

Electrical Safety Act

Passed 22 May 2002

(RT¹ I 2002, 49, 310),

entered into force 1 July 2002,

amended by the following Act:

18.12.2002 entered into force 31.12.2002 - RT I 2002, 110, 659.

Chapter 1

General Provisions

§ 1. Scope of application of Act

With the aim of preventing and reducing hazards of electrical origin and electromagnetic disturbances to persons, property and the environment, this Act provides requirements for:

- 1) electrical equipment and installations, for the placing on the market, putting into service and the use thereof, and for the procedure for the conformity assessment and attestation thereof;
- 2) owners of electrical installations, designated bodies, electrical contractors, technical inspection bodies, authorities assessing and attesting the conformity of persons, persons organising the operation of electrical installations and persons in charge of electrical work;
- 3) the registration of undertakings, and for state supervision.

§ 2. Application of other Acts

- (1) Where the prevention of hazards other than those of electrical origin or electromagnetic disturbances which may be caused to persons, property or the environment by electrical equipment and installations is regulated by another Act or legislation established on the basis thereof, the requirements provided by the other Act or legislation established on the basis thereof apply with the specifications arising from this Act.
- (2) Construction requirements provided by an Act regulating construction activities and legislation established on the basis thereof apply to the construction of electrical installations, with the specifications arising from this Act and legislation established on the basis thereof.
- (3) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375) apply to the administrative procedure prescribed in this Act with the specifications arising from this Act.

§ 3. Definitions

(1) For the purposes of this Act:

- 1) electrical equipment is equipment or an accessory which is intended to produce, transform, transmit, distribute or use electric power and which contains electrical or electronic components;
- 2) an electrical installation is a fixed operational assembly of electrical equipment and conductors;

- 3) electromagnetic compatibility is the ability of a device, unit of equipment or system to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to any other equipment in that environment;
- 4) an electromagnetic disturbance is any electromagnetic phenomenon, such as electromagnetic noise, an unwanted signal or a change in the propagation medium itself, which may degrade the performance of a device, unit of equipment or system;
- 5) immunity is the ability of a device, unit of equipment or system to perform without degradation of quality in the presence of an electromagnetic disturbance;
- 6) operation of an electrical installation (hereinafter operation) is an activity intended to keep the electrical installation in operation including, for example, switching on and off, controlling, inspection and maintenance;
- 7) placing on the market is an activity by which electrical equipment or an electrical installation is made accessible in Estonia or the territory of a Member State of the European Union for distribution or use for the first time;
- 8) an authorised representative of a manufacturer is a person who is permanently resident or located in Estonia or the territory of a Member State of the European Union and who holds written authorisation granted by the manufacturer to perform the functions of an authorised representative as provided for in this Act and legislation established on the basis thereof.

(2) In this Act, the definitions specified in § 2 of the Product Conformity Attestation Act (RT I 1999, 92, 825; 2002, 6, 20) are used with the specifications arising from this Act.

§ 4. Classification of electrical installations

(1) Electrical installations are divided into electrical installations of classes 1, 2 and 3 according to the hazards of electrical origin which they present.

(2) Electrical installations of class 1 are electrical installations which are located:

- 1) in the premises of health care providers or hospitals which are used for the treatment of patients and where procedures involving anaesthesia or general anaesthesia are performed;
- 2) in potentially explosive atmospheres;
- 3) at sites liable to be affected by major accidents.

(3) Electrical installations of class 2 are:

- 1) electrical installations in the common use of apartment possessors residing in buildings with two or more than two apartments;

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- 2) electrical installations located in workrooms or laboratories where training in electrical engineering takes place;

- 3) electrical installations located in the premises of health care providers or hospitals which are used for the treatment of patients but where no procedures involving anaesthesia or general anaesthesia are performed;
 - 4) electrical installations with a nominal voltage of up to 1000 V where the nominal current of the main circuit breaker exceeds 35 A;
 - 5) electrical installations with a nominal voltage exceeding 1000 V.
- (4) Electrical installations which do not belong to class 1 or class 2 are electrical installations of class 3.

Chapter 2

Requirements for Electrical Equipment and Installations

Division 1

General Requirements

§ 5. Requirements for electrical equipment and installations

- (1) Electrical equipment shall be planned, designed, manufactured, repaired and reconstructed such that, if installed in conformity with the requirements and used for its intended purposes, the equipment does not present a danger to persons, domestic animals, property or the environment.
- (2) An electrical installation shall be designed, constructed, tested, repaired, maintained and inspected such that, if used for its intended purposes, the installation does not present a danger to persons, property or the environment.
- (3) The requirements for electrical equipment and installations, for the electromagnetic compatibility thereof and for the provision of labelling on or information with electrical equipment and installations shall be established by the Minister of Economic Affairs and Communications.

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§ 6. Placing of electrical equipment and installations on market

- (1) Electrical equipment or an electrical installation may be placed on the market if:
 - 1) it conforms to the requirements provided for in this Act and legislation established on the basis thereof;
 - 2) its conformity has been attested pursuant to the procedure established on the basis of this Act;
 - 3) it is accompanied by the required labelling and information;
 - 4) it is marked with a conformity mark, if this is required.
- (2) Persons who place electrical equipment on the market are required, at the request of an official conducting market supervision, to provide documentary evidence of the conformity of the electrical equipment placed on the market thereby. The conformity of electrical equipment may be proven by presenting a conformity attestation document issued by a notified body.

