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National Defence Duties Act

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RT I 1995, 25, 352
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Amended by the following acts

Passed	Published	Entry into force
26.06.1996	RT I 1996, 49, 953	26.07.1996
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
22.01.2003	RT I 2003, 13, 69	01.05.2003, partially 01.01.2004
01.06.2005	RT I 2005, 33, 243	01.08.2005
15.06.2005	RT I 2005, 39, 308	01.01.2006
25.01.2007	RT I 2007, 16, 77	01.01.2008
19.06.2008	RT I 2008, 35, 213	01.01.2009
17.12.2008	RT I 2009, 5, 35	01.07.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
15.06.2011	RT I, 08.07.2011, 8	22.07.2011
13.06.2012	RT I, 10.07.2012, 2	01.04.2013, the word 'defence forces' has been replaced by 'Defence Forces' throughout the Act.
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
08.06.2016	RT I, 16.06.2016, 2	01.07.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.03.2018	RT I, 03.04.2018, 4	13.04.2018
07.03.2018	RT I, 03.04.2018, 1	01.07.2018

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of regulation

(1) The national defence duties, the procedure for imposition of and compliance with the duties shall be established by this Act.

(1¹) The provisions of the National Defence Act are also applied to the imposition of and compliance with the national defence duties, taking account of the specifications of this Act.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.
[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 2. National defence duties

National defence duties (hereinafter duties) are:

- 1) expropriation (requisition);
- 2) duty to grant use and compulsory possession;
- 3) obligation to carry;
- 4) [Repealed – RT I, 12-03.2015, 1 - entry into force 01.01.2016]

§ 3. Imposition of duties

(1) Duties are imposed in peace time.

(2) In wartime the duties shall be imposed depending on national defence needs.

(3) A duty is imposed by an administrative act or general order.

(4) The following secondary conditions may be established upon the imposition of duties:

- 1) an additional duty necessary for the compliance with the duty, including the obligation to maintain and preserve property, notify of the granting of use or transfer of property, maintain qualification requirements, implement a qualified specialist or other obligation;
- 2) a condition for the compliance with the duty, the procedure for notification of the arrival of such condition and the obligations of the addressee of the duty upon the arrival of the condition relating to the compliance with the duty.

(5) The addressee, object, type and content of a duty and other facts relating to the compliance with the duty shall be specified in the administrative act or general order by which the duty is imposed.

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 3¹. Exemptions of service of administrative act or other document

(1) Service of an administrative act or other document to a person during increased defence readiness, a state of war, mobilization or demobilization may be carried out, apart from the provisions of § 25 of the Administrative Procedure Act, in one of the following manners:

- 1) an administrative act or other document shall be published in an Internet news portal, some other Internet portal or other relevant Internet environment;
- 2) an administrative act or other document shall be broadcast for at least three times in television or radio programmes during the time between 7.00 and 22.00, leaving an interval of at least one hour between each broadcast;
- 3) an administrative act or other document shall be published in at least one national newspaper.

(2) During increased defence readiness, a state of war, mobilization or demobilization the administrative body may, in the case provided in § 28 of the Administrative Procedure Act, deliver an administrative act or other document by which the duty is imposed or the performance of the duty is determined, to a person at anytime and anywhere.

[RT I, 03.04.2018, 4 – entry into force 13.04.2018]

§ 4. Fulfilment of duties

(1) Duties shall be performed by persons during a state of war. The performance of duties may be prescribed also during increased defence readiness, mobilization and demobilization.

[RT I, 12-03.2015, 1 entry into force 01.01.2016]

(2) Upon declaration of war the duties that have been imposed on persons and notified of in peace time shall be subject to performance without any additional order.

(3) Duties imposed on persons in wartime shall be subject to performance immediately or within the prescribed period of time.

(4) In case the duty that has been imposed on a person and notified of is impossible to perform due to destruction, becoming unusable or other reason, the person shall notify the agency that has imposed the duty thereof:

- 1) within 10 days in peace time;
- 2) immediately in wartime.

[RT I 2003, 13, 69 - entry into force 01.05.2003]

(5) The performance of the duty is decided by an administrative act or general order.

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(6) The addressee, object, type and content of a duty and other facts relating to the performance of the duty shall be determined in an administrative act or general order by which the performance of the duty is decided.

