



## **The Constitution of the Republic of Estonia**

## Contents

Preamble .....	1
Chapter I .....	2
GENERAL PROVISIONS .....	2
Chapter II .....	3
FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES .....	3
Chapter III .....	15
THE PEOPLE .....	15
Chapter IV .....	16
THE <i>RIIGIKOGU</i> .....	16
Chapter V .....	21
THE PRESIDENT .....	21
Chapter VI .....	25
THE GOVERNMENT OF THE REPUBLIC .....	25
Chapter VII .....	30
LEGISLATION .....	30
Chapter VIII .....	33
FINANCE AND THE NATIONAL BUDGET .....	33
Chapter IX .....	35
FOREIGN RELATIONS AND INTERNATIONAL TREATIES .....	35
Chapter X .....	36

NATIONAL DEFENCE.....	36
Chapter XI .....	38
THE NATIONAL AUDIT OFFICE.....	38
Chapter XII.....	40
THE CHANCELLOR OF JUSTICE.....	40
Chapter XIII.....	42
THE COURTS.....	42
Chapter XIV .....	44
LOCAL SELF-GOVERNMENT .....	44
Chapter XV.....	46
AMENDMENTS OF THE CONSTITUTION.....	46

# The Constitution of the Republic of Estonia

## Preamble

With unwavering faith and a steadfast will to strengthen and develop the state which embodies the inextinguishable right of the people of Estonia to national self-determination and which was proclaimed on 24 February 1918, which is founded on liberty, justice and the rule of law, which is created to protect the peace and defend the people against aggression from the outside, and which forms a pledge to present and future generations for their social progress and welfare, which must guarantee the preservation of the Estonian people, the Estonian language and the Estonian culture through the ages, the people of Estonia, on the basis of 1 of the Constitution which entered into force in 1938, and in the referendum held on 28 June 1992, have adopted the following Constitution.

[RT I 2007, 33, 210 - entry into force 21.07.2007]

## Chapter I

### GENERAL PROVISIONS

1. Estonia is an independent and sovereign democratic republic wherein supreme political authority is vested in the people.

The independence and sovereignty of Estonia are timeless and inalienable.

2. The land, territorial waters and airspace of Estonia constitute an inseparable and indivisible whole.

In terms of the organisation of its government, Estonia is a unitary state whose administrative division is provided by law.

3. Governmental authority is exercised solely pursuant to the Constitution and laws which are in conformity therewith. Generally recognised principles and rules of international law are an inseparable part of the Estonian legal system.

Laws are published in accordance with prescribed procedure. Only published laws may have binding force.

4. The activities of the *Riigikogu*, the President, the Government of the Republic and the courts are organised in accordance with the principles of separation and balance of powers.

5. The natural wealth and resources of Estonia are national riches which must be used economically.

6. The official language of Estonia is Estonian.

7. The national colours of Estonia are blue, black and white. The design of the national flag and the national coat of arms is provided by law.

## Chapter II

### FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES

8. Every child of whose parents one is a citizen of Estonia is entitled to Estonian citizenship by birth.

Everyone who has forfeited his or her Estonian citizenship as a minor is entitled to its restoration.

No one may be deprived of an Estonian citizenship acquired by birth.

No one may be deprived of Estonian citizenship because of his or her beliefs.

The conditions and procedure for the acquisition, forfeiture and restoration of Estonian citizenship are provided in the Citizenship Act.

9. The rights, freedoms and duties of all persons and of everyone, as set out in the Constitution, apply equally to citizens of Estonia and to citizens of foreign states and stateless persons in Estonia.

The rights, freedoms and duties set out in the Constitution extend to legal persons in so far as this is in accordance with the purpose of legal personality and with the nature of such rights, freedoms and duties.

10. The rights, freedoms and duties set out in this chapter do not preclude other rights, freedoms and duties which arise from the spirit of the Constitution or are in accordance therewith, and which are in conformity with the principles of human dignity, social justice and democratic government founded on the rule of law.

11. Rights and freedoms may only be circumscribed in accordance with the Constitution. Such circumscription must be necessary in a democratic society and may not distort the nature of the rights and freedoms circumscribed.

12. Everyone is equal before the law. No one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

Incitement to ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Incitement to hatred and violence between social classes or to discrimination against a social class is

also prohibited and punishable by law.

13. Everyone is entitled to protection by the government and of the law. The Estonian government also protects its citizens abroad.

The law protects everyone from arbitrary exercise of governmental authority.

14. It is the duty of the legislature, the executive, the judiciary, and of local authorities, to guarantee the rights and freedoms provided in the Constitution.

15. Everyone whose rights and freedoms have been violated has the right of recourse to the courts. Everyone is entitled to petition the court that hears his or her case to declare unconstitutional any law, other legislative instrument or measure which is relevant in the case.

The courts observe the Constitution and declare unconstitutional any law, other legislative instrument or measure which violates any rights or freedoms provided in the Constitution or which otherwise contravenes the Constitution.

16. Everyone has the right to life. The right to life is protected by the law. No one may be arbitrarily deprived of his or her life.

17. No one's honour or good name may be defamed.

18. No one may be subjected to torture or to cruel or degrading treatment or punishment.

No one may be subjected to medical or scientific experiments against his or her free will.

19. Everyone has the right to free self-realisation.

When exercising his or her rights and freedoms and fulfilling his or her duties, everyone must respect and observe the rights and freedoms of others, and obey the law.

20. Everyone has the right to liberty and security of person.

No one may be deprived of his or her liberty except in the cases and pursuant to a procedure provided by law:

- 1) to enforce a judgment of conviction rendered or a detention

ordered by a court;

- 2) for the case of non-compliance with a direction of a court, or to guarantee fulfilment of a duty provided by law;
- 3) to prevent a criminal or administrative offence, to bring before a competent authority a person in relation to whom there is reasonable suspicion that he or she has committed such an offence, or to prevent such a person from absconding;
- 4) to place a minor under disciplinary supervision or to bring him or her before a competent authority to determine whether to impose such supervision;
- 5) to detain a person suffering from an infectious disease, a person of unsound mind, an alcoholic or a drug addict, if such a person is a danger to himself or herself or to others;
- 6) to prevent illegal settlement in Estonia and for removing a person from Estonia or for extraditing a person to a foreign state.

No one may be deprived of his or her liberty on the mere ground of inability to fulfil a contractual obligation.

**21.** Everyone who has been deprived of his or her liberty must be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty and of his or her rights, and be given an opportunity to notify those closest to him or her. A person suspected of a criminal offence must also be promptly given an opportunity to choose a counsel and to confer with him or her. The right of a person suspected of a criminal offence to notify those closest to him or her of the deprivation of liberty may be circumscribed only in the cases and pursuant to a procedure provided by law to prevent a criminal offence or in the interests of ascertaining the truth in a criminal case.

