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**Seminar organized by the Council of State of Italy and ACA-  
Europe**

**“Techniques for the protection of private subjects in  
contrast with public authorities: actions and remedies  
– liability and compliance”**

Rome, 23 May 2022

**Answers to questionnaire: Estonia**



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## **“TECHNIQUES FOR THE PROTECTION OF PRIVATE SUBJECTS IN CONTRAST WITH PUBLIC AUTHORITIES: ACTIONS AND REMEDIES - LIABILITY AND COMPLIANCE”.**

### **INTRODUCTION**

The seminar will analyse the types of actions that can be brought before the administrative judge: action of annulment, action of declaration and action of condemnation. With particular reference to the latter, the seminar will focus on compensatory measures, including damages for loss of opportunity and damages as a result of delay.

The seminar also intends to examine the possibility of any and eventual special or fast-track procedure, for introductory terms and methods which pertain to certain subjects under consideration, for example, for their economic or political relevance, such as those to be found in the sphere of public contracts (see also transversal analysis).

The aim of this questionnaire and of the subsequent seminar is to provide a wider comprehension of the similarities and differences that exist among the various legal systems of the member States insofar as they apply to the situations to be dealt with by the administrative court, paying particular attention to the content and subject matter of the relative rulings.

### **SESSION I**

#### **LEGAL PROCEEDINGS THAT CAN BE BROUGHT BEFORE THE ADMINISTRATIVE COURT**

- 1. In your legal system, which judges are competent to pronounce on disputes in which one of the parties is the public administration?**
  - An ordinary judge
  - An administrative judge
  - A judge who deals with special areas
  - Others



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## Estonian reply

In the Estonian court system, the courts of first instance are county courts and administrative courts (§ 148(2) of the Estonian Constitution).<sup>1</sup> The primary purpose of the procedure in administrative courts is to protect the rights of individuals against unlawful actions performed in the course of the exercise of executive authority (§ 2(1) of the Code of Administrative Court Procedure (CACP)).<sup>2</sup> Administrative courts are competent to decide on all disputes arising in public law relationships unless the law provides a different procedure for resolving such disputes (e.g. criminal procedure). As a rule, an administrative court adjudicates a private person's claims against a public authority. However, an administrative court also has jurisdiction over an action of an administrative authority against a private person who is a party to an administrative contract or in the case of a recourse claim for damages against an official or other person acting on behalf of a public authority (Chapter 26 of the CACP). In other cases, the claims of a public authority against private persons are settled in a county court. As courts of second and third instance, the Administrative Chamber of the Circuit Court and the Administrative Chamber of the Supreme Court deal with administrative matters.

### 2. Which actions can be brought before the administrative court in view of the exercise of administrative powers?

- Annulment of administrative acts
- action of condemnation
- Other actions

If you have replied 'other actions', please clarify which.

## Estonian reply

Six types of actions can be lodged with an administrative court: annulment action, mandatory action, prohibition action, compensation action, reparation action and declaratory action (§ 37(2) of the CACP). Some of these actions are for administrative measures only (e.g., annulment action and prohibition action), while others are applicable to any public law relationship (e.g. compensation action and declaratory action).

### 3. From which sources can actions be proposed brought before the administrative court?

- Law
- Public authority regulations

<sup>1</sup> See the Estonian Constitution in English: [www.riigiteataja.ee/en/eli/530122020003/consolide](http://www.riigiteataja.ee/en/eli/530122020003/consolide)

<sup>2</sup> See the Code of Administrative Court Procedure in English: [www.riigiteataja.ee/en/eli/527032019002/consolide](http://www.riigiteataja.ee/en/eli/527032019002/consolide)



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- Guidelines
- Supreme Court rulings
- Other

### **Estonian reply**

The claims that can be made in the action are provided by law. The general provisions on these claims are provided for in the State Liability Act (SLA; except for declaratory action).<sup>3</sup>

#### **4. Which administrative decisions can be challenged?**

- Administrative acts which have a specific recipient
- General acts and regulations
- Acts inherent to the procedure
- Political acts

### **Estonian reply**

All administrative acts and even internal acts of an administrative authority which resolve an individual case as well all administrative measures and administrative contracts can be the subject matter of an action.