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 4¹. Keeping account over duties

The Register of Civil Assets shall keep centralized accounts over duties.
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

§ 4². Register of Civil Assets

(1) The Register of Civil Assets is a database in which accounts are kept over the resources necessary for national defence, provision of host nation support and civil-military cooperation, providers of a vital service, employers holding national defence posts and jobs and over the imposition and performance of duties.
[RT I, 03.04.2018, 1 - entry into force 01.07.2018]

(2) The controller and processor of the Register of Civil Assets is the Defence Resources Agency.

(2¹) In the case of accounting of a provider of a vital service the processor is the authority organising the continuity of the vital service.
[RT I, 03.04.2018, 1 - entry into force 01.07.2018]

(3) The statutes of the Register of Civil Assets shall be established by a regulation of the Government of the Republic.
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

§ 4³. Assessment of condition of property

(1) A person is required to enable an official or committee appointed by the Defence Resources Agency, a commander of a structural unit of the Defence Forces or a relevant ministry to assess the condition of the property for the purpose of the imposition or performance of the duty.

(2) An official or committee shall notify the person of the need for assessment provided in subsection (1) of this section and agrees upon the time and other details of the assessment.

(3) An official or committee may involve an expert in the assessment provided in subsection (1) of this section.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 5. Maintaining confidentiality of data

Persons are liable for keeping state and business secrets related to duties and classified information of foreign states on the bases and in the procedure provided by law.
[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 6. Payment of benefit or pension

In the case of establishment of partial or no ability to work or death of a person, if it was caused by compliance with duties, the benefits or pension shall be paid pursuant to law.
[RT I, 16.06.2016, 2 - entry into force 01.07.2016]

§ 7. Contestation of order to impose duty

(1) A person who finds that his or her rights have been violated by imposing duties may address a state agency that has imposed the duty or have recourse to a court for contestation of his or her duty.

(2) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 8. Compensation of damage

[RT I 2003, 13, 69 - entry into force 01.05.2003]

(1) The damage caused to a person by imposing duties shall be compensated for in the procedure provided by law.

(1¹) The damage caused to a person by the imposition of duties in peace time shall be compensated for on the basis of the State Liability Act.

(2) The destruction, deterioration or decrease in value of property through act of war is not deemed to be damage caused by duty.

(3) [Repealed - RT I 2003, 13, 69 - entry into force 01.05.2003]

Chapter 2

AGENCIES COMPETENT TO DEVELOP AND IMPLEMENT NATIONAL DEFENCE DUTIES SUMMARY PLAN

§ 9. Competence of the Government of the Republic

The Government of the Republic shall:

- 1) approve the summary plan of national defence duties on the proposal of the Minister of Defence (hereinafter summary plan of duties);
- 2) decide on applying the duty to grant use of the property pursuant to §§ 28 and 29 of this Act;
- 3) direct and coordinate the activities of the ministries and other agencies performing the national defence functions upon organization of duties;
- 4) establish the lists of authorities, agencies and persons whose vehicles, floating vessels and other property shall not be subject or shall be subject in a limited amount to expropriation or duty to grant use in wartime;
- 5) [Repealed - RT I, 03.04.2018, 4 - entry into force 13.04.2018]
- 6) decide on other issues related to duties which have not been given to the competence of other bodies by this Act.
[RT I 2003, 13, 69 - entry into force 01.05.2003]

§ 10. Competence of ministries

(1) The Ministry of Defence shall:

- 1) work out the summary plan of duties in cooperation with the Commander of the Defence Forces and the corresponding ministries and submit for approval to the Government of the Republic;
- 2) notify the ministries or other persons of the duties arising from the summary plan of duties;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]
- 3) decide on imposing duties on persons pursuant to §§ 17 and 24 of this Act;
- 3¹) organize in peace time the imposition of duties for the Defence Forces needs through the Defence Resources Agency and implementation of duties for the Defence Forces needs during increased defence readiness, mobilization and demobilization;
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]
- 4) appoint officials for expropriation and performance of the duty to grant use or commissions formed of them pursuant to §§ 18 and 25 of this Act;
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]
- 5) request information related to duties from ministries, rural municipality and city governments and other persons;
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]
- 5¹) establish the guidelines necessary for the performance of duties and, where necessary, the forms of documents;
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]
- 6) organize and coordinate the work of the commissions for expropriation and performance of the duty to grant use and respective officials;
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]
- 7) supervise the compliance of the corresponding persons with this Act.

