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Status of Members of the Riigikogu Act

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RT I 2007, 44, 316

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partially on the day the mandate of the XII Riigikogu begins.

Amended by the following acts

Passed	Published	Entry into force
26.02.2009	RT I 2009, 15, 95	01.03.2009
16.12.2009	RT I 2010, 1, 2	01.01.2012
08.12.2010	RT I, 28.12.2010, 6	27.03.2011 (enters into force on the day the mandate of the XII Riigikogu begins)
17.02.2011	RT I, 21.03.2011, 2	01.01.2012 repealed[RT I, 29.06.2012, 2]
08.12.2011	RT I, 22.12.2011, 3	23.12.2011 repealed[RT I, 29.06.2012, 2]
06.06.2012	RT I, 29.06.2012, 1	01.04.2013, partially 01.01.2014
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, partially 01.01.2013, 01.01.2014 and 01.01.2015
13.06.2012	RT I, 06.07.2012, 1	01.04.2013

Chapter 1 GENERAL PROVISIONS

§ 1. Status of members of the Riigikogu

Members of the *Riigikogu* are representatives of the people, elected in accordance with section 60 of the Constitution of the Republic of Estonia and the *Riigikogu* Election Act.

§ 2. Scope of application of this Act

(1) This Act establishes:

- 1) the grounds, time and procedure for the commencement, suspension and termination of the mandate of a member of the *Riigikogu*;
- 2) the grounds and procedure for the assumption of the membership of the *Riigikogu* by substitute members and for the termination of their mandate;
- 3) the oath of office of members of the *Riigikogu* and the procedure for taking the oath of office;
- 4) the rights and obligations of members of the *Riigikogu*;
- 5) the offices incompatible with that of a member of the *Riigikogu*;
- 6) the guarantees connected to the exercise of the duties of the member of the *Riigikogu*.

(2) Members of the *Riigikogu* are not subject to the Public Service Act and the Employment Contracts Act.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

Chapter 2

COMMENCEMENT, SUSPENSION AND TERMINATION OF THE MANDATE OF A MEMBER OF THE RIIGIKOGU

§ 3. Commencement of the mandate of a member of the *Riigikogu*

The mandate of a member of the *Riigikogu* commences on the day the results of the election are announced.

§ 4. Termination of an employment or service relationship incompatible with the office of a member of the *Riigikogu*

If the employment or service relationship incompatible with the office of a member of the *Riigikogu* has not been terminated or the employment has not been suspended prior to the day on which the member of the *Riigikogu* takes the oath of office, that employment or service relationship is deemed to be terminated as of the day on which the member of the *Riigikogu* takes the oath of office.

§ 5. Suspension of the mandate of the member of the *Riigikogu* in the event of his or her appointment as a member of the Government of the Republic or for the duration of performing the duties of the President of the Republic

(1) The mandate of the member of the *Riigikogu* is suspended on the day of his or her appointment as a member of the Government of the Republic.

(2) The mandate of the member of the *Riigikogu* is not suspended where that member, being elected to the new *Riigikogu*, continues to serve as a member of the Government of the Republic that is to resign due to the convening of the new *Riigikogu*, until the entry into office of the new Government of the Republic.

(3) The mandate of the Speaker of the *Riigikogu* as a member of the *Riigikogu* is suspended for the period during which he or she performs the duties of the President of the Republic.

§ 6. Suspension of the mandate of the member of the *Riigikogu* for the period of parental leave and temporary incapacity for work

(1) A member of the *Riigikogu* may submit an application to the Management Board of the *Riigikogu* to have his or her mandate suspended in connection with:

- 1) his or her need to raise a child who is under three years of age;
- 2) his or her temporary incapacity for work.

(2) The application must set out the reason for the suspension of the mandate and the term of suspension, which may not be shorter than three months. Documents confirming the circumstances that serve as grounds for the application to have the member's mandate suspended are annexed to the application.

(3) The Management Board of the *Riigikogu* adopts the corresponding decision within three working days as of the date of receiving the application. The decision sets out the date of resumption of the mandate.

