

ESTONIA

In response to the questionnaire with regard to the national practices on possibilities for the Ministry of Foreign Affairs to raise public international law issues in procedures pending before national tribunals and related to states' or international organisations' immunities, Estonia would like to provide the following information:

1. There is no special legal act in Estonian legal order regulating the jurisdictional immunity or immunity from execution of judgment of foreign states and their property. Some regulations, however, make references to the rules of public international law. According to article 3 of the Constitution of the Republic of Estonia the generally recognized principles and norms of international law are an inseparable part of the Estonian legal system. If laws or other legislation of Estonia are in conflict with international treaties, the provisions of the international treaty shall apply (Constitution of the Republic of Estonia Art. 123). Estonia has signed the United Nations Convention on Jurisdictional Immunities of States and Their Property and acceded to the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. Estonia has also signed several international treaties with regard to the international organisations immunities.

The general rule is that the jurisdiction of the courts of the Republic of Estonia does not extend to a person whose immunity arises from an international treaty or if a person's immunity is generally recognised principle of international law. However, state or international organisation can waive its immunity in regard to the specific case pending before the court. If such a request will be made by foreign state or international organisation, Estonian law may be applied, taking into account the specifications provided for in an international agreement (if this exists).

2. There is no case law in Estonian courts with regard to states' or international organisations' immunities. Neither do we have practice concerning the execution of judgments on the subject. Therefore, there has not been any case where the Ministry of Foreign Affairs would have had to provide information or communicate to national court in regard to state or international organisation immunity. Since the Ministry of Foreign Affairs is the main body to conduct foreign relations with states and international organisations, it might be necessary for the Ministry of Foreign Affairs to provide information or communicate to national court if such a case will occur. There is no regulation or guideline issued on this subject.

3. There is no rule in Estonian law which would prevent the transmission of information to national court by the Ministry of Foreign Affairs if a case regarding immunity will occur.