

Issuer:	Riigikogu
Type:	act
In force from:	01.01.2016
In force until:	In force
Translation published:	18.01.2016

Red Cross Designation and Emblem Act

Passed 05.04.2006
RT I 2006, 18, 141
Entry into force 01.06.2006

Amended by the following acts

Passed	Published	Entry into force
03.12.2008	RT I 2008, 54, 305	27.12.2008
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the day determined by the decision of the Council of the European Union concerning repeal of the derogation established in respect of the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union (OJ L 196, 28.07.2010, pp. 24–26).
15.06.2011	RT I, 08.07.2011, 8	22.07.2011
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced in accordance with section 107 ³ (4) of the Government of the Republic Act
11.02.2015	RT I, 12.03.2015, 1	01.01.2016

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of this Act

(1) This Act provides the domestic procedures for the use of the designation and emblem of the Red Cross and of other international designations and emblems which convey the same meaning, and the liability that attaches to misuse of such designations and emblems.

(2) The use of the designation and emblem of the Red Cross, of the Red Crescent and of the Red Lion and Sun is 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 at Sea, 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) The use of the designation and emblem of the Red Crystal is based on the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005.

(4) This Act does not impose any limitations on the use of the Red Cross emblem in accordance with the procedure authorised by the Vienna Convention on Road Signs and Signals (1968) and the European Agreement supplementing the Vienna Convention on Road Signs and Signals (1971).

(5) This Act does not impose any limitations on the use of the Red Cross designation and emblem and of other designations and emblems having the same meaning by the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

§ 2. Application of the Administrative Procedure Act

Provisions of the Administrative Procedure Act apply to administrative procedures prescribed in this Act without prejudice to the rules established by this Act.

§ 3. Red Cross designation and emblem

(1) The protected designation of the Red Cross (hereinafter, the ‘designation’) are the words ‘Red Cross’ or ‘Geneva Cross’.

(2) The emblem of the Red Cross (hereinafter, the ‘emblem’) appears as a red cross on a white background.

§ 4. Other designations and emblems

(1) The other designations and emblems having the same meaning with the designation and emblem of the Red Cross and used by the International Red Cross and Red Crescent Movement (hereinafter, the ‘Red Cross Movement’), i.e., the designation and emblem of the Red Crescent, the designation and emblem of the Red Lion and Sun and the designation and emblem of the Red Crystal, may be used in Estonia only where this is authorised by an Act of the *Riigikogu* and international law.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

(2) The protected designation of the Red Crescent is the words ‘Red Crescent’ and the emblem of the Red Crescent appears as a red crescent on a white background.

(3) The protected designation of the Red Lion and Sun is the words ‘Red Lion and Sun’ and the emblem of the Red Lion and Sun appears as a red lion and a sun on a white background.

(4) The protected designation of the Red Crystal is the words ‘Red Crystal’ and the emblem of the Red Crystal appears as a red frame in the shape of a square on edge on white background.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

§ 5. Estonian Red Cross

The Estonian Red Cross is a voluntary association which participates in the Red Cross Movement on behalf of Estonia and which has been admitted to the Red Cross Movement according to the Constitution of the International Federation of Red Cross and Red Crescent Societies.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

Chapter 2 PROTECTIVE USE OF THE DESIGNATION AND THE EMBLEM

§ 6. Protective use of the designation and the emblem and the persons entitled thereto

(1) The designation or the emblem is used protectively during an armed conflict or in a state of war to mark certain persons or property in a way that shows them to belong to persons or property protected under international law.

(2) The designation and the emblem may be used protectively by medical personnel who treat and care for the sick and the wounded, and by ministers of religion, following the procedure established in the Geneva Conventions.

(3) The medical personnel and ministers of religion of the Defence Forces and of the Defence League may use the designation and the emblem protectively also during the time of peace.
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(4) Where this renders their protection more effective, the medical personnel and ministers of religion of the Defence Forces may, with the authorisation of the minister responsible for the area, use the other designations and emblems set out in section 4 of this Act protectively in a foreign state.
[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(5) In Estonia, the medical personnel and ministers of religion of a foreign state may, with the authorisation of the minister responsible for the area, use the other designations and emblems specified in section 4 of this Act.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

§ 7. Procedure for the protective use of the designation and the emblem

(1) The designation or the emblem is used protectively to mark the persons mentioned in subsection 2 of section 6 of this Act, and the buildings and means of transport used by such persons, as well as any other property related to the treatment and care of the sick and the wounded.

(2) A provider of healthcare services who engages in the treatment and care of the sick and the wounded may install the protective emblem only with the authorisation of the Defence Forces. Where necessary, the Defence Forces provide assistance with the installation of the emblems.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

(3) In the case of protective use of the emblem, the emblem's dimensions must be such as to ensure its visibility from as far as possible and from as many directions as possible.

