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Military Service Act

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Amended by the following acts

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19.02.2014	RT I, 13.03.2014, 4	01.07.2014
10.04.2014	RT I, 23.04.2014, 1	01.10.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107³ (4) of the Government of the Republic Act.
19.11.2014	RT I, 13.12.2014, 2	01.01.2016 – amendment left out [RT I, 17.12.2015, 1]
03.12.2014	RT I, 22.12.2014, 1	01.01.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 19.03.2015, 2	29.03.2015
25.11.2015	RT I, 17.12.2015, 1	20.12.2015
23.02.2016	RT I, 09.03.2016, 1	19.03.2016, in part 01.01.2017
08.06.2016	RT I, 16.06.2016, 2	01.07.2016
15.06.2016	RT I, 08.07.2016, 1	01.01.2017
15.02.2017	RT I, 01.03.2017, 1	01.04.2017
16.05.2018	RT I, 29.05.2018, 1	01.07.2018
13.06.2018	RT I, 29.06.2018, 3	01.07.2018
14.06.2018	RT I, 06.07.2018, 3	01.01.2020, in part 16.07.2018 and 01.01.2019
13.06.2018	RT I, 06.07.2018, 1	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
04.12.2019	RT I, 19.12.2019, 1	01.01.2020
20.04.2020	RT I, 06.05.2020, 1	07.05.2020
15.06.2021	RT I, 08.07.2021, 1	15.07.2021

Chapter 1
General Provisions

§ 1. Scope of application of Act

(1) This Act provides for the subjects of the national defence obligation, military service and alternative service, the legal status thereof, the organisation of the performance of the national defence obligation and the awards, bases for disciplinary liability, disciplinary penalties and the procedure for disciplinary proceedings applied to military servicemen.

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

(3) The Civil Service Act shall apply to active service with the specifications provided for in this Act.

(4) This Act is applied to the processing of personal data and special categories of personal data and the limitation of fundamental freedoms and rights of the data subject in activities related to the organisation of the performance of national defence obligation, military service and alternative service.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 2. National defence obligation, person liable to national defence obligation and identification code

(1) The national defence obligation is an obligation of an Estonian citizen to participate in the national defence and the performance of procedures provided for in this Act. A person who has national defence obligation is a person liable to national defence obligation.

(2) A person liable to national defence obligation is:
1) a call-up selectee;
2) a male person between the ages of 18 and 60 years of age;
3) a person over 18 years of age who has undertaken national defence obligation;
4) an active serviceman of over 60 years of age who has not exceeded the age limit;
5) an active serviceman who has exceeded the age limit, and who is serving in the post appointed by the Government of the Republic or a minister responsible for the area until the release from the post.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(3) A call-up selectee is a male person between the ages of 17 and 27 (inclusive) until entering conscript service or alternative service or until release from conscript service or alternative service.

(4) A person in reserve is a person liable to national defence obligation, who is not a call-up selectee nor serves in the alternative or military service.

(5) An identification code shall be assigned to a person liable to national defence obligation.

(6) The bases and procedure for the establishment of the identification code for a person liable to national defence obligation and notification thereof shall be established by a regulation of the minister responsible for the area of defence.

§ 3. Military service

(1) Military service is the service of a person liable to national defence obligation in a position of military rank. A person in military service is a serviceman.

(2) Military service is divided into:
1) the performance of the mandatory duty to serve in the Defence Forces;
2) active service.

§ 4. Alternative service

Alternative service is a compulsory national defence training of a person liable to national defence obligation who refuses military service for religious or ethical reasons. A person serving in alternative service is a person in alternative service.

§ 5. Performance of mandatory duty to serve in Defence Forces

(1) The performance of the mandatory duty to serve in the Defence Forces is the obligation of a person liable to national defence obligation to undergo the conscript and reserve service in the Estonian Defence Forces (hereinafter Defence Forces) within the determined period of time. A person who is performing the mandatory duty to serve in the Defence Forces is a person liable to mandatory duty to serve in the Defence Forces.

(2) Conscript service is the performance of the mandatory duty to serve in the Defence Forces of a male person liable to national defence obligation and the voluntary entering military service of a female person, and the completion thereof with the purpose to acquire military training. A person in conscript service is a conscript.

(3) Reserve service is the performance of the national defence obligation in reservist training. A person in reserve service is a reservist.

§ 6. Military training

(1) Military training is the body of knowledge, skills, experience and attitudes in compliance with the requirements of the Defence Forces, which is needed to successfully perform the duties in peacetime and wartime.

(2) Military training provided in the Defence Forces. Military training may also be provided in the Estonian Defence League if this complies with the requirements and procedure established by the Commander of the Defence Forces on the basis of subsection (3) of this section.

(3) The requirements and procedure for the military training shall be established by the Commander of the Defence Forces.

§ 7. Active service

Active service is a specific type of civil service where a person liable to national defence obligation is employed in a position of military rank. A person in active service is an active serviceman
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§ 8. Cadet

A cadet is an officer candidate serving in active service who attends first level studies at an institution of professional higher education for national defence or an educational institution of a foreign state offering equivalent military education.

§ 9. Report on attendance in military service

The minister responsible for the area of defence shall submit a report to the Government of the Republic by 1 March each year on the performance of the national defence obligation and the organisation of the service in the Defence Forces for the previous calendar year.

§ 10. Oath of serviceman

(1) Upon entering military service for the first time, every serviceman shall take the following oath of serviceman in writing:
"Mina, (ees- ja perekonnanimi), tõotan jääda ustavaks demokraatlikule Eesti Vabariigile ja tema põhiseaduslikule korrale, kaitsta Eesti Vabariiki vaenlase vastu kogu oma mõistuse ja jõuga, olla valmis ohverdama oma elu isamaa eest, pidada kinni Kaitseväe distsipliinist ning täpselt ja vastuvaidlematult täita kõiki oma kohustusi, pidades meeles, et vastasel korral seadus mind rangelt karistab."[I, (given name and surname), swear to remain faithful to the democratic Republic of Estonia and its constitutional order, to defend the Republic of Estonia against enemies with all my reason and strength, to be ready to sacrifice my life for the fatherland, to observe the discipline of the Defence Forces, and to perform all my duties precisely and unquestioningly, bearing in mind that otherwise I will be strictly punished by law.]

(2) The person taking the oath of serviceman shall sign the text of the oath, noting also the date of taking the oath.

§ 11. National defence obligation register

(1) The national defence obligation register is a database the purpose of which is to keep record of the persons liable to national defence obligation, persons applying for the national defence obligation, the performance of the national defence obligation and of the performance of proceedings and making the decisions prescribed by law and compliance with the requirements for entering active service.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1^1) Personal data, including special categories of personal data, are processed in the national defence obligation register.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The national defence obligation register shall be founded and the statutes thereof established by a regulation of the Government of the Republic.

(3) The controller of the national defence register is the Estonian Ministry of Defence.

(4) The processor of the national defence register is the Defence Resources Agency.

(5) The data of a person liable to national defence obligation shall be entered into the national defence obligation register. A person liable to national defence obligation shall be notified of the first entry by the Defence Resources Agency.

§ 11[1]. Automated biometric identification system database

(1) The automated biometric identification system database is an electronic database the aim of which, for the purposes of this Act, is to process biometric data obtained by fingerprinting of an active serviceman appointed to a peacetime position of military rank involved in explosive ordnance disposal operations for the purposes of eliminating the traces left by the active serviceman on the object of analysis.

(2) Personal data shall be processed in a pseudonymised format in the automated biometric identification system database.

(3) Biometric data obtained by fingerprinting of an active serviceman may be processed only for the purposes specified in subsection 92[1](1) of this Act.

(4) The automated biometric identification system database shall be established and the statutes thereof shall be established by a regulation of the Government of the Republic.

(5) The controllers of the automated biometric identification system database are the Police and Border Guard Board and the Estonian Forensic Science Institute.

(6) The composition of data to be entered in the automated biometric identification system database and the term for storing thereof shall be prescribed in the statutes of the database.
[RT I, 08.07.2021, 1 – entry into force. 15.07.2021]

§ 12. Position of military rank

(1) A position of military rank is a post which requires the corresponding education and military training unless otherwise provided for in this Act. The positions of military rank are in the Defence Forces and the Estonian Defence League.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) A conscript and reservist without prior military training may be appointed to a position of military rank.

(3) The requirements for professional education prescribed for a position of military rank shall be established by the Commander of the Defence Forces unless otherwise provided for in this Act.

(4) The positions of military rank are divided as follows:
1) peacetime and wartime posts;
2) main category posts of soldiers, non-commissioned officers and officers.

(4[1]) A peacetime position of military rank may be prescribed in the composition of the permanent structural unit of the Defence Forces or a structural unit of the Defence League. A post in the wartime unit of the Defence Forces is a wartime position of military rank.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(5) Only a conscript and active serviceman may be appointed to a peacetime position of military rank in the Defence Forces (hereinafter a peacetime post), only an active serviceman may be appointed to a peacetime post in the Estonian Defence League.

(6) Each person liable to national defence obligation may be appointed to a wartime position of military rank in the Defence Forces (hereinafter wartime post), except for a call-up selectee and a person in alternative service unless otherwise provided for by law. A person shall be appointed to a wartime post by the Commander of the Defence Forces or a person authorized by him or her.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(7) The Defence Forces may appoint a serviceman and a person in reserve to a new wartime post without his or her consent in the interests of the Defence Forces.

(8) The procedure for the appointment to and release from a wartime post shall be established by the Commander of the Defence Forces.

(9) The Defence Forces shall notify a person of the appointment to a wartime post pursuant to the procedure provided for in § 15 of this Act and the challenge proceedings provided for in the Administrative Procedure Act shall not be applied with regard to the appointment.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 13. Personal equipment of military serviceman

(1) During the service in the Defence Forces a serviceman shall be provided with the personal equipment needed for the performance of duties.

(2) The personal equipment of a serviceman consists of the insignia, a uniform, clothing supply and battle equipment.

(3) The description of the insignia and uniform of a serviceman, the list of clothing supply and battle equipment and the procedure for the issue of the uniform shall be established by a regulation of the minister responsible for the area.

(4) The description of the clothing supply and battle equipment of a serviceman and the procedure for handling and wearing the individual equipment shall be established by the Commander of the Defence Forces.

(5) The list of persons outside military service who may be issued the insignia and uniform of a serviceman and the conditions and procedure for the issue of the insignia and uniform of a serviceman shall be established by a regulation of the minister responsible for the area.

(6) The procedure of wearing the insignia and uniform for persons outside the service in the Defence Forces shall be established by the Commander of the Defence Forces.

(7) The minister responsible for the area may establish by a regulation the requirements for demilitarisation of the uniform of a serviceman.
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

§ 14. Submission of information

(1) For the performance of duties provided for in this Act the Estonian Ministry of Defence, the Defence Resources Agency and the Defence Forces shall have the right to submit a query in a database and have the right to receive from a state and local government authority and a legal person governed by public or private law the data and facts in their possession about the education, place of residence, contact data, citizenship, place of study or employment, punishments, driving licence for a motor vehicle, hunting right, fishing card, a weapons permit, a weapons acquisition permit, right to navigate recreational craft and personal watercraft and the economic situation of a person liable to national defence obligation for the issue of an administrative act and performance of an act.
[RT I, 06.07.2018, 1 – entry into 01.01.2019]

(2) The Estonian Ministry of Defence, the Defence Resources Agency and the Defence Forces have the right to receive information about the criminal proceedings carried out with regard to a person liable to national defence obligation or about a court judgment which has entered into force with regard to him in a criminal matter.

(3) For the performance of the duties provided for in this Act the Defence Resources Agency and the Defence Forces have the right to receive information from the Police and Border Guard Board about the whereabouts of a person who evades the performance of the national defence obligation or alternative service.

(4) For the performance of the duty provided for in subsection 31 (5) of this Act the Defence Resources Agency shall have the right to receive information from the Estonian Unemployment Insurance Fund of the state of health of a call-up selectee, a person in alternative service, a person in reserve and a person applying for national defence obligation if the person has been established partial or no ability to work and from the Social Insurance Board if the person has been established permanent incapacity for work to the extent of at least 40 % or disability.
[RT I, 16.06.2016, 2 – entry into force. 01.07.2016]

(5) The reasoned request for receiving information shall be formalised in writing by the Estonian Ministry of Defence, the Defence Resources Agency or the Defence Forces, designating the term for submission of information, which shall be at least ten days.

(6) For the performance of the duty provided for in § 29 of this Act a doctor belonging to the medical commission of the Defence Resources Agency has the right to receive information, from the health care provider and, with the consent of a person, from the Health Information System about the state of health of a call-up selectee, a person in alternative service, a person in reserve and a person applying for national defence obligation.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

(7) For the performance of duties provided for in subsection 30 (1) of this Act a doctor belonging to the medical commission of the Defence Forces has the right to receive information, from the health care provider and with the consent of a person, from the Health Information System about the state of health of a person liable to mandatory duty to serve in the Defence Forces, a female person who entered conscript service, a person applying for active service, an active serviceman and a person whose health damage was caused due to the performance of duties.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

(8) For the performance of duties provided for in subsections 216 (1) and (3) of this Act a doctor belonging to the medical peer review commission of the Ministry of Defence has the right to receive information, with the consent of a person, from the Health Information System about the state of health of a person liable to national defence obligation or a person applying for the national defence obligation.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

(9) The list of information in the Health Information System and the periods for queries, which are necessary for the performance of the duties of the medical commission of the Defence Forces, the medical commission of the Defence Resources Agency and the medical peer review commission of the Ministry of Defence, shall be established by a regulation of the minister responsible for the area.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

(10) If a person does not grant consent for the use of his or her health information entered into the Health Information System or there is no information in the Health Information System concerning him or her or the information is insufficient for the performance of the duties specified in § 29, subsection 30 (1) or subsections 216 (2) and (3), the person shall communicate the information to the medical commission or medical peer review commission on paper or in a format which can be reproduced in writing.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

§ 14[1]. Processing of information and restrictions on right to receive information and personal data

(1) The following information may be processed, inter alia, for the performance or ensuring the performance of the national defence obligation, military service and alternative service:
1) personal data;
2) special categories of personal data;
3) anonymised data;
4) personal information aimed to the general public and accessible from public sources.

(2) The processing of information shall be carried out directly by the Ministry of Defence, the Defence Resources Agency, the Defence Forces, the medical commission of the Defence Resources Agency, the medical commission of the Defence Forces, the medical peer review commission of the Ministry of Defence (hereinafter in this section together the authority organising national defence obligation.

(3) Upon processing of information, the authority organising national defence obligation may limit the following rights of the data subject, including:
1) to be informed of the automated or non-automated processing of his or her personal data, including which personal data are processed, as well as the purpose of the processing, legal basis, extent and reason;
2) to be informed of the recipients of his or her personal data and the categories of personal data to be disclosed and information on whether his or her personal data are transferred to a third state or an international organization;
3) to be informed of the technical and organizational protection measures and restrictions on access;
4) to examine personal data collected and processed;
5) to demand that the processing of his or her personal data be restricted;
6) to demand the transfer of his or her personal data;
7) to be informed of any personal data breach.

(4) The authority organizing national defence obligation may apply the provisions of this section upon processing of personal data in the course of exercise of state supervision.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 15. Delivery of document

(1) The decisions made on the basis of this Act with regard to a person liable to national defence obligation and other documents shall be forwarded to a person liable to national defence obligation by mail by sending an unregistered letter or a registered letter against signature or against signature with notice of delivery or in any other similar manner or shall be published in the official Internet publication *Ametlikud Teadaanded*or through the national defence obligation register or shall be delivered in another manner prescribed in the Administrative Procedure Act.

(2) The manner of delivery shall be chosen by the authority who has drafted the decision or other document unless otherwise provided for by law.

Chapter 2
Military ranks

§ 16. Military rank

(1) A military rank is a military title granted to a person on the basis of education and military training, except to a call-up selectee, a person in alternative service and a person not liable to national defence obligation who is under 28 years of age. The title of a military rank may differ by types of armed service.

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

(2) The military ranks of the Army and the Air Force in the ascending order are a Private/ Airman, a Corporal/ Senior Airman, Sergeant (Junior), Sergeant, Sergeant/Staff Sergeant, Staff Sergeant/ Technical Sergeant, Sergeant First Class/ Master Sergeant, Master Sergeant/ Senior Master Sergeant, Sergeant Major/Chief Master Sergeant, Command Sergeant Major/ Chief Master Sergeant of the Air Force, Third Lieutenant, Second Lieutenant, First Lieutenant, Captain, Major, Lieutenant Colonel, Colonel, Brigadier General, Major General, Lieutenant General, General.

(3) The military ranks of the Navy in the ascending order are Seaman, Leading Seaman, Petty Officer 3rd class, Petty Officer 2nd class, Petty Officer 1st class, Chief Petty Officer 2nd class, Chief Petty Officer 1st class, Senior Chief Petty Officer, Master Chief Petty Officer, Master Chief Petty Officer of the Navy, Ensign, Lieutenant Junior Grade, Lieutenant, Lieutenant Senior Grade, Lieutenant Commander, Commander, Captain, Commodore, Rear Admiral, Vice Admiral, Admiral.

(4) Military ranks are divided into main categories. The main categories in the ascending order are soldier, non-commissioned officer and officer.

(5) The main category of non-commissioned officers is divided in the ascending order into junior non-commissioned officers and senior non-commissioned officers.

(6) The main category of officers is divided in the ascending order into junior officers, senior officers and general and flag officers.

§ 17. Education requirements for grant of military rank

(1) A military rank of a soldier may be granted to a person who has completed at least the second level of studies in the basic school for the purposes of the Basic Schools and Upper Secondary Schools Act.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) A military rank of the non-commissioned officer may be granted to a person who has acquired at least secondary education.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(3) A military rank of an officer may be granted to a person who has higher education or education obtained in a military educational institution of the North Atlantic Treaty Organization or a member state of the European Union and required upon the grant of a military rank of an officer in the member states of the specified associations.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(4) A rank of a Third Lieutenant/Ensign may be granted to a person who has acquired at least secondary education.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(5) [Repealed – RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 18. Ranks of soldier

The ranks of a soldier are a Private/Airman, a Seaman, a Corporal/ Senior Airman and a Leading Seaman.

§ 19. Ranks of non-commissioned officer

(1) The ranks of a junior non-commissioned officer are a Junior Sergeant, Petty Officer 3rd class, Sergeant, Petty Officer 2nd class, Sergeant, Staff Sergeant and Petty Officer 1st class.

(2) The ranks of a senior non-commissioned officer are Staff Sergeant, Technical Sergeant, Chief Petty Officer 2nd class, Sergeant First Class, Master Sergeant, Senior Chief Petty Officer, Master Sergeant, Senior Master Sergeant, Senior Chief Petty Officer, Sergeant Major, Chief Master Sergeant, Master Chief Petty Officer, Command Sergeant Major, Chief Master Sergeant of the Air Force and Master Chief Petty Officer of the Navy.

§ 20. Ranks of officer

(1) The ranks of a junior officer are Third Lieutenant/Ensign, Second Lieutenant, Lieutenant Junior Grade, First Lieutenant, Lieutenant, Captain and Lieutenant Senior Grade.

(2) The ranks of a senior officer are Major, Lieutenant Commander, Lieutenant Colonel, Commander, Colonel and Captain.

(3) The ranks of the general and flag staff are Brigadier General, Commodore, Major General, Rear Admiral, Lieutenant General, Vice Admiral, General and Admiral.

§ 21. Person with right to grant, demote and deprive of military rank

(1) A military rank shall be granted, demoted and deprived of as follows:
1) the rank of an officer by the President of the Republic of Estonia on the proposal of the Commander of the Defence Forces;
2) the rank of a senior non-commissioned officer by the Commander of the Defence Forces;
3) the rank of a junior non-commissioned officer by the Commander of the Defence Forces or a Chief of service;
4) the rank of a soldier by the Chief of service or the commander of a structural unit of the Defence Forces.

(2) A person shall be notified of the grant, demotion and deprivation of a military rank at the earliest opportunity after the decision has been made to this effect.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(3) A military rank is granted to a person if performance of the functions of the post requires being in military service.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 22. Grant of military rank and wearing insignia of military rank

(1) The grant of a military rank is the grant of a military rank for the first time or the grant of a new military rank to a serviceman and a person in reserve under the conditions and in the procedure provided for in this Act.

(2) The insignia of the highest current military rank shall be displayed on the uniform.

(2^1) The description of the insignia shall be established by a regulation of the minister responsible for the area.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(3) A military rank shall be granted to a person for an unspecified term.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(4) A person may be presented for the grant of a new military rank by an active serviceman if the person has undergone the required military training, acquired education and has served in his current military rank for a minimum period required therefor (hereinafter age of rank). A conscript may be granted a military rank without appointment to a post.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(5) An active serviceman may be presented for a new military rank if he complies with the requirements for the peacetime post, has been in military service for at least the age of rank and the commander who has assessed the compliance to a peacetime post or a senior commander thereof have made the corresponding proposal to this effect.

(6) An active serviceman and a person in reserve may be granted temporarily, as an exception to the provisions of subsection (3) of this section and irrespective of the age of rank, the next military rank following in the ascending order for the period during which he or she participates in an international military operation, is employed in a diplomatic post at a foreign mission, at an international organisation or international military headquarters.
[RT I, 09.03.2016, 1 – entry into force. 19.03.2016]

(7) A military rank shall not be granted to a person who has a current penalty in force for a criminal offence or a disciplinary offence imposed on the basis of this Act.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(8) A serviceman may be granted a military rank of a Private or Airman or Seaman irrespective of the provisions of subsection (5) of this section.

(9) A person who has a military rank of the Army or Air Force may be granted the equivalent or next military rank in the ascending order of the Navy and vice versa.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 23. Demotion of military rank

(1) The demotion of a military rank is the grant of the next military rank in the descending order to a person or the cancellation of the grant of the highest current military rank.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) A military rank may be demoted if circumstances become evident on the basis of which the person does not comply with the requirements for the grant of the highest military rank granted to him or her.

§ 24. Deprivation of military rank

(3) The deprivation of a military rank is the cancellation of all the current military ranks granted to a person.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) A military rank may be deprived if a person is convicted:
1) the offence provided for in Chapter 8, Chapter 15 Subchapter 2 or § 251 of the Penal Code;
2) of the offence for which he or she has been sentenced to life imprisonment therefor.

§ 25. Age of rank

(1) The age of rank of:
1) the general and flag staff, Colonel and Captain shall not be established;
2) Lieutenant Colonel, Commander, Major and Lieutenant Commander is at least five years;
3) Captain and Lieutenant Senior Grade is at least four years;
4) First Lieutenant, Second Lieutenant and Lieutenant Junior Grade is at least three years;
5) Third Lieutenant/Ensign shall not be established;
6) Command Sergeant Major, Chief Master Sergeant of the Air Force and Master Chief Petty Officer, Master Chief Petty Officer of the Navy, Sergeant Major shall not be established;
7) Master Sergeant, Senior Master Sergeant and Senior Chief Petty Officer is at least eight years;
8) Sergeant First Class, Master Sergeant and Chief Petty Officer 1st Class is at least six years;
9) Staff Sergeant, Technical Sergeant and Chief Petty Officer 2nd Class is at least four years;
10) a junior non-commissioned officer shall not be established;
11) a soldier shall not be established.

(2) The age of rank of a person who is not in military service is up to double the age of rank provided for in subsection (1) of this section.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(3) The age of rank shall be calculated as of the date of the decision on the grant of a military rank. The age of rank shall not be taken account of upon the grant of a military rank of another main category of military rank.

(4) Upon demotion of a military rank of a person the period of service in the current military rank shall be calculated into the age of rank of the highest current military rank.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(5) The period of holding a temporary military rank shall be calculated into the age of rank upon the grant of the temporary military rank.

(6) A person who has completed the age of military rank and whose military rank has been demoted, cannot be granted a military rank in the ascending order if less than one year has passed from the demotion of the military rank.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 26. Amendment of military rank of Commander of Defence Forces

The grant, demotion and deprivation of the military rank of the Commander of the Defence Forces shall be decided by the President of the Republic on the proposal of the minister responsible for the area.

Chapter 3
Medical commission

§ 27. Medical commission

(1) For the purposes of this Act a medical commission is an independent administrative body within the area of government of the Estonian Ministry of Defence which:
1) assesses the state of health of a person liable to national defence obligation and a person applying for national defence obligation;
2) performs other duties arising from the law.

(2) The medical commission is:
1) the medical commission of the Defence Resources Agency;
2) the medical commission of the Defence Forces.

(3) The medical commission of the Defence Resources Agency shall operate at the Defence Resources Agency and the medical commission of the Defence Forces at the Defence Forces.

(4) The authority at which the medical commission operates shall ensure the conditions necessary for records management and activities of the medical commission and, where necessary, shall represent the medical commission.

(5) The expenses related to the activities of the medical commission shall be covered from the state budget through the authority under which the medical commission acts.

(6) The diagnoses on the basis of which the medical commission of the Defence Forces, the medical commission of the Defence Resources Agency and the medical peer review commission of the Ministry of Defence make the decision specified in subsection 31 (1) of this Act shall be communicated to the Health Information System.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

(7) The medical commission and the authority provided for in subsection (4) of this section may, upon the performance of the tasks provided for in this subsection, process the personal data, including health data, of a person liable to national defence obligation and a person applying for the national defence obligation.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 28. Member of medical commission and formation of commission

(1) Only a medical specialist registered in the Estonian Health Care Professionals Registry may be appointed to member of the medical commission. The list of medical specialists who may belong to the medical commission shall be approved by the directive of the minister responsible for the area.

