

The Food Law

Passed in Riigikogu on 9 February 1995

Proclaimed by the President of the Republic by Resolution No. 499 of 28 February 1995

(Riigi Teataja Part I 1995, No. 21, Art. 324)

Chapter 1 GENERAL PROVISIONS

Article 1. Objective and task of the Law

(1) Objective of the Law is to guarantee harmonized with the other laws of the Estonian Republic high quality and internationally competitive food, harmless to human beings, and functioning of a unitary food control and inspection system on the territory and at the borders of Estonia.

(2) The Law enforces basis of food handling, handler's control on food quality and safety and basis of state inspection; fixes the basis of division of responsibilities and the order of financing between state authorities, dealing with food handling chains; prescribes the responsibility for violation of legislative acts on food handling; creates a legislative basis for enacting quality and safety requirements on food for exports and imports.

Article 2. Field of application of the Law

(1) The present Law is a basis for legislative acts regulating food handling, quality, safety, control and inspection.

(2) In addition to the present Law handling of baby foods and infant formulas, ecologically and biodynamically raised food, special food and drinking water is regulated by other legislative acts. Handling of certain groups of foods may be regulated by separate legislative acts.

(3) The present Law prescribes sanctions for legal and natural persons for violation of requirements of food handling, quality and safety control.

(4) Requirements of food handling, quality and safety, prescribed by the present Law and legislative acts, enforced on the basis of the present Law, are implemented for food, produced in Estonia and imported to Estonia.

Article 3. Primary terms used in the Law

For the purposes of the present Law the following terms shall be used in the following meaning:

- 1) food – foodstuff, food product or meal;
- 2) foodstuff – a substance, used for eating or drinking, in an unprocessed (raw) form or as a raw material for preparing food products or meals. According to the meaning of the present Law cosmetics, medicines, drugs and tobacco are not belonging to food products;
- 3) food product – foodstuff for eating or drinking, bought or sold by wholesale or retail in catering establishments or exported or imported. Chewing gum and food supplements are also considered food products;
- 4) meal – product produced, processed or compound of foodstuffs and used for eating after handling;
- 5) food supplement – foodstuffs or their mixtures, not belonging to medicines or stuffs similar to medicines, and used separately from food or in addition to food to meet the nutritional needs of human organism. Food supplements there are polyvitamins, mixtures of minerals, plant extracts et al.;
- 6) special food (functional food) – food, which has from the point of view of health a revealed and elevated influence on human beings and which is foreseen to meet special needs of human organism;
- 7) handling – gathering, catching, hunting, raising, producing or preparing, processing, packaging, preserving, storing, loading, transporting, exporting and importing of food for sale or handling food over to consumer or to another handler by some other means (presenting, humanitarian aid et al.);
- 8) means of handling – equipment, vessels, packages, instruments, vehicles etc. coming into direct touch with food on handling;
- 9) additive – a natural or synthetic substance, intentionally added to food in order to make it's characteristics pleasing to consumer or to influence its taste, colour, preserving or other characteristics on handling. Additives are not usually used independently as food or as main components of food;
- 10) contaminant – substance in food, which was added to, appeared in, or got into, food in the process of handling (including agriculture, cattle-breeding or veterinary medicine) or as a result of pollution of environment and the presence of which in food over predicted limit may be hazardous to health;

11) food, not meeting the requirements – food, which is spoiled or contains additives, contaminants, microorganisms or radionuclides over the limits, fixed by norms, or is dirty or has a strange smell or taste or is bruised or processed in a prohibited way or is falsified in the meaning of the present Law;

12) composition – complex of components of food;

13) nutritive value – value, deriving from nutrients in the composition of food, and energy content of food. Nutrients there are proteins, fats, hydrocarbons, minerals, vitamins, dietary fibre et al.;

14) quality – complex of characteristics of food or characteristics of process of handling, including characteristics of rendered services, which meet the determined or presumed needs and show, that food is wholesome for using;

15) certificate – document, issued according to the rules of the certification system by the accredited inspection authority or official of the importer or the country of origin to a product, food batch or to the quality system of the handler after the inspection of handling and laboratory analyzing of food batch. Competent officials, carrying out inspection on food, shall issue according to needs quality, origin, weight, veterinary, hygienic, radiation, phytosanitary et al. certificates;

16) quality protocol – decision on quality of food batch, reflecting the organoleptic results and the results of laboratory analysis of the samples, taken in an established order and quality data, fixed in technical normative documentation or in the other legislative acts and their meeting the quality requirements of the legislative acts. Quality protocol is issued by the handler to food or food batch of Estonian origin and sold in Estonia;

17) declaration – written statement, made by producer or supplier on his own responsibility, that the product, method of its preparation or service is in accordance with a standard or another normative document. By perishables (quickly spoiling food) presentation of declaration is obligatory;

18) food batch – amount of food products with similar name and equal quality data, produced and packaged in equal conditions and defined with certain marks;

19) package – envelope of handled food: box, canister, tube, can, bottle, chest, barrel, sack, net, paper, plastic et al. Transport-package or group-package shall defend the goods during transportation and storage, selling-package during selling. Package must meet the hygienic requirements and be labelled. Transport-package or group-package may be designed as a selling-package;

20) prepackaged food product – food, closed into a labelled package;

21) labelling – necessary information about the product, carried on together with the product or on the package: text, conventional mark, logo, design et al.;

22) veterinary control - control of health of domestic animals, wild animals, poultry, fish and honey-bees, also state inspection over food, got from animals and control of its handling;

23) health protection inspection – state inspection of environment, harmless to health, including state inspection of food and food handling safety, guaranteeing anticipation and prevention of food hazard-related health disorders and diseases;

24) consumer protection inspection – state inspection over conformity of products on sell or services available to declared characteristics, labelling or signed agreements;

25) food control – handlers control over food quality, safety, composition and nutritional value together with all means to guarantee safe and high quality food to consumer;

26) food inspection – state inspection over food quality and safety and over handlers activities;

27) food policy – national long-term development programme including gardening, agriculture, forestry and fish-breeding, food industry and food market interests, status of health of population, food and nutritional behavior and needs deriving from these.

Chapter 2

REQUIREMENTS TO FOOD, HANDLER AND HANDLING

Article 4. Requirements to food handling

(1) Food, offered to consumer or handler, must meet the present Law and requirements enacted by legislative acts, adopted on the basis of the present Law.

(2) Handling to human food of food, not meeting the requirements, is prohibited.

(3) Handling of food is prohibited if:

1) requirements of registration of technical normative documentation on food handling are not met and there is no corresponding permission to food handling. The requirements, enacted in the present item, do not extend to handlers from other states and to handling of imported products;

- 2) prohibited additives are used or the content of additives exceeds the allowed limit;
- 3) prohibited methods of processing have been used;
- 4) content of contaminants or microorganisms in food exceeds the allowed limit;
- 5) there are parasites or foreign substances in the food;
- 6) means of handling of food are made of prohibited materials.