§ 7. Presentation of non-conforming electrical equipment

Electrical equipment which does not conform to the requirements provided for in this Act or legislation established on the basis thereof, or with regard to which the procedure for assessment and attestation of conformity has not been observed, may be presented at trade fairs, exhibitions, demonstrations and other public presentations on the condition that it is accompanied by clearly visible information which states that the electrical equipment does not conform to the established requirements and that it is not permitted to place the equipment on the market before it is brought into conformity with the requirements. The person who presents the equipment shall ensure safety and prevent any intolerable electromagnetic disturbances during the presentation.

Division 2

Low-voltage Electrical Equipment

§ 8. Requirements for low-voltage electrical equipment

(1) For the purposes of this Division, low-voltage electrical equipment is electrical equipment designed for use with a voltage rating between 50 and 1000 V for alternating current and between 75 and 1500 V for direct current.

(2) The requirements established for low-voltage electrical equipment in § 5 of this Act and on the basis thereof do not apply to:

- 1) electrical equipment for use in an atmosphere which may become explosive due to the surrounding working conditions;
- 2) electrical equipment for medical and radiology purposes;
- 3) electrical parts for goods and passenger lifts;
- 4) electricity meters;
- 5) plugs and socket outlets for domestic use;
- 6) electric fences;
- 7) radio-electrical interference;
- 8) specialised electrical equipment, for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which Estonia participates.

§ 9. Assessment and attestation of conformity of low-voltage electrical equipment

(1) Before low-voltage electrical equipment is placed on the market, the assessment and attestation of the conformity of the equipment shall be organised, pursuant to the procedure established on the basis of subsection (2) of this section, by the manufacturer of the equipment, an authorised representative thereof or the person who will place the equipment on the market.

(2) The procedure for the assessment and attestation of the conformity of low-voltage electrical equipment and the conformity assessment procedures required for the attestation of conformity shall be established by the Minister of Economic Affairs and Communications. Such procedure is based

on the provisions of the Product Conformity Attestation Act with the specifications arising from this Act.

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Division 3

Requirements for Electromagnetic Compatibility

§ 10. Requirements for electromagnetic compatibility of electrical equipment and installations

(1) Electrical equipment shall be planned, designed, manufactured, repaired and reconstructed such that, if installed in conformity with the requirements and used for its intended purposes, the equipment does not cause any intolerable electric or electromagnetic disturbances and has an adequate level of intrinsic immunity to electromagnetic disturbances.

(2) An electrical installation shall be designed, constructed, tested, repaired, maintained and inspected such that, if used for its intended purposes, the installation does not cause any intolerable electric or electromagnetic disturbances and has an adequate level of intrinsic immunity to electromagnetic disturbances.

(3) The requirements for electromagnetic compatibility established in this Act and on the basis thereof do not apply to the following electrical equipment and installations:

- 1) telecommunications equipment, including telecommunications terminal equipment and radio equipment, the electromagnetic compatibility requirements for which are partly or wholly covered by requirements provided by another Act or legislation established on the basis thereof;
- 2) spare parts, accessories and other electric and electronic components, unless such components can be used separately;
- 3) equipment used by radio amateurs, unless such equipment is commercially available.

§ 11. Assessment and attestation of conformity of electrical equipment and installations with requirements set for electromagnetic compatibility thereof

(1) Before electrical equipment and installations are placed on the market, the assessment and attestation of the conformity of the equipment and installations with the requirements set for the electromagnetic compatibility thereof shall be organised, pursuant to the procedure established on the basis of subsection (2) of this section, by the manufacturer of the electrical equipment or installations, an authorised representative thereof or the person who will place the equipment or installation on the market.

(2) The procedure for the assessment and attestation of the conformity of electrical equipment and installations with the requirements set for the electromagnetic compatibility thereof and the conformity assessment procedures required for the attestation of conformity shall be established by the Minister of Economic Affairs and Communications. Such procedure is based on the provisions of the Product Conformity Attestation Act with the specifications arising from this Act.

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(3) The obligation to involve a notified or competent body may be prescribed in the conformity assessment procedures required for attestation of the conformity of electrical equipment and installations with the requirements set for the electromagnetic compatibility thereof.

Chapter 3

Designated Body

§ 12. Designated body

(1) A designated body is a person who, on the basis of this Act, conducts the conformity assessment procedures required for attestation of the conformity of electrical equipment and installations with the requirements for the electromagnetic compatibility thereof. For the purposes of this Act, designated bodies are notified bodies or competent bodies.

(2) The provisions of the Product Conformity Attestation Act, with the specifications arising from this Act, apply to the grant to a person of the right to operate as a designated body, to the revocation or suspension of such right, and to the operation of a person as a designated body and the exercise of state supervision over that person.

(3) The right to act as a designated body is granted to a person for up to five years.

§ 13. Requirements for designated bodies

A person who applies for the right to operate as a designated body or a person who operates as a designated body shall conform to the requirements set for designated bodies in the Product Conformity Attestation Act with the following specifications arising from this Act:

1) the person shall be accredited pursuant to the Product Conformity Attestation Act to assess and attest the conformity of electrical equipment and installations;

2) the person shall have liability insurance which meets the requirements provided for in § 36 of this Act and is valid for the entire period of operation as a designated body;

3) the person shall ensure that the employees thereof maintain the confidentiality of information of which they become aware in the performance of their official duties, unless the disclosure of such information is prescribed by law.

Chapter 4

Putting Electrical Installations into Service and Use thereof

§ 14. Requirements for putting electrical installations into service and use thereof

(1) An electrical installation may be put into service and used if the electrical installation conforms to the requirements provided for in this Act and legislation established on the basis thereof, including the following:

1) in prescribed cases, a technical inspection of the electrical installation (hereinafter technical inspection) has been performed;

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2) in prescribed cases, a person has been appointed to be in control of the electrical installation (hereinafter person in control of the electrical installation);

3) a corresponding notice has been sent to the undertaking with which the contract for use of a network connection has been entered into.