No one may be held in custody for more than forty-eight hours without a specific authorisation of a court. The decision of the court must be promptly communicated to the person in custody in a language and manner which he or she understands.

**22.** No one may be deemed guilty of a criminal offence before he or she

has been convicted in a court and before the conviction has become final.

No one is required to prove his or her innocence in criminal proceedings.

No one may be compelled to testify against himself or herself, or against those closest to him or her.

23. No one may be convicted of an act which did not constitute a criminal offence under the law in force at the time the act was committed.

No one may be sentenced to a penalty that is more severe than the one that was applicable at the time the offence was committed. If, subsequent to the commission of the offence, the law makes provision for a lighter penalty, the lighter penalty applies.

No one may be prosecuted or sentenced for a second time for an act in respect of which he or she has been the subject of a final conviction or acquittal pursuant to the law.

24. No one may be transferred, against his or her free will, from the jurisdiction of a court specified by law to the jurisdiction of another court.

Everyone is entitled to attend any hearing held by a court in his or her case.

Court hearings are public. The court may, in the cases and pursuant to a procedure provided by law, order a hearing or a part thereof to be held *in camera* to protect a state secret or a trade secret, public morality or the private and family life of individuals, or where the interests of a minor, a victim, or the administration of justice so require.

Judgments are pronounced publicly, except in cases where the interests of a minor, a spouse, or a victim require otherwise.

In accordance with the procedure provided by law, everyone is entitled to appeal a judgment rendered in his or her case to a higher court.

25. Everyone is entitled to compensation for intangible as well as tangible harm that he or she has suffered because of the unlawful actions of any person.

26. Everyone is entitled to inviolability of his or her private and family life.

Government agencies, local authorities, and their officials may not interfere with any person's private or family life, except in the cases and pursuant to a procedure provided by law to protect public health, public morality, public order or the rights and freedoms of others, to prevent a criminal offence, or to apprehend the offender.

27. The family, which is fundamental to the preservation and growth of the nation and which constitutes the foundation of society, enjoys the protection of the government.

Spouses have equal rights.

Parents have the right and the duty to raise their children and to provide for them.

The protection of parents and children is provided by law.

The family is required to provide for its members who are in need.

28. Everyone is entitled to protection of his or her health.

Every citizen of Estonia is entitled to government assistance in the case of old age, incapacity for work, loss of provider, or need. The categories and extent of the assistance, and the conditions and procedure for its allocation are provided by law. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy this right equally with citizens of Estonia.

The national government facilitates voluntary provision of welfare services and provision of welfare services by local authorities.

Families with a large number of children as well as people with disabilities enjoy special care of the national government and of local authorities.

29. Every citizen of Estonia is entitled to freely choose his or her area of activity, profession and position of employment. The law may provide conditions and procedures for the exercise of this right. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy this right equally with citizens of Estonia.

No one may be compelled to perform work or service against his or her

free will, except for service in the defence forces or alternative service, or work required to prevent the spread of an infectious disease or to contain a natural disaster or catastrophe, or work which a convicted offender is required to perform according to the law and pursuant to a procedure established by law.

The national government organises vocational training and assists persons who seek employment in finding work.

Working conditions are overseen by the national government.

Everyone is free to belong to unions and federations of employees and employers. Unions and federations of employees and employers may assert their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike are provided by law.

The procedure for resolution of labour disputes is provided by law.

**30.** Recruitment to positions in government agencies and local authorities takes place among citizens of Estonia in accordance with the law and pursuant to the procedure established by law. Citizens of foreign states and stateless persons may be recruited to such positions as an exception provided this is allowed by the law.

In respect of certain categories of public servants, the right to engage in entrepreneurial activity and to form commercial associations (31), and the right to belong to political parties and to certain types of non-profit associations (48) may be circumscribed by law.

**31.** Citizens of Estonia have the right to engage in entrepreneurial activity and to form commercial associations and federations. The law may provide conditions and procedures that circumscribe the exercise of this right. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonian territory enjoy this right equally with citizens of Estonia.

**32.** The property of every person is inviolable and equally protected. Property may be taken from the owner without his or her consent only in the public interest, in the cases and pursuant to a procedure provided by law, and for fair and immediate compensation. Everyone whose property has been

taken from him or her without his or her consent has the right to bring an action in the courts to contest the taking of the property, the compensation, or the amount of the compensation.

Everyone has the right to freedom from interference in possessing or using his or her property or making dispositions regarding the same.

Limitations of this right are provided by law. Property may not be used in a manner that contravenes the public interest.

On public interest grounds, the law may provide classes of property which may be acquired in Estonia only by citizens of Estonia, by certain categories of legal persons, by local authorities, or by the Estonian government.

Succession of property is guaranteed.

**33.** The home is inviolable. No one's dwelling or other premises lawfully occupied by him or her, or his or her workplace may be forcibly entered or searched, except in the cases and pursuant to a procedure provided by law to protect public order, public health or the rights and freedoms of others, to prevent a criminal offence, to apprehend the offender, or to ascertain the truth in a criminal case.

**34.** Everyone whose presence in Estonian territory is lawful has the right to move freely in that territory and to choose freely where to reside. The right to freedom of movement may be circumscribed in the cases and pursuant to a procedure which is provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to ensure that a minor or a person of unsound mind does not remain unsupervised, or to ensure the proper conduct of a criminal case.

**35.** Everyone has the right to leave Estonia. This right may be circumscribed in the cases and pursuant to a procedure provided by law to ensure the proper conduct of a trial or of a pre-trial investigation, or to enforce a court judgment.

**36.** No citizen of Estonia may be expelled from Estonia or prevented from settling in Estonia.

No citizen of Estonia may be extradited to a foreign state, except under conditions prescribed by an international treaty and pursuant to a procedure provided by such treaty and by law. Extraditions are decided by the Government of the Republic. Any person who is subject to an extradition order has the right to challenge this order in an Estonian court.

Every Estonian is entitled to settle in Estonia.

37. Everyone has the right to education. Education for school-age children is compulsory to the extent specified by the law, and is free of charge in general schools established by the national government and by local authorities.

In order to make education accessible, the national government and local authorities maintain a requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to the law.

Parents have the deciding say in the choice of education for their children.

Everyone has the right to be taught in Estonian. The language of teaching in national minority educational institutions is chosen by the educational institution.

The provision of education is overseen by the national government.

