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## **The Constitution of the Republic of Estonia Implementation Act**

Passed 28.06.1992  
RT I 1992, 26, 350  
Entry into force 03.07.1992

**§ 1.** The Constitution enters into force on the day following its adoption in a referendum and is implemented pursuant to the procedure provided in this Act.  
The authority of the Supreme Council of the Republic of Estonia and of the Congress of Estonia ends when the results of the election of the Riigikogu are announced.  
The Supreme Council of the Republic of Estonia is to perform the functions of the legislature until the announcement of the results of the election of the Riigikogu.  
The Government of the Republic which received its mandate from the Supreme Council is released from office upon the assumption of office by the Government formed by the Riigikogu.

**§ 2.** Upon the entry into force of the Constitution, the legislation in force in the Republic of Estonia at the time of adoption of this Act continues to have validity in so far as it is not in conflict with the Constitution or the Constitution Implementation Act, until it is either repealed or brought into complete conformity with the Constitution.  
Disputes regarding the conformity of legislation to the Constitution or the Constitution Implementation Act are decided by the Supreme Court.

**§ 3.** After the adoption of the Constitution, the Supreme Council calls the election of the Riigikogu and of the President, and determines the schedule for these elections. The elections must be held not later than 27 September 1992.  
As an exception, the mandate of the first Riigikogu elected after the adoption of the Constitution lasts for a period of up to three years.  
The chairman or deputy chairman of the national electoral committee calls the first sitting of the Riigikogu within ten days after the announcement of the results of the election.  
The chairman or deputy chairman of the national electoral committee presides over the work of the Riigikogu until the Speaker of the Riigikogu is elected.  
Until the adoption of the Riigikogu Standing Orders Act and the Riigikogu Rules of Procedure Act, a sitting of the Riigikogu is competent to transact business when at least one half of its members are in attendance.  
In the Constitution:  
“a majority of votes cast” means that the number of votes in favour exceeds the number of votes opposed;  
“a two thirds majority” means a number of votes in favour that is at least twice the number of the votes opposed;  
“a four fifths majority” means a number of votes in favour that is at least four times the number of the votes opposed;  
“a majority of the members of the Riigikogu” means a number of votes in favour that is larger than the number of the members of the Riigikogu divided by two;  
“two thirds majority of the members of the Riigikogu” means a number of votes in favour that is at least twice the number of the members of the Riigikogu divided by three;  
“three fifths majority of the members of the Riigikogu” means a number of votes in favour that is at least three times the number of the members of the Riigikogu divided by five.  
Before the election of the Riigikogu and the election of the President are called, the Supreme Council is to enact legislation concerning the election of the President, and concerning the remuneration and social guarantees of members of the Riigikogu and of the President.

**§ 4.** Sections 78(11) and 79 of the Constitution are applied after assumption of office by the President elected pursuant to this section.  
In implementing the Constitution, the President is, by way of exception, elected simultaneously with the election of the Riigikogu in a general, uniform and direct election, by secret vote, by a majority of the votes cast, for a term of four years. If no candidate receives more than one half of the votes cast, the Riigikogu selects the President from the two candidates who received the greatest number of votes, within ten days after the first

meeting of the Riigikogu. Detailed procedure for the election of the President is provided in the President of the Republic Election Act.

The right to nominate a candidate in the election of the President may be exercised by not less than ten thousand citizens of the Republic of Estonia who hold the right to vote.

A person who stands as a candidate in the election of the President may not simultaneously stand as a candidate in the election of the Riigikogu.

**§ 5.** The entry into force of the Constitution does not by itself result in termination of the employment of employees of the institutions of government which were operating in Estonia before the entry into force of the Constitution.

The mandate of the Auditor General, the President of the Bank of Estonia, the Chief Justice of the Supreme Court, and justices of the Supreme Court, who were appointed to office for a specified term by the Supreme Council, continues until the end of the term for which they were appointed.

Within sixty days after he or she assumes office, the President proposes to the Riigikogu candidates for the offices listed in section 78(11) of the Constitution and in paragraph two of this section.

**§ 6.** Until 31 December 2000, a candidate standing in an election of the President, of the Riigikogu or of the council of a local authority, or a person who seeks the position of Prime Minister, minister, Chief Justice of the Supreme Court, justice of the Supreme Court, judge, Chancellor of Justice, Auditor General, President of the Bank of Estonia, Commander or Commander-in-Chief of the Defence Forces, or any other elected or appointed position in an agency of the national government or a local authority, must take a written oath of conscience affirming that he or she has not been in the service or an operative of a security service, or of an intelligence or counterintelligence service of the armed forces, of a state which has occupied Estonia, or participated in the persecution or repression of citizens because of their disloyalty or the political beliefs or social class that they represented or because they had been part of the civil service or defence forces of the Republic of Estonia. In the case that the affirmation made in the oath is found not to be true in a court, the candidate is removed from the list of candidates, or his or her mandate is declared void, or the person is not appointed to a position specified in the first paragraph of this section, or the person is discharged from the position.

**§ 7.** Any person who wishes to continue to hold a position specified in the first paragraph of section 6 above, which he or she assumed before the first meeting of the Riigikogu, must take a written oath of conscience within thirty days after the first meeting of the Riigikogu. If the person refuses to take the oath or if the affirmation made by the oath is found not to be true in a court, that person is discharged from the position.

The procedure for taking the oath is to be enacted by the Supreme Council before the election of the Riigikogu and the election of the President are called.

**§ 8.** During three years following the adoption of the Constitution in a referendum, the Riigikogu has the right to amend the Constitution as a matter of urgency by a two thirds majority. A resolution to consider a bill to amend the Constitution a matter of urgency is passed by a majority of votes cast.

During three years following the adoption of the Constitution in a referendum, the right to initiate an amendment of the Constitution may also be exercised as a matter of popular initiative by not less than ten thousand citizens who hold the right to vote. A proposal to amend the constitution made as a matter of popular initiative is included in the order of business of the Riigikogu as a matter of urgency and resolved pursuant to the procedure provided in the first paragraph of this section.

**§ 9.** This Act is adopted together with the Constitution in a referendum held on 28 June 1992. This Act enters into force at the same time with the Constitution.

The Constitution Implementation Act may be amended pursuant to the procedure established for amending the Constitution.