

Issuer: Government
Type: regulation
In force from: 15.06.2019
In force until: 16.02.2023
Translation published: 14.06.2019

Rules of Procedure of the Government of the Republic

Passed 13.01.2011 No. 10
RT I, 19.01.2011, 4
Entry into force 01.02.2011

Amended by the following acts

| Passed | Published | Entry into force |
|------------|-----------------------|------------------|
| 22.12.2011 | RT I, 29.12.2011, 228 | 01.01.2012 |
| 11.06.2019 | RT I, 12.06.2019, 2 | 15.06.2019 |

The regulation is established pursuant to subsections 18 (6) and 27 (3) of the Government of the Republic Act.

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of regulation

The Rules of Procedure of the Government of the Republic set out the planning of the work of the Government of the Republic, matters submitted to the Government of the Republic for discussion and decision-making, preparation of drafts and other matters, procedure for the sessions of the Government of the Republic, formation and dissolution of government committees, government communication, and assumption of office and resignation by the Government of the Republic and ministers.

§ 2. Planning the work of the Government of the Republic

- (1) The Government of the Republic shall plan their work by means of an action programme.
- (2) The action programme is prepared by the Government Office on the basis of the instructions of the prime minister and the proposals of the ministers.
- (3) The action programme is approved by the Government of the Republic on a proposal of the prime minister.

§ 3. Matters submitted to the Government of the Republic for discussion and decision-making

- (1) The following matters are submitted to the Government of the Republic for discussion and decision-making:
 - 1) drafts of Acts and resolutions of the *Riigikogu*;
 - 2) drafts of the regulations and orders of the Government of the Republic;
 - 3) positions and overviews of European Union affairs;
 - 4) domestic and foreign policy matters of significant importance;
 - 5) other matters deriving from law and other legislation that are within in the competence of the Government of the Republic.
- (2) A minister may submit matters within his or her competence to the Government of the Republic for discussion and forming of a position. The decision on the inclusion of a matter in the agenda of a session is made by the prime minister.
- (3) The prime minister may request a minister to submit matters within his or her competence to the Government of the Republic for discussion.
- (4) On the proposal of Coordination Council of EU Issues, the Government Office determines the European Union affairs which are to be submitted to the Government of the Republic.

Chapter 2

PREPARATION OF DRAFTS AND OTHER MATTERS

§ 4. Cooperation and engagement

(1) The drafter of a matter to be decided by a minister or to be submitted to the Government of the Republic shall cooperate in a timely manner with ministries and the Government Office, and if necessary, with other relevant public institutions and national associations of local authorities.

(2) The interest groups concerned are involved in the preparation of a draft or other matter in accordance with the Good Practice of Engagement approved by the Government of the Republic. The Good Practice of Engagement shall be published on the website of the Government of the Republic.

§ 5. Impact assessment

(1) The impacts of drafts of Acts, strategic development plans, and the positions of Estonia specified in subsections 20¹(1) and (2) of the Government of the Republic Act, as well as any other important matters to be decided by a minister or submitted to the Government of the Republic, shall be assessed upon development thereof.

(2) Impact assessment shall be based on the Impact Assessment Methodology approved by the Government of the Republic.

§ 6. Coordination

(1) Before issue of a regulation of a minister or submission of a draft of legislation or other matter to the Government of the Republic, it shall be coordinated with other ministries and the Government Office if any obligations are imposed on them by the draft or if the draft to be submitted pertains to their area of government or functions. A draft shall also be coordinated with the national association of local authorities if the draft pertains to the rights, obligations, or functions of the local government or the organisation of local matters.

(2) Drafts of regulations of a minister pertaining only to the internal administration of the ministry and its area of government need not be submitted for coordination.

(3) For drafts of legislation and other matters, the Ministry of Finance shall assess also the costs and benefits arising from the implementation thereof.

(4) In the process of coordination, the ministry concerned shall verify, among other things, the impact assessment carried out in preparation of the draft or other matter in the part pertaining to its area of government.