38. Science and art and their teachings are free.

Universities and research institutions are autonomous within the limits prescribed by the law.

39. The rights of an author in respect of his or her work are inalienable. The national government protects authors' rights.

40. Everyone is entitled to freedom of conscience, freedom of religion and freedom of thought.

Everyone is free to belong to any church or any religious society. There is no state church.

Everyone is free to practise his or her religion, alone or in community with others, in public or in private, unless this is detrimental to public order,

public health or public morality.

41. Everyone has the right to abide by his or her opinions and beliefs. No one may be compelled to change his or her opinions or beliefs.

Beliefs are no defence for violating the law.

No one may be held legally liable for his or her beliefs.

42. Government agencies, local authorities, and their officials may not gather or store information about the beliefs of a citizen of Estonia against the citizen's free will.

43. Everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Derogations from this right may be made in the cases and pursuant to a procedure provided by law if they are authorised by a court and if they are necessary to prevent a criminal offence, or to ascertain the truth in a criminal case.

44. Everyone is entitled to free access to information disseminated for public use.

Pursuant to a procedure provided by law, all government agencies, local authorities, and their officials have a duty to provide information about their activities to any citizen of Estonia at his or her request, except for information whose disclosure is prohibited by law and information intended exclusively for internal use.

Pursuant to a procedure provided by law, any citizen of Estonia is entitled to access information about himself or herself held by government agencies and local authorities and in government and local authority archives. This right may be circumscribed pursuant to law to protect the rights and freedoms of others, to protect the confidentiality of a child's filiation, and in the interests of preventing a criminal offence, apprehending the offender, or of ascertaining the truth in a criminal case.

Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy the rights specified in paragraphs two and three of this section equally with citizens of Estonia.

45. Everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be circumscribed by law to protect public order, public morality, and the rights and freedoms, health, honour and good name of others. This right may also be circumscribed by law in respect of public servants employed by the national government and local authorities, or in order to protect a state secret, trade secret or information received in confidence which has become known to the public servant by reason of his or her office, and to protect the family and private life of others, as well as in the interests of the administration of justice.

There is no censorship.

46. Everyone has the right to address informational letters and petitions to government agencies, local authorities, and their officials. The procedure for responding to such letters and petitions is provided by law.

47. Everyone has the right to assemble peacefully and to conduct meetings without prior permission. This right may be circumscribed in the cases and pursuant to a procedure provided by law to safeguard national security, maintain public order, uphold public morality, ensure the safety of traffic and the safety of participants of the meeting, or to prevent the spread of an infectious disease.

48. Everyone has the right to form non-profit associations and federations. Only citizens of Estonia may belong to political parties.

The establishment of associations and federations which possess weapons, which are organised in accordance with military principles or which hold exercises of a military nature requires a prior authorisation whose conditions of issuance and procedure of issuance are provided by law.

Associations, federations and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force or are otherwise in conflict with a law providing criminal liability, are prohibited.

Only a court may terminate or suspend the activities of an association, federation or political party for a violation of the law, or order the association,

federation or political party to pay a fine.

49. Everyone has the right to preserve his or her ethnic identity.

50. National minorities have the right, in the interests of their culture, to establish self-governing agencies under such conditions and pursuant to such procedure as are provided in the National Minorities Cultural Autonomy Act.

51. Everyone has the right to address government agencies, local authorities, and their officials in Estonian and to receive responses in Estonian.

In localities where at least one half of the permanent residents belong to a national minority, everyone has the right to receive responses from government agencies, local authorities and their officials also in the language of the national minority.

52. The official language of government agencies and local authorities is Estonian.

In localities where the language of the majority of the residents is not Estonian, local authorities may, to the extent and pursuant to a procedure provided by law, use the language of the majority of the permanent residents of the locality as their internal working language.

The use of foreign languages, including the languages of national minorities, in government agencies, in courts and in pre-trial procedure is provided by law.

53. Everyone has a duty to preserve the human and natural environment and to compensate for harm that he or she has caused to the environment. The procedure for compensation is provided by law.

54. It is the duty of each citizen of Estonia to be loyal to the constitutional order and to defend the independence of Estonia.

In the absence of other means of opposing a forcible attempt to change the constitutional order of Estonia, every citizen of Estonia has the right to resist such an attempt of his or her own initiative.

55. Citizens of foreign states and stateless persons in Estonia are required to observe the constitutional order of Estonia.



## Chapter III

### THE PEOPLE

**56.** Supreme political authority in Estonia is vested in the people who, through citizens eligible to vote, exercise it:

- 1) in elections of the *Riigikogu*,
- 2) in referendums.

**57.** Any citizen of Estonia who has attained eighteen years of age is eligible to vote.

A citizen of Estonia who has been declared by a court to lack legal capacity is ineligible to vote.

**58.** Participation in elections may be circumscribed by law in the case of citizens of Estonia who have been convicted by a court and are serving a sentence in a penal institution.

## Chapter IV

### THE *RIIGIKOGU*

59. Legislative authority is vested in the *Riigikogu*.

60. The *Riigikogu* comprises one hundred and one members. Members of the *Riigikogu* are elected in free elections according to the principle of proportional representation. Elections are general, uniform and direct. Voting is secret.

Any citizen of Estonia who has attained twenty-one years of age and is eligible to vote may stand in an election of the *Riigikogu*.

Regular elections of the *Riigikogu* are held on the first Sunday of March of the fourth year counting from the year of the preceding election of the *Riigikogu*.

Extraordinary elections of the *Riigikogu* are held in the cases prescribed in §89, 97, 105 and 119 of the Constitution, not earlier than twenty and not later than forty days after the election was called.

The procedure for elections of the *Riigikogu* is provided in the *Riigikogu* Election Act.

61. The mandate of members of the *Riigikogu* commences on the day the results of the election are announced. The mandate of members of the preceding *Riigikogu* terminates on the same day.

Before assuming his or her duties, a member of the *Riigikogu* takes an oath of office declaring loyalty to the Republic of Estonia and to its constitutional order.

62. A member of the *Riigikogu* is not bound by his or her mandate, and may not bear legal liability for any vote cast or any political statement made by him or her in the *Riigikogu* or in any of its bodies.

63. A member of the *Riigikogu* may not hold any other governmental office.

A member of the *Riigikogu* is exempt from the duty to serve in the Defence Forces during his or her term of office.

**64.** The mandate of a member of the *Riigikogu* is suspended upon his or her appointment as member of the Government of the Republic, and is restored upon his or her release from the duties of a member of the Government of the Republic.

