

## **Foreign Service Act**

Passed 10 May 2006

(RT<sup>1</sup> I 2006, 26, 193),

entered into force 1 January 2007.

### **Chapter 1**

#### **General Provisions**

##### **§ 1. Scope of application of Act**

(1) This Act regulates:

- 1) foreign service;
- 2) the employment of an administrative official on a long-term assignment in a foreign mission of the Republic of Estonia (hereinafter foreign mission);
- 3) social guarantees of a diplomat and of an administrative official and their rights and obligations.

(2) This Act does not apply to a person employed by the Ministry of Foreign Affairs in the receiving state of the foreign mission who is employed in the foreign mission on the basis of a contract of employment.

(3) Unless otherwise provided by the Foreign Service Act, the Public Service Act applies to the scope of application of this Act.

(4) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

## **§ 2. Definitions**

In this Act, the following definitions are used:

- 1) “foreign service” means the state public service of a diplomat in a diplomatic post;
- 2) “diplomatic post” means a staff or non-staff post in the Ministry of Foreign Affairs with the main functions including foreign relations and the representing of Estonia;
- 3) “diplomat” means a career diplomat or specialised diplomat;
- 4) “career diplomat” means an official who is on the staff of the Ministry of Foreign Affairs in foreign service, who has received a diplomatic rank or a diplomatic service rank and who is authorised to represent Estonia in foreign relations;
- 5) “specialised diplomat” means an official of another ministry or of an agency within the area of government thereof employed as a non-staff official in a diplomatic post in the Ministry of Foreign Affairs for the period of employment in foreign service and who represents Estonia in foreign relations within the determined limits of authority and at a determined time;
- 6) “career diplomat candidate” means an official employed in a diplomatic post who has not yet received a diplomatic rank or a

diplomatic service rank. A specialised diplomat is not deemed to be a career diplomat candidate;

7) for the purposes of this Act, “administrative official” means an official employed in a non-diplomatic post in a foreign mission;

8) for the purposes of this Act, “staff administrative official” means an administrative official who is included in the staff of the Ministry of Foreign Affairs;

9) for the purposes of this Act, “non-staff administrative official” means an official of another ministry or of an agency within the area of government thereof employed as a non-staff official in a non-diplomatic post in the Ministry of Foreign Affairs for the period of employment in foreign service;

10) for the purposes of this Act, “sending ministry” means a ministry who has submitted an application to the Ministry of Foreign Affairs to assign an official of the ministry or of an agency within the area of government thereof to a foreign mission. The requirements provided for the sending ministry do not apply to the Ministry of Foreign Affairs;

11) for the purposes of this Act, “official” means a diplomat or an administrative official;

12) for the purposes of this Act, “accompanying spouse” means the spouse permanently accompanying an official employed on a long-term assignment for not less than 183 days in a mission year, who has a shared household with the official;

13) for the purposes of this Act, “non-working accompanying spouse” means the accompanying spouse who does not work or provide a service

from which a regular income subject to income tax is received while accompanying on assignment abroad;

14) for the purposes of this Act, "accompanying child" means a minor child or a child acquiring basic or secondary education or an adult child who is incapacitated for work and who needs assistance permanently accompanying an official employed in a long-term assignment for not less than 183 days in a mission year;

15) for the purposes of this Act, "accompanying family member" is an accompanying spouse or an accompanying child;

16) for the purposes of this Act, "employment in a foreign mission" is an assignment to a foreign mission with the duration exceeding six months. An assignment to a foreign mission with the duration of less than six months shall also be deemed to be employment at a foreign mission if the planned duration of the mission exceeded the period of six months which was reduced during the assignment abroad.

### **§ 3. Legislation applicable to diplomat serving in foreign state and administrative official employed in foreign mission**

A diplomat serving in a foreign state and an official employed in a foreign mission shall take guidance in their activities from this Act, the Vienna Convention on Diplomatic Relations and from other legislation.

### **§ 4. Immunity and privileges**

A diplomat serving in a foreign state and an administrative official employed in a foreign mission shall have the immunity and privileges arising from the norms, generally recognised principles, usages and practices of international law.

## Chapter 2

### Diplomat

#### Division 1

### Diplomatic Posts and Salary Grades

#### § 5. Titles of diplomatic posts in Ministry of Foreign Affairs in Estonia and salary grades corresponding thereto

(1) The titles of diplomatic posts in the Ministry of Foreign Affairs in Estonia and the salary grades corresponding thereto are the following:

- |  |                    |
|--|--------------------|
| 1) secretary general   | salary grade 17    |
| 2) undersecretary  | salary grade 16    |
| 3) director general of department;<br>ambassador extraordinary and plenipotentiary;<br>ambassador extraordinary and plenipotentiary,<br>permanent representative | salary grade 14–15 |
| 4) director of division;<br>diplomatic representative  | salary grade 12–13 |
| 5) counsellor;   | salary grade 10–11 |
| 6) desk officer;<br>Assistant  | salary grade 6–9   |

(2) In addition to the titles specified in subsection (1) of this section, the following titles of posts with the following corresponding salary

grades may be used as the titles of diplomatic posts in the Ministry of Foreign Affairs in Estonia:

- 1) spokesperson salary grade 12–13
- 2) lawyer;  
financial analyst;  
Internal auditor salary grade 6–9

(3) The salary grade of a career diplomat candidate shall be 5.

### **§ 6. Titles of diplomatic posts in foreign mission and salary grades corresponding thereto**

(1) The titles of diplomatic posts in a foreign mission and the salary grades corresponding thereto are the following:

- 1) ambassador extraordinary and plenipotentiary;  
ambassador extraordinary and plenipotentiary, salary grade 14–15  
permanent representative
- 2) envoy;  
*chargé d'affaires*;  
deputy head;  
director of division;  
consul general;  
consul (as head of foreign mission);  
vice-consul (as head of foreign mission);  
Minister-counsellor;  
military attaché salary grade 12–13

3) director of office;

counsellor; salary grade 10–11

4) desk officer;

consul;

Assistant salary grade 6–9

(2) In addition to the titles specified in subsection (1) of this section, the following titles of posts with the following corresponding salary grades may be used as titles of diplomatic posts in foreign missions:

1) spokesperson salary grade 10–11

2) Lawyer salary grade 10–11

(3) The salary grade of a career diplomat candidate shall be 5.

**§ 7. Supplementation of titles of diplomatic posts and salary grades corresponding thereto**

(1) The title of a post may be used together with an attribute specifying official duties or area of activity based on international custom.

(2) In addition to an attribute specified in subsection (1) of this section, the titles of posts "counsellor", "consul", "assistant", "lawyer" and "internal auditor" may be used together with the attribute "senior" in posts which require greater know-how and responsibility.

(3) The title of diplomatic post "counsellor" may be used together with the attribute "Ministry", "Department", "Embassy", "Permanent Representation" or "Division" in addition to an attribute specified in subsections (1) and (2) of this section.

(4) The salary grade of a post with the attribute “senior” is higher by one grade than the highest salary grade corresponding to the post provided for in §§ 5 and 6.

(5) The staff and non-staff diplomatic posts in the Ministry of Foreign Affairs, the titles thereof and the salary grades corresponding to the posts shall be established by the Minister of Foreign Affairs. In case of non-staff diplomats, the specified legislation shall be co-ordinated with the sending ministry.

### **§ 8. Head of foreign mission**

(1) The head of a foreign mission is a career diplomat employed in a foreign mission, who represents Estonia in the receiving state of the foreign mission or at an international organisation and who directs the foreign mission and is responsible for the performance of the functions thereof.

(2) The head of a foreign mission is subordinate to the Secretary General of the Ministry of Foreign Affairs.

(3) The following persons may be the head of a foreign mission:

- 1) ambassador extraordinary and plenipotentiary;
- 2) ambassador extraordinary and plenipotentiary, permanent representative;
- 3) envoy;
- 4) *chargé d'affaires*;
- 5) consul general;

- 6) consul;
- 7) vice-consul.

(4) A career diplomat performing the duties of the head of a foreign mission who uses the title of *chargé d'affaires ad interim* shall direct a foreign mission until the appointment of an ambassador extraordinary and plenipotentiary, envoy or *chargé d'affaires* and during the absence of the ambassador extraordinary and plenipotentiary, envoy or *chargé d'affaires* from the receiving state of the foreign mission.

### **§ 9. Ambassador extraordinary and plenipotentiary**

(1) An ambassador extraordinary and plenipotentiary is the highest representative of Estonia who is accredited to a foreign state or to an international organisation.

(2) An ambassador extraordinary and plenipotentiary, permanent representative is the highest representative of Estonia who is accredited to a foreign state or to an international organisation.

(3) If both a diplomat specified in subsection (1) and subsection (2) of this section are accredited to an international organisation, the ambassador extraordinary and plenipotentiary, permanent representative (hereinafter ambassador extraordinary and plenipotentiary) is the highest accredited representative of Estonia at such organisation.

(4) Based on the permanent location of the ambassador extraordinary and plenipotentiary, he or she may be a residing or non-residing ambassador extraordinary and plenipotentiary in the foreign state or at the international organisation to which he or she is accredited.

(5) The seat of a residing ambassador extraordinary and plenipotentiary shall be in the receiving state of the foreign mission or at the international organisation to which he or she is accredited.

(6) A non-residing ambassador extraordinary and plenipotentiary is accredited to a foreign state or to an international organisation, but his or her seat shall be in Estonia or in the foreign state to which he or she is co-accredited. The duties of a non-residing ambassador extraordinary and plenipotentiary shall be provided for in the job description.