(2) The medical commission shall be formed on the basis of the list provided for in subsection (1) of this section by the head of the authority at which the medical commission operates.

(3) The procedure for formation of medical commissions and approval of the composition of the staff, rules of procedure thereof, the requirements for the format of decision and the extent and procedure for remuneration of the work of members and compensation for secondment expenses related to the participation in the work of the commission shall be established by a regulation of the minister responsible for the area.

§ 29. Duties of medical commission of Defence Resources Agency

The function of the medical commission of the Defence Resources Agency is to assess the state of health of a call-up selectee, a person in alternative service, a person in reserve and a person applying for national defence obligation, except the compliance of the state of health of a person applying for active service, with the health requirements for a person liable to mandatory duty to serve in the Defence Forces.

§ 30. Duties of medical commission of Defence Forces

(1) The duties of the medical commission of the Defence Forces are:
1) to assess the compliance of the state of health of a person liable to mandatory duty to serve in the Defence Forces, a female person who entered conscript service, a person applying for active service and an active serviceman with the health requirements for a person liable to mandatory duty to serve in the Defence Forces and an active serviceman;
2) identify the medical connection between the performance of duties in military and alternative service and the emergence of the health disorder;
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]
3) identify the permanent incapacity for work caused by the health damage due to the performance of duties in military and alternative service and establish the extent and duration of the loss of capacity for work;
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]
4) identify the need for health care service, social service, medical equipment and medicines due to the damage caused to health by the performance of duties;
5) identify the need for further medical treatment of up to 180 days of an active serviceman whose health damage was caused due to the performance of duties;
6) give advice on the treatment arising from the state of health of a serviceman and determine the restrictions and specific conditions upon the performance of duties;
7) perform other duties arising from the legislation.

(2) [Repealed – RT I, 16.06.2016, 2 – entry into force 01.07.2016]

§ 30[1]. Permanent incapacity for work

(1) For the purposes of this Act permanent incapacity for work is a serious functional impairment occurring for more than 182 consecutive calendar days as a result of health damage received due to the performance of duties in military service and alternative service.

(2) Permanent incapacity for work, its extent, reason and duration shall be established by the expertise of permanent incapacity for work executed by the medical commission of the Defence Forces.

(3) The extent of permanent incapacity for work is expressed as a percentage of loss of capacity for work, by a number ending with zero.

(4) A person may be declared permanently incapacitated for work for a period of six months, one year, two years, three years, five years or until attaining a pensionable age provided for in § 7 of the State Pension Insurance Act but not for longer than five years.

(5) A person's permanent incapacity for work may be established retroactively but not later than one year after the submission of an application for establishing permanent incapacity for work.

(6) The conditions and procedure for establishing the permanent incapacity for work caused by health damage received due to the performance of duties in military and alternative service, its extent, reason and duration shall be established by a regulation of the minister responsible for the area.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

§ 31. Assessment of state of health of person liable to national defence obligation and person applying for national defence obligation

(1) Upon the assessment of the state of health of a person liable to national defence obligation and a person applying for national defence obligation the medical commission shall make one of the following decisions:
1) is in compliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces or an active serviceman;
2) is in temporary noncompliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces;
3) is in noncompliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces or an active serviceman.

(2) The decision of the medical commission with regard to the compliance of the state of health of a person liable to mandatory duty to serve in the Defence Forces with the health requirements shall be valid until a new decision is made.

(3) The decision of the medical commission about the state of health of an active serviceman and a person applying for entering active service shall be valid for three years unless a shorter term is prescribed in the decision. The decision specified in clause (1) 3) of this section shall be valid until a new decision is made.

(4) Upon the release from active service of an active serviceman the last decision made by the medical commission of the Defence Forces with regard to the active serviceman shall be valid until the making of a new decision.

(5) The medical commission may assess the state of health of a call-up selectee, a person in alternative service, a person in reserve and a person applying for national defence obligation, who has been established permanent incapacity for work to the extent of at least 40 per cent, partial or no ability to work or disability, without the presence of the call-up selectee, a person in alternative service, a person in reserve and a person applying for national defence obligation.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(6) The health requirements for the performance of duties of a person liable to mandatory duty to serve in the Defence Forces and an active serviceman shall be established by a regulation of the Government of the Republic.

(7) The procedure for referring a person liable to national defence obligation and a person applying for national defence obligation to medical examination and health tests and the payment thereof and a list of documents to be taken along shall be established by a regulation of the minister responsible for the area.

§ 32. Medical certificate

(1) Upon appearance in the medical commission a call-up selectee, a person in reserve and a applying for entering active service and a person applying for national defence obligation shall, at the request of a competent authority, submit a medical certificate which a health care professional who provides health services on the basis of a practice list of a family physician is entitled to issue.

(2) A list of information to be presented in the medical certificate, the procedure for payment for the issue of a certificate and the maximum rate of a fee to be paid to the health care professional shall be established by a regulation of the Ministry of Defence.

Chapter 4

Call-up selectee

§ 33. Competence of Defence Resources Agency upon entering into conscript service of call-up selectee

(1) The Defence Resources Agency shall:
1) decide on the call-up for conscript service, the time of entering conscript service and the conscript service unit;
2) grant deferment to a call-up selectee;
3) decide on the release of a call-up selectee from entering into conscript service;
4) decide on the entering into and release from alternative service of a call-up selectee who has refused military service for religious or ethical reasons.

(2) The Defence Resources Agency may process the personal data, including special categories of personal data, of a person liable to national defence obligation and a person applying for the national defence obligation in order to assess his or her suitability for entry into and performance of military service or alternative service, to organize alternative service and taking of national defence obligation.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 33[1]. Competence of the Defence Resources Agency to suspend validity of rights and authorisations and to refuse issue thereof

(1) If a call-up selectee ignores repeatedly the obligation to participate in the assessment of the state of health by the medical commission of the Defence Resources Agency or the obligation to enter into the conscript service, the Defence Resources Agency shall warn the call-up selectee that upon failure to comply with the specified obligation the rights and authorisations listed in subsection (5) may be suspended and grant of them refused.

(2) The warning specified in subsection (1) of this section may be delivered together with the warning of implementation of non-compliance levy specified in § 226 of this Act or the decision on the call-up for conscript service specified in § 37 of this Act.

(3) The warning shall be valid as of the delivery.

(4) If a person does not have the right or authorisation specified in subsection (5) of this section, the Defence Resources Agency shall not issue a warning. The Defence Resources Agency may submit several applications to the administrative court during the period of validity of one warning for suspension of rights specified in subsection (5) of this section and refusal of grant of them.

(5) If the call-up selectee fails to comply with the obligation specified in the warning, the Defence Resources Agency may apply for the permission of the administrative court to suspend the following rights and authorisations of the call-up selectee and refuse the issue of:
1) the hunting right;
2) a licence for a motor vehicle;
3) a fishing card;
4) a weapons permit and a weapons acquisition permit;
5) the right to navigate recreational craft and personal watercraft.

(6) The application submitted to the administrative court shall set out:
1) justification why the Defence Resources Agency deems it necessary to suspend the chosen right or authorisation and to refuse the grant thereof;
2) evidence of a failure to comply with the obligation specified in subsection (1) of this section;
3) information on the delivery of the warning specified in subsection (1) of this section;
4) other relevant information.

(7) Granting of a permission shall be decided on the basis of the provisions of the Code of Administrative Court Procedure on granting a permission for administrative proceedings. Upon deciding on the granting of the permission the participants in the proceedings of are the Defence Resources Agency and the person with regard to whom the authorization is applied for.

(8) The administrative court shall deliver the regulation to the participants in the proceedings and the respective administrative body that is competent to suspend and refuse the grant of the rights and authorizations specified in the authorization.

(9) Suspension of the rights and authorisations specified in subsection (5) of this section and refusal to grant authorisations shall remain valid until the performance of the obligation specified by the person in the warning unless otherwise provided by the ruling of the administrative court. The Defence Resources Agency shall immediately notify the relevant administrative authority of the suspension of the rights and authorisations.
[RT I, 06.07.2018, 1 – entry into 01.01.2019]

§ 34. Evaluation of state of health of call-up selectee

(1) The Defence Resources Agency shall notify a call-up selectee in writing of the time and place for evaluation of the state of health thereof.

(2) A call-up selectee the compliance of whose state of health with the health requirements for a person liable to mandatory duty to serve in the Defence Forces cannot be objectively assessed on the basis of medical examination or documents certifying his state of health shall be referred to a medical institution for additional medical examination or tests by the chairman of the medical commission.

(3) The compliance of the state of health of a call-up selectee, who is referred to additional medical examination or tests, with the requirements for a person liable to mandatory duty to serve in the Defence Forces obligation, shall be assessed by the medical commission in the presence of the call-up selectee after the receipt of the results of the additional medical examination or tests.

§ 35. Assessment of professional suitability of call-up selectee

(1) The assessment of the professional suitability on the basis of the personality characteristics of a call-up selectee is the identification of the most suitable military training for him.

(2) The professional suitability of a call-up selectee that has been declared to be in compliance with the health requirements for a person liable to mandatory duty to serve in the Defence Force shall be assessed by the Defence Resources Agency.

(3) The procedure for the assessment of the professional suitability of a call-up selectee shall be established by a regulation of the minister responsible for the area.

§ 36. Payment of compensation to call-up selectee

(1) A call-up selectee shall be compensated for up to the maximum amount for travel and meal expenses incurred by the person in connection with the appearance before the medical commission for the assessment of the compliance of his state of health with the health requirements for a person liable to mandatory duty to serve in the Defence Forces or upon assessment of the professional suitability or attending additional medical examination or tests in the case provided for in subsection 34 (2) of this Act.

(2) The conditions, extent and procedure for payment of compensation for travel and meal expenses incurred in connection with the appearance before the medical commission, undergoing additional medical examination, tests or assessment of professional suitability shall be established by a regulation of the minister responsible for the area.

§ 37. Call-up for conscript service

(1) A call-up selectee between the ages of 18 and 27 (inclusive) shall be called up for conscript service.

(2) The Commander of the Defence Forces shall submit a proposal concerning the terms of entering conscript service and the duration thereof and the distribution of call-up selectees, expressed in numbers, between the structural units engaged in training of conscripts, for the second year after and in the volume determined by the minister for the years following to the minister responsible for the area by 15 August.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(3) The terms of entering conscript service and the duration thereof, and the distribution of call-up selectees, expressed in numbers, between the structural units engaged in training of conscripts for the second year after and in the volume determined by the minister for the years following shall be established by a regulation of the minister responsible for the area at the latest by 15 October.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(4) A call-up selectee shall be notified of the decision of the Defence Resources Agency on the call-up for and time of entering conscript service and the conscript service unit at the latest one year before entering conscript service unless otherwise provided for in this Act.

(5) A call-up selectee shall be notified of the decision of the Defence Resources Agency on the call-up for and entering conscript service, and the conscript service unit 30 days before the term for entering conscript service if the call-up selectee:
1) has been granted deferment of;
2) has previously failed to appear for conscript service.

(6) The term for advance notice provided for in subsections (4) and (5) of this section shall not be applied if the call-up selectee has granted consent in a written form to non-application of the term for advance notice.

§ 38. Deferment for conscript service

(1) The following call-up selectees shall not be called-up for conscript service:
1) a person whose state of health is in noncompliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces on the basis of the decision of the medical commission;
2) a person who has not completed at least the second level in the basic school for the purposes of the Basic Schools and Upper Secondary Schools Act;
3) a person who is a suspect or the accused in a criminal matter until the termination of the criminal proceedings;
4) a person who is serving a sentence of imprisonment;
5) in the cases prescribed in a treaty;
6) a person who has taken up acquiring higher education in the specialty of a medical doctor or nurse.

(2) A call-up selectee, who wishes the deferment on the basis provided for in clause (1) 6) of this section shall submit a written application to the Defence Resources Agency within 30 days from matriculation. Upon acquiring a higher education in the specialty of a doctor or nurse in a higher educational institution of a foreign state, a call-up selectee is required to submit, together with the application, a certificate of the educational institution about his matriculation, the specialty and the standard period of studies and, in the case of exceeding the standard period of studies, submit a certificate of the educational institution for every additional academic year.

(3) The call-up selectee who has been granted deferment on the basis provided for in subsection (1) of this section shall be called up for conscript service if the circumstances cease to exist.

§ 39. Release from entering conscript service

(1) The following person is released from conscript service:
1) a person who has entered alternative service;
2) a person who has attained 28 years of age;
3) a person who has been convicted for a criminal offence provided for in Chapters 8, 9, 13, 15, 18 or 22 of the Penal Code and has been sentenced to imprisonment therefor and whose data have not been deleted from the criminal records database pursuant to the Criminal Records Database Act;
4) a person who has resided uninterruptedly for at least seven years in a foreign state on the basis of the data of the Population Register during the period before entering the data with regard to him into the national defence obligation register or was born in a foreign state and has lived there during the period directly before the entering of data with regard to him into the national defence obligation register and has not submitted a request in writing for entering conscript service or alternative service during five years;
5) a person who has undergone mandatory military service in the armed forces of a foreign state or served as a military serviceman in the armed forces of a foreign state for at least 12 months or has undergone alternative service in a foreign state;
6) a person who has been entered into the Estonian Health Care Professionals Registry as a medical doctor or nurse, is acting in the corresponding specialty and has undergone the training in compliance with the requirements of the Defence Forces;
7) a person who has been appointed a judge and the proposal for the release of him has been made by the Council for Administration of Courts.

(2) Upon the emergence of the circumstance provided for in clauses (1) 2)-4) of this section a call-up selectee shall be deemed to be released from entering conscript service and the Defence Resources Agency shall note the data with regard to him in the national defence obligation register as the data of a person in reserve.

(3) A call-up selectee who is applying for the release from conscript service on the basis of clauses (1) 5)-7) is required to submit a corresponding application to the Defence Resources Agency.

(4) A call-up selectee who has been notified of the decision of the Defence Resources Agency with regard to the call-up for, time of entering conscript service and conscript service unit on the basis of this Act and who is applying for the release from conscript service on the basis of clauses (1) 6) and 7) of this section is required to submit an application for the release from conscript service:
1) in the case provided for in subsection 37 (4) of this Act for at least 30 days before the time of entering conscript service;
2) in the cases provided for in subsections 37 (5) and (6) of this Act immediately after becoming aware of the basis for release.

(5) The Defence Resources Agency may summon a call-up selectee, who has submitted an application for the release from conscript service, request additional documents, or decide without thereof whether to release him from conscript service or refuse to satisfy the application. The Defence Resources Agency shall note the data of the person released from conscript service into the national defence obligation register as the data of a person in reserve.

§ 40. Obligations of call-up selectee

(1) A call-up selectee is required to:

1) notify immediately the Defence Resources Agency of his contact data and the change therein in a format which can be reproduced in writing;
2) appear to the military or alternative service at the time and place determined by the Defence Resources Agency;
3) at the request of the Defence Resources Agency submit data and evidence necessary to issue an administrative act with regard to him or carry out a proceeding;
4) appear at the Defence Resources Agency or at a place appointed by the agency in order to carry out the necessary acts;
5) participate at the appointed time and place in the assessment of the state of health and in additional medical examination or tests referred to by the medical commission and submit the required documents certifying the state of health and participate in the assessment of the professional suitability;
6) notify immediately the Defence Resources Agency in a format which can be reproduced in writing about his serious illness, physical disability and other circumstances which could affect the compliance of his state of health with the health requirements for a person liable to mandatory duty to serve in the Defence Resources, and submit documents reflecting the change in the state of health;
7) notify the Defence Resources Agency in a format which can be reproduced in writing about the cessation of the bases of deferment within 30 days as of the cessation of the bases for deferment;
8) take along the necessary documents and items upon entering conscript service.

(2) The list of documents and items taken along upon entering conscript service shall be established by a regulation of the minister responsible for the area.

(3) A call-up selectee is prohibited to take along to conscript service the items on the list of prohibited items established by a regulation issued on the basis of subsection 49 (11) of this Act.

§ 41. Deferment

(1) Deferment is the postponement of entering conscript service of a call-up selectee for a specified time.

(2) The application for deferment shall be submitted upon the emergence of the circumstances but not later than 30 days before the term of entering conscript service except where:
1) the circumstances for the grant of deferment become evident later;
2) another term has been provided for by law.

(3) In the cases provided for in § 42 and subsections 44 (1), (3) and (4) of this Act the submission of the application for deferment is not required. A call-up selectee is required to submit an application for deferment if he is studying in a foreign state.

(4) The deferment shall terminate upon expiry of the term of deferment or when the circumstances forming the basis for the deferment cease to exist.

§ 42. Grant of deferment due to temporary noncompliance with health requirements of person liable to mandatory duty to serve in Defence Forces

(1) On the basis of the decision of the medical commission, the Defence Resources Agency shall grant deferment to a call-up selectee for treatment of the health disorder which has caused the temporary noncompliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces.

(2) A call-up selectee may, on the basis of a decision of the medical commission, be granted deferment for up to two years at a time for treatment of the health disorder which has caused the temporary noncompliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces.

§ 43. Grant of deferment for maintenance of child or taking care of disabled person

(1) The Defence Resources Agency shall grant deferment to a call-up selectee if the call-up selectee:
1) as a parent or other person maintaining a child is maintaining at least one child under three years of age and the maintenance obligation arises from the Family Law Act;
2) as a parent or other person maintaining a child is required to maintain at least two children and the maintenance obligation arises from the Family Law Act;
3) as a parent or other person maintaining a child alone is maintaining at least one child, there are no other persons with the maintenance obligation and the maintenance obligation arises from the Family Law Act;
4) is the only person maintaining a person with a severe or profound disability who has no other persons with the maintenance obligation.

(2) The deferment provided for in subsection (1) of this section shall be granted until the circumstances cease to exist.

§ 44. Grant of deferment for acquiring education

(1) A call-up selectee has the right to deferment for taking up studies at a vocational educational institution, professional higher education institution or university immediately after completion of secondary education until 15 September of the same year.

(2) After being accepted for study in a vocational educational institution, professional higher education institution or university issuing a diploma recognised by the state upon graduation, a call-up selectee who is taking up acquisition of higher education shall notify the Defence Resources Agency in writing by 15 September of the calendar year during which he intends to start the performance of his mandatory duty to serve in the Defence Forces, whereas the chosen calendar year may not be later than the year of completion of studies in the specialty within the standard period of study.

(3) A call-up selectee has the right to deferment until 1 July in the year he attains 21 years of age for the completion of general secondary education in full-time studies.

(4) A call-up selectee who has no secondary education has the right to deferment until 1 July in of the year he attains 21 years of age for the completion of vocational education in school-based and full-time study.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(5) A call-up selectee who has enrolled in the police, border guard or rescue programme in a professional higher education institution for public defence has the right to deferment until the end of the standard period study, provided that the call-up selectee submits, within 30 days after matriculation, an application for deferment to the Defence Resources Agency together with the certificate issued by the educational institution concerning the matriculation of the person and the standard period of study.

(6) A call-up selectee who, directly after acquisition of secondary education, is matriculated by an institution of higher education of a foreign state during the year of his graduation has the right to deferment until the time he is granted the first level qualification of higher education, provided that the call-up selectee submits, within 30 days after matriculation, an application for deferment to the Defence Resources Agency together with a certificate issued by the educational institution concerning the matriculation of the person and the duration of the standard period of study.

(7) On the basis of subsections (2), (5) and (6) of this section the deferment may be granted until the circumstances cease to exist but not for longer than until 1 July of the year in which a call-up selectee attains 23 years of age.

§ 45. Deferment for employment in elected office

A call-up selectee shall be granted deferment at his request until the end of the period during which he is a member of a local government council, the Riigikogu or the European Parliament.

Chapter 5
Conscript service

§ 46. Duration of conscript service

(1) The duration of conscript service is dependent upon the armed service, the tasks assigned to the structural unit engaged in training of conscripts and the nature of military training. The duration of conscript service shall not be longer than 12 months or shorter than eight months.

(2) The duration of conscript service shall be established by a regulation of the Government of the Republic.

(3) In a state of emergency the extension of the duration of the conscript service established on the basis of subsection (2) of this section may be extended in the interests of the state by up to 12 months if a shorter duration of service has been established earlier.

(4) In a state of emergency the extension of the duration of the conscript service shall be decided by an order of the Government of the Republic.

§ 47. Entering conscript service

(1) The conscript service shall commence as of the date on which a call-up selectee arrives at the conscript service unit
.

(2) The conscript service unit is a structural unit of the Defence Forces engaged in training conscripts where the peacetime post of the conscript is located.

§ 48. Suspension of duration of conscript service

(1) The duration of conscript service shall be suspended for a conscript:
1) during the period of serving a disciplinary arrest;
2) for the period on unauthorised absence from the conscript service unit.

(2) The period of suspension of conscript service shall not be included into the duration of the conscript service.

(3) The duration of the conscript service and the period of suspension of the conscript service together shall not be longer than 12 months.

§ 48[1]. Processing of personal data of conscript

The Defence Forces may process personal data of a conscript, including special categories of personal data, in order to assess his or her compliance with the requirements of a conscript and organise conscript service.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 49. Restriction of fundamental rights and freedoms of conscript

(1) The fundamental rights and freedoms of a conscript may be restricted in the cases provided by law.

(2) A conscript is required to stay at a conscript service unit during the conscript service or at a location appointed by the commander in the interests of the service. Pursuant to the training rules or study programme of the Defence Forces the commander of conscript service unit or a commander who is an active serviceman carrying out military training may, following safety requirements, put a conscript into the situation during military training which conditionally corresponds to the combat actions in wartime.

(3) During the conscript service a conscript is required to act in compliance with the current legislation of the Defence Forces.

(4) A conscript shall be neat and maintain personal hygiene. The Commander of the Defence Forces may establish restrictions on the appearance of a conscript, where necessary, in the interests of training or for ensuring the safety.

(5) The using of personal communication means and electronic devices is allowed for a conscript provided that this does not endanger him or other persons and does not hinder carrying out the military training or performance of duties. A conscript shall not make recordings which provide information about the defence capability or security in the military zone of the Defence Forces without the authorisation of a commander who is an active serviceman. The using of other personal effects shall not hinder the performance of duties and endanger other persons.

(6) The items endangering the security of a person, suitable for damaging property or may endanger the security of the Defence Forces are banned in the conscript service.

(7) An active serviceman may search the personal effects of a conscript on the order of the commander of conscript service unit and take into custody the items which are prohibited in the conscript service.

(8) The items the holding of which is prohibited by law shall not be deposited. A competent authority shall be notified of the discovery of prohibited items.

(9) The depository shall prepare an act concerning the items deposited on the basis of subsection (7) of this section, concurrently making a proposal to the conscript to send these items at the address specified by the conscript at the expense of the conscript. If the conscript does not consent thereto, the Defence Forces shall deposit the items until the release of the conscript from military service.

(10) In a justified case the commander of conscript service unit or an active serviceman authorised by him or her may allow a conscript to convey the items deposited on the basis of subsection (7) of this section out of the territory of the conscript service unit during his holiday or meeting, relating to which an active serviceman shall prepare an act. Perishable items shall not be deposited and their destruction shall be carried out by the order of the commander of the conscript service unit at the expense of the Defence Forces. An active serviceman shall prepare an act relating to destruction.

(11) The list of documents required and items banned in the conscript service, the procedure for the deposit, return and destruction of the items banned in the conscript service and the format for destruction thereof shall be established by a regulation of the minister responsible for the area.

(12) The consumption, possession, forwarding and sale of alcohol and narcotic and psychotropic substances and gambling are prohibited in the conscript service. The use and possession of medicines is allowed in co-ordination with the health care service provider appointed by the commander of the conscript service unit.

(13) A conscript is allowed to meet his or her family members or other persons at the conscript service unit for at least once a month, except in the case this is impossible due to participation in military training or in order to hinder the spread of infectious diseases.

(14) A conscript shall not disseminate his political views at the conscript service unit.

(15) The commander of the conscript service unit may restrict the fundamental rights and freedoms of a conscript only to ensure the security of the Defence Forces or of the persons staying in the military zone of the Defence Forces unless a particular restriction is provided for by law. The restriction shall comply with the principle of human dignity and shall not distort the nature of other rights and freedoms provided by law.

§ 50. Spokesperson for conscripts

(1) A spokesperson for conscripts is a conscript who shall represent the interests of conscripts in issues related to service matters before the commander of the conscript service unit.

(2) The procedure for the election and appointment of the spokesperson for conscripts shall be established by a regulation of the minister responsible for the area.

§ 51. Appointment of conscript to peacetime post

(1) A conscript shall be appointed to a peacetime post by the Commander of the Defence Forces or a commander authorised by him or her.

(2) The procedure for the appointment of a conscript to a peacetime post shall be established by the Commander of the Defence Forces.

(3) Challenge proceedings provided for in the Administrative Procedure Act shall not be applied with regard to the appointment of a conscript to a peacetime post.

§ 52. Secondment of conscript and authorisation for outside of conscript service unit

(1) The secondment of a conscript is sending him or her, in the interests of the training, outside of his or her conscript service unit for a specified period of time.

