and a training provider or educational institution acknowledged by the Police and Border Guard Board.

(6) The Police and Border Guard Board may acknowledge as a training provider carrying out the training of voluntary maritime rescuer a person or institution in private or public law who provides training corresponding to the requirements provided for in this Act and in regulations established on the basis thereof.

(7) Acknowledgment of a training provider carrying out the training of voluntary maritime rescuer shall be executed as a decree of the Director General of the Police and Border Guard Board or as a written decision of a person authorised thereby.

(7¹) The Director General of the Police and Border Guard Board shall have the right to invalidate the acknowledgment of a training provider carrying out the training of voluntary maritime rescuer if the training provider is unable to ensure training as required.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

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

(8¹) The study programmes for the first and second stage training and in-service training of voluntary maritime rescuers shall be approved by a directive of the Director General of the Police and Border Guard Board.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

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

§ 108⁷. Person who is prohibited from being acknowledged as voluntary maritime rescuer

(1) The following persons are prohibited from being acknowledged as a voluntary maritime rescuer:

- 1) a person who has restricted active legal capacity;
- 2) a person who has been punished for an intentional criminal offence in the first degree;
- 3) a person who is addicted to alcohol, narcotic drugs or psychotropic substances;
- 4) a person who has a mental disorder, a severe personality or behaviour disorder; or
- 5) a person who has a physical disability which prevents him or her from performing the duties of a voluntary maritime rescuer.

(2) In addition to the bases specified in subsection (1) of this section, a person who is unsuitable for performing the duties of a voluntary maritime rescuer due to his or her behaviour, or way of life or behaviour endangering the safety of himself or herself or another person may be refused from being acknowledged as a voluntary maritime rescuer.

(3) The supervision over the bases for refusal to acknowledge a person specified in subsections (1) and (2) of this section as a voluntary maritime rescuer shall be performed by the Police and Border Guard Board at the request to that effect of a non-profit association.

§ 108⁸. Medical examination of person wishing to become voluntary maritime rescuer and of voluntary maritime rescuer

(1) A person wishing to become a voluntary maritime rescuer shall pass a medical examination prior to being acknowledged as a voluntary maritime rescuer. A voluntary maritime rescuer shall, after five years from a medical examination, undergo a new medical examination in the course of which it shall be determined whether the person's state of health allows him or her to operate as a voluntary maritime rescuer.

(1¹) A person wishing to become a voluntary maritime rescuer and a voluntary maritime rescuer may be referred to a special medical examination on the basis of a reasoned report of a police officer.
[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(2) A person wishing to become a voluntary maritime rescuer and a voluntary maritime rescuer shall prove the fact specified in subsection (1) of this section by presenting a valid medical certificate of a driver of a power-driven vehicle.

(3) A medical examination shall take place at the expense of the person wishing to become a voluntary maritime rescuer and of a voluntary maritime rescuer.

Division 4

Acknowledgement as Voluntary Maritime Rescuer and Grant of Competence for Performance of Maritime Rescue Operations

§ 108⁹. Acknowledgement as voluntary maritime rescuer and grant of competence for performance of maritime rescue operations

(1) A person shall be acknowledged as a voluntary maritime rescuer by the Police and Border Guard Board.

(2) Acknowledgment of a person as a voluntary maritime rescuer shall be executed as a decree of the Director General of the Police and Border Guard Board or as a written decision of a person authorised thereby.

(3) The Police and Border Guard Board shall keep account of voluntary maritime rescuers.

§ 108¹⁰. Certificate of voluntary maritime rescuer

(1) A person whom the Police and Border Guard Board acknowledges as a voluntary maritime rescuer shall be granted a certificate of voluntary maritime rescuer by the Police and Border Guard Board.

(2) The list of information necessary for issuing a certificate of voluntary maritime rescuer and the description of the certificate shall be established by the minister responsible for the field by a regulation.

Division 5

Work Organisation of Voluntary Maritime Rescuer and Prevention Work

§ 108¹¹. Conclusion of civil law contract for performance of maritime rescue operations

(1) The Police and Border Guard Board may conclude with a non-profit association a civil law contract for the organisation of the activities of voluntary maritime rescuers participating in maritime rescue operations.

(2) In deciding on conclusion of a civil law contract for the performance of maritime rescue operations and in determining the conditions of the contract, the Police and Border Guard Board shall proceed from the need to involve voluntary maritime rescuers in maritime rescue operations, from the number of voluntary maritime rescuers necessary in maritime rescue operations in a corresponding region and from the possibilities they offer in the performance of maritime rescue operations, from contracts already concluded for the organisation of maritime rescue operations, and from other relevant circumstances.

(3) The competence to conclude a civil law contract for the performance of maritime rescue operations is vested in the Director General of the Police and Border Guard Board or in a person authorised thereby.