(4) The Government of the Republic enforces on the basis of the motion of the Commission of Food Policy, mentioned in Article 11 of the present Law, the requirements of registration of technical normative documentation (techno-specifications) and the order of issuing of licences for food handling, lists and limits of allowed additives, contaminants and microorganisms, lists of materials, permitted to come into touch with food, and list of prohibited methods of processing.

Article 5. Composition of food

(1) Classification of food is composed and confirmed in the order, established by the Government of the Republic.

(2) On handling of food only these additives are allowed to be used, which are on the List of Permitted Additives, confirmed by the Government of the Republic and only in the order and for the group of foods, established to every additive separately. The additives can be included into the List of Additives, if:

1) they are not dangerous to consumer health within the limits, established in the order, enforced by the Government of the Republic. The limits are determined proceeding from the daily doses, harmless to health, taking into account cumulative co-effect of life environment and other additives;

2) their use is necessary to reach some characteristics of food and the result cannot be reached by other means.

(3) On enforcing of allowed limits of contaminants and microorganisms in the food, their hazard to health, the average amount of consumption, selection and the status of life environment shall be taken into account.

(4) Adulteration of food is prohibited. Adulteration shall mean:

1) changing the composition without corresponding changing of the labelling;

2) changing the composition by adding a prohibited substance;

3) adding to food another substance by any means or processing food with it in order to hide lower value or spoiling of food;

4) using in an unchanged manner of food, spoiled in the process of preparing or considered unsuitable on other reasons;

5) changing the composition on the labelling without changing the composition of food.

(5) Handling of adulterated food to human food is prohibited.

Article 6. Handling of food

(1) On gathering, catching, hunting, raising, producing, processing, packaging, preserving, storing, loading, transporting, of food for sale and on selling the handler is obliged by the method of control of hazard analysis critical control points (HACCP) to use in the established order all possibilities to guarantee the quality and safety of food to human health. Methods of control of hazard analysis critical control points are registered by the Food Board according to paragraph 1 of Article 17 of the present Law.

(2) On food handling it is prohibited to use substances, which composition or influence on human health is unknown or which are not allowed to be used.

(3) Means of handling, coming into touch with food, must be made of materials, which coming into touch with food do not debase its characteristics. The list of allowed materials and the field of their use shall be established by the Government of the Republic in the order enforced in paragraph 4 of Article 4 of the present Law.

(4) Handling of food must take place according to environment and plant protection, veterinary, food quality and health protection prescriptions and must not cause contamination of food or hazard to human health. Prescriptions of handling of the said food shall be enforced by separate legislative acts.

(5) It is prohibited to store or preserve substances, hazardous to human health, together with food or to transport them in packages or vehicles of iterative use. Using of substances, hazardous to human health, on processing of foodstuffs and food supplements and on disinfecting of means of handling is allowed in the order, established by the Government of the Republic.

(6) Water and ice, used on food handling (except cooling water of technological equipment) must meet the standards of drinking water. As an exception it is allowed to use clean sea water and ice on handling of fish on sea.

Article 7. Requirements to food handler

(1) Handler of food is obliged to meet the present Law and the other Laws and legislative acts, regulating food handling.

(2) A person, coming into direct touch with food on food handling, must be acquainted with, and meet, hygienic requirements and must have a personal health certificate (sanitary card), the order of issuing, form and list of persons, obliged to get the certificate, will be confirmed by the Ministry of Social Affairs.

Article 8. Means and rooms of food handling enterprise

Technological equipment, rooms of production, means of handling and places of selling of food of a handling enterprise and their planning must meet the hygienic requirements, enacted in veterinary and health protection prescriptions, enforced in the order, established by the Government of the Republic.

Article 9. Labelling and advertising of food products

(1) Food products, being sold in Estonia, must be labelled in the manner, providing to consumer information about the food product and enable the inspection authorities to carry out inspection. The order of labelling shall be enforced by the Government of the Republic.

(2) In addition to the general order of labelling, mentioned in paragraph 1 of the present Article, separate prescriptions may be enforced to labelling of certain groups of food products.

(3) It is not allowed to label or advertise food products by means of misleading information.

(4) On labelling and advertising of food products it is not allowed:

1) to ascribe to food effects or characteristics, which it does not really have;

2) to ascribe to food special characteristics, if all foods, belonging to the same group, have similar characteristics;

3) to ascribe to food, except mineral water, to food supplements and to special food preventive medic, curative or mitigatory characteristics.

(5) Food products, being sold in Estonia, must be labelled in Estonian.

(6) Requirements connected with labelling and advertising of food products, not regulated by the present Law, including requirements on alcohol labelling, are enacted in a special law or in the order, established by the Government of the Republic.

Article 10. Imports and exports of food products

(1) The basis of classification of food on importing or exporting shall be the Nomenclature of Estonian Goods (*EKN*).

(2) The importer must have for importing food products to Estonia a state licence of activity, issued in the order established by the Government of the Republic.

(3) Imported food products as well as food supplements and additives must meet the quality and safety requirements of the Laws of the Estonian Republic or of the legislative acts, enforced on the basis of the Laws of the Estonian Republic. On importing of food products the importer must present to the customs a certificate, confirming the quality and safety of food, issued by the officially accredited inspecting authority of the country of origin, according to the laws, mentioned in paragraph 2 of Article 16 of the present Law, according to the present Law and the legislative acts, enforced on the basis of these laws.

(4) Quality, sanitary, veterinary, phytosanitary and other status of food products, food supplements and additives, brought over the customs borders and their accordance to the established requirements, will be verified by the customs on the ground of the Customs Law (*Riigi Teataja* Part I, 1993, No. 62, Art. 891; 76, 1129; 1994, 30, 466; Legal Acts of Estonia 1993, No. 6; 1994, No. 1) in co-operation with officials of plant quarantine, veterinary and health protection services in the order, established by the Government of the Republic.

(5) For carrying out of activities of inspection of food quality and safety the importer or exporter pays state duty at the customs in the order, established in the State Duty Law of the Estonian Republic.

(6) Importer or exporter has the right to apply during 20 calendar days after carrying out of inspection of food products at the customs to the regional customs inspection with a written inquiry to get clearance about inspection of quality and safety of food shipment, imported or exported by him. Regional customs inspection is obliged to present a written clearance during 20 calendar days after getting the written inquiry.

(7) Imported food products, not meeting the requirements of the present Law will be sent back or forfeited by the customs or sent to processing or destroying on the basis of the Law. If it is not possible to use forfeited food as

fodder or for technical purposes, it must be destroyed. The expenses, connected with processing or destroying of food, not meeting the requirements, will be born by the importer or the handler in whose possession the food batch, not meeting the requirements, was discovered. The order of sending back from the customs border, processing, forfeiture and destroying of food products is established by the Government of the Republic.