(2) The internal secondment of a conscript within the state shall be decided by the commander of the conscript service unit.

(3) The secondment of a conscript to a foreign state shall be decided by the Commander of the Defence Forces.

(4) The decision on secondment shall set out the commencement and end date, place of secondment and purpose of secondment.

(5) The secondment of a conscript to an international military operation or to the region of an international military operation is prohibited.

(6) A conscript has the right to apply for the authorisation for leaving the conscript service unit unless it hinders the conduct of the military training or performance of duties. A request for authorisation for leaving the conscript service unit shall be submitted in writing and reviewed in the procedure established by the Commander of the Defence Forces.

§ 53. Transfer of conscript

(1) The transfer of a conscript means the change of his or her conscript service unit where the change is unavoidable in the interests of training and does not involve changing the duration of the conscript service.

(2) The transfer within the same armed service shall be decided by an active serviceman authorised by the Commander of the Defence Forces, the transfer from one armed service or a military unit in the composition of a structural unit in the immediate subordination of the Commander of the Defence Forces to another and between an armed service and a military unit in the composition of a structural unit in the immediate subordination of the Commander of the Defence Forces shall be decided by the Commander of the Defence Forces or a commander authorised by him.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

§ 54. Guarantees of conscript

(1) A conscript shall be paid a monthly allowance during the conscript service.

(2) The extent and procedure for the payment of allowance to a conscript shall be established by a regulation of the Government of the Republic.

(3) Upon extension of the duration of conscript service in a state of emergency a conscript shall be paid the allowance which is double the amount of allowance assigned before the declaration of a state of emergency.

(4) A conscript shall be guaranteed free accommodation and catering at the place of conscript service.

(5) The extent and procedure for catering guaranteed for a conscript shall be established by a regulation of the minister responsible for the area.

(6) A conscript shall be granted a holiday during the conscript service dependent upon the duration of service as follows:
1) for ten days in the case of the duration of service of nine months;
2) for 15 days in the case of the duration of service over nine months.

(7) The commander of the conscript service unit may grant additional holiday for up to ten days to a conscript for excellent service.

(8) A conscript shall be reimbursed the expenses incurred from getting to and from a holiday for up to the maximum limit once during the conscript service.

(9) The conditions, amount and procedure for reimbursement of travel expenses to a conscript shall be established by a regulation of the minister responsible for the area.

(10) A conscript is entitled to service-related guarantees in the amount and procedure provided for in Chapter 11 of this Act.

(11) A minor child or a minor dependant of a conscript is entitled to the monthly allowance for a child of a conscript if the maintenance obligation arises from the Family Law Act.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

(12) The extent and procedure for payment of child allowance of a conscript shall be established by a regulation of the Government of the Republic.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

(13) The Social Insurance Board shall apply the General Part of the Social Code Act and the general provisions of the Family Benefits Act to the social protection provided for in this Act.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

§ 55. Medical examination of conscript and assessment of state of health

(1) The medical examination of a conscript shall be carried out by a doctor assigned by the commander of the conscript service unit within 24 hours as of the arrival at the conscript service unit.

(2) Upon the release from military service the medical examination of a conscript shall be carried out by a doctor assigned by the commander of the conscript service unit except where the medical commission has made the decision specified in clauses 31 (1) 2) and 3) of this Act.

(3) A conscript who is not capable due to his or her state of health of performing duties for more than two consecutive months shall be referred the medical commission of the Defence Forces for the evaluation of the compliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces.

(4) A health care professional assigned by the commander of the conscript service unit shall provide recommendations for medical treatment arising from the state of health of a conscript and shall determine restrictions and specific conditions to the conscript for the performance of the duties.

§ 56. Termination of conscript service

(1) A conscript shall terminate the conscript service:
1) upon the expiry of the term of conscript service;
2) upon the release from conscript service pursuant to subsections (2) and (3) of this section;
3) upon death;
4) upon being declared missing.

(2) The commander of the conscript service unit shall release the conscript from conscript service before the expiry of the conscript service term if during the conscript service period:

1) the conscript does not comply with or temporarily does not comply the health requirements for a person liable to mandatory duty to serve in the Defence Forces on the basis of the decision of the medical commission of the Defence Forces;
2) a conscript becomes a parent or other person maintaining a child, as a result he or she is required to maintain at least one child under three years of age and the maintenance obligation arises from the Family Law Act;
3) a conscript becomes a parent or other person maintaining a child, as a result he or she is required to maintain at least two children and the maintenance obligation arises from the Family Law Act;
4) a conscript becomes a parent or other person maintaining a child, as a result he or she is maintaining alone at least one child who has no other persons with the maintenance obligation, and the maintenance obligation arises from the Family Law Act;
5) a conscript becomes the only person maintaining a person with a severe or profound disability and there are no other persons with the maintenance obligation and the maintenance obligation of a conscript arises from the Family Law Act;
6) a conscript becomes a member of the Riigikogu or the European Parliament;
7) a prohibition to leave the place of residence or the taking into custody has been applied to the conscript as a preventive measure;
8) a court judgment enters into force sentencing the conscript to imprisonment.

(3) The commander of the conscript service unit may release a conscript from conscript service if:
1) serious unexpected family problems of a conscript arise;
2) a conscript who has undergone basic military training is admitted to active service as a cadet.

(4) The basic military training is the training in the course of which basic military knowledge, skills and attitudes necessary for combat action and further service are acquired.

(5) Upon the death of a conscript the conscript service is deemed to be terminated as of the date following the date of his death.

(6) In the case the conscript is declared missing the conscript service is deemed to have terminated if the Police and Border Guard Board have not been capable of the establishment of his or her whereabouts within 12 months as of the day the application for establishment of his or her whereabouts was submitted.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 57. Amendment of data in national defence obligation register upon termination of conscript service

(1) Upon termination of conscript service on the basis of clauses 56 (1) 1) and 2) of this Act, the Defence Resources Agency shall note the data of a person liable to national defence obligation in the national defence obligation register as the data of a person in reserve.

(2) The commander of the conscript service unit shall notify the Defence Resources Agency of the termination of conscript service of a person liable to national defence obligation and of the appointment thereof to a wartime post.

Chapter 6
Alternative service

§ 58. Substitution of mandatory duty to serve in Defence Forces with alternative service

(1) The Defence Resources Agency shall decide on the substitution of the mandatory duty to serve in the Defence Forces with the alternative service on the basis of the reasoned request of a call-up selectee if he has refused military service for religious or ethical reasons.

(2) A call-up selectee shall submit a request for substitution of the mandatory duty to serve in the Defence Forces with the alternative service at the latest 30 days before the date of entering conscript service.

(3) In order to verify the justification of the application for substitution of the mandatory duty to serve in the Defence Forces with alternative service, the Defence Resources Agency may:
1) request explanation from the call-up selectee;
2) make inquiries of the place of study or work of the call-up selectee and of the religious organisation specified by the call-up selectee.

(4) The Defence Resources Agency may process the personal data of a person in alternative service, including special categories of personal data, in order to assess his or her compliance with the requirements for a person in alternative service and to organise alternative.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 59. Place of employment of person in alternative service

(1) The place of employment of a person in alternative service may be:
1) an organisation which is engaged in resolving a rescue event;

2) at a social service provider;
3) an educational institution where classes for students with special educational needs have been created.

(2) The place of service of a person in alternative service may not be at the authority or person with whom he had a working relationship before entering alternative service.

(3) On the basis of a reasoned request from a person in alternative service the Defence Resources Agency may change the place of service of a person in alternative service.

§ 60. Duration of alternative service

(1) The duration of alternative service shall not be longer than 12 months or shorter than eight months.

(2) The duration of alternative service shall be established by a regulation of the Government of the Republic.

§ 61. Call-up for and release from alternative service

(1) The call-up for alternative service is carried out on the same bases and pursuant to the same procedure as for the call-up for conscript service.

(2) A call-up selectee shall be notified of the decision of the Defence Resources Agency on the call-up for alternative service, term of alternative service and the place of service at the latest 30 days before entering alternative service.

(3) A person shall be released from alternative service if at least one of the circumstances provided for in clauses 39 (1) 2)-7) of this Act exists with regard to him.

(4) A call-up selectee who is applying for the release from alternative service on the basis of clauses 39 (1) 5)-7) of this Act is required to submit an application to the Defence Resources Agency to this effect.

(5) The Defence Resources Agency may summon a call-up selectee who has submitted the application for the release from alternative service, require additional documents or decide without thereof whether to release the call-up selectee or refuse to satisfy the request. The Defence Resources Agency shall note the data of the person released from the alternative service in the national defence obligation register as the data of a person in reserve.

§ 62. Alternative service

(1) A person in alternative service shall not, against his will, be required to handle weapons or other means of warfare, practice the use thereof or participate in the maintenance thereof, or handle other means or substances which are intended for the extermination or injury of a person.

(2) The Defence Resources Agency shall refer a person in alternative service, who has been absent therefrom for health reasons for at least 30 consecutive days, to a medical commission for the evaluation of the compliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces.

§ 63. Performance of alternative service

(1) Upon performance of alternative service in a government authority or an agency in the area of government of the government authority a person in alternative service shall be subordinated to the head of the authority, in other cases to a person appointed in the administrative contract.

(2) The duties of a person in alternative service shall be determined by the agreement between a government authority or an agency in the area of government of the government authority and the Defence Resources Agency which sets out, among other, the working time and holiday, and the rights and obligations of a person in alternative service, of the place of service and the Defence Resources Agency.

(3) The Defence Resources Agency may authorise a local government or a legal person governed by private law under the administrative contract to perform the alternative service in the places of service specified in clauses 59 subsection (1) 2) and 3) of this Act.

(4) The authorisation of the performance of alternative service shall be decided and the administrative contract shall be signed by the Director General of the Defence Resources Agency.

(5) The provisions of the Administrative Co-operation Act shall be applied to the administrative contract specified in subsection (3) of this section, except for the provisions of subsection 15 (1) of the Act referred to.

(6) The place of service, duties, term of contract, working time and holiday of a person in alternative service, shall be determined, among other, by the administrative contract, as well as the rights and obligations of a

person in alternative service, of the Defence Resources Agency and the place of service and the bases and procedure for termination of the administrative contract.

(7) A person in alternative service shall be notified against signature of the agreement specified in subsection (2) of this section or of the administrative contract specified in subsection (3) of this section.

(8) The administrative supervision over the performance of the administrative contract concluded on the basis of subsection (3) of this section shall be carried out by the Defence Resources Agency.

§ 64. Guarantees and restrictions of person in alternative service

(1) A person in alternative service shall be paid a monthly allowance during the alternative service.

(2) The amount and procedure for payment of allowance to a person in alternative service shall be established by a regulation of the Government of the Republic.

(3) During the alternative service the head of the place of service shall grant a holiday of 15 days to a person in alternative service.

(4) The head of the place of service may grant additional holiday of up to ten days for excellent service.

(5) A minor child or a minor dependant of a person in alternative service is entitled to receive the monthly allowance for a child of a person in alternative service if the maintenance obligation arises from the Family Law Act.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

(5^1) The extent and procedure for payment of child allowance of a person in alternative service shall be established by a regulation of the Government of the Republic.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

(5^2) The Social Insurance Board shall apply the General Part of the Social Code Act and the general provisions of the Family Benefits Act to the social protection provided for in this Act.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

(6) A person in alternative service is entitled to service-related guarantees provided for in Chapter 11 of this Act.

(7) A person in alternative service shall not disseminate his political and religious views during the stay at the place of service.

§ 65. Ensuring conditions of service for person in alternative service

(1) A regulation of working time and rest time provided for in the Employment Contract Act shall be applied to the working and rest time of a person in alternative service.

(2) The place of service of a person in alternative service shall guarantee that the requirements arising from legislation be met.

§ 66. Suspension of duration of alternative service

(1) The duration of alternative service shall be suspended on the basis of the decision of the Defence Resources Agency for the period of unauthorised absence of a person in alternative service from the place of service.

(2) The contract for alternative service shall extend by the period of suspension of the duration of the contract for alternative service.

§ 67. Termination of alternative service

(1) The alternative service shall terminate for a person in alternative service:
1) upon termination of the duration of alternative service;
2) upon the release from alternative service pursuant to subsection (2) of this section;
3) upon death;
4) upon being declared missing.

(2) A person in alternative service shall be released from alternative service if during the period of alternative service a person in alternative service does not comply or does not temporarily comply with the health requirements for a person liable to mandatory duty to serve in the Defence Forces on the decision of the medical commission of the Defence Resources Agency or at least one of the circumstances provided for in clauses 56 (2) 2)-8) and clause (3) 1) of this Act exists.

(3) Upon the death of a person in alternative service the alternative service is deemed to have terminated from the day following his death.

(4) In the case a person in alternative service has been declared missing the alternative service is deemed to have terminated if the Police and Border Guard Board have not been capable of the establishment of his whereabouts within 12 months as from the date of submission of an application for establishment of his or her whereabouts.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(5) A person in alternative service shall be released from alternative service by the Defence Resources Agency.

§ 68. Amendment of data in national defence obligation register upon termination of alternative service

(1) Upon the release from alternative service and the termination of alternative service on the basis of subsection 61 (3) of this Act, the Defence Resources Agency shall, in the cases provided for in clauses 67 (1) 1) and 2) of this Act, note the data of a person liable to national defence obligation in the national defence obligation register as the data of a person in reserve.

(2) The rights and liabilities of a person in reserve provided for in this Act which are not in conflict with the conditions provided for in subsection 62 (1) of this Act shall be extended to a person who has undergone alternative service and has been registered in the national defence obligation register as a person in reserve on the basis of subsection (1) of this section.

Chapter 7
Reserve service

§ 69. Duration and organisation of reserve service

(1) A person in reserve may be called up for the reserve service, taking account of the main category of his rank as follows:
1) an officer for up to 12 months in total;
2) a non-commissioned officer for up to nine months in total;
3) a soldier for up to six months in total.

(2) The reserve service is carried out in reservist training.

(3) The reservist training is a military training organised by the Defence Forces during which:
1) the acquired knowledge and skills are revised and supplemented;
2) co-operation between units is practised;
3) the actions of units upon raising military readiness are practised.

(4) The Defence Forces may also invite the Estonian Defence League to participate in the organisation of the reservist training.

§ 69[1]. Processing of personal data upon organizing reserve service

The Defence Forces and the Defence Resources Agency may process the personal data, including special categories of personal data, of a person in reserve invited to a reservist training exercise, a person in reserve who applies to participate in reservist training, in order to assess his or her compliance with the requirements for a serviceman and organize a reservist training, including an additional reservist training.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 70. Call-up for reservist training

(1) A person in reserve is called up for reservist training.

(2) A person in reserve is called up for reservist training and the acts provided for in this Chapter, except for the acts provided for in § 72 of this Act, are organised by the commander of a structural unit authorised the Commander of the Defence Forces.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) A person in reserve shall not be called up for reservist training if he:
1) does not comply with or does not temporarily comply with the health requirements of a person liable to mandatory duty to serve in the Defence Forces on the basis of the decision of the medical commission;
2) is a member of the Riigikogu, the Government of the Republic or the European Parliament;
3) is employed in the post of the President of the Republic, the Chancellor of Justice, the Auditor General, the Chief Public Prosecutor or the Chief Justice of the Supreme Court;
4) is a rural municipality mayor or a city mayor;
5) has undergone the alternative service;

6) is serving the sentence of imprisonment;
7) has been convicted of the criminal offence provided for in Chapters 8, 9, 13, 15, 18 or 22 of the Penal Code and has been sentenced to imprisonment therefor, and the data with regard to him have not been deleted from the criminal records database pursuant to the Criminal Records Database Act;
8) has not completed at least the second level in the basic school for the purposes of the Basic Schools and Upper Secondary Schools Act.

§ 71. Obligations of person in reserve

A person in reserve is required to:
1) notify the Defence Resources Agency in a format which can be reproduced in writing about his contact data and the amendment thereof;
2) notify the Defence Resources Agency in a format which can be reproduced in writing about his serious illness, physical disability and other circumstances which could significantly affect the compliance of his state of health with the health requirements for a person liable to mandatory duty to serve in the Defence Forces and submit documents reflecting his state of health;
3) at the request of the Defence Resources Agency submit data and evidence necessary for the issue of an administrative act with regard to him or for the performance of an act;
4) appear at the Defence Resources Agency or at a place appointed by the agency in order to carry out the necessary acts;
5) participate at the appointed time and place in the assessment of the state of health and in additional medical examination or tests referred to by the medical commission and submit the documents required for certifying the state of health.

§ 71[1]. Competence of Defence Forces upon suspension of rights and authorisations and refusal of grant thereof

(1) If a person in reserve fails to comply with the obligation to attend the reservist training, the Defence Forces shall warn that the validity of the rights and authorisations of the person listed in subsection (5) of this section may be suspended and grant thereof refused if they fail to comply with the obligation to appear to the reservist training by the term specified by the Defence Forces.

(2) A warning may be delivered together with an invitation prepared in the course of the proceedings of a misdemeanour specified in § 224 of this Act.

(3) The warning shall apply as of service.

(4) If a person does not have the right or authorization specified in subsection (5) of this section, the Defence Forces shall not issue a warning. During the period of validity of one warning the Defence Forces may submit several applications to the administrative court to suspend the rights and authorisations specified in subsection (5) of this section and may refuse to grant thereof.

(5) If a person in reserve fails to perform the obligation specified in the warning to appear to the reservist training by the term specified by the Defence Forces, the Defence Forces may apply to the administrative court for permission to suspend the following rights and authorisations of the person and for refusal of the grant thereof:
1) the hunting right;
2) the driving licence for a motor vehicle;
3) a fishing card;
4) a weapons permit and a weapons acquisition permit;
5) the right to navigate recreational craft and personal watercraft.

(6) An application to the administrative court shall set out:
1) the justification why the Defence Forces deem it necessary to suspend the right or authorisation or to refuse the grant them;
2) the evidence of failure to perform the obligation specified in subsection (1) of this section;
3) the information on the delivery of the warning specified in subsection (1) of this section;
4) other relevant information.

(7) The granting of an authorisation shall be decided on the basis of the provisions of the Code of Administrative Court Procedure on granting permission for administrative proceeding. The Defence Forces and the person for whom the permission is applied for are the participants in the proceeding on deciding on the grant of authorisation.

(8) The administrative court shall deliver the ruling to the participants in the proceeding and to the relevant administrative body competent to suspend the rights and authorisations specified in the permit and refuse to grant them.

(9) Suspension of the rights and authorisations specified in subsection (5) of this section and refusal to grant them shall remain valid until the performance of the obligation specified by the person in the warning, unless otherwise provided by the ruling of the administrative court. The Defence Forces shall immediately notify the

relevant administrative authority of the suspension of the rights and authorisations and of the cessation of the circumstances for the suspension and refusal to grant them.
[RT I, 06.07.2018, 1 – entry into force. 01.01.2019]

§ 72. Assessment of state of health of person in reserve

(1) The Defence Resources Agency shall notify a person in reserve in writing of the time and place appointed for the assessment of his state of health.

(2) Where it is impossible to assess objectively the compliance of the state of health of a person in reserve with the health requirements for a person liable to mandatory duty to serve in the Defence Forces by means of medical examination or tests or the documents reflecting his state of health, the chairman of the medical commission shall refer the person in reserve for additional medical examination or tests at a medical institution.

§ 73. Duration of reservist training

(1) Taking account of the rank the duration of the reservist training may be:
1) up to 30 days for an officer;
2) up to 21 days for a non-commissioned officer;
3) up to 14 days for a soldier.

(2) A person in reserve shall be forwarded a call-up notice to participate in reservist training for at least 120 days before the reservist training takes place.

(3) The time of the reservist training and the number of the reservists who are participating therein shall be established by a regulation of the minister responsible for the area.

§ 74. Voluntary participation in reservist training

(1) A person in reserve and a person specified in clauses 70 (3) 2)-5) of this Act who volunteers to participate in reservist training is required to submit an application in writing to the commander of a structural unit authorised by the Commander of the Defence Forces for at least 30 days before the commencement of the reservist training.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(2) A person who volunteers to participate in reservist training shall not be applied the provisions of subsections 73 (1) and (2) of this Act.

(3) The period of voluntary participation in reservist training shall not be calculated into the duration of reserve service provided for in subsection 69 (1) of this Act.

(4) The commander of a structural unit authorised by the Commander of the Defence Forces may refuse to invite to a reservist training a person who volunteers to participate in reservist training, notifying him of the refusal for at least 15 days before the commencement of the reservist training.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

§ 75. Obligation to participate in reservist training

(1) A person in reserve is obliged to appear to the reservist training at the time and place set out in the call-up notice.

(2) Upon appearance to the reservist training a person in reserve is required to have the items and documents specified in the call-up notice with him.

(3) In reservist training a reservist is prohibited to possess the items prohibited for a conscript.

(4) The dissemination of the political views of a person is prohibited during the reservist training.

§ 76. Release of person in reserve from obligation to participate in reservist training

(1) A person in reserve shall be released from the obligation to participate in reservist training by the commander of a structural unit authorised by the Commander of the Defence Forces if:
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]
1) a person does not comply with or does not temporarily comply with the health requirements for a person liable to mandatory duty to serve in the Defence Force on the decision of the medical commission;
2) a person has been registered as a candidate in the elections to the Riigikogu, the European Parliament, the President of the Republic or the local government council;
3) in the case prescribed by a treaty;

4) the prohibition on departure from the place of residence or taking into custody is applied with regard to a person as a preventive measure;
5) a judgment of conviction which sentences the person to imprisonment enters in to force;
6) a person serves in a post or place of employment which, pursuant to a regulation of the Government of the Republic issued on the basis of subsection 46 (3) of the National Defence Act, is directly connected to national defence duties, the ensuring of the internal security and constitutional order of the state or ensuring the continuity of operation of vital service;
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]
7) a person takes up a post as a member of the Riigikogu, the Government of the Republic or the European Parliament or the post of the President of the Republic, the Chancellor of Justice, the Auditor General, the Chief Public Prosecutor or the Chief Justice of the Supreme Court;
8) a person takes up a post of a rural municipality mayor or city mayor.

(2) The commander of a structural unit authorised by the Commander of the Defence Forces may release a natural person who is engaged in producing agricultural products, except for fishery products, listed in Appendix I to the Treaty on the Functioning of the European Union, from the participation in reservist training taking place within the period from 1 April to 1 October if:
1) there is a real need for the person to participate in agricultural work in Estonia during the period of the reservist training and
2) the participation in reservist training may endanger the continuation of the agricultural production of the person.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) The commander of a structural unit authorised by the Commander of the Defence Forces may release a person in reserve from the obligation to participate in reservist training:
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]
1) due to serious unexpected family problems or economic problems of a person in reserve;
2) if the person in reserve is required to participate in studies during the period of reservist training due to acquiring higher or secondary education;
3) if a person in reserve cannot participate in reservist training for religious or ethical reasons.

(4) A person in reserve who wishes to be granted the release from reservist training under the circumstances provided for in clauses (1) 2)-6) and 8) and subsections (2) and (3) of this section is required to submit an application and a document certifying the corresponding circumstance for at least 15 days before the commencement of the reservist training. The commander of a structural unit authorised by the Commander of the Defence Forces shall have the right to claim additional information.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(5) [Repealed – RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 77. Medical examination of reservist and assessment of state of health

(1) A doctor appointed by the commander of a structural unit authorised by the Commander of the Defence Forces shall carry out medical examination of a reservist within 24 hours as of the arrival at the place of the reservist training.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(2) A health care professional appointed by the commander of a structural unit authorised by the Commander of the Defence Forces shall give recommendations for medical treatment arising from his state of health to a reservist, where necessary, determines restrictions and specific conditions upon the performance of duties.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) A reservist shall be referred to a medical commission for the assessment of the compliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces if, on the basis of the decision of the doctor appointed by the commander of a structural unit authorised by the Commander of the Defence Forces, the reservist is not capable of performing duties due the state of health.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

§ 78. Termination of participation in reservist training

Participation in reservist training shall terminate:
1) upon termination of the reservist training;
2) upon the release of the reservist from reservist training;
3) upon the death of a reservist.

§ 79. Release of reservist from reservist training

(1) A reservist shall be released from reservist training by the commander of a structural unit authorised by the Commander of the Defence Forces if:
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]
1) a reservist is not capable to participate in reservist training on the decision of the doctor appointed by the commander of a structural unit authorised by the Commander of the Defence Forces;

[RT I, 18.02.2014, 1 – entry into force 01.08.2014]
2) the prohibition on departure from the place of residence or taking into custody is applied with regard to a reservist as a preventive measure;
3) a court judgment by which a reservist was sentenced to imprisonment has entered into force.

(2) The commander of a structural unit authorised by the Commander of the Defence Forces may release a reservist from the reservist training due to serious unexpected family problems or economic problems of a reservist.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) A reservist who wishes to be granted release from reservist training due to serious unexpected family problems or economic problems is required to submit an application and a document certifying the corresponding circumstance. The commander of a structural unit authorised by the Commander of the Defence Forces shall have the right to claim additional information.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

§ 80. Guarantees of person in reserve and reservist

(1) A person in reserve shall be compensated up to the maximum amount for travel expenses incurred from getting to and from the reservist training.