### **§ 10. Envoy**

An envoy is the head of a foreign mission who has been appointed to a foreign state or to an international organisation, which does not include the post of ambassador extraordinary and plenipotentiary, or if the relevant states have so agreed.

### **§ 11. *Chargé d'affaires***

A *Chargé d'affaires* is the head of a foreign mission who has been appointed to a foreign state or to an international organisation, which does not include the post of ambassador extraordinary and plenipotentiary, or if the relevant states have so agreed.

### **§ 12. Consul**

A consul general, consul and a vice-consul are heads of consular posts pursuant to the Consular Act.

## **Division 2**

### **Diplomatic Service Ranks and Diplomatic Rank**

## **Subdivision 1**

### **Diplomatic Service Ranks**

#### **§ 13. Diplomatic service rank**

(1) A diplomatic service rank is a title conferred in the name of the Estonian state on a career diplomat or career diplomat candidate depending on the length of his or her service in foreign service, work results and experience in foreign relations.

(2) A specialised diplomat may use the service rank with the prior written consent of the Secretary General of the Ministry of Foreign Affairs if this is necessary for the performance of his or her official duties. The use of the service rank does not give the specialised diplomat the rights accompanying the service rank as provided for in this Act.

#### **§ 14. Categories of diplomatic service rank**

The following are diplomatic service ranks:

- 1) attaché;
- 2) third secretary;
- 3) second secretary;
- 4) first secretary;
- 5) counsellor;
- 6) senior counsellor.

#### **§ 15. Conditions for conferring of diplomatic service rank**

(1) The diplomatic service rank of attaché may be conferred on a career diplomat candidate who has been in service in the Ministry of Foreign Affairs for not less than one year.

(2) The next diplomatic service ranks may be conferred on a career diplomat who meets the conditions established by the Minister of Foreign Affairs on the basis of subsection (4) of this section and have been in foreign service:

- 1) as an attaché for at least two years;
- 2) as a third secretary for at least three years;
- 3) as a second secretary for at least three years;
- 4) as a first secretary for at least four years;
- 5) as a counsellor for at least four years.

(3) As an exception, a diplomatic service rank may be conferred on a person who does not meet the conditions provided for in subsections (1) and (2) of this section if the person is an internationally recognised specialist or a specialist with necessary experience in foreign relations for receiving a higher service rank.

(4) The conditions and procedure for conferring a diplomatic service rank and the format of applications for a diplomatic service rank shall be established by a regulation of the Minister of Foreign Affairs

## **§ 16. Conferring of diplomatic service rank**

(1) A diplomatic service rank shall be conferred on an official by the Minister of Foreign Affairs for the period of service in foreign service.

(2) A proposal for conferring a diplomatic service rank is made to the Minister of Foreign Affairs by the Evaluation Committee of the Ministry of Foreign Affairs (hereinafter Evaluation Committee).

### **§ 17. Reduction of diplomatic service rank**

(1) The Minister of Foreign Affairs may reduce a diplomatic service rank if:

- 1) the diplomat has committed a breach of duties of service;
- 2) the diplomat has committed an indecent act, or
- 3) confidence in the diplomat has decreased.

(2) A proposal for reduction of a diplomatic service rank is made to the Minister of Foreign Affairs by the Evaluation Committee.

### **§ 18. Validity of diplomatic service rank and restoration of service rank**

(1) The diplomatic service rank of a diplomat becomes invalid upon his or her release from the diplomatic post.

(2) If a person is re-appointed to a diplomatic post, the diplomatic service rank shall be restored except in the case when he or she was released from service due to the commission of a disciplinary offence or arising from a court judgment. Also, the service rank need not be restored if more than ten years have passed from the resignation from foreign service or in other reasoned cases. In such cases, the evaluation committee shall make a proposal to the Minister of Foreign Affairs.

### **Subdivision 2**

## **Diplomatic Rank**

### **§ 19. Diplomatic rank**

A diplomatic rank is an honorary title conferred on a career diplomat in the name of the Estonian state, which is awarded for experience in foreign relations and for outstanding results in foreign service.

### **§ 20. Category of diplomatic rank**

Ambassador is a diplomatic rank.

### **§ 21. Conditions for conferring of diplomatic rank**

(1) The diplomatic service rank of the ambassador may be conferred on a career diplomat:

- 1) who has long-term experience in foreign relations and outstanding results in foreign service;
- 2) who has been in foreign service as senior counsellors for at least five years.

(2) As an exception, a diplomatic rank may be conferred on the proposal of the Evaluation Committee on a career diplomat who does not meet the conditions provided for in subsection (1) of this section if the career diplomat has achieved outstanding results in the foreign service of Estonia or at an international institution.

### **§ 22. Conferring of diplomatic rank**

(1) A diplomatic rank is conferred for life by the President of the Republic.

(2) A proposal to confer a diplomatic rank is made to the President of the Republic by the Government of the Republic. A corresponding request is presented to the Government of the Republic by the Minister of Foreign Affairs on the proposal of the Evaluation Committee.

### **§ 23. Withdrawal of diplomatic rank**

(1) The President of the Republic may withdraw a diplomatic rank if the diplomat has been punished under criminal procedure.

(2) A proposal to withdraw a diplomatic rank is made to the President of the Republic by the Government of the Republic. A corresponding request is presented to the Government of the Republic by the Minister of Foreign Affairs on the proposal of the Evaluation Committee.

### **Division 3**

### **Appointment to Diplomatic Post in Ministry of Foreign Affairs and Employment in Foreign Service**

#### **§ 24. Conditions for employment in foreign service**

The following persons may be employed in foreign service:

- 1) who are citizens of Estonia;
- 2) who have completed higher education;
- 3) who are proficient in at least two foreign languages to the extent established by the Minister of Foreign Affairs, and at least one of the foreign languages is English or French.

- 4) whose economic or other obligations do not interfere with employment in foreign service;
- 5) whose health allows work in the foreign service;
- 6) who are faithful to the constitutional order of Estonia, safeguard the independence of Estonia, and are proper and decorous in their activities, upholding the international reputation of Estonia.

#### **§ 25. Procedure for employment in foreign service**

- (1) A proposal of the Evaluation Committee is the basis for employment in foreign service.
- (2) A person is employed in foreign service as a career diplomat by conferring a service rank on him or her by a directive of the Minister of Foreign Affairs on the date specified therein.
- (3) A person shall be employed in foreign service as a specialised diplomat for the period of assignment to a foreign mission by a directive of the Secretary General of the Ministry of Foreign Affairs.

#### **§ 26. Appointment to diplomatic post in Ministry of Foreign Affairs**

- (1) A person who meets the conditions for employment in foreign service may be appointed to a diplomatic post in the Ministry of Foreign Affairs.
- (2) The secretary general, undersecretary and director general of the Ministry of Foreign Affairs are appointed to office pursuant to the procedure provided in the Government of the Republic Act.

(3) The Secretary General of the Ministry of Foreign Affairs shall appoint a person to a diplomatic post not specified in subsection (2) of this section unless otherwise provided for in this Act or the Consular Act.

(4) If a person has not yet been employed as a career diplomat in foreign service he or she shall become a career diplomat candidate upon appointment to a diplomatic post in the Ministry of Foreign Affairs.

### **§ 27. Appointment as ambassador extraordinary and plenipotentiary**

(1) A candidature for the post of ambassador extraordinary and plenipotentiary shall be presented to the Government of the Republic for approval by the Minister of Foreign Affairs on the proposal of the Evaluation Committee.

(2) The Government of the Republic shall approve the candidature for the post of ambassador extraordinary and plenipotentiary and present it to the President of the Republic for approval.

(3) The President of the Republic shall grant consent for the approval of the candidature of the ambassador extraordinary and plenipotentiary within thirty calendar days as of receipt of the proposal. The Ministry of Foreign Affairs shall inform the Foreign Affairs Committee of the Riigikogu<sup>2</sup> of the granting of consent.

(4) After the approval of the candidature of ambassador extraordinary and plenipotentiary, the Ministry of Foreign Affairs shall apply for the consent (*agrément*) of a competent authority of the foreign state to which the candidate for the post of ambassador is to be accredited. If the candidate for the post of ambassador extraordinary and plenipotentiary is to be accredited to an international organisation, the Ministry of Foreign

Affairs shall apply for the consent (*agrément*) of the organisation, if necessary.

(5) The Minister of Foreign Affairs shall inform the Government of the Republic of the receipt of the consent (*agrément*) and the Government of the Republic shall make a proposal to the President of the Republic to appoint the candidate as an ambassador extraordinary and plenipotentiary.

(6) The President of the Republic shall appoint a candidate as an ambassador extraordinary and plenipotentiary and shall sign his or her letter of credence within thirty calendar days as of receipt of the proposal.

(7) The name of the candidate for the post of ambassador extraordinary and plenipotentiary shall not be disclosed before his or her appointment.

#### **§ 28. Issue of Service-related Directives concerning Ambassador Extraordinary and Plenipotentiary**

The Minister of Foreign Affairs shall issue service-related directives concerning an Ambassador Extraordinary and Plenipotentiary appointed by the President of the Republic.

#### **Division 4**

**Assignment of Diplomat to Foreign Missions, Appointment of Diplomat to Diplomatic Post in Foreign Mission and Recall of Diplomat from Foreign Mission to Disposal of Ministry of Foreign Affairs, of Sending Ministry or Agency within Area of Government Thereof**

## **Subdivision 1**

### **Assignment of Diplomat to Foreign Mission**

#### **§ 29. Assignment of diplomat to foreign mission**

(1) The following are the prerequisites for assignment to a foreign mission:

1) the standard format application to stand as a candidate of the career diplomat, or his or her written consent in case of a targeted offer, or

2) the written consent of the specialised diplomat.