(2) The notice specified in clause (1) 3) of this section shall confirm that the electrical installation is ready to be energised and that it conforms to the requirements, and the notice shall contain:

1) information regarding the person who enters into the contract for use of a network connection, that is, the electricity consumer;

2) information regarding the technical specifications of the electrical installation;

3) information regarding the designer and constructor of the electrical installation and regarding the technical inspection body;

4) the contact details of the person who signs the notice.

(3) An electrical installation is deemed to have been put into service as of the moment when the electrical installation is energised for use for its intended purposes. Electrical installations may be put into service in parts although a technical inspection of each corresponding part shall be performed before the part is put into service.

(4) The energising of an electrical installation for an inspection to be performed is not deemed to mean that the electrical installation has been put into service.

§ 15. Protection zone for electrical installation

(1) A protection zone for an electrical installation is the land, air space or body of water surrounding the electrical installation, provided that the electrical installation is a separate construction, where the use of an immovable is restricted due to the necessity to ensure safety.

(2) Within a protection zone for an electrical installation, it is prohibited to prevent access to the electrical installation, store waste, flammable materials and flammable substances, ignite open flames, cause the contamination or corrosion of the electrical installation, or organise public events if the electrical installation has a nominal voltage exceeding 1000 V.

(3) Without the permission of the owner of an electrical installation, it is prohibited:

1) within the protection zone for the electrical installation, to build, perform any excavation, loading, dredging, blasting, flooding, irrigation or land improvement operations, or plant or remove trees or shrubs;

2) within a power network protection zone for submerged cable lines, to perform dredging operations, moor water craft, or move with dropped anchor, chains, logs, trawls or nets;

3) within a power network protection zone for submerged cable lines, to locate traffic signs and buoys for water craft, or to blast or store ice;

4) within a power network protection zone for overhead transmission lines, to drive vehicles and operate machinery the height of which above ground level, with or without cargo, exceeds 4.5 metres;

5) within a power network protection zone for overhead transmission lines of a nominal voltage exceeding 1000 V, to construct stock yards, wire fences and watering places for livestock;

6) within a power network protection zone for underground cable lines, to operate impact mechanisms, level ground, perform earthwork at a depth exceeding 0.3 metres, or 0.45 metres in land to be ploughed, or to store or handle loads.

(4) The extent of a protection zone for an electrical installation shall be established by the Government of the Republic based on the danger level, voltage, capacity and location of the electrical installation.

§ 16. Obligations of owner of electrical installation

The owner of an electrical installation shall ensure that the electrical installation is used pursuant to the requirements established in legislation, including the following:

1) ensure necessary control of the operation of the electrical installation;

2) in the case of an electrical installation of class 1, appoint a person to be in control of the electrical installation;

3) in the case of an electrical installation with a nominal voltage of up to 1000 V and where the nominal current of the main circuit breaker exceeds 100 A, or in the case of an electrical installation with a nominal voltage exceeding 1000 V regardless of the nominal current of the main circuit breaker, appoint a person to be in control of the electrical installation;

4) enable the person in control of the electrical installation to perform his or her duties;

5) in prescribed cases, organise the technical inspection of the electrical installation;

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6) be in a corresponding legal relationship with the person in control of the electrical installation for the obligations specified in § 18 of this Act to be performed, except in the case where the owner of the electrical installation is a natural person who also performs the obligations of the person in control of the electrical installation;

7) be in possession of documentation regarding the electrical installation and the technical inspection thereof;

8) provide the officials of the Technical Inspectorate and other authorised officials with all possible assistance in ascertaining the reasons for any breakdown of an electrical installation which results in an accident and, until such reasons are established, maintain the situation caused by the breakdown and accident unless this may result in further damage;

9) notify the Technical Inspectorate at the earliest opportunity of any breakdown of an electrical installation or any accident which occurs during the use thereof.

§ 17. Requirements for persons in control of electrical installations

(1) The person in control of an electrical installation is a person who:

- 1) is competent to ensure that the electrical installation is operated pursuant to the requirements of this Act and legislation established on the basis thereof;
 - 2) undertakes to ensure that, while the electrical installation is in use, it is operated in conformity with the requirements of this Act and legislation established on the basis thereof.
- (2) The person in control of an electrical installation shall have received professional training and shall have knowledge about the electrical installation, its construction and the safety requirements for its use and sufficient work experience to ensure the safe use of the electrical installation.
- (3) The conformity of the person in control of an electrical installation with the requirements provided for in subsection (2) of this section shall be assessed and attested by a person specified in subsection 29 (1) of this Act.
- (4) The person in control of an electrical installation may also act as the person in charge of the electrical work at the same electrical installation to which he or she has been appointed as the person in control.

§ 18. Obligations of person in control of electrical installation

- (1) The person in control of an electrical installation shall ensure that the electrical installation is used pursuant to the requirements established in legislation, including the following:
- 1) suspend the use of the electrical installation if the electrical installation does not conform to the requirements provided for in legislation;
 - 2) ensure that a maintenance schedule exists for the electrical installation if it requires periodical maintenance, and that the schedule is observed;
 - 3) if it becomes clear that there is danger to persons, property or the environment, ensure that the use of the electrical installation or work at the electrical installation is suspended until the danger has passed or eliminated;
 - 4) be available in order to ensure safety and be present during technical inspections and state supervisory operations.
- (2) The requirements for control of the operation of electrical installations shall be established by the Minister of Economic Affairs and Communications.