Acts regulating an unrestricted number of cases cannot be challenged in an administrative court. For this purpose, a petition to verify the constitutionality of a regulatory act may be filed with the Supreme Court, which also performs the duties of a constitutional court. However, when deciding a matter, an administrative court sets aside any regulatory act if that act contravenes the constitution or the EU law (§ 158(4) of the CACP). Complaints against resolutions of the parliament and election appeals fall within the jurisdiction of the Constitutional Review Chamber of the Supreme Court.<sup>4</sup>

#### **5. On the grounds of which defects can the annulment of an administrative act be requested?**

- Breaches of the law
- Breaches of competence
- Technicalities and procedural defects
- Breaches of general principles

<sup>3</sup> See the State Liability Act in English: [www.riigiteataja.ee/en/eli/507062016001/consolide](http://www.riigiteataja.ee/en/eli/507062016001/consolide)

<sup>4</sup> See the Constitutional Review Court Procedure Act in English: [www.riigiteataja.ee/en/eli/512122019006/consolide](http://www.riigiteataja.ee/en/eli/512122019006/consolide)



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- Other

### **Estonian reply**

In principle, annulment of an administrative act can be sought for all the above reasons. However, a court shall not annul an administrative act solely on grounds of formal or procedural errors if those violations could not have affected the outcome of the case (§ 58 of the Administrative Procedure Act (APA)).<sup>5</sup> On the other hand, if the administrative authority did not have the power to decide on a matter and this is obvious, the administrative court shall declare the administrative act invalid (§ 37(2) clause 6) of the APA.

### **6. Can the judge partially annul the challenged administrative act?**

- Yes
- No

If your reply is yes, please elaborate.

### **Estonian reply**

Yes, an administrative court can also annul an administrative act in part, because as a rule, a person may request the annulment of an administrative act only to the extent that his or her rights are violated (§ 3(1) of the SLA). A court may also annul only a secondary (ancillary) condition of an administrative act. This is only allowed if the administrative authority was required to issue the administrative act without that condition or if that kind of annulment does not harm the public interest or the rights of third parties (§ 42(1) of the CACP).

### **7. Can the judge substitute the Administration by modifying the content of the administrative act?**

- Yes
- No

If your reply is yes, please elaborate.

### **Estonian reply**

An administrative court does not change the content of an administrative act, but a few exceptions have been established in the case law, by which the court corrects errors in the administrative act.

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<sup>5</sup> See the Administrative Procedure Act in English: [www.riigiteataja.ee/en/eli/527032019002/consolide](http://www.riigiteataja.ee/en/eli/527032019002/consolide)



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More specifically, the court does not annul an administrative act if the legal basis for the issue of that act has been determined incorrectly, but the administrative authority should have made the same decision applying the correct legal basis. Similarly, the court shall not annul an administrative act if the reasons for it are incomplete or even missing, but the administrative authority shall provide convincing reasons in court proceedings and shall be able to prove that the same reasons were used when issuing the administrative act.

**8. When the judge annuls the challenged act, can he dictate provisions which the P.A. must abide by in the review proceedings of the subject-matter of the litigation?**

- Yes
- No

If your reply is affirmative, please elaborate.

**Estonian reply**

When upholding an action for annulment, the court does not normally give instructions to the administrative authority on how to re-decide the case. However, the court may add clarifications on the legal framework. The court usually recommends that an action for annulment be brought together with a mandatory action (claim for issue of a new administrative act). If the court grants both actions, it may, depending on the margin of appreciation and the extent of the discretion of the administrative authority, oblige the administrative authority either to issue an administrative act with a specific content or to decide on the issuance of an administrative act again (§ 6 (4 and 5) of the SLA; § 41(3) of the CACP).

**9. When do the effects of the jurisdictional annulment of an administrative act become applicable?**

- From the date of the adoption of the act (*ex tunc*)
- From the date on which the judgement becomes final (*ex nunc*)
- Other

**Estonian reply**

If the court has annulled the administrative act and the court judgment has entered into force, the administrative act is invalid from the date of its adoption.



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**10. Can the judge modulate the effects over time of the ruling of annulment of an administrative act?**

- Yes
- No
- Other

**Estonian reply**

If the validity of the administrative act has been exhausted, the court may, at the request of the applicant, establish the illegality of the administrative act, if this is necessary to protect the rights of the applicant (§ 152(2) of the CACP). In some cases, the court may even annul the administrative act which has lapsed as a result of its expiry if it retains its effect and practical significance after its expiry and the administrative authority, court or third party can rely on its earlier validity (e.g., disciplinary decisions).