§ 108¹². Work organisation of voluntary maritime rescuer

(1) The work organisation of a voluntary maritime rescuer shall be provided for in a contract to be concluded between the Police and Border Guard Board and a non-profit association for the organisation of maritime rescue operations.

(2) A voluntary maritime rescuer shall have, by agreement with his or her employer, the right to receive time off for the performance of maritime rescue operations.

§ 108¹³. Wearing special sign of voluntary maritime rescuer

The minister responsible for the field shall establish by a regulation the description of and procedure for wearing the special sign specified in subsection 108⁵(3) of this Act in the performance of maritime rescue operations.

§ 108¹⁴. Conclusion of civil law contract for performance of prevention work

(1) The Police and Border Guard Board may conclude with a non-profit association a civil law contract for the performance of prevention work.

(2) The non-profit association with which the Police and Border Guard Board may conclude a civil law contract shall have the capability to ensure that the members performing prevention work possess knowledge concerning maritime rescue operations and prevention work necessary for the performance of prevention work, but it is not required to have the capability to perform maritime rescue operations nor a civil law contract concluded with the Police and Border Guard Board for the performance of maritime rescue operations.

(3) In deciding on conclusion of a civil law contract for the performance of prevention work and in determining the conditions of the contract, the Police and Border Guard Board shall proceed from the extent of the necessary prevention work, from contracts already concluded for the performance of prevention work, and from other relevant circumstances.

(4) The competence to conclude a civil law contract for the performance of prevention work is vested in the Director General of the Police and Border Guard Board or in a person authorised thereby.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(5) A non-profit association may use for the performance of prevention work within the framework of a civil law contract concluded with the Police and Border Guard Board only a member of the non-profit association who possesses the knowledge concerning maritime rescue operations and prevention work necessary for the performance of prevention work.

Division 6

Compensations and Guarantees of Voluntary Maritime Rescuer and Non-profit Association

§ 108¹. Compensation in case voluntary maritime rescuer is killed in the course of performance of maritime rescue operations or is established to have partial or no work ability and compensation for proprietary damage

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

The provisions of §§ 38 and 39 of the Assistant Police Officer Act shall be applied to payment of compensation in case a voluntary maritime rescuer is killed in the course of performance of maritime rescue operations or is established to have partial or no work ability and to compensation for proprietary damage.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 108¹⁶. Compensation for expenses

(1) The transport, communication, training and other expenses of a voluntary maritime rescuer prescribed in a contract for organisation of voluntary maritime rescue operations concluded between the Police and Border Guard Board and a non-profit association and expenses necessary for the performance of duties of a voluntary maritime rescuer shall be compensated for by the Police and Border Guard Board to the extent established by the Government of the Republic to the voluntary maritime rescuer who incurred the expenses or to the non-profit association with which the Police and Border Guard Board has concluded the aforesaid contract.

(2) The transport, communication, training and other expenses pertaining to performance of prevention work prescribed in a contract for performance of prevention work concluded between the Police and Border Guard Board and a non-profit association and expenses necessary in the performance of prevention work shall be compensated for by the Police and Border Guard Board to the extent established by the Government of the

Republic to the member of the non-profit association who incurred the expenses or to the non-profit association with which the Police and Border Guard Board has concluded the aforesaid contract.

(3) The extent of and procedure for compensation for expenses specified in subsections (1) and (2) of this section shall be established by the Government of the Republic by a regulation.

§ 108¹⁷. Incitement of voluntary maritime rescuer

For an outstanding service a person competent to apply an incentive may incite a voluntary maritime rescuer pursuant to the procedure provided for in Division 8 of Chapter 5 of this Act.

Division 7 Release from Status of Voluntary Maritime Rescuer

§ 108¹⁸. Release from status of voluntary maritime rescuer

A voluntary maritime rescuer shall be released from the status of a voluntary maritime rescuer by a decision of the Director General of the Police and Border Guard Board or of a person authorised thereby:

- 1) on the initiative of the voluntary maritime rescuer;
- 2) if the voluntary maritime rescuer does not meet the requirements provided for in subsections 108⁶(1) and (4) and in § 108⁸ of this Act;
- 3) if the voluntary maritime rescuer meets the criteria provided for in § 108⁷ of this Act; or
- 4) due to behaviour inappropriate for a voluntary maritime rescuer.

[RT I, 27.06.2012, 5 – entry into force 01.09.2012]

Chapter 6 IMPLEMENTATION OF ACT

Division 1 General Provisions

§ 109. Taking of oath of police officer

The oath of a police officer shall not be taken by persons who, prior to appointment to position on the basis of this Act, have taken the oath of office while in the police service or border guard service.