(4) The mandate of the member of the *Riigikogu* is deemed to be suspended as of the day following the day on which the Management Board of the *Riigikogu* adopted the decision.

(5) The Management Board of the *Riigikogu* may by its decision postpone the date of resumption of the mandate of the member of the *Riigikogu* if that member submits the corresponding application under the conditions and following the procedure described in subsections 1 and 2 of this section.

§ 7. Resumption of the mandate of the member of the *Riigikogu*

(1) If the Speaker of the *Riigikogu* ceases to perform the duties of the President of the Republic, or if the member of the *Riigikogu* is released from his or her duties as a member of the Government of the Republic, his or her mandate is deemed to resume as of the day following the day on which he or she ceases to perform, or is released from, those duties.

(2) Where the mandate of a member of the *Riigikogu* has been suspended in accordance with section 6 of this Act, the mandate is deemed to resume as of the date set out in the resolution of the Management Board of the *Riigikogu* (subsection 3 of section 6).

§ 8. Grounds for termination of the mandate of a member of the *Riigikogu*

(1) The mandate of a member of the *Riigikogu* is deemed to be terminated as of the day the results of the election of the next *Riigikogu* are announced.

- (2) The mandate of a member of the *Riigikogu* is terminated before the end of its term:
- 1) upon the member's assumption of another government office;
 - 2) when a convicting judgment entered by a court against him or her becomes final;

- 3) upon his or her resignation following the procedure established by this Act;
- 4) if the Supreme Court decides that he or she is incapable of performing his or her duties for an extended period;
- 5) in the event of his or her death.

§ 9. Resignation of a member of the *Riigikogu*

- (1) A member of the *Riigikogu* may resign from the *Riigikogu* of his or her own accord.
- (2) The member of the *Riigikogu* who wishes to resign submits to the Management Board of the *Riigikogu* a written application that sets out the reason for the resignation.
- (3) Where the person who is elected member of the *Riigikogu*, or the substitute member, is unable to assume the duties of a member of the *Riigikogu*, he or she may resign before taking the oath of office.
- (4) In the case described in subsection 3 of this section, the member of the *Riigikogu* submits the letter of resignation, in observance of the requirements described in subsection 2, before the first sitting of the *Riigikogu* to the National Electoral Committee, and after this to the Management Board of the *Riigikogu*.
- (5) A member of the *Riigikogu* may not resign when his or her mandate has been suspended under section 5 or 6 of this Act.
- (6) A member of the *Riigikogu* is deemed to have submitted a letter of resignation if, within ten days as of the day on which the results of the election to the European Parliament are announced, he or she fails to inform the National Electoral Committee that he or she wishes to continue in his or her current office and to decline the mandate of a member of the European Parliament.
- (7) The National Electoral Committee or the Management Board of the *Riigikogu* decides on the resignation request at the earliest opportunity.
- (8) The mandate of the member of the *Riigikogu* who has submitted a letter of resignation terminates on the day on which the National Electoral Committee or the Management Board of the *Riigikogu* takes the decision concerning the assumption of the membership of the *Riigikogu* by the substitute member.

§ 10. Termination of the mandate of a member of the *Riigikogu* by judgment of the Supreme Court

The Supreme Court may, at the request of the Management Board of the *Riigikogu*, terminate the mandate of a member of the *Riigikogu* by judgment before the end of its term if the member of the *Riigikogu*:

- 1) is incapable of performing his or her duties for an extended period,
- 2) does not meet the requirements for candidates standing for membership in the *Riigikogu* as established in the Constitution of the Republic of Estonia or in the *Riigikogu* Election Act, or
- 3) refuses to take the oath of office.

Chapter 3 SUBSTITUTE MEMBERS

§ 11. Substitute members

Where the mandate of a member of the *Riigikogu* is suspended or is terminated before the end of its term, a substitute member assumes the membership of the *Riigikogu* instead of that member.