(2) The conditions, amount and procedure for the reimbursement of travel expenses to a person in reserve who participated in reservist training shall be established by a regulation of the minister responsible for the area.

(3) A person in reserve shall be reimbursed the travel and food expenses related to the stay at the medical commission and additional medical examination or tests.

(4) The amount and procedure for the reimbursement of travel and food expenses related to appearing at the medical commission, additional medical examination or tests to a person in reserve shall be established by a regulation of the minister responsible for the area.

(5) A reservist shall receive allowance for the period of the participation in reservist training.

(6) The amount of and procedure for payment of the allowance for the period of the participation in the reservist training shall be established by a regulation of the Government of the Republic.

(7) A reservist shall be guaranteed free transportation, accommodation and catering at the place of conducting the reservist training.

(8) The extent of and procedure for catering guaranteed for a reservist shall be established by a regulation of the minister responsible for the area.

(9) In addition to the provisions of this Act a reservist has the right to professional guarantees to the extent and in the procedure provided for in Chapter 11 of this Act.

Chapter 8
Taking of national defence obligation

§ 81. Taking of national defence obligation

(1) Every Estonian citizen over 18 years of age who, pursuant to law, is not a person liable to national defence obligation (hereinafter a person not liable to national defence obligation) may undertake national defence obligation.

(2) In order to undertake the national defence obligation a person who is not liable to national defence obligation is required to submit a written application to the Defence Resources Agency.

(3) After receiving the application the Defence Resources Agency shall enter the data of a person not liable to national defence obligation into the national defence obligation register as the data of a person applying to undertake the national defence obligation.

(3^1) The Defence Resources Agency may process the personal data, including special categories of personal data, of a person applying for the national defence obligation in order to assess his or her compliance with the requirements of a person liable to national defence obligation.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) By the decision of the Defence Resources Agency a person wishing to undertake the national defence obligation shall not be deemed to be a person liable to national defence obligation if he or she:
1) does not have the Estonian Citizenship;
2) does not have the basic education;
3) is a suspect or the accused in a criminal matter until the termination of the criminal proceedings;
4) is serving a sentence of imprisonment;
5) has been convicted for a criminal offence provided for in Chapters 8, 9, 15, 18 or 22 of the Penal Code or for criminal offence provided for in Chapter 13 and has been sentenced to imprisonment therefore;
6) does not comply with or does not temporarily comply with the health requirements for a person liable to mandatory duty to serve in the Defence Forces or an active serviceman;
7) has failed to perform, without good reason, the acts necessary for the making of the decision by the Defence Resources Agency by the term or has refused thereof.

(5) The Defence Resources Agency shall notify a person not liable to national defence obligation of the time and place appointed for the appearance at the medical commission for the assessment of the compliance of his or her state of health with the health requirements for a the person liable to mandatory duty to serve in the Defence Force.

(6) Upon establishment as a person liable to national defence obligation the Defence Resources Agency shall note the data of a person not liable to national defence obligation in the national defence obligation register as follows:
1) the data of a male person up to 27 years of age (inclusive) as the data of a call-up selectee;
2) the data of a male person of 28 years of age and older as the data of a person in reserve;
3) the data of a female person as the data of a person in the reserve except in the case provided for in § 82 of this Act.

(7) Upon a failure to be established as a person liable to national defence obligation a person has the right to submit a new application for undertaking the national defence obligation if the circumstances provided for in clause (4) 1)-6) of this section cease to exist.

(8) The national defence obligation cannot be waived after a person has been established as a person liable to national defence obligation, and he or she shall have the same rights and obligations as other persons liable to national defence obligation.

(9) Upon refusal to establish a person as a person liable to national defence obligation the Defence Resources Agency shall delete the data of the person from the national defence obligation register.

(10) The national defence obligation undertaken voluntarily terminates upon attaining 61 years of age if a person does not submit a written application for continuing the national defence obligation.

(11) A person of 61 years of age and older may undertake the national defence obligation under the conditions and in the procedure provided for in this section.

(12) The national defence obligation of a person of 61 years of age who has been established as a person liable to national defence obligation on the bases provided for in subsection (10) and (11) of this section shall terminate if the person no longer meets the requirements provided for in subsection (4) of this section or upon the death of the person.

§ 82. Conscript service of female person

(1) A female Estonian citizen between the ages of 18 and 27 (inclusive) with at least basic education who is applying for entering conscript service (hereinafter a female person applying for conscript service) is required to submit to the Defence Resources Agency a written application to that effect.

(1^1) The Defence Resources Agency may process the personal data, including special categories of personal data, of a female person applying for the entry into conscript service in order to assess her compliance with the requirements of taking up conscript service.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) A female person not liable to national defence obligation who is applying for conscript service is required to submit a written application for taking up conscript service in addition to the application specified in subsection (1) of this section.

(3) The proposal with regard to the number of female persons to be accepted for conscript service, the terms for taking up and duration of conscript service and the distribution of female persons by number between the structural units engaged in training of conscripts for the second year after shall be made to the minister responsible for the area by the Commander of the Defence Forces by 15 August.

(4) The number of female persons to be accepted for the conscript service, the terms for taking up and duration of conscript service and the distribution of female persons by number between the structural units engaged in training of conscripts for the second year after shall be established by a regulation of the minister responsible for the area at the latest on 15 October.

(5) A female person applying to undertake conscript service shall be notified by the Defence Resources Agency of the time and place for the appearance in the medical commission for the assessment of the compliance of her state of health with the health requirements for a person liable to mandatory duty to serve in the Defence Forces.

(6) By the decision of the Defence Resources Agency the following female person shall not be accepted for conscript service:
1) who has at least one of the bases provided for in clauses 38 (1) 1), 3) and 4) and clauses 39 (1) 3) and 5) of this Act;
2) who does not perform at least one of the obligations provided for in clauses 40 (1) clauses 1)-6) and 8) of this Act;
3) who has abandoned conscript service formerly;
4) who has attained 28 years of age.

(7) The Defence Resources Agency shall notify a female person who is applying to undertake conscript service of the decision on the acceptance for conscript service for at least 90 days before entering conscript service. The time of appearance to conscript service and the conscript service unit shall be set out in the decision on the acceptance for conscript service.

(8) The proceedings for acceptance for conscript service of a female person who is applying for taking up conscript service shall be suspended once for up to two years upon declaration of temporary incompliance with the health requirements for a person liable to mandatory duty to serve in the Defence Forces by the decision of the medical commission.

(9) Upon termination of the suspension of the proceedings for acceptance for conscript service the Defence Resources Agency shall call a female person who is applying for taking up conscript service to the medical commission for assessment of the compliance with health requirements. If the state of health of a female person who is applying for taking up conscript service does not temporarily comply with or does not comply with the health requirements of a person liable to mandatory duty to serve in the Defence Forces, her data shall be deleted from the national defence obligation register.

(10) If a female person applying for taking up conscript service fails to appear at the conscript service unit by the time set out in the decision specified in subsection (7) of this section, she is deemed to have abandoned conscript service. A female person who has entered conscript service shall have the same rights and freedoms as a male conscript.

(11) A female person applying for taking up conscript service shall have the right to abandon conscript service within 90 days as from the entering conscript service. The commander of the conscript service unit, who is notified in writing of the abandonment of conscript service, shall release from conscript service a female person who has entered conscript service. The commander of the conscript service unit shall notify the Defence Resources Agency in writing of the abandonment of conscript service by a female person.

(12) A female person applying for taking up conscript service, whose state of health, on the decision of the medical commission of the Defence Forces, does not temporarily comply with or does not comply with the health requirements for a person liable to mandatory duty to serve in the Defence force, shall be released from conscript service and deemed to have abandoned conscript service if the decision of the medical commission is made before the term specified in subsection (11) of this section. The commander of the conscript service unit who formalised the release from conscript service shall notify the Defence Resources Agency about the abandonment in writing.

(13) The data of a female person who continues in conscript service after the term provided for in subsection (11) of this section shall be noted by the Defence Resources Agency in the national defence obligation register as the data of a conscript. A female person who had no national defence obligation before entering conscript service is deemed to be a person liable to national defence obligation by the decision of the Defence Resources Agency and the data with regard to her shall be noted in the national defence obligation register of persons as the data of a conscript.

(14) The data of a female person who waived conscript service and had no national defence obligation before entering conscript service shall be deleted from the national defence obligation register unless she submits, before the abandonment, a written application to the Defence Resources Agency for the national defence obligation. The person who submitted the application shall be deemed a person liable to national defence obligation by a decision of the Defence Resources Agency.

(15) A female person who was liable to national defence obligation before entering conscript service shall not be released from national defence obligation after the abandonment.

(16) A female person applying for taking up conscript service who was not accepted for conscript service has the right to submit a new application for the acceptance for conscript service if the circumstances provided for in clauses (6) 1) and 2) of this section cease to exist.

Chapter 9
Active service

Subchapter 1
Acceptance for active service

§ 83. Acceptance for active service

(1) A person to be accepted for active service is a person who:
1) is an Estonian citizen;
2) has full active legal capacity;
3) is proficient in the Estonian language at the required level;
4) has at least the basic education;
5) has the required physical preparation;
6) is in compliance with the health requirements for an active serviceman;
7) is a person liable to national defence obligation;
8) is at the age of 18-60.

(2) A person wishing to take up active service shall submit to the Commander of the Defence Forces or a commander authorised by him or her through the Defence Resources Agency:
1) a signed application together with the confirmation that he or she complies with the requirements provided for by law;
2) a curriculum vitae;
3) a certificate or diploma for the required qualification or education;
4) a personal identification document;
5) other documents required by law or on the basis of law.

(3) The Estonian language proficiency of an active serviceman shall be assessed in the procedure provided for in the Language Act or legislation on the basis thereof.

(4) The procedure for acceptance for active service shall be established by a regulation of the minister responsible for the area.

(5) The Defence Forces and the Defence Resources Agency may process the data of a person applying for active service or who is in active service, including special categories of personal data, in order to assess his or her compliance with the requirements for an active serviceman and suitability for active service.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 84. Organisation of competition

(1) In the case it is impossible to fulfil the peacetime post through the appointment of an active serviceman in active service to the post, a competition shall be organised to fill the peacetime post.

(2) The Civil Service Act shall be applied to the organisation of the competition.

§ 85. Decision on acceptance for active service

(1) The acceptance for active service shall be decided by the Commander of the Defence Forces or a commander authorised by him or her.

(2) The acceptance for active service shall be formalised by an order in which at the least the following data are indicated:
1) given name and surname and personal identification code of the person to be accepted into the service;
2) peacetime post, location and locality of the post;
3) [Repealed – RT I, 09.03.2016, 1 – entry into force 19.03.2016];
4) date of entering service;
5) term of service;
6) reference to challenge.

(3) In addition to the provisions of subsection (2) of this section the name of the educational institution, the duration of studies and the cost of a study place shall be indicated in the directive on the acceptance for active service of an active serviceman who is taking up studies as a cadet.

(4) The location of the peacetime post of an active serviceman is the local government of the location of the peacetime post indicated in the job description.

(5) The locality of the peacetime post of an active serviceman is the territory where the active serviceman performs the duties of the post.

(6) An active serviceman shall be in active service as from the date of entering the service. The date of entering the service shall not be earlier than the date of the directive on the acceptance for active service.

§ 86. Persons who are not accepted for active service

The following person shall not be accepted for active service:
1) who is a suspect or accused in a criminal matter;
2) a person under punishment for an intentionally committed criminal offence;
3) has been convicted and deprived by a court judgment of the right to work in a post related to military service or in a post related to any other civil service;
4) who has been released from military service or a post in any other civil service if less than a year has passed from the release;
5) who is a member of a political party;
6) who has been registered by the electoral committee as a candidate in the elections of the Riigikogu, the European Parliament or the local government council.
7) with regard to whom another circumstance provided by law occurs which would preclude acceptance for service.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

§ 87. Term of active service

(1) Acceptance for active service shall be for up to five years unless otherwise provided for in this section.

(2) A cadet shall be accepted for active service for the period of double the standard period of study in the study programme.

(3) An active serviceman who is sent to resource-intensive training shall be accepted for active service for up to ten years, taking account of the cost of the resource-intensive training.

(4) Subsections (2) and (3) of this section shall not be applied to an active serviceman who has a service relationship for an unspecified term.

(5) Active service may be taken up repeatedly. The term of the active service shall not be extended unless otherwise provide for by law.

(6) An active serviceman who has been in active service uninterruptedly for at least ten years shall be accepted into active service for an unspecified term.

(7) Active service is deemed to be uninterrupted if active service relationship continues from the day following the day of termination of the previous service relationship. In case of acceptance for uninterrupted active service a person shall submit the documents provided for in subsection 83 (2) of this Act to the Commander of the Defence Forces or a commander authorised by him or her.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(8) An active serviceman accepted for active service for a specified term determined on the basis of subsections (2) and (3) of this section, whose term of service indicated in the directive on acceptance for active service is later than the time of the creation of the right for acceptance for active service for an unspecified term provided for in subsection (6) of this section, shall be deemed to have been accepted for active service for an unspecified term without the termination of his or her active service as from the day of creation of the right for acceptance for active service for an unspecified term. Upon acceptance for active service for an unspecified term the obligation of the person to serve in active service shall not be interrupted until the end of the double standard period of the study programme or until the expiry of the term indicated in the directive on the acceptance for active service for an unspecified term.

§ 88. Application of probationary period

An active serviceman shall not be applied a probationary period.

§ 89. Annulment of acceptance for active service

(1) A person with the authority to accept for active service shall repeal the directive with regard to acceptance for active service if:
1) a person accepted for active service submits an application to that effect before the date appointed for entering the service;
2) circumstances provided for by law which preclude the acceptance for active service become evident before entering the service;
3) a person has failed to enter the service by the specified term without a good reason;
4) a person refuses to take the oath of office of a serviceman.

(2) An active serviceman is required to notify the Defence Forces immediately if circumstances arise which preclude the acceptance of him or her for the service pursuant to subsection 83 (1) or § 86 of this Act.

(3) A good reason specified in clause (1) 3) of this section is a serious unexpected family problem or illness of a person. The entering of active service may be postponed due to a serious family problem or illness of a person on the agreement between the parties. A person with the authority to accept for active service shall decide on the deferment of entering active service.

(4) A person the acceptance for active service of whom has been cancelled is obliged to return everything received due to acceptance for active service and reimburse the damages which were created due to the annulment of the directive.

(5) The annulment of the acceptance for active service shall not release a person from national defence obligation unless otherwise provided for by law.

§ 90. Age limit for active serviceman

The age limit for an active serviceman is the retirement age provided for in § 7 of the State Pension Insurance Act.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 91. Tenure of active service

The tenure of active service is the time spent in military or alternative service, taking account of the specifications provided for in this Act.

Subchapter 2
Appointment to peacetime post

§ 92. Appointment to peacetime post

(1) An active serviceman shall be appointed to a peacetime post by the Commander of the Defence Forces or a commander authorised by him or her.

(2) An active serviceman shall be appointed to a peacetime post on the initiative of an active serviceman or in the interests of the service.

(3) The following active serviceman may be appointed to a peacetime post:
1) who has the education required for post;
2) who has the military rank required for the post;
3) who has the military training required for the post;
4) who is not a spouse of an immediate superior or a person in a relationship similar to marriage (hereinafter unmarried partner) or a grandparent of an active serviceman, a parent or descendant of a parent of the immediate commander or his or her spouse or his or her unmarried partner, including a child or grandchild. An adoptive parent and a foster parent are also deemed to be a parent in this Act and an adopted child and a foster child is also deemed to be a descendant. The specified restriction shall also apply upon the appointment of an active serviceman to a post of an immediate commander of the persons specified above;
5) who has a personnel security clearance to state secrets classified at the level required for the post;
6) who complies with the health requirements for the post;
7) who complies with the requirements for physical fitness for the post.

(4) A prior written consent of an active serviceman is required upon appointment of the active serviceman to a lower level peacetime post in the interests of the service.

(5) The location and locality of the peacetime post, where the duties are performed, and the basic salary shall be indicated upon the appointment of an active serviceman to a peacetime post.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

(6) A person without the education, military rank and training specified in clauses (3) 1)-3) of this section may be appointed to a peacetime post if the military training or education can be acquired in Estonia only in the Defence Forces.

(7) The provisions of clause (3) 5) of this section shall not be applied upon the acceptance for active service and appointment to a peacetime post which presume having a personnel security clearance to state secrets classified at the „top level“ required for the post until the decision of the competent authority. An active serviceman, to whom a personnel security clearance to state secrets required is not issued, shall be appointed to a new peacetime post or released from active service for the reason that unexpected circumstances have become evident.

(8) A person who is appointed to a peacetime post under the conditions specified in subsection (6) of this section is required to undergo military training required for the post or obtain education within one year as of the date of being appointed to a post. Upon failure to undergo the required military training or acquire the education the active serviceman shall be transferred to the previous peacetime post in the Defence Forces or shall be released from active service due to incompliance with the requirements for peacetime post.

(9) The name of the educational institution, duration of studies and cost of a study place shall be indicated in the directive on the appointment to a post of a cadet in active service for an unspecified term.

(10) The Defence Forces may process the personal data of a person to be appointed to a peacetime post, including special categories of personal data, in order to assess his or her compliance with the requirements of the post.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 92[1]. Fingerprinting of active serviceman involved in explosive ordnance disposal operations and taking DNA sample from him or her

(1) An active serviceman who is involved in explosive ordnance disposal operations in the peacetime shall be fingerprinted and a DNA sample shall be taken from him or her for the purposes of eliminating the traces left by the active serviceman on the object of analysis.

(2) The list of peacetime posts, the active serviceman serving in which shall be fingerprinted and from whom a DNA sample shall be taken, shall be established by a directive of the Commander of the Defence Forces.

(3) Biometric data obtained by fingerprinting of an active serviceman shall be entered in the automated biometric identification system database, data on the serviceman and on taking fingerprints in the National Fingerprint Database and data obtained by the DNA sample analysis in the National DNA Database.
[RT I, 08.07.2021, 1 – entry into force. 15.07.2021]

(4) The information obtained as a result of fingerprinting an active serviceman and analysing his or her DNA sample shall be deleted from the national databases after three years have passed as of the release of the active serviceman from active service. The Defence Forces shall notify the Estonian Forensic Science Institute of the need to delete the information concerning the active serviceman from the national databases.

(5) The procedure for fingerprinting and taking a DNA sample of an active serviceman and transfer of data obtained by fingerprinting and taking DNA samples shall be established by a regulation of the minister responsible for the area.
[RT I, 08.07.2021, 1 – entry into force. 15.07.2021]

(6) The information provided for in subsection (3) of this section is restricted information and is intended for internal use from entry in the database until deletion from state registers.
[RT I, 08.07.2021, 1 – entry into force. 15.07.2021]

§ 93. Appointment of active serviceman to position of military rank by Government of Republic or minister responsible for area

[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(1) [Repealed – RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(1[1]) The Government of the Republic or the minister responsible for the area are entitled to appoint an active serviceman to the peacetime posts which may be prescribed in the statutes of the Defence Forces. A proposal for appointment to the post shall be made by the Commander of the Defence Forces.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(1[2]) An active serviceman being appointed to a peacetime post by the Government of the Republic or a minister responsible for the area is required to comply with the conditions provided in subsection 83 (1) of this Act.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(2) An active serviceman shall be appointed to a post of the Commander of the Defence Forces for five years by the Government of the Republic on the proposal of the minister responsible for the area, taking account of the position of the National Defence Committee of the Riigikogu.
[RT I, 18.02.2014, 1 – entry into force 1.08.2014]

(3) The Government of the Republic shall have the authority to appoint an active serviceman who is serving in the post of the Commander of the Defence Force to the post of the Commander of the Defence Forces for further

two years after the term provided for in subsection (2) of this section has expired on the proposal of the minister responsible for the area and taking account of the position of the National Defence Committee of the Riigikogu.

(4) [Repealed – RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(5) In the case of appointment to a peacetime post by the Government of the Republic or a minister responsible for the area a prior written consent of an active serviceman is required.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(6) An active serviceman being appointed to the peacetime post by the Government of the Republic or a minister responsible for the area is required to hold a valid clearance to state secrets classified as top secret and the Personnel Security Clearance Certificate for access to classified information of foreign states of the corresponding level.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(7) Upon appointment of an active serviceman to a peacetime post pursuant to the procedure provided in subsections (1^1) –(3) and (5)−C0#3F(7) of this section the active serviceman is deemed appointed also to the same wartime post of the Defence Forces, unless otherwise provided by law.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

Subchapter 3
Development and evaluation of military serviceman

§ 94. Job description

(1) The Civil Service Act shall apply to the establishment, amendment and requirements of the job description.

(2) The competence of the establishment of a job description shall be provided for in the statutes of a structural unit of an authority of the peacetime post of an active serviceman.

(3) A job description shall not be established for a wartime post. The duties of the wartime post shall be determined by the Commander of the Defence Forces or a commander authorised by him or her.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 95. Evaluation of compliance with requirements for peacetime post

(1) The immediate commander of the military serviceman shall evaluate the compliance of the military servicemen in his or her subordination with the peacetime post for at least once per year.

(2) The compliance of the military serviceman with the requirements for a peacetime post, his or her current professional development, the performance of the duties and the need for training shall be evaluated in the course of the evaluation, the duties of the military serviceman for the next period shall be discussed and also the military serviceman shall give feedback to the commander about management.

(3) The evaluation of the compliance with the requirements for a peacetime post may be postponed for to the next year if;
1) the active service relationship of an active serviceman has been suspended during the year preceding the year of evaluation for over six months altogether, except for holidays;
2) the active service relationship of an active serviceman has lasted for less than six months;
3) the active service relationship of the immediate commander of an active serviceman military serviceman has lasted for less than four months immediately prior to evaluation.

(4) The evaluation of the compliance with the peacetime post shall be objective and handle the performance and development of the military serviceman.

(5) The outcome of the evaluation of the compliance with the peacetime post shall be formalized in writing.

(6) The procedure for the evaluation of the compliance with the requirements for the peacetime post shall be established by the Commander of the Defence Forces.

§ 96. Taking account of evaluation results

(1) If it becomes evident as a result of the evaluation that an active serviceman is in noncompliance with the requirements for a peacetime post, the military serviceman shall be appointed to a peacetime post with which he or she complies or shall be released from service.

(2) An active serviceman who, resulting from evaluation, does not comply with the requirements for a peacetime post, cannot be presented for the grant of a new military rank.

§ 97. Challenge of evaluation results

(1) An active serviceman may challenge the results of the evaluation of the compliance with the requirements for a peacetime post by the immediate commander of the commander who conducted the evaluation within ten working days as of becoming aware of the evaluation results.

(2) The challenge that is filed against the results of evaluation of the compliance with requirements for a peacetime post, carried out by the Commander of the Defence Forces, shall be reviewed by the Commander of the Defence Forces.

(3) The commander who reviews the challenge submitted against evaluation results shall review the challenge and notify of his or her decision within ten working days as of the date of filing the challenge.

(4) If the direct commander of the immediate commander finds that the challenge is justified, he or she shall carry out a new evaluation of the compliance of the active servicemen who submitted the challenge with the requirements for a new peacetime post within reasonable time.

§ 98. Medical examination of active serviceman and evaluation of compliance with health requirements

(1) Medical examination and evaluation of the compliance with health requirements in the medical commission of the Defence Forces shall be carried out:
1) before enlistment into active service;
2) in the case of active service for unspecified term or specified term every third year after commencement of uninterrupted active service.

(2) The participation in medical examination and evaluation of the compliance with the health requirements is compulsory.

(3) An active serviceman whose active service relationship has been suspended due to his or her temporary incapacity for work for over 60 consecutive days is required to, after the termination of the temporary incapacity for work, undergo the evaluation of the compliance with health requirements for an active serviceman in the medical commission of the Defence Forces.

(4) A health care professional, appointed by the commander of the structural unit of the peacetime post of an active serviceman shall give recommendations for medical treatment arising from the state of health of an active serviceman and impose restrictions and specific conditions on an active serviceman upon performance of duties.

(5) An active serviceman to be seconded on an international military operation is required to undergo medical examination and tests within 30 days before the commencement of the secondment and within 30 days after the termination of the secondment.

(6) The health requirements for a peacetime post of an active serviceman shall be established by the Commander of the Defence Forces or a commander of a structural unit authorised by him or her.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

§ 99. Evaluation of physical preparation of active serviceman

(1) An active serviceman is required to attend the evaluation of physical preparation for at least once per year.

(2) The requirements for physical preparation of an active serviceman shall be established by the Commander of the Defence Forces.

(3) The requirements for physical preparation of an active serviceman shall be published on the web page of the Defence Forces.

(4) The procedure for evaluation of the physical preparation of an active serviceman shall be established by the Commander of the Defence Forces or the chief of a structural unit authorised by him or her.

§ 100. Evaluation of Commander of Defence Forces

The provisions of §§ 95-99 of this Act shall not apply to the Commander of the Defence Forces.

§ 101. Training and reimbursement of training expenses

The provisions of the Civil Service Act shall be applied to the training and reimbursement of training expenses of an active serviceman.

Subchapter 4
Rights of active serviceman

§ 102. Organisation of work of active serviceman

(1) The Civil Service Act shall be applied to working time, limits to working time, organisation of work, on-call time, overtime, night work and working on public holidays, rest period and reduction of working hours of an active serviceman unless otherwise provided for in this Act.