§ 110. Creation of positions of police officers

(1) The positions of police officers which do not coincide with the titles of office established in sections 48–50 of this Act and with their service ranks shall be determined in the structure and staff of the Police and Border Guard Board and the Estonian Internal Security Service based on sections 48–50.

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

(2) The positions of the police officers of an institution of higher professional education for public service, except for the position of the head of the structural unit training police officers of an institution of higher professional education for public defence and the service ranks approved therefor shall be established by the minister responsible for the field.

§ 111. [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

Division 2

Transfer of Border Guard Officials Serving Under Border Guard Service Act into Police Service According to Police and Border Guard Act

§ 112. Bringing of border guard ranks into conformity with service ranks

(1) The border guard rank of a border guard official appointed to position of a police officer under this Act shall be counted as service rank as follows:

| Borderguard rank | Servicerank | Servicerank of a police officer appointed to position on water crafts |
|---|----------------------------|---|
| 1)Border Guard Private | JuniorConstable | |
| 2)Border Guard Corporal, Senior Seaman | JuniorConstable | |
| 3)Border Guard Junior Sergeant | Constable | SeniorSeaman |
| 4)Border Guard Sergeant | Constable | SeniorSeaman |
| 5)Border Guard Senior Sergeant | SeniorConstable | WarrantOfficer |
| 6)Border Guard Junior Warrant Officer | SeniorConstable | WarrantOfficer |
| 7)Border Guard Warrant Officer | SeniorConstable | WarrantOfficer |
| 8)Border Guard Senior Warrant Officer | ChiefConstable | SeniorWarrant Officer |
| 9)Border Guard Staff Warrant Officer, Chief Warrant Officer | ChiefConstable | ChiefWarrant Officer |
| 10)Border Guard Ensign | Superintendent | |
| 11)Border Guard Second Lieutenant | PoliceLieutenant | |
| 12)Border Guard Lieutenant | PoliceLieutenant | |
| 13)Border Guard Captain | PoliceCaptain | |
| 14)Border Guard Major | PoliceMajor | |
| 15)Border Guard Lieutenant Colonel | PoliceLieutenant Colonel | |
| 16)Border Guard Colonel | PoliceColonel | |
| 17)Border Guard Brigadier General | InspectorGeneral of Police | |
| 18)Border Guard Major General | PoliceGeneral | |

(2) The bringing of border guard ranks into conformity with service ranks on the bases provided for in subsection (1) of this section shall be arranged by the minister responsible for the field.

(3) Up to 1 September 2015, the prefix of the service ranks of police officers who have the professional qualification of a border guard official shall be “border guard” and in case of service ranks with prefixes, the prefix “border guard” shall be used instead of the prefix “police”.

§ 112¹. Renaming of service rank of Senior Seaman as service rank of Junior Warrant Officer

The service rank of Senior Seaman of a police officer in service shall be renamed the service rank of Junior Warrant Officer.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

§ 113. Implementation of requirements for education and qualification

(1) The requirements for the level of education and qualification of a police officer laid down in this Act shall be extended as of 1 September 2015 to border guard officials who were in the border guard service prior to the entry into force of this Act.

(2) The requirement for vocational education shall not extend to border guard officials who were in the border guard service prior to the entry into force of this Act and who have a secondary education and who have the professional qualification required in the position or who will acquire it by 1 September 2015.

(3) A police officer who has failed to acquire the relevant education and qualification by the term provided for in subsections (1) and (2) of this section shall be transferred to a position corresponding to his or her education and qualification or in case of lack thereof, he or she shall be released from the police service.

§ 114. Implementation of sections 100, 101 and 106 of this Act with regard to officials who have been in service on the basis of the Border Guard Service Act

(1) The right to a superannuated pension provided for in this Act shall arise at the age of 55 years for a police officer:

- 1) who was in the border guard service on the basis of the Border Guard Service Act when this Act entered into force;
- 2) who has been appointed to position as a police officer directly upon the entry into force of this Act; and
- 3) whose length of police service provided for in this Act is at least 20 years or whose general pension qualifying period is at least 25 years, of which the length of the police service provided for in this Act is at least 12 years and six months.

(2) An official who has been released from the border guard service prior to the entry into force of this Act in connection with appointment to position in another government authority or international organisation shall have the right to a superannuated pension provided for in this Act at the age of 55 years if his or her length of police service provided for in this Act is at least 20 years or if his or her general pension qualifying period is at least 25 years, of which the length of the police service provided for in this Act is at least 12 years and six months, and at the time of retirement he or she is in the position of a police officer or serving in that government authority or international organisation in connection with appointment to which he or she was released from the border guard service.

