

National Stockpiles Act

Passed 23 November 1994

(RT¹ I 1998, 91, 1529; consolidated text RT I 1998, 95, 1514),

entered into force 30 December 1994,

amended by the following Act:

22.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 69;

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;

05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336;

05.12.2001 entered into force 06.01.2002 - RT I 2001, 100, 646;

21.02.2001 entered into force 29.03.2001 - RT I 2001, 26, 147;

22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613.

Chapter 1

General Provisions

§ 1. Purpose of National Stockpiles Act

(1) The National Stockpiles Act determines the classes of national stockpiles and the procedure for their administration, regulates relations which arise from the establishment, storage, replenishment and use of national stockpiles and provides for liability in the case of violation of this Act.

(2) This Act is the basis for other legislation regulating national stockpiles.

§ 2. Definition of national stockpiles

National stockpiles are the aggregate of tangible resources and technical means (hereinafter resources) which ensure the security and independence of the Republic of Estonia and which are used in an emergency or during a state of war. An emergency situation or a state of emergency may be declared to resolve an emergency.

(22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 3. Classes of national stockpiles

The national stockpiles of the Republic of Estonia are the security, undertaking operation, municipal and mobilisation stockpiles.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 4. Definition of security stockpile

The security stockpile is the aggregate of resources at the disposal of the state which is used to ensure the survival of the population in an emergency and to satisfy the needs of the Defence Forces during a state of war.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952; 22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 4¹. Definition of undertaking operation stockpile

Undertaking operation stockpile is the aggregate of specific resources at the disposal of an undertaking which ensures the continuation of manufacturing operations or the provision of services upon the declaration of an emergency situation, a state of emergency or a state of war during an established period.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952; 22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 5. Definition of municipal stockpile

A municipal stockpile is the aggregate of resources at the disposal of a local government which is used in order to ensure the survival of the population in the administrative territory of the local government in an emergency.

(22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 6. Definition of mobilisation stockpile

A mobilisation stockpile is the aggregate of resources which is created for the military protection needs of the state and used to raise the military readiness or the conduct of mobilisation. Non-military resources of the mobilisation stockpile may be used for the needs of the population during a state of emergency or an emergency.

(22.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 69)

§ 7. Establishment of national stockpiles

(1) National stockpiles shall be established as the security, undertaking activity, municipal and mobilisation stockpiles pursuant to this Act and other legislation.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

(2) Activities concerning national stockpiles shall be co-ordinated and supervised by the Government of the Republic.

(3) (Repealed - 10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 8. Obligatoriness of national stockpiles

National stockpiles shall be established, stored, replenished and used pursuant to procedure prescribed by this Act and other corresponding legislation. The establishment and storage of national stockpiles and entering into corresponding contracts are mandatory for undertakings .

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 9. (Repealed - 10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

Chapter 2

Establishment, Storage, Replenishment, Use and Financing of Security Stockpile

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 10. (Repealed - 10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 10¹. Administration and areas of security stockpile

(1) The security stockpile is the property of the state.

(2) The following ministries organise the establishment, storage, replenishment, use and financing of the security stockpile and the administrative activities related thereto:

1) (Repealed - 21.02.2001 entered into force 29.03.2001 - RT I 2001, 26, 147)

2) Ministry of Agriculture, for foodstuffs;

3) Ministry of Social Affairs, for medicinal products and medical supplies;

4) Ministry of Internal Affairs, for fire extinguishing and rescue equipment and outfit.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952; 22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 10². Establishment of security stockpile

(1) The depositaries, schedule for the establishment, composition and assortment of the security stockpile shall be approved by the Government of the Republic. Ministries which organise the security stockpile shall submit proposals to the Government of the Republic in co-ordination with the Ministry of Internal Affairs.

(05.12.2001 entered into force 06.01.2002 - RT I 2001, 100, 646)

(2) Resources of the security stockpile shall be purchased by the ministry which organises the security stockpile.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 10³. Quantities of security stockpile

(1) The need for resources within the composition of the security stockpile shall be determined in minimum and maximum quantities.

(2) Minimum quantities of the security stockpile shall be ensured at every time. Maximum quantities may be decreased up to minimum quantities for the purpose of replenishment of the stocks.

