

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☒ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

The Office of the Chancellor of Justice

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

oiguskantsler.ee/en

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☒ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Margit

Surname

Sarv

Email Address of the organisation

info@oiguskantsler.ee

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

-

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☒ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

In the 2024 EU Rule of Law Report, three recommendations were highlighted for Estonia. One of them encourages Estonia to continue efforts to reform the Council for the Administration of Courts, taking into account European Standards on councils for the judiciary.

By virtue of office, the Chancellor of Justice serves on the Council for Administration of Courts that convened four times in 2024.

More information on the Council (in English): <https://www.riigikohus.ee/en/administration-courts/council-administration-courts>

See also Courts Act § 40(1) (in English): <https://www.riigiteataja.ee/en/eli/527022024006/consolide#para39>

The Chancellor of Justice is informed of the reform discussions. The draft reforming the council was presented to the ministries and other stakeholders such as the Chancellor of Justice for coordination and opinion in December 2024. The Chancellor has not yet responded. The draft envisages that the Council for the Administration and Development of Courts would be comprised of six judges from all levels, two members of Riigikogu (Parliament), one representative from each the Bar Association, the Chancellor of Justice, and Minister of Justice and Digital Affairs. Judges to the council are currently and would also according to the draft amendments be elected by court en banc.

The draft is available in the draft law information system (in Estonian): <https://eelnoud.valitsus.ee/main/mount/docList/2077b90e-329f-491a-ac49-334786bc9f0c>

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

The draft mentioned in previous reply envisages amendments also to the appointment of Chief judges of District Courts and Circuit Courts of Appeal. Chief judges are currently appointed by the Minister of Justice and Digital Affairs but according to the draft would be appointed by the Council for the Administration and Development of Courts.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

-

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

-

Allocation of cases in courts

5000 character(s) maximum

-

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

See previous replies in this section

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Under the Courts Act, alongside the chairs of the courts and the Supreme Court en banc, the Chancellor of Justice is the only institution outside the court system that may initiate disciplinary proceedings in respect of a judge. If the Chancellor of Justice determines that a disciplinary violation may have occurred, she will submit the case materials to the disciplinary chamber operating under the Supreme Court for consideration. The final decision in the case is made by the disciplinary chamber.

The Chancellor does not assess substantive issues concerning administration of justice. She can only assess whether a judge has failed to fulfil their official duties or has behaved disreputably.

Every year there are cases where the Chancellor examines the work of judges more specifically in the information system of the courts in order to decide whether a reason exists to initiate disciplinary proceedings. On some occasions, the Chancellor also asked for an explanation from a judge and/or chair of the court. In 2024, the Chancellor did not find reason to initiate disciplinary proceedings in respect of a judge in any of the cases reviewed.

See also subchapter on courts in the annual report about the activities of the Chancellor of Justice (in Estonian): <https://www.oiguskantsler.ee/ylevaade2024/jarelevalve#p3>

Independence/autonomy of the prosecution service

5000 character(s) maximum

-

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

-

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

-

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

In 2024, the Chancellor of Justice addressed the issues of accessibility of courts from several aspects.

The Chancellor of Justice made a proposal to the Riigikogu to bring § 182(2) clause 1 of the Code of Civil Procedure into line with the Constitution. The Chancellor considered that this provision in the Code of Civil Procedure is unconstitutional as it does not allow the costs incurred by a person when obtaining essential food and medicines, as well as communication and hygiene supplies, to be taken into account when granting financial aid to a natural person in non-contentious proceedings. The Riigikogu supported the Chancellor's proposal and has started to prepare a legislative draft to amend this provision.

See the Chancellor's proposal (in Estonian): https://www.oiguskantsler.ee/sites/default/files/2024-11/Ettepanek_tsiviilkohtumenetluse_seadustiku_p%C3%B5hiseadusega_koosk%C3%B5lla_viimiseks_%E2%80%93_93_hagita_menetluses_menetlusabi_andmisel_toidu-%2C_ravimi-%2C_side-ja_h%C3%BCgieenitarvete_kulude_arvestamine.pdf

Another issue raised by the Chancellor, was that recourse to a court may be hindered by the fact that a person's bank account has been closed. A state fee must be paid when applying to the court. Under the State Fees Act, the body charging the state fee is required to accept a state fee of up to 10 euros in cash, if the payer of the state fee so requests. However, in most cases the fee is higher.