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§ 19. Disturbances and danger, and costs incurred in electrical work at electrical installations

- (1) If an electrical installation causes disturbances or danger to another electrical installation or the operation thereof or to a third electrical installation through another electrical installation and if both the disturbing and the disturbed electrical installations conform to the requirements provided for in legislation, the owner of the electrical installation which was completed later shall perform electrical work at that electrical installation in order to prevent the disturbances or danger.
- (2) If it is less complicated or less expensive to eliminate the disturbances or danger by altering or supplementing the technical structure of the electrical installation which was completed earlier and if this is possible without significantly disturbing the operation of the electrical installation, the

owner of the electrical installation which was completed earlier shall perform the electrical work at that electrical installation in order to prevent the disturbances or danger.

(3) The later of two electrical installations or parts thereof to be completed is deemed to be the one which is connected to a power network later than the other.

(4) In the case provided for in subsection (2) of this section, the owner of the electrical installation which was completed later shall compensate the costs related to the electrical work at the electrical installation which was completed earlier to the owner of that electrical installation. When the costs are being determined, the profit or loss which the owner of the electrical installation which was completed earlier incurs as a result of electrical work due to a change in the operational capacity or the size of the operating expenses of the electrical installation shall be taken into account.

Chapter 5

Electrical Work

§ 20. Electrical work

(1) For the purposes of this Act, electrical work is the repair, reconstruction, inspection, testing or maintenance of electrical equipment and the design, construction, installation, inspection, testing, repair or maintenance of electrical installations.

(2) For the purposes of this Act, the following are not deemed to be electrical work:

1) work on electrical equipment and in electrical installations with alternating current of up to 50 V or direct current of up to 120 V;

2) work in electrical installations with a nominal voltage of up to 250 V during which the degree of protection of the enclosures of the electrical equipment and electric circuits does not fall below IP 20;

3) installation, repair and maintenance of un-energised single-phase plugs, connecting leads and interior lamps with a nominal voltage of up to 250 V and without a protective conductor;

4) opening or removal of enclosures of un-energised electrical equipment and electric circuits with a nominal voltage of up to 250 V for finishing, maintenance and other such work.

(3) While electrical work and work specified in subsection (2) of this section is in progress, the safety of persons, property and the environment shall be ensured and the safety requirements arising from the procedure established on the basis of subsection 18 (2) of this Act shall be observed.

§ 21. Requirements for electrical contractors

(1) It is permitted for a person to engage in electrical work as an economic activity if the person is registered in the register specified in § 31 of this Act (hereinafter electrical contractors) and has a person in charge of electrical work or, in the case specified in subsection 17 (4) of this Act, a person in control of an electrical installation.

(2) An electrical contractor shall:

1) possess sufficient resources and documentation for electrical work;

2) ensure that electrical work is performed by persons with sufficient electrical safety training therefor;

3) be in a corresponding legal relationship with the person in charge of electrical work or, in the case specified in subsection 17 (4) of this Act, with the person in control of the electrical installation for the obligations provided in § 23 of this Act to be performed, except in the case where the electrical contractor is a natural person who also performs the obligations of the person in charge of electrical work or the person in control of the electrical installation;

4) document the electrical work.

(3) After completing electrical work and on the basis of measuring and test results, visual inspection and documentation of the electrical equipment or installation, the electrical contractor shall verify that the equipment or installation conforms to the requirements provided for in this Act and legislation established on the basis thereof.

(4) An electrical contractor who establishes that electrical equipment or an electrical installation does not conform to the requirements provided for in this Act and legislation established on the basis thereof shall notify the person to whom the electrical equipment or installation is to be transferred after the electrical work is completed that the equipment or installation does not conform to the requirements.

§ 22. Requirements for persons in charge of electrical work

(1) A person in charge of electrical work is a person who:

1) is competent pursuant to legislation to organise or ensure that electrical work is performed in conformity with the requirements;

2) undertakes to ensure that the requirements established by legislation for electrical work are observed when electrical work is performed.

(2) A person in charge of electrical work shall have received professional training and shall have work experience in electrical work and knowledge about electrical equipment and installations, the construction thereof and the safety requirements for the use thereof to an extent which ensures the safety of the electrical work of which the person is in charge.

(3) The conformity of a person in charge of electrical work with the requirements provided for in subsection (2) of this section shall be assessed and attested by a person specified in subsection 29 (1) of this Act.

§ 23. Obligations of person in charge of electrical work

(1) A person in charge of electrical work is required to ensure that:

1) the requirements provided for in legislation are observed when electrical work is performed;

2) electrical work is performed by persons who have received adequate professional training and that such persons are provided with sufficient instructions to perform their duties in conformity with the requirements;

3) the electrical equipment or installation is safe for use after the electrical work is completed;

4) the Technical Inspectorate is immediately informed of any breakdown or accident which takes place in the course of electrical work.

(2) The person in charge of electrical work shall be available in order to ensure safety and be present during state supervisory operations.

Chapter 6

Technical Inspection

§ 24. Technical inspection

For the purposes of this Act, technical inspection of an electrical installation is a procedure in the course of which:

1) the conformity of an electrical installation with the requirements of this Act and legislation established on the basis thereof is assessed on the basis of a visual inspection and documentation pertaining to the electrical installation or on the basis of measuring and test results provided by an accredited laboratory or a laboratory approved pursuant to the Metrology Act (RT I 1994, 71, 1224; 2000, 71, 442; 2002, 61, 375; 63, 387);

2) the conformity of the electrical installation with the requirements of this Act and legislation established on the basis thereof is attested.

