

## **2025 Rule of Law Report**

### **Additional questionnaire on the single market dimension**

In line with the discussions in the meeting of the network of contact points on 10 December, the Commission is hereby sharing an additional questionnaire on the single market dimension for the 2025 Rule of Law Report. This additional questionnaire should be answered in the same manner as the regular questionnaire. Please provide **a general overview of the relevant legal framework** (if not covered in previous inputs for the Rule of Law Report), as well **as information on any relevant developments since January 2024**. You are asked to provide the 'type of information' as outlined in section two of the main questionnaire (i.e. legislative developments, policy developments, developments related to the judiciary/independent authorities, as well as others if deemed relevant). In addition, below it is always indicated which pillar and sub-section the additional questions refer to, so that you can better contextualise them within the existing questionnaire. Please send your input on this questionnaire **by 24 January 2025** to [rule-of-law-network@ec.europa.eu](mailto:rule-of-law-network@ec.europa.eu) (either as part of your overall input or separately).

### **Questions for input on the single market dimension of the Rule of Law Report**

#### **Pillar I:**

##### ***Quality of justice***

- ***Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.***

[The Consumer Dispute Committee](#) provides annual training for lawyers who advise consumers, for example in current legal issues, implementation of new legislation in practice. The exact field depends on the need.

Chairmen – no regular training, because mostly the chairmen of the Consumer Dispute Committee are lawyers who have higher legal education. They usually participate in the Consumer Dispute Committee in addition to their main job and they receive training through their employer. In certain topics (for example consumer law and/or contract law), today's chairmen are lecturers in the universities themselves. It is always possible to participate in training courses aimed at Committee's lawyers.

- ***Alternative dispute resolution mechanisms and mediation***

In Estonia there are several recognized alternative dispute resolution entities:

- 1) [Consumer Dispute Committee](#) – operated by Consumer Protection and Technical Regulatory Authority. If a consumer has a problem with a purchased product or service, for example, if the trader refuses to repair the product or provide a refund, the consumer can try to resolve the dispute out of court. The out-of-court settlement of the dispute is simpler, faster, and cheaper compared to court proceedings, and is therefore beneficial for both the consumer and the trader. The Committee can solve contractual disputes and is responsible for resolving disputes, particularly those involving a trader registered in Estonia. Before contacting the commission, the consumer must contact the trader and give it the opportunity to solve the problem. The proceedings of the dispute in the committee are free of charge for the parties. As a result of the procedure, the commission makes a recommendation to resolve the dispute.

- 2) **Insurance conciliation body at the Estonian Insurance Association** - operated by the Estonian Insurance Association (EKsL) helps resolve disputes concerning other insurance services (for example travel insurance, home insurance) and insurance brokerage services. Additional information is available [only in Estonian](#).

- 3) **Motor insurance conciliation body at the Traffic Insurance Fund** - operated by the Estonian Motor Insurance Bureau (LKF) helps resolve disputes concerning motor insurance.

With regards to both the Estonian Insurance Association and the Traffic Insurance Fund - Conciliators operate via a conciliation body. A conciliator is an unbiased expert whose objective is to help find solutions in matters of dispute. The conciliator does not represent either of the parties in a dispute. The conciliator does not make decisions that are binding for the parties or administer justice.

Resolution of a conciliation matter via the insurance conciliator is free of charge for the client. The costs of the conciliation procedure are paid by the EKsL or the LKF. The dispute is resolved through conciliation, so the procedure can end with the parties not coming to an agreement.

- 4) **The Court of Honour of the Estonian Bar Association** – operated by the Estonian Bar Association. It resolves disputes arising from the client's agreement between the consumer and the lawyer in accordance with the conciliation procedure. The procedure ends with an agreement between the parties, e.g. refund of the fee, however the procedure can end with the parties not coming to an agreement. Additional information is available [only in Estonian](#).

- 5) **The Court of Arbitration of the Estonian Chamber of Commerce and Industry** – it is a permanent arbitration court settles disputes arising from private law relationships, including foreign trade and other international business relations. The decision enters into force from the moment of its making. The awards of the Court of Arbitration shall be final and binding on the parties, and the content of the award shall not be open to challenge. However, the law provides an opportunity to submit an application to the Tallinn Circuit Court for annulment of the award of the Court of Arbitration if procedural norms have been violated during the proceedings. The award of the Court of Arbitration takes effect from the moment it is made, so it is enforceable from the moment it is made (the award can immediately be taken to a bailiff and enforcement proceedings can be started). More information can be found [here](#).

