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## Government of the Republic Act

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Amended by the following acts

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19.05.1997	RT I 1997, 40, 622	06.06.1997
11.06.1997	RT I 1997, 52, 833	01.01.1998
18.09.1997	RT I 1997, 73, 1200	26.10.1997
22.10.1997	RT I 1997, 81, 1361	01.01.1998
23.10.1997	RT I 1997, 81, 1362	01.03.1998
19.11.1997	RT I 1997, 87, 1468	21.12.1997
25.02.1998	RT I 1998, 28, 356	30.03.1998
25.03.1998	RT I 1998, 36, 552	01.05.1998
21.04.1998	RT I 1998, 40, 614	23.05.1998
25.11.1998	RT I 1998, 107, 1762	21.12.1998, partially 01.12.1998 and 21.12.1998
15.12.1998	RT I 1998, 111, 1833	03.01.1999
20.01.1999	RT I 1999, 10, 155	15.07.1999
26.01.1999	RT I 1999, 16, 271	28.02.1999
28.01.1999	RT I 1999, 16, 274	01.06.1999
22.02.1999	RT I 1999, 27, 391	01.05.1999
22.02.1999	RT I 1999, 29, 398	01.04.1999
22.02.1999	RT I 1999, 29, 401	28.03.1999
16.06.1999	RT I 1999, 58, 608	01.04.2000
08.12.1999	RT I 1999, 95, 843	01.01.2000
15.12.1999	RT I 1999, 95, 845	01.01.2000
06.06.2000	RT I 2000, 49, 302	08.07.2000
07.06.2000	RT I 2000, 51, 319	01.09.2000
07.06.2000	RT I 2000, 51, 320	10.07.2000
14.06.2000	RT I 2000, 54, 352	20.07.2000
19.06.2000	RT I 2000, 58, 378	24.07.2000
22.11.2000	RT I 2000, 95, 613	01.01.2001
21.12.2000	RT I 2000, 102, 677	01.01.2001
20.12.2000	RT I 2001, 7, 16	01.03.2001
30.05.2001	RT I 2001, 53, 305	01.01.2002
13.06.2001	RT I 2001, 59, 358	01.01.2002
14.11.2001	RT I 2001, 94, 578	01.01.2002
05.12.2001	RT I 2001, 100, 646	06.01.2002
20.12.2001	RT I 2001, 102, 677	01.04.2002
12.06.2002	RT I 2002, 57, 354	15.08.2002
09.10.2002	RT I 2002, 87, 505	23.10.2002
16.10.2002	RT I 2002, 90, 520	01.01.2003

06.11.2002	RT I 2002, 96, 563	01.01.2003
18.12.2002	RT I 2003, 4, 22	23.01.2003
29.01.2003	RT I 2003, 21, 122	13.03.2003
11.06.2003	RT I 2003, 51, 349	19.07.2003
03.12.2003	RT I 2003, 81, 542	31.03.2004
17.12.2003	RT I 2003, 88, 590	01.01.2004
24.03.2004	RT I 2004, 22, 148	08.04.2004
22.02.2005	RT I 2005, 15, 84	03.04.2005
01.06.2005	RT I 2005, 33, 244	01.08.2005
09.11.2005	RT I 2005, 64, 482	01.01.2006
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08.03.2006	RT I 2006, 14, 111	06.04.2006, partially26.04.2006
21.12.2006	RT I 2007, 4, 18	01.09.2007
25.01.2007	RT I 2007, 11, 53	18.02.2007
25.01.2007	RT I 2007, 16, 77	01.01.2008
07.06.2007	RT I 2007, 44, 314	01.01.2008
14.06.2007	RT I 2007, 44, 316	14.07.2007
22.11.2007	RT I 2007, 66, 408	15.12.2007
22.11.2007	RT I 2007, 66, 408	01.01.2008
19.06.2008	RT I 2008, 35, 212	01.01.2009
11.12.2008	RT I 2008, 56, 315	01.01.2009
18.12.2008	RT I 2009, 3, 14	10.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
28.01.2009	RT I 2009, 11, 67	14.02.2009
28.01.2009	RT I 2009, 11, 67	01.05.2009
07.05.2009	RT I 2009, 25, 150	01.07.2009, partially20.05.2009
06.05.2009	RT I 2009, 27, 165	01.01.2010, partially08.06.2009
10.06.2009	RT I 2009, 34, 224	27.06.2009, partially01.01.2010
30.09.2009	RT I 2009, 49, 330	01.01.2010
30.09.2009	RT I 2009, 49, 331	01.01.2010, partially22.10.2009
16.12.2009	RT I 2010, 1, 2	enters into force on the starting date of term of office of XII composition of the Riigikogu, date of entry into force changed on 01.01.2012; date of entry into force partially changed on 01.01.2013 [RT I, 28.12.2011, 1]; date of entry into force changed 01.01.2014 [RT I, 29.12.2012, 1]
22.04.2010	RT I 2010, 17, 96	01.05.2010, applies to persons in respect of whom a judgment of conviction enters into force after the entry into force of the Act.
22.04.2010	RT I 2010, 19, 101	13.05.2010, partially01.01.2011
21.04.2010	RT I 2010, 20, 102	27.05.2010
28.10.2010	RT I, 12.11.2010, 1	15.11.2010
08.12.2010	RT I, 28.12.2010, 6	01.01.2012
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
23.02.2011	RT I, 15.03.2011, 18	16.03.2011, partially01.06.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
07.12.2011	RT I, 28.12.2011, 1	01.01.2012, partially on the tenth day after publication in the Riigi Teataja.
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, partially01.01.2014 and 01.11.2014
06.06.2012	RT I, 29.06.2012, 1	01.04.2013
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
12.12.2012	RT I, 29.12.2012, 1	01.01.2013, partially01.04.2013 and 01.07.2013
22.05.2013	RT I, 11.06.2013, 1	01.07.2013
10.12.2013	RT I, 27.12.2013, 6	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014

19.06.2014	RT I, 29.06.2014, 109	01.07.2014 Official titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
23.10.2014	RT I, 05.11.2014, 2	15.11.2014
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 19.03.2015, 2	29.03.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, partially 01.07.2015
10.12.2015	RT I, 30.12.2015, 4	01.01.2016
07.06.2016	RT I, 22.06.2016, 21	01.08.2016

# Chapter 1 GOVERNMENT OF THE REPUBLIC

## Division 1 General Provisions

### § 1. Competence of Government of the Republic

(1) The Government of the Republic exercises executive power pursuant to the Constitution and the laws of the Republic of Estonia.

(2) The Government of the Republic exercises executive power directly or through governmental authorities.

### § 2. Seat of Government of the Republic

The seat of the Government of the Republic is in Tallinn.

### § 3. Members of Government of the Republic

(1) The members of Government of the Republic are the Prime Minister and ministers.

(2) The Prime Minister shall determine the competence of ministers in directing the ministries and the areas of responsibility of the ministers by an order. The order is communicated at a session of the Government of the Republic. The order of the Prime Minister shall be valid until it is amended or until expiry of the authority of the Government of the Republic.

(3) The President of the Republic may, on the proposal of the Prime Minister, appoint to office ministers who do not direct ministries and whose functions are determined by the Prime Minister by an order which is communicated at a session of the Government of the Republic. Expenses of these ministers are covered from separate funds allocated for such purpose in the budget of the Government Office.

(4) The Government of the Republic shall not comprise more than 15 members.  
[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

### § 3<sup>1</sup>. Access of members of Government of the Republic to state secrets

(1) Members of the Government of the Republic have the right by virtue of office to access state secrets and classified information of foreign states in order to perform their duties which have been assigned to them by the Constitution or laws of the Republic of Estonia and legislation issued on the basis thereof.

(2) If performing of a security check is a mandatory precondition for granting the right of access to classified information of foreign states pursuant to an international agreement, the security check shall also be performed with respect to the members of the Government of the Republic.

(3) For performing the security check specified in subsection (2) of this section, the members of the Government of the Republic shall complete the form of an applicant for a permit to access state secrets and sign a consent which permits the agency which performs security checks to obtain information concerning him or her from natural and legal persons and state authorities and local government authorities and bodies during the performance of the security check, and submit these to the security authorities surveillance committee of the *Riigikogu*.

(4) The security authorities surveillance committee of the *Riigikogu* shall appoint the agency which performs security checks with respect to the members of the Government of the Republic and deliver the documents specified in subsection (3) of this section to such agency. No such agency shall be appointed as the agency which performs the security check with respect to a minister which is within the area of government of the ministry directed by this minister.

(5) The agency which performs security checks submits the information collected with respect to a member of the Government of the Republic in the course of the performed security check within three months as of the receipt of the documents specified in subsection (3) of this section to the security authorities surveillance committee of the *Riigikogu* to decide whether the member of the Government of the Republic passed the security check. A certificate for access to classified information of foreign states shall be issued pursuant to the procedure prescribed in the State Secrets and Classified Information of Foreign States Act.  
[RT I 2007, 16, 77 - entry into force 01.01.2008]

#### **§ 4. Combination of functions of members of Government of the Republic**

(1) The President of the Republic may, on the proposal of the Prime Minister, appoint a minister to direct two ministries.

(2) The office of Prime Minister shall not be combined with the office of a minister.

(3) A member of the Government of the Republic shall not be in any elected or appointed office outside his or her official duties or act based on a contract of employment or contract for provision of services, except research or teaching. A member of the Government of the Republic shall immediately inform the Government of the Republic in writing if he or she acts or intends to act outside his or her official duties as an undertaking or a general partner in a general partnership or limited partnership or as a member of a management or controlling body of a legal person. For the purposes of this Act, official duties have the meaning assigned to them in the Anti-corruption Act.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(4) The Government of the Republic prohibits the members of the Government of the Republic by an administrative act from engaging in full or in part in the ancillary activities specified in subsection (3) of this section, if the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of their service duties or if the ancillary activity brings about a breach of the service duties.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

## **Division 2**

### **Assumption of Office by the Government of the Republic and Ministers and Termination of their Authority**

#### **§ 5. Appointment to office of Government of the Republic and ministers**

(1) The Government of the Republic shall be appointed to office by the President of the Republic within three days as of the day when the candidate for the Prime Minister authorised by the *Riigikogu* form a government pursuant to subsection 89 (2) of the Constitution or when the candidate for the Prime Minister nominated by the *Riigikogu* on the basis of subsection 89 (6) of the Constitution presents to the President of the Republic the membership of the government.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(1)<sup>1</sup> After being authorised by the *Riigikogu* form a government, the candidate for the Prime Minister shall present a proposal to the President of the Republic with the list of ministers and their official titles which is prepared on the basis of the political priorities of the government to be formed and the need for effective governance and which the candidate for the Prime Minister has introduced to the *Riigikogu* in his or her report on the bases for the formation of the forthcoming government. The official titles of a minister shall refer to the competence of the minister and his or her area of responsibility.

(2) A minister shall be appointed to office by the President of the Republic within three days as of the receipt of a relevant proposal from the Prime Minister.

(3) The Government of the Republic or a minister shall be appointed to office by a resolution of the President of the Republic which shall be published in the *Riigi Teataja*.

#### **§ 6. Assumption of office by the Government of the Republic and ministers**

(1) The Government of the Republic or a minister shall assume office by taking an oath of office before the *Riigikogu*.

(2) The Government of the Republic or a minister shall take the following oath of office:  
"In undertaking to perform the duties of a member of the Government of the Republic, I am aware that I shall bear responsibility in this office before the Republic of Estonia and my conscience. I solemnly swear to remain

faithful to the constitutional order of the Republic of Estonia and to devote my strength to securing the welfare and future of the people of Estonia."

(3) Upon assumption of office by the Government of the Republic, the Prime Minister shall take an oral oath of office. Thereafter, the text of the oath shall be signed by all members of the Government who assume office.

(4) A minister who assumes office after the assumption of office by the Government of the Republic shall take an oral oath of office and sign the text of the oath in the presence of the Prime Minister.

(4<sup>1</sup>) If no sessions of the *Riigikogu* are held, a minister who assumes office may take the oath of office before the President of the *Riigikogu* in the case of a threat to national security.  
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(5) A member of the Government of the Republic who assumes office shall, when signing the text of the oath, indicate thereon the date and time of taking the oath. The oath shall be deemed taken as of the time of signing the text of the oath. The State Secretary shall be present at the taking of the oath of office.

(6) A legal instrument of the Government of the Republic, the Prime Minister or a minister which is issued on the date of assumption of office by the Government of the Republic or its member shall indicate the time of issuance of the legal instrument.

(7) Notice concerning the assumption of office by the Government of the Republic or a minister shall be published in the *Riigi Teataja*.

## **§ 7. Changes in membership of Government of the Republic**

(1) Changes in the membership of the Government of the Republic which has assumed office include:

- 1) the release of a minister from office;
- 2) the appointment of a new minister to office;
- 3) the appointment of a minister to direct several ministries, except in the case specified in § 15 of this Act;
- 4) release of a minister appointed to direct several ministries from directing one ministry, except in the case specified in § 15 of this Act.

(2) A minister who takes the oath of office when assuming office in the given membership of the Government of the Republic shall not do so again upon appointment to direct another ministry.

(3) Changes in the membership of the Government of the Republic appointed to office shall be made by the President of the Republic within three days as of the receipt of a proposal of the Prime Minister. If the *Riigikogu* expresses no confidence in a minister, the President of the Republic shall promptly release the minister from office after the receipt of a relevant notice from the President of the *Riigikogu*.

(4) Changes in the membership of the Government of the Republic appointed to office shall be made by a resolution of the President of the Republic which shall be published in the *Riigi Teataja*.

## **§ 8. Grounds for resignation of Government of the Republic**

The Government of the Republic shall resign:

- 1) upon the convention of a new membership of the *Riigikogu*;
- 2) upon the resignation of the Prime Minister;
- 3) upon the death of the Prime Minister;
- 4) if the *Riigikogu* expresses no confidence in the Government of the Republic or the Prime Minister, and the President of the Republic does not declare extraordinary elections to the *Riigikogu* on the proposal of the Government of the Republic within three days;
- 5) if the *Riigikogu* does not pass a draft act introduced by the Government of the Republic which is linked to the issue of confidence.

## **§ 9. Grounds for resignation of Prime Minister**

(1) The Prime Minister shall resign if, due to the resignation of ministers or the termination of their authority on other bases provided by law, the Government of the Republic has no quorum and does not regain its quorum within 21 days as of the loss of quorum.

(2) The authority of the Prime Minister terminates upon the entry into force of a judgment of conviction against him or her.

(3) The Prime Minister may also resign on his or her own initiative by communicating his or her decision at a session of the Government of the Republic.

## **§ 10. Procedure for resignation of Government of the Republic**

(1) The President of the Republic shall be notified of the resignation of the Government of the Republic:

- 1) by the Prime Minister in the case specified in clause 8 1) of this Act – at the first session of a new membership of the *Riigikogu*;
- 2) in the case specified in clause 8 2) of this Act – promptly by the Prime Minister;
- 3) in the case specified in clause 8 3) of this Act – by the minister substituting for the Prime Minister in accordance with § 13 of this Act promptly after becoming aware of the death of the Prime Minister;
- 4) in the case specified in clause 8 4) of this Act – by the President of the *Riigikogu* not later than the day following the expression of no confidence by the *Riigikogu* in the Government of the Republic or the Prime Minister;
- 5) in the case specified in clause 8 5) of this Act – promptly by the President of the *Riigikogu*.

(2) In the cases specified in clauses (1) 2), 3), 4) and 5) of this section, the notice shall be submitted in writing.

(3) The person who notifies the President of the Republic of the resignation of the Government of the Republic pursuant to clauses (1) 2) and 3) of this section shall also do so in the *Riigikogu*.

(4) If the Government of the Republic resigns due to the entry into force of a judgment of conviction against the Prime Minister, the President of the Republic shall notify the *Riigikogu* thereof on the day following the receipt of the notice from the court.

(5) Upon the assumption of office by a new Government, the President of the Republic shall release the resigned Government of the Republic from office by a resolution which shall be published in the *Riigi Teataja*.

## **§ 11. Authority of resigned Government of the Republic**

(1) A resigned Government of the Republic shall continue its activities until a new government assumes office.

(2) A resigned Government of the Republic shall avoid making any decisions of principle or decisions which increase expenditure of the state budget, unless it is strictly necessary.

## **§ 12. Termination of authority of minister**

(1) The authority of a minister shall terminate:

- 1) upon his or her resignation;
- 2) upon his or her death;
- 3) on the basis of a resolution of the President of the Republic on the proposal of the Prime Minister;
- 4) upon the expression of no confidence in him or her by the *Riigikogu*;
- 5) upon the entry into force of a judgment of conviction against him or her;
- 6) upon the resignation of the Government of the Republic.

(2) A minister shall submit a letter of resignation to the President of the Republic through the Prime Minister. The Prime Minister shall forward the letter not later than within one month as of the day of receipt thereof.

(2<sup>1</sup>) By way of derogation from the provisions of subsection (2) of this section, a minister shall be deemed to have submitted a letter of resignation upon his or her election as a Member of the European Parliament if he or she fails to inform the National Electoral Committee within ten days as of the day on which the election results are announced that he or she wishes to continue in his or her current office and decline the mandate of a Member of the European Parliament.

[RT I 2003, 4, 22 - entry into force 23.01.2003]

(3) The Prime Minister shall promptly notify the President of the Republic of the death of a minister.

(4) The Prime Minister has the right to make a proposal to the President of the Republic to release a minister from office.

(5) The President of the *Riigikogu* shall promptly notify the President of the Republic and the Prime Minister of an expression of no confidence in a minister.

(6) A court shall promptly notify the President of the Republic and the Prime Minister of the entry into force of a judgment of conviction against a minister.

(7) If a minister is released from office in the cases specified in clauses (1) 1), 3) and 4) of this section, subsection 7 (3) of this Act shall apply. Upon the entry into force of a judgment of conviction by a court against a minister, the President of the Republic shall release the minister from office as of the day of entry into force of the judgment of conviction immediately after the receipt of the notice specified in subsection (6) of this section. Upon the death of a minister, his or her authority shall be considered terminated as of the day following the day of his or her death.

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

(8) The release of a minister from office shall be formulated and published pursuant to the procedure provided for in subsection 7 (4) of this Act.

## **Division 3**

### **Substitution of Prime Minister and Minister**

#### **§ 13. Substitution of Prime Minister**

The Prime Minister who assumes office shall establish the sequence of his or her substitution by his or her order and determine the procedure for substitution. The Prime Minister shall communicate the order at the first session of the Government of the Republic.

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

#### **§ 14. Competence of minister substituting for Prime Minister**

(1) The minister substituting for the Prime Minister has the same rights and duties as the Prime Minister, unless otherwise provided by law.

(2) The minister substituting for the Prime Minister shall not:

- 1) present an application before the *Riigikogu* for the resignation of the Government of the Republic, except upon the death of the Prime Minister;
- 2) make proposals to the President of the Republic to appoint ministers to and release ministers from office, except for the appointment of ministers to office in order to ensure the quorum for a session of the Government of the Republic in the case of a direct threat to national security.

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

(3) The minister substituting for the Prime Minister shall sign documents with his or her title and the words "in the capacity of Prime Minister".

(4) Without the participation of the Prime Minister, the Government of the Republic shall not bind the passage of a draft act introduced by the Government of the Republic to the *Riigikogu* to the issue of confidence.

#### **§ 15. Substitution of minister**

(1) If a minister is temporarily unable to perform his or her functions due to illness or other hindrance, the Prime Minister shall assign those functions to another minister by an order.

(2) If the authority of a minister has terminated in the cases provided for in clauses 12 (1) 1) to 5), the Prime Minister shall assign the functions of that minister by an order to another minister until a new minister is appointed to office.

(3) The substituting minister shall sign documents with his or her title and add the title of the substituted minister with the words "in the capacity of".

## **Division 3<sup>1</sup>**

### **Representation of Estonia in Council of European Union**

[RT I 2005, 73, 565 - entry into force 08.01.2006]

#### **§ 15<sup>1</sup>. Representation of Estonia in Council of European Union**

(1) The minister of the corresponding field shall represent Estonia in the Council of the European Union.

(2) If a minister is unable to perform his or her functions in the Council of the European Union due to illness, holiday or other reasons, another minister shall, by authority of the Government of the Republic, substitute for the minister.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(3) If another minister is unable to substitute for the minister in the Council of the European Union, the permanent representative of the Republic of Estonia to the European Union or the deputy permanent representative shall substitute for the minister.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(4) If the persons specified in subsections (2) and (3) are unable to substitute for a minister with good reason, another authorised person may, by the authority of the Government of the Republic, substitute for the minister.

(5) The minister of the corresponding field may, under extraordinary circumstances, authorise another member of the Council to represent the positions of Estonia and to vote at the session of the Council of the European Union, and shall notify the Government of the Republic of the reason therefor at the earliest opportunity.  
[RT I 2005, 73, 565 - entry into force 08.01.2006]

## **Division 4**

# **Administration of Government of the Republic**

### **§ 16. Session of Government of the Republic**

(1) The Government of the Republic shall decide issues within its competence at a session.

(2) The Government of the Republic has a quorum if, in addition to the Prime Minister, at least one-half of the membership of the Government participates in the session.

(2<sup>1</sup>) In the of a direct threat to national security, the Government of the Republic has a quorum if, in addition to the Prime Minister, at least two ministers participate in the session.  
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(3) A session of the Government of the Republic shall be held at the seat of the Government of the Republic. In the cases referred to in the rules of the Government of the Republic, a session may also be held elsewhere.

### **§ 17. Time and agenda of session of Government of the Republic**

(1) The time and agenda of a session of the Government of the Republic shall be approved by the Prime Minister by an order.

(2) The State Secretary shall notify, in a timely manner, the ministers, the Chancellor of Justice, the Auditor General and persons invited to a session of the time and agenda of the session of the Government of the Republic.  
[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(3) The Prime Minister has the right to add supplementary items to an approved agenda.

### **§ 18. Administration of sessions of Government of the Republic**

(1) The Prime Minister shall chair a session of the Government of the Republic.

(2) Sessions of the Government of the Republic shall be closed, unless otherwise decided by the Government.

(3) The State Secretary shall participate in a session of the Government of the Republic with the right to speak.

(4) In a session of the Government of the Republic, the Chancellor of Justice may participate with the right to speak, and the Auditor General may participate with the right to speak in matters concerning his or her functions.

(4<sup>1</sup>) [Repealed - RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(5) The Prime Minister may also invite other persons to a session of the Government of the Republic and give them the opportunity to speak.

(6) Issues concerning the preparation and holding of sessions of the Government of the Republic and other issues of administration of the Government of the Republic shall be provided by the rules of the Government of the Republic approved by a regulation of the Government of the Republic.

### **§ 19. Decision-making at sessions of Government of the Republic**

(1) The Government of the Republic shall make its decisions on the proposal of the Prime Minister or an appropriate minister.

(2) Decisions of the Government of the Republic shall be made by a majority of the members of the Government participating in a session.

(3) Each member of the Government of the Republic shall have one vote. If votes are equally divided, the vote of the Prime Minister shall govern.

(4) The decision on an issue shall be postponed at the reasoned request of the Prime Minister or an appropriate minister.

## **§ 20. Minutes of sessions of Government**

(1) Minutes shall be taken of sessions of the Government of the Republic.

(2) The minutes shall set out:

- 1) the number of the session;
- 2) the time of the beginning and the end of the session and the place of the session;
- 3) the participants in the session who have the right to vote and speak, other persons invited to the session and those who speak at the session;
- 4) the presenter of a draft act to be introduced to the *Riigikogu*;
- 5) the adopted positions and decisions;
- 6) the voting results of decisions and dissenting opinions.

(3) Speeches shall be recorded or otherwise documented pursuant to the rules of the Government. The main points of a speech shall be recorded in the minutes at the request of the speaker or on the proposal of the Prime Minister.

(4) Minutes shall be signed by the chairman of a session and the State Secretary.

(5) Original copies of draft regulations and orders of the Government and other original documents concerning the agenda items shall be appended to the minutes.

(6) Extracts from the minutes shall be sent to the appropriate ministers in the cases provided for in the rules of the Government.

(7) The State Secretary shall manage the storing of minutes and their appendices and shall be responsible for their preservation.

## **Division 4<sup>1</sup>** **Procedure for Handling European Union Affairs**

[RT I 2005, 73, 565 - entry into force 08.01.2006]

### **§ 20<sup>1</sup>. Submission of European Union affairs to Government of the Republic**

(1) The positions of Estonia concerning the draft legislation of the European Union and other European Union affairs shall be submitted to the Government of the Republic for approval if these fall within the competence of the Government of the Republic or if the Government of the Republic is required to submit a draft or another European Union affair to the *Riigikogu* for comments or for issue of an opinion pursuant to the *Riigikogu* Internal Rules and Rules of Procedure Act.

[RT I 2007, 44, 316 - entry into force 14.07.2007]

(2) The positions of Estonia concerning other draft legislation of the European Union and European Union affairs of significant importance shall be submitted to the Government of the Republic for approval if a minister or the Prime Minister considers it important that the Government of the Republic take a position.

(3) The Prime Minister and the ministers and the persons specified in subsections 15<sup>1</sup>(2) to (4) are required to adhere to the position of the Government of the Republic. If the Prime Minister, a minister or a person specified in subsections 15<sup>1</sup>(2) to (4) have not done so, the reasons therefor must be given to the Government of the Republic at the earliest opportunity.

### **§ 20<sup>2</sup>. Nomination of candidates for positions in European Union**

(1) The Government of the Republic shall nominate candidates for the position of a member of the European Commission, member of the Economic and Social Committee of the European Union, member of the Committee of the Regions of the European Union, judge of the European Court of Justice, judge of the court of first instance of the European Court of Justice, Advocate-General and members of the European Court of Auditors.

(1<sup>1</sup>) Candidate for members of the European Commission shall present a report at a session of the *Riigikogu* prior to their nomination by the Government of the Republic and answer the questions posed by members of the *Riigikogu*.

[RT I, 05.11.2014, 2 - entry into force 15.11.2014]

(1<sup>2</sup>) Upon nomination of a candidate for a judge of the European Court of Justice, the Government of the Republic shall examine the opinion of the Chief Justice of the Supreme Court and the Chancellor of Justice beforehand and the Constitutional Committee of the *Riigikogus* shall hear and interrogate the candidate.

[RT I, 05.11.2014, 2 - entry into force 15.11.2014]

(2) Upon nomination of a candidate for a judge of the court of first instance of the European Court of Justice and a candidate for an Advocate-General, the Government of the Republic shall examine the opinion of the Chief Justice of the Supreme Court and the Chancellor of Justice beforehand. Upon nomination of a candidate for a member of the European Court of Auditors, the Government of the Republic shall previously examine the opinion of the Auditor General. Upon nomination of a candidate for a member of the Committee of the Regions of the European Union, the Government of the Republic shall previously study the opinion of the national local government associations. Upon presentation of a candidate for a member of the the European Economic and Social Committee the Government of the Republic shall previously examine the opinion of relevant non-governmental organisations.

[RT I, 05.11.2014, 2 - entry into force 15.11.2014]

(3) Candidates for the positions of the European Union institutions, committees and agencies not specified in subsection (1) shall be nominated by the Government of the Republic or a minister pursuant to the procedure prescribed by the rules of the Government of the Republic.

[RT I 2005, 73, 565 - entry into force 08.01.2006]

## **Division 5 Government Committees**

### **§ 21. Formation and competence of government committee**

(1) The Government of the Republic may form a government committee by an order, specifying the functions and members of the government committee and the governmental authority which services the committee.

(2) The Government of the Republic shall appoint the chairman of the committee. If the chairman of a committee is not a minister or the State Secretary, the Government shall appoint a member of the Government of the Republic or the State Secretary to be in charge of the work of the committee.

(3) A government committee has the right to obtain documents and other information necessary for its work from state authorities and local governmental authorities.

[RT I 2005, 73, 565 - entry into force 08.01.2006]

§ 22.–§ 25. [Repealed - RT I 2005, 73, 565 - entry into force 08.01.2006]

## **Division 6 Legislation of Government of the Republic**

### **§ 26. Legislation of Government of the Republic**

(1) The Government of the Republic shall issue regulations and orders on the basis and for the implementation of law.

(2) The regulations and orders of the Government of the Republic shall comply with the formal requirements provided for in the Administrative Procedure Act.

### **§ 27. Regulation of Government of the Republic**

(1) A regulation of the Government of the Republic is a legislative act.

(2) [Repealed - RT I 2001, 94, 578 - entry into force 01.01.2002]

(3) The Government of the Republic shall issue regulations for the management of the organisation, operations and work of governmental authorities, and for the exercise of supervisory control over governmental authorities.

### **§ 28. Formalisation of regulation of Government of the Republic**

(1) [Repealed - RT I 2001, 94, 578 - entry into force 01.01.2002]

(2) [Repealed - RT I 2001, 94, 578 - entry into force 01.01.2002]

(3) A regulation of the Government of the Republic shall be signed by the Prime Minister, the appropriate minister and the State Secretary. A minister substituting for the Prime Minister shall sign the regulation with his or her title and the words "in the capacity of Prime Minister". A minister substituting for a minister shall sign pursuant to the procedure provided for in subsection 15 (3) of this Act. If the appropriate minister has a dissenting opinion, his or her opinion in writing shall be appended to the minutes of the session of the Government of the Republic.

#### **§ 29. Publication and entry into force of regulation of Government of the Republic**

- (1) Only published regulations of the Government of the Republic shall have obligatory force.
- (2) Regulations of the Government of the Republic shall be published pursuant to the procedure prescribed by the *Riigi Teataja* Act.
- (3) [Repealed - RT I 2001, 94, 578 - entry into force 01.01.2002]

#### **§ 30. Order of Government of the Republic**

- (1) An order of the Government of the Republic is legislation of specific application.
- (2) [Repealed - RT I 2001, 94, 578 - entry into force 01.01.2002]
- (3) [Repealed - RT I 2001, 94, 578 - entry into force 01.01.2002]
- (3<sup>1</sup>) The Government of the Republic may assign functions to a governmental authority by an order.
- (4) An order of the Government of the Republic shall be signed by the Prime Minister and the State Secretary.
- (5) An order of the Government of the Republic shall enter into force upon signature, unless a later date is provided for in the order or law or if the order must be published pursuant to the Code of Administrative Court Procedure. The orders of the Government of the Republic shall be published pursuant to the procedure prescribed by the *Riigi Teataja* Act, except orders which set out a different procedure for communication. [RT I, 12.03.2015, 1 - entry into force 01.01.2016]
- (6) The Government of the Republic may issue orders electronically. [RT I, 29.06.2014, 109 - entry into force 01.07.2014]

## **Division 7**

### **Social Guarantees for Members of Government of the Republic**

#### **§ 31. Salary and official travel expenses of member of Government of the Republic**

- (1) The salary rate of a member of the Government of the Republic shall be provided by law.
- (2) Official travel expenses of a member of the Government of the Republic shall be reimbursed on the bases provided for in the Public Service Act.

#### **§ 31<sup>1</sup>. Representation expenses of member of Government of the Republic**

Members of the Government of the Republic shall be paid 20 percent of their salary on monthly basis for representation expenses.  
[RT I 2010, 1, 2 - entry into force 01.01.2014 (entry into force amended - RT I, 29.12.2012, 1)]

#### **§ 32. Holiday of member of Government of the Republic**

- (1) A member of the Government of the Republic has the right to holiday pursuant to the procedure prescribed in the Public Service Act.
- (2) Holiday shall be granted by an order of the Prime Minister.
- (3) The unused and unexpired holiday of a member of the Government of the Republic shall be maintained and the accounting thereof shall continue pursuant to the current procedure in the case the person is re-appointed as a member of the Government of the Republic.  
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

### **§ 33. Dwelling of member of Government of the Republic**

(1) A member of the Government of the Republic has the right to a dwelling provided by the employer under the terms and conditions and pursuant to the procedure determined by the Government of the Republic.

(2) A member of the Government of the Republic shall vacate the dwelling provided by the employer within one month as of the termination of his or her authority as a member of the Government.

### **§ 34. Retention of position upon appointment as member of Government of the Republic**

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

### **§ 35. Right of member of Government of the Republic to compensation upon termination of authority**

(1) A member of the Government of the Republic who is released from office due to the resignation of the Government, the expression of no confidence in a minister or on the proposal of the Prime Minister has the right to receive compensation to the extent of six months' salary.

(2) The compensation prescribed in subsection (1) of this section shall not be paid:

- 1) if the member of the Government who is released from office is appointed as a member of the same Government after his or her release from office;
- 2) upon the resignation of the Government of the Republic, if the released member of the Government is appointed as a member of the succeeding Government;
- 3) to the member of the Government of the Republic against whom a judgment of conviction has entered into force;
- 4) if the member of the Government who is released from office has his or her authority as a member of the *Riigikogureinstated*.

(3) Upon the death of a member of the Government of the Republic, his or her family members who lived together with and were maintained by the member of the Government have the right to receive compensation prescribed in subsection (1) of this section. If the death of a member of the Government arises in connection with the performance of his or her duties as a member of the Government, his or her family members who lived together with and were maintained by the member of the Government shall be paid his or her five years' salary. Upon the death of a member of the Government of the Republic, his or her funeral expenses shall be borne by the state.

## **Chapter 2 PRIME MINISTER**

### **§ 36. Competence of Prime Minister**

(1) The Prime Minister shall represent the Government of the Republic and direct its activities.

(2) The Prime Minister, as the head of the Government of the Republic, shall:

- 1) chair the sessions of the Government of the Republic;
  - 2) sign the legislation of the Government of the Republic;
  - 3) demand explanations from a minister concerning his or her activities;
  - 4) issue orders pursuant to § 37 of this Act;
  - 5) in the cases prescribed in this Act, make a proposal to the President of the Republic to change the membership of the Government of the Republic;
  - 5<sup>1</sup>) represent the Government of the Republic in court or authorise another person to represent the Government of the Republic in court;
  - 5<sup>2</sup>) direct the forming of the positions of Estonia for the meetings of the European Council and represent Estonia at the European Council and the council meeting at the level of heads of state and heads of government of the European Union;
  - 6) perform other functions assigned to him or her by the Constitution and the laws.
- [RT I 2005, 73, 565 - entry into force 08.01.2006]

### **§ 37. Order of Prime Minister**

(1) The Prime Minister shall issue orders to decide individual matters on the bases provided for in subsections 3 (2) and (3), subsection 13 (1), subsections 15 (1) and (2), subsection 17 (1), subsection 32 (2), subsections 79 (1) and (8) and subsection 80 (1) of this Act, and on other bases provided by law. The Prime Minister may issue orders electronically.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(2) The Prime Minister shall sign the orders of the Prime Minister.

(3) An order of the Prime Minister shall set out the type of the legal instrument and the issuer, title, date and number thereof. An order of the Prime Minister shall contain a reference to the legislative act which is the basis for the issue thereof.

(4) An order of the Prime Minister shall enter into force upon signature, unless a later date of entry into force is provided for in the order or law.  
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(5) Orders of the Prime Minister issued in the cases specified in subsections 3 (2) and (3), subsection 13 (1), subsection 15 (2) and subsection 79 (1) of this Act and subsection 9 (4) of the National Defence Act shall be published in the *Riigi Teataja*.  
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

## **Chapter 3**

# **AUTHORITIES OF EXECUTIVE POWER**

### **§ 38. Classification of authorities of executive power**

Authorities of executive power are:

- 1) governmental authorities;
- 2) state authorities administered by governmental authorities.
- 3) [repealed - RT I 2008, 35, 212 - entry into force 01.01.2009]

### **§ 39. Definition and classification of governmental authorities**

(1) Governmental authorities are authorities which are financed from the state budget and which main function assigned by law or pursuant to law is to exercise executive power.

(2) Governmental authorities are authorities within the meaning of § 6 of the Public Service Act.  
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

(3) Governmental authorities are ministries, the Estonian Defence Forces, the Government Office and county governments as well as executive agencies and inspectorates and their local authorities with authority to exercise executive power. Other governmental authorities may also be prescribed by law.  
[RT I 2008, 35, 212 - entry into force 01.01.2009]

### **§ 40. Formation, reorganisation and termination of governmental authorities**

(1) The Ministries, the Government Office, county governments, executive agencies and inspectorates and other governmental authorities prescribed by law are formed, reorganised and their activities are terminated pursuant to law.

(2) Local authorities of executive agencies and inspectorates are formed, reorganised and their activities are terminated by a minister.

(3) A governmental authority shall be registered in the state register of state and local governmental authorities, which is established by the Government of the Republic on the proposal of the minister responsible for the area.

(4) A regional structural unit of a governmental authority may also be registered in the state register of state and local governmental authorities if the statutes of the governmental authority provide for such registration.

### **§ 41. Status of governmental authority**

(1) Governmental authorities shall report to the Government of the Republic or to a respective minister or the State Secretary who directs and co-ordinates their activities and exercises supervisory control over them pursuant to the procedure provided by law.

(2) A governmental authority shall have statutes (except for county governments), a budget and a seal bearing the small national coat of arms. The statutes of a governmental authority may prescribe the insignia and decorations of the governmental authority which shall be approved pursuant to the procedure established by the Government of the Republic.  
[RT I 2005, 73, 565 - entry into force 01.01.2006]

(3) Governmental authorities shall use and report on the use of state budget funds pursuant to the procedure established by law and a regulation of the Government of the Republic.

(4) Governmental authorities are based on sole directorship, unless otherwise provided by law. The head of a governmental authority shall be appointed to and released from office pursuant to the procedure and on the bases prescribed by law.

(5) The competence of a government agency shall be established by law or pursuant to law by its founder. Governmental authorities shall not delegate the rights and duties assigned to their competence to other state or local governmental authorities, unless otherwise provided by law or prescribed by a contract under public law concluded pursuant to law.

(6) Governmental authorities shall issue legal instruments and perform acts within their scope of competence on the basis and for the implementation of law, a regulation or order of the Government of the Republic or a regulation or directive of a minister.

(7) Budgets of executive agencies, inspectorates and other state authorities within the area of government of a ministry shall be approved, amended and the implementation thereof shall be monitored by the minister pursuant to the procedure established by law.

#### **§ 42. Statutes of governmental authority**

(1) The statutes of a ministry and the State Chancellery shall be approved by the Government of the Republic. The statutes of an executive agency, an inspectorate and their local authorities shall be approved by a minister.

(2) The statutes of a governmental authority shall contain:

- 1) the full name and location of the authority and the name of its superior governmental authority;
- 2) the area of activity and the functions of the authority;
- 3) the organisation of the management of the authority and the rights and duties of the heads thereof;
- 4) the structure of the authority and the principal functions of the structural units thereof;
- 5) other material provisions concerning the organisation of the activities of the authority.

#### **§ 43. State authorities administered by governmental authorities**

(1) State authorities which are financed from the state budget and which principal function is not to exercise executive power may be administered by governmental authorities. State authorities administered by governmental authorities may exercise executive power pursuant to law.

(2) State authorities specified in subsection (1) of this section shall provide services to governmental authorities or perform other state functions in cultural, educational, social or other areas.

(3) State authorities administered by governmental authorities shall be formed, reorganised and their activities shall be terminated by the Government of the Republic or pursuant to the procedure determined by the Government of the Republic by governmental authorities, unless otherwise provided by law.

(4) State authorities administered by governmental authorities shall belong to the area of government of the ministry determined by the Government of the Republic or be under the administration of the Government Office or a county government.

(5) The statutes of a state authority administered by governmental authorities shall be approved by the Government of the Republic, a minister, the State Secretary or a county governor.

(6) The authorities specified in this section shall be registered in the state register of state and local governmental authorities, which is established by the Government of the Republic on the proposal of the Minister of Finance.

(7) State authorities administered by government authorities shall maintain personnel and payroll records pursuant to the procedure established by a regulation of the Government of the Republic for the submission of data to the state personnel and payroll database and performance of accounting operations.  
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

(8) State authorities administered by government authorities shall submit the personnel and payroll data of their authority to the state personnel and payroll database which is established by the Government of the Republic.  
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

#### **§ 43<sup>1</sup>. [Repealed - RT I 2008, 35, 212 - entry into force 01.01.2009]**

#### **§ 44. Representation of state by authority of executive power**

(1) A governmental authority or other state authority shall be authorised to represent the state in the performance of its functions pursuant to law, its statutes or other legislation.

(2) If a representative of the state in a particular legal relationship is not provided by law or other legislation, the representative of the state shall be determined by the Government of the Republic.

(3) A state authority shall be represented by the head of the authority or a person authorised by him or her according to the statutes of the authority, unless otherwise provided by law.

#### **§ 44<sup>1</sup>. Representation of state in court**

(1) The legal representative of the state as a victim and civil defendant in civil and criminal matters in court is a minister within the area of government of the ministry. For the purposes of representation of the state in court, the minister may grant general and special authorisations.

(2) A county governor is the legal representative of the state in court as a victim and civil defendant in civil and criminal matters within the limits of his or her competence. For the purposes of representation of the state in court, the county governor may grant general and special authorisations.

(3) The State Secretary is the legal representative of the state in court as a victim and civil defendant in civil and criminal matters within the limits of the competence of the Government Office. For the purposes of representation of the state in court, the State Secretary may grant general and special authorisations.

(4) General authorisation is a set of rights on the basis of which an authorised person permanently represents the state in court in matters within his or her competence and authorises other persons to represent the state in court. Special authorisation is a set of rights on the basis of which an authorised person represents the state in court in a specific court case.

(5) [Repealed - RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(6) Ministers have the right to authorise a contractual representative of the state in civil and criminal proceedings within the area of government of their ministries, county governors within the limits of their competence, and the State Secretary within the limits of the functions of the Government Office. The right to authorise a contractual representative of an administrative authority in administrative court proceedings is held by the legal representative of the administrative authority pursuant to the procedure provided for in the Code of Administrative Court Procedure. The right to authorise a contractual representative of a body conducting extra-judicial proceedings in misdemeanour proceedings is held by the head of the authority of executive power which is the body conducting extra-judicial proceedings.

(7) The procedure for the representation of the state in court and for covering the costs incurred by the state in connection with the judicial proceedings shall be established by a regulation of the Government of the Republic. [RT I, 28.12.2011, 1 - entry into force 01.01.2012]

(8) Data concerning representation of the state in court shall be collected in each ministry and county government and the Government Office within the area of government of the ministry or the limits of competence of the county governor or Government Office respectively.

(9) [Repealed -RT I, 22.06.2016, 21 - entry into force 01.08.2016]

(10) [Repealed -RT I, 22.06.2016, 21 - entry into force 01.08.2016]

#### **§ 44<sup>2</sup>. Representation of state in administrative court proceedings**

(1) The state shall participate in administrative court proceedings pursuant to the procedure provided for in the Code of Administrative Court Procedure:

- 1) through an administrative authority which is a respondent, or an administrative authority involved;
- 2) as an appellant or a third person;
- 3) through an administrative authority which submitted a protest, an appeal against a private individual or granted a permission to take an administrative measure.

(2) In the cases specified in clause (1) 2) of this section, the legal representative of the state shall be:

- 1) a minister within the area of government of the ministry;
- 2) a county governor within the limits of the competence of the county governor;
- 3) the State Secretary within the limits of the competence of the Government Office.

(3) Within the area of government of a ministry, the legal representative of the Government of the Republic in administrative court proceedings shall be the corresponding minister.

(4) The legal representatives of the state and the Government of the Republic may grant general and special authorisations for the purposes of representation of the state.  
[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

## **Chapter 4**

# MINISTRIES

## Division 1 General Rules

### § 45. Ministries

For the management of the areas of government, the following ministries shall be formed:

- 1) the Ministry of Education and Research;
  - 2) the Ministry of Justice;
  - 3) the Ministry of Defence;
  - 4) the Ministry of the Environment;
  - 5) the Ministry of Culture;
  - 6) the Minister of Economic Affairs and Communications;
  - 7) Ministry of Rural Affairs;
- [RT I, 30.06.2015, 4 - entry into force 01.09.2015]
- 8) the Ministry of Finance;
  - 9) the Ministry of the Interior;
  - 10) the Ministry of Social Affairs;
  - 11) [repealed - RT I 2002, 87, 505 - entry into force 23.10.2002]
  - 12) the Ministry of Foreign Affairs.
- [RT I 2002, 90, 520 - entry into force 01.01.2003]

### § 46. Status and structure of ministry

(1) A ministry is a governmental authority which performs the functions provided by law and the functions assigned by the Government of the Republic pursuant to law.

(2) A ministry is the superior body of executive agencies and inspectorates and of other state authorities within its area of government.

(3) A ministry is divided into departments pursuant to the statutes of the ministry.

(4) The structure of a ministry may include advisers whose functions and subordination shall be determined by the minister.

(4<sup>1</sup>) The structure of the Ministry of Foreign Affairs includes the diplomatic missions, consular posts and special missions of the Republic of Estonia.

(4<sup>2</sup>) [Repealed - RT I 2009, 3, 15 - entry into force 01.02.2009]

(5) In the cases prescribed by law, structural units in addition to departments may also be included in the structures of ministries.

(6) A minister may form, within the area of government of his or her ministry, advisory committees and councils, determining their functions and procedure.

### § 47. Department of ministry

(1) A department of a ministry is a structural unit of the ministry which has no authority of executive power with respect to persons outside the ministry, unless otherwise provided by law.

(2) The structure and competence of a department of a ministry shall be determined in the statutes of the department approved by the minister. A department may include divisions and bureaux.

(3) A department of a ministry shall be directed by the head of the department; in the Ministry of Foreign Affairs by the director general.

(4) The head of a department or director general shall be appointed to and released from office by the minister.

### § 48. Division and bureau of ministry

(1) Divisions and bureaux of a ministry are structural units within a department.

(2) The structure and competence of divisions and bureaux shall be determined by the statutes of the department.

(3) A division or bureau shall be directed by the head of the division or of the bureau.

(4) A bureau in the Ministry of Foreign Affairs shall be directed by the director of the bureau.

## **Division 2**

### **Minister**

#### **§ 49. Competence of minister as head of ministry**

(1) A minister, as the head of a respective ministry, shall:

1) direct the ministry and manage the issues within the area of government of the ministry within the competence and area of responsibility determined for the minister by the order of the Prime Minister specified in subsection 3 (2) of this Act;

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

2) be responsible for the implementation of the Constitution, other laws regulating the area of government of the ministry, resolutions of the *Riigikogu*, decrees of the President of the Republic, and regulations and orders of the Government of the Republic;

3) decide issues within the area of government of the ministry, unless the deciding of these issues is assigned, by law or a regulation of the Government of the Republic, to subordinate administrative agencies or officials;

3<sup>1</sup>) be in charge of the implementation of the European Union law within the area of government of the ministry;

3<sup>2</sup>) be in charge of the forming of the positions of Estonia in the decision-making process of the European Union and represent Estonia in the Council of the European Union in the issues within the area of government of the ministry;

3<sup>3</sup>) organise the representation of Estonia in the working groups of the Council of the European Union and in the committees, working groups and expert meetings of the European Commission in the issues within the area of government of the ministry;

3<sup>4</sup>) appoint the representative of Estonia or nominate a candidate to the European Union institutions, agencies and bodies according to the area of government of the ministry if this has not been placed within the competence of the Government of the Republic;

4) monitor the performance of the functions of the structural units of the ministry and of the state authorities within its area of government and exercise supervisory control over the decisions and activities of the officials of the ministry pursuant to the procedure provided for in § 95 of this Act;

5) on the proposal of the secretary general, appoint to and release from office directors general of executive agencies and inspectorates within the area of government of the ministry, and the heads of other state authorities within its area of government, unless otherwise provided by law;

6) on the proposal of the secretary general, appoint to and release from office heads of departments of the ministry, in the Ministry of Foreign Affairs the director general, or enter into or terminate an employment contract with him or her or authorise the secretaries general for this purpose;

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

7) appoint to and release from office advisers directly subordinate to the minister or enter into or terminate an employment contract with him or her;

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

8) make proposals to the Government of the Republic concerning the draft annual budget of expenditure and revenue of the ministry and, where necessary, concerning the draft supplementary budget of the ministry, decide on the use of budget funds and monitor the accurate and purposeful implementation of the budget and the purposeful use of funds, aid and grants allocated by the European Union and other foreign aid;

9) approve the budgets of state authorities within the area of government of the ministry on the basis of the state budget and monitor their implementation and, where necessary, issue precepts for the use of budget funds;

10) specify the structure, operations and administration of state authorities within the area of government of the ministry, except if this is provided by legislation with a higher authority than a regulation of the minister;

11) approve the staff of government agencies within the area of government of the ministry, unless otherwise provided by law;

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

12) make proposals to the Government of the Republic for decision of issues within the area of government of the ministry pursuant to the prescribed procedure;

13) report to the Government of the Republic on the activities of the ministry;

13<sup>1</sup>) ensure implementation of the internal control system and the organisation of professional activity of an internal auditor in the ministry, the governmental authorities within the area of government of the ministry and the state authorities administered by such governmental authorities;

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

14) perform other functions assigned to him or her by law, a regulation or order of the Government of the Republic or an order of the Prime Minister.

(2) If an issue within the area of government of a minister also pertains to the areas of government of other ministries or if matters are decided by agreement with other ministers, the minister shall concord the decision

with other ministers. If no agreement is reached, the issue shall be submitted to the Government of the Republic for decision.

(3) Structural units of a ministry and agencies within its area of government shall address the Government of the Republic through the minister.

(4) A minister shall be responsible for the preservation and prudent use of state assets and shall manage this in accordance with the State Assets Act.  
[RT I 2005, 73, 565 - entry into force 08.01.2006]

#### **§ 49<sup>1</sup>. Competence of Minister of Regional Affairs upon direction of Ministry of the Interior**

[Repealed - RT I, 29.06.2014, 109 - entry into force 01.07.2014]

#### **§ 50. Legislation of minister**

(1) A minister shall issue regulations and directives on the basis and for the implementation of law.

(2) A minister who does not direct a ministry shall not issue regulations or directives.

(3) [Repealed - RT I 2005, 73, 565 - entry into force 08.01.2006]

(4) A minister who issues a regulation shall be responsible for the legality and purposefulness of the regulation.  
[RT I 2005, 73, 565 - entry into force 08.01.2006]

#### **§ 51. Regulation of minister**

(1) A regulation of a minister is a legislative act.

(2) A regulation of a minister shall refer to the provision of law on the basis of which the regulation is issued. If the Government of the Republic is authorised by law to pass a matter to a minister for resolution, a regulation of the minister shall also refer to the applicable provision of the regulation of the Government of the Republic.

(3) The regulations of ministers shall comply with the formal requirements provided for in the Administrative Procedure Act.

(4) A regulation of a minister shall be signed by the minister and the secretary general. Another minister substituting for the minister shall sign a regulation with his or her title and add the title of the substituted minister and the words "in the capacity of".

(5) Regulations of ministers shall be published pursuant to the procedure prescribed by the *Riigi Teataja* Act.

(6) [Repealed - RT I 2010, 19, 101 - entry into force 13.05.2010]

#### **§ 52. Directive of minister**

(1) A minister shall issue directives in service-related and other individual matters.

(2) The directives of ministers shall comply with the formal requirements provided for in the Administrative Procedure Act.

(3) A directive of a minister shall be signed by the minister. Another minister substituting for the minister shall sign a directive with his or her title and add the title of the substituted minister and the words "in the capacity of".

(4) A directive of a minister shall enter into force as of the day of signature, unless a later date is provided for in the directive itself. A directive shall be promptly communicated to the persons concerned.

## **Division 2<sup>1</sup> Assistant Minister**

[Repealed - RT I, 29.06.2014, 109 - entry into force 01.07.2014]

#### **§ 52<sup>1</sup>. Assistant Minister**

[Repealed - RT I, 29.06.2014, 109 - entry into force 01.07.2014]

## **Division 3**

# Secretary General of Ministry

## § 53. Competence of secretary general

(1) The secretary general of a ministry shall direct the work of the structural units of the ministry, co-ordinate the activities of state authorities within the area of government of the ministry and manage the operations of the ministry.

(2) The secretary general has the right to control the budget funds of the ministry on the basis of the budget approved by the minister, taking into consideration the provision in clause 49 (1) 8) of this Act.

(3) The secretary general shall prepare the draft annual budget of the ministry and, where necessary, proposals concerning a supplementary budget.

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

(5) The secretary general shall appoint to and release from office officials who are on the staff of the ministry, or enter into and terminate employment contracts with employees, except for those who are appointed to and released from office by the minister.

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

(6) The secretary general shall countersign a regulation of the minister. If the secretary general is unable to perform his or her functions due to illness or other hindrance, a regulation of the minister shall be countersigned by a deputy secretary general or an official designated to substitute for the secretary general.

(7) The secretary general shall refuse to countersign if a regulation is not in conformity with the Constitution and law. In this case, the secretary general shall promptly present a reasoned opinion to the minister in writing. If the minister maintains the original decision, the secretary general shall countersign. The written opinion of the secretary general shall be appended to the regulation and this shall be promptly sent to the Chancellor of Justice.

(8) The secretary general shall hold the public seal of the ministry.

(9) The secretary general shall manage the use of state assets within the scope of authorities granted by the minister in accordance with the State Assets Act.

(10) The specific functions of the secretary general and the procedure for their performance shall be provided for in the statutes of the ministry.

## § 54. Directive of secretary general

(1) The secretary general shall issue directives within the scope of competence provided by law and the statutes of the ministry in order to co-ordinate and organise the activities of state authorities within the area of government of the ministry, to employ the employees of the ministry in service and release them from employment and to direct and co-ordinate the work of the structural units.

(2) The secretary general shall issue directives to manage the operations of the ministry pursuant to the operations procedure of the governmental authority.

## § 55. Appointment to and release from office of secretary general

(1) A secretary general shall be appointed to and released from office by the Government of the Republic on the proposal of the minister. A secretary general shall be appointed to office pursuant to the procedure provided for in subsection 22 (2) of the Public Service Act.

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

(1<sup>1</sup>) If a secretary general is temporarily unable to perform his or her functions due to illness or other hindrance, the minister shall assign the functions of the secretary general by a directive to one of the deputy secretaries general or heads of a structural unit.

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

(2) The expiry of the term of office of the Government of the Republic or the expiry of the term of office of a minister on other grounds shall not be a basis for the release of a secretary general from office.

(3) A secretary general shall not be in any elected or appointed office outside his or her official duties. A secretary general shall immediately inform the minister in writing if he or she acts or intends to act outside his or her official duties based on a contract of employment or contract for provision of services as an undertaking or a

general partner in a general or limited partnership or a member of the management or controlling body of a legal person.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(4) A minister shall prohibit the secretary general by an administrative act from engaging in full or in part in the ancillary activities specified in subsection (3) of this section, if the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of his or her duties of employment or if the ancillary activity brings about a breach of the duties of employment.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

#### **§ 56. Deputy secretary general**

(1) The staff of a ministry may include positions of deputy secretaries general.

(2) A deputy secretary general shall be appointed to and released from office by the minister.

(3) A deputy secretary general shall substitute for the secretary general in the absence of the latter.

(4) A deputy secretary general may be assigned functions within the scope of competence of the secretary general.

(5) A deputy secretary general shall immediately inform the secretary general in writing if he or she acts or intends to act outside his or her official duties based on a contract of employment or contract for provision of services or in another elected or appointed office, as an undertaking or a general partner in a general or limited partnership or a member of the management or controlling body of a legal person.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(5<sup>1</sup>) A secretary general prohibits the deputy secretary general by an administrative act from engaging in full or in part in the ancillary activities specified in subsection (5) of this section, if the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of his or her duties or if the ancillary activity brings about a breach of duties.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(6) The specific functions of a deputy secretary general and the procedure for their performance shall be provided for in the statutes of the ministry.

## **Division 4 Areas of Government of Ministries**

#### **§ 57. Establishment of areas of government of ministries**

(1) The areas of government of the ministries shall be established by this Act.

(2) If an issue assigned to the powers of the Government of the Republic by law does not belong to the area of government of any ministry pursuant to this Act or other laws, the issue shall be resolved by the Government of the Republic.

(3) If an issue is within the area of government of several ministries and no resolving ministry is prescribed by law, the issue shall be resolved by the Government of the Republic.

(4) The placement of governmental authorities and other state authorities within the area of government of a ministry shall be determined by the Government of the Republic, unless otherwise provided by law.

#### **§ 58. Area of government of Ministry of Education and Research**

(1) The area of government of the Ministry of Education and Research shall include the planning of state education, science, archives, youth and language policy and in relation to that the organisation of the fields of pre-school, basic, general secondary, secondary vocational, higher, hobby and adult education, research and development, archival science, youth work and special youth work, and the preparation of respective draft legislation.

(2) The Language Inspectorate and the National Archives are within the area of government of the Ministry of Education and Research.

[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

#### **§ 59. Area of government of Ministry of Justice**

(1) The area of government of the Ministry of Justice shall include co-ordination of legislative drafting, systematisation of legislation and publication of *Riigi Teataja*, management of the professional activities of the courts of first and second instance, the Prosecutor's Office, forensic examinations, prisons, professional

activities of notaries and legal assistance, and deciding the extradition of a citizen of a foreign state or a stateless person to a foreign state, co-ordination of the field of intellectual property, planning of the competition supervision policy and organisation of competition supervision, issues related to data protection and legislative drafting according to the competence of the ministry.  
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) [Repealed - RT I 1999, 95, 845 - entry into force 01.01.2000]

(3) The following executive agencies and inspectorates shall be within the area of government of the Ministry of Justice:

1) the Data Protection Inspectorate;

1<sup>1</sup>) the Competition Authority;

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

2) the Patent Office.

[RT I, 28.12.2011, 1 - entry into force 01.01.2012]

## **§ 60. Area of government of Ministry of Defence**

(1) The area of government of the Ministry of Defence shall include the organisation of national defence and, in this regard, the making of proposals for the planning of national defence policy, the implementation of national defence, the co-ordination of international defence co-operation, the preparation and carrying out of mobilisation, the call-up of persons eligible to be drafted for compulsory military service, the organisation of the registration and training of the Defence Forces reserves, the financing and supply of the Defence Forces and the Estonian Defence League, the development of the defence industry, the supervision of the activities of the Defence Forces and the Estonian Defence League and the preparation of corresponding draft legislation.

(2) The Estonian Defence Forces, the Estonian Defence League, the Information Board and the Defence Resources Agency are within the area of government of the Ministry of Defence.

[RT I 2005, 33, 244 - entry into force 01.08.2005]

## **§ 61. Area of government of Ministry of the Environment**

(1) The area of government of the Ministry of the Environment shall include the management of national environmental and nature protection, the performance of tasks related to land and databases containing spatial data, the management of the use, protection, recycling and registration of natural resources, the ensuring of radiation protection, the management of environmental supervision, meteorological observation, nature and marine research, geological, cartographic and geodetic operations, the maintenance of the land cadastre and water cadastre, and the preparation of respective draft legislation.

[RT I 2004, 22, 148 - entry into force 08.04.2004]

(2) The following executive agencies and inspectorates are within the area of government of the Ministry of the Environment:

1) the Land Board;

2) the Environmental Board;

3) the Environmental Inspectorate.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

## **§ 62. Area of government of Ministry of Culture**

(1) The area of government of the Ministry of Culture shall include the management of the work in the fields of national culture, physical fitness, sports and heritage conservation and the promotion of the arts, the participation in the planning of state media activities and the preparation of respective draft legislation.

(2) The National Heritage Board is within the area of government of the Ministry of Culture.

[RT I 2001, 102, 677 - entry into force 01.04.2002]

## **§ 63. Area of government of Ministry of Economic Affairs and Communications**

(1) The area of government of the Ministry of Economic Affairs shall include the development and implementation of the national economic policy and state economic plans with regard to industry, trade, energy, housing, construction, transport (including transport infrastructure, shipping, transit, logistics and public transport), traffic control (including traffic on railways, roads and streets, waterway and air traffic), the improvement of traffic safety, the reduction of environmental damage caused by vehicles, informatics, telecommunications, postal services and tourism; the state organisation of provision of media services and the state supervision over provision of media services; the co-ordination of the work of the state information systems; technological development and innovation policy; metrology, standardisation, certification, accreditation, licensing, registration, consumer protection, export development and trade protective measures;

issues concerning the regional development of enterprise and investments, the administration of compulsory minimum stocks of liquid fuel and the preparation of respective draft legislation.  
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) The following executive agencies are within the area of government of the Ministry of Economic Affairs and Communications:

[RT I 2009, 3, 14 - entry into force 10.01.2009]

- 1) [repealed - RT I, 30.06.2015, 4 - entry into force 01.09.2015]
- 2) the Civil Aviation Administration;
- 3) the Road Administration;
- 4) [repealed - RT I, 28.12.2011, 1 - entry into force 01.01.2012]
- 5) [repealed - RT I 2003, 81, 542 - entry into force 31.03.2004]
- 6) [repealed - RT I 2007, 66, 408 - entry into force 01.01.2008]
- 7) the Consumer Protection Board;
- 8) the Maritime Administration;
- 9) [repealed - RT I 2007, 66, 408 - entry into force 01.01.2008]
- 10) the Technical Surveillance Authority;  
[RT I 2007, 66, 408 - entry into force 01.01.2008]
- 11) [repealed - RT I 2007, 66, 408 - entry into force 01.01.2008]
- 12) the Estonian Information System's Authority.  
[RT I, 15.03.2011, 18 - entry into force 01.06.2011]

(3) [Repealed - RT I 2009, 25, 150 - entry into force 01.07.2009]

#### **§ 64. Area of Government of Ministry of Rural Affairs**

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(1) The area of government of the Ministry of Rural Affairs shall include the planning and implementation of rural development policy, agricultural policy, the part of the fisheries policy concerning fishing industry and the agricultural products trade policy, the organisation of ensuring food safety and conformity, the co-ordination of activities related to animal health and protection and plant health and protection, the organisation of agricultural research and development and agricultural education, and the preparation of respective draft legislation.  
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) The following executive agencies are within the area of government of the Ministry of Rural Affairs:

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

- 1) the Agricultural Board;
- 2) the Agricultural Registers and Information Board;
- 3) the Veterinary and Food Board.  
[RT I 2009, 34, 224 - entry into force 01.01.2010]

#### **§ 65. Area of government of Ministry of Finance**

(1) The area of government of the Ministry of Finance shall include the planning and implementation of the budgetary, resource management, tax, customs and financial policies of the state, economic analyses and forecasts, counselling and co-ordination in the issues of state aid, activities relating to accounting, auditing, official statistics, public service and state assets and public procurements, management of public cash flows, organisation of the use of external funds, administration of loans and state guarantees issued by the state, development of local governments, planning and co-ordination of regional development, state and regional administration and organisation of and supervision over activities relating to spatial planning, and preparation of respective draft legislation.

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) The following executive agencies and inspectorates are within the area of government of the Ministry of Finance:

- 1) [repealed - RT I 2002, 87, 505 - entry into force 23.10.2002]
- 2) the Tax and Customs Board;
- 2<sup>1</sup>) [repealed - RT I 2010, 20, 102 - entry into force 27.05.2010]
- 3) the Statistics Estonia.
- 4) [repealed - RT I 2003, 88, 590 - entry into force 01.01.2004]
- 5) [repealed - RT I 2001, 59, 358 - entry into force 01.01.2002]
- 6) [repealed - RT I 2001, 59, 358 - entry into force 01.01.2002]

(3) The area of government of the Ministry of Finance shall include county governments.

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

#### **§ 66. Area of government of Ministry of the Interior**

(1) The area of government of the Ministry of the Interior shall include the management of the activities relating to the state's internal security, public order, border guard, rescue service, emergency alert notifications and issues relating to citizenship and immigration, planning and co-ordination of crisis management and

development of the civil society, issues relating to population activities and religious associations, and the drafting of respective draft legislation.

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) The following executive agencies and inspectorates shall be within the area of government of the Ministry of the Interior:

- 1) the Security Police Administration;
  - 2) [repealed - RT I 2009, 27, 165 - entry into force 01.01.2010]
  - 3) [repealed - RT I 2009, 27, 165 - entry into force 01.01.2010]
  - 4) the Police and Border Guard Board;
- [RT I 2009, 27, 165 - entry into force 01.01.2010]
- 5) the Rescue Board.
  - 6) [repealed - RT I 2007, 11, 53 - entry into force 18.02.2007]

(3) The Emergency Centre is within the area of government of the Ministry of the Interior.

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

#### **§ 67. Area of government of Ministry of Social Affairs**

(1) The area of government of the Ministry of Social Affairs shall include the drafting and implementation of plans to resolve social issues of the state, the management of public health protection and medical care, employment, labour market and working environment, social security, social insurance and social welfare, equal treatment and promotion of the equality of men and women and co-ordination of activities in this field, and the preparation of respective draft legislation.

[RT I 2008, 56, 315 - entry into force 01.01.2009]

(2) The following executive agencies and inspectorates are within the area of government of the Ministry of Social Affairs:

- 1) the State Agency of Medicines;
  - 2) the Social Insurance Board;
  - 3) the Health Board;
  - 4) the Labour Inspectorate.
- [RT I 2009, 49, 331 - entry into force 01.01.2010]

#### **§ 68. [Repealed - RT I 2002, 87, 505 - entry into force 23.10.2002]**

#### **§ 69. Area of government of Ministry of Foreign Affairs**

[RT I 2005, 73, 565 - entry into force 08.01.2006]

(1) The area of government of the Ministry of Foreign Affairs shall include the making of proposals for planning the foreign policy of the state, resolution of issues related to international agreements and foreign trade, securing that the positions of Estonia in the Permanent Representatives' Committee of the Council of the European Union and in court proceedings in the European Court of Justice and in the court of first instance are being defended, management of the relations of the Republic of Estonia with foreign states and international organisations, management of internal protocol and protocol abroad in the event of national holidays being celebrated, foreign visits of national importance being conducted and eminent guests being received, protection of the interests of the Estonian state and Estonian citizens abroad, administration of the provision of international development assistance and humanitarian aid, promotion of Estonia, and preparation of respective draft legislation.

(2) [Repealed - RT I 1997, 73, 1200 - entry into force 26.10.1997]

## **Division 5 Executive Agencies and Inspectorates**

#### **§ 70. Executive agencies**

(1) An executive agency is a governmental authority provided by law which operates within the area of government of a ministry, has a directing function, exercises state supervision and applies enforcement powers of the state on the bases and to the extent prescribed by law.

(2) An executive agency is directed by the director general who is appointed to and released from office by the minister on the proposal of the secretary general, unless otherwise provided by law.

## **§ 71. Inspectorates**

(1) An inspectorate is a governmental authority provided by law which operates within the area of government of a ministry, unless otherwise prescribed by this Act. The main function of an inspectorate is to exercise state supervision and apply enforcement powers of the state on the bases and to the extent prescribed by law.

(2) An inspectorate is directed by the director general who is appointed to and released from office by the minister on the proposal of the secretary general, unless otherwise provided by law.

## **§ 72. Competence of executive agencies and inspectorates**

(1) The competence of executive agencies and inspectorates in exercising state supervision and applying enforcement powers of the state shall be provided by law.

(2) Executive agencies and inspectorates may have local authorities.

## **§ 73. Competence of director general of executive agency or inspectorate**

(1) The director general of an executive agency or inspectorate shall:

1) direct the work of the executive agency or inspectorate;

2) be responsible for the accurate and purposeful implementation of legislation governing the activities of the executive agency or inspectorate, and report to the appropriate minister;

2<sup>1</sup>) ensure the implementation of an internal control system and the organisation of the professional activity of an internal auditor in the executive agency or inspectorate;

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

3) exercise supervisory control pursuant to § 96 of this Act;

4) enter into and terminate employment contracts with employees, appoint to and release from office officials who are on the staff of the executive agency or inspectorate, and the heads of local authorities;

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

5) make proposals to the minister concerning the budget of revenue and expenditure of the executive agency or inspectorate and its local authorities, and monitor the accurate and purposeful implementation of the budget;

6) make proposals to the minister for the management of the area of activity of the executive agency or inspectorate;

7) perform other functions assigned to him or her by law, a regulation and order of the Government of the Republic, and a regulation or directive of the minister.

(2) The director general of an executive agency or inspectorate has all the rights of a person with appointment authority provided for in the Public Service Act.

[RT I 2003, 88, 590 - entry into force 01.01.2004]

(3) The director general of an executive agency or inspectorate shall immediately inform the minister in writing if he or she acts or intends to act outside his or her official duties based on a contract of employment or contract for provision of services or in another elected or appointed office, as an undertaking or a general partner in a general or limited partnership or a member of the management or controlling body of a legal person.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(4) A minister shall prohibit the director general of an executive agency or inspectorate by an administrative act from engaging in full or in part in the ancillary activities specified in subsection (3) of this section, if the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of his or her duties of employment or if the ancillary activity brings about a breach of the duties of employment.

[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

## **§ 74. Directive of director general**

(1) The director general of an executive agency or inspectorate has the right to issue directives concerning service-related issues pursuant to law, a regulation or order of the Government of the Republic or a regulation or directive of the minister.

(2) A directive of the director general of an executive agency or inspectorate shall comply with the formal requirements provided for in the Administrative Procedure Act and enter into force at the date prescribed in subsection 52 (4) of this Act.

(3) The director general of an executive agency or inspectorate shall promptly send a directive to the minister.

# **Division 6**

## **State and administrative supervision**

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

### **§ 75. State supervision**

State supervision shall be exercised pursuant to the procedure provided for in the Law Enforcement Act and other Acts.

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

### **§ 75<sup>1</sup>. Administrative supervision**

(1) Administrative supervision denotes the control on one administrative authority over the other administrative authority.

(2) Administrative supervision over an administrative authority is exercised in the case it is not controlled by the person exercising supervision.

(3) Administrative supervision of a state administrative authority includes control of the legality, and in the cases provided by law, of the expediency of the activities of the person subject to supervision. The person exercising administrative supervision shall have the right to issue precepts to eliminate deficiencies upon checking the person subject to supervision.

(4) Administrative supervision of another administrative authority includes control of the legality, and in the cases provided by law, of expediency of performance of administrative duties. The person exercising administrative supervision shall have the right to issue precepts when controlling another administrative authority whereas upon failure to comply with the precept the maximum rate of substitutive enforcement and penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 9600 euros.

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

### **§ 75<sup>2</sup>. Administrative supervision measures**

(1) The administrative supervisory authority has the right to:

- 1) to require explanations and submission of documents by the person subject to supervision;
- 2) to stop a relevant official or employee of the person subject to supervision and to question him or her;
- 3) to check movables in the possession of the person subject to supervision by senses or by technical means, including to open doors and remove other obstacles;
- 4) to deposit immovables in the possession of the person subject to supervision and, if necessary, to sell or destroy deposited movables;
- 5) to enter into a territory, enclosed or marked immovable, building and premises subject to supervision, and to open doors and gates and remove other obstacles;
- 6) to record a situation, take specimens and samples and perform measurements and conduct expert assessments;
- 7) to take other administrative supervision measures provided by law.

(2) The person exercising administrative supervision shall, if possible, give prior notice to the person subject to supervision concerning the time and method of exercising supervision.

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

## **Chapter 5 GOVERNMENT OFFICE**

### **§ 76. Status of Government Office**

The Government Office shall be within the Government of the Republic. The Government Office is a governmental authority which performs the functions pursuant to law and the functions assigned by the Government of the Republic pursuant to law.

### **§ 77. Functions of Government Office**

(1) The Government Office shall:

- 1) manage the operations of and provide support services to the Government of the Republic and the Prime Minister;
- 2) manage the relations of the Government of the Republic and the Prime Minister with the *Riigikogu* and other constitutional institutions;

- 3) [repealed - RT I 2010, 19, 101 - entry into force 01.01.2011]
- 4) review draft legislation of the Government of the Republic for conformity with the Constitution and laws;
- 5) keep account of the performance of the functions assigned to ministers by the *Riigikogu*, the Government of the Republic and the Prime Minister;
- 6) manage issues related to state and local government insignia pursuant to laws and the legislation of the Government of the Republic;
- 7) [repealed - RT I, 28.12.2011, 1 - entry into force 01.01.2012]
- 8) [repealed - RT I, 21.03.2011, 1 - entry into force 01.01.2012]
- 9) [repealed - RT I 2000, 58, 378 - entry into force 24.07.2000]
- 10) organise the development of the officials subject to attestation at the Competition and Evaluation Committee of Higher State Public Servants at the Government Office;  
[RT I 2009, 49, 330 - entry into force 01.01.2010]
- 11) [repealed - RT I 2009, 49, 330 - entry into force 01.01.2010]
- 12) co-ordinate the forming of the positions of Estonia in European Union affairs, taking into consideration the provisions of clauses 49 (1) 3<sup>2</sup>) to 3<sup>4</sup>) of this Act;  
[RT I 2005, 73, 565 - entry into force 08.01.2006]
- 13) manage the analysis and assessment of the national security situation and defence planning, co-ordinate the activities of the executive authorities in the development of national defence and organization and organize psychological protection.  
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(2) For the performance of its functions, the Government Office has the right to receive relevant documents and explanations from the ministries, other governmental authorities and local governmental authorities.

### § 78. Structure of Government Office

(1) The structure of the Government Office shall include departments and other structural units pursuant to the statutes of the Government Office.

(2) The authorities administered by the Government Office which are necessary for the provision of services to the Government of the Republic shall be formed by and the statutes thereof shall be approved by the State Secretary.

(3) [Repealed - RT I, 21.03.2011, 1 - entry into force 01.01.2012]

### § 79. State Secretary

(1) The Government Office shall be directed by the State Secretary who is appointed to and released from office by an order of the Prime Minister.

(2) Only a person who has higher education in law may be the State Secretary.

(3) The State Secretary shall participate in the sessions of the Government with the right to speak.

(4) The State Secretary shall not be in any elected or appointed office outside his or her official duties or act based on a contract of employment or contract for provision of services, except research or teaching. The State Secretary shall immediately inform the Prime Minister in writing if he or she acts or intends to act outside his or her official duties as an undertaking or a general partner in a general partnership or limited partnership or as a member of a management or controlling body of a legal person.  
[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(4<sup>1</sup>) The Prime Minister prohibits the State Secretary by an administrative act from engaging in full or in part in the ancillary activities specified in subsection (4) of this section, if the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of his or her duties or if the ancillary activity brings about a breach of duties.  
[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(5) The State Secretary, as the director of the Government Office, has the same rights which are granted by law to a minister in directing a ministry.

(6) The State Secretary shall appoint to and release from office the director of the Government Office, the manager of ancillary activities and the head of a structural unit or enter into and terminate employment contracts with them.  
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

(7) The State Secretary shall issue directives in directing the Government Office and in managing the activities of the authorities within the Government Office which are necessary for the provision of services to the Government of the Republic.

(8) If the State Secretary is temporarily unable to perform his or her functions due to illness or other hindrance, the Prime Minister shall, by an order, assign the functions of the State Secretary to one of the directors of the Government Office or heads of a structural unit.

[RT I 2009, 49, 330 - entry into force 01.01.2010]

(9) The State Secretary shall be accountable to the Government of the Republic and the Prime Minister.

#### **§ 80. Release of State Secretary**

(1) The State Secretary shall be released by an order of the Prime Minister on the bases provided for in the Public Service Act.

(2) The resignation of the Government of the Republic shall not be a basis for the release of the State Secretary from office.

#### **§ 81. Functions of State Secretary in managing work of Government of the Republic**

(1) The State Secretary shall manage the preparation and taking of the minutes of the sessions of the Government of the Republic, communication of the regulations and orders of the Government of the Republic and publication of these and other legislation in the *Riigi Teataja*.

(1<sup>1</sup>) The State Secretary shall forward an order of the Government of the Republic which regulates an individual case or which creates, changes or terminates rights of a person to the administrative authority which commenced the respective proceedings, who shall notify the person of the order.

(2) The State Secretary shall prepare the agenda of a session of the Government of the Republic and submit it together with the documents necessary for discussion of the agenda items to the Prime Minister for approval. The State Secretary shall monitor that the draft legislation of the Government of the Republic is in conformity with the Constitution and other laws.

(3) The State Secretary shall countersign the regulations and orders of the Government of the Republic and the minutes of the sessions of the Government of the Republic.

(4) The State Secretary shall refuse to countersign if a regulation or order of the Government of the Republic is in conflict with the Constitution or laws. The State Secretary shall present a reasoned refusal in writing to the Government of the Republic which shall be appended to the minutes of the session of the Government of the Republic. If the Government of the Republic maintains the original decision, the State Secretary shall countersign. The written opinion of the State Secretary shall be appended to the regulation or order of the Government of the Republic and this shall be promptly sent to the Chancellor of Justice.

(5) The State Secretary shall make proposals to the Prime Minister concerning issues of administration of the Government of the Republic.

(6) The State Secretary shall make proposals to the Prime Minister to approve issues concerning the suspension or repeal of legislation of a minister as agenda items for a session of the Government of the Republic pursuant to §§ 94, 99 and 100 of this Act.

[RT I 2006, 14, 111 - entry into force 06.04.2006]

(7) The State Secretary represents the state in the cases provided by law in court in litigations arising from performance of the functions of the Government Office and organises the collection and communication of information concerning such litigations pursuant to the procedure provided for in § 44<sup>1</sup>.

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

#### **§ 82. Other functions of State Secretary**

(1) The State Secretary shall hold the state seal and record its use pursuant to law and the format approved by the Government of the Republic.

(2) [Repealed - RT I, 06.07.2012, 1 - entry into force 01.04.2013]

(3) The State Secretary shall perform other functions assigned to him or her by law or by legislation of the Government of the Republic.

## **Chapter 6**

# COUNTY GOVERNOR AND COUNTY GOVERNMENT

## § 83. Appointment to and release from office of county governor

(1) A county governor shall be appointed to office for a term of five years by the Government of the Republic on the proposal of the minister responsible for the area.

(2) [Repealed - RT I 2006, 14, 111 - entry into force 06.04.2006]

(3) The minister responsible for the area shall introduce a candidate county governor to the general meeting of the association of the local governments of the county and hear the opinion of the general meeting.  
[RT I 2006, 14, 111 - entry into force 06.04.2006]

(4) For appointment to office of a candidate county governor, the minister responsible for the area shall present the candidate county governor to the Government of the Republic for appointment to office and communicate the opinion of the general meeting of the association of the local governments of the county thereto.

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

(6) A county governor shall not be in any elected or appointed office outside his or her official duties. A county governor shall immediately inform the minister responsible for the area in writing if he or she acts or intends to act outside his or her official duties based on a contract of employment or contract for provision of services as an undertaking or a general partner in a general or limited partnership or a member of the management or controlling body of a legal person.  
[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

(7) The minister responsible for the area shall prohibit the county governor by an administrative act from engaging in full or in part in the ancillary activities specified in subsection (6) of this section, if the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of his or her duties of employment or if the ancillary activity brings about a breach of the duties of employment.  
[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

## § 83<sup>1</sup>. Right of county governor to compensation upon expiry of term of office

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

## § 84. Competence of county governor

County governors shall:

1) represent the interests of the state in the county and care for the comprehensive and balanced development of the county;

2) direct the work of the county government;

3) report to the minister responsible for the area on his or her activities;

4) co-ordinate the co-operation of local authorities of ministries and other authorities of executive power and local governments in the county;

5) give his or her opinion on the appointment to and release from office of the heads of local authorities of ministries and other authorities of executive power located in the county;

6) inform the minister responsible for the area and local governments on regional policy and other issues concerning the relations between executive power and the local governments;

7) make proposals through the minister responsible for the area to the Government of the Republic and ministries for the management of the work of local administrative agencies of governmental authorities and other state authorities located in the county;

8) possess, use and dispose of state assets within the scope of his or her term of office pursuant to law;

9) by authority of the Government of the Republic, enter into contracts under public law with local governments for performance of state duties by them;

10) exercise administrative supervision over the activities of local governments on the bases of and pursuant to the procedure provided for in § 85 of this Act and perform the functions of supervisory control pursuant to § 98 of this Act;

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

11) guide and co-ordinate the activities of state authorities administered by the county government;

11<sup>1</sup>) represent the state in court in the cases provided by law in litigations arising from performance of the duties of the county governor and organise the collection and communication of information concerning such litigations pursuant to the procedure provided for in § 44<sup>1</sup>;

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

12) approve the composition of the places of service of county governments in consultation with the minister responsible for the area on the basis of the structure of the county government approved by the minister responsible for the area;

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

13) enter into and terminate employment contracts with the employees of county governments, appoint to and release from office the officials in the membership of the county government, and heads of state authorities

administered by the county government, unless otherwise provided by law or by a regulation of the Government of the Republic established pursuant to law;

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

13<sup>1</sup>) organise national information activities related to the European Union in the county;

14) make proposals through the minister responsible for the area to the Government of the Republic concerning the draft annual budget of expenditure and revenue of the county government and, where necessary, concerning the draft supplementary budget of the county government, and monitor the purposeful implementation of the budget and ensure the purposeful use of funds, aid and grants allocated by the European Union, and other foreign aid;

15) approve and amend the budgets of state authorities administered by the county government and control the implementation thereof;

15<sup>1</sup>) declare supplementary elections of local government councils and elections due to merger of local governments;

15<sup>2</sup>) ensure implementation of the internal control system and the organisation of professional activity of an auditor in county governments and in state authorities administered by the county governments;

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

16) perform other functions assigned thereto by law or other legislation.

[RT I 2006, 14, 111 - entry into force 06.04.2006]

### **§ 85. Supervisory competence of county governor in activities of local governments**

(1) A county governor has the right to exercise administrative supervision over the legality of the administrative acts of local governments of the county and, in the cases and to the extent provided by law, over the legality and purposefulness of the use of state assets in the use or possession of local governments.

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

(2) A county governor has the right to request copies of the legislation of local governments which has entered into force. Local governments are required to submit the copies not later than on the seventh day after the receipt of the request of the county governor.

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(3) If a county governor finds that an administrative act of a local government or failure to issue thereof is unlawful and violates the public interest, the county governor may make a written proposal, within 30 days as of becoming aware of the issue of the administrative act or refusal to issue it, to repeal the administrative act, bring it into conformity with the provisions of law or issue the required administrative act.

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(3<sup>1</sup>) If a county governor finds that the unlawful consequences of a repealed administrative act violate the public interest, the county governor may, within three years as of the issue of the administrative act, make a written proposal to eliminate the consequences of the administrative act.

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(3<sup>2</sup>) The proposal provided for in subsection (3<sup>1</sup>) of this section may be also submitted together with a proposal to cancel the administrative act which caused the consequences.

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(3<sup>3</sup>) Exceptions may be provided by other Acts from the term specified in subsection (3) of this section.

[RT I, 27.12.2013, 6 - entry into force 01.01.2014]

(4) If a local government has failed to cancel an administrative act, bring it into conformity with the provisions of law, issue the required administrative act or decide on the elimination of the consequences of the administrative act within 30 days as of the receipt of a written proposal of the county governor, the county governor may file a protest under the conditions and pursuant to the procedure provided by the Code of Administrative Court Procedure.

[RT I, 23.02.2011, 3 - entry into force 01.01.2012]

(5) If a county governor files a petition with the Legal Chancellor pursuant to §§ 14 and 160 of the Constitution and § 15 of the Chancellor of Justice Act to control the conformity of a legislative act or a provision thereof of a local government body with the Constitution or other law, the county governor shall also send a copy of the petition on the same day to the local government body which passed this act.

[RT I, 28.12.2011, 1 - entry into force 01.01.2012]

(6) If the county governor discovers that the local government has possessed, used or disposed of state assets unlawfully or inexpediently, he or she shall file a report with the State Audit Office or with an investigative body or other competent authority, and forward, together with the report, documents and other materials at his or her disposal which prove this.

(7) A county governor or an official authorised by an order of the county governor has the right to control the performance of state functions assigned to local governments by law or assumed by local governments by a contract under public law.

#### **§ 86. Substitution of county governor**

(1) The procedure for temporary substitution of county governors shall be approved by the minister responsible for the area.

(2) [Repealed - RT I 1996, 88, 1560 - entry into force 01.01.1997]

(3) If the position of county governor is vacant or if a county governor is unable to perform his or her functions due to a permanent hindrance, the minister responsible for the area shall appoint by a directive a substitute for the county governor for the term of up to three months or until the hindrance ceases to exist.  
[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

(4) A substitute for a county governor has the same rights and duties as the county governor, unless otherwise provided by law.  
[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

(5) When signing a document, the person substituting for the county governor shall add the words "in the capacity of county governor" to his or her title.  
[RT I, 19.03.2015, 2 - entry into force 29.03.2015]

#### **§ 87. Order of county governor**

(1) A county governor shall issue orders on the basis and for the implementation of law or a regulation of the Government of the Republic.

(2) The orders of county governors shall comply with the formal requirements provided for in the Administrative Procedure Act.

(3) An order of a county governor shall be signed by the county governor.

(4) An order of a county governor shall enter into force as of the day of signature, unless a later date is established in the order. An order of a county governor shall be promptly communicated to the persons concerned, unless a different procedure for communication is prescribed by law.

#### **§ 88. Status and functions of county government**

(1) A county government is a governmental authority which provides services to the county governor and is directed by the county governor.

(2) County governments:

- 1) manage the operations of and provide support services to the county governor;
  - 2) prepare draft orders of the county governor or other draft documents required by the county governor;
  - 3) manage and control the execution of orders of the county governor;
  - 4) manage activities related to the insignia of the county;
  - 5) manage the preparation of draft budgets of revenue and expenditure of state authorities administered by the county government and control adherence to the budgets;
  - 6) manage the relations of the county governor with governmental authorities, local governmental authorities and other legal and natural persons;
  - 7) perform other functions assigned thereto by law or other legislation.
- [RT I 2006, 14, 111 - entry into force 06.04.2006]

(3) County government officials authorised by the county governor have the right to receive necessary documents and other information concerning the issues within the competence of the county governor from governmental authorities, other state authorities and local governments located in the county.

(4) A county government, the structural units and officials thereof have authorised powers with respect to persons outside the service only in the cases prescribed by law.

(5) The office, departments and officials of a county government shall conduct their relations with the Government of the Republic, ministries and other governmental authorities through the county governor.

(6) A county may have insignia and decorations approved pursuant to the procedure established by the Government of the Republic. The insignia and decorations of a county shall be established by the minister responsible for the area.

### **§ 89. Structure of county government**

(1) A county government shall comprise the office and departments of the county government. The office and departments may include divisions. The seat and structure of a county government shall be approved by the minister responsible for the area.

(2) The statutes of the office and departments of a county government shall be approved by the county governor.

(3) The office of a county government shall be directed by the county secretary. A department shall be directed by the head of the department who is appointed to and released from office by the county governor.

(4) A county government may include, pursuant to the procedure established by law and a regulation of the Government of the Republic, officials whose competence is determined by law and a regulation of the Government of the Republic.

(5) A county government may include committees and councils. Committees and councils with authority of executive power shall be formed by law or pursuant to law on the bases and pursuant to the procedure prescribed by a regulation of the Government of the Republic. Advisory committees and councils shall be formed and their functions and procedures shall be determined by the county governor, unless otherwise provided by law.

[RT I 2006, 14, 111 - entry into force 26.04.2006]

### **§ 90. State authorities administered by county government**

(1) The Government of the Republic may place educational, cultural, social welfare and other authorities specified in § 43 of this Act under the administration of a county government.

(2) A county governor shall be the highest ranking official with respect to the authorities specified in subsection (1) of this section and has the rights granted by law or a regulation of the Government of the Republic pursuant to law.

### **§ 91. County secretary**

A county secretary shall:

- 1) direct the work of the office of the county government pursuant to the procedure prescribed in the statutes of the office of the county government;
- 2) make proposals to the county governor concerning the structure and procedures of the office of the county government;
- 3) manage the issuance and communication of orders of the county governor and control the conformity of the drafts thereof with the Constitution and other legislation;
- 4) manage the public disclosure of the activities of the county governor;
- 5) hold the seal of the county government bearing the state coat of arms;
- 6) perform other functions assigned to him or her by law or other legislation.

### **§ 92. Employment in service and substitution of county secretary**

- (1) A county secretary shall be appointed to and released from office by the county governor.
- (2) Only a person who has higher education in law may be a county secretary.

(3) The procedure for the temporary substitution of a county secretary shall be provided for in the statutes of the office of the county government. The county governor shall appoint a temporary substitute.

[RT I 2006, 14, 111 - entry into force 06.04.2006]

## **Chapter 6<sup>1</sup>** **INTERNAL CONTROL AND** **PROFESSIONAL ACTIVITY OF AUDITOR**

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

### **§ 92<sup>1</sup>. Internal control system**

(1) An internal control system is a comprehensive set of measures implemented in the directing of governmental authorities and state authorities administered by governmental authorities in order to achieve lawfulness and purposefulness and to ensure:

- 1) compliance with legislation;
- 2) protection of property from damage caused by squandering, non-purposeful use, incompetent management, etc.;
- 3) the purposefulness of the activities of the authorities in the performance of their duties;
- 4) collection, storage and publication of truthful, updated and reliable information concerning the activities of the authorities.

(2) The head of a governmental authority or a state authority administered by a governmental authority shall implement the internal control system in the authority and be liable for the efficiency of the system.

### **§ 92<sup>2</sup>. Professional activity of auditor of authorities of executive power**

(1) An authority of executive power shall implement in the organisation of the professional activity of an internal auditor and as the basis of his or her professional activity the provisions of the Auditors Activities Act. [RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(2) The general rules for the conduct of internal audits in authorities of executive power, including provisions for reporting, shall be established by the Government of the Republic. [RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(3) A position of an internal auditor is formed or a structural unit is established, if necessary, in direct subordination to the head of the authority of executive power. [RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(4) If a relevant position or a relevant structural unit has been established in a ministry or the Government Office for the performance of the duties in the sphere of professional activity of an internal auditor, the official or the head of the structural unit shall submit, pursuant to the procedure provided for in the general rules for the conduct of internal audits in authorities of executive power, an internal auditor's report in which he or she expresses an opinion about the implementation of the internal control system and the performance thereof. [RT I, 30.12.2015, 4 - entry into force 01.01.2016]

### **§ 92<sup>3</sup>. Competence of Ministry of Finance in organisation of internal controls and professional activities of internal auditor of state agencies of executive power**

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(1) The Ministry of Finance shall:

- 1) coordinate the implementation of the internal control system of authorities of executive power and the organisation of the professional activity of an internal auditor;
- 2) analyse the implementation of the internal control system of authorities of executive power and organise the assessment of the professional activity of an internal auditor or the organisation thereof, and make suggestions on the improvement thereof.

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(2) In the performance of duties specified in subsection (1) of this section, the minister responsible for the area has the right to address ministers, the State Secretary or county governors in order to obtain written explanations concerning the corresponding ministry, the State Chancellery or county government or agencies of executive power within the area of government thereof or administered thereby.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

(3) In the performance of the duties specified in subsection (1) of this section, persons authorised by the minister responsible for the area have, in agreement with a minister, the State Secretary or a country governor, the right to access documents in governmental authorities and in state authorities administered by governmental authorities and to receive information necessary for the performance of duties specified in subsection (1).

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

## **Chapter 7 SUPERVISORY CONTROL**

### **§ 93. Purpose and organisation of supervisory control**

(1) Supervisory control shall be organised to ensure the legality and purposefulness of the activities of governmental authorities and of state authorities under their administration. The organisation of supervisory control is a duty of the Government of the Republic and governmental authorities.

(2) A person exercising supervisory control has the right to:

- 1) issue a precept for the elimination of deficiencies in a legal instrument or act;
- 2) suspend the performance of an act or the validity of a legal instrument;
- 3) invalidate a legal instrument.

(3) The Government of the Republic, governmental authorities and officials shall issue legislation of specific application in exercising supervisory control. The Government of the Republic shall issue regulations to repeal a regulation of a minister.

[RT I 2006, 14, 111 - entry into force 06.04.2006]

(4) Supervisory control shall be exercised by way of subordination pursuant to this Act and regulations issued on the basis of this Act which govern supervisory control established by the Government of the Republic, and by other legislation.

(5) A person exercising supervisory control may demand legislation and other documents from agencies of executive power, and collect explanations and opinions from officials. Authorities of executive power are required to submit such documents and explanations not later than within three working days, unless the supervising employee specifies a longer term.

(6) The procedure for supervisory control provided by this Act shall not extend to:

- 1) acts of state supervision and decisions made in the application of enforcement powers of the state;
- 2) pre-court settlement of a complaint or protest made with respect to a legal instrument or act of an agency of executive power or of an official, in the cases prescribed by law.
- 3) verification of the lawfulness of legal instruments and acts if the lawfulness of such instruments and acts is certified by a court judgment which has entered into force.

(6<sup>1</sup>) A person exercising supervisory control may refuse to repeal a legal instrument with good reason if:

- 1) repeal of the instrument would violate the rights and freedoms of other persons;
- 2) an appeal has been filed with an administrative court against the legal instrument;
- 3) more than two years have passed since the issue of the legal instrument.

(7) The supervisory control of the legal instruments and acts specified in subsection (6) of this section, and the procedure for the settlement of complaints and protests shall be provided by a separate law.

#### **§ 94. Supervisory competence of the Government of the Republic**

(1) The Government of the Republic shall monitor the legality and purposefulness of the activities of a ministry and the Government Office.

(2) The Government of the Republic shall repeal regulations and directives of a minister and directives of the State Secretary which are not in conformity with the Constitution, other laws, or regulations and orders of the Government of the Republic.

(3) The Government of the Republic shall repeal regulations and orders of a minister and directives of the State Secretary on the grounds of lack of purposefulness pursuant to § 100 of this Act.

(4) The supervisory competence of the Government of the Republic shall also extend to acts of officials specified in this section.

[RT I 2006, 14, 111 - entry into force 06.04.2006]

#### **§ 95. Supervisory control competence of minister**

(1) A minister shall monitor the legality and purposefulness of the activities of the structural units of the ministry, governmental authorities within the area of government of the ministry and their officials, and of other state authorities administered by the ministry.

(2) A minister shall invalidate legal instruments and acts of the secretary general, heads of department of the ministry, the directors general of executive agencies and inspectorates, other officials of the ministry, and the heads of state authorities specified in subsection (1) of this section which are not in conformity with the Constitution, other laws, or regulations and orders of the Government of the Republic, and regulations and orders of the minister.

(3) A minister has the right to invalidate legal instruments and acts of the officials and heads of administered state authorities specified in subsection (2) of this section on the grounds of lack of purposefulness pursuant to § 100 of this Act.

(4) A minister may assign supervisory control over acts of officials of the ministry to the secretary general of the ministry.

## **§ 96. Supervisory control competence of directors general of executive agencies and inspectorates of ministry**

(1) Directors general of the executive agencies and inspectorates of a ministry shall exercise supervisory control over the activities of the local authorities of the executive agency or inspectorate and of their officials to the extent and pursuant to the procedure specified by the minister.

(2) The supervisory competence of the director general of an executive agency or inspectorate of a ministry over the legal instruments and acts of the local authorities of the executive agency or inspectorate and of their officials with respect to state supervision shall be provided by a separate law.

## **§ 97. Supervisory competence of State Secretary**

The State Secretary shall exercise supervisory control over the legal instruments and acts of officials of the Government Office.

[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

## **§ 98. Supervisory control competence of county governor**

(1) A county governor shall exercise supervisory control over the legal instruments and acts of officials of the county government, and of state authorities administered by the county government and of their heads.

(2) A county governor shall invalidate unlawful legal instruments and acts of officials of the county government and of the heads of state authorities administered by the county government, except legal instruments and acts of such persons in exercising supervisory control, unless otherwise prescribed by law.

(3) A county governor may invalidate legal instruments and acts of persons specified in subsection (2) of this section due to lack of purposefulness of the legal instruments or acts pursuant to § 100 of this Act.

## **§ 99. Suspension of legal instrument or act by way of supervisory control**

(1) The implementation of a legal instrument or act of an official, except the implementation of a legal instrument or act for the application of state supervision or enforcement powers of the state, may be suspended by the Government of the Republic or by an official exercising supervisory control pursuant to his or her supervisory competence for the supplementary control of the legality and purposefulness of the legal instrument or act, or for the collection of necessary supplementary information, including explanations from the issuer of the legal instrument or the performer of the act.

(2) Upon the suspension of the implementation of a legal instrument or of the performance of an act, the person exercising supervision may issue a precept of obligatory force to amend the legal instrument, or eliminate deficiencies in the act or to perform a new act. The implementation of a legal instrument or the performance of an act by an official may be suspended for up to seven days by way of supervisory control.

(3) Upon the suspension of the implementation of a legal instrument or of the performance of an act by way of supervisory control, the running of the period established by law or other legislation for the performance of a given act shall be suspended.

(4) If an unfounded suspension of the implementation of legislation of specific application or of the performance of an act causes damage to other persons, the suspender of the legal instrument or act shall compensate for the caused damage pursuant to the procedure and to the extent prescribed by law.

## **§ 100. Invalidation of legal instrument or act due to lack of purposefulness**

(1) A legal instrument or act of an official may be invalidated on the grounds of lack of purposefulness if the legal instrument or act is clearly not in conformity with state policies provided by law and implemented by the Government of the Republic or a ministry, or if it causes an unreasonable use of state assets or budget funds, or harms national interests in any other way.

(2) Legislation of specific application issued and acts performed in the administration of state service, and other legal instruments and acts for which the conditions for issuance are provided by law or other legislation shall not be repealed or invalidated on the grounds of lack of purposefulness.

(3) The invalidation of a legal instrument or act due to lack of purposefulness shall be reasoned.

## **§ 101. Legal disputes**

(1) Legal disputes between governmental authorities and other state authorities shall be settled by way of subordination, unless a different procedure is established by law for a specific type of dispute.

(2) Legal disputes between structural units of a ministry and between state authorities administered by a ministry shall be settled by the minister.

(3) Legal disputes of state authorities within different areas of government shall be settled by the appropriate ministers. If no agreement is reached, the dispute shall be settled by the Government of the Republic.

(4) The specific procedure for the settlement of legal disputes shall be specified by the Government of the Republic.

## **Chapter 8**

### **IMPLEMENTING PROVISIONS**

#### **§ 102. Use of seals and blank document forms**

An administrative agency whose name does not correspond to the name referred to in this Act may, within one year after the date of entry into force of this Act, use the seals and blank document forms bearing the name used prior to the entry into force of this Act.

#### **§ 103. Reimbursement of official travel expenses**

Until the entry into force of the Act referred to in subsection 31 (2) of this Act, official travel expenses of members of the Government of the Republic shall be reimbursed pursuant to the procedure currently in force.

#### **§ 104. Bringing of statutes of ministries into accordance with this Act**

(1) The statutes of ministries shall be brought into accordance with this Act within one year after the entry into force of this Act.

(2) The statutes of other governmental authorities shall be brought into accordance with this Act and with the statutes specified in subsection (1) within one year after the entry into force of this Act.

#### **§ 105. Restructuring of executive agencies and inspectorates**

(1) The restructuring of executive agencies and inspectorates resulting from this Act shall take place within one year pursuant to the procedure established by the Government of the Republic.

(2) Until restructuring takes place, executive agencies and inspectorates shall perform their current functions, unless otherwise provided by other laws.

#### **§ 105<sup>1</sup>. Organization of merger of Energy Market Inspectorate, Estonian Competition Authority, Estonian Railway Inspectorate, Communications Board and Technical Inspectorate**

(1) The Energy Market Inspectorate, Estonian Competition Authority, Estonian Railway Inspectorate, Communications Board and Technical Inspectorate shall be reorganised and merged into the Estonian Technical Surveillance Authority and Estonian Competition Authority as of 1 January 2008. The acts relating to the merger of the executive agencies and inspectorates shall be performed by the Minister of Economic Affairs and Communications.

(2) The provisions of subsection 115 (2) of the Public Service Act or § 6 of the Republic of Estonia Employment Contracts Act respectively apply to continuation of public servants of the Energy Market Inspectorate, the Estonian Competition Authority, the Estonian Railway Inspectorate, the Communications Board and the Technical Inspectorate in the service in the office or support staff position on the staff of the Estonian Technical Surveillance Authority and the Estonian Competition Authority or to termination of their service relationship.

(3) Public servants of the Energy Market Inspectorate, the Estonian Competition Authority, the Estonian Railway Inspectorate, the Communications Board and Technical Inspectorate whose functions and official titles do not change due to the merger of the executive agencies and inspectorates or whose functions do not change upon change of their official title, shall continue their service as of 1 January 2008 on the staff of the Estonian Technical Surveillance Authority or the Estonian Competition Authority and the obligation to organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to them.

(4) The Minister of Economic Affairs and Communications and the Directors General of the Energy Market Inspectorate, the Estonian Competition Authority, the Estonian Railway Inspectorate, the Communications Board and the Technical Inspectorate shall have the right to issue directives before 1 June 2008 for release of public servants due to a lay-off and make proposals to the State Secretary for organisation of a public competition to fill the positions on the basis of the structure and staff of the Estonian Technical Surveillance Authority and the Estonian Competition Authority. A proposal pursuant to subsection 116 (3) of the Public Service Act to an employee for transfer to another position shall be made by the Minister of Economic Affairs

and Communications or, by his or her authority, by the Director General of the Energy Market Inspectorate, the Estonian Competition Authority, the Estonian Railway Inspectorate, the Communications Board or the Technical Inspectorate.

(5) In all legal relationships in which the Republic of Estonia is represented by the Energy Market Inspectorate, the Estonian Competition Authority, the Estonian Railway Inspectorate, the Communications Board and the Technical Inspectorate, the Estonian Technical Surveillance Authority or the Estonian Competition Authority is deemed to be the representative of the Republic of Estonia as of 1 January 2008 according to their competence.

(6) The rights and obligations of the Energy Market Inspectorate, the Estonian Competition Authority, the Estonian Railway Inspectorate, the Communications Board and the Technical Inspectorate provided by legislation shall transfer as of 1 January 2008 to the Estonian Technical Surveillance Authority and the Estonian Competition Authority according to their competence.

(7) As of 1 January 2008 until the introduction of the respective amendments, the words "Energy Market Inspectorate" shall be deemed to have been replaced in the current legislation with the words "Estonian Competition Authority" in the appropriate case form, and the words "Technical Inspectorate" replaced with the words "Estonian Technical Surveillance Authority" in the appropriate case form. According to the competence of the new authorities provided by law, as of 1 January 2008 until the introduction of the respective amendments the words "Estonian Railway Inspectorate" and "Communications Board" shall be deemed to have been replaced in the current legislation with the words "Estonian Technical Surveillance Authority" or "Estonian Competition Authority" in the appropriate case form.

[RT I 2007, 66, 408 - entry into force 15.12.2007]

### **§ 105<sup>2</sup>. Reorganisation of administered state authority Estonian Motor Vehicle Registration Centre into governmental authority**

(1) The administered state authority Estonian Motor Vehicle Registration Centre operating within the area of government of the Ministry of Economic Affairs and Communications shall be reorganised into a governmental authority as of 15 January 2009. The acts relating to the reorganisation shall be performed by the Minister of Economic Affairs and Communications.

(2) The official name of the Estonian Motor Vehicle Registration Centre shall not change upon reorganisation thereof into a governmental authority.

(3) The provisions of § 6 of the Republic of Estonia Employment Contracts Act shall apply to the employees of the Estonian Motor Vehicle Registration Centre whose position, functions and official title do not change due to the reorganisation of the authority and whose position in the Estonian Motor Vehicle Registration Centre reorganised into a governmental authority does not require the existence of powers of public authority, and they shall continue their employment at the Estonian Motor Vehicle Registration Centre reorganised into a governmental authority on the basis of the contracts of employment previously entered into with them. The Republic of Estonia Employment Contracts Act shall apply to the employment Estonian Motor Vehicle Registration Centre reorganised into a governmental authority in the positions which does not require existence of powers of public authority and the Public Service Act shall not extend to these positions. The wage rates and wage system established for the employees of the state authorities administered by governmental authorities shall continue to apply to employment in the specified positions after the reorganisation of the authorities.

(4) A proposal shall be made to the employees of the Estonian Motor Vehicle Registration Centre instead of whose positions public service posts with similar functions are created upon reorganisation of the authorities, in the case the employee conforms to the requirements for officials on the basis of the Public Service Act, to transfer to public service to a public service post created in the place of the respective position. If the employee accepts the proposal, he or she shall be employed in the service for an unspecified term and the provisions of clause 21 (2) 2) and Subdivision 2 of Division 2 of Chapter 2 of the Public Service Act shall not apply to him or her. The employment contract with the employee employed in service pursuant to this section shall be terminated and no compensation shall be paid to the employee upon termination of his or her employment contract on the basis of the Republic of Estonia Employment Contracts Act. No compensation shall be paid to employees if a public service post is created instead of his or her position but the employee commences work in the Estonian Motor Vehicle Registration Centre reorganised into a governmental authority in another position offered to him or her.

(5) The Minister of Economic Affairs and Communications or, with his or her authority, the Secretary General of the Ministry of Economic Affairs and Communications shall propose to the employees of the Estonian Motor Vehicle Registration Centre to commence work in public service at the Estonian Motor Vehicle Registration Centre.

(6) If the employee whose position was replaced by a public service post in the course of the reorganisation of the authority and who did not continue work at the Estonian Motor Vehicle Registration Centre after the reorganisation thereof into a governmental authority, recommences work at the Estonian Motor Vehicle Registration Centre before the expiry of the time period for which he or she was paid a compensation according to the Republic of Estonia Employment Contracts Act, he or she shall refund the received compensation to the extent which corresponds to the period of time by which he or she recommenced work at the Estonian Motor

Vehicle Registration Centre earlier as compared to the time period which was the basis upon payment of the compensation.

(7) The rights and obligations of the administered state authority Estonian Motor Vehicle Registration Centre provided by legislation shall transfer to the governmental authority Estonian Motor Vehicle Registration Centre. [RT I 2009, 3, 14 - entry into force 10.01.2009]

### **§ 105<sup>3</sup>. Dissolution of Labour Market Board**

(1) The activities of the Labour Market Board shall be terminated on 30 April 2009.

(2) The termination of the activities of the Labour Market Board shall be organised by the Minister of Social Affairs.

(3) The obligations of the Labour Market Board arising from the Labour Market Services and Benefits Act shall be assumed in full as of 1 May 2009 by the Estonian Unemployment Insurance Fund.

(4) The periods and time-limits provided for in the Labour Market Services and Benefits Act shall not be interrupted by transfer of the rights and obligations of the Labour Market Board to the Estonian Unemployment Insurance Fund.

(5) If an unemployed person submitted an application before 1 May 2009 for grant of a labour market service or labour market benefit and the Labour Market Board has made no decision on grant of a labour market service or labour market benefit to him or her, the relevant decision shall be made by the Estonian Unemployment Insurance Fund on the basis of the respective provisions of the Labour Market Services and Benefits Act.

(6) An unemployed person, a person seeking work and an employer shall have all the rights and obligations which they had until 30 April 2009 to the Labour Market Board as of 1 May 2009 to the Estonian Unemployment Insurance Fund.

(7) The register of persons registered as unemployed persons and persons seeking work and of provision of labour market services shall be transferred to the Estonian Unemployment Insurance Fund by 1 May 2009.

(8) The Estonian Unemployment Insurance Fund shall have the right in 2009 to use the assets of the unemployment insurance benefit trust fund and the trust fund for benefits upon collective termination of employment contracts and insolvency of employers for the performance of the functions arising from the Labour Market Services and Benefits Act. The expenditure incurred to the extent of the above specified payments shall be covered from the state budget and transferred to the Estonian Unemployment Insurance Fund at the latest on 10 January 2010.

(9) The Government of the Republic shall have the right, upon termination of the Labour Market Board, to reduce the funds prescribed for the Labour Market Board in the state budget for 2009 by assigning the amounts, which become available, to its reserve, and to finance the Estonian Unemployment Insurance Fund out of the specified funds concerning the activities arising from the Labour Market Services and Benefits Act. The balance of the funds of the horizontal technical aid allocated in the state budget shall be assigned to the Ministry of Social Affairs for the performance of the functions of the final beneficiary for the period from 2004 to 2006 assumed from the Labour Market Board.

[RT I 2009, 11, 67 - entry into force 14.02.2009]

### **§ 105<sup>4</sup>. Organisation of merger of Estonian Motor Vehicle Registration Centre and Estonian Road Administration**

(1) The Estonian Motor Vehicle Registration Centre, the Estonian Road Administration, local authority of the Estonian Road Administration and administered state authorities shall be reorganised and merged as of 1 July 2009 into the Estonian Road Administration and the local authorities of the Estonian Road Administration. The acts relating to the merger of the authorities shall be performed by the Minister of Economic Affairs and Communications.

(2) The provisions of subsection 115 (2) and subsection 116 (1) of the Public Service Act or § 6 and clause 86 3) of the Republic of Estonia Employment Contracts shall respectively apply to continuation of work of the employees of the Estonian Motor Vehicle Registration Centre and the state authorities administered by the Estonian Road Administration, and upon continuation of service of the public servants of the Estonian Motor Vehicle Registration Centre and the Estonian Road Administration and the local authority of the Estonian Road Administration in the office or position on the staff of the Estonian Road Administration or the local authority of the Estonian Road Administration, or to termination of their service or employment relationship.

(3) The officials of the Estonian Motor Vehicle Registration Centre and the Estonian Road Administration and the local authority of the Estonian Road Administration whose functions and official titles do not change due to the merger of the authorities or whose functions do not change upon change of their official title and who meet the requirements set for the position shall continue their service as of 1 July 2009 on the staff of the local authority of the Estonian Road Administration or the Estonian Road Administration and the obligation to organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to them.

(4) The provisions of § 6 of the Republic of Estonia Employment Contracts Act shall apply to the employees of the Estonian Motor Vehicle Registration Centre, support staff of the Estonian Road Administration and local authority of the Estonian Road Administration, and the employees of the state authorities administered by the Estonian Road Administration whose functions and official title do not change due to the merger of the authorities and whose position in the merged Estonian Road Administration or a local authority of the Estonian Road Administration does not require the existence of powers of public authority, and they shall continue their work at the merged Estonian Road Administration or a local authority of the Estonian Road Administration on the basis of the employment contracts previously entered into with them. Positions which do not require exercise of powers of public authority may be provided for the merged Estonian Road Administrations and the local authority of the Estonian Road Administration, and until the entry into force of the Employment Contracts Act, the Republic of Estonia Employment Contracts Act shall apply to employment in these positions, and the Public Service Act shall not extend to these positions. The wage rates and wage system established for the employees of the state authorities administered by governmental authorities shall continue to apply to employment in the specified positions after the merger of the authorities.

(5) Upon merger of the Estonian Motor Vehicle Registration Centre, the Estonian Road Administration, the local authority of the Estonian Road Administration and administered state authorities, if it involves a decrease in the number of positions or posts, the managers of the authorities specified in subsection (8) of this section have the right to relocate officials and employees by terminating the employment contract due to a lay-off or by releasing from the service, due to lay-offs, a person whose position or post is retained, and by appointing to this position or post another person whose position or post is made redundant. Such relocation shall be permitted only if the qualification and employment and service performance indicators of a person to be relocated are comparably better than the corresponding indicators of a person who is laid off.

(6) A proposal shall be made to the employees of the Estonian Motor Vehicle Registration Centre and the state authorities administered by the Estonian Road Administration instead of whose positions public service posts with similar functions are created upon merger of the authorities, in the case the employees conform to the requirements set for the official and the position on the basis of the Public Service Act, to transfer to public service to the public service posts created in the place of the respective positions. If the employee accepts the proposal, he or she shall be employed in the service for an unspecified term and the provisions of clause 21 (2) 2) and Subdivision 2 of Division 2 of Chapter 2 of the Public Service Act shall not apply to him or her. The employment contract with the employees employed in service pursuant to this section shall be terminated by agreement of the parties on the basis of § 76 of the Republic of Estonia Employment Contracts Act and no compensation shall be paid to the employees upon termination of their employment contracts on the basis of the Republic of Estonia Employment Contracts Act. No compensation shall be paid to an employee if a public service post is created instead of his or her position but the employee enters into service or commences work in the Estonian Road Administration or a local authority thereof in another post or position offered to him or her. The Minister of Economic Affairs and Communications or, with his or her authority, the Director General of the Estonian Motor Vehicle Registration Centre or the director of a state authority administered by the Estonian Road Administration shall propose to enter into public service.

(7) If the employee whose position was replaced by a public service post or position in the course of the merger of the authorities and who did not continue service or work at the Estonian Road Administration or a local authority thereof after the merger of the Estonian Motor Vehicle Registration Centre, the Road Administration, a local authority of the Road Administration and administered state authorities into the Estonian Road Administration and the local authorities thereof, recommences service or work at the Estonian Road Administration or a local authority thereof before the expiry of the time period for which he or she was paid a compensation according to the Republic of Estonia Employment Contracts Act, he or she shall refund the received compensation to the extent which corresponds to this period of time by which he or she recommenced work at the Estonian Road Administration earlier as compared to the time period which is the basis upon payment of the compensation.

(8) The Minister of Economic Affairs and Communications and the Directors General of the Estonian Motor Vehicle Registration Centre and the Estonian Road Administration and the director of a local authority of the Estonian Road Administration and the directors of the state authorities administered by the Estonian Road Administration have the right to issue directives prior to 1 July 2009 for release of public servants or terminate the employment contracts with the employees due to a lay-off and make proposals to the State Secretary for organisation of a public competition to fill the positions on the basis of the structure and staff of the merged Estonian Road Administration and the local authorities thereof. A proposal according to subsection 116 (3) of the Public Service Act or subsection 98 (2) of the Republic of Estonia Employment Contracts Act to an employee for transfer to another position shall be made by the Minister of Economic Affairs and Communications or, by his or her authority, the Director General of the Estonian Motor Vehicle Registration Centre or the Estonian Road Administration or the director of a local authority of the Estonian Road Administration or a state authority administered by the Estonian Road Administration.

(9) As of 1 July 2009, the Estonian Road Administration or a local authority of the Estonian Road Administration shall be deemed to be the representative of the Republic of Estonia in all legal relationships in which the Republic of Estonia was represented by the Estonian Motor Vehicle Registration Centre, the Estonian Road Administration, a local authority of the Estonian Road Administration or a state authority administered by the Estonian Road Administration.

(10) The rights and obligations of the Estonian Motor Vehicle Registration Centre and the Estonian Road Administration or a local authority of the Estonian Road Administration or a state authority administered by the Estonian Road Administration shall transfer as of 1 July 2009 to the Estonian Road Administration or the local authorities of the Estonian Road Administration.  
[RT I 2009, 25, 150 - entry into force 20.05.2009]

#### **§ 105<sup>5</sup>. Organisation of merger of police authorities, border surveillance authorities and Citizenship and Migration Board**

(1) The Police Board, the Personal Protection Service, the Central Criminal Police, the police prefectures (hereinafter *police authorities*) and the Border Guard Administration, the border guard areas, the Border Guard Aviation Group (hereinafter *border surveillance authorities*) and the Citizenship and Migration Board are reorganised and merged into the Police and Border Guard Administration and the local authorities thereof with authority to exercise executive power – prefectures – as of 1 January 2010, after which date the merged authorities terminate their activities. The Minister of the Interior shall perform the acts relating to the merger of the authorities.

(2) The provisions of subsection 115 (2) of the Public Service Act or § 6 of the Republic of Estonia Employment Contracts shall respectively apply to continuation by the police officers and the Border Guard officials and other public servants of the police authorities, border surveillance authorities and the Citizenship and Migration Board in the service in the office or support staff position on the staff of the Police and Border Guard Administration and the local authorities thereof or to termination of their service or employment relationship.

(3) The police officers and Border Guard officials and other public servants of the police authorities, border surveillance authorities and the Citizenship and Migration Board whose functions and official titles do not change due to the merger of the authorities or whose functions do not change upon change of their official title, shall continue their service as of 1 January 2010 on the staff of the Police and Border Guard Administration and the local authorities thereof and the obligation to organise a public competition or probationary period shall not apply to them and their wages and not reduced.

(4) As of 1 January 2010, the Police and Border Guard Administration or a local authority thereof is deemed to be the representative of the Republic of Estonia according to their competence in all legal relationships in which the police authorities, border surveillance authorities and the Citizenship and Migration Board represented the Republic of Estonia.

(5) The authority and competence of the police authorities, border surveillance authorities, the Citizenship and Migration Board and the official thereof provided by legislation shall transfer as of 1 January 2010 to the Police and Border Guard Administration or the prefectures and officials thereof.  
[RT I 2009, 27, 165 - entry into force 08.06.2009]

#### **§ 105<sup>6</sup>. Reorganisation of Plant Production Inspectorate, regional land improvement bureaus and Land Improvement Bureau of Supervision and Expertise into Agricultural Board**

(1) The Plant Production Inspectorate (hereinafter *TTI*) is reorganised into the Agricultural Board whereby the regional land improvement bureaus operating in the area of government of the Ministry of Agriculture as administered state authorities and the Land Improvement Bureau of Supervision and Expertise (hereinafter *administered state authority*) are merged as of 1 January 2010. The acts relating to the reorganisation shall be performed by the Minister of Agriculture.

(2) The reorganisation of the TTI is the reorganisation of an administrative agency for the purposes of subsection 115 (2) of the Public Service Act. The provisions of subsection 115 (2) of the Public Service Act or subsection 89 (1) and 112 (1) of the Employment Contracts Act shall apply to continuation of public servants of the TTI and employees of a administered state authority in the positions, posts or support staff positions on the staff of the Agricultural Board or to termination of their service or employment relationships.

(3) A public servant of the TTI whose functions and official title does not change due to the reorganisation or whose functions do not change due to the change of his or her official title shall continue his or her service as of 1 January 2010 on the staff of the Agricultural Board and upon appointment to office a probationary period and the obligation to organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to him or her.

(4) A proposal shall be made to an employee of an administered state authority instead of whose position a public service post is created in the Agricultural Board with the functions that are similar to his or her current functions, in the case the employee meets the requirements set for an official according to the Public Service Act, to take the public service post created instead of his or her position. If the employee accepts the proposal, he or she shall be employed in the service for an unspecified term and the provisions of clause 21 (2) 2) and Subdivision 2 of Division 2 of Chapter 2 of the Public Service Act shall not apply to him or her. The employment contract with the employee employed in service according to this subsection is terminated on the basis of § 79 of the Employment Contracts Act and no compensation shall be paid to the employee upon termination of his or her employment contract on the basis of the Employment Contracts Act. No compensation shall be also paid to an employee, if a public service post or support staff position is created instead of his or her position but the employee commences work in the Agricultural Board in another position offered to him or her.

(5) The requirements provided for in subsection 112 (1) of the Employment Contracts Act apply to an employee of an administered state authority whose position and functions do not change due to the reorganisation of the state authority and whose position in the Agricultural Board does not require the existence of powers of public authority, and he or she shall continue work in the Agricultural Board on the basis of a contract of employment previously entered into with him or her. Positions which do not require exercise of powers of public authority may be provided for the Agricultural Board and the Employment Contracts Act shall apply to employment in these positions and the Public Service Act does not extend to these positions. The wage rates and wage system established for the employees of the state authorities administered by governmental authorities shall continue to apply to employment in the specified positions after the merger of the authorities.

(6) If an employee of an administered state authority instead of whose position a public service post, support staff position or position was created in the Agricultural Board and who waived the offered post, support staff position or position and whose employment contract was extraordinarily cancelled due to economic reasons, takes a post, support staff position or position in the Agricultural Board before the expiry of the time for which he or she was paid a compensation according to the Employment Contracts Act, he or she shall refund the received compensation to the extent which corresponds to this period of time by which he or she commenced service or work in the Agricultural Board.

(7) The Minister of Agriculture, in coordination with the Minister of Agriculture the Director General of the TTI or the manager of an administered state authority has the right to issue directives before 1 January 2010 for release of public servants and cancel the employment contract with employees due to a lay-off and make proposals to the State Secretary for organisation of a public competition to fill the positions on the basis of the structure and staff of the Agricultural Board. The Minister of Agriculture or, by his or her authority, the Secretary General of the Ministry of Agriculture makes a proposal to a public servant of the TTI or an administered state authority commence service or work in the Agricultural Board.

(8) As of 1 January 2010, the Agricultural Board is deemed to be the representative of the Republic of Estonia in all legal relationships in which the Republic of Estonia is represented by the TTI or an administered state authority.

(9) The rights and obligations of the TTI and administered state authorities provided by legislation shall transfer to the Agricultural Board as of 1 January 2010.

(10) As of 1 January 2010 until the introduction of the respective amendments, the words "regional land improvement bureaus", "Land Improvement Bureau of Supervision and Expertise" and "Plant Production Inspectorate" in the current legislation shall be deemed to have been replaced with the words "Agricultural Board" in the appropriate case form.

[RT I 2009, 34, 224 - entry into force 27.06.2009]

#### **§ 105<sup>7</sup>. Organisation of merger of Health Board, Health Protection Inspectorate and Chemicals Notification Centre**

(1) The Health Board, the Health Protection Inspectorate and the administered state authority Chemicals Notification Centre operating within the area of government of the Ministry of Social Affairs are reorganised and merged into the Health Board as of 1 January 2010. The Minister of Social Affairs shall perform the acts relating to the merger of the authorities.

(2) The public servants of the Health Board and the Health Protection Inspectorate whose post, functions and official title do not change due to the merger of the authorities or whose functions do not change upon change of their official title shall continue their service as of 1 January 2010 in the post of support staff position on the staff of the Health Board in accordance with subsection 115 (2) of the Public Service Act and a probationary period and the obligation to organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to them upon appointment to office.

(3) The public servants of the Health Board and the Health Protection Inspectorate whose post, functions and official title change due to the merger of the authorities or instead of whose post a new post is created and to whom a proposal is made to take the new post created instead of his or her public service post or who is elected to a post filled by way of public competition shall continue their service as of 1 January 2010 in the post or

position on the staff of the Health Board and the provisions of subsection 116 (1) and subsections 131 (1), (1<sup>2</sup>) and (1<sup>3</sup>) of the Public Service Act shall not apply to them.

(4) The provisions of § 112 of the Employment Contracts Act and subsection 2 (4) of the Public Service Act apply to employees of the Chemicals Notification Centre whose position, functions and official title do not change due to the merger of the authorities and whose position in the reorganised Health Board does not require the existence of powers of public authority, and they continue work as of 1 January 2010 in the position on the staff of the Health Board on the basis of the contracts of employment previously entered into with them. The wage rates and wage system established for the employees of the state authorities administered by governmental authorities shall continue to apply to employment in the specified positions after the merger of the authorities.

(5) A proposal is made to the employees of the Chemicals Notification Centre instead of whose positions public service posts with similar functions are created upon merger of the authorities, in the case the employees meet the requirements set for officials according to the Public Service Act, to take the public service posts created instead of their positions. If the employee accepts the proposal, he or she shall be employed in the service for an unspecified term and the provisions of clause 21 (2) 2) and Subdivision 2 of Division 2 of Chapter 2 of the Public Service Act shall not apply to him or her. The employment contract with the employees employed in service pursuant to this section shall be terminated by agreement of the parties on the basis of § 79 of the Employment Contracts Act and no compensation shall be paid to the employees upon termination of their employment contracts on the basis of the Employment Contracts Act.

(6) If an employee of the Chemicals Notification Centre instead of whose position a public service post or position was created on the staff of the Health Board and who waived the offered post or position and was released from work due to a lay-off takes the post or position in the Health Board earlier offered to him or her before the expiry of the time for which he or she was paid a compensation according to the Employment Contracts Act, he or she shall refund the received compensation to the extent which corresponds to this period of time by which he or she commenced service or work in the Health Board earlier as compared to the time period of payment of the compensation.

(7) The Minister of Social Affairs, the Director General of the Health Board or the Health Protection Inspectorate and the manager of the Chemicals Notification Centre have the right to issue directives before 1 January 2010 for release of public servants or terminate employment contracts with the employees due to a lay-off and make proposals to the State Secretary for organisation of a public competition to fill the positions on the basis of the structure and staff of the merged Health Board. A proposal pursuant to subsection 116 (3) of the Public Service Act to the employees for transfer to another position shall be made by the Minister of Social Affairs or, with his or her authority, by the Director General of the Health Board or the Health Protection Inspectorate or the manager of the Chemicals Notification Centre.

(8) As of 1 January 2010, the Health Board is deemed to be the representative of the Republic of Estonia in all legal relationships in which the Republic of Estonia is represented by the Health Board, the Health Protection Inspectorate or the Chemicals Notification Centre.

(9) The rights and obligations of the Health Board, the Health Protection Inspectorate and the Chemicals Notification Centre provided by legislation shall transfer to the Health Board as of 1 January 2010.

(10) As of 1 January 2010 until the introduction of the respective amendments, the words "Health Board", "Health Protection Inspectorate" and "Chemicals Notification Centre" shall be deemed to have been replaced in the current legislation with the words "Health Board" in the appropriate case form.  
[RT I 2009, 49, 331 - entry into force 22.10.2009]

## **§ 105<sup>8</sup>. Termination of Public Procurement Office**

(1) The activities of the Public Procurement Office are terminated on 30 June 2010. As of 1 July 2010, the Ministry of Finance shall have the rights and obligations of the Public Procurement Office provided by legislation. The Minister of Finance shall organise the termination of the activities of the Public Procurement Office.

(2) The public servants of the Public Procurement Office and members of the dispute committee whose position, functions and official title do not change due to the reorganisation of the authority or whose functions do not change due to the change of their official title shall continue their service as of 1 July 2010 on the staff of the dispute committee of the Ministry of Finance or the Ministry of Finance in accordance with subsection 115 (2) of the Public Service Act and upon appointment to office a probationary period and the obligation to organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to them.

(3) The public servants of the Public Procurement Office whose position, functions and official title change due to the reorganisation of the authority or instead of whose post a new post is created and to whom a proposal is

made to take the new post created instead of his or her public service post or who is elected to a post filled by way of public competition shall continue their service as of 1 July 2010 in the post or position on the staff of the Ministry of Finance and upon appointment to office a probationary period and the provision of subsection 116 (1) and subsections 131 (1), (1<sup>2</sup>) and (1<sup>3</sup>) of the Public Service Act shall not apply to them.  
[RT I 2010, 20, 102 - entry into force 27.05.2010]

#### **§ 105<sup>9</sup>. Reorganisation of administered state authority Estonian Informatics Centre into Estonian Information System's Authority**

(1) The administered state authority Estonian Informatics Centre operating within the areas of government of the Ministry of Economic Affairs and Communications is reorganised into the Estonian Information System's Authority as of 1 June 2011. The acts relating to the reorganisation shall be performed by the Minister of Economic Affairs and Communications.

(2) The provisions of § 112 of the Employment Contracts Act apply to an employee of the Estonian Informatics Centre whose position, functions and official title do not change due to the reorganisation of the authority or whose functions do not change upon change of their official title and whose position in the Estonian Information System's Authority does not require the existence of powers of public authority and he or she continues employment on the basis of a contract of employment previously entered into with him or her. Positions which do not require exercise of powers of public authority may be provided for the Estonian Information System's Authority and the Employment Contracts Act shall apply to employment in these positions and the Public Service Act does not extend to these positions. The wage rates and wage system established for the employees of the state authorities administered by governmental authorities shall apply to employment in the specified positions after the reorganisation of the authorities.

(3) A proposal shall be made to the employees of the Estonian Informatics Centre instead of whose positions public service posts with similar service functions are created, in the case the employee conforms to the requirements for officials on the basis of the Public Service Act, to transfer to public service to the public service post created in the place of such position. If the employee accepts the proposal, he or she shall be employed in the service for an unspecified term and the provisions of clause 21 (2) 2) and Subdivision 2 of Division 2 of Chapter 2 of the Public Service Act shall not apply to him or her. The employment contract with the employees employed in service pursuant to this section shall be terminated by agreement of the parties on the basis of § 79 of the Employment Contracts Act and no compensation shall be paid to the employees upon termination of their employment contracts on the basis of the Employment Contracts Act. No compensation shall be paid to employee if a public service post is created instead of his or her position but the employee commences work in the Estonian Information System's Authority in another position offered to him or her.

(4) If an employee of the Estonian Informatics Centre instead of whose position a public service post was created upon reorganisation of the authority on the staff of the Estonian Information System's Authority and who waived the offered post and was released from work due to a lay-off, re-assumes a post or position in the Estonian Information System's Authority before the expiry of the time for which he or she was paid a compensation according to the Employment Contracts Act, he or she shall refund the received compensation to the extent which corresponds to this period of time by which he or she commenced service or work in the Estonian Information System's Authority earlier as compared to the time period of payment of the compensation.

(5) The Ministry of Economic Affairs and Communications and the Director of the Estonian Informatics Centre have the right before 1 June 2011 to terminate the employment contract with the employees due to a lay-off and make proposals to the State Secretary for organisation of a public competition to fill the positions on the basis of the structure and staff of the Estonian Information System's Authority. A proposal to an employee of the Estonian Informatics Centre to enter public service or take another position is made by the Ministry of Economic Affairs and Communications or, by his or her authority, the director of the Estonian Informatics Centre.

(6) The rights and obligations of the administered state authority the Estonian Informatics Centre provided by legislation shall transfer to the Estonian Information System's Authority.  
[RT I, 15.03.2011, 18 - entry into force 16.03.2011]

#### **§ 105<sup>10</sup>. Organisation of merger of Rescue Centres Rescue Board**

(1) The North Estonian Rescue Centre, the South Estonia Rescue Centre, the East Estonia Rescue Centre and the West Estonia Rescue Centre, the local authorities of the Rescue Board with authority to exercise executive power (hereinafter *Rescue Centre*), are reorganised and merged as with the Rescue Board as of 1 January 2012.

(2) The rescue servants and other public servants of the Rescue Centres whose post, functions and official title due not change due to the merger of the authorities or whose functions do not change significantly due to the change of the official title shall continue their service as of 1 January 2012 on the staff of the Rescue Board in accordance with subsection 115 (2) of the Public Service Act and § 112 of the Employment Contracts Act and upon appointment to office a probationary period or the obligation to organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to them and their wages shall not decrease and the requirement provided for in subsection 7 (3) of the Rescue Service Act shall apply to them as of 1 January 2015.

(3) The rescue servants of the Rescue Centres and the Rescue Board whose post, functions and official title change due to the reorganisation of the authority or instead of whose post a new post is created and to whom a proposal is made to take the new post created instead of his or her post or who are elected to the posts filled by way of public competition shall continue their service as of 1 January 2012 in the post on the staff of the Rescue Board and upon appointment to office a probationary period and the provisions provided for in subsection 116 (1) and subsections 131 (1), (1<sup>2</sup>) and (1<sup>3</sup>) of the Public Service Act shall not apply to them and the requirement provided for in subsection 7 (3) of the Rescue Service Act shall apply to them as of 1 January 2015.

(4) As of 1 January 2012, the Rescue Board is deemed to be the representative of the Republic of Estonia according to the competence thereof in all legal relationships in which the Rescue Centres represented the Republic of Estonia.

(5) The authority and competence of the Rescue Centres and of the officials and employees thereof provided by legislation shall transfer to the Rescue Board and the officials thereof as of 1 January 2012.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

#### **§ 105<sup>11</sup>. Reorganisation of Emergency Centre**

(1) The governmental authority Emergency Centre administered by the Rescue Board shall be reorganised into a governmental authority in the areas of government of the Ministry of the Interior as of 1 January 2012. The official name of the authority shall not change upon reorganisation of the Emergency Centre.

(2) The functions of the Emergency Centre administered by the Rescue Board shall be transferred in full to the governmental authority Emergency Centre formed in the area of government of the Ministry of the Interior. The functions of the East Prefecture, West Prefecture, South Prefecture, North Prefecture and the Police and Border Guard Administration upon proceeding of emergency notifications shall be gradually transferred to the established Emergency Centre by 1 November 2014.

(3) The rights and obligations of the Emergency Centre administered by the Rescue Board provided by legislation shall transfer to the Emergency Centre formed in the area of government of the Ministry of the Interior.

(4) The dates of gradual transfer of the functions of the East Prefecture, the West Prefecture, the South Prefecture, the North Prefecture and the Police and Border Guard Administration to the formed Emergency Centre shall be established by a directive of the Minister of the Interior.

(5) The rescue servants and other public servants of the Emergency Centre whose post, functions and official title due not change due to the reorganisation of the authorities or whose functions do not change significantly due to the change of the official title shall continue their service as of 1 January 2012 on the staff of the Emergency Centre in accordance with subsection 115 (2) of the Public Service Act and upon appointment to office a probationary period or the obligation or organise a public competition provided for in subsection 29 (1) of the Public Service Act shall not apply to them and their wages shall not decrease and the requirement provided for in subsection 7 (3) of the Rescue Service Act shall apply to them as of 1 January 2015.

(6) The officials of the East Prefecture, the West Prefecture, the South Prefecture, the North Prefecture and the Police and Border Guard Administration, in the case of whom the purpose of their posts and functions correspond to the main functions of the established Emergency Centre or include the handling of the emergency notifications in the competence of the police, shall be transferred to the respective posts of the formed Emergency Centre in accordance with § 47<sup>1</sup> of the Public Service Act and according to the dates when the functions of their posts are transferred to the Emergency Centre.

(7) The Minister of the Interior shall have the competence to form the Emergency Centre, perform the acts and issue the administrative acts relating to the transfer of the functions of the Emergency Centre, the East Prefecture, the West Prefecture, the South Prefecture, the North Prefecture and the Police and Border Guard Administration specified in subsection (2) of this section, including to establish the posts of the Emergency Centre before the formation thereof or make the transfers.

(8) The Minister of the Interior may perform the acts and issue the administrative acts relating to the formation of the Emergency Centre and transfer of the functions specified in subsection (2) of this section as of the entry into force of this section.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

#### **§ 106. Invalidation and amendment of legal instruments of local soviets and their executive bodies**

(1) Legal instruments of local soviets and of their executive bodies may be invalidated or amended by an order of the county governor. Legal instruments of councils and governments of cities and rural municipalities adopted before the granting of self-government status to the corresponding city or rural municipality, and

legal instruments of county councils and governments adopted prior to the implementation of the County Administration Act shall also be subject to invalidation pursuant to this procedure.

(2) Legislative acts of bodies referred to in subsection (1) of this section may be repealed by a county governor due to non-conformity with the laws and other legislation in force, or if their repeal is due to the redundancy of the legal instrument.

(3) The legislation of specific application referred to in subsection (1) of this section may be repealed by a county governor if, on the basis of a court decision, it is not in conformity with the law or other legislation in force at the time the legal instrument is issued.

#### **§ 107. Special condition for employment in position of county secretary**

A person employed in the position of county secretary upon the entry into force of this Act has the right to continue in his or her office if the person undertakes studies in an educational institution which offers higher education in law. This right shall terminate if the person stops his or her studies without acquiring higher education in law.

#### **§ 107<sup>1</sup>. Internal auditor's report**

The wording of subsection 92<sup>2</sup>(4) of this Act which entered into force on 15 November 2010 shall apply to the accounting periods which begin on 1 January 2011 or thereafter and the reports prepared concerning these periods.

[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

#### **§ 107<sup>2</sup>. Application of subsection 43 (8) of this Act**

All the authorities administered by governmental authorities shall join the database specified in subsection 43 (8) of this Act at the latest by 31 December 2014.

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

#### **§ 107<sup>3</sup>. Replacement of titles of ministers**

(1) In the Acts in force, the words "Minister of Education and Research", "Minister of Justice", "Minister of Defence", "Minister of the Environment", "Minister of Culture", "Minister of Economic Affairs and Communication", "Minister of Agriculture", "Minister of Finance", "Minister of Regional Affairs", "Minister of the Interior", "Minister of Social Affairs" and "Minister of Foreign Affairs" shall be replaced with the words "minister responsible for the area" in the appropriate case form.

(2) The titles of the ministers specified in subsection (1) of this section, if provided in the form of a list or separated by the words "and" or "or" in any Act, shall be replaced by the words "ministers responsible for the area" in the appropriate case form, and the numbering in the list is amended as appropriate.

(3) Replacement of the titles of ministers on the basis of this section in the Acts shall have no impact on the validity of the legislation issued on the basis thereof.

(4) The publisher of *Riigi Teataja* shall make the amendments provided for in subsection (1) and (2) of this section in the current Acts published in *Riigi Teataja* within six months as of the entry into force of this section.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014]

#### **§ 107<sup>4</sup>. Replacement of name of Ministry of Agriculture**

(1) In the Acts in force, the words "Ministry of Agriculture" shall be deemed to have been replaced with the words "Ministry of Rural Affairs" in the appropriate case form.

(2) The publisher of *Riigi Teataja* shall make the amendments provided for in subsection (1) of this section in the current Acts published in *Riigi Teataja* within three months as of the entry into force of this section.

[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

#### **§ 108. Legislation rendered invalid upon entry into force of this Act**

[Omitted from this text.]

#### **§ 109. Entry into Force of Act**

This Act enters into force on 1 January 1996.