The mandate of a member of the *Riigikogu* terminates prematurely:

- 1) upon his or her assumption of another governmental office;
- 2) when a judgment of conviction rendered by a court against him or her becomes final;
- 3) upon his or her resignation pursuant to a procedure provided by law;
- 4) if the Supreme Court finds that he or she is incapable of performing his or her duties for an indeterminate period;
- 5) upon his or her death. In the case of suspension or premature termination of the mandate of a member of the *Riigikogu*, the member is replaced by an alternate member pursuant to a procedure provided by law. The alternate member enjoys all the rights and is subject to all the duties established in respect of members of the *Riigikogu*.

The mandate of the alternate member terminates upon the restoration of the mandate of the member of the *Riigikogu*.

**65.** The *Riigikogu*:

- 1) passes laws and resolutions;
- 2) decides the holding of a referendum;
- 3) elects the President pursuant to 79 of the Constitution;
- 4) ratifies and denounces international treaties in accordance with 121 of the Constitution;
- 5) authorises a Prime Minister candidate to form the Government of the Republic;

- 6) passes the national budget and approves the report on its implementation;
- 7) acting on a recommendation of the President, appoints to office the Chief Justice of the Supreme Court, the Chairman of the Board of the Bank of Estonia, the Auditor General and the Chancellor of Justice;  
[RT I, 27.04.2011, 1 – entry into force 22.07.2011]
- 8) acting on a recommendation of the Chief Justice of the Supreme Court, appoints to office justices of the Supreme Court;
- 9) appoints members of the board of the Bank of Estonia;
- 10) acting on a proposal of the Government of the Republic, decides whether to authorise government borrowing or the assumption of other financial obligations;
- 11) makes statements, declarations and appeals to the people of Estonia, to other states and to international organisations;
- 12) establishes national awards, as well as military and diplomatic ranks;
- 13) determines motions to express no confidence in the Government of the Republic, the Prime Minister or individual ministers;
- 14) declares a state of emergency in the national territory pursuant to 129 of the Constitution;
- 15) acting on a proposal of the President, declares a state of war and orders mobilisation and demobilisation;
- 16) resolves other issues of national importance which the Constitution does not assign to the President, the Government of the Republic, other public bodies or local authorities.

**66.** The first sitting of a new *Riigikogu* is held within ten days after announcement of the results of an election of the *Riigikogu*. The first sitting of the new *Riigikogu* is convened by the President.

**67.** Regular sessions of the *Riigikogu* last from the second Monday of

January to the third Thursday of June, and from the second Monday of September to the third Thursday of December.

68. Extraordinary sessions of the *Riigikogu* are convened by the Speaker of the *Riigikogu*, acting on a proposal from the President, the Government of the Republic, or at least one fifth of the members of the *Riigikogu*.

69. From among its members the *Riigikogu* elects a speaker and two deputy speakers who preside over the work of the *Riigikogu* pursuant to the *Riigikogu* Rules of Procedure Act and the *Riigikogu* Standing Orders Act.

70. The quorum for the *Riigikogu* is provided in the *Riigikogu* Rules of Procedure Act. In an extraordinary session, the *Riigikogu* is competent to act provided more than one half of the members are in attendance.

71. The *Riigikogu* forms committees.

Members of the *Riigikogu* have the right to form political groups.

The procedure for the formation of committees and groups, and the rights of such committees and groups, are provided in the *Riigikogu* Rules of Procedure Act.

72. Sessions of the *Riigikogu* are public, unless the *Riigikogu* determines otherwise by a two thirds majority.

Voting in the *Riigikogu* is open. Secret ballots are taken only for election or appointment of officials in the cases provided in the Constitution or in the *Riigikogu* Rules of Procedure Act.

73. Unless otherwise prescribed in the Constitution, legislation in the *Riigikogu* is passed by a majority of votes cast.

74. Any member of the *Riigikogu* has the right to put questions to the Government of the Republic and its members, to the Chairman of the Board of the Bank of Estonia, the President of the Bank of Estonia, the Auditor General and the Chancellor of Justice.

[RT I, 27.04.2011, 1 – entry into force 22.07.2011]

The questions must be answered at a sitting of the *Riigikogu* within twenty sitting days.

75. The remuneration of members of the *Riigikogu* and restrictions

concerning receipt of income from other employment is provided by law, and may only be amended in respect of the next *Riigikogu*.

**76.** Members of the *Riigikogu* are immune from prosecution. Criminal charges against a member may only be brought on a proposal of the Chancellor of Justice and with the consent of a majority of the members of the *Riigikogu*.

## Chapter V

### THE PRESIDENT

77. The President is the head of state of Estonia.
78. The President:
- 1) represents the Republic of Estonia in its international relations;
  - 2) appoints and recalls diplomatic agents of the Republic of Estonia on the proposal of the Government of the Republic, and receives the credentials of diplomatic agents accredited to Estonia;
  - 3) calls regular elections of the *Riigikogu* and, pursuant to §89, 97, 105 and 119 of the Constitution, extraordinary elections of the *Riigikogu*;
  - 4) convenes the new *Riigikogu* pursuant to 66 of the Constitution, and opens its first sitting;
  - 5) makes proposals to the Speaker of the *Riigikogu* to convene an extraordinary session of the *Riigikogu* pursuant to 68 of the Constitution;
  - 6) proclaims laws pursuant to §105 and 107 of the Constitution, and signs instruments of ratification;
  - 7) issues presidential decrees pursuant to §109 and 110 of the Constitution;
  - 8) initiates amendments of the Constitution;
  - 9) nominates the Prime Minister candidate pursuant to 89 of the Constitution;
  - 10) appoints to and releases from office members of the Government of the Republic pursuant to §89, 90, and 92 of the Constitution;
  - 11) makes recommendations to the *Riigikogu* regarding appointments to the office of Chief Justice of the Supreme Court, Chairman of the Board of the Bank of Estonia, Auditor General and Chancellor of Justice;

- 12) on the recommendation of the Board of the Bank of Estonia, appoints the president of the Bank of Estonia;
- 13) on recommendations of the Supreme Court, appoints judges;
- 14) [repealed – RT I, 27.04.2011, 1 – entry into force 22.07.2011];
- 15) confers national awards and military and diplomatic ranks;
- 16) is the supreme commander of national defence of Estonia;
- 17) makes proposals to the *Riigikogu* to declare a state of war, to order mobilisation and demobilisation and, pursuant to 129 of the Constitution, to declare a state of emergency;
- 18) in the case of aggression against Estonia, declares a state of war and orders mobilisation pursuant to 128 of the Constitution;  
[RT I, 27.04.2011, 1 – entry into force 22.07.2011]
- 19) by way of clemency, grants release or commutation of sentence to convicted offenders at their request;
- 20) initiates the bringing of criminal charges against the Chancellor of Justice pursuant to 145 of the Constitution.