(2) The organisation of working time valid at the place of service or employment shall be applied to the working time of an active serviceman sent to a post or place of employment without military rank in the procedure provided for in this Act.

(3) The block flying time of a crew member of an aircraft of the Defence Forces shall not exceed 900 hours per year.

(4) The performance of an obligation arising from the restriction on the freedom of movement established on the basis of § 126^1 of this Act shall not be counted into the working time.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

§ 103. Working time of active serviceman studying at institution of professional higher education for national defence

The activities of an active serviceman who is studying at an institution of professional higher education for national defence which are aimed at fulfilment of the study programme are deemed to be working time and the provisions of the Civil Service Act regulating the working time, limits to working time, organisation of working time, on-call time, overtime, night work and reduction of working hours shall not be applied.

§ 104. Exemptions of working time and rest period

(1) The provisions of the Civil Service Act regulating the working time, limits to working time, organisation of work, night work and overtime, shall not be applied to an active serviceman:
1) during the rescue event settlement or participation in the resolving a recue event or participation in emergency situation work;
2) during a state of emergency;
3) during the performance of the task provided for in Emergency Act;
4) who has been appointed by the commander of the structural unit to guard the property of the authority in the location of the peacetime post and ensure the compliance with internal rules;
5) while participating in military training;
6) during provision of host nation support in international military co-operation.
[RT I, 09.03.2016, 1– entry into force 19.03.2016]

(2) In the cases specified in subsection (1) of this section an active serviceman shall be given at least six hours of rest period per every 24 hours of which four hours of the rest period shall be uninterrupted. This rest period shall be calculated into the overall working time.

(2^1) In the cases specified in clause (1) 6) of this section the working time of an active serviceman together with additional work may not exceed 24 consecutive hours. The maximum limit of additional work per one active serviceman is 300 hours in a calendar year and this does not include work in the cases specified in clauses (1) 1)-5) of this section.
[RT I, 09.03.2016, 1– entry into force 19.03.2016]

(3) In the cases specified in subsection (1) of this section an active serviceman shall be compensated for the work performed by granting of leisure time or in money taking account of the complexity of the task performed and the time spent on the performance of the task. The Commander of the Defence Forces shall establish the amount and procedure for compensation.

(4) This section shall not be applied to an active serviceman who is pregnant or who is entitled to pregnancy and maternity leave.

§ 105. Working time and rest period during secondment

(1) During a secondment of an active serviceman the provisions of the Civil Service Act regulating the working time, limits to working time, organisation of work, night work and overtime shall not be applied.

(2) In the cases specified in subsection (1) of this section an active serviceman shall be given at least six hours of rest period per every 24 hours of which four hours of rest period shall be uninterrupted.

§ 106. Holiday

(1) The holiday regulation provided for in §§ 54-71 of the Employment Contracts Act shall apply to an active serviceman, taking account of the specifications provided for in this Act.
1) The holiday regulation provided for in §§ 54-71 of the Employment Contracts Act shall apply to an active serviceman, taking account of the specifications provided for in this Act.

(2) The duration of the annual holiday of an active serviceman is 35 calendar days.

(3) The permission to go on holiday shall be granted:
1) to an active serviceman by the head of the authority or a commander authorised by him or her but not of lower level than the unit commander of a structural unit;
2) to the Commander of the Defence Forces by the Ministry of Defence;
3) to an active serviceman sent to a non-military post or place of employment outside the Defence Forces by the head of agency.

§ 107. Unscheduled holiday

An active serviceman shall be granted by the Commander of the Defence Forces, in addition to the holiday specified in subsection 106 (2) of this Act, an unscheduled holiday with the retention of the basic salary during the participation in an international military operation or directly after the termination of the international military operation as follows:
1) for up ten calendar days in the case of his or her participation in an international military operation for the period of up to three months;
2) for up 21 calendar days in the case of his or her participation in an international military operation for the period longer than three months.

§ 108. Restrictions on admission to holiday

(1) Due to an unforeseen significant service-related emergency the Commander of the Defence Forces shall have the right to refuse to allow an active serviceman to go on holiday or interrupt his or her leave and call him to resume performance of his or her duties.

(2) The Commander of the Defence Forces may not be allowed to go on holiday, or his or her holiday may be interrupted in the case provided for in subsection (1) of this section and he or she may be called to resume the performance of duties.

(3) The part of the holiday that has not been used due to refusal going on holiday or interruption of holiday shall be granted directly after the circumstance hindering the using of the leave has ceased to exist or at another time on the agreement between the parties.

(4) The grant of permission to go on holiday may not be refused and the holiday may not be interrupted if an active serviceman has been admitted on a pregnancy and maternity leave, paternity, adoptive parent, child care or study leave or the unscheduled holiday granted on the basis of § 107 of this Act.

§ 109. Holiday pay

An active serviceman shall be paid a holiday pay on the bases and in the procedure prescribed in the Employment Contracts Act.

§ 110. Catering of active serviceman

(1) Where necessary, an active serviceman shall be provided catering on a military training, on an international military operation, upon establishment of the restriction on freedom of movement provided in § 126^1 of this Act and on board of a vessel and aircraft of the Defence Forces, taking account of the location, nature, duration and other essential conditions.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(2) The conditions, extent, procedure and cost of catering of an active serviceman shall be established by a regulation of the minister responsible for the area.

§ 111. Staff accommodation

(1) Upon the appointment of an active serviceman to a peacetime post which is located in another local government where the active serviceman has no living space he or she may be granted the use of staff accommodation.

(1[1]) For the purposes of this Act staff accommodation is a room granted to the possession of an active serviceman, which may be used as a dwelling by an active serviceman and a person or persons living with him during the term of use.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

(2) The conditions and procedure for granting the use of dwelling provided by employer to an active serviceman shall be established by a regulation of the minister responsible for the area.

(3) Upon the grant to an active serviceman for temporary use of staff accommodation, on the basis of this section, a lower fee may be charged for use of staff accommodation than the market-based charge for use. The amount of the charge for use of staff accommodation may differ between local government authorities and different regions of local government authorities.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

(4) Upon the grant for temporary use of dwelling provided by employer it shall be prescribed that the accessory expenses, taxes and encumbrances related to the use thereof shall be covered by the user of the dwelling in accordance with the extent of the right of use or service used.
[RT I, 09.03.2016, 1 – entry into use 19.03.2016]

(5) The minister responsible for the area may establish by a regulation:
1) the amount of the charge for the use of dwelling provided by employer;
2) the procedure for determination of the amount of the charge for the use of dwelling provided by employer.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

§ 111[1]. Accommodation of active serviceman

(1) During performance of service duties an active serviceman may be accommodated in a room prescribed therefor in the restricted military area of the Defence Forces.

(2) An active serviceman shall be ensured accommodation during military training and upon establishment of the restriction on freedom of movement provided in § 126[1] of this Act.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

(3) An active serviceman shall not be charged a fee for accommodation.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

§ 112. Compensation for resettlement and expenses relating to resettlement

(1) Upon the appointment of an active serviceman to a peacetime post in another local government as a result of which an active serviceman and his or her member of family need to change the permanent place of residence, a lump-sum reimbursement may be paid under the conditions provided for by the Government of the Republic upon resettlement up to the extent of double minimum monthly salary, established on the basis of subsection 29 (5) of the Employment contracts Act.

(2) Upon the resettlement an active serviceman may be reimbursed up to the extent of the maximum rate for the travel expenses, expenses relating to the transport of the property and the removal costs.

(3) The extent, conditions and procedure for reimbursement of the expenses relating to the resettlement shall be established by a regulation of the Government of the Republic.

Subchapter 5
Secondment and referral of active serviceman

§ 113. Secondment of active serviceman

(1) The staying of an active serviceman outside the location of the peacetime post upon the performance of his or her duties within the specified period of time is deemed to be secondment of an active serviceman.

(2) An active serviceman can be sent on secondment internally or abroad.

(3) The reimbursement of the expenses of the sending on secondment, except for the secondment for the period longer than six months for acquiring education or abroad for the performance of state duties, and the expenses related thereto, including the rate of daily allowance and the conditions and procedure for the payment thereof shall be established by a regulation of the Government of the Republic.
[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

(3[1]) In the case of the sending of an active serviceman on consignment for acquiring education the secondment shall be applied the Civil Service Act with the specifications provided for in this Act.
[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

(4) The expenses of the secondment provided for in subsection (1) of this section shall not include the expenses relating to family members unless otherwise provided for in this Act.

(5) The participation in assisting another government authority, including participation in the resolving a recue event or participation in emergency situation work and activities in the state of emergency are not deemed to be secondment.

(6) It is not allowed to send on secondment a pregnant or active serviceman who is raising a child under three years of age or a minor child with disability without a written consent thereof. Other essential circumstances which may hinder the secondment of an active serviceman shall be taken account of.

(7) A peacetime post shall be retained for an active serviceman during secondment and the payment of the salary shall be continued.

(8) The interruption of secondment due to holiday shall not be deemed the termination of the secondment.

§ 114. Internal secondment

(1) An active serviceman may be sent on secondment internally:
1) for up to 30 days for the performance of a temporary task;
2) for the performance of a service duty in another structural unit;
3) for acquiring education.

(2) The sending of an active serviceman on secondment internally shall be decided by the Commander of the Defence Forces or commander authorised by him unless otherwise provided for in this Act.

§ 115. Secondment abroad

(1) An active serviceman may be sent on secondment abroad:
1) for up to six months in a short term;
2) for acquiring education for up to five years;
3) to participate in an international military operation;
4) for the performance of state duties in a foreign state for longer than six months (hereinafter long-term secondment abroad).

(2) The secondment of an active serviceman abroad shall be decided by the Commander of the Defence Forces, unless otherwise decided in this Act.

§ 116. Secondment to participate in international military operation

(1) The presumption for the participation in an international military operation is the decision of the Riigikogu or the Government of the Republic.

(2) An active serviceman may be assigned on secondment to participate in an international military operation if double the period of his or her former secondment has passed from his or her prior participation in an international military operation.

(3) During an international military operation the daily allowance of an active serviceman may be increased.

(4) The conditions, extent and procedure for the increase of the daily allowance of an active serviceman shall be established by a regulation of the minister responsible for the area.

§ 117. Long-term secondment abroad

(1) The Civil Service Act shall be applied to the payment for a long-term secondment abroad, reimbursement of expenses related to the secondment and allowance to spouse with the specifications provided for in this Act.

(2) A long-term secondment abroad of an active serviceman shall be decided by the Commander of the Defence Forces.

(3) [Repealed – RT I, 22.12.2014, 1 – entry into force 01.01.2015]

§ 118. Secondment of Commander of the Defence Forces

The secondment of the Commander of the Defence Forces shall be decided by the minister responsible for the area.

§ 119. Referral of active serviceman

(1) The referral of an active serviceman is the sending thereof to a post or place of employment of no military rank for a specified period of time.

(2) An active serviceman may be referred for up to three years and the term may be extended once by up to three years.

(2^1) An active serviceman may be referred to a security authority for up to three years and the term may be extended twice by up to three years.
[RT I, 19.03,2015, 2 – entry into force 29.03.2015]

(3) The referral of an active serviceman shall be decided by the Commander of the Defence Forces.

(4) An active serviceman shall be notified of the referral at least 30 days before the date of the commencement of the referral.

(5) The secondment of a referred active serviceman shall be decided by the head of the authority of the place of referral pursuant to the legislation regulating the activities of the authority or organisation or other documents.

(6) A referred active serviceman shall observe the order valid in the authority of the place of referral and all the rights and obligations of the post or place of employment valid in the authority of the place of referral shall extend to him her.

(7) Upon referral of an active serviceman his service relationship is deemed to be suspended on the basis provided for in clause 131 (1) 8) of this Act.

(8) The specifications of the suspension of the service relationship of an active serviceman relating to entering employment in a foreign mission of the Republic of Estonia shall be provided for in the Foreign Service Act.

Subchapter 6
Obligations of active serviceman

§ 120. Duties of active serviceman

The Civil Service Act shall be applied to the legality of the activities of an active serviceman, general obligations, obligation to perform service-related orders, bases for refusal to perform orders, obligation to preserve undisclosed information and transfer records management and property.

§ 121. Substitution of active serviceman

(1) In the absence of an active serviceman he or she shall be substituted by an active serviceman in the post assigned in the job description or an active serviceman assigned by the immediate commander. The commander appointing the substitute shall not be in a lower position than the commander of a structural unit.

(2) In order to fill a peacetime post an active serviceman may be given additional duties in the case the operation of the authority would be hindered due to the absence of an active serviceman and the appointment of a substitute in the post would not be possible or feasible.

(3) The duties of an absent active serviceman may be given:
1) partially to one active serviceman or distributed fully between other active servicemen, without releasing them from the performance of their own duties;
2) partially or fully to one or several other active servicemen releasing them from the performance of their duties either partially or fully correspondingly.

(4) The procedure for substitution of the Commander of the Defence Forces shall be provided in the statutes of the Defence Forces.
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(4^1) [Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(5) [Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(6) [Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(6^1) [Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(7) An active serviceman may not perform the duties of an absent active serviceman for over 60 days in a calendar year. With the consent of an active serviceman in a format which can be reproduced in writing he or she may perform the duties of an absent active serviceman for a longer period of time.

(8) An active serviceman who is pregnant or is raising a child under three years of age or a child with disability may refuse to substitute for the absent active serviceman.

(9) The restriction on the performance of the duties of an active serviceman provided for in subsection (7) of this section shall not be applied upon the performance of the duties of the Commander of the Defence Forces provided for in subsection (4) of this section.

(10) [Repealed – RT I, 29.06.2018, 3 – entry into force 01.07.2018]

§ 122. Remuneration paid upon substitution

(1) An active serviceman who substitutes for a temporarily absent or missing active serviceman on the basis of clause 121 (3) 1) of this Act shall be paid additional remuneration in addition to his or her salary unless the substitution arises from the job description or leads to a significant increase in the workload compared to that in the job description. Additional remuneration for the performance of the duties of a temporarily absent or missing active serviceman shall be paid based on the basic salary of the substituted active serviceman in proportion to the volume of the duties of a substituted active serviceman given to the substituting active serviceman.

(2) An active serviceman who substitutes for a temporarily absent or missing active serviceman on the basis of clause 121 (3) 2) of this Act shall be paid remuneration corresponding to the salary paid in his or her own post. If the salary of the substituted active serviceman is higher, a higher salary shall be paid.

(3) Upon payment of additional remuneration for the substitution of a temporarily absent or missing active serviceman the maximum rate of the variable salary provided for in the Civil Service Act shall not apply.

Subchapter 7
Restrictions on service of active serviceman

§ 123. Restriction on political party membership

(1) An active serviceman shall not be a member of a political party or be involved in the dissemination of political views during the performance of his or her duties.

(2) An active serviceman shall not use the command or disciplinary authority in the interests of a political party.

§ 124. Membership of organisation or union which possesses weapons

An active serviceman may not belong to an organisation or union which possesses weapons, except for the Estonian Defence League and a hunters' and sports society.

§ 125. Restriction on engagement in business and belonging to business company

[Repealed – RT I, 06.07.2018, 3 – entry into force 16.07.2018]

§ 126. Employment of active serviceman outside performance of duties

[Repealed – RT I, 06.07.2018, 3 – entry into force 16.07.2018]

§ 126[1]. Restriction on freedom of movement

The Commander of the Defence Forces may, in the interests of military national defence or for the purpose of preventing the spread of an infectious disease, restrict the leaving of active servicemen who are holding a position of a military rank in the Defence Forces from the territory of the Defence Forces after the end of working hours.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

§ 127. Procedural restrictions of active serviceman and strike ban

(1) Upon the performance of an act or the making of a decision or the making of a transaction an active serviceman is required to comply with the provisions of the Anti-corruption Act.

(2) The Civil Service Act shall be applied to the strike ban of an active serviceman.

Subchapter 8

Salary arrangement of active serviceman

§ 128. Salary arrangement of active serviceman

(1) The Civil Service Act shall be applied with regard to the salary, salary components, bases for reduction of salary, time and manner of payment of the salary, payment of the salary upon the impediment to the performance of duties of an active serviceman and the disclosure of the salary unless otherwise provided for in this Act.

(2) The salary scale of a peacetime post of an active serviceman shall be established by a regulation of the minister responsible for the area.

(3) A cadet shall be paid only the basic salary and he or she shall not be paid the variable salary provided for in the Civil Service Act.

(4) The salary guide shall be established by the Commander of the Defence Forces.

(5) An active serviceman shall not be paid additional remuneration or allowance the right for the payment of which does not arise from the law.

(6) The referred active serviceman shall be paid a salary or remuneration by the authority he or she has been referred to pursuant to the current procedure of the authority.

(7) For the period of long-term secondment abroad of an active serviceman the basic salary is determined and the salary is paid pursuant to the procedure provided in the Civil Service Act.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(8) In the case provided in subsection (7) of this section an active serviceman shall be determined the salary grade of his or her peacetime post for the period of secondment abroad.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

§ 129. Basic salary of active serviceman appointed by Government of Republic or minister responsible for area

[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(1) [Repealed – RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(2) The Commander of the Defence Forces shall not be paid a variable salary.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) If an active serviceman is appointed to the peacetime post by the Government of the Republic or minister responsible for the area, his or her basic salary shall be determined by a directive of the minister responsible for the area.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

Subchapter 9
Suspension of active service relationship

§ 130. Suspension of active service relationship

The suspension of active service relationship is the temporary release of an active serviceman from the obligation to perform duties and the right to execute the public and disciplinary authority entrusted to him and use the command authority.

§ 131. Bases for suspension of active service relationship

(1) The active service relationship shall suspend:
1) for the period of holiday;
2) for the period of temporary incapacity for work for the purposes of the Health Insurance Act;
3) at the request of an active serviceman where the interests of service permit;
4) for the period when an active serviceman is suspended from service due to disciplinary proceedings or another basis provided by law;
5) for the period when an active serviceman is detained or under arrest except for the period of being in the disciplinary arrest;
6) for the period of the participation in an international civilian mission of an active serviceman;
7) for the period of the stay of an active serviceman in foreign service;
8) in other cases when an active serviceman has been temporarily released from the performance of duties on the basis of the law.

(2) The period of suspension of active service shall be calculated in days, months and years.

(3) In the case of active service for a specified term the total duration of the suspensions of active service granted on the basis of clause (1) 3) of this section may not be longer than 180 days during the term of active service, but in the case of active service for an unspecified term longer than one year during six years of active service for an unspecified term.

(4) In the case of active service the duration of the suspension of active service granted on the basis of clause (1) 6) of this section may not be longer than three years. The active service relationship of an active serviceman may be suspended for the period of the participation in an international civilian mission after double the period of the suspension has passed from a previous similar suspension of the active service relationship.

(5) The period of suspension may not exceed the term of expiry of active service prescribed in the directive on the acceptance to active service, except in the case an active serviceman is on pregnancy and maternity leave, child care or adoptive parent's leave. The term of expiry of active service for a specified period of an active serviceman who is on pregnancy and maternity leave, child care or adoptive parent's leave shall be postponed by the period spent on leave.

(6) An active serviceman shall not be paid a salary during the period of suspension unless otherwise provided for by law.

§ 132. Formalisation of suspension of active service relationship

(1) The suspension of active service relationship shall be decided by the Commander of the Defence Forces or a commander with the authority to accept for active service, except for the suspension of service relationship on the basis of clauses 131 (1) 2)-4) and 6) of this Act.

(2) If the holiday is prescribed in the holiday schedule, the suspension of the right to execute public authority for the period of the holiday need not be established separately in each individual case.

(3) The suspension of active service relationship on the basis of clause 131 (1) 3) of this Act shall be decided by the Commander of the Defence Forces with the written consent of the commander of unit where is the post of the active serviceman. The period of the suspension of active service on the basis of the specified provision shall not be calculated into the tenure of active service.

(4) The suspension of active service relationship on the basis of clause 131 (1) 6) of this Act shall be decided by the Commander of the Defence Forces. The period of staying on an international civilian mission shall be calculated into the tenure of active service if an active serviceman resumes active service after being called back from the international civilian mission.

(5) The specifications of the suspension of active service relationship on the basis of clause 131 (1) 6) of this Act shall be provided for in the Participation in International Civilian Missions Act.

(6) An active serviceman who is on child care leave is required to notify about his or her wish to continue service in a format which can be reproduced in writing for at least 14 days in advance.

(7) The rights and obligations of an active serviceman prescribed in this Act shall not be extended to an active serviceman whose service relationship has been suspended on the basis of clause 131 (1) 3) of this Act unless otherwise provided for by law and the active serviceman is required to notify in a format which can be reproduced in writing about his or her wish to resume the service for at least 14 days in advance.

(8) The rights and obligations of an active serviceman prescribed in this Act shall not be extended to an active serviceman whose service relationship has been suspended on the basis of clause 131 (1) 6) of this Act and the Participation in International Civilian Missions Act shall be applied with regard to him or her.

Subchapter 10
Release, exclusion from and promotion to peacetime post

§ 133. Release from peacetime post

The following active serviceman shall be released from a peacetime post:
1) who is appointed to a new peacetime post;
2) whose active service relationship terminates.

§ 134. Release upon appointment to new post

(1) An active serviceman shall be released from a peacetime post upon appointment to a new peacetime post:
1) in the interests of service;
2) on the basis of the outcome of the evaluation of the compliance with the post;
3) taking account of the state of health;
4) due to prohibition provided for in clause 92 (3) 4) of this Act;
5) in the case of the noncompliance with the requirements for the post;
6) in the case of the noncompliance with the requirements for the physical preparation for the post.

(2) An active serviceman shall be notified of the appointment to a new peacetime post in a format which can be reproduced in writing for at least seven days before the date of taking up a new post.

(3) An active serviceman who is being appointed to a peacetime post by the Government of the Republic or minister responsible for the area shall be released from the previous peacetime post as of the date immediately preceding the date of appointment to a new post.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(4) An active serviceman in the service for an unspecified term who is released from the post upon the appointment to a new peacetime post before the expiry of the duration of the studies indicated in the directive on the appointment to a peacetime post shall compensate for half the cost of the study place to the Defence Forces.

(5) The compensation established in subsection (4) of this section shall not be claimed from an active serviceman in active service for an unspecified term who is released from the post before the expiry of the term of studies indicated in the directive on the appointment to a new peacetime post and is appointed to a new peacetime post on the basis of clause (1) 3) of this section and the noncompliance of whose state of health with the health requirements for the post has been created due to the performance of duties of an active serviceman or the activities of an active serviceman which do not involve wrongful actions.

§ 135. Release of active serviceman from position of military rank by Government of Republic or minister responsible for area

[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(1) An active serviceman shall be released from the post of the Commander of the Defence Forces by the Government of the Republic on the proposal of the minister responsible for the field, taking account of the position of the National Defence Committee of the Riigikogu.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(2) An active serviceman who is appointed by the Government of the Republic or minister responsible for the area shall be released from the peacetime post on the proposal of the Commander of the Defence Forces.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(3) The Government of the Republic may prescribe in the statutes of the Defence Forces the term for advance notice for the release from the peacetime post of an active serviceman, appointed by the Government of the Republic or the minister responsible for the area, which may not be longer than 120 days before the desired date of release.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(4) An active serviceman released from the post of the Commander of the Defence Forces shall be appointed to a new peacetime post with his or her consent. In the absence of the consent an active serviceman shall be released from active service on the basis of clause 140 (1) 1) of this Act and he or she is deemed to be released as of the date following the date of the release from the post. An active serviceman who has exceeded the age limit shall be released due to exceeding the age limit without being offered a new peacetime post.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(5) After the release from the peacetime post an active serviceman, appointed by the Government of the Republic or the minister responsible for the area, shall be appointed to a new peacetime post as of the day immediately following the day of release from the peacetime post or shall be released from active service pursuant to the procedure provided in this Act.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(6) Upon release of an active serviceman from the post of the Commander of the Defence Forces or release from the peacetime post provided in the statutes of the Defence Forces pursuant to the procedure provided in subsections (1)-(5) of this section, the active serviceman is deemed released also from the same wartime post of the Defence Forces.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

§ 136. Specifications of release from peacetime post

(1) An active serviceman whose active service relationship has been suspended shall not be released from peacetime post except in the case provided for in clause 133 2) of this Act.

(2) An active serviceman who has received health damage on an international military operation and whose secondment abroad is terminated because of that may be released from peacetime post and appointed to a new peacetime post during the suspension of the active service relationship.

(3) In the case provided for in subsection (2) of this section an active serviceman may be appointed to a new peacetime post without taking account of the requirements specified in clauses 92 (3) 6) and 7) of this Act. An active serviceman may be appointed to a post for up to 180 days and the term may be extended once by up to 180 days if a need for further medical treatment is established by the decision of the medical commission.

(4) The specification provided for in subsection (2) of this section shall be applied until the decision is made by the medical commission of the Defence Forces but for no longer than until the expiry of the term of extension provided for in subsection (3) of this section. Upon the termination of implementation of the specification an active serviceman shall be appointed to a post with the requirements of which he or she complies or, in the absence of a suitable post, shall be released from active service due to the noncompliance with the requirements for the peacetime post.