## **Pillar II:**

### ***Prevention***

- Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)

As a general rule, provisions for preventing corruption in permitting (eg recusal by local council member in case of conflict of interests) come from the national [Anti-corruption Act](#). Additionally, permitting documents and spatial plans are made publicly available in respective public registries to ensure transparency. In spatial planning, the documents related to a spatial plan that is in progress also need to be publicly available to ensure access to information by the relevant stakeholders and the general public.

The following factors reduce the risk of corruption in **environmental permit procedures**:

- a) open proceedings, public participation: an application for an environmental permit is reviewed in open proceedings. Persons likely to be affected by proceedings of granting of environmental permit and public are widely informed by the Environmental Board and given a chance to express an opinion in the event of granting of environmental permit in open proceedings. Environmental Board also involves other competent authorities when needed;
- b) the use of the environmental decisions information system (in short KOTKAS): the whole procedure takes place in the environmental decisions information system, i.e. information and documents and explanations are visible to the public and the parties involved in the proceeding. Also the final environmental permits and reports regarding the permits are publicly available in the KOTKAS system (<https://kotkas.envir.ee/>);
- c) the right of appeal against an environmental permit: it is possible to appeal against an environmental permit or refusal of an environmental permit (either by appealing to the grantor of the environmental permit or by taking the matter to court);
- d) The right to file a complaint in the event of violation of permit requirements, polluting or illegal use of the environment (i.e water).

The following factors reduce the risk of corruption in **building permit procedures**:

- a) participation: it is the responsibility of the permit issuer to involve other competent authorities and persons whose rights may be affected by the permit;
  - b) the use of the building register: the whole procedure takes place in the building register, i.e. information and documents and explanations are visible to the parties involved and the final building permits are public in the register;
  - c) the right of appeal against a building permit: it is possible to appeal against a building permit or refusal of a building permit (either by appealing to the grantor of the building permit or by taking the matter to court);
  - d) the right to file a complaint in the event of illegal construction: persons also have the possibility to submit a request for the competent authority to consider initiating a national supervision procedure.
- **Reporting on the use of digital technologies to enhance transparency and oversight in public procurement**

In Estonia there is one central mandatory e-procurement system called [Procurement Register](#) which provides an excellent tool for enhancing transparency, monitoring and reporting of public procurement data. The website provides open data on public procurements and public contracts to all interested parties. The e-procurement system is also a data source for analytical and preventative work for investigators and analysts in crime prevention, tax, monitoring and competition authorities via a dedicated secure digital infrastructure.

#### **Pillar IV:**

##### ***The process for preparing and enacting laws***

- **Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination. *[this question complements the exiting question on rules and use of fast-track and emergency procedures]***

The general overview about such measures has been given in the Estonian input of 2020 (question 37).

### *Independent authorities*

- **Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators**

[The Consumer Protection and Technical Regulatory Authority](#) is a government institution under the jurisdiction of the Ministry of Economic Affairs and Communications, which performs tasks in the field of consumer protection and safety regulations. It has specific tasks and responsibilities arising from their statute and the laws. The authority does not receive any guidance and tasks from the Ministry.

The Director General of the Consumer Protection and Technical Regulatory Authority is appointed for a term of five years and the activities of the authority is financed by the state budget, not from the companies they're supervising.

### *Accessibility and judicial review of administrative decisions*

- **Respect of the good administration principle (including the obligation of the administration to give reasons for decisions) *[this question complements the existing question on transparency of administrative decisions]***

All principles of good administration are set out in the [Administrative Procedure Act](#) where they are stipulated as principles of administrative procedure (§3-7 of the Act). The obligation to give reasons for decisions derives from the § 56 of the Administrative Procedure Act. These principles and obligations are mandatory to all administrative authorities in all administrative processes.

- **Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies. *[this question complements the existing question on judicial review of administrative decisions]***

All acts and decisions of administrative authorities can be subject to challenge proceedings under [Administrative Procedure Act](#), where challenge proceedings is regulated in the chapter five of the act. Challenge shall be filed through the administrative authority which issued the challenged administrative decision or took the challenged measure with an administrative authority which exercises supervisory control over that administrative authority. If a person's challenge is dismissed or rights are violated in challenge proceedings, person has the right to file an appeal with an administrative court. In general, challenge proceeding is not mandatory pre-step before filing a complaint to court. It is rather an option to provide administrative authority an opportunity to correct possible mistakes without burdening courts, but it is possible to skip the option and file a complaint with court directly as well. However, the law may prescribe mandatory challenge proceedings to dispose of certain types of claims (§ 47 (1) of the [Code of Administrative Court Procedure](#)). In that case, a complaint may be filed only after the person has passed the challenge proceedings.