(8) Food, imported to Estonia, is allowed to handle only in the case of existing of the import licence or the certificate, mentioned in paragraph 3 of the present Article or in the case of presence of a copy of the certificate, confirmed by the corresponding inspection or a protocol, issued on the basis of the certificate. In the case of their absence, responsibility will be taken by the importer, if not ascertained, by the last handler. The import licence is issued at the state borders in the order, established by the Government of the Republic.

(9) If some food, food batch or additive, imported for free distribution is in discordance with the present Law or with some other law or international agreement, their future use or destruction will be decided by the inspecting officials, mentioned in paragraph 4 of the present Article. The order, enacted in the present item, except perishables, will be guaranteed by the customs according to the order, established by the Government of the Republic.

(10) Import and export of food is allowed only through the frontier posts, fixed by the Government of the Republic. Regulations of crossing the border are confirmed in the order, established by the Government of the Republic.

(11) The importer or exporter of food has the right to make a complaint against the Customs Board about inspection during 30 calendar days after getting the results of food inspection. The Customs Board gives in cooperation with the officials carrying out inspection of food quality and safety, mentioned in paragraph 4 of the present Article, to the complainant a motivated written answer during 30 days after the complaint was made.

(12) Food produced in Estonia for exports must meet the requirements of the present Law and the legislative acts enforced on the basis of the present Law, if it is not enacted differently in the requirements or contracts of purchase and sale of the importing country.

Chapter 3

ORGANIZATION OF FOOD INSPECTION AND CONTROL

Article 11. Commission of National Food Policy

(1) Commission of National Food Policy (further Commission of Food Policy) is a standing coordinative body at the Government, to the competence of which belongs planning of strategic food policy issues, coordinating of national inspection of food quality and safety and of corresponding monitoring programmes between Ministries, dealing with organizing of inspection of food handling chains.

(2) To the stuff of the Commission of Food Policy belong accredited representatives of Ministries and other state or public authorities, dealing with organization and inspection of food handling chain.

(3) Commission of Food Policy is formed by the Government of the Republic.

Article 12. National Food Board

(1) National Food Board (further Food Board) is formed by the Government of the Republic.

(2) Officials of the Food Board have the right to require information and data on food quality and safety from county governments, inspecting officials, enumerated in paragraphs 1 and 2 of Article 16, from food handling enterprises and from state authorities and officials, examining food and nutrition.

(3) Main tasks of the Food Board are analysis of the status of food and nutrition policy in the state and working out proposals, drafts of laws and other legislative acts in this field, informing the Commission of Food Policy, inspection authorities and the public, coordinating of inspection of food quality and safety, providing to food handlers and laboratories, analysing food samples, working out of methods of control and analysis and corresponding counselling, taking part in accrediting, certifying and licensing of inspection authorities and officials, dealing with food inspection, working out and coordinating of national monitoring programmes.

(4) The officials of the Food Board have the pledge of business and production secrecy, coming to their knowledge during fulfilling their professional duties.

(5) The Food Board informs every year the Government of the Republic and the Riigikogu (Parliament) of the status of food quality and safety in the state (Annual Report of the Food Board).

Article 13. Food control and inspection in counties

(1) Food quality and safety control and state inspection is coordinated in the county by the County Government in cooperation with inspection authorities and officials, enumerated in paragraph 1 and 2 of Article 16 of the present Law.

(2) Officials, dealing with state inspection of food quality and safety, mentioned in paragraph 1 and 2 of Article 16 of the present Law, officials of the Food Board and Country Governments are obliged to exchange regularly information in the order, established by the Government of the Republic.

Article 14. Laboratories, issuing test protocols on food samples

(1) Food samples, taken for food inspection, may be analyzed in a laboratory only by means of acknowledged methods. The order of acknowledging of laboratory methods is established by the Government of the Republic on the motion of the Commission of Food Policy.

(2) Laboratories are accredited and acknowledged in the order, established by the Government of the Republic.

(3) The laboratories, dealing with analyzing food samples, must participate in domestic or international laboratories proficiency tests.

(4) Price-list of laboratory services, connected with food control and inspection, is confirmed in the order, established by the Government of the Republic.

(5) In the order, established by the Government of the Republic, the inspection authorities, mentioned in paragraph 1 of Article 16, may buy services at the cost of state budget resources for monitoring programmes and inspection of food quality and safety from accredited and acknowledged laboratories, except laboratory of the handler.

Article 15. Certification of food products and issuing of quality protocols

(1) Order of certification of food and quality system of handling enterprise is established by the Government of the Republic.

(2) Certification is issued to products, food batch or quality system of enterprise by the competent inspection authority, mentioned in paragraph 1 of Article 16.

(3) Form, field of use and order of issuing of quality protocol of food batch is enforced by the Government of the Republic on the motion of the Commission of Food Policy.

(4) Quality protocol and declaration are issued to food batch and perishables (quickly spoiling food).

(5) Laboratory of the handler, acknowledged in the order, enforced by the Government of the Republic, may issue according to contract on the basis of laboratory test protocol a quality certificate also to production of another handler.

Article 16. Food inspection authorities and officials

(1) Inspection of food quality and safety is carried out by officials (inspecting officials) of Plant Protection Board, Grain Board, Veterinary Board, Health Protection Board, Consumer Protection Board, Standards Board and Customs Board (inspection authorities) within the bounds of their competency.

(2) Inspecting officials, mentioned in paragraph 1 of present Article, are acting in the order, established in the Plant Protection Law (*RT Part I 1994, 28, 427*), Grain Law (*RT Part I 1994, 48, 789; 91, 1529*), Veterinary Service Law (*RT 1992, 49, 613*), Health Organization Law (*RT Part I 1994, 10, 133*), Consumer Protection Law (*RT Part I 1994, 2, 13*), Customs Law and the present Law and within the scope of their competency.

(3) Division of tasks between the authorities, dealing with food quality and safety inspection and mentioned in paragraph 1 of the present Article, is confirmed by the Government of the Republic on the motion of the Commission of Food Policy.

(4) Certification of attestation or licensing of an official, carrying out inspection of food quality and safety, is issued in the order, established by the Government of the Republic.

(5) Accreditation or licensing of inspection authorities, dealing with inspection of food quality and safety, is carried out in the order, established by the Government of the Republic.

Article 17. Control of food by the handler and state inspection

(1) Food handler is obliged to control the quality and safety of his production and is carrying out regular control over hazard analysis critical control points (HACCP) in his handling chain on the ground of methods, acknowledged by the Food Board. Methods of control of food quality and safety are regularly harmonized between Plant Protection Board, Grain Board, Veterinary Board, Board of Fisheries, Health Protection Board, Consumer Protection Board, Standards Board and Food Board and registered by the Food Board.

(2) Inspection official, mentioned in paragraphs 1 and 2 of Article 16 of the present Law, has according to the present Law the right to require explanation and documents, carry out all necessary inspections, examinations, take samples and get other evidences in the food chain in order to ascertain and guarantee food quality and safety to human health.