However, if the administrative act is valid and violates the applicant's rights and the action is submitted within the time limit, the administrative court cannot dismiss the action for annulment.

**11. Can the act of ordering payments for damages be proposed autonomously or must it always be proposed together with other kinds of actions?**

- Yes
- No
- Only in certain cases

If your reply is yes, please elaborate

**Estonian reply**

A compensation action can also be filed separately.

**12. In the light of what kind of behaviour is the compensatory action for damages feasible when dealing with a Public Administration?**

- Implementation of an illegal and detrimental administrative act
- Non-observance of the deadline of the procedure
- Lesion of good faith and trust
- Resultant behaviour of the public administration
- Other



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Please elaborate

### **Estonian reply**

An action for damages caused unlawfully can be satisfied if the administrative authority acted unlawfully in a public law relationship and the person suffered damage as a result of the action.

Violations of law related to mere procedural errors are usually not causally related to the occurrence of the damage, but there are exceptions (e.g., unjustified delays in the conduct of proceedings).

Even a compensation for proprietary damage caused by a lawful administrative act or measure may be claimed under limited conditions (§ 16 of the SLA).

Compensation for damage legally caused may also be claimed under limited conditions.

### **13. Which are the different kinds of reimbursable damages?**

- Material damage
- Non-material damage
- Loss of opportunity

### **Estonian reply**

Both pecuniary and non-pecuniary damage can be claimed under the State Liability Act (§ 7–9 of the SLA). In addition to direct proprietary damage, proprietary damages also include loss of income.

### **14. Does the omission of lodging an action of annulment result in elision or reduction of the compensatory damages?**

- Yes
- No
- Other

### **Estonian reply**

Yes, according to § 7(1) of the SLA, a person may claim compensation for damage only if the damage could not have been prevented or eliminated by means of a claim for annulment of an administrative act, a claim for termination of a measure or a claim for issue of an administrative act or a measure. However, this strict rule has been mitigated in the case law. So, for example, the non-exercise of primary remedies does not preclude a claim for damages if there is no causal link between their failure to bring such a claim and the occurrence of the damage. The same applies if the need to seek a primary



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remedy was not clear to the complainant or if there were other compelling reasons for not using the remedy. Nevertheless, the amount of the compensation may be reduced in these cases.

**15. In order to award compensatory damages, is proof of the responsibility of the public administration required? If your reply is affirmative, which party is obliged to provide said proof?**

- Yes – the party with burden of proof is...
- No

**Estonian reply**

The complainant must prove which of his or her rights have been violated and what he or she considers as a damage caused by this violation. According to the case law, non-pecuniary damage is presumed to occur, for example, to a person who seeks compensation for a damage caused by unjustified deprivation of liberty, or to a person who has been injured or whose health has been damaged by public authority. Also, a fact which the court deems to be a matter of common knowledge need not be proved.

**16. Can the judge convert *ex officio* one action into another?**

- Yes
- No

If the reply is yes, please elaborate

**Estonian reply**

Although the court must explain to the applicant how he or she can effectively defend his or her rights, the court must consider the applicant's will when dealing with the case. The court may only decide the matter to the extent requested in the action (§ 2 (3) and (5) of the CACP). In other words, the court may not make a judgment in respect of a claim or cause which has not been set out in the action and may not exceed the scope of the claim (§ 41(1) of the CACP). However, under certain conditions, the applicant may amend the claim or the cause of the action (§ 49 of the CACP). This is permitted until the commencement of summations in the administrative court or, in written procedure, until the expiration of the time-limit for submission of applications, provided that, in the court's assessment, this serves the purpose of achieving the aim of the action and provided the amended action would be admissible (§ 49(1) of the CACP).



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However, the law stipulates that an administrative court may also determine the invalidity of an administrative act based on an action for annulment. Similarly, a court may also annul an administrative act based on an action filed for the determination of invalidity if it meets the requirements for an annulment action (§ 41(4) of the CACP).

**17. Is there a time-limit for the proposition of the compensatory action?**

- Yes
- No

If the reply is yes, please elaborate

**Estonian reply**

A compensation action shall be filed within three years as of the date on which the injured party became aware or should have become aware of the damage and of the person who caused it, but not later than within ten years as of the causing of damage or the event which caused the damage regardless of whether the injured party became aware of the damage and of the person who caused it (§ 17(3) of the SLA and § 46(4) of the CACP).