If a person's bank account has been closed, for example under the Money Laundering and Terrorist Financing Prevention Act or another law, it may be difficult, if not impossible, for the person to have access to the court because they cannot pay a state fee higher than 10 euros.

As a result, many cases do not even reach the court. This also inhibits development of case-law and limits the possibility that concerns about closing a bank account (or refusing to open an account) could be resolved through the courts without changing the law. In sum, the court cannot initiate review of the constitutionality of both the rule on state fee and the rules on prevention of money laundering.

To ensure that everyone has the possibility of access to the court to defend their rights – for example if only to challenge closure of a bank account – the Chancellor of Justice submitted a proposal to the Riigikogu. See the Chancellor's proposal (in Estonian): https://www.oiguskantsler.ee/sites/default/files/field_document2/Ettepanek_rahapesu_ja_terrorismi_rahastamise_t%C3%B5kestamise_seaduse_krediidasutuste_seaduse_v%C3%B5la%C3%B5igusseaduse_ja_riigil%C3%B5ivuseaduse_p%C3%B5hiseadusega_koosk%C3%B5lla_viimiseks.pdf

Riigikogu supported the Chancellor's proposal and, under § 152 of the Riigikogu Rules of Procedure and Internal Rules Act, the President of the Riigikogu instructed the Finance Committee to initiate a Draft Act to bring the Money Laundering and Terrorist Financing Prevention Act, the Credit Institutions Act, the Law of Obligations Act and the State Fees Act into conformity with the Constitution.

See the transcript of the plenary in Riigikogu (in Estonian): <https://stenogrammid.riigikogu.ee/202405131500#PKP-806310>

In June 2024, the Ministry of Finance sent a Draft Act amending the Law of Obligations Act and related Acts to the Chancellor of Justice for an opinion.

Following the Chancellor's proposal, the Draft Act amended § 9 (3) of the State Fees Act, which previously read as follows: "At the request of the payer of a state fee, the body charging the state fee is required to accept a state fee of up to 10 euros in cash". The proposed change was that the words 'at least' were inserted into the provision regarding the amount that has to be accepted.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

It was noted in the previous Rule of Law Report that the indexation of salaries of all civil servants, incl. judges was frozen in 2023 for a four-year period. Now, there is a draft in the Government to unfreeze the wages of judges starting from April 2025. The draft has not yet been approved by the Government.

The draft is available in the draft law information system (in Estonian): <https://eelvoud.valitsus.ee/main/mount/docList/be5c5909-7b58-4a0d-b136-50262e035ded>

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

-

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

The Ministry of Justice and Digital Affairs wants to expand the possibilities for using the document delivery portal (<https://kattetoimetamisportaal.rik.ee/eng/>). The portal is currently used to serve documents sent by the prosecutor's office, courts and authorities conducting misdemeanour proceedings. At the same time, both private individuals and attorneys have complained to the Chancellor of Justice about technical problems in using the portal.

An analysis is needed to show whether a conflict might exist between further expansion of the portal and draft laws concerning service portal.

Information systems created by the state must work seamlessly. This requirement also applies to the document delivery portal. Otherwise, this will hinder the work of attorneys and limit the ability of people to defend their rights.

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

-

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

The draft mentioned in the beginning of this section amending the Courts Act envisages also that the Council for the Administration and Development of Courts would decide upon judicial districts of District Courts and Administrative Courts, exact locations of court houses and number of judges in courts. Currently these decisions are made by the Minister of Justice and Digital Affairs.

The draft is available in the draft law information system (in Estonian): <https://eelnoud.valitsus.ee/main/mount/docList/2077b90e-329f-491a-ac49-334786bc9f0c>

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

-

Any other developments related to the justice system - please specify

5000 character(s) maximum

-

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

-

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Draft of amendments to the Political Parties Act intending to make the functioning of the Political Parties Financing Surveillance Committee (<https://www.erjk.ee/en>) more efficient was presented to the Government in June 2024.

The draft is available in the draft law information system (in Estonian): <https://eelnoud.valitsus.ee/main/mount/docList/266dbe27-05d0-41c7-83f4-28436254cb36>

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Under the Political Parties Act § 12-10(2) clause 1, the Chancellor of Justice appoints one member to the Political Parties Financing Surveillance Committee.

See the act (in English): <https://www.riigiteataja.ee/en/eli/ee/517012023002/consolide/current#para12b10>

The Chancellor has appointed the editor-in-chief of the cultural paper Sirp, Kaarel Tarand, as a member of the Committee. The Committee and its members are independent, they have no obligation to report their activities to the persons or institutions appointing them, and they also do not accept or receive instructions from the persons appointing them.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

-

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

-

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

-

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

-

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

-

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

-

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

-

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Hopefully Ministry of Justice and Digital Affairs will provide the data in government's report.

