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Estonian

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## National justice systems

Estonia

This section provides you with an overview of the court system in Estonia.

### Organisation of justice – judicial systems

The Estonian Constitution requires that justice be administered solely by courts which are independent in their activities. Courts must administer justice in accordance with the Constitution and other laws. Pursuant to the Constitution, the Estonian court system has exclusive competence to administer justice. A court is separate from both the executive and legislative spheres in the performance of its duties.

Estonia's court system consists of three levels: County and administrative courts are courts of first instance. There are four county courts in Estonia: Harju county court, Viru county court, Tartu county court and Pärnu county court. There are two administrative courts in Estonia: Tallinn administrative court and Tartu administrative court. County courts and administrative courts are divided into courthouses.

District courts are courts of second instance which hear appeals lodged against rulings given by the courts of first instance. There are two district courts: Tallinn district court and Tartu district court.

The Supreme Court is the highest court and hears appeals in cassation lodged against rulings from courts of second instance. There is no separate constitutional court in the Estonian court system. The duties of a court of constitutional review are performed by the Supreme Court.

### Administration of courts

Courts of first and second instance are administered by the Ministry of Justice together with the Council for Administration of Courts. The Council for Administration of Courts is an advisory board set up to run the court system and its work is directed by the Chief Justice of the Supreme Court. The courts of first and second instance are financed from the State budget, through the budget of the Ministry of Justice. The Supreme Court is independently responsible for its own administration and has its own budget.

#### The Council for Administration of Courts is composed of:

- the Chief Justice of the Supreme Court (also the chair of the Council);
- five judges appointed for three years by all judges sitting together (en banc);
- two Members of the Estonian Parliament;
- an attorney-at-law appointed by the board of the Bar Association;
- the Chief Public Prosecutor or a public prosecutor appointed by him or her;
- the Chancellor of Justice or a representative appointed by him or her;
- the Minister of Justice, or a representative appointed by him or her, who participates in Council sessions and has the right to speak.

The Minister of Justice may convene sessions, but has no voting rights.

#### The Council grants approval for:

- determining the territorial jurisdiction of courts, the structure of courts, the exact location of courts and courthouses, the number of judges permanently serving in courts and courthouses, and the number of lay judges;
- the appointment to office and premature release of chairpersons of courts;
- determining the internal rules of courts;
- determining of the number of candidates for judicial office;
- determining additional remuneration for courthouse managers;
- laying down procedures for compiling and submitting register data from the court information system;
- determining how and how much lay judges should be paid.

#### The Council must:

- provide a preliminary opinion on the principles applied in the drawing up and amendment of courts' annual budgets;
- provide an opinion on candidates for a vacant position of a justice of the Supreme Court;
- provide an opinion on the release of a judge;
- deliberate, in advance, the review to be presented to Parliament by the Chief Justice of the Supreme Court concerning court administration, administration of justice and the uniform application of law;
- discuss other issues at the initiative of the Chief Justice of the Supreme Court or the Minister of Justice.

### Hierarchy of courts

Estonia's court system consists of **three levels**:

**County courts** and **administrative courts** are courts of first instance.

**District courts** (courts of appeal) are courts of second instance.

The **Supreme Court** is the court of final appeal (cassation).

As general courts, county courts hear civil, criminal and misdemeanour cases. As courts of first instance, administrative courts hear those administrative cases which are placed under their jurisdiction by law. District courts are courts of second instance which scrutinise rulings given by the county and administrative courts in the event of an appeal. The Supreme Court is the highest court and hears appeals in cassation lodged against district court rulings. The Supreme Court is also the court of constitutional review.

### Legal databases

General information on the Estonian legal system can be found on the website of the [Ministry of Justice](#).

An overview of the court system in Estonia can be found on the [Courts website](#).

### **Is access to this database free of charge?**

Access to information concerning the Estonian legal and court system is **free of charge**.

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