(5) Drafts of Acts and resolutions of the *Riigikogu* shall be submitted to the Ministry of Justice for coordination after they have been coordinated in accordance with the procedure specified in subsection (1) and after the opinions received in the process of coordination have been reviewed and the draft has been amended as necessary.

(6) European Union affairs shall be discussed, before submission to the Government of the Republic, by the Coordination Council of EU Issues, whose specific functions, rights, composition and rules of procedure shall be established by an order of the Government of the Republic.

§ 7. Time limit for coordination

(1) A sufficient time limit shall be given for the coordination of a draft or other matter as is necessary for a substantive review of the matter. The draft or other matter shall be coordinated or dismissed with good reason generally within fifteen working days, at the Ministry of Justice generally within twenty working days. The time limit may be changed in justified cases by the person submitting the draft or other matter for coordination or at the request of the coordinator.

[RT I, 29.12.2011, 228 – entry into force 01.01.2012]

(2) European Union affairs are generally coordinated within three working days.

(3) The time limit for coordination of a regulation of a minister is generally ten working days.

[RT I, 29.12.2011, 228 – entry into force 01.01.2012]

(4) If the coordinator has not coordinated or dismissed with good reason a draft or other matter within the time limit specified in subsections (1)–(3), the draft or other matter shall be deemed coordinated.

§ 8. Consideration of proposals submitted in the process of coordination and the resolution of dissenting opinions

(1) The documents necessary for the preparation of a draft or other matter are amended on the basis of the proposals submitted in the process of coordination. Any dissenting opinions that appear in the process of coordination shall be discussed with the ministry that submitted the proposal, striving to reach a common understanding.

(2) If a common understanding is not achieved in the manner specified in subsection (1), the dissenting opinions of ministries shall be discussed and resolved, if possible, by the secretaries general. If the secretaries general fail to reach a common understanding regarding the contentious matters, these matters shall be discussed between the ministers concerned.

(3) Dissenting opinions of ministries that appear in the process of coordination are submitted to the Government of the Republic only after the ministers concerned have failed to reach a common understanding. The drafter of the documents to be submitted to the Government of the Republic shall add an explanatory note describing the dissenting opinion, the course of resolution thereof, and the positions of the dissenting ministers.

(4) The prime minister may convene the ministers concerned to resolve dissenting opinions before a session to strive to reach a common understanding.

§ 9. Forming an opinion on drafts initiated by the *Riigikogu*

The Government Office shall send a draft initiated by a member, faction, or committee of the *Riigikogu* sent to the Government of the Republic for providing an opinion to the ministries concerned for the submission of their positions; the Government Office shall specify also the responsible ministry and the time limit for the submission of a position.

§ 10. Compliance of documents with requirements

(1) A draft of the decision to be recorded in the minutes of a session of the Government of the Republic shall be annexed to a draft or other matter that is submitted to the Government of the Republic.

(2) An explanatory summary shall be annexed to a draft or other matter that is submitted to the Government of the Republic.

(3) A draft legislation submitted to the Government of the Republic shall be compatible with the Constitution and other Acts, requirements established by law and by regulations of the Government of the Republic, and rules of legislative drafting, language rules, and terminology.

(4) An explanatory memorandum conforming to the requirements for explanatory memoranda to draft acts is annexed to a draft Act, while explanatory memoranda of other drafts or matters shall be prepared on the basis of the requirements for explanatory memoranda to draft regulations established by the Government of the Republic.

(5) Beside the documents specified in subsections (1)–(4), other documents necessary for deciding on a matter shall be annexed or made otherwise available.

(6) If any amendments concerning the contents, language, or rules of legislative drafting have to be made in a draft or other matter submitted to the Government of the Republic, these shall be made by the Government Office in cooperation with the person preparing the draft or other matter, or by the ministry concerned.