(2) For the assignment of a specialised diplomat to a diplomatic post in a foreign mission, the sending ministry shall submit an application and the documents concerning the official to the Ministry of Foreign Affairs.

(3) A proposal of the Evaluation Committee shall be the basis for decision on assignment to a foreign mission.

(4) The Secretary General of the Ministry of Foreign Affairs shall make the decision on assignment and assign to a foreign mission. A directive concerning the assignment of a specialised diplomat to a foreign mission shall be prepared on the basis of the draft of the sending ministry and with the approval of the secretary general of the sending ministry.

(5) An assignment with the duration of up to five years and the date of arrival at the mission shall be determined by the Secretary General of the Ministry of Foreign Affairs. The specified term may be reduced or extended by up to three years by agreement between the parties. The term of assignment may also be reduced without the consent of the diplomat on the bases set out in clauses 40 3)–7) of this Act.

**§ 30. Assignment of career diplomat candidates to foreign missions**

(1) A Career diplomat candidate may be assigned to a foreign mission in a justified case.

(2) The conditions and procedure for the assignment of a career diplomat to a foreign mission and the social guarantees, except for the service rank allowance, the representation allowance and the allowance for the length of service in foreign service, apply to a career diplomat candidate assigned to a foreign mission.

**§ 31. Procedures for assignment to a foreign mission**

(1) A diplomat shall be notified of his or her assignment not less than three months in advance, if possible, and shall be given up to one week to organise personal affairs, during which time they are released from official duties.

(2) The procedure for the assignment of a diplomat to a foreign mission and the list of documents and information to be submitted upon application for assignment to a foreign mission shall be established by a regulation of the Government of the Republic.

**§ 32. Working of a specialised diplomat in a foreign mission**

(1) A Specialised diplomat is subordinate to the head of the foreign mission in issues related to foreign policy and the organisation of work of the foreign mission, and to the secretary general of the sending ministry and to an official appointed by him or her or determined by legislation in professional issues.

(2) A specialised diplomat shall regularly report on his or her activities to the head of the foreign mission and to the secretary general of the sending ministry or to an official determined by him or her or in legislation.

(3) The job descriptions of a specialised diplomat shall be approved by the Secretary General of the Ministry of Foreign Affairs. A job description shall be prepared on the basis of the draft of the sending ministry and with the approval of the secretary general of the sending ministry.

(4) The service relationship of a specialised diplomat with the sending ministry or an agency within the area of government thereof shall be suspended for the period of his or her employment in the foreign mission and the ministry or the agency shall retain the obligation to pay the salary and compensation to the specialised diplomat pursuant to this Act.

(5) The sending ministry and the Ministry of Foreign Affairs shall share other expenses arising from the work of a specialised diplomat in a foreign mission pursuant to a written agreement. The administrative expenses of a foreign mission (the cost of workplace) shall be determined by a directive of the Secretary General of the Ministry of Foreign Affairs on the basis of actual administrative expenses of the foreign mission in a current budget year one month prior to the beginning of the new budget year.

## **Subdivision 2**

### **Appointment to Diplomatic Post in Foreign Mission**

#### **§ 33. Appointment to diplomatic post in foreign mission**

A Diplomat and, in justified cases, a career diplomat candidate shall be appointed to a diplomatic post in a foreign mission.

**§ 34. Appointment as envoy**

A career diplomat shall be appointed as an envoy pursuant to the procedure provided in § 27 of this Act.

**§ 35. Appointment to post of envoy**

An envoy appointed by the President of the Republic shall be appointed to the post by the Minister of Foreign Affairs.

**§ 36. Appointment of *chargés d'affaires***

The Minister of Foreign Affairs shall appoint a *chargés d'affaires* on the proposal of the Evaluation Committee by giving written notification to the Government of the Republic and to the President of the Republic.

**§ 37. Appointment of consul as head of foreign mission**

A consul general, consul and a vice-consul are appointed as the head of a foreign mission pursuant to the Consular Act.

**Subdivision 3**

**Temporary Recall from Foreign Mission to Disposal of Ministry of Foreign Affairs and of Sending Ministry**

**§ 38. Temporary recall of career diplomat to disposal of Ministry of Foreign Affairs**

(1) The Minister of Foreign Affairs may temporarily recall an ambassador extraordinary and plenipotentiary, an envoy or a *chargé*

*d'affaires* from a foreign mission to Estonia to the disposal of the Ministry of Foreign Affairs for a period of up to three months by giving written notification to the Government of the Republic and to the President of the Republic.

(2) The Secretary General of the Ministry of Foreign Affairs may temporarily recall a career diplomat not specified in subsection (1) of this section from a foreign mission to Estonia to the disposal of the Ministry of Foreign Affairs for a period of up to three months.

(3) The term specified in subsections (1) and (2) of this section may be extended for up to one year under the circumstances arising from an international situation or from inter-state relations or in the event of a justified need of the Ministry of Foreign Affairs.

(4) A career diplomat temporarily recalled to the disposal of the Ministry of Foreign Affairs shall perform such duties arising from the position as are assigned to him or her in Estonia and a salary shall be paid to him or her for the performance of such duties pursuant to this Act.

(5) If possible, a diplomat shall be given up to one week to organise personal affairs, during which time he or she is released from official duties, upon temporary recall to the disposal of the Ministry of Foreign Affairs.

(6) A career diplomat may also be temporarily recalled to the disposal of the Ministry of Foreign Affairs without his or her consent.

**§ 39. Temporary recall of specialised diplomat to disposal of sending ministry**

(1) The secretary general of the sending ministry may temporarily recall a specialised diplomat from a foreign mission to Estonia to the disposal of the sending ministry for a period of up to three months with the approval of the Secretary General of the Ministry of Foreign Affairs. The specified term may be extended for up to one year in the event of a justified need of the sending ministry.

(2) The Secretary General of Ministry of Foreign Affairs may temporarily recall a specialised diplomat from a foreign mission to Estonia to the disposal of the sending ministry for a period of up to three months with the approval of the secretary general of the sending ministry under the circumstances arising from an international situation or from inter-state relations. If necessary, the specified term may be extended for up to one year.

(3) A specialised diplomat temporarily recalled to the disposal of the sending ministry shall perform such duties arising from the position as are assigned to him or her in Estonia and a salary shall be paid to him or her for the performance of such duties pursuant to the Public Service Act or other Act.

(4) If possible, a specialised diplomat shall be given up to one week to organise personal affairs, during which time he or she is released from official duties, upon temporary recall to the disposal of the sending ministry.

(5) A specialised diplomat may also be temporarily recalled to the disposal of the sending ministry without his or her consent.

## **Division 5**

## **Recall from Diplomatic Post in Foreign Mission**

### **§ 40. Bases for recall from diplomatic post in a foreign mission**

The following may be a basis for recall from a diplomatic post in a foreign mission:

- 1) the termination of the assignment of the diplomat;
- 2) the application of the diplomat;
- 3) the application of the receiving state or of an international organisation;
- 4) the unsuitability of the diplomat for the post;
- 5) the health of the diplomat, including incapacity for work on the basis of a medical certificate for more than two months per mission year;
- 6) the transfer of the diplomat to another post;
- 7) the parental leave of the diplomat;
- 8) the release of the diplomat from service.

### **§ 41. Recall from diplomatic post in foreign mission**

(1) The Secretary General of the Ministry of Foreign Affairs shall recall a career diplomat from a diplomatic post in a foreign mission unless otherwise provided for in this Act or in the Consular Act.

(2) The Secretary General of the Ministry of Foreign Affairs shall recall a specialised diplomat from a diplomatic post in a foreign mission

on the proposal of the secretary general of the sending ministry and with the approval of the latter.

(3) The President of the Republic shall recall an ambassador extraordinary and plenipotentiary and an envoy on the proposal of the Government of the Republic and the President shall sign a letter of recall within thirty calendar days as of receipt of the proposal. The Minister of Foreign Affairs shall make a relevant application to the Government of the Republic on the proposal of the Evaluation Committee.

(4) The Minister of Foreign Affairs shall recall a *chargé d'affaires* by giving written notification to the Government of the Republic and to the President of the Republic.

(5) A consul general, consul and vice-consul employed as the head of a foreign mission shall be recalled in accordance with the Consular Act.

(6) A proposal of the evaluation committee shall be the basis for the decision on the recall of a diplomat from a diplomatic post in a foreign mission if a basis specified in clauses 40 2), 4), 5), 6), 7) or 8) of this Act exists.

#### **§ 42. Procedures for recall from a foreign mission**

(1) A diplomat shall be notified of the recall from a foreign mission not less than one month in advance, if possible, and shall be given up to one week to organise personal affairs, during which time he or she is released from official duties.

(2) The procedure for the recall of a diplomat from a foreign mission and the list of documents and information to be submitted upon an

application for recall shall be established by a regulation of the Government of the Republic.

## **Division 6**

### **Release from Foreign Service and Release from Service**

#### **§ 43. Release of career diplomat from service**

(1) A career diplomat shall be released from service on the bases of and pursuant to the procedure provided by the Public Service Act.

(2) A career diplomat may be released from service if in the event of his or her recall from a foreign mission by the date of the termination of the assignment he or she has not been elected to a vacant position in the Ministry of Foreign Affairs and if he or she has not accepted a targeted offer. An official shall be released from service on the working day following the day on which the assignment terminates.