(3) The order of getting licence for food handling, mentioned in paragraph 4 of Article 4 of the present Law, is confirmed by the Government of the Republic. Licence of food handling is issued by the competent inspecting official, mentioned in paragraph 1 and 2 of Article 16, after evaluation of coming up of rooms and means of handling of an enterprise, enacted in Article 8, to the requirements of technical normative documentation (techno-specifications) on food handling, mentioned in paragraph 3 and 4 of Article 4 of the present Law.

(4) Inspection official, mentioned in paragraph 1 and 2 of Article 16 of the present Law, has the right to make within the bounds of his competency prescriptions on food handling and to enterprises, dealing with catering in connection with food quality and safety.

(5) Handler is obliged to help inspecting officials to fulfil their tasks, set by the present Law.

(6) Order of taking samples and analyzing, carried out by the inspecting official, mentioned in paragraph 1 and 2 of Article 16 of the present Law shall be established by the Government of the Republic. Handler has the right to independent parallel analysis in another accredited or acknowledged laboratory.

(7) If food, not meeting the requirements or falsified is discovered, the inspecting official has the right to require removing of spoilt food from handling. The inspecting official draws a corresponding protocol and announces the local government and the corresponding inspection authority, mentioned in paragraph 1 of Article 16 of the present Law, about the violation.

(8) Inspection officials, mentioned in paragraph 1 and 2 of Article 16 of the present Law, has the pledge of business and productions secrecy, coming to his knowledge during fulfilling his professional duties, if it is not at variance with other laws.

(9) Inspection authorities and officials, carrying out inspection of food quality and safety, mentioned in paragraph 1 and 2 of Article 16 of the present Law, and Food Board and its officials, mentioned in Article 12 of the present Law, are obliged to cooperate, help and inform each other.

(10) State inspection system of food quality and safety is financed from the State budget or through corresponding Law. Applications for state financing of fulfilling of tasks, mentioned in the present Law, for every fiscal year must be harmonized with the Commission of Food Policy, mentioned in paragraph 1 of Article 11 and they are confirmed by the Government of the Republic on the motion of the Ministry of Finance.

(11) Analysis, carried out within the framework of regular national monitoring programmes of food quality and safety, are financed from the State budget. In the case violation of Law by the handler is discovered in the course of inspection or carrying out of monitoring programmes, the handler covers the costs of analysis and fine according to the Law.

(12) In the case the sanctions, applied by the inspecting official, are at variance with the Law or without foundation and have brought about economic or moral damage to the handler, the handler has the right to require cancelling and getting compensation in administrative or civil order.

Chapter 4

RESPONSIBILITY FOR VIOLATION OF THE FOOD LAW

Article 18. Responsibility for violation of the Food Law

(1) Officials, mentioned in paragraph 2 of Article 12, paragraph 1 and 2 of Article 16 of the present Law and in Articles 203, 205, 207, 208, 216¹ and 216² of the Code of Violations of Administrative Law may within the bounds of their competency apply towards the legal bodies or persons, who have violated the present Law or legislative acts, enforced on the basis of the present Law, following sanctions:

- 1) assessment of fines according to Law;
- 2) suspension of handling of food and making prescriptions to further handling of food;
- 3) withdrawal of the licence in a validated order.

(2) Special confiscation of food and taking away the right of working on the post or in the field of activity may be applied according to the order, provided in the Criminal Code, Code of Violations of Administrative Law and Customs Law.

Article 19. Responsibility of a person

Persons carry disciplinary, civil, administrative or criminal responsibility for violation of the present Law according to the order provided in the Law.

Article 20. Responsibility of a legal person

(1) By the legal person:

1) violation of the present Law and the legislative acts, established on the basis of the present Law, in the manner, endangering health or life environment of the consumer, is fined up to 100,000 EEK or in the amount up to 10 times the value of the food batch, which was the direct object of violation;

2) presenting wrong data upon food composition, quality, content of additives, contaminants and microorganisms or for falsifying consignments, selling or other evidential documents is fined, depending on circumstances, up to 50,000 EEK or in the amount up to 10 times the value of the food batch, which was the direct object of the violation;

3) in case of not presenting the required documents, mentioned in the present Law or in the legislative acts, established on the basis of the present Law, to the competent official, carrying out control and inspection, fine is assessed, depending on circumstances, in the amount up to 25,000 EEK;

4) in case of violation of paragraph 2 and 3 of Article 4 and paragraph 2 of Article 5 of the present Law, except the case, mentioned in item 1 of the present paragraph, fine is assessed up to 50,000 EEK or in the amount up to 5 times the value of the food batch, which was the direct object of violation;

5) handling of falsified food, mentioned in paragraph 5 of Article 5 of the present Law, to human food is fined up to 50,000 EEK or in the amount up to 5 times the value of the food batch, which was the direct object of violation;

6) violation of requirements, established in paragraph 1 and 4 of Article 6 of the present Law, is fined up to 25,000 EEK or in the amount up to 3 times the value of the food batch, which was the direct object of violation;

7) violation of labelling requirements, established on the basis of paragraph 1 and 3 of Article 9 of the present Law, is fined, depending on circumstances, up to 50,000 EEK;

8) violation of requirements, established in paragraph 8 of Article 10 of the present Law, is fined up to 25,000 EEK or in the amount up to 3 times the value of the food batch, which was the direct object of violation.

(2) In case of violations, mentioned in item 1 of paragraph 1 of the present Article, the competent inspection official, mentioned in paragraph 1 and 2 of Article 16 of the present Law, may according to the Law apply compulsory storage or sending to handling or destruction of food products, which have been the direct object of violation.

Article 21. Procedure concerning violation of law by a legal person

(1) The right to penalize a legal person for violation of the present Law shall be vested with the officials, mentioned in paragraph 2 of Article 12, in paragraph 1 and 2 of Article 16 of the present Law and in Articles 203, 205, 207, 208, 216¹ and 216² of the Code of Violations of Administrative Law, within the bound of their competency.

(2) Procedure on violation of law by the legal persons is carried out in the order, established in the Code of Violations of Administrative Law.

(3) If violation of compulsory requirements of the present Law and the legislative acts, established on the basis of the present Law, is accompanied also by property damage, it will be compensated in civil order.

Chapter 5**APPLICATION OF THE FOOD LAW****Article 22. Amendments in the Administrative Violation Code and in the Law of State Duty of the Estonian Republic**

(1) In the Code of Violations of Administrative Violation Law (*RT* 1992, 29, 369; 1993, 7, 103; Part I 1993, 33, 539; 44, 637; 62, 891; 72/73, 1019; 1994, 1, 5; 12, 202; 23, 385; 24, 391; 28, 424 and 427; 34, 532 and 534; 39, 620; 46, 773; 48, 789; 50, 845; 68, 1169; 91, 1529; 1995, 4, 36; 5, 40; 11, 114 and 115) the following amendments are made:

1) Article 35¹ is added to the Code in the following formulation:

"Article 35¹ Violation of the requirements of food quality and safety.

