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National Opera Act

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RT I 1997, 93, 1558
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Amended by the following acts

Passed	Published	Entry into force
31.05.2000	RT I 2000, 47, 287	17.06.2000
29.01.2002	RT I 2002, 21, 117	04.03.2002
10.05.2002	RT III 2002, 14, 157	10.05.2002, court judgment of Constitutional Review Chamber of the Supreme Court repeals subsection 2 of § 20 of the National Opera Act.
05.06.2002	RT I 2002, 53, 336	01.07.2002
12.06.2002	RT I 2002, 57, 357	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
11.06.2003	RT I 2003, 51, 353	19.07.2003
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, in part 01.01.2015, 01.01.2017 and 01.01.2019
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
12.11.2014	RT I, 20.11.2014, 3	01.01.2015
17.02.2015	RT I, 27.02.2015, 2	01.04.2015
19.07.2022	RT I, 06.08.2022, 3	01.11.2022

Chapter 1 GENERAL PROVISIONS

§ 1. Purpose of Act

This Act provides the objective, functions and legal status of the national opera as well as the organisation of management and activities. The name of the national opera shall be Estonian National Opera.

§ 2. Objective of national opera

The objective of the national opera is to advance Estonian national theatrical and musical culture, promote and introduce it in Estonia and abroad and to make the world's achievements of musical and theatrical culture accessible in Estonia.

§ 3. Functions of national opera

The functions of the national opera shall be:

- 1) regular organisation of public presentations of works created in the genre of opera, ballet, operetta and music in the form of performances and concerts;
- 2) ensuring the high artistic level of performances and concerts;

- 3) purposeful promotion of the repertoire of the Estonian original musical theatre, ordering new works from authors and the use thereof;
- 4) introduction of valuable works of world's musical and theatrical culture and introduction of high-level guest performers in the form of performances and concerts;
- 5) introduction of its performances, singers, dancers and musicians abroad;
- 6) ensuring the application of singers, dancers and musicians trained in Estonia and enabling the in-service training thereof;
- 7) creation of conditions for the creative development of the artistic personnel of the national opera;
- 8) organisation of the recording of its performances and concerts;
- 9) participation in the international co-operation of musical theatres.

§ 4. Legal status of national opera

(1) National opera is a legal person in public law operating on the basis of the present Act, other legislation and its articles of association. The provisions of the Performing Arts Institutions Act apply to the national opera in the cases provided for in this Act.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(2) National opera shall be dissolved with an act.

(3) National opera shall be registered in the state register of state and local government agencies pursuant to the procedure provided for in the statutes of the register.

[RT I 2002, 57, 357 – entry into force 01.08.2002]

Chapter 2 MANAGEMENT

§ 5. Management

The national opera is directed by the supervisory board, director general and artistic director.

§ 6. Supervisory board

(1) The supervisory board composed of eleven members is the highest directing body of the national opera.

(2) The supervisory board includes:

- 1) three members of the Riigikogu appointed by the Riigikogu on the proposal of the Cultural Affairs Committee of the Riigikogu;
 - 2) two members appointed by the minister in charge of the art promotion policy sector;
 - 3) one member appointed by the minister in charge of the education policy planning and organisation policy sector;
 - 4) one member appointed by the minister in charge of the budgetary policy planning co-ordination and implementation policy sector;
 - 5) one member appointed by the supervisory board of the Estonian Academy of Music and Theatre;
- [RT I, 06.08.2022, 3 – entry into force 01.11.2022]
- 6) one member appointed by the management board of the Estonian Theatre Union;
 - 7) one member appointed by the management board of the Estonian Composers' Union;
 - 8) one member appointed by the management board of Estonia Society.

(3) Upon dissolution of the non-profit associations specified in clauses 6, 7 and 8 of subsection 2 of this section, the legal successor thereof shall appoint the member of the supervisory board. In case of absence of a legal successor, the number of members of the supervisory board shall decrease.

(4) The term of authority of a member of the supervisory board shall be four years. Upon expiry of the term of authority, a member of the supervisory board shall continue his or her activity until the appointment of a new member instead of him or her. If a new member has not been appointed within four months after expiry of the term of authority of a member of the supervisory board, the former member of the supervisory board shall be deemed to be appointed for a new term.

(5) The person having appointed a member of the supervisory board may remove the member appointed by him or her before expiry of the term of authority in case of good reason.