(3) The right to a superannuated pension provided for in this Act shall arise at the age of 50 years for a police officer:

- 1) who was in the border guard service on the basis of the Border Guard Service Act when this Act entered into force;
- 2) who has been appointed to position as a police officer directly upon the entry into force of this Act; and
- 3) whose length of police service was at least 20 years or whose general pension qualifying period was at least 25 years, of which the length of the border guard service was at least 12 years and six months, by 1 July 2007.

(4) An official who has been released from the border guard service prior to the entry into force of this Act in connection with appointment to position in another government authority or international organisation shall have the right to a superannuated pension provided for in this Act at the age of 50 years if his or her length of border guard service was at least 20 years or if his or her general pension qualifying period was at least 25 years, of which the length of the border guard service was at least 12 years and six months, by 1 July 2007, and at the time of retirement he or she is in the position of a police officer or serving in that government authority or international organisation in connection with appointment to which he or she was released from the border guard service.

(5) The amount of the superannuated pension of a police officer specified in subsections (1) to (4) of this section shall be 30 per cent of his or her salary for calculating pension if the calculations of his or her pension qualifying period are based on a general pension qualifying period of at least 25 years, of which the length of the police service provided for in this Act is at least 12 years and six months.

(6) The amount of the pension of a police officer shall be increased, for each year by which the length of the police service exceeds the length of the police service provided in subsections (1) to (4) of this section, by 2.5 per cent of his or her salary for calculating pension. The maximum amount for the superannuated pension shall be 75 per cent of the salary for calculating pension.

(7) The pension of a border guard official which has been determined on the basis of the Border Guard Service Act is not subject to recalculation on the basis of the Police and Border Guard Act. The pensions of border guard officials determined on the basis of the Border Guard Service Act are subject to indexation, as of the year 2010, by 1 April of each calendar year by a pension index approved by the Government of the Republic on the basis of section 26 of the State Pension Insurance Act.

(8) For a person who has been released from the border guard service prior to the entry into force of the Police and Border Guard Act and for whom, by the date of release from the service, the right to a pension of a border guard official had arisen on the basis of the Border Guard Service Act but to whom pension has not been granted yet shall be granted a pension of a border guard official on the basis of the Border Guard Service Act valid on the date of release from the service.

(9) The right to a superannuated pension of a police officer specified in subsections (1) to (4) of this section shall not depend on the uninterrupted length of the police service directly preceding the attainment of the pension qualifying age.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 115. Calculation of period of service for service rank

The period of service for a rank of a border guard official appointed to a position of a police officer on the basis of this Act shall be calculated as of the date of the directive granting the last military rank or border guard rank.

Division 3 **Transfer of Police Officers Serving Under** **the Police Service Act to the Police Service** **Pursuant to the Police and Border Guard Act**

§ 116. Bringing of titles of office of police officers into conformity with service ranks

(1) Upon appointment to a position of a police officer, the current title of office of a police officer shall be counted as service rank as follows:

| A police officer's title of office provided for in the Police Service Act | | A police officer's service rank provided for in this Act |
|---|---|--|
| 1) | Junior Constable | Junior Constable, Constable, Senior Constable |
| 2) | Constable | Constable, Senior Constable, Chief Constable |
| 3) | Police Inspector | Inspector, Senior Inspector, Chief Inspector |
| 4) | Senior Constable | Senior Constable, Chief Constable, Superintendent |
| 5) | Senior Police Inspector | Senior Inspector, Chief Inspector, Superintendent |
| 6) | Leading Constable | Chief Constable, Superintendent, Senior Superintendent |
| 7) | Leading Police Inspector | Chief Inspector, Superintendent, Senior Superintendent |
| 8) | Superintendent | Superintendent, Senior Superintendent, Police Lieutenant |
| 9) | Senior Superintendent | Senior Superintendent, Police Lieutenant, Police Captain |
| 10) | Chief Superintendent | Police Lieutenant, Police Captain, Police Major |
| 11) | Police Counsellor | Police Captain, Police Major |
| 12) | Police Chief | Police Major, Police Lieutenant Colonel |
| 12) | Police Prefect, Director of the Central Criminal Police, Director of the Personal Protection Service, Deputy Police Chief, Head of the Police College | Police Major, Police Lieutenant Colonel, Police Colonel |
| 14) | National Police Commissioner | Police Colonel |