(1) Violation of prescriptions or norms, established on the basis of the Food Law and regulating food quality and safety requirements and enacting control and inspection – is fined in the amount up to 150 daily wages.

(2) Violation of prescriptions or norms, established on the basis of the Food Law and regulating food quality and safety requirements and enacting control and inspection, if it damaged health or life environment of consumer, – is fined in the amount up to 200 daily wages.";

2) In paragraph 1 of Article 135 after the word "health protection" words "veterinary and food quality" shall be added;

3) In paragraph 1 of Article 159 the words "in the amount up to 50 daily wages" shall be replaced by words "in the amount up to 200 daily wages";

4) Article 216² is added to the Code in the following formulation:

"Article 216². Officials of The Food Board

(1) Officials of the Food Board discuss the cases of administrative violations, listed in paragraph 1 and 2 of Article 132 and paragraph 1 and 2 of Article 135 of the present Code.

(2) The right to inflict administrative penalties has the Director of the Food Board or the official, authorized for that by him.";

5) In paragraph 1 of Article 203 words "in Article 169 shall be replaced by words "in Articles 35¹ and 169" and in paragraph 1 of Article 216¹ words "in Article 75¹" by words "in articles 35¹ and 75¹";

6) The list, enacted in Article 205(1), Article 207(1), Article 208(1) and Article 216(1) shall be completed with Article 35¹;

7) The list, enacted in items 3, 16 and 20 of Article 228(1) shall be completed with Article 35¹;

8) Article 228(1) shall be completed with item 26 in the following formulation:

"26) The Food Board – Articles 132 and 135";

9) The list, enacted in Article 238(2) shall be completed with Article 35¹.

(2) The State Duty Law of the Estonian Republic (*RT* 1990, 11, 118; Part I 1993, 66, 935; 1994, 14, 247; 46, 773; 49, 805; 50, 845; 72, 1262; 74, 1324; 86/87, 1488; 91, 1529; 94, 1609; 1995, 14, 169) item 8 of Appendix 1 shall be completed with clauses 41, 42 and 43 in the following formulation:

"41) for registering of technical normative documentation (technospecifications) on food handling and issuing of licences of food handling according to paragraph 4 of Article 4 and paragraph 3 of Article 17 of the Food Law – 1000 EEK;

42) for issuing of certification, asserting accordance of food batch or quality system of the handler to the requirements, on the basis of paragraph 2 of Article 15 of the Food Law and by the competent inspection official, mentioned in paragraph 1 and 2 of Article 16 of the Food Law – 900 EEK;

43) for the activities of state inspection of quality and safety of food products on the basis of paragraph 5 of Article 10 of the Food Law:

- in the case of food products for imports – 500 EEK;
- in the case of food products for exports – 300 EEK".

Article 23. Entry into force

(1) The present Law shall enter into force on 1 May 1995, except the cases, mentioned in paragraph 2 of the present Article.

(2) The order, established in Article 4(4), Article 5(2) and (3), Article 6(1) and (5), in paragraph 2, 4, 6, 7, 9 and 11 of Article 10, in paragraph 1, 2, 3 and 5 of Article 14, in paragraph 1, 2 and 5 of Article 15, in paragraph 3, 4 and 5 of Article 16, in paragraph 1, 3, 9 and 10 of Article 17 of the present Law shall enter into force on 1 January 1996.

Chairman of the State Assembly Ü. NUGIS

Anti-Corruption Law

Passed in Riigikogu on 19 January, 1995
Proclaimed by the President of the Republic by Resolution No. 482 of 8 February 1995
(Riigi Teataja Part I 1995, No. 14, Art. 170)

Chapter 1 GENERAL PROVISIONS

Article 1. Function of the Law

The Law establishes the legal basis and action principles to anticipate corruption and to arraign the persons connected with corruption.

Article 2. The means to anticipate corruption

The means to anticipate corruption are:

- 1) declaration of the economic interests of the official persons and the persons equalised with them in the present Law and the publication of the declaration of economic interests in the cases provided by the present Law;
- 2) restrictions to employment in the sense as determined by Chapter 3 of this Law;
- 3) restrictions to action in the sense as determined by Chapter 4 of this Law.

Article 3. The office and the rank of the office

(1) For the purpose of the present Law, the office is a paid job to which a person is appropriately elected, appointed, named or confirmed and holding of which presumes the performance of duties enabling him to make or not to make official decisions or deeds.

(2) For the purpose of the present Law, the rank of office is a legal opportunity of the employee working in the state or local government agency, non-profit organisation or the union of such organisations or a company belonging to these, or of a person performing permanent or temporary duties for payment or free to possess the power or information due to his/her rights and obligations, whereby the usage or non-usage or the power or information enables him to perform corrupt deeds and receive corrupt income.

Article 4. The official person

(1) For the purpose of the present Law, official person is the official of the state or local government agency, also the non-staff employee performing the duties of the official and performing the duties of administration, management, supervision or arrangement.

(2) In the present Law the following persons are equalised with the official person:

- 1) President of the Republic;
- 2) Member of the *Riigikogu* [Parliament];
- 3) Prime Minister;
- 4) Member of the Government of the Republic;
- 5) Legal Chancellor;
- 6) State Controller;
- 7) President of *Eesti Pank* [Bank of Estonia];
- 8) State Attorney;
- 9) Secretary of State;
- 10) Chief and Commander-in-Chief of the Defence Forces;
- 11) Judge, incl. Supreme Court Justice and Chairman of the Supreme Court;
- 12) Notary;
- 13) Member of civil parish council and city council;
- 14) Officers of high rank of Defence Forces, *Kaitseliit* [Defence Union] and Border Guard;
- 15) Person who was elected, named or appointed to the staff of the organ or institution making decision about transference of the property of the state or local authority or public-legal person to the possession, usage and command of physical or private-legal person;
- 16) Person belonging to the administrative council, board or executive management of the organisation belonging to the state or local authority or to a public-legal person;

17) Employee of the public-legal non-profit organisation whose office or rank of office enables to make corrupt deeds and receive corrupt income.

Article 5. The term of corruption

(1) Corruption (corrupt deed) is the action or inaction of the official person with which he/ she, making use of the powers corresponding to his office or rank of office, or available data, or the authority relevant to his office or rank of office, or violating the restrictions to the employment or action as enforced by the present Law, causes damage to the state, local authority or public-legal entity by spending groundlessly their property, by taking ungrounded property obligations or causes damage to the private-legal person by making ungrounded advantages, or strives for or receives corrupt income for such action or does not suffer by the loss.

(2) Corruption-dangerous relations are the relations between the persons, at least one of whom is an official person, violating the restrictions to employment and action as described in Chapters 3 and 4 of the present Law.

(3) Corrupt income is the income the official person receives or shall publicly or hiddenly receive in the future from performing the corrupt deed from another person, in the form of:

- 1) financial payment;
- 2) gift, the value of which exceeds the extent enforced by the Government of the Republic on the basis of the present Law;
- 3) payment in kind, useful return service or advantage;
- 4) handling over stocks, shares and other securities free of charge or selling them below their market price to him/her;
- 5) becoming a co-owner of immovable, a co-partner of joint stock companies or other business organisations or a stockholder;
- 6) other economic profit.