79. The President is elected by the *Riigikogu* or, in the case provided in paragraph four of this section, by the Electoral College.

The right to nominate a candidate for the election of the President rests with not less than one-fifth of the members of the *Riigikogu*.

Nominations of candidates for President may be made from among citizens of Estonia by birth who have attained at least forty years of age.

The President is elected by secret ballot. Each member of the *Riigikogu* has one vote. The candidate who receives the votes of two thirds of the members of the *Riigikogu* is deemed elected. If no candidate receives the required majority, a new round of voting is held on the next day. Before the new round of voting, a new nomination of candidates takes place. If no candidate receives the required majority in the second round of voting, a third round of voting is held on the same day between the two candidates who received the greatest number of votes in the second round. If the President is

not selected in the third round of voting, the Electoral College is convened by the Speaker of the *Riigikogu* within one month to select the President.

The Electoral College comprises members of the *Riigikogu* and representatives of local authority councils. Each local authority council elects at least one representative, who must be a citizen of Estonia, to the Electoral College.

The *Riigikogu* nominates the two candidates who received the most votes in the *Riigikogu* to the Electoral College as candidates for President. The right to nominate a candidate for President may also be exercised by not less than twenty-one members of the Electoral College.

The Electoral College selects the President by a majority of its entire membership. If no candidate is selected in the first round, a second round of voting is held on the same day between the two candidates who received the greatest number of votes.

The details of the procedure for election of the President is provided in the President of the Republic Election Act.

**80.** The President is elected for a term of five years. No one may be elected to the office of the President for more than two consecutive terms.

Regular elections of the President are held not earlier than sixty and not later than ten days before the end of the term of office of the incumbent President.

**81.** The President assumes office by swearing the following oath of office to the people of Estonia before the *Riigikogu*: ‘In assuming the office of President, I (given name and surname), solemnly swear to steadfastly defend the Constitution and the laws of the Republic of Estonia, to exercise the authority entrusted to me in a just and impartial manner, and to perform my duties faithfully, to the best of my abilities and to the best of my understanding, for the benefit of the people of Estonia and the Republic of Estonia.’

**82.** The authority of the President terminates:

- 1) upon his or her resignation from office;

- 2) when a judgment of conviction rendered by a court against him or her becomes final;
- 3) upon his or her death;
- 4) upon assumption of the office by the new President.

83. If the Supreme Court finds that the President is incapable of performing his or her duties for an indeterminate period or if he or she is temporarily unable to perform them in the cases specified by law, or if his or her authority has terminated before the end of his or her term of office, his or her duties are temporarily assumed by the Speaker of the *Riigikogu*.

During the time that the Speaker of the *Riigikogu* performs the duties of the President, his or her authority as a member of the *Riigikogu* is suspended.

The Speaker of the *Riigikogu*, acting for the President, may not, without the consent of the Supreme Court, call an extraordinary election of the *Riigikogu* or refuse to promulgate a law.

If the President has been unable to perform his or her official duties for more than three consecutive months, or if his or her authority has terminated before the end of his or her term of office, the *Riigikogu* elects a new President within fourteen days pursuant to 79 of the Constitution.

84. Upon assuming the office of the President, the authority and duties of the incumbent in all elected or appointed offices previously held by him or her are terminated, and he or she suspends his or her membership in any political party for the duration of his or her term of office.

85. Criminal charges may be brought against the President only on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

## Chapter VI

### THE GOVERNMENT OF THE REPUBLIC

86. Executive authority is vested in the Government of the Republic.
87. The Government of the Republic:
- 1) carries out the nation's domestic and foreign policy;
  - 2) directs and co-ordinates the work of government agencies;
  - 3) administers the implementation of laws, resolutions of the *Riigikogu* and legislation of the President;
  - 4) introduces Bills in the *Riigikogu* and submits international treaties to the *Riigikogu* for ratification and denunciation;
  - 5) prepares Bills to enact the national budget and introduces them in the *Riigikogu*, administers implementation of the national budget and presents a report on the implementation to the *Riigikogu*;
  - 6) issues regulations and directives on the basis of and for the implementation of laws;
  - 7) conducts relations with other states;
  - 8) in the case of a natural disaster or a catastrophe, or to prevent the spread of an infectious disease, declares a state of emergency in the entire national territory or a part thereof;
  - 9) performs other duties which are assigned to the Government of the Republic by the Constitution and laws.
88. The Government of the Republic comprises the Prime Minister and ministers.
89. Within fourteen days following resignation of the Government of the Republic, the President nominates a Prime Minister candidate whom he directs to form the new Government.

The Prime Minister candidate, within fourteen days after receiving the direction to form the new Government, presents a report to the *Riigikogu* regarding the principles upon which he or she proposes to form the

Government, after which the *Riigikogu* decides, without debate and by an open vote, whether to authorise the Prime Minister candidate to form the Government.

The Prime Minister candidate who has been authorised by the *Riigikogu* to form the new Government presents, within seven days, a list of its members to the President, who appoints the Government to office within three days.

If the Prime Minister candidate nominated by the President fails to receive a majority of the votes cast in the *Riigikogu*, or is unable or declines to form the Government, the President is entitled, within seven days, to nominate another Prime Minister candidate.

If the President does not nominate another Prime Minister candidate within seven days or declines to do so, or if the other candidate, under the conditions and time-limits set out in paragraphs two and three of this section, fails to obtain the necessary authority from the *Riigikogu* or is unable or declines to form the Government, the right to nominate a Prime Minister candidate passes to the *Riigikogu*.

The *Riigikogu* nominates a Prime Minister candidate who presents to the President a list of the members of the Government. If the list is not presented to the President within fourteen days after the passing to the *Riigikogu* of the right to nominate the Prime Minister candidate, the President calls an extraordinary election of the *Riigikogu*.

90. Any changes in the membership of the Government of the Republic which has assumed office are made by the President on a proposal of the Prime Minister.

91. The Government of the Republic assumes office by taking the oath of office before the *Riigikogu*.

92. The Government of the Republic resigns upon:

- 1) the first meeting of the new *Riigikogu*,
- 2) the resignation or death of the Prime Minister;
- 3) the expression of no confidence in the Government of the

Republic or the Prime Minister by the *Riigikogu*.

The President releases the Government of the Republic from office at the time of assumption of office by the new Government.

93. The Prime Minister represents and presides over the Government of the Republic.

The Prime Minister appoints two ministers who have the right to substitute for the Prime Minister during his or her absence. The procedure for substitution is established by the Prime Minister.

