



Council of the  
European Union

194084/EU XXVII. GP  
Eingelangt am 26/07/24

Brussels, 26 July 2024  
(OR. en)

12605/24  
ADD 6

JAI 1253  
FREMP 336  
AG 148  
POLGEN 123

## COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	26 July 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2024) 806 final
Subject:	COMMISSION STAFF WORKING DOCUMENT 2024 Rule of Law Report Country Chapter on the rule of law situation in Estonia Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS 2024 Rule of Law Report The rule of law situation in the European Union

Delegations will find attached document SWD(2024) 806 final.

Encl.: SWD(2024) 806 final



EUROPEAN  
COMMISSION

Brussels, 24.7.2024  
SWD(2024) 806 final

## **COMMISSION STAFF WORKING DOCUMENT**

### **2024 Rule of Law Report Country Chapter on the rule of law situation in Estonia**

*Accompanying the document*

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

### **2024 Rule of Law Report**

#### **The rule of law situation in the European Union**

{COM(2024) 800 final} - {SWD(2024) 801 final} - {SWD(2024) 802 final} -  
{SWD(2024) 803 final} - {SWD(2024) 804 final} - {SWD(2024) 805 final} -  
{SWD(2024) 807 final} - {SWD(2024) 808 final} - {SWD(2024) 809 final} -  
{SWD(2024) 810 final} - {SWD(2024) 811 final} - {SWD(2024) 812 final} -  
{SWD(2024) 813 final} - {SWD(2024) 814 final} - {SWD(2024) 815 final} -  
{SWD(2024) 816 final} - {SWD(2024) 817 final} - {SWD(2024) 818 final} -  
{SWD(2024) 819 final} - {SWD(2024) 820 final} - {SWD(2024) 821 final} -  
{SWD(2024) 822 final} - {SWD(2024) 823 final} - {SWD(2024) 824 final} -  
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{SWD(2024) 828 final} - {SWD(2024) 829 final} - {SWD(2024) 830 final} -  
{SWD(2024) 831 final}

## **ABSTRACT**

The level of digitalisation of justice in Estonia remains among the highest in the EU. Following the amendments of the Courts Act from 2023, all district courts have created at least two specialised departments, civil and criminal. There have been no cases of *de facto* transfers of judges. The judiciary initiated a reform of the Council for the Administration of Courts that would transfer more powers from the executive to the judiciary. A new law lowered the indexation of salaries for nearly all civil servants, including judges. The measure seems to be of a general nature and is limited in time, while a constitutional review is about to be requested. The high workload and the diminishing attractiveness of the judicial profession were identified as challenges by stakeholders. At the same time courts continue to deal efficiently with incoming cases.

The implementation of the 2021-2025 Anti-Corruption Action Plan continues in a timely and efficient manner. Legislative efforts are ongoing to improve the investigation and prosecution of financial crimes, including corruption. Investigation and prosecution of corruption cases are carried out efficiently and investigations regarding high-level corruption are still ongoing. The guidelines on conflicts of interest are being implemented successfully, but there are currently no plans to introduce a related enforcement mechanism. Digital tools are being developed and deployed to ensure better implementation of the existing rules on integrity. The guidelines on lobbying continue being implemented with success, while discussions on introducing lobbying rules in Parliament have been initiated. Political party financing remains a high-risk area for corruption, and the adoption of the draft law aiming at strengthening the powers of the Political Parties' Financing Surveillance Committee is a priority for the government. Rules on revolving doors are being implemented and additional guidance in this regard is expected. New legislation on whistleblower protection was adopted. Healthcare, local government, political party financing, public procurement, as well as residence and work permits are considered to be at high risk of corruption.

The national media regulator in Estonia has remained independent. The Government is assessing the need to introduce amendments to the existing media legislation concerning, for example, licensing of radio channels. A legislative reform aimed to guarantee better financial stability and political independence of the public service media is being prepared. The Ministry of Justice is working on an analysis regarding the strengthening of the right of access to documents guaranteed in the Public Information Act and in the meantime, the Information System Authority has made public information with unrestricted access proactively available online. The protection of journalists remains stable, although possible legal actions by politicians and business owners have been referred to as a growing risk.

Frequent use of procedures allowing for substantial delays to the legislative process in Parliament have triggered a reaction, resulting in the Government using the accelerated legislative workflows more often. A draft reform envisages more financial autonomy for the Chancellor of Justice. The practice of allocation of funding to Civil Society Organisations through Parliament without concrete criteria has been discontinued.

## **RECOMMENDATIONS**

Overall, concerning the recommendations in the 2023 Rule of Law Report, Estonia has made:

- Some further progress on ensuring that the guidelines on the conflict of interests are subject to an enforcement mechanism.
- Some further progress on efforts to ensure consistent and effective implementation of the right of access to information, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Estonia to:

- Continue the efforts to reform the Council for the Administration of Courts, taking into account European Standards on councils for the judiciary.
- Advance with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.
- Ensure effective public consultation in the context of the legislative process.

## **I. JUSTICE SYSTEM**

The Estonian court system consists of three levels: four County Courts (hearing all civil, criminal and misdemeanour matters) and two Administrative Courts at first instance, two Circuit Courts at second instance (reviewing decisions of County and Administrative Courts), and the Supreme Court at the highest instance, which reviews court judgments by way of cassation proceedings. The Supreme Court administers its own budget and operations, while the courts of first and second instance are administered in cooperation between the Council for Administration of Courts and the Ministry of Justice. Estonia does not have a Constitutional court but the Supreme Court's Constitutional Review Chamber can carry out *ex post* constitutional review, including, under certain conditions, based on a constitutional complaint<sup>1</sup>. The Council for Administration of Courts is a non-permanent body<sup>2</sup>, which has powers, among others, related to the judicial map, the resources of the judiciary and participates in the discussion on administration of the courts. Judges of first and second instance courts are appointed by the President of the Republic on the proposal of the Supreme Court (*en banc*)<sup>3</sup>. The Prosecutor's Office is a government agency under the Ministry of Justice, which is independent in the performance of its duties. It is managed by the Prosecutor General, particularly as regards the appointment and career of prosecutors<sup>4</sup>. The Estonian Bar Association is an independent, self-governing professional association<sup>5</sup>. Estonia participates in the European Public Prosecutor's Office (EPPO).

### **Independence**

**The level of perceived judicial independence in Estonia continues to be high among the general public and average among companies.** Overall, 67% of the general population and 58% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024<sup>6</sup>. The perceived judicial independence among the general public has increased in comparison with 2023 (65%), as well as with 2020 (57%). The perceived judicial independence among companies has slightly decreased in comparison with 2023 (59%), although it remains higher than 2020 (39%)<sup>7</sup>.

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<sup>1</sup> § 4 of the Constitutional Review Court Procedure Act - A complaint can be referred to the Supreme Court's Constitutional Review Chamber by the President of the Republic, the Chancellor of Justice, a local government council and the Parliament. § 9 of the Constitutional Review Court Procedure Act - Constitutional review on the basis of court judgment or court ruling is also possible.

<sup>2</sup> The Council does not function on a permanent basis and has four regular sessions per year, as well as extraordinary sessions whenever needed. See 2020 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 3.

<sup>3</sup> The Supreme Court *en banc* is the highest body of the Supreme Court. It is comprised of all 19 justices of the Supreme Court. The Supreme Court *en banc* is convened and chaired by the Chief Justice of the Supreme Court.

<sup>4</sup> The Prosecutor General exercises supervisory control in the prosecutor's office, and chief prosecutors exercise supervisory control in district prosecutor's offices.