**18. Can the judge rule that the Administration implement an administrative act? If your reply is affirmative, what are the prerequisites for implementation?**

- Yes – explain
- No

**Estonian reply**

According to § 162(3) of the CACP, the court lays down, in the operative part of the judgment, the conditions for execution of the judgment and any issues concerning interim relief, if necessary. When granting an action, the court may establish a time-limit for execution of the judgment, or any other important conditions relating to execution of the judgment, ensuring to participants in proceedings the right to present their views in relation to this issue. At the same time, the court may also rule that execution of the judgment is to be ensured by some form of interim relief or that interim relief is to be applied until a new administrative act is issued in the stead of the administrative act annulled in the judgment (§ 168(1) of the CACP).

With respect to awards of sums of money, the judgment must be executed within 30 days following it becoming final, except in the case that it is to be executed without delay or provides a different time-limit (§ 168(1<sup>1</sup>) of the CACP).



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## **SESSION II – SPECIAL PROCEDURES**

### **1. Does your administration have provisions for special procedures**

- Yes
- No

If the reply is yes, please elaborate

#### **Estonian reply**

Yes. The Code of Administrative Court Procedure stipulates several special procedures: Execution of court decisions (Chapter 23), Interim Relief (Chapter 24), Protests (Chapter 25), Actions against private individuals (Chapter 26), Granting permission for administrative measure (Chapter 27) and Procedure in procurement matters (Chapter 28).

### **2. What do the specialities consist of?**

- Ways of introducing the appeal
- Procedural time-limits
- Jurisdiction of the court
- Other

#### **Estonian reply**

Special procedures provide for several exceptions from the general procedural rules. They may consist in the subject matter of the proceedings, the powers of the court, the range of the participants, the time limits for the proceedings, the details of proceedings or the types of court decisions.

### **3. The special rites are established:**

- According to subject ( for example, tenders, procedures of expropriation, independent administration authorities)
- According to actions
- Both of the above

Please elaborate

#### **Estonian reply**

The special rules are established according to subject.



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- 4. Does your system provide for appeals against the silence of the Administration at the request for an administrative provision presented by a private individual?**
- Yes
  - No

If the reply is yes, please elaborate

**Estonian reply**

Yes. In the event of an administrative authority's delay, a mandatory action may be brought. It shall be filed within one year after the time-limit for issuing an administrative act or taking an administrative measure has elapsed. If no such time-limit has been established, an action may be filed within two years after the administrative act or measure was applied for (§ 46(2) of the CACP). When granting a mandatory action, the court may order the administrative authority both to issue an administrative act or to take an administrative measure and to make a new decision concerning the issuing of an administrative act or the taking of an administrative measure (§ 41(3) of the CACP).

- 5. Do the Administrations comply spontaneously with the decisions of the administrative courts?**
- Yes, always
  - No, never
  - In the majority of cases, in any case more than in 50% of cases
  - Hardly ever, in any case less than in 50% of cases

**Estonian reply**

Yes. The court needs to fine a party only in very rare cases.

- 6. In your legal system, is there a special procedure for ensuring the integral execution of the sentence?**
- Yes
  - No

If the reply is yes, please elaborate

**Estonian reply**



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In the case of failure to execute a court decision, the court may impose a fine of up to € 32,000 on the participant in proceedings whose fault this is. A fine may also be imposed repeatedly (§ 248(1) and (2) of the CACP).

**7. Are the judge's decisions which are not of the last resort immediately enforceable?**

- Yes
- No

If the reply is yes, please elaborate

**Estonian reply**

Unless otherwise provided by law or determined by a court, the judgment shall be enforced after it has become final. Also, in the case of restoration of a time-limit for lodging an appeal against a court judgment the participants in proceedings do not have to execute the judgment appealed, as a rule (§ 246 of the CACP). Only a court decision which has been declared enforceable without a delay is executed before it becomes final (§ 247(1) of the CACP).

