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Constitutional Judgments

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For reference see also the Constitution of the Republic of Estonia [1] and Constitutional Review Court Procedure Act [2].

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5-23-37 [4]	Complaint by 17 members of the Riigikogu against Riigikogu resolutions of 11 and 18 September
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5-21-3 [14]	Review of the constitutionality of § 20 subsections (22) and (4) of the Nature Conservation Republic Regulation No 242 of 8 July 2004.
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5-18-7 [22]	Review of the constitutionality of Narva City Council regulations and of failure to issue a legal act
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3-4-1-3-16 [33]	Application of 30 June 2016 by Kõpu Rural Municipal Council, application of 25 August by application of 31 August by Abja Rural Municipal Council, Emmaste Rural Municipal Council, Järvakandi Rural Municipal Council, Kambja Rural Municipal Council, Kõo Rural Municipal Council, Leisi Rural Municipal Council, Loksa Town Council, Luunja Rural Municipal Council, Mäetaguse Rural Municipal Council, Nõo Rural Municipal Council, Paikuse Rural Municipal Council, Pühalepa Rural Municipal Council, Rakke Rural Municipal Council, Vaivara Rural Municipal Council and Ülenurme Rural Municipal Council, application of 21 September 2016 by Kullamaa Rural Municipal Council, application of 21 September 2016 by Tõstamaa Rural Municipal Council and of 27 September 2016 by Haaslava Rural Municipal Council and Karksi Rural Municipal Council
3-4-1-2-16 [34]	Tallinn Administrative Court judgment of 19 May 2016 in administrative case No 3-16-78 and judgment of 30 June 2016 in administrative case No 3-15-2393
3-3-1-86-15 [35]	Tallinn Court of Appeal judgment of 27 August 2015 in administrative case No 3-14-52199
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3-4-1-31-15 [39]	Tartu Administrative Court order of 26 November 2015 in administrative case No 3-15-259
3-4-1-30-15 [40]	Review of the constitutionality of § 141(1) of the Code of Criminal Procedure
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3-4-1-13-15 [42]	Review of constitutionality of § 141 (2) of the Penal Code to the extent that it prescribes six minimum sanction for aggravated rape
3-4-1-31-15 [39]	Constitutional review of § 7 (1) and § 8 (4)–(6) of the Code of Administrative Court Procedure the applicant to bring a complaint against the Social Insurance Board in Tallinn Administrative
3-2-1-146-15 [43]	Claimant's action against defendants I–IV to annul a decision of the general meeting of defendants decision with different wording, alternatively to require submission of declarations of intent in the amount of 4 221 283 euros and 77 cents and penalty for late payment, and alternatively 287 euros and penalty for late payment. Applications by claimants I–V for determination of
3-4-1-59-14 [44]	Review of the constitutionality of subsections 1 and 15 of § 57 of the State Fees Act in combination in force from 1 July 2014 to 31 December 2014) and of subsections 1 and 15 of § 5 entered into force on 1 January 2015, in combination with Annex 1 thereto
3-4-1-55-14 [45]	Review of the constitutionality of subsection 1 of § 2, subsection 1 of § 3 of and the Annex of the Government of the Republic of 21 February 2005 “Threshold values for mark-up in wholesale products and procedure for implementation thereof”
3-4-1-14-15 [46]	Constitutional review of clause 11 of subsection 3 of § 11 of Regulation no. 16 of the Tallinn “Taxi Service Rules for Tallinn”
3-4-1-2-15 [47]	Review of the constitutionality of subsection 3 of § 4 and subsection 3 of § 22 of the Riigik
3-4-1-1-15 [48]	Review of the constitutionality of subsections 1 and 4 of § 55 of the National Audit Office
3-2-1-75-14 [49]	Application by Osahing Aktiva Finants against Siiri Seero in expedited order for payment of sum of 1138 euros and 12 cents
3-4-1-1-14 [50]	To declare unconstitutional and repeal subsection 2 of § 1327 of the Courts Act and reverse the Act based on clause 2 of § 3 of the Temporary Organisation of Payment of Salaries Bound by Salaries of Higher State Servants Act and Courts Act Amendment Act to the extent that the for recalculating the former old-age pensions of judges based on the salary of members of the judges, county court judges and administrative court judges.