§ 11. Submission of matters to Government of the Republic for discussion and decision-making

(1) The drafts and other matters to be submitted to the Government of the Republic shall be submitted early enough to enable their substantive review within a reasonable period of time before the discussion. Documents shall be submitted to the Government Office generally at least seven calendar days before a session of the Government of the Republic.

(2) European Union affairs shall be submitted to the Government Office at least four calendar days before a session of the Government of the Republic; positions on European Union meetings and on discussions of agenda items shall be submitted to the Government Office at least two calendar days before a session of the Government of the Republic.

(3) If the person submitting a matter to the Government of the Republic requests urgent discussion of the matter at a session of the Government of the Republic and submits the documents after the expiry of the time limit specified in subsections (1) and (2), it shall be justified upon the submission of documents why the matter needs

to be discussed urgently, why it was not possible to submit the draft early enough, and what the consequences may be if the matter is not discussed urgently.

(4) Drafts and other matters shall be submitted to the Government of the Republic by the prime minister or the minister concerned. The matters within the competence of the Government Office may be submitted to the Government of the Republic for discussion and decision-making by the secretary of state with the authority of the prime minister.

(5) A minister may decide that the documents to be submitted to the Government of the Republic may be signed by a senior official with the authority of the minister, or that the documents shall be certified by the digital seal of the ministry. The documents signed or certified in such manner are deemed documents submitted by the minister. The documents submitted by the prime minister may be signed by the secretary of state or by a senior official of the Government Office with the authority of the secretary of state.

(6) A person submitting a matter to the Government of the Republic may classify the documents to be submitted to the Government of the Republic as internal on the grounds and pursuant to the procedure provided by the Public Information Act.

(7) The Government Office shall ensure the preparation of the drafts and other matters in conformity with the requirements and shall organise inter-ministerial cooperation before making a decision, as necessary.

(8) Before including drafts or other matters in the agenda of a session of the Government of the Republic, they shall be discussed at a meeting of secretaries general, convened and chaired by the secretary of state.

§ 12. Nomination of candidates for positions of European Union institutions, committees, and agencies

Candidates for the positions of the European Union institutions, committees, and agencies shall be nominated for decision-making by the Government of the Republic as follows:

- 1) a candidate for a member of the European Commission shall be nominated by the prime minister;
- 2) a candidate for a judge of the European Court of Justice, candidates for Advocates-General, and a candidate for a judge of the General Court shall be nominated by the Minister of Foreign Affairs in agreement with the Minister of Justice, having heard the opinions of the Chief Justice of the Supreme Court, Chancellor of Justice, and secretary of state;
- 3) a member of the European Court of Auditors shall be nominated by the Minister of Finance, having heard the opinion of the Auditor General;
- 4) the candidates for the seven members of the European Economic and Social Committee shall be nominated by the Minister of Social Affairs in agreement with the Minister of Economic Affairs and Communications and other ministers concerned, having heard the proposals of the non-governmental organisations concerned;
- 5) the candidates for the seven members of the European Committee of the Regions shall be nominated by the Minister of Regional Affairs, having heard the opinions of the national associations of local authorities;
- 6) a candidate for the Scientific and Technical Committee of the European Atomic Energy Community shall be nominated by the Minister of Education and Research in agreement with the Minister of Economic Affairs and Communications;
- 7) a candidate for the member of the Advisory Committee of the Supply Agency of the European Atomic Energy Community shall be nominated by the Minister of Economic Affairs and Communications in agreement with the Minister of Foreign Affairs;
- 8) the candidates for a European prosecutor shall be nominated by the Minister of Justice.

[RT I, 12.06.2019, 2 - entry into force 15.06.2019]

§ 13. Cabinet meeting of members of Government of the Republic

(1) The prime minister may convene a meeting of the members of the Government (cabinet meeting).

(2) The agenda of a cabinet meeting shall be decided by the prime minister.

(3) The Government Office shall ensure that the documents necessary for discussing items on the agenda are made available to the participants in the cabinet meeting and that a summary of the meeting is prepared.