#### **§ 44. Release of specialised diplomat from foreign service**

A specialised diplomat shall be released from foreign service upon his or her recall from a foreign mission.

## **Chapter 3**

### **Administrative Officials**

#### **Division 1**

### **Non-diplomatic Posts and Salary Grades of Foreign Missions**

#### **§ 45. Titles of non-diplomatic posts in foreign missions and salary grades corresponding thereto**



**§ 46. Supplementation of titles of non-diplomatic posts in foreign missions and salary grades corresponding thereto**

(1) The title of a post may be used together with an attribute specifying official duties or area of activity based on international custom.

(2) In addition to an attribute specified in subsection (1) of this section, the titles of posts “expert”, “engineer”, “specialist”, “economist”, “financial analyst”, “translator”, “archivist” and “accountant” may be used together with the attribute “head” or “senior” in posts which require greater know-how and responsibility. The titles of the posts “assistant” and “referent” may be used together with the attribute “senior” in addition to the attribute specified in subsection (1) of this section.

(3) The salary grade of the posts with the attribute “head” is higher by two grades and the salary grade of the posts with the attribute “senior” is higher by one grade than the highest salary grade corresponding to the post provided for in § 45.

(4) The staff and non-staff non-diplomatic posts in the Ministry of Foreign Affairs, the titles thereof and the salary grades corresponding to the posts shall be established by the Minister of Foreign Affairs.

**Division 2**

**Assignment of Administrative Official to Foreign Mission, Appointment of Administrative Official to Non-diplomatic Post in Foreign Mission and Recall of Administrative Official from Foreign Mission to Disposal of Ministry of Foreign Affairs or of Sending Ministry**

**Subdivision 1**

## **Assignment of Administrative Official to Foreign Mission and Appointment of Administrative Official to Non-diplomatic Post in Foreign Mission**

### **§ 47. Conditions for assignment to foreign mission**

The following administrative official may be assigned to a foreign mission:

- 1) who is a citizen of Estonia;
- 2) who has completed at least secondary education;
- 3) who is proficient in the language of the receiving state of the foreign mission or the foreign language prevalent there to the extent established by the Minister of Foreign Affairs;
- 4) whose health allows work in a foreign mission;
- 5) who is faithful to the constitutional order of Estonia, safeguards the independence of Estonia, and is proper and decorous in his or her activities, upholding the international reputation of Estonia.

### **§ 48. Assignment to foreign mission and appointment to non-diplomatic post in foreign mission**

(1) The following are the prerequisites for the assignment to a foreign mission:

- 1) the standard format application to stand as a candidate of the staff administrative official, or his or her written consent in case of a targeted offer, or
- 2) the written consent of the non-staff administrative official.

(2) For the assignment of a non-staff administrative official to a non-diplomatic post in a foreign mission, the sending ministry shall submit an application and the documents concerning the official to the Ministry of Foreign Affairs.

(3) A proposal of the Evaluation Committee shall be the basis for the decision on assignment to a foreign mission.

(4) The Secretary General of the Ministry of Foreign Affairs shall make the decision on assignment to a foreign mission and assign to a foreign mission. A directive concerning the assignment of a non-staff administrative official to a foreign mission shall be prepared on the basis of the draft of the sending ministry and with the approval of the secretary general of the sending ministry.

(5) An assignment with the duration of up to five years and the date of arrival at the mission shall be determined by the Secretary General of the Ministry of Foreign Affairs. The specified term may be reduced or extended by up to three years by agreement of the parties. The term of assignment may also be reduced without the consent of the official on the bases set out in clauses 52 3)–7) of this Act.

#### **§ 49. Procedures for assignment to foreign mission**

(1) An administrative official shall be notified of his or her assignment, if possible not less than three months in advance and given up to one week to organise personal affairs, during which time he or she is released from official duties.

(2) The procedure for assignment of an administrative official to a foreign mission and the list of documents and information to be submitted upon application for assignment to a foreign mission shall be established by a regulation of the Government of the Republic.

#### **§ 50. Working of non-staff administrative official in foreign mission**

(1) The subordination of a non-staff administrative official shall be determined by his or her job description.

(2) The job description of a non-staff administrative official shall be approved by the Secretary General of the Ministry of Foreign Affairs. A job description shall be prepared on the basis of the draft of the sending ministry and with the approval of the secretary general of the sending ministry.

(3) The service relationship of a non-staff administrative official with the sending ministry or an agency within the area of government thereof shall be suspended for the period of his or her employment of in the foreign mission and the ministry or the agency shall retain the obligation to pay the salary and compensation pursuant to this Act.

(4) The sending ministry and the Ministry of Foreign Affairs shall share other expenses arising from the work of a non-staff administrative official in a foreign mission pursuant to subsection 32 (5) of this Act.

## **Subdivision 2**

### **Temporary Recall from Foreign Mission to Disposal of Ministry of Foreign Affairs or of Sending Ministry**

#### **§ 51. Temporary recall of administrative official from foreign mission to disposal of Ministry of Foreign Affairs or of sending ministry**

(1) The Secretary General of the Ministry of Foreign Affairs may temporarily recall a non-staff administrative official from a foreign mission to Estonia to the disposal of the Ministry of Foreign Affairs for a period of up to three months.

(2) The secretary general of the sending ministry may temporarily recall a non-staff administrative official from a foreign mission to Estonia to the disposal of the sending ministry for a period of up to three months with the approval of the Secretary General of the Ministry of Foreign Affairs.

(3) The Secretary General of Ministry of Foreign Affairs may temporarily recall a non-staff administrative official from a foreign mission to Estonia to the disposal of the sending ministry for a period of up to three months with the approval of the secretary general of the sending ministry under circumstances arising from an international situation or from inter-state relations.

(4) The period specified in subsections (1)–(3) of this section may be extended for up to one year under circumstances arising from an international situation or from inter-state relations or in the event of the justified need of the Ministry of Foreign Affairs or of the sending ministry.

(5) A non-staff administrative official temporarily recalled to the disposal of the Ministry of Foreign Affairs shall perform such duties arising from the position as are assigned to him or her in Estonia and he or she shall be paid a salary for the performance of such duties pursuant to the Public Service Act.

(6) A non-staff administrative official temporarily recalled to the disposal of the sending Ministry shall perform such duties arising from the position as are assigned to him or her in Estonia and he or she shall be paid a salary for the performance of such duties pursuant to the Public Service Act or another Act.

(7) If possible, an administrative official upon the temporary recall to the disposal of the Ministry of Foreign Affairs or of the sending ministry shall be given up to one week to organise personal affairs, during which time he or she is released from official duties.

(8) An administrative official may also be temporarily recalled to the disposal of the Ministry of Foreign Affairs or of the sending ministry without his or her consent.

### **Division 3**

#### **Recall of Administrative Official from Foreign Mission**

##### **§ 52. Bases for recall from foreign mission**

The following may be a basis for the recall from a foreign mission:

- 1) the termination of the assignment of the administrative official;
- 2) the application of the administrative official;
- 3) the application of the receiving state or an international organisation;
- 4) the unsuitability of the administrative official for the post;
- 5) the health of the administrative official, including incapacity for work on the basis of a medical certificate for more than two months per mission year;
- 6) the transfer of the administrative official to another post;
- 7) the taking of a parental leave by the administrative official;
- 8) the release of the administrative official from the service of the Ministry of Foreign Affairs.

##### **§ 53. Recall from foreign mission**

- (1) A staff administrative official shall be recalled from a foreign mission by the Secretary General of the Ministry of Foreign Affairs.
- (2) The Secretary General of the Ministry of Foreign Affairs shall recall a non-staff administrative official from a foreign mission on the proposal of the secretary general of the sending ministry and with the approval of the latter.
- (3) In the event of a basis specified in clauses 52 2), 4), 5), 6), 7) or 8) of this Act a proposal of the Evaluation Committee shall be the basis for the decision on the recall of the administrative official from a non-diplomatic post in a foreign mission.

**§ 54. Procedures for recall from foreign mission**

(1) In the event of the recall from a foreign mission an administrative official shall be notified not less than one month in advance, if possible, and given up to one week to organise personal affairs, during which time he or she is released from official duties.

(2) The procedure for the recall of an administrative official from a foreign mission and the list of documents and information to be submitted upon an application for recall shall be established by a regulation of the Government of the Republic.

**Division 4**

**Release of Administrative Official from Service**

**§ 55. Release of administrative official from service of Ministry of Foreign Affairs**

(1) A staff administrative official shall be released from service on the bases of and pursuant to the procedure provided by the Public Service Act.

(2) A staff administrative official may be released from service if in the event of his or her recall from a foreign mission he or she has not been elected to a vacant position in the Ministry of Foreign Affairs by the date of the termination of the assignment and if he or she has not accepted a targeted offer. An official shall be released from service on the working day following the day on which the assignment terminates.

(3) A non-staff administrative official shall be released from service in the Ministry of Foreign Affairs upon his or her recall from a foreign mission.

## **Chapter 4**

### **Rights, Social Guarantees and Obligations of Official**

#### **Division 1**

#### **Rights and Social Guarantees of Official**

##### **§ 56. Remuneration**

(1) An official shall be paid a salary to according to this Act and pursuant to the procedure provided for in the Wages Act.

(2) The wages of an official are comprised of the salary which corresponds to the salary grade supplemented by the additional remunerations paid pursuant to this Act and other legislation.

(3) A uniform salary scale of salary grades from 1 to 17 shall be established for officials. The salary grades corresponding to diplomatic posts are established in §§ 5–7 and the salary grades corresponding to non-diplomatic posts are established in §§ 45 and 46 of this Act.