Article 6. The obligation to avoid corruption-dangerous relations

(1) The conscious creation of corruption-dangerous relations with any means is forbidden.

(2) The official person must avoid from deeds with the purpose to get corrupt income, also from conclusion of such relations with the other persons, which can be considered corruption-dangerous in the terms of the present Law due to the nature of work, family or kinship relations.

(3) The official person who is in, gets to or intends to enter the corruption-dangerous relations has to announce it without delay in written to the management of his/her institution or company, or the head of the higher organisation and apply for the termination of such relation, by removing either himself or the other party to the other employment, trusting the conclusion of transactions to the other person or making the other steps with what the present or future corruption-dangerous relation shall terminate or loose its corruption-dangerousness.

(4) The conscious conclusion of the corruption-dangerous relations and their conscious continuation is the aggravating issue in the case of corrupt misdeed.

(5) Not informing the higher ranking person of the corruption-dangerous relations is the grounds for discharging from office or the termination of the employment contract due to the loss of trust, except the persons named in items 1-8, 10, 11 and 13 of paragraph 2 of Article 4 of the present Law.

Chapter 2

ANNOUNCEMENT AND PUBLICATION OF ECONOMIC INTERESTS

Article 7. The obligation to declare economic interests and their changes

(1) All the official persons are obliged to submit the declaration of their economic interests. It must include the data about the following:

- 1) real estate belonging to him;
- 2) ships, air crafts and cars belonging to him and entered the register;
- 3) sources of income (except the official wage from the employer);
- 4) possession of stocks and the other securities, if their possession can cause the conflict of interests according to the Article 21 of the present Law and the list of which is confirmed by the Government of the Republic;
- 5) debts to the banks and private-legal persons, and other property obligations, the amount of which exceeds the six months official salary of the bearer of the declaration;
- 6) gifts to be declared and received after the submission of the previous declaration, incl. vocation or travel expenses or other rendered services covered for him by other persons.

(2) The declaration of economic interests shall be submitted at least once a year by 1 March of the current year or within three months after being elected or named or appointed to the office, at which the submission of the declaration is obligatory.

(3) If the value of the property to be declared changes over 30% it is necessary to submit a new declaration not later than within a month after the change of the economic status.

(4) The things [immovable and movable property], rights and obligations being in the joint property shall be declared to the extent of the share belonging to the declarer; the things, rights and obligations belonging to the joint property of the spouses shall be declared with a relevant note. If the spouses have concluded a contract on their marriage property, it shall be enclosed to the declaration.

(5) The form of the declaration of economic interests shall be enacted by the Government of the Republic.

(6) Declaring the economic interests from the members of the management and the staff and non-staff official persons and the candidates for these offices can also be requested by the non-profit organisations and their unions if it is provided in their articles of association or if their cognisant management organ makes a relevant decision.

Article 8. Holding the declaration of economic interests

(1) The data included in the declaration of economic interests not to be made public is legally equalised with a state secret.

(2) The holder of the declaration of economic interests is an official person to whom the declaration is submitted.

(3) The declaration of the economic interests has to be kept in a way that nobody, except the head of the institution or the official person named by him, can familiarise with its content. Such an official person has the obligation not to give anybody the information about the content of the declaration of economic interests, except the cases of having doubt about corruption when the control of the declaration has been started or if the publication of the declaration on the basis of the law is obligatory.

(4) The declaration of economic interests shall be submitted to the head of the institution holding the declaration.

(5) Government Member of the Republic, Legal Chancellor, State Attorney, Secretary of State, Chief and Commander-in-Chief of the Defence Forces, member of the *Riigikogu*, chairman of the district court, county head, chairman of civil parish council and city council, member of the management organ and member of the board of the public-legal entity shall submit the declaration of economic interests to the state controller.

(6) Member of the *Riigikogu*, Chairman of the *Riigikogu*, Prime Minister, President of the Republic, President of the Bank of Estonia and State Controller shall submit the declaration of economic interests to the commission appointed by the *Riigikogu* for this.

(7) Member of city council of local authority and official of local authority shall submit the declaration of economic interests to the commission or the member of council appointed by the council.

(8) Member of the board or council of a business association, of which all the parts or stocks or controlling stock interest belong to the state, shall submit the declaration to the minister who governs the ministry performing the rights of the joint owner or stock holder of the business organisation. Notaries and administrative, provincial, city and district judges shall submit the declaration of economic interests to the minister of justice.

(9) Everybody has the right to know whether the official person has the obligation to submit the declaration of economic rights and where it is kept.

(10) The declaration of economic interests shall be kept no more than for three years at the place of the holder and then it is transferred to the State Archives for preservation.

(11) The more exact order of submitting the declaration of economic interests shall be enacted by the Government of the Republic on the basis of the present Law, except as specified in the paragraphs 6 and 7 of the present Article, in which case the appropriate order shall be enacted by the *Riigikogu* or the council of the local authority.

Article 9. Usage of the declaration of economic interests

(1) The declaration of economic interests is periodically used for the control to avoid corruption and specially in the case of doubts about corruption.

(2) Everybody, who has grounded doubt about corruption concerning the official person, has the right to submit in written his motivations to the holder of the declaration or his higher ranking official person or the investigation institution.

(3) Periodical control is arranged by the holder of the declaration.

(4) The State Controller shall have the right in performing his duties to familiarise with the declaration of economic interests.

(5) The court and the investigator shall have the right to demand the declaration of economic interests if it has importance in the court proceedings or investigation.

(6) The official person or the institution holding the declaration of economic interests, shall have the obligation to control the declaration if he/she has the data giving grounds for doubts about corruption or by the order of the higher ranking official person.

Article 10. Declaration of economic rights and their publication

(1) Everybody who has the obligation to submit the declaration of economic interests, shall be entitled to make it public at his own discretion.

(2) If it appears that the declaration of economic rights intentionally presents wrong or distorted data, the holder of the declaration shall be obliged to disclose the person submitting the declaration, the declaration and the evidence about wrong or distorted data. This obligation can not be fulfilled only at the decision of the investigation institution if it is necessary to investigate a criminal case.

(3) The declaration of economic interests of President of the Republic, Member of the *Riigikogu*, Prime Minister, Member of the Government of the Republic, Legal Chancellor, State Controller, State Attorney, President of the Bank of Estonia, Chief and Commander-in-Chief of the Defence Forces, Chairman of the *Riigikogu*, Member of the Supreme Court, chairman of the district court, head of the county, chairman of the civil parish council and city council shall be printed in the appendix to the *Riigi Teataja* once a year.

(4) The council of local authority shall have the right to adopt decision about the publication of the declarations of economic interests of council members and the officials of local authority, determining its order.