§ 12. Order of substitute members

- (1) The substitute member of a member of the *Riigikogu* elected from a given electoral district is the candidate who stood in the election for the member's political party in that electoral district and who is registered first in the order of substitute members.
- (2) The substitute member of a member of the *Riigikogu* who is deemed elected by way of a compensation seat is the candidate who stood in the election for the member's political party in that party's national list and who is registered first in the order of substitute members.
- (3) If the political party has no more candidates who are registered as substitute members for the given electoral district, the candidate who stood in the election in that party's national list and who is registered first in the order of substitute members becomes the substitute member.

(4) If the member of the *Riigikogu* to be substituted stood as a non-affiliated candidate or if there are no more registered substitute members in the list of the member's party, that member's seat goes to the substitute member designated in accordance with the additional seat allocated between the national lists and registered by the National Electoral Committee.

(5) Resumption of his or her seat by the member of the *Riigikogu* entails the termination of the mandate of the member of the *Riigikogu* who was the last to assume the membership of the *Riigikogu* from among the candidates of the resuming member's political party who stood in the election in the relevant electoral district or in the national list and who were registered as substitute members.

§ 13. Assumption of the membership of the *Riigikogu* by a substitute member

(1) The assumption of the membership of the *Riigikogu* by a substitute member is formalised by decision of the National Electoral Committee or the Management Board of the *Riigikogu*.

(2) The National Electoral Committee or the Management Board of the *Riigikogu* adopts the decision referred to in subsection 1 of this section at the earliest opportunity after receiving the document that confirms the circumstances which serve as grounds for the suspension or termination of the mandate of the member of the *Riigikogu* before the end of its term.

(3) The mandate of the substitute member as a member of the *Riigikogu* commences on the day following the day on which the National Electoral Committee or the Management Board of the *Riigikogu* adopted the decision.

§ 14. Termination of the mandate of the substitute member in the seat of a member of the *Riigikogu*

(1) In addition to those listed in section 8 of this Act, the mandate of the substitute member in the seat of a member of the *Riigikogu* terminates in the following cases on account of the resumption of the mandate of the member of the *Riigikogu*:

- 1) on the day on which the Speaker of the *Riigikogu* ceases to perform the duties of the President of the Republic;
- 2) on the day on which the member of the *Riigikogu* is released from the duties of a member of the Government of the Republic;
- 3) on the day preceding the day set out in the decision of the Management Board of the *Riigikogu* in the cases referred to in section 6 of this Act.

(2) The termination of the mandate of the substitute member in the seat of a member of the *Riigikogu* is formalised by decision of the Board of the *Riigikogu*.

Chapter 4 OATH OF OFFICE OF A MEMBER OF RIIGIKOGU

§ 15. Obligation to take the oath of office and the text of the oath of office

(1) Before assuming his or her duties, the member of the *Riigikogu* takes the following oath of office: «Asudes täitma oma kohustusi *Riigikoguliikmena Riigikogu*... koosseisus, annan vande jääda ustavaks Eesti Vabariigile ja tema põhiseaduslikule korrale. (Nimi. Allkiri. Kuupäev.)» [Assuming my duties as a member of the... *Riigikogu*, I swear to remain loyal to the Republic of Estonia and its constitutional order. (Name. Signature. Date.)]

(2) The member of the *Riigikogu* signs the form of the oath of office.

(3) The signed forms of the oaths of office are kept at the Supreme Court.

§ 16. Taking the oath of office

(1) Members of the new *Riigikogu* take the oath of office at the first sitting following the procedure established in the *Riigikogu* Rules of Procedure Act.

(2) Any member of the *Riigikogu* who has not taken the oath of office at the first sitting takes the oath before the *Riigikogu* at the beginning of the first sitting which he or she attends.

(3) If the mandate of the member of the *Riigikogu* commences for the second or subsequent time during the mandate of the same *Riigikogu* and he or she has taken the oath of office during the mandate of that *Riigikogu*, he or she submits the oath of office to the President of the *Riigikogu* in writing.