(4) The monthly salary rate which corresponds to the salary grade is deemed to be a salary.

(5) A sum of money established on the basis of subsection (10) of this section which corresponds to the salary grade of the post of the official is deemed to be a monthly salary rate.

(6) Additional remuneration for more effective work than required may be granted on the basis of the assessment of the qualifications and work results of the official which may amount to up to 30 per cent of the salary.

(7) Additional remuneration for the performance of supplementary service functions may be determined for substituting for a temporarily absent official, for the performance of the duties of a non-residing ambassador extraordinary and plenipotentiary or for the duties not

established in the job description which may amount to up to 30 per cent of the salary of the official; in the case of substitution, up to 30 per cent of the salary of the substituted person if the latter is higher than that of the substituting official.

(8) The Minister of Foreign Affairs may establish, by a directive, as an exception, a list of the posts in the Ministry which are excluded from the scope of the restriction established in subsections (6) and (7) of this section. In case of non-staff posts, the specified legislation shall be coordinated with the sending ministry.

(9) Bonus may be paid to an official for individual or collective contribution to the achievement of the objectives of the Ministry of Foreign Affairs, a structural unit thereof or of the sending ministry.

(10) The monthly salary rates corresponding to the salary grades and the procedure for payment of additional remuneration shall be established by a regulation of the Government of the Republic.

(11) The salary guide of career diplomats and staff administrative officials shall be established by a directive of the Minister of Foreign Affairs. The salary guide of specialised diplomats and non-staff administrative officials shall be established by the minister or by the secretary general of the sending ministry if necessary.

### **§ 57. Additional remuneration for proficiency in foreign languages**

(1) An official who is proficient in at least three foreign languages to the extent specified by the Minister of Foreign Affairs shall receive 5 per cent of his or her salary as additional remuneration for the third and each subsequent foreign language every month, but not more than a total of 15 per cent.

(2) Five per cent of the salary shall be paid as additional remuneration every month to an official who has been awarded a Doctoral level degree or an academic degree equal thereto.

(3) The conditions of and procedure for payment of additional remunerations specified in this section shall be established by a regulation of the Minister of Foreign Affairs.

**§ 58. Additional remuneration for processing of state secrets or classified media**

(1) An official employed in a post in which a permit for access to state secrets is a prerequisite for employment shall receive 15 per cent of his or her salary as an additional remuneration every month.

(2) The conditions of and procedure for payment of additional remuneration shall be established by a regulation of the Minister of Foreign Affairs.

**§ 59. Allowance for length of service in foreign service and other allowances for length of service**

(1) Allowance for the length of service in foreign service shall be paid to a diplomat as follows:

- 1) for 4-6 years of service, 4 per cent of the salary;
- 2) for 7-9 years of service, 7 per cent of the salary;
- 3) for 10-12 years of service, 10 per cent of the salary;
- 4) for 13-15 years of service, 13 per cent of the salary;
- 5) for 16-18 years of service, 16 per cent of the salary;
- 6) for 19-21 years of service, 19 per cent of the salary;
- 7) for 22-24 years of service, 22 per cent of the salary;
- 8) for 25-27 years of service, 25 per cent of the salary;
- 9) for 28-29 years of service, 28 per cent of the salary;

- 10) from 30 years of service, 30 per cent of the salary.
- (2) A diplomat who is not entitled to receive the additional remuneration specified in subsection (1), but who is entitled to receive the additional remuneration specified in subsection 37 (2) of the Public Service Act shall be granted the latter additional remuneration.
- (3) A diplomat who is entitled to receive both the additional remuneration specified in subsection (1) and the additional remuneration specified in subsection 37 (2) of the Public Service Act shall be granted an additional remuneration of his or her choice.
- (4) If a similar additional remuneration prescribed by another specific Act regulating public service is paid to a diplomat, the additional remuneration specified in subsection (1) shall not be paid to him or her.
- (5) A diplomat may alter his or her choice once after the first choice of the additional remuneration. If a person is re-appointed to a diplomatic post and he or she has already chosen the additional remuneration twice, he or she has the right to choose the additional remuneration again regardless of the earlier choices.
- (6) An administrative official shall be paid the additional remuneration specified in subsection 37 (2) of the Public Service Act every month.

**§ 60. Calculation of length of service in foreign service and retention of diplomatic service rank**

- (1) Employment in diplomatic posts which shall be calculated in full years shall be the basis for calculation of the length of service in foreign service.
- (2) The length of service in foreign service of a career diplomat also includes the period of participation in further education and vocational training during the foreign service pursuant to the Adult Education Act. The diplomatic service rank is also retained during that period.

(3) The length of service in foreign service of a career diplomat may include his or her employment in an international organisation if the employment and the retention of the length of service in foreign service is approved by the Secretary General of the Ministry of Foreign Affairs. The diplomatic service rank is also retained during that period.

(4) Upon the employment of a career diplomat in the Office of the President of the Republic, the Office of the Prime Minister or the Chancellery of the Riigikogu, the period of employment there is considered to be part of the length of service in foreign service and the diplomatic service rank of the diplomat is retained. The length of service in foreign service of a career diplomat may also include his or her employment in the post of another state authority or local government authority which is directly related to foreign relations if the employment and the retention of the length of service in foreign service is approved by the Secretary General of the Ministry of Foreign Affairs. The diplomatic service rank is also retained during that period.

(5) In the cases specified in subsections (2)–(4) of this section, the service relationship with the Ministry of Foreign Affairs shall be suspended and the allowance for the length of service in foreign service shall not be paid during such period.

### **§ 61. Remuneration for diplomatic rank or diplomatic service rank**

(1) A career diplomat with a diplomatic service rank shall every month be paid remuneration for the diplomatic service rank during the time of service in foreign service.

(2) A career diplomat with a diplomatic rank shall every month be paid remuneration for the diplomatic rank during the time of service in foreign service.

(3) The remuneration for diplomatic ranks or diplomatic service ranks shall not be paid in the cases specified in subsections 60 (2)–(4) of this Act.

(4) The procedure for the payment of remuneration for diplomatic ranks or diplomatic service ranks and the rates of remuneration shall be established by a regulation of the Government of the Republic.

### **§ 62. Representation allowance**

(1) Upon his or her employment in foreign service and in every succeeding year, a diplomat shall be paid a representation allowance to the extent of one and a half month's salary unless a similar allowance prescribed by another specific Act regulating public service is paid to him or her.

(2) The representation allowance is not paid during the suspension of service relationship at own request in connection with the study leave for further education and vocational training, the pregnancy and maternity leave, adoptive parents leave, parental leave and employment in an international organisation, another state authority or local government authority.

(3) In the event of the continuation of the service relationship specified in subsection (2), the representation allowance shall be paid in the last month of the current quarter on the basis of the salary valid at the time of return to work.

### **§ 63. Foreign mission allowance**

(1) The foreign mission allowance shall be paid to an official every month during the time of his or her employment in a foreign mission.

- (2) The foreign mission allowance of an official shall be calculated by multiplying the original amount of the foreign mission allowance with the coefficient of the receiving city of the foreign mission.
- (3) The original amounts of the foreign mission allowance and the procedure for calculation and payment of the foreign mission allowance shall be established by a regulation of the Government of the Republic.
- (4) The Minister of Foreign Affairs shall establish by a regulation the coefficients of the cities, taking account of the cost of living, change in exchange rates, security risks and other circumstances. The coefficients shall be reviewed and adjusted as necessary at least once per quarter.
- (5) The foreign mission allowance shall not be paid during the time of the study leave, the pregnancy and maternity leave, the parental leave, the adoptive parents leave and holiday without pay.
- (6) The foreign mission allowance shall not be paid if the official is temporarily recalled to the disposal of the Ministry of Foreign Affairs, of the sending ministry or an agency within the area of government thereof on the basis of § 38, 39 or 51 of this Act.

#### **§ 64. Dwelling in use of official employed in foreign mission**

The standards for the size of the dwelling in use of an official employed in a foreign mission, the bases of and procedure for the granting thereof and the reimbursement of the expenses thereof and the format of the application for a dwelling shall be established by a regulation of the Minister of Foreign Affairs.

#### **§ 65. Covering of the expenses of official employed in foreign mission and of accompanying family member**

- (1) The following expenses incurred by an official employed in a foreign mission and by the accompanying family members shall be

covered under the conditions and pursuant to the procedure established by a regulation of the Government of the Republic:

- 1) moving expenses;
- 2) accommodation expenses;
- 3) travel insurance and medical treatment expenses unless such expenses are covered pursuant to an international agreement or other legislation;
- 4) the fee for a pre-school child care institution for an accompanying child or the wages of au pair;
- 5) the costs of acquiring basic and secondary education of an accompanying child of five years of age or older (or younger if earlier compulsory school attendance is prescribed in the receiving state);
- 6) the expenses of travel to holiday to Estonia and back to the place of service once per mission year.

(2) Expense receipts shall be the basis for covering the expenses specified in subsection (1) of this section.

(3) If an official commences employment in a foreign mission or is recalled from the foreign mission, one month's salary of the new post shall be paid to him or her as a compensation for the commencement of work in another state if it exceeds his or her previous salary. If the salary of the new post of the official is lower than the previous salary, the salary of the previous position shall be paid to him or her.

(4) The list of medical treatment expenses of an official employed in a foreign mission and of the accompanying family members as specified in clause (1) 3) of this section shall be established by a regulation of the Government of the Republic.