(5) The declarations of economic interests of the members of the civil parish council and city council, and the members of civil parish government and city government shall be published once a year in the newspaper, in which the civil parish and city government publish their official news.

(6) The civil parish council and city council can also adopt decision about publishing the declaration of economic interests of the other local authority officials.

(7) The declaration of economic interests shall be submitted for being publicized by the institution or the person to whom these are presented.

(8) The declaration to be published does not show the addresses.

Article 11. Refusing to declare the economic interests and giving wrong data

(1) If an official person, who is obliged on the basis of the present Law to submit the declaration of economic interests, refuses to submit it or if he/she submits wrong or distorted data in it, then this is the grounds to declination of his employment, discharge from office or termination of the employment contract concluded with him due to the loss of trust.

(2) If the official person specified in paragraph 3 of Article 10 of the present Law refuses to submit the declaration of economic interests or presents incorrect data in it, then the person with relevant authorities is obliged to start a criminal case on the basis of Criminal Code, Article 164³.

(3) If the member of the *Riigikogu* or of local authority council refuses to submit the declaration of economic interests, the Chairman of *Riigikogu* or local government council publishes an official announcement about it.

Chapter 3

RESTRICTIONS TO EMPLOYMENT

Article 12. The term of restriction to employment

(1) For the purposes of the present Law the restriction to employment shall be a restraint which limits the rights of an official person to deal with entrepreneurship while being at the same time in the public service, to combine working at several different institutions or organisations, also to work together with the family members, close relatives and kin in the same institution in the relationship of subordination.

(2) The restrictions to employment do not involve the activity, as the result of which income shall be received from the stocks and shares, interests from the deposits, the income from the real estate rented out or given to the possession of the other persons, royalty from the works published in print or electronic press and other incomes

which do not presume that the receiver of these actively works for the other physical or legal person with the purpose to facilitate their reception of economic profit.

(3) The restrictions to the employment do not involve the activity, from which the persons receive income as royalties, fee from public lectures and working as a lecturer, bonuses and rewards for remarkable achievements in the field of science, art or culture.

Article 13. The restrictions to employment of the official persons

(1) The official persons listed in paragraph 1, Article 4 are prohibited:

- 1) to hold also another paid office simultaneously, except scientific and pedagogical work;
- 2) to hold the paid or unpaid office of a chairman, board member, or the like, in the joint stock company or profitable private business organisation which is in direct or indirect economic relations with public-legal entities where they themselves are members of the management;
- 3) to hold the office where the direct superior is either some close relative or kin of the official person;
- 4) to work as a head or as a member of the management in a state institution or a company or in its subordinate office where all the employees or the majority of them are close relatives or kins of the given official person;
- 5) to work simultaneously as the head or as a member of the management of the public-legal entity and the legal entity subordinated to its direct control.

(2) An official person can be engaged in entrepreneurship only with a written permission of the person who appointed him to the office provided that the entrepreneurship does not hinder the performance of official duties, and does not offend the honour and dignity of the office.

(3) An official person can not make supervision of his own entrepreneurship as the performance of the official duties.

(4) For the purposes of the present Law, close relatives shall be the person's parents and grandparents, children and grandchildren, sisters and brothers, incl. half sisters and half brothers.

(5) A minister can make a proposal to the Government of the Republic to enforce with a relevant decree exceptions in the professions of their governance from the restrictions mentioned in items 4 and 5, Article 13(1) of the present Law, which take into account the peculiarities of each profession and the traditions in the field, in case these exclude the corruption-dangerousness in these fields, the avoidance of which is attempted by the enforcement of the restrictions to the employment.

(6) Exceptions as to the restriction given in item 1, Article 13(1) of the present Law may be made to allow the official person to be engaged in entrepreneurship provided that this does not have economic relations with state institution where the official person works and it does not damage his work in the state institution. A relevant individual permit shall be given by a senior manager.

(7) Directors of state companies and officials of ministries may be engaged in entrepreneurship only with the permission of the minister; the employees of independent subordinate offices of ministries, state companies, local authorities and business organisations, of which all the shares or parts belong to the local authority, and the employees of other organisations only with a written permission of the head of each relevant organisational unit, which is formulated according to the valid requirements for the official documentation of an institution or a company. By giving the permission the person takes the responsibility continuously to control that there is no corruption in the activity of the person engaged in entrepreneurship.

(8) The permissions given to the official persons to be engaged with entrepreneurship exceptionally shall be public and have to be published in the way as provided for the publication of the orders of the management.

(9) If the character of entrepreneurship for what the exceptional permit is applied for, according to the official person applied to for the permission, is either corruption-dangerous or endangers the reputation of the institution or the company or hinders the applicant in his performance of duties, he/she shall refuse to give the permission.

Article 14. The restrictions to employment of the officials of local authority

The same restrictions apply for the official persons working in the local authorities and holding paid office in them as for the state officials. The local authorities councils can make grounded amendments to these according to the local conditions and habits in the circumstances as described in Article 13 of the present Law, taking with it the responsibility to control periodically that the made amendments do not result in corruption.

Article 15. The restrictions to employment for the employees of the non-profit organisations and their unions

The employees in the non-profit organisations and unions thereof, incl. the political parties and sports associations, in the cases provided in their articles of association, can be involved with the same restrictions as apply for the official persons mentioned in paragraph 1 of Article 4 of the present Law. The general meetings of the organisations and other boards entitled for this according to their articles of association can make changes to these restrictions in the circumstances described in the Article 13 of the present Law according to the peculiarity of each organisation, taking with it the obligation to control periodically (no less than once a year) that corruption is not the consequence of the made amendments.

Chapter 4
RESTRICTIONS TO ACTION

Article 16. Restrictions to action

For the purposes of the present Law, restriction to the action is a restraint that limits the rights of an official person to make the transactions enabling to receive corrupt income.

Article 17. Prohibition to take payment or higher payment

(1) The official person who has to render free services or make the decisions is prohibited to require or to take fee for these in cash, kind or any return service.

(2) The official person who has to render services in an official order for the established fee is prohibited to require or to take higher fee for these than the relevant tariffs or price lists provide.

Article 18. Obligation to let to know about offering a bribe

(1) The official person is obliged to inform in written the head of the institution or the higher institution and investigation organisations about each offer of a bribe according to his knowledge.

(2) Non-announcement about offering a bribe, giving or taking it is the basis to discharge the person due to the loss of trust.

Article 19. Prohibition to conclude contract and enter into transactions with oneself

(1) The official person is prohibited to get to his/her usage or to buy himself or via representatives the property to be given for usage, to be sold or the sale of which is to be arranged and which is personally trusted to the disposal of him or the institution, to which management, or the organ making decisions about the property to be sold, he belongs.

(2) The transactions entered into by the official person with the legal entity, belonging fully or partly to him or his close relatives and kins, are treated as the transactions entered into with oneself and such transactions are void. The transactions entered into between the official person and legal entity to the management of which he belongs are considered to be the same, despite his being or not being a co-owner of the legal entity.

