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ESTONIA

English language version

I. Constitution, government, and administration of Estonia

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1. Constitutional System

1.1 General description and key data of the constitutional system

According to the Constitution, Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is vested in the people. The people exercise their supreme power of the state on the elections of the Riigikogu (The Parliament of the Republic of Estonia) through citizens who have the right to vote and through a referendum.

The Constitution (*Eesti Vabariigi Põhiseadus*) in force was adopted by the people of Estonia, on the basis of § 1 of the Constitution, which entered into force in 1938, and by a referendum held on 28 June 1992.

The Constitution could 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.

The Constitution says that the state authority shall be 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 shall be passed in accordance with the Constitution. The following have the right to initiate laws:

- 1) a member of the Riigikogu;
- 2) a faction of the Riigikogu;
- 3) a committee of the Riigikogu;
- 4) the Government of the Republic;
- 5) the President of the Republic, for amendment of the Constitution.

The Constitution defines following institutions as the constitutional parts of the Republic of Estonia:

- The Riigikogu
- The President of the Republic
- The Government of the Republic
- The Bank of Estonia
- The State Audit Office
- The Chancellor of Justice
- The Courts
- Local Governments

1.2 History of the constitutional system

The independence of the Republic of Estonia was proclaimed on February 24, 1918, in Tallinn. The Provisional Government of the Republic of Estonia was formed. This was followed by the German occupation. In November 1918 the War of Independence against the Soviet Russia broke out. The peace treaty with Russia was concluded on February 2, 1920.

The first general elections in the Republic of Estonia took place on April 5-7, 1919, when the people elected the Constituent Assembly. The principal task of the Constituent Assembly was to draft and adopt the Constitution.

According to the Constitution of 1920, the supreme body of the Republic of Estonia was parliament, the Riigikogu. The Riigikogu was one-chambered and consisted of 100 members elected for a term of three years. Elections were to be organized on a population basis with the participation of elective citizens. The members of the Riigikogu were to be elected by universal, uniform, direct, and secret voting.

The Constitution reflected Rousseau's principle of national sovereignty. In accordance with the ideas of Montesquieu, power was split between the legislative, executive and judicial functions. Nevertheless, the relationship of these powers was misbalanced, the single-chamber Riigikogu, of 100 members, exercising total control over executive and judicial power, whereas it should only have exercised a legislative function. As the government did not enjoy independent, executive authority, it was subordinate to the Riigikogu.

This imbalance of power had serious consequences for Estonia, which began to manifest in the form of political instability, and there was frequent change of government. As the Justices of the Supreme Court were appointed by the Riigikogu, questions also arose as to the independence of judicial power. The Constitution did not provide for a Presidential role. A particular feature of the state order of Estonia was the extensive attribution of power to its citizens. The Constitution allowed for public initiative and for referenda, an uncommon constitutional arrangement in Europe at the time when it was enunciated. It might even be claimed that the state order of Estonia, as reflected in the 1920 Constitution, which combined parliamentary-dependent authority with the direct power of its populace, represented the most democratic order anywhere in the world. Unfortunately, however, its democratic provisions prevented government from properly functioning. Instead of taking initiatives, the government was almost permanently in a state of defence.

The Estonian form of democracy was proving to be unworkable, and Estonian citizens were becoming increasingly dismayed by the democratic process. At the same time, the authority of the Riigikogu was declining rapidly. As a reaction to these developments, popular support for "firm hand" theories and movements, which advocated authoritarian governance, was increasing. In 1932 referenda were held to consider two draft Constitutions which aimed to restrict the power of popular representation, increase the power of government, and establish the role of head of state. As it turned out, both draft Constitutions were rejected when put to referenda. Nevertheless, in a third referendum, in 1933, a further, draft Constitution put forward by the League of Veterans of the Estonian War of Independence was accepted and came into force on 24th January 1934.

This, second Constitution of the Republic of Estonia laid the foundations for the establishment of an authoritarian state order in Estonia. Membership of the Riigikogu was reduced to 50, and its powers became more formal than real. A new institution was introduced into government of the state, namely the Head of State. That Head of State, to be elected every five years, was given the right of suspensive veto over Riigikogu decisions. As the Head of State's function was to exercise supreme power over the governance of the state, and that as the representative of the people, the holder would also control executive power within government. The Head of State was granted the right to govern by decree, which would assume the force of law, although the Riigikogu maintained the right to amend or repeal decrees introduced in this way.

On 12th March 1934, the then Head of State, Konstatin Päts, carried out a bloodless coup d'état, to prevent the League of Veterans of the Estonian War of Independence from establishing an authoritarian state. Though Päts did not repeal the existing Constitution he at times violated it through the exercise of excessively authoritarian rule. During most of the time when the Constitution was in force the Riigikogu was not convened, and Estonia became a single-party state. In due course, and recognising the risk to the democratic process which were inherent in the Constitution, the Head of State initiated preparation of a third Constitution of the Republic of Estonia.

The third Constitution of the Republic of Estonia entered into force on 1st January 1938. It remained in force, de facto, until 16th June 1940, when the Soviet Union occupied Estonia and, de jure, until 28th June 1992 when the fourth Constitution of the Republic of Estonia was adopted by referendum. In reality, however, the 1938 Constitution did not reduce the degree of authoritarianism. It even incorporated additional restrictions on the democratic process, thereby formalising some of the violations which had occurred since the 1934 Constitution was adopted. The Riigikogu became bicameral, consisting of a lower chamber, or State Council, and a newly created upper chamber, or State Board. Appointment to the latter had no democratic basis, and its members consisted of high officials, representatives of chambers and local government, and persons appointed by the Head of State at his or her discretion. The most important power of the State Board was its ability to reject resolutions passed by the State Council. It never had occasion to exercise that power, however, as restrictions on the formation of political parties resulted in the creation of a compliant State Council, and an obedient, puppet parliament. The direct power previously accorded to the state's citizens was renounced, public initiative was no longer allowed, and the holding of referenda was left at the discretion of the Head of State.

One significant difference between the second and third Constitutions, however, was the clear introduction of a corporative state in 1938. In addition to the existing, local and cultural governments, a third form of local government was factored in from the professional local bodies or Chambers. These Chambers were given the right to issue mandatory orders, and to collect taxes from their members.

On 16th June 1940, and taking advantage of West European countries' distraction by matters elsewhere during the Second World War, the Red Army of the Soviet Union invaded Estonia and occupied it. On 21st July 1940, the existing state order was replaced by Soviet order and, on 6th August 1940, Estonia was annexed by the Soviet Union. Later, from the summer of 1941 until the autumn of 1944, Estonia was under

German occupation and, as a general commissariat, belonged to the greater Ostland commissariat. Unlike Slovakia, Croatia or Bohemia and Moravia, Estonia was neither a puppet state nor a protectorate. A second, Soviet occupation terminated the German occupation, and Soviet annexation was restored, an occupation and annexation which lasted until the autumn of 1991.

Although Soviet-type, state order remained in effect until the summer of 1992, in its later stages, it faced many challenges. On 16th November 1988, for example, the Supreme Council of the Estonian Soviet Socialist Republic (ESSR), which was the territorial, legislative body of the constituent, Soviet republic of the Soviet Union, approved a constitutional amendment, which declared the primacy of ESSR legislation over the laws of the Soviet Union. In March 1990, the Supreme Council went further, confirming the course which it had already taken and setting itself the goal of terminating Estonia's annexation by the Soviet Union and restoring Estonia's status as an independent republic. On 20th August 1991, taking advantage of the opportunity afforded by the failed coup d'état in the Soviet Union, the Supreme Council passed a resolution declaring the restoration of Estonian independence on the basis of historical continuity, a declaration which received immediate international recognition. De jure, the 1938 Constitution was restored but, de facto, the Soviet state order remained in force, even though Estonia was outside the jurisdiction of the Soviet Union. This legal conundrum was solved when the fourth Constitution was approved by referendum on 28th June 1992.