94. To administer the various spheres of government, corresponding ministries are established by law.

A minister presides over his or her ministry, disposes of matters within his or her sphere of government, issues regulations and administrative decrees on the basis and for the implementation of laws, and performs other duties assigned to him or her on the basis of and pursuant to a procedure provided by law.

If a minister is temporarily unable to perform the duties of his or her office due to illness or other hindrance, the Prime Minister assigns the duties of the minister to another minister for the corresponding period.

The President may, on a proposal of the Prime Minister, appoint ministers without portfolio.

95. The Government of the Republic is assisted by the State Chancellery, which is led by the State Secretary.

The State Secretary is appointed to and released from office by the Prime Minister.

The State Secretary participates in meetings of the Government of the Republic with the right to speak.

As head of the State Chancellery, the State Secretary has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry.

96. Meetings of the Government of the Republic are held *in camera* unless the Government decides otherwise.

The Government of the Republic makes its decisions on the basis of proposals from the Prime Minister or from a competent minister.

Regulations of the Government of the Republic are valid if they bear the signature of the Prime Minister, the competent minister and the State Secretary.

97. The *Riigikogu* may, by a resolution carried by a majority of its members, express no confidence in the Government of the Republic, the Prime Minister, or a minister.

A motion to express no confidence may be initiated by not less than one-fifth of the members of the *Riigikogu* by the presentation of a corresponding written notice at a sitting of the *Riigikogu*.

A motion to express no confidence may not be put to the vote earlier than on the second day after its initiation, unless the Government of the Republic requires a more expeditious decision.

In the case that the *Riigikogu* has expressed no confidence in the Government of the Republic or the Prime Minister, the President may, on the proposal of the Government of the Republic and within three days, call an extraordinary election of the *Riigikogu*.

When the *Riigikogu* has expressed no confidence in a minister, the Speaker of the *Riigikogu* notifies this to the President, who releases the minister from office.

A motion to express no confidence on the same grounds as in a previous motion may not be initiated earlier than three months after the previous motion was voted.

98. The Government of the Republic may declare the passage of a Bill that it has introduced in the *Riigikogu* to be a matter of confidence.

Such a Bill may not be put to the vote earlier than on the second day after its passage was declared to be a matter of confidence. If the *Riigikogu* does not pass the Bill, the Government of the Republic resigns.

99. Members of the Government of the Republic may not hold any other governmental office, or belong to the management board or supervisory board of a commercial enterprise.

100. Members of the Government of the Republic may participate in sittings of the *Riigikogu* and of its committees with the right to speak.

101. Criminal charges may only be brought against a member of the Government of the Republic on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

The authority of a member of the Government of the Republic is terminated when a judgment of conviction by a court against him or her becomes final.

## Chapter VII

### LEGISLATION

102. Laws are passed in accordance with the Constitution.

103. The right to initiate a Bill rests with the following:

- 1) a member of the *Riigikogu*;
- 2) a political group of the *Riigikogu*;
- 3) a committee of the *Riigikogu*;
- 4) the Government of the Republic;
- 5) the President, when proposing amendments to the Constitution.

The *Riigikogu* is entitled, on the basis of a resolution carried by a majority of the members, to address a recommendation to the Government of the Republic to initiate a Bill desired by the *Riigikogu*.

104. The procedure for the passage of laws is provided in the *Riigikogu* Procedure Act.

The following laws may only be passed and amended by a majority of the members of the *Riigikogu*:

- 1) the Citizenship Act;
- 2) the *Riigikogu* Election Act;
- 3) the President of the Republic Election Act;
- 4) the Local Authority Council Election Act;
- 5) the Referendum Act;
- 6) the *Riigikogu* Rules of Procedure Act and the *Riigikogu* Standing Orders Act;
- 7) the Remuneration of the President of the Republic and of Members of the *Riigikogu* Act;
- 8) the Government of the Republic of the Republic of Estonia Act;

- 9) the Institution of Court Proceedings against the President of the Republic and against Members of the Government of the Republic Act;
- 10) the National Minorities Cultural Autonomy Act;
- 11) the National Budget Act;
- 12) the Bank of Estonia Act;
- 13) the National Audit Office Act;
- 14) the Courts Act and Acts governing court procedure;
- 15) Acts pertaining to foreign and domestic borrowing, and to financial obligations of the state;
- 16) the State of Emergency Act;
- 17) the Peace-Time National Defence Act and the War-Time National Defence Act.

**105.** The *Riigikogu* has the right to submit a Bill or other issue of national importance to a referendum.

The decision of the people is made by a majority of the votes cast in the referendum.

A law which is passed by a referendum is promptly promulgated by the President. The decision of the referendum is binding on all public bodies.

If a Bill which has been submitted to a referendum fails to receive a majority of the votes cast, the President calls an extraordinary election of the *Riigikogu*.

**106.** Issues regarding the budget, taxation, financial obligations of the national government, ratification and denunciation of international treaties, the declaration or termination of a state of emergency, or national defence may not be submitted to a referendum.

The procedure for holding a referendum is provided in the Referendum Act.

**107.** Laws are promulgated by the President.

The President may refuse to promulgate a law passed by the *Riigikogu* and, within fourteen days after its receipt, return the law, together with his or her reasoned resolution, to the *Riigikogu* for a new debate and decision. If the *Riigikogu*, for the second time and without amending it, passes a law which has been returned to it by the President, the President either promulgates the law or applies to the Supreme Court for a declaration of unconstitutionality in respect of that law. If the Supreme Court declares the law to be in conformity with the Constitution, the President promulgates the law.

108. Laws enter into force on the tenth day following their publication in the *Riigi Teataja* unless they contain a contrary provision.

109. If the *Riigikogu* is unable to convene, the President may, in matters of national urgency, issue decrees which have the force of law and which have been countersigned by the Speaker of the *Riigikogu* and the Prime Minister.

When the *Riigikogu* convenes, the President presents the decrees to the *Riigikogu*, which promptly passes a law regarding their confirmation or repeal.

110. The Constitution, the Acts listed in 104 of the Constitution, laws which establish national taxes, and the national budget may not be enacted, amended or repealed by a decree of the President.

## Chapter VIII

### FINANCE AND THE NATIONAL BUDGET

111. The Bank of Estonia has exclusive right to issue Estonian currency. The Bank of Estonia administers the circulation and upholds the stability of the currency.

112. The Bank of Estonia carries out its duties pursuant to the law and reports to the *Riigikogu*.

113. National taxes, encumbrances, fees, fines and compulsory insurance payments are established by law.

114. The procedure for possession, use and dispositions of public assets is provided by law.

115. For each year the *Riigikogu* passes a law which contains a budget that sets out all items of government revenue and expenditure.