(2) Other ministries shall:

- 1) develop the proposals for the preparation of the summary plan of duties on the basis of the guidelines received from the Ministry of Defence;
- 2) notify the persons of the duties imposed on them pursuant to §§ 17 and 24 of this Act on the basis of the summary plan of duties;
- 3) decide on the imposition of duties on persons pursuant to §§ 17 and 24 of this Act;
- 4) appoint officials for expropriation and performance of the duty to grant use or commissions formed of them pursuant to §§ 18 and 25 of this Act;
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]
- 5) demand from persona information received in relation to national defence tasks;
- 5¹) establish the guidelines necessary for the performance of duties and, where necessary, the forms of documents;
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]
- 6) supervise compliance with this Act of the respective persons.
[RT I 2005, 33, 243 - entry into force 01.08.2005]

§ 11. Competence of Commander of Defence Forces

[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

(1) Commander of Defence Forces shall:

- [RT I, 08.07.2011, 8 - entry into force 22.07.2011]
- 1) work out proposals for preparation of the summary plan of duties and submit to the Ministry of Defence;

2) organize and guarantee the acceptance in a timely manner of the property that is expropriated and introduced under duty to grant use by the structural units of the Defence Forces;

[RT I 2008, 35, 213 - entry into force 01.01.2009]

3) [Repealed – RT I 2003, 13, 69 - entry into force 01.05.2003]

4) supervise the compliance with this Act of the respective persons in wartime.

(2) During increased defence readiness, a state of war, mobilization and demobilization the Commander of the Defence Forces and the subordinate commanders shall:

1) implement the duties predetermined by the Defence Resources Agency;

2) impose additional duties, where necessary, and implement them;

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

§ 12.–§ 13.[Repealed - RT I 2003, 13, 69 - entry into force 01.05.2003]

Chapter 3 EXPROPRIATION

§ 14. Definition of expropriation

For the purposes of this Act, expropriation means the taking of property from the owner to the state ownership for the national defence needs.

[RT I 2003, 13, 69 - entry into force 01.05.2003]

§ 15. Property subject to expropriation

The following can be expropriated:

1) fuels and lubricants;

2) foods;

3) pharmaceuticals and medical products;

4) other movable property which is consumable according to the characteristics of the property.

§ 16. Property not subject to expropriation

The following shall not be subject to expropriation:

1) the property of museums and archives;

2) the property of churches and congregations, religious societies and associations thereof which is used in the ritual service;

3) the property belonging to foreign missions, consulates, representations and to the members thereof who are citizens of foreign states, which is meant for official and personal use;

4) the property which is not subject to expropriation on the basis of treaties or generally recognised standards of international law;

5) the property belonging to a person for which a claim for payment cannot be made and in an enforcement proceeding;

6) the property of persons specified in clause 9 4) of this Act.

[RT I 2005, 39, 308 - entry into force 01.01.2006]

7) the property which is absolutely necessary for the provision of a vital service.

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 17. Agencies competent to decide on expropriation

(1) The following shall have the competence to decide on expropriation of property from persons in peace time:

1) The Defence Resources Agency;

[RT I 2008, 35, 213 - entry into force 01.01.2009]

2) ministries according to the task given in the summary plan.

(2) The Defence Resources Agency and the ministries shall:

1) keep account of expropriation;

2) organize delivery of administrative acts on expropriation to persons in peace time;

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

3) supervise the possibility of the compliance with the decision to expropriate property.

[RT I 2008, 35, 213 - entry into force 01.01.2009]

(3) The Commander of the Defence Forces shall decide on the expropriation of property in wartime on the basis of the national defence needs. A commander of a structural unit of the Defence Forces may take a decision to expropriate property in wartime according to the interests of military activities, notifying the Commander of the Defence Forces thereof.

