# National case law

Igaunija

This section gives an overview of Estonian case law and a description of the relevant case-law databases.

## Case law available on the internet

Case law of courts of first and second instance has been available on the internet since 2001. Case law of the Supreme Court has been available since the court system was reorganised in 1993 and is published in the electronic edition of *Riigi Teataja* (the Estonian State Gazette) and on the Supreme Court website. Case law of courts of first and second instance is available in the electronic *Riigi Teataja*.

The obligation to make case law available is laid down in the Public Information Act, with more specific rules given in the various codes of court procedure. Usually all final judgments are published. Exemptions are provided for in civil and administrative court proceedings, whereby courts do not disclose in their judgments, either on their own initiative or at the request of the individual in question, the name of the individual (replacing it with initials or other characters), their personal identification number, date of birth, registration number and address. Courts may also decide in civil and administrative court proceedings, either on their own initiative or at the request of the individual in question, to publish only the operative part of a judgment containing sensitive personal data or not to publish it at all, if replacing the name of the individual with initials or other characters might prejudice his or her privacy. Courts may also publish only the operative part of a judgement if the judgment contains information legally subject to some other access restriction.

All finalised judgments in criminal proceedings are published, but only the personal details of the defendant (name and personal identification code or date of birth) are made public. As a general rule, the personal details of under-age defendants are not disclosed (their name and personal identification code or date of birth are replaced by initials or other characters). At the request of an individual or on their own initiative, courts may, in criminal proceedings, publish only the introduction and operative part or the final part of a given judgment, if the judgment contains sensitive personal data. The same applies if the judgment contains personal data legally subject to some other access restriction and enables the individual in question to be identified, despite the fact that names and other personal details have been replaced by initials or other characters.

Publishing case law is deemed to be a part of the administration of justice and the publication of specific data may be contested. Courts must therefore consider how judgments are to be published.

## Presentation of judgments and titles

| | Supreme Court | Other courts |
|---|---|---|
| Case law presented with titles? | Yes | No |

Case law of the Supreme Court can be searched in *Riigi Teataja* and on the Supreme Court's website by year, type of case, case number, date of judgment, court composition, type of proceeding, type of offence, annotation and content. On the Supreme Court's website case law can also be searched by keyword. Judgments of courts of first and second instance can be searched under the appropriate type of procedure and, depending on the type of procedure, cases can also be searched using a range of criteria. In all types of procedures, judgments can be searched by case and ECLI number, courthouse, procedure type, judgment type and date, start date of the proceedings, annotation and content. In criminal cases judgments can also be searched by the number of the pre-trial proceedings, case category and resolution, procedure type, type of claim and sentence or, for example, by grounds for acquittal. Judgments in civil and administrative cases can also be searched by category of case, procedure type, and case resolution.

## Example of title

Constitutional review of the second sentence of Section 71(2) of the Aviation Act.

## Formats

| | Supreme Court | | Other courts | |
|---|---|---|---|---|
| | Document | Metadata | Document | Metadata |
| **Is case law available in XML?** | No | No | No | No |
| **What other formats are used?** | HTML | HTML | PDF | HTML |

## Further proceedings

| | Supreme Court | Other courts |
|---|---|---|
| **Is information available:**<br>on appeals? | - | No |
| on whether a case is still pending? | Yes | No |
| on the result of appeals? | - | Yes |
| on the irrevocability of the judgment? | Yes | Yes |
| on further proceedings before:<br>another domestic court (e.g. Constitutional Court)?<br>the European Court of Justice?<br>the European Court of Human Rights? | No<br>No<br>No<br>No | No<br>No<br>No<br>No |

## Publication rules

| | At national level | At court level |
|---|---|---|
| **Are there binding rules for the publication of case law?** | Yes | - |

Rules about publishing case law are laid down in the relevant codes of procedure. There are different rules for criminal and civil procedures.

| | Supreme Court | Other courts |
|---|---|---|
| **Is full case law published or only a selection?** | Only a selection. | Only a selection. |
| | | |

| | | |
|---|---|---|
| What criteria are used to **make the selection**? | The selection is made on the basis of the following:<br>1) the judgment must have entered into force;<br>2) the judgment may be published if:<br>a) (in civil and administrative cases) it contains no sensitive personal data; the judgment is published with names replaced by initials or other characters and in such a way as not to prejudice the privacy of the individual in question; the judgment contains no information legally subject to some other access restriction;<br>b) (in criminal cases) it does not contain sensitive personal data or personal data legally subject to some other access restriction, or if names and other personal details are replaced in the judgment with initials and other characters, such that the individual in question cannot be identified; the judgment contains no information legally subject to some other access restriction. | The selection is made on the basis of the following:<br>1) the judgment must have entered into force;<br>2) the judgment may be published if:<br>a) (in civil and administrative cases) it contains no sensitive personal data; the judgment is published with names replaced by initials or other characters and in such a way as not to prejudice the privacy of the individual in question; the judgment contains no information legally subject to some other access restriction;<br>b) (in criminal cases) it does not contain sensitive personal data or personal data legally subject to some other access restriction, or if names and other personal details are replaced in the judgment with initials and other characters, such that the individual in question cannot be identified; the judgment contains no information legally subject to some other access restriction. |

**Legal databases**

**Name and URL of the database**

Published case law of the Supreme Court can be found on the website of the Supreme Court and in *Riigi Teataja*.

Case law of courts of first and second instance that has entered into force and has been published can be found by searching case law in *Riigi Teataja*.

Applications from Estonian courts to the European Court of Justice for a preliminary ruling are available via the Supreme Court website. Here you will see the name of the court applying for the preliminary ruling, the date of submission and a description of the content of the application, and the Estonian and ECJ case numbers.

Summaries of the case law of the European Court of Human Rights are available in *Riigi Teataja*.

The Courts website gives statistics on proceedings in courts of first and second instance since 1996. Supreme Court statistics are available on the Supreme Court website. Statistics on constitutional review have been available since 1993, while statistics on administrative, civil, criminal and misdemeanour cases have been available since 2002.

The Supreme Court website also gives case law analyses of selected topics since 2006.

**Is access to the databases free of charge?**

Yes, access to the databases is free of charge.

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