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

(2) Upon appointment to a position of a police officer of the Estonian Internal Security Service, the current title of office of a police officer of the Estonian Internal Security Service shall be counted as service rank as follows:

| Title of office of a police officer of the Estonian Internal Security Service provided for in the Police Service Act | | Service rank of a police officer of the Estonian Internal Security Service provided for in this Act |
|--|-------------------|---|
| 1) | Junior Assistant | Junior Assistant, Assistant, Senior Assistant |
| 2) | Assistant | Assistant, Senior Assistant, Chief Assistant |
| 3) | Senior Assistant | Senior Assistant, Chief Assistant, Superintendent |
| 4) | Leading Assistant | Chief Assistant, Superintendent, Senior Superintendent |
| 5) | Superintendent | Superintendent, Senior Superintendent, Police Lieutenant |

| | | |
|-----|--|--|
| 6) | PoliceCounsellor | PoliceLieutenant, Police Captain |
| 7) | ChiefSuperintendent | PoliceLieutenant, Police Captain, Police Major |
| 8) | DeputyPolice Chief | PoliceLieutenant, Police Captain, Police Major |
| 9) | PoliceChief | PoliceMajor, Police Lieutenant Colonel, Police Colonel |
| 10) | DeputyDirector General of the Estonian Internal Security Service | PoliceLieutenant Colonel, Police Colonel |
| 11) | DirectorGeneral of the Estonian Internal Security Service | PoliceColonel |

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

(3) The procedure for bringing of the titles of office provided for in subsections (1) and (2) of this section into conformity with service ranks shall be established by the minister responsible for the field by a regulation.

(4) The titles of office of police officers specified in clauses (1) 1) to 7) and in clauses (2) 1) to 4) of this section shall be brought into conformity, by 1 April 2011 at the latest, with service ranks which differ from the service ranks, entered into force on 1 January 2010, specified in the aforesaid provisions. The titles of office of a police officer shall be brought into conformity with the service ranks retroactively from 1 January 2010.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

§ 116¹. Implementation of requirements for professional qualification

[Repealed – RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 117. Implementation of sections 100, 101, 106 and 107 of this Act with regard to officials who have been in the service on the basis of the Police Service Act

(1) The right to a superannuated pension provided for in this Act shall arise at the age of 50 years for a police officer:

- 1) who was in the police service on the basis of the Police Service Act when this Act entered into force;
- 2) who has been appointed to position as a police officer directly upon the entry into force and on the basis of this Act; and
- 3) whose length of police service provided for in this Act is at least 20 years.

(2) An official who has been released from the police service prior to the entry into force of this Act in connection with appointment to position in another government authority or international organisation shall have the right to a superannuated pension provided for in this Act at the age of 50 years if, by the time of retirement, his or her length of police service provided for in this Act is at least 20 years and at the time of retirement he or she is in the position of a police officer or serving in that government authority or international organisation in connection with appointment to which he or she was released from the police service.

(3) The right to a superannuated pension provided for in this Act shall arise at the age of 55 years for a police officer:

- 1) who was in the police service on the basis of the Police Service Act when this Act entered into force;
- 2) who has been appointed to position as a police officer directly upon the entry into force and on the basis of this Act;
- 3) who is released from the service on the basis of this Act due to age, state of health or lay-off of staff; and
- 4) who has attained the age of 55 years by the date of release from the service and whose general number of years of pensionable service or accumulation period is at least 25 years, of which the length of the police service provided for in this Act is 12 years and six months.

(4) An official who has been released from the police service prior to the entry into force of this Act in connection with appointment to position in another government authority or international organisation shall have the right to a superannuated pension provided for in this Act at the age of 55 years if:

- 1) he or she is released from the service due to age, state of health or lay-off of staff;
- 2) he or she has attained the age of 55 years by the date of release from the service and his or her general years of pensionable service or accumulation period is at least 25 years, of which the length of the police service provided for in this Act is 12 years and six months; and
- 3) at the time of retirement he or she is in the position of a police officer or serving in that government authority or international organisation in connection with appointment to which he or she was released from the police service or his or her police service relationship was suspended.

(5) The amount of the superannuated pension of a police officer specified in subsections (3) and (4) of this section shall be 30 per cent of his or her salary for calculating pension.

(6) The amount of the pension of a police officer shall be increased, for each year by which the length of the police service exceeds the length of the police service provided for in subsections (1) to (4) of this section, by 2.5 per cent of his or her salary for calculating pension. The maximum amount for the superannuated pension shall be 75 per cent of his or her salary for calculating pension.

(7) The pension of a police officer which has been granted on the basis of the Police Service Act is not subject to recalculation on the basis of the Police and Border Guard Act. The pensions of police officers granted on the basis of the Police Service Act are subject to indexation, as of the year 2010, by 1 April of each calendar year by a pension index approved by the Government of the Republic on the basis of section 26 of the State Pension Insurance Act.

(8) For a person who has been released from the police service prior to the entry into force of the Police and Border Guard Act and for whom, by the date of release from the service, the right to a pension of a police officer had arisen on the basis of the Police Service Act but to whom pension has not been granted yet shall be granted a pension of a police officer on the basis of the Police Service Act valid on the date of release from the service.

(9) The right to a superannuated pension of a police officer specified in subsections (1) to (4) of this section shall not depend on the uninterrupted length of the police service directly preceding the attainment of the pension qualifying age.