<sup>5</sup> § 2(1) of the Bar Association Act.

<sup>6</sup> Figures 51 and 53, 2024 EU Justice Scoreboard, and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>7</sup> In Estonia, 46% of the companies are either fairly or very confident that their investments are protected by the law and courts in the Member State. 22% of the companies in Estonia see the quality, efficiency or

**All courts have created at least two specialised departments, civil and criminal, and concerns about possible *de facto* transfers of judges have not materialised.** As mentioned in the 2023 Rule of Law Report, amendments to the Courts Act entered into force as of 1 March 2023<sup>8</sup>. With these amendments, the territorial divisions of courts at national level were abolished and converted into specialised civil and criminal departments. These specialised departments are headed by a judge, who is appointed by the president of the court after having heard the opinion of the judges of the given department<sup>9</sup>. The objectives of the reform were to balance the workload among judges from different courts and court houses, and to harmonise the case-law<sup>10</sup>. In implementing the reform, all courts created at least two specialised departments, civil and criminal<sup>11</sup>. The creation of additional departments can take place only after the approval of the common assembly of a court<sup>12</sup>. As regards the fulfilment of the objectives of the reform, the Government informed that the workload is being redistributed to better balance it among courts. As to the harmonisation of case law, it is still premature to report on any results at this stage<sup>13</sup>. Stakeholders reported that there is already an increased sharing of information among district courts which would lead to the desired results<sup>14</sup>. However, there has been no easing of the workload of individual judges which could be attributed to the effects of the reform<sup>15</sup>. A concern flagged in the 2023 Report<sup>16</sup> was that the new amendments and related specialisation of departments could result in a *de facto* transfer of judges without their consent, but this concern did not materialise<sup>17</sup>. The law contains specific safeguards for the transfer of judges, namely that the transfer of a judge from one department to another is done only following an application of a judge, which is then decided upon by the president of the court after having heard the opinion of the full court<sup>18</sup>. It is recalled that according to European standards, specialisation of courts could present certain advantages<sup>19</sup> but also certain disadvantages<sup>20</sup>, and both have to be duly taken into account, having in mind the specificities of each individual Member State.

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independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

<sup>8</sup> See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, pp. 4-6.

<sup>9</sup> The Heads of Departments support the administration of justice and organise the work of the officials of the department. They also perform the duties assigned to them by the president of the court and prescribed in the internal rules of the court.

<sup>10</sup> See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 4.

<sup>11</sup> Input from Estonia for the preparation of the 2024 Rule of Law Report, p. 1. Information also received from Ministry of Justice, Supreme Court and Estonian Judges Association in the context of the country visit to Estonia.

<sup>12</sup> § 9<sup>1</sup> (2) of the Courts act. The Government and the Supreme Court have informed that most courts remained only with the two mandatory departments. Only one court has established a third department, which is dealing with insolvency and commercial registry department.

<sup>13</sup> Information received from the Ministry of Justice in the context of the country visit to Estonia.

<sup>14</sup> Information received from the Supreme Court, the Council for Administration of Courts and the Ministry of Justice in the context of the country visit to Estonia.

<sup>15</sup> Information received from the Supreme Court, the Council for Administration of Courts and the Estonian Judges Association in the context of the country visit to Estonia.

<sup>16</sup> See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, pp. 5-6.

<sup>17</sup> Information received from the Ministry of Justice, Supreme Court, Council for the Administration of Courts and the Estonian Judges Association.

<sup>18</sup> § 9<sup>1</sup> (4) of the Courts Act.

<sup>19</sup> For example, concentrating case-files in the hands of a select group of specialist judges can be conducive to consistency in judicial decisions and consequently can enhance legal certainty. See Opinion (2012) No. 15 of the Consultative Council of European Judges on the Specialisation of Judges, paras. 8-13.

**The judiciary initiated a reform of the Council for the Administration of Courts that would transfer more powers from the executive to the judiciary.** On 5 February 2024, the Ministry of Justice published a legislative intent<sup>21</sup> outlining the ideas for a reform of the judiciary. The intent was developed within a working group set up by the President of the Supreme Court and in cooperation with stakeholders<sup>22</sup>. It envisages a reform of the Council for the Administration of Courts and a transfer of powers from the executive to the judiciary. The main objectives of the proposed reform are to increase the accountability and decision-making power of courts in the development and administration of courts, to strengthen the independence of the judiciary from the executive, to reduce the dispersion of responsibilities regarding the administration of courts, and to ensure a coherent and uniformly high-quality judicial administration service for all courts. There are no concrete draft amendments proposed yet, as the legislative intent will first be discussed with the Government and only then tabled at Parliament. As regards councils of the judiciary, it is recalled there are European standards for such bodies concerning their composition and their functioning in order to ensure their independence<sup>23</sup>.

## Quality

**The level of digitalisation remains among the highest in the EU with a regulation on paper free proceedings being implemented.** A regulation concerning paper free court proceedings in civil and administrative cases, which entered into force in April 2023 is being successfully implemented<sup>24</sup>. It provides a clear legal value to the digital court file in order to facilitate the digitalisation of court proceedings and the transition to paperless court proceedings<sup>25</sup>. The Estonian justice system is very advanced in offering a variety of digital solutions to conduct and follow court proceedings. These include, among others, the possibility for defendants to submit written statements online, including legal aid applications, for defendants in detention to use ICT facilities to prepare for hearings, and for victims to access their ongoing case electronically and to submit written statements online<sup>26</sup>.

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<sup>20</sup> For example, specialisation, could lead to reproducing previous decisions when deciding on same issues, which can hamper the evolution of case-law in line with society's needs. Furthermore, smaller courts may find it impossible to set up specialist chambers, or an adequate number of such chambers. This forces judges to be versatile, and thus to have the ability to address a range of specialist matters. See Opinion (2012) No. 15 of the Consultative Council of European Judges on the specialisation of judges, paras. 14 to 23.

<sup>21</sup> The legislative intent is the first step in the process of elaboration of draft laws. It precedes the drafting of the concrete amendments, and it serves as a basis for discussion between governmental and non-governmental authorities.

<sup>22</sup> Supreme Court, the Council for Administration of Courts and the Estonian Judges Association.

<sup>23</sup> Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, paras. 26-29. See also Venice Commission Opinion (CDL-AD(2020)035), para. 44. Most notably, it is recommended that *“Not less than half the members of such councils should be judges chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary”*.

<sup>24</sup> Input from Estonia for the preparation of the 2024 Rule of Law Report, p. 4. See also Act on Amendments to the Code of Civil Procedure and the Code of Administrative Procedure (transition to paperless court procedure) 723 SE.

<sup>25</sup> The regulation does not require to print out both electronic documents created by the court itself and those sent to the court, as well as data already stored in the information system, for the paper file. This was a requirement under the previous procedural rules, which did not take into account the high level of digitalisation.

<sup>26</sup> Figures 47 and 48, 2024 EU Justice Scoreboard.