The Government of the Republic must submit a Bill for the budget to the *Riigikogu* not later than three months before the beginning of the financial year.

On the proposal of the Government of the Republic, the *Riigikogu* may, during the financial year, pass a supplementary budget.

116. If an amendment proposal to the national budget or to a Bill for the budget has the effect of decreasing estimated revenue or increasing expenditure or reallocating expenditure, the maker of the proposal must append to the amendment financial calculations which demonstrate the sources of revenue necessary to cover the expenditure.

The *Riigikogu* may not strike out or reduce expenditure items whose inclusion in the national budget or a Bill for the budget is required by other laws.

117. The procedure for the drafting and passage of the national budget is provided by law.

118. The national budget passed by the *Riigikogu* enters into force at the beginning of the financial year. If the *Riigikogu* does not pass the national

budget by the beginning of the financial year, expenditure in the amount of up to one twelfth of the appropriations for the preceding financial year may be authorised each month.

**119.** If the *Riigikogu* has not passed the national budget within two months following the beginning of the financial year, the President calls an extraordinary election of the *Riigikogu*.

## Chapter IX

### FOREIGN RELATIONS AND INTERNATIONAL TREATIES

120. The procedure for the conduct of relations between the Republic of Estonia and other states and between the Republic of Estonia and international organisations is provided by law.

121. The *Riigikogu* ratifies and denounces treaties of the Republic of Estonia:

- 1) which modify the state border;
- 2) whose implementation requires the passage, amendment or repeal of Estonian laws;
- 3) by which the Republic of Estonia joins an international organisation or union;
- 4) by which the Republic of Estonia assumes military or financial obligations;
- 5) which require ratification.

122. The land border of Estonia is determined by the Tartu Peace Treaty of 2 February 1920 and by other international border agreements. The sea and air borders of Estonia are determined on the basis of relevant international conventions.

The ratification of international treaties which modify the borders of Estonia requires a two thirds majority of the members of the *Riigikogu*.

123. The Republic of Estonia may not enter into international treaties which are in conflict with the Constitution.

When laws or other legislation of Estonia are in conflict with an international treaty ratified by the *Riigikogu*, provisions of the international treaty apply.

## Chapter X

### NATIONAL DEFENCE

124. Citizens of Estonia have a duty to participate in national defence in accordance with the principles and procedure provided by the law.

A person who refuses to serve in the Defence Forces for religious or ethical reasons has a duty to perform alternative service pursuant to a procedure provided by law.

Persons serving in the Defence Forces and those performing alternative service enjoy all rights and freedoms provided in the Constitution and are subject to all duties emanating from the same unless otherwise prescribed by law due to special interests of the service. The rights and freedoms enshrined in paragraphs 3 and 4 of 8, §11-18, paragraph 3 of 20, §21-28, 32, 33, §36-43, paragraphs 1 and 2 of 44, and §49-51 of the Constitution may not be circumscribed. The legal status of persons serving in the Defence Forces and of those performing alternative service is provided by law.

125. A person in active service may not hold another elected or appointed office, or participate in the activities of any political party.

126. The organisation of national defence is provided in the Peace-Time National Defence Act and the War-Time National Defence Act.

The organisation of the Estonian Defence Forces and of national defence organisations is provided by law.

127. The supreme commander of national defence is the President.

The President is assisted by the National Defence Council which is an advisory body whose membership and tasks are to be provided by law.

[RT I, 27.04.2011, 1 – entry into force 22.07.2011]

128. On the proposal of the President, the *Riigikogu* declares a state of war, orders mobilisation and demobilisation, and decides the use of the Defence Forces to fulfil international obligations of the Estonian government.

In the case of aggression against the Republic of Estonia, the President declares a state of war and orders mobilisation without awaiting the

corresponding resolution of the *Riigikogu*.

129. In the case of a threat to the Estonian constitutional order, the *Riigikogu* may, acting on a proposal of the President or of the Government of the Republic and by a majority of its members, declare a state of emergency in the entire national territory for a period not exceeding three months.

Detailed arrangements regarding a state of emergency are to be provided by law.

130. In a state of emergency or a state of war, the rights and freedoms of individuals may be circumscribed and duties may be imposed upon individuals in the interests of national security and public order under conditions and pursuant to a procedure provided by law. The rights and freedoms enshrined in 8, §11-18, paragraph 3 of 20, 22, 23, paragraphs 2 and 4 of 24, 25, 27, 28, paragraph 2 of 36, 40, 41, 49 and paragraph 1 of 51 of the Constitution may not be circumscribed.

131. The *Riigikogu*, the President, and representative bodies of local authorities may not be elected, nor may their authority be terminated during a state of emergency or a state of war.

If the term of office of the *Riigikogu*, the President or representative bodies of local authorities should expire during a state of emergency or a state of war or within three months after the termination of a state of emergency or a state of war, that term is extended. In these cases, new elections are called within three months following the termination of the state of emergency or the state of war.

## Chapter XI

### THE NATIONAL AUDIT OFFICE

132. The National Audit Office is a public body that carries out performance and financial audits concerning public spending and that is independent in discharging its duties.

133. The National Audit Office audits:

- 1) economic activities of government agencies, public enterprises and other public organisations;
- 2) the use and preservation of public assets;
- 3) the use and dispositions of public assets whose control has been transferred to a local authority;
- 4) economic activities of enterprises in which the national government holds more than one half of the votes arising from their units or shares, or whose loans or contractual obligations are guaranteed by the national government.

134. The National Audit Office is headed by the Auditor General who is appointed to and released from office by the *Riigikogu* on a proposal of the President.

The term of office of the Auditor General is five years.

135. As part of debate on the report on implementation of the national budget in the *Riigikogu*, the Auditor General presents to the *Riigikogu* an overview of the use and preservation of public assets during the preceding financial year.

136. The Auditor General may participate in meetings of the Government of the Republic, in which matters related to his or her duties are discussed, with the right to speak.

As head of the National Audit Office, the Auditor General has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry.

137. The organisation of the National Audit Office is provided by law.

138. Criminal charges may be brought against the Auditor General only on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

## Chapter XII

### THE CHANCELLOR OF JUSTICE

**139.** The Chancellor of Justice is a government official who scrutinises legislative instruments of the legislative and executive branch of government and of local authorities for conformity with the Constitution and the laws, and who is independent in discharging his or her duties.

