

National Opera Act

Passed on 2 December 1997

Chapter 1

GENERAL PROVISIONS

§ 1. Purpose of Act

This Act establishes the aim, purposes, legal status and organisation of management and operations. The name of the National Opera shall be "Estonia".

§ 2. Aim of National Opera

The aim of the National Opera is to advance Estonian national theatrical and musical culture, propagate and present the above in Estonia and abroad and make the achievements of world musical and theatrical culture available in Estonia.

§ 3. Purposes of National Opera

The purposes of the National Opera are:

- 1) to organise regularly public presentations of works from the genres of opera, ballet, operetta and musical, in the form of performances and concerts;
- 2) to guarantee the high artistic standard of performances and concerts;
- 3) to propagate, in a purposeful manner, the repertoire of original works of the Estonian musical theatre, to order new works from artists and use those works;
- 4) to present works of value and high level visiting performers in the field of world musical and theatrical culture through performances and concerts;
- 5) to present Estonian performances and singers, dancers and musicians abroad;
- 6) to guaranteeing the employment of singers, dancers and musicians trained in Estonia and to enable their additional training;
- 7) to create conditions for the artistic development of the National Opera's artistic collective;
- 8) to organise the recording of the performances and concerts of the National Opera;
- 9) to participate in international co-operation between musical theatres.

§ 4. Legal status of National Opera

(1) The National Opera is a legal person in public law and shall operate on the basis of this Act, other legislation and its statute. In cases named in this Act, the provisions of the Performance Establishment Act (RT I 1997, 11, 94) shall be applied.

(2) The National Opera shall be liquidated by law.

Chapter 2

ADMINISTRATION

§ 5. Administration

The National Opera shall be administered by a supervisory board, Director General and Artistic Director.

§ 6. Supervisory board

(1) The supervisory board is the highest administrative body of the National Opera and consists of eleven members.

(2) The supervisory board shall consist of:

- 1) three members of the Riigikogu appointed upon the recommendation of the Commission on Culture;
- 2) two members appointed by the Minister of Culture;
- 3) one member appointed by the Minister of Education;
- 4) one member appointed by the Minister of Finance;
- 5) one member appointed by the supervisory board of the Estonian Academy of Music;
- 6) one member appointed by the board of the Estonian Theatre Union;

- 7) one member appointed by the board of the Estonian Composers' Society;
- 8) one member appointed by the board of the Estonia Society.

(3) Upon the extinguishment of the non-profit associations named in clauses 6, 7 and 8 of subsection 2 of this section, their successor shall appoint a member to the supervisory board.
In the case of the absence of a successor, the number of members of the supervisory board shall decrease.

(4) The membership of the supervisory board shall be approved by, and the first session convened by the Minister of Culture.

§ 7. Term of authority of supervisory board and member of supervisory board

(1) The term of authority of the supervisory board is five years. Upon the termination of the term of authority, the supervisory board shall cease its activities until the approval of the new membership of the supervisory board.

(2) The term of authority of a member of the supervisory board shall be extinguished upon recall, resignation or elimination through death.

(3) Upon the termination of the authority of a member of the supervisory board, a new member shall be appointed in his place, a member appointed pursuant to § 6(2) of this Act, whose authority shall last until the approval of the new membership of the supervisory board.

(4) Upon the termination of the authority of the Riigikogu, the members of the supervisory board from the Riigikogu shall fulfil their task until the appointment of new members from the new membership of the Riigikogu.

§ 8. President and vice-president of supervisory board

(1) Members of the supervisory board shall elect from their own ranks a president and vice-president of the supervisory board at the first session of the new membership of the supervisory board. The Minister of Culture shall chair sessions of the supervisory board until the election of the president.

(2) The president and vice-president of the supervisory board shall be elected from the membership of the supervisory board on the basis of a straight majority.

(3) The president of the supervisory board shall manage the operations of the supervisory board, chair sessions of the supervisory board, represent the supervisory board and verify the fulfilment of the decisions of the supervisory board.

(4) During the absence of the president, the vice-president shall fulfil the president's functions.