§ 25. Technical inspection body

(1) For the purposes of this Act, a technical inspection body is an undertaking or other legal person registered in the commercial register.

(2) For the purposes of this Act, technical inspection bodies are divided into three groups which conform to the criteria set for inspection bodies of type A, B or C, according to the criteria for independence set out in the annex to the Estonian standard EVS-EN 45004:1997.

(3) The technical inspection of class 1 electrical installations may be performed by technical inspection bodies which conform to the criteria set for inspection bodies of type A.

(4) The technical inspection of class 2 electrical installations may be performed by technical inspection bodies which conform to the criteria set for inspection bodies of type A, B or C.

(5) The technical inspection of class 3 electrical installations may be performed by technical inspection bodies which conform to the requirements of subsection (2) of this section or by electrical contractors.

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§ 26. Requirements for technical inspection bodies

(1) Technical inspections may be performed only by bodies registered in the register specified in § 31 of this Act.

(2) A technical inspection body shall:

1) have staff who have received the necessary training and who have the necessary education and experience to perform technical inspections;

- 2) possess the resources to perform technical inspections;
 - 3) be independent, qualified, impartial and non-discriminating;
 - 4) inform the owner of an electrical installation and the Technical Inspectorate of any danger to persons, property or the environment related to the electrical installation and established in the course of technical inspection;
 - 5) forward information concerning the technical inspection of an electrical installation to the Technical Inspectorate pursuant to the procedure established on the basis of subsection 28 (2) of this Act;
 - 6) ensure that technical inspection services are provided on the basis of a uniform price list across the whole territory of the Republic of Estonia regardless of the technical characteristics of any given electrical installation, in addition to which the price of technical inspection services shall not depend on the location of the electrical installation to be inspected;
 - 7) be accredited to perform technical inspections of class 1 or class 2 electrical installations.
- (3) In addition to the requirements provided for in subsection (2) of this section, a technical inspection body which conforms to the criteria set for inspection bodies of type A or C shall, for the entire period of its operation as a technical inspection body, have valid liability insurance which meets the requirements provided for in § 36 of this Act.
- (4) The provisions of § 14¹ of the Product Conformity Attestation Act apply to authorities accrediting technical inspection bodies.

§ 27. Performance of technical inspection

- (1) Every electrical installation is subject to technical inspection before it is put into service and also in prescribed cases and at prescribed intervals after it has been put into service. Technical inspections are divided into technical inspections before use, regular technical inspections and emergency technical inspections.
- (2) An emergency technical inspection shall be performed if the person in control of the electrical installation deems it necessary in order to ensure safety or on the reasoned request of the state supervisory authority.
- (3) The procedure for and extent of technical inspection and the cases for and frequency of regular technical inspection depending on the class, application and technical characteristics of the electrical installations shall be established by the Minister of Economic Affairs and Communications.

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§ 28. Submission of information concerning electrical installations

- (1) Each month, technical inspection bodies shall send information to the Technical Inspectorate by electronic means concerning electrical installations inspected during the past month.
- (2) The list of information to be submitted concerning an electrical installation and the owner, person in control and technical inspection thereof, and the formal requirements for such information and the procedure for the submission and registration thereof shall be established by the Minister of Economic Affairs and Communications.

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Chapter 7

Assessment and Attestation of Conformity of Persons

§ 29. Assessment and attestation of conformity of persons

(1) For the purposes of this Act, assessment and attestation of the conformity of a person is a procedure during which an undertaking or other legal person registered in the commercial register (hereinafter authority assessing and attesting the conformity of persons) assesses and attests, in written form, the conformity to the requirements of a person in control of an electrical installation or a person in charge of electrical work.

(2) In the course of assessment and attestation of the conformity of a person, the person is awarded a category of competency to work as a person in charge of electrical work or a person in control of an electrical installation, depending on the nominal voltage of the electrical equipment or installation and the complexity of the work. The education of the person, his or her work experience and his or her knowledge of electrical safety shall be taken into account when the person is awarded a category of competency.

(3) The categories of competency and the procedure for assessment and attestation of the conformity of persons shall be established by the Minister of Economic Affairs and Communications.

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§ 30. Authority assessing and attesting conformity of persons

(1) The conformity of a person may be assessed and attested only by authorities which are registered in the register specified in § 31 of this Act.

(2) An authority assessing and attesting the conformity of persons shall:

- 1) have staff who have received the necessary professional training and who have the necessary education and experience necessary to assess and attest the conformity of persons;
- 2) possess the resources to assess and attest the conformity of persons;
- 3) be independent, qualified, impartial and non-discriminating;
- 4) have liability insurance which meets the requirements provided for in § 36 of this Act and is valid for the entire period of its operation as an authority assessing and attesting the conformity of persons;
- 5) be accredited to assess and attest the conformity of persons.

(3) The provisions of § 14¹ of the Product Conformity Attestation Act apply to authorities assessing and attesting the conformity of persons.

Chapter 8

Registration of Undertakings

§ 31. Registration application

(1) A person who wishes to operate as an electrical contractor, a technical inspection body or an authority assessing and attesting the conformity of persons (hereinafter undertaking) shall submit a registration application to the authorised processor of the state register of undertakings operating in areas of activity subject to special requirements (hereinafter register).