**A new law lowered the indexation of salaries for nearly all civil servants, including judges.** In December 2023, the Parliament adopted a law that cut in half the indexation of salaries for most civil servants and froze the indexation for the next four years<sup>27</sup>. The cut was deemed necessary to cope with the economic difficulties facing the country. After the end of the four-year period, a raise in salaries has been promised to compensate for this cut<sup>28</sup>. Furthermore, the cut of indexation is affecting salaries of civil servants across the board, including salaries of almost all judges<sup>29</sup>. Only salaries linked to the highest civil servant salary index, which is determined by the average national salary increase and the increase in the cost of living are exempted<sup>30</sup>. Stakeholders have explained that in 2019, judges had agreed to forfeit some benefits in exchange for having a stable yearly indexation of their salaries<sup>31</sup>. However, this is now being changed by freezing the indexation of salaries for the next four years, and the Estonian Judges Association have approached the Chancellor of Justice to cooperate on a possible challenge of the law before the Constitutional review Chamber of the Supreme Court, arguing that the new law affects judicial independence<sup>32</sup>. It is recalled that according to European standards, judges' remuneration should be commensurate with their profession and responsibilities and be sufficient to shield them from inducement aimed at influencing their decisions<sup>33</sup>. In that respect it is relevant that the new measure seems to be of a general nature, having a broader scope affecting not only judges but nearly all civil servants, and it is also limited in time.

**The high workload and the diminishing attractiveness of the judicial profession have been identified as challenges by stakeholders.** On 10 October 2023, the President of the Supreme Court gave an overview of the functioning of the judicial system before Parliament and identified the high workload and the difficulty in attracting young talent as main concerns<sup>34</sup>. The Ministry of Justice informed that there is a constant monitoring of the workload of judges, and the Supreme Court confirmed that there is a continuous increase in the workload at first and second instance courts<sup>35</sup>. There is a common understanding among stakeholders that the issue with the high workload is related to the procedural rules<sup>36</sup>. For this

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<sup>27</sup> See Salaries of Higher State Servants Act.

<sup>28</sup> Information received from the Supreme Court, Council for the Administration of Courts, Estonian Judges Association and the Chancellor for Justice in the context of the country visit to Estonia. See also an article from the public service media from 18 December 2023.

<sup>29</sup> Information received from the Supreme Court, Council for the Administration of Courts, Estonian Judges Association and the Chancellor for Justice in the context of the country visit to Estonia.

<sup>30</sup> These include the Members of Parliament and other senior public officials like the President of the Supreme Court and the Chancellor of Justice.

<sup>31</sup> Information received from the Supreme Court, Council for the Administration of Courts, and Estonian Judges Association in the context of the country visit to Estonia.

<sup>32</sup> Information received from the Estonian Judges Association in the context of the country visit to Estonia.

<sup>33</sup> Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 54, and Court of Justice of the European Union, judgment of 27 February 2018, C-64/16, *Associação Sindical dos Juízes Portugueses*, para. 45, 'Like the protection against removal from office of the members of the body concerned [...], the receipt by those members of a level of remuneration commensurate with the importance of the functions they carry out constitutes a guarantee essential to judicial independence'.

<sup>34</sup> Input from Estonia for the preparation of the 2024 Rule of Law Report, p. 15. Information also received from the Ministry of Justice, the Supreme Court, the Council for the Administration of Courts and the Estonian Judges Association.

<sup>35</sup> Information received from the Ministry of Justice and the Supreme Court in the context of the country visit to Estonia.

<sup>36</sup> Information received from the Ministry of Justice, the Supreme Court, the Council for the Administration of Courts and the Estonian Judges Association.



reason, in December 2023, the President of the Supreme Court established a working group to prepare draft amendments that would determine and address the concerns related to the procedural rules that judges have<sup>37</sup>. It is expected that the first draft amendments would reach Parliament in September 2024<sup>38</sup>. According to the Ministry of Justice, the recently adopted reform on the specialisation of the courts could balance the workload, while a change in the procedural rules would help reduce it<sup>39</sup>. As regards the challenge of attracting young talent to the judiciary, there have been some steps taken by the executive to tackle this issue<sup>40</sup>, and some initiatives have been taken by the Supreme Court in this respect<sup>41</sup>.

**The impact of the new legal aid rules to increase the participation of legal aid providers remains to be observed.** As mentioned in the 2023 Rule of Law Report, the Minister of Justice amended the regulation to increase the legal aid fees for lawyers<sup>42</sup>. Despite this increase, the impact of the new rules remains to be observed. Stakeholders have reported that the situation has not changed, with very few lawyers participating in the legal aid scheme<sup>43</sup>. However, the legal fees received by a defence lawyer in a specific criminal case seem to be above the EU average<sup>44</sup>. In relation to lawyers and legal aid providers, it should be noted that there was a case before the Supreme Court regarding the methodology of evaluation of exams used by the Estonian Bar, which suspended the exams for entering the Bar<sup>45</sup>. The Supreme Court found that the rules of procedure of the Estonian Bar Association, including the organisation of the bar exam, do not contradict the Bar Association Act. As a result, the exam dates have now been restored, and the next exam dates have been published on the website of the Bar Council<sup>46</sup>.

## Efficiency

**The courts continue to deal efficiently with incoming cases despite some increases in length of proceedings.** According to the 2024 EU Justice Scoreboard, the length of proceedings in disposition time for 2022 continues to be among the shortest in the EU<sup>47</sup>. For

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<sup>37</sup> Information received from the Supreme Court, the Council for the Administration of Courts and the Estonian Judges Association in the context of the country visit to Estonia.

<sup>38</sup> Idem.

<sup>39</sup> Information received from the Ministry of Justice in the context of the country visit to Estonia.

<sup>40</sup> § 125<sup>2</sup> of the Courts Act entered into force in May 2023. At least once a year, the prospective judicial candidates training program is organised; and the draft act of the Courts Act has been in progress regarding the requirements of evaluation of judges' professional performance, partial work-load and restrictions on holding office. The draft act aims to support the professional development of judges and to modernise the judiciary.

<sup>41</sup> These include projects to raise awareness among young people about the justice system, paid internships at the Supreme Court, open doors days and new branding projects for the judiciary. Information received from the Supreme Court and the Council for the Administration of Courts in the context of the country visit to Estonia.

<sup>42</sup> See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 7.

<sup>43</sup> Written contribution from the CCBE on Estonia for the preparation of the 2024 Rule of Law Report, p. 50. According to the Bar, out of approx. 800 active members, only around 100 are participating in the legal aid scheme. Information received from the Estonian Bar Association in the context of the country visit to Estonia.

<sup>44</sup> Figure 26, 2024 EU Justice Scoreboard.

<sup>45</sup> Written contribution from CCBE for the preparation of the 2024 Rule of Law Report, pp. 48-49.

<sup>46</sup> See exam dates announced on the website of the Estonian Bar Association: <https://advokatuur.ee/en/kuidas-saada-advokaadiks/olulised-kuupaevad>.

<sup>47</sup> Figures 6-10 and 16-23, 2024 EU Justice Scoreboard.

2023, the length of proceedings in days on average for civil cases was with a similar efficiency as in previous years in county courts<sup>48</sup>. In criminal cases the efficiency has slightly decreased in comparison to 2022<sup>49</sup>. In the first instance courts, the length of administrative cases continued to increase<sup>50</sup>. The length of court proceedings in civil, commercial and administrative cases is among the shortest in the EU (measured in disposition time) and the number of pending cases is lower than average in the EU. Compared to 2022, the clearance rate remained stable at 100%; this means that courts continue to be able to cope with incoming cases<sup>51</sup>.

## II. ANTI-CORRUPTION FRAMEWORK

The Ministry of Justice is in charge of the preparation, oversight and coordination of the anti-corruption Action Plan 2021-2025. The Anti-Corruption Select Committee exercises parliamentary scrutiny over the implementation of anti-corruption measures. The Political Parties' Financing Surveillance Committee oversees political parties' funding. The Corruption Crimes' Office of the National Criminal Police is a specialised unit responsible for carrying out investigations on corruption cases, and the Internal Security Service is responsible for investigating corruption offences committed by higher state officials and higher local government officials in six larger municipalities. The Prosecutor's Office supervises and directs pre-trial criminal investigation proceedings on corruption offences and represents the public prosecution in courts.

