

# Red Cross Designation and Emblem Act

Passed 5 April 2006

(RT<sup>1</sup> I 2006, 18, 141)

entered into force 1 June 2006

## 1. Chapter 1

### General Provisions

#### § 1. Scope of application of Act

(1) This Act provides for the national procedure for the use of the designation and emblem of the red cross, and the liability for the abuse of the designation and emblem of the red cross, and of other international designations and emblems which serve the same purpose.

(2) The use of the designation and emblem of the red cross shall be based on Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949, Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces, Geneva, 12 August 1949, Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, as well as the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, (Protocol II), 8 June 1977 (hereinafter the Geneva Conventions) and this Act.

(3) This Act does not restrict the use of the red cross emblem pursuant to the procedure permitted by the Vienna Convention on Road Traffic (1968) and Vienna Convention on Road Signs and Signals (1968), and the use of the red cross designation or emblem in conformity to international agreements ratified by the *Riigikogu*<sup>2</sup> or international practices.

## § 2. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

## § 3. Designation and emblem of red cross

(1) The protected designation of the red cross (hereinafter designation) shall be the "Red Cross" or "Geneva Cross".

(2) The emblem of the red cross (hereinafter emblem) shall be a red cross on a white ground.

## § 4. Other designations and emblems

(1) The other designations and emblems used by the International Red Cross and Red Crescent Movement (hereinafter Red Cross Movement) for the same purpose as the designation and emblem of the red cross, that is, the designation and emblem of the red crescent and the designation and emblem of the red lion and sun, may be used in Estonia only in the cases permitted by international law.

(2) The protected designation of the red crescent is the "Red Crescent" and the emblem of the red crescent is a red crescent on a white ground.

(3) The protected designation of the red lion and sun is the "Red Lion and Sun" and the emblem of the red red lion and sun is a red lion and sun on a white ground

## § 5. Estonian Red Cross

The Estonian Red Cross is the organisation which represents Estonia in the Red Cross Movement and has been accepted to the Red Cross Movement according to the Statutes of the International Federation of Red Cross and Red Crescent Societies.

## 2. Chapter 2

### Use of Designation and Emblem for Protective Purposes

#### § 6. Use of designation and emblem for protective purposes and persons so entitled

(1) For protective purposes, the designation or emblem is used to mark persons or property in order to indicate their status as a person or property protected under international law.

(2) Only the following are entitled to use the designation or emblem for protective purposes:

- 1) medical and religious personnel of the Defence Forces, during an armed conflict, in a state of war or during peace-time;
- 2) state medical and religious personnel of foreign states, and Estonian and foreign voluntary medical and religious personnel who are recognised, authorised and notified pursuant to the procedure provided by the Geneva Conventions, during an armed conflict or in a state of war;
- 3) personnel of the Red Cross Movement, including the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and of national Red Cross and Red Crescent Societies, during an armed conflict or in a state of war;
- 4) health care professionals and personnel specified in the same subsection, in the case specified in subsection 8 (1) of this Act.

#### § 7. Procedure for use of designation and emblem for protective purposes

(1) For protective purposes, the designation or emblem shall be used for designating the persons specified in subsection 6 (2) of this Act, and the buildings and means of transport used by such persons as well as other property related to the treatment and taking care of wounded and sick persons.

(2) An identity card shall be issued to the persons specified in subsection 6 (2) of this section. The state and voluntary medical personnel, religious personnel and personnel of the

Red Cross Movement of other states specified in clauses 6 (2) 2) and 3) of this Act shall be issued an identity card if the other states have not issued such card to them. The identity card shall be issued by the Defence Forces in the cases specified in clauses 6 (2) 1)–3) of this Act and by duly authorised officials in the case provided by clause 6 (2) 4) of this Act.

(3) In the case of using the emblem for protective purposes, the emblem must be as large as appropriate in order to be visible from as far away and from as many directions as possible.

(4) The format of the identity card, the procedure for the issue and use of identity cards and the procedure for using the emblem for protective purposes shall be established by a regulation of the Government of the Republic.

#### § 8. Use of emblem by health care providers during armed conflicts and in state of war

(1) The health care professionals and other personnel, and health care providers engaged in the treatment and taking care of wounded and sick persons as well as the buildings, means of transport and other property used for such purposes shall be marked with the emblem during armed conflicts and in a state of war. Health care providers shall ensure installation of the markings.

(2) During armed conflicts and in a state of war, the officials appointed by the Minister of Social Affairs shall organise the supply of identity cards conforming to the format established by a regulation of the Government of the Republic based on subsection 7 (4) of this Act to the health care professionals and other personnel specified in subsection (1) of this section. If necessary, the Defence Forces shall provide assistance in supplying health care professionals with identity cards.