(2) A registration application shall set out the following:

1) the name, address and other contact details of the undertaking, and the registry code or personal identification code or, in the absence of the latter, date of birth;

2) the area of activity (electrical work, technical inspection or assessment and attestation of the conformity of persons) in which the person wishes to operate;

3) if the person wishes to operate as an electrical contractor, the name and contact details of the person in charge of electrical work, the number and the date of issue of the conformity attestation document issued to the person, and the name and contact details of the issuer of the document;

4) if the person wishes to operate as a technical inspection body, information concerning the criteria of the type of inspection body to which the person corresponds (technical inspection body of type A, B or C);

5) if the person wishes to operate as a technical inspection body of type A or C or as an authority assessing and attesting the conformity of persons, the period of validity of the insurance liability contract, the insured sum and the name, registry code and contact details of the insurer which issued the document certifying the insurance contract;

6) if the undertaking has been accredited, information regarding the acts for which the undertaking has accreditation and the authority by which the undertaking has been accredited, and the name, registry code and contact details of the issuer of the document certifying accreditation;

7) the name, official title and contact details of the person who signed the registration application.

(3) A person who submits a registration application shall be responsible for the correctness of the information submitted thereby to the register.

(4) In addition to the information specified in clause (2) 2) of this section, a person may provide more specific information in the registration application concerning the area of activity in which the person wishes to operate.

(5) The formal requirements for and the procedure for submission of registration applications and applications for the amendment of registration information shall be established by the Minister of Economic Affairs and Communications.

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§ 32. Making of registration and amendment of registration information

(1) The authorised processor of the register shall make a registration or amend registration information on the basis of a registration application, an application by an undertaking for the amendment of registration information or a notice concerning a precept within two working days as of the date of receipt of the registration application, application for the amendment of registration information or notice concerning a precept.

(2) The following are registration information:

- 1) the registration number;
- 2) the date on which the registration is made;
- 3) the name, address and other contact details of the undertaking, and the registry code or personal identification code or, in the absence of the latter, date of birth;
- 4) the area of activity, including more specific information concerning the area of activity in which the person wishes to operate;
- 5) in the case where the person operates as an electrical contractor, the name, personal identification code or, in the absence thereof, date of birth, and contact details of the person in charge of electrical work, the number and the date of issue of the conformity attestation document issued to the person, and the name and details of the issuer of the document;
- 6) in the case where the person operates as a technical inspection body, the type of the technical inspection body;
- 7) in the case where the person operates as a technical inspection body of type A or C or as an authority assessing and attesting the conformity of persons, the period of validity of the insurance liability contract, the insured sum and the name, registry code and contact details of the insurer which issued the document certifying the insurance contract;
- 8) if the undertaking has been accredited, information regarding the acts for which the undertaking has accreditation and the authority by which the undertaking has been accredited, and the name, registry code and contact details of the issuer of the document certifying accreditation;
- 9) the name, official title and contact details of the person who signed the registration application;
- 10) if a precept specified in § 40 of this Act exists, information concerning the precept.

(3) Registration information shall be published on the website of the register.

§ 33. Refusal to register

(1) The authorised processor of the register shall make a decision on refusal to register within two working days as of the date of receipt of a registration application or once the term set for elimination of the deficiencies of a registration application has passed if:

- 1) the registration application submitted by the undertaking does not conform to the requirements;
- 2) during the sixty days prior to application, the registration information concerning the undertaking has been deleted by the authorised processor of the register on the basis of clause 34 (1) 2) of this Act;
- 3) the undertaking submits false information in the registration application.

(2) A notice concerning the refusal to register shall be forwarded to the person who submitted the registration application within five working days as of the date on which the decision on refusal to register is made.

§ 34. Deletion of registration information

(1) The authorised processor of the register shall delete registration information:

1) on the basis of a corresponding application from an undertaking registered in the register, within two working days as of the date of receipt of the application;

2) on the basis of a decision by the Technical Inspectorate provided for in subsection 40 (2) of this Act, within two working days once the term for contestation of the decision has passed if the decision is not contested or, if the decision is contested, within two working days as of the date on which the court judgment to uphold the contested decision enters into force;

3) on the basis of a court judgment by which an undertaking registered in the register is deprived of the right to operate in the registered area of activity, within two working days as of the date of entry into force of the court judgment;

4) in the event of the liquidation of an undertaking registered in the register or the death of a sole proprietor, within two working days as of the date of becoming aware thereof, or

5) if an undertaking has submitted false information in the registration application, within two working days as of the date of the discovery thereof.

(2) A notice concerning the deletion of registration information shall be forwarded to an undertaking registered in the register within five working days as of the date on which the decision to delete the registration information is made.

(3) In the event of the deletion of registration information, the technical inspection body or authority assessing and attesting the conformity of persons shall hand over all the documentation concerning the technical inspection or the assessment and attestation of the conformity of persons to the Technical Inspectorate within one month as of the date on which the registration information is deleted.

§ 35. Duty to submit additional information

(1) An undertaking registered in the register shall inform the authorised processor of the register of any changes to the registration information or of the termination of activities in the registered area of activities within five working days.

(2) An undertaking registered in the register need not inform the authorised processor of the register of any changes to the information concerning the issuer of the conformity attestation document specified in clause 32 (2) 5) of this Act, the insurer specified in clause 32 (2) 7), the issuer of the document certifying accreditation specified in clause 32 (2) 8) or the person specified in clause 32 (2) 9) who signed the registration application.

§ 36. Liability insurance

An undertaking which wishes to operate as a technical inspection body of type A or C or an authority assessing and attesting the conformity of persons, and a person who wishes to operate as a designated body shall have liability insurance for an insured sum which:

1) guarantees that all damages which may be caused to third parties by its operations as a technical inspection body, an authority assessing and attesting the conformity of persons or a designated body will be compensated;

2) is at least 500 000 kroons.