**The perception among experts and business executives is that the level of corruption in the public sector remains relatively low.** In the 2023 Corruption Perceptions Index by Transparency International, Estonia scores 76/100 and ranks 8<sup>th</sup> in the European Union and 12<sup>th</sup> globally<sup>52</sup>. This perception has been relatively stable over the past five years<sup>53</sup>. The 2024 Special Eurobarometer on Corruption shows that 51% of respondents consider corruption widespread in their country (EU average 68%) and 21% of respondents feel personally affected by corruption in their daily lives (EU average 27%)<sup>54</sup>. As regards businesses, 36% of companies consider that corruption is widespread (EU average 65%) and 10% consider that

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<sup>48</sup> For 2022, 102 days on average; for 2023, 108 days on average. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 5.

<sup>49</sup> For 2022, 245 days in general criminal proceedings, 33 days in simplified proceedings, and 44 days in misdemeanour cases; for 2023 310 days in general criminal proceedings, 34 days in simplified proceedings and 44 days in misdemeanour cases. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 5.

<sup>50</sup> For 2022, 149 days; for 2023, 162 days. Input from Estonia for the preparation of the 2024 Rule of Law Report, p. 3.

<sup>51</sup> Figures 11-16, 2024 EU Justice Scoreboard.

<sup>52</sup> Transparency International, Corruption Perceptions Index 2023 (2024). The level of perceived corruption is categorized as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>53</sup> In 2019 the score was 74, while, in 2023, the score is 76. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

<sup>54</sup> Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

corruption is a problem when doing business (EU average 36%)<sup>55</sup>. Furthermore, 36% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)<sup>56</sup>, while 52% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)<sup>57</sup>.

**The implementation of the 2021-2025 Anti-Corruption Action Plan continues in a timely and efficient manner.** The implementation of the Anti-Corruption Action Plan 2021 – 2025<sup>58</sup> is being carried out according to schedule. In 2023, the main focus was on issues regarding conflicts of interest and lobbying<sup>59</sup> and the anti-corruption network<sup>60</sup>, including governmental and civil society representatives, met five times<sup>61</sup>. The report on the monitoring of the implementation of the 2021-2025 Anti-Corruption Action Plan will be published at the end of 2024<sup>62</sup>. So far one of the potential issues has been the limited focus of investigations on the private sector<sup>63</sup> which is expected to be addressed through an increase of funds in relation to the police capacity to investigate corruption in the private sphere (estimated cost of EUR 1,500,000) and establishing procedural and analytical capacity in the Prosecutor's Office (e.g. recruiting auditors, support staff)<sup>64</sup>.

**Legislative efforts are ongoing to improve the investigation and prosecution of financial crimes, including corruption.** The draft amendments to the Anti-Corruption Act<sup>65</sup> were submitted to the Parliament in May 2024<sup>66</sup>. In 2023, the Ministry of Interior established a working group<sup>67</sup> to improve the effectiveness of investigation and prosecution of financial crimes, including corruption. It is tasked with preparing legislative and organisational reforms (including on staff training and funding). The working group will submit a report to the Government in the course of 2024 summarising its conclusions<sup>68</sup>. Furthermore, a legislative intent to amend the Police and Border Guard Act<sup>69</sup> for a more efficient approach to

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<sup>55</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on businesses' attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

<sup>56</sup> Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024).

<sup>57</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

<sup>58</sup> Anti-Corruption Action Plan 2021 – 2025.

<sup>59</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>60</sup> Corruption prevention contacts in ministries. Available at: <https://www.korruptsioon.ee/et/korruptsiooni-enetus/korruptsiooni-enetuse-kontaktid-ministeeriumides>.

<sup>61</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>62</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>63</sup> Daily Postimees, 'Concerns of the Central Criminal Police: private sector corruption and municipalities subject to crime complaints in the election campaign', 12 December 2023.

<sup>64</sup> Anti-Corruption Action Plan 2021 – 2025.

<sup>65</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, pp. 9-10.

<sup>66</sup> Written input from Estonia for the 2024 Rule of Law Report.

<sup>67</sup> The Working Group is composed of representatives of the relevant governmental institutions and bodies.

<sup>68</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>69</sup> The proposed changes concern, *inter alia*, aligning appointments and terms of service of officers in management positions (from the level of head of division) on the same basis as the provisions for the appointment of other high-ranking police officers (e.g. prefects and deputy general directors). It is also proposed to make available, if necessary, surveillance information obtained within the framework of other criminal proceedings (i.e. evidence of discovery) during the recruitment of a person or, in the case of a person being in in service, to assess suitability for police service and access to surveillance information. Input from Estonia for the 2024 Rule of Law Report, p. 5.

the prevention of corruption, is expected to be sent to the ministries for coordination in 2024<sup>70</sup>.

**The investigation and prosecution of corruption cases is carried out efficiently.** In 2023, there were 34 corruption cases under pre-court investigation<sup>71</sup>, nine cases were sent to court<sup>72</sup>, six cases were adjudicated and three were terminated on expediency<sup>73</sup>. Currently, the Prosecutor's Office<sup>74</sup> is investigating three corruption offences all of which concern bribery<sup>75</sup>. There are currently no ongoing cases on foreign bribery. As regards cooperation with the EPPO, no cases on corruption offences were investigated in 2023<sup>76</sup>. Estonia currently has three delegated prosecutors while the expectation is to have at least one more<sup>77</sup>.

**Investigations regarding high-level corruption are still ongoing.** Some high-level corruption cases are currently ongoing<sup>78</sup>, including proceedings against a former Minister<sup>79</sup>. In the Porto Franco No. 1 case, the Centre Party and its former secretary general were convicted by the Appellate Court for influence peddling after the Appellate Court overturned the acquittal decision by the court of first instance<sup>80</sup>. In the Porto Franco bribery case No 2, another trial is currently ongoing in the court of first instance involving the former advisor of the minister of finance<sup>81</sup>. In the case of the Port of Tallinn, the court of first instance acquitted the defendants since it was found to be a private sector bribery case, which as the statute of limitation had expired<sup>82</sup>.

**Some further progress has been made as the guidelines on conflicts of interest are being implemented successfully, but there are currently no plans to introduce a related enforcement mechanism.** The 2023 Rule of Law Report recommended to Estonia to '[e]nsure that the guidelines on the conflict of interests are subject to an enforcement

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<sup>70</sup> Those changes were proposed as a follow-up to a suspicion of fraud of senior members of the PBGB – the Central Criminal Police Director General, the director of the Internal Control Bureau and the director of the Central Criminal Police Operations Office, along with the director of the Customs Department of the Estonian Tax and Customs Board. ERR, 'Estonian customs chief, PPA director detained on fraud-related suspicions', 21 March 2023, <https://news.err.ee/1608923327/belitsev-central-criminal-police-ppa-officials-involved-in-fraud-case>.

<sup>71</sup> Compared to 42 in 2022. Annex to the input from Estonia for the 2024 Rule of Law Report. See also 2023 Rule of Law Report Country Chapter on the rule of law situation in Estonia, p. 10.

<sup>72</sup> Compared to 6 in 2022. Annex to the input from Estonia for the 2024 Rule of Law Report. See also 2023 Rule of Law Report Country Chapter on the rule of law situation in Estonia, p. 10.

<sup>73</sup> Compared to 5 in 2022. Annex to the input from Estonia for the 2024 Rule of Law Report. See also 2023 Rule of Law Report Country Chapter on the rule of law situation in Estonia, p. 10.