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

-

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

-

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

The Chancellor of Justice has already in 2017 pointed out that the provisions regulating prohibited donations may excessively restrict the freedom of action of non-governmental organisations.

The question arose again in this reporting period in relation to one among the dozens of questions submitted to the Political Parties Financing Surveillance Committee. The case of the Liberal Citizen Foundation (SALK) stood out due to its exceptional nature and the high level of public attention. After the 2023 Riigikogu elections, the attention of the Political Parties Financing Surveillance Committee was drawn to the allegation that SALK had made a prohibited donation to some political parties by allowing them to get acquainted free of charge with the data of studies and analyses conducted by the foundation.

By July 2024, the Surveillance Committee had calculated the amount of the alleged prohibited donation based on SALK's financial reports and overviews of the cost of specific surveys, and sent a precept to four political parties to refund that amount. Two of the political parties that received the claim for refund challenged the Surveillance Committee's decision.

The Chair of the Surveillance Committee commented on the Committee's decision: political parties should think more carefully about accepting services from legal persons that can be measured in money.

The head of SALK however, felt that the Political Parties Act should be updated and ways in which the non-governmental sector can have a say in politics should be formulated.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

Second recommendation to Estonia in the previous Rule of Law report focused on advancing with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.

Ministry of Justice and Digital Affairs has been seeking input on potential revisions to the Public Information Act. In 2024, all key stakeholders were included in discussions, including representatives from the media, universities, and various interest groups. A working group is completing an analysis, based on which a decision will be made on whether and how the Act will be modified. The analysis is not yet publicly available. The Chancellor of Justice remains vigilant in monitoring developments concerning the Public Information Act.

See the Public Information Act (in English): <https://www.riigiteataja.ee/en/eli/ee/503052023003/consolidate/current>

More information on the process of the analysis is available on the Ministry's website (in Estonian): <https://www.justdigi.ee/era-ja-avalik-oigus/haldusoigus/avalik-teave#pt7>.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

-

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

-

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

In June 2024, the Deputy Chancellor of Justice was nominated to be a member of the Press Council. The council is a self-regulating body that offers people an opportunity to find out-of-court and free-of-charge solutions in cases breaching the Code of Journalism Ethics. The ten members of the council are broad-

based, representing mainly press but also other sectors.

More information on the Council and the Code of Ethics can be found here (in Estonian): <https://meedialiit.ee/pressinoukogu/>; <https://meedialiit.ee/eetikakoodeks/>

See also the news brief (in Estonian): <https://www.oiguskantsler.ee/en/node/603>

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

-

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

-

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

-

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

-

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

-

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

See the reply in the beginning of this section.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

-

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

-

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

The third and final recommendation to Estonia in the previous Rule of Law report addressed the issue of ensuring effective public consultation in the context of the legislative process.

Estonian advocacy organizations are usually happy to provide their opinion in the drafting process, if the question is narrow and clear, and there's a reasonable amount of time to respond. However, the Chancellor of Justice has received complaints about very short deadlines and extensive, confusing materials in the consultation process. This is especially problematic when people fail to differentiate between the development intention and the actual draft act. Then, the process becomes time-consuming, with the materials constantly changing, leaving people frustrated that their perspectives were not considered or understood.

The Chancellor has expressed the opinion that in cases where it is necessary to correct an error in a law or to solve a problem that has arisen, drawing up a legislative intent could be replaced by preparing a clearly worded small-scale draft and explanatory memorandum. In this way, those affected by the amendment can be given sufficient time to put forward concrete proposals to improve the draft. This would save time for everyone concerned.

See the Chancellor's opinion (in Estonian): https://www.oiguskantsler.ee/sites/default/files/2024-11/B%C3%BCrokraatia_v%C3%A4hendamine_ja_%C3%B5igusloome.pdf

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

See previous reply

The Chancellor of Justice has noticed an increasing tendency to shift significant value-based and content-related decisions - critical to safeguarding fundamental rights - away from the established frameworks of laws and government regulations. Instead, these decisions are being addressed through general administrative orders. These orders fall outside the Chancellor of Justice's oversight, and taking them to administrative court is time-consuming and resource-intensive. Additionally, first-instance administrative court decisions on the same issue or order may vary significantly. Using administrative acts to regulate broad fundamental rights issues could be a serious problem for protecting fundamental rights effectively.