3-2-1-153-13 [51]	Claim by Baltforce OÜ (former name HIPHOP OÜ) against Aktsiaselts Uvic for identifying legal protection of a trademark. Request to determine procedural expenses.
3-4-1-54-13 [52]	Review of the constitutionality of subsections 1, 3, 5 and 6 of § 377 of the Code of Criminal Procedure.
3-4-1-29-13 [53]	Review of the constitutionality of subsection 2 of § 1251 of the Courts Act.
3-4-1-17-13 [54]	Review of the constitutionality of subsection 1 of § 56 of and Annex 1 to the State Fees Act (January 2009 to 31 December 2010) to the extent that a state fee of 35 000 Estonian kroon is claimed in a civil case with a value of more than 300 000 to 350 000 Estonian kroons.
3-4-1-52-13 [55]	Review of the constitutionality of subsection 3 of § 11 of the Land Tax Act.
3-4-1-42-13 [56]	Review of the constitutionality of § 251 of the Code of Criminal Procedure Implementation.
3-4-1-27-13 [57]	Request of the Chancellor of Justice for declaring in part unconstitutional and repealing Republic Regulation No. 171 of 12 November 2009 “Rates of Water Abstraction Charge for Groundwater Bodies or Aquifer” and § 1 of Government of the Republic Regulation No. 172 of 12 November 2009 “Extraction of Mineral Resource Reserves Belonging to the State”.
3-4-1-2-13 [58]	Review of the constitutionality of subsections 1 to 3 of § 421 “Restrictions on issue and sale of general pharmacy” of the Medicinal Products Act.
3-2-1-4-13 [59]	Appeal of E.D. M against a decision of enforcement officer Mati Roodes to impose a coercive measure no. 026/2010/447.
3-4-1-4-12 [60]	Appeal by AS Pärnu Kalur Holding, AS Saare Kalur, AS A.O. Imbi (bankrupt), AS Lihakombinaat (bankrupt), AS Volta, OÜ Kommunaar (in liquidation), OÜ Belest, AS Baikal & Metals Limited, Kreenholmi Valduse AS (bankrupt) and AS Latvijas Kugniecība for the Riigikogu of 15 February 2012 “Compensation of Claims Secured by Certificates of the National Debt”.
3-4-1-7-13 [61]	The request of Tallinn Administrative Court to declare unconstitutional and repeal the first part of the Parental Benefits Act to the extent that, in a situation where a person receiving the maximum parental benefit subject to social tax exceeding the benefit rate, it produces a result where the total income (parental benefit plus additional income) decreases in comparison with a situation where the person receives no parental benefit.
3-4-1-25-13 [62]	Appeal by LRS Finance SA of 31 May 2013.
3-2-1-140-12 [63]	Lembit Lambing’s request for a refund of the state fee.

3-3-1-44-11 [64]	Action of Petr Dmitruk and Nadezhda Dmitruk against decision no. 15.3-04/158 ja 15. Guard Board of 23 March 2010.
3-3-1-15-10 [65]	An action of K. M. for claiming compensation in the amount of 79,422 kroons for damage o
3-3-1-35-10 [66]	An action of Ülar Kaas for claiming compensation in the amount of 254,087 kroons for Estonia.
3-4-1-1-12 [67]	Verification of constitutionality of § 19(2)2) of the Anti-corruption Act.
3-4-1-25-11 [68]	A request of the Chancellor of Justice to declare § 1581(1) of the Law of Property Act and Property Act Implementation Act in conjunction with § 154(2) to (4) of the Law of Property Act to the extent they do not prescribe a sufficient payment to the owner of an immovable networks or utility works required in public interests, and the first sentence of § 1582(1) to payment provided for in § 154 of the Law of Property Act Implementation Act.
3-4-1-6-12 [69]	A request of the Chancellor of Justice to declare Article 4(4) of the Treaty establishing signed on 2 February 2012 in Brussels to be in conflict with the Constitution.