<sup>74</sup> The Prosecutor's Office is composed of 40 prosecutors responsible for prosecuting white-collar crimes, including corruption, economic crimes and cybercrime. See also 2023 Rule of Law Report Country Chapter on the rule of law situation in Estonia, p. 10.

<sup>75</sup> Compared to 22 cases on corruption offences in 2022. Annex to the input from Estonia for the 2024 Rule of Law Report.

<sup>76</sup> EPPO 2023 annual report, p. 27.

<sup>77</sup> Information received in the context of the country visit to Estonia from the Police and Border Guard.

<sup>78</sup> Information received in the context of the country visit to Estonia from the Police.

<sup>79</sup> ERR, 'Education ministry seeking close to €120,000 in damages from ex-minister', 8 January 2021.

<sup>80</sup> ERR, 'Appellate court finds Teder, Korb, Center Party guilty in Porto Franco case', 18 March 2024.

<sup>81</sup> ERR, 'Prosecution charges Kersti Kracht and Hillar Teder', 1 April 2022.

<sup>82</sup> ERR, 'Court acquits Port of Tallinn accused', 27 June 2024.

mechanism'<sup>83</sup>. As mentioned in the 2023 Rule of Law Report, to further strengthen the guidelines for conflict of interest<sup>84</sup>, Estonia introduced new procedures, including setting up the anti-corruption contact points (to support ministers and their advisors in getting acquainted with the relevant rules)<sup>85</sup>. In 2023, the compulsory e-training and the raising of awareness among ministers and political advisers were increasingly widespread in practice, compared to previous years<sup>86</sup>. The authorities continued to reward the best performing public services<sup>87</sup>, with the title of transparent policy maker<sup>88</sup>. Civil society created guidelines of good practice in transparent advocacy<sup>89</sup>. An e-learning course “Prevention of Corruption and Conflict of Interest in the Public Sector” was made available for public servants<sup>90</sup>. The authorities put a strong focus on prevention and the new procedures aiming at raising awareness of rules in place are being implemented<sup>91</sup>. The authorities raised the specificity of this system which is based on soft law and includes close monitoring that leads to detecting potential breaches which are, whenever needed, addressed by the criminal law rules. The Government considered that there is no need to introduce any separate tailor-made enforcement mechanism, as the system has proven to be efficient. According to the Government, such a mechanism would not fit the current set-up and it would not have any added value<sup>92</sup>. Some further progress has been made in view of the 2023 Rule of Law Report recommendation, as measures have been adopted to contribute to the efficient implementation of the current guidelines without a tailor-made enforcement mechanism.

**Digital tools are being developed and deployed to ensure a better implementation of the existing rules on integrity.** A digital tool developed to enhance the verification of asset declarations is expected to be operational in 2025<sup>93</sup>. Another e-tool was developed to assess the risks of corruption in the private sector<sup>94</sup>. Furthermore, civil society launched an online tool (‘Integrity Watch 3.0’) that aims at integrating information from the State Procurement Register, e-Business Register data, and income and receipts reports of political parties<sup>95</sup>. Also, an e-learning tool for universities was developed in relation to business corruption,

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<sup>83</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 2. The Commission assessed that “[s]ignificant progress on ensuring that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism”.

<sup>84</sup> Estonian Government (2021), Guidelines for Ministers and their advisers to avoid conflicts of interest, paras. 12-13.

<sup>85</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 11.

<sup>86</sup> Input from Estonia for the 2024 Rule of Law Report, p. 4.

<sup>87</sup> The criteria for assessing the quality of the information and making the ranking are available at: <https://public.tableau.com/app/profile/kriminaalpoliitika/viz/Lobikohtumisteteemad/Hindamiskriteeriumid>.

<sup>88</sup> Available at: <https://www.korruptsioon.ee/et/lobistidega-suhtlemine/kohtumiste-andmed>.

<sup>89</sup> The guidelines created by the Transparency International Estonia together with the Network of Non-Profit Organisations of Estonia offer general principles on how transparent advocacy institutions should operate. The also provides examples of acceptable and unacceptable operations and suggests publishing the sources of financing, annual reports, the goals of the institution, its meetings with public officials, etc. Association of Non-Governmental Organisations, The Good Practice of Transparent Advocacy.

<sup>90</sup> The course consists of eight open-source learning platform modules and short videos available online. Input from Estonia for the 2024 Rule of Law Report, p. 7.

<sup>91</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>92</sup> Annex to the input from Estonia for the 2024 Rule of Law Report.

<sup>93</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>94</sup> Input from Estonia for the 2024 Rule of Law Report, p. 7.

<sup>95</sup> Transparency International Estonia, <https://transparency.ee/uudiskirjad/oktoober-november-2023>.



economic crimes, and business ethics<sup>96</sup>. In 2023, the Ministry of Education and Research adopted detailed Guidelines for the prevention of corruption in educational institutions<sup>97</sup>. This was accompanied by raising public awareness and education where 2 000 high school students were trained in 50 schools over the last six years in the framework of focused courses on anti-corruption<sup>98</sup>.

**The guidelines on lobbying for the Government continue being implemented with success and discussions were initiated on introducing lobbying rules in Parliament.** In 2023, the rules regarding lobbying<sup>99</sup> continued to be promoted and actively monitored by the competent authorities. The analysis of information from the ministries, analysing the quality of conduct and updating the ranking of the best performers continues to be carried out quarterly<sup>100</sup>. The Ministry of Justice and Transparency of Estonia analysed<sup>101</sup> the data on disclosed lobbying meetings and launched the ranking of the ten best-performers in December 2023<sup>102</sup>. In line with the GRECO recommendation<sup>103</sup>, political groups started discussions on possible guidelines on lobbying also for Parliament<sup>104</sup>.

**Rules on revolving doors are being implemented and additional guidance in this regard is expected in 2024.** While the amendment<sup>105</sup> concerning post-employment rules for members of Government and introducing a cooling off period of six months is being implemented<sup>106</sup>, specific guidelines on revolving doors together with possible instructions on how to mitigate the risks currently being developed by the Public Ethical Council are expected in 2024<sup>107</sup>. In parallel, cases of persons moving between political office and private companies have been reported<sup>108</sup> which calls for ensuring efficiency of the implementation of the rules in place.

**New legislation on whistleblower protection was adopted.** The Anti-Corruption Action Plan 2021-2025<sup>109</sup> foresees the adoption of the Whistleblower Protection Act<sup>110</sup> and the

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<sup>96</sup> Available at: <https://www.korruptsioon.ee/et/e-ope/koolidele/arieetika-korruptsiooni-ja-majanduskuritegude-opmaterjal>.

<sup>97</sup> Guidelines for the prevention of corruption in educational institutions.

<sup>98</sup> Input from Estonia for the 2024 Rule of Law Report, p. 7.

<sup>99</sup> Estonian Government (2021), Good Practice in Communicating with Lobbyists for Officials. Summary of lobby meetings.

<sup>100</sup> Input from Estonia for the 2024 Rule of Law Report, p. 4.

<sup>101</sup> The criteria for assessing the quality of the information and making the ranking is described here: <https://public.tableau.com/app/profile/kriminaalpoliitika/viz/Lobikohtumisteteemad/Hindamiskriteeriumid>.

<sup>102</sup> Available at: <https://www.korruptsioon.ee/et/lobistidega-suhtlemine/kohtumiste-andmed>.

<sup>103</sup> GRECO, Fifth evaluation round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation report, Estonia.

<sup>104</sup> Information received in the context of the country visit to Estonia from the Anti-Corruption Select Committee.