The Chancellor of Justice considers proposals made to him or her concerning the amendment of laws, the passage of new laws and the work of government agencies, and, if necessary, reports his findings to the *Riigikogu*.

In the cases set out in sections 76, 85, 101, 138 and 153 of the Constitution, the Chancellor of Justice makes a proposal to the *Riigikogu* to allow criminal charges to be brought against a member of the *Riigikogu*, the President, a member of the Government of the Republic, the Auditor General, the Chief Justice of the Supreme Court or a justice of the Supreme Court.

**140.** The Chancellor of Justice is appointed to office by the *Riigikogu* for a term of seven years on a recommendation of the President.

The Chancellor of Justice may only be removed from office by a court judgment.

**141.** As head of his or her office, the Chancellor of Justice has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry.

The Chancellor of Justice may participate in sittings of the *Riigikogu* and in meetings of the Government of the Republic with the right to speak.

**142.** If the Chancellor of Justice finds that a legislative instrument passed by the legislative or executive branch of government or by a local authority is in conflict with the Constitution or a law, he or she makes a proposal to the body which passed the instrument to bring it into conformity with the Constitution or the law within twenty days.

If the instrument is not brought into conformity with the Constitution or the law within twenty days, the Chancellor of Justice refers the matter to the

Supreme Court who may declare the instrument invalid.

143. The Chancellor of Justice presents an annual report to the *Riigikogu* on the conformity of legislation passed by the legislative and executive branch of government and by local authorities with the Constitution and the laws.

144. The legal status of the Chancellor of Justice and the organisation of his or her office are to be provided by law.

145. Criminal charges may be brought against the Chancellor of Justice only on the proposal of the President, and with the consent of a majority of the members of the *Riigikogu*.

## Chapter XIII

### THE COURTS

146. Justice is administered exclusively by the courts. The courts are independent in discharging their duties and administer justice in accordance with the Constitution and the laws.

147. Judges are appointed for life. The grounds and procedure for release of judges from office are provided by law.

Judges may be removed from office only by a court judgment.

Judges may not hold any other elected or appointed office, except for those prescribed in the law.

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

148. The court system consists of:

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

Specialised courts with jurisdiction to deal with certain types of matters are to be created by law. The creation of extraordinary courts is prohibited.

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

Circuit courts are higher courts which review rulings of the courts of first instance on appeal.

The Supreme Court is the highest court of Estonia which reviews rulings of other courts pursuant to a quashing procedure. The Supreme Court is also the court of constitutional review.

The organisation of the courts and their rules of procedure are to be established by law.

150. The Chief Justice of the Supreme Court is appointed to office by the

*Riigikogu* on a recommendation of the President.

Justices of the Supreme Court are appointed to office by the *Riigikogu* on a recommendation of the Chief Justice of the Supreme Court.

Other judges are appointed to office by the President on a recommendation of the Supreme Court.

151. The rules of court procedure regarding representation, defence, public prosecution, and oversight of legality are to be provided by law.

152. When determining a case, the courts refuse to give effect to a law or other legislation that is in conflict with the Constitution.

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

153. Criminal charges may be brought against a judge during his or her term of office only on a proposal of the Supreme Court, and with the consent of the President.

Criminal charges may be brought against the Chief Justice and justices of the Supreme Court only on a proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

## Chapter XIV

### LOCAL SELF-GOVERNMENT

**154.** All local matters are determined and administered by local authorities, who discharge their duties autonomously in accordance with the law.

Obligations may be imposed on a local authority only pursuant to the law or by agreement with the local authority. The funds to cover expenditure related to duties of the national government which have been imposed by law on a local authority are provided from the national budget.

**155.** The entities of local self-government are rural municipalities and cities.

Other entities for the realisation of local self-government may be formed in accordance with the law and pursuant to a procedure provided by law.

**156.** The representative body of a local authority is its council which is elected in a free election for a term of four years. The term of office of a council may be reduced by law due to a merger or division of local authorities or to inability of the council to act. Elections of local authority councils are general, uniform and direct. Voting is secret.

In elections to local authority councils, the right to vote is held, pursuant to conditions prescribed by law, by persons who reside permanently in the territory of the local authority and have attained eighteen years of age.  
[RT I 2003, 29, 174 - entry into force 17.10.2005]

**157.** A local authority has an independent budget which is drawn up in accordance with the principles and procedure provided by law.

Local authorities have the right, on the basis of the law, to establish and levy taxes, and to impose encumbrances.

**158.** The administrative area of a local authority may not be changed without hearing the opinion of the authority.

**159.** A local authority has the right to form associations and establish joint agencies with other local authorities.

**160.** The organisation of work of local authorities and oversight of their activities is provided by law.

## Chapter XV

### AMENDMENTS OF THE CONSTITUTION

161. The right to initiate amendments to the Constitution rests with not less than one fifth of the members of the *Riigikogu* and with the President.

Amendments of the Constitution may not be initiated and the Constitution may not be amended during a state of emergency or a state of war.

162. Chapter I (General Provisions) and Chapter XV (Amendment of the Constitution) of the Constitution may only be amended by referendum.

163. The Constitution may only be amended by an Act which has been passed by:

- 1) a referendum;
- 2) two successive memberships of the *Riigikogu*;
- 3) the *Riigikogu*, as a matter of urgency.

A Bill to amend the Constitution receives three readings in the *Riigikogu*, of which the interval between the first and the second reading may not be shorter than three months, and the interval between the second and the third reading may not be shorter than one month. The manner in which the Constitution is to be amended is determined in the third reading.

164. In order to submit a Bill to amend the Constitution to a referendum, a three fifths majority of the members of the *Riigikogu* is required. The referendum may not be held earlier than three months after the passage of a resolution to this effect by the *Riigikogu*.

165. In order to amend the Constitution by two successive memberships of the *Riigikogu*, a Bill to amend the Constitution must be supported by a majority of the members of the *Riigikogu*.

If the Bill to amend the Constitution has received the support of a majority of the members of the previous *Riigikogu* and is passed by the succeeding *Riigikogu* unamended in the first reading and with a three fifths majority, the Bill is regarded as passed.

166. A resolution to consider a Bill to amend the Constitution a matter of urgency must be passed by a four fifths majority. If this is the case, the Bill to amend the Constitution is passed by a two thirds majority of the members of the *Riigikogu*.

167. The Act to Amend the Constitution is promulgated by the President and enters into force on the date specified therein, but not earlier than three months from the date of promulgation.

168. An amendment to the Constitution concerning an issue in respect of which a Bill to amend the Constitution was rejected in a referendum or in the *Riigikogu* may not be initiated within one year following the rejection of the Bill in the referendum or in the *Riigikogu*.