Article 20. Prohibited transactions entered into with relatives and kins

(1) The official person who due to his rank of office is entitled to make decisions about selling the property of the state, local authority or public organisation, giving it to the usage, the use of finances and the other property issues, is prohibited to enter into property transactions with his/her spouse, the first three step relatives of himself and spouse and the kins of the first two step, and he is also prohibited to enter into property transactions with the representatives of all these persons.

(2) Also the deputies to the head of the institution and other persons of the management, having the right to sign may not conclude contracts on behalf of the institution with the relatives and kins, listed in paragraph 1 of the present Article, of the head of the state institution or local authority or other official person of the administrative staff dealing with the property issues named in paragraph 1 of the present Article.

(3) As an exception an institution, company or organisation may conclude a purchase-sale or other property contract with the relatives and kins of their official person with the written permission of the minister or the head of executive organ of the local authority, provided there is no sign of corruption in the case of the relevant transaction and this does not damage the interests of the state or local authority. The State Control or the auditing commission of the local authority council shall be informed about the said transaction in three days.

Article 21. Conflict of interests

(1) Conflict of interests occurs if the official person has to make an economic or administrative decision or has to participate in such decision-making which directly or remarkably affects the property interests of himself or of his close relatives or kins listed in Article 13 of the present Law, or the economic interests of the legal entities of which he or his close relatives or kins are owners or co-owners or members of the administrative staff.

(2) The official person whose duty it is to participate in a collective organ by making such a decision in regard to which he/she has a conflict of interests, shall be obliged to announce about it without delay the other parties concerned in this collective organ and his/her direct superior and not to participate in the decision making. The official person or organ that has appointed the given official person to the decision-making organ may authorize some other official person to participate in the decision-making instead.

(3) The official person whose duty it is to make personally the decision in regard to which he has a conflict of interests, shall be obliged to remove himself from this at his/her own initiative and to inform his direct superior about the conflict of interests without delay, the direct superior makes the relevant decision himself or gives the task to another official person. In the case described in the present paragraph the official person may sign the decision only with the written order of his direct superior, for what there has to be a written note in the decision.

Article 22. Restrictions to accept gifts

(1) The official person can accept gifts without limits beyond working relations and representation connections from his/her spouse, relatives up to the third step and the kins up to the second step, also from individuals with whom he does not have direct or indirect official relations.

(2) In other cases the official person may accept gifts as the representative of the office held by him. The thing received as a gift not exceeding the maximum value of the personal gifts connected with the relevant office as determined by the Government of the Republic, may be considered as personal property by the official person; the things exceeding the maximum value are the property of the relevant institution, company or other organisation and shall be put to the account not later than within two months after receiving the gift. The receiver of the gift is responsible for taking the gift to the list of inventories and presenting the data about it to the accounting.

(3) If the received gift exceeds the maximum value of personal gift enacted by the Government of the Republic, the receiver of the gift may leave it to himself only provided that he pays the market price of the gift and can accept the value difference of the allowed gift to the treasury of the economic entity, as the representative of which he accepted the gift.

(4) The official person may accept without limits the services from public-legal person as gifts with the value not exceeding his three months salary, provided that the person pays the price of the service and the value difference of the gift allowed to accept to the treasury of the economic entity, as the representative of which he accepts the gift.

Chapter 5

RESPONSIBILITY FOR CORRUPTION

Article 23. The person guilty of corruption

(1) The person who performs a corrupt deed is arraigned according to disciplinary or criminal order.

(2) The official person who performs a corrupt deed as well as the official person who does not perform the obligations or observe the restrictions, or violates the obligations or restrictions applied to him with the purpose to avoid corruption and in case there is no ground for punishment in criminal order, shall be subject to the punishment in disciplinary order, unless otherwise provided by the law.

(3) If the official person who performed a corrupt deed, for what he was not dismissed or removed from the appointed, named or confirmed office due to the loss of trust, but was subjected to some other disciplinary punishment, performs a new corrupt deed within one year, he shall be subject to obligatory dismissal or removal due to the loss of trust.

Chapter 6

APPLICATION OF THE LAW

Article 24. Amendment to the Law on the Contract of Employment of the Republic of Estonia

The following amendment shall be made to the Law on the Contract of Employment of the Republic of Estonia (RT 1992, 15/16, 241; 1993, 10, 150; Part I 1993, 26, 441):

1) paragraph 2 of the Article 104 is amended with items 4-7 as follows:

"4) has not informed the employer about the corrupt-dangerous relations;

5) has not informed in written the employer about offering, giving or taking a bribe;

- 6) has refused to submit the declaration of economic interests according to the Anti-Corruption Law;
- 7) has violated the restrictions to employment and action as provided by the law."

Article 25. Changes and amendments to the Criminal Code

The following changes and amendments shall be made to the Criminal Code:

- 1) Article 38 is amended with item 13 as follows:

"13) committing a crime by making use of corruption-dangerous relations.";

- 2) the text of Article 160 is deemed to be the paragraph 1 and a new paragraph 2 is added to the Article as follows:

"(2) In applying Article 164² of the present Code, the official persons are the persons listed in Article 4 of the Anti-Corruption Law.";

- 3) the Criminal Code is amended with Article 164² as follows:

"Article 164². Corruption

(1) Corruption (corrupt deed) is the action or inaction of the official person with which he, making use of the powers corresponding to his/her office or rank of office, or available data, or the authority appropriate to his/her office or rank of office, or violating the restrictions to the employment or action as enforced by Article 13 of the Anti-Corruption Law, causes damage to the state, local authority or public-legal entity by spending groundlessly their property, by taking ungrounded property obligations or causes loss to the private-legal person by making ungrounded advantages, or strives for or receives for such action corrupt income or does not suffer by the damage.

(2) Punishments for corruption are a fine, removal or arrest of the right to work at a certain office or a field of activity.

(3) A fee in combination with removal of the right to work at certain offices or fields of activity, or a sentence of three years shall be imposed for the corruption in case it results in significant loss.

- (4) For the same deed:

- 1) performed repeatedly, or
- 2) performed at the previous agreement by a group of persons, or
- 3) in case significant loss is caused by it, or
- 4) in combination with blackmail -

punishments are sentence up to six years with the removal of rights to work at certain offices or fields of activity.";

- 4) the Criminal Code is amended with Article 164³ as follows:

"Article 164³. Non-submission of the declaration of economic interests to be published or presenting purposely incorrect data in this

Not submitting the declaration of economic interests by the term and presenting incorrect data in this shall be punished by fee or arrest."

Article 26. Application of the law

(1) The more exact order for application of the present Law shall be enforced by the *Riigikogu*, local authority councils and the Government of the Republic according to their jurisdiction within three months.

(2) Article 19(2) of the present Law shall be applied at the proposal of the State Controller and at the suggestion of the Republic of the Government retrospectively since 16 November 1988.

Chairman of the State Assembly Ü. NUGIS