3-1-2-2-11 [70]	Criminal matter of conviction of Henrik Antsov pursuant to § 184(2)1) and 2) of the Penal Code.
3-4-1-16-10 [71]	Review of the constitutionality of § 87 ² of the Penal Code.
3-4-1-12-10 [72]	Verification of the constitutionality of § 57(6) of the Health Insurance Act in the part it prescribes of persons who are at least 65 years of age for more than a total of 90 calendar days per calendar
3-3-1-22-11 [73]	An action of Ljudmilla Dovženko for compensation for damage caused by the Republic of Latvia
3-3-1-33-11 [74]	An action of OÜ Akos Apteek for ordering for compensation for loss of profit during the period of 1 October 2009 from the Government of the Republic 684,780 kroons and fines for delay of 100 kroons; an action of OÜ for ordering for compensation for loss of profit during the period of 21 December 2007 to 16 October 2009 from the Government of the Republic 338,307 kroons and fines for delay of 4,928 kroons; an action of OÜ for ordering for compensation for loss of profit during the period of 21 December 2007 to 16 October 2009 from the Republic 1,493,563 kroons and fines for delay of 18,536 kroons; an action of OÜ Kaas for ordering from the Government of the Republic compensation for proprietary damage of 283,000 kroons
3-4-1-9-10 [75]	Request of the Tallinn Circuit Court to declare § 94(1) of the Imprisonment Act to be in conflict with the Constitution.

3-4-1-7-11 [84]	Complaint of Teet Raatsin for declaration of invalidity of the voting results of the Riigikogu election.
3-2-1-62-10 [76] 3-4-1-6-11 [85]	An action of AS WIPESTREX GRUPP against the Republic of Estonia for receipt of 31,5 million kroons. Complaint of Henn Põlluaas for annulment of electronic votes cast in the Riigikogu election.
3-4-1-4-11 [86]	Complaint of Paavo Pihelgas for annulment of electronic votes cast in the Riigikogu election.
3-2-1-60-10 [87]	Review of constitutionality of § 43(3) of the Wet Kiosis for receiving 2,746,883 § 36(1) kroons payment. A counterclaim of Ain Kirs for receiving 2,700,000 kroons.
3-4-1-5-10 [88] 3-4-1-18-10 [78]	Request of the Tallinn Circuit Court to declare § 251–256 and § 318(3)3) of the Criminal Code unconstitutional. A request of Oleg Ossinovski.
3-4-1-31-09 [89]	Request of the Constitutional Court of Justice of 18 December 2009 for declaration of § 1 § 1 and § 7 of the Tallinn City Council Regulation No. 672 of 16 October 2009 "On the Water Supply and Sewerage System of the Tallinn Public Water Supply and Sewerage System".
3-3-1-5-09 [90] 3-4-1-11-10 [80]	An appeal by Romeo Kalda to declare unlawful the act of the Tartu Prison by violation of the Charter of Justice to declare the first sentence of paragraph 3.5 of the "Procedure for payment of social benefits not dependent on the place of residence" by a Tallinn City Council regulation no. 13 of 10 February 2005.
3-4-1-25-09 [94] 3-3-1-85-10 [81]	Request of the Tallinn Circuit Court to declare unconstitutional § 131(2) and (3) of the Code of Obligations of the Republic of Estonia. With the provision of the Energy State Aid, which the Government of the Republic of Estonia has adopted in the part of the immovables Roostiku, Nuka, Kadastiku, Kruusimägi, the Võilau limited-conservation area.
3-4-1-16-09 [95]	Review of constitutionality of the second sentence of § 8(1), § 8(4) and the first sentence of the Council Election Act.
3-3-1-69-09 [82]	An appeal of Vaike Õiglane for compensation for damage caused by unjust arrest.
