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*Permanent Mission of the Republic of Estonia to the OSCE*

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**N O T E   V E R B A L E**

The Permanent Mission of the Republic of Estonia to the Organization for Security and Co-operation in Europe presents its compliments to the Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre and has the honor to submit the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security for the calendar year 2018.

The Permanent Mission of the Republic of Estonia to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to the Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 20 April 2018



- Permanent Missions/Delegations to the OSCE
- Conflict Prevention Centre

VIENNA

**“INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY”**

**SUBMITTED IN APRIL 2018**

**by**

**ESTONIA**

**SECTION I – INTER-STATE ELEMENTS**

**1. Account of measures to prevent and combat terrorism.**

**1.1. To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

As of 2017, Estonia has joined the following universal anti-terrorism conventions and protocols:

1. Offences and certain other Acts Committed on Board Aircraft (1963)
2. Suppression of Unlawful Seizure of Aircraft (1970)
3. Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)
4. Prevention and Punishment of Crimes against Internationally Protected Persons (1973)
5. Against the Taking of Hostages (1979)
6. Physical Protection of Nuclear Material (1980)
7. Suppression of Unlawful Acts of Violence at Airports Serving Intl. Civil Aviation, supp. to 1971 Convention (1988)
8. Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)
9. Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)
10. Marking of Plastic Explosives for the Purpose of Detection (1991)
11. Suppression of Terrorist Bombings (1997)
12. Suppression of the Financing of Terrorism (1999)
13. Amendment to the Convention on the Physical Protection of Nuclear Material (2005)
14. Protocol Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)
15. Protocol to the Protocol Suppression Unlawful Acts against Safety Fixed Platforms Located on the Continental Shelf (2004)

As of 2017, international and regional legal instruments related to terrorism or co-operation in criminal matters:

1. UN Convention Against Transnational Organized Crime (2000)
2. European Convention on Extradition (1957) CETS No: 024
3. Additional Protocol to the European Convention on Extradition (1975) CETS No: 086
4. Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098
5. European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030
6. Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099

7. Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182
8. European Convention on the Suppression of Terrorism (1977) CETS No: 090
9. Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190 \*
10. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141
11. Convention on Cybercrime (2001) CETS No: 185
12. Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196
13. Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (2015) CETS 217 \*

Additionally, Estonia is a party to the following conventions:

- United Nations Convention against Transnational Organized Crime, ratified by the Estonian Parliament on 4 December 2002;
- European Convention on the Suppression of Terrorism and its amending Protocol, ratified by the Estonian Parliament on 6 April 2005;
- Convention based on Article K.3 of the Treaty on European Union, on the Establishment of a European Police Office (Europol Convention) and its additional protocols, ratified by the Estonian Parliament on 26 January 2005;
- Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross border cooperation, particularly in combating terrorism, cross border crime and illegal migration, ratified by the Estonian Parliament on 18 June 2008;
- The Council of Europe Convention on the Prevention of Terrorism, opened for signature on 16 May 2005, ratified by the Estonian Parliament on 25 February 2009.

Estonia has also signed and is preparing to ratify the International Convention for the Suppression of Acts of Nuclear Terrorism, opened for signature in New York on 14 September 2005.

Chapter 35 of the Estonian Code of Criminal Procedure stipulates provisions for international cooperation between countries. Estonia has concluded several international agreements with other countries and has also ratified the criminal conventions of the Council of Europe.

List of bilateral international agreements:

- The Extradition Treaty between the Government of the United States of America and the Government of the Republic of Estonia;
- Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia on Co-operation on Combating Crime;
- Agreement between the Government of the Republic of Hungary and the Government of the Republic of Estonia on Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime;
- Agreement between the Republic of Estonia and the Kingdom of Spain on Extradition;
- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Moldova on Co-operation in Combating Crime;

- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Turkey on Fighting Against International Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime;
- Agreement between the Government of the Republic of Estonia and the Government of the Kingdom of Thailand on the Transfer of Offenders and on Co-operation in the Enforcement of Penal Sentences;
- Agreement between the Republic of Estonia and the European Union on the Participation of the Republic of Estonia in the European Union Police Mission in Bosnia and Herzegovina;
- Memorandum of Understanding between the Government of the Republic of Estonia and the Government of the United Kingdom of Great Britain and Northern Ireland on Co-operation in Combating Illicit Drug Trafficking, Organized Crime, Illegal Immigration, International Terrorism and Other Serious Crime;
- Agreement between the Republic of Latvia, Republic of Lithuania and Republic of Estonia on Rendering Legal Aid and on Legal Relations;
- Agreement between the Republic of Estonia and the Russian Federation on Rendering Legal Aid and on Legal Relations in Civil, Family and Criminal Matters;
- Agreement between the Republic of Estonia and the Ukraine on Rendering Legal Aid and on Legal Relations in Civil, Family and Criminal Matters;
- Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters;
- Agreement between the Republic of Estonia and the Republic of Poland on Rendering Legal Aid and on Legal Relations in Civil, Work and Criminal Matters;
- The agreement between Estonia and the United States concerning Co-operation for the Prevention of the Proliferation of Weapons of Mass Destruction, and for the Promotion of Defence and Military Relations;
- Agreement between the Republic of Estonia and the Russian Federation for Developing Co-operation between the Police Departments Operating within the Border Zone;
- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Slovenia concerning the Cooperation in the Fight Against Organized Crime, Illicit Drug Trafficking and Terrorism;
- Agreement between the Government of the Republic of Estonia and the Government of Israel on Fighting Against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, Terrorism and Organized Crime.
- Agreement between the Government of the Republic of Estonia and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime.
- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Kazakhstan on Co-operation for Combating Organized Crime and Other Relevant Crimes;

**1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

Estonia supports the initiatives of the UN, North Atlantic Treaty Organization (NATO), the Council of Europe and the European Union (EU), and other international

organizations with similar aims to prevent and combat terrorism and to freeze the funds and economic resources used by terrorists or provided by their supporters.

Estonia has taken all necessary measures to comply with UN Security Council (UN SC) resolutions 1333, 1373, 1390, 1624 and 1787. Estonian legislation enables the full implementation of the UN SC resolutions concerning the fight against terrorism.

All relevant Estonian legislation is in full conformity with international law.

#### The pertinent Estonian legislation

Estonia has taken all the necessary measures for a thorough implementation and has created effective legal framework, the main components of which are:

- **The Penal Code;**
- **The Criminal Procedure Act;**
- **The Money Laundering and Terrorist Financing Prevention Act;**
- **The International Sanctions Act;**
- **The National Defence Act;**
- **The Security Authorities Act;**
- **The Law Enforcement Act;**
- **The Explosives Act – The Emergency act –**

According to the two Council of Europe conventions mentioned in the list of multilateral international agreements and Section 413 of the Criminal Procedure Act, the Minister of Justice or a legal authority appointed by the Minister can apply for the arresting of a person's assets in another country.

The measures for countering terrorism in Estonia are set in Internal Security Development Plan 2015-2020 (ISDP), which sets goals for counter-terrorism to be proceeded from in the prevention, combating and detection of terrorism and the resolution of emergencies. The ISDP also gives an overview of the present situation concerning the field, the future aims and means in order to combat terrorism and of the roles of all of the authorities associated with counter-terrorism agenda.. Due to this, the ISDP is currently being updated for the next time-period of 2020-2030, to take into account all the necessary factors and developments regarding the field. The ISDP is partly restricted.