(4) The Defence Forces issue medical worker or minister of religion identity cards to persons mentioned in subsection 2 of section 6 of this Act.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

(5) The format of the identity cards of medical workers or ministers of religion and the procedure for the issue of such identity cards are established in a regulation of the minister responsible for the area.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

§ 8. [Repealed – RT I 2008, 54, 305 – entry into force. 27.12.2008]

Chapter 3 INDICATIVE USE OF THE DESIGNATION AND THE EMBLEM

§ 9. Procedure for the indicative use of the designation and the emblem

(1) The designation or the emblem is used indicatively to show that a certain person or property is linked to the Red Cross Movement.

(2) It is prohibited to use the designation and the emblem indicatively in a manner susceptible to create the impression that the person or property bearing the emblem or designation is under the protection of the emblem or designation.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

(3) In the case of indicative use of the emblem, its size must be small in comparison to the object on which it is used and it may not be placed on arm bands or installed on the roof of a building.

§ 10. Entitled persons

(1) The members of the Red Cross Movement, including members of the Estonian Red Cross, are authorised to use the designation and the emblem indicatively.

(2) In Estonia, the national societies of foreign states may use the other designations and emblems mentioned in section 4 of this Act under the same conditions that apply to the designation and the emblem of the Red Cross.

(3) In a foreign country, the Estonian Red Cross may, under extraordinary circumstances, use the designation and the emblem of the Red Crystal if this is required for the better organisation of its work.
[RT I 2008, 54, 305 – entry into force 27.12.2008]

§ 11. Indicative use of the designation and the emblem by third parties

(1) Third parties may use the designation and the emblem indicatively in accordance with an agreement with the Estonian Red Cross in cases specified in international law and in this Act.

(2) The agreement referred to in subsection 1 of this section stipulates the region and the period within which the use of the designation and the emblem is authorised. The use of the designation and the emblem must conform to the principles of the Red Cross Movement.

(3) The Estonian Red Cross may terminate the agreement referred to in subsection 1 of this section if the counterparty fails to comply with the requirements specified in subsection 2 of this section and subsections 2 and 3 of section 9 of this Act or if further use of the designation or the emblem would contravene international law.

[RT I 2008, 54, 305 – entry into force 27.12.2008]

Chapter 4

STATE SUPERVISION

§ 12. State supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State supervision over the use, in accordance with international law and this Act, of the designation and emblem of the Red Cross as well as the other designations and emblems mentioned in section 4 of this Act is carried out by the Ministry of Defence.

(2) During an armed conflict and in a state of war, state supervision over the use of the designations and emblems referred to in subsection 1 of this section is also carried out by the Commander of the Defence Forces or by the commanding officers of the Defence Forces who have been authorised by the Commander.

(3) The maximum amount of the penalty payment applicable in accordance with the procedure provided in the Substitutive Enforcement and Penalty Payment Act in the case of failure to comply with an enforcement order is 2,600 euros.

(4) During an armed conflict and in a state of war, substitutive enforcement may be imposed without an enforcement order, warning and warrant of enforcement, or without a warning and a warrant of enforcement.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 5

LIABILITY

§ 13. Misuse of the designation and the emblem

(1) The misuse of the designation or the emblem of the Red Cross or other designations and emblems specified in section 4 of this Act or the use of a misleadingly similar designation or emblem, where such use does not occur during an armed conflict or in a state of war and may be related to the protective use of the designation or the emblem of the Red Cross or other designations and emblems specified in section 4 of this Act, is punishable by a fine of up to 300 fine units or by detention.

[RT I 2008, 54, 305 – entry into force 27.12.2008]

(2) The same act, when committed by a legal person, is punishable by a fine of up to 3,200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 14. Rendering the designation and the emblem unusable

Soiling, rendering unusable or destroying the designation or emblem of the Red Cross or any other designation or emblem specified in section 4 of this Act, or removing any such designation or emblem without proper authority, is punishable by a fine of up to 300 fine units or by detention.

[RT I 2008, 54, 305 – entry into force 27.12.2008]

§ 15. Procedure

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanour offences created by sections 13 and 14 of this Act.

(2) Extra-judicial proceedings in the case of misdemeanours created by sections 13 and 14 of this Act are conducted by:

1) a police authority;

[RT I 2009, 62, 405 – entry into force 01.01.2010]

2) the Ministry of Defence.

Chapter 6

IMPLEMENTING PROVISION

§ 16. Entry into force of this Act

This Act enters into force on 1 June 2006.