3-4-1-8-09 [96] 3-3-1-85-09 [83]	Request of the Tallinn City Council to declare the following unconstitutional and invalid: Action of Oleg Osmjorkin for compensation for non-proprietary damage caused by a criminal act: 1) § 16 of the 2009 Supplementary Budget Act and Related Acts Amendment Act and the amendments made to it; 2) subsection 17 (1) of the Supplementary Budget Act and clause 5 (1) 1) of the Income Tax Act; 3) subsections 19 (2) and (3) of the Supplementary Budget Act and §§ 122 and 313 of the Criminal Code established by them; 3) subsections 20 (3) and (4) of the Supplementary Budget Act and §§ 81 and 281 of the Criminal Code established by them; 5) subsection 16 (4) of Regulation No. 49 of the Government of the Republic of 5 March 2009 "Conditions and Procedure of Division of Budget Equalisation Fund Allocations of Local Authorities"; 6) Regulation No. 50 of the Government of the Republic of 5 March 2009 "Detailed List of the Authority and Entities Dependent on Local Authority, Conditions and Procedure for Subsidies, Assumption of Obligations and Evaluation of Request and Procedure for Refunding Suspension of Obligations".

3-4-1-22-09 [97]	Request of Raivo Paala to declare that the procedure for submitting appeals against the a the prosecutor's office, provided by Division 5 of Chapter 8 of the Code of Criminal Pro protection; to establish that the lack of an effective remedy for appealing against the activ prosecutor's office has resulted in the infringement of Raivo Paala's fundamental rights; t Paala for the moral damage arising from the violation of fundamental rights.
3-3-1-41-09 [98]	Action of Annela Külm applying for the declaration of unlawfulness of the Lõuna Police July 2008, and for the ordering of payment of compensation.
3-4-1-20-09 [99]	Complaint of the Estonian Centre Party faction against the Board of the Riigikogu resolution
3-4-1-14-09 [100]	Review of constitutionality of § 952 of the Maritime Safety Act, of § 6(1)13) of the Merc in force until 24 April 2004); of clause 13 of the Government of the Republic regulation Establishment of Legislation Arising from the Merchant Shipping Code” of 7 January authorisation to the Minister of Transport and Communications to establish the rates of lig and the bases and procedure for the provision of subsidies; of the Minister of Transport 113 “Rates of lighthouse dues and ice breaking dues and the bases and procedure for December 2001; and of § 501(1), § 502, § 504, § 505, § 506 and § 507 of the Maritime from 25 April 2004 until 2 June 2005) to the extent that these do not establish a sufficient for the collection of lighthouse and ice breaking dues.
3-4-1-9-09 [101]	Request of the Koigi rural municipality council to declare unconstitutional and repeal th 34(2) of the Earth's Crust Act.
3-4-1-10-09 [102]	Review of constitutionality of § 218(3) and (4), § 344(2), the first sentence of § 654(21) Procedure.
3-4-1-6-09 [103]	Request of the Tallinn Circuit Court to declare § 56(181) of the State Fees Act to the exte 200 kroons shall be paid upon filing of an appeal against a ruling rendered in an administrat
3-4-1-12-09 [104]	Request of the Chancellor of Justice to declare §§ 1 and 2 of the Tallinn City Council “Amendment of the Statutes of Tallinn” partly unconstitutional and § 3 thereof partly uncon
3-4-1-4-09 [105]	Request of the Tallinn City Council to repeal § 105(6) of the Taxation Act, and § 11(1) regulation no. 51 of 19 December 2008 “Procedure for recording in the accounts, p obligations administered by the tax authority for state taxes”.
3-4-1-3-09 [106]	Review of constitutionality of § 50(3) and § 461 (in the wording in force from 26 Septemb Minister of Justice regulation no. 72 of 30 November 2000 “Internal Rules of Prison“.
3-4-1-2-09 [107]	Review of constitutionality of § 7(2)5), § 8(4) and § 9(2) of the Local Government Council

3-4-1-7-08 [108]	Review of constitutionality of §§ 126(6), 129(1) and 129(2) of the Public Procurement Act.
3-4-1-15-08 [109]	Review of constitutionality of § 1(4), the parts of the first sentence of § 6(1) reading “bordering immovables [...] and shall set them the term of one month for submission of suitable land for the purpose of joining the lands to their plots”, § 6(2) and the first sentence of Republic Regulation no. 50 of 22 February 2007 “Procedure for privatisation of land and the Land Reform Act”.
3-4-1-1-09 [110]	Review of constitutionality of § 28(1)25) of the Public Information Act
3-3-1-59-07 [111]	Action of Ardi Šuvalov for the annulment of the Minister of Justice directive no. 233-k of 2007
3-4-1-16-08 [112]	Review of constitutionality of § 43(1)2) of the Weapons Act.
3-4-1-17-08 [113]	Petition of the Tallinn City Council for the declaration of invalidity of § 7(1)3), § 7(2) and § 7(3) of the Tallinn City Act.
3-4-1-18-08 [114]	Petition of the President of the Republic of 11 December 2008 for declaration of unconstitutionality of the Procedure for Remuneration of Members of the Riigikogu Act.
3-4-1-12-08 [115]	Request of Raivo Paala to declare that the Tartu County Court proceeding in criminal case no. 100/08 is unreasonably long and thus violates his right to a proceeding within a reasonable time; that the general application regulating the hearing of appeals concerning unreasonably long proceedings and compensation is in conflict with the Constitution and the European Convention for the Protection of Fundamental Freedoms; and to award just compensation for the moral damage caused by the proceedings.
3-4-1-14-08 [116]	Petition of the Tallinn City Council for the declaration of invalidity of § 32(1) of the Accounting Act, the Minister of Finance Regulation no. 105 of 11 December 2003, and for the declaration of unconstitutionality of the Standards Board Guideline RTJ 17.
3-4-1-8-08 [117]	Review of constitutionality of § 28(2)3) of the State Pension Insurance Act to the extent that the years of pensionable service shall include time during which a person is in compulsory military service referred to service from Estonia”.

3-4-1-4-08 [118]	Review of constitutionality of § 2 (8) and (9) of the Minister of Justice Regulation no 71 of remuneration of trustees and interim trustees in bankruptcy and the procedure for calculating reimbursement”.
3-4-1-10-07 [119]	Request of the Board of the Riigikogu for premature termination of the authority of the members of the Riigikogu, Katrin Saks and Andres Tarand.
3-4-1-6-08 [120]	Review of constitutionality of the second sentence of § 71(2) of the Aviation Act.
3-4-1-5-08 [121]	Review of constitutionality of § 38(1)4) of the Public Procurement Act in the wording in force from 1 January 2008.
3-1-1-37-07 [122]	Criminal case of the charges against T. Tiiki under § 424 of the Penal Code.
3-4-1-19-07 [123]	Petition of the Tartu County Court of 16 November 2007 to declare unconstitutional the absolute grounds for detention in the Code of Criminal Procedure serving as a ground for the release of a person when the Act providing for the punishment has been amended.
3-4-1-3-07 [124]	Petition of the Chancellor of Justice to declare unconstitutional the provisions of the Political Parties Act for efficient supervision of the political party funding and to require that the Riigikogu set up minimum requirements.
3-1-1-88-07 [125]	Misdemeanour matter concerning the punishment of Serhiy Mulyar under § 73(1) of the Criminal Code and the assets of OAO AIT under § 94(4) of the Customs Act.
3-1-1-86-07 [126]	Misdemeanour matter concerning punishment of Indrek Eiche under § 547(1) of the Public Order Act.
3-4-1-1-08 [127]	Petition of KREENHOLMI VALDUSE AKTSIASELTS for the declaration of unconstitutionality of the Narva City Council regulation no 23 of 8 June 2006 “Approval of the price of water supply and wastewater disposal service”; columns 3 and 4 of Table 1 of § 119 of the Narva City Council regulation no 847 of 29 June 2006 “Determination of the price of water supply and wastewater disposal service”; and §§ 12 and 13 of the Narva City Government Regulation no 10 of 12 July 2006 “Procedure for price regulation of water supply and waste-water disposal service”.
3-4-1-20-07 [128]	Petitions of the Harju County Court of 19 and 21 December 2007 to review the constitutionality of the Civil Procedure (CCP).