(6) Upon removal, resignation at own request or withdrawal in case of death of a member of the supervisory board, a new member of the supervisory board shall be immediately appointed instead him or her for the time remaining until the expiry of the term of authority of the member of the supervisory board being substituted for.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 7. Term of authority of supervisory board and members of supervisory board

[Repealed – RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 8. Chairman and deputy chairman of supervisory board

(1) The members of the supervisory board shall elect a chairman and deputy chairman from among themselves at the first session of the new membership of the supervisory board. The functions of a chairman of the supervisory board shall be performed by the eldest member of the supervisory board until a chairman and deputy chairman of the supervisory board have been elected.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

(2) The chairman and substitute chairman of the supervisory board shall be elected by a simple majority of the membership of the supervisory board.

(3) The chairman of the supervisory board organises the work of the supervisory board, chairs the sessions of the supervisory board, represents the supervisory board and supervises the execution of decisions of the supervisory board.

(4) In case of absence of the chairman of the supervisory board, his or her functions shall be performed by the substitute chairman.

§ 9. Competence of supervisory board

(1) The supervisory board shall:

- 1) approve the articles of association of the national opera and make amendments thereto;
 - 2) approve the principal directions of the activity of the national opera and exercise supervision over compliance therewith;
 - 3) approve the structure of the national opera and the composition of employees, determine the official title of the artistic director;
 - 4) [Repealed];
 - 5) determine the remuneration of the director general and artistic director and the procedure for substitution for the director general;
 - 6) approve the financial plan, budget and the report on the execution of the budget of the national opera;
- [RT I, 13.03.2014, 2 – entry into force 23.03.2014]
- 7) approve the procedure for possession, use and disposal of the assets of the national opera;
 - 8) decide on issues related to the assets of the national opera in the extent and pursuant to the procedure provided for in this Act;
 - 9) determine the procedure for the internal audit of the activities of the national opera;
 - 10) hear the reports of the director general and artistic director;
 - 11) decide on issues concerning the participation of the national opera in the co-operation of international musical theatres;
 - 12) give an assessment to the activity of the national opera;
 - 13) submit proposals to state bodies regarding issues related to the activity of the national opera, if necessary;
 - 14) [Repealed – RT I, 27.02.2015, 2 – entry into force 01.04.2015]
 - 15) decide on other issues placed within its competence pursuant to this Act.

(2) On the proposal of the director general and artistic director of the national opera, the supervisory board may adopt decisions in other issues related to the activity of the national opera.

§ 10. Procedures of supervisory board

(1) Sessions of the supervisory board shall be held as required but not less frequently than once per quarter. A session shall be called by the chairman of the supervisory board or in case of absence thereof by the substitute chairman. The agenda of a session of the supervisory board shall be announced in written form at least ten days in advance.

(2) An extraordinary session of the supervisory board shall be called within two weeks if it is requested by at least six members of the supervisory board.

(3) The supervisory board has a quorum if at least six members of the supervisory board are present, including the chairman or substitute chairman.

(4) The supervisory board adopts decisions by a simple majority of members who are present. Decisions in issues specified in clauses 1, 2, 5, 6, 7, 8, 9 and 12 of subsection 1 of § 9 of this Act shall be adopted by a simple majority of the membership of the supervisory board. In case votes are equally divided, the vote of the chairman or substitute chairman shall be decisive.

(5) The decisions of the supervisory board shall be in written form and communicated to the director general and artistic director within five business days.

(6) Director general and artistic director participate in the sessions of the supervisory board with the right to speak.

§ 10¹. Operating expenses of supervisory board and remuneration of members of supervisory board

(1) The operating expenses of the supervisory board and the remuneration of the members of the supervisory board shall be covered from the budget of the national opera.

(2) Members of the supervisory board shall be paid a half month's minimum remuneration per month and the chairman of the supervisory board shall be paid one month's minimum remuneration per month according to the participation in meetings.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 10². Liability of members of supervisory board

(1) A member of the supervisory board shall perform his or her obligations being loyal to the national opera and with due care of a member of the supervisory board.

(2) A member of the supervisory board shall be released from liability if the member of the supervisory board proves that he or she has performed his or her obligations with due care of a member of the supervisory board.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 11. Director general

(1) The director general directs the executive and organisational activities of the national opera. The director general bears responsibility for the general development and activity of the national opera as well as for the lawful and purposeful use of its assets and funds.

(2) The director general shall:

1) represent the national opera, perform transactions in its name, grant the authority to represent the national opera;

2) report to the supervisory board and ensure the execution of decisions of the supervisory board;

3) ensure the preparation of the draft budget;

4) ensure the execution of the budget and submit a report thereon to the supervisory board;

5) organise the accounting;

6) enter into contracts of employment with the employees of the national opera and determine the remuneration thereof;

7) issue directives within his or her competence;

8) approve ticket prices, internal work and documentary procedure rules and work instructions;

9) solve other issues related to the management of the national opera not placed within the competence of another person by this Act.

(3) Issues related to creative activities shall be decided by the director general on the proposal of the artistic director.