§ 9. Competence of supervisory board

(1) The supervisory board shall:

- 1) approve the articles of the National Opera and make alterations to them;
- 2) approve the National Opera's operational guidelines and perform supervision of their fulfilment;
- 3) approve the structure and employee membership of the National Opera, determine the official title of the Artistic Director;
- 4) determine the rules and conditions for the open tender to be conducted for the election of the Director General and Artistic Director of the National Opera;
- 5) elect a Director General and Artistic Director through an open tender, determine their salary and the rules for the substitution of the Director General;
- 6) examine and approve the budget of the National Opera and implementation report regarding the same;
- 7) approve the rules for the possession, use and disposal of the assets of the National Opera;
- 8) decide questions related to the assets of the National Opera to the extent and according to the rules prescribed in this Act;
- 9) determine the rules for the internal audit of the operations of the National Opera;
- 10) listen to the reports of the Director General and the Artistic Director;
- 11) decide questions regarding the participation of the National Opera in international co-operation between musical theatres;
- 12) evaluate the operations of the National Opera;
- 13) present to government bodies, as necessary, recommendations concerning the operations of the National Opera;
- 14) approve the conditions and rules for the payment of members of the supervisory board;
- 15) decide other questions which pursuant to this Act are within the competence of the supervisory board;

(2) Upon the recommendation of the Director General and Artistic Director of the National Opera, the supervisory board may pass decisions on other questions concerning the operations of the National Opera.

§ 10. Rules of procedure of supervisory board

(1) Sessions of the supervisory board shall take place as necessary, yet not less than once every quarter. The president of the supervisory board, and in his absence the vice-president, shall convene sessions. The agenda of sessions of the supervisory board shall be announced in writing 10 days in advance.

(2) An emergency session of the supervisory board shall be convened within two weeks, if called for by at least six members of the supervisory board;

(3) The supervisory board shall be quorate if at least six members of the supervisory board are present, including the president or vice-president.

(4) The supervisory board shall pass decisions with a straight majority of members present. A straight majority of the membership of the supervisory board is required for questions named in § 9, subsection 1, clauses 1, 2, 5, 6, 7, 8, 9 and 12 of this Act. In case of the even split of votes, the vote of the president or the vice-president substituting for him shall be decisive.

(5) The decisions of the supervisory board shall be set down in writing and announced to the Director General and Artistic Director within five working days.

(6) The Director General and Artistic Director shall participate in sessions of the supervisory board with the right to speak.

§ 11. Director general

(1) The Director General shall manage the executive-co-ordinative operations of the National Opera. The Director General shall be responsible for the general development and activities of the National Opera, as well as the legitimate and effectual use of the assets and financial resources of the National Opera.

(2) The Director General shall:

- 1) represent the National Opera, conclude transactions in its name and grant authority to represent the National Opera;
- 2) report back to the supervisory board and guarantee the execution of the decisions of the supervisory board;
- 3) guarantee the compilation of the draft budget;
- 4) guarantee the execution of the budget and submit a report concerning it to the supervisory board;
- 5) organise accounting;
- 6) conclude employment contracts with employees of the National Opera and determine their pay;
- 7) issue directives within his competence;
- 8) approve the prices of tickets, internal procedure rules, rules of conduct and labour regulations;
- 9) resolve other questions concerned with the management of the National Opera which have not in this Act been appointed to the competence of an other individual.

(3) The Director General, upon the recommendation of the Artistic Director, shall decide questions concerning artistic activities.

(4) The supervisory board shall, on behalf of the National Opera, conclude and terminate an employment contract with the Director General. An employment contract shall be concluded for a period of up to five years.

§ 12. Artistic director

(1) The Artistic Director shall organise and co-ordinate the artistic activities of the National Opera and bear responsibility for the artistic standard of the National Opera and the implementation of the artistic aims.

(2) The Artistic Director shall:

- 1) plan the artistic conception of the National Opera and elaborate a development plan;
- 2) compile a repertoire plan and co-ordinate the organisation of performance activities;
- 3) organise the selection and method of employment of creative workers and resolve problems connected with their supplementary training;
- 4) project the ordering of new works from authors and their use;
- 5) project visiting performances and the invitation of visiting performers;

- 6) determine the performances and concerts to be recorded;
- 7) represent the National Opera within his competence;
- 8) resolve other questions connected with the artistic operations of the National Opera.

(3) The Artistic Director shall resolve questions within his competence, in co-operation with the Director General and the departmental Artistic Directors.

(4) The Artistic Director's employment contract shall be concluded and terminated by the supervisory board, on the behalf of the National Opera. An employment contract shall be concluded for a period of up to five years.

Chapter 3

ORGANISATION OF OPERATIONS

§ 13. Organisation of labour

(1) The National Opera shall organise performances and concerts by the season.

(2) The provisions of § 9, § 10(1) and (2) of the Performance Establishment Act shall apply to the choice of repertoire, planning of performances and concerts, compilation of repertoire plan and drafting of placard of National Opera.