(5) The format of the application for the reimbursement of the expenses of the travel to holiday and back to the place of service shall be established by a regulation of the Minister of Foreign Affairs.

**§ 66. Increasing of foreign mission allowance for accompanying family member**

- (1) The foreign mission allowance of a diplomat shall be increased by 30 per cent for the non-working spouse accompanying the diplomat.
- (2) The foreign mission allowance of an administrative official shall be increased by 25 per cent for the non-working spouse accompanying the official.
- (3) The foreign mission allowance of an official shall be increased by 15 per cent of the foreign mission allowance of a desk officer for each accompanying child.
- (4) The foreign mission allowance of an official for his or her accompanying spouse shall not be increased if the income received by the spouse for temporary employment or for the provision of a service in a quarter exceeds the double rate of the remuneration specified in subsection 67 (1) of this Act. Other incomes of the accompanying non-working spouse shall not affect the increase of the foreign mission allowance of the official.
- (5) The procedure for the increasing of the foreign mission allowance for an accompanying family member shall be established by a regulation of the Government of the Republic.

**§ 67. Allowance for spouse**

- (1) The allowance for spouse in the amount of the double minimum wages of Estonia shall be paid to the non-working accompanying spouse of the official.
- (2) The allowance for spouse shall not be paid to the extent of the rate of one month's fee if the income received for temporary employment or

for the provision of a service in a quarter exceeds the double rate of the remuneration specified in subsection (1) of this section.

(3) The allowance for spouse shall not be paid to the non-working accompanying spouse of the official who receives payments on the basis of the State Pension Insurance Act, the Superannuated Pensions Act, the Old-Age Pensions under Favourable Conditions Act, the Members of the Riigikogu Official Wages, Pension and Other Social Guarantees Act or the Funded Pensions Act. The Allowance for spouse shall not be paid also if the non-working accompanying spouse of the official receives special pension on the basis of a specific Act regulating public service.

(4) The procedure for the payment of the allowance for spouse shall be established by a regulation of the Government of the Republic.

#### **§ 68. Preservation of social guarantees**

(1) If the official is temporarily recalled to the disposal of the Ministry of Foreign Affairs, of the sending ministry or an agency within the area of government thereof on the basis of § 38, 39 or 51 of this Act, but the accompanying family member stays in the receiving state of the foreign mission, the covering of the following expenses for the accompanying family member shall continue:

- 1) the expenses specified 65 (1) of this Act;
- 2) the payment of the percentage specified in subsections 66 (1) and (2) and the remuneration specified in subsection 67 (1) of this Act;
- 3) the payment of the percentage specified in subsection 66 (3) of this Act.

(2) If the accompanying family member accompanies the official to Estonia upon the recall of the official to the disposal of the Ministry of Foreign Affairs, of the sending ministry or an agency within the area of government thereof, the payment of the remuneration for spouse as

specified in subsection 67 (1) shall be continued and the costs of travel to Estonia and back shall be reimbursed. The compensation for the expenses related to the dwelling of the official shall also be continued in the receiving state of the foreign mission. Other expenses may be covered on the basis of a decision of the Secretary General of the Ministry of Foreign Affairs or of secretary general of the sending ministry.

(3) If an official who has no accompanying family members is recalled to the disposal of the Ministry of Foreign Affairs, of the sending ministry or an agency within the area of government thereof, the reimbursement of the expenses related to the dwelling of the official shall be continued in the receiving state of the foreign mission. Other expenses may be covered on the basis of a decision of the Secretary General of the Ministry of Foreign Affairs or of the secretary general of the sending ministry.

(4) If an official is prematurely and exceptionally recalled before the termination of the assignment but the accompanying family member stays in the receiving state of the foreign mission, the payment of the following for the accompanying family member shall continue:

- 1) the covering of the expenses specified in subsection 65 (1) of this Act, but for not longer than six months after the recall of the official;
- 2) the payment of the percentage specified in subsections 66 (1) and (2) and the remuneration specified in subsection 67 (1) of this Act, but for not longer than six months after the recall of the official;
- 3) the payment of the percentage specified in subsection 66 (3) of this Act, but for not longer than six months after the recall of the official.

(5) If an official is exceptionally recalled before the termination of the assignment and the spouse accompanying the official does not find work after the return to Estonia, the remuneration specified in subsection 67 (1) of this Act shall be paid to him or her but for not longer than six months after the return to Estonia.

(6) During the annual holiday or the additional holiday of an official the following shall continue to be paid to the official and to the family member accompanying him or her (also in the case of their absence from the receiving state):

- 1) the payment of the remuneration specified in subsection 63 (1) of this Act;
- 2) the compensation of the expenses specified in subsection 65 (1) of this Act;
- 3) the payment of the percentage specified in subsections 66 (1) and (2) and the remuneration specified in subsection 67 (1) of this Act;
- 4) the payment of the percentage specified in subsection 66 (3) of this Act.

(7) If the non-working accompanying spouse temporarily leaves the receiving state for Estonia due to confinement, the payment of the allowance specified in subsection 67 (1) of this Act to the spouse shall be continued but for no longer than two months.

(8) If an accompanying family member temporarily leaves the receiving state for another reason, the payment of the percentage specified in subsection 66 (3) to the official and the allowance specified in subsection 67 (1) of this Act to the spouse shall be continued for sixty calendar days in a mission year on the condition that at least 183 days in a mission year are spent in the receiving state of the foreign mission.

(9) The expenses of travel of the official and of a family member accompanying him or her to Estonia and back to the place of service for personal reasons may be reimbursed in part or in full once in a mission year with the permission of the Secretary General of the Ministry of Foreign Affairs or of the secretary general of the sending ministry.

(10) If the spouse or children of an official do not accompany the official on a long-term assignment, the travel expenses to the receiving

state and back to the place of service of the spouse and of the minor child or of the child acquiring basic or secondary education or of an adult child, who is incapacitated for work and who needs assistance, may be reimbursed once in a mission year with the permission of the Secretary General of the Ministry of Foreign Affairs or of the secretary general of the sending ministry.

**§ 69. Restrictions on increasing of foreign mission allowance for accompanying family member and payment of allowance for spouse**

(1) An official shall immediately inform the head of the mission and the person responsible for the accounting of the foreign mission of the circumstances which affect or may affect the increasing of the foreign mission allowance for an accompanying family member and the payment of allowance for spouse.

(2) In the case of knowingly submitted false information for the purpose of increasing the foreign mission allowance for an accompanying family member and for receiving allowance for spouse, or failure to notify of the circumstances which affect the grant of remuneration, the overpaid amounts of the benefit shall be reclaimed or set off.

(3) The return of the foreign mission allowance increased for an accompanying family member and of the allowance for spouse is not required if the reason for staying in the receiving state of the foreign mission for less than 183 days in a mission year is the recall of the official from the foreign mission, a temporary recall to the disposal of the Ministry of Foreign Affairs, of the sending ministry or an agency within the area of government thereof or the return of the family member to Estonia with good reason. In the latter case the Secretary General of the Ministry of Foreign Affairs shall make the decision.

(4) If the person fails to return the overpaid amount within the agreed term, the Minister of Foreign Affairs shall issue a precept together with a warning to him or her. Upon failure to comply with the precept within a term set out in the warning, the Minister of Foreign Affairs has the right to pass the precept for compulsory execution pursuant to the procedure provided for in the Code of Enforcement Procedure.

**§ 70. Payment of salary, foreign mission allowance, representation allowance, other remunerations and compensations**

(1) The Ministry of Foreign Affairs shall pay the salary, additional remunerations, representation allowance, the foreign mission allowance, the foreign mission allowance increased for family members and allowance for spouse of career diplomats and staff administrative officials, and shall cover the expenses specified in clauses 65 (1) 1–6) of this Act.

(2) The sending ministry shall pay the salary, additional remunerations, representation allowance, the foreign mission allowance, the foreign mission allowance increased for family members and allowance for spouse of specialised diplomats and non-staff administrative officials, and shall cover the expenses specified in clauses 65 (1) 1–6) of this Act.

**§ 71. Holiday of official**

(1) The annual holiday and additional holiday of an official shall not exceed 60 days per mission year during the time of his or her employment in a foreign mission.

(2) Before going on a holiday, an official shall notify his or her immediate superior of his or her contact details and of his or her potential location during the holidays.

(3) In the interests of service, the Secretary General of the Ministry of Foreign Affairs may interrupt the holiday of an official on the proposal of the head of a structural unit, the immediate superior of the diplomat or of the secretary general of the sending ministry without the consent of the official. The expenses directly related to the interruption of the holiday of a staff official of the Ministry of Foreign Affairs shall be reimbursed by the Ministry of Foreign Affairs. If the secretary general of the sending ministry makes the proposal to interrupt the holiday, the sending ministry shall reimburse the expenses directly related thereto.

(4) The time of travel to holiday to Estonia and back from the holiday to the place of service of an official employed in a foreign mission shall be included in the working time once in a mission year. Up to five calendar days shall be included in the working time on the condition that the official uses the most expedient and low-cost manner of travelling.

## **§ 72. Social guarantees of official in case of death or loss of capacity for work in foreign state**

(1) If an official dies in the course of performing his or her official duties in a foreign state, the state shall pay a single benefit in the amount of ten years' salary of the official to the persons specified in subsections 20 (1)–(3) of the State Pension Insurance Act. If there are several recipients of the benefit, the specified benefit shall be divided equally between the recipients.

(2) If an official dies in the course of performing his or her official duties in a foreign state, the Ministry of Foreign Affairs shall organise the transport of the remains to Estonia at the expense of the state unless the reimbursement of such expenses is prescribed in the insurance contract.