<sup>105</sup> Amendment to the Government of the Republic Act (GRA) (Government of the Republic Act–Riigi Teataja) adopted on 1 August 2022 (entered into force on 19 August 2022).

<sup>106</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, pp. 11-12.

<sup>107</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice. So far, the Ethical Council has compiled several guidelines that are available online: <https://www.fin.ee/riigihaldus-ja-avalik-teenistus-kinnisvara/avalik-teenistus/eetika>.

<sup>108</sup> Newsportal Delfi, ‘There seems to be a solution in the labor market. Companies received a hopeful message from the Ministry of Economy (in Estonian)’, 2 December 2023.

<sup>109</sup> Anti-Corruption Action Plan 2021 – 2025.



establishment of an electronic whistleblower reporting channel<sup>111</sup>. The new draft law<sup>112</sup> presented to the Parliament on 11 September 2023 was adopted on 15 May 2024 and it will enter into force on 1 September 2024<sup>113</sup>. The material scope of the current proposal is limited to granting protection to persons who report information on breaches relating to the areas of EU law listed in the Whistleblowing Protection Directive and acquired through their work-related context; whereas the previous draft law extended the protection also to whistleblowers who reported violations of the national legislation<sup>114</sup>.

### **Strengthening the political party financing framework is a priority for the government.**

The financing of the political parties and contacts between the private sector and policy-makers remain important topics<sup>115</sup>. Despite the long-standing recommendations of the Political Parties Financing Surveillance Committee, there has been no modification of the current rules on the basis of which illegal donations are returned to the donor instead of being redirected into the State budget<sup>116</sup>. The draft law on extending the investigating powers of the Committee through a legal basis for requesting documents, information and explanations from third parties, which was planned by mid-2023<sup>117</sup>, is a priority of the current government<sup>118</sup>. Among other elements, this is also expected to ensure a reduction in funding from the State budget for political parties that have been caught in violation of the rules in place<sup>119</sup>.

### **The Government has identified a number of areas as being at high risk of corruption.**

The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 7% of companies in Member States (EU average 27%) think that corruption has prevented

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<sup>110</sup> On 14 April 2023, the European Commission referred Estonia to the Court of Justice of the European Union, pursuing the infringement proceedings launched against Estonia for failure to transpose EU Directive 2019/1937 on the protection of persons reporting breaches of Union law. The case is still pending.

<sup>111</sup> Anti-Corruption Action Plan 2021 – 2025.

<sup>112</sup> Act on the Protection of Whistleblowers of Work-related Breach of European Union Law 257 SE of 11 September 2023.

<sup>113</sup> Act on the Protection of Whistleblowers of Work-related Violations of European Union Law of 15 May 2024.

<sup>114</sup> In anticipation of the new legislative framework, Transparency International introduced an e-course on whistleblowing for practitioners, and has also opened a centre to provide advice and confidentially contribute to help solve problems raised by persons who have witnessed misconduct in the workplace and help them find the best solution to their case. Transparency International Estonia, Tip-off measures: e-course for practitioners. Once the relevant legal framework is in place, the centre will be expected to provide potential whistleblowers with information about their rights and obligations and ensure confidentiality when reporting and accessing the results of the investigation. In addition, the centre aims at compiling reports on anonymised cases to help identify corruption risks. Transparency International Estonia, Advocacy and Legal Advice Centre.

<sup>115</sup> One case involved an entrepreneur's €300,000 donation to Centre Party which was subsequently rejected. ERR, 'Uku Toom, Ratas: Center Party leadership is split', 6 July 2023. Another case involved a foundation that helped four parties during the run-up to the March 2023 elections. The Political Parties Financing Surveillance Committee decided that the free advice constitutes a "prohibited donation". ERR, 'ERJK orders parties to return 'donations' to SALK foundation', 19 October 2023.

<sup>116</sup> Information received in the context of the country visit to Estonia from the Political Parties Financing Surveillance Committee.

<sup>117</sup> See 2021 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 8; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 9; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 13.

<sup>118</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

<sup>119</sup> Information received in the context of the country visit to Estonia from the Ministry of Justice.

them from winning a public tender or a public procurement contract in practice in the last three years<sup>120</sup>. Healthcare, the local government and political party financing<sup>121</sup>, public procurement<sup>122</sup>, as well as obtaining residence and work permits are considered to be at high risk of corruption<sup>123</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

In Estonia, the freedom of expression finds legal protection in the Constitution<sup>124</sup>. Secondary legislation expressly ensures the right of journalists to protect their sources, fosters media freedom in the radio and television sector<sup>125</sup> and provides safeguards for the independence of the public service broadcaster<sup>126</sup>. The right to information is explicitly recognised in the Constitution, in the Public Information Act<sup>127</sup> and in the Personal Data Protection Act<sup>128</sup>.

**The independence of the national regulatory authority has remained stable while the Government is examining possible legislative amendments.** Despite its relatively small size and limited resources, the national regulatory authority – the Consumer Protection and Technical Regulatory Authority - states that it has been able to successfully contribute to the work of the European Regulators Group for Audiovisual Media Services (ERGA)<sup>129</sup>. As reported in the 2023 Rule of Law report, it has been granted additional staff and better technical tools to monitor the content of media services<sup>130</sup> with additional resources possibly still to be added in the future<sup>131</sup>. The MPM 2024 continues to report a low risk with regard to the independence and effectiveness of the media authority<sup>132</sup>. At the same time, the Ministry of Culture has gathered views regarding possible changes to the media legislation that could affect the work of the media regulator<sup>133</sup>. In particular, to prevent the dissemination and distribution of information that poses a security threat, the regulatory authority could be given

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<sup>120</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). This is 20 percentage points below the EU average.

<sup>121</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 10.

<sup>122</sup> Information received in the context of the country visit to Estonia from the Police and Border Guard.

<sup>123</sup> Information received in the context of the country visit to Estonia from the Police and Border Guard.

<sup>124</sup> Constitution of the Republic of Estonia, § 44-46. Estonia ranks 6th in the 2024 Reporters without Borders World Press Freedom Index compared to eighth in the previous year.

<sup>125</sup> Media Services Act, §15 and 13.

<sup>126</sup> Estonian Public Broadcasting Act; According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, Estonia is among top 3 Member States where citizens demonstrate the highest trust in public TV and radio stations (incl. online).

<sup>127</sup> Public Information Act.

<sup>128</sup> Personal Data Protection Act.

<sup>129</sup> Information received from the Consumer Protection and Technical Regulatory Authority in the context of the 2024 country visit to Estonia.

<sup>130</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 14.

<sup>131</sup> Information received from the Consumer Protection and Technical Regulatory Authority in the context of the 2024 country visit to Estonia.

<sup>132</sup> 2024 Media Pluralism Monitor, country report for Estonia, p. 15.

<sup>133</sup> In this context, the Authority's own proposal to establish impartiality requirements for news broadcasts to fight foreign information manipulation was not well received by journalists, the Minister of Interior, the Ministry of Culture and Parliament (Riigikogu) who tend to support self-regulation instead. Information received from the Consumer Protection and Technical Regulatory Authority in the context of the 2024 country visit to Estonia; Estonian Association of Journalists (2023) Statement by the Estonian Association of Journalists on the proposal of the Consumer Protection and Technical Regulatory Authority; ERR (2023) Interior minister does not support TTJA's media monitoring proposal.

more powers to fine entities for retransmitting content from Russian television<sup>134</sup>. Additionally, new rules are expected to be proposed, making the licensing procedure - managed by the media regulator - easier for radio broadcasters in Estonia<sup>135</sup>. While the media market is highly concentrated, Estonian law does not provide for specific rules to control it on top of general competition law<sup>136</sup>. The plurality of media providers is deemed by the MPM 2024 to carry a high risk<sup>137</sup>. Information about the ownership of broadcasting companies, including beneficial owners, is guaranteed by law. While information on owners and ultimate beneficial owners of all types of media companies is widely available, the accuracy of information has been suspected in a couple of cases<sup>138</sup>. The MPM 2024 considers the transparency of media ownership to carry a medium risk largely due to insufficient media-specific legislation<sup>139</sup>.