Estonia has aligned itself with the conclusions and plan of action of the extraordinary European Council meeting of 21 September 2001, and with the EU common positions 2001/930/CFSP, 2001/931/CFSP, 2002/340/CFSP and 2002/976/CFSP. These documents specify the methods and resources for combating terrorism and terrorist financing. They also contain lists of the persons, groups, and organizations accused of furthering terrorism or financing terrorism. Estonia has also associated itself with the North Atlantic Council statement of 12 September 2001.

The international Convention for the Suppression of the Financing of Terrorism was ratified by the Estonian Parliament (*Riigikogu*) on 20 March 2002, and entered into force in respect of Estonia on 21 June 2002.

The International Sanctions Act establishes a more precise legal basis for enacting measures necessary for the adoption of international sanctions, thereby making it easier for Estonia to fulfil her international obligations. This Act regulates the internal application of international sanctions where UN Security Council, EU Council, some

other international organization or the Government of the Republic at its own initiative has decided to impose such sanctions. A new International Sanctions Act was adopted on 5 October 2010. On 5<sup>th</sup> October 2010 the new International Sanctions Act entered into force.

Legal provisions according to the Penal Code:

According to Section 237 of Penal Code, in addition to financing and supporting terrorist activities, also belonging to a terrorist organisation, founding or leading a terrorist organisation, recruiting other people to a terrorist organisation and preparation of a terrorist crime or call for a perpetration of a terrorist crime, distribution or use of prohibited weapons, illegal seizure, damaging or destruction of property to a significant extent, or interference with computer data or hindrance of functioning of computer systems as well as threatening with commission of such acts, or seriously interfering with or destroying the political, constitutional, economic or social structure of the state, or seriously interfering with or destroying the operation of an international organisation are subject to criminal prosecution. Additionally, regarding the adoption of the Directive (EU) 2017/541 and S/RES/2178 (2014) into Estonian legislation, there is an ongoing process of supplementing the Penal Code in near future.

The Explosives Act is for the purposes of ensuring public order and security, it provides the legislation for handling, using and storing the explosives, as well as sets the guidelines for state supervision.

The Emergency Act provides for the legal bases for crisis management, including preparing for and resolving an emergency as well as ensuring the continuity of vital services. This Act also governs the declaration, resolution and termination of an emergency situation, the involvement of the Defence Forces and the Defence League in resolving an emergency.

Terrorist financing is the allocation or raising of funds to plan or perform acts, which are deemed to be acts of terrorism within the meaning of the Penal Code or to finance the operation of terrorist organizations or in the knowledge that the funds allocated or raised will be used for the aforementioned purposes.

On the basis of a court warrant it is possible, according to Section 83 of the Penal Code, to confiscate objects used to commit an intentional offence and the assets acquired through the offence if these belong to the offender at the time of the court ruling. Therefore, if a person is found guilty of supporting terrorists or participating in a crime, which has been committed to finance terrorism, it is possible to confiscate the guilty person's assets, which were meant for financing terrorism, or assets to the extent of the financing of terrorism. This is reflected in Penal Code Sections 83 and 84 (Confiscation and the substitution of confiscation, respectively).

The Criminal Procedure Act, the Estonian Surveillance Act and the Security Authorities Act provide wide enough powers to organize prosecution activities in the framework of combating terrorism.

In 2015 and 2016 Estonia held two international counter-terrorism simulations called ATHOS, participated by the special intervention units. These exercises gave a major input for setting the priorities for the Estonian Presidency in 2017. Combating terrorism

is still a priority for Estonia and in cooperation with the Presidency Trio partners (BG, AT) and other international partners we aim to continue to increase the internal security capacity.

### **1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

The competent authorities in Estonia involved in combating terrorism either directly or indirectly have close contacts and relations with the relevant institutions of other countries and international organizations. There is a well-functioning co-operation with international organizations (INTERPOL, EUROPOL) in the framework of multilateral and bilateral agreements and according to the UN SC resolutions, which are binding to Estonia. A subcommittee of National Security Committee of the Government has been established to coordinate fight against terrorism.

The Estonian Internal Security Service (KAPO) (which is under the jurisdiction of Ministry of Interior) is directly responsible for the prevention of terrorism and the hindrance of terrorist acts, conducting also the pre-court investigation of offences connected with terrorism. KAPO has established its 24/7 contact phone +372 612 1455 and an email address: [info@kapo.ee](mailto:info@kapo.ee) for any circumstance related to terrorism. KAPO acts in close cooperation with the Financial Intelligence Unit and financial institutions in order to detect possible transactions connected with terrorist financing.

The Internal Security Service executes investigation processes with the purpose of cutting off the monetary means of terrorists or persons connected to them, utilizing all legal means for the capture of those persons and for bringing them to trial. The Criminal Procedure Act and the Security Authorities Act provide wide enough powers to organize prosecution activities in the framework of combating terrorism. The Estonian Internal Security Service is using covert methods, provided by the Security Authorities Act, for preventing international terrorism in Estonia with a view to all activities covered by Section 2 of UN SC resolution 1390 – the movement of terrorists and their groups, financial support, as well as the supply of arms and explosives.

The Estonian legislation provides basis for using Defence Forces or Defence League in resolving acts of terrorism if such necessity occurs. The use of the Defence Forces or the Defence League is decided by the Government by a regulation with the approval of the President. Additionally, the Law Enforcement Act permits the use of Defence Forces and Defence League in protection of public order, in this case the prevention or obstruction of an attack against national defence objects.

### **1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g. those pertaining inter alia to:**

#### **1.4.1. Overall focus.**

In Estonia, the main focus of counter-terrorism measures is on prevention, hence, law enforcement strategies are only part of the action taken. The main aim is to enhance social cohesion and prevent marginalization of potential target groups, thus social, education and integration policy are all included. To achieve that, we emphasise the cooperation of all different related agencies.

There are also crime and radicalization prevention programs for young people, for example through sports (SPIN program) or helping youngsters with the history of

delinquency to enter the job market (STEP program).

#### **1.4.2. Financing of terrorism.**

##### ***Money Laundering***

Estonian anti-money laundering system is in accordance with international standards. Estonia implements all UN SC financial sanctions as they are part of the relevant EU policies, which are subject of direct implementation in the EU member states.

On 1 July 1999, the Money Laundering Prevention Act entered into force and the Estonian Financial Intelligence Unit (FIU) was created and it started to fulfil its functions (receiving, analyzing and disseminating suspicious transaction reports). Estonian FIU is a member of Egmont Group. From 2004, the FIU is responsible for receiving, analyzing and disseminating suspicious transaction reports on terrorist financing.

The 2008 reduction of the Money Laundering and Terrorist Financing Prevention Act (MLTFPA, latest update on 17.11.2017) introduced the principles of the EU 3rd Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) Directive in Estonian legislation. Implementation of the Act meant risk-based accumulation of strategic goals. Cooperation between the police, investigative bodies, competent state authorities and obliged persons as well as international cooperation has remained a priority since then.

In 2006, the responsibility of AML/CFT policy was taken over by the Ministry of Finance. Previously the Ministry of Interior and the Money Laundering Committee of the Estonian Banking Association had the task. A corresponding Government Committee for coordination was established in the spring of the same year (Order No. 285 of the Government of the Republic of 11 May 2006). The Advisory Committee of Market Participants was established at the same time. All agencies engaged in the prevention of money laundering are represented in the Government Committee, including a representative of the Ministry of Economic Affairs and Communications. The Government Committee meets regularly and problems are solved on ad hoc basis, incl. those pointed out by the risk analyses conducted by agencies.

The specific task force for National Risk Assessment (NRA) was established under the Governmental Committee in October 2012. The objectives of the task force were to launch and to conduct the NRA process in 2013. The task force agreed with the World Bank to use its ML/TF Risk Assessment Methodology and Tools for NRA. The Ministry of Finance jointly with World Bank organized the National Money Laundering/Terrorist Financing Risk Assessment Workshop in February, 2013 in order to familiarize the relevant authorities and representatives of private sector with World Bank's approach to NRA and its NRA tools.

The Money Laundering and Terrorist Financing Prevention Act Section 4 defines "money laundering" as:

- the conversion or transfer of property derived from criminal activity or property obtained instead of such property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an activity to evade the legal consequences of that person's actions;



- the acquisition, possession or use of property derived from criminal activity or property obtained instead of such property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation therein; the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property derived from criminal activity or property obtained instead of such property, knowing that such property is derived from criminal activity or from an act of participation in such an activity

It covers most of the required elements as per the explanatory note to the MLTFPA referring to article 3(3) of the 3rd EU AML Directive of 26/10/2005. It also conforms to the 1990 Strasbourg, 1998 Vienna and 2000 Palermo Conventions.

The Money Laundering and Terrorist Financing Prevention Act Section 5 defines Terrorist Financing in the following way: terrorist financing means financing acts of terrorism for the purposes of Section 237<sup>3</sup> of the Penal Code.

Money laundering has been criminalized in Section 394 of the Penal Code. According to the Penal Code and the MLTPFA any assets acquired through criminal activity are subject to confiscation, and the persons involved in these criminal activities are subject to criminal prosecution (punishable with a fine or with imprisonment of up to ten years). The acquisition, possession, use, conversion or transfer of, or the performance of transactions or operations with, property acquired as a result of a criminal offence or in return for participation in such an offence, the purpose or consequence of which is the concealment of the actual owner or the illicit origin of the property is punishable with a fine, or up to five years of imprisonment. If the same act is done by group, at least twice or on a large-scale basis, it is punishable by two to ten years imprisonment.

The MLTFPA Section 2 provides a comprehensive list of the persons and institutions which have to apply money laundering and terrorist financing prevention measures:

- credit institutions;
- financial institutions;
- gambling operators, except for organisers of commercial lotteries
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- persons who carry out or act as intermediaries in transactions with real estate;
- traders for the purposes of the Trading Act, if a cash payment of no less than 10,000 EUR or an equal amount in another currency is made to the trader, regardless of whether the financial obligation is performed in the transaction in a lump sum or in several related payments, unless otherwise provided by law;
- persons engaged in buying-in or wholesale of precious metals, precious metal articles or precious stones, except precious metals and precious metal articles used for production, scientific or medical purposes;
- auditors and providers of accounting services;
- providers of accounting or tax advice services;
- providers of trust and company services;
- providers of a service of exchanging a virtual currency against a fiat currency;
- providers of a virtual currency wallet service;
- a central securities depository where it arranges the opening of securities accounts and provides services related to register entries without the mediation of an account operator;
- undertakings providing a cross-border cash and securities transportation service
- non-profit associations and foundations for the purposes of the Non-profit Associations and Foundations Act, if a cash payment of more than 5,000 Euros or an

equal amount in another currency is made to them, regardless of whether the financial obligation is performed in the transaction in a lump sum or in several related payments, unless otherwise provided by law.

- pawnbrokers

This Act applies to notaries, attorneys, bailiffs, trustees in bankruptcy, interim trustees in bankruptcy and providers of other legal services if they act in the name and on account of a customer in financial or real property transactions. This Act also applies to the specified persons if they guide planning a transaction or perform an official act, which concerns:

- the purchase or sale of stocks or shares of immovables, enterprises or companies;
- the management of the customer's money, securities or other property;
- the opening or managing of bank or security accounts;
- the acquisition of funds necessary for the foundation, operation or management of companies;
- the foundation, operation or management of trusts, companies or other similar entities.

In the event of suspicion of money laundering or terrorist financing, the Financial Intelligence Unit may issue a precept to suspend a transaction and to impose restrictions on the disposal of an account or other property constituting the object of the transaction, professional operation or professional service or other assets or property suspected of being associated with money laundering or terrorist financing for up to 30 days as of the delivery of the precept. In the event of property registered in the land register, ship register, Estonian Central Register of Securities, traffic register, construction register or another state register, the Financial Intelligence Unit may, in the event of justified suspicion, restrict the disposal of the property for the purpose of ensuring its preservation for up to 30 days. On the basis of a precept of the Financial Intelligence Unit may additionally restrict the use of property for up to 60 days for the purpose of ensuring its preservation if:

- during verification of the source of the property in the event that there is a suspicion of money laundering, the owner or possessor of the property fails to submit evidence certifying the legality of the source of the property to the Financial Intelligence Unit within 30 days as of the suspension of the transaction or as of the imposition of restrictions on the use of the account or other assets or property;
- there is suspicion that the property is used for terrorist financing.

Property may be seized for longer periods only if criminal proceedings have been commenced in the matter. In this case, property shall be seized pursuant to the procedure provided by the Acts regulating criminal procedure.

If the owner of assets or property has not been identified, the Financial Intelligence Unit may request that the administrative court give permission to restrict the disposal of the assets or property until the owner of the assets or property has been identified, including also in the event of termination of the criminal procedure, but not for more than one year. The possessor of the assets or property against whom the restriction of disposal of the assets or property is being decided has the right to give an explanation to the administrative court within the prescribed term. If the owner of assets or property has not been identified within one year after the establishment of restrictions on the disposal

of the assets or property, the Financial Intelligence Unit or the Prosecutor's Office may apply to the administrative court for permission to transfer the assets or property to state ownership. The administrative court shall decide the granting of the permission in a court hearing. The assets or property shall be sold pursuant to the procedure provided for in the Code of Enforcement Procedure and the amount received from the sale shall be transferred to state revenue. The owner of the property has the right to claim an amount corresponding to the value of the assets or property within three years as of the date of transfer of the assets or property to state revenue.

On 27<sup>th</sup> of November 2017 the latest International Sanctions Act entered into force in compliance with the MLTPFA. The purpose of this Act is, in accordance with the Charter of the United Nations, *to maintain or restore peace, prevent conflicts and strengthen international security, support and strengthen democracy, follow the principles of state based on the rule of law, human rights and international law, and to achieve other targets of the common foreign and security policy of the European Union.* Generally the supervision of the application of international financial sanctions is performed by the Financial Intelligence Unit. The FIU publishes on its website information about subjects of international financial sanctions; it is also possible to check whether a person is a subject of international financial sanctions.

In case a person having specific obligation or his or her authorised person has doubts whether the person being in business relations with or making a transaction or action with him or her (also the person who is planning to establish a business relationship or to make a transaction or an action) is a subject of international financial sanctions, then he or she must ask from such person additional information in order to ascertain the issue. If the person refuses to provide additional information or provides information which makes it impossible to ascertain whether such person is a subject of international financial sanctions, then the person having a specific obligation or his or her authorised person must refuse to make the transaction or action, take measures stipulated in a legal norm establishing or applying the international financial sanction and notify the FIU immediately about his or her doubt and the measures taken. A natural and a legal person, who is, in good faith, performing their notification obligation which is deriving from law, are not violating the confidentiality clause prescribed by law or contract and the liability prescribed by legal norm or contract shall not be applied for disclosure of information to the FIU.

In case of doubt that a subject of international financial sanction has used or disposed of funds or economic resources, the FIU is also entitled to suspend the transaction by its precept and to establish a restriction of transfer of the assets being the object of the transaction for a term up to 30 days from the delivery of the precept.

If the FIU confirms, that the person is a subject of international financial sanction, then the FIU will notify the subject of the international financial sanction in writing within two working days about the:

- exact extension and substance;
- legal bases;
- commencement date;
- challenge regulation;
- basis and regulation for exceptions.

In case a subject of international sanction applies for exceptions in applying the sanction or challenges his or her status as a subject of international sanction, then the FIU will resolve such issue by its administrative act, which can be contested according to the rules stipulated in the Administrative Procedure Act.

The rights of supervisory authorities are provided for in the MLTFPA. The FSA supervises credit and financial institution which fall under its supervision by virtue of the FSA Act with regard to the fulfilment of their obligations arising from the MLTFPA (FSA Act, §6(1) 7 and MLTFPA, §47(2)). Supervised entities include credit institutions (incl. foreign bank branches), investment firms, fund management companies, life and non-life insurance companies, insurance brokers (but not insurance agents), the Traffic Insurance Fund and the Tallinn Stock Exchange. The Estonian FIU exercises supervision over all other obligated persons engaged in financial activities (MLTFPA, §2).

The communication system is based on the provisions of the ISA and encompasses consultations among the MFA, FIU and the FSA, and in cooperation with other relevant Government agencies and the relevant EC body. The FIU publishes the information about the imposition, amendment or termination of an international financial sanction immediately after receiving the information, notably by making it available on its web page. The FIU website allows the obligated entities to do a name-search in both UN and the EU consolidated lists. The FIU provides an "update service" on its website. The obligated entities are themselves obliged to check whether there are updates. There is also a link to the EU Official Journal and credit institutions are obliged to follow this list. If the FIU receives information (not restricted to lists) from foreign FIUs or other jurisdictions/international organizations, the FIU will forward it to banks. The entities obligated under the ISA are credit institutions, providers of currency exchange services, electronic money institutions, providers of payment services, insurers and insurance brokers, management companies and investment funds established as public limited companies, account holders within the meaning of Estonian Central Register of Securities Act, investment firms, savings and loan associations, other financial institutions, and branches of foreign service providers. The FIU gives practical guidance to them on their responsibilities under the freezing regime. All AML/CFT training provided by the FIU to the obligated persons covers the EU and UN freezing regime. Also, one used tool for implementing different international sanctions is "Sanctions map" ([www.sanctionsmap.eu](http://www.sanctionsmap.eu)).

#### **1.4.2. Border controls.**

At the European level the Estonian Police and Border Guard Board mainly cooperates with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) on exchange of information about cross-border movement of persons who represent specific categories, which forms the basis for a risk analysis prepared by FRONTEX. Risk analysis is one of the elements in planning operative-tactical activities for checking persons crossing the borders. Participation in operational, training and other activities coordinated by FRONTEX facilitates more efficient information exchange between the Member States of the European Union in fight against cross-border criminality.

As a regular procedure the Estonian Police and Border Guard Board has a monthly information exchange in the framework of the Border Control Co-operation of the Baltic Sea States. The information exchanged pertains to events and occurrences that

have taken place on the borders of the cooperating countries. Estonia together with Latvia, Lithuania, Poland, Germany, Denmark, Norway, Sweden, Finland and the Russian Federation participates in the above-mentioned format. Since November 2001, an information exchange procedure with regard to the detention of terrorists and persons connected with terrorist organizations on the borders of the Baltic Sea states has been in force. As per agreement, the co-operation partners will be immediately informed about any and all extraordinary occurrences that may be of interest to the countries participating in this format.

Cooperation between the Baltic States and activities in the framework of the Border Guarding sub-committee of Baltic Council of Ministers facilitates exchange of information between the three neighbouring countries. Under the aegis of the aforementioned form of cooperation joint operations and different meetings of experts for the discussion of border management issues and best practices are carried out, and in the fight against cross-border criminality.

In the framework of agreement between the Estonian Police and Border Guard Board and Internal Security Service information has been exchanged between the agencies. On a regular basis the Security Police Board supplies the Police and Border Guard Board with lists of persons suspected of terrorism or supporting terrorism in order to check, and if need be hinder the border crossing of any such persons. Pursuant to legal acts, shipping companies offering passenger transport services are obliged to transmit electronic lists of passengers to the Police and Border Guard Board officials. Analysis of passenger information enables to fight against criminality and terrorism. Similarly, the Police and Border Guard Board receives electronic lists of passengers on board of aircrafts arriving to Estonia directly from outside of the European Union.

Border crossing points are equipped with AFIS (Automated Fingerprint Information System) devices that enable identification of persons on the basis of their fingerprints. Additionally, the border crossing points are equipped with devices enabling checking of biometric data from e-passports.

In order to hinder the use of forged, lost or stolen documents, and to prevent the border crossing of persons wanted or persons whose entry into the country has been restricted, the border crosser's information is checked against a database on their arrival to and departure from the country. For the discovery of forged travel documents and the prevention of their use, all border points have been equipped with document control devices, and the major border points are outfitted with the VSC-2000 and DIXI-05 systems for document analysis.

The Commission of the Control of the Import, Export and Transit of Strategic Goods monitors and implements through the Estonian legislative system the sanctions, boycotts and embargoes established by the UN, OSCE and the EU.

The Estonian Tax and Customs Board (hereinafter ETCB) in co-operation with the Estonian Internal Security Service has taken actions for more efficient implementation of the measures concerning the fulfilment of Resolution 1390 of the UN SC. Regular information exchange and co-operation has been started between the Customs and Security Police Board within the framework of the special agreement. Customs and Security Police Board also regularly exchange control equipment.

Within the framework of this agreement and to fully implement the Schengen Agreement, ETCB and Police Board have concluded a co-operation protocol (addendum to the general co-operation agreement). The co-operation protocol stipulates the conditions for the mutual use of relevant technical equipment, joint operations and training.

The Tax and Customs Board has also established information exchange procedures with the Estonian Police and Border Guard Board and has access to the databases of telecommunication companies. Risk analysis is carried out both on the central and regional levels. Specific software tools (SAS) have been introduced. The automated selectivity software SELECT for declaration processing system COMPLEX, NCTS, ICS, ECS, etc is used for the purposes of operational and tactical risk analysis in the customs declaration process. In the passenger traffic the Tax and Customs Board uses passengers risk analysis tool Suspect2, which has been also integrated with Interpol wanted persons list. Also the risk profiles system RIHO has been implemented for disseminating information about risks and all significant control-information. In autumn 2007 the ANTS system was implemented (automated system for recognizing number plates) in Estonian Eastern borders (road cross-border points of Narva, Luhamaa and Koidula). In 2009, Tax and Customs Board signed a contract to add five new recognition points to ANTS. In 2010 the first ANTS system was installed on the Latvian-Estonian border at Ikla Customs Point. New recognition points will be located in southeast and southwest region of Estonia. In 2012 ANTS systems were installed into the Estonian harbours – at Muuga, at Paldiski South Harbour and at Tallinn Old City Harbour.

Estonia has on its Eastern border a system called PIRE where all vehicles movement is registered from Estonia to Russia and vice versa. All the intelligence officials are connected to the e-mail based common communication network that ensures quick distribution of essential information.

Close co-operation with the Commission of strategic goods and the establishment of a strategic goods control contact person network in Tax and Customs Board has had good outcomes. Through several training events and seminars Customs personnel at border points has achieved significant expertise in the detection of strategic goods or parts of them.

ETCB has introduced the PIT (Product Identification Tool) system, which contains informational material about strategic and dual use goods. The PIT system is reachable in every customs/border point in Estonia.

A comprehensive program to supply Estonian Customs with technical aid from the US is ongoing. Almost all border points have been equipped with radiation detection technology (e.g. stationary radiation detectors and personal radiation pagers for field officers). During 2006 and 2007, radiation detection systems were renewed in border crossing points between Estonia and the Russian Federation.

In 2009, additional radiation portal monitors were installed at Luhamaa border crossing point and that process continued during 2010 at Koidula and Narva border crossing points. In 2011 such monitors were installed at Muuga Harbour and at Sillamäe Port. During the period between 2012 and 2013 such monitors were installed at Tallinn Airport and for study purposes at the Estonian Public Service Academy.

ECTB has also concluded MoUs with various Estonian enterprises. A co-operation agreement concluded between the Customs Board and telephone companies provides access for Customs to their electronic databases. Customs already has access to the Estonian Air (the Estonian national airline) passengers' database.

#### **1.4.3. Travel document security.**

The Estonian Police and Border Guard Board has implemented various features to maintain a high level of security for travel documents. Travel documents of the Republic of Estonia meet the requirements of ICAO and the European Union:

- mandatory uniformed verification procedures are required for document application and issuance;
- fingerprint biometrics was introduced as of June 29, 2009;
- fingerprint verification against images on document chip during document issuance was introduced in December 2009.

In the beginning of 2014 Police and Border Guard Board began issuing new generation Estonian travel documents. In addition to enhanced security elements new documents comply with EU requirements for SAC/PACE.

The additional measures to support the security of travel documents include also the following:

- validity of travel documents can be verified on the webpage of Police and Border Guard Board;
- information on lost and stolen documents and blanks is forwarded to Interpol and made available on the Internet;
- Police and Border Guard Board provides the notary, credit institutions and other authorities entitled by law with the document holders' data (facial image, signature, personal code) for the purpose of the reliable identification of persons."

Estonia notes that in order to efficiently tackle the problem of terrorists' travel by administrative means, the question of security of travel documents has to be viewed in conjunction with the effective use of technological capabilities of the 21<sup>st</sup> century.

With that in mind, more attention should be paid to the ability of using technological means and databases for both law enforcement and border control purposes. Thus common standards on legal instruments, for instance regarding passenger name records (PNR) have to be drawn up in the nearest possible future.

#### **1.4.4. Container and supply chain security.**

The Estonian Tax and Customs Board does not have x-ray machines in the ports and trans-illuminations are not carried out. However, a risk evaluation and direction of goods and vehicles to be controlled on the basis of existing data is carried out. There is access to the data-processing system of the container terminal of the port and it is being used for risk analysis purposes and for sending suspicious containers to customs check.

#### **1.4.5. Security of radioactive sources.**

The field of security of radioactive sources is regulated by Radiation Act which is in accordance with EU Council directive 2003/122/Euratom and other International conventions and standards.

#### **1.4.6. Use of the Internet and other information networks for terrorist**

##### **Purposes.**

The vulnerability of cyberspace is a serious security risk which affects all nations and which must be confronted on a global level. It is necessary that the comprehensive use of information technology solutions is supported by a high level of security for information systems and general cyber security.

The aim of cyber security policies of countries and international organisations should be to reduce the vulnerability of cyberspace globally. This is accomplished through the implementation of domestic action plans, but also through active international cooperation, which supports the enhancement of cyber security on a global level.

Since the volume of professional cyber attacks is increasing and the likelihood of a large-scale cyber attack against critical infrastructures is growing it is vital that all nations pay attention to their legal mechanisms and operational capabilities on fighting cybercrime and -terrorism, as well as ensuring cyber security within their jurisdictions, which includes cooperation with other countries on extradition of cybercriminals. For that purpose it will be useful to develop national strategies or action plans which will include all different aspects of cyber security, e.g. national security and defence, internal security and law enforcement, regulations on information and telecommunications sector, international cooperation and awareness.

Estonian Government approved its first national Cyber Security Strategy on 8 May 2008. The Cyber Security Strategy 2008 offers a common vision for all actors in society, how to reduce the vulnerability of cyber space and emphasizes the importance to protect critical Internet infrastructure. The Strategy has also set a vision that information technology solutions should be supported by a high level of security standards for information systems and general cyber security culture. Also, the Estonian government has approved an emergency law, which identifies vital Internet services in detail, going beyond critical areas and describing in detail the specific services which are essential to maintain a functioning state in an emergency situation.

Estonia signed the Council of Europe Convention on Cyber Crime on 23 November 2001. The convention was ratified on 12 February 2003 and entered into force on 1 July 2004. Estonia also signed the Additional Protocol to this convention on 20 January 2003. From 2008-2012 Estonia has donated 80 000 Euro to the Council of Europe's Global Project on Cybercrime.

Consequently there are relevant provisions also in the Penal Code that penalize cyber offenses: Section 206 makes it punishable to interfere with the computer data. This includes illegal alteration, deletion, damaging or blocking of data or programmes within computer systems, or illegal uploading of data or programmes into computer systems. This offence is punishable with either a pecuniary punishment or up to 3 year imprisonment.

Illegal interference with or hindering of the operation of a computer system by way of uploading, transmitting, deleting, damaging, altering or blocking of data is punishable by a pecuniary punishment or up to three years of imprisonment (Section 207). Dissemination of spyware, malware or computer viruses is punishable by a pecuniary punishment or up to 3 years' imprisonment (Section 208). When aggravating



circumstances exist then the punishment for the abovementioned offences is up to 5-year imprisonment.

Estonia held the Chairmanship of the OSCE Forum for Security Cooperation (FSC) in the second session of 2008 (from the end of March until the beginning of September) and cyber security had a prominent place in the programme. The aim was to promote discussion which would lead not only to further understanding of cyber security but would also produce new ideas and initiatives that OSCE as a collective body could further pursue. Estonia was co-sponsoring the questionnaire "OSCE Cyber Security Self Survey and Assessment", introduced by the United States delegation at the OSCE in 2010. In May 2011 a conference on cyber security took place in the OSCE. Estonia supported the conference both financially and with speakers. Estonia is participating at the OSCE Informal Working Group established by PC Decision 1039 in 2012. The Working Group is discussing Confidence Building Measure in cyberspace.

On 6 July 2009, the UN Secretary-General invited Estonia and other UN Member States to nominate an expert to the Group of Governmental Experts (UN GGE) on developments in the field of Information and Telecommunications in the context of International Security. Estonian expert was accepted and started his assignment as a GGE member (15 Member States participated at the GGE) in 2009 in order to study and tackle existing and potential threats in the sphere of cyber security. GGE concluded its work in 2010. In 2012 the UN GGE 2012-2013 was launched and Estonian expert is participating at the UN GGE 2012-2013.

Estonia co-sponsored the resolution "Creation of a global culture of cyber security and taking stock of national efforts to protect critical information infrastructures" (A/RES/64/211), which was adopted by UNGA second committee in December 2010.

In October 2008, the NATO Cooperative Cyber Defence Centre of Excellence (NATO CCD CoE), located in Tallinn, Estonia, was granted full NATO accreditation by the North-Atlantic Council and it obtained the status of International Military Organization. There are currently 16 Sponsoring Nations to the CCD CoE (Czech Republic, Estonia, Germany, Greece, France, Hungary, Italy, Latvia, Lithuania, Slovak Republic, Spain, Poland, the United States, the Netherlands, Turkey and the United Kingdom) and Austria and Finland as a Contributing Participants. The Centre's mission is to enhance the capability, cooperation and information sharing among NATO, NATO nations and Partners in cyber defence by virtue of education, research and development, lessons learned and consultation. The key areas of focus for CCD CoE include the following aspects: legal and policy, concepts and strategy, tactical environment and critical information infrastructure protection.

Cyber Defence League is a voluntary organization in the framework of the Defence League that includes public and private sector cyber security professionals who volunteer their time to train together, exchange information and assist civilian authorities. Cyber Defence League plays an important role in raising awareness.

#### **1.4.7. Legal co-operation including extradition.**

Estonia has not received or submitted any requests for extradition or European arrest warrants (EAW) with respect to terrorism charges. The surrender of people in order to conduct criminal proceedings or to execute a court judgement which has entered into force takes place within the EU on the basis of the Council Framework Decision of 13

June 2002 on the European arrest warrant and the surrender procedures between the Member States (2002/584/JHA). The procedure for extradition with third countries takes place on the basis of the European Convention on Extradition and the First and Second Additional Protocol to the European Convention on Extradition. Upon conducting proceedings concerning the EAWs or requests for extradition submitted to Estonia with respect to terrorism charges there are no differences in comparison with the proceedings conducted with respect to the EAWs or requests for extradition submitted in other criminal offences.

The surrender of a person arrested in Estonia on the basis of EAW shall be decided by the court of first instance. The Government of the Republic shall decide on the extradition of an Estonian citizen; the Minister of Justice shall decide on the extradition of an alien.

## **2. Stationing of armed forces on foreign territory.**

### **2.1. Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

National Defence Act establishes bases for simple and flexible decision-making procedures for implementing Estonian international military obligations (taking into account NATO membership). The Act also provides rules for visiting forces on the territory of the Republic of Estonia.

When stationing or receiving forces, the following principles are applied in respect of the legal status of the forces:

Unless otherwise agreed, the NATO/PfP SOFA is applied when co-operating with other countries that have signed this agreement (Agreement between the Parties to the North Atlantic Treaty and the Other States Participating in the Partnership for Peace regarding the status of their forces). In respect of the Baltic military co-operation projects, NATO SOFA governs the relationships:

- Between the Baltic states in respect of the status of the forces when stationed in the territory of either of the Baltic states, supplemented by trilateral agreements on the status of joint units and implementation measures to be taken in support of the projects.
- When co-operating with states that are not signatories to the NATO/PfP SOFA, separate arrangements are concluded prior to the stationing or receiving the forces, with due respect to international law.
- If forces are stationed abroad as a contribution to a peace support operation mandated by the United Nations or by regional organization in accordance with the United Nations Charter, the status of the forces will be determined by the Status of Forces Agreement negotiated by Estonia, the responsible organization or the leading nation and the receiving state.

## **Participation International Operations**

Participation in Peace Support Operations remains a high priority for Estonia as means to contribute both regional and global security and stability. Fight against terrorism and its root causes is essential. Estonia has participated in different international military operations since 1995.

As of March 2018 Estonia participates in 9 different international peace support operations with a total of about 65 servicemen and women in 6 countries and regions – all in South: Iraq (Inherent Resolve, NATO TCB), Afghanistan (Resolute Support), Mali (EUTM, MINUSMA), Lebanon (UNIFIL, UNTSO), Kosovo (KFOR), and also in the EU Mediterranean Sea operation (EUNAVFOR Med/Sophia).

From August 2016 Estonia contributes to the Operation Inherent Resolve with a team of 6 instructors and a senior staff officer in Iraq. In the framework of NATO-led Training and Capacity Building in Iraq (NTCB-I) Estonia contributes with IEDD instructors.

Currently there are 3-man EOD team and 2 staff officers in operation Resolute Support in Afghanistan. In February Estonian Parliament approved an expansion of the mandate to contribute a Motorised Infantry Platoon (40 servicemen) to Afghanistan. The Platoon will serve within the UK led Kabul Security Force.

Estonian participation in Kosovo Force (KFOR) is currently two staff officers in KFOR HQ. We have participated in KFOR since 1999; our participation peaked in 2004 with 122 troops.

Estonia's contribution to the European Union Training Mission in Mali (EUTM Mali) is 2 staff officers in operation HQ in Bamako and 2 training team members. Estonian platoon has been serving under Nordic-Baltic Training Team and provided basic infantry training in Koulikoro training camp since September 2013.

Estonia is also represented in the UN Multi-dimensional Integrated Stabilization mission in Mali (MINUSMA) with 3 staff officers.

Estonia contributes to the United Nations Truce Supervision Organization (UNTSO) mission in the Middle East with 3 military observers and every one to two years with one Chief of Observer Group.

Estonia participates in United Nations Interim Forces in Lebanon (UNIFIL) with a platoon and staff officers, altogether 38 servicemen and women in the Finnish-Irish Battalion FINIRISHBATT.

From August 2015, Estonia contributes to the EU Naval Forces in the Mediterranean (EUNAVFOR Med) military mission with 1 staff officer serving in the Operation HQ in Italy. Starting from summer 2017 an Estonian medic is deployed to the mission on board a Spanish frigate.

Estonia also regularly contributes to the NATO Response Force (NRF) capabilities, which is seen as a very important tool in protecting the Alliance. In 2018 there are 200 servicemen and women in NRF readiness. Estonia also has units under the UK Joint Expeditionary Forces (JEF) readiness.

In 2018 Estonia contributes with 9 servicemen in NATO's Baltic Air Policing Mission in Lithuania.

All above mentioned contribution is based on various parliamentary mandates, which are valid throughout the whole calendar year.

### **3. Implementation of other international commitments related to the Code of Conduct.**

#### **3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.**

Arms control, disarmament and non-proliferation are integral elements of Estonian security policy. Estonia attaches importance to a lower level of armaments, combined with transparency and verification mechanisms and stringent measures to prevent proliferation.

Estonia is a party and adheres to all major international treaties prohibiting weapons of mass destruction. Estonia shares the concerns and expectations of the international community regarding disarmament and non-proliferation. Gaining control over illicit trafficking of small arms and light weapons is considered of high importance. Estonia has established a well-functioning export control system - the current export control legislation and procedures are compatible with the EU regulations, the EU Code of Conduct on Arms Exports and with international export control and non-proliferation regimes.

According to the principles of the non-proliferation agreements and conventions that Estonia has ratified (BTWC, CWC, NPT, CCW, Ottawa Convention, CTBT), the Government of Estonia has legal measures for effective implementation of the export control system based on the guidelines of the Australia Group, Nuclear Suppliers Group, Missile Technology Control Regime and the Wassenaar Arrangement, aiming to prevent the supplying, selling and transferring of arms, related materials, equipment, paramilitary equipment, spare parts and technical advice, assistance or training.

Furthermore, Estonia has been a supporter the establishment of highest possible common standards for regulating the international trade in conventional arms and therefore was an active participant in the United Nations Arms Trade Treaty negotiations. Estonia signed the treaty on 3 June 2013.

#### **3.2. Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

In the overall context of creating security and stability, OSCE arms control and confidence and security building measures (CSBMs) are significant and effective security policy instruments for a small country as Estonia.

In 2017 Estonia received inspections from Russian Federation, Republic of Belarus, and Austria (together with Switzerland). Estonia carried out a Vienna Document inspection in the Republic of Belarus.

From the year 2006 onwards and also in 2004, the Vienna Document regional measure between Estonia and the Russian Federation was not prolonged by the latter.

In 2017, Estonia received an Open Skies observation flight (conducted by the Russian Federation and the Republic of Belarus). Estonia participated in the Open Skies flight with the Republic of Finland over Russian Federation.

While not being a member state, Estonia has participated in the CFE consultations.

## SECTION II: INTRA-STATE ELEMENTS

### 1. National planning and decision-making process.

#### 1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The principles of defence management are defined in the Estonian Constitution, the National Defence Act, the Estonian Defence Forces Organisation Act and other relevant legal acts.

On the 1<sup>st</sup> of January 2016, Estonia adopted its new National Defence Act that replaced the existing Peacetime National Defence Act, the Wartime National Defence Act and the International Military Co-operation Act.

Parliamentary approval is required for the deployment of Estonian forces for operations other than operations of collective security. There are no legal impediments to the entry of visiting forces into Estonian territory, provided that the appropriate Estonian authority has given an approval for entry.

The Estonian Defence Forces Organisation Act, which entered into force at the beginning of 2009, defines the legal status, functions and structure of the Defence Forces, the basis for the management of the Defence Forces and the basis for using force by the Estonian Defence Forces (EDF).

The *Riigikogu* (Parliament) establishes the legal basis for national defence (by adopting laws and ratifying international agreements), and approves the Security Concept. Acting on proposals made by the President of the Republic, *Riigikogu* declares state of war or state of emergency, declares mobilization and decides the use of the EDF in fulfilment of the international obligations of the state. Prime Minister is appointed and recalled by *Riigikogu* upon proposal from President. The Commander of the Estonian Defence Forces (CHOD) is appointed by the Government.

Mobilization will be ordered by the *Riigikogu* on the proposal of the President of the Republic. In the case of an aggression against the Republic of Estonia the mobilization shall be ordered by the President of the Republic (hereinafter *the President*) without awaiting the resolution of the *Riigikogu*.

President of the Republic will declare a state of war and order mobilisation. President also promotes officers.

The National Defence Council functions as an advisory body to the President of the Republic in matters of national defence. The National Defence Council consists of Chairman of the *Riigikogu*, the Prime Minister, the Minister of Defence, the Minister of Internal Affairs, the Minister of Foreign Affairs, the Minister of Finance, the Minister of

Justice, the Chairman of the National Defence Committee, the Chairman of the Foreign Relations Committee of the *Riigikogu* and CHOD.

The Government has the executive power for overall co-ordination of defence management. Government tasks ministries and other agencies with defence responsibilities, it also co-ordinates the fulfilment of defence responsibilities by local authorities and the Bank of Estonia. The Government initiates work on legislation related to national defence; approves national defence plans, advised by CHOD; appoints to and releases from office the CHOD and the Chief of General Staff on the proposal of the Minister of Defence, taking account of the opinion of the *Riigikogu* National Defence Committee; establishes, by a regulation, the national defence strategy on the proposal of the Minister of Defence.

The Security Committee coordinates the activities of the authorities of executive power upon planning, development and organisation of national defence. The composition of the Security Committee, which consists of ministers responsible for the areas related to national defence, are approved by the Government of the Republic. The activities of the Security Committee are directed by the Prime Minister.

The Ministry of Defence (MoD) is responsible for implementation of defence policy; by the elaboration of several strategic documents it also makes proposals for the formulation of defence policy principles. The Minister of Defence leads the MoD. The Defence Forces and the Defence League are within the area of government of the MoD. The Minister tasks CHOD and exercises supervisory control over the Defence Forces and the Defence League. The Minister also presents accounts to *Riigikogu* and to Prime Minister.

On 22 July 2011 an amendment of the Estonian Constitution entered into force. The purpose of the amendment was to strengthen civilian and democratic control over defence forces by clearly positioning the defence forces within the executive branch of the state. It also clarified the status of the Government, the President and the Minister of Defence in relation to CHOD. Pursuant to the amendment the CHOD is no longer appointed by the Parliament but by the Government. The proposal is made by the Minister of Defence and not by the President.

The CHOD commands the Defence Forces. CHOD is the senior military adviser to Government and Minister of Defence. Force planning and management of the EDF are the responsibilities of CHOD. CHOD, together with Minister of Defence, presents annual reports on the accomplishments of peacetime defence missions to the Government of the Republic. CHOD also presents accounts of the state and activities of the EDF to Government and Minister of Defence. The Headquarters of the Estonian Defence Forces is the working body for the CHOD.

Defence budget forms a part of state budget, which is annually approved by *the Riigikogu* and promulgated by the President.

The Ministry of Defence establishes the guidelines for defence budget. The Headquarters of the Estonian Defence Forces is responsible for budgeting for the expenditures of defence forces and responsible for their financial steering.

## **1.2. How does your State ensure that its military capabilities take into**

**account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Estonia's security policy is guided by the principles stipulated in the United Nations Charter, including the right and freedom of every country to choose their own solutions for security needs. Estonia's security policy is not directed against any other country. Working balance of both can be obtained through adherence to international law and to Estonia's international obligations. By being a party to different arms control treaties, Estonia accepts restraints on its military capabilities and adheres to the transparency measures of these treaties to dispel the security concerns other States might have. Estonia contributes actively to peace support operations in the framework of the UN and NATO thus contributing to international security and stability.

**2. Existing structures and processes.**

**2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

The Estonian Defence Forces is subordinated to civil and democratic control. Estonia has established civil-military relations in accordance with the traditions of other democratic states. The principles of defence management are defined in the Estonian Constitution and other relevant legal acts.

Refer also to the information provided to question 1.1 in Section II.

In addition to the above-mentioned, it is necessary to mention the State Audit Office, which is an independent state body exercising economic control. The Auditor General (AG), who is appointed and recalled by *Riigikogu* upon proposal of President, leads State Audit Office. The State Audit Office controls mainly the economic activities of public institutions, state enterprises, and other public organizations, the use and preservation of public property. At the time when the report on the implementation of state budget is debated, the AG is required to present an overview on the use and preservation of state assets during the previous budgetary year.

The work of security institutions is regulated by Security Authorities Act, which entered into force in 2001 and was last amended in 2017. This Act established a new set of functions and competence of Estonia's security institutions. Intelligence agencies have a role in ensuring national security through gathering and processing security-related information.

All intelligence services are subordinated to the respective Ministries (Ministry of Interior, Ministry of Defence). Intelligence-related tasks are divided between two agencies - the Security Police Board and the Foreign Intelligence Service.

**2.2. How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

Please refer to the information provided to questions 1.1 and 2.1 in Section II.

**2.3. What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The aim of Estonia's national defence policy is to guarantee the preservation of independence and sovereignty of the state, integrity of its land area, territorial waters and airspace, constitutional order, and safety of the people.

The main tasks of the Estonian Defence Forces are:

- to defend the territorial integrity of the state;
- to prepare for military defence of the state;
- to participate in implementation of international military obligations of the state;
- to participate in disaster relief operations.

The main tasks of the Border Guard, which as of 2010 is part of the unified Police- and Boarder Guard Authority, are to control and defend the border on land and territorial waters, to conduct sea surveillance and limited air surveillance to support those tasks, to prevent violent alterations of the border, and to carry out search and rescue operations.

The Defence League is a voluntary organisation which is a legal person governed by public law and whose purpose is to promote the will of the population to defend its country if necessary.

Refer also to information provided to questions 1.1 and 2.1 of Section II.

**3. Procedures related to different forces personnel.**

**3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

As is stated in the Constitution, every citizen of Estonia is required to participate in national defence. Every male citizen of Estonia is required to perform his duty to serve in the Defence Forces. Performance of the duty to serve in the Defence Forces is divided into performance of the conscript service obligation and performance of the reserve service obligation. With the Military Service Act that entered into force on 1 April 2013, also female citizens have a legal right to take part of the conscript service on a voluntary basis.

Procedures for the recruitment are defined in detail in Chapters 4 and 5 of the Military Service Act.

**3.2. What kind of exemptions or alternatives to military service does your State have?**

Section 2 subsection 2 of the Military Service Act states who are required to serve in the Defence Forces. Refusal to serve in the Defence Forces on religious or ethical grounds does not release the person concerned from performance of the duty to serve in the Defence Forces. Therefore, section 4 states that a person, who refuses to serve in the Defence Forces for religious or ethical reasons, is required to perform alternative service pursuant to the procedure prescribed by law. Persons in alternative service will serve in units dealing with rescue tasks in the area of government of the Ministry of Interior or in state or local government institutions offering social services or in educational institutions for students with special needs.



### **3.3. What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

All persons in Estonia have the right to the protection of the state and the law. The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, as well as of local governments. All persons have the right of recourse to the courts if their rights or freedoms are violated. Legal Chancellor acts as an ombudsman to whom all persons can turn for the protection of their constitutional rights.

The Chief Inspector of Estonian Defence Forces, who is nominated by the Chief of Defence, acts as ombudsman for military personnel. He reports directly to CHOD and his main duties are involved with carrying out inspections but also checking the applications and solving the problems raised in the complaints made by the members of the defence forces.

There are no military courts in Estonia and therefore, cases that involve military personnel, are referred to civilian courts. Fair trial standards are provided to both civilians as well as military.

Estonia is a party to the NATO/PfP SOFA and its Additional and Further Additional Protocols.

## **4. Implementation of other political norms, principles, decisions and international humanitarian law.**

### **4.1. How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g. through military training programmes and regulations?**

Estonian Constitution states that generally recognized principles and rules of international law are an inseparable part of the Estonian legal system. According to the Constitution, the treaties that have been ratified by the Parliament, become part and parcel of the national legislation without any further delay. Estonian legal system is monistic – ratified international treaties are part of the national legal system and directly applicable. All the relevant legislative acts and international treaties are available to the public on the State Gazette webpage.

Estonia has fully acceded to the Geneva Conventions and its Additional Protocols, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its five Annexed Protocols as well as to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

International humanitarian law and public international law are being taught at the Estonian National Defence College and at the Baltic Defence College. Principles and norms of international humanitarian law are being taught also at unit level and during conscription service. Legal seminars are held for military lawyers and senior officers. For the civilians there are programmes in place for secondary school students that

explain international humanitarian law and courses are provided at the universities that teach international humanitarian law.

Estonia follows the principles set out in the OSCE Code of Conduct.

**4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The personnel of armed forces are aware of their individual responsibility through courses during the conscription and through the course of international humanitarian law taught at the unit level. Dissemination is provided also thorough military lawyers and senior officers and commanders, the latter who are educated on their own responsibility and responsibility of their orders and for the acts of their subordinates. Units to be deployed abroad are also briefed on international humanitarian law, war crimes and individual responsibility and command responsibility.

**4.3. How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

The Defence Forces Organization Act defines the functions of the Defence Forces as follows: the military defence of the state and participation in collective defence; preparation for the military defence of the state and participation in collective defence; participation in international military co-operation pursuant to the procedure provided for in the National Defence Act; participation in the resolution of state of emergency or an emergency situation and providing security pursuant to law and performance of other functions imposed on the Defence Forces by law. Emergency Act sets a basis for using the Defence Forces in state of emergency. The use of the Defence Forces therefore to limit the peaceful and lawful exercise of human and civil rights is strictly limited by laws in force.

**4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

To provide for a member of the Defence Forces the exercise of his or her civil rights a Service of a Chief Inspector has been implemented in the Headquarters of the Defence Forces which is subject to Chief of Defence.

The Defence Forces Service Act sets out the prohibition for a regular member of the Defence Forces to participate in political parties. Also, that a member of the Defence Forces shall not use his or her command or disciplinary authority in the interests of a political party. Reservists participating in training exercises shall not participate in the activities of political parties during active service.

**4.5. How does your State ensure that its defence policy and doctrine are consistent with international law?**

International law and international obligations that the Republic of Estonia has undertaken are to be obliged, therefore defence policy and doctrine is drafted taking into account relevant international law and obligations taken on by the Republic of Estonia (i.e. international humanitarian law, arms control treaties, human rights, the UN Charter and customary international law).

## SECTION III: PUBLIC ACCESS AND CONTACT INFORMATION

### 1. Public access.

#### 1.1. How is the public informed about the provisions of the Code of Conduct?

The official internet website of the Ministry of Defence of Estonia has a link to the website of the OSCE politico-military dimension which includes information on all OSCE arms control related activities and relevant documentation.

#### 1.2. What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

NA

#### 1.3. How does your State ensure public access to information related to your State's armed forces?

Public access to the information related to the Estonian Defence Forces is granted by the Public Information Act. Access is accomplished through:

- various publications and press-releases by the Ministry of Defence and the Headquarters of the Estonian Defence Forces;
- official statements in the Parliament by the Minister of Defence;
- official internet websites of state authorities (e.g. Government, Parliament, Ministry of Foreign Affairs, Ministry of Defence, the Headquarters of the Estonian Defence Forces).

### 2. Contact information.

#### 2.1. Provide information on the national point of contact for the implementation of the Code of Conduct.

Estonian national point of contact for the implementation of the Code of Conduct is the Estonian Ministry of Defence ([info@kaitseministeerium.ee](mailto:info@kaitseministeerium.ee); +372 7170022).

### 3. Any other information.

#### 3.1. Measures taken to aim at the implementation of the UN Security Council resolution 1325 (Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation).

Estonia supports the implementation of Security Council resolution 1325 and is a co-sponsor of its follow-up resolutions 1820 and 1888. The implementation of the objectives set out in resolution 1325 is important for Estonia for several reasons. As a member of the UN, the European Union, NATO and the OSCE, Estonia participates actively in maintaining international peace and security. The promotion of the rights and situation of women is one of the priorities of Estonia's foreign policy, development cooperation and human rights activities. And Estonia is contributing to international military and civilian missions in countries where conflict resolution and peace-building is directly linked to the implementation of resolution 1325 and where the inclusion of gender dimension in the planning and implementation of missions will enhance the efficiency of international efforts.

Estonia compiles three year action plans in order to systematise and advance Estonia's activities regarding resolution 1325. The following principles have served as a basis for compiling the action plans:

- to base the plan on the already existing actions in the field of peace, security, development and gender equality, reinforcing and systematising them through the plan;
- to focus on specific priorities to ensure the maximum efficiency of Estonia's contribution;
- to associate Estonia's other planning documents, including development plans and strategies, with the action plan considering the action plan's interrelatedness with a number of different fields of activity.

The current plan covers the areas where Estonia can contribute to the implementation of the objectives of resolution 1325, including international diplomacy, development cooperation and humanitarian assistance as well as international military and civil missions. As the lead Ministry of the action plan, the Ministry of Foreign Affairs composes yearly reports on the implementation of the plan.