(4) The procedure for filling the position of director general shall be provided for in the articles of association of the national opera. The contract of employment with director general shall be entered into and terminated by the chairman of the supervisory board. The contract of employment shall be entered into for up to five years.

§ 11¹. Filling position of director general, entry into and termination of contract and remuneration

(1) The procedure for filling the position of director general shall be provided for in the articles of association of the national opera.

(2) The employment contract with the director general shall be entered into by the chairman of the supervisory board for up to five years. The employment contract shall specify the rights and obligations of the director general, the amount of remuneration payable to the director general and other conditions necessary for the activity. The provisions concerning the authorisation agreement specified in the Law of Obligations Act shall be applied to the contract.

(3) Upon determining the amount of remuneration, the total amount of payments made to the director general shall be in reasonable correspondence with the functions of the director general.

(4) Additional remuneration may be paid to the director general, taking account of the efficiency of his or her work. The amount of additional remuneration must be reasoned and must not exceed the total of four months' remuneration of the director general within the financial year.

(5) The director general shall be removed if the supervisory board has expressed no confidence in the director general with the two-thirds majority vote of its membership.

(6) The contract entered into with the director general shall be terminated by the supervisory board upon expiry of the term of the contract, before the expiry of the term of the contract at the request of the director general or upon removal of the director general.

(7) With the decision of the supervisory board, dismissal compensation may be paid to the director general if the director general is removed before the term of expiry of the contract entered into pursuant to subsection 2 of this section. The total amount of compensation may not be more than the three months' remuneration of the director general. Compensation shall not be paid if the director general is removed due to a severe management fault or due to violation of the requirements of this Act or another legislation.
[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 12. Artistic director

(1) The artistic director organises and co-ordinates the creative activities of the national opera and bears responsibility for the artistic level of the national opera and achievement of its creative objectives.

(2) The artistic director shall:

- 1) plan the artistic concept of the national opera and develop the development programme;
- 2) prepare the repertoire plan and co-ordinate the organisation of performance activities;
- 3) organise the election and application of persons engaged in creative activities and solve issues related to the in-service training thereof;
- 4) plan the ordering of novel works from authors and the use thereof;
- 5) plan guest performances and invitation of guest performers;
- 6) determine the performances and concerts to be recorded;
- 7) represent the national opera within its competence;
- 8) solve other issues related to the creative activities of the national opera.

(3) The artistic director solves issues within his or her competence in co-operation with the director general and artistic sub-managers.

(4) The procedure for filling the position of artistic director shall be provided for in the articles of association of the national opera. The contract of employment with artistic director shall be entered into and terminated by the chairman of the supervisory board. The contract of employment shall be entered into for up to five years.

Chapter 3 ORGANISATION OF ACTIVITIES

§ 13. Organisation of work

(1) The national opera organises performances and concerts by seasons.

(2) Section 10, subsection 1 of § 11 and subsection 1 of § 12 of the Performing Arts Institutions Act shall be applied to the choice of repertoire of the national opera, planning of performances and concerts and informing of performances and concerts.

[RT I 2003, 51, 353 – entry into force 19.07.2003]

(3) Artistic council may be formed for reviewing of issues related to the planning and assessment of creative activities of the national opera. The formation of the artistic council shall be decided by the supervisory board who shall determine the functions and procedures of the artistic council. Subsection 3 of § 8 of the Performing Arts Institutions Act shall apply to the membership of the artistic council.

[RT I 2003, 51, 353 – entry into force 19.07.2003]

§ 14. Persons engaged in creative activities

Section 7 and 7¹ of the Performing Arts Institutions Act shall apply to persons engaged in creative activities of the national opera and to the employment contracts entered into therewith.

[RT I, 20.11.2014, 3 – entry into force 01.01.2015]

Chapter 4 ASSETS, FINANCING, BUDGET, AUDIT AND REPORTING

§ 15. Assets of national opera

(1) [Repealed – RT I 2002, 53, 336 – entered into force 01.07.2002]

(2) [Repealed – RT I 2002, 53, 336 – entered into force 01.07.2002]

(3) The national opera may transfer immovables, encumber immovables with the right of superficies and usufruct and take loans with the decision of the supervisory board and upon the consent of the Government of the Republic.

(4) Premises in the possession of the national opera may be subjected to a commercial lease with the decision of the supervisory board of the national opera, provided that it does not damage the reputation of the national opera.

(5) The national opera may not grant loans, provide sponsor support and secure the obligations of other persons with its assets.

(6) The national opera may establish a foundation for supporting its activity. The provisions of subsection 3 of this section shall apply to transfer of immovables to the foundation.

§ 16. Financing and budget

(1) The activity of the national opera shall be financed from the revenue from the sale of tickets, as subsidies from the state budget and other sources.