Furthermore, the principle of legality is also tested by official guidelines, recommendations and action plans, as well as, for example, by a coalition agreement. Although following these is not mandatory, and formally they should not play any role, at times real life tends to prove otherwise. In practice, guidelines sometimes have greater significance than a legal norm. Such guidelines are not subject to oversight and lack of control creates a risk of human rights violations.

The Chancellor's supervision of such guidelines and instructions of a general nature is limited to ombudsman proceedings. For example, the Chancellor of Justice can check whether guidelines comply with the principles of good administration. However, since guidelines are not formally a legislative act, it is not possible to initiate constitutional review proceedings.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

The frequent use of accelerating the legislative process by a confidence vote by the coalition and use of obstruction by the opposition that was outlined in the previous Rule of Law report stopped in the beginning of 2024.

See the news brief: <https://news.err.ee/1609220756/riigikogu-obstruction-ends-for-now>

There was a landmark case brought by the President to the Supreme Court which concluded that tying the adoption of an Act on land tax to the issue of confidence was unconstitutional. The crux of the matter was not so much substantive issues related to the land tax but rather the extensive manifestations of obstruction, i.e. barriers that occurred in the work of the Riigikogu, as well as the decisions of the majority of the Riigikogu in overcoming these barriers.

Ruling of the Constitutional Review Chamber of the Supreme Court is available here (in Estonian):

<https://www.riigikohus.ee/et/lahendid?asjaNr=5-24-1/23>.

See also subchapter on opinions in constitutional review proceedings in the annual report about the activities of the Chancellor of Justice (in Estonian): <https://www.oiguskantsler.ee/ylevaade2024/jarelevalve#p3>

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

-

Regime for constitutional review of laws

5000 character(s) maximum

For a start, there is a thorough review of constitutionality in the drafting phase both in the Government and the Riigikogu, which helps to identify and address many issues.

The Chancellor of Justice may provide an opinion on the constitutionality of a draft in exceptional cases approved by management: 1) when the draft implements the Chancellor's proposal to align a law with the Constitution; 2) when the draft contains an obvious unconstitutionality; 3) if the topic relates to the Chancellor's special mandates under the CRC, CPRD, OPCAT, or promotional duties tied to these conventions. However, under the constitution, the Chancellor of Justice not required to systematically monitor all drafts.

Once the act is passed in Riigikogu, it will go to the President for promulgation. The President has the possibility to leave the act unannounced due to possible unconstitutionality and send it back to the Riigikogu for reconsideration.

Once an act is in force, it can be appealed to the Supreme Court to be declared unconstitutional either by the Chancellor of Justice, the President, the courts (based on a specific case), or by local governments (if the act concerns local government's constitutional guarantees). The review is carried out either by the Constitutional Review Chamber or Supreme Court en banc.

The Chancellor of Justice carries out the constitutional review of legislation of general application. If the Chancellor finds that the legislation is unconstitutional and contrary to the laws, the Chancellor may propose to the body that passed the legislation (this may be the Riigikogu, Government of the Republic, a minister or local government, etc.) to bring the legislation into conformity with the Constitution and the law. Issuer of the legislation of general application shall present its statement to the Chancellor of Justice in 20 days. If the proposal is ignored, the Chancellor of Justice shall submit a request to the Supreme Court to declare the legislation of general application unconstitutional or invalid.

More information on the constitutional review can be found here (in English): <https://www.oiguskantsler.ee/en/areas-activity/constitutional-review>

The review system is strengthened further by the fact that the Chancellor of Justice provides an opinion on all matters of constitutional supervision in the Supreme Court, and this responsibility is taken very seriously.

In our opinion, the constitutional review system in Estonia is very strong and effective. It ensures that norms violating fundamental rights are either not adopted in the first place or repealed as quickly as possible.