(4) Cabinet meetings shall be closed and the summaries of meetings shall be classified as internal on the grounds of and pursuant to the procedure provided by the Public Information Act, unless otherwise decided at the meeting.

Chapter 3

SESSIONS OF THE GOVERNMENT OF THE REPUBLIC

§ 14. Convening the sessions of the Government of the Republic

The sessions of the Government of the Republic shall be convened by the prime minister.

§ 15. Time and place of sessions

(1) The sessions of the Government of the Republic shall be held at 10 a.m. on Thursdays at the seat of the Government of the Republic, in Stenbock House at Rahukohtu 3, Tallinn.

(2) The time and place of a session of the Government of the Republic may be changed pursuant to a decision of the prime minister.

(3) Pursuant to a decision of the prime minister, a session of the Government of the Republic may be held by means of distance communication. The Government Office shall organise the ascertaining of the positions of the members of the Government of the Republic and Chancellor of Justice, as well as the Auditor General regarding the matters included in his or her functions.

§ 16. Agenda of the sessions of Government of the Republic

(1) The agenda of a session of the Government of the Republic shall be approved by the prime minister.

(2) Generally, the prime minister approves the agenda one day before a session is held.

(3) The prime minister may add additional items on the agenda of a session and exclude items from the agenda after the approval of the agenda.

(4) Pursuant to the decision of the prime minister, the preparation of a matter for a session may be completed at the Government Office. The ministry that prepared the matter shall be notified thereof.

(5) The Government Office shall make the agenda of a session of the Government of the Republic and the documents necessary for discussing an item on the agenda immediately available to the ministers and other persons concerned.

§ 17. Participation in the sessions of Government of the Republic

(1) The Government of the Republic has a quorum if at least half of the members of the Government participate in the session in addition to the prime minister.

(2) In addition to the members of the Government of the Republic, the secretary of state shall also participate in sessions of the Government of the Republic with a right to speak; the Chancellor of Justice and the Auditor General regarding the matters concerning his or her functions may participate in sessions with the right to speak.

(3) A minister may be absent from a session of the Government of the Republic only with the consent of the prime minister, except if he or she is participating in a sitting of the *Riigikogu* or an EU Council meeting, of which the Government Office shall be notified.

(4) A minister who cannot participate in a session of the Government of the Republic shall ensure that a substituting minister appointed by the prime minister presents his or her positions. If no substitute has been appointed for a minister, the minister shall ensure that his or her positions are presented by another minister, as necessary.

§ 18. Decision-making in the sessions of Government of the Republic

(1) The Government of the Republic shall make their decisions on the proposal of the prime minister or the minister concerned.

(2) Decisions of the Government of the Republic shall be made by majority vote of the members of the Government participating in the session.

(3) If no member of the Government of the Republic demands voting, a decision shall be deemed passed unanimously.

(4) The decision on a matter shall be postponed at the reasoned request of the prime minister, the minister concerned, the Minister of Justice, or the Minister of Finance.

§ 19. Minutes and recordings of sessions

(1) The minutes of the sessions of the Government of the Republic shall be taken and recordings shall be made by the Government Office.

(2) The minutes of a session of the Government of the Republic shall be prepared and made available electronically and the participants in the session shall be notified thereof not later than on the next working day following the signing of the minutes.

(3) Recordings may be accessed by officials for performing their duties with the permission of the secretary of state or a person authorised by the secretary of state.

§ 20. Signing the legislation of the Government of the Republic and communication thereof

(1) Regulations of the Government of the Republic may be issued electronically.

(2) Legislation of the Government of the Republic shall receive the date and number on the day of signing by the prime minister.

(3) The Government Office shall notify the ministry that prepared the draft of the legislation and other state authorities or officials that are to be notified pursuant to legislation or on whom specific obligations are imposed by the legislation of the Government of the Republic, of the legislation of the Government of the Republic immediately after signing.

§ 21. Submission of draft Acts, European Union affairs, and other matters to the *Riigikogu*, and representing the Government of the Republic at the *Riigikogu*

(1) A draft Act, European Union affair, or other matter approved by the Government of the Republic and the explanatory memorandum shall be submitted to the *Riigikogu* by the Government Office.

