



# RIIGIKOHUS

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## Constitutional Review Chamber

The **Constitutional Review Chamber** of the Supreme Court reviews the constitutionality of laws and other legislation of general application.

Every year, on the proposal of the Chief Justice, the Supreme Court *en banc* appoints two new members to the Constitutional Review Chamber and releases two most senior members of the duties of the members of the Constitutional Review Chamber, taking into account the opinion of and bearing in mind, as much as possible, the equal representation of the Administrative Law, Criminal and Civil Chambers within the Constitutional Review Chamber.

The Supreme Court adjudicates constitutional review cases either at the sessions of the Constitutional Review Chamber or sitting *en banc*. Constitutional Review Chamber hears cases in panels of at least three members.

### **A case may be transferred to Supreme Court *en banc* if:**

- a petition to hear the case has been filed by another Chamber of the Supreme Court;
- the matter concerns essential constitutional issues;
- at least one justice on the panel has a dissenting opinion during the hearing of matter in Chamber;
- the judgment of the Supreme Court is necessary for changing the earlier practice of interpretation or judgment.

### **The Constitutional Review Chamber reviews:**

- the constitutionality and legality of laws and resolutions adopted by the Riigikogu, which have entered into force;
- the constitutionality and legality of laws, which have not been promulgated by the President of the Republic and have not entered into force;
- the constitutionality of decrees issued by the President of the Republic, which have entered into force;
- the constitutionality of international treaties of the Republic of Estonia, which have not entered into force;
- constitutionality and legality of legislation of general application, issued by the executive and local governments, which have entered into force

The Supreme Court shall declare wholly or partly invalid any law or other legislation, if it is in conflict with the spirit or provisions of the Constitution.

### **The Supreme Court shall:**

- adjudicate requests for reviewing the constitutionality of legislation of general application;
- adjudicate requests for reviewing the constitutionality of international treaties;
- adjudicate complaints filed against the resolutions of the Riigikogu;
- adjudicate complaints filed against the resolutions of the Board of the Riigikogu;
- adjudicate complaints filed against the decisions of the President of the Republic;
- adjudicate requests for declaring a member of the Riigikogu, the President of the Republic, the Legal Chancellor or the State Auditor is incapable of performing his or her duties for an extended period;
- adjudicate requests for termination of the authority of a member of the Riigikogu;
- decide on giving a consent to the Chairman of the Riigikogu, acting as President of the Republic, to declare extraordinary elections to the Riigikogu or to refuse to proclaim laws;
- adjudicate requests for termination of the activities of a political party;
- resolve complaints and protests filed against the decisions and acts of electoral committees.

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