[RT I, 08.07.2011, 8 - entry into force 22.07.2011]

(4) [Repealed - RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 18. Procedure for expropriation of property

(1) [Repealed - RT I 2003, 13, 69 - entry into force 01.05.2003]

(2) Officials or three-member commissions formed of them shall be appointed by a commander of a structural unit of the Defence Forces, the Defence Resources Agency or a respective ministry to expropriate and accept property during increased defence readiness, mobilization, demobilization or a state of war.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(3) The property which is subject to expropriation on the basis of an administrative act on expropriation shall be transferred to the place prescribed in the administrative act on expropriation by the owner or possessor. The property may also be accepted in its location.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(4) The property to be expropriated shall be accepted on the basis of the acceptance certificate compiled by the respective official (commission) for expropriation. One copy of the certificate shall be given to the owner or possessor.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(5) Officials (commissions) shall be liable for the preservation of the expropriated property until the transfer of property and guarantee the delivery thereof to the designated location by the prescribed time.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(6) Upon the permission of the Commander of the Defence Forces the respective official (commission) may:
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

- 1) deposit the expropriated property into storage with liability to a person whose property was expropriated;
 - 2) extend the time limit for the transfer of property prescribed in the administrative act on expropriation with an obligation to transfer the specified property to the collection point by the specified term.
- [RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 19. Acceptance requirements for property under expropriation

(1) The property under expropriation is required to meet the national standards, technical and quality requirements.

(2) Liquid and bulk substances shall be in a proper container or package.

(3) The quantity, an amount of expropriated property, the compliance thereof with the current standards, technical and quality requirements and the stage of amortization shall be noted in the property acceptance certificate.

§ 20. Prohibition on transfer of property subject to expropriation

(1) It is prohibited to transfer the property specified in the administrative act on expropriation delivered to an individual in peace time as from the declaration of the state of war.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(2) It is prohibited to transfer the property specified in the administrative act on expropriation delivered to an individual in a state of war as from the delivery of the respective administrative act.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

Chapter 4 DUTY TO GRANT USE

§ 21. Definition of duty to grant use

For the purposes of this Act, the duty to grant use is the temporary use of the property for national defence needs.

[RT I 2003, 13, 69- entry into force 01.05.2003]

§ 22. Property under duty to grant use

The following may fall under the duty to grant use:

- 1) plots of land;
- 2) vehicles, floating vessels and aircraft;
- 3) enterprises (incl. hospitals);

- 4) machinery and equipment;
- 5) constructions and structures;
- 6) power, electronic communication, gas and other lines;
- 7) weapons, optics, measuring and medical instruments;
- 8) other movable property.

§ 23. Property not under duty to grant use

The property listed in §§ 15 and 16 shall not fall under the duty to grant use.

§ 24. Agencies competent for performance of duty to grant use

(1) The duty to grant use of property shall be decided by the Government of the Republic pursuant to §§ 28 and 29 of this Act. The respective ministry shall arrange the performance of the duty to grant use of the specified property.

(2) In other cases the duty to grant use of the property shall be decided by the respective ministry or the Defence Resources Agency on the basis of the task given in the summary plan of duties.
[RT I 2008, 35, 213- entry into force 01.01.2009]

(3) The Commander of the Defence Forces shall decide, on the basis of the national defence needs, on applying the duty to grant use of the property during a state of war and also applying the grant of use of plots of land during increased defence readiness. A commander of a structural unit of the Defence Forces may decide on applying the duty to grant use of the property during a state of war, as well as on applying the duty to grant use of plots of land during increased defence readiness, on the basis of the interests of military activities and notifying the Commander of the Defence Forces thereof.
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(4) Competent agencies for the performance of the duty to grant use of property shall:

- 1) keep account of the property under duty to grant use;
- 2) organize the delivery to persons of the administrative acts on the duty to grant use of property and the performance of the duty to grant use;

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

- 3) check the possibility of the performance of the duty to grant use;

- 4) organize the return to persons of the property taken under the duty to grant use.

[RT I 2003, 13, 69 - entry into force 01.05.2003]

§ 25. Procedure for performance of duty to grant use

(1) [Repealed – RT I 2003, 13, 69 - entry into force 01.05.2003]

(2) Officials or three-member commissions formed of them shall be appointed by a commander of a structural unit of the Defence Forces, the Defence Resources Agency or the respective ministry for the performance of the duty to grant use of property during increased defence readiness, mobilization, demobilization or a state of war.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(3) Property shall be taken to use under the duty to grant use on the basis of an acceptance certificate prepared by a respective official (commission). One copy of the certificate shall be given to the owner or possessor.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 26. Taking vehicle, floating vessel and aircraft for duty to grant use