**A legislative reform concerning the public service media is being prepared.** To strengthen the independence of the public service media, the Government has been preparing a reform of the relevant legislative framework, the Public Broadcasting Act. It has been assisted by an expert working group comprised of the public service media, private media companies and academics. A new legislative proposal is being prepared<sup>140</sup>, to be followed by a public consultation. One of the key points would be guaranteeing better financial stability of the public service media<sup>141</sup>. At the moment, the public service media continues to express concerns about its long-term sustainability to produce public service content<sup>142</sup>, a situation acknowledged as problematic by other stakeholders<sup>143</sup> and exacerbated by a high inflation rate<sup>144</sup>. The future legislative reform would also address the composition of the Public Broadcasting Council, which is responsible for appointing and dismissing members of the Management Board of the public service media and currently comprises six members of the Parliament in addition to four external experts<sup>145</sup>. Although, in practice, no particular issues have been identified until now<sup>146</sup>, this reform could help limit any potential risks linked to political influence over the public service media regarding the appointment and funding

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<sup>134</sup> ERR (2024) Draft bill to enable fines for Estonian care homes showing Russian TV channels.

<sup>135</sup> Information received from the Consumer Protection and Technical Regulatory Authority in the context of the 2024 country visit to Estonia.

<sup>136</sup> Lauk, E., Oller Alonso, M. & Harro-Loit, H. (2024) Monitoring Mediascapes – A Premise of Wisdom-Based EU Media Governance, p. 111; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 11.

<sup>137</sup> 2024 Media Pluralism Monitor, country report for Estonia, p. 19.

<sup>138</sup> 2024 Media Pluralism Monitor, country report for Estonia, pp. 18-19

<sup>139</sup> Ibidem.

<sup>140</sup> Ministry of Culture (2024) Intention to develop a draft act amending the Estonian Public Broadcasting Act.

<sup>141</sup> Information received from the Ministry of Culture and the public service media in the context of the 2024 country visit to Estonia.

<sup>142</sup> Information received from the public service media in the context of the country visit to Estonia.

<sup>143</sup> Information received from the Estonian Press Council and the Estonian Association of Journalists in the context of the 2024 country visit to Estonia.

<sup>144</sup> Information received from the public service media in the context of the 2024 country visit to Estonia; The annual rate of change for inflation in Estonia reached 25.2% in August 2022 and in February 2024, it was still above the EU and eurozone average. Information about inflation rates is available at Eurostat, European Statistical Monitor.

<sup>145</sup> As reported in the 2022 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 11.

<sup>146</sup> 2024 Media Pluralism Monitor, country report for Estonia, pp. 9 and 28; According to European Parliament's Flash Eurobarometer: News & Media Survey 2023, while Estonia ranks among Member States where citizens demonstrate the highest trust in public TV and radio stations (incl. online), the level of trust has somewhat decreased between 2022 and 2023.

processes, generally identified as constituting a high risk to the independence of the public service media by the MPM 2024.

**Some further progress has been made, concerning the right of access to information, as the government is preparing an analysis regarding the Public Information Act and has made public information with unrestricted access proactively available online.** The 2023 Rule of Law Report recommended Estonia to ‘[e]nsure consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents’<sup>147</sup>. Following an independent study procured by the Parliament which identified key problems related to access to public information<sup>148</sup>, the Ministry of Justice is preparing an analysis regarding the Public Information Act based on proposals for better implementation of the legislation from a specifically formed working group<sup>149</sup>. Public information with unrestricted access held by public authorities has also been proactively made available in a machine-readable format through a new open data portal<sup>150</sup>. In the meanwhile, stakeholders continue to flag that the rules and practices for the release of information vary amongst authorities<sup>151</sup>. There has been a call for an organisation to secure transparency of public information<sup>152</sup>. The MPM 2024 maintains a medium risk with regard to the protection of right to information, although it has been reduced over the past two years<sup>153</sup>. Thus, some further progress has been made on the recommendation made in the previous years.

**The framework for the protection of Estonian journalists remains stable while possible legal actions by politicians and business owners have been referred to as a growing risk.** The MPM 2024 deems the legal protection of freedom of expression in the Constitution to be robust and to enjoy good implementation in practice<sup>154</sup>. It finds a low and reduced risk regarding the protection of freedom of expression compared to the previous year<sup>155</sup>. Since the 2023 Rule of Law report, no new alerts for Estonia have been published on the Council of Europe’s Platform to promote the protection of journalism and safety of journalists<sup>156</sup>, and one alert was registered on the Mapping Media Freedom platform<sup>157</sup>. The situation regarding the protection of journalists has remained stable. However, possible legal actions by

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<sup>147</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 2; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 2. The Commission assessed that “[s]ome progress on ensuring consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents”.

<sup>148</sup> As reported in the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Estonia, p. 15.

<sup>149</sup> Information received from the Ministry of Justice in the context of the 2024 country visit to Estonia; Ministry of Justice (2024) Public Information.

<sup>150</sup> Estonian Open Data Portal.

<sup>151</sup> Information received from the Estonian Press Council and the Estonian Association of Journalists in the context of the 2024 country visit to Estonia; 2024 Media Pluralism Monitor, country report for Estonia, p. 8.

<sup>152</sup> Mediadelcom (2023) Recommendations for media governance - Policy Brief, p. 29. It should be noted that according to the public authorities, the Data Protection Inspectorate is also responsible for supervision of compliance with the Public Information Act and legislation established on the basis thereof (see § 44-53 of the Public Information Act).

<sup>153</sup> 2024 Media Pluralism Monitor, country report for Estonia, p. 13.

<sup>154</sup> 2024 Media Pluralism Monitor, country report for Estonia, p. 12.

<sup>155</sup> 2024 Media Pluralism Monitor, country report for Estonia, pp. 12-13.

<sup>156</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, Estonia.

<sup>157</sup> It relates to vandalism of property of an editor-in-chief of a Russian-language news portal; <https://www.mfre.eu/monitor/>.

politicians and business owners have been referred to as a growing risk particularly to investigative journalists<sup>158</sup>.

#### IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Estonia is a parliamentary republic with a single-chamber Parliament. Estonia does not have a Constitutional court but the Supreme Court's Constitutional Review Chamber can carry out *ex post* constitutional review, including, under certain conditions, based on a constitutional complaint<sup>159</sup>. In addition to the justice system, the Office of the Chancellor for Justice (the ombudsperson), which is the National Human Rights Institution, and the Gender Equality and Equal Treatment Commissioner<sup>160</sup> play a role<sup>161</sup> in the system of checks and balances. Involvement of the public and stakeholders in public affairs is supported by advanced Information and Communication Technology tools.