Chapter 9

State Supervision

§ 37. State supervisory authority

State supervision over conformity with the requirements provided for in this Act and legislation established on the basis thereof shall be exercised by the Technical Inspectorate (hereinafter the Inspectorate).

§ 38. Competence of Inspectorate

(1) The following are within the competence of the Inspectorate:

- 1) supervision of the conformity of electrical equipment placed on the market (market supervision);
- 2) supervision of the conformity of the construction, putting into service, use and operation of electrical installations and of electrical work with the requirements provided for in this Act or legislation established on the basis thereof;
- 3) supervision of adherence to the requirements provided for in this Act or legislation established on the basis thereof on the part of designated bodies and undertakings;
- 4) investigation of the causes of breakdowns or accidents related to electrical equipment or installations;
- 5) prohibition of the placing of electrical equipment on the market for the time needed to check the conformity thereof, and demanding the removal from the market of electrical equipment which has proven to be dangerous or which does not conform to the requirements;
- 6) making of resolutions and issue of precepts.

(2) The Director General of the Inspectorate may form committees of experts to resolve issues related to supervision.

§ 39. Rights and obligations of officials exercising state supervision

(1) Officials exercising state supervision have the right to:

- 1) monitor the observance of legislation without hindrance and without giving prior notice;
- 2) enter, for the purposes of supervision, any location at which electrical equipment and installations are manufactured, installed, used, repaired, constructed, maintained, stored or sold, and also to enter the premises of designated bodies, technical inspection bodies and authorities assessing and attesting the conformity of persons;
- 3) obtain information necessary for supervision from the owners and manufacturers of electrical equipment and installations, persons who place electrical equipment and installations on the market and persons who install electrical equipment and installations, and from electrical contractors, technical inspection bodies, authorities assessing and attesting the conformity of persons, and designated bodies, and to examine relevant documents and copies thereof and to obtain transcripts thereof;
- 4) issue precepts.

(2) The Director General of the Inspectorate or an official authorised by him or her has the right, on the basis of this Act and with regard to issues within the competence of the Inspectorate, to oblige a manufacturer of electrical equipment, a person who places electrical equipment on the market or an electrical contractor to inform the public of any danger related to the electrical equipment, or to publish such information at the expense of the manufacturer of the electrical equipment, the person who places electrical equipment on the market or the electrical contractor.

(3) In the performance of their duties, officials exercising state supervision shall present identification.

(4) Officials exercising state supervision shall ensure the confidentiality of business and technical information which becomes known to them, unless the disclosure of such information is prescribed by law.

§ 40. Precept and decision

(1) An official exercising state supervision shall issue a precept for the termination of violations of the requirements of this Act or legislation established on the basis thereof, including for suspension of the use of non-conforming electrical equipment and installations or for suspension of non-conforming electrical work, non-conforming technical inspection or non-conforming assessment and attestation of the conformity of persons, and in the precept he or she shall:

- 1) call attention to the offence and demand that it be terminated;
- 2) where necessary, demand that activities related to the offence be suspended in part or in full, or
- 3) demand that acts necessary for the lawful continuation of the activities be performed.

(2) In the event of repeated failure to comply with a precept, the Director General of the Inspectorate or an official authorised by him or her has the right to make a decision in which the failure to comply with the precept is documented and which is the basis for the deletion of the registration information from the register.

(3) A decision provided for in subsection (2) of this section shall set out:

- 1) the date and place the decision is made;
- 2) the content of and legal basis for the decision;
- 3) a notation concerning the possibility of and the terms and procedure for contesting the precept;
- 4) the given name, surname and official title of the official making the decision.

(4) If a precept or decision of the Director General of the Inspectorate or an official authorised by him or her concerns an undertaking registered in the register specified in § 31 of this Act, the Inspectorate shall forward a notice concerning the precept or decision together with a copy of the precept or decision to the authorised processor of the register within two working days.

(5) A person shall be notified of a decision provided in subsection (2) of this section and the decision shall be delivered against a signature or sent by post with advice of delivery within two working days as of the date on which the decision is made.

(6) In the event of failure to comply with a precept specified in subsection (1) of this section, an official exercising state supervision may impose a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). The upper limit for a penalty payment is 10 000 kroons.

§ 41. Contestation of precept or act

(1) If a person does not agree with a precept or act of an official of the Inspectorate, the person has the right to file a written challenge with the Director General of the Inspectorate within ten working days as of the date on which the person became aware of the precept or act.

(2) Challenges shall not be filed against administrative acts or measures of the Director General of the Inspectorate.

(3) The filing of a challenge does not relieve the person of the obligation to comply with the precept.

(4) The Director General of the Inspectorate shall review a challenge and make a decision within fourteen days as of the date on which the challenge is filed. The official against whose precept or act the challenge is filed shall not participate in the review of the challenge.

(5) A person who files a challenge shall be notified of the decision of the Director General of the Inspectorate and the decision shall be delivered against a signature or sent by post with advice of delivery within two working days as of the date on which the decision is made.

§ 42. Inspection of conformity

(1) In the course of state supervision, the Inspectorate has the right:

1) in order to inspect the conformity of electrical equipment to be placed on the market, to obtain, for a reasonable fee, the necessary amount of electrical equipment from the manufacturer thereof or from the person who places the electrical equipment on the market;

2) to inspect the conformity of electrical installations;

3) in justified cases, to order assessment services for inspection of the conformity of electrical equipment and installations.

(2) The cost of the assessment services ordered for the inspection of conformity shall be borne by the Inspectorate.