### 3. Chapter 3

#### Use of Designation and Emblem for Reference Purposes

##### § 9. Procedure for use of designation and emblem for reference purposes

- (1) The designation or emblem is used for reference purposes in order to indicate that a person or property is connected to the Red Cross Movement.
- (2) It is prohibited to use the designation or emblem for reference purpose in a manner which could leave the impression that the person or property marked by the designation or emblem is under the protection of the designation or emblem. It is prohibited to use the emblem for reference purposes in the manner provided for the use of the emblem for protective purposes established by a regulation of the Government of the Republic based on subsection 7 (4) of this Act.
- (3) Upon use of the emblem for reference purposes, the measurements of the emblem must be small in proportion to the object on which it is used and the emblem must not be used on arm-bands or roofs of construction works.

##### § 10. Entitled persons

- (1) The members of the Red Cross Movement and the Estonian Red Cross may use the designation and emblem for reference purposes if this conforms to the principles of the Red Cross Movement.
- (2) Other persons may use the designation and emblem for reference purposes only based on a written agreement between the Estonian Red Cross and the user.

##### § 11. Use of designation and emblem for reference purposes by other persons

- (1) The persons who use the designation and emblem for reference purposes based on a written agreement between the Estonian Red Cross and the user shall, in addition to the provisions of subsections 9 (2) and (3) of this Act, adhere to the following requirements:

1) the designation and emblem are used only in the area and during the time determined by the agreement;

2) the designation and emblem shall not be used contrary to the principles of the Red Cross Movement and among other, the designation and emblem shall not be used in relation to alcohol, tobacco products or weapons.

(2) The Estonian Red Cross may terminate an agreement entered into with a person for the use of the designation or emblem for reference purposes if the person fails to comply with the conditions provided by subsection (1) of this section or subsections 9 (2) or (3) of this Act and the further use of the emblem or designation would be contrary to international law or an Act. This subsection does not restrict the right of the Estonian Red Cross to terminate an agreement on other grounds.

(3) No fee shall be collected for the use of the designation or emblem from the persons who use the designation or emblem in the area of culture provided that such use in not in conflict with the principles of use of the designation or emblem for protective purposes.

#### 4. Chapter 4

##### State Supervision

#### § 12. Precepts

(1) If a person uses the designation or emblem of the red cross, the designation or emblem of the red crescent or the designation or emblem of the red lion and sun in conflict with international law or an Act, the Ministry of Defence or a police prefecture may issue a precept for termination of the abuse to the person.

(2) During armed conflicts and in a state of war, the precept for termination of the abuse of the designation or emblem provided in subsection (1) of this section may also be made by the Commander of the Defence Forces or the Commander-in-Chief of the Defence Forces or the chiefs authorised thereby in the Defence Forces.

(3) During armed conflicts and in a state of war, the Ministry of Defence, Ministry of Social Affairs, police prefectures, and the Commander of the Defence Forces, the

Commander-in-Chief of the Defence Forces or the chiefs authorised thereby in the Defence Forces may issue precepts for compliance with the marking requirement provided in subsection 8 (1) of this Act to health care professionals, other personnel and health care providers.

(4) Upon failure to comply with a precept, a penalty payment or substitutive enforcement may be imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(5) The upper limit for a penalty payment is 40 000 kroons.

(6) Substitutive enforcement may be imposed during armed conflicts or in a state of war without issuing a precept, warning or enforcement order, or without a warning or enforcement order.

## 5. Chapter 5

### Liability

#### § 13. Abuse of designation and emblem

(1) Abuse of the designation or emblem of the red cross, the designation or emblem of the red crescent or the designation or emblem of the red lion and sun, or a designation or emblem similar to them, unless such use took place during an armed conflict or in a state of war and it can be related to the use of the designation or emblem of the red cross, the designation or emblem of the red crescent or the designation or emblem of the red lion and sun for protective purposes, is punishable by a fine of up to 300 fine units or by detention.

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

## § 14. Damaging of designation and emblem

Damaging, soiling, destroying or unauthorised removal of the designation or emblem of the red cross, the designation or emblem of the red crescent or the designation or emblem of the red lion and sun is punishable by a fine of up to 300 fine units or by detention.

## § 15. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to misdemeanours provided for in §§ 13 and 14 of this Act.

(2) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided for in §§ 13 and 14 of this Act:

- 1) police prefectures;
- 2) Ministry of Defence.

## 6. Chapter 6

### Implementing Provision

## § 16. Entry into force of Act

This Act enters into force on 1 June 2006.

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

<sup>2</sup> *Riigikogu* = *Parliament of Estonia*