10) The first sentence of subsection 107 (3) of this Act shall not be applied to those persons in the service of the Defence Forces or in the prosecutor's service who have obtained the right to a pension of a police officer on the basis of the Police Service Act.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 118. Calculation of period of service for service rank

Upon the bringing of the positions of police officers into conformity with service ranks on the basis of section 116 of this Act, the period of service for the service rank of a police officer shall be calculated as of the earliest date of appointment to a position with the official rank which corresponds to his or her last position.

Division 4

Transitional Provisions. Amendment of Other Acts. Entry into Force of Act

§ 119. Transitional provisions upon implementation of subsection 5(1) of this Act

(1) Up to the entry into force of subsection 5 (1) of this Act on 1 January 2012, a prefecture shall be a local authority, having executive powers, of the Police and Border Guard Board. A prefecture shall be a police authority up to the entry into force of subsection 5 (1) of this Act.

(2) Up to the entry into force of subsection 5 (1) of this Act on 1 January 2012, the competence of the Police and Border Guard Board shall include the management and development of the police and the performance of the functions assigned to the police to the extent provided for in the statutes.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3) Up to the entry into force of subsection 5(1) of this Act on 1 January 2012, a prefecture shall perform in its jurisdiction those functions assigned to the police which do not belong to the competence of the Police and Border Guard Board.

(3¹) A prefecture as a police authority may perform the functions of the Police and Border Guard Board in the cases and pursuant to the procedure established by a law, regulation, directive of the Minister of the Interior and a directive of the Director General of the Police and Border Guard Board until 1 January 2012. In the performance of the functions, a prefecture shall have the rights and obligations of the Police and Border Guard Board.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(3²) The Government of the Republic may issue a regulation, the Minister of the Interior may issue a regulation and a directive, and the Director General of the Police and Border Guard Board may issue a directive for assigning the competence to perform the functions of the Police and Border Guard Board arising from the law to a prefecture.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

(4) [Repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]

(5) Up to the entry into force of subsection 5 (1) of this Act on 1 January 2012, the data specified in subsection 42 (5) of this Act shall be collected by the police authority of the person's place of residence.

(6) Up to the entry into force of subsection 5 (1) of this Act on 1 January 2012, the head of a bureau of a prefecture and the head of a division of a prefecture shall be appointed to position by the Director General of the Police and Border Guard Board. Other executive officers and specialists of a prefecture shall be appointed to position by the prefect.

§ 119¹. Implementation of section 81 of this Act

[Repealed – RT I, 26.03.2013, 2 – entry into force 01.04.2013]

§ 119². Specifications of appointment to position

(1) A police officer who has been released, prior to the entry into force of this Act, from the police service in a police authority under section 18¹ or section 52 of the Police Service Act in connection with appointment to a position of an official in another government authority or international organisation shall be appointed, in case of release from the service in another government authority or international organisation, with his or her consent to a position in a police authority which corresponds to the position from which he or she was released in connection with appointment to a position in another government authority or international organisation, except in the case he or she does not meet the requirements set for the position.

(2) A police officer who has been released, prior to the entry into force of this Act, from the police service in the Estonian Internal Security Service under section 18¹ or section 52 of the Police Service Act or under section 15¹ of the Security Authorities Act in connection with appointment to a position of an official in another government authority or international organisation shall be appointed, in case of release from the service in another government authority or international organisation, with his or her consent to a position in the Estonian Internal Security Service which corresponds to the position from which he or she was released in connection with appointment to a position in another government authority or international organisation, except in the case he or she does not meet the requirements set for the position.

(3) A border guard official who has been released, prior to the entry into force of this Act, from the border guard service under section 35 of the Border Guard Service Act in connection with appointment to a position of an official in another government authority or international organisation shall be appointed, in case of release from the service in another government authority or international organisation, with his or her consent to a position in a police authority which corresponds to the position from which he or she was released in connection with appointment to a position in another government authority or international organisation, except in the case he or she does not meet the requirements set for the position.

(4) A police officer who has been transferred or appointed, prior to the entry into force of this Act, under section 18 of the Police Service Act to a position of a police officer of the Police College shall be appointed, upon the expiry of the term, with his or her consent to a position in a police authority or the Estonian Internal Security Service, respectively, which corresponds to his or her position prior to the transfer or appointment to a position of a police officer of the Police College, except in the case he or she does not meet the requirements set for the position.

