



XVI^e Congrès de la Conférence des Cours constitutionnelles européennes
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Synthèse / Summary / Kurzfassung / резюме

RÉPUBLIQUE D'ESTONIE / REPUBLIC OF ESTONIA /
REPUBLIK ESTLAND / ЭСТОНСКАЯ РЕСПУБЛИКА

The Supreme Court of Estonia
Riigikohus

Anglais / English / Englisch / английский

XVIth Congress of the Conference of European Constitutional Courts in 2014

Cooperation of Constitutional Courts in Europe – Current Situation and Perspectives

Report of the Supreme Court of Estonia

Summary

Under article 2 of the Constitution of the Republic of Estonia Amendment Act since Estonia acceded to the European Union, the Constitution of the Republic of Estonia is applied without prejudice to the rights and obligations arising from the Accession Treaty. Therefore, European law has to be applied. The Supreme Court has referred to the judgements of the European Court of Justice. Under article 3 (1) sentence 2 of the Constitution generally recognised principles and rules of international law are an inseparable part of the Estonian legal system. The Supreme Court has referred to the European Convention on Human Rights, also to the practice of the European Court of Human Rights in several times. As far as it is known, the other constitutional courts have not yet referred to the judgements of the Estonian Supreme Court; therefore it is very hard or even impossible to assess the influence of the case law of the Supreme Court of Estonia as a constitutional court on the jurisprudence of foreign constitutional courts.

In the judgements of the Constitutional Review Chamber of the Supreme Court of Estonia, no references can be found to the case law of other constitutional courts. However in drafting process, the judgements and the case law of other constitutional courts is widely considered (e.g. the case law of the *Bundesverfassungsgericht* of Germany or of the *Conseil Constitutionnel* of France).

The national courts of lower instance of Estonia also take the jurisprudence of European courts of justice into consideration. As this is an obligation set by the law, this happens independently and despite of the fact that the Supreme Court often refers to the case law of European courts.

International cooperation Estonian Supreme Court's foreign contacts lay mainly within the various networks and international organisations, where the Supreme Court of Estonia acts as a member: the Court is a member of several European Union level organisations uniting the judges and high courts, such as the Conference of the European Constitutional Courts and World Conference on Constitutional Justice. The legal advisers of the Constitutional Review Chamber participate in the work of the Joint Council on Constitutional Justice of the Venice Commission of the Council of Europe.