(3) Minimum and maximum quantities of the resources within the composition of the security stockpile shall be approved by the Government of the Republic on the proposal of the ministries which organise the security stockpile.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 11. (Repealed - 10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 12. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 13. Use of security stockpile

The security stockpile is used and the resources are distributed:

1) during an emergency situation, on the order of the emergency situation response co-ordinator;

2) during a state of emergency, on the order of the state of emergency response co-ordinator;

3) during a state of war, pursuant to the procedure established by the Government of the Republic;

4) in an emergency, on the order of the Minister who administers the security stockpile.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952; 22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 14. Replenishment of security stockpile

The security stockpile shall be replenished by the ministries which organise the security stockpile.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 14¹. Classification as secret

The quantities and location of the security stockpile are classified as secret.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 14². Training

The training of officials and population in the area of the security stockpile shall be performed by the ministries which organise the security stockpile.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 15. Financing of security stockpile

(1) The establishment, storage and replenishment of the security stockpile are financed from the budgets of the ministries which organise the security stockpile.

(2) The security stockpile is financed from the following sources:

1) funds received from the sale of obsolete stocks or of unnecessary parts of the stockpile upon replenishment of the security stockpile;

2) single allocations from the state budget, intended for a specific purpose;

3) allocations from the state budget from funds derived from excise tax, intended for specific purposes.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

Chapter 2¹

Undertaking Operation Stockpile

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 15¹. Establishment of undertaking operation stockpile

(1) The undertaking operation stockpile shall be established by undertakings which engage in manufacturing operations or provision of services in areas approved by the Government of the Republic.

(2) The list of undertakings which shall establish the undertaking operation stockpile shall be approved by the Government of the Republic on the proposal of the ministries which organise the security stockpile and with the consent of the corresponding undertakings.

(3) The length of the period during which manufacturing operations and provision of services are performed out of the undertaking operation stockpile shall be established by the Government of the Republic.

(4) The composition, assortment and quantities of the undertaking operation stockpile for the continuation of manufacturing operations or provision of services shall be determined annually by a contract entered into between the ministry which organises the security stockpile and the undertaking.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952; 22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

§ 15². (Repealed - 05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

§ 15³. Storage of undertaking operation stockpile

(1) An undertaking shall store the undertaking operation stockpile on conditions determined by a contract entered into with a ministry which organises the security stockpile, or an authorised person of such ministry.

(2) An undertaking shall store the undertaking operation stockpile in conditions which ensure the preservation of the quantity and quality thereof. An undertaking shall store resources concerning the storage of which rules have been established according to the requirements of such rules.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 15⁴. Exclusion of resources from undertaking operation stockpile

(1) The quantity of an undertaking operation stockpile is decreased on the basis of amendments of the contract or entry into a new contract with the consent of the ministry which organises the security stockpile.

(2) Resources which prove to be unnecessary to an undertaking upon the change of the production or operation thereof are excluded from the undertaking operation stockpile with the consent of the ministry which organises the security stockpile on the basis of amendments of the contract which determines, if necessary, the immediate establishment of a new operation stockpile according to the needs of the changed production or operation.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 15⁵. Use of undertaking operation stockpile

(1) An undertaking operation stockpile is used upon declaration of an emergency situation, a state of emergency or a state of war.

(22.11.2000 entered into force 01.01.2001 - RT I 2000, 95, 613)

(2) Resources which were assigned to an undertaking operation stockpile may be used by the owner thereof for production needs on the conditions of the contract entered into with a ministry which organises the security stockpile and which also determines the procedure and terms for the restoration of the operation stockpile.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 15⁶. Financing of undertaking operation stockpile

(1) Expenses relating to the establishment, storage and replenishment of an undertaking operation stockpile are borne by the undertaking as the owner of the operation stockpile.

(2) Expenses relating to the storage of an undertaking operation stockpile which is stored separate from other resources of the same type are borne by a ministry which organises the security stockpile according to the conditions of the contract which was entered into.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

Chapter 3

Establishment, Storage and Use of Municipal Stockpile

§ 16. Establishment of municipal stockpile

(1) A local government shall determine the procedure for establishment and the composition, quantities and financing of the municipal stockpile in its territory.

(2) A local government shall establish the municipal stockpile and shall enter into corresponding contracts with undertakings for its purchase, storage and replenishment.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

§ 17. Owner of municipal stockpile

(1) A municipal stockpile is the property of the local government.

(2) A local government shall organise reporting and shall supervise the establishment and storage of the municipal stockpile.

§ 18. Storage of municipal stockpile

A local government shall store the municipal stockpile in its warehouses and depositories or in other warehouses or depositories on the basis of contracts it enters into.

§ 19. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 20. Use of municipal stockpile

Use of a municipal stockpile shall be decided and the extent and procedure for issue of resources shall be specified by the local government.

§ 21. Replenishment of municipal stockpile

The resources of a municipal stockpile shall be replenished by the depositary undertakings through replacement with new equivalent resources upon expiry of the deadlines prescribed in the storage rules.