(5) A border guard official who has been transferred or appointed, prior to the entry into force of this Act, under section 34 of the Border Guard Service Act to a position of a border guard official of an educational institution of the border guard shall be appointed, upon the expiry of the term, with his or her consent to a position in a police authority which corresponds to his or her position prior to the transfer or appointment to a position of a border guard official of an educational institution of the border guard, except in the case he or she does not meet the requirements set for the position.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 119³. Extension of term of service

The term of service of an official appointed to position for a specified term in another government authority or international organisation under section 18¹ or section 52 of the Police Service Act, under section 35 of the Border Guard Service Act or under section 15¹ of the Security Authorities Act prior to the entry into force of this Act may be extended after the expiry of the original term of service by up to three years at a time.

[RT I 2009, 62, 405 – entry into force 01.01.2010]

§ 119⁴. Counting of rank of former police officer and border guard rank of former border guard official as service rank

(1) If a person who has been in the police service or border guard service prior to the entry into force of this Act is employed in the police service, the person who has the right to appoint to office shall count his or her last title of office of a police officer or his or her last border guard rank as a service rank on the same conditions

and pursuant to the same procedure as prescribed for police officers specified in section 116 of this Act and for border guard officials specified in section 112 of this Act, but not as a service rank higher than what is prescribed by the service rank of the position.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

(2) If a former border guard official who is employed in the police service does not have a border guard rank but has a military rank, then his or her military rank may be counted as a border guard rank on the basis of section 84 of the previously valid Border Guard Service Act and thereafter the border guard rank may be counted as a service rank based on subsection (1) of this section.

(3) Regarding a person specified in subsection (1) of this section who is appointed to a position of a Leading Specialist, his or her service rank may be counted as a service rank of a Senior Superintendent or Police Lieutenant but not higher than what is prescribed by the service rank of the position if the person has professional higher education or other higher education and he or she has completed professional in-service training and his or her previous professional or service experience is a significant benefit in the new position.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

§ 119⁵. Implementation of subsection 81 (3¹) and subsection 119¹(2) of this Act

[Repealed – RT I, 26.03.2013, 2 – entry into force 01.04.2013]

§ 119⁶. Expiry of unused annual and additional holiday upon suspension of right of police officer to exercise public authority

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

The expiry of annual and additional holidays of a police officer whose right to exercise public authority has been suspended prior to 1 January 2011 in connection with appointment to a position in another government authority or assignment to a position of an official in an international organisation shall be suspended for the duration of the suspension of his or her right to exercise public authority.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 119⁷. Organisation of retroactively bringing into conformity of service ranks of police officer

(1) In the case of bringing the title of office of a police officer specified in clauses 116 (1) 1) to 7) and in clauses 116 (2) 1) to 4) of this Act into conformity with a service rank which is higher than the lowest service rank corresponding to that position of a police officer and if his or her title of office of a police officer has been brought into conformity with the service rank retroactively, service rank remuneration or other remuneration paid on the basis of that service rank shall not be paid retroactively but as of the date of bringing of the title of office into conformity with the higher service rank.

(2) Upon the bringing of the titles of office of police officers specified in clauses 116 (1) 1) to 7) and in clauses 116 (2) 1) to 4) of this Act into conformity with service ranks retroactively as of 1 January 2010, the already granted pensions of police officers shall be recalculated as of the entry into force of this provision. The pension shall not be recalculated for the period of time from 1 January 2010 until the entry into force of this provision. The relevant authorities shall present within three months as of the entry into force of this provision to the Social Insurance Board information regarding those pensioners whose service ranks were changed retroactively as of 1 January 2010.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

§ 119⁸. Implementation of changes in service ranks and positions

(1) All operations and administrative acts necessary for the implementation of sections 35, 48–67 and 67¹–67¹¹, clauses 69 (2) 4) and 5), subsection 70 (3), clause 108 (1) 5) and subsection 110 (1) of this Act shall be performed and issued according to the competence provided for in the Act by the Minister of the Interior, the Director General of the Police and Border Guard Board, the Director General of the Estonian Internal Security Service and the rector of an institution of higher professional education for public defence as of 1 April 2011.

(2) The competence to transfer a police officer from police authority to another shall lie with the Director General of the Police and Border Guard Board.

(3) For the implementation of sections 35, 48–67 and 67¹–67¹¹, clauses 69 (2) 4) and 5), subsection 70 (3), clause 108 (1) 5) and subsection 110 (1) of this Act, the persons specified in subsection (1) of this section shall have the right to change the title of office of a position of a police officer and its place in the structure and the place of the position in the group of positions if the service rank of the police officer's current position corresponds to one of the service ranks of the new position and the new position is equal to the police officer's current position in the list provided for in subsection 48 (2) of this Act or is lower by one rank. The said changes shall not give rise to any significant changes in the objective or main functions of the position or bring about decrease in the wages paid to the police officer or the salary rate specified for him or her.