(1) The condition of a vehicle, floating vessel and aircraft under duty to grant use shall meet current requirements, shall be completed with the required outfit, tools and other devices provided in the administrative act on the duty to grant use and be refuelled to the full tank capacity.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(2) Upon acceptance of a vehicle, floating vessel and aircraft the state registration certificate, technical condition and completeness thereof shall be checked. If the technical condition of a vehicle, floating vessel and aircraft does not meet the requirements, the respective official (commission) may require the repair of the failure at the expense of the owner or possessor by the provided time-limit.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(3) Together with a vehicle, floating vessel and aircraft the driver or crew may also be required to drive and maintain the vehicle, floating vessel or aircraft. The commander of a structural unit of the Defence Forces shall have the right to keep the specified persons at his or her disposal for up to seven twenty-four hour periods during which catering shall be provided by a military corps or unit in accordance with the standards of the Defence Forces. The requirements of this subsection shall not extend to reserve officers.

[RT I 2008, 35, 213 - entry into force 01.01.2009]

(4) For the period of time spent at the disposal of the commander of a military unit the employer shall retain the average earnings to the persons specified in subsection (3) of this section in the procedure established according to subsection 29 (8) of the Employment Contracts Act.

[RT I 2009, 5, 35 - entry into force 01.07.2009]

(5) A competent agency for the performance of the duty to grant use shall compensate for the remuneration specified in subsection (4) to the employer.

[RT I 2009, 5, 35 - entry into force 01.07.2009]

§ 27. Duty to grant use of enterprise

(1) Duty to grant use of an enterprise shall be:

- 1) giving compulsory national defence tasks to the owner or possessor of the enterprise;
- 2) taking temporary possession of the enterprise by the state.

(2) An owner or possessor of the enterprise is required to enable the representative of a respective ministry or an official authorized therefore the access to production facilities of the enterprise and the stockpile of raw material and materials both in peace time and in a state of war.

(3) Upon declaration of a state of war the transactions for supplying an enterprise, which is operating under the duty to grant use, with the equipment, raw material and materials shall be given the first priority to be implemented by suppliers.

§ 28. Giving national defence tasks to owner or possessor of enterprise

(1) The Government of the Republic and during a state of war also the Commander of the Defence Forces shall have the right to give compulsory national defence tasks to owner or possessor of an enterprise according to the national defence needs. A commander of an a structural unit of the Defence Forces may assign national defence tasks to owner or possessor of enterprise according to the interests of military activities and notifying the Commander of the Defence Forces thereof.

[RT I, 08.07.2011, 8- entry into force 22.07.2011]

(2) On the basis of the administrative act on the duty to grant use the owner or possessor of an enterprise is required to:

[RT I, 03.04.2018, 4 - entry into force 13.04.2018] (2):

- 1) prepare a schedule for completion of the received national defence tasks and submit for coordination and approval to the respective ministry;
- 2) upon declaration of a state of war start immediately to implement compulsory national defence tasks according to the approved schedule.

(3) The national defence tasks given during a state of war shall be subject to implementation by the owner or possessor of an enterprise immediately or by a prescribed time limit.

§ 29. Temporary taking into possession by state

(1) If an owner or possessor of an enterprise fails or refuses to fulfil the compulsory national defence task given to the enterprise, the enterprise may be temporarily taken to the possession of the state by the Government of the Republic or the Commander of the Defence Forces according to the general interests of national defence.

[RT I, 08.07.2011, 8- entry into force 22.07.2011]

(2) The taking of an enterprise specified in subsection (1) of this section into temporary possession of the state shall be organized by the respective ministry or the Commander of the Defence Forces, who will appoint the management for the enterprise for the period under duty to grant use.

[RT I, 08.07.2011, 8- entry into force 22.07.2011]

§ 30. Performance of duty to grant use of power, electronic communication, gas and other lines and machinery and equipment

(1) The technical condition of power, electronic communication, gas and other lines and machinery and equipment to be taken for the performance of the duty to grant use is required to meet the requirements in force.

(2) Upon acceptance of power, electronic communication, gas and other lines the technical condition thereof shall be checked. If the technical condition of power, electronic communication, gas and other lines and machinery and equipment is not in compliance with the current requirements, the respective official (commission) may require repair of the failure at the expense of the owner or possessor by the prescribed term.

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 31. Prohibition on transfer of property subject to performance of duty to grant use

(1) The transfer of the property specified in an administrative act on the duty to grant use which has been delivered to a person in peace time shall be prohibited as of the declaration of a state of war.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(2) The transfer of the property specified in an administrative act on the duty to grant use which has been delivered to a person during a state of war shall be prohibited as from the delivery of the respective administrative act.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 32. Return of property taken under duty to grant use

(1) Upon preservation partially or fully, the property shall be returned to the owner or possessor after the state of war has ended or during a state of war when the need for use of property has passed in the procedure and within term established by the Government of the Republic.

