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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 shall enter into force on the day following its adoption by a referendum and shall be implemented pursuant to the procedure provided in this Act.
The mandates 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 elections of the Riigikogu.
The Supreme Council of the Republic of Estonia shall perform the functions of the legislature until the announcement of the results of the elections of the Riigikogu.
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in so far as it is not in conflict with the Constitution or the Constitution Implementation Act and until it is either repealed or brought into complete conformity with the Constitution.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 the elections of the Riigikogu and of the President of the Republic, and shall determine the schedule for the elections. The elections must be held not later than 27 September 1992.

The mandates of the members of the first 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 its first sitting 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 President of the Riigikogu.

Until the laws on the internal rules and on the rules of procedure of the Riigikogu are adopted, the Riigikogu shall have a quorum if at least one-half of all members are present at a sitting.

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 all members of the Riigikogu” means more than one-half of all members of the Riigikogu vote in favour;

“two-thirds majority of all members of the Riigikogu” means at least two-thirds of all members of the Riigikogu vote in favour;

“three-fifths majority of all members of the Riigikogu” means at least three-fifths of all members of the Riigikogu vote in favour.

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

§ 4. Clause 11 of § 78 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 of 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 convening of the Riigikogu. The specific procedure for the election of the President of the Republic shall be provided by a law on election of the President of the Republic.

The right to nominate a candidate for President of the Republic shall rest 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 post of the 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 mandates of the Auditor General, the Governor of Eesti Pank, 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 for which they were appointed.

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

§ 6. Until 31 December 2000, a candidate for the post of President of the Republic, for the Riigikogu or for the municipal council, or a person who seeks the post of Prime Minister, minister, Chief Justice of the Supreme Court, justice of the Supreme Court, judge, Chancellor of Justice, Auditor General, Governor of Eesti Pank, Commander or Commander-in-Chief of the Defence Forces, or any other elected or appointed post in a state or municipal body, shall take a written oath of conscience that he or she has not been in the service or an operative 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 citizens because of political beliefs, disloyalty, social class or service in the civil or defence service of the Republic of Estonia.

If a court establishes that the affirmation made in the oath of conscience is untrue, the candidate shall be removed from the list of candidates, or his or her mandate shall be voided, or the person shall not be appointed to a post specified in paragraph one of this section, or the person shall be released from office.

§ 7. A person who wishes to remain in a post specified in paragraph one of § 6 which he or she assumed before the convening of the Riigikogu must take a written oath of conscience within thirty days after the convening of the Riigikogu. If the person refuses to take the oath of conscience or if the court establishes that the affirmation made in the oath of conscience is untrue, the person shall be released from office.

The procedure for taking the oath of conscience shall be enacted by the Supreme Council before the elections of the Riigikogu and of the 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 at the same time with the Constitution.

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