(10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

Chapter 4

Establishment, Storage and Use of Mobilisation Stockpile

§ 22. Establishment of mobilisation stockpile

The procedure for establishment and the composition and quantities of the mobilisation stockpile shall be established by the Government of the Republic on the proposal of the Ministry of Defence.

§ 23. Owner of mobilisation stockpile

(1) The mobilisation stockpile is the property of the state.

(2) The composition, quantities and other information concerning the mobilisation stockpile are classified as secret.

§ 24. Storage of mobilisation stockpile

(1) Storage of the mobilisation stockpile shall be organised by the Ministry of Defence.

(2) The procedure for the storage and replenishment of the mobilisation stockpile shall be established by a regulation of the Minister of Defence.

(22.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 69)

§ 25. Decision on use of mobilisation stockpile

The mobilisation stockpile is used by an order of the Government of the Republic.

(22.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 69)

§ 26. Replenishment of mobilisation stockpile

(1) The resources of the mobilisation stockpile shall be replenished by the Ministry of Defence through replacement with new equivalent resources upon expiry of the term prescribed in the rules for the storage and replenishment of the mobilisation stockpile.

(22.01.2003 entered into force 01.05.2003 - RT I 2003, 13, 69)

(2) The procedure and manner of use of replaced resources of the mobilisation stockpile shall be determined by the Ministry of Defence.

§ 27. Financing of mobilisation stockpile

(1) Expenditure relating to the establishment, storage and replenishment of the mobilisation stockpile is covered from the state budget.

(2) Funds received from the sale of the mobilisation stockpile organised for the purpose of replenishment or reduction of the mobilisation stockpile are entered in the state budget.

Chapter 4¹

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Liability

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 27¹. Unlawful use of national stockpiles

(1) Unlawful use of national stockpiles, or failure to comply with the requirements for replenishment and storage of the stocks by an employee of a national stockpile depository is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 27². Failure to establish undertaking operation stockpiles

(1) Failure, by an undertaking, to establish the prescribed undertaking operation stockpiles is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 27³. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 27¹ and 27² of this Act.

(2) Police prefectures conduct extra-judicial proceedings in matters of misdemeanours provided for in §§ 27¹ and 27² of this Act.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 5

Final Provisions

§ 28. Implementation of Act

(1) The Grains Act (RT I 1994, 48, 789; 91, 1529; 1996, 48, 941; 49, 953; 1998, 107, 1769) is amended as follows:

1) clauses 3 (1) 4) and 5) are repealed;

2) the word “including” is omitted from clause 3 (2) 3);

3) clause 3 (2) 5) is repealed;

4) § 5 is repealed.

(2) (Repealed - 10.06.98 entered into force 01.10.98 - RT I 1998, 60, 952)

(3) Clause 164 of The Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 58, 608; 95, 843; 2000, 10, 58; 25, 141; 28, 167; 29, 169; 40, 247; 49, 301; 49, 305; 51, 321; 54, 346; 348; 351; 55, 361; 58, 376; 84, 533; 86, 544; 86, 548; 92, 825; 95, 609) is amended and worded as follows:

”Section 164. Unlawful use of national stockpiles

For unlawful use of state assets, security, municipal or mobilisation stockpiles within the national stockpiles by managers of state, private or municipal agencies, a fine to the extent of up to two hundred days’ wages shall be imposed.”

(4) Section 151⁵ is added to the Criminal Code (RT 1992, 20, 288; 1997, 21/22, 353; 87, 1468; 1998, 17, 265; 23, 321; 30, 412; 36/37, 553; 51, 756, 759; 59, 941; 98/99, 1576; 107, 1766; 108/109, 1783; 1999, 4, 53; 10, 156; 16, 267; 16, 271; 16, 276; 26, 377; 29, 398; 57, 595; 57, 597; 57, 598; 60, 616; 97, 859; 102, 907; 2000, 10, 55; 28, 167; 29, 173; 33, 193; 40, 247; 49, 301; 49, 305; 54, 351; 57, 373; 58, 376; 84, 533; 92, 597) worded as follows:

”Section 151⁵. Unlawful use of national stockpiles

(1) Unauthorised use of national stockpiles, if significant damage is caused thereby or if a disciplinary or administrative punishment has been imposed on the offender for a similar offence, is punishable by a fine or detention.

(2) Same act, if it causes major damage or other serious consequences, is punishable by a fine or detention or imprisonment for up to five years.”

¹ RT = *Riigi Teataja* = *State Gazette*