Court decisions which are enforceable without delay include, for example, a decision which reinstates an official in a public service position or a decision which orders payment of due remuneration not received but not for more than two months (§ 247(2) of the CACP). The court may, on the basis of an application of a participant in proceedings and by a separate order, declare a court decision to be enforceable without delay also in the case that execution of the decision at a later date would materially harm the rights of a participant in proceedings, or would be subject to difficulty or impossible (§ 247(3) of the CACP). When declaring a court decision to be enforceable without delay the court may require the participant in proceedings to give a money security in order to provide for return of performance (§ 247(4) of the CACP).

**8. Following the annulment of a decision characterized by discretionary power, the interested party is forced to challenge each of the ulterior negative decisions which have been deemed illegitimate by dint of defects which are different to those identified by the judge or, in alternative, are there certain mechanisms of “reduction” of the aforesaid discretionary power which ensure the definition of the litigation once and for all?**

- Yes – elaborate
- No



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### **Estonian reply**

In the case of administrative discretion, the scope of judicial review is limited. As stipulated in § 158(3) of the CACP, in assessing the lawfulness of an administrative act issued or an administrative measure taken as a result of the exercise of a discretionary power, the court verifies compliance by the administrative authority with the limits and purpose of the power, and with other rules which govern the exercise of discretion. The court does not conduct a separate assessment of the expediency of a discretionary decision. When verifying the lawfulness of an administrative act or measure, the court does not engage in an exercise of the discretionary power in the stead of the administrative authority.

See also the answer to the question No. 8 of the Session I.

## **SESSION III – PRECAUTIONARY MEASURES**

### **1. Does the proposition of an appeal automatically suspend the effectiveness of the administrative act?**

- Yes
- No

### **Estonian reply**

The mere lodging of an action shall not suspend the validity or enforcement of the administrative act.

### **2. In your legal system, are precautionary measures provided for?**

- Yes
- No

### **Estonian reply**

Yes. Interim relief is provided for in Chapter 24 of the CACP.

### **3. What kinds of decisions can the judge apply as a precautionary measure?**

- The suspension of the challenged act;



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- ( if the subject of the challenge is the refusal of an application) a positive measure which provisionally anticipates the effects of the administrative act being contested;
- The order to the administration to re-examine the application on the strength of indications contextually provided by the judge;
- Whatever measure necessary to satisfy, in each case, the precautionary requests presented by both parties

### **Estonian reply**

According to § 251(1) of the CACP, an order ordering interim relief may:

- 1) suspend the validity or enforcement of the administrative act contested;
- 2) prohibit the issue of the contested administrative act or the taking of the contested measure;
- 3) order the administrative authority to issue the administrative act take the administrative measure applied for or to discontinue a measure which is in progress;
- 4) attach any property, including entering a notice of prohibition of dispositions of the property in the relevant register, or creating a judicial mortgage provided for in the Code of Civil Procedure, or enter a notice in the relevant register concerning the presence of a dispute pending before the court;
- 5) prohibit the addressee of the administrative act from engaging in the activity regulated in the administrative act or order such activity to be performed, or establish conditions for such activity, including demanding a security to be given in favour of the applicant.

The court may, in an order ordering interim relief, apply several measures at the same time. Furthermore, the order ordering interim relief may be conditional (§ 251 (2) and (3) of the CACP).

#### **4. What are the conditions for the acceptance of a precautionary request?**

- The probable validity of the action
- The probable validity of the action together with a serious prejudice
- The prevalence of public or private interest, based on the results of the equilibrium/assessment
- The required prerequisites of trial law to accord precautionary measures vary according to the different types of litigation
- Other prerequisites ( please specify )

### **Estonian reply**

The court may, at any stage of the proceedings, on the basis of an application of the applicant which states its reasons, or of its own motion, enter an order ordering a measure of interim relief



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to give provisional protection to the applicant's rights if, in the contrary case the protection of the applicant's rights by the judgment may be rendered significantly more difficult or impossible. When entering this order, the court has regard to the public interest and the rights of the persons affected and assesses the prospects of the action and the foreseeable consequences of the order for interim relief (§ 249 (1) and (3) of the CACP).

**5. Can the judge force the petitioner to pay bail?**

- Yes
- No
- If yes, in which cases?

**Estonian reply**

No. In Estonian law, the law does not provide for the possibility of requiring a guarantee or a bail.

**6. Are precautionary measures generic?**

- Yes
- No – are there some subjects in which precautionary measures are not admitted?  
Which?

