

Constitution of the Republic of Estonia

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passed by a referendum held on 28 June 1992
(RT I 1992, 26, 349),
entered into force 3 July 1992,
amended by the following Acts:

12.04.2007 entered into force 21.07.2007 - RT I 2007, 33, 210;
05.10.2003 entered into force 06.01.2004 - RT I 2003, 64, 429;
25.02.2003 entered into force 17.10.2005 - RT I 2003, 29, 174.

§ 4.

The activities of the Riigikogu², the President of the Republic, the Government of the Republic, and the courts shall be organised on the principle of separation and balance of powers.

(...)

§ 104.

The procedure for the passage of laws shall be provided by the Riigikogu Procedure Act. The following laws may be passed and amended only by a majority of the membership of the Riigikogu:

14) Courts Administration Act and court procedure Acts;

(...)

Chapter XIII

The Courts

§ 146.

Justice shall be administered solely by the courts. The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and the laws.

§ 147.

Judges shall be appointed for life. The grounds and procedure for the release of judges from office shall be provided by law.
Judges may be removed from office only by a court judgment.

Judges shall not hold any other elected or appointed office, except in the cases prescribed by law.

The legal status of judges and guarantees for their independence shall be provided by law.

§ 148.

The court system shall consist of:

- 1) county and city courts, and administrative courts;
- 2) circuit courts;
- 3) the Supreme Court.

The creation of specialised courts with specific jurisdiction shall be provided by law.

The formation of emergency courts is prohibited.

§ 149.

County and city courts, and administrative courts are courts of first instance.

Circuit courts are courts of appeal and shall review judgments of the courts of first instance by way of appeal proceedings.

The Supreme Court is the highest court in the state and shall review court judgments by way of cassation proceedings. The Supreme Court is also the court of constitutional review.

Rules regarding court administration and rules of court procedure shall be established by law.

§ 150.

The Chief Justice of the Supreme Court shall be appointed to office by the Riigikogu, on the proposal of the President of the Republic.

Justices of the Supreme Court shall be appointed to office by the Riigikogu, on the proposal of the Chief Justice of the Supreme Court.

Other judges shall be appointed to office by the President of the Republic, on the proposal of the Supreme Court.

§ 151.

The rules of court procedure regarding representation, defence, state prosecution, and supervision of legality shall be provided by law.

§ 152.

In a court proceeding, the court shall not apply any law or other legislation that is in conflict with the Constitution.

The Supreme Court shall declare invalid any law or other legislation that is in conflict with the provisions and spirit of the Constitution.

§ 153.

Criminal charges may be brought against a judge during his or her term of office only on the proposal of the Supreme Court, and with the consent of the President of the Republic.
Criminal charges may be brought against the Chief Justice and justices of the Supreme Court only on the proposal of the Chancellor of Justice, and with the consent of the majority of the membership of the Riigikogu.