Chapter 5

GUARANTEES CONNECTED TO THE EXERCISE OF A SEAT ON THE RIIGIKOGU AND THE RIGHTS AND OBLIGATIONS OF MEMBERS OF THE RIIGIKOGU

§ 17. Free mandate

(1) Members of the *Riigikogu* are independent. They perform the duty of representing the people in accordance with the Constitution, Acts of the *Riigikogu*, the public interest and their conscience.

(2) No member of the *Riigikogu* may be obligated to resign from the *Riigikogu*.

§ 18. Immunity of members of the *Riigikogu*

(1) Members of the *Riigikogu* are immune from legal liability for votes cast or political statements made by them in the *Riigikogu* or in any of its bodies.

(2) It is prohibited to obstruct any member of the *Riigikogu* in the performance of his or her duties.

(3) When preparing the statement of charges regarding a member of the *Riigikogu* and conducting any investigative proceedings of which the subject is a member of the *Riigikogu*, the provisions of Chapter 14 of the Code of Criminal Procedure must be observed.

(4) Members of the *Riigikogu* may not waive their immunity.

§ 19. Access to state secrets and classified information of foreign states

(1) Members of the *Riigikogu* are authorised to access state secrets and classified foreign information in order to perform their duties.

(2) Access to specific classified foreign information or state secrets may be denied to a member of the *Riigikogu* by a reasoned decision of the Prime Minister or other relevant minister if:

- 1) the state secret concerns a source of security information,
- 2) the state secret concerns a work method of a security authority while this method is still in use,
- 3) the state secret concerns collection of information by a security authority in a manner provided for in section 25 or 26 of the Security Authorities Act while such collection is still in progress, or
- 4) the disclosure of the state secret endangers the persons with regard to whom a surveillance activity has been conducted, the persons who participated and were involved in the conduct of the surveillance activity, as well as any persons close to them, or if the disclosure endangers the secrecy of cooperation.

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

(3) Where the performance of security vetting is an obligatory precondition for being granted access to classified information of a foreign state, the Security Authorities Oversight Committee of the *Riigikogu* decides whether the member of the *Riigikogu* has passed the security vetting. The certificate of access to classified information of a foreign state is issued following the procedure established in the State Secrets and Classified Information of Foreign States Act.

§ 20. Responding to informational letters and requests of members of the *Riigikogu*

(1) Government agencies, local authorities and the officials of such agencies and authorities are required to respond to informational letters and requests of members of the *Riigikogu* within ten working days as of receiving the letter or request.

(2) Where further investigation is necessary, government agencies, local authorities and the officials of such agencies and authorities may extend the term provided in subsection 1 of this section at the most to one month. The member of the *Riigikogu* must be notified of the extension in writing.

§ 21. Restricted actions and obligation to declare economic interests and areas of activity

[Repealed – RT I, 29.06.2012, 1 – entry into force 01.01.2014]

Chapter 6

OFFICES INCOMPATIBLE WITH THAT OF A MEMBER OF THE RIIGIKOGU

§ 22. Offices and duties incompatible with that of a member of the Riigikogu

(1) The principal position of employment of members of the *Riigikogu* is with the *Riigikogu*.

(2) During his or her mandate, a member of the *Riigikogu* may not hold a position or perform functions which are in conflict with the principle of separation of powers or which may otherwise lead to a conflict of interests in the activities of the member of the *Riigikogu*.

(3) The *Riigikogu* or a body of the *Riigikogu* may appoint a member of the *Riigikogu* as chair or member of a certain supervisory board in the cases provided by law.

§ 23. Prohibition of holding a civil service position

(1) During his or her mandate, the member of the *Riigikogu* may not be a civil servant at an executive body of the government or of a local authority.

(2) During his or her mandate, the member of the *Riigikogu* may not be the head of a government institution administered by an executive agency of the government.

(3) During his or her mandate, the member of the *Riigikogu* may not hold the office of the chair of the executive board of a municipality or city, a member of the executive board of a municipality or city, or of an official of either type of the local authority.