(3) An artistic council may be formed for the examination of questions concerning the planning and evaluation of the artistic operations of the National Opera. The question of the formation of an artistic council shall be decided by the supervisory board, which shall determine the purposes and rules of procedure of the artistic council. The provisions of § 8(3) of the Performance Establishment Act shall apply to the membership of the artistic council. The provisions of § 7 of the Performance Establishment Act shall be applied to the creative

§ 14. Creative workers

workers of the National Opera and the term of employment contracts concluded with them.

Chapter 4

ASSETS, FINANCING, BUDGET, INSPECTION AND ACCOUNTING

§ 15. Assets of National Opera

(1) The National Opera is the owner of its assets and shall possess, use and dispose of them in accordance with the restrictions prescribed by this Act, for the fulfilment of its purposes.

(2) The assets of the National Opera are:

- 1) assets given by the state into the possession of the National Opera on the basis of law;
- 2) assets transferred by another person or bequeathed to the National Opera;
- 3) assets which have arisen through the National Opera's own operations.

(3) The National Opera may transfer real estate, encumber with building title and usufruct and borrow by decision of the supervisory board and with the consent of the Government of the Republic.

(4) Rooms owned by the National Opera may, by decision of the supervisory board of the National Opera, be rented out for commercial purposes, if this does not damage the reputation of the National Opera.

(5) The National Opera may not lend, provide sponsorship or use its own assets to guarantee the obligations of others.

(6) The National Opera may, for the purpose of supporting its own operations, found a foundation. The provisions of subsection 3 of this section shall be applied to the transfer of real estate of the foundation.

§ 16. Financing and budget

(1) The operations of the National Opera shall be financed by the proceeds of ticket sales, support from the national budget and other sources.

(2) The National Opera has the right to organise commercial activities connected with its primary activities, the

proceeds of which shall be entered in the budget of the National Opera.

(3) The financial resources of the National Opera shall be disposed of by the Director General in accordance with the conditions and rules introduced by the supervisory board.

(4) A budget, which must be balanced, shall be compiled regarding all profits and expenses of the National Opera.

(5) The supervisory board shall confirm the budget of the National Opera and the report on its fulfilment.

§ 17. Inspection, supervision and accounting

(1) The National Opera shall keep accounting and statistical records of the use of its assets and resources as prescribed by law.

(2) The commercial activities of the National Opera shall be controlled by the State Audit Office.

(3) State supervision of the legality of the activities of the National Opera shall be performed by the Ministry of Culture and other public offices and officials provided for by law.

(4) The Minister of Culture has the right to terminate the execution of an illegal action on the part of the supervisory board or Director General or the force of a legal act and make recommendations for the elimination of the failings of the action or legal act.

(5) The National Opera shall render an account of its activities to the extent and in accordance with the rules prescribed by or pursuant to law.

Chapter 5

IMPLEMENTATION OF ACT

§ 18. Termination of operations of National Performance Establishment Estonia and granting of authority to Director General

(1) The operations of National Performance Establishment Estonia shall be considered terminated upon the entry into force of this Act.

(2) The Director General of National Performance Establishment Estonia shall be authorised to operate on behalf of the National Opera until the election of the Director General of the National Opera.

§ 19. Supervisory board

(1) The institutions named in § 6, subsection 2, clauses 1, 3, 4, 5, 6, 7 and 8 shall, not later than one month from the entering into force of this Act, notify the Minister of Culture of the persons appointed by them to the membership of the supervisory board.

(2) The Minister of Culture shall confirm the membership of the supervisory board and convene the supervisory board not later than two months from the entering into force of this Act.

(3) The supervisory board shall, not later than two months from the entering into force of this Act, conduct a public tender for the position of Director General and Artistic Director of the National Opera.

§ 20. Assets and allocations from national budget

(1) State assets in the possession of National Performance Establishment Estonia at the time of the entering into force of this Act shall, on the basis of a decision by the Government of the Republic and not later than four months from the entering into force of this Act, be transferred free of charge to the National Opera for the performance of its functions.

(2) Rent agreements concluded by National Performance Establishment Estonia until the entering into force of this Act shall be deemed prematurely terminated upon the entering into force of this Act.

(3) National budget allocations which have remained unused by National Performance Establishment Estonia shall be channelled by the Government of the Republic into its Reserve Fund for the financing of the operations of the

National Opera.

§ 21. Rights and obligations

The National Opera shall possess rights and obligations for the transactions and other legal transactions of National Performance Establishment Estonia Theatre, except for in cases established in § 20(2) of this Act.

Toomas Savi, Chairman of the Riigikogu
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