

The Constitution of the Republic of Estonia

Implementation Act

§ 1.

The Constitution shall enter into force on the day following adoption by a referendum and shall be implemented pursuant to procedure provided by this Act.

The authority of the Supreme Council of the Republic of Estonia and of the Congress of Estonia shall terminate upon the announcement of the results of the Riigikogu elections.

The Supreme Council of the Republic of Estonia shall perform the functions of the legislative body until the announcement of the results of the Riigikogu elections.

The Government of the Republic authorised to office by the Supreme Council shall be released from office upon the assumption of office of the Government formed by the Riigikogu.

§ 2.

Legislation currently in force in the Republic of Estonia shall be valid after the entry into force of the Constitution in so far as it is not in conflict with the Constitution or the Constitution Implementation Act and until it is either repealed or brought into complete conformity with the Constitution.

Disputes regarding the conformity of legislation with the Constitution or the Constitution Implementation Act shall be decided by the Supreme Court.

§ 3.

After the adoption of the Constitution, the Supreme Council shall declare elections to the Riigikogu and for President of the Republic, and shall determine the schedule for the elections. The elections must be held not later than 27 September 1992.

The authority of the first membership of the Riigikogu elected after the adoption of the Constitution shall, as an exception, extend up to three years.

The chairman or deputy chairman of the national electoral committee shall convene the Riigikogu for the first session within ten days after the announcement of the results of the elections.

The chairman or deputy chairman of the national electoral committee shall direct the activities of the Riigikogu until the election of the Chairman of the Riigikogu.

Until the Administration and Procedure Acts are passed, the Riigikogu shall have a quorum if at least one-half of its membership is present at a session.

In the Constitution:

“majority of votes in favour” means more votes in favour than opposed;

“two-thirds majority” means at least twice as many votes in favour than opposed;

“four-fifths majority” means at least four times as many votes in favour than opposed;

“majority of the membership of the Riigikogu” means more than one-half of the membership of the Riigikogu votes in favour;

“two-thirds majority of the membership of the Riigikogu” means at least two-thirds of the membership of the Riigikogu votes in favour;

“three-fifths majority of the membership of the Riigikogu” means at least three-fifths of the membership of the Riigikogu votes in favour.

Before the elections to the Riigikogu and for President of the Republic are declared, the Supreme Council shall enact legislation concerning the election of the President of the Republic, and remuneration and social guarantees for members of the Riigikogu and for the President of the Republic.

§ 4.

Clause 78 11) and § 79 of the Constitution shall be applied after the assumption of office of the President of

the Republic elected on the basis of this section.

In implementing the Constitution, the President of the Republic shall, as an exception, be elected simultaneously with the elections to the Riigikogu in a general, uniform and direct election, by secret vote, by a majority of the participants in the voting, for a term of four years. If no candidate receives more than one-half of the votes of the participants in the voting, the Riigikogu shall elect the President of the Republic from between the two candidates who receive the greatest number of votes, within ten days after the convention of the Riigikogu. The specific procedure for the election of the President of the Republic shall be provided by the President of the Republic Election Act.

The right to nominate a candidate for President of the Republic rests with not less than ten thousand citizens of the Republic of Estonia with the right to vote.

A person who is a candidate for the position of President of the Republic shall not simultaneously be a candidate for the Riigikogu.

§ 5.

The entry into force of the Constitution shall not in itself bring about the termination of the employment relations of the current employees of state bodies.

The authority 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 set term by the Supreme Council shall extend until the end of the term designated upon their appointment.

The President of the Republic shall, within ten days after he or she assumes office, present to the Riigikogu candidates for the offices set out in clause 78 11) of the Constitution and in paragraph two of this section.

§ 6.

Until 31 December 2000, a candidate for the position of President of the Republic, to the Riigikogu or to a local government council, 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 office in a state or local government body, shall take a written oath that he or she has not been in the service or an agent of a security organisation, or of an intelligence or counterintelligence service of the armed forces of a state which has occupied Estonia, nor participated in the persecution or repression of persons because of political beliefs, disloyalty, social class or service in the civil or defence service of the Republic of Estonia.

If a court proves that the information confirmed in the oath is untrue, the candidate shall be struck from the list of candidates, or his or her mandate shall be voided, or the person shall not be appointed to a position set out in paragraph one of this section, or the person shall be released from office.

§ 7.

A person who wishes to remain in a position specified in paragraph one of § 6 which he or she assumed before the convention of the Riigikogu must take a written oath within thirty days after the convention of the Riigikogu. If a person refuses to take the oath or if a court proves that the information confirmed by the oath is untrue, the person shall be released from office.

The procedure for taking the oath shall be enacted by the Supreme Council before the elections to the Riigikogu and for President of the Republic are declared.

§ 8.

During the three years following the adoption of the Constitution by a referendum, the Riigikogu has the right to amend the Constitution as a matter of urgency by a two-thirds majority of the Riigikogu. A resolution to consider a bill to amend the Constitution as a matter of urgency shall be passed by a majority of votes in favour.

The right to initiate amendment of the Constitution during the three years following the adoption of the Constitution by a referendum also rests, by way of public initiative, with not less than ten thousand citizens with the right to vote. A proposal to amend the constitution made by public initiative shall be entered on the agenda of the Riigikogu as a matter of urgency and shall be resolved pursuant to the procedure provided by paragraph one of this section.

§ 9.

This Act is adopted together with the Constitution by a referendum held on 28 June 1992. This Act enters into force simultaneously with the Constitution.

The Constitution Implementation Act may be amended pursuant to procedure prescribed for amendment of the Constitution.