The 1992 Constitution incorporates many elements of the earlier Constitutions, and particularly those of 1920 and 1938. It declares the legal identity of the Estonian state, and its continuity with the state which was annexed by the Soviet Union in 1940. It also emphasises the restitutive basis of the restoration of Estonia's independence, returning to the state order which was in force before 1940. Given that two, markedly different state orders were in force in Estonia between 1920 and 1940, the fourth Constitution represents an attempt to find a middle way, avoiding the weaknesses of the 1920 parliamentary democracy and the authoritarianism of 1934 and 1938.

Following enactment of the 1992 Constitution, Estonia has enjoyed considerable, political stability. Extraordinary elections have proven not to be necessary, and governments have been relatively stable. This suggests that a reasonable balance has been established between the legislative and the executive functions. Proposals for amending the Constitution have been aired from time to time, many of these concerning the procedures to be followed in presidential elections. A number of political groups favour the election of the President by direct, universal suffrage. Others fear that this may disturb the existing, balance of power amongst the state's institutions, and may even pose the threat of a return to authoritarian governance.

Questions have also been raised about the need for Estonia to amend its Constitution to take account of European Union membership. As yet, no definitive decision has been made on whether the existing, constitutional provision relating to the independence and sovereignty of Estonia is compatible with membership status of the European Union, which presumes the delegation of a certain amount of power to the European Union's central institutions. Adoption of the European, single currency, the euro, also presumes a modification to the function of the Bank of Estonia as the bank of issue. Further, as membership of the European Union precludes the classification of

citizens from other member states as aliens, another modification to the Constitution is called for.

[The report uses extensively the materials from the web page http://www.estonica.org/eng/lugu.html?menyy_id=1142&kateg=43&alam=80&leht=6]

1.3 Main specifics of the constitutional system

Estonia is a parliamentary state. Although, the President of the Republic is the head of state of Estonia, the Riigikogu and the Government of the Republic possess most of the legislative and executive power. Legislative power is vested in The Riigikogu and executive power in The Government of the Republic in Estonia. The functions of executive power are divided into areas of government managed by ministries. The Government of the Republic exercises executive power either directly or through government agencies. The responsibility for provision of support services to the Government and the Prime Minister is assigned to the State Chancellery – a government agency within the Government of the Republic.

Chapter XIII of the Constitution of the Republic Estonia provides the basis for court administration. It says that justice shall be administered solely by the courts. Estonia has a three-level court system. County and city courts and administrative courts adjudicate matters in the first instance. The majority of courts of first instance are situated in county centres. Appeals against decisions of courts of first instance shall be heard by courts of second instance. Courts of appeal are courts of second instance - circuit courts. The courts of appeal are situated in Jõhvi, Tartu and Tallinn. The Supreme Court, situated in Tartu, is the court of the highest instance. According to the Constitution, the Supreme Court shall declare invalid any law or other legislation that is in conflict with the provisions and spirit of the Constitution.

Estonia does not have a state church, religious freedom is guaranteed by the constitution.

1.4 Fundamental principles, division and interlinkage of the political and the administrative system

The Constitution guarantees the independence of legislative, executive and judiciary power - the activities of the Riigikogu, the President of the Republic, the Government of the Republic, and the courts shall be organised on the principle of separation and balance of powers. The institutions of different powers are related to each other through elections and rules of appointment. Thus, the Chief Justice of the Supreme Court are appointed to office by the Riigikogu, on the proposal of the President of the Republic. Justices of the Supreme Court are appointed to office by the Riigikogu, on the proposal of the Chief Justice of the Supreme Court. Other judges are appointed to office by the President of the Republic, on the proposal of the Supreme Court (for more relations between the president, the parliament and the government see sections 2 & 3 below).

Politics of Estonia takes place in a framework of a pluriform multi-party system and of a parliamentary representative democratic republic, whereby the Prime Minister of Estonia is the head of government. The parliamentary coalition forms the state government and the coalition treaty is one of the most important documents directing the activities of the government. At a personal level, the political and administrative systems are intertwined in the ministries. The ministers – the politicians and members of the state government – are the heads of the ministries as administrative government agencies.

Government of the Republic Act classifies the agencies of executive power in a following manner:

- 1) government agencies;
- 2) state agencies administered by government agencies;
- 3) the Defence Forces of Estonia.

Government agencies are administrative agencies - ministries, the State Chancellery and county governments, as well as executive agencies and inspectorates, and their regional offices with authority to exercise executive power. Government agencies are financed from the state budget and whose main function granted by law or pursuant to law is to exercise executive power.

Table 1. The division of legislative, executive and judiciary power in Estonia

<i>Type of power</i>	<i>Legislative power</i>	<i>Executive power</i>	<i>Judiciary power</i>
Territorial level			
National level	The Parliament/ Riigikogu	The State Government and governmental agencies	The Supreme Court
Regional level		Regional governmental agencies, incl. county governors	Circuit courts; County and city courts and administrative courts
Local level		Local councils and governments	

Estonia is a unitary state. There are no autonomous regions in Estonia. According to the Territory of Estonia Administrative Division Act the territory of Estonia is divided administratively into counties, rural municipalities and towns. 194 rural municipalities and 33 cities are divided into 15 counties. The Constitution precludes both the establishment of an autonomous region within Estonia, with a legal order different from that in force elsewhere in Estonia, or the creation of a federal, Estonian state.

The Constitution prescribes that all local issues shall be resolved and managed by local governments. Local governments in Estonia are rural municipalities and cities. Local governments shall operate independently pursuant to law. Duties may be imposed on a local government only pursuant to law or by agreement with the local government.

2. Political System

2.1 *General description, history, and key data of the political system*

The main actors in Estonian political system are political parties. The Political Parties Act defines political party as a voluntary political non-profit association of Estonian citizens the objective of which is to express the political interests of its members and supporters and to exercise state and local government authority. The means for achieving the objectives of a political party are:

- 1) the presentation of candidates and conduct of election campaigns of the political party in elections to the Riigikogu and the European Parliament and local government council elections;
- 2) the participation of the political party in the activities of the Riigikogu through members of the political party elected to the Riigikogu; in the activities of the European Parliament through members of the political party elected to the European Parliament; in the activities of local government councils through members of the political party elected to local government councils; in the election of the President of the Republic, the formation of the Government of the Republic and the executive body of local government councils through members of the political party elected to the Riigikogu and to the local government council, respectively; and in international co-operation with political parties of foreign states.

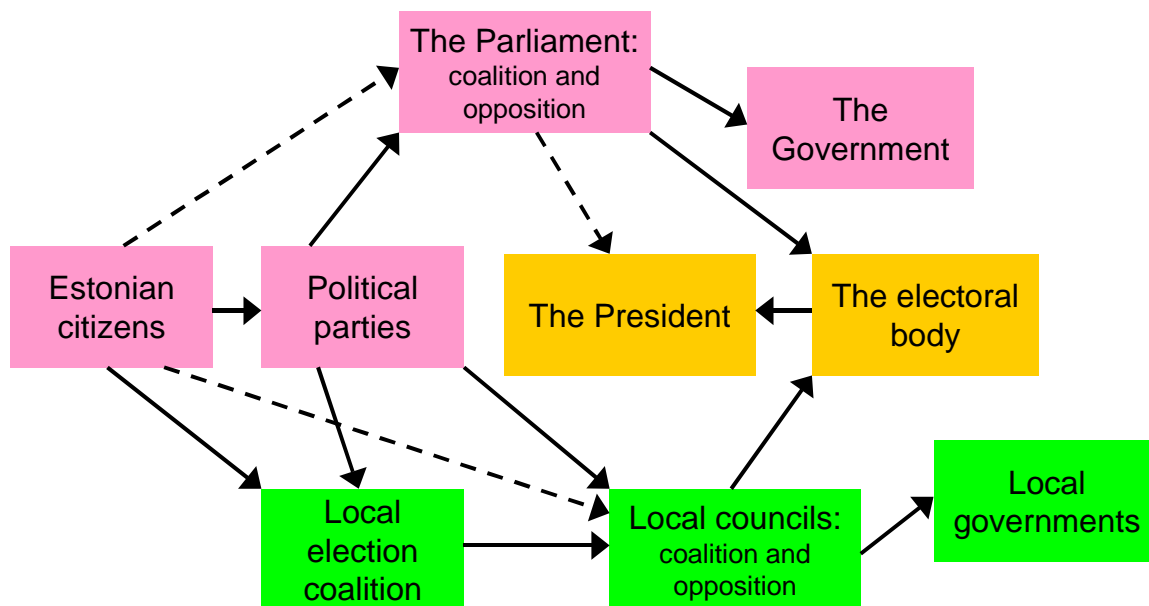


Figure 1. The outlines of Estonian political system

The political power at a national level is concentrated in 6 parliamentary parties – Estonian Reform Party, Estonian Centre Party, Estonian People’s Union (since 2005 these three parties form the governing coalition), Res Publica, Pro Patria Union (these two are in the middle of unification process into a conservative party) and Social Democratic Party. All political parties are quite young, established in 1990s. The contemporary landscape of political parties is the result of many splits and mergers during the last 15 years.

The coalition parties execute political power through the state government. During the most of the post-Soviet period the Estonian governments have been majority governments. The recent practice is that the coalition parties tend to operate quite independently (but within the limits of coalition treaty, which also includes the distribution of ministerial positions) in their governmental responsibility areas. The decisions are made if the consensus between the coalition parties is achieved.

The function of the president as the head of the state is more or less ceremonial. His/her significance is more conspicuous in the fields of defence and foreign policy. According to the Constitution, he/she is the supreme commander of the national defence of Estonia and represents the Republic of Estonia in international relations. He/she also appoints several high rank governmental officials. His/her role in relation to legislative power is confined to the right of refusing (with constitutional arguments) the proclamation of laws – in that case the parliament should discuss the bills once more.

The moderate position of the president is in accordance with the fact that the president does not have a direct mandate from the people but is elected by the parliament or electoral body, formed by the members of the parliament and the elected

representatives of local municipalities. In reality, as long as the procedure prescribes that at least 2/3 of parliament members should vote for one candidate for an election, all presidents elected after the restitution of the Republic are elected by the election body, where only simple majority is required.

The regional level of the Estonian political system is very shallow. There is no representative body elected in/for counties. In parliamentary elections the county borders are taken into account – one election district usually contains 2 or more counties. The major political parties have regional, county-based councils and small administrations.

The role of political parties at the local level is significant but somewhat less dominant than at the national level. Although in bigger cities and in many other municipalities the political parties dominate in the election and work of local councils, in some others local election coalitions (some of what are coalitions of political parties, while others coalitions of people not belonging to any political party) have taken the leading position. The local governments (with approx. 3-7 members) formed by the local councils are most often recruited by local politicians. These persons are the political and administrative figures at the same time. In some (smaller) cases, also non-political officials are included to the local government.

The direct participation of people in forming political decisions is more like a theoretical/legislative option than an actual practice. Every Estonian citizen and citizen of the European Union (if he or she satisfies some other conditions) may stand as a candidate in parliamentary or local elections. In practice, only at a local level there has been and are examples of persons elected to respective representative body.

The Constitution provides the possibility for the exercising the supreme power of state by the people through a referendum. It has been used twice since regaining independence – while adopting the present Constitution and while voting for joining European Union. At a local level, 1% of all electorate may initiate the discussion of local issues in a local council. The regulations of local ballots should be determined by local councils and the results of such ballots are only recommendatory.

2.2 National level of the political system

2.2.1 Organs at national level

The main organs of the Estonian political system are the President of the Republic, The Riigikogu and the Government of the Republic.

The President of the Republic

The regular **election** of the President of the Republic shall be held not earlier than sixty and not later than ten days before the end of the term of office of the President of the Republic. An Estonian citizen by birth who has attained forty years of age may be nominated as a candidate for President of the Republic. The President of the Republic

shall be elected for a term of five years. No one shall be elected to the office of President of the Republic for more than two consecutive terms. The right to nominate a candidate for President of the Republic rests with not less than one-fifth of the membership of the Riigikogu. According to Section 79 of the Constitution of the Republic of Estonia, the President of the Republic shall be elected by the Riigikogu by secret ballot. A candidate in favour of whom a two-thirds majority of the membership of the Riigikogu votes shall be considered elected. If no candidate receives the required majority, a new round of voting shall be held on the next day. If the President of the Republic is not elected in the third round of voting, the Chairman of the Riigikogu shall, within one month, convene an electoral body to elect the President of the Republic.

The electoral body shall be comprised of members of the Riigikogu and representatives of the local government councils. Each local government council shall elect at least one representative, who must be an Estonian citizen, to the electoral body. The Riigikogu shall present the two candidates who receive the greatest number of votes in the Riigikogu to the electoral body as candidates for President. The right to nominate a candidate for President also rests with not less than twenty-one members of the electoral body. The electoral body shall elect the President of the Republic by a majority of the voting electoral body members. If no candidate is elected in the first round, a second round of voting shall be held on the same day between the two candidates who receive the greatest number of votes. In September 2006 Mr. Toomas Henrik Ilves was elected by the electoral body the fourth President of the Republic.

Upon assuming office, the authority and duties of the President of the Republic in all elected and appointed offices shall terminate, and he or she shall suspend his membership in political parties for the duration of his term of office. The President of the Republic enjoys immunity in accordance with Section 85 of the Constitution. Criminal charges may be brought against the President of the Republic only on the proposal of the Legal Chancellor, and with the consent of the majority of the membership of the Riigikogu. This issue is more specifically regulated by the Institution of Court Proceedings against the President of the Republic and Members of the Government Act. The powers of the President of the Republic shall be suspended when criminal charges are brought against him.

The powers of the President of the Republic shall terminate upon his resignation from office (not applicable during a state of emergency or a state of war), the entry into force of a conviction by a court against him or her, his or her death, and the assumption of office of the new President of the Republic. If the President of the Republic is unable to perform his official duties for longer than three consecutive months, or if his powers terminate prematurely, the Riigikogu shall elect a new President of the Republic within fourteen days.

The President of the Republic has the **Chancellery** of the President, which includes several political/policy counsellors and 8 administrative departments. In addition, there are number of **presidential institutions** helping The President of the Republic in serving the country - The Academic Council, The Presidential Roundtable on National

Minorities, The Presidential Roundtable on Local Government and Regional Development, The Cultural Foundation, The Public Understanding Foundation.

The Riigikogu (The Parliament of Estonia)

Riigikogu is **elected** for four-year period. All Estonian citizens, incl. those residing permanently or temporarily abroad, who have attained eighteen years of age, who have not been divested of active legal capacity by a court or convicted of a criminal offence and who are not serving a prison term have the right to vote. Estonian citizens with the right to vote who have attained twenty-one years of age by the last day of registration of candidates may run as candidates for member of the Riigikogu. Candidates can be nominated as candidate lists of political parties or as independent candidates.

With the objective of obtaining results in the election to the Riigikogu, eleven electoral districts have been formed in Estonia. The borders of electoral districts coincide with those of counties, however, an electoral district may also include several counties. In Tallinn, three electoral districts have been formed. Each electoral district is divided into polling divisions. Political parties nominate their candidates in electoral districts and present also a national list of candidates. A candidate may be nominated in only one district.

An elector votes in the polling division of his or her residence, in which he or she is entered in the polling list. On advance poll days, an elector may vote outside the polling division of his or her residence. Counting of votes in a polling division is performed immediately after closing the division at 20 in the evening of the election day. In the electoral committees of the 15 counties and in the city electoral committees of Tallinn and Tartu the results of counting of votes in polling divisions are checked. In the National Electoral Committee, national voting results are verified. The election results are determined proceeding from the principle of proportionality: each political party must get the number of seats in the Riigikogu, which is proportional to the number of votes cast in favour of the candidates of the party. As a result, 101 members of the parliament are elected.

The National Electoral Committee registers the elected members of the Riigikogu by its decision after the election day when the time limit for submission of complaints to the National Electoral Committee and the Supreme Court has expired or final decisions have been made about the submitted complaints. The election results are deemed to be declared on the date following publication of the decision of the National Electoral Committee in the State Gazette. The President of the Republic convenes the new Riigikogu for its first sitting on the tenth day after declaration of election results, at the latest. The authority of the members of the Riigikogu commences on the day the results of the elections are announced. The authority of the members of the preceding Riigikogu terminates on the same day.

A member of the Riigikogu is not bound by his/her mandate or be held legally responsible for votes cast or political statements made by him/her in the Riigikogu or in any of its bodies. A member of the Riigikogu may not hold any other state office. A

member of the Riigikogu has the right to initiate draft legislation and the right to submit motions to amend the draft legislation during their legislative proceeding.

Estonian citizens elected X Riigikogu on March 2, 2003. Riigikogu was elected by 500 686 citizens out of 859 714 eligible voters, which is 58,24%. 963 persons ran as candidates in the Riigikogu elections. In the 11 nominated parties lists 952 persons ran as party nominated candidates and 16 persons ran as independent candidates. Pursuant to the Riigikogu Election Act, a required 5% threshold was exceeded by six political parties: Estonian Centre Party, Res Publica, Estonian Reform Party, Estonian People's Union, Pro Patria Union and Social Democratic Party (formly People's Party Mõõdukad).

The Board of the Riigikogu is a body directing the work of the Riigikogu and consists of the Chairman and two Deputy Chairmen elected from among its members. The Board of the Riigikogu directs the work of the Riigikogu in accordance with the Riigikogu Procedure Act and the Riigikogu Administration Act. The Board of the Riigikogu is elected for one year. After that the members of the Riigikogu elect a new board. The Chairman of the Riigikogu presides the sessions of the Riigikogu, convenes the meeting of the Board of the Riigikogu, submits the draft agenda for the meeting and presides at the meeting. The Board arranges the representation of the Riigikogu, divides the places in the committees, approves the composition of the committees, registers factions, drafts the agenda of the session and submits it for approval to the Riigikogu, appoints the leading committees for the draft laws processed by the Riigikogu.

Factions can be formed by and must consist of not less than five members of the Riigikogu elected from the same list of candidates. Members of the Riigikogu of one list of candidates can form only one faction. Factions are groups through which a large part of the work of the parliament is done. In factions political decisions are agreed upon; the decisions form the basis for expressing one's opinion in a committee, at the sittings of the plenary assembly of the Riigikogu or in public. A faction is a place for making political agreements. Factions, like members of the Riigikogu and committees, have the right to initiate draft legislation. This ensures the opposition factions an opportunity to prepare and defend their own draft legislation in the Riigikogu.

In autumn 2006 there are 6 factions in the Riigikogu:

- ❑ Estonian Centre Party faction - 21 members
- ❑ Estonian People's Union faction - 13 members
- ❑ Estonian Reform Party faction - 19 members
- ❑ Faction of the Social Democratic Party - 6 members
- ❑ Pro Patria Union faction - 7 members
- ❑ Res Publica Faction - 25 members

10 Members of the Parliament don't belong to any faction

The main work with the drafts of the legal acts is done in the **committees**. Each committee deals with a different field of life. A member of the Riigikogu belongs to one standing committee and may, on the basis of the decision of the faction, be a deputy

member in other standing committees. The work of the committee is directed by the chairman of the committee or, in his absence, the deputy chairman. A committee is competent to pass resolutions if at least one third of the members of the committee are present at its regular session. The committee passes resolutions by majority vote. According to the Constitution, committees have the right to initiate laws. As generally all factions are represented in each committee, the members of the Riigikogu can get information and have the possibility to co-ordinate their points of view through the member of their faction. Each committee has officials whose task is advising the committee, register documents, etc.

X Riigikogu has 11 permanent committees:

- ❑ Constitutional Committee
- ❑ Cultural Affairs Committee
- ❑ Economic Affairs Committee
- ❑ Environment Committee
- ❑ European Union Affairs Committee
- ❑ Finance Committee
- ❑ Foreign Affairs Committee
- ❑ Legal Affairs Committee
- ❑ National Defence Committee
- ❑ Rural Affairs Committee
- ❑ Social Affairs Committee

The Chancellery of the Riigikogu was established by the Riigikogu resolution of October 5, 1992. The task of the Riigikogu Chancellery is to create the organisational and economic conditions for the successful work of the Board, members, committees and factions of the Riigikogu. The Chancellery assists the Riigikogu in preparing draft legislation by providing necessary legal advice and obtaining economic, sociological and other information. The legal acts to be adopted are edited and given their final form in the Chancellery. The Chancellery also informs the public of the activities of the Riigikogu and takes care of the appropriate use of the state assets belonging to the Riigikogu. The work of the Chancellery is directed by the Secretary general of the Chancellery who is appointed by the Board of the Riigikogu after public competition. The Chancellery fulfils its tasks through departments and services.

The Government of the Republic

The Government of the Republic exercises executive power pursuant to the Constitution and the laws of the Republic of Estonia. The President of the Republic shall, within fourteen days after the resignation of the Government of the Republic, **designate a candidate for Prime Minister** to whom the President of the Republic shall assign the task of forming a new government. The candidate for Prime Minister shall, within fourteen days after receiving the task of forming a new government,

present the bases for the formation of the forthcoming government to the Riigikogu, after which the Riigikogu shall decide, without debate and by an open vote, whether to authorise the candidate for Prime Minister to form a government. The candidate for Prime Minister who is authorised by the Riigikogu to form a government shall, within seven days, present the membership of the government to the President of the Republic, who shall appoint the government to office within three days.

If the candidate for Prime Minister designated by the President of the Republic does not receive a majority of votes in favour from the Riigikogu, or is unable or declines to form a government, the President of the Republic has the right to present a second candidate for Prime Minister within seven days. If the President of the Republic does not present a second candidate for Prime Minister within seven days or declines to do so, or if the second candidate is unable to obtain authority from the Riigikogu under the conditions and time restraints in paragraphs two and three of this section, or is unable or declines to form a government, then the right to nominate a candidate for Prime Minister shall transfer to the Riigikogu. The Riigikogu shall nominate a candidate for Prime Minister who shall present the membership of a government to the President of the Republic. If the membership of a government is not presented to the President of the Republic within fourteen days after the transfer to the Riigikogu of the right to nominate a candidate for Prime Minister, the President of the Republic shall declare extraordinary elections to the Riigikogu.

The Government led by Prime Minister Andrus Ansip assumed office on 13 April 2005. The other ministers in the Government of the Republic are the Minister of Education and Research, the Minister of Justice, the Minister of the Environment, the Minister of Culture, the Minister of Economic Affairs and Communications, the Minister of Foreign Affairs, the Minister of Defence, the Minister of Agriculture, the Minister of Finance, the Minister of Interior, the Minister of Regional Affairs, the Minister of Social Affairs, the Minister of Population and Ethnic Affairs.

2.2.2 Authority / function and tasks at national level

The President

The powers of the President of the Republic as the Head of State are established in Section 78 of the Constitution and more specifically in the President of the Republic Working Procedures Act and other specific laws.

The President of the Republic **represents the Republic of Estonia in international relations**. Proceeding from the fact that the Government of the Republic organises relations with other states, the President of the Republic co-ordinates his activities with the Government. The President of the Republic has both active and passive right of embassy. He or she shall appoint and recall diplomatic agents of the Republic of Estonia, on the proposal of the Government of the Republic, and receive the credentials of diplomatic agents accredited to Estonia. In concluding international treaties, it is the competence of the President of the Republic to ratify or denounce treaties.

President of the Republic is **the supreme commander of national defence**. He has the specific task to make the proposal to the Riigikogu to declare a state of war,

mobilisation and demobilisation, as well as to end the state of war. In enacting his competence in national defence, the President is assisted by the National Defence Council, which acts as an advisory body to the President and consists, as provided by law, of the Chairman of the Riigikogu, the Prime Minister, the Chairman of the National Defence Committee of the Riigikogu, the Minister of Internal Affairs, the Minister of Foreign Affairs and the Commander (in wartime the Commander-in-Chief) of the defence forces. The President of the Republic shall, on the proposal of the Government of the Republic and the Commander of the defence forces, appoint and release from office the leadership of the defence forces consisting of the Commander of the General Staff of the Defence Forces, the commander of the Defence League and the commanders of air, land and naval forces.

The President and the Riigikogu are connected by several formal and substantive powers of the President. The President of the Republic declares the regular elections to the Riigikogu, convenes and opens the first session of the new membership of the Riigikogu. The President has the right to convene additional and extraordinary sessions of the Riigikogu in cases as stated by law. In cases provided in the Constitution, the President of the Republic shall dissolve the Riigikogu and declare the extraordinary elections of the Riigikogu.

President of the Republic **designates the Prime Minister candidate**, to whom he assigns the task of forming the Government. The Prime Minister candidate, who has been authorised by the Riigikogu to form the Government, presents the membership of the government to the president of the Republic, who shall appoint the government to office. The President shall make changes to the appointed membership of the Government of the Republic i.e. release and appoint ministers, on the proposal of the Prime Minister.

The President of the Republic shall **proclaim the laws passed in the Riigikogu**. This is the sole competence of the President of the Republic in which no other constitutional institution is involved. The President of the Republic may also refuse to proclaim a law passed by the Riigikogu and return it together with his reasoned resolution to the Riigikogu for a new debate and decision. The President has the right to control both the provisions of substantive and procedural law. If the Riigikogu again passes the law, which is returned to it by the President of the Republic, unamended, the President of the Republic shall proclaim the law or shall propose to the Supreme Court to declare the law unconstitutional. If the Supreme Court declares the law constitutional, the President of the Republic shall proclaim the law. If the Riigikogu is unable to convene in a situation of emergency, the President of the Republic may, in matters of urgent state need, issue decrees which have the force of law, and which shall bear the counter-signatures of the Chairman of the Riigikogu and the Prime Minister. These decrees can not be used to amend the Constitution or the so-called constitutional laws. The Riigikogu shall pass a law for the confirmation or repeal of these decrees on the next meeting. Thus, the decrees are a specific measure for maintaining governmental order, and in this case the President is acting as the guarantor of the rule of law in the state. According to the Constitution, President of the Republic does not have the right to initiate laws, with the exception of amendments of the Constitution.

The Head of State **appoints and releases** members of the Government on the proposal of the Prime Minister, the President of the Bank of Estonia on the proposal of the Board of the Bank of Estonia, county and city justices, administrative justices and circuit justices on the proposal of the Supreme Court, and the leadership of the defence forces on the proposal of the Government and the Commander of the defence forces. The President shall make proposals to the Riigikogu for the appointment of the following senior public servants: Chief Justice of the Supreme Court, Chairman of the Board of the Bank of Estonia, Auditor General, Legal Chancellor, and Commander or (in wartime) Commander-in-Chief of the Defence Forces.

Conferring state decorations is the sole competence of the President of the Republic, and he is assisted by the Committee of Decorations as an advisory body. It is a common practice in the world that the Head of State confers state decorations.

The President has the sole right to release or grant commutation to convicted offenders at their request by way of **clemency**. Clemency presumes that the court has already pronounced the convicting sentence and the individual in question has been transferred to the hands of executive bodies for the enactment of penalty. It is an international tradition that the Head of State may use his free will to enact justice after the court has guaranteed the enactment of law.

The President makes **the proposal to bring criminal charges** against the legal chancellor. The President shall make the proposal to the Riigikogu on the application of the public prosecutor. He or she has the right to study the documents relevant to the case.

The Riigikogu (The Parliament of Estonia)

The most important task of the Riigikogu is **legislation**. The Riigikogu shall proceed and pass laws. After Estonia's accession to the European Union some of the legislative functions were lost by the Riigikogu and shifted to the EU level, where Estonia is presented by the Members of the Government of the Republic. In order to compensate for such transfer of legislative power, the Riigikogu adopted Amendment to the Riigikogu Rules of Procedure Act in March 2004. The amendments gave the parliament means to exercise parliamentary scrutiny of the actions of the executive on the EU level. It also provided for the inclusion of the legislative power into the EU decision-making process and internal EU co-ordination system of Estonia.

Riigikogu influences the governing of the state primarily by determining the income and the expenses of the state (**establishing taxes and adopting the budget**). The state budget is the authorization granted by the Riigikogu (Estonian Parliament) to the government for the use of the people's money. Each year, the Riigikogu approves the draft budget submitted by the government, thereby allowing the government to use the money

The Riigikogu **elects and appoints several high officials of the state**, including the President of the Republic (Riigikogu shares this function with the electoral body, see above). In addition to that, the Riigikogu appoints, on the proposal of the President of the Republic, the Chairman of the National Court, the Chairman of the Board of the

Bank of Estonia, the Auditor General, the Legal Chancellor and the Commander or the Commander-in-Chief of the Defence Forces. The Riigikogu also has the right to present statements, declarations and appeals to the people of Estonia, other states and international organisations.

A member of the Riigikogu has the right to demand explanations from the Government of the Republic and its members, the Chairman of the Board of the Bank of Estonia, the President of the Bank of Estonia, the Auditor General, the Legal Chancellor and the Commander or the Commander-in-Chief of the Defence Forces. This enables the members of the parliament to observe the activities of the executive power (government) and the abovementioned high officials of the state.

The Government of the Republic

The responsibilities and procedures of the Government of the Republic are regulated by the Constitution of the Republic of Estonia, Government of the Republic Act, and Rules of the Government of the Republic. § 87 of the Constitution lists the tasks for the government. The Government of the Republic shall:

- 1) execute the domestic and foreign policies of the state;
- 2) direct and co-ordinate the activities of government agencies;
- 3) administer the implementation of laws, resolutions of the Riigikogu, and legislation of the President of the Republic;
- 4) introduce bills, and submit international treaties to the Riigikogu for ratification and denunciation;
- 5) prepare the draft of the state budget and submit it to the Riigikogu, administer the implementation of the state budget and present a report on the implementation of the state budget to the Riigikogu;
- 6) issue regulations and orders on the basis of and for the implementation of law;
- 7) manage relations with other states;
- 8) declare an emergency situation throughout the state or in a part thereof, in the case of a natural disaster or a catastrophe, or to prevent the spread of an infectious disease;
- 9) perform other duties which the Constitution and the laws vest in the Government of the Republic.

The Government prepares the state budget. The state budget is a plan based on which the government uses the state's money. The state budget shows how to distribute the money – how many kroons can be given for providing many public services, including among others education, medicine, police, military, and fire fighting. Therefore, the budget is one of the most important measures for running the country.

The state budget is also a plan for the government's revenues. In the state budget, the government forecasts how much money should be received by the state treasury, how much will come from income tax paid by the people, how much from social tax, how

much from excise tax, and other sources of revenue. Taxes are the government's primary source of revenue.

2.3 Regional level of the political system

2.3.1 Organs at regional level

The only regional political organs at regional level are the county councils of the major political parties, which have quite limited authority in the Estonian political system. In some cases, the appointment of county governors is also the result of political agreements and the governors are also the members of political parties.

2.4 Local level of the political system

2.4.1 Organs at local level

The organs of the political system at local level are local councils and local municipalities. Both are considered to be parts of the executive power of the Republic. The most important legal acts regulating the formation of local political organs and their activities are Local Government Council Election Act and Local Government Organisation Act.

Local councils

Estonian citizens and citizens of the European Union who have attained 18 years of age by election day and whose permanent residence, i.e. residence the address details of which have been entered in the Estonian population register, is located in the corresponding rural municipality or city have the right to vote in **local elections**. Also, an alien has the right to vote if he or she resides in Estonia on the basis of a permanent residence permit and has, by election day, legally resided in the corresponding rural municipality or city for at least the last five years. Political parties, election coalitions and individual candidates may participate in council elections. Since the elections in 2005 local councils are elected for four years, before that for three years.

Local governments

A local council elects the head of local government, confirms and dismisses the members of local governments. A local council also decides the number of the members in local government and its structure.

2.4.2 Authority / function and tasks at local level

Local councils

Local councils have an exclusive mandate to decide following questions:

- 1) adopting and changing local budget
- 2) establishing, changing and annulling local taxes
- 3) taking loans and other financial obligations
- 4) adopting the regulations
- 5) accepting and changing the strategic development plan of a city or a rural municipality
- 6) designating the representatives of a city or a rural municipality in the county association of local governments
- 7) deciding the establishment of municipal enterprises and foundations, and the participation in business enterprises, foundations, NGO's
- 8) establishing, reorganising and finishing the activities of municipal agencies and organisations
- 9) adopting, changing and annulling the building regulation and other regulations
- 10) initiation, adoption and changing of the comprehensive plan
- 11) annulling detailed plans and adoption of detail plans in case the surveillance over the planning procedures is mandatory

Local councils elect the head of local government – a mayor, decide the number of the members in local government and its structure, and confirm and dismiss the members of local governments.

Although local councils may establish local taxes, the proportion of local taxes in local budgets is minimal. Most of the tax revenues come from state/nation-wide taxes – residential revenue tax and land tax. Tax revenues form less than half of the total amount of Estonian local budgets. The other bigger sources of revenues are different kind of state subsidies and revenues from the local services and municipal assets. Thus, the financial autonomy is of an average local municipality is quite weak – the local councils do not control most of the municipal revenues.

Local councils may delegate the fulfilment/execution of the tasks to local governments.

Local governments

Local governments prepare the questions discussed in local councils. They decide and organise the questions of local community, which are designated by councils' regulations and decisions, or which are designated as a task of the local government by the statute of a city or a rural municipality. Local governments deal also with the questions delegated to them by local councils.

3. Administrative System

3.1 General description, history, and key data of the administrative system

The administrative system of Estonia has been developing parallel to the political system. Some of the structures were/are inherited from the Soviet administrative system, while others were restituted from the period of pre-WW independent Republic. At present, the administrative system has three and half levels:

- National level with state chancellery, ministries, executive agencies and inspectorates and other governmental agencies
- Regional level, which is administered either on:
 - district level (i.e. within the borders of districts covering more than one county) – most often 4-6 districts are formed, or on
 - county level – there are 15 counties in Estonia, depending on the particular administrative field.
- Local level – the administrative apparatus of 227 local governments.

The district level is the uncoordinated result of recent developments in the administrative system aimed at more economic and professional administration and public services.

3.2 National level of the administrative system: institutions, their authority, function and tasks

3.2.1 The State Chancellery

The State Chancellery, directed by the State Secretary, is within the Government of the Republic. The State Secretary shall be appointed to and released from office by the Prime Minister. The State Secretary shall participate in sessions of the Government with the right to speak. The State Secretary, as the director of the State Chancellery, has the same rights which are granted by law to a minister in directing a ministry.

The management of the State Chancellery includes the State Secretary, the director general of the State Chancellery and advisers and assistants directly subordinate to them. The State Chancellery has several offices and other administrative units:

- The Prime Minister's Office
- The Government Communication Office
- The European Union Secretariat
- The Department of Government Sessions
- The Department of Legislative Drafting
- The Office of the National Security Coordinator

- ❑ The Office of the Minister of Population and Ethnic Affairs
- ❑ The Department of Information Systems and Document Management
- ❑ The Department of Personnel of the State Chancellery
- ❑ The Maintenance Department
- ❑ The Accounting Department
- ❑ The Department of Internal Audit
- ❑ The Department of Public Service
- ❑ The Department of Document Management
- ❑ The Department of Insignia

The National Archives is a system of archives administered by the State Chancellery which comprises the Historical Archives, the State Archives, the Film Archives and 10 county archives. The National Archives acquire and preserve the records documenting the historical, cultural, state and societal facts about Estonia irrespective of time, place and nature of the creation of the informational units.

The Riigi Teataja Publishing House, a state agency administered by the State Chancellery, edits and publishes the Riigi Teataja, **the state gazette** of the Republic of Estonia.

3.2.2 *The Ministries*

The Estonian administrative system has 11 ministries, headed by the 12 ministers (the Ministry of Interior has two ministers - the Minister of Internal Affairs and the Minister of Regional Affairs). The Government of the Republic Act provides the possibility that the staff of a ministry may include the position of (one) assistant minister. Today 4 ministries have used the possibility – the Ministry of Education and Research, the Ministry of the Environment, the Ministry of Agriculture and the Ministry of Social Affairs. Every minister has political councillors working at the ministries.

The secretary general directs the administrative organisation of a ministry. The Government of the Republic Act says that the secretary general of a ministry shall direct the work of the structural units of the ministry, co-ordinate the activities of state agencies within the area of government of the ministry and organise the operations of the ministry. The secretary general has the right to control the budget funds of the ministry on the basis of the budget approved by the minister. The secretary general prepares the draft annual budget of the ministry and, where necessary, proposals concerning a supplementary budget. The secretary general makes proposals to the minister for the appointment to and release from service of a deputy secretary general and heads of departments of the ministry; in the Ministry of Foreign Affairs, of directors general, and in the Ministry of the Environment, also of heads of environmental authorities. The secretary general appoints to and releases from office officials and other employees who are on the staff of the ministry, except those who are appointed to and released from office by the minister.

Every ministry has several departments and other administrative units co-ordinated by the deputy secretary-generals. The Government of the Republic Act establishes the areas of government of the ministries. The Act also specifies the executive agencies and inspectorates – which have a directing function, exercise state supervision and apply enforcement powers of the state - that shall be within the area of government of the ministries.

The Ministry of Education and Research

The area of government of the Ministry includes the planning of state education, science, youth and language policy and in relation to that organisation of the fields of pre-school, basic, general secondary, secondary vocational, higher, hobby and adult education, research and development, youth work and special youth work, and the preparation of corresponding draft legislation. The Language Inspectorate shall be within the area of government of the Ministry of Education and Research.

The Ministry of Education and Research is the only ministry working outside the capital Tallinn. The Ministry of Education with a transformed structure commenced its work in Tartu on 1 July 2001. To implement the policy developed by the Ministry, an Education System Management Centre has been founded in Tallinn with the State Assets Administration Bureau and the State Schools Network Bureau as its core units. Since 1 January 2003 the Ministry of Education changes he's name to Ministry of Education and Research.

The Ministry of Justice

The area of government of the Ministry includes the co-ordination of legislative drafting, the systematisation of legislation, the management of the professional activities of the courts of first and second instance, the Prosecutor's Office, prisons, and of legal assistance, and legislative drafting according to the competence of the ministry, and deciding the extradition of a citizen of a foreign state or a stateless person to a foreign state.

The Ministry of Defence

The area of government of the Ministry includes the organisation of national defence and, in this regard, the making of proposals for the planning of national defence policy, the implementation of national defence, the co-ordination of international defence co-operation, the preparation and carrying out of mobilisation, the call-up of persons eligible to be drafted for compulsory military service, the organisation of the registration and training of the Defence Forces reserves, the financing and supply of the Defence Forces and the National Defence League, the development of the defence industry, the supervision of the activities of the Defence Forces and the National Defence League and the preparation of corresponding draft legislation. The Defence Forces, the National Defence League, the Information Board and the Defence Resources Agency are in the area of government of the Ministry of Defence.

The Ministry of the Environment

The area of government of the Ministry includes the management of national environmental and nature protection, the performance of tasks relating to land and databases containing spatial data, the management of the use, protection, recycling and registration of natural resources, the radiation protection, the environmental supervision, the management of meteorological observation, nature and marine research, geological, cartographic and geodetic operations, the maintenance of the land cadastre and water cadastre, and the preparation of corresponding draft legislation.

The Ministry of the Environment is present in every part of Estonia. While the centre of the Ministry is located in Tallinn, the environmental authorities of the ministry are present in 15 counties. The Land Board, the Environmental Inspectorate, the Centre of Forest Protection and Silviculture, the Estonian Environment Information Centre, the Estonian Institute for Meteorology and Hydrology, the Estonian Radiation Protection Centre, the State Forest Management Centre, the Geological Survey of Estonia, the Estonian Map Centre, the Estonian Environmental Research Centre, Tartu Environmental Research, Tartu Nursery, Põlula Fish Farm, the Estonian Museum of Natural History, national parks, ecological reserves and landscape conservation areas all belong to the Ministry's area of government.

The Ministry of Culture

The area of government of the Ministry includes the management of work in the fields of national culture, physical fitness, sports, and heritage conservation, the promotion of the arts, participation in the planning of state media activities, and the preparation of corresponding draft legislation. The National Heritage Board is within the area of government of the Ministry of Culture.

A large part of state support to the field of culture is channelled through state cultural institutions as, for example, with the Estonian National Opera, the National Library of Estonia, the Estonian Art Museum, the Estonian National Museum, state theatres, Estonian Radio, and Estonian Television. The second main financing body is the Cultural Endowment of Estonia, whose purpose is to support arts, folk culture, physical fitness and sports by the purposeful accumulation and distribution of funds in the form of grants. Resources come from a percentage of the state budget, annually collected alcohol and tobacco excise tax, gambling tax and the Endowment's own activities. The Endowment creates an opportunity to also support cultural activities outside state cultural organisations, giving support to private bodies, NGOs and individual artists and projects.

The Estonian Ministry of Culture has cultural attachés in Brussels and in Berlin. The Estonian Institute, a non-profit organisation whose task is to spread information about Estonian society, culture and education both at home and abroad acts together with specific cultural fields' information centres (e.g. music, literature, contemporary arts, theatre and dance) to promote Estonian culture abroad and enhance cultural co-operation between Estonia and other countries. The Estonian Institute has branch

offices in Finland, Hungary, Sweden and France. Almost 100 cultural institutions are members of European and worldwide professional cultural networks.

The Ministry of Economic Affairs and Communications

The area of government of the Ministry includes the development and implementation of the national economic policy and state economic plans with regard to industry, trade, energy, housing, construction, transport (including transport infrastructure, shipping, transit, logistics and public transport), traffic control (including traffic on railways, roads and streets, waterway and air traffic), the improvement of traffic safety, the reduction of environmental damage caused by vehicles, informatics, telecommunications, postal services and tourism; the co-ordination of the work of the state information systems; technological development and innovation policy; the organisation of weights and measures, standardisation, certification, accreditation, licensing, registration, industrial property protection, supervision of competition, consumer protection, export development and trade protective measures; issues concerning the regional development of enterprise and investments, the administration of compulsory minimum stocks of liquid fuel and the preparation of corresponding draft legislation. The following executive agencies and inspectorates shall be within the area of government of the Ministry of Economic Affairs and Communications:

- ❑ The Competition Board;
- ❑ The Civil Aviation Administration;
- ❑ The Road Administration;
- ❑ The Patent Office;
- ❑ The Communications Board;
- ❑ The Consumer Protection Board;
- ❑ The Maritime Administration;
- ❑ The Energy Market Inspectorate;
- ❑ The Technical Inspectorate;
- ❑ The Railway Inspectorate.

The Ministry of Agriculture

The area of government of the Ministry includes the planning and implementation of rural development policy, agricultural policy, the part of the fisheries policy concerning fishing industry and the agricultural products trade policy, the organisation of ensuring food safety and conformity, the co-ordination of activities relating to animal health and protection and plant health and protection, the organisation of agricultural research and development and agricultural education, and the preparation of corresponding draft legislation. The following executive agencies and inspectorates are within the area of government of the Ministry of Agriculture:

- ❑ The Veterinary and Food Board;

- ❑ The Plant Production Inspectorate;
- ❑ Agricultural Registers and Information Board.

The Ministry of Finance

The area of government of the Ministry includes co-ordination and implementation of the planning of the financial and resource management policies of the Government and the budgetary policies of the state, planning and implementation of taxation and customs policies, economic analyses and forecasts, proceedings concerning applications for permission to grant state aid and exercise of supervision over the legality and use of state aid, public procurement activities, official statistics, co-ordination of the implementation of the internal control system of the Government and the organisation of internal audit, state accounting, administration of the financial assets and liabilities of the state, foreign aid and loans granted to the state, and preparation of corresponding draft legislation. The following executive agencies and inspectorates shall be within the area of government of the Ministry of Finance:

- ❑ Tax and Customs Board;
- ❑ Public Procurement Office;
- ❑ Statistical Office.

The Ministry of Internal Affairs

The area of government of the Ministry includes the guarantee of the internal security of the state and the protection of public order, the guarding and protection of the state border and the guarantee of the border regime, and the management of issues relating to crisis management, state operation stockpiles, fire fighting and rescue works, citizenship and immigration, and churches and congregations, the planning and co-ordination of local government, regional administration and regional development, including the co-ordination of the development and implementation of regional planning, local government and regional development, and issues related to data protection and vital statistics, and the preparation of corresponding draft legislation. The following executive agencies and inspectorates shall be within the area of government of the Ministry of Internal Affairs:

- ❑ The Security Police Board;
- ❑ Citizenship and Migration Board;
- ❑ The Border Guard Administration;
- ❑ The Police Board;
- ❑ The Rescue Board;
- ❑ The Data Protection Inspectorate.

The area of government of the Ministry of Internal Affairs includes county governments.

The Ministry of Social Affairs

The area of government of the Ministry includes the drafting and implementation of plans to resolve state social issues, the management of public health protection and medical care, employment, the labour market and working environment, social security, social insurance and social welfare, promotion of the equality of men and women and co-ordination of activities in this field, and the preparation of corresponding draft legislation. The following executive agencies and inspectorates shall be within the area of government of the Ministry of Social Affairs:

- Agency of Medicines;
- Social Insurance Board;
- Labour Market Board;
- Health Care Board;
- Health Protection Inspectorate;
- Labour Inspectorate.

The Ministry of Foreign Affairs

The area of government of the Ministry includes the making of proposals for planning the foreign policy of the state, resolution of issues relating to international agreements and foreign trade, securing that the positions of Estonia in the Permanent Representatives' Committee of the Council of the European Union and in court proceedings in the European Court of Justice and in the court of first instance are being defended, management of the relations of the Republic of Estonia with foreign states and international organisations, management of internal protocol and protocol abroad in the event of national holidays being celebrated, foreign visits of national importance being conducted and eminent guests being received, protection of the interests of the Estonian state and Estonian citizens abroad, administration of the provision of international development assistance and humanitarian aid, promotion of Estonia, and preparation of corresponding draft legislation.

3.2.3 Independent state authorities

The State Audit Office

The State Audit Office is an independent state body responsible for economic control. The State Audit Office is directed by the Auditor General who is appointed to and released from office by the Riigikogu, on the proposal of the President of the Republic. The Auditor General may participate in sessions of the Government of the Republic in which issues related to his or her duties are discussed, with the right to speak. The Auditor General, as the director of his or her office, has the same rights which are

granted by law to a minister in directing a ministry. The term of office of the Auditor General is five years.

The State Audit Office audits:

- 1) the economic activities of state agencies, state enterprises and other state organisations;
- 2) the use and preservation of state assets;
- 3) the use and disposal of state assets which have been transferred into the control of local governments;
- 4) the economic activities of enterprises in which the state holds more than one-half of the votes by way of parts or shares, or whose loans or contractual obligations are guaranteed by the state.

The Auditor General presents to the Riigikogu an overview on the use and preservation of state assets during the preceding budgetary year at the same time as the report on the implementation of the state budget is debated in the Riigikogu.

The Chancellor of Justice

The Chancellor of Justice is an independent official who reviews the legislation of the legislative and executive powers and of local governments for conformity with the Constitution and the laws. The Chancellor of Justice may participate in sessions of the Riigikogu and of the Government of the Republic with the right to speak. The Chancellor of Justice, in directing his or her office, has the same rights which are granted by law to a minister in directing a ministry.

The Chancellor of Justice analyses proposals made to him or her concerning the amendment of laws, the passage of new laws, and the activities of state agencies, and, if necessary, presents a report to the Riigikogu. If the Chancellor of Justice finds that legislation passed by the legislative or executive powers or by a local government is in conflict with the Constitution or a law, he or she shall propose to the body which passed the legislation to bring the legislation into conformity with the Constitution or the law within twenty days. If the legislation is not brought into conformity with the Constitution or the law within twenty days, the Chancellor of Justice shall propose to the Supreme Court to declare the legislation invalid.

The Chancellor of Justice is appointed to office by the Riigikogu, on the proposal of the President of the Republic, for a term of seven years. The Chancellor of Justice may be removed from office only by a court judgment.

The Bank of Estonia

The Bank of Estonia has the sole right to issue Estonian currency. The Bank of Estonia regulates currency circulation, upholds the stability of the national currency and ensures price stability in Estonia

For this purpose, Eesti Pank has the following core tasks:

- ❑ participating in the economic policy of Estonia via pursuing an independent monetary policy, consulting the government, and continuing international cooperation;
- ❑ maintaining financial stability in Estonia by shaping financial sector policy and sustaining reliable and well-functioning payment systems;
- ❑ arranging cash circulation in Estonia;
- ❑ preparing for equal partnership with the other central banks of the euro area in developing a common economic and single monetary policy.

3.3 Regional level of the administrative system: institutions, their authority, function and tasks

The regional level of the Estonian administrative system consists of:

- ❑ county governors and governments
- ❑ the regional offices of the number of executive agencies, inspectorates and other governmental agencies
- ❑ county associations of local governments.

3.3.1 County governors and governments

County governors are appointed to office for a term of five years by the Government of the Republic on the proposal of the Minister of Regional Affairs. The competencies of county governors are listed in § 84 of the Government of the Republic Act. Among other duties, county governors shall:

- ❑ represent the interests of the state in the county and care for the comprehensive and balanced development of the county;
- ❑ direct the work of the county government;
- ❑ report to the Minister of Regional Affairs and the Government of the Republic on his or her activities;
- ❑ co-ordinate the co-operation of regional offices of ministries and other agencies of executive power and local governments in the county;
- ❑ give his or her opinion on the appointment to and release from office of the heads of regional offices of ministries and other agencies of executive power located in the county;
- ❑ inform the Government of the Republic, the Minister of Regional Affairs and local governments on regional policy and other issues concerning relations between executive power and the local governments;
- ❑ make proposals through the Minister of Regional Affairs to the Government of the Republic and ministries for the management of the work of local administrative agencies of government agencies and other state agencies located in the county;

- ❑ possess, use and dispose of state assets within the scope of his or her authority pursuant to law;
- ❑ conclude, by authorisation of the Government of the Republic, administration contracts with local governments for performance of state obligations by them;
- ❑ monitor the activities of local governments and perform functions of supervisory control;
- ❑ guide and co-ordinate the activities of state agencies administered by the county government;
- ❑ represent the state in court in court actions arising from performance of the duties of the county governor and organise the collection and communication of information concerning such court actions.

A county government is a government agency which provides services to the county governor and is directed by the county governor. There are 15 county governors and county governments in Estonia.

3.3.2 *Regional governmental offices*

Regional governmental offices operate both within county and district boundaries, depending on the particular administrative field. Some of the agencies and inspectorates do not have regional offices, departments, etc., due to the nature of their functions. Following governmental agencies and inspectorates have regional agencies, departments or other units in all 15 counties:

- ❑ Estonian Land Board – 16 cadastral bureaus (counties, + Tallinn)
- ❑ National Heritage Board – 15 senior inspectors
- ❑ Estonian Agricultural Registers and Information Board – 15 bureaus
- ❑ Consumer Protection Board - 15 services
- ❑ Veterinary And Food Administration – 15 agencies
- ❑ Labour Market Board – 15 departments
- ❑ Veterinary And Food Administration – 15 veterinary centres
- ❑ Plant Production Inspectorate – 15 surveillance bureaus
- ❑ National Labour Inspectorate – 15 centres

The territorial organisation of these governmental agencies and inspectorates has formed the specific administrative districts:

- ❑ Security Police Board – 7 regional departments
- ❑ Defence Resources Agency – 2 departments dealing with registration of persons liable to service in the Defence Forces
- ❑ Citizenship and Migration Board – 4 departments
- ❑ National Road Administration – 1 regional office and 5 subordinate agencies

- ❑ Estonian Tax and Customs Board – 4 tax and custom centres
- ❑ National Board of Border Guard – 5 border districts
- ❑ National Police Board – 4 prefectures
- ❑ Rescue Board - 4 rescue centres and 15 departments of rescue centres
- ❑ National Communications Board – 3 representative offices
- ❑ Social Insurance Board – 4 Pension Boards
- ❑ Estonian National Maritime Board – 5 divisions of navigational marking
- ❑ Language Inspectorate – 5 surveillance divisions
- ❑ Environmental Inspectorate – 7 departments, + 8 bureaus of departments
- ❑ Health Protection Inspectorate – 4 divisions
- ❑ The Prosecutor’s Office – 4 circuit prosecutor’s offices

3.3.3 County associations of local municipalities

Local governments in a county may form a county association of local governments. A county association may be founded jointly by more than one half of the local governments in that county. There is no obligation to join the county association of local governments.

Such association is a non-profit association, which has also some administrative functions – both local government and state functions. The functions should be performed in accordance with the norms prescribed in the Local Government Associations Act. An association shall perform those functions of a local government which the general meeting has decided should be performed jointly through the association. Functions which require the exercise of powers of public authority shall be transferred to an association for performance only if corresponding authorisation provided by law has been granted. An association shall perform also state functions assigned to it by law or on the basis thereof. An association may enter into a contract with a governmental authority by which the association undertakes to perform a state function. An association may undertake to perform a state function provided that none of the local governments which are members of the association are against it.

In a more general terms, the objectives of a county association are, through the joint activity of the local governments in the county, to foster the balanced and sustainable development of the county, to preserve and promote the cultural traditions of the county, to represent the county and the members of the association, to protect the common interests of its members, to promote co-operation between the local governments in the county and to create possibilities for improved performance of the functions of its members as prescribed by law.

3.4 Local level of the administrative system: institutions, their authority, function and tasks

Each local government of 227 cities and rural municipalities has administrative apparatus which provides services to the local government and to the local people. The size of administrative staff varies a lot, depending on the size of the local municipality – from over thousand administrative officials in Tallinn to less than five in very small local municipalities. The bigger administrative organisations have also more complicated administrative structures with offices, departments, divisions and bureaus.

[The report relies on the official translations of legal acts and on the materials presented in the English versions of web pages published by state authorities; The presentation of the history of the constitutional system uses the resources from web page

http://www.estonica.org/eng/lugu.html?menyy_id=1142&kateg=43&alam=80&leht=6]