§ 137. Exclusion of active serviceman from post for period of disciplinary proceedings

(1) A commander with the authority to impose a disciplinary penalty in entitled to exclude an active serviceman from a peacetime post for the period of disciplinary proceedings, transferring him or her temporarily to another peacetime post or releasing him or her from the performance of duties.

(2) An active serviceman who is temporarily transferred to another peacetime post shall be retained his or her current basic salary for the period of disciplinary proceedings.

(3) An active serviceman who is released from the performance of duties on the basis of subsection (1) of this section shall be retained the average basic salary of the last six months in the amount of 60 per cent for the period when he or she was released from the performance of duties, but not less than the minimum rate of remuneration established on the basis of subsection 29 (5) of the Employment Contracts Act.

(4) A commander with the authority to impose a disciplinary penalty is required to notify a competent structural unit within five working days of the release of an active serviceman from peacetime post for the period of disciplinary proceedings for withholding the basic salary and variable salary.

(5) If the guilt of an active serviceman is not proved to the extent which would lead to the release of him or her from active service, he or she shall be paid the unpaid basic salary and variable salary afterwards within 15 working days as of the termination of disciplinary proceedings.

§ 138. Exclusion of active serviceman from post for period of criminal procedure

(1) If an active serviceman is a suspect or accused of an offence provided for in Chapter 15, Subchapter 2 of Chapter 17 or §§ 435 or 447 of the Penal Code for which at least a five years' imprisonment is prescribed in the Penal Code, the unit commander of the peacetime post may transfer the active serviceman to another post without his or her consent, retaining the current salary.

(2) If it is impossible to transfer an active serviceman to another peacetime post, he or she may be imposed duties outside the post and exclude partially or fully from the performance of the duties arising from the job description.

(3) An active serviceman who is fully excluded from the performance of the duties on the basis of subsection (2) of this section, shall be retained the average basic salary of the last six months to the extent of 60 per cent for the period when he or she was fully excluded from the performance of the duties.

(4) The commander who excluded an active serviceman fully from the performance of the duties is required to notify a competent structural unit thereof within five working days for the withholding of the basic salary and variable salary.

(5) If the guilt of an active serviceman does not find proof to the extent which would lead to the release of him from the post, he or she shall be paid the unpaid basic salary and variable salary afterwards within 15 working days as of the termination of the criminal procedure.

Subchapter 11

Termination of service relationship

§ 139. Termination of active service relationship

(1) The active service relationship shall terminate for an active serviceman:
1) upon the release from active service;
2) upon the death.

(2) The Commander of the Defence Forces or a commander authorised by him or her shall terminate the active service relationship with an active serviceman unless otherwise provided for in this Act.

(3) Upon the release of an active serviceman the active service relationship is deemed to have terminated as of the date set out in the directive unless otherwise provided for by law.

(4) Upon the death of an active serviceman the active service relationship is deemed to have terminated as of the day following the day of death.

(5) The directive on the termination of active service relationship shall include at least the following data:
1) given name and surname and the military rank of an active serviceman;
2) title of the peacetime post in which the active serviceman was employed;
3) reasoning of the termination of active service relationship;
4) the basis for termination of active service relationship with the precise reference to a provision of the act;
5) the compensation paid to the active serviceman, including the compensation for the unused days of holiday if the release is accompanied with the payment of compensation;
6) the date of termination of active service relationship;
7) reference to challenge.

(6) A person who has been in active service and who has no national defence obligation is a retired serviceman.

§ 140. Bases for release from active service

(1) An active serviceman shall be released from active service:
1) at his or her own request;
2) upon the expiry of the term of active service;
3) upon reaching the age limit;
4) in the event of the noncompliance with the requirements for acceptance for active service;
5) in the event of the noncompliance with the requirements for a peacetime post;
6) upon the entry into force of the conviction;
7) in the event of a disciplinary offence;
8) in the event of lay-off;
9) on the proposal of the Defence Forces;
10) upon the exmatriculation before the completion of the study programme;
11) upon the appointment to a post outside military service;
12) upon becoming a member of the Riigikogu, the European Parliament of local government council;
13) when unexpected circumstances become evident.

(2) The expenses or damage incurred in connection with the release from active service shall be compensated for in the procedure provided by law.

(3) The basis for the release provided for in clause (1) 10) of this section shall not be applied to a cadet who was recruited to active service for an unspecified term before taking up studies.

(4) An active serviceman who is released from active service before the double period of the standard period of the study programme set out in the directive on the acceptance for active service on the basis of clauses (1) 1), 4)-7) or 10)-13) of this section, shall compensate for half the cost of a study place to the Defence Forces in addition to the provisions of subsection (2) of this section

(5) An active serviceman who has received a health damage due to the performance of duties or due to activities not involving his or her wrongful action and whose state of health is in noncompliance with the health requirements for an active serviceman on the decision of the medical commission and who is released, as a result, from active service on the basis provided for in clause (1) 5) of this section, shall not compensate for half the cost of a study place.

(6) An active serviceman is deemed to be a person in reserve as of the date following the date of the release from service unless otherwise provided for in this Act. The Defence Resources Agency shall be notified of the release.

§ 141. Final settlement

(1) Upon the release from active service the authority of the last peacetime post of an active serviceman shall pay the final settlement at the latest on the date of the release from service.

(2) Upon failure to pay the final settlement by the due date, the authority is required to pay the basic salary to an active serviceman for each working day by which the payment of the final settlement is delayed but not more than one month's salary of the active serviceman.

(3) Upon the release of an active serviceman from active service the authority is required to withhold from the final settlement the holiday pay for the unused annual holiday and the advance payment paid which the active serviceman is required to return to the authority.

(4) If the employment contract with an active serviceman is concluded in the Defence Forces or the National Defence League or he or she is recruited to the service in the Defence Forces on the basis of the Civil Service Act, the active serviceman shall not be paid the final settlement upon the release from service and his or her unused holiday shall be retained.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

§ 142. Release from active service at his or her request

(1) An active serviceman shall be released from active service for an unspecified term at his or her request on the basis of a written application submitted to a person with the authority of acceptance for active service. The application shall be submitted for at least 60 days before the desired date of release.

(2) If an active serviceman who is appointed by the Government of the Republic or a minister responsible for the area wishes a release from the peacetime post, he or she is required to submit a written application to the Commander of the Defence Forces, taking account of the term for advance notice for the release from peacetime post provided in the statutes of the Defence Forces. The Commander of the Defence Forces shall forward the application to a body or person with the authority to release from peacetime post at the first opportunity.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(3) An active serviceman may demand unscheduled release from active service for a specified term due to a fundamental breach by the authority, primarily, if:
1) an active serviceman has been treated unworthily or threatened to do so or other military servicemen or third parties are permitted to do so;
2) the payment of the basic salary has been significantly delayed;
3) the continuing in active service is connected with a real threat to the morality and good name of an active serviceman.

(4) An active serviceman may require unscheduled release from active service for a specified term for grave reasons, primarily if the state of health of an active serviceman or family commitments does not allow him or her to perform the work prescribed in the peacetime post.

(5) An active serviceman may require the release from active service for a specified term only within a reasonable period after he or she became or should have become aware of the circumstance forming the basis for cancellation.

(6) An active serviceman who wishes a premature release from active service for a specified term is required to submit a written application together with the reasoning for at least 60 days before the desired date of release. An active serviceman who is appointed by the Government of the Republic or a minister responsible for the area is required to, upon applying for the release from the post at his or her request, take account of the terms for advance notice for the release from peacetime post at his or her request, which are provided in the statutes of the Defence Forces. The Commander of the Defence Forces shall review the application within 30 days as of the submission of the application.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(7) An active serviceman may be released without observing the terms provided for in subsections (1) and (6) of this section with the written consent of both parties.

§ 143. Release from active service upon expiry of term of active service

An active serviceman is deemed to be released from active service as of the date following the final date of active service.

§ 144. Release from active service upon reaching age limit

(1) Upon reaching the age limit an active serviceman in active service shall be released from active service as of the date of reaching the age limit.

(2) The Commander of the Defence Forces shall be released from active service due to reaching the age limit as of the date set out in the order of the Government of the Republic.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) An active serviceman who is appointed to the peacetime post by the Government of the Republic or a minister responsible for the area shall be released from active service due to reaching the age limit as of the date set out in the resolution on the release from the post.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

§ 145. Release from active service due to noncompliance with requirements for acceptance for active service

(1) An active serviceman shall be released from active service due to the noncompliance with the requirements for active service if circumstances become evident which would preclude the acceptance of him or her for active service pursuant to §§ 83 or 86 of this Act.

(2) The Defence Forces may require from an active serviceman a compensation for the damage which was created due to the payment of the salary to an active serviceman to the extent corresponding to the period during which the active serviceman failed to notify of the circumstance precluding the service relationship specified in clauses 86 1)-5) of this Act at least because of negligence for the purposes of this Act but not for more than the basic salary of six months of the active serviceman.

§ 146. Release from active service in event of noncompliance with requirements for peacetime post

(1) An active serviceman shall be released from active service due to the noncompliance with requirements for peacetime post:
1) on the basis of the outcome of the evaluation specified in subsection 97 (1) of this Act due to the complete or partial absence of the skills and knowledge required for a peacetime post and if it is impossible pursuant to subsection 96 (10) of this Act to transfer the active serviceman to a peacetime post with the requirements of which he or she complies;
2) there is no peacetime post with the health requirements of which an active serviceman complies;
3) in the event of the noncompliance with the health requirements for an active serviceman on the basis of the decision of the medical commission;
4) upon failure to satisfy the obligation provided for in subsection 98 (2) or 99 (1) of this Act;
5) upon a failure to acquire military training or education required for the post.

(2) An active serviceman may not be released from active service if the violation of the conditions provided for in subsections 98 (2) and 99 (1) and clause (1) 5) of this Act has occurred due to an act or omission of the employer.

(3) Upon failure to perform the obligation provided for in subsections 98 (2) or 99 (1) of this Act an active serviceman may be granted up to 60 days for elimination of faults by the directive provided for in subsection 139 (5) of this Act. Upon a failure to eliminate the faults an active serviceman shall be released from active service as of the date following the date granted for elimination of faults.

(4) An active serviceman shall be notified in writing of the release on the basis provided for in clauses (1) 1)-3) of this section for at least 15 days in advance, and compensation in the amount of the average monthly salary shall be paid upon the release.

§ 147. Release from active service upon entry into force of judgment of conviction

(1) An active serviceman shall be released from active service upon the entry into force of a judgment of conviction by which he or she was imposed a penalty for intentionally committed criminal offence or a penalty which precludes continuing in active service.

(2) An active serviceman shall be released as of the date following the date of entry into force of the judgment of conviction. If an active serviceman was staying in the custody upon entry into force of the judgment, he or she shall be released from active service as of the date of the taking into custody.

§ 148. Release from active service in event of disciplinary offence

The release from active service in the event of a disciplinary offence is carried out on the bases provided for in § 177 of this Act.

§ 149. Release from active service in event of lay-off

(1) Lay-off is the release of an active serviceman from active service due the reduction in the number of the peacetime posts or reorganisation of the service.

(2) Upon the reduction in the number of peacetime posts in the Estonian Defence League or the reorganisation of the service an active serviceman shall be appointed to a peacetime post in the Defence Forces. If there is no peacetime post in the Defence Forces where to appoint an active serviceman, he or she shall be released from active service due to lay-off.

(3) An active serviceman shall be notified of the lay-off in writing for at least 30 days before the term of release.

(4) Upon lay-off an active serviceman shall be paid compensation according to tenure of active service as follows:
1) two months' basic salary in the event of the duration of service for less than three years;
2) three months' basic salary in the event of the duration of service for three to five years;
3) five months' basic salary in the event of the duration of service for five to ten years;
4) ten months' basic salary in the event of the duration of service for ten and more than ten years.

(5) Upon a failure to observe the term provided for in subsection (3) of this section an active serviceman shall be paid, in addition to the prescribed compensation, a salary together with the prescribed compensation for each working day short of the term of notice.

(6) An active serviceman shall be released due to lay-off by the Commander of the Defence Forces.

(7) Upon the release from active service due to lay-off, an employee is entitled to an insurance indemnity upon lay-off under the conditions and pursuant to the procedure prescribed in the Unemployment Insurance Act.

(8) If an employment contract is entered into in the Defence Forces or in the Estonian Defence League with a person released from active service due to lay-off or he or she is recruited to the service in the Defence Forces on the basis of the Civil Service Act before the end of the period for which he or she was paid compensation pursuant to subsection (4) of this section, the person must return the compensation received in the amount corresponding to the period of time by which he or she was reappointed earlier to a post which is related to civil service, compared to the period of time which formed a basis for payment of compensation.

§ 150. Release from active service on proposal of Defence Forces

(1) The Commander of the Defence Forces or a commander with the authority to recruit to active service may make a proposal to an active serviceman for premature termination of the active service relationship for a specified term or for termination of active service relationship for a specified term for at least 30 days before the desired term of termination.

(2) An active serviceman to whom a proposal has been made to terminate the service relationship may not be released without his or her written consent.

§ 151. Release from active service due to exmatriculation before completion of study programme

(1) Upon exmatriculation a cadet shall be released from active service because of being exmatriculated due to unsatisfactory academic achievement or any other reason before the completion of the study programme.

(2) A cadet shall be released from active service as of the next day following the day of exmatriculation.

(3) A person released from active service upon exmatriculation before the completion of the study programme may be recruited to active service again if he or she complies with the requirements for acceptance into active service.

§ 152. Release from active service upon appointment to post outside military service

An active serviceman shall be released from active service upon appointment to a post outside military service when he or she becomes a member of the Government of the Republic, the Secretary of State, the Auditor General, the Chancellor of Justice, a judge, a rural municipality mayor or a city mayor.

§ 153. Release from active service upon becoming a member of Riigikogu, European Parliament or local government council

An active serviceman shall be released from active service due to becoming a member of the Riigikogu, the European Parliament or a local government council as of the making of the decision by a competent body to this effect.

§ 154. Release from active service due to unexpected circumstances becoming evident

(1) An active serviceman may be released from active service due to unexpected circumstances that have become evident if:
1) the circumstances reveal the lack of knowledge and skills of an active serviceman to the extent established for the performance of duties, which does not allow him to continue the active service relationship and this could not be foreseen upon acceptance of an active serviceman for active service;
2) the active serviceman is declared missing.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) The release of an active serviceman on the basis provided for in clause (1) 1) of this section is not allowed if it is possible, with his or her consent, to transfer him to another peacetime post with the duties which are to a significant extent similar to the duties of the current post and the performance of the duties is possible regardless of the circumstances specified in clause (1) 1) of this section.

(3) An active serviceman may be released from active service on the basis provided for in clause (1) 1) of this section if prior to the release he or she has been granted a reasonable term for elimination of faults but an active serviceman has failed to eliminate the faults within the term. The Defence Forces shall organise the training for an active serviceman if the direct or immediate commander of an active serviceman considers it possible to eliminate the faults through training within a reasonable term and if the training does not cause disproportionately large expenses for the Defence Forces.

(4) Before the release of an active serviceman from service he or she shall be given an opportunity to attend an interview. The summary of the interview shall be formalised in writing and forwarded to an active serviceman for the submission of his or her opinion.

(5) An active serviceman shall be notified of the release in writing for at least 15 days in advance. The last day of the active service relationship of an active serviceman is the date set out in the notice of release from active service.

(6) An active serviceman shall be deemed to be missing if the Police and Border Guard Board have not been capable of the establishment of his or her whereabouts within 12 months as of the day the application for establishment of the whereabouts was submitted.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 155. Termination of service relationship of active serviceman in state of emergency

(1) In a state of emergency the service relationship with an active serviceman shall be terminated only on the basis provided for in clause 139 (1) 2) and clauses 140 (1) 3), 4), 6) and 12) of this Act.

(2) On the basis provided for in clause 140 (1) 13) of this Act the active service relationship may be terminated only if an active serviceman has been declared missing and the Police and Border Guard Board has commenced proceedings with regard to him to establish his or her whereabouts and has failed to do so within 12 months.

(3) In other cases an active serviceman shall be released from active service within one week as of the termination of the state of emergency if the circumstance being the basis for the release occurred during the state of emergency.

§ 156. Compensation for cost of resource-intensive training

(1) A resource-intensive training is a training with the duration of over 90 days or with the cost of over six times the minimum rate of monthly remuneration established by the Government of the Republic on the basis of subsection 29 (5) of the Employment Contracts Act.

(2) An active serviceman is required to compensate for the direct costs, resettlement expenses, daily allowance and secondment abroad allowance and the expenses incurred by the state, related to resource-intensive training, in proportion to the period of active service if he or she:
1) interrupted the training without good reason;
2) was released from active service on the basis of clauses 140 (1) 1), 4)-3) or 10)-13) of this Act, except upon being declared missing;
3) was released from active service due to a failure to perform the obligation provided for in subsection 98 (2) or subsection 99 (1) of this Act;
4) was released from active service due to a failure to acquire military training or education required for a post;
5) is not issued or extended a personnel security clearance for access to state secrets required for his or her post.

(3) An active serviceman who has been accepted for active service under the condition provided for in subsection 87 (3) of this Act is not required to compensate for the expenses of resource-intensive training if he or she is in active service until the expiry of the term set out in the directive on the acceptance for active service.

(4) An active serviceman who is in active service for an unspecified term is not required to compensate for the resource-intensive training if he or she is released from active service after the expiry of the term of the obligation to serve in active service set out in the directive on the sending on a resource-intensive training.

(5) An active serviceman who has received a health damage due to the performance of duties and whose state of health is in noncompliance with the health requirements for an active serviceman on the decision of the medical commission and who is released from active service for that reason is not required to compensate for the expenses of resource-intensive training.

(6) The obligation to serve in active service together with the time spent in resource -intensive training shall not be longer than ten years.

(7) The conditions and procedure for the calculation and compensation for the expenses of resource -intensive training and for the determination of the obligation to serve in active service for an unspecified term shall be established by a regulation of the minister responsible for the area.

(8) An active serviceman shall be sent on a resource-intensive training with his or her consent granted in a format which can be reproduced in writing.

Chapter 10
Disciplinary authority

Subchapter 1
Military discipline

§ 157. Military discipline

Military discipline is the accurate performance of acts, legislation established on the basis thereof and duties established by the orders of commanders and of the military order by all servicemen.

§ 158. Disciplinary authority

(1) The disciplinary authority is the competence of a commander to apply awards and disciplinary penalties with regard to the subordinate.

(2) An active serviceman substituting the commander temporarily has the disciplinary authority of the substituted commander.

(3) A commander shall have no right to restrict the disciplinary authority of the commander reporting to him or her.

§ 159. Awards

(1) An award is the recognition of a serviceman for a long-term impeccable service or an exceptionally good performance of duties.

(2) The awards are:
1) the deletion of a disciplinary penalty before term;
2) expression of thanks;
3) bestowal of the decoration of the Defence Forces;
4) grant of a monetary award;
5) making a valuable gift;
6) grant of a cut- and-thrust weapon or firearm registered to his or her name.

(3) The maximum rate of the cost of a valuable gift and monetary award shall be established by a regulation of the minister responsible for the area.

§ 160. Application of awards and taking account thereof

(1) The premature deletion of the disciplinary penalty shall be used as the first award with regard to a serviceman who has a valid disciplinary penalty.

(2) The commander who imposed the disciplinary penalty and the immediate commander thereof shall have the right to delete the disciplinary penalty before expiry of term.

(3) The immediate commander of a serviceman is entitled to present expression of thanks orally in front of the line of a corresponding assembly.

(4) The immediate commander with the authority to issue directives shall have the right to express appreciation by a directive.

(5) The commander with the authority to bestow decorations on the basis of an act shall have the right to bestow the decoration of the Defence Forces.

(6) The head of authority and the commander authorised by him or her to dispose of the budgetary means and the immediate commander thereof shall have the right to grant a monetary award and a valuable gift.

(7) The Commander of the Defence Forces shall have the right to award a cut-and-thrust weapon or firearm registered in the name.

(8) The procedure for taking account of the awards applied with regard to a serviceman shall be established by the Commander of the Defence Forces.

Subchapter 2
Disciplinary detention

§ 161. Disciplinary detention

(1) Disciplinary detention is a measure applied to a serviceman for the prevention of continuous commitment of disciplinary offence or the prevention of imminent danger to his or her health, life or property or the health, life or property of other persons arising from the serviceman.

(2) Disciplinary detention may be applied to all the servicemen irrespective of the post or rank of a serviceman.

§ 162. Imposition of disciplinary detention

(1) The Commander of a military authority, the commander of a structural unit of the Defence Forces, the chief of service, a serviceman involved in the performance of the duties of the Military Police, a serviceman appointed by the commander of a structural unit organising reservist training and the commander of a vessel on board the vessel of the Defence Forces shall have the authority to impose disciplinary detention.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(2) A serviceman appointed by the commander of the structural unit of the location of the post, a serviceman appointed by the Commander of the Defence Forces in the region of an international military operation or the Commander of a vessel on board the vessel of the Defence Forces shall also, in addition to the persons specified in subsection (1) of this section, have the authority to impose disciplinary detention if a serviceman is staying outside the usual location of his or her peacetime post and the basis for the imposition of disciplinary detention specified in subsection 161 (1) of this Act occurs with regard to him or her.
[RT I, 18.02.2014, 1 – entry into force 01.08.2014]

(3) The unit commander of a serviceman in the position of military rank who was imposed disciplinary detention shall be immediately notified of the imposition of disciplinary detention.

(4) A person with the authority to impose disciplinary detention may impose disciplinary detention also on a serviceman of a rank higher than him or her.

(5) If the imposition of disciplinary detention is due to the fact that a serviceman is unable to control his or her behaviour and may pose a danger to his or her own health, life or property or the health, life or property of another person, it is necessary to notify immediately thereof a health care professional who shall meet the detained serviceman at the earliest opportunity and identify the reason for the disorder of conduct. Where necessary, a serviceman shall be transported to a medical institution.

(6) A serviceman shall be released form disciplinary detention if the basis provided for in subsection 161 (1) of this Act has ceased to exist and the serviceman has not been imposed a disciplinary arrest.

(7) A serviceman with regard to whom a disciplinary detention is imposed shall be:
1) notified of the reason for disciplinary detention;
2) granted an opportunity to notify a person who is chosen by him or her of the disciplinary detention;
3) granted an opportunity to provide explanations;
4) granted an opportunity to file a challenge pursuant to the procedure provided for in § 214 of this Act or a complaint with the administrative court;
5) granted an opportunity to examine the minutes of the disciplinary detention and make requests about the conditions, course and results of the measure, which are recorded.

(8) A serviceman with regard to whom disciplinary detention is imposed shall not be detained for over 48 hours without the permission of the court.

(9) If a serviceman is imposed a disciplinary arrest for a disciplinary offence for the prevention of which disciplinary detention was imposed on him or her, the period of time spent under disciplinary detention shall be calculated into the period of disciplinary arrest.

(10) Disciplinary detention shall be recorded in the minutes pursuant to the bases and in the procedure specified in § 18 of the Administrative Procedure Act.

§ 163. Conditions of disciplinary detention

(1) A serviceman serving disciplinary detention shall be held in custody in a detention house of the Defence Forces or in a room adapted for detention.

(2) The adaptation of a room for detention shall be decided by the commander with the authority to impose disciplinary detention.

(3) The items which may endanger the security of a person, which are suitable for damaging property or which may endanger the security of the Defence Forces are banned for serviceman in the house of detention of the Defence Forces or a room adapted for detention.

(4) Requirements for the detention house of the Defence Forces and a room adapted for detention and the internal rules thereof and a list of the items prohibited for a detainee in a detention room and a room adapted for detention and the procedure for the storage, return, destruction and deposit of the items shall be established by a regulation of the minister responsible for the area.

(5) Upon disciplinary detention a security check and examination of belongings shall be performed with regard to a detained serviceman by way of observation or feeling.

(6) The security check shall be performed by an active serviceman of the same sex as the detained serviceman, in the absence thereof a doctor. Where necessary for countering an immediate threat, the security check may be performed by an active serviceman who is not of the same sex with the person.

(7) A detained serviceman shall have the right to be present at the examination of the items. Where necessary, the examination of the items may be performed by an active serviceman without the presence of a detained serviceman for countering an immediate threat or if a serviceman intentionally hinders examination of things.

(8) Upon security check and examination of items, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(9) The examination of things shall be documented.

(10) Money, valuables and documents shall be taken into storage from a serviceman, as well as a thing or medicine which may endanger himself or herself or other person. A serviceman from whom the things are taken into storage shall be issued, at the earliest opportunity, a copy of the report on the taking into storage of the things, including the specification of the structural unit of the Defence Forces arranging the storage of the things, the time of and the reason for the taking into storage of the thing and the description of the thing taken into storage.

(11) The things taken into storage shall be returned to the owner upon the termination of the disciplinary detention.

(12) A serviceman serving disciplinary detention shall not be lodged in the house of detention in the same premises as a serviceman punished by disciplinary arrest. Persons of different sex shall be kept in separate rooms.

(13) A serviceman serving disciplinary detention shall be kept under observation in order to ensure his or her safety. Upon the deterioration of his or her health, a health care professional shall be called.

§ 164. Rights of and restrictions applied to serviceman serving disciplinary detention

(1) A serviceman serving disciplinary detention has the right to:
1) treatment which respects his or her dignity and ensures that more distress and inconvenience shall not be caused to him than those that inevitably come with detention;
2) receive regular food;
3) receive health services.

(2) A serviceman serving disciplinary detention is prohibited to:
1) receive visitors;
2) use personal communication and electronic devices;
3) consume alcohol, narcotic and psychotropic and other substances with a similar effect.

(3) The freedom of a serviceman who is serving disciplinary detention shall be subjected to restrictions provided for by law. If there is no concrete restriction provided for by law, only such restrictions that are necessary for the ensuring of security of the Defence Forces or the security of the persons staying in the military zone of the Defence Forces may be applied. The restrictions must relate to the objective of the disciplinary

detention and to the principle of human dignity and shall not distort the nature of other rights and freedoms provided for by law.

§ 165. Use of physical force and active defence means

(1) To ensure the execution of the disciplinary detention a serviceman who is enforcing the disciplinary detention may use physical force if the detained serviceman offers resistance or there is an immediate danger of bodily harm to them or of violence toward other persons and verbal appeasing has been insufficient to eliminate the danger.

(2) Before the application of physical force a serviceman is required to caution the person verbally. Cautioning may be neglected if cautioning is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance.

(3) A serviceman who is enforcing the disciplinary detention may use handcuffs or binding means if this is unavoidable taking account of the nature of the behaviour of the detainee and the concrete situation, and avoid damage to the health of the detainee to a large extent.

(4) The use of handcuffs and a means of binding shall not last for more than one hour at a time.

(5) Before the use of handcuffs and a means of binding a serviceman is required to caution the person verbally. Cautioning may be neglected if cautioning is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance.

(6) Upon causing a health damage to the detainee by application of physical force or active means of protection a serviceman is required to provide first aid or enable the health care professional to provide aid.

Subchapter 3
Disciplinary offences and disciplinary penalties

§ 166. Disciplinary offences

(1) Disciplinary offences are:
1) negligence of the principles related to duties arising from an act or legislation established on the basis thereof and a failure to perform the requirements for service and duties and unsatisfactory performance thereof;
2) wrongful causing of damage to the property of an authority or the wrongful causing of danger of such damage or a wrongful act of a serviceman which is in conflict with the generally recognised moral standards, or which discredits a serviceman or an authority, regardless of whether the act is committed by the military serviceman in or out of service;
3) violation of restrictions on service by a serviceman.

(2) Upon processing of a disciplinary offense, the Defence Forces shall have the right to process the personal data of a serviceman and a person in reserve, including special categories of personal data.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 167. Disciplinary liability

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

(2) Only one disciplinary penalty may be imposed on a serviceman for one disciplinary offence. The penalty imposed for criminal offence or misdemeanour for the same offence or award of damages from the serviceman shall not preclude the imposition of a disciplinary penalty for the same offence.

§ 168. Objective and classification of disciplinary penalties

(1) The objective of a disciplinary penalty is the drawing of attention of a serviceman to his or her fault and the prevention of the commitment of a new offence by him or her.

(2) The disciplinary penalties are:
1) reprimand;
2) fatigue;
3) disciplinary arrest;
4) fine;
5) reduction of basic salary;
6) withdrawal of a decoration of the Defence Forces;
7) release from active service.

(3) A disciplinary penalty shall be imposed by an administrative act in writing.

§ 169. Reprimand

(1) A reprimand is the provision of an oral or written opinion by a commander concerning a disciplinary offence committed by his or her subordinate, which expresses condemnation of the disciplinary offence and calls on the sense of dignity, honour and duty of the subordinate.

(2) The immediate commander who is an active serviceman shall have the right to express reprimand.

§ 170. Disciplinary fatigue

(1) Disciplinary fatigue is the employment of a conscript on execution of work necessary for service outside training during time off.

(2) The immediate and direct commander who is an active serviceman shall have the right to impose disciplinary fatigue.

(3) A conscript who is imposed disciplinary fatigue shall not be armed and he or she shall not be used in the performance of guarding or supervisory tasks.

(4) It is prohibited to give tasks which require special training or degrade human dignity to a conscript who has been imposed a disciplinary fatigue duty.

(5) A disciplinary fatigue lasting for up to 48 hours may be imposed for one disciplinary offence. A conscript may be employed in disciplinary fatigue for up to eight hours in one twenty-four hour period. Upon employment in disciplinary fatigue a conscript shall be provided rest time for at least six consecutive hours.

§ 171. Disciplinary arrest

(1) Disciplinary arrest is the placement of a serviceman who has committed a disciplinary offence to a house of detention specified in subsection 156 (1) of the Imprisonment Act (hereinafter the police house of detention) or to the house of detention of the Defence Forces for the period of serving the disciplinary penalty or the isolation of a serviceman from other servicemen in the premises prescribed for such purposes for the period of serving the disciplinary penalty.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

(2) Disciplinary arrest is imposed on a serviceman who has committed serious or repeated violation of the military discipline.

(3) The head of the authority of the peacetime post, a commander of a structural unit of the Defence Forces or a chief of service shall impose a disciplinary arrest.

(4) The term for disciplinary arrest shall be calculated in days. A disciplinary arrest may be imposed for up to 14 days. One day in disciplinary arrest corresponds to 24 hours.

(5) The period of staying in disciplinary detention shall be calculated into the period of disciplinary arrest. 24 hours in disciplinary detention corresponds to one day in disciplinary arrest.

(6) Disciplinary arrest shall not be imposed on a pregnant or serviceman for whom it is contraindicated medically.

(7) A commander who imposed the disciplinary arrest shall notify the administrative court in the procedure provided for in § 173 of this Act. Notification of an administrative court of the disciplinary arrest shall not suspend the execution of the disciplinary arrest.

(8) If a serviceman who is serving disciplinary arrest in the house of detention of the Defence Forces or in the premises prescribed for such purposes is required to participate in a military training, the arrest shall be suspended for the period of military training. The arrest shall be resumed in the house of detention of the Defence Forces or in the premises prescribed for such purposes after the military training has terminated.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

(9) The salary prescribed for the period of service shall not be paid to an active serviceman and an allowance shall not be paid to a conscript or a reservist for the time spent under disciplinary arrest, except for the time when the serving the disciplinary arrest is suspended for participation in training and in the case the disciplinary arrest is declared unlawful.

(10) A reservist shall be applied the disciplinary arrest until the end of the reservist training for the longest.

(11) The period spent under the disciplinary arrest shall not be calculated into the tenure of active service.

(12) During the period under disciplinary arrest a serviceman shall have no right to execute the public and disciplinary authorities entrusted to him, or use the command authority.

§ 172. Rights of serviceman serving disciplinary arrest and restrictions applicable thereto

(1) A serviceman under disciplinary arrest shall have the same rights and similar restrictions shall be applied with regard to him as to the person serving disciplinary detention provided for in § 164 of this Act.

(2) In the case of the imposition of disciplinary arrest, upon placement in the house of detention of the Defence Forces or in the premises prescribed for such purposes or before being transported to the police house of detention from the structural unit of the Defence Forces a serviceman shall have to undergo a security check and examination of items under the conditions and pursuant to the procedure provided for in § 163 of this Act. The servicemen shall undergo medical examination, prescribed in the Imprisonment Act, at the structural unit of the Defence Forces before being transported to the police house of detention.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

(3) With regard to a serviceman who has been placed in the police house of detention the provisions of the Imprisonment Act regulating the execution of arrest and imprisonment in the house of detention shall be applied.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

§ 173. Notification of administrative court of imposition of disciplinary arrest and verification of lawfulness of disciplinary arrest

(1) The commander who imposes disciplinary arrest shall immediately notify the administrative court of the location of the military unit of the imposition of the disciplinary arrest, submitting, among other, the following documents:
1) an approved copy of the directive on the imposition of the disciplinary arrest on a serviceman;
2) summary of the disciplinary investigation and other relevant materials.

(2) Upon verification of the lawfulness of disciplinary arrest imposed on a serviceman as disciplinary penalty, the administrative court judge shall make a judgment promptly without ascertaining the facts of the act committed by a serviceman on the basis of the provisions of the Code of Administrative Court Procedure on granting a permission for administrative proceeding on whether the imposition of the disciplinary arrest on the military serviceman was lawful, or shall declare the imposition of the disciplinary arrest to be unlawful.

(3) The administrative court judge shall verify if:
1) a disciplinary punishment may be imposed for the act committed by the military serviceman;
2) a disciplinary investigation was conducted before the imposition of disciplinary arrest;
3) a serviceman has been informed of his or her rights and whether he has been granted the opportunity to give explanations with regard to his or her acts;
4) the commander was competent to impose a disciplinary arrest on the military serviceman.

(4) If an administrative court, by its judgment, declares the disciplinary arrest to be unlawful, a serviceman serving the disciplinary arrest shall be immediately released from disciplinary arrest.

(5) The commander who made the decision on the release shall immediately notify the administrative court, the Inspector General of the Defence Forces and the Chancellor of Justice of the decision and of the release of a serviceman from the disciplinary arrest.

(6) A serviceman shall be compensated for the damage in the procedure provided for in the State Liability Act.

§ 174. Fine

(1) An active serviceman may be imposed a fine for a disciplinary offence in the amount of up to his or her ten daily wages.

(2) The commander of the authority of the peacetime post and the commander of a structural unit and a chief of service authorised by him or her to dispose of the budgetary means shall have the right to impose a fine.

(3) A fine shall be deducted from the salary of the offender and the funds received from the imposition of fine shall be transferred to the state budget.

(4) A fine shall be deducted from the salary of an active serviceman taking into account that the total amount of all deductions shall not exceed 50 per cent of the salary payable to a person in one month.

§ 175. Reduction of basic salary

(1) The salary of an active serviceman may be reduced by up to 30 per cent for up six months for a disciplinary offence. Upon the reduction of the basic salary the variable salary payable to the active serviceman shall be reduced as much.

(2) The commander whose competence involves determination of the salary to an active serviceman has the right to reduce the basic salary.

(3) The administrative act on the reduction of a basic salary shall set out the duration of the penalty.

§ 176. Withdrawal of decoration of Defence Forces

(1) A decoration of the Defence Forces may be withdrawn from a serviceman who has committed an act which discredits the authority or an act which is in conflict with generally recognised moral standards.

(2) The commander who has the authority for bestowal of a decoration on the basis of the Decorations Act shall have the right for withdrawal of the decoration of the Defence Forces.

(3) A commander whose disciplinary authority does not allow application of withdrawal of a decoration of the Defence Forces, shall have the right to address with an application a commander who has the competence for imposition of the said penalty in order to punish a serviceman who has committed a disciplinary offence.

(4) A serviceman from whom a decoration of the Defence Forces has been withdrawn shall return the decoration, ribbon and certificate to the person competent for the bestowal of a decoration.

§ 177. Release from active service as disciplinary penalty

An active serviceman may be released from active service by way of disciplinary procedure if the disciplinary offence was committed intentionally or as a result of grave negligence or due to the nature of the act it is impossible for an active serviceman to continue in active service.

Subchapter 4
Disciplinary proceedings

§ 178. Purpose of disciplinary proceedings

The purpose of disciplinary proceedings is to detect disciplinary offences expeditiously and fully, ascertain offenders and the circumstances of offences and impose disciplinary punishments correctly.

§ 179. Opening of disciplinary proceedings

(1) Disciplinary proceedings may be opened if circumstances have become evident which suggest that an act with elements of a disciplinary offence has been committed.

(2) Disciplinary proceedings are opened by the immediate commander or direct commander of the military serviceman who has committed a disciplinary offence or a commander of the location of the place of disciplinary offence.

(3) In addition to the provisions of subsection (2) of this section disciplinary proceedings may be commenced by the commander of the structural unit responsible for the performance of the principal duties of the Military Police.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(4) The direct commander of the person who commenced the disciplinary proceedings may intervene in any disciplinary proceedings conducted by a person subordinate to him or her.

(5) A serviceman with regard to whom disciplinary proceedings were commenced shall be notified of the commencement of disciplinary proceedings at the earliest opportunity.

§ 180. Conduct of disciplinary proceedings

(1) A person opening the proceedings or a person authorised by him or her shall have the right to conduct disciplinary proceedings.

(2) The person conducting the disciplinary proceedings shall have the right to gather evidence on the disciplinary offence and request explanations.

(3) If it becomes evident in the course of disciplinary proceedings that the facts of a disciplinary offence are not clear or due to the facts of the disciplinary offence a serviceman should be punished by a disciplinary arrest, disciplinary proceedings shall be commenced.

(4) Deriving from the complexity of the facts or the effect of the disciplinary proceedings on the Defence Forces or the National Defence League, the Commander of the Defence Forces shall have the right to refer the disciplinary proceedings conducted with regard to a serviceman to the structural unit responsible for the performance of the principal duties of the Military Police provided in the statutes of the Defence Forces. [RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(5) A serviceman with regard to whom disciplinary proceedings were commenced shall have the opportunity to submit a written explanation concerning the disciplinary offence within five working days.

(6) The person conducting the disciplinary proceedings may require from a serviceman or other person who was present during the commitment of a disciplinary offence or who was aware of the facts of the disciplinary offence (hereinafter witness) a written explanation about the disciplinary offence and the witness is required to provide such explanation. The refusal to give explanation is a breach of duties, except in the case the witness is requested information concerning an act committed by himself or herself, his or her grandparent, parent, brother, sister, child, grandchild, spouse or unmarried partner or a parent, brother, sister or child of a spouse or unmarried partner.

(7) In the course of disciplinary proceedings the commander with the appointing authority may exclude an active serviceman from the post for the period of disciplinary proceedings on the proposal of the person conducting disciplinary proceedings in the procedure provided for in subsections 137 (1) and (2) of this Act.

(8) The procedure for the conduct and documentation of disciplinary proceedings shall be established by the Commander of the Defence Forces.

(9) A serviceman with regard to whom the disciplinary proceedings were conducted shall have the right to examine the materials of the disciplinary proceedings after the conduct thereof.

(10) The materials gathered in the course of the disciplinary proceedings shall be preserved in a format which can be reproduced in writing in the structural unit conducting the proceedings or at the location of the position of military rank of a serviceman in the procedure established the Commander of the Defence Forces.

§ 181. Evaluation of guilt

(1) A serviceman shall be liable for disciplinary offence only if the guilt exists.

(2) The forms of guilt are intent, negligence and grave negligence.

(3) Intent is a conscious wish to violate service duties.

(4) Negligence is a failure of a serviceman to observe due diligence for the performance of duties.

(5) Grave negligence is a failure of a serviceman to observe due diligence for the performance of duties to a significant extent.

(6) The education, work experience, knowledge and skills of a serviceman shall be taken account of, among other, upon the evaluation of guilt
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§ 182. Circumstances which mitigate disciplinary liability

(1) The circumstances which mitigate disciplinary liability are:
1) confession of the disciplinary offence and sincere remorse;
2) voluntary compensation for damage;
3) commission of the disciplinary offence due to difficult personal situation;
4) commission of the disciplinary offence in a provoked state due to an unlawful act.

(2) The commander imposing a disciplinary penalty may also deem other circumstances to be mitigating the disciplinary liability.

§ 183. Circumstances which aggravate disciplinary liability

Circumstances which aggravate disciplinary liability are:
1) commission of the disciplinary offence for the purpose of personal gain or other base motive;
2) continuation of prohibited activity regardless of the demands expressed by other persons to terminate such activity;
3) repeated commission of disciplinary offences;
4) commission of the disciplinary offence together by several military servicemen;
5) commission of the disciplinary offence in a state of intoxication for the purposes of subsection 191 (2) of this Act;
6) hindering the activities of the structural unit or decreasing the combat readiness of the unit as a result of the disciplinary offence;
7) hindering the disciplinary proceedings;

8) commission of a disciplinary offence by a serviceman who is serving a disciplinary penalty.

§ 184. Imposition of disciplinary penalty

(1) A disciplinary penalty shall be imposed by the immediate commander or direct commander of the military serviceman who has committed a disciplinary offence.

(2) If the disciplinary proceedings were conducted by the commander of the structural unit of the location of the commission of the disciplinary offence, by a person authorised by him or by the military police, the materials related to the disciplinary proceedings shall be submitted to the imposer of the disciplinary offence for deciding on the imposition of the disciplinary offence.

(3) A disciplinary penalty shall be imposed in proportion with the gravity of the disciplinary offence. Upon choosing the disciplinary penalty the commander shall primarily take account of the gravity of the consequences of the disciplinary offence, the form of guilt, the prior service-related behaviour of a serviceman and the circumstances which mitigate and aggravate the liability.

§ 185. Term for imposition of disciplinary penalty and notification thereof

(1) A commander shall impose a disciplinary penalty immediately, but not later than within 30 days, as of the date on which the disciplinary proceedings were commenced. In the case of a disciplinary investigation the commander shall impose the disciplinary penalty within 15 days as of the approval of the summary of the disciplinary investigation.

(2) The term provided for in subsection (1) of this section shall not include the time when the service relationship of a serviceman is suspended on the bases provided for by law and the time spent in the criminal proceedings conducted with regard to the same act.

(3) A disciplinary penalty shall not be imposed if over one year has passed from the commission of the disciplinary offence.

(4) A serviceman shall be notified of the disciplinary penalty against signature within three working days as of the issue of the administrative act.

(5) A serviceman who is not in the premises of the position of military rank or whose service relationship has been suspended shall be notified of the disciplinary penalty within three working days after the arrival at the location of the position of military rank or after the termination of the service relationship.

(6) Upon notification of the disciplinary penalty a serviceman shall be explained the nature of the disciplinary offence and his or her rights.

§ 186. Termination of disciplinary proceedings

The disciplinary proceedings shall terminate upon the notification of the serviceman of the decision on the imposition of the disciplinary penalty or termination of disciplinary proceedings or upon the death of the person subject to proceedings.

§ 187. Amendment and cancellation of disciplinary penalty

(1) A commander is required to amend or cancel a disciplinary penalty, imposed by a subordinate commander, if the subordinate commander has exceeded the limits of his or her authority.

(2) In the case specified in subsection (1) of this section the commander shall conduct disciplinary proceedings to ascertain the circumstances and decide on the amendment or cancellation of the decision.

(3) The commander shall immediately notify the subordinate commander of his or her decision on the amendment or cancellation of the disciplinary penalty.

§ 188. Enforcement of disciplinary penalty

(1) A disciplinary penalty shall enter into force as of the moment when the military serviceman is notified thereof.

(2) If a disciplinary penalty cannot be immediately executed after its entry into force for a good reason, it shall be executed after the reason ceases to exist but not later than within thirty days after the imposition of the disciplinary penalty.

(3) The running of the term provided for in subsection (2) of this section shall be suspended for the period of staying on secondment of a serviceman or for the term of the suspension of the service relationship of the serviceman the basis provided for in this Act.

(4) A disciplinary penalty shall not be executed if the execution thereof has not commenced within one year as of its imposition.

(5) The commander imposing the disciplinary penalty shall be responsible for the timely execution of a disciplinary penalty.

(5^1) The execution of the disciplinary arrest shall be terminated and the disciplinary arrest shall be deemed served if the state of health of a serviceman does not allow serving the disciplinary arrest in the police house of detention or the house of detention of the Defence Forces or in the premises prescribed for such purposes.
[RT I, 01.03.2017, 1 – entry into force 01.04.2017]

(6) The procedure for enforcement of disciplinary penalties imposed on a serviceman and keeping account of disciplinary penalties shall be established by the Commander of the Defence Forces.

§ 189. Expiry of disciplinary penalty

A disciplinary penalty shall expire within one year after the date on which the disciplinary penalty was imposed if no new disciplinary penalty is imposed on the military serviceman.

§ 190. Challenge of disciplinary penalty

A serviceman has the right to challenge the disciplinary penalty imposed on him in the procedure provided for in § 214 of this Act.

§ 191. Exclusion of serviceman in state of intoxication from performance of duties

(1) A serviceman is prohibited to consume alcohol and narcotics and psychotropic substances and other similar substances when he or she is at work and to stay in service with the signs of the consumption of alcohol and narcotics and psychotropic substances.

(2) The commander shall exclude a serviceman who has a state of health caused by consumption of alcohol or narcotic, psychotropic and other similar substances which is expressed in disturbed or changed bodily or psychological duties and reactions (hereinafter a state of intoxication) from the performance of duties or until becoming sober.

(3) A state of intoxication shall be checked and it is established in the procedure established in the Law Enforcement Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(4) An active serviceman, an official performing the duties of the Military Police and a police officer shall have the right to check a state of intoxication of a serviceman. A police officer shall have the right to check the state of intoxication.
[RT I, 29.05.2018, 1 – entry into force 01.07.2018]

(5) Upon establishment of a state of intoxication of an active serviceman the active service relationship shall be deemed suspended on the day of checking the state of intoxication for the purposes of clause 131 (1) 8) of this Act and a salary and other additional remuneration prescribed by law shall not be paid to the military serviceman for that day.

(6) The commander of a serviceman is required to notify immediately in writing the structural unit which is competent to withhold the allowance and salary and additional remuneration prescribed by law of the suspension of the duration of the conscript service or of the suspension of the active service relationship.

Chapter 11
Professional Guarantees

§ 192. Occupational health and safety requirements

(1) The Occupational Health and Safety Act shall be applied to the conditions of service of a serviceman and a person in alternative service taking account of the specifications provided for in this Act.

(2) The authority of the post or place of service of a serviceman and a person in alternative service shall ensure the fulfilment of occupational health and safety requirements.

(3) The authority of the post or place of service of a serviceman and a person in alternative service shall ensure and organise the investigation of occupational accidents or occupational diseases.

§ 193. Covering expenses related to health services, medical devices, medicines and medical treatment of military serviceman and person in alternative service

(1) A serviceman shall be ensured at the expense of the state up to the maximum extent, where necessary, health services, medical devices and medicines, the obligation for payment of which has not been taken over by the Health Insurance Fund on the basis of the Health Insurance Act.

(2) A person in alternative service shall be ensured, where necessary, health services, medical devices and medicines on the basis of the Health Insurance Act.

(3) The expenses related to the medical treatment of a serviceman and a person in alternative service who have received serious damage to health due to the performance of duties shall be covered, where necessary, from the budget of the area of government of the Estonian Ministry of Defence as follows:
1) for transport expenses to a medical institution and back;
2) for transport expenses to a medical institution and back of one escort of a serviceman and a person in alternative service in the case of the reduced mobility;
3) in the case of in-stay care at a hospital transport expenses to a medical institution and back and the accommodation expenses at the location of a medical treatment institution for up to two persons specified by a serviceman and a person in alternative service.

(4) The conditions, extent and procedure for covering the expenses related to health services, medical devices, medicines and medical treatment of a serviceman and a person in alternative service shall be established by a regulation of the minister responsible for the area.

(5) This section shall not be applied to the rights and obligations arising from the Occupational Health and Safety Act.

§ 194. Covering expenses related to health services, medical devices, medicines and medical treatment of person who received health damage due to performance of duties and was released from service

(1) A person who has received health damage due to the performance of duties and has been released form service shall be ensured, where necessary, at the expense of the state up to the maximum rate, health services, medical devices and medicines arising from the health damage due to the performance of duties, the obligation of the payment for which has not been taken over by the Estonian Health Insurance Fund.

(2) The transport and accommodation expenses related to the provision of health services arising from health damage received of a person specified in subsection (1) of this section shall be covered, where necessary, from the budget of the area of government of the Estonian Ministry of Defence up to the maximum rate.

(3) In the case of the reduced mobility of a person specified in subsection (1) of this section the transport and accommodation expenses of one escort of a person shall be covered, where necessary, up to the maximum rate.

(4) The medical commission of the Defence Forces shall decide on the need for ensuring the health services, medical devices and medicines of a person specified in subsection (1) of this section.

(5) The conditions, extent and procedure for covering the expenses related to health services, medical devices, medicines and medical treatment of a person who has received health damage due to the performance of duties and has been released from service shall be established by a regulation of the minister responsible for the area.

§ 195. Ensuring psychological assistance and social service and covering additional expenses related to incapacity for work or disability

[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(1) A serviceman, person in alternative service and a person released from service shall be ensured psychological assistance and social counselling at his or her request, and where necessary, from the budget of the area of government of the Estonian Ministry of Defence.

(1^1) A person who received health damage due to the performance of duties shall be ensured, where necessary, from the budget of the area of government of the Estonian Ministry of Defence up to the maximum amount:
1) assumption by state of obligation to pay fee upon provision of social rehabilitation service;
2) assumption by state of obligation to pay fee upon purchase or lease of technical aid;
3) general care service provided outside home.

(2) A serviceman, person in alternative service and a person released from service shall be ensured the social services specified in subsection (1) of this section which are not financed or ensured on the basis of the Social Welfare Act, from the budget of the area of government of the Estonian Ministry of Defence.

A person who received health damage due to the performance of duties shall be ensured the fulfilment of the provisions of subsection (11) of this section from the budget of the area of government of the Estonian Ministry of Defence up to the maximum amount if the state does not have to assume the obligation to pay a fee on the basis of the Social Welfare Act or if the service is not financed or ensured on the basis of the Social Welfare Act.

(3) The additional expenses related to the permanent incapacity for work or disability, which are not compensated for on the basis of the Social Benefits for Disabled Persons Act, shall be covered, where necessary, up to a maximum limit from the budget of the area of government of the Estonian Ministry of Defence to a person who received health damage due to the performance of duties.