(4) During his or her mandate, the member of the *Riigikogu* may not be in the service of other states, of institutions or bodies of the European Union, or of international organisations.

§ 24. Prohibition of membership in a city council or a rural municipality council

(1) During his or her mandate, the member of the *Riigikogu* may not be a member of a city council or a rural municipality council.

(2) The mandate of the member of the *Riigikogu* as a member of a city council or a rural municipality council is suspended when he or she is elected member of such a council.

§ 25. Prohibition of membership of the European Parliament

During his or her mandate, the member of the *Riigikogu* may not be a member of the European Parliament.

§ 26. Restrictions on membership in the supervisory board of a legal person in public law and prohibition of heading or being a member of the management board of a legal person in public law

(1) During his or her mandate, the member of the *Riigikogu* may not be a member of the supervisory board of a legal person in public law if this requires appointment by the Government of the Republic, a Minister or the head of other authority of the executive branch of government.

(2) During his or her mandate, the member of the *Riigikogu* may not hold the office of the Chair of the Supervisory Board of the Bank of Estonia.

(3) During his or her mandate, the member of the *Riigikogu* may not be the chair or member of the management board of a legal person in public law.

§ 27. Prohibition of pursuing a liberal profession

During his or her mandate, the member of the *Riigikogu* may not practice as an advocate, notary, bailiff or sworn translator.

§ 28. Prohibition of being the chair or member of the management board of a partially government-owned company or of a foundation whose founders include the government

During his or her mandate, the member of the *Riigikogu* may not be the chair or member of the management board of a partially government-owned company or of a foundation whose founders include the government.

Chapter 7

SOCIAL GUARANTEERS OF MEMBERS OF RIIGIKOGU

§ 29. Salaries of members of the *Riigikogu*

(1) The salaries of members of the *Riigikogu* are set in the Salaries of Higher State Servants Act.
[RT I 2010, 1, 2 – entry into force 01.01.2012]

(2) [Repealed – RT I 2010, 1, 2 – entry into force 01.01.2012]

(3) [Repealed – RT I 2010, 1, 2 – entry into force 01.01.2012]

(4) [Repealed – RT I 2010, 1, 2 – entry into force 01.01.2012]

(5) [Repealed – RT I 2010, 1, 2 – entry into force 01.01.2012]

(6) [Repealed – RT I 2010, 1, 2 – entry into force 01.01.2012]

(7) [Repealed – RT I 2010, 1, 2 – entry into force 01.01.2012]

(8) Members of the *Riigikogu* are paid a salary starting the day on which they take the oath of office.

§ 30. Reimbursement of work related expenses of the members of the *Riigikogu*

Work-related expenses are reimbursed to members of the *Riigikogu* on the basis of expense receipts in the amount of up to 30 percent of the salary of the member following the procedure established by the Management Board of the *Riigikogu*. Until termination of the mandate of the XI *Riigikogu*, work-related expenses are reimbursed to members of the *Riigikogu* on the basis of expense receipts in the amount of up to 10 percent of the salary of the member following the procedure established by the Management Board of the *Riigikogu*.
[RT I 2009, 15, 95 – entry into force 01.03.2009]

§ 31. Reimbursement of lodging expenses to members of the *Riigikogu*

(1) [Repealed – RT I 2007, 44, 316 – entry into force 27.03.2011 – enters into force on the day on which the mandate of the XII *Riigikogu* begins]
[Subsection 2 enters into force on the day on which the mandate of the XII *Riigikogu* begins – 27.03.2011]

(2) If, according to the information in the population register, the member of the *Riigikogu* resides outside Tallinn or outside the territory of the local authorities bordering Tallinn, that member, on the basis of the corresponding request submitted by him or her, receives monthly reimbursement for lodging expenses in the amount of 20 percent of the salary of the member.

§ 32. Compensation upon the termination of the mandate of a member of the *Riigikogu*

(1) When the mandate of the member of the *Riigikogu* is terminated, the member is paid a one-off compensation.