(2) The Government of the Republic, while approving a draft Act or draft resolution of the *Riigikogu*, shall decide on the minister who shall represent the Government of the Republic in proceedings on the draft in the *Riigikogu*.

(3) Fundamental amendments made to a draft Act initiated by the Government of the Republic in the course of the proceedings in the *Riigikogu* shall be submitted to the government by the representing minister for forming a position.

(4) The minister appointed by the Government of the Republic shall submit a written opinion of the Government of the Republic on a draft initiated in the *Riigikogu* to the lead committee of the *Riigikogu*. If the Government of the Republic declines to present their opinion, the *Riigikogu* shall be notified thereof by the secretary of state.

§ 22. Withdrawal of draft from proceedings in the *Riigikogu*

(1) The withdrawal of a draft initiated by the Government of the Republic from proceedings in the *Riigikogu* shall be decided in a session of the Government of the Republic on the proposal of the representing minister.

(2) If the Government of the Republic fails to form their position on withdrawal of a draft from the proceedings in the *Riigikogu*, the draft may be withdrawn from the proceedings in the *Riigikogu* by the representing minister with the consent of the prime minister. The minister shall submit the respective information to the following session of the Government of the Republic.

Chapter 4 GOVERNMENT COMMITTEES

§ 23. Formation and termination of government committees

(1) A government committee shall be formed for working on matters within the competence of the Government of the Republic pursuant to the Government of the Republic Act. A proposal for the formation of a government committee shall be made by a member of the Government of the Republic.

(2) The government committees specified in subsection (1) shall be deemed terminated upon the assumption of office by a new Government, unless otherwise decided by the Government within three months after the assumption of office.

Chapter 5 GOVERNMENT COMMUNICATION

§ 24. Government communication

(1) The Government Office in cooperation with ministries shall ensure the uniform and open communication to the public about the decisions and actions of the Government of the Republic.

(2) The ministries shall notify the Government Office in a timely manner about any matters which are in their area of government and within the competence of the Government of the Republic and which need to be communicated to the public.

(3) The Government Office may issue guidelines for organising government communication.

Chapter 6

ASSUMPTION OF OFFICE AND RESIGNATION BY GOVERNMENT OF THE REPUBLIC OR BY A MINISTER

§ 25. Supporting a candidate for the prime minister and resigning prime minister

(1) The Government Office shall ensure support for a candidate for prime minister who has been granted the task to form the Government of the Republic from the President of the Republic. The ministries shall ensure the assistance and information necessary for this purpose.

(2) The Government Office shall ensure support for a resigning prime minister for up to ten working days after the assumption of office by a new Government.

§ 26. Taking an oath of office by Government of the Republic or by minister

(1) Taking an oath of office by the Government of the Republic or by a minister shall be organised by the secretary of state.

(2) After taking an oath of office, the members of the Government of the Republic who have assumed office shall be informed about the organisation of work of the Government of the Republic by the secretary of state.

§ 27. Assumption of office by minister

The secretary general of a ministry shall provide a minister assuming office with an overview of the strategic objectives of the ministry and its area of government and achievement thereof, functions of the ministry and performance thereof, problems of the ministry and its area of government, use and condition of the budget funds of the ministry, and the organisation of work of the ministry.

Chapter 7

IMPLEMENTING PROVISIONS

§ 28. Guidelines for the implementation of the Rules of Procedure

The secretary of state may issue guidelines for the implementation of the Rules of Procedure.

§ 29. Approval of the Good Practice of Engagement and the Impact Assessment Methodology

The Government of the Republic shall approve the Good Practice of Engagement specified in subsection 4 (2) and the Impact Assessment Methodology specified in subsection 5 (2) not later than by 1 January 2012.

§ 30.–§ 32.[Omitted from this text]

§ 33. Entry into force of the regulation

The regulation will enter into force on 1 February 2011.