(3) If it is established that:

1) electrical equipment does not conform to the established requirements, the manufacturer thereof or the person who placed the electrical equipment on the market shall return the fee specified in clause (1) 1) of this section to the Inspectorate and compensate the documented cost of the assessment services ordered for the inspection of conformity;

2) an electrical installation does not conform to the established requirements, the owner thereof shall compensate the documented cost of the assessment services ordered for the inspection of conformity of the electrical installation.

Liability

§ 43. Submission of false information and failure to give notice of changes to information

(1) Submission of false information to the authorised processor of the state register of undertakings operating in areas of activity subject to special requirements, failure to give notice thereto of changes to the information or failure to submit information thereto on time 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.

§ 44. Violation of requirements for placing of electrical equipment and installations on market

(1) Violation of the requirements for the placing of electrical equipment and installations on the market 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.

§ 45. Violation of requirements for putting into service or use of electrical installations

(18.12.2002 entered into force 31.12.2002 - RT I 2002, 110, 659)

(1) Violation of the requirements of putting into service or use of electrical installations is punishable by a fine of up to 300 fine units.

(18.12.2002 entered into force 31.12.2002 - RT I 2002, 110, 659)

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

§ 46. Violation of requirements for electrical work

(1) Violation of the requirements for electrical work 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.

§ 47. Violation of requirements for technical inspection and for assessment and attestation of conformity of persons

(1) Violation of the requirements for technical inspection or for assessment and attestation of the conformity of persons 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.

§ 48. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612) and the Code of Misdemeanour Procedure apply to proceedings in the matters of the misdemeanours provided for in §§ 43–47 of this Act.

(2) The Technical Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in §§ 43–47 of this Act.

Chapter 11

Implementing Provisions

§ 49. Transitional provisions

- (1) Any electrical equipment or installation placed on the market before the entry into force of this Act shall be safe and shall conform to the requirements in force at the time at which the electrical equipment or installation was placed on the market.
- (2) Certificates of competency issued before the entry into force of this Act are valid for the term indicated therein.
- (3) Electrical contractors, technical inspection bodies and authorities assessing and attesting the conformity of persons may operate without being registered in the register until 1 October 2002.
- (4) The first regular technical inspection of a class 3 electrical installation which has been put into service before 1 May 1999 and has not undergone technical inspection shall be carried out by 1 July 2004 if such inspection is mandatory.

(18.12.2002 entered into force 31.12.2002 - RT I 2002, 110, 659)

§ 50. Administrative liability of legal persons before entry into force of Penal Code

A legal person is liable for violation of the requirements of this Act or legislation established on the basis thereof as follows:

- 1) a fine of 5000 to 50 000 kroons shall be imposed for electrical work, assessment and attestation of the conformity of persons or technical inspection without being registered in the state register of undertakings subject to special requirements;
- 2) a fine of 500 to 5000 kroons shall be imposed for submission of false information to the authorised processor of the state register of undertakings subject to special requirements, failure to give notice thereto of changes to the information or failure to submit information thereto on time;
- 3) a fine of 5000 to 50 000 kroons shall be imposed for violation of the requirements for the placing of electrical equipment and installations on the market or for the use thereof;
- 4) a fine of 5000 to 50 000 kroons shall be imposed for violation of the requirements for electrical work;
- 5) a fine of 5000 to 50 000 kroons shall be imposed for violation of the requirements for assessment and attestation of the conformity of persons or for technical inspection.

§ 51. Proceedings in matters concerning administrative offences before entry into force of Penal Code

- (1) Proceedings in matters concerning administrative offences provided for in § 50 of this Act, including the imposition or contestation of a penalty and the enforcement of an administrative penalty which has entered into force, shall be conducted pursuant to the procedure provided for in the Code of Administrative Offences (RT 1992, 29, 396; RT I 2001, 74, 453; 87, 524 and 526; 97, 605; 102, 677; 2002, 18, 98; 21, 117; 29, 174 and 175; 30, 176; 32, 189).
- (2) Officials exercising state supervision have the right to impose fines of up to 20 000 kroons on administrative offenders who are legal persons. County and city court judges have the right to impose larger fines.

(3) Officials of the Inspectorate exercising state supervision have the right to prepare reports concerning administrative offences in the event that the requirements of this Act or legislation established on the basis thereof are violated.

(4) The report concerning an administrative offence shall set out:

- 1) the time and place of its preparation;
- 2) the name and address of the agency in whose name the report is prepared;
- 3) the given name, surname and official title of the person who prepares the report;
- 4) the name, address and contact details of the administrative offender;
- 5) the given name, surname and position of the representative of the administrative offender;
- 6) a reference to the provision of legislation which is violated;
- 7) explanations concerning the offence provided by the administrative offender or the representative thereof;
- 8) explanations provided by witnesses, and other facts necessary for adjudication of the matter;
- 9) a notice that the administrative offender has been advised of the right to obtain legal assistance.

(5) The report shall be submitted for review to the administrative offender or the representative thereof. The administrative offender or the representative thereof shall sign the report upon review thereof. If the administrative offender or the representative thereof refuses to sign the report, the person preparing the report shall make a notation to this effect in the report. A copy of the report shall be issued to the administrative offender or the representative thereof.

§ 52. Repeal of Electrical Safety Act

The Electrical Safety Act (RT I 1999, 29, 403) is repealed.

§ 53. Entry into force of Act

This Act enters into force on 1 July 2002, except for:

- 1) clauses 3 (1) 7) and 8) which enter into force upon the entry into force of a corresponding international agreement or upon the accession of Estonia to the European Union, whichever is first;
 - 2) Chapter 10 which enters into force at the same time as the Penal Code.
- (2) Sections 50 and 51 of this Act remain in force until the entry into force of the Penal Code.

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