(2) If the person was a member of the *Riigikogu* for less than one year, he or she is paid compensation in the amount equal to the salary of the member of the *Riigikogu* for the continuous period during which he or she performed the duties of a member of the *Riigikogu*, but not exceeding three months' salary of the member of the *Riigikogu*.

(3) If the person was a member of the *Riigikogu* for at least one year, he or she is paid compensation in the amount equal to six months' salary of the member of the *Riigikogu*.

(4) When the member of the *Riigikogu* resigns, he or she is paid compensation only if he or she was a member of the *Riigikogu* for at least one year. In such a case, the amount of the compensation is equal to three months' salary of the member of the *Riigikogu*.

(5) If a member of the *Riigikogu* is elected to the new *Riigikogu*, he or she is paid compensation in the amount equal to the salary of the member of the *Riigikogu* for the number of days between the day of the termination of the mandate of the previous *Riigikogu* and the day of taking the oath of office in the new *Riigikogu*.

(6) The provisions of this section do not apply to members of the *Riigikogu* whose mandate is terminated before the end of its term in accordance with points 1, 2, 4 or 5 of subsection 2 of section 8 of this Act.

Chapter 8

OFFICIAL MISSIONS

§ 33. Official missions

(1) A member of the *Riigikogu* undertakes a domestic official mission when he or she travels outside Tallinn to perform the duties assigned by the *Riigikogu* or the Management Board or committee of the *Riigikogu*.

(2) A member of the *Riigikogu* undertakes an international official mission when he or she travels to a foreign state to perform the duties assigned by the *Riigikogu* or the Management Board, political group or committee of the *Riigikogu*.

(3) Until the relevant delegation is constituted during the mandate of the new *Riigikogu*, a member of the delegation formed during the mandate of the previous *Riigikogu* may be authorised to undertake an international official mission in the capacity of a representative of the *Riigikogu* regardless of whether or not he or she was elected to the new *Riigikogu*.

(4) The conditions and extent as well as the procedure for the reimbursement of expenses related to official missions is established by the Management Board of the *Riigikogu*.

(5) The decision to authorise an official mission of the member of the *Riigikogu* is made by the Management Board of the *Riigikogu*.

§ 34. Travel insurance

Any member of the *Riigikogu* who is on an international official mission is entitled to travel insurance under the conditions, to the extent and following the procedure established by the Management Board of the *Riigikogu*.

Chapter 9 ASSISTANT TO THE MEMBER OF THE RIIGIKOGU

[Repealed – RT I 2009, 15, 95 - entry into force 01.03.2009]

§ 35.–§ 37. [Omitted from this version.]

Chapter 10 IMPLEMENTING PROVISIONS

§ 38.–§ 59. [Omitted from this version.]

§ 60. Implementation of the term of office of the Secretary General of the *Riigikogu*

The Secretary General of the *Riigikogu* who is in office when this Act enters into force is deemed to be appointed to the office for a term of five years as of the entry into force of this Act.

§ 60¹. Temporary salary arrangements of members of the *Riigikogu*

Until 31 December 2011, the salary of a member of the *Riigikogu* is the average salary in Estonia multiplied by the relevant coefficient provided in section 29 of this Act, but not more than the average salary in Estonia in the fourth quarter of 2009 multiplied by the relevant coefficient provided in section 29 of this Act.

[RT I, 28.12.2010, 6 – entry into force on 27.03.2011 – enters into force on the day on which the mandate of the XII *Riigikogu* begins]

§ 61. Entry into force of this Act

(1) This Act enters into force on the tenth day after its publication in the *Riigi Teataja*.

(2) Section 19 of this Act enters into force on 1 January 2008.

(3) Subsection 2 of section 31 of this Act enters into force on the day on which the mandate of the XII *Riigikogu* begins, i.e., on 27.03.2011.

[RT I 2009, 15, 95 – entry into force 01.03.2009]

(4) Subsection 1 of section 31 of this Act is repealed as of the day the mandate of the XII *Riigikogu* begins, i.e., as of 27.03.2011.