3-3-2-1-07 [129]	Actions of Ivo Jurno, Meeri Konno, Pavel Žukovets, Vladimir Solovjov, Tõnu Eichler, Helmut Gude, Jevgenia Nugis, Kiira Chagall, Asta Kortel, Janika Toompere, Lembit Nokkur, Valvart, declaration of illegality of CRCUEP decision no 4032 of 24 October 1994 and of the Tallinn City Government order no 1799-k of 30 January 1995.
3-4-1-17-07 [130]	The Tartu Circuit Court judgment of 29 June 2007 declaring § 14(2) of the Act on Amendment of the Land Reform Act and Legislation Related to Land Reform unconstitutional.
3-3-1-15-07 [131]	Action of Ülo Kalda for the compensation for damage caused by unjust deprivation of liberty.
3-3-1-101-06 [132]	Action of Tatjana Gorjatšova for the annulment of the Government of the Republic order no 1799-k of 30 January 1995.
3-3-1-41-06 [133]	Action of Sten Liebert for annulment of the Tallinn City Government order no 1799-k of 30 January 1995.
3-4-1-18-07 [134]	Judgment of the Tallinn Circuit Court of 28 June 2007 declaring clause 1 of “Headings of List of Commodities, under which soft drinks belong“, approved by Regulation no 24 of the Ministry of Economic Affairs, unconstitutional.
3-4-1-15-07 [135]	Petition of the Tallinn Administrative Court of 1 June 2007 to review the constitutionality of the wordings in force until 30 November 2006 (incl.).
3-4-1-14-07 [136]	Petition of the Tallinn Administrative Court of 30 May 2007 to review the constitutionality of clauses 133(1) and(3) of the Public Service Act.
3-4-1-12-07 [137]	Petition of the Tallinn Administrative Court of 9 May 2007 to review the constitutionality of the wordings in force until 30 November 2006 (incl.).
3-4-1-9-07 [138]	Petition of the Tartu County Court to review the constitutionality of § 2521 of the Bailiffs Act.
3-4-1-4-07 [139]	Petition of Tallinn City Council to declare § 8(2) and § 9(4) of the Protection of War Graves Act unconstitutional.
3-4-1-2-07 [140]	Petition of Tallinn Circuit Court to declare the fourth sentence of clause 3 of “Procedure for the removal of structures“, approved by Government of the Republic Regulation No 144 of 30 January 1995, force from 13 June 1999 until 17 October 2003, unconstitutional.

3-4-1-11-05 [150]	Petition of the President of the Republic to declare the Riigikogu Internal Rules Act Amendment No 28 of 11 November 2005 unconstitutional.
3-4-1-13-05 [151]	Petition of the President of the Republic to declare the Local Government Council Election Act of 28 June 2005 unconstitutional.
3-4-1-16-06 [141]	The Riigikogu to declare section 6 of “Procedure for privatisation of state-owned enterprises” Act unconstitutional.
3-4-1-2-05 [152]	Review of constitutionality of subsections § 413(1), (4) and (8) of Traffic Act, approved by the Government of the Republic of 18 June 1996, in its entirety, and subsection § 413(1) of the same Act, in its entirety, to the extent that it requires that for participation in an auction a copy of a payment document of tax on value added must be submitted to the auction committee, invalid.
3-3-1-1-05 [153]	Review of constitutionality of subsections § 413 (1) and (10) of Traffic Act.
3-4-1-9-05 [154]	Action of the Republic of Estonia against Rein Uustalu claiming the overpaid early-retirement pension.
3-4-1-14-06 [142]	Petition of the President of the Republic for the declaration of unconstitutionality of the Act on the Principles of the Ownership Reform Act.
3-4-1-5-05 [155]	Petition of Jõhvi Rural Municipality Council to review the constitutionality of § 143 of the Basic Law of the Republic of Estonia.
3-4-1-9-06 [143]	Petition of the Chancellor of Justice requesting that section 1 of Regulation No 17 of Rules of Procedure of the Riigikogu be declared invalid.
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