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

As a recent significant development, the state budget law was amended to guarantee the Chancellor of Justice (along other constitutional institutions) greater budgetary independence from the executive power. Amendments entered into force in June 2024. As of then, the budget of the Chancellor is discussed directly in the Parliament Financial Committee and no longer needs a prior review of the Government. See State Budget Act, § 25-1 subsection 3 clause 12 and § 38 subsection 2-1 (in English): <https://www.riigiteataja.ee/en/eli/531052024002/consolide#para25b1>

The Chancellor of Justice's 2025 budget was prepared for the first time using new principles. Despite the challenging economic situation and the Government of the Republic's plans to reduce the budgets of state institutions, this decision did not impact the budgets of constitutional institutions, including the Chancellor of Justice.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

In 2024, the Chancellor of Justice submitted 16 proposals to the Riigikogu, ministries, and local governments, urging alignment with the Estonian Constitution or initiating legislative measures. Two of these proposals have been implemented, while the rest are still in progress. The Chancellor submitted one new request to the supreme Court for constitutional analysis in 2024 and provided 11 opinions during ongoing constitutional review proceedings.

In addition, the Chancellor of Justice made 75 recommendations to state and local authorities on legality and good administration principles. Generally, the recommendations are acknowledged and implemented but some require more substantial reforms for follow-up.

Furthermore, 48 cases brought to the Chancellor's attention were resolved during proceedings. If an authority promptly rectifies unconstitutional provisions or adjusts practices, proceedings are concluded without issuing formal proposals or recommendations.

The annual report about the activities of the Chancellor of Justice can be found here (in Estonian): <https://www.oiguskantsler.ee/ylevaade2024/>

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

-

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

-

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

-

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

-

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

-

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

See reply in the beginning of section IV

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

The Chancellor of Justice has received information that civil society organisations face some financing concerns in relation to the public funding. Ministries are supporting NGOs of particular policy areas through strategic partnerships that are formed usually for three-year periods. However, due to delayed partnership calls, there may be financing gaps that can jeopardise the functioning of especially smaller organisations.

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Riigikogu is currently processing an amendment to the Constitution intending to revoke the right to vote in local government council elections for permanent residents of Estonia who are not citizens of EU or NATO member states. The aim is claimed to be linked to national security.

Link to the Constitution (in English): <https://www.riigiteataja.ee/en/eli/ee/530122020003/consolide/current>

Link to the amendment proceedings (in Estonian): <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/08e7338e-6684-4af8-bf2d-faa95a01c954/eesti-vabariigi-pohiseaduse-muutmise-seadus/>

The amendment may also affect the stateless persons living in Estonia and deprive them of the right to vote in local elections. There is a considerable number of stateless persons, who are residents in, but not citizens of, Estonia, nor are they citizens of any other country.

See the news brief: <https://news.err.ee/1609575325/coalition-may-allow-stateless-persons-right-to-vote-in-estonia-s-local-elections>

See statistics: <https://stat.ee/en/find-statistics/statistics-theme/population/population-figure>

Initially, an attempt was made to suspend the local voting rights of Russian and Belarusian citizens permanently residing in Estonia with the electoral law. The Chancellor of Justice emphasized that § 156(2) of the Estonian Constitution extends the right to participate in local elections to persons permanently residing within the municipality's boundaries, and restricting this right through the electoral law is contrary to the Constitution. Also, the transcripts of the Constitutional Assembly's meetings reveal a clear position that as the local government is meant to solve local matters, all permanent residents should have the right to vote in local elections.

See the Chancellor's opinion (in Estonian): [https://www.oiguskantsler.ee/sites/default/files/field_document2/Arvamus_kohaliku_omavalitsuse_volikogu_valimise_seaduse_muutmise_seaduse_eeln%C3%B5u_\(594_SE\)_kohta.pdf](https://www.oiguskantsler.ee/sites/default/files/field_document2/Arvamus_kohaliku_omavalitsuse_volikogu_valimise_seaduse_muutmise_seaduse_eeln%C3%B5u_(594_SE)_kohta.pdf)

See also the news brief: <https://news.err.ee/1609580458/liia-hanni-estonian-constitution-not-in-need-of-ideology-driven-changes>

Hence, as Estonian local government council is meant to solve local problems, it is not part of the executive state power. The right to vote in these elections does not affect national security. The status of the permanent resident is granted only to those persons who have lawfully lived in Estonia for a long time, who are not a threat to public order or security, and have legal income here, and only people of that status have the right to vote in municipal council elections.

The Chancellor of Justice has also explained that most EU member states allow permanent residents to vote in local government elections or permit dual citizenship to expand and promote human rights. She has also noted that for the sake of social cohesion, it is reasonable to allow people to participate in decision-making rather than exclude them. It is important that as many permanent residents of Estonia as possible feel a sense of belonging to society.

See public session of the Parliament Constitutional Committee (in Estonian): <https://www.youtube.com/watch?v=QfKMVzwCPds>

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

rule-of-law-network@ec.europa.eu