(2) An acceptance certificate shall be prepared about the return of property by the respective official (commission) and the owner or possessor of the property.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(3) The owner of the property shall have the right to waive acceptance with the return of the property to be returned when the property has become unusable or for other reason.

(4) Upon waiving the acceptance of the return of the property to be returned, the deed on waiving the acceptance of the property to be returned shall be prepared by the respective official (commission) and the owner.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

Chapter 5 OBLIGATION TO CARRY

§ 33. Definition of obligation to carry

The obligation to carry is a duty of the state of an owner or possessor of a vehicle, floating vessel or aircraft to carry out transport operations with the driver or crew for the national defence needs.
[RT I 2003, 13, 69- entry into force 01.05.2003]

§ 34. Competent agencies to decide obligation to carry

(1) The following shall have the competence to decide on the obligation to carry during increased defence readiness, mobilization, demobilization and a state of war:
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

- 1) ministries;
 - 2) the Defence Resources Agency;
 - 3) commanders of the structural units of the Defence Forces or the persons authorized by them.
- [RT I 2008, 35, 213 - entry into force 01.01.2009]

(2) The person shall be notified of the obligation to carry by a respective administrative act.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 35. Duration of obligation to carry

(1) A driver or crew may be required to carry for no longer than 24 hours. If necessary, the duration of the obligation to carry may be additionally extended for up to 24 hours at a single time.

(2) The duration of the obligation to carry with the floating vessel is the term of execution of the obligation.

§ 36. Conditions of obligation to carry

(1) The obligation to carry is required to take account of the purpose and technical specifications of a vehicle, floating vessel or aircraft.

(2) The technical condition of a vehicle, floating vessel or aircraft shall meet the requirements in force for carriage of passengers and cargoes.

(3) A driver or crew shall be given food according to the standards of the Defence Forces and their vehicle, floating vessel or aircraft may be given necessary substances and materials free of charge.

§ 37. Compensation for obligation to carry

(1) During carrying out the obligation to carry the employer shall retain the average earnings for an employee who has been imposed the obligation to carry in the procedure established on the basis of subsection 29 (8) of the Employment Contract Act.

(2) A competent agency for taking decisions on the obligation to carry shall compensate the specified remuneration specified in subsection (1) to the employer.
[RT I 2009, 5, 35 - entry into force 01.07.2009]

Chapter 6 WORK OBLIGATION

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

§ 38.–§ 42.[Repealed - RT I, 12.03.2015, 1 - entry into force 01.01.2016]

Chapter 6¹ SUPERVISION

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 42¹. Supervision

[RT I, 03.04.2018, 4 - entry into force 13.04.2018]
Supervision over compliance with the duty shall be carried out by the Defence Forces and the Defence Resources Agency and each respective ministry over the duties imposed or performed by them.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

§ 42². Supervision arrangements

The Defence Forces, the Defence Resources Agency or the relevant ministry may apply the state supervision measures provided in §§ 26–30, 44, 49, 50, 51 and 52 of the Law Enforcement Act to the performance of the supervision provided in this Act on the basis of and pursuant to the procedure provided in the Law Enforcement Act.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

Chapter 6² LIABILITY

§ 42³. Hindrance of activity of official competent for expropriation or performance of duty to grant use

[RT I, 03.04.2018, 4 - entry into force 13.04.2018 – section number 42² amended to number 42³]

(1) The hindrance of the activity upon expropriation of property, taking into use under the duty to grant use of property or taking into compulsory possession of an official who has the right for expropriation and performance of the duty to grant use of property for the national defence needs during the increased defence readiness, a state of war, mobilization or demobilization– shall be punishable by a fine of up to 300 fine units.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(2) [Repealed - RT I, 03.04.2018, 4 - entry into force 13.04.2018]

(3) The Police and Border Guard Board shall be a body conducting extra-judicial proceedings of misdemeanors provided in this section.
[RT I, 03.04.2018, 4 - entry into force 13.04.2018]

Chapter 7

GENERAL PROVISIONS

§ 43.–§ 44.[Repealed - RT I 2002, 63, 387- entry into force 01.09.2002]