**Estonian reply**

According to Estonian law, the interim relief can be applied in all administrative matters.

**7. Can a precautionary request be introduced autonomously before the presentation of the main trial proceedings ( *ante causam* )?**

- Yes
- No

**Estonian reply**

Yes. An application for interim relief may be made to the court also during challenge proceedings (§ 249(2) of the CACP).

**8. In the event of cautionary request *ante causam*, does the precautionary decision of the judge lose effectiveness?**



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- Yes, in the event that the interested party does not initiate main trial proceedings within the mandatory time-limit
- No, its effectiveness remains intact even if the main trial proceedings have not been initiated within the mandatory time-limit or even if the time-limit has expired

### **Estonian reply**

According to § 249(4) of the CACP, an order for interim relief made during challenge proceedings is valid until:

- 1) the expiration of the time-limit for bringing an action in the administrative court concerning the claim which forms the subject matter of the challenge, provided the action is not brought within that time-limit;
- 2) the judgment becomes final or until an order on return or dismissal of the action, or on termination of proceedings in the matter becomes final, provided an action concerning the claim which forms the subject matter of the challenge is brought in due time in the administrative court.

### **9. When dealing with the precautionary request, does your legal system provide for specific procedure?**

- Yes (give details of the main characteristics with regard to : trial deadlines, type of decision, motivational burden, ways for establishing debate)
- No

### **Estonian reply**

The court must decide on an application for interim relief without delay by an order which states its reasons. If the court considers it necessary to hear participants in proceedings first, it may decide on the application at a later date. The presentation of evidence and of opinions of the other participants in proceedings may only be required in the case that this is possible without significantly prejudicing the rights and interests to be considered when entering the order concerning interim relief (§ 252(1) of the CACP).

Deciding on an application for interim relief is subject to the provisions of simplified procedure (§ 252(2) of the CACP). Under simplified procedure, the court has regard solely to essential principles of administrative court procedure and must guarantee that the fundamental rights and freedoms and essential procedural rights of participants in proceedings are observed, and that the participants are heard if they so request (§ 134(1) of the CACP).



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**10. Is the precautionary decision taken unilaterally or collegiately?**

- Unilaterally;
- Collegiately;
- Collegiately, but in the event of extreme urgency, the precautionary decision can be taken temporarily by means of a simple unilateral decree;

**Estonian reply**

In an administrative court of first instance, an administrative matter is decided by a single judge (§ 11(1) of the CACP). Thus, the court decides on an application for interim relief alone.

In the circuit court, an administrative matter is decided by a three-member panel. The law does not explicitly stipulate whether an order on interim relief can be made by a circuit judge alone, but it should be rather answered in affirmative.

In the Supreme Court, a three-member panel decides on an application for interim relief.

**11. During the discussion of the precautionary request, can the judge directly define the judgement on the merit?**

- Yes ( explain in which conditions )
- No

**Estonian reply**

This is possible if the application for interim relief has been submitted immediately before the judgment is given.

**12. Can precautionary measures be challenged before the Supreme Court /Council of State?**

- Yes
- Yes, but only if they pass a test of eligibility
- No

**Estonian reply**

A participant in proceedings may lodge an appeal against the order on interim relief or the order concerning refusal of interim relief to the higher court. The order entered by the circuit court in respect of the appeal is not subject to further appeal (§ 252(7) of the CACP).



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**13. Can the Supreme Administrative Court / Council of State, as a precautionary measure, suspend the judgements on the merit of a judge of a lower level?**

- Yes
- No

**Estonian reply**

No. The Supreme Court cannot suspend the execution of a court judgment within the framework of interim relief. In most cases, this is not necessary either, as the judgment is usually enforced after the judgment has become final. If an administrative court or a circuit court has declared its decision immediately enforceable under § 247(1) of the CACP, an interlocutory appeal may be lodged against the order. The order entered by the circuit court in respect of the interlocutory appeal is not subject to further appeal (§ 247(5) of the CACP). An interlocutory appeal may be filed with the Supreme Court only if the circuit court declared its decision enforceable without delay.

**14. On average, how many precautionary decisions are taken every year by the Supreme Court/ Council of State in comparison to the overall number of decisions taken?**

**Estonian reply**

The Estonian Supreme Court decides on an application for interim relief less than 10 times a year. There are considerably more interlocutory appeals against the order on interim relief of the circuit court.

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