(2) The national opera has the right to organise the economic activity accompanying its principal activity, the revenue received from which shall be transferred to the budget of the national opera.

(3) Funds of the national opera shall be disposed of by the director general on the conditions and pursuant to the procedure provided for by the supervisory board.

(4) A balanced budget shall be prepared concerning all revenue and expenditure of the national opera. The budget of the national opera shall comply with the financial plan, budget balance rules provided for in § 6 of State Budget Act, net debt rules provided for in § 10 and the restrictions established under § 11 of State Budget Act.

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

(5) The budget of the national opera complying with the requirements provided for in subsection 4 of this section and the report on the execution thereof shall be approved by the supervisory board.

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

§ 16¹. Financial plan of national opera

(1) The national opera shall prepare a financial plan each year which serves as the basis for the establishment of the budget of the national opera.

(2) The financial plan shall be prepared and submitted according to the requirements provided for in § 12 of State Budget Act.

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

§ 17. Audit, supervision and reporting

(1) The national opera keeps accounting and statistical records on the use of its assets and funds pursuant to the procedure provided for in the law.

(2) The State Audit Office audits the compliance of activity of the national opera according to the National Audit Office Act.

(3) Administrative supervision over the legality of activity of the national opera shall be exercised by the Ministry of Culture and other agencies and officials authorised therefor by the law.

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

(4) The minister in charge of the policy sector has the right to stop the performance of an unlawful act of the supervisory board and director general or validity of legislation and to issue precepts for the elimination of deficiencies of an act or legislation.

(5) The national opera reports on its activities in the extent and pursuant to the procedure provided for in the law or on the basis of the law.

Chapter 5

IMPLEMENTATION OF ACT

§ 18. Dissolution of state performing arts institution Estonia Theatre and authorisation of director general

(1) State performing arts institution Estonia Theatre shall be deemed to be dissolved upon entry into force of this Act.

(2) Director general of state performing arts institution Estonia Theatre shall be authorised to act in the name of the national opera until the election of the director general of the national opera.

§ 19. Supervisory board

(1) The institutions specified in clauses 1, 3, 4, 5, 6, 7 and 8 of subsection 2 of § 6 of this Act shall inform the Minister of Culture of the persons appointed to the membership of the supervisory board by them no later than within one month as of entry into force of this Act.

(2) The Minister of Culture shall approve the membership of the supervisory board and convene the supervisory board no later than within two months as of entry into force of this Act.

(3) The supervisory board shall conduct a public competition in order to elect the director general and artistic director of the national opera no later than within four months as of entry into force of this Act.

(4) The authority of membership of the supervisory board of the national opera approved before 1 April 2015 shall expire on 31 March 2015, but the members thereof shall continue the performance of functions of members of the supervisory board until the appointment of new members of the supervisory board.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 20. Assets and state budget appropriations

(1) State assets in the possession of state performing arts institution Estonia Theatre at the time of entry into force of this Act shall be transferred free of charge to the national opera for the performance of its functions no later than within four months as of entry into force of this Act on the basis of a decision by the Government of the Republic.

(2) [Repealed – RT III 2002, 14, 157 – entered into force 10.05.2002, court judgment of Constitutional Review Chamber of the Supreme Court repeals subsection 2 of § 20 of the National Opera Act.]

(3) Unused state budget appropriations of state performing arts institution Estonia Theatre shall be transferred to its reserve capital by the Government of the Republic for financing the activities of the national opera.

§ 21. Rights and obligations

(1) Damage inflicted by termination of the commercial lease contracts specified in subsection 2 of § 20 of this Act shall be compensated to the commercial lessees within two months as of the date of vacating the premises by the commercial lessee. The size of compensation shall be determined upon agreement by the parties but it cannot be more than the rent of three months specified in the contract.

(2) If the national opera has entered into a new commercial lease contract with the former commercial lessee, the latter shall not be entitled to demand the compensation of damages specified in subsection 1 of this section.

§ 22. Employment contracts of persons engaged in creative activities

Section 23¹ of the Performing Arts Institutions Act shall apply to fixed-term employment contracts entered into with persons engaged in creative activities of the national opera before 1 January 2015.

[RT I, 20.11.2014, 3 – entry into force 01.01.2015]

§ 23. Rates of remuneration of members of supervisory board

The rates of remuneration of the members of the supervisory board provided for in subsection 2 of § 10¹ of this Act shall be applied to members of the supervisory board appointed to office after 31 March 2015.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]

§ 24. Validity of employment contract of director general

The employment contract entered into with the director general in office on 1 April 2015 shall be valid until the expiry of the term specified in the employment contract or until the premature termination of the employment contract.

[RT I, 27.02.2015, 2 – entry into force 01.04.2015]