(4) For the implementation of sections 35, 48–67 and 67¹–67¹¹, clauses 69 (2) 4) and 5), subsection 70 (3), clause 108 (1) 5) and subsection 110 (1) of this Act, a person specified in subsection (1) of this Act shall have the right to transfer a police officer without his or her consent to such a position, one service rank of which corresponds to his or her service rank of a police officer, but not to a position which is lower by more than one rank from the police officer's current position in the list provided for in subsection 48 (2) of this Act if this does not bring about a change in his or her place of residence.

(5) If a change specified in subsection (3) of this section brings about a significant change in the objective or main functions of the position or brings about a decrease in the wages paid to the police officer, the police officer may be transferred to another position with his or her consent or in the manner provided for in subsection (4) of this section.

(6) The person having the right to transfer shall be required to inform a police officer about his or her transfer to another position without his or her consent in writing at least one month in advance.

(7) The current wages shall be retained for a police officer transferred without his or her consent in the manner provided for in subsection (4) of this section if the wages in the new position are less than the current wages.

(8) If as a result of a change on the basis of subsection (3) of this section or a transfer without a consent on the basis of subsection (4) of this section the requirements set for the position change, as a result of which the police officer does not meet the new requirements set for the position, these shall not be applied with regard to a police officer who, prior to the change specified in subsection (3) or transfer without a consent in the manner provided for in subsection (4), met the requirements set for his or her position.

[RT I, 22.03.2011, 1 – entry into force 01.04.2011]

§ 119⁹. Transitional provision of voluntary maritime rescue

If a voluntary maritime rescuer has prior to the entry into force of Chapter 5¹ of this Act completed a training, organised by a training provider or educational institution acknowledged by the Police and Border Guard Board, which corresponds to the content and volume of the training specified in subsections 108⁶(2) and (3) of this Act, it shall be deemed that the requirement to complete first stage training and second stage training provided for in this Act as a precondition for acknowledgment as a voluntary maritime rescuer is complied with.

[RT I, 27.06.2012, 5 – entry into force 01.09.2012]

§ 119¹⁰. Expiry of and compensation for additional holiday granted for length of police service

Unused days of additional holiday for a year, within the length of police service, which has ended before 1 April 2013 shall expire within four years after 1 April 2013. Expiry is suspended for the period of time when a police officer is on pregnancy and maternity leave, adoptive parent leave or parental leave, as well as for when a police officer is undertaking military service or alternative service. Days of additional holiday which have not been used and which have not expired shall be compensated for in money upon resignation from the service.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

§ 119¹¹. Specification of application for survivor's pension of police officer

[Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 119¹². Police officer's pension for incapacity for work

(1) A police officer who has been established under the State Pension Insurance Act to have permanent loss of capacity for work before 1 July 2016 has the right to apply for a pension for incapacity for work which shall be granted and paid under the wording of the Police and Border Guard Act in force up to 1 July 2016.

(2) A police officer who is receiving a pension for incapacity for work under the wording of the Police and Border Guard Act in force up to 1 July 2016 shall continue to be paid the pension for incapacity for work in the same amount without assessment of his or her work ability after the end of the duration of the permanent incapacity for work established by an examination for establishing permanent incapacity for work.

(3) If a person receiving a police officer's pension for incapacity for work reaches the pensionable age provided for in § 7 of the State Pension Insurance Act, he or she shall be continued to be paid the police officer's pension for incapacity for work in the same amount if he or she so wishes.

(4) The police officer's pension for incapacity for work shall be indexed by 1 April each year under § 26 of the State Pension Insurance Act by a pension index approved by a regulation of the Government of the Republic.

(5) The police officer's pension for incapacity for work shall be paid from the state budget through the budget of the Ministry of the Interior.

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

§ 119¹³. Survivor's pension of police officer's family member

A police officer's family member whose right to a survivor's pension has arisen before 1 July 2016 shall be granted and paid such pension under the wording of the Police and Border Guard Act in force up to 1 July 2016.

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

§ 119¹⁴. Person with permanent incapacity for work

A person recruited for secret cooperation 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 § 7⁵³ of this Act. A person recruited for secret cooperation 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 § 7⁵³ of this Act.

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

§ 119¹⁵. Extension of term of service and employment of police officer in host authority in another position

Subsection 64 (1) of this Act shall not be applied to a police officer serving or being employed in the Ministry of the Interior or an authority within the area of government thereof before 1 October 2017.

[RT I, 06.07.2017, 2 – entry into force 01.10.2017]

§ 120. Amendment of Employment Contracts Act

[Omitted from this text.]

§ 121. Entry into force of Act

(1) This Act shall enter into force on 1 January 2010.

(2) The procedure for the implementation of this Act shall be provided for in the Implementing Act.

(3) Section 120 of this Act shall enter into force on 1 July 2009.

(4) Subsection 5 (1) of this Act shall enter into force on 1 January 2012.