(3) The funeral of an official who died in the course of performing his or her official duties in a foreign state is conducted at the expense of the state.

(4) If an official totally becomes permanently incapacitated for work in the course of performing his or her official duties in a foreign state, a single support in the amount of five years' salary of the official shall be paid to the official.

(5) If an official partially becomes permanently incapacitated for work in the course of performing his or her official duties in a foreign state, a single support shall be paid to the official:

- 1) to the extent of his or her one year's salary if the loss of the capacity for work did not result in his or her release from service;
- 2) to the extent of his or her two years' salary if the loss of the capacity for work resulted in his or her release from service.

### **§ 73. Other social guarantees**

(1) An official shall undergo medical examination at least once every three years. At the request of the Ministry of Foreign Affairs or of the sending ministry, medical examination shall be undergone more frequently. The scope of the medical examination shall be established by a regulation of the Minister of Foreign Affairs.

(2) The Ministry of Foreign Affairs shall cover the costs of vaccination of officials and family members accompanying them (the sending ministry in the case of non-staff officials), including in the case of an epidemic in the receiving state, if vaccination is carried out in accordance with the recommendations of the World Health Organisation and the Estonian Health Protection Inspectorate or the requirements of the receiving state.

(3) The Ministry of Foreign Affairs shall pay for the medical examination of career diplomats and staff administrative officials in Estonia.

(4) The sending ministry shall pay for the medical examination of specialised diplomats and non-staff administrative officials in Estonia.

## **Division 2**

### **Obligations of Official**

#### **§ 74. General requirements**

(1) An official shall:

- 1) be loyal to the constitutional order of Estonia;
- 2) safeguard the independence of Estonia;
- 3) be proper and decorous in his or her activities, upholding the international reputation of Estonia.

(2) An official employed in a foreign mission shall:

- 1) observe the laws and other legislation of the receiving state;
- 2) respect the customs and traditions of the receiving state;
- 3) not interfere in the internal matters of the receiving state.

#### **§ 75. Obligation to rotate of career diplomat**

(1) A career diplomat shall regularly rotate from one diplomatic post in the Ministry of Foreign Affairs to another, including the work in a foreign mission within the meaning of this Act. The Ministry of Foreign Affairs shall as necessary make targeted offers to a career diplomat on the basis provided for in § 89.

(2) The subsection (1) of this section does not apply to a career diplomat employed in a non-rotating post in the Ministry of Foreign Affairs which is approved in the staff of the Ministry of Foreign Affairs.

**§ 76. Official travel of career diplomat**

(1) A career diplomat shall accept an assignment to official travel with the duration of up to two months if he or she is informed thereof at least three calendar days in advance. With the agreement of the person, the Secretary General of the Ministry of Foreign Affairs may extend the length of the assignment by up to three months.

(2) A pregnant woman or a person raising a disabled child or child under three years of age or taking care of a family member, who is incapacitated for work, shall not be sent on official travel without the person's consent.

**Division 3**

**Disciplinary Penalties**

**§ 77. Disciplinary penalties of career diplomat**

The disciplinary penalties imposed on a career diplomat are:

- 1) a reprimand;
- 2) the reduction of salary by 10 to 30 per cent for up to three months;
- 3) the reduction of diplomatic service rank by up to two grades;
- 4) the release from service pursuant to § 118 of the Public Service Act.

**§ 78. Disciplinary penalties of specialised diplomat and administrative official**

The following are disciplinary penalties imposed on a specialised diplomat and on an administrative official employed in a foreign mission:

- 1) a reprimand;
- 2) the reduction of salary by 10 to 30 per cent for up to three months;

3) the release from service pursuant to § 118 of the Public Service Act.

### **§ 79. Procedure for imposing disciplinary penalty**

(1) A disciplinary penalty shall be imposed on a career diplomat and on a staff administrative official by the person who has the right to appoint the official.

(2) A disciplinary penalty shall be imposed on a specialised diplomat and on a non-staff administrative official by the Secretary General of the Ministry of Foreign Affairs with the approval of the secretary general of the sending ministry or on the proposal of the secretary general of the sending ministry.

## **Chapter 5**

### **Evaluation and Filling of Vacant Position**

#### **Division 1**

#### **Evaluation Committee**

### **§ 80. Evaluation committee**

(1) The procedure and membership of the Evaluation Committee and the procedure for carrying out a competition and evaluation shall be established by a regulation of the Minister of Foreign Affairs.

(2) The Evaluation Committee shall decide to make a proposal to the Secretary General or Minister:

- 1) concerning employment in foreign service;
- 2) concerning the promotion and relocation of an official, release of an official from the position and the assignment of an official to a foreign mission;

- 3) concerning the conferring of a diplomatic rank or of a diplomatic service rank;
- 4) concerning the reduction or withdrawal of a diplomatic rank and of a diplomatic service rank;
- 5) concerning the sending of an official to a long-term further education training and vocational training;
- 6) if necessary, concerning other personnel matters.

**§ 81. Chairman and deputy chairman of committee**

- (1) The Secretary General of the Ministry of Foreign Affairs shall be the Chairman of the Evaluation Committee.
- (2) The Director General of the Personnel Department of the Ministry of Foreign Affairs shall be Deputy Chairman of the Evaluation Committee.

**§ 82. Meeting of Evaluation Committee**

- (1) The meeting of the Evaluation Committee shall be closed.
- (2) Persons who are members of the Committee participate in the meetings of the Evaluation Committee. The Evaluation Committee has the right to invite other persons without the right to vote to the meetings.

**§ 83. Quorum of Evaluation Committee**

- (1) The Evaluation Committee has a quorum if the Chairman of the Committee or the Deputy Chairman in his or her absence, and at least one-half of the members of the committee with the right to vote participate in a meeting.
- (2) The Evaluation Committee shall make a reasoned decision by a majority of votes of the members with the right to vote who participate in the meeting. Upon an equal division of votes, the vote of the Chairman of

the Committee or in the absence of the Chairman, the vote of the Deputy Chairman of the Committee shall be decisive.

#### **§ 84. Notification of decision of Evaluation Committee**

Staff and non-staff officials of the Ministry of Foreign Affairs shall be notified of the decision specified in clauses 80 (2) 1)–3) and (5) of this Act.

### **Division 2**

#### **Evaluation of Official**

##### **§ 85. Evaluation of official**

- (1) The evaluation of an official is organised by the Evaluation Committee.
- (2) An official shall be evaluated if:
  - 1) the official is appointed to a new position;
  - 2) a proposal has been made to confer a diplomatic rank on the official or to withdraw a diplomatic rank from him or her;
  - 3) a proposal has been made to confer a diplomatic service rank on the official or to reduce his or her diplomatic service rank.
- (3) The evaluation shall assess the conformity of the work results, the personal characteristics and the professional and communication skills of an official with the requirements for the position applied for by the official or for conferring a higher service rank or rank on the official. The Evaluation Committee shall not assess the work results of a person if the position is filled by way of a public competition.

### **Division 3**

#### **Filling of Vacant Position**

##### **§ 86. Ways of filling of vacant position**

(1) The Evaluation Committee shall decide if a vacant position is to be filled:

- 1) by way of a public competition,
- 2) by way of an internal competition, or
- 3) without competition, that is, as a targeted offer.

(2) The Evaluation Committee shall make a decision specified in subsection (1) of this section proceeding from the requirements for the vacant position, the availability of suitable candidates in the agency and from the needs of foreign service.

### **§ 87. Public competition**

A public competition to fill a vacant position shall be announced in the media and on the website of the Ministry of Foreign Affairs.

### **§ 88. Internal competition**

(1) Internal competition to fill a vacant position shall be announced in the computer network of the Ministry of Foreign Affairs.

(2) In the event of an internal competition, a career diplomat or a staff administrative official may apply for another post in the Ministry of Foreign Affairs by completing a standard format application.

(3) The format of applications for a vacant position shall be established by a regulation of the Minister of Foreign Affairs.

(4) If there is no suitable candidate, the Evaluation Committee shall have the right to extend the term of the competition or to leave the filling of the vacant position to the competence of the Secretary General of the Ministry of Foreign Affairs without an additional proposal of the evaluation committee.

### **§ 89. Targeted offer**

In the event of a targeted offer, the evaluation committee shall have the right to make a proposal to a career diplomat or to a staff administrative official who meets the requirements set for the vacant position to fill the vacant position if:

- 1) the official has not been a candidate for the vacant position upon the recall from a foreign mission, or
- 2) the evaluation committee finds that on the basis of the needs of foreign service, a targeted offer must be made to a certain career diplomat or to a staff administrative official.

## **Chapter 6**

### **Implementing Provisions**

#### **§ 90. Conferring of diplomatic rank or of diplomatic service rank**

(1) An official without a diplomatic rank or a diplomatic service rank employed in a diplomatic post of the Ministry of Foreign Affairs located in Estonia may be conferred the diplomatic service rank of attaché after the entry into force of this Act if he or she has been employed in the Ministry of Foreign Affairs for not less than six months and meets the conditions for the conferring of a diplomatic service rank.

(2) Upon the entry into force of this Act a diplomatic rank or a diplomatic service rank conferred to a career diplomat shall be retained. A diplomatic rank or the next diplomatic service rank may be conferred to a career diplomat if he or she meets the requirements provided for by this Act and on the basis thereof.

#### **§ 91. Guarantees in event of reduction of current salary and of foreign service allowance**

(1) In the event of the reduction of the salary due to the changes in the salary administration pursuant to this Act and pursuant to the

implementing legislation, the same salary shall be paid to the official until the official is employed in the post or until the salary formed on the basis of the changes in the salary administration exceeds the retained salary.