(4) The conditions, procedure and extent of covering additional expenses related to ensuring the services or covering the expenses specified in this section and permanent incapacity for work or disability shall be established by a regulation of the minister responsible for the area.

(5) The minister responsible for the area may provide for, in the regulation specified in subsection (4) of this section, the names of the technical aids upon purchase or lease of which the assumption of the obligation to pay a fee shall be ensured first from the budget of the area of government of the Estonian Ministry of Defence.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

§ 196. Compensation upon death or incapacity for work of serviceman and person in alternative service

(1) Upon death of a serviceman and a person in alternative service due to the performance of duties lump sum compensation shall be paid by the state in the amount of 150 times the last average gross monthly salary of the month prior to the month of death published by the Statistics Estonia.

(2) A serviceman and a person in alternative service shall have the right to nominate a natural person or persons to receive up to 50 per cent of the compensation specified in subsection (1) of this section.

(3) The procedure for the appointment of a natural person entitled to receive the compensation by a serviceman and a person in alternative service shall be established by a regulation of the minister responsible for the area.

(4) The funeral of a serviceman and a person in alternative service who died due to the performance of the duties shall be organised and the funeral expenses shall be covered by the state up to the maximum limit.

(5) The extent of the expenses of organising the funeral of a serviceman and a person in alternative service who died due to the performance of duties and the conditions and procedure for the payment thereof shall be established by a regulation of the minister responsible for the area.

(6) A person who is temporarily incapacitated for work resulting from health damage received due to the performance of duties who has been released from the military service or alternative service and who has no right to receive benefit for temporary incapacity for work on the basis of the Health Insurance Act shall be paid compensation by the state for the period of temporary incapacity for work, calculating the amount to be paid for one calendar day on the basis of the procedure for calculating the average income per one calendar day provided for in § 55 of the Health Insurance Act.

(7) A person who is declared permanently incapacitated for work as a result of the health damage received due to the performance of duties shall be paid a lump sum compensation by the state as follows:
1) in the event of the loss of capacity for work to the extent of 10-30 per cent – in the amount equal to six times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;
2) in the event of the loss of capacity for work to the extent of 40-50 per cent – in the amount equal to 24 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;
3) in the event of the loss of capacity for work to the extent of 60-70 per cent – in the amount equal to 48 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;
4) in the event of the loss of capacity for work to the extent of 80-90 per cent – in the amount equal to 72 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;
5) in the case of the loss of capacity for work to the extent of 100 per cent – in the amount equal to 96 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(8) After the payment of the compensation on the basis of this section the right of claim shall arise for the state with regard to a guilty person in the amount of the compensation paid. The minister responsible for the area or a person authorised by him or her shall represent the state in the claim case.

§ 197. Payment of compensation

(1) Upon the death of a serviceman and a person in alternative service due to the performance of duties the compensation prescribed in subsection 196 (1) of this Act shall be paid as follows:

1) up to 50 per cent of the amount of compensation to a natural person or persons nominated by the deceased;
2) at least 50 per cent of the amount of compensation to the children, parents, widow or a widower and other persons who were maintained by the deceased on the basis of the Family Law Act.

(2) Upon a failure to nominate a person or persons the total compensation shall be paid out to the persons specified in clause (1) 2) of this section. In the event that a serviceman or a person in alternative service does not have a person specified in clause (1) 2) of this section, the total amount of the compensation shall be paid to a person or persons nominated by a serviceman or a person in alternative service.

(3) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(4) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(5) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(6) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(7) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(8) A person who is entitled to get compensation shall have the right to apply for the compensation within one year as of the determination of the incapacity for work or as of the death of a serviceman.

(9) The conditions and procedure for the submission of the application for payment of lump sum compensation, determination and payment of the compensation in the case of the death or loss of capacity for work due to the performance of duties shall be established by a regulation of the minister responsible for the area.

§ 198. Allowance to active serviceman who received health damage due to performance of duties on international military operation

(1) An active serviceman who has received health damage due to performance of duties on an international military operation and whose secondment abroad shall be terminated therefor shall be paid monthly allowance from the budget of the Defence Forces during the period of the temporary incapacity for work.

(2) Allowance shall be paid to an active serviceman in the amount of the daily allowance designated for international military operation until the termination of the secondment abroad.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

(3) The allowance specified in subsection (1) of this section shall not be paid longer than until the expiry of the term of secondment abroad determined in the directive on sending on a secondment abroad.

§ 199. Ensuring social counselling, psychological assistance and rehabilitation treatment for family members of serviceman who died or received permanent health damage due to performance of duties

[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

(1) Family members of a serviceman who died or received permanent health damage due to the performance of duties shall be ensured social counselling, psychological assistance and rehabilitation treatment up to the maximum limit if the need for assistance arises from the death of a serviceman or permanent health damage received.

(2) The conditions, extent and procedure for ensuring social counselling and psychological assistance to family members of a serviceman who died or has received permanent health damage due the performance of duties shall be established by a regulation of the minister responsible for the area.

(3) The ensuring of the services specified in subsection (1) of this section shall be based on the plan for provision of health and social services, which is established by a directive of the minister responsible for the area.

(4) The family members of a serviceman who died or has received permanent health damage due to the performance of duties shall be ensured rehabilitation treatment to the extent and in the procedure established on the basis of subsection 52 (22) of the Health Care Services Organisation Act.
[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

§ 200. Reimbursement of study expenses

(1) A person who has received permanent health damage due the performance of duties and has been released from active service therefor and who takes up studies at an educational institution located in Estonia after the

release from active service, shall be reimbursed the study expenses up to the maximum limit from the budget of the area of government of the Estonian Ministry of Defence.
[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

(1^1) An active serviceman who has received permanent health damage due the performance of duties, who takes up studies at an educational institution located in Estonia during active service, shall be reimbursed, where necessary, the expenses of in-service training or retraining to the maximum limit from the budget of the area of government of the Estonian Ministry of Defence.
[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

(1^2) An active serviceman who has participated in an international military operation and is applying for departure from active service, who has a tenure of active service of at least two years and who takes up studies at an educational institution located in Estonia during active service, shall be reimbursed, where necessary, the expenses of in-service training or retraining of the new profession or area of specialisation to the maximum limit from the budget of the area of government of the Estonian Ministry of Defence.
[RT I, 22.12.2014, 1 – entry into force 01.01.2015]

(2) The conditions, extent and procedure for reimbursement of study expenses shall be established by a regulation of the minister responsible for the area.

§ 201. Use of staff accommodation upon termination of active service

(1) A person who has been provided staff accommodation on the basis of § 111 of this Act and who has received a permanent health damage due to the performance of duties and has been released from service therefor shall retain the right for use of staff accommodation for three years as of the release from service.

(2) Family members who lived together with an active serviceman who died due to the performance of duties shall have the right to use the staff accommodation granted to the active serviceman for up to three years as of the termination of the service relationship of an active serviceman on the basis of clause 139 (1) 2).

(3) The provisions of subsections 111 (2)-(5) of this Act shall be applied in the case of the right of use of staff accommodation provided for in subsections (1) and (2) of this section.
[RT I, 09.03.2016, 1 – entry into force 19.03.2016]

§ 202. Application for professional guarantee

(1) In order to receive the compensation and allowance provided for in §§ 193-196 and 198-201 of this Act and to continue using staff accommodation the entitled person shall submit an application in writing alongside with the documents giving proof of his or her right.

(2) A serviceman or a person related to him or her shall submit a written application to the authority where the position of military rank of a serviceman was located during the occurrence of the event.

(3) A person in alternative service or a person related to him shall submit an application in writing to the Defence Resources Agency.

(4) The authority that receives the application shall carry out an additional investigation to the investigation provided for in subsection 192 (3) of this Act to establish the right of a person for professional guarantees.

(5) The procedure for the investigation carried out to establish the right to receive professional guarantees shall be established by a regulation of the minister responsible for the area.

(6) The Defence Forces shall keep record of the persons applying for professional guarantee prescribed in §§ 193–196, 198–201, 209 and 210 of this Act.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 203. Circumstances precluding creation of right to receive professional guarantee

(1) The provisions of this section shall not be applied and it is not deemed to be the performance of service duty if:
1) the service relationship of a serviceman or a person in alternative service had suspended during the event occurring on the basis of § 48 or § 66 or subsection 131 (1) of this Act;
2) a serviceman or a person in alternative service had left from the location of the position of military rank or place of service by the permission of the commander or head of agency during the event occurring;
3) a serviceman or a person in alternative service had left from the location of the position of military rank or place of service without authorisation during the event occurring;
4) a serviceman or a person in alternative service was in an intentionally caused state of intoxication during the event occurring;
5) the act of a serviceman was punishable by way of disciplinary procedure;
6) a serviceman or a person in alternative service committed an offence during the event occurring;
7) a serviceman or a person in alternative service committed a suicide or an attempt of suicide or a self-injury which was not related to the medical condition nor was it caused by wrongful behaviour of other persons;

8) a serviceman or a person in alternative service neglected the safety requirements resulting in health damage;
9) a serviceman or a person in alternative service was engaged in an activity not related to duties during event occurring;
10) a serviceman had previously refused to participate in health damage prevention actions or failed to participate therein or
11) a serviceman or a person in alternative service had been suspended from service during event occurring due to the disciplinary proceedings or on other basis provided by law.

(2) In addition to the provisions specified in subsection (1) of this section the fact that there is no medical connection between the performance of duties and the creation of health damage on the decision of the medical commission or in the event of a person in alternative service the creation of the health damage due to accident at work or occupational illness has not been established with the investigation carried out on the basis of the Occupational Health and Safety Act is deemed to be a circumstance precluding the creation of the right to receive professional guarantees provided for in this section.

§ 204. Suspension or termination of right to receive professional guarantee

(1) The right for professional guarantee provided for in this chapter shall be suspended for the period when the entitled person is under arrest or detained.

(2) The right for professional guarantee provided for in this chapter shall terminate if the entitled person:
1) is serving sentence of imprisonment;
2) waives the prescribed guarantee;
3) fails to appear without good reason to the prescribed medical treatment or provision of rehabilitation service.

(3) If the circumstances provided for in subsection (2) of this section cease to exist, the right to receive professional guarantees shall not be recovered. Upon the termination of guarantees a person shall retain the right to receive general state guarantees.

§ 204[1]. Processing of personal data

I n order to apply the service-related guarantees referred to in this Chapter, the Defence Forces, the Defence Resources Agency, the Ministry of Defence, the medical commission of the Defence Forces and the medical peer review commission of the Ministry of Defence shall have the right to process personal data, including special categories of personal data, of the person entitled to the service-related guarantee.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

Chapter 12
Pension insurance

§ 205. Pension insurance of person who has served in military service and family member thereof

(1) The provisions of the State Pension Insurance Act shall be applied to the pension insurance of a person who has served in military service and a family member thereof taking account of the specification provided for in this Act.

(2) A person who has the right to receive several state pensions shall be granted one state pension at his or her choice.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(3) [Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(4) An active serviceman and a person who has been in active service, conscript service and reservist service shall have the right to receive the pension for incapacity for work.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(5) A family member provided for in subsection 210 (1) of this Act of a person who died due to the performance of duties in military service shall have the right to receive a survivor’s pension.

§ 206. Military pension

[Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 207. Payment of military pension to Commander of Defence Forces and Deputy Commander of Defence Forces

[Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 208. Restrictions on receiving military pension

[Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 209. Pension for incapacity for work

(1) A person who has been established permanent incapacity for work fully or partially due to the performance of duties in military service shall have the right to receive the pension for incapacity for work.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(2) The right to receive the pension for incapacity for work shall not be created if the circumstances provided for in § 203 of this Act exist.

(3) The calculation of the pension for incapacity for work is based on the extent of the loss of capacity for work due to the performance of duties and one and a half times the latest average gross monthly salary in a calendar year published by Statistics Estonia, which was published by the day from which the pension for the incapacity for work was granted.
[RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(4) The amount of the pension for incapacity for work is:
1) in the event of the loss of capacity for work of 100 per cent – in the amount equal to 80 per cent of the amount specified in subsection (3) of this section;
2) in the event of the loss of capacity for work of 50-90 per cent – in the amount equal to 60 per cent of the amount specified in subsection (3) of this section;
3) in the event of the loss of capacity for work of 10-40 per cent – in the amount equal to 40 per cent of the amount specified in subsection (3) of this section.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(5) The pension for incapacity for work shall be granted for the period for which the permanent incapacity for work of a person who received health damage due to the performance of duties in military service has been determined by the medical commission of the Defence Forces.

(6) [Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(7) If a person receiving the pension for incapacity for work attains the retirement age provided for in § 7 of the State Pension Insurance Act, the payment of the current pension for incapacity for work shall be continued for life at the request of the person. The pension granted shall be applied subsections 211 (1) and (5)–(7) and subsections 212 (1) and (2) of this Act.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 210. Survivor's pension

(1) If a serviceman died due to the performance of his or her duties, the following members of his or her family who were maintained by him shall have the right to receive a survivor’s pension:
1) child, brother, sister or grandchild who is under 18 years of age or older if he or she was declared permanently incapacitated for work or if he or she has been established partial or no work ability before he or she attained 18 years of age;
2) child, brother, sister or grandchild who is under 24 years of age or older if he or she is a student enrolled in the daytime studies at an upper secondary school or vocational educational institution or, for medical reasons in another form of studies, or is a student enrolled in the full-time studies at a university or institution of professional higher education and has been declared permanently incapacitated for work or if he or she has been established partial or no work ability before he attained 24 years of age);
3) a parent or widow or widower who is at pensionable age or permanently incapacitated for work, or with partial or no work ability whose marriage to the provider had lasted for at least five years;
4) a divorced spouse who attained the pensionable age or was declared permanently incapacitated for work or who has been established partial or no work ability before the divorce;
5) one of the parents, a widow or a widower or a guardian of the child, who is not employed and is raising the provider’s children, brothers, sisters or grandchildren who are under 18 years of age, in his or her family.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(2) A brother, sister or grandchild has the right to receive a pension if he or she does not have parents with capacity for work.

(3) The right of a child, parent or widow or widower to receive a survivor's pension is not dependent upon whether or not he or she was maintained by the provider.

(4) A person specified in subsection (1) of this section shall also have the right to receive a survivor's pension even if the provider is missing and the Police and Border Guard Board have initiated proceedings for establishing the whereabouts of a missing person with regard to him or her and have failed to establish the whereabouts of the provider within 12 months.

(5) The basis for calculation of a survivor's pension is the latest average gross monthly salary in a calendar year published by Statistics Estonia which was published by the day from which the survivor's pension was granted.
[RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(6) The survivor's pension is calculated in the amount of 35 per cent per one person entitled to receive survivor's pension, in the amount of 55 per cent per two persons with the right to receive the survivor's pension, for three and more persons entitled to receive the survivor’s pension in the amount of 75 per cent of the amount used as a basis for the calculation of the survivor's pension.

(7) Upon remarriage of a widow or widower or a divorced person the survivor's pension granted to him of her shall be retained for one month after his or her the remarriage.

(8) A survivor's pension shall be granted for the period during which the person meets the requirements provided for in subsections (1) and (5) of this section or for the period when the survivor is declared missing.

§ 211. Claim for, grant and indexation of pension

(1) A pension is claimed, granted and indexed in the procedure provided for in the State Pension Insurance Act, taking account of the specification provided for in this Act.

(2) A pension shall be granted as of the day of the creation of the right to receive this type of pension, which is:
1) [Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020];
2) upon the claim for the pension for incapacity for work the day of the grant of the permanent incapacity for work;
3) upon the claim for survivor's pension the day when the serviceman died due to the performance of duties or the day of declaring the death thereof.

(3) If a serviceman is declared missing and the Police and Border Guard Board have commenced proceedings for establishing the whereabouts of a missing person with regard to him or her and have failed to establish the whereabouts of the provider within 12 months, the right to receive a survivor's pension shall arise after 12 months have passed from the commencement of the proceeding specified.

(4) [Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(5) The pension for incapacity for work shall be granted from the day of creation of the right to receive such pension if the application for the grant of the pension has been submitted within three months as of that day. If the application for the grant of the survivor's pension has been submitted within six months, the pension shall be granted as of the day on which the right to receive that pension arises.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(6) If the application for the grant of the survivor's pension has been submitted after the term provided in subsection (5) of this section, the pension shall be granted as of the day on which the application and other documents necessary for the grant of the pension are submitted.

(7) The pension, except for the pension granted on the basis of the salary of the current year, shall be indexed by the pension index approved by the regulation of the Government of the Republic on the basis of § 26 of the State Pension Insurance Act by 1 April every year.

§ 212. Payment of pension

(1) The pension provided for in this Chapter shall be paid from the state budget.
[RT I, 19.12.2019, 1 – entry into force 01.01.2020]

(2) A person to whom the pension for incapacity for work is granted shall be paid the pension to the full amount regardless of the amount of income that he or she receives.
[RT I, 06.07.2018, 3 – entry into force 01.01.2020]

(3) A person specified in clauses 210 (1) 1)-4) of this Act shall not be paid a survivor's pension if he or she works. A survivor’s pension shall be paid to a person under 18 years of age regardless of the amount of income he or she receives.

(4) [Repealed – RT I, 06.07.2018, 3 – entry into force 01.01.2020]

§ 213. Refund of overpaid amount of pension

The pension paid out after the death of the receiver of the pension shall not be included in his or her estate and the paid out pension shall be returned by the bank or the person who received the estate to the state budget at the request of the minister responsible for the area according to the information obtained from the Social Insurance Board.

Chapter 13
Challenges

§ 214. Filing of challenge

(1) A person who finds that his or her rights or lawful interests have been violated with the decision made with regard to him pursuant to this Act may file a challenge.

(2) A challenge may be filed in writing within 30 days as of the notification of the decision:
1) upon disagreement with the decision of the Defence Resources Agency to the Estonian Ministry of Defence through the Defence Resources Agency;
2) in the matters concerning the entry into and release from active service to the Commander of the Defence Forces. If the administrative act had been issued by the Commander of the Defence Forces, to the Estonian Ministry of Defence through the Commander of the Defence Forces;
3) in the matters concerning the service in the Defence Forces to the immediate commander of the commander who made the decision. If the decision was made by the Commander of the Defence Forces, to the Estonian Ministry of Defence through the Commander of the Defence Forces;
4) against the decision of the medical commission to the medical peer review commission of the Ministry of Defence.

(3) The filing of a challenge shall not suspend the execution of the decision or disciplinary penalty if this is not terminated by the court or a body for the settlement of challenges.

(4) Upon filing a challenge against the decision of the medical commission of the Defence Resources Agency, the execution of the decision issued by the Defence Resources Agency on the basis of subsection 37 (4) of this Act shall be suspended until the settlement of the challenge by the medical peer review commission of the Ministry of Defence until the making of a new decision by the medical commission of the Defence Resources Agency.

(5) An administrative body resolving a challenge may process personal data, including special categories of personal data, for the purpose of making an administrative act or act.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 215. Medical peer review commission of Ministry of Defence

(1) The medical peer review commission of the Ministry of Defence (hereinafter peer review commission) is an independent administrative body in the area of government of the Estonian Ministry of Defence whose task is to:
1) review a challenge filed against the decision of the medical commission;
2) give methodical guidance for work of the medical commissions;
3) settle complaints submitted with regard to the queries in the Health Information System by the medical commissions of the area of government of the Ministry of Defence.
[RT I, 09.03.2016, 1 – entry into force 01.01.2017]

(2) The medical peer review commission shall consist of three medical specialists who are registered in the Estonian Health Care Professionals Registry and three employees of the area of government of the Estonian Ministry of Defence.

(3) A medical specialist who is a member of the medical commission shall not belong to the peer review commission.

(4) The chairman of the peer review commission and the members thereof shall be appointed by the directive of the minister responsible for the area.

(5) A member of the peer review commission shall have the right to receive remuneration and compensation in the amount and pursuant to the procedure prescribed for a member of the medical commission by a regulation of the minister responsible for the area issued on the basis of subsection 28 (3) of this Act.

(6) The organisation of work of the peer review commission shall be established by a regulation of the minister responsible for the area.

§ 216. Filing challenge with peer review commission

(1) Upon the disagreement with the decision of the medical commission of the Defence Resources Agency or the medical commission of the Defence Forces a person shall have the right to file a challenge with the peer review commission within 30 days.

(2) The peer review commission shall review the challenge in the procedure provided for in the Administrative Procedure Act within 60 days as of the receipt of the challenge.

(3) Where necessary, the peer review commission may involve experts for the review of the challenge or prescribe additional medical examination. In the specified case the term for the review of the challenge set out in subsection (2) of this section shall extend by the period necessary to receive the expert opinion or receive the outcome of the medical examination.

(4) Upon disagreement with the decision of the peer review commission a person shall have the right to submit a complaint to the administrative court.

§ 217. Right of claim upon unlawful release from active service

Upon unlawful release from active service an active serviceman shall have the right of claim in the procedure provided for in the Civil Service Act
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Chapter 14
Proprietary liability

§ 218. Proprietary liability of conscript and reservist

(1) A conscript and a reservist who has caused damage to the Defence Forces due to wrongful breach of duties shall compensate for the damage in the amount specified in subsections (3) and (4) of this section.

(2) If the damage is caused by several conscripts or reservists jointly, each conscript and reservist shall be liable to the extent corresponding to his or her fault.

(3) If the damage was caused intentionally, a conscript or a reservist shall be liable for the damage caused to the full extent.

(4) In the case of the damage caused by negligence a conscript or a reservist shall be liable for the damage to the extent which shall be determined taking account of the duties of a conscript or a reservist, the gravity of guilt, the instructions given to him, conditions of service, the allowance paid to him, risk arising from the nature of the service, the duration of the service relationship and his or her behaviour so far, as well as the possibilities of the authority to prevent risks.

(5) If damage was not caused intentionally, the compensation required shall not exceed six times the amount of the total allowance.

§ 219. Procedure for compensation for damage

(1) In order to receive the compensation for damage, the authority shall make a written proposal to the person who caused the damage, specifying the extent of, procedure for and the term of the compensation for damage and the circumstances which are the basis for claiming compensation. The person who has received the proposal shall respond to the proposal in writing, indicating whether he or she undertakes to compensate for damage or refuses to do so.

(2) A proposal may be made within three months as of the date when the authority became or should have become aware of the damage caused and of the person who caused the damage but not later than within three years as of the causing of damage.

(3) A person who caused the damage shall be given at least 14 days to respond to the proposal during which he or she shall have an opportunity to meet his or her representative.

(4) If a person who caused the damage fails to respond to the proposal by the time indicated in the proposal, refuses to compensate for damage or has agreed to compensate for damage but fails to do so during the term indicated in the proposal, the authority may file an appeal with an administrative court.

§ 220. Proprietary liability of person in alternative service and procedure for compensation for damage

In the event of the material damage caused to the place of employment by a person in alternative service the provisions of §§ 218 and 219 of this Act shall be applied to the proprietary liability and compensation for damage. The proposal for the compensation for damage shall be made by the place of employment of a person in alternative service.

§ 221. Proprietary liability of military serviceman

The provisions of the Civil Service Act shall be applied to the proprietary liability of an active serviceman and the compensation for damage.

Chapter 15
Liability

§ 222. Noncompliance with obligation of conscript service and alternative service

Failure by a call-up selectee to enter conscript service or alternative service is punishable by a fine of up to 300 fine units or by detention.

§ 223. Unauthorised absence from alternative service

The unauthorised absence from alternative service of a person in alternative service is punishable by a fine of up to 300 fine units or by detention.

§ 224. Negligence of obligation to attend reservist training

Negligence of the obligation to attend reservist training as a person in reserve is punishable by a fine of up to 300 fine units or by detention.

§ 225. Procedure

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The body conducting extra-judicial proceedings of misdemeanours provided for in §§ 222 and 223 of this Act is the Defence Resources Agency.

(3) The body conducting extra-judicial proceedings of misdemeanours provided for in § 224 of this Act is the Defence Forces.

(4) The extra-judicial body shall have the right to process the personal data of the person subject to proceedings, including special categories of personal data.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

Chapter 16
State supervision

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

§ 225[1]. State Supervision

(1) The state supervision over the compliance with the obligations imposed on a person liable to national defence obligation by this Act shall be exercised by the Defence Resources Agency on the basis of and in the procedure provided for in this Act and the Law Enforcement Act.

(2) The Defence Resources Agency may apply special measures of state supervision provided for in §§ 30, 31 and 32 of the Law Enforcement Act for exercise of state supervision provided for in this Act on the basis of and in the procedure provided for in the Law Enforcement Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 226. Precept

(1) The Defence Resources Agency shall have the right to issue a precept to a person liable to national defence obligation if the person:
1) fails to submit the data and evidence to be submitted to the Defence Resources Agency pursuant to this Act;
2) fails to report to the Defence Resources Agency or a place appointed by the agency to carry out the necessary acts;

3) fails to undergo the assessment of health pursuant to this Act or additional medical examination or tests upon referral of the medical commission to the given extent or fails to participate in the assessment of professional suitability.

(2) Upon failure to comply with the precept provided for in subsection (1) of this section the Defence Resources Agency may impose non-compliance levy pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act. The upper limit of the non-compliance levy is 640 euros.

Chapter 17
Implementation provision

§ 227. Entry into force and implementation of act

The term of entry into force of this Act and the procedure for implementation thereof shall be established by a separate act.