**Frequent use of procedures allowing for substantial delays to the legislative process in Parliament have triggered a reaction, resulting in the Government using the accelerated legislative workflows more often.** Stakeholders have reported that during the reporting period, the legislative process in Parliament has been held up due to the possibility to table a significant number of amendments<sup>162</sup> to every draft law, which delays the adoption process<sup>163</sup>. The Government has been making more frequent use of a constitutional provision which allows it to align the vote on a specific law with a confidence vote<sup>164</sup>. This procedure aims at speeding up the legislative process by avoiding certain procedural steps<sup>165</sup>. This includes the shortening or even completely removing the public consultation process and the involvement of stakeholders in the decision-making process<sup>166</sup>. The current situation has the

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<sup>158</sup> Information received from the Estonian Press Council and the Estonian Association of Journalists in the context of the 2024 country visit to Estonia; Mediadelcom (2023) Recommendations for media governance - Policy Brief, p. 28; 2024 Media Pluralism Monitor, country report for Estonia, p. 14. In addition, in September 2023, stakeholders have raised concerns about an incident involving a public figure who filed an out-of-court claim against an author of an opinion article about his alleged business ties with Russia. Information received from the Estonian Press Council and the Estonian Association of Journalists in the context of the 2024 country visit to Estonia.

<sup>159</sup> § 4 of the Constitutional Review Court Procedure Act – A complaint can be referred to the Supreme Court's Constitutional Review Chamber by the President of the Republic, the Chancellor of Justice, a local government council and the Parliament. § 9 of the Constitutional Review Court Procedure Act – Constitutional review on the basis of court judgment or court ruling is also possible.

<sup>160</sup> The equality body of Estonia.

<sup>161</sup> The Chancellor of Justice has a broad mandate, including acting as the National Preventive Mechanism under the UN Convention Against Torture and the National Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities. The Chancellor of Justice also performs the functions of the Ombudsperson for Children.

<sup>162</sup> In some situations more than 2000 amendments have been tabled.

<sup>163</sup> Information received from the Chancellor of Justice, Estonian Bar Association, and Open Estonia Foundation in the context of the country visit to Estonia.

<sup>164</sup> § 98 of the Constitution. "*The Government of the Republic may bind the adoption of a bill it introduces to the Riigikogu to the issue of confidence. Voting cannot take place earlier than on the second day after the bill is bound to the issue of confidence. If the Riigikogu does not adopt the bill, the Government shall resign.*"

<sup>165</sup> § 95 and § 135 to 138 of the *Riigikogu* Rules of Procedure and Internal Rules Act. For example, A member of the *Riigikogu* may ask up to two oral questions of the presenter.

<sup>166</sup> Information received from the Chancellor of Justice, Estonian Bar Association, and Open Estonia Foundation in the context of the country visit to Estonia. The Venice Commission has noted that "while the opposition in a democratic society has its role and functions, these should not be perceived as a mere



consequence of restricting an inclusive public debate and the evidence-informed policy-making which is important for the system of checks and balances.<sup>167</sup>.

**A draft reform envisages more financial autonomy for the Chancellor of Justice, who remains actively engaged in upholding the rule of law.** The Chancellor of Justice, which is the National Human Rights Institution (NHRI) has an A-status accreditation<sup>168</sup>. In February 2024, the Government prepared a draft law to improve the financial autonomy of the Chancellor of Justice and of the National Audit Office<sup>169</sup>. Currently, the budget of these institutions is established by submission of a request to the Ministry of Finance, following which it is discussed and approved by the Government, and then reaches Parliament for a final deliberation and vote. The draft reform envisages direct access for the Chancellor of Justice and the National Audit Office to Parliament when discussing their budgets, removing the role of the executive in that respect<sup>170</sup>. The Chancellor of Justice continues to have an A-status accreditation from GANHRI<sup>171</sup> and continues to play an active role in upholding the rule of law. In 2023, the Chancellor of Justice made 22 proposals to bring legislation in conformity with the Constitution<sup>172</sup>, and provided 13 opinions during ongoing constitutional review proceedings<sup>173</sup>. The Chancellor did not find a reason to initiate disciplinary proceedings in respect of a judge in any of the cases it has reviewed<sup>174</sup>.

**On 1 January 2024, Estonia had three leading judgment of the European Court of Human Rights pending implementation, the same number as the previous year<sup>175</sup>.** At that time, Estonia's rate of leading judgments from the past 10 years that remained pending was at 15% (compared to 14% in 2023) and the average time that the judgment had been

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mechanism of obstruction and should contribute substantially to the decision-making process". See Venice Commission Report on the role of the opposition in a democratic parliament (CDL-AD(2010)025), para. 156. Furthermore, according to European Standards, the system should represent a majority that should be able to pursue its political agenda and the opposition, on its side, should not indulge in a deliberate obstruction of the normal work of Parliament. See Venice Commission Opinion (CDL-AD(2010)025), para. 13; and Checklist on the relationship between the Parliamentary majority and the opposition in a democracy, para. 27.

<sup>167</sup> Commission recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes (C/2023/8627 final). In Estonia, 27% of the surveyed companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

<sup>168</sup> Accreditation by the Global Alliance of National Human Rights Institutions (GANHRI).

<sup>169</sup> Information received from the Chancellor of Justice in the context of the country visit to Estonia.

<sup>170</sup> Information received from the Chancellor of Justice in the context of the country visit to Estonia.

<sup>171</sup> Global Alliance of National Human Rights Institutions.

<sup>172</sup> For 15 proposals there was a follow-up by Parliament, while for seven there has been no feedback. Information received from the Chancellor of Justice in the context of the country visit to Estonia.

<sup>173</sup> See Input from Estonia for the preparation of the 2024 Rule of Law Report, p. 13.

<sup>174</sup> See previous footnote.

<sup>175</sup> The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.



pending implementation was 1 year and 5 months (compared to 11 months in 2023)<sup>176</sup>. As regards the respect of payment deadlines, on 31 December 2023 there were no cases awaiting confirmation of payments (the same as in 2022)<sup>177</sup>. On 1 July 2024, the number of leading judgments pending implementation had increased to five<sup>178</sup>.

**The practice of allocating funding to civil society organisations (CSOs) through Parliament without concrete criteria has been discontinued.** The civic space in Estonia is considered to be open<sup>179</sup>. To further strengthen it, the ruling coalition discontinued the practice of using a state budget line where members of Parliament can distribute grants to CSOs, without clear criteria or evaluation procedures. While for the 2023 budget, 478 entities were awarded a grant<sup>180</sup>, the 2024 budget did not include any such grant to CSOs<sup>181</sup>.

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<sup>176</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 3.

<sup>177</sup> Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17<sup>th</sup> Annual Report of the Committee of Ministers – 2023, p. 137.

<sup>178</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>179</sup> See rating given by Civicus, Estonia. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>180</sup> See State budget Act for 2023. With individual grants varying between EUR 2 000 and EUR 39 000; with a total amount of money spent EUR 3 390 000.

<sup>181</sup> State budget Act for 2023.

## Annex I: List of sources in alphabetical order\*

\* The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at [https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en).

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## **Annex II: Country visit to Estonia**

The Commission services held virtual meetings in February 2024 with:

- Anti-corruption Select Committee
- Consumer protection and Technical Regulatory Authority
- Constitutional Review Chamber of the Supreme Court
- Council for the Administration of Courts
- Estonian Association of Journalists
- Estonian Association of Judges
- Estonian Bar Association
- Estonian Internal Security Service
- Estonian Public Broadcasting
- Estonian Press Council
- Ministry of Culture
- Ministry of Foreign Affairs
- Ministry of Interior
- Ministry of Justice
- National Audit Office
- Office of the Chancellor of Justice
- Open Estonia Foundation
- Political Party Financing Surveillance Committee
- Police and Border Guard Board
- The Prosecutor's Office
- The Supreme Court
- Transparency International – Estonia

\* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute



- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU