



INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Name: Philipp

First name: Renate

Nationality: German

Country of exchange: Germany

Identification of the exchange

Hosting jurisdiction/institution: Supreme Court, Republic of Estonia

City: Tartu

Country: Estonia

Dates of the exchange: 18-5-2026 to 22-5-2026

SUMMARY

The visit to the Supreme Court was characterized by great openness and warmth. It was excellently prepared by the Estonian side. The dense programme provided an insight not only into the work of the Supreme Court, but also into the specific situation of a small Member State on the north-eastern external border of the European Union.



I. Programme of the exchange

The centerpiece of the program was attending the deliberations of the Administrative Law and Constitutional Chambers of the Supreme Court—each following an introduction to the chambers' working methods and featuring qualified simultaneous interpretation during the sessions. This insight into the court's work was supplemented by an introduction to its public relations and internal communication. A visit to the Administrative Law Department of the court of second instance in Tartu, a discussion with the Chancellor of Justice — an institution with no equivalent in the German legal system — and a lunch at the German Embassy with the Embassy Counselor, two law professors, and a lawyer practicing in Tallinn, shed light on administrative law and its enforcement from a different perspective. Outside the scheduled program, an opportunity arose to visit the Council for Administration of Courts, which was meeting in Tallinn under the chairmanship of the President of the Supreme Court. The program was rounded off by an excursion to a bog, accompanied by a biologist and several female lawyers active in environmental law, as well as a tour of 'green' Tartu accompanied, among others, by the attorney of an environmental organization.

II. The hosting institution

The Supreme Court is the highest court in Estonia, consisting of a civil, a criminal, an administrative law, and a constitutional review chamber. It has a total of 19 judicial positions. The administrative law chamber consists of three male and two female judges. They are supported by seven legal advisers—well-trained, mostly younger legal professionals who prepare votes and draft decisions in consultation with the judge-rapporteurs.

The Supreme Court is not a court of fact, but a court of appeal on points of law. The appeal requires leave to appeal by the Supreme Court. It shall be admitted if the challenged decision could be based on an incorrect application of substantive law or procedural law, or if it can be of fundamental importance for legal certainty or the development of the law. Three members of the chamber decide on the admission. The refusal of leave to appeal does not need to be reasoned. Three members of the chamber also decide on the appeal, generally without an oral hearing. Cases of fundamental importance can be transferred to the chamber with all its members or to the Supreme Court 'en banc', meaning the court with all its members.

The Constitutional Review Chamber consists of the President of the Court, who is elected for a seven-year term, and eight members elected for a limited term by all judges upon the President's proposal. Decisions are generally made by a panel of five members. However, constitutional matters can also be decided "en banc". The Constitutional Review Chamber can be petitioned by, among others, the lower courts and the Chancellor of Justice. There is no constitutional complaint that grants every citizen access to the Constitutional Court.

III. The law of the host country and IV. The comparative law aspect in your exchange

There are many similarities between Estonian and German administrative law. The Estonian Code of Administrative Court Procedure and the Administrative Procedure Act were drafted after intensive study of the corresponding German codifications. In principle, lawsuits are only admissible if one's own rights have been violated. In environmental matters, non-governmental organizations also have access to the courts. The biggest difference: There are no federal states (Länder) in Estonia, and therefore no state law, but —apart from the regulation of municipal affairs—only law that applies throughout the entire national territory.

V. The European aspect of your exchange

Similarities between the legal systems became particularly evident in European environmental law. The Administrative Law Chamber had to rule on a lawsuit brought by an environmental organization against the setting of a hunting quota for the wolf. In the relevant 2020/21 hunting season, the wolf was a strictly protected species pursuant to Article 12 in conjunction with Annex IV, subparagraph (a) of Directive 92/43/EEC; however, the Estonian wolf populations were exempted from this strict protection. They were listed in Annex V as a species of community interest. Under Article 14 of Directive 92/43/EEC, Member States had to ensure that the taking was compatible with their being maintained at a favorable conservation status. In the meantime, Directive (EU) 2015/1237 has downgraded the protection of the wolf; it was moved from Annex IV to Annex V. Germany has amended the Federal Hunting Act accordingly. This has created a similar legal situation as in Estonia in the 2020/21 hunting season. The Administrative Law Chamber had referred questions to the European Court of Justice regarding the requirements for a favorable conservation status within the meaning of Art. 1(i) and for administrative measures under Art. 14 of Directive 92/43/EEC. Following the Court of Justice's judgment of June 12, 2025 – C-629/23 –, the Administrative Law Chamber now had to make a final decision on the lawsuit. In particular, it needed to be determined whether the Bern Convention required strict protection for wolf populations in Estonia during the hunting season 2020/21. Drawing on the Court of Justice's judgment, there was also a discussion on what findings are necessary to assess the conservation status of the wolf population, especially when the range extends to third countries – in this case, Russia and Belarus. In my assessment, the interpretation and application of Directive 92/43/EEC and the Bern Convention would not have been discussed any differently in a procedure before the Federal Administrative Court. What was new from a German perspective were the difficulties faced by a member state located on the external border of the European Union when assessing cross-border issues.

The Constitutional Review Chamber had to determine whether executing a short-term deprivation of liberty for a misdemeanor before the conviction becomes final violates the Estonian Constitution. The individual was detained for a traffic violation. The very next day, a court of first instance sentenced him to 25 days of imprisonment and, as mandated by § 205 Sentence 1 of the Code of Misdemeanour Procedure (VTMS), ordered that he remain in

custody and that the sentence be enforced immediately. The defendant appealed to have the detention shortened. He was released after serving the 25 days, and the appellate court subsequently dismissed his appeal regarding the duration of the detention. However, the appellate court ruled that the sentence should not have been executed prior to the finality of the conviction. It found § 205 Sentence 1 VTMS incompatible with the right to liberty, the presumption of innocence, and the constitutional right to have a judgment reviewed by a higher court. The immediate enforcement of short-term custodial sentences apparently stems from a Soviet-era regulation. This case demonstrates that Estonian courts—including lower instances—diligently examine and ensure the compliance of national laws with Constitution, the European Convention on Human Rights (ECHR), and relevant case law.

VI. “Good Practice” within the host jurisdiction

In Estonia, legal protection in administrative matters is aimed at making it easy for persons concerned to obtain legal protection. In administrative cases, even before the Supreme Court, representation by lawyers is not required. The fully digitised court procedure is transparent and keeps out-of-court costs low. Oral hearings, which allow for direct engagement with the parties involved and, if necessary, for making the court's considerations transparent, are, by contrast, only held in exceptional cases.

The Chancellor of Justice, an institution independent of the government, is also easily accessible to citizens. The Chancellor of Justice may propose the enactment and amendment of laws. If he considers a legislation or application of the law to be unconstitutional or unlawful, he may call upon the competent body to take remedial action and, if this is not forthcoming, appeal to the Supreme Court.

VII. The benefits of the exchange

From the stay in Estonia, the experience will remain that the interpretation of Union law in Germany and Estonia is shaped by common methods of interpretation and basic convictions, and frequently also by comparable problem situations. The exchange with Estonian colleagues is straightforward and rewarding. Of particular interest is how the Estonian legal system deals with the threat posed by Russia. The Supreme Court's recent ruling on the constitutional interpretation of a law prohibiting Estonian religious communities from maintaining ties with corresponding communities of hostile foreign states demonstrates how the protection of individual freedoms and national security interests can be balanced (judgment of 19.06.2021, 1-21-8988/585).



VIII. Suggestions

The stay in Estonia was highly rewarding from both a professional and personal standpoint, as well as an unforgettable experience. My sincere thanks go to my colleagues at the Supreme Court in Tartu. I would also like to thank ACA-Europe and the European Union, which made the exchange possible and provided financial support. The exchange program should definitely be continued.