(2) If the foreign service allowance paid to an official employed in the foreign mission before the entry into force of this Act exceeds the foreign mission allowance prescribed pursuant to this Act and the implementing legislation, the payment of the remuneration in the amount of the current foreign mission allowance to the official shall continue until the termination of the assignment or until such time as the new foreign mission allowance exceeds the current foreign mission allowance.

(3) The procedure of the calculation and payment of the guarantees specified in subsections (1)–(2) of this section shall be established by a regulation of the Minister of Foreign Affairs if necessary.

#### **§ 92. Calculation of length of service in foreign service**

(1) The length of service in foreign service of a career diplomat also includes the period of employment in a diplomatic post in the Ministry of Foreign Affairs before the entry into force of this Act.

(2) The length of service in foreign service of a specialised diplomat also includes the period of employment as a non-staff official of the Ministry of Foreign Affairs in a foreign mission before the entry into force of this Act as of 1 January 1996.

#### **§ 93. Non-staff officials in the service of the Ministry of Foreign Affairs who are assigned to foreign missions**

The requirements of § 24 (in case of a specialised diplomat) and § 47 (in case of an administrative official) do not apply to non-staff officials of the Ministry of Foreign Affairs who are on long-term assignment abroad on

the date of entry into force of this Act until the termination of their assignment.

#### **§ 94. Guarantees in event of change of standards established for dwellings**

If the dwelling of a non-staff official of the Ministry of Foreign Affairs who is on a long-term assignment abroad on the date of the entry into force of this Act is not in compliance with the standards established by the regulation of the Minister of Foreign Affairs, the procedure in force at the time of the assignment applies to his or her dwelling until the termination of the assignment.

#### **§ 95. Amendment of Public Service Act**

Section 1081 is added to the Public Service Act (RT I 1995, 16, 228; 2006, 14, 111; 10, 155; 16, 271; 16, 276; 2000, 25, 145; 25, 144; 28, 167; 102, 672) worded as follows:

„§ 108<sup>1</sup>. Suspension of service relationship upon employment in foreign mission

The specifications of the suspension of service relationship of officials with the sending ministry or an agency within the area of government thereof relating to the commencement of employment in foreign mission are provided for in the Foreign Service Act.”

#### **§ 96. Amendment of Identity Documents Act**

The Identity Documents Act (RT I 1999, 25, 365; 2006, 12, 79) is amended as follows:

- 1) Clause 22 (2) 8) is amended and worded as follows:

„8) diplomats employed in a foreign mission of the Republic of Estonia and the family members accompanying them on the assignments abroad;”;

2) Clause 22 (2) 9) is amended and worded as follows:

„9) diplomats who are assigned to a foreign state by the Ministry of Foreign Affairs;”;

3) clause 22 (2) 12) is repealed;

4) subsection 22 (4) is amended and worded as follows:

„(4) For the purposes of this section, family members are deemed to be spouses and minor children or children acquiring basic or secondary education or adult children who are incapacitated for work and who need assistance.”;

5) subsection 22 (5) is amended and worded as follows:

„(5) Persons specified in subsections (2) and (3) are required to return their diplomatic passports to the Ministry of Foreign Affairs within one month after the basis for issuing thereof ceases to exist.”;

6) subsections 22 (5<sup>1</sup>)–(5<sup>2</sup>) are repealed.

### **§ 97. Amendment of Defence Forces Service Act**

The Defence Forces Service Act (RT I 2000, 28, 167; 2005, 65, 496) is amended as follows:

1) the existing text of § 155 is considered subsection (1);

2) subsection (2) is added to § 155 in the following wording:

„(2) Rank allowance shall be paid to regular members of the Defence Forces also during the period of assignment to foreign service within the meaning of the Foreign Service Act.”;

3) subsection (4) shall be added to § 156 in the following wording:

„(4) A period of service as a specialised diplomat provided it was immediately preceded or followed by active service as a professional

member of the armed forces shall also be included in the length of service in the Defence Forces."

### **§ 98. Amendment of Funded Pensions Act**

The Funded Pensions Act (RT I 2004, 37, 252; 90, 616) is amended as follows:

- 1) subsection 7 (1) is amended and worded as follows:  
„(1) Contributions shall be made on remuneration specified in clauses 2 (1) 1)-6), 8) and 9) and clause 6 (1) 2) of the Social Tax Act during the period provided for in subsection (3) of this section.”;
- 2) Clause 11 (1) 1) is amended and worded as follows:  
„1) check, on the basis of a person's personal identification code, whether a recipient of remuneration specified in clauses 2 (1) 1), 3), 8) and 9) and clause 6 (1) 2) of the Social Tax Act is an obligated person, and withhold contributions on such remuneration of the obligated person at the rate specified in § 9 of this Act;”.

### **§ 99. Amendment of Police Service Act**

Subsection (2<sup>1</sup>) is added to § 21<sup>2</sup> of the Police Service Act (RT I 1998, 50, 753; 2004, 54, 390) worded as follows:

„(2<sup>1</sup>) A period of service as diplomat provided it was immediately preceded or followed by service in the position of police officer shall also be included in the length of police service which gives the right to receive a pension for police officers provided for in § 21<sup>1</sup> of this Act.”

### **§ 100. Amendment of State Pension Insurance Act**

The State Pension Insurance Act (RT I 2001, 100, 648; 2005, 39, 308) is amended as follows:

- 1) Clause 12 (2) 1) is amended and worded as follows:

„1) the social tax calculated by the payer of social tax, in the cases provided for in clauses 2 (1) 1)-4), 6) and 9) and clause 6 (1) 2) of the Social Tax Act; The social tax calculated, except social tax on the unemployment insurance benefit, in the case provided for in clause 2 (1) 8) of the same Act;”;

2) Clause 28 (2) 5) is amended and worded as follows:

„5) the period of assignment abroad of a non-working accompanying spouse of an official employed in a foreign mission of the Republic of Estonia;”.

### **§ 101. Amendment of Social Tax Act**

The Social Tax Act (RT I 2000, 102, 675; 2006, 7, 41) is amended as follows:

1) in clause 3 4), the words “ § 25 of the the Foreign Service Act (RT I 1995, 15, 172; 50, 764; 1996, 49, 953)” are substituted by the words “subsection 62 (1) of the Foreign Service Act”;

2) Clause 6 (1) 2) is amended and worded as follows:

„2) the recipient of the allowance for spouse on the basis of § 67 of the Foreign Service Act”;

3) subsection 6 (2) is amended and worded as follows:

„(2) In special cases of paying social tax, social tax shall be paid based on the monthly rate established by the state budget for the budgetary year, except in the cases specified in subsections (2<sup>1</sup>) and (2<sup>2</sup>) of this section.”;

4) subsection (2<sup>2</sup>) is added to § 6 worded as follows:

„(2<sup>2</sup>) The social tax payable for a person specified in clause (1) 2) of this section is calculated of the allowance for spouse specified in that clause.”;

5) subsection 10 (3) is amended and worded as follows:

„(3) If, pursuant to the Funded Pensions Act, an insurable person specified in this Act is required to make contributions to a mandatory

funded pension, social tax calculated on remuneration specified in clauses 2 (1) 1)-4), 6), 8) and 9) and clause 6 (1) 2) of this Act shall be transferred pursuant to subsection (4) of this section.”

### **§ 102. Amendment of Income Tax Act**

The Income Tax Act (RT I 1999, 101, 903; 2006, 7, 41) is amended as follows:

- 1) Clause 13 (3) 1) is amended and worded as follows:  
„1) compensation for official travel, accommodation and other expenses and daily allowances and foreign mission allowance paid to an official, an employee or a member of the management or controlling body of a legal person by the employer or a third person instead of the employer under the conditions and within the limits established by the Government of the Republic, as well as compensation for the specified expenses paid for a family member of the official, compensation for moving expenses arising from appointment to a position located in another area and compensation for official travel and accommodation expenses and daily allowances paid to a creative person for business trips relating to the creative activity of the creative person by an artistic association;”;
- 2) Clause 13 (3) 11) is amended and worded as follows:  
„11) payments made to diplomats on the basis of subsection 62 (1) of the Foreign Service Act;”.

### **§ 103. Amendment of Employment Services and Employment Subsidies Act**

The Employment Services and Employment Subsidies Act (RT I 2005, 54, 430) is amended as follows:

- 1) Clause 10 is added to subsection 6 (5), worded as follows:

„10) is a non-working spouse accompanying an official employed in a foreign mission of the Republic of Estonia to whom the allowance for spouse is paid on the basis of subsection 67 (1) of the Foreign Service Act.”;

2) Clause 6 is added to Subsection 26 (3), worded as follows:

„6) time during which the allowance for spouse specified in subsection 67 (1) of the Foreign Service Act is paid to a non-working accompanying spouse of an official employed in a foreign mission of the Republic of Estonia.”

#### **§ 104. Amendment of Unemployment Insurance Act**

Clause 4) is added to subsection 40 (1) of the Unemployment Insurance Act (RT I 2001, 59, 359; 2005, 57, 451) worded as follows:

„4) on the allowance for spouse paid to accompanying spouses of officials employed in foreign mission.”

#### **§ 105. Repeal of Foreign Service Act**

The Foreign Service Act (RT I 1995, 15, 172; 2002, 82, 481) is repealed.

#### **§ 106. Entry into force of Act**

This Act enters into force on